



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

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## SENATE—Tuesday, January 5, 2010

The 5th day of January being the day prescribed by House Joint Resolution 62 for the meeting of the 2d session of the 111th Congress, the Senate assembled in its Chamber at the Capitol at 12 and 10 seconds p.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

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### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 5, 2010.

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

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ADJOURNMENT UNTIL 11 A.M.,  
TUESDAY, JANUARY 19, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Tuesday, January 19, 2010.

Thereupon, the Senate, at 12 and 43 seconds p.m., adjourned until Tuesday, January 19, 2010, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, January 5, 2010

This being the day fixed pursuant to the 20th amendment to the Constitution by Public Law 111-121 for the meeting of the second session of the 111th Congress, the House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Clete Kiley, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Loving God, by whose grace our land has been blessed with such bounty, and by whose guidance our Nation has been formed, be with us even now as we open this second session of the 111th Congress. Grant us a fuller share in the gift of Your Spirit which is strong, loving and wise.

Give us strength to face the challenges before this Congress with courage and patience. Give us a loving Spirit so that compassion for our fellow citizens and for their deepest concerns may find a first place in our deliberations. Give us wisdom, discernment and good judgment so that we may serve what is to the best interest and common good of the Nation and to the general welfare of all people.

Do bless us now as we begin the important work ahead of us. And may You who begin this good work in us bring it to fulfillment. We ask in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 24, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 24, 2009, at 8:14 a.m.:

That the Senate passed with an amendment H.R. 730.

That the Senate passed without amendment H.R. 3819.

That the Senate passed without amendment H.R. 4314.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 24, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 24, 2009, at 10:31 a.m.:

That the Senate passed without amendment H. Con. Res. 223.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 29, 2009.

Hon. NANCY PELOSI,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 29, 2009, at 10:56 a.m.:

That the Senate passed with amendments H.R. 3590.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore VAN HOLLEN on Wednesday, December 23, 2009:

H.R. 4284, to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5(d) of rule XX, the Chair announces that, in light of the resignation of the gentleman from Florida (Mr. WEXLER), the whole number of the House is 434.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to section 9 of House Resolution 976, no organizational or legislative business will be conducted on this day.

Messages requiring action will be laid before the House on a subsequent day.

Bills and resolutions introduced today will receive a number but will not be referred to committee or noted in the RECORD until a subsequent day. Executive communications, memorials, and petitions likewise will be referred and numbered on a subsequent day.

### ENROLLED BILL SIGNED PRIOR TO SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House, prior to sine die adjournment of the First Session, 111th Congress, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker pro tempore Mr. VAN HOLLEN, on Wednesday, December 23, 2009:

H.R. 4284. An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

BILLS AND JOINT RESOLUTION  
PRESENTED TO THE PRESIDENT  
PRIOR TO SINE DIE ADJOURN-  
MENT

Lorraine C. Miller, Clerk of the House, reports that prior to sine die adjournment of the First Session, 111th Congress, on December 19, 2009 she presented to the President of the United States, for his approval the following bill and joint resolution.

H.R. 3326. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.J. Res. 64. Making further continuing appropriations for fiscal year 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reports that on December 23, 2009, she presented to the President of the United States, for his approval, the following bill.

H.R. 4284. To extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

BILLS PRESENTED TO THE PRESI-  
DENT AFTER SINE DIE AD-  
JOURNMENT

Lorraine C. Miller, Clerk of the House reports that on December 24, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 3819. To extend the commercial space transportation liability regime.

H.R. 4314. To permit continued financing of Government operations.

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ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 10 of House Resolution 976, the House shall stand adjourned pursuant to section 2 of House Concurrent Resolution 223.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House adjourned until Tuesday, January 12, 2010, at noon.

## EXTENSIONS OF REMARKS

### TRIBUTE TO LELAND FRANKLIN

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. PENCE. Madam Speaker, I rise today to honor a dear friend and a giant in east central Indiana. Leland Franklin, the host of "Anderson Live" on WHBU, recently announced that he will leave the station and retire from an on-air career that spanned more than two decades. His voice, which was heard by so many, for so long, will be sorely missed on the airwaves.

I made it a point to check in with Leland on-air every couple of weeks and I will personally miss our conversations.

A graduate of Ball State University in 1987, Leland began his broadcasting career on a campus radio station and served as the announcer at East Lynn Christian Church in Anderson—and has been a constant presence in the Anderson community ever since. He served as WHBU's news director from 1996 to 1999 before becoming the program director for both WHBU and their sister station WERK.

Though Leland would describe his radio career as "on and off" over the last two decades, his professionalism and insight were second to none. I say that both as a caller and as a listener.

His father, Leland Franklin, Sr., often served as an on-air companion and was quick to offer his take on the pressing issues of the day. As Leland, Sr. will probably follow Leland, Jr. off the air, I will miss his presence as well.

Though Leland will no longer be on the air, he will still have significant influence on the airwaves of eastern Indiana.

After his final broadcast of "Anderson Live" on December 18, Leland will begin a new position at WQME, a contemporary Christian music station in Anderson.

And though we will undoubtedly miss his broadcasting talent at WHBU, I join my constituents in wishing Leland Franklin continued success in his future endeavors.

### A TRIBUTE TO MICHAEL NORMAN HAYNES

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Michael Norman Haynes, a Brooklyn native.

Mr. Haynes earned his Bachelor's Degree in Mathematics from Northwestern University. He later began a career at the Chicago Mercantile Exchange, becoming the first African-American Senior Director of Clearing House Operations there.

Mr. Haynes, in 1990, shifted his career focus from supporting people's financial pursuits to supporting people coping with the HIV/AIDS pandemic. One of Mr. Haynes' proudest moments as Director of African American Services for Stop AIDS Chicago was when he provided HIV/AIDS prevention education for a Youth Summit at Operation PUSH.

Mr. Haynes continued his quest to serve by moving to Santa Fe to work for a workshop called The Experience that changed his life. This personal growth and empowerment workshop gave him new tools and refined what his tight-knit circle of support (family, extended family and friends) had taught him about "being" with people. Santa Fe is also where Mr. Haynes became infected with HIV.

While this might have sidetracked another, it only empowered Mr. Haynes' desire to give back even more. Currently, he works for the New York City Health and Hospitals Corporation as an Assistant Director in the Office of Behavioral Health. In this capacity, he has spearheaded innovations in chemical dependency treatment at eleven public hospitals, including Woodhull, Kings County, and Coney Island hospitals. Honored as a Join Together National Leadership Fellow by Boston University's School of Public Health, Mr. Haynes has championed the implementation of cutting edge, research-based practices that effectively led Brooklyn and city-wide residents through chemical dependency treatment and onto the road to recovery.

These contributions to the Brooklyn healthcare community over the past 13 years are evident but none more personal or visible than Haynes' face and prevention message on billboards, bus shelters, and subway stations throughout New York City and worldwide through the internet as part of the HIV Stops With Me campaign.

Madam Speaker, I urge my colleagues to join me in recognizing Michael Norman Haynes.

### CELEBRATING THE 60TH ANNIVERSARY OF SANDIA NATIONAL LABORATORIES

#### HON. JOHN GARAMENDI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. GARAMENDI. Madam Speaker, Representatives ANNA ESHOO, MIKE HONDA, BARBARA LEE, ZOE LOFGREN, JERRY MCNERNEY, GEORGE MILLER, JACKIE SPEIER, MIKE THOMPSON, LYNN WOOLSEY and I rise today to honor the 60th anniversary of Sandia National Laboratories. We ask all of our colleagues to join us in saluting the many outstanding achievements of Sandia during its distinguished history.

Rooted in pre-World War II history, Sandia was first established in New Mexico prior to

the United States' engagement in the War, as part of the Los Alamos Laboratory. In 1949, Sandia Laboratory became an independent entity and in 1956, Sandia California was established in Livermore as a center for research and development. In the last 60 years, the lab has grown in importance and has invented and engineered innovations that have supported our national security. Today, Americans depend on Sandia's technology solutions to solve national and global threats to peace and freedom.

In 2001, federal authorities used a decontamination foam developed at Sandia to help rid Capitol Hill buildings of anthrax. The foam neutralizes chemical and biological agents in minutes, and is nontoxic and environmentally friendly.

The familiar walkthrough portals at many airport security checkpoints use Sandia-patented technology to screen airline passengers for explosives. Even trace amounts of explosives on an individual's skin or clothing can be collected and identified using the technology.

Sandia's Red Storm supercomputer can compute many tens of trillions' worth of calculations in a month, making it a popular tool for U.S. government agencies, universities, and customers worldwide. Red Storm has modeled the amount of explosive powder it would take to destroy an asteroid, how fire affects critical components in devices, and how changes in the composition of Earth's atmosphere affect climate.

A Sandia chemical monitoring system called SNIFFER has been keeping watch for the past several years over a number of large indoor and outdoor events: the Super Bowl, Rose Bowl, Oakland A's baseball games, and the 2008 Democratic National Convention. SNIFFER is able to detect and provide early warning of airborne chemical agents that might be used in a terrorist attack.

Since 1981, researchers at Sandia's Combustion Research Facility have developed ways to detect and measure chemical species in flames, reduce air pollution from engines and coal-powered utility plants, and characterize combustion taking place inside automobile and truck engines. They have revolutionized the current understanding of combustion and continue to work with industry to develop more efficient, cleaner-burning combustion processes and devices.

These are just a handful of examples of the innovation and "flashes of genius" that occur at Sandia on a regular basis. On behalf of my colleagues, I thank the employees at Sandia National Laboratories for their dedication and work and wish them many more years of continued success and innovation in an environment that will remain friendly to science, scientists and their supporters.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HONORING TERRY MEDINA

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. FARR. Madam Speaker, I rise today to honor Terry Medina, a great public servant who has protected the citizens of Watsonville, California since 1982. Terry, the Chief of Police since January 1989, retired on December 30, 2009. His law enforcement career spanned four decades beginning in 1966. Moreover, he has dedicated his life to a higher calling of protection and service and has made a lasting impact on countless lives during his career. I am proud to honor my friend and thank him for his service.

Terry was born and raised in Santa Cruz, California. In 1966, Terry began his law enforcement career as a student and Campus Police Officer at Cabrillo College in Aptos, California. In that same year, he enlisted in the U.S. Army Reserves as a Military Policeman. In addition to Cabrillo College, Terry attended San Jose and Sacramento State Universities to further his education in law enforcement. Later in his career, he graduated from the 122nd Session FBI National Academy and the 1993 Law Enforcement Executive Development Seminar, both in Quantico, Virginia.

The education Terry obtained prepared him for the many trials he would face as the top cop in Watsonville. In 1986, Terry commanded Watsonville personnel through an 18-month food processing strike. Three years later, he would guide his department and the city through the 1989 Loma Prieta earthquake disaster; the epicenter of the 6.9 seismic event was located just 14 miles north of the city's downtown. Terry's leadership and warm character provided the much needed comfort to the people of Watsonville during and after the disaster.

Terry's command of the Watsonville Police Department has come to an end, but his role as a community leader will continue. Terry has served on and chaired numerous boards and committees including: the California Police Chiefs Association and the Watsonville Community Hospital. His newest title is the President of the Watsonville Rotary Club.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our Nation's deepest gratitude to Terry Medina for his 43 years of service. He was a great Chief of Police and he will continue to be a strong community leader, loving husband and proud father.

## HONORING OF IRIS JEAN GEORGE

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. ADLER of New Jersey. Madam Speaker, we often recognize military veterans for their many contributions to our country. Today, I would like to recognize other Americans who also give freely of their time and energy to the public good. These unsung heroes are the women of veterans' auxiliaries who conduct youth activities, community service and promote the ideals of America without compensation and without sufficient recognition.

One such woman is Iris Jean George, the New Jersey State President for the VFW's Ladies Auxiliary. As a result of her brother's service in Vietnam, Iris Jean decided to join the VFW Ladies Auxiliary #6590 Cookstown and District 11 in February of 1995. Throughout her time with the Ladies Auxiliary, she has been active through participation in numerous chairmanship roles, was a 1999 All American Auxiliary President, and was named Outstanding District President in 2004-2005.

Additionally, Iris Jean is very active in her community, serving as a former president of

the McGuire AFB Enlisted Spouse Club, former president of her local rotary club, and as an elder at the First Presbyterian Church of Sykesville. It is no wonder that in June 2009 she was elected as department president.

On Saturday, January 9, Iris Jean will be the guest of honor during her official visit to District 12 at Brick Township Post 8867. I would like to thank Iris Jean and officially recognize her for her outstanding service to veterans and her country.

## A TRIBUTE TO MARTHA LUCIA LEMOS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 5, 2010*

Mr. TOWNS. Madam Speaker, I rise today in recognition of Martha Lucia Lemos.

Ms. Lemos is a native of Columbia who migrated to the United States and received her first job as a babysitter, she was encouraged by the family she worked for to continue her education.

Despite the arduous task of fitting into a new culture, Ms. Lemos, enrolled in the Language Department at New York University and eventually joined the New York City Department of Education to work as a Teacher's Assistant.

She further continued her education and later graduated from Long Island University with a Bachelors of Science in Education and a Masters of Science in Education from Adelphi University.

With her credentials, Ms. Lemos entered the field of Bilingual Special Education as a Teacher in District 75 as a way to give back to children that may have the difficult task of learning a new language in a new culture.

Madam Speaker, I urge my colleagues to join me in recognizing Martha Lucia Lemos.

# HOUSE OF REPRESENTATIVES—Tuesday, January 12, 2010

The House met at noon and was called to order by the Speaker pro tempore (Mr. MORAN of Virginia).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 12, 2010.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As the 111th Congress reassembles to meet its constitutional commitments in its second session, may the prophetic cry of Israel, from the prophet, be heard in the hearts of all Members and in the attitude of all America's people:

As the Lord has called you  
for the victory of justice,  
I have grasped you by the hand.  
I formed you and set you  
as a covenant of the people;  
a light for all the nations.

Accomplish great deeds in and through us, Lord, and make these days a time of great promise and fulfilled blessings. Amen.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 32 minutes p.m.

## CALL OF THE HOUSE

The SPEAKER. The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

Ackerman  
Adler (NJ)  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccheri  
Boehner  
Bonner  
Boozman  
Boren  
Boswell  
Boucher  
Boyd  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Camp  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Childers  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)

[Roll No. 1]

DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Lofgren, Zoe  
Frelinghuysen  
Fudge  
Garamendi  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)

Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (IA)  
King (NY)  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (NY)  
Levin  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moran (KS)  
Moran (VA)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim

Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pelosi  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (MI)

Rooney  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuster  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark

Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Walden  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

□ 1907

The SPEAKER pro tempore (Mr. OWENS). On this rollcall, 373 Members have recorded their presence.

A quorum is present.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the proceedings of January 5, 2010, and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PROVIDING FOR A COMMITTEE TO NOTIFY THE PRESIDENT OF THE ASSEMBLY OF THE CONGRESS

Mr. HOYER. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 998

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States when a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 998

The SPEAKER pro tempore. Pursuant to House Resolution 998, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

the gentleman from Maryland (Mr. HOYER) and

the gentleman from Ohio (Mr. BOEHNER).

TO INFORM THE SENATE THAT A QUORUM OF THE HOUSE HAS ASSEMBLED

Mr. HOYER. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 999

*Resolved*, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE HOUR OF MEETING OF THE HOUSE

Mr. HOYER. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1000

*Resolved*, That unless otherwise ordered, before Monday, May 17, 2010, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on

Wednesdays and Thursdays; and 9 a.m. on all other days of the week; and from Monday, May 17, 2010, for the remainder of the 111th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER MORNING-HOUR DEBATE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the order of the House of January 6, 2009, providing for morning-hour debate be extended for the remainder of the 111th Congress, except that House Resolution 1000 shall supplant House Resolution 10 and the date of May 17, 2010, shall be used in lieu of May 18, 2009.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MAKING IN ORDER CONSIDERATION OF VETO MESSAGE ON HOUSE JOINT RESOLUTION 64

Mr. HOYER. Mr. Speaker, I ask unanimous consent that if a veto message on House Joint Resolution 64 is laid before the House on this legislative day, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the joint resolution shall be postponed until the legislative day of Wednesday, January 13, 2010; and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 30, 2009.

Hon. NANCY PELOSI,

*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a message received from the White House on Wednesday, December 30, 2009 at 1:20 p.m., containing the returned enrollment of H.J. Res. 64 and a memorandum of disapproval from the President.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,

*Clerk of the House.*

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2010—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-84)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

MEMORANDUM OF DISAPPROVAL

The enactment of H.R. 3326 (Department of Defense Appropriations Act, 2010, Public Law 111-118), which was signed into law on December 19, 2009, has rendered the enactment of H.J. Res. 64 (Continuing Appropriations, FY 2010) unnecessary. Accordingly, I am withholding my approval from the bill. (The Pocket Veto Case, 279 U.S. 655 (1929)).

To leave no doubt that the bill is being vetoed as unnecessary legislation, in addition to withholding my signature, I am also returning H.J. Res. 64 to the Clerk of the House of Representatives, along with this Memorandum of Disapproval.

BARACK OBAMA.

THE WHITE HOUSE, December 30, 2009.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the joint resolution will be printed as a House document.

Pursuant to the order of the House of today, further consideration of the veto message and the joint resolution are postponed until the legislative day of Wednesday, January 13, 2010, and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

□ 1915

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 29, 2009.

Hon. NANCY PELOSI,

*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, December 24, 2009 at 1:41 p.m., and said to contain a message from the President whereby he transmits a proclamation he has issued entitled, "TO MODIFY DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES, AND FOR OTHER PURPOSES."

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,

*Clerk of the House.*

TO MODIFY DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES, AND FOR OTHER PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-85)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

The Generalized System of Preferences (GSP) offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended (the "Act").

In accordance with sections 502(f)(1)(A) and 502(f)(2) of the Act, I am providing notification of my intent to add the Republic of Maldives to the list of beneficiary developing countries under the GSP program and my intent to terminate the designations of Croatia and Equatorial Guinea as beneficiary developing countries under the GSP program.

In Proclamation 6813 of July 28, 1995, the designation of Maldives as a beneficiary developing country for purposes of the GSP program was suspended. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that the suspension of the designation of Maldives as a GSP beneficiary developing country should be ended.

In addition, I have determined that Croatia and Equatorial Guinea have each become a "high income" country, as defined by the official statistics of the International Bank for Reconstruction and Development. In accordance with section 502(e) of the Act, I have determined that the designations of Croatia and Equatorial Guinea as beneficiary developing countries under the GSP program should be terminated, effective January 1, 2011.

BARACK OBAMA.

THE WHITE HOUSE, December 23, 2009.

#### WASHINGTON CORRESPONDENT DAVE MCCONNELL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise tonight to salute a Washington correspondent, Dave McConnell, who is a good friend of mine and who this month is marking his 45th anniversary with WTOP radio.

Since 1965, Dave has been a Washington radio institution; and since 1981, he has been reporting full time from Capitol Hill. I dare say that every one

of us in this Chamber has had an opportunity to talk to our friend, David McConnell. He has reported with the insight and impartiality that typified journalism at its best.

In that time, Dave's career has been repeatedly recognized by his colleagues. His honors include, among others, the A.I.R. Lifetime Achievement Award, Maryland and Virginia AP Broadcast Journalism Reporting Awards, and induction in the Society of Professional Journalists Hall of Fame. Decades of listeners have turned to Dave for inside knowledge on how their Congress works.

Along with many other Members of Congress, I am glad to call Dave a friend. We share our home State of Maryland and an abiding love of the institution of the House of Representatives. And I trust that that love will inspire Dave's works here for many years to come. As he has often said, and I quote, "As long as I have a seat covering the greatest show on Earth and can witness history being made, I'm going to keep reporting."

Dave, we hope you do. You do it well. God bless you and congratulations.

#### CBS' "60 MINUTES" WINS LAP DOG AWARD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, CBS' "60 Minutes" is the winner of the Media Fairness Caucus' highly un-coveted "Lap Dog Award" for this week's most glaring example of media bias.

A new book called "Game Change" has brought to light comments made by the Senate majority leader that some people find offensive. On Sunday, "60 Minutes" featured a 13-minute story about the book and interviewed its authors. Not once did "60 Minutes" mention the majority leader's comments. Instead, they devoted 10 minutes to negative comments about former Governor Sarah Palin.

What an astounding example of biased journalism. It is no wonder five out of six Americans see the national news media as "very or somewhat biased," according to a recent public opinion poll.

CBS and "60 Minutes" should report the facts, not engage in double standards.

#### HONORING TONY CARNEMOLLA

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute.)

Mr. MCNERNEY. Mr. Speaker, today I ask my colleagues to join me in honoring the life of Tony Carnemolla, who recently passed away at age 74.

Tony made a difference in the lives of countless residents of our community.

His active involvement as commander of VFW Post 75 in Danville and civic organizations like the Exchange Club serves as a lasting example for the residents of Danville and the San Ramon Valley.

At age 17, Tony Carnemolla joined the Army to serve our great Nation during the Korean War. Later, he became a tireless volunteer and advocate for his fellow veterans. He spearheaded the effort to renovate the Veterans Memorial Building in Danville and volunteered at countless local events to benefit veterans.

Tony was a warm and respected leader and a dear friend. He will be missed. I ask my colleagues to join me in honoring the memory of Tony Carnemolla and in sending our thoughts and prayers to his beloved family and friends.

#### HONORING ARMY SPECIALIST JASON JOHNSTON

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. On December 26, our Nation lost a true hero.

Army Specialist Jason Johnston of Albion, New York, was killed in action in southern Afghanistan while serving on his second tour of duty. He volunteered to return, feeling a strong commitment to his fellow soldiers and insisting on joining them for a second deployment.

Specialist Johnston was an elite soldier, the top 1 percent, according to a major general with the U.S. Army at Fort Bragg, where Jason was stationed. His bravery was without question and his valor beyond measure.

It is because of the sacrifices that our Nation's brave soldiers like Specialist Johnston make each and every day in regions far across the globe that keep Americans sleeping safely at night.

Specialist Johnston was one of the Nation's finest soldiers. As his family said last week, he "was a hometown hero who died serving the country he loved." He will be missed.

#### HONORING WILLIE MITCHELL

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. This past week, the city of Memphis and the world lost a great musical producer and musical icon, Willie Mitchell.

Willie Mitchell was laid to rest today in Memphis, Tennessee. He produced a sound that included O.V. Wright, Syl Johnson, and Ann Peebles; but his most famous find was Al Green.

A great horn player and a great musician, Willie Mitchell was in Texas and Al Green was on the bill. He told Al Green, Come back to Memphis, and



I will make you a star, and he did that. It happened so much in Memphis: Come to Memphis, and I will make you a star, and it happened.

Willie Mitchell was part of that great Memphis legend and soul music. He was loved by people in the studio and by his family. He received the Trustees Award from the Grammys in 2008 for a lifetime of achievement. He gave people lots of love and happiness and reasons to stay together, he and Al Green.

He leaves two wonderful daughters, two grandsons who became his sons, a stepson, a musical history and a musical tradition that will live on forever. We will all miss Willie Mitchell and appreciate the fact that he came our way and helped produce the Memphis sound.

#### JOBS IN THE NEW YEAR

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, last week the Bureau of Labor and Statistics released its final economic report for 2009. Unfortunately, the report showed the year ending on a very disappointing note: 85,000 more jobs lost and 10 percent unemployment for the month of December.

It is very clear that the excessive borrowing and spending in Washington is not paying off where it is needed most: job creation. In fact, just this week, an investigation by the Associated Press found that large portions of the \$787 billion stimulus plan had "no effect on local employment."

Mr. Speaker, Americans across the country have already made their 2010 New Year's resolutions. Congress now needs to make its own, and that is that job creation will be our number one priority.

An economic recovery without jobs is not a recovery. I urge Congress, as we get back to work this month, to finally work together to enact real bipartisan solutions that will give the American people what they want: more jobs, without breaking the bank.

#### H.R. 4414

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. I have introduced H.R. 4414, the Responsible Bankers Act of 2010. Now, many of you know I voted against both pieces of TARP legislation.

It is time that America got their money back and imposed a 75 percent tax on the bonuses that bankers are planning to pay themselves using windfall profits earned from massive taxpayer support of the financial services industry. The Responsible Bankers Act will not penalize banks for making a

profit but, rather, will tax the bonus pools that are set aside.

As I pointed out a month ago, bankers are preparing to pay themselves record bonuses, rather than lending and investing in American prosperity. They should use their profits, and they could use their profits, to do many things to improve the prospects of the American economy, like strengthen their capital base, reduce fees charged to customers, or increase lending to small and medium-sized companies. Well, they are not doing that. They are hoarding it. They are using the money to try to take over other banks.

H.R. 4414 draws on the movement that is happening right now in the U.K. and around the world, where people are waking up that if banks are not there to help with the economy of the Nation, then they should have to pay a serious tax on their bonuses.

#### OUR FOUNDING FATHERS, THE CONSTITUTION, AND THE REVOLUTION

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, James Madison said in Federalist 45: "The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain with the State governments are numerous and indefinite."

Later codified in the 10th Amendment, the Founding Fathers intended the powers of the States to act as a check on those of the Federal Government, and the Supreme Court said, in 1975, that "Congress may not exercise power in a fashion that impairs the States' integrity or ability to function effectively."

Mr. Speaker, time and time again, this Congress over the past year has forgotten the purpose of the 10th Amendment, from hate crimes to health care. We either stand with the Founding Fathers, the Constitution, and the Revolution, or we don't. And, if we do not, we do so at our peril.

#### AMERICA MUST ANSWER THE CALL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, Happy New Year to America. As we start this new year, I believe it is important to clarify a lot of misinterpretations about what the job of the Federal Government is and what this Congress' responsibility is.

We are problem-solvers. We work to solve the issues on behalf of the American people. And as we look at this health care debate, which I hope will be entirely transparent, let the underlying premise be that 36 million people are without insurance.

In addition, this health care bill will generate numerous numbers of jobs and new health professional scholarships to provide for doctors and nurses, making sure that you do not have a denial of insurance because of preexisting disease.

And jobs we must make. We must move forward on the jobs bill, and I am in particular pushing one that says if you are on unemployment insurance, you can continue to get training. Scholarships and a stipend will be given to you along with your unemployment insurance so you can train for the new jobs.

We have to be innovative and know what the American people want; but, most of all, the government of the United States is a problem-solver. The people of America are hurting, and we must address the questions of health care and the underutilized ability for Americans to be served by new health care as well as new jobs. America must answer the call.

#### SCHWARZENEGGER'S FOLLY

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, California's Governor is seeking billions of dollars of additional Federal funds in order to fill his ever-widening budget deficits.

Last April, he imposed the biggest tax increase by any State in American history, despite repeated warnings of the damage it would do to the State's economy. California already had the highest sales and income taxes in the Nation. He increased both.

The taxes were supposed to produce \$13 billion of additional revenue. But after 9 months, California's sales tax collections are down \$270 million; income tax collections are down \$10 billion. The only major tax not raised, the corporate tax, is the only tax that is producing more revenue. That is up \$2.4 billion in the same period.

I have a modest suggestion to Governor Schwarzenegger: rescind the tax increase that has crushed California's economy and its revenues. And to my House colleagues, let's not repeat Governor Schwarzenegger's folly nationally.

□ 1930

#### TAX CREDITS FOR GOLF CARTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. My Democrat colleagues, Mr. Speaker, are going to solve the health care problems of this country with a 2,100-plus page bill, and it's going to simplify the whole procedure and make everything better.

But let me just give you an example of how things go awry.

We passed an amendment in this body that deals with the Internal Revenue Code so people would buy more green cars that weren't going to pollute the atmosphere, and bioelectric cars. Well, John Stossel of Fox network saw where there were free golf carts and called up, and he found out that he could get a golf cart for \$6,490, but because Congress screwed up with the tax code, he could get all of that money back from the taxpayers of this country, in essence, getting that golf cart for free.

That's how government continues to screw up. And if you think that's bad, just think what's going to happen if we pass this terrible health care bill that's going to raise taxes and ration health care and hurt seniors because it's going to cause them to lose a lot of their Medicare and Medicare Advantage coverage.

That's why we shouldn't be rushing to judgment on the health care bill. This is the kind of screw-up that should not take place.

#### CONGRATULATING THE PENN STATE UNIVERSITY WOMEN'S VOLLEYBALL TEAM

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in awe of the Penn State University women's volleyball team. We often hear in this Chamber from Members who celebrate a national championship or an undefeated team from around the country, but rarely have I heard a record equal to that of these particular Nittany Lions. I would just cite a few of their accomplishments and allow you to judge for yourself.

This team hasn't lost a game since 2007. They had a 101-game winning streak, an undefeated season, a record 18 consecutive NCAA tournament victories, and on December 19, they beat the University of Texas Lady Longhorns for their third consecutive national championship.

Coach Russ Rose deserves a great deal of credit for the success of these young college athletes, and I can't say enough about the team and its leaders. Megan Hodge became just the fifth player in Division I history to be named first-team All-American 4 years in a row and also was named the American Volleyball Coaches Association's National Player of the Year for 2009.

It isn't enough to say I'm proud of this team. I repeat that I'm awestruck and struggle to find the words to properly praise them. So I will simply say, Congratulations.

#### PROGRESS IN WAR ON TERROR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday, I was pleased to see The New York Times acknowledge Afghanistan and Iraq as the central front in America's struggle against Islamic extremism. It further cites how the United States is making progress turning security efforts over to the Iraqi military and police forces.

The Washington Post covered the year-end review by General David Petraeus and General Ray Odierno and highlighted how over the last 2 years there's been a 92 percent decrease in security incidents and a 90 percent decrease in civilian deaths due to the surge. Attacks have dropped from more than 200 a day in 2 years to approximately 15 today.

I want to thank General Petraeus and General Odierno, our troops, military families, and veterans for their commitment to victory in Iraq and Afghanistan to protect American families at home by defeating terrorists overseas.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Welcome, Anna Grace Wilson, born December 17, 2009, daughter of Jennifer and Alan Wilson, at Lexington Medical Center, West Columbia, South Carolina.

#### TRANSPARENCY IN GOVERNMENT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. We heard the President—now the President—say back in a debate with Hillary Clinton in 2008, "That's what I will do in bringing all the parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are."

We know in the debate, when he was running against JOHN MCCAIN, our now-President said, "I'm going to have all the negotiations around a big table. We'll have doctors and nurses and hospital administrators. Insurance companies, drug companies—they'll get a seat at the table, they just won't be able to buy every chair. But what we will do is, we'll have the negotiations televised on C-SPAN so that people can see who's making arguments on behalf of their constituents and who's making arguments on behalf of the drug companies or the insurance companies."

We heard the Speaker say repeatedly that when she was Speaker, this would be the most open government ever. So it's deeply perplexing, since we know they would never lie, why they're pre-

venting what they promised from coming true.

#### COMMUNICATION FROM THE HONORABLE MICHAEL M. HONDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MICHAEL M. HONDA, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
January 8, 2010.

Hon. NANCY PELOSI,  
*Speaker of the House, U.S. Capitol, Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the Superior Court for Santa Clara County, California, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MICHAEL M. HONDA,  
*Member of Congress.*

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### VISA LOTTERY PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, in the news since Christmas Day has been great concern about the security of our country related to individuals entering this country and attempting to perpetrate harm on our citizens. It harkens back to September 11, 2001, and all the measures that we have taken since then to try to make our Nation a safer place.

One of the areas where we could make it much safer and much fairer for all of our citizens and for those who seek to come to the United States would be to eliminate the visa lottery program. This is a program that awards legal permanent residence status, or "green cards," to foreign nationals based on pure luck.

Literally, the State Department conducts a random lottery. Millions of people submit their names on very short forms, about a half-page long, and then they randomly select out of those millions of people 50,000 winners each year who get to enter the United States through the visa lottery program. They don't have to have any family ties to the United States. They don't have to have any job skills that are in need in the United States. They

simply, through pure luck, get to enter this country.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July 2002. He was allowed to apply for a legal permanent residence status in 1997 because of his wife's status as a visa lottery winner.

In fact, since this program was established in the early 1990s, nearly 1 million people have come into the United States regardless of the need for them to enter this country, regardless of the unemployment rate, which today stands above 10 percent. And with 15 million Americans looking for work, we give 50,000 visas to people to enter the country not based upon any family ties, not based upon any job skills, simply based upon pure luck.

The State Department's Inspector General testified before Congress recently that it continues to believe that the program "contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents." With the tool of "legal permanent resident" status in hand, terrorists and spies would have free rein to travel and meet and plan terrorist activities within the borders of the United States.

Even if technical improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from having members apply for the program who do not have criminal backgrounds, maybe have recently left one of the madrassas in the Middle East and have no record of having been affiliated with a terrorist organization, but that organization could assist them in submitting their names. And if they get a visa if their name is drawn, they don't just get a temporary visa like the 9/11 hijackers or the fellow who just attempted to blow up a Northwest airliner; rather, they get permanent residence status or a green card to live permanently in the United States.

Thirteen of the 14 countries over which the TSA is exercising greater scrutiny in the wake of the attempted Christmas Day bombing plot are eligible to participate in the visa lottery, including Yemen, which has become the focus of much activity on the part of terrorist organizations.

The visa lottery program is wrought with fraud. It is common for foreign

nationals to apply for the lottery program multiple times using many different aliases. The State Department's Office of Inspector General declared in its September 2003 report that the visa lottery program is "subject to widespread abuse" and that "identity fraud is endemic, and fraudulent documents are commonplace."

A 2007 Government Accountability Office report found that the visa lottery program is vulnerable to fraudulent activity committed by and against applicants. The same 2007 report found that consular officers at six posts out of 11 reviewed reported that widespread use of fake documents, such as birth certificates, marriage certificates, and passports, presented challenges when verifying the identities of applicants and dependents.

The visa lottery program is unfair to immigrants who comply with United States immigration laws. Most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills, or education ahead of these family- and employer-sponsored immigrants each year with no wait.

Mr. Speaker, this legislation should be overturned. I have introduced legislation to do just that. This Congress should bring it up for a vote.

There is a bipartisan effort to eliminate the visa lottery program. Forty-five bipartisan Members of Congress have already cosponsored this legislation, and it has twice passed the House: once under a Democrat majority in the 110th Congress as an amendment to the FY 2008 State/Foreign Operations Appropriations bill on the House floor and once in the 109th Congress as an amendment to H.R. 4437.

Democrat leadership this Congress blocked the same amendment from coming to the floor for a vote during the consideration of the FY 2010 State/Foreign Operations Appropriations bill. The Democrat-controlled House has not held a single hearing on the dangers posed by the visa lottery program during the 110th or 111th Congresses.

□ 1945

#### WE DON'T NEED MORE TROOPS IN AFGHANISTAN; WE NEED A NEW STRATEGY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the year 2009 ended 12 days ago, and many were glad to see it go. It was a very difficult year for American families as they struggled with the recession. It was also a very difficult year for our brave troops in Afghanistan. The death toll was 317. That was twice as many as the previous year, and it made 2009 the

deadliest year of the war. We'd all like to believe that this year will be safer for our troops in Afghanistan, but it doesn't look like it will be that way. Our military leaders have already predicted that President Obama's decision to send 30,000 more troops will lead to an increase in violence this spring and summer.

Sadly, America's military families who have already sacrificed so very much must brace themselves for more as the attacks on our troops continue. Violent extremism is thriving in Afghanistan because of the crippled economy, the broken infrastructure, the lack of education and other social services, the breakdown in law and order, and the belief that the central government isn't doing nearly enough to help their people.

Mr. Speaker, there is no military solution to these problems. That's why I'm opposed to sending more troops to Afghanistan. We don't need new troops. We need a new strategy. We must start using the tools of smart security to improve the lives of the Afghan people and give them hope for a better future. One of the keys to this new strategy must be a civilian surge, a surge of experts and aid workers who can help the Afghan people to rebuild their communities and to rebuild their country. Everyone seems to agree that this is a good idea. The President said it's a good idea. Our diplomats and military leaders in Afghanistan have said it's a good idea. The people of our country certainly know that it's a good idea.

However, the last supplemental appropriations bill, which I voted against, lacked significant funding for the civilian surge, and President Obama only mentioned it once in his address on Afghanistan at West Point. The numbers on the ground tell the story, Mr. Speaker. When I questioned Ambassador Eikenberry last month at a Foreign Affairs Committee hearing, he indicated that there will be 1,000 civilians in Afghanistan by the end of this month, but we will have 100,000 troops there soon. That's a ratio of 100 to 1. So we aren't getting the civilian surge that we were promised. The current strategy, in fact, of relying on the military option ignores what will really work in Afghanistan: A real commitment to economic development, humanitarian aid, and social services, better law enforcement to disrupt terrorist networks, and better governance and systems of justice. The Afghan people desperately need a better future and a reason to reject violent extremism. They need hope for a positive future.

Mr. Speaker, winning in Afghanistan is about winning the hearts and minds of the Afghan people. Smart security is the way to do that.

## RON BUTLER DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I rise today to salute Ron Butler, the longtime coach and athletic director of Ranger College in Ranger, Texas. This past Saturday, the school honored him with Ron Butler Day to thank him for his years of service to their community. Ron worked at Ranger College from 1964, when he was hired, until his retirement in the year 2000. During his tenure at the college, he filled many roles. He was the head coach of both the men's and women's basketball teams, head coach of the softball team, assistant coach and head coach of the football team, and also the athletic director.

Throughout much of his tenure, he held many of these jobs at the same time. Most remarkable about Coach Butler's time at Ranger were the unqualified achievements the school had in athletics. In almost every sport, Coach Butler's teams found success and championships. For a college as small as Ranger, this is a big deal. It is not a stretch to say that Dr. Bill Campion, the president of Ranger College, was right when he said, "I singlehandedly give credit for the reputation and success of Ranger College to Ron Butler." Excelling in athletics enabled the school to continue to grow and build its reputation as one of the finest junior colleges in Texas and the Nation.

Beyond the wins and the championships, Coach Butler has touched 25 years of students and families. His unwavering dedication and commitment can be seen rippling through the lives of everyone who has played under him or served alongside him. And after all this, Coach Butler still continues to serve his school today, as a member of the Board of Regents.

Mr. Speaker, it is my great pleasure to share with this great body a small story of someone who gave so much to so many. Ranger College and all of its alumni owe a great debt of gratitude to this man, and it is my honor to thank Coach Butler publicly tonight.

## REMEMBERING THE BUSH ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, I was surprised to hear a few days ago Rudy Giuliani, the former mayor of New York, say that there were no terrorist attacks during the Bush administration on U.S. soil. He later corrected that remark to say that there were no terrorist attacks on U.S. soil while President Bush was leading the country—except for just 9/11, only the ter-

rorist attack on 9/11. And I realized that I was witnessing the birth of a new form of political discourse from the right wing in this country: The exception. The exceptional exception, the exception that proves the rule or disproves the rule, as the case may be.

So I'm expecting that in the future, we'll hear from the right wing the claim that no cities drowned under the Bush administration—except for New Orleans. And that there were no wars that were started by mistake under the Bush administration—except for the war in Iraq. And that the Bush administration added nothing to the Federal debt—except for \$4.5 trillion, which works out to \$15,000 for every man, woman, and child in this country. And that they respected all of our constitutional rights as Americans—except when they didn't. I think that we'll hear the Republicans claim that the Bush administration managed the economy quite well—except when they brought it to the brink of national bankruptcy.

In fact, they'll claim that the Bush-Cheney administration was a complete success—except for the fact that it was an abject failure. In fact, what we learned in watching them for 8 years is that the reason why the Republicans hate government so much is because they're so bad at it. There are those people among us who lived through that terrible time and will look back on it, and they'll say that they'll vote for anybody on the ballot, absolutely anybody on the ballot with one exception, except if that person happens to be Republican.

## THE CLIMBING DEBT BURDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. You know, Mr. Speaker, I get a big kick out of my colleagues from the other side of the aisle who continue to beat on the Bush administration. I mean, we're not in the Bush administration. We are in the Obama administration. And the Obama administration this year has outlined a \$3.55 trillion budget. They always seem to come down when they talk about President Bush and his administration, some of the shortcomings—and there has never been an administration that didn't have some shortcomings—but they don't talk much about what's happened since they took power.

When the Democrats took over Congress less than 3 years ago, the national debt was under \$9 trillion. It went from \$9 trillion to \$10 trillion to \$11 trillion to over \$12 trillion. That's just in the last 3 years. They're spending money like it's going out of style. They have increased the national debt limit five times in just the last 3 years, and the increase of \$3.4 trillion is 38

percent-plus over what the national debt was when they took control of this Chamber and the other Chamber. It really bothers me when they talk about all this in retrospect and they don't pay any attention to what's going on now and what should be going on in the future.

They're talking about a national health care plan now that is going to cost, I believe, \$3 trillion over the next decade, and they're behind closed doors, trying to ram that thing through without really having even a conference committee. They're doing it with just the leaders, and they're doing it in a smoke-filled room with—well, maybe they don't smoke. But they are doing it in a closed room where nobody can see—not even C-SPAN, even though they promised that they would.

Now let's just look at what's happened since they took power with the White House as well as the House and the Senate since January of 2009. They passed the state Children's Health Insurance Program Reorganization Act, which was \$73.3 billion. Then in February, they passed the stimulus bill, which has not worked. Unemployment, which was not supposed to go over 8 percent, went over 10 percent. Now it's at least 10 percent. And that bill was \$1.16 trillion when you include interest.

Also in February, they passed the Consolidated Appropriations Act, which was \$410 billion. When you add interest to it, it's \$625 billion. Then in June of 2009, they passed the defense supplemental, which was not a bad deal because we had to do something about our military personnel in combat around the world, protecting our freedoms. But in addition to what we were doing for our military personnel and defense, they had all kinds—I think they had 3,000 or 4,000 pork barrel projects stuck in there. Then in December, they passed a consolidated appropriations bill for fiscal year 2010 which was \$3.554 trillion.

Now the President has said just in the last couple of days, we have to do something about spending. Man, that is really, really a great statement. I wish he'd thought about that about a year ago when he first took office. But nevertheless, it's better to be aware of it now than to not do anything about it at all. But he's talking about cutting spending by between 3 and 5 percent on discretionary spending, and that's going to amount to—oh, maybe \$150 billion. But he's spending \$3.55 trillion. So you're still going to have about \$3.4 trillion, even if we were to cut spending by about 3 to 5 percent.

The spending is completely out of control. The health care bill they're talking about is not going to start providing coverage, benefits until 2013, and yet the taxes start right now, which means simply that the \$1 trillion they are talking about being the cost of that health care plan is not going to be \$1

trillion; it's going to be at least \$1.5 trillion. And if it's anything like other government programs that they have rammed through in the past, it will double that. And I really believe we are going to see a \$3 trillion cost to the health care bill in this next decade if they pass it.

I'm very hopeful that the Senate—some Senator, at least one or two—will see the light and realize the American people simply don't want that. The overwhelming majority of Americans don't want anything coming between them and their doctor, especially government. They don't want socialized medicine, and they don't want all this spending. They want to do what Ronald Reagan did back in the early 1980s when he came in, and the situation was even worse then. We had 12 percent unemployment. We had 14 percent inflation, a misery index of 26 percent—that's what they called it.

And Reagan came in, instead of raising taxes, as many of his advisers said he should do, he said, No, no, I'm going to cut taxes. I'm going to cut taxes across the board for individuals, for businesses, for corporations, for industry. Because if we give them more of their tax money back, they'll be able to spend more on investment. They'll be able to spend more to buy cars and refrigerators and everything else. And as a result, the economy turned around, and we had a 20-year expansion of the economy, which was unparalleled in my lifetime.

Yet we haven't learned from John F. Kennedy, and we haven't learned from President Reagan. We're doing exactly the opposite. We're spending money like it's going out of style and coming up with new government programs which are going to cost jobs and dig us into a debt that we're never going to get out of. It's going to cause inflation and higher taxes. What we should be doing right now, as I have said on this floor many times, is we should go back to the Reagan and John F. Kennedy formula and cut taxes, give this economy a real shot in the arm by letting people keep more of their money, and you will see us create jobs. We won't have 10 percent unemployment in a year or two or three. It will be down. It will be going down. It will be going down fairly rapidly once this starts to take hold.

But as long as we just keep spending and spending and spending and digging ourselves into a deeper hole by coming up with new programs like this crazy health care bill they're talking about, we're never going to solve our problem. And our kids and our grandkids and the posterity of this country are going to look back and say, Why did you do this to us? Why did you do this to us?

□ 2000

#### TAX BANKERS' BONUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, it is said that one out of every three American homeowners is underwater with their mortgage, meaning that they owe more on their mortgages than the house in which they live is worth. One out of every three Americans.

We know that this year there could be at least 8 million Americans actually losing their homes. We know there are 15 million Americans unemployed. There have been record numbers of foreclosures and also record numbers of business failures. There has been a credit freeze. Some say that we have a jobless recovery, or a cashless recovery if you are an investor and you wait for your dividends because dividends aren't in at the moment, and perhaps even a homeless recovery where people are losing their homes, losing their jobs, losing the quality of their investments. And it is said that the economy is recovering.

What is going on in America? What is going on is the banks have taken enormous power during the last few years, and they have received that power from the Federal Government in the form of bailouts. I voted against the bailouts. I don't think the government should be picking winners and losers in the economy. And I also don't think that the government should serve as an engine to take the wealth of the Nation and accelerate it upwards, because that is exactly what has happened. Whether it has been a Republican or Democrat administration, that process of acceleration of the wealth is continuing.

Now U.S. banking companies have been the beneficiaries of unprecedented government money in the form of multiple, ongoing, taxpayer-financed Federal Government bailouts and subsidies, virtually unlimited access to money at near zero rates of interest, Federal purchases of impaired assets, low-cost loans, open-ended guarantees, all in the name of restoring normalcy to U.S. financial markets.

In the coming days, banks are expected to begin paying out substantial bonuses to top executives. The total amounts rival the payouts at the peak of the real estate bubble in 2007 and are set against a clear commitment of policy to strengthen the underlying health of the banking system by enabling banks to recapitalize. The bonuses being paid out could and should be directed primarily toward enhancing the capital base of the banking system. Banks could also use the profits to deal with unrecognized losses from real estate transactions and other imprudent investments to reduce outsized fees charged to struggling consumers,

to increase lending to small- and medium-sized businesses, and for a variety of other purposes that would provide struggling Americans with a more vibrant and beneficial financial system.

Today, banks are earning outsized profits, not by lending or investing in the American economic prosperity, but by trading interest-free dollars taken from the Federal Reserve for other financial assets in the U.S. and around the world. And rather than use these profits to enhance the capital of the banks, they are being taken out in the form of bonuses to benefit certain individuals, corporate banking executives who have been more lucky than smart.

Now in order to staunch this leakage of corporate profits from bank reserves and shareholder capital, I have introduced H.R. 4414, The Responsible Banking Act, that would tax banks for the windfall bonuses they pay to their management, and the tax would be at 75 percent. We cannot let banks crush businesses. We cannot let banks challenge this government with our own tax dollars. We need broad reform in our financial system, and I will be addressing that at another time. But one element of that reform must be to impose some fiscal discipline onto these banks that think that they can get away with giving themselves mega-bonuses while the rest of America is suffering and starved for capital.

Support H.R. 4414.

#### WHERE IS THE TRANSPARENCY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank our leader for allowing me to spend this time this evening in talking to our colleagues about some very important matters dealing with health care reform and the pledge of transparency. That will be the focus of the hour. I have a number of colleagues that will be joining me who are part of an organization within the House of Representatives called the GOP Doctors Caucus. We have about 13 members of the GOP Doctors Caucus, most of whom are medical doctors. We have an optometrist, we have a clinical psychologist Ph.D., and a couple of dental doctors in the caucus.

And for the last year literally in the entire year 2009, I think my colleagues on both sides of the aisle know that this GOP Doctors Caucus has been working diligently, working diligently to try to have some input in regard to health care reform, making some suggestions, writing and cosponsoring comprehensive legislation such as H.R. 3400, an alternative approach.

Members of this caucus, Mr. Speaker, introduced individual bills on certain

subject matter that the President has pledged that would be in the health care bill. And yet as we stand here today, at the 11th hour literally of merging these two versions from the House and the Senate, there is nothing about health care reform of the medical liability system which the President pledged to do.

The President, of course, made that pledge in Chicago at the annual meeting of the American Medical Association, an association that represents maybe a fifth, 20 percent, of the doctors across this country, that has literally given their endorsement to the President's bill, but asks in return for some relief of the reimbursement under Medicare to the physicians, elimination of this flawed formula that year after year after year forces the doctors to take these deep cuts so they literally can't afford to continue to see Medicare patients.

And of course the request, Mr. Speaker, at that particular meeting back in Chicago, probably last May or June of 2009, that there be some meaningful medical liability tort reform. The CBO in fact estimated that would save \$54 billion. Just that one issue would save \$54 billion the CBO says over the next 10 years, and I respectfully suggest that is a most conservative estimate on their part. I think there would be a \$54 billion savings each and every year over the next 10 years.

In any regard, I am blessed tonight to be joined by a number of the members of the GOP Doctors Caucus, and we are going to talk about the main theme of tonight and that is the issue of transparency. I want to get into that in just a second because nothing could be more important, particularly at this point, this 11th hour, when a bill is about to be presented. I say "presented," really I mean, Mr. Speaker, forced upon the 435 Members of this body and the 100 in the other body, when the American people don't want it; but more about that later.

**MOMENT OF SILENCE RECOGNIZING COBB COUNTY TRAGEDY**

Mr. GINGREY of Georgia. Mr. Speaker, I would like with your approval to take just a moment because a tragedy occurred, and I was just notified by email just a few minutes before I started, that in my district, the 11th Congressional District of Georgia, Cobb County in one of its townships, Kennesaw, part of my nine-county district of northwest Georgia, there was a tragic, tragic shooting in my district, in the city of Kennesaw today, where two people lost their lives and three people are in critical condition.

I would like to ask my colleagues on the floor tonight to join me for just a moment of silence to remember the families of the deceased and the victims that are in critical condition and their families as well. We will take just a moment of silence before we continue.

Mr. Speaker, I thank you for allowing us to do that, and I thank my colleagues for joining me in their prayers for those of my district who have been killed and injured.

Well, we want to talk a little bit about the issue of transparency because that is what is in the news right now—this is a huge concern—or I should say the lack of transparency in regard to the health reform bill. We are going to give you a second opinion today about that. And, indeed, we are going to roll the tape on health care doublespeak as we look at these slides.

Mr. Speaker, let me just start off by saying and calling the attention of my colleagues to this first slide: Where is the transparency?

Our President, then candidate, Senator Obama, in January 2008 on the campaign trail, and we all know what a great communicator President Obama and then-Senator, candidate Obama was, the best speaker, the best communicator, I think, that this country has possibly seen since the Great Communicator himself, Ronald Reagan. Here is what candidate Obama said in January of 2008, talking about health care: "I would put my plan forward and I would welcome input, but these negotiations would be on C-SPAN so the public will be part of the conversation and will see the choices that are being made." Presidential candidate Obama made that remark to the San Francisco Chronicle in January of 2008, almost 2 years ago.

Continuing on the campaign trail, candidate Barack Obama said about 8 months later in August of 2008 as the primaries were getting hot and heavy: "We will have the health care negotiations televised on C-SPAN so we can see who are making arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies." That was at an Obama town hall meeting in August of 2008. Once again candidate Obama, now President Obama, saying it's time for the American people to see what's going on, see it with their own eyes, hear it with their own ears, use their own common sense to figure out, to connect the dots, to see why one group or another group might be supporting something that on the surface seems almost incredulous that they would. Almost incredulous that they would.

So I would say to President Obama today, as I said to him, or at least through the television set I said to him, right on, Mr. Candidate, you are absolutely right. The American people need to know. They need to have this opportunity of transparency.

Where is the transparency? Where is it?

President Obama, and he went on and we all know now ran a great, great campaign and beat a tough opponent in the primary and a war hero in the gen-

eral election, certainly a well-deserved victory for President Obama. And then shortly after inauguration, January 21, 2009, about a year ago, President Barack Obama said this:

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"My administration is committed to creating an unprecedented level of openness in government. We will work together to ensure a system of transparency, public participation and collaboration. Openness will strengthen our democracy. And it will promote efficiency and effectiveness in government." Amen, brother. I agree with you, Mr. President. Unfortunately, we are not seeing it. We are not seeing it. Such a disappointment for the American people.

Well, here we are, colleagues on both sides of the aisle, here we are. We don't know exactly what is going on. Certainly we members on the Republican side, even leadership in the House and Senate on the Republican side, ranking members on the committees of jurisdiction on the Republican side, they are not meeting with anybody. They may be symbolically named as conferees at some point, if indeed we have a conference. My colleagues can talk about that. Maybe we won't have a conference.

But it is one thing to shut Members of Congress out and not allow them to represent their people. Almost 50 percent of the people are shut out by virtue of not including the minority party in any deliberations henceforth and to this point and to the final deliberations. And there are some serious issues, Mr. Speaker, that need to be resolved, that need to be resolved. The American people want to see this. They want to know. They want to have the opportunity.

I am sure, Mr. Speaker, that my wife is not the only spouse in this United States House of Representatives who loves to watch C-SPAN at all hours of the day and night, because they are so unbiased, and they cut to the chase, and they treat people fairly, and they take questions from Democrats, and Republicans, and independents. And it is no nonsense. It is just the facts, ma'am, sir. C-SPAN televises many of the things that we do in this Chamber and in the other Chamber and the committees process. Brian Lamb, who has been with C-SPAN, I guess he is president and CEO, probably been there 20 years, an icon, really, wrote a letter just recently to the President of the United States.

And, Mr. Speaker, here is the letter from C-SPAN to the House and Senate leadership. "C-SPAN requests that you open all important negotiations, including any conference committee meetings, to electronic media coverage," so the American people can see, can connect the dots, can understand

about the Louisiana Purchase, can understand about the Nebraska Compromise, or is it the Cornhusker Compromise, in which it seems to I think a lot of people out there on Main Street that maybe Nebraska got the corn and everybody else got the husks.

That is why we need openness and sunshine. And that is why Brian Lamb and C-SPAN are making this request. And that is what we are here to talk about tonight. And as I say, I am pleased, Mr. Speaker, to have some of my colleagues in the GOP Doctors Caucus with us. I don't know in what order they arrived on the floor. But I want to yield to each of them as much time as they desire to let's have a little colloquy and talk about this issue, because this is so important. And indeed, we are at the eleventh hour.

Let me first recognize my good friend from Texas, my classmate, a fellow OB/GYN physician. I think between us we have probably delivered about 8,000 babies. And I know I have 26 years at it, and I know he has 17 years at it, so I will call on the gentleman from Texas, OB/GYN doctor and great member of this body, Dr. MICHAEL BURGESS.

Mr. BURGESS. Well, I thank the gentleman for yielding, and I thank him for bringing this hour to the floor of the House tonight. I think it is important to talk about this issue. It is important to talk about opening the doors, opening the windows on this Congress, on this health care legislation.

We have seen this bill now take several forms over the past 12 months since the President was inaugurated. And certainly the bill that we had in committee, and Dr. GINGREY and I serve on the Committee on Energy and Commerce, and we had this bill for several days in what is called a markup in committee. That was covered on C-SPAN. People got to see us argue, and Republican members attempt to amend the bill. Not many of those amendments were accepted, unfortunately. But nevertheless, it was an open process. And HENRY WAXMAN, the chairman of that committee, to his credit, did allow a relatively lengthy discussion on that legislation.

However, when we left for August and went through the very famous August recess and August town halls, we came back to Congress, I thought we would hit the pause button, I thought we would hit the resets button, I thought we would hit the rewind button on this legislation, but no such luck. The President came and talked to us here on the floor of the House and said this was going forward, it was going forward rapidly, there was no time to lose, no time to stop and study what we had done. We were simply going to push ahead.

So between that date, which was the middle of September, and the very first part of November, another bill was

written. It was a different bill from what we had in the committee. It was a different bill than what Dr. GINGREY and I attempted to work on in committee. It was a bill that was essentially written in secret. It was written in the Speaker's suite of offices, heavy, heavy input from the White House.

But none of us saw the bill. And I mean to say none of us, none of us Republicans, nor in fact no Democrats who weren't in leadership, who weren't part of this process, this secret process in the Speaker's suite, none of them knew what was in this bill. So as a consequence, we had a bill come forward, we had a very tumultuous week here in early November, and it culminated in the House bill passing on the floor of the House by a very slim margin, late in the night, late on a Saturday night in early November.

Then it goes over to the Senate, and the same thing. We had the Senate Health, Education, Labor, and Pensions Committee mark up the bill in June. Then it went to the Senate Finance Committee. They never had a bill. They debated talking points, but then they did a bill. And then the final product was written in secret, in secret in Majority Leader REID's office with a heavy input, a heavy hand from the White House, and then came to the Senate floor, and famously was laid out for the Senators right before they left for Christmas Eve.

So it has been a process that has been draped and cloaked in secrecy really since it left the committee process July 31. The American people haven't had a chance to see it, rank and file Democrats haven't had a chance to see it, rank and file Republicans have had no chance to see it. None of us who are the so-called backbenchers on both sides of the aisle, none of us had any part in drafting this legislation, or carrying this, or modifying this legislation after it left the committee. And that is important to remember.

The Rules Committee met here in the House late into the night. One amendment, one amendment was accepted, famously the one by BART STUPAK from Michigan, a Democrat, that dealt with the issue of abortion, funding of abortion in the bill. But one amendment out of the many hundreds that were offered during the course of that time it was in the Rules Committee, one amendment was made in order.

Many, many amendments we could talk about that had merit, that should have had an airing here on the floor of the House were never even considered. So we have a process that has been cloaked in secrecy. And so when it came out that, well, there is going to be some sort of reconciliation process, whether it is a formal conference or whether it is what is famously referred to now as a ping-pong match between the House and the Senate, there is

going to be some coming together of these two very different pieces of legislation. And it is important.

So why not, at least at this point, open it up and open it up to the cameras, the C-SPAN cameras. They are not there with commentary. They are not there with an editorial agenda. They are simply there with their cameras to show the give and take. And the President, when he was running for office, thought this was so important he wanted to show the American people which representatives, which Members of Congress stood with the American people and which stood with the special interests. In fact, I would like to know that very thing myself, but we are prevented from knowing that.

Now, early in this process, in May or June of this past year, there were several of those special interests that met down at the White House. There were headlines that were made on those days, there were photographs taken, hands that were shaken, agreements that were made. \$2 trillion in excess has been wrung from our health care system by the insurance companies, the pharmaceutical companies, my AMA, the American Hospital Association, AdvaMed, the medical device manufacturers, and the Service Employees International Union, all of those six groups got together at the White House and gave up, they came to the White House to give up something to get this bill the momentum it would need. But none of that information has then subsequently been made available to us.

And thus you had situations occur, such as in the Senate Finance Committee, when a Senator asked legitimately, "Well, I thought we could tax this on the hospitals, but the hospitals say that wasn't part of the deal that they struck at the White House." Well, what is that deal that they struck at the White House? We are the legislators. We should be privy to that very information so that when we write the legislation we can do so with the full knowledge.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. BURGESS. Yes.

Mr. GINGREY of Georgia. I thank the gentleman. Certainly carrying along that same theme is an example, the Big Pharma, a willingness to contribute \$80 billion toward the success of this program to reduce the cost of the doughnut hole for those who have Part D prescription drug part and they get in that donut hole. The question needs to be asked and the American people need to understand, well, what does Big Pharma get in return for that? The gentleman from Texas said the same



thing in regard to the American Medical Association and the 250,000 members of that organization. What in effect do they get by endorsing this program? And the American Health Insurance Plans and the American Hospital Association and on and on and on.

AARP, the American Association of Retired Persons, that represents 40 million people in this country, you would think that when you have got a health program, Mr. Speaker, in both the House version and the Senate version that is cutting \$500 billion out of the Medicare program, which already has an unfunded liability over the next 75 years of \$35 trillion, why in the world would an organization who is supporting seniors who depend so much on Medicare support a program that is going to cut that program to the bone 10 percent per year, Mr. Speaker, over the next 10 years and 17 percent per year on the Medicare Advantage program? Why would that organization?

So again, these are rhetorical questions. And as the gentleman from Texas is saying, the American people and C-SPAN says indeed, let's put some sunshine on this and let people connect the dots and figure out, well, oh, yeah, now I see, now I understand. Make some sense out of it.

Mr. BURGESS. Well, and the good news is that this is information that we need as legislators, the American people need to see to make up their minds as to whether or not this is good legislation or not. We have a tool at our disposal. The tool is called a resolution of inquiry. And a resolution of inquiry can be filed at the committee level. And a resolution of inquiry has to be, after it is filed, has to be dealt with in 14 legislative days.

I filed a resolution of inquiry for these documents down at the White House, that were arrived at down at the White House in May and June. I filed a resolution of inquiry right as we left December 17. The resolution is H. Res. 983 for anyone who might want to look that up on Thomas. And our Committee on Energy and Commerce will have 14 legislative days to deal with this.

□ 2030

Now, my expectation is that the committee will simply quash it. That may be, but at the same time I feel it is our obligation, as dutiful members of the minority, to bring to the American people some of these discrepancies.

Now, part of the good news there is when I filed this, an article that was written in *The Hill* the day that we left town in December talked about this Resolution of Inquiry and had some interesting quotes from our chairman, HENRY WAXMAN, on the resolution. And quoting from an article by Molly Hooper in *The Hill* on December 17, Mr. WAXMAN said, "If there are such documents, Burgess should get them. I

don't know if there are such documents. I think some of the things he wants are not written down, and different people have different ideas of what was agreed," WAXMAN told *The Hill* on Wednesday before Congress adjourned.

I don't know either whether anything was written down, but the Resolution of Inquiry is there for a reason. I have been informed by House legislative counsel that they cannot recall having done a Resolution of Inquiry on a health care subcommittee, but this is important. This is important stuff.

So this is one more tool at our disposal. The committee has to act on it. Probably it will mature sometime in early February. We are working so few days in January, the 15 legislative days likely will take us into February. It will either be forwarded from the committee to the floor of the House or it will be quashed in committee, which is what I expect will happen. But nevertheless, it is one of those things that we should be talking about because it is our obligation to bring some of these things to the floor on this discussion.

Before anyone criticizes me by saying, "Well, why didn't you speak up when George Bush had a meeting with energy executives?" for one thing, I wasn't here when then-President Bush convened that meeting. But I don't recall President Bush in his campaign saying, "Energy is so important that I will bring all the leaders in energy into the White House and I will open it up to C-SPAN." I don't recall him saying that. He never promised to open it up to C-SPAN.

Now, President Obama, when he was running, had referenced the Clinton administration and some of the missteps when they attempted to take over health care and the 500 people who were locked in a room to produce a bill. He thought that was wrong. He thought that was a problem that the bill had because it was conceived in secret, and it should have been conceived in the full openness of sunlight in the legislative process. I agree with that. I, for one, am looking forward to the day that we elect a President who has the courage to stand up and say to the American people that he is going to put 500 doctors in a room and make them come up with a way to pay lawyers and he's not going to let them out until they come up with something. I would like to see that happen.

I do thank the gentleman for bringing this issue up. It's an important issue, and I know there are other people who wish to speak on it.

I yield back to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman.

Mr. Speaker, at this point, I would like to yield time to a fellow member of the GOP Doctors Caucus and actually a member of the Georgia Caucus, a

fellow physician who has a practice, a doctor who actually makes house calls, the gentleman from Athens and Augusta, Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY, for yielding.

I have a 19-year-old son. His name is Paul Collins Broun III. We affectionately call him "Bear." Collins and his friends have a peculiar type of language. They talk about something being "bad." Well, to me, if it's bad, it's bad, but when they say something's bad, they really mean that it's good. Well, we've developed a similar kind of language here in the leadership of this House, in the leadership of the Senate, as well as the leadership down Pennsylvania Avenue at the White House. When they say something is transparent, they mean opaque. When they say that there is a new era of openness, that means secrecy. That is exactly what we're seeing. It's unfair to the American public. It's unfair to their representatives, both Democrat and Republican alike.

We have a newspeak here in Washington. It's a newspeak where transparency actually means opaque and obscure, where the American people are being kept in the dark, where major policies are being proposed that are going to radically change how health care—as well as every aspect of life in America—is going to be done, and it's not fair. The American people need to stand up and say no. They need to say no to this newspeak. They need to say, Mr. President, NANCY PELOSI, Madam Speaker, HARRY REID, Mr. Majority Leader, we want openness. We want transparency. We want a new era of open government so that the American people can understand what's going on up here in Washington.

It's absolutely critical that the American people stand up and speak to the leadership and demand something different, that the American people demand that nothing is passed, particularly on health care, that is going to radically change the economic future of our country, that is going to radically change the way people live because anything and everything can be brought under the aegis of health care. I think probably we are going to see way beyond the things that are going on today where government is trying to control what we eat, how we live, what kind of car we drive.

Mr. GINGREY of Georgia. If the gentleman will yield.

Mr. BROUN of Georgia. Certainly.

Mr. GINGREY of Georgia. Mr. Speaker, even so, we're talking about one-sixth of the whole economy of this great country of ours, and it's going to expand.

I yield back to the gentleman.

Mr. BROUN of Georgia. Well, this is not about health care. It's about the government. It's about government control. It's about government telling



people how to live, government making decisions for us. It's taking away our liberty. And we see right now New York City is trying to control the amount of salt in everybody's food.

This health care plan can tell us what kind of car to drive, whether we can own guns or not to protect ourselves and our home, whether we can teach our children the way that we, as parents, believe that our children ought to be taught.

This is the largest takeover of liberty and freedom this country has ever seen. The American people need to stand up and say no to this obscure, opaque, secret process that this leadership of this House and the Senate across the other side of the Capitol and the administration, the Obama administration, and the leadership are doing, because it is totally, totally against everything that this country stands for.

Mr. GINGREY of Georgia. If the gentleman will yield, Mr. Speaker, just for a second.

The American people—and I think that my colleagues would agree with me—the American people have spoken, haven't they?

Mr. BROUN of Georgia. They really have.

Mr. GINGREY of Georgia. Over 60 percent of them are vehemently opposed to this government takeover that Dr. BROUN is talking about.

I will make one other comment before yielding back to my friend, and that is that the Speaker herself—Mr. Speaker, you're in her stead in the chair this evening, but the Speaker, back in 2006 on the campaign trail when your party did indeed take over the majority, Mr. Speaker, Madam Speaker—minority leader at the time—said to the American people, You give us an opportunity to take back over control of the leadership of this Congress, this House of Representatives, and you will see the most open process you have ever seen. It will be a breath of fresh air. That sun will be shining in. The American people will come up and the children will sit around as I'm sworn in and they will be right there at my knee and I will be patting them on the head, Mr. Speaker, she said. And it will be wonderful. Happy days are here again. Well, when you say something like that—and I think my colleagues agree with me, Mr. Speaker—you need to deliver.

Now, she could have said, back in 2006 on the campaign trail, These rotten Republicans who have run this place for 12 years and they haven't given us a fair shake. Man, you give us an opportunity, put us back in, when we get there, we are going to roll them at every opportunity. Well, she would have been speaking the truth, Mr. Speaker. Madam Speaker would have been speaking the truth. That's what she should have done because that's

what she did. We have no openness here. It's kind of like our current President said, you know, a change you can believe in.

Mr. Speaker, I don't think this is the change the American people were expecting, and they certainly don't believe in it.

I yield back to my colleague.

Mr. BROUN of Georgia. Well, Dr. GINGREY, thanks for yielding back.

And you are exactly right, the American people were promised many things by this Speaker: transparency, openness, the new era of a clean government with a prosecution of corruption. Nothing could be further from the truth. This Speaker has not fulfilled those promises to the American people.

The American people need to stand up and understand that they are really in control. The Constitution of the United States, which I believe in as it was originally intended, starts off with three very powerful words. In fact, I have a copy in my pocket. I carry a copy all the time. It starts off with three powerful words, "We the people." This is the government that is supposed to be for the people, by the people, as President Lincoln said.

The people have the power. They have the power to demand openness. They have the power to demand transparency and stop this secrecy and stop the veil that's going on up here. In fact, I challenge any Democrat in this House or in the Senate to show me anywhere in this document that we have the authority, constitutionally, to take over the health care system. It's not here. I challenge any Democrat to show me in the Constitution where we have the authority to pass this health care bill that they're taking. They won't find it. It's not there.

The American people can demand from their elected representatives within the House or the Senate something different than we have today. Former U.S. Senator Everett Dirksen once said when he feels the heat, he sees the light. What he means by that is when the people who elect him, or reelect him, contact him and say, You're headed in the wrong direction. You need to head in a different direction, when enough people contact him, that's putting heat upon the elected representative. The elected representative, if he wants to be reelected, will start paying attention to enough of those phone calls, emails, faxes, and visits and will start seeing the light.

We need to shine the light of day. The American people can control the light in their hand right now today by getting on the telephone, getting on their computer, by calling their Representatives, by calling their Senators, their district offices or their offices up here, and saying no to this government takeover of health care, saying no to this obscure, secretive process that NANCY PELOSI, HARRY REID, and Barack

Obama are undertaking, and saying yes to the openness and transparency we have been promised by Ms. PELOSI as well as Mr. Obama.

Mr. GINGREY of Georgia. Reclaiming my time, and I thank the gentleman, I want to continue in just a second and introduce our next speaker, the gentleman from Tennessee and a fellow OB/GYN physician, Dr. PHIL ROE. But the gentleman from Athens, Georgia, is absolutely right. And as he pulled out his pocket Constitution—and I'm so proud of him for keeping it with him at all times because there are things in this bill that we think, Mr. Speaker, and I think the American people feel are unconstitutional, that are unconstitutional. I hope Dr. ROE will speak of that. These issues are so important at this 11th hour to not let the American people see the process for Madam Speaker and the Democratic leadership and the President. I showed you all the quotes at the outset of the hour, Mr. Speaker and my colleagues, and you know he said it, she said it. It's time to deliver.

I yield to my good friend from Tennessee.

Mr. ROE of Tennessee. Thank you, Dr. GINGREY.

A little over a year ago, I stood on this House floor and was sworn in for the first time in the 111th Congress, one of the proudest days of my life. It goes up there with my marriage, the birth of my grandchildren and children. It was a very proud day to be here.

I came from a background of local government, and in Tennessee, where we're from, I was the mayor of Johnson City, Tennessee, and was a city commissioner and local official. In that State, we have a sunshine law. Everything that is discussed is discussed in the open. It cannot be discussed in our local city government. We have five officials. We cannot discuss anything between ourselves unless we are in the open. That means an open, scheduled meeting that has been published or with a TV camera on.

Let me tell you what happens, Mr. Speaker. When that happens, you get a better government and you get a better product when the sun shines on it.

□ 2045

I will tell you that one of the great disappointments I have had is when I woke up near Christmas Eve and found that one of the Senators had voted for a health care bill to exempt a State that other States are going to have to obey on. I was absolutely nauseated with that. It is the most unbelievable thing. It made me ashamed to be a Member of this great body, and I shouldn't be. I should be proud. Every Member should be proud and honored to belong here. We lecture Hamid Karzai in Afghanistan about corruption. Let him turn around and look at our government and say, Wait a

minute. For enough money, you can get your vote bought off to do something. If that health care bill had had legs, it should have stood on its own. Let me explain to you what that means for other States, and let me explain to the American people what that means for the State of Tennessee.

Right now, we have 50 fewer State troopers than we had in 1977, and we have 2 million more people. For the safety of our State, we can't afford Medicaid, which this bill in the Senate does. If it is accepted without going back to the Senate and goes straight to the President, we will have 15 million more people who will have Medicaid. With that comes an obligation from the State to pay for that. We don't have any money to pay for it in Tennessee. Right now, our colleges do not have one capital improvement project on a single college campus—the University of Tennessee and all of the 26 board of regents colleges—not one dormitory, not a library, not a chemistry department, not anything. Right now, we can't add any more people to our local Medicaid and Medicare plans.

Mr. GINGREY of Georgia. If the gentleman will yield—

Mr. ROE of Tennessee. I will.

Mr. GINGREY of Georgia.—Mr. Speaker, I wouldn't be a bit surprised if some of the teachers in the great State, the volunteer State, are having to take furloughs and leaves of absences and are having to work short days and that kind of thing.

I yield back.

Mr. ROE of Tennessee. Where do we go? Do we cut K through 12? We're already in the 40s in education.

Here is another unfunded mandate that comes to the State of Nebraska, and the people in Nebraska don't have to pay for that. The people of Texas do. The people of Ohio do. The people of California do. The people of Maine do. This is something that should not be there. When the sun shines on this, this will not happen. That is why it is extremely important for the sun to shine on this process.

You mentioned a moment ago, when you peel this onion back and when you begin to read this bill—and I've read every page of the House bill. I have not read the 2,700 pages of the Senate bill—we look at the AARP. When you sell, there will be an insurance exchange, and on this insurance exchange, if a company trades on there—and this is a private company—their CEO will be limited to a \$500,000 salary, which is tax deductible. That's fine. That company ought to be able to decide what it pays its CEO. If you pay more than that, you have to pay corporate taxes of 35 percent plus ordinary income taxes of 39 percent. So, for anything over \$500,000, the government will get three-fourths of it—except if you are the CEO of AARP. If you are the CEO of AARP, you make \$1.55 million a

year. The average Social Security recipient receives about \$12,000 a year. That's their business, but they are exempted from this bill. They are not included in this bill. So guess what happened? AARP endorsed this bill. I can go on and on.

Mr. GINGREY of Georgia. If the gentleman will yield—

Mr. ROE of Tennessee. I will yield.

Mr. GINGREY of Georgia.—I want him to go on and on because he has got a lot of facts to present.

The point, Mr. Speaker, is about AARP and other organizations and about wanting the people to have the opportunity to see for themselves with their eyes and to listen to the debate with their ears and to figure it out with common sense and to connect the dots. I mean, AARP, you know, do they make some money off the deal?

I do want to make one point, before yielding back to the gentleman from Tennessee, recognizing the good people of Nebraska—the Corn Husker State—and coach Tom Osborne, who is a former Member of this body, a great colleague, a friend of ours who is now the athletic director at the University of Nebraska. It's a great, great State. To their great credit, the Governor said, We don't want it. We don't want this sweetheart deal. This is not right.

I commend him, and I commend the State of Nebraska for understanding. Mr. Speaker, the inequity, the realization that the sweetheart deal for them means crumbs and bacon bits for everybody else. They understand that. Of course, now the Senator who was able to effect this sweetheart deal is saying, No, let's not rescind the deal. Let's just give the deal to everybody. Then what's going to be the true cost? Instead of \$1.2 trillion, it will be \$2 trillion; but anyway, I digress a bit.

Let me yield back to the gentleman from Tennessee.

Mr. ROE of Tennessee. Thank you, Mr. GINGREY. Thank you, Mr. Speaker.

As you go through this bill, the people who do get it are our seniors. I saw a lot of senior patients, as did you, and as I went home and spent these last couple of weeks over the break meeting with hundreds, if not thousands, of people during that time and talking to them one on one, let me tell you what they do get:

They do get the fact that you're going to take in the next 10 years almost \$500 billion out of a Medicare plan that does not pay its premiums in 2017. Seven short years from now, it will not pay for the obligation that we have now, and we are going to add 3 to 3.5 million seniors beginning in 2011 when the baby boomers hit. So that's 30 to 35 million more people with \$500 billion less money. Let me explain to you three things that will happen.

One is you will decrease access. And when you decrease access, you will decrease quality. Third, you are going to

increase the cost for our seniors. They get it. They do understand that, and they understand they're going to pay more for needed care that they may not be able to get. That's the other reason. As people begin to understand what is in this bill, they push back.

Just today, Dr. GINGREY, as I was leaving home—and this has been consistent throughout my district—a poll was published in the local newspaper that showed in our district, the First District of Tennessee, that 79 percent of the people did not want this current bill, this current legislation. This is 8 out of 10. We'd better start listening to the people of this Nation. They have been screaming as loudly as they can. They want to be heard. I am afraid, right now, we are not listening to them. They want meaningful health care reform; 435 Members of this body want meaningful health care reform. We don't want to interfere with the doctor-patient relationship, and we can do that. We should be able to discuss that openly, and the cameras and the lights should shine upon those decisions.

I yield back, Mr. Speaker.

Mr. GINGREY of Georgia. I thank the gentleman.

I wanted to also mention a couple of responses from the White House in regard to the present CEO of C-SPAN requesting that the negotiations, whatever they are—whether there is a ping-pong back and forth between the House and the Senate or a mini conference or a full conference, whatever the deal is, for goodness sakes, let the American people see it. Even if they shut us Republicans out, let the American people have the opportunity. C-SPAN said, Look, we will provide all of the equipment—the digital—just as they do in this Chamber.

On the Sunday Morning show, Mr. Speaker—and I'm sure most of us watch it. I watch it every Sunday—here is what the press secretary, the Honorable Robert Gibbs, said on January 5, 2010. The reporter asked: Did the President regret making that earlier promise to broadcast meetings on C-SPAN? Robert Gibbs' response: The President's number one priority is getting a bill through the House and the Senate.

Yes, Mr. Speaker, we get that.

Let's get ourselves out of this hole that we've dug at any cost, with any sweetheart deal, whatever we have to do to get 60 votes. Let's pass this darned thing so that I can stand up here at the State of Union and declare victory. We can all pound our chests and do the high fives and the knuckle to knuckle, or however you do that these days, and declare victory and, for goodness sakes, move on to something else because this is killing us.

Unfortunately, Mr. Speaker, if and when that happens, it is going to kill the American people. I have great concerns, and my colleagues do as well.

I yield back to the gentleman from Athens, Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

As you and our colleague from Tennessee, Dr. ROE, were talking about the Senate bill and as you went on, it just occurred to me that I spoke just earlier about the Newspeak in the leadership in Washington—in the House and the Senate as well as in the Presidency—and about how “transparency” now means being obscure and opaque and how “openness” means being in secret.

As to the deals that are being struck, from everything we understand in my language, when people are threatened with harm if they don't go in a certain direction, that's called “extortion.” If somebody is offered a perk or money or something for going in a particular direction, that's called a “bribe” if one accepts it.

Mr. Speaker, we're having a lot of extortion and a lot of bribery going on in this process. I will repeat that. There is a lot of extortion and bribery going on in this process, and the American people deserve better. The American people deserve more. They need to stand up and reject this process of secrecy, of obscurity, of opaqueness, of broken promises, and of everything that we see going on in this House.

Mr. GINGREY of Georgia. If the gentleman will yield back to me, I want to point out to my colleagues, Mr. Speaker, that I realize our time is limited.

As we conclude our hour, the gentleman didn't mince any words. We know that, my colleagues, and I love him for that. He speaks plainly; he is blunt; and you can understand him unlike the typical politician, but what he is talking about are things like—and we mentioned it—the Corn Husker kickback. We're having fun with these names.

One-hundred million dollars for Nebraska's support of Obama health care. I credit the Governor of Nebraska who says, No, we don't want it. God bless him. The Louisiana purchase: \$300 million to purchase the Louisiana vote. That's about 12 million more dollars than it cost to purchase the whole Louisiana Territory in current dollars. UCONN: \$100 million for Connecticut's support. I guess that's Mr. CHRIS DODD of the Obama health reform. Gatorade: 800,000 seniors in Florida get to keep their Medicare Advantage.

What about the other 10.2 million seniors in the rest of the country? What about the 175,000 in my great district, the 11th District of Georgia? What happens to them? Mr. Speaker, they get pushed under the bus. That's what's happening to them. It's not right.

Well, here is what the American people think. Here is what they think. I know the President knows this, and I know the Democratic majority knows this, and I know that's why they want

to pass this thing in the dark of night. They don't want C-SPAN looking in. They don't want Republicans looking in. They don't want the American people looking in. They want to get out of that hole and get out of town. That's what their plan is.

Obama's health care marks hit a new low as 54 percent disapprove of Obama's handling of health care and only 36 approve. Look at his overall approval rating going back to February of 2009, Mr. Speaker, when it was 61 percent. Let's just fast-forward here over on this slide to January of 2010, and we are talking about 46 percent. Scary times for the majority party. Scary times for this President. But scarier times for the American people.

We hear this expression all the time. Mr. President said it himself: It is time to press the reset button in dealing with Vladimir Putin, the Russian President. It is time to reach out with an unclenched fist to Ahmadinejad, this dictator over in Iran, who is trying to develop a nuclear weapon despite all of our pleadings and reaching out with an open hand. It is time to push the reset button with Kim Jong Il in North Korea.

□ 2100

Well, Mr. Speaker, I suggest this time to push the reset button with the American people, and give them a fair shake and be honest with them and tell them what is in this bill, these 2,500 pages that they can't understand. They could if they had time or if they had an opportunity, and C-SPAN is trying to give them that opportunity to shine the light of day on this process.

That is what it is all about. That is what Madam Speaker promised. That is what this President promised. It is time for them to deliver.

Mr. Speaker, I want to yield a few more minutes, whatever time remains, to my good friend from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Very quickly, Mr. Speaker, I think what the American people want for us to trust is transparency. The people have to trust us for us to govern, and they can't trust us if they don't know what is going on.

I know, Mr. Speaker, you went home, I went home for the holidays; and they said, What is going on with the health care bill? And I told them, You know as much as I do. Because we are in the dark just as you are. And that is not the way it ought to be.

Mr. GINGREY of Georgia. I thank the gentleman from Tennessee. I thank the gentleman from Texas. I thank the gentleman from the great State of Georgia.

Mr. Speaker, we thank all for the opportunity for the members of the GOP Doctors Caucus to spend some time tonight to explain to our colleagues on both sides of the aisle what our con-

cerns are. I think we did it in a very fair way. We did it in a way that is not a personal attack on any individual, any Member of this body, any member of the administration. We are just asking to give the American people a fair shake.

Mr. Speaker, I yield back the balance of my time.

#### HEALTH CARE BILL

The SPEAKER pro tempore (Mr. QUIGLEY). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I would like to continue much as we have done over this past hour, talking about this same issue, the health care bill that is now before the House and Senate, even though none of us have seen the finished product, and what has happened on the issue of transparency over these past several weeks since the House adjourned in the middle of December.

I am going to talk a little bit more about the resolution of inquiry because I believe that is an important tool that is available to the minority Members of the House. And I think it is a tool that we need to use, a tool that we need to exercise in order to get the American people the information that they are going to need to make up their minds about this bill.

If time permits, we will talk a little bit about some of the structural issues, some of the procedural issues that still are yet to occur if this bill indeed passes and is signed into law: What are the ramifications thereof? When will things happen? What will occur at the level of the Federal agency at the Department of Health and Human Services?

But I thought, first, it might be useful just to do a brief recap of where we have been this past year.

As most of us know, it has been not quite a year since the inauguration took place here in January of 2009, a historic day. A record number of people came and stood to watch the inauguration and to hear the speeches that occurred that day.

We had a very spirited campaign during the fall. We had the appearance, for the first time, of some rather stark economic news that hit the headlines and perhaps dictated some of the course of the campaign, and certainly dictated some of the course of the very early legislative process in this body.

I will tell you, as someone who watched the campaign of 2008 for President, as someone who watched that very closely and was very interested in the health care policy aspects of that campaign, I was, frankly, surprised. When the campaign came to a conclusion and the votes were counted and the President won, I was surprised that there was not a bill that was almost

ready to come to either the Senate Finance Committee or one of the committees of jurisdiction on the House side.

I rather expected that to be the Senate Finance Committee, because in October of 2008, Senator BAUCUS, the chairman of the Senate Finance Committee, convened several stakeholders over in the Library of Congress in the Members' briefing room there, had a day-long session, and took testimony and began, for all the world, to look like he was crafting a health care bill; produced a white paper shortly thereafter that, for all the world, looked like it was going to be a health care bill.

So after the election, I thought that we would see, relatively quickly, the introduction of at least some draft language as to what this health care bill was going to—what form it was going to take now that the election was over.

We all remember the election. Senator MCCAIN had his ideas on health care. We might come back to those in just a moment, because some of that, we are back to the future now with some of those same tax issues that are now being raised by the Democrats as a means to pay for the Democratic health care bill. They are talking about using some of the same procedures that Senator MCCAIN was talking about during the fall of 2008. So that is a little bit of irony, when they spent so much money blasting the Presidential candidate on the Republican side over his approach to health care.

But we heard President Obama's approach. He said there was going to be a mandate to cover children. He said there was not going to be an employer mandate nor would there be an individual mandate, but that anyone who didn't have insurance would be able to have insurance just as good as a Member of Congress under a program like the Federal Employee Health Benefits Program.

So those were the issues that were discussed and the platform that the President produced during the campaign. Then we had the election. I again was surprised that no bill came forward. I thought perhaps that Christmas of 2008 we might see from perhaps one of the Senators or from someone on the House side, again, at least a draft or an outline or some structure of what this bill was ultimately going to resemble.

Then everyone came back to town for the swearing in in early January of 2009. We stayed around for the inauguration. Three weeks later, the inauguration occurred. And I thought, well, very quickly now we will see some structure on the health care bill.

Now, arguably, there was a great deal of difficulty with the economy. The stock market was in free-fall in those days shortly after the inauguration, and there was a sense of urgency to do something about the economy.

I think the wrong decisions were made in February. But, in all honesty, I think the wrong decisions were made in September and October of 2008, when President Bush put forward the economic stabilization plan and Secretary Paulson, then-Secretary of the Treasury, put forward the economic stabilization plan that they proposed in late September of 2008. I thought those ideas were wrong. I thought the stimulus bill was wrong in February.

In fact, when you look back over this year and you look at the expenditure of political capital on that stimulus bill, had the health care bill been ready to go, had there been anything more than just rhetoric during the campaign, and had there actually been legislative language laid down or at least legislative principles developed from which legislative language could be developed; if we had taken that health care bill up in February, because of the enormous popularity that the President enjoyed in those early days after the inauguration, I think that the President could have pretty much gotten whatever he wanted during those early days. But the decision was made, for whatever reason, not to do that, but to go forward with the stimulus; and that is the legislation that came out of February.

We also had a bit of a disconnect with the nomination for the Cabinet Secretary position for Health and Human Services and the name originally put forward. In fact, that individual had cleared through the Senate committees that were necessary to confirm that individual. But then, for problems that no one could have foreseen, that individual withdrew his name from consideration, and we went for several months without an agency head at Health and Human Services. And I think you can see during that interval that the agency did suffer from not having anyone at the helm at that point of that organization, because, obviously, Secretary Leavitt left upon the completion of the Bush Presidency, and there was no name at that point even to be confirmed by the Senate. So it was problematic that there was not a Cabinet Secretary named for Health and Human Services. And I think, in fairness, that did cause some of the delay on the health care front.

We had, of course, as will always happen during the course of our legislative year here, we had things that happened around the world, things that happened in this country. We had a novel flu, H1N1, that came on the scene that took a lot of attention and time and discussion. We still had problems with the economy. No bill was produced during all this time.

Now, when the Senate Health, Education, Labor, and Pensions Committee met in June for the first time, they began to hear and began to mark up a bill in the Senate committee. And that was really the first glimpse that the

American people had of what this new administration and what this new Congress was going to do as far as health care policy, and it was startling. It was a startling revelation because the cost and coverage numbers that came out of the Congressional Budget Office were some of those first passes through the Health, Education, Labor, and Pensions Committee in the other body, some of the cost and coverage numbers were quite startling.

The cost was quite high, the coverage numbers were quite low, still leaving many people in this country uninsured; and there was quite a scramble to try to adjust things, try to pull the costs down and try to bring the coverage numbers up. In fact, we saw that evolve over the next several months, not just in June, as the Senate Health, Education, Labor, and Pensions Committee dealt with the bill, but on into the summer when the three committees in the House who have jurisdiction over the bill, as they dealt with the bill, and then finally the Senate Finance Committee for the last part of the bill. We saw quite a bit of maneuvering and some magic numbers occurred.

We have got to keep the cost under \$1 trillion. I think \$900 billion is where everyone generally agrees they want to keep that number. And if you exclude people who are in the country without the benefit of a Social Security number, we have got to insure in excess of 90 percent, perhaps 93 or 94 percent. Bearing in mind that 85 percent are insured today, we want to get that number up to 90, 92, 93 percent for that cost of nearly \$1 trillion over 10 years.

So there was a lot of maneuvering around cost and coverage. Cost and coverage really hadn't been a discussion during the campaign of 2008. Cost and coverage really wasn't a discussion around the time of the inauguration. But cost and coverage really stole the show during the summertime.

Now, that was complicated because we had just gone through a terribly, terribly difficult budgetary process in the House and in the Senate, and the deficit numbers were higher than anyone ever thought possible, that anyone thought that they would ever see in their lifetime. So we were already dealing with a budget that was literally bursting at the seams, and then we found a \$1 trillion price tag on this bill that came out of the Senate.

And then, for reasons that I just simply cannot explain, the leadership of the House of Representatives decided in June, while all this drama was unfolding with the Senate. Well, we will just do the cap-and-trade bill. We will just do this energy bill and raise taxes on energy, and maybe that will help us offset some of the cost of this health care bill. It was the darnedest thing I had ever seen.

We had marked up a bill in committee. It seemed pretty terrible to my

observation during the committee process, but nevertheless we marked up a bill that was voted out of committee, and then it just lay there for about a month. It was like no one wanted to touch it. People were stepping around it. No one wanted to actually address this cap-and-trade bill.

Then, suddenly, it was brought to life, brought back from the dead, literally, and passed within less than a week's time here on the House floor. And we passed it late in the day right before we left for the 4th of July recess. After the news shows and the news cycle was over for that weekend, we passed that cap-and-trade bill.

I remember walking out of this House. It was a scant number of votes. There really were not a lot of the excess votes that the Speaker had for that cap-and-trade bill. And I remember walking out of here, and this was not a good feeling of what the House just did.

I have got to tell you, when I got home to my district on Saturday morning, just 12 hours later, the people in my district were up in arms about what the House had done. Even though I had voted against the cap-and-trade bill, there was a lot of anxiety and, in fact, anger in my district because I hadn't stopped this legislative travesty from coming forward. And what in the world did Congress think it was doing with passing this type of energy tax when the country was faced with this severe a recession?

We just had a summer before where gasoline prices had gone through the roof. We perhaps got a little bit of relief there, but it was only because the economy had faltered, but at least energy prices were down. And, now, you are going to raise taxes on energy to put us right back where we were the year before? I don't think so.

So a lot of Members came back here from that July recess significantly set back by what their constituents had told them during the recess over the July 4th weekend.

You can just imagine, Mr. Speaker, walking in your 4th of July parade. You are somewhere behind the American Legion, in front of the Cub Scouts. And as you are walking down Main Street in one of the cities in your district, people are yelling at you from the side about this bill that you passed. And nobody read the bill. That had been over the news. And people were yelling: Next time, read the bill, and even adding adjectives to those exhortations.

So many Members of Congress came back a little bit shaken by what they had encountered in their districts because of some of the actions that Congress had taken.

People thought nobody would notice about us passing a cap-and-trade bill late on a Friday afternoon or late on a Friday night right before a holiday

break, but the American people were engaged. The American people were paying attention. And as a consequence, as we worked our way through July, remember, the big scheme or the big plan was that we were going to take this bill up in the three House committees, my committee of Energy and Commerce, the Committee on Ways and Means, Committee on Education and Labor.

Those three committees were going to take up identical bills, work through them, pass them out of their committees, and then we were going to bring the health care bill to the House floor, vote on it right before the August recess, was the plan, and then we would all go home for the August recess having passed this massive health care bill.

□ 2115

Well, it didn't work out like that. Now, the time for the markup in committees was significantly condensed. Although, no, we're not supposed to talk about process too much, I will tell you this is the type of legislation that really, yeah, it's going to take months. My understanding is—I was not here in 1990 when the Clean Air Act was passed, but it was my understanding it was a months-long markup process in Energy and Commerce. That's the way it should be.

This is complicated legislation. It's going to affect a lot of aspects and a lot of people's lives. There really was not a reason to rush this through unless you didn't want anybody to know what you were doing. And that's the impression that the American people got from this Congress, that we were trying to do it fast so we could sneak something through before anyone really realized what had happened to them, just as we did with cap-and-trade. But because we did it with cap-and-trade, the American people said, Aha, not so fast, and you saw Members begin to waver. And they wavered just enough so that the bill did not pass out of all three committees until we were right up against the August recess.

The bill passed out of my Committee of Energy and Commerce, which was the final of the three committees to mark the bill up. I think we got more time than any of the other committees. Some just had a single day, a 24-hour period, to mark up this complex and complicated legislation. We had at least had several days, though there were several of those days that we didn't actually work while the Democratic leadership tried to fine-tune the bill and take some of the rough spots out of it. But we did have at least a period of time in our committee to read the bill, become familiar with it, and then it passed.

One of the myths that I should dispel is that the Republicans were not involved in the process. Republicans have

been involved in the process from day one. Number one, I was involved in the campaign in 2008. I talked to the transition team right after the election and said, Health care is going to be important this year. I know something about that. I would like to be consulted as you write this legislation. I went to my chairman with the same comments. I didn't give up a 25-year medical career to sit on the sidelines while Congress deals with a bill that affects most of my friends back home who are physicians. No. I wanted to be involved in that process, but we never were.

We were never asked. We were never consulted. We were vilified along the way that we had no ideas and that we would not offer ideas. I had 50 amendments—50 amendments that I offered in committee, in the Energy and Commerce Committee. Now, some of them were great amendments, some of them were relatively modest amendments, but every one designed to improve what I thought was a bad bill. Now, it was still likely to be a bad bill at the end of the process, I was likely to vote against it, but at least it would be a better bad bill as it came out of committee than it would have been had there been no input.

Now, in fairness, the committee did ultimately accept several of my amendments, and several of my amendments were put in the House bill as we passed it out of committee July 31. Unfortunately, those all left the bill some time after that when the bill went to the Speaker's office to be rewritten. But I appreciate the fact that the committee was able to or was willing to accept at least a few Republican ideas.

Then the bill goes to the Speaker's office. A great deal of mystery surrounding it. Where is the health care bill? No one knows. No one knows what's going to happen to it. Are we going to get it the first of October, are we going to get it the middle of October? Remember, the President came right here to the House of Representatives and spoke to a joint session. It had the Senate and the House, both sides. You may remember there was some excitement that night because of some debate that occurred on the floor during the President's speech. But the President said, I welcome ideas from both sides. I want Republicans to offer ideas. But when we offered ideas, the sound of crickets chirping.

The President said during July that, You know what, I'll invite any Republican Member to come down to the White House and go through this bill line by line so they will understand what I'm trying to do. I said, Great, Mr. President. Fired a letter off. Made a call down to the White House. That was around the time of the famous beer summit that you might remember. I said, I don't drink beer, but I'll bring Diet Coke if that will help pass the time. But I would appreciate the opportunity of going through this bill line

by line. Again, never heard a word. Did see something quoted indirectly in one of the newspapers on the Hill that the White House really was not interested in speaking with me on that subject.

The President then offered during that speech in the middle of September, the President said, I will sit down with anyone. It's interesting. The President will sit down with Ahmadinejad and Hugo Chavez without preconditions, but he's not sure about congressional Republicans. But that night at least he said, I'll sit down and meet and talk with congressional Republicans about this bill. Again, great many ideas to offer, Mr. President. I even produced a summary of the 50 amendments that I'd introduced in committee, many of the health care bills that I'd introduced during the course of this year, and said, Let's talk about some of these ideas down at the White House. Again, no answer back for that.

In October, kept trying to get information out of my committee chairman—the Subcommittee on Ways and Means—Mr. STARK, my subcommittee chairman, Mr. PALLONE. When can we see a bill? We're going to get this bill and we're going to take some time to read it and understand it. When can we see this bill?

Well, you'll have plenty of time. Don't worry about that. It will be coming along at some point. Maybe it's too complicated to read before we vote on it.

That bill left our committee July 31, in excess of a thousand pages. We went home to our August town halls during the summer and people didn't like a thousand-page bill changing their health care. They said, Members of Congress won't read it. You won't accept the insurance for yourself, so we don't want it either. A thousand-page bill upset people. That was actually a revelation for me during the summer. I thought the Republicans ought to have their own bill to counteract the Democratic bill, but, in fact, what people were telling me is, We'd like to see you do something specifically with pre-existing conditions. I'd like to see some specifics on increasing competition by being able to buy across State lines. We'd like to see something specific about holding down health care costs by offering some sensible liability reform, which we don't see in this bill. These were the things that the American people wanted us to see. Perhaps you might even argue that seven small bills might have been better than one large bill.

What happened next was after that bill left our committee at a thousand-plus pages, it went over to the Speaker's office, and then in secret, with the White House participating, no Republicans, and I submit no back-bench Democrats were involved in that process either, the bill comes out at the end

of October, the first of November, and it's 2,000 pages. Well, if a thousand-page bill upset people some, a 2,000-page bill really upset them. As a consequence, we heard from our constituents. In my office, the phones were ringing off the hook day and night, calls almost uniformly against whatever was going to happen next in the House with the passage of this bill. As people learned more about the bill, they got more and more uncomfortable about it.

What occurred next was we passed this bill on the floor of the House late on a Saturday night after we'd been kept up here all week and all weekend to pass this bill. It passed by a slim, slim number of votes. In fact, just a few votes changing one way or the other and the bill would not have passed.

It was interesting that the Cable News Network, CNN, produced a poll the morning that we voted on the bill. And I don't remember the precise numbers, but it was approximately 26 percent of the American people liked the bill the way it was and wanted us to pass it just the way it was. A larger number, perhaps 35 percent, wanted major changes in the bill before it was passed. A similar number, about 25 percent, felt that Congress shouldn't even be doing this, that we were overstepping our authority by even working on health care. And then a smaller number was simply disinterested.

So you had 26 percent of the American people thought we were doing the right thing that day when we passed that bill. So it's no great surprise that after that bill passed that, again, many Members have heard from their constituents and, again, there's a great deal of angst and anxiety out there in the country over what has happened. But, undaunted, they picked it up in the Senate and let's go forward. Let's get this bill done. And you heard it discussed in the last hour.

I've told people now for several weeks what we're doing up here has really nothing to do with health care. When's the last time you heard anyone talk about a vaccination rate, or when's the last time you heard anyone talk about something to reduce hospital-acquired infections? No, we're not talking about that. We're talking about how many Medicaid dollars do we need to give away in Louisiana in order to secure a Senate vote. It's an arithmetic equation. The first one to 60 wins. And, as it turns out, the Senate majority leader and the Senate Democrats have 60 votes, and they were able to collar in every one of those and pass the bill right before they left on Christmas Eve. So Santa Claus may have put coal in the stocking of many Americans who were expecting something worthwhile to come out of the House and Senate this year, but he left the Senate floor on Christmas Eve and now is our

first blush back in the Chambers to deal with the aftermath.

Now what has caused all the flap since then is normal process is the House passes a bill, Senate passes a bill. There's going to be differences. The House is a different structure than the Senate. The House has a 2-year term. There are more of us in the House. We tend to be a little more rough-and-tumble than the gentlemanly arena over in the Senate, but that's the way the Founders designed it. So there's always likely to be some differences between the House and the Senate bill. That's not a problem.

The House and the Senate have a way of reconciling that. They get the two together and let's call a conference committee. Conferees are appointed by the Democrats in the House, the Republicans in the House, the Democrats in the Senate, Republicans in the Senate. The conference committee meets and works out the differences. It might pass on a party-line vote. Of course, there are more Democrats on the conference committee than Republicans but, hey, they won the election, and that's what elections are all about.

But the conference committee is not going to happen because—it's not going to happen because this debate now has become an internal debate on the Democratic Party. We will continue to be blamed on the Republican side for obstructing this bill, but please understand there is nothing that we can do. We lack the numbers to stop this bill—supermajority in the House, a 60-vote majority in the Senate. All the Republicans can stay together and the bill still passes because we just simply do not have the numbers.

The arguments that are going on right now are arguments entirely within the Democratic conference. And it is a conference committee, if you will, of the Democratic conference where they're trying to work out the difference the Democrats have with Democrats over the bill, and ignore the Republicans—blame them, to be sure, because they're useful to blame as being obstructionists, but realistically no Republican is obstructing or slowing down this bill. We can't. We would like to, but we can't.

Now, actually, there is perhaps something that might happen. We talked a little bit earlier about sometimes events that happen, change things here in the Chambers, events that happen out of the country. There is going to be a special Senate election in one of the States in the next week's time. In fact, a week from today there's going to be an election from the Senate. If that Senate seat were to change from Democrat to Republican, that would shift the balance from 60 Democrats to 59 Democrats. I'm sorry, 58 Democrats and two Independents that vote with the Democrats for a functional 60-vote majority in the Senate. But they could

lose one of their votes. What happens then? Can we rush this bill through before that new Senator can be sworn in to stop things? I don't know. It will be interesting to see what the plans are, what people try to do. But that could be a game changer that no one would have anticipated a month ago as we left out of these Chambers, that a Senate seat that has historically been in Democratic hands for years and years and years could possibly change.

But such is the angst of the American people over what they've seen us do. And because we've done so much of it, so much of it in secret in the Speaker's suite of offices, again, with the heavy hand of the White House applied at all times; the Majority leader's office over in the Senate, with the heavy hand of the White House applied at all times, why shouldn't—okay, fine, lock the Republicans out.

□ 2130

We lost the election. Maybe we deserved to be locked out, but don't lock the American people out. Which kind of brings us back to the issue of C-SPAN and Brian Lamb's letter to the President. We have all heard. We saw on the news shows a couple days ago. We saw the multiple clips that were up on various Web sites of the President during the campaign saying over and over, I want this process to be open. I want the ideas to be brought in. I just ask that we do this out in the open, around a big table. Bring the C-SPAN cameras in so all can see. If your Member of Congress would rather stand with the special interests than stand with the American people, I want you to see that.

Mr. President, I think you got it right. I want to see that. That's the reason I filed the resolution of inquiry. Because if a Member of Congress is going to stand with a special interest—and not all special interests are Republican special interests, bear in mind. Some of them may be a union special interest on the Democratic side. We heard another discussion tonight by the AARP. Who knows where the special interests are? The American people know, and the American people need to be able to watch that and make those decisions for themselves. This is a big deal.

The first President Bush, during the campaign for President, famously said that the Democrats are going to come to me with tears in their eyes and say, Raise our taxes. And he said that I'll turn to them and say, read my lips, no new taxes. And then he walked back from that pledge, and it cost him. It cost him in the next election. It cost a lot of credibility on the Republican side for a President to walk back on that pledge. So if you have a President who said that this is going to be such an open and aboveboard process that I'll put the cameras in the room, you'll

be able to see which Members of Congress are aligning with the American people and which Members of Congress are aligning with the special interests, who's taking up for the insurance companies, who's taking up for the drug companies, who's taking up for the unions, who's taking up for this special interest group or that special interest group? You will be able to see that on C-SPAN, and the President has now walked back from that pledge. In fact, his press secretary wouldn't even openly acknowledge that they were walking back from that pledge.

Well, let's stop and think for a minute. What is the symbolism of C-SPAN to the American people? People are watching tonight on C-SPAN. C-SPAN is like a window into Congress. It's impartial. It doesn't have an editorial objective. It doesn't come with an agenda. Sometimes it can be frighteningly boring, but at the same time, it is what the American people have identified as their way to keep an eye on Congress. My predecessor, the former House Majority Leader Dick Armey, when he was deciding to run for Congress that first time back in 1983 or 1984, said that he watched the proceedings on C-SPAN, and it troubled him, and he thought he could do better.

You know what? The same thing applies to me. I watched C-SPAN from labor and delivery on the little television that the hospital provided. And I would see things happen, like the House vote on an increased expansion of the debt limit, and I would get frustrated and upset. C-SPAN has been a way to invite the American people back into the people's House, and that has been an important aspect of what has happened with C-SPAN. But think back for just a minute. Why did C-SPAN happen? It wasn't just something that got created on the eighth day because they were running out of things to do. C-SPAN happened because of Watergate. C-SPAN happened because the Watergate hearings that were held were covered by 24-hour continuous, live television coverage.

Television executives said, Nobody is going to watch that stuff. That's so boring, no one's going to watch that. It's like watching your grass grow, watching your grass die in wintertime. But people watched, and they were fascinated by the process. As a consequence, the C-SPAN cameras then came on, and they have not been turned off from Watergate until this day. And the American people get that. C-SPAN is synonymous with good government and good governance.

So if you're not proud enough of your work to put it up there on C-SPAN, what have you got to hide? Why have we developed the major House legislation completely in secret? Why have we developed the major Senate legislation—which now, by the way, is up to

2,700 pages. Why have we developed that completely in secret? I say the White House was involved. We all know that people from the White House were here in the Capitol building the days that those bills were worked on. But since we couldn't watch it on C-SPAN, we don't know who from the White House was sitting in, what they were saying, whether they were simply standing there with their arms folded, or were they participating? Were they part of the give-and-take. Hey, if do you this, we'll do this. We'll try to help you with this. We'll try to protect you here.

We don't know because none of that, none of that has been available to the American people. But the American people do get this. C-SPAN is good government. C-SPAN is good governance. C-SPAN is sunshine on the process. Sure, there's a value in opacity. Anyone can tell you that. But if you're able to kind of get, you know, some of the guys together in secret and kind of work things out amongst yourselves, and then you come to the House floor and say, Well, here's what we think the American people want. No, it's what these guys decide by themselves behind closed doors. Nobody wants that. Republicans lost the majority because the then minority leader NANCY PELOSI said that the Republicans were crafting bills in secret with the special interest groups, writing the legislation.

Well, guess what, folks: Nothing's changed. It's just different special interest groups today than perhaps there were 5, 6 or 7 years ago. The way to ensure that this process is fair and above board is to keep the cameras on, not to include the Republicans in the room. I think we should be in the room, by the way. But that's not necessarily the key to the transparency. The key is to let the American people in the room if they choose to do so. If they're uninterested, if there are other things going on, if there are football playoffs, Final Four, beauty pageants, and the American people are not interested and don't want to watch the goings-on on C-SPAN, so be it. They had the opportunity. They chose to do other things. No one to blame but themselves if they don't like the final product.

But at least they had the option of turning on that channel and watching the proceedings. Our committee hearings, our committee markup was covered on C-SPAN hour after hour after hour, and many of us would sit there and write in little Twitter messages about what was going on now in the committee process. And the three people who are interested in what I send out on a Twitter feed were grateful to get that little bit of information, that little kernel of information. Then they go turn on C-SPAN and say, Yeah, sure enough they're talking about community organizers in health clinics now.

Well, the American people ought to have that option, and the fact that



they don't, the fact that we will not give it to them then raises the question in their minds, What do we have to hide? You've got a big bill, now 2,700 pages. We don't think you're reading it. We don't think you'll take the insurance that it produces for yourself, for your families. Why should we be satisfied about what you're doing to—we heard it quoted earlier—one-sixth of the American economy? Why should we be satisfied that you're going to change the health care arrangement that 85 percent of the country says they are either satisfied or very satisfied with? Why are we going to change that arrangement simply to bestow additional political power on a select group of Members of Congress and Senators?

Because remember, this bill has nothing to do with health care any longer. If you don't believe me, watch—oh, you can't watch, that's right. But remember what happened over on the Senate side. This wasn't about how do we improve outcomes. This was, how do we get the outcome we want, which is to pass this bill? There is something wrong with the process when you say, We can't let you read it. We can't wait. We've got to do it in a hurry. And oh, by the way, the benefits that are going to come to you off of this bill actually start in 2014. Your taxes will start next week.

The American people get that. That's a problem. It's a 2,700-page bill—or at least the one that they passed on the Senate floor was. Goodness knows what it will look like. Whatever happens to it, it's going to be a big bill. There is going to be a lot of legislative language. Well, what happens to legislative language after the bill becomes law? The President signs it down at the White House, a big signing ceremony. People from all over gathered around him, a great day is had by all, a wonderful photo op. What happens then to this signed piece of legislation, this public law that has now been created through this very flawed process?

Well, it goes over to the Federal agency, the Department of Health and Human Services. And there the rules and regulations are written that will dictate what happens in health care to everyone in the country. Those rules will be written, and they'll be written in secret as well. To be sure, there will be a notice of proposed rulemaking. There will be thousands and thousands and thousands of pages generated in the Federal Register of this notice of proposed rulemaking and the rules and regulations that come out of this 2,700 page bill. I would submit that those rules and regulations will probably number in the tens of thousands of pages once it gets through the goings-on over at Health and Human Services.

But here is something that's kind of strange about all of that. One of the big arbiters of those decisions is an individual who is in charge of a part of

the agency of Health and Human Services, the Centers for Medicare and Medicaid Services. CMS we call it. CMS has an administrator. The administrator at CMS is going to be the one in charge of writing a lot of those rules and regulations.

Well, now, who is the administrator at the Centers for Medicare and Medicaid Services? Let's stop and think for a minute. Well, there isn't one because a year into this administration, no name has been put forward to the Senate for confirmation for the administrator of the Centers for Medicare & Medicaid Services. And yet we're in a rush to get this bill passed. We've got to get this thing done. Time's a wasting. People are hurting. We're going to pass this legislation. It's going to go over there to an empty auditorium until that position is filled. It's not the Senate that is blocking a Presidential nomination. Don't fall for that. There has been no name put forward in a year's time.

Now, do you think there's going to be a fight over that nomination over in the Senate? Yeah. I'll bet there is because that individual is going to hold a tremendous amount of power with a 2,700-page bill that affects every jot and tittle of how medicine is practiced in this country. Yeah. There is going to be a pretty big fight over in the Senate, and there should be because it is going to be a very, very powerful position.

So we certainly don't want to rush someone through like we've seen with some of the other Federal agency heads in this past year and have someone in that job who doesn't fit the bill. We want someone who is competent. We want somebody maybe who has run an integrated delivery system at some point along the line. We want someone who has some experience in dealing with not just the creation of health care policy but the actual delivery side, putting the meat on the bones, if I can use that analogy, someone who has actually worked in the trenches in health care.

I think that would be an enormously important first step. But again, we don't even know who that individual is at this point. Since the acting administrator left at the end of the Bush administration, it has basically been filled by agency personnel who are career bureaucrats, and their ability to deal with a 2,700-page bill is anyone's guess. I'm not being critical of the Department of Health and Human Services. That's just the way it is. Right now you've got people who are acting in that capacity, but they are not direct Presidential appointees.

So there is not that accountability. There has not been advice and consent from the Senate, as is required under the Constitution for a Presidential appointment. This is not a czar, after all. This is an actual administrator of one

of the agencies within the Department of Health and Human Services. So there are a lot of moving parts yet to happen.

Now we've seen this bill have more than its share of near-death experiences. Maybe it would be the best thing if one of those near-death experiences actually stuck and forced us to go back and craft something that would actually be useful for the American people. Now I'm not talking about delaying. Remember, it's 2014 before any of these good and great and wonderful programs are going to come to a town near you. There is no urgency about implementing any of the great things that have been talked about in conjunction with this bill. They are going to languish by the wayside.

So since we have that gift of time, why not try to get it right? Because I will tell you this: I've heard people say, Well, let them pass their bill, and then perhaps the Republicans can fix it and repeal the parts they don't like. No, it doesn't work like that. It doesn't work like that. Once you start collecting taxes from people for a yet-to-be received benefit at some point in the future, it becomes very, very difficult to roll that back.

We have a lot of discussion in this House of Representatives about what are the right things to do with Medicare in the future. And goodness knows that any one of us might do things a little bit differently in setting up the Medicare system if we could roll the clock back to 1965 and start over, but we can't. We have what we have with that program. And it becomes—as you've heard over and over again on the floor of this House—it becomes very, very difficult then to take big chunks of it away. We are going to take \$500 billion out of Medicare. That's going to hurt some people.

□ 2145

It is not going to be without pain for some people to do that. There are going to be constituencies that are benefited, and some that are upset. Such is the nature of doing those types of things. Well, you can just imagine if you have the whole health care bill and now you are trying to do that kind of major surgery on that bill after the fact, it is going to be very, very painful, indeed.

So I would submit that as many near-death experiences that this bill has had and as many times as it has been resuscitated literally off the floor of the House and brought back to life, perhaps we would all be better off if one of these times this bill did not survive, and we went back and tried to do the right thing. Again, I enumerated those a moment ago.

What I heard repetitively in the town halls I did this summer and this fall: we are scared of what you are doing. We don't think that you are competent to do the things you have said you are



going to do, but we would like to see something done about people who, through no fault of their own, lose employer-sponsored insurance, have had a tough medical diagnosis and now find that they are frozen out of the insurance market, they are on the outside looking in, and it becomes very difficult for them to get back into a condition of insurance.

We would like to see some of the protections that are out there for the ERISA-administered plans, we would like to see those out in the individual market. And we would like to see more flexibility for COBRA plans, for people who lose their job and then lose their employer-sponsored insurance; and, oh, under COBRA, you can keep it for 18 months but you have to pay not just your premium but the two-thirds that the employer was kicking in during the time of your employment. And guess what, you have just lost your job so that is a very difficult payment to maintain. I know, I saw patients with this when I was in practice.

But we could do things to allow more flexibility within the COBRA plan so that it didn't have to be an identical insurance plan that person carried under COBRA. It could be a plan that had perhaps a benefits package that was more in keeping with what that person could afford at that time. But we don't know; we have never had that discussion. We have never had a hearing or a discussion on that. We have never had an opportunity to have a give and take between the right and the left over what that might look like.

Preexisting conditions, we talk about things like risk pools and reinsurance. Maybe there is a way to do that. The CBO scored one proposal that cost \$25 billion over 10 years. Well, that is expensive; but it is a whole lot less than \$1 trillion. If that is the main problem the American people want to see fixed, why not work on that. Perhaps there is some place we can get that \$25 billion without adding to the deficit. Maybe that would be a legitimate use for some of the moneys in the Medicare slush fund, but we don't know because we never tried. We never had the hearing, and we never seriously addressed how do we do anything other than take it all over, which is what we have done with this bill.

Liability, the Congressional Budget Office has said there is \$50 billion of savings over 10 years or more. Some people say that is a drop in the bucket with health care costs. Maybe so, but it is a start. And it is a pretty big drop, and it is one that we can ill afford to just ignore. Why don't we have those discussions, and why don't we have those hearings. Why don't we do the right thing for the American people and not just continue to protect a special interest group who may have a significant interest in keeping the liability laws the way that they are.

We have had some big changes down in Texas, and it has improved things for people. It has brought more practicing physicians into the State. It gets a lot of criticism because prices and costs have not come down, but that does take time. A journey of a thousand miles starts with the first step, and you have got to take that first step, which is liability reform, before you are ever going to get any of those other benefits. But, indeed, costs have come down. The cost of insurance has come down. The number of doctors available for delivering the care has increased, and we all know the laws of supply and demand: if you increase the number of doctors in a community, costs will diminish. People will have more open appointment slots, and they are anxious to fill them. If there is excess capacity to fill in their clinics, they are going to want to fill those appointment slots. So perhaps they are willing to take someone who will pay over time, or perhaps they will offer a discount to get more people in. That's the way things work.

Instead, we have this massive government overlay that is going to control every aspect of your doctor's and patient's life, and it has never been tested. We have a system that 85 percent of the American people are satisfied or very satisfied, and we are going to change it all with something no one has ever seen in this country. God help us if they don't like it. Well, we know that they don't like it because they have told us they don't like it. A CNN poll, CNN which generally tends to be very favorable to programs proposed by this President, generally tends to be very favorable to Big Government solutions to social problems, 26 percent of the people polled by CNN said, hey Congress, we like what you are doing, go get them. The other 75 percent said slow down and do things differently or you shouldn't even be working on it at all, or we don't know what you are doing and we don't care. But only 26 percent endorsed the activities of this House of Representatives. And that is consistent with the numbers that you see even tonight that are reported by the various reporting agencies, Web sites and cable news services who report around 55 to 58 percent of the American people don't like what they see us doing with health care.

That brings me back to the resolution of inquiry which was filed on December 17. A resolution of inquiry is a tool that the minority has or in fact a Member on the majority has in order to ask for information that they believe is being withheld from them that they need in order to make an informed legislative resolution. It is H. Res. 983, introduced on December 17 just as we left town for the Christmas break. It requires 14 legislative days to mature at which time it must be either voted on in committee or discharged

from the committee to the House floor where it becomes then what is called a privileged resolution to ask that that information be delivered.

Now, I know we don't have the numbers to pass anything on the Republican side. I know a resolution of inquiry introduced in the Committee on Energy and Commerce, if the chairman wants to simply quash it, he has the votes to do that. He will ask his side to vote with him on voting "no" on the resolution of inquiry, and that's where it stays.

But I was encouraged by a newspaper article that appeared on the day that the resolution was filed. It appeared in one of the newspapers up here in Washington called *The Hill*, and in it Chairman WAXMAN was quoted as saying, and remember this resolution of inquiry was requesting documents from the White House that were produced in meetings last May and June when the White House invited six parties to participate in talks down at the White House.

They came up with \$2 trillion in savings over 10 years that they were going to then use to pay for this health care bill. Those were representatives of the pharmaceutical industry, the American Medical Association, the American Hospital Association, an association of American insurance plans, the medical device manufacturers, and the Service Employees International Union. So you had a rather disparate group of individuals representing doctors, insurers, hospitals, medical device manufacturers, pharmaceutical manufacturers, and union representatives who each brought something to the table to say we can give you this much in savings if you will help us with whatever if there is a problem. We don't know what was offered up by the groups that were meeting at the White House, and we don't know what was offered back by the people in attendance at the White House.

Chairman WAXMAN was quoted as saying: If there are such documents, BURGESS should get them, but I don't know if there are such documents. I think some of these things that he wants are not written down, and different people have different ideas of what was agreed.

Well, fair enough. Maybe there wasn't anything written down. It is a little hard for me to believe that a \$2 trillion agreement would be reached on nothing more than a handshake. But if indeed that is the way it went down, then someone should at least tell me.

I sent a letter to the White House September 30 talking about this very issue and asking for specifics as they came out of those meetings and as yet have gotten no answer from the White House. If the answer is, we have no documents, that there never were any documents produced, we did all of this \$2 trillion of savings simply on a wink

and a nod and a handshake, fine, just tell me that.

But at the present time, you are left with situations as developed in the Senate Finance Committee when a tax was suggested on some of the hospital charges and the hospital association said, wait, that wasn't part of our deal. Well, if that wasn't part of the deal, what was the deal? Can you give us some of the details on what was agreed to? Again, as legislators trying to write this legislation so it won't conflict with anything that has been agreed to by the White House, it seems it would make good common sense that they would want to share that with us. I frankly don't understand why that information has not been forthcoming.

Now this resolution was introduced on December 17. Sometime likely toward the end of the first week of February or at the beginning of the second week in February, it will have to come to a vote in the committee. We will see what they do with it. Again, the chairman may say, look, nice try, but we are not interested in pursuing that right now and vote it down; or it may come to the floor as a privileged resolution.

But at least over that period of time we have the opportunity to talk about this. We have the opportunity to talk about these secret deals that were struck down at the White House, and then it ties in very much with the story that everything is going to be up and out in the open on C-SPAN, but we don't want to let the C-SPAN cameras in the room while we craft this final legislative product that is going to deal with health care and how health care is administered in this country for the next two or three generations. That is pretty important, but we are not going to get to see any part of what is going on.

The American people understand that C-SPAN is sunshine. C-SPAN represents good government. C-SPAN was the foil that the American people had against the excesses of a Presidential administration that overstepped its bounds and brought us the spectacle of Watergate and the crumbling of a Presidency. C-SPAN is the preventive medicine that keeps that from happening again in the future.

The first President Bush went back on a pledge he made in the campaign. He made it one time, and he was dealt with very severely by the American people and did not win a second term as President. And many people feel that going back on that pledge of no new taxes, and it wasn't so much the fact that he raised taxes, it was that he raised taxes after he told us he wouldn't. Now we have a President who said it will be out in the open, trust me. You will be able to see it. If your Member of Congress is standing with the insurance companies instead of you, you will know that. Well, guess what, now you don't.

I will tell you since there are no Republicans in the room, there are no Republicans standing with the special interests as this health care bill is being written because we are not allowed in the room and we are not allowed to be part of the process. But we don't know what Democrats are defending the insurance companies or the unions. We don't know what Democrats are defending the pharmaceutical manufacturers. And we don't know what Democrats are defending the doctors, if indeed any actually are. We don't know because we are shut out of the process. Not just us as Republicans, but us as the American people. And that is what is so inflammatory about what has happened this past week here in Washington, D.C.

□ 2200

So a lot has occurred since the House and the Senate went out just before Christmas. We are now back in town. We are told we have an artificial time frame of doing this before the State of the Union address, though it appears that the State of the Union address is a little bit fluid because we don't want to schedule it on top of the season's start of a new television series, so some give-and-take about when that actual address is to be scheduled. I thought it was the end of January. It's now sometime in February.

We do have a big Senate election, and people would do wise to tune into that and be aware of what is happening in a part of this country where a Senate seat that has been safely in Democratic hands for two or three generations may in fact change hands a week from tonight. How long will it take to get that new Senator sworn in? How long will it take to get that new Senator to town so they will be able to vote on this very important health care legislation? Will it take longer if that is no longer a reliable "yes" vote but becomes a problematic "no" vote? Will there be an attempt to run out the clock or stretch out the clock so that we don't seat that new Senator? I think the American people need to pay attention to that because all of those things are an integral part of this process that we call "health care reform" that is now playing out in its final chapter here on the floor of the House and the Senate.

Mr. Speaker, you've been very generous with the time, and I'm going to yield back the balance of my time.

SEPTEMBER 30, 2009.

PRESIDENT BARACK OBAMA,  
*The White House,*  
*Washington, DC.*

DEAR MR. PRESIDENT, I write you once again on the topic of health care reform. As you know, Democrat leaders in the House of Representatives are currently working to merge the three committee bills. Meanwhile, the two Senate bills are waiting to be merged pending completion of the Senate Finance Committee's mark-up of the Baucus plan.

I have closely followed the health care debate for months, making note of actions by all parties involved, including the House, Senate, White House, advocate groups, and the health care industry. These reforms have wide-reaching implications, and you have stressed the importance of conducting business in public so that the American people are aware and involved in the process.

In fact, during a Democratic Presidential primary debate on January 31, 2008, you said: "That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process."

It has now been over four months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of \$2 trillion in the health care system. Little to no details regarding the negotiations have been released, and recent actions and press reports have reminded me of the importance of openness and transparency throughout the legislative process.

Roll Call reports today that negotiators working in the House to merge the three committee bills plan to trim the cost of the legislation by roughly \$200 billion. I wonder what programs or services are being cut, who will be affected, and how these cuts are being decided.

In the Senate Finance Committee's markup, Senator Bill Nelson (D-Fla) introduced an amendment regarding drug prices in Medicare and Medicaid. During the debate on the amendment, Senator Tom Carper (D-Del), while arguing against the amendment, said "Whether you like PhRMA or not, we have a deal," referring to the deal PhRMA cut with the White House earlier this year.

In addition, within the Senate Finance Committee plan is a commission to slow the growth of Medicare spending, most likely through changes to reimbursement policy. However, hospitals would be exempt from this commission because, according to CongressDaily, "they already negotiated a cost cutting agreement" with the White House.

Despite your promise to make all health care reform negotiations in public, we still have very few details on what exactly was agreed to during these highly publicized negotiations. In fact, even the stakeholders involved have, at times, seemed at odds with what was actually agreed to. But the one thing we all know is that, through press statements, many deals were made. Unfortunately, even where brief descriptions of policy goals are available, details on achieving these goals are absent, a point made by the Congressional Budget Office (CBO).

I am compelled to ask—how could Congress have done its' due diligence in creating the policy before us without crucial details surrounding these deals? Were the votes we have seen in the Senate Finance Committee as of late a direct result of these backroom negotiations? Will CBO be able to actually score any of these deals to apply those cost savings to legislation? Were these negotiations in the best interests of patients?

Having little to no information, I cannot judge. However, this begs even more questions. Is Congress enacting the best policy reforms for Americans, or are certain changes being made or not made because of the negotiations orchestrated by the White House? Will smaller stakeholders suffer more from our policy choices because of what larger groups may have negotiated behind closed doors?

Mr. President, I do not write this letter to chide you for engaging in what I consider the most pressing debate before Congress. I applaud you for your leadership in compelling Congress to act. In order to fully understand the policy choices before us, though, we need to know what took place earlier this year during these meetings at the White House. You have made it very clear that you value transparency and have sought to make your Administration stand out in this regard. As a member of the House Energy and Commerce Committee's subcommittee on Oversight and Investigations, so do I. The last thing I would want to see is a formal investigation of these meetings.

Thus, I formally request full disclosure by the White House in the following areas regarding all meetings with health care stakeholders occurring earlier this year on the topic of securing an agreement on health reform legislation, efforts to pay for any such legislation, and undertakings to bend the out year cost curve:

1. A list of all agreements entered into, in writing or in principle, between any and all individuals associated with the White House and any and all individuals, groups, associations, companies or entities who are stakeholders in health care reform, as well as the nature, sum and substance of the agreements; and,

2. The name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations, and the names, dates and titles of meetings they participated in regarding negotiations with the aforementioned entities in question one; and,

3. The names of any and all individuals, groups, associations, companies or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

In our efforts to improve access to health care services, the American people expect us to act in their best interests, rather than protecting business interests of those who are interested in currying favor in Washington, DC. If these health related stakeholders have made concessions to Wash-

ington politicians without asking anything in exchange for the patients they serve, Congress and, most importantly, the American public deserve to know. Conversely, if they sought out protections for industry-specific policies, we need to know that as well.

We must learn what these negotiations mean for the millions of concerned Americans. How they will be better served, including having affordable health coverage and access to the providers they need? These negotiations may have produced consensus on policy changes that are proper and needed, but Congress will never know for sure that we are acting in our constituents' best interests until all the facts are known.

I look forward to the opportunity to speak with you at your earliest convenience on this matter. Should your staff have any questions about this request please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office at 202-225-7772.

Sincerely,

MICHAEL C. BURGESS, M.D.,  
Member of Congress.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and January 13.

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today and the balance of the week on account of official business.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and through January 27.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CONNOLLY of Virginia, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. CONAWAY) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 13 and 19.

Mr. JONES, for 5 minutes, today and January 13 and 19.

Mr. BURTON of Indiana, for 5 minutes, today and January 13.

Mr. GOODLATTE, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. PAUL, for 5 minutes, January 13.

Mr. MORAN of Kansas, for 5 minutes, today and January 13 and 19.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material.)

Mr. KUCINICH, for 5 minutes, today.

#### ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Wednesday, January 13, 2010, at 10 a.m.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the third quarter and fourth quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTHERN IRELAND AND SCOTLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 18, 2009

| Name of Member or employee  | Date    |           | Country                | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-----------------------------|---------|-----------|------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                             | Arrival | Departure |                        | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. John Tanner .....      | 11/8    | 11/11     | Northern Ireland ..... |                       | 849.60   |                  |  |                  |  |                  | 9,334.80   |
|                             | 11/11   | 11/18     | Scotland .....         |                       | 3,229.80   |                  | <sup>3</sup> 5,255.40                                |                  |  |                  |  |
| Hon. John Boozman .....     | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Jo Ann Emerson .....   | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,068.24   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,516.89   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Baron Hill .....       | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Carolyn McCarthy ..... | 11/8    | 11/11     | Northern Ireland ..... |                       | 961.32   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,409.97   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Jeff Miller .....      | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Dennis Moore .....     | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. Mike Ross .....        | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. David Scott .....      | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. John Shimkus .....     | 11/11   | 11/16     | Scotland .....         |                       | 2,232.00   |                  | <sup>3</sup> 3,968.10                                |                  |  |                  | 6,200.10   |
| Hon. Albio Sires .....      | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |
| Hon. John Turner .....      | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,175.16   |                  | ( <sup>9</sup> )                                     |                  |  |                  | 3,623.81   |
|                             | 11/11   | 11/16     | Scotland .....         |                       | 2,448.65   |                  |  |                  |  |                  |  |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTHERN IRELAND AND SCOTLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 18, 2009—Continued

| Name of Member or employee   | Date    |           | Country                | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|------------------------------|---------|-----------|------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                              | Arrival | Departure |                        | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Melissa Adamson .....        | 11/8    | 11/11     | Northern Ireland ..... |                       | 876.33   |                  |  |                  |  |                  | 9,361.53   |
|                              | 11/11   | 11/18     | Scotland .....         |                       | 3,229.80   |                  |  |                  |  |                  |  |
| Kathy Becker .....           | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,112.67   |                  |  |                  |  |                  | 8,428.27   |
|                              | 11/11   | 11/16     | Scotland .....         |                       | 2,344.50   |                  |  |                  |  |                  |  |
| Gene Gurevich .....          | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,112.67   |                  |  |                  |  |                  | 13,153.67  |
|                              | 11/11   | 11/16     | Scotland .....         |                       | 2,344.50   |                  |  |                  |  |                  |  |
| Vincent Morelli .....        | 11/11   | 11/16     | Scotland .....         |                       | 2,232.00   |                  |  |                  |  |                  | 13,040.80  |
| Dr. Amanda Sloat .....       | 11/8    | 11/11     | Northern Ireland ..... |                       | 1,112.67   |                  |  |                  |  |                  | 13,153.67  |
|                              | 11/11   | 11/16     | Scotland .....         |                       | 2,344.50   |                  |  |                  |  |                  |  |
| Delegation Expenses:         |         |           |                        |                       |  |                  |  |                  |  |                  |  |
| Representational Funds ..... |         |           |                        |                       |  |                  |  |                  |  | 22,078.66        | 22,078.66  |
| Miscellaneous .....          |         |           |                        |                       |  |                  |  |                  |  | 458.44           | 458.44   |
| Committee total .....        |         |           |                        |                       | 58,938.38  |                  | 49,651.80  |                  | 22,537.10  |                  | 131,127.28   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. JOHN S. TANNER, Chairman, Dec. 15, 2009.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5199. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0038; FV09-922-1FIR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5200. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes to Handling Regulations [Doc. No.: AMS-FV-09-0031; FV09-983-1FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5201. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate and Changes to Regulations Governing Reporting and Recordkeeping [Doc. No.: AMS-FV-09-0020; FV09-984-3FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5202. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0063; FV09-966-2IFR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5203. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Doc. No.: AMS-FV-09-0045; FV09-987-2FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5204. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0044; FV09-959-2FIR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5205. A letter from the Administrator, Department of Agriculture, transmitting the

Department's final rule — Pistachios Grown in California; Order Amending Marketing Order No. 983 [Doc. No.: AO-FV-08-0147; AMS-FV-08-0051; FV08-983-1] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5206. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Changes to Nomination Procedures and a Reporting Date [Doc. No.: AMS-FV-09-0035; FV09-987-1FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5207. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC23) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5208. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Poultry Contracts; Initiation, Performance, and Termination (RIN: 0580-AA98) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5209. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's "Major" final rule — Dairy Economic Loss Assistance Payment Program (RIN: 0560-A107) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8799-2] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2007-0330; FRL-8799-9] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cold Pressed Neem Oil; Exemption from the Requirement of a Toler-

ance [EPA-HQ-OPP-2007-1025; FRL-8434-5] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5213. A letter from the Deputy Under Secretary, Department of Defense, transmitting a copy of the "Annual Report on the Department of Defense Mentor-Protege Program" for FY 2007 and 2008, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

5214. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Buy American Report pursuant to Title VIII, Subtitle C, Section 8306, of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28), pursuant to Public Law 110-28; to the Committee on Financial Services.

5215. A letter from the Assistant, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital — Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [Docket No.: R-1361] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5216. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of the actions taken in response to the recommendations issued in the Government Accountability Office eighth major report on the Troubled Asset Relief Program; to the Committee on Financial Services.

5217. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [Docket ID: OCC-2009-0018] (RIN: 1557-AD25) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5218. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Release Nos. 34-61003, IA-2950, IC-28997; File No. S7-09-07] (RIN: 3235-AJO6) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5219. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [No. OTS-2009-0020] (RIN: 1550-AC34) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5220. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Docket ID: OTS-2009-0014] (RIN: 1550-AC12) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5221. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5222. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Defining Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation (RIN: 3064-AD53) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5223. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates: Exemption for Certain Securities Financing Transactions Between a Member Bank and an Affiliate [Regulation W; Docket No. R-1330] December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5224. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Risk-Based Capital Guidelines; Leverage Capital Guidelines [Regulations H and Y; Docket No. 1332] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5225. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates: Exemption for Certain Purchases of Asset-Backed Commercial Paper by a Member Bank from an Affiliate [Regulation W; Docket No. R-1331] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5226. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Proxy Disclosure Enhancements [Release Nos. 33-9089; 34-61175; IC-29092; File No. S7-13-09] (RIN: 3235-AK28) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5227. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Custody of Funds or Securities of Clients by Investment Advisers [Release No.: IA-2968; File No. S7-09-09] (RIN: 3235-AK32) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5228. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5229. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC95) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5230. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's "Major" final rule — State Fiscal Stabilization Fund Program [Docket ID: ED-2009-OESE-0007] (RIN: 1810-AB04) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5231. A letter from the Secretary, Department of Health and Human Services, transmitting report entitled "Report to Congress on the Provision of Services to Head Start Children with Disabilities" program year 2007-2008; to the Committee on Education and Labor.

5232. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5233. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval to Market a New Drug; Post-marketing Reports; Reporting Information About Authorized Generic Drugs [Docket No. FDA-2008-N-0341] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5234. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's final rule — Schedule of Fees Authorized by 49 U.S.C. 30141 Offer of Cash Deposits or Obligations of the United States in Lieu of Sureties on DOT Conformance Bonds [Docket No.: NHTSA-2007-0037; Notice 2] (RIN: 2127-AK10) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5235. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's final rule — Federal Motor Safety Standards, Child Restraint Systems [Docket No.: 08-0137] (RIN: 2127-AK36) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5236. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Determination of Attainment of the

1997 8-Hour Ozone Standard [EPA-R09-OAR-2009-0188; FRL-9086-7] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5237. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2007-1130; FRL-9087-7] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5238. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Source-Specific Revision for Avis Rent-A-Car and Budget Rent-A-Car Facilities Located at the Cincinnati/Northern Kentucky International Airport [EPA-R04-OAR-2009-0023; FRL-9086-1] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5239. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Region 4 State and Local Agencies; Technical Correction [FRL-8973-6] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5240. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; NO<sub>x</sub> SIP Call Phase II [EPA-R04-OAR-2005-KY-0003; FRL-8972-2] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R03-OAR-2009-0599; FRL-8971-4] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5242. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Fort Myers, Florida) [MB Docket No.: 09-170] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5243. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations, (Traverse City, Michigan) [MB Docket No.: 09-160] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5244. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (St. Petersburg, Florida) [MB Docket No.: 09-159] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5245. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities

[Docket No.: RM05-5-013; Order No. 676-E] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5246. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's fifth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5247. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Report to Congress on Marketing Violent Entertainment to Children: A Sixth Follow-up Review of Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries; to the Committee on Energy and Commerce.

5248. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Guides Concerning the Use of Endorsements and Testimonials in Advertising received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5249. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Administrative Changes: Clarification of the Location of Guidance for Electronic Submission and other Miscellaneous Corrections [NRC-2009-0397] (RIN: 3150-AI73) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5250. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 09-70); to the Committee on Foreign Affairs.

5251. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, Transmittal No. 0B-09, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 08-102 of 26 September 2008; to the Committee on Foreign Affairs.

5252. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 119-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5253. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 130-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5254. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 146-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5255. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 092-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursu-

ant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5256. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 133-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5257. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 137-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5258. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 149-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5259. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 150-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5260. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment to the Kingdom of Jordan (Transmittal No. RSAT 09-1869); to the Committee on Foreign Affairs.

5261. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Kingdom of the Netherlands (Transmittal No. RSAT 09-1865); to the Committee on Foreign Affairs.

5262. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 143-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5263. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 154-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5264. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 155-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5265. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 134-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, and the export of firearms abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5266. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 148-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5267. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 157-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services, pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5268. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 145-09 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5269. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 144-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5270. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5271. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to a GAO report entitled "Democracy Assistance: U.S. Agencies Takes Steps to Coordinate International Programs but Lack Information on Some U.S.-funded Activities" (GAO-09-993); to the Committee on Foreign Affairs.

5272. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to a GAO report entitled "International Food Assistance: USAID Is Taking Actions to Improve Monitoring and Evaluations of Nonemergency Food Aid, but Weaknesses in Planning Could Impede Efforts" (GAO-09-980); to the Committee on Foreign Affairs.

5273. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to the GAO report entitled "Rebuilding IRAQ: Improved Management Controls and Iraqi Commitment Needed for Key State and USAID Capacity-Building Programs" (GAO-09-526); to the Committee on Foreign Affairs.

5274. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5275. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5276. A letter from the Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5277. A letter from the General Counsel, Corporation for National & Community Service, transmitting Notice indicating that the Chief Financial Officer of the Corporation for National and Community Service is no longer a position requiring nomination by the President and confirmation by the Senate; to the Committee on Oversight and Government Reform.

5278. A letter from the Secretary, Department of Agriculture, transmitting the Department's semiannual report from the office of the Inspector General for the period ending September 30, 2009; to the Committee on Oversight and Government Reform.

5279. A letter from the Secretary, Department of Education, transmitting the Department's FY 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

5280. A letter from the Secretary, Department of Education, transmitting the forty-first Semiannual Report to Congress on Audit Follow-Up, covering the six month period ending September 30, 2009 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

5281. A letter from the Secretary, Department of Homeland Security, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009; to the Committee on Oversight and Government Reform.

5282. A letter from the Secretary, Department of Labor, transmitting the Department's FY 2009 Annual Report on Performance and Accountability; to the Committee on Oversight and Government Reform.

5283. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5284. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5285. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5286. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5287. A letter from the Director, Office of Administration, Executive Office of the President, transmitting accounting expenditures from the Unanticipated Needs Account for fiscal year 2009, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

5288. A letter from the Director, Human Resources Management Division, Executive Office of the President, Office of Administration, transmitting annual report on the use of the category rating system and selection process within the Office of the United States Trade Representative; to the Committee on Oversight and Government Reform.

5289. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2009 through September 30, 2009; and the semiannual Management Report on the Status of Audits for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5290. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the semiannual report on the activities of the Office of the Inspector General for the period from April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5291. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5292. A letter from the Acting Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period April 1, 2009 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5293. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5294. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "As Supervisors Retire: An Opportunity to Reshape Organizations", pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

5295. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5296. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the pe-

riod April 1, 2009 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5297. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2009, as required by OMB Circular Number A-11; to the Committee on Oversight and Government Reform.

5298. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5299. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2009, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

5300. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting fiscal year 2009 Federal Information Security Management Act Report; to the Committee on Oversight and Government Reform.

5301. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5302. A letter from the Attorney General, Office of the Attorney General, transmitting the Semiannual Management Report to Congress for April 1, 2009 through September 30, 2009 and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5303. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5304. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5305. A letter from the General Counsel, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5306. A letter from the Administrator, United States Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5307. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-255, "Fiscal Year 2010 Budget Support Act of 2009"; to the Committee on Oversight and Government Reform.

5308. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-138,



“Initiative Measure No. 59, Legalization of Marijuana for Medical Treatment Initiative of 1999”; to the Committee on Oversight and Government Reform.

5309. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-244, “F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009”; to the Committee on Oversight and Government Reform.

5310. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-243, “Waterfront Park at the Yards Act of 2009”; to the Committee on Oversight and Government Reform.

5311. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-248, “Religious Freedom and Civil Marriage Equality Amendment Act of 2009”; to the Committee on Oversight and Government Reform.

5312. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-246, “Income Tax Joint Filing Clarification Act of 2009”; to the Committee on Oversight and Government Reform.

5313. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-247, “Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2009”; to the Committee on Oversight and Government Reform.

5314. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-245, “Affordable Housing For-Sale and Rental Distribution Amendment Act of 2009”; to the Committee on Oversight and Government Reform.

5315. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Debt Collection received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5316. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Final rules and transmittal of regulations to Congress [Notice 2009-271] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5317. A letter from the Librarian of Congress, Library of Congress, transmitting the annual report of the Library of Congress Trust Fund Board for fiscal year 2008 and a request for consideration in filling vacancies of the Library of Congress Trust Fund Board; to the Committee on House Administration.

5318. A letter from the Secretary, Department of the Interior, transmitting the 2008 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

5319. A letter from the Division Chief, Regulatory Affairs, Bureau of Land Management, transmitting the Bureau's final rule — Oil and Gas Leasing; National Petroleum Reserve-Alaska [WO-310-1310-PP-241A] (RIN: 1004-AD78) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5320. A letter from the Director, Department of the Interior, transmitting a report entitled, “Report to Congress: Minerals Management Service Royalty in Kind Operation Program” for Fiscal Year 2008, pursuant to Section 342 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

5321. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [STATS No. UT-046-FOR; Docket ID No. OSM-2009-0005] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5322. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for *Cirsium ioncholepis* (La Graciosa Thistle) [FWS-R8-ES-2008-0078] (RIN: 1018-AV03) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5323. A letter from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial report on the use of federal assistance provided to the Atlantic States Marine Fisheries Commission covering FY 2007 and FY 2008, pursuant to Section 811(c)(2) of the Atlantic Coastal Fisheries Cooperative Management Act; to the Committee on Natural Resources.

5324. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS90) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5325. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning [Docket No.: 050613158-5262-03] (RIN: 0648-AT48) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5326. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2009 Management Measures for Petrale Sole [Docket No.: 0907301200-91380-02] (RIN: 0648-AY07) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5327. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2010 [Docket No.: 090218194-91045-02] (RIN: 0648-AX65) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5328. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2008 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

5329. A letter from the Staff Director, United States Commission on Civil Rights,

transmitting notification that the Commission recently appointed members to the Massachusetts Advisory Committee; to the Committee on the Judiciary.

5330. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-7, -7A, -7B, -9, -9A, -11, -15, and -17 Turbofan Engines [Docket No.: FAA-2009-0317; Directorate Identifier 79-ANE-18; Amendment 39-16087; AD 2009-24-01] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5331. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River, Mile Markers 0.5 to 1.5, Kingston, TN [COTP Ohio Valley-06-035] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5332. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH [Docket No.: USCG-2009-0895] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5333. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; SR 90 Bridge, Assawoman Bay, Isle of Wight and Ocean City, MD [Docket No.: USCG-2009-0956] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5334. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World December Fireworks, Mission Bay, San Diego, CA [Docket No.: USCG-2009-0319] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5335. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME [Docket No.: USCG-2009-0595] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5336. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, NY [Docket No.: USCG-2008-0085] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5337. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington [Docket No.: USCG-2008-1017] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5338. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blasting and Dredging Operations and Movement of Explosives, Columbia River, Portland to St. Helens, OR [Docket No.: USCG-



2009-0946] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5339. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2009-0949] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5340. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corporate Party on Hornblower Yacht, Fireworks Display, San Francisco, CA [Docket No.: USCG-2009-0907] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Perdido Regional Host Outer Continental Shelf Platform, Gulf of Mexico [Docket No.: USCG-2008-1051] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0942] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 603.0 to 604.0, Louisville, KY [COTP Ohio Valley 06-037] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Ohio River, Miles 603.0 to 604.0, Louisville, KY [COTP Ohio Valley 06-038] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 469.2 to 470.2 [COTP Ohio Valley 06-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 449.0 to 451.0, New Richmond, OH [COTP Ohio Valley 06-046] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 307.5 to 308.9, Huntington, WV [COTP Ohio Valley 06-047] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security

Zone; Ohio River Mile 462.0 to 471.0, Port of Cincinnati, OH [COTP Ohio Valley-06-048] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5349. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 256.3 to 260.0, Florence, AL [COTP Ohio Valley-06-049] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5350. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile 332.8 to 333.8, Huntsville, AL [COTP Ohio Valley-06-050] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5351. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH [COTP Ohio Valley 06-051] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5352. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 164 to Mile Marker 167, Above Head of Passes, Donaldsonville, VA [COTP New Orleans-06-038] (RIN 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5353. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 111.0 to Mile Marker 115.0, Above Head of Passes, Kenner, LA [COTP New Orleans-06-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5354. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Mile Marker 7.0, East of Harvey Lock (EHL) to Mile Marker 12.5, EHL, New Orleans, LA [COTP New Orleans-06-040] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5355. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 230 to Mile Marker 231, Port Allen, LA [COTP New Orleans-06-043] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5356. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.5 to Mile Marker 230.5, Baton Rouge, LA [COTP New Orleans-06-043] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5357. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-06-045] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5358. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 95, in the vicinity of Jackson Square, New Orleans, LA [COTP New Orleans-06-046] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5359. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 175 to Mile Marker 176, Donaldsonville, LA [COTP New Orleans-06-047] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5360. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Markers 51.5 to 52.5, Cape Girardeau, MO [COTP Ohio Valley-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5361. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 461.0 to 470.0 [COTP Ohio Valley 06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5362. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM295 to GICW MM377, Panama City, FL to East of the Fenholloway River, FL [COTP Mobile-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5363. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tombigee River, Demopolis, AL [COTP Mobile-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5364. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay, Pensacola, FL [COTP Mobile-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5365. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5366. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-06-017] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5367. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bauernfind/Morris Wedding Fireworks, Betsie Lake, Frankfort, MI [CGD09-06-115] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5368. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Commonwealth Edison Power Line Crossing, Chicago Sanitary and Ship Canal mile marker 319.2 to 319.7, Chicago, IL [CGD09-07-019] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5369. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ACORA Garwood Classic Offshore Race, St. Clair River, North Channel, Algonac, MI [CGD09-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5370. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veteran's Glass City Skyway Gala Fireworks, Maumee River, Toledo, OH [CGD09-07-026] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5371. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roostertail Fireworks, Detroit River, Detroit, MI [CGD09-07-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Military Water Survival Training, Vicinity of Naval Amphibious Base Coronado, CA [COTP San Diego 07-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 07-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay July 4th Fireworks Show [COTP San Diego 07-043] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, CA [COTP San Diego 07-052] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coronado Bridge, San Diego Bay, CA [COTP San Diego 07-074] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Marine Events in San Diego Harbor [COTP San Diego 07-069] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay San Diego, CA [COTP San Diego 07-152] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 07-251] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5380. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 07-252] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South San Diego Bay, San Diego, CA [COTP San Diego 07-352] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaiser Smokestack Demolition, Blair Waterway, Tacoma, Washington [CGD13-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent 10th Avenue Marine Terminal, San Diego, CA [COTP San Diego 07-004] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ybor Fireworks Display — Ybor Turning Basin, Tampa Bay, Florida [COTP St. Petersburg 06-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Ft. Myers Fireworks Display, Vicinity of Caloosahatchee River Bridge, Ft. Myers, Florida [COTP Sector St. Petersburg 06-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Display in the vi-

cinity of Marco Island, Florida [COTP Sector St. Petersburg 06-137] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 4th of July Fireworks Display, Venice Inlet, Florida [COTP St. Petersburg 06-138] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display in the vicinity of Bradenton Beach, Florida [COTP Sector St. Petersburg 06-139] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP Sector St. Petersburg 06-170] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 05-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-053] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-061] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA

[COTP San Diego 05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-093] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 05-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5400. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Fall Classic, San Diego, CA [COTP San Diego 05-102] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5401. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Zones; Port Valdez, Valdez, AK [COTP Prince William Sound 07-001] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5402. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program; to the Committee on Transportation and Infrastructure.

5403. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, A300 B2-203, A300 B2K-3C, A300 B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2009-0055; Directorate Identifier 2008-NM-194-AD; Amendment 39-16125; AD 2009-25-06] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5404. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5405. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Control Room Management/Human Factors [Docket ID: PHMSA-2007-27954; Amdt. Nos. 192-112 and 195-93] (RIN: 2137-AE28) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation

(Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2009-1130; Directorate Identifier 2009-SW-40-AD; Amendment 39-16130; AD 2009-25-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5407. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Oversales and Denied Boarding Compensation [Docket No.: DOT-OST-01-9325] (RIN No.: 2105-AD63) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5408. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket No.: OST-2003-15245] (RIN: 2105-AD55) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5409. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices [Docket OST-2007-26828] (RIN: 2105-AD64) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0784; Directorate Identifier 2009-NM-109-AD; Amendment 39-16124; AD 2009-25-05] (RIN: 2120-AA64) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5411. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information [Docket OST-2008-0184] (RIN: OST-2105-AD67) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2009-0654; Directorate Identifier 2008-NM-083-AD; Amendment 39-16058 AD 2009-22-07] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshift and LTP101 Series Turboprop Engines [Docket No.: FAA-2008-1019; Directorate Identifier 2007-NE-49-AD; Amendment 39-16104; AD 2009-24-12] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400, DHC-8-401, and DHC-8-402 Airplanes [Docket No.: FAA-2009-1106; Directorate Identifier

2009-NM-171-AD; Amendment 39-16122; AD 2008-09-24 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of the South Florida Low Offshore Airspace Area; Florida [Docket No.: FAA-2008-1167; Airspace Docket No. 08-ASO-16] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of the Atlantic Low Offshore Airspace Area; East Coast United States [Docket No.: FAA-2008-1170; Airspace Docket No. 08-AEA-27] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mountain City, TN [Docket No.: FAA-2009-0061; Airspace Docket No. 09-ASO-10] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort A.P. Hill, VA [Docket No.: FAA-2009-0739; Airspace Docket No. 09-AEA-14] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Regulations Allowing for Polished Frost [Docket No.: FAA-2007-29281; Amendment Nos. 91-310, 125-58, 135-119] (RIN: 2120-AJ09) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5420. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Fuel Cell Cartridges and Systems Transported On Board Passenger Aircraft in Carry-On Baggage [Docket NO.: PHMSA-2006-25446 (HM-243)] (RIN: 2137-AE19) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jackson, AL [Docket No.: FAA-2009-0937; Airspace Docket No. 09-ASO-27] received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA [Docket No.: FAA-2009-0959; Airspace Docket No. 09-ASO-30] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5423. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2009-0571; Directorate identifier

2009-NM-004-AD; Amendment 39-16096; AD 2009-24-08] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5424. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50C Series Turbofan Engines [Docket No.: FAA-2006-24171; Directorate Identifier 2006-NE-08-AD; Amendment 39-16093; AD 2007-11-18R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 737-600, -700, -700C, and -800 Series Airplanes [Docket No.: FAA-2009-0411; Directorate Identifier 2008-NM-190-AD; Amendment 39-16095; AD 2009-24-07] Received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-0674; Directorate Identifier 2009-NE-25-AD; Amendment 39-16092; AD 2009-24-05] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5427. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-111 and -112 Series Airplanes, and Model A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-1037; Directorate Identifier 2009-NM-174-AD; Amendment 39-16097; AD 2007-15-06 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5428. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Scheibe-Flugzeugbau GmbH Models Bergfalke-III, Bergfalke-II/55, SF 25C, and SF-26A Standard Gliders [Docket No.: FAA-2009-0800 Directorate Identifier 2009-CE-041-AD; Amendment 39-16088; AD 2009-24-02] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5429. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-1075; Directorate Identifier 2009-NM181-AD; Amendment 39-16107; AD 2008-09-23- R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5430. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2010 [FRA-2008-0136, Notice No.1] (RIN: 2130-ZA02) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5431. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administra-

tion's final rule — Patents and Other Intellectual Property Rights (RIN: 2700-AD45) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5432. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — American Recovery and Reinvestment Act: Surety Bond Guarantees; Size Standards (RIN: 3245-AF94) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5433. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — American Recovery and Reinvestment Act: Loan Program for Systemically Important SBA Secondary Market Broker-Dealers (RIN: 3245-AF95) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5434. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Inflationary Adjustments to Acquisition-Related Dollar Thresholds (RIN: 3245-AF74) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5435. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — HUBZone and Government Contracting (RIN: 3245-AF44) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5436. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2009 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

5437. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Columbus, Ohio [Docket No.: USCBP-2008-0047] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5438. A letter from the Secretary, Department of Labor, transmitting the Department's sixteenth annual report prepared in accordance with section 207 of the Andean Trade Preference Act (ATPA); to the Committee on Ways and Means.

5439. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Customer Confirmation Reporting Requirement Threshold Amount [Docket No.: BPD GSRS 09-02] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5440. A letter from the Director, Regulations and Rulings Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Calistoga Viticultural Area (2003R-496P) [Docket No.: TTB-2007-0067; T.D. TTB-83; Ref: Notice Nos. 36 and 77] (RIN: 1513-AA92) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5441. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Report of tips by employee to employer (Rev. Proc. 2009-53) received December 4,

2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5442. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — New Qualified Plug-in Electric Drive Motor Vehicle Credit [Notice 2009-89] received December 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5443. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2009-56) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5444. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2009-40) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5445. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807(e)(4) Exception for Section 338 Regulations [Notice 2010-1] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Remedial Amendment Period and Reliance for Section 403(b) Plans [Announcement 2009-89] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-96] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5448. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Production Tax Credit for Refined Coal [Notice 2009-90] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director's Directive #2 Super Completed Contract Method [LMSB Control No. LMSB-04-0209-006] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interactions with Foreign Tax Officials, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5451. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Adjustments of underpayments (Rev. Rul. 2009-39) received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2009-55) received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Field Directive on the Use of Estimates from Probability Samples [Control No. LMSB-4-0809-032] received November 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated for Weighted Average Interest Rate, Yield Curves, and Segment Rate [Notice 2009-88], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-54) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5456. A letter from the Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — False Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1652-AA65) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

5457. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Applications of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process [CMS-4127-F] (RIN: 0938-AO87) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5458. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Medicare Claims Appeal Procedures [CMS-4063-F] (RIN: 0938-AM73) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

5459. A letter from the Director, Office of Management and Budget, transmitting Accounts containing unvouchered expenditures potentially subject to audit by the General Accounting Office, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Oversight and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2611. A Bill to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; with an amendment (Rept. 111-389). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3342. A Bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; with an amendment (Rept. 111-390). Referred to

the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1065. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; with an amendment (Rept. 111-391). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3644. A Bill to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; with an amendment (Rept. 111-392). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3726. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; with an amendment (Rept. 111-393). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3759. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; with an amendment (Rept. 111-394). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3254. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; with an amendment (Rept. 111-395). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Submitted January 5, 2010]

By Ms. SUTTON:

H. Res. 997. A resolution expressing the sense of the House of Representatives regarding unfair and discriminatory practices of the government of Japan in its failure to apply its current and planned extension of the Government's Eco-friendly Vehicle Purchase and scrappage program to imported vehicles made by U.S. automakers; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted January 12, 2010]

By Ms. GIFFORDS (for herself and Mr. HEINRICH):

H.R. 4413. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Science and Technology.

By Mr. KUCINICH (for himself, Ms. WATSON, Ms. NORTON, Mr. CLAY, Mr. ELLISON, and Mr. HARE):

H.R. 4414. A bill to amend the Internal Revenue Code of 1986 to impose a 75 percent tax on bonuses paid by certain financial and other businesses; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan (for herself and Mr. KING of New York):

H.R. 4415. A bill to amend title 10, United States Code, to authorize the President to determine that certain individuals are unlawful enemy combatants subject to trial by military commissions, and for other purposes; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself and Ms. BORDALLO):

H.R. 4416. A bill to reauthorize the Great Ape Conservation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. SESTAK:

H.R. 4417. A bill to improve outreach and enrollment for the Supplemental Nutrition Assistance Program; to the Committee on Agriculture.

By Mr. SESTAK:

H.R. 4418. A bill to amend the Federal Crop Insurance Act to increase expenditures under pilot programs evaluating the effectiveness of risk management tools for livestock producers, to clarify that the education and information program includes livestock insurance programs and increase funds for the education and information program, and for other purposes; to the Committee on Agriculture.

By Mr. SESTAK:

H.R. 4419. A bill to amend section 138 of the Truth in Lending Act to establish certain counseling and disclosure requirements with respect to reverse mortgages; to the Committee on Financial Services.

By Mr. SESTAK:

H.R. 4420. A bill to amend the Small Business Act with respect to misrepresentation through the use of a pass-through business, and for other purposes; to the Committee on Small Business.

By Mr. SESTAK:

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to extend the waiver of required minimum distribution rules for certain retirement plans and accounts through 2010; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 4422. A bill to establish the Minority Entrepreneurship and Business Development Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4423. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2011; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4424. A bill to increase the energy credit for equipment used to generate electricity by geothermal power, to extend the grants for specified energy property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of

New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. HINCHEY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, Mr. HIGGINS, Ms. SLAUGHTER, Mr. MASSA, and Mr. RANGEL):

H.R. 4425. A bill to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office"; to the Committee on Oversight and Government Reform.

By Mr. WELCH:

H.R. 4426. A bill to amend the Internal Revenue Code of 1986 to impose a 50 percent tax on bonuses paid by TARP recipients; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 4427. A bill to provide a pay increase of 1.9 percent for members of the uniformed services for fiscal year 2011; to the Committee on Armed Services.

By Mr. HOYER:

H. Res. 998. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 999. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. HOYER:

H. Res. 1000. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mrs. BIGGERT:

H. Res. 1001. A resolution congratulating North Central College on winning the 2009 NCAA Division III men's cross country championship; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Ms. MATSUI, Mr. PRICE of North Carolina, Mr. EHLERS, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Mr. HONDA, Mr. BACA, Mr. GUTIERREZ, and Mr. LEWIS of Georgia):

H. Res. 1002. A resolution honoring the life and work of Dr. Martin Luther King, Jr. and encouraging the continued commitment to the Martin Luther King, Jr. Day as a national day of service; to the Committee on Education and Labor.

By Ms. CHU (for herself, Ms. CORRINE BROWN of Florida, Mr. WU, Mr. KAGEN, Mr. CONYERS, Mr. MEEKS of New York, Mr. CAO, Mr. MCGOVERN, Ms. DEGETTE, Ms. RICHARDSON, Mr. SCHIFF, Mr. CUMMINGS, Mr. SESTAK, Mr. BACA, and Mr. MASSA):

H. Res. 1003. A resolution expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois:

H. Res. 1004. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on Education and Labor.

By Mr. MASSA (for himself, Mr. DRIEHAUS, Mr. SKELTON, Mr. TAYLOR, Mr. SNYDER, Mr. REYES, Mr. MURPHY of New York, Mr. SESTAK, and Mr. KISSELL):

H. Res. 1005. A resolution commemorating the 65th anniversary of the Battle of the Bulge in World War II, honoring the sacrifices of members of the United States Armed Forces, and recognizing the Allied victory; to the Committee on Armed Services.

By Mr. ROONEY:

H. Res. 1006. A resolution reaffirming the commitment of the House of Representatives to safeguard and uphold the 10th Amendment to the Constitution of the United States; to the Committee on the Judiciary.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

*[Submitted January 5, 2010]*

H.R. 4123: Mr. TONKO.  
H.R. 4325: Ms. MOORE of Wisconsin and Mr. RANGEL.  
H.R. 4400: Mrs. MYRICK and Mr. ABERCROMBIE.  
H.R. 4402: Ms. DeLAURO.  
H.R. 4404: Ms. ROYBAL-ALLARD, Mr. RANGEL, Mr. MEEKS of New York, and Mr. TOWNS.  
H.R. 4405: Mr. SCHOCK, Mr. JACKSON of Illinois, Ms. RICHARDSON, and Ms. MOORE of Wisconsin.

*[Submitted January 12, 2010]*

H.R. 39: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 43: Mr. ISRAEL and Ms. SHEA-PORTER.  
H.R. 211: Mr. COSTA, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. JOHNSON of Georgia, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. DAVIS of Tennessee.  
H.R. 213: Mr. INGLIS.  
H.R. 238: Mr. KISSELL.  
H.R. 333: Mr. CHANDLER.  
H.R. 389: Mr. CONYERS, Mr. GRIJALVA, and Mr. NADLER of New York.  
H.R. 391: Mr. ROGERS of Alabama and Mr. PAULSEN.  
H.R. 426: Mr. LOBIONDO.  
H.R. 433: Mr. SHADEGG.  
H.R. 450: Mr. ALEXANDER.  
H.R. 482: Mr. CHAFFETZ, Mr. ADERHOLT, and Mr. WU.  
H.R. 503: Mr. LATOURETTE and Mr. OWENS.  
H.R. 537: Mr. PAUL, Mr. RAHALL, Mr. SCHIFF, and Mr. LOBIONDO.  
H.R. 571: Mr. CONNOLLY of Virginia.  
H.R. 847: Mr. OWENS.  
H.R. 868: Mrs. CAPITO.  
H.R. 874: Mr. BERMAN.  
H.R. 930: Mr. OWENS and Mr. MASSA.  
H.R. 954: Mr. MCNERNEY.  
H.R. 997: Mr. MILLER of Florida.  
H.R. 1030: Mr. SCHIFF.  
H.R. 1034: Mr. MCINTYRE and Mr. YOUNG of Alaska.  
H.R. 1079: Mr. LARSEN of Washington.  
H.R. 1101: Mr. RYAN of Ohio.  
H.R. 1204: Mr. YOUNG of Alaska.  
H.R. 1221: Mr. TIM MURPHY of Pennsylvania and Mr. PLATTS.  
H.R. 1240: Mr. WOLF.  
H.R. 1255: Ms. LINDA T. SÁNCHEZ of California, Mr. JOHNSON of Georgia, and Mr. FOSTER.  
H.R. 1305: Mrs. LOWEY.  
H.R. 1326: Mr. PERRIELLO, Ms. ESHOO, Ms. VELÁZQUEZ, Mr. JOHNSON of Illinois, Mr.

PRICE of North Carolina, Mr. REYES, Mr. WHITFIELD, Mr. ELLISON, Mr. GERLACH, Mr. SCHAUER, Ms. GIFFORDS, Mr. OWENS, Ms. SHEA-PORTER, Mr. MINNICK, and Mrs. DAHLKEMPER.

H.R. 1347: Ms. JACKSON LEE of Texas, Mr. SIREs, and Mr. RUPPERSBERGER.

H.R. 1402: Mr. CHILDERS and Mr. CHANDLER.  
H.R. 1410: Mrs. NAPOLITANO.

H.R. 1414: Mr. BAIRD.

H.R. 1460: Mrs. MALONEY.

H.R. 1522: Mr. SCHIFF.

H.R. 1523: Mr. CAPUANO and Ms. ZOE LOFGREN of California.

H.R. 1526: Mr. TIERNEY, Mr. GUTIERREZ, Mr. BARROW, Mr. PLATTS, and Ms. CASTOR of Florida.

H.R. 1547: Mr. RAHALL.

H.R. 1552: Mr. CONNOLLY of Virginia.

H.R. 1578: Mr. DINGELL, Mr. CONYERS, and Mr. COURTNEY.

H.R. 1585: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DENT.

H.R. 1597: Mr. MARSHALL.

H.R. 1615: Mr. ALEXANDER.

H.R. 1646: Mrs. MALONEY.

H.R. 1691: Mr. LATOURETTE.

H.R. 1766: Mr. MOORE of Kansas.

H.R. 1778: Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. HARE, and Mr. ACKERMAN.

H.R. 1806: Mr. SPRATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. REYES, Mr. HIGGINS, Mr. CUELLAR, Mr. HARE, Mrs. KIRKPATRICK of Arizona, and Mr. CARSON of Indiana.

H.R. 1826: Mr. ENGEL.

H.R. 1844: Mr. ROTHMAN of New Jersey.

H.R. 1924: Mrs. KIRKPATRICK of Arizona.

H.R. 1956: Ms. HERSETH SANDLIN and Ms. BORDALLO.

H.R. 2103: Mr. PAYNE and Mr. PRICE of North Carolina.

H.R. 2149: Mr. JOHNSON of Georgia and Mrs. NAPOLITANO.

H.R. 2156: Mr. ISRAEL.

H.R. 2159: Mr. JOHNSON of Georgia and Mr. PAYNE.

H.R. 2256: Mr. BISHOP of New York, Ms. TITUS, Ms. ZOE LOFGREN of California, Ms. LEE of California, and Mrs. MCCARTHY of New York.

H.R. 2295: Mr. CONNOLLY of Virginia.

H.R. 2296: Mr. OWENS.

H.R. 2324: Mr. SCHIFF, Mr. ELLISON, Mr. LARSON of Connecticut, Ms. DeLAURO, Mr. RUSH, Mr. CUMMINGS, Mr. MURPHY of Connecticut, Ms. FUDGE, and Ms. ESHOO.

H.R. 2408: Mr. ROSS.

H.R. 2490: Mr. HODES.

H.R. 2512: Mr. CHAFFETZ.

H.R. 2517: Ms. SHEA-PORTER.

H.R. 2548: Ms. ROS-LEHTINEN.

H.R. 2565: Mr. GERLACH.

H.R. 2567: Mr. CROWLEY, Ms. KAPTUR, and Mr. HARE.

H.R. 2578: Mr. MOORE of Kansas.

H.R. 2579: Mr. COURTNEY.

H.R. 2624: Mr. CASTLE.

H.R. 2672: Mr. RANGEL and Mr. McCOTTER.

H.R. 2730: Mr. CASTLE.

H.R. 2866: Mr. VAN HOLLEN.

H.R. 2943: Mr. McDERMOTT.

H.R. 2958: Mr. GRAVES.

H.R. 2999: Mr. HEINRICH and Ms. HERSETH SANDLIN.

H.R. 3010: Mr. TONKO.

H.R. 3053: Mr. PAYNE.

H.R. 3057: Mr. SESTAK, Ms. DEGETTE, and Ms. SHEA-PORTER.

H.R. 3100: Mr. AL GREEN of Texas.

H.R. 3147: Mr. CONNOLLY of Virginia.

H.R. 3149: Ms. LINDA T. SÁNCHEZ of California, and Mr. RAHALL.

H.R. 3185: Mr. PRICE of North Carolina and Mrs. MALONEY.

H.R. 3295: Mr. GUTIERREZ.

H.R. 3353: Ms. LEE of California and Mr. ABERCROMBIE.

H.R. 3355: Mr. NUNES, Mr. SIREN and Mr. LIPINSKI.

H.R. 3480: Mr. CASTLE and Mr. MOORE of Kansas.

H.R. 3486: Mr. SCHOCK and Mr. OWENS.

H.R. 3491: Mr. HALL of New York and Mr. GRIJALVA.

H.R. 3545: Ms. CHU.

H.R. 3550: Mr. TONKO.

H.R. 3578: Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. CASTLE, Mr. KIRK, and Mr. JOHNSON of Illinois.

H.R. 3592: Mr. PAYNE.

H.R. 3652: Mr. MCINTYRE, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. DUNCAN, Mr. CHANDLER, Mr. PITTS, and Mr. FILNER.

H.R. 3674: Mr. SESTAK.

H.R. 3710: Mr. COHEN.

H.R. 3715: Mr. WILSON of Ohio.

H.R. 3734: Mr. CONYERS and Mr. CLAY.

H.R. 3758: Ms. SUTTON, Ms. BERKLEY, Mr. PRICE of North Carolina, Mr. DENT, and Mr. MCCOTTER.

H.R. 3764: Mr. FATTAH, Mr. HASTINGS of Florida, and Mr. BERMAN.

H.R. 3790: Mr. MOLLOHAN, Mr. GOHMERT, Mr. KAGEN, Mr. RAHALL, Mr. BLUNT, and Mr. MORAN of Kansas.

H.R. 3939: Mr. PAYNE.

H.R. 3943: Mr. TONKO, Mr. FOSTER, Mr. VIS-CLOSKEY, Mr. WAXMAN, Mr. LARSEN of Washington, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, and Mr. OWENS.

H.R. 3994: Ms. RICHARDSON and Mr. CAO.

H.R. 4034: Mr. GRAVES.

H.R. 4036: Mr. FALEOMAVAEGA and Mr. BRADY of Pennsylvania.

H.R. 4056: Mr. HODES.

H.R. 4065: Mr. GRIJALVA.

H.R. 4072: Mrs. DAHLKEMPER.

H.R. 4082: Mr. WILSON of Ohio.

H.R. 4107: Mr. LAMBORN, Mr. INGLIS, and Mrs. BACHMANN.

H.R. 4131: Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. MOORE of Kansas.

H.R. 4141: Mr. SESTAK, Mr. COSTELLO, and Mr. GRIFFITH.

H.R. 4149: Mr. ISRAEL, Mr. TONKO, Mr. PERLMUTTER, Mr. MOORE of Kansas, Mr. SESTAK, and Mr. THORNBERRY.

H.R. 4180: Mr. GUTIERREZ.

H.R. 4188: Mr. CONYERS.

H.R. 4190: Ms. SCHAKOWSKY.

H.R. 4196: Ms. PINGREE of Maine, Mrs. DAVIS of California, Mr. FARR, Mr. BOUCHER, Mr. BRALEY of Iowa, and Mr. KIND.

H.R. 4197: Ms. HARMAN, Mr. SESTAK, and Ms. CHU.

H.R. 4204: Ms. SHEA-PORTER and Mr. TONKO.

H.R. 4219: Mrs. MYRICK.

H.R. 4235: Mr. MOORE of Kansas.

H.R. 4241: Mr. HALL of New York.

H.R. 4255: Ms. HERSETH SANDLIN, Mr. HODES, Mr. SHULER, Mr. CARNEY, Mr. DEFazio, Ms. KAPTUR, Mr. TIM MURPHY of Pennsylvania, Mr. KISSELL, Mr. HALL of Texas, Ms. TITUS, and Mr. KRATOVIL.

H.R. 4290: Mr. RANGEL.

H.R. 4295: Ms. LINDA T. SÁNCHEZ of California, Mr. MURPHY of Connecticut, and Mr. HALL of New York.

H.R. 4301: Ms. CLARKE, Mr. ELLISON, and Mr. HOLT.

H.R. 4325: Mr. JACKSON of Illinois, Mr. POLIS of Colorado, and Mr. GRIJALVA.

H.R. 4373: Mr. ALEXANDER.

H.R. 4376: Mr. CONNOLLY of Virginia, Mrs. LOWEY, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mr. GARAMENDI, and Mr. COURTNEY.

H.R. 4383: Ms. SHEA-PORTER.

H.R. 4385: Mr. TANNER and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4393: Mr. PASCRELL, Mr. HINOJOSA, and Mrs. NAPOLITANO.

H.R. 4400: Ms. FUDGE, Mr. BACA, Mr. MASSA, Ms. MOORE of Wisconsin, and Mr. ETHERIDGE.

H.R. 4402: Mr. SCHIFF, Mr. HARE, Ms. MOORE of Wisconsin, Ms. NORTON, and Mr. FILNER.

H.R. 4403: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, and Mr. RODRIGUEZ.

H. Con. Res. 16: Mr. PENCE and Ms. GRANGER.

H. Con. Res. 49: Mr. MATHESON.

H. Con. Res. 137: Mr. GUTIERREZ and Ms. MOORE of Wisconsin.

H. Con. Res. 149: Mr. MCCOTTER.

H. Con. Res. 170: Ms. BORDALLO.

H. Con. Res. 221: Mr. JACKSON of Illinois.

H. Con. Res. 222: Mr. HINOJOSA and Mr. GUTIERREZ.

H. Res. 22: Ms. JACKSON LEE of Texas.

H. Res. 111: Ms. NORTON.

H. Res. 231: Mr. KING of New York.

H. Res. 267: Mr. FRANK of Massachusetts.

H. Res. 569: Mr. SCHOCK, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 577: Mr. JORDAN of Ohio and Mr. COURTNEY.

H. Res. 605: Mr. CLEAVER.

H. Res. 615: Mr. LOBIONDO.

H. Res. 699: Ms. GIFFORDS, Mr. CONAWAY,

Mr. BRIGHT, Mr. LANGEVIN, Mr. HARE, and Mr. KISSELL.

H. Res. 771: Mr. STUPAK.

H. Res. 847: Mr. BARRETT of South Carolina, Mr. BACHUS, Mr. RADANOVICH, Mr. LINDER, Mr. PITTS, Mr. PLATTS, Mr. GRIFFITH, and Mr. SMITH of New Jersey.

H. Res. 848: Mr. MOORE of Kansas.

H. Res. 857: Mr. CHILDERS, Mr. JACKSON of Illinois, and Mr. SARBANES.

H. Res. 860: Ms. LEE of California.

H. Res. 862: Mr. TONKO.

H. Res. 898: Mr. INGLIS and Mr. CONNOLLY of Virginia.

H. Res. 911: Mr. HARPER.

H. Res. 925: Mr. WALZ.

H. Res. 936: Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 970: Mr. JORDAN of Ohio.

H. Res. 975: Mr. GRIJALVA and Mr. JACKSON of Illinois.

H. Res. 977: Mr. SCHOCK, Mr. WAMP, Mr. NUNES, Mr. GRAVES, Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, Mr. WOLF, and Mr. PLATTS.

H. Res. 981: Mr. ENGEL, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. TANNER, Mr. MCCOTTER, Mr. HINCHEY, Mr. MILLER of North Carolina, and Mr. PASCRELL.

H. Res. 989: Mr. ISRAEL, Mr. BLUMENAUER, Ms. ESHOO, and Ms. LEE of California.

H. Res. 990: Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. KENNEDY, and Mr. HARE.

H. Res. 997: Mr. DINGELL, Mr. MORAN of Virginia, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. HARE, Ms. CORRINE BROWN of Florida, Mr. SCHAUER, Mr. RYAN of Ohio, and Mr. MCMAHON.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

92. The SPEAKER presented a petition of City of Lauderhill, FL, relative to Resolution No. 09R-09-223 thanking Congress for supporting the Federal Energy Block Grant; to the Committee on Energy and Commerce.

93. Also, a petition of New Orleans City Council, New Orleans, Louisiana, relative to Resolution No. R-09-606 urging Congress to support the local oyster industry; to the Committee on Energy and Commerce.

94. Also, a petition of American Bar Association, Chicago, IL, relative to Urging the Congress to help address the unmet legal needs of low income residents of communities affected by major disasters; to the Committee on the Judiciary.



## EXTENSIONS OF REMARKS

### CONGRATULATING MARCUS LUCAS ON HIS SELECTION TO THE 2010 U.S. ARMY ALL-AMERICAN BOWL

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly rise to congratulate Liberty High School senior Marcus Lucas on his selection to play in the 2010 U.S. Army All-American Bowl. The selection is a reflection of his hard work and dedication throughout his career as a Blue Jay.

Marcus is joining elite company. NFL players Adrian Peterson, Reggie Bush, Vernon Davis and Derrick Johnson are all alumni of the All-American Bowl. I join the entire Liberty community in expressing how very proud we are of this young man and wish him the best in both the upcoming game and as he heads to the University of Missouri in the fall of 2010.

Madam Speaker, I respectfully request you join with me in commending Marcus Lucas on his selection to the 2010 U.S. Army All-American Bowl.

### HONORING LENAPE HIGH SCHOOL GIRLS VARSITY SOCCER TEAM

#### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I am pleased to report that the tradition of soccer excellence continues at a high school in the Third District of New Jersey. For the third year in a row, the Lenape High School Girls Varsity Soccer team has captured the NJSIAA State Group 4 Championship. I am also pleased to note that Lenape finished their season with an outstanding record of 23–1, capturing an American Division title and the South Jersey Coaches Invitational Tournament crown along the way. In their six playoff games, Lenape amassed 15 goals, by 10 different players, just one of many achievements that have made them the first team from South Jersey to ever win three straight Group 4 crowns.

The coaches who have led the state championship team to victory are Kevin Meder, Tony Guerrero, Mike Foley, and Dave New. These talented young athletes include the following Lenape High School students: Kelsy Evancho, Lizzie Duffey, Katie Rigby, Rachel Johnson, Nicolette Stoner, Becca Meyers, Allison Johnson, Caroline Rigby, Alexis Cooper, Carley Carmody, Marissa Slimm, Chelsea Cannon, Caroline Huelster, Courtney Kovac, Kelly Vanak, Nicole Curry, Carly Walters, Advia Campbell, Jill Hampton, Carolyn Wiley, Maggie Micinski, Jamie Kinkler, Morgan

McDivitt, Francesca Roller, Devon Betsch, Tori Prager, Emmy Duffey. I commend the Lenape High School Girls Soccer team on their 2009 State Championship and hope you will join me in wishing each of its members great success.

### HONORING ANNA MCKEE

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly rise to recognize Anna McKee, a very special young woman who has exemplified the finest qualities in journalism by competing in the recent Journalism Education Association (JEA) and National Scholastic Press Association (NSPA) Convention in Washington, DC.

While competing, Anna and the Liberty High School broadcasting staff were honored as Pacemaker Award finalists for their KLHS broadcast. Anna and the team earned this distinct acknowledgement by conducting one of ten top broadcasts in the nation, a noteworthy achievement.

Anna has been very active with her endeavors in journalism and teamed up with fellow classmate Todd Swetnam to conduct a Public Service Announcement on Liberty's 20/20 program. This announcement earned the duo an honorable mention.

Madam Speaker, I proudly ask you to join me in commending Anna McKee for her accomplishments in the field of journalism and for her efforts put forth in achieving such prestigious awards.

### HONORING JOHN M. MELLA ON HIS RETIREMENT

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. STUPAK. Madam Speaker, I rise to honor John M. Mella on his retirement from the Oscar G. Johnson VA Medical Center in Iron Mountain, Michigan after working at the facility for 34 years. His commitment to his work and to the veterans he serves is the definition of what it means to be a dedicated employee as well as a true patriot.

John is a native of the Keweenaw Peninsula in Michigan's Upper Peninsula, where he graduated from Calumet High School. His commitment to our Nation's veterans can be traced to his father, Russell Mella, who served with the U.S. Army 91st Infantry Division, 5th Army in North Africa and Italy. John followed in his father's footsteps, attending the Military Police Academy in Fort Gordon, Georgia. He then served in the United States Army Military

Police Corps from 1972 to 1975, patrolling the city of Bamberg, Germany and surrounding communities.

In 1975, John was hired as a police officer at the VA Hospital in Iron Mountain. In 1983 he began working at the facility as a motor vehicle operator, transporting veterans to the VA Medical Center in Milwaukee, Wisconsin. Over the years he has gone from driving vans and sedans to motor coaches. For 27 years John's steady hand at the wheel has made sure veterans at the VA Hospital in Iron Mountain arrived at their destination safely, and with honor and dignity.

Both on and off the job, John is an active veteran. He is a member of the Uren-Cooper-Johnson American Legion Post #50 in Iron Mountain and has been a Legionnaire for 30 years. Over the years John has served as Post Commander, 12th District Committeeman, Commander of the Upper Peninsula Association, and Michigan American Legion State Commander. He also has served as membership director for the Michigan District and is currently serving as chairman of the Time and Place Committee for the Upper Peninsula Association.

John has served as chairman for the Dickinson County Office of Veterans Affairs, and is currently serving as finance officer. He is a 21-year member of the Knights of Columbus, a member of Elks Lodge #700 and a Habitat for Humanity volunteer.

In 2006, John co-chaired the Upper Peninsula Veterans Memorial Committee, which raised \$106,000 to build a memorial site in honor of members of the armed services who served our Nation. This tribute placed on Pine Mountain in Iron Mountain is an especially fitting tribute to preserve the memory, dedication and the honor of our Upper Peninsula veterans who proudly served their country.

Madam Speaker, John is a friend, a patriot and has proven himself to be a man of distinction in his years of work at the Oscar G. Johnson VA Hospital. His service to our Nation and his commitment to the men and women who have served in the armed forces are a testament to his generosity and dedication. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in saluting John M. Mella for his service to our veterans and congratulate him on his retirement.

### THE 5TH ANNIVERSARY OF THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT

#### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. CAPUANO. Madam Speaker, I rise today with my colleague Representative

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



FRANK WOLF to recognize an important milestone. January 9, 2010, marks the 5th anniversary of the signing of the Comprehensive Peace Agreement (CPA) that ended a decades-long civil war in Sudan. While this agreement represented a groundbreaking achievement when it was signed, many benchmarks are overdue as we approach two vital deadlines: April 2010 parliamentary and presidential elections (already pushed back from 2009) and the 2011 referendum on independence for Southern Sudan. Sudan's democratic and geographic integrity hang in the balance—as do the lives of its people.

While the United States has consistently taken the lead on Sudan issues—from first declaring genocide in Darfur in July 2004, to playing a major role in brokering the CPA—we must once more engage at this crucial juncture. No one doubts that Special Envoy Scott Graton is earnest in his determination to seek peace for all of Sudan; however, the new U.S. policy articulated in October 2009 remains vague due to a lack of specifics on benchmarks, accountability, and sanctions. Ensuring security for the people of Darfur continues to be a struggle for UNAMID peacekeeping troops. Basic governance and infrastructure must be improved in Southern Sudan so that it can function either as a contributing region of Sudan or as a successful independent state, depending on the outcome of the referendum. Unfortunately, the outlook is bleak. Tribal violence in the South is increasing and must not be allowed to disrupt the process. We cannot afford to turn our attention away from Sudan at this crucial and dangerous moment. Instead, the U.S. needs to doggedly pursue CPA implementation while also doing our best to ensure that aid and diplomatic efforts target security, development, and reintegration programs wherever appropriate.

As we observe the anniversary of this landmark pact, we should note that the job is far from done and the U.S. bears a responsibility to the people of Sudan. Let us rededicate ourselves to this cause of bringing peace to Sudan.

#### HONORING TODD SWETNAM

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly rise to recognize Todd Swetnam, a very special young man who has exemplified the finest qualities in journalism by competing in the recent Journalism Education Association (JEA) and National Scholastic Press Association (NSPA) Convention in Washington, DC.

While competing, Todd and the Liberty High School broadcasting staff were honored as Pacemaker Award finalists for their KLHS broadcast. Todd and the team earned this distinct acknowledgement by conducting one of ten top broadcasts in the Nation, a noteworthy achievement.

Todd has also been deemed the best in the Nation in his field and given top on-air reporter honors based upon his exemplary journalistic skills. I join the Liberty community in congratulating

Todd for his excellence in the field of journalism.

Madam Speaker, I proudly ask you to join me in commending Todd Swetnam for his accomplishments and wish him good luck on all future endeavors.

#### HONORING JANE ELAINE CALLERY FOR RECEIVING THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. COURTNEY. Madam Speaker, I rise today to honor my constituent, Mrs. Jane Elaine Callery of Ashford, Connecticut who was recently honored by President Obama and the National Science Foundation with a Presidential Award for Excellence in Mathematics and Science Teaching.

Mrs. Callery holds a B.S. in elementary education, an M.S. in general science, and a C.A.S. in administration and supervision from Central Connecticut State University. She also has a C.A.S. as a secondary science specialist from Southern Connecticut State University. In addition, Mrs. Callery is a member of the Connecticut Alpha Delta Kappa Society.

Mrs. Callery has taught science at the Capital Region Education Council, CREC, Two Rivers Magnet Middle School since 2002. In the 7 years prior, she taught middle school science, served as science and technology specialist for kindergarten through eighth grade, and taught science, mathematics, and language arts at various schools in the Newington Public Schools system. She taught sixth grade science, which integrates earth, life, and physical sciences, at CREC Two Rivers and is currently the science curriculum and instruction specialist for all 12 CREC magnet schools PK–12. She also serves on the Science Advisory Committee for the Connecticut Mastery Test Program and is a past board member of the Connecticut Science Teachers Association.

Mrs. Callery is an inspiration to her students, teaching them to generate hypotheses and test their ideas using the same methods as actual scientists. It is this approach that has endeared her to students, parents and colleagues alike. Mrs. Callery also encourages her students to practice the lessons they learn in the classroom when they go home. She has even helped to sponsor a "Super Saturday" for mathematics and science, during which students led visitors in science discovery experiences.

#### HONORING JOEY LOMBARDO

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joey Lombardo, a very

special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Joey has been very active with his troop, participating in many Scout activities. Over the many years Joey has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joey Lombardo for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### IN HONOR OF LT. COLONEL ANTHONY T. GRESKI

### HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I would like to congratulate Lt. Colonel Anthony Greski, who has earned this year's Lifetime Achievement Award for his service with the United States Air Force. Mr. Greski is a member of my Military Academy Nomination Board and a worthy recipient of this distinguished honor.

Lt. Col. Greski officially joined the Liaison Officer Program in 1970 as an additional duty per the 913th AFRES, Willow Grove ARF Reserve Order 77. Even when he later became a special agent with the Air Force Office of Special Investigations, he continued assisting the Liaison Officer Program. He was the first Liaison Officer Commander for Southern New Jersey, earning several honors and accolades for his work including "Outstanding LOC" for Region 1 in 1991.

He retired from the Air Force Reserve in 1996; though he has continued serving as an Admissions Liaison Officer through the present. Lt. Col. Greski's LOC area was composed of nine counties, containing over 150 schools. He has continued the area's tradition of holding an annual Falcon Festival honoring new USAFA appointees and AFROTC scholarship winners.

Lt. Col. Greski is now a member of my Academy Nomination Board and serves his community in various ways, such as organizing an overseas delivery of greeting cards made by students at a local elementary school. Madam Speaker, I hope you will join me in congratulating this honorable man for his contributions to his community and to our Nation.

#### HONORING EVAN JOHNSON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Evan Johnson, a very special young man who has exemplified the finest

qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 75, and in earning the most prestigious award of Eagle Scout.

Evan has been very active with his troop, participating in many Scout activities. Over the many years Evan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Evan Johnson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO MS. RACHEL MILLER AND MR. JOHN ADAMOVICH ON THE BIRTH OF THEIR TWINS

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. ENGEL. Madam Speaker, I rise today in honor of Ms. Rachel Miller and Mr. John Adamovich who have just become the proud parents of twins Max and Jake on January 6, 2010. A former constituent, Ms. Miller served New York's 17th District as my energy and environment legislative assistant for many years before going on to work for Senator DIANNE FEINSTEIN.

Both Rachel and John have built careers of service to their country and community: Rachel on Capitol Hill and John as a social worker. They are people of integrity and will make wonderful role models for their two sons. Max and Jake should know how lucky they are to be part of this new family.

As a proud father of three, I can truly say that I knew the best years of my life were ahead of me when we began our family. And I am confident that Rachel and John will experience the same. Raising children is such a rewarding experience, made double for them by the birth of their twins. I am confident that they will be wonderful parents, and I wish them the best for these exciting years to come.

HONORING BRADLEY NELSON

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bradley Nelson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many Scout activities. Over the many years Bradley has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Bradley Nelson for his ac-

complishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DR. SHELDON RUBIN FOR HIS FOUR DECADES OF CARING FOR AND TREATING THE ANIMALS OF CHICAGOLAND

### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the long and distinguished career of Dr. Sheldon Rubin. This year, Dr. Rubin is retiring from the veterinary profession after over four decades of caring for and treating the animals of Chicagoland.

Dr. Rubin graduated from the University of Illinois College of Veterinary Medicine in 1968, and from there his career accelerated rapidly. He is a member of a vast number of respected professional organizations, including the American Veterinary Medical Association, the American Animal Hospital Association and the Lincoln Park Zoo Medical Advisory Board. He has served as president of the Chicago Veterinary Medical Association and is currently in that same position for the Illinois State Veterinary Medical Association and the American Heartworm Association.

Shelly has also shown his dedication to his field through his membership in the Illinois Academy of Veterinary Medicine, an organization that requires 100 hours of continuing education a year. His endless pursuit to be on the forefront of veterinary medicine has earned him a myriad of prestigious awards, including the American Animal Association's Practitioner of the Year Award and a Lifetime Achievement Merit Award from the Chicago Veterinary Medical Association.

In addition to his numerous chairman positions and his Chief of Staff Emeritus at Blum Animal Hospital, Dr. Rubin often appears on local and national radio and television programs to promote responsible pet ownership and help teach Americans how to provide the best care for the fuzzy, furry, feathery and scaly members of our families.

Madam Speaker, I ask my colleagues to join me in recognizing Dr. Sheldon Rubin and his extraordinary career and thank him for his many outstanding contributions to veterinary medicine.

HONORING BENNIE RUDOLPH WENZEL III

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bennie Rudolph Wenzel III, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and in earning the most prestigious award of Eagle Scout.

Bennie has been very active with his troop, participating in many Scout activities. Over the many years Bennie has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Bennie Rudolph Wenzel III, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING AGUSTIN ROBERTO "BOBBY" SALCEDO

### HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Ms. CHU. Madam Speaker, I rise today to recognize a tragic loss to our community, Mr. Agustin Roberto "Bobby" Salcedo, who was senselessly murdered on December 31, 2009, at the young age of 33 while vacationing with his family in the city of Gomez Palacio, Durango, Mexico. My heart goes out to his wife, Betzy; his brother, Carlos Salcedo; his mother, father and the rest of his family, as well as his students and colleagues in the El Monte City and Union School Districts.

Mr. Salcedo was an extraordinary citizen, a caring and dedicated educator, and a young leader and rising star in the El Monte/South El Monte community. He had dedicated his life to educating and enriching the lives of the youth of the very community he grew up in, serving as a football coach and vice principal at Mountain View High School, his alma mater, where he once was Student Body President.

But Bobby did not stop at being an educator, mentor and friend to his students. A son of immigrant parents, he knew he had potential to become a leader, to chart a better course for his entire community. In 2004, he was elected to the El Monte City School District Board. He was reelected just last November, and was sworn in by his brother Carlos, also a school board member. Those of us who knew him know that this was just the start of what could have been a prodigious political career.

Bobby Salcedo earned his bachelor's degree in history from California State University, Long Beach and later a master's degree in educational administration from Cal State San Bernardino. He was studying for his doctorate in educational leadership at the University of California, Los Angeles when he was tragically gunned down.

Mr. Salcedo was also a founding member of the El Monte Coalition of Latino Professionals, which encourages education, cultural awareness, civic participation and economic development, as well as past President of the South El Monte/Gomez Palacio, Durango, Mexico Sister City Organization.

I urge all my House colleagues to join me in honoring Mr. Salcedo for his remarkable service and contribution to our community, and in recognizing the deep sorrow and profound loss that his death has caused to our entire community.

## HONORING BEN MILKS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ben Milks, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Ben has been very active with his troop, participating in many Scout activities. Over the many years Ben has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ben Milks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 50TH ANNIVERSARY OF THE KEWEENAW PENINSULA CHAMBER OF COMMERCE

**HON. BART STUPAK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. STUPAK. Madam Speaker, I rise to honor the Keweenaw Peninsula Chamber of Commerce on the organization's 50th anniversary serving Copper Country. Over the course of five decades the Chamber has fostered a vision of bringing communities on the peninsula together to promote the economic development of the entire region.

The Keweenaw Peninsula, the northernmost point in Michigan's Upper Peninsula, is surrounded by the majestic Lake Superior on three sides, and whether driving, biking, kayaking or snowmobiling the area provides some of the most scenic trails and waterways in the entire Nation. It served as the center of the Upper Peninsula's and the Nation's copper mining industry for generations, earning the region's nickname Copper Country. It is also home to Michigan Technological University in Houghton, Michigan, which has been named one of the "Best Buys in Education" by U.S. News and World Report.

The Keweenaw Peninsula Chamber of Commerce was formed in 1959 when the Houghton Association of Commerce and the Hancock Chamber of Commerce were combined to form the Houghton-Hancock Chamber of Commerce. The purpose of this merger was to advance the civic, educational, commercial, industrial, agricultural, recreational, and tourist interests in the areas of Houghton, Hancock, and Portage Lake.

In 1978 the Houghton-Hancock Chamber of Commerce changed its name to the Copper Country Chamber of Commerce. The organization officially took the name of Keweenaw Peninsula Chamber of Commerce on December 12, 1985. At this time Chambers from

Lake Linden, Painesdale, South Range, and Copper Harbor, among others, fused into this single entity. This regional Chamber works to advance the general welfare of Houghton and Keweenaw Counties to ensure its citizens and businesses prosper.

The Chamber is continuing its work to serve the region with an effort to unite with the Keweenaw Economic Development Alliance and the Keweenaw Convention and Visitor Bureau to lead Houghton and Keweenaw Counties in the development and enhancement of tourism, economic development, and business related activities.

Madam Speaker, the Keweenaw Peninsula Chamber of Commerce has served as a leader in improving civic life and economic development in the Keweenaw Peninsula of Michigan's Upper Peninsula. The Chamber's commitment to both the traditions and to the future of Copper Country serves to benefit all who live in and enjoy the resources and beauty Keweenaw Peninsula has to offer. Therefore Madam Speaker, I ask that you, and all of my colleagues in the U.S. House of Representatives, join me in recognizing the Keweenaw Peninsula Chamber of Commerce on its 50th anniversary.

HONORING DELRAN BOYS VARSITY SOCCER TEAM

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I am pleased to report that the tradition of soccer excellence continues at a high school in the Third District of New Jersey. For the fourth time in six years, the Delran Boys Varsity Soccer Team has captured the NJSIAA State Group 2 Championship. I am also pleased to note that Delran finished their season with an outstanding record of 21-2-2, ranking them as the fifth best team in the state by the New Jersey Star Ledger. Three members of the team, Garrett Erny, Dominic Nocito, and Ali Gocmez were named to the Star Ledger's South Jersey All Star Team.

The coaches who have led the state championship team to victory are head coach Mike Otto and assistant coaches Joe Griffith, Joe Chaccio, Kevin Romanik, and Mati Reinfeldt. They were aided by managers Stephanie Schmidt, Allyson Arroyo, Alyssa Kelly, and Athletic Director Andrew Estrada. These talented young athletes include the following Delran High school students: Captain Garrett Erny, Captain Brad Schmidt, Captain Dominic Nocito, Vincent Carollo, Ali Gocmez, Joseph Hackimer, Donald Irons, Michael Perreira, R.J. Ruff, Steven Smith, Cem Yilmaz, Mark Denny, Justin Dobrin, Richard Evans, Machado Jackson, Kevin Meldrum, Daniel Pak, Michael Reyes, Jared Ruff, Douglas Rocha, Laris Brkic, John Hansberry, Bryan Lodge, Dante Nocito, Bret Sanson, Kevin Sousa, Tyler Wiseman, Dylan Kitley, and Jordan Gales.

I commend the Delran High School Boys Varsity Soccer team on their 2009 State Championship and hope you will join me in wishing each of its members great success.

## HONORING WILL QUARLES

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Will Quarles, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Will has been very active with his troop, participating in many Scout activities. Over the many years Will has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Will Quarles for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 50TH ANNIVERSARY OF DANNY AND MILLY MITCHELL OF PLATTSBURGH, NEW YORK

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. OWENS. Madam Speaker, I rise today to congratulate Dan and Milly Mitchell of Plattsburgh, New York on the celebration of their fiftieth wedding anniversary.

Dan and Milly each have been a strong presence in our community, and nearly all of us in Clinton County have learned from them and benefited from their experience at one time or another. Milly has always been a strong presence in Clinton County, and Dan is well known to all of us through his work as a judge and an election commissioner. But, perhaps more than anything else, it is their commitment to one another that is so well known in our community. Dan and Milly's fifty years of marriage are a shining example of what a bond as strong as theirs can achieve, and I commend them on all those special years together.

I know I speak for all of Clinton County in wishing them a happy anniversary on this momentous occasion, and all the best of luck to them and their family in the many years ahead.

HONORING ITASCA ASSISTANT FIRE CHIEF GREG McDONALD

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. ROSKAM. Madam Speaker, I am pleased to rise today in recognition of the long and distinguished service of Itasca Fire Protection District Assistant Chief Greg McDonald on the occasion of his retirement. Assistant

Chief McDonald recently concluded his loyal service to the community he has been faithfully serving since 1972.

Assistant Chief McDonald first volunteered for the Itasca FPD for 13 years and rose to the rank of captain. Following this period of service he was promoted to Assistant Chief in 1991.

Day in and day out Assistant Chief McDonald led the men and women of the Itasca Fire Protection District as they risked their lives to protect Itasca. His leadership is reflected in their bravery and courage.

Madam Speaker and Distinguished Colleagues, please join me in celebrating this special occasion and the long years of service and commitment that it represents.

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HONORING KINSEY KIRIAKOS FOR  
HIS SERVICE TO TENNESSEE'S  
SIXTH CONGRESSIONAL DISTRICT

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**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. GORDON of Tennessee. Madam Speaker, today I rise to honor Kinsey Kiriakos, who has served as my Communications Director and has helped me to be a better congressman as I represent the people of Tennessee's Sixth Congressional District.

While Kinsey grew up in southern California and far from the rolling hills of Tennessee, he quickly proved himself to be an ambitious and creative addition to the staff, with a clear passion for politics that rivals only his passion for the Los Angeles Dodgers. One of Kinsey's first tasks in the office was revamping my congressional Web site, and he put in long hours to get the job done well. His hard work and dedication on that project has made my Web site a more effective tool for communicating with my constituents.

Prior to joining my staff, Kinsey worked for Rep. BRAD SHERMAN and Sen. EVAN BAYH. Now, he is moving on to the next phase of his career. Kinsey departed my office on Friday for a new job as the Communications Director for the Joint Economic Committee, and I know he looks forward to being involved in efforts to get our nation's economy back on track. His experience with both the House and Senate, and his easy rapport with reporters will serve him well in this new position.

Madam Speaker, my staff and I have enjoyed having Kinsey with us over the last year, and we wish him all the best in his new position. He is young and talented, and I look forward to watching his professional skills continue to grow.

HONORING MRS. SUZANNE M.  
PILON FOR BEING AWARDED  
THE PRESIDENTIAL AWARD FOR  
EXCELLENCE IN MATHEMATICS  
AND SCIENCE TEACHING AWARD

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**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. LEE of New York. Madam Speaker, I would like to congratulate Mrs. Suzanne M. Pilon of Hilton, New York for being awarded the Presidential Award for Excellence in Mathematics and Science Teaching, the highest recognition that a kindergarten through 12th-grade mathematics or science teacher may receive for outstanding teaching in the United States.

A first and second grade science and mathematics teacher at Quest Elementary School in Hilton, Suzanne has been teaching at the Hilton Central School District for the past 14 years.

Known for her strong motivational skills, Suzanne also serves as a Teacher Leader for the Investigating Science program, is a Child Study Team Grade Level Leader, a Technology Committee Representative, an Administrative Team member, and a Parent-Teacher-Student Organization Team Representative.

Suzanne offers a daily science workshop to her students and tries to weave science into as many other subjects as she can. She continues to pursue many professional development activities and has previously been recognized as the District Teacher of the Year for Quest School of Choice.

Suzanne is an exceptional educator and Western New York is fortunate to have her teaching in our community. I'd like to once again congratulate Suzanne on this wonderful accomplishment and thank her for her dedication to our nation's youth.

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HONORING THE NEBRASKA FIRE-  
FIGHTERS MUSEUM AND EDU-  
CATION CENTER

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**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I rise to honor the Nebraska Firefighters Museum and Education Center in Kearney, Nebraska. In addition, I also want to thank Linsay Schluntz and Wayne Olson for their energy, dedication and hard work in making the museum a reality.

The museum covers Nebraska's firefighting history from 1856 to the present and its exhibits feature restored fire trucks, uniforms, breathing equipment, fire extinguishers and other various firefighting implements.

Additionally, I'm proud to note a portion of the museum is dedicated to fire prevention education and features interactive exhibits targeted to school-age children.

Opened on August 14, 2009, the museum has seen more than 3000 visitors with many more expected to tour the facilities in the com-

ing months. Later this year, construction will begin on a memorial garden featuring several granite tablets with the engraved names of Nebraska firefighters who have dedicated their lives and safety to protecting their communities.

It has been a great honor of mine to work with Nebraska's firefighters and other emergency personnel. The Nebraska Firefighters Museum is a reminder of the sacrifices and dedication these brave men and women make to our state.

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HONORING DAVID M. BISSETTE,  
EMERGENCY COORDINATOR FOR  
THE TOWN OF CLARENCE, NEW  
YORK

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**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. LEE of New York. Madam Speaker, it is with great appreciation that I recognize Mr. David M. Bissonette, Emergency Coordinator for the town of Clarence, New York, for his dedicated service to the community, specifically his efforts on the evening of February 12, 2009.

On the evening of February 12, 2009, Continental Connection Flight 3407 crashed into a home in the town of Clarence. Under the coordination of David, emergency personnel from throughout Western New York responded quickly to the scene of the accident and immediately went into action.

A fulltime safety professional for more than 30 years, David's experience and professionalism in handling incident coordination allowed emergency personnel to arrive on scene in a matter of minutes, as well as enabling residents living in homes near the crash site the ability to quickly move to safety.

A 27-year member of the Clarence Volunteer Fire Department, David served in various leadership positions including Chief and Assistant Chief. Over his 17 years as Emergency Coordinator for the town of Clarence, David has been responsible for providing emergency support and guidance on a number of large emergencies including chemical releases, extremely heavy snow storms, a chemical plant explosion and fire, long term power outages and sadly, because of the events on February 12, 2009, a tragic plane crash.

Madam Speaker, I'd like to extend my appreciation to David Bissonette for his dedication to the town of Clarence, and for his actions on the evening of February 12, 2009, and the days following.

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BANKRUPTCY NOT BAILOUTS

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**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. SMITH of Texas. Madam Speaker, Americans have one word for Congress when it comes to more bailouts: "No!" Taxpayers want to hold accountable those who wrecked

American companies and our economy—not give them new, federal checking accounts.

The Obama administration does not get the message. What was its Christmas “present” for taxpayers? A Christmas Eve gift of unlimited bailout billions to Fannie Mae and Freddie Mac.

House Democrats don’t get the message either. Just before Christmas, they rammed through a partisan financial “reform” bill to institutionalize bailouts—not bury them.

There is a common thread in the Democratic gift-giving. It is Chicago-style patronage politics, rung up by the billions. Fannie and Freddie’s patrons gladly drain taxpayer coffers to preserve these tools of liberal social policy. Meanwhile, as the latest academic study shows, politically connected banks get the most bailouts. Little does it matter that these were the institutions that brought us to the edge of ruin.

Republicans and the American people have a better solution. Send the institutions that have failed us to bankruptcy. There, accountability will carry the day—not patronage politics.

#### REPORTED WALL STREET BANK BONUSES

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. SKELTON. Madam Speaker, I come from Missouri—the Show-Me State—where people conduct their lives with a sensible skepticism and a great devotion to common sense and patriotism.

Missourians pride themselves in being straight shooters. They work hard and play by the rules. They look at issues with a pragmatism that more Americans should possess. They, like I, have been angered by the greedy behavior of Wall Street tycoons who helped get our country into its current economic mess.

Their anger is amplified when they hear news stories, as all Americans have in the past few days, about how some of Wall Street’s biggest banks are planning to give millions of dollars in bonuses. I am outraged by this. I have to ask myself, “Where is the common sense of these Wall Street bankers? Where is their patriotism? Where is their shared sense of sacrifice?”

I grew up during World War II. When this Nation was in trouble then, all Americans stood together; all Americans made sacrifices—the working men and women of this country and the barons of industry. This current crowd on Wall Street just doesn’t seem to get that. And that is a shame.

It was important for the government to help save the American financial system from ruin. It was close to going off a desperately high cliff in the autumn of 2008. That would have been devastating for the Missouri families I represent. Was I angered that the government had to take emergency action? You bet I was—as were the folks in whose shoes I stand each day in Washington.

Action was needed in large part because Wall Street tycoons had gambled with risky

mortgage backed securities and because the government was not shining its regulatory light fully on these risky investments. And, many Wall Street firms rewarded employees with exuberant pay packages based on get-rich-quick financial transactions.

In February 2009, Congress directed Treasury to review and set strict guidelines on executive compensation at financial institutions receiving assistance under the 2008 Emergency Economic Stabilization Act. Treasury has been doing that under the direction of Kenneth Feinberg, who runs the Office of the Special Master on executive compensation at the department.

I am saddened that Congress would have to create a special office to help this greedy bunch find their moral compass. And, I am even more saddened that Wall Street banks would continue to think it appropriate to cut enormous bonus checks when so many American families are out of work and many others are very deeply concerned about their economic future. Can’t the Wall Street crowd see how their pay schemes are interpreted in middle America? Can’t they understand that their profits are occurring because the American people made serious sacrifices to right the Nation’s economic ship?

I am not yet convinced that the Treasury Secretary, the Federal Reserve Chairman, or the President have worked hard enough to press this compensation issue with the Wall Street community. That is why Congress has been working on several bills to establish more sensible policies in this area and in financial regulation more broadly.

I fully realize that American companies must retain good workers to be competitive in the global marketplace and it takes pay to do that, but I am angered that executives at firms that received federal taxpayer assistance do not possess the common sense to share in the sacrifices being made by the American people during this tough economic climate. I urge them to take a step back and to reconsider their actions.

#### HONORING ROBERT AMMON FOR HIS 50 YEARS OF SERVICE WITH THE CORFU FIRE DEPARTMENT

#### HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. LEE of New York. Madam Speaker, it is with great pride that I pay tribute to Mr. Robert Ammon for his 50 years of service as a member of the Corfu Fire Department in the village of Corfu, New York.

Over his five decades of service with the Department, Bob has held numerous leadership positions with the volunteer Department, including President, Vice-President, Trustee, Chairman of Carnivals and Parade Chairman.

In addition to his various official leadership roles, Bob has also been instrumental in numerous other community and fundraising events, including raising funds for the original building that housed the Corfu Fire Department and also for finalizing the sale of the Department’s current facility.

Bob is a true hero who has risked his life countless times over the course of his service to the department and community. The village of Corfu is fortunate to have the Corfu Fire Department serving the community, and to have had Bob as part of the department for the last 50 years.

Madam Speaker, I ask that the House join me in recognizing Bob Ammon’s 50 years of dedicated service to the community.

#### HONORING RUTH ARDEN

#### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Ms. KAPTUR. Madam Speaker, I rise today to honor the life of Ruth Arden, the longtime Executive Director of St. Paul’s Community Center. Ruth was a passionate advocate for the homeless, the impoverished, and for the welfare of the entire Toledo community. She first became involved with the center in 1975, when, as the outreach director for St. Paul’s United Methodist Church, she took on the role of the center’s first director. Although the job was initially supposed to have been temporary, Ruth’s innate kindness, combined with the state of Ohio’s decision to close mental hospitals, meant that her stay at the center turned out to be much longer than expected. Those discharged from the hospitals “hovered into the doorways” at the center, noted St. Paul’s co-director Marcia Langenderfer, and in the face of such pressing need, Ruth simply could not turn people away.

Over the next 34 years, Ruth transformed St. Paul’s from a small operation in a church basement into a \$1.2 million organization that served 100,000 meals annually and supervised 12 transitional apartments as well as a 30-bed homeless shelter. “I think she would have worked forever,” Ms. Langenderfer said, adding that Ruth “was very strong-willed and always determined to help this population.”

Yet Ruth’s desire to make this world a better place was not limited to those whom she served at St. Paul’s. An enthusiastic art lover, she participated in the Toledo Museum of Art’s Children’s Program and, from 2003 to 2007, served on the board of the Toledo Artists’ Club. Additionally, Ruth belonged to the Rotary Club of Toledo and was on the board of the Coalition for Housing and Homelessness in Ohio from 1983 to 2003. In 1991, Inc. Magazine named her a finalist for the publication’s prestigious Entrepreneur of the Year award.

I first met Ruth in 1983, and was floored by the way in which this remarkable woman seized every opportunity to remind others to be both grateful and kind. “We would go to church,” her daughter Kimberly Arden Chandler recalled, “and on the way home, she would drive us through neighborhoods where people didn’t have as much as we did and told us how lucky we were.” It was a valuable lesson for Kimberly and her two siblings, and Ruth dedicated her life to teaching it to everyone she encountered. Yet she never asked for praise. She helped others not for her own self-satisfaction or for recognition from the community, but because it was simply the fair and

noble thing to do. The size and success of St. Paul's Community Center is a shining testament to her perseverance, her zeal, and her overwhelming compassion. Ruth amazed me as a freshman Congresswoman, and her achievements continue to amaze me still. It is only right that she should now receive America's wholehearted gratitude and appreciation for her outstanding accomplishments and extraordinary life.

Ruth will be greatly missed in Toledo: she grew up there, raised her children there, and spent decades working to improve her hometown. A graduate of Waite High School, the University of Toledo, and Baldwin-Wallace College, Ruth was preceded in death by her son, Kris Kontak. We offer our heartfelt condolences to her daughters, Kimberly Arden Chandler and Karen Kontak; son, K. Reynold Kontak; seven grandchildren; three great-grandchildren; and her dear friend Jim Gottron.

I know that Ruth's family and friends are deeply comforted by the legacy she left behind and the memories they share. She helped so many people over the course of her rich and full life, and her efforts are ones for which all of us are profoundly grateful. May she be blessed with a restful peace, and may we always remember the life and good deeds of Ruth Arden.

Her achievements on behalf of our community benefited others too often forgotten in our technologically pigeonholed society. She painstakingly bestowed on our community a lasting endowment of vision and institutional capacity to serve the homeless and forgotten in the heart of Toledo. Indeed, Ruth gave this community heart. What was even more amazing was that she was of a position in life where this pursuit was not necessary to her existence. Her conscience and spiritual mission impacted thousands of people for the better. Her life stands as a bright star whose light points the path for those wise enough to follow its gleam.

#### HONORING THE LIFE OF RICHARD T. WAX

#### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. CHILDERS. Madam Speaker, I rise today with deep sadness by the passing away of a native Mississippian, Mr. Richard T. Wax. Mr. Wax, 83, died Monday, January 4, 2010, at his home.

Mr. Wax was President of the Wax Company, founded in 1898 by N.T. Wax. The Wax Company was built on the foundation of serving Mississippi farmers. Mr. Wax joined the company in 1948. He was elected President in 1972 and spent over 50 years of service to the Mississippi agricultural industry. Mr. Wax was also former president of the Southern Seedsmen's Association, the Southern Field Seed Council and was appointed by the American Seed Trade Association to the Panel of Arbitrators of the American Arbitration Association.

Mr. Wax was a devoted husband to Lewellen, and father to Barry, John, and Terry.

Madam Speaker, with distinct honor and pride, I along with the citizens of Amory, Mississippi, sadly mourn the death of such an inspirational Mississippian. I want to personally thank him for his contributions. His memory will live on.

#### CONGRATULATIONS TO JON AND CRYSTAL TAETS

#### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. LANCE. Madam Speaker, I rise today to congratulate Jon Taets, my legislative director, and his wife, Crystal, on the birth of their second child. On Sunday, January 10, 2010 Jon and Crystal welcomed John Patrick "Jack" Taets to their family. Little Jack was named in honor of Jon's late grandfather, Jack Gillespie.

At birth, Jack Taets weighed 7 pounds 9 ounces and measured 20 inches long, and will be welcomed home by his older sister, Elizabeth.

#### COMMENDING ZACH BONNER

#### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. BILIRAKIS. Madam Speaker, I rise today to congratulate Zach Bonner, one of my young constituents whose humanitarian work has earned him the Most Inspiring Person of the Year award from Beliefnet.com.

Zach created a charitable enterprise, the Little Red Wagon Foundation, when he was eight years old to help children in need. Zach has been doing humanitarian work since he was just six years old, handing out water from his red wagon after a hurricane. He has raised money to help provide meals to needy families during the holidays and has donated needed school supplies to children from lower-income families.

Zach recently began a walk across America to raise awareness about the problem of youth homelessness in our country. Zach will be walking 2,225 miles to raise money to help homeless kids. He previously walked nearly 1,000 miles from Tampa to Washington D.C. for the same purpose. If he successfully completes his walk across the country—and I do not doubt that he will—Zach will become the youngest person to do so.

Madam Speaker, I am honored to represent such a fine young man who has dedicated himself to helping underprivileged children. It inspires me that he has done so when he is only twelve years old himself. His age certainly belies his maturity. I want to commend this fine young man to all of our colleagues and hold him as an example of the good that can be done by one dedicated individual.

#### HONORING BOY SCOUT TROOP 623 OF SOUTHWEST MICHIGAN ON ITS 90TH ANNIVERSARY

#### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Boy Scout Troop 623 of Southwest Michigan, on the occasion of its 90th anniversary. Boy Scout Troop 623 is among the oldest in the nation with the earliest records reporting a December 1919 founding, only three years after Congress chartered the national organization.

While the United States is home to many accomplished and dedicated Boy Scout Troops, Troop 623 remains among the most distinguished. The Troop has weathered several difficulties including a 1931 fire that destroyed their camp on Lake Madron. The camp was rebuilt during difficult economic times and has thrived ever since. Camp Madron is still among the finest Scout camps in the United States.

In the summer of 1961, Boy Scout Troop 623 became the first troop from West Michigan to serve as the Governor's Honor Guard and Ft. Mackinac guides when they took the first of their annual weeklong trips to Mackinac Island. The summer of 2010 will mark the 49th consecutive trip the troop has taken, making Troop 623 the longest serving troop in the state. This trip is the highlight of a scout's career.

Scouting is a tremendously rewarding activity, something which I have learned firsthand from my time as a Troop 623 Scout. For the hundreds of former members of Troop 623, their experiences with Scouting have equipped them to become responsible citizens and leaders in the communities that they now call home. The values learned as a Scout are irreplaceable, and the lives of those who have Scouting training bear tribute to their training.

#### CONGRATULATIONS TO THE ALTERNATIVEPRESS.COM

#### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. LANCE. Madam Speaker, I rise today to congratulate The AlternativePress.com as it celebrates its one-year anniversary.

The AlternativePress.com was launched in October 2008 and currently serves as New Jersey's all-online alternative to local print newspapers.

In my congressional district, The AlternativePress.com serves residents in Berkeley Heights, New Providence, Summit and Westfield and features a wide array of news and information, from video streaming of local high school sports events to real estate listings and restaurant reviews, to objective local, regional and state news.

The AlternativePress.com is led by lifelong New Jersey resident and Rutgers University graduate Michael M. Shapiro, who serves as the outlet's chief executive officer and editor.

I would like to congratulate Michael Shapiro and the entire AlternativePress.com team as it celebrates its one-year anniversary. I commend the whole team for its tremendous service to the public.

RECOGNIZING THE GREATER FORT WORTH MARTIN LUTHER KING, JR. HOLIDAY COMMITTEE

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. BURGESS. Madam Speaker, today I rise to recognize the Greater Fort Worth Martin Luther King, Jr. Holiday Committee, for its work on promoting and honoring the legacy of Martin Luther King, Jr. Since 1985, the Committee has held a Scholarship Awards Banquet, as well as a Fort Worth March/Parade, in honor of Martin Luther King, Jr.

This organization is one of the oldest in our country that has a commitment to promoting the legacy of one of our nation's greatest civil rights leaders. In fact, the first Fort Worth Parade honoring Dr. King was held one year before the national holiday was observed.

This year, the Committee has several activities planned around the holiday, including a Scholarship Banquet, a Gospel/Jazz Social, and a Parade and High School Band Exhibition. All events are scheduled to be held during the weekend of Saturday, January 16, through Monday, January 18, 2010.

Madam Speaker, it is with great honor that I rise today and recognize the Greater Fort Worth Martin Luther King, Jr. Holiday Committee for their commitment to upholding the legacy of Dr. King. I am proud to represent this charitable organization and the City of Fort Worth in the United States House of Representatives.

A TRIBUTE TO ART PRICE IN RECOGNITION OF HIS 28 YEARS OF SERVICE

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Arthur Price for his 28 years of service.

Art Price was born in Escondido, California, October 13, 1951 to Arthur and Betty Price. He graduated from Ramona High School in 1969, then Grossmont Jr. College and California State University, Sacramento—earning a B.A. in Criminal Justice.

Art met Kathryn Price and was married on August 18, 1974. He graduated from P.O.S.T. in 1980 and was hired as a District Attorney Investigator for the Sacramento County District Attorney's Office. On June 15, 1981, he was hired as the Chief Investigator for the Amador County District Attorney's Office, and has faithfully served five District Attorney Administrations as Chief Investigator since then.

Art played a key role in assisting the District Attorney in receiving the Auto Insurance

Fraud, Workers' Compensation Fraud, and Elder Abuse grant programs, and Art's influence was critical in forging an alliance between the District Attorney's Office and the Department of Social Services to combat welfare fraud in our community.

In 2002, Art was recognized by his peers as the Amador County Peace Officer of the Year. At the time of his retirement, Art was the longest serving District Attorney Chief Investigator in the State of California, recognized statewide as a leader in law enforcement. Art has also been active in the state law enforcement community through his work with the California District Attorney Investigator's Association, serving as president in 1999–2000.

Art's greatest legacy is his service to the community, having served as soccer coach, President of the Mother Lode Youth Soccer League, fundraiser for the Amador Polar Bears swim team and the Amador High School Volleyball team, Project Leader for the Sierra Eagles 4–H, Food Chairman for Sober Grad, member of the Jackson Lions and other positions for worthy causes.

Art is a devoted family man and father to five children—Arthur, Janice, Cheryl, Victoria, and John—and grandfather to four—Arthur, Kaitlyn, Timothy, and David.

I am pleased to recognize and congratulate Art Price for his dedication towards the District Attorney's Office, local law enforcement, and the citizens of Amador County.

CHIEF MASTER SERGEANT DAVID R. NORDEL OUTSTANDING SERVICE AT FAIRCHILD AIR FORCE BASE

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize United States Air Force Chief Master Sergeant David R. Nordel for his outstanding service while stationed at Fairchild Air Force Base.

Chief Nordel was assigned to serve as Chief Master Sergeant of the 92nd Air Refueling Wing at Fairchild Air Force Base in Washington in July 2008. He serves as the senior enlisted advisor to five group commanders and 16 squadron commanders concerning the force management and combat readiness of over 1,900 Airmen.

During his time at Fairchild Air Force Base, he has improved the overall well-being and morale of Airmen. Chief Nordel has worked hard for the Airmen at Fairchild by holding the first-ever Single Airman's Summit. In addition, he played a key roll in working with the Department of Defense and Congress to secure funding for a physical training center which will improve quality of life for installation's Airmen and provides a means to repair a snow damaged structure. Finally, Chief Nordel has helped pave the way for a successful BRAC mandated Total Force Integration initiatives between the 92nd Air Refueling Wing and the 141st Washington Air National Guard.

Madam Speaker, Chief Master Sergeant David R. Nordel's selfless dedication to his

country is honorable and worthy of recognition. I thank Chief Nordel, his wife Pat, and their two children Dave and Dominic. They are a true Air Force Family and I salute the entire family for their continued commitment, sacrifice, and contribution to this great Nation. I wish Chief Nordel and his family great success as they continue their Air Force journey. They will all truly be missed at Fairchild Air Force Base.

RECOGNIZING THE CONTRIBUTIONS OF ANITA THETFORD

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. BURGESS. Madam Speaker, I rise today in recognition of Anita Thetford of Hurst, Texas. After twenty-nine years of dedicated service, she will be retiring from her current post for the City of Hurst.

Anita has devoted her time to the City of Hurst since December 1980, and has since held designations as Certified Governmental Finance Officer and Registered Tax Assessor and Collector. For the past 19 years, she has served her community as the Director of Finance and has provided expert guidance in the financial arena during her tenure. Under her leadership, the City of Hurst has earned the Distinguished Budget Presentation Award for 19 consecutive years and is one of only five cities in the United States and Canada to receive a rating of "Especially Notable" in three budget award categories for a single year.

Anita's efforts are known to have maintained the City of Hurst's financial ratings, earned lower bond interests ratings and reduced property tax rates. This has bolstered Hurst's growth of new and existing businesses.

Anita graduated cum laude from the University of North Texas with a bachelor's degree in business administration. She has also earned her Associates degree through Tarrant County Community College. Currently, Anita is completing a Master of Arts in Christian Education and Childhood Ministry from Dallas Baptist University.

Anita has been a member of the Government Finance Officers Association of Texas for the past 27 years. She has served the association as President, Board Newsletter Committee Liaison, Ethics Committee member, Texas Municipal League Board Representative, North Texas Representative, and Newsletter Committee Chair. She also received the prestigious Outstanding Service Award and was recognized as Outstanding Finance Officer in 1998.

As a member of the Rotary Club of Hurst-Euless-Bedford, she has served as the Treasurer, Secretary, Vice President, and President. She was also awarded the Outstanding Service award for this organization in 1999 and was named Rotarian of the year during 2005–2006.

Anita has received many awards based on her knowledge, merit, commitment and integrity as a public servant and humanitarian.

Madam Speaker, it is with great honor that I rise today and recognize Anita Thetford for



her years of dedication and selfless service to the City of Hurst. I am proud to represent her and the City of Hurst in the United States House of Representatives.

**HONORING JIMMIE JENKINS ON  
HIS RETIREMENT FROM FAIR-  
FAX COUNTY, VA**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor the exemplary public service of Jimmie Jenkins, whose leadership and contributions in the field of wastewater management made him a vital resource to local governments in Northern Virginia and across the nation.

Jimmie Jenkins is retiring as director of the Fairfax County Department of Public Works and Environmental Services, capping a 33-year career in which he helped shaped the county's building, environmental and inspection services. This actually is the second time Jimmie has retired from Fairfax County. He originally retired in 2001 from the county's wastewater division, but he returned in 2004 to oversee the entire public works agency.

I had the great pleasure of working with Jimmie during my 14 years on the Fairfax County Board of Supervisors, including 5 as chairman. When retirement notices would come before the board, my colleagues and I often would say in good humor that someone should pass a law prohibiting such decisions because we could not bear to part with such dedicated and talented people. We actually succeeded in Jimmie's case by luring him out of retirement once, but it looks like he is serious this time.

Jimmie built a reputation in Fairfax as a charismatic "can do" manager, known for his direct "tell-it-like-it-is" style and his unabashed support for his alma mater, Virginia Tech, as evidenced by his large collection of maroon and orange ties. Jimmie began his career in the former Department of Environmental Management in 1973 as a structural engineer, reviewing plans for compliance with the building code. He has held several positions within the wastewater management area, including the director of the Wastewater Treatment Plant and the position of director of the Systems Engineering and Monitoring Division, from which he retired in 2001. After returning to Fairfax County in 2004, Jimmie successfully steered the Department of Public Works and Environmental Services with his extensive institutional knowledge.

During my tenure as chairman of the county board, Jimmie was instrumental in advancing major initiatives to establish Green building standards and expand storm water management efforts. We dedicated the value of one penny on the local tax rate to address critical needs, including stream and dam restoration, rehabilitation of our aging infrastructure and master planning of our 30 watersheds to protect them for future generations. Jimmie also played a major role in laying the foundation for implementing the board's bold 20-year Environmental Vision.

Madam Speaker, I ask my colleagues to join me in honoring the many accomplishments of Jimmie Jenkins as he brings his distinguished career with Fairfax County to an end. The efforts of Jimmie and those who work with him largely happen behind the scenes, but the tangible benefits can be seen throughout our community on a daily basis, from the sophisticated treatment of wastewater to the more frequent use of low impact development practices to the improving health of the stream near your home. I am proud to have worked with Jimmie and thankful that our community will benefit from his contributions for years to come.

**HONORING MINNESOTA COMMUNITY ACTION PARTNERSHIP ORGANIZATIONS FOR SUCCESS AT WEATHERIZING HOMES**

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Ms. McCOLLUM. Madam Speaker, I rise to honor the many workers and contractors who are part of Minnesota Community Action Partnership weatherization programs. Minnesota is being honored this week by the U.S. Department of Energy as one of the top five States in the country for its work utilizing American Recovery and Reinvestment Act funds to weatherize homes.

The installation of blower doors, energy efficient water heaters and furnaces, improved insulation, and energy efficient windows is vital work that saves energy, saves money, and helps low-income households. During the last year, Minnesota Community Action Partnership organizations have used American Recovery and Reinvestment Act funds to help weatherize an additional 17,000 homes. These investments are saving families an average of \$350 in energy costs this year and keeping them warm during Minnesota's coldest months.

I have seen the benefits of this work firsthand through the Community Action Partnership of Ramsey and Washington Counties, CAPRW, which serves a majority of my constituents. Under the guidance of Executive Director Clarence Hightower, CAPRW has been able to serve over 200,000 low-income households each year, and over the past 30 years has completed energy improvements on over 13,000 homes. CAPRW invested funds from the American Recovery and Reinvestment Act to expand the number of homes weatherized in our community by more than three times. As a result, the community benefited from new jobs, a cleaner environment, and lower energy costs for working class families.

These Recovery Act investments are strengthening our community by allowing Community Action Agencies to build on the legacy begun in 1964 as part of President Johnson's Economic Opportunity Act, which served as a major step in the war on poverty. Today, Community Action Agencies continue to provide a wide variety of services to those living in poverty. In addition to weatherization efforts, local agencies also offer energy assist-

ance, Head Start and Early Head Start programs, training programs for job training, financial literacy, and education, as well as senior nutrition programs. These efforts build stronger communities by providing opportunities for families to work towards economic independence.

Madam Speaker, in honor of the recognition by the U.S. Department of Energy of Minnesota's Weatherization Programs as one of the top in the Nation, I am pleased to submit this statement for the CONGRESSIONAL RECORD recognizing this achievement and the hard work and dedication of our Community Action Agencies in fighting poverty.

**PERSONAL EXPLANATION**

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mrs. DAVIS of California. Madam Speaker, on Tuesday, December 15, 2009, the House electronic voting system recorded the insertion and removal of my voting card for rollcall vote No. 977, on motion to suspend the rules and pass S. 1472, the Human Rights Enforcement Act of 2009.

However, it did not record my vote of "aye" on this bill.

I have long been a fervent advocate for human rights and want to ensure the recording of my support for this important measure.

**HONORING THE 2009 CHESAPEAKE BAY FOUNDATION'S ENVIRONMENTAL EDUCATORS OF THE YEAR**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor three principals from public schools in my district: Ms. Debra Lane of Rolling Valley Elementary School; Mr. Sal Rivera of Flint Hill Elementary; and Mr. Dwayne Young of Centreville Elementary School. These principals have shown a remarkable commitment to environmental education, actively incorporating it into their own curricula and seeking to promote it across Fairfax County. All three have increased outdoor learning opportunities for students and teachers in their schools and were instrumental in establishing a teacher professional development program focusing on the Chesapeake Bay for Fairfax principals and teachers.

They are helping to teach children new ways to engage academically and behaviorally, while fostering a stronger sense of community and connectedness to their surroundings. Through their efforts they have increased environmental awareness and promoted stewardship in younger generations, benefiting the Chesapeake Bay by educating about the dangerous effects of pollution.

The Chesapeake Bay Foundation recognized their dedication by naming them 2009

Environmental Educators of the Year. This annual award, dating back more than a decade, recognizes individuals in the field of education within the Chesapeake Bay watershed who have contributed significantly to our understanding of the Bay ecosystem through an academic program.

Madam Speaker, on behalf of myself and my constituents, I ask that my colleagues join me in congratulating Ms. Lane, Mr. Rivera, and Mr. Young for this recognition and thanking them for their service.

#### HONORING THE RETIREMENT OF JOANN C. TADLOCK

#### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. JONES. Madam Speaker, I have the privilege of representing the wonderful people of the third district of North Carolina, which includes hundreds of military families and civilians that work for our military.

Today, I would like to honor one such civilian—Mrs. Joann C. Tadlock will retire from the Naval Air Systems Command, Fleet Readiness Center East, Cherry Point, North Carolina on February 3, 2010.

Mrs. Tadlock's distinguished government career spans over 31 years, a career that is full of achievements and accolades that greatly reflect upon her and upon the organizations with which she has served.

In April of 1978, Mrs. Tadlock began her Federal career as a Clerk for the Department of the Interior, holding progressively responsible administrative positions within the Department of the Interior and the Naval Air Systems Command.

Mrs. Tadlock returned to school and earned her bachelor's and master's degrees and became a Personnel Management and Equal Employment Opportunity Intern.

Mrs. Tadlock subsequently served as the principal classifier for the Human Resources Office, Marine Corps Air Station Cherry Point and has most recently served as Total Force leader and Navy's Multi-Trade expert in supporting the Fleet's best interests.

Madam Speaker, I am very proud of Mrs. Joann Tadlock and I thank her on her many years of service to our great Nation and our military. Her contributions to the Department of Navy will be missed as she moves forward to new and exciting opportunities.

I would like to ask my colleagues to join me in congratulating Mrs. Joann Tadlock on such an extraordinary career.

Mrs. Tadlock epitomizes the dedication and professionalism that make our Federal Government a model all over the world.

God bless Joann, all of our troops, and may God continue to bless America.

#### TRIBUTE TO THE USASOC

#### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to the U.S. Army Special

Operations Command, USASOC, which celebrates 20 years of service to the Army and Nation. Having been at war for over one-third of that time, the men and women of USASOC continue to make great contributions worldwide with an operations tempo that has never been greater. Operating with a strong roadmap for development, USASOC remains committed to maintaining the world's finest ground special operations force. USASOC's personnel take quiet professional pride in executing each mission with excellence, honor and valor.

Since its inception on December 1, 1989, the pace of USASOC's operations has been extraordinary; operating around the world, often behind-the-lines, in some of the most remote and hostile regions on the planet. The command's operations and range of military contributions reads like a travel guide to America's foreign policy; Eastern Europe, the Balkans, Rwanda, Haiti, the Philippines, Somalia, Colombia, Afghanistan and Iraq—to name just a few.

At more than 27,000 personnel, USASOC is only 5 percent of the U.S. Army. However, USASOC is the largest of the service components that make up U.S. Special Operations Command, USSOCOM, and provides approximately 70 percent of the special operations personnel in Central Command's theater and approximately 63 percent of America's total overseas military commitments. USASOC provides trained and ready Army special operations forces to support the Geographic Combatant Commanders, GCC, the Theater Special Operations Commands, TSOC, and Ambassadors throughout the world.

Today the operations tempo for Army Special Operations has never been greater, and is unlikely to decrease in the near future. USASOC currently has soldiers deployed on 103 missions in 56 countries around the world, and is operating across the spectrum of lethality and influence. On any given day elements of 3 of the 5 active duty Special Forces groups, units from the 2 National Guard Special Forces Groups, 1 ranger battalion, some 36 special operations aircraft, and more than 35 civil affairs teams and 35 Psychological Operations Teams and Sustainment Brigade logistics units are deployed around the world.

Currently 222 of the Army's 228 CONUS-based Special Forces operational detachments "A", ODA, are committed to supporting operations worldwide, either deployed or preparing for deployment. USASOC's ability to manage the high operations tempo is directly attributable to the caliber of its personnel, currently the best the Nation has ever seen and at the heart of Army Special Operations' extraordinary capabilities.

That range of skills within USASOC is embraced by a spectrum of Army unconventional units, with legendary bloodlines running back to Roger's Rangers, the Devil's Brigade and the OSS, among others. The seven principle units that make up today's USASOC include the John F. Kennedy Special Warfare Center and School, U.S. Army Special Forces Command, 75th Ranger Regiment, 160th Special Operations Aviation Regiment, 4th Psychological Operations Group, 95th Civil Affairs Brigade, and the 528th Sustainment Brigade.

President Barack Obama has stated in his agenda for defense, "We must build up our

special operations forces, civil affairs, information operations and other units and capabilities." The demand for special operations personnel, skills and training remain high. Faced with often desperate, unconventional enemies our approaches for defeating them involve unwavering commitment combined with unique unconventional skills.

That range of USASOC's expertise ensures the Army's special operations forces can execute the most lethal, highly complex and sensitive special operations, wage unconventional warfare, conduct high risk helicopter operations, or prosecute civil military and influence operations.

Few commands can match USASOC's contributions over the past two decades, its countless mission most often quietly executed and unheralded. For those in today's USASOC, the pace is fast, the challenges great, and morale and job satisfaction have seldom been greater. The command's motto, "Without Equal", captures the spirit of its personnel and their commitment to maintaining the world's finest ground special operations force.

The command's missions, however, have not come without a sizable cost in lives lost. In the eight years since the start of Operation Enduring Freedom and Operation Iraqi Freedom, 244 of USASOC's personnel have made the ultimate sacrifice. Their names are cast in bronze on a wall in USASOC's Memorial Plaza at Fort Bragg, NC.

In summary, the performance and contributions of Army Special Operations Forces in the Central Command theater of operations and around the world have been nothing short of magnificent. Whether in the combat theaters, Iraq and Afghanistan, the Philippines, Trans-Sahara Africa or wherever friends and partners find themselves challenged by the forces of disintegration, oppression and extremism, Army Special Operators from across the Command's formations are unquestionably among America's most relevant answer to the threats our Nation faces.

U.S. Army Special Operations Command is honored to play its role within the finest, most capable Army and Joint Special Operations Force ever to serve our great Country. May God bless them all.

#### BRIAN J. HAUG IS PROMOTED TO LIEUTENANT COLONEL IN THE UNITED STATES AIR FORCE

#### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Brian J. Haug on his promotion to Lieutenant Colonel in the United States Air Force.

Lieutenant Colonel Haug earned his commission through the Air Force Reserve Officer Training Corps, AFROTC, program at Southeast Missouri State University. He began his Air Force career as a Minuteman III Intercontinental Ballistic Missile crew commander/instructor at F.E. Warren AFB, Wyoming. There, he was responsible to national command authorities for the positive control, operation, and

security of 50 ICBMs maintained on constant 24-hour nuclear alert status.

From 1999 to 2002, Lieutenant Colonel Haug was the assistant professor of aerospace studies and commandant of cadets for the AFROTC program at the University of Southern California. Lieutenant Colonel Haug was directly responsible for the selection, education, and professional development of Air Force officer candidates. His comprehensive unit program developments earned him "Education Officer of the Year" distinction for the AFROTC Southwest Region, which includes thirty-two major colleges and universities.

In September 2002, Lieutenant Colonel Haug joined the "Schreiber Team" as a member of the 2d Space Operations Squadron at Schreiber AFB, Colorado. As a global positioning system crew commander, he captured back-to-back "Crew of the Quarter" titles before assuming command of the operations support flight. In January 2004, he was hand-selected to serve on the 50th Space Wing's staff as deputy inspector general where he developed a detailed compliance inspection program to enhance operational warfighting readiness.

In 2005, Lieutenant Colonel Haug was requested to be the chief, GPS Operations Branch at the Pentagon. In this assignment, he was responsible for the GPS and nuclear detection system future year defense program funding, which helped define current and future space-based navigation systems requirements. In 2007, Lieutenant Colonel Haug was selected to the Air Force Legislative Fellowship program where he served in my office as an advisor on military and veteran issues.

Lieutenant Colonel Haug was tasked to the Air Force Global Strike Command, provisional staff in January 2009. As deputy director of plans & programs, he was instrumental in establishing the programmatic framework for the Air Force's first new major command in 27 years. Today, Lieutenant Colonel Haug is the chief, Space Force Programming Branch, Space Superiority and Global Integrated Intelligence, under the deputy chief of staff, Strategic Plans and Programs at the Pentagon. In this job, he evaluates, analyzes, and integrates space capability requirements, while providing resource prioritization recommendations for the Air Force space portfolio to the Secretary of the Air Force and Chief of Staff.

Madam Speaker, on behalf of Congress and the United States of America, I would like to recognize Lieutenant Colonel Brian J. Haug for his promotion in the United States Air Force. Lieutenant Colonel Haug as been an asset not only to the United States Air Force but to the people of Washington State, and it has been an honor and privileged to work with him. I wish him great success as he continues his Air Force journey.

CONGRATULATING SERGEANT  
RICK SMIEDENDORF

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. UPTON. Madam Speaker, I rise today to congratulate Sergeant Rick Smiedendorf of

the St. Joseph Police Department who is retiring after 31 years of outstanding service. Sergeant Smiedendorf has had a deep and lasting impact on the St. Joseph community, especially in his work with young people.

A native of Niles, Michigan, Sergeant Smiedendorf is a graduate of Western Michigan University and began his career in St. Joseph in 1979. Rick was a tireless advocate in the area of crime prevention. He started a number of programs in the department, including the Crime Prevention Unit, the Neighborhood Watch program, the Dedicated Officer Program in the elementary schools, and the Community Child Watch. Generations of children knew him as Officer Rick, or Sergeant Rick, or McGruff the Crime Dog.

Throughout his career, Sergeant Rick connected prevention and law enforcement programs to the residents of Southwest Michigan. He helped organize the local National Night Out program, and the Community Emergency Response Team. He was named Officer of Year twice by the Benton Harbor St. Joseph Exchange Club, and was recently named Outstanding Crime Prevention Practitioner of the Year by the West Michigan Crime Prevention Association.

Southwest Michigan is very fortunate Rick Smiedendorf stayed close to home. Thousands of people have been impacted by his hard work and commitment to crime prevention and keeping the public safe. I salute his efforts and thank him for his service in my hometown of St. Joseph. I wish Sergeant Rick all the best in the future.

H.R. 3590, THE SERVICE MEMBERS  
HOME OWNERSHIP TAX ACT

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. SKELTON. Madam Speaker, on August 17, 2009, I became a cosponsor of H.R. 3590, the Service Members Home Ownership Tax Act. This legislation, which passed the House of Representatives on October 8, 2009, by a vote of 416 to 0, was designed to make certain changes in the tax code to assist members of the military in becoming homeowners. Thankfully, the legal changes envisioned in H.R. 3590 were included in a different bill to extend the first-time homebuyer tax credit that received bipartisan support and was signed into law by the President.

After the military tax issue was resolved, the Senate Majority Leader used H.R. 3590 as the legislative vehicle to pass health care reform. On December 23, 2009, the Senate adopted a manager's amendment to H.R. 3590 which removed the provisions of the bill as it passed the House and replaced them with provisions of the Patient Protection and Affordable Care Act. The amendment also changed the title of the bill.

A public search of legislation I have cosponsored in the 111th Congress shows that I am a cosponsor of the original H.R. 3590. I take this opportunity to clarify that I cosponsored and voted for the Service Members Home Ownership Tax Act, not the Patient Protection and Affordable Care Act.

HONORING VERDIA L. HAYWOOD  
ON HIS RETIREMENT FROM  
FAIRFAX COUNTY, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor one of the finest public servants in Fairfax County and Northern Virginia's history for a 32-year career in which he shepherded regional efforts to provide for the basic needs of children and families throughout our community.

Verdia L. Haywood will retire Jan. 19, 2010, from his role as deputy county executive for human services, but his legacy—in terms of services, mentoring and partnerships—will endure. I had the great pleasure of working with Verdian during my 14 years of service on the Fairfax County Board of Supervisors, including five years as chairman. When retirement notices would come before the board, my colleagues and I often would say in good humor that someone should pass a law prohibiting such decisions because we could not bear to part with such dedicated and talented people, and that certainly is the case here.

Verdia began his career in Fairfax in 1978 as Executive Assistant to the County Executive, which made him the primary liaison between the county executive's office and the Board of Supervisors. He soon began working with the county's human services agencies and in 1981 was appointed to his current position as deputy county executive. During a career spanning more than three decades, Verdian oversaw the expansion and delivery of a wide array of services to meet the diverse needs of Fairfax County's population. Verdian was responsible for every facet of the human services portfolio, which included the departments of health; community and recreation services; housing and community development; family services; juvenile and domestic relations court services; human rights; community services board, which includes behavioral and mental health; homelessness; and much more. He was the architect of a coordinated service delivery system that has become a regional and national model.

During his tenure, the county's population doubled, increasing the demands for new and basic services. Verdian was one of the first to recognize that the county alone could not meet the multitude of needs, and he led a successful effort to cultivate the network of nonprofit, faith, business, school and other local partners that now comprise the safety net of our community. Behind his soft-spoken leadership was an unwavering passion for people, which along with his infectious optimism and laughter, motivated people from all sectors of the community to want to be a part of improving the lives of others and maintaining the critical investments we made in Fairfax County.

When I was chairman of the county board, Verdian was instrumental in advancing major initiatives to address the lack of affordable housing, the needs of our growing senior population and the challenges of homelessness. In each of these cases, we hosted community

summits, assembled task forces of community stakeholders and developed action plans with measurable outcomes. We preserved more than 2,000 affordable housing units for low- and moderate-income families that otherwise would have been lost to redevelopment pressures from the marketplace. We opened a new family homeless shelter, initiated a 10 year plan to prevent and end homelessness using the "housing first" model, and created a new office to oversee its implementation. We expanded the mission of our Agency on Aging with a 50+Action Plan that laid out more than 60 recommendations for improving the quality of life for our exploding senior population—including expanded health and transportation services and volunteer opportunities. Also during this time, Verdía oversaw a complete redesign of our Community Services Board model, through which we provide mental health, mental retardation, and alcohol and drug prevention and intervention services. These are just a sampling of Verdía's accomplishments that will have a profound and lasting impact on our community.

Prior to his service in Fairfax County, Verdía spent a few years working with the City of Richmond, where he helped establish the city's Mental Health, Mental Retardation and Substance Abuse System. In addition to his work with the city, Verdía served as an adjunct professor at Virginia Union University, where

he helped develop an Urban Studies Program. He received his bachelor's degree with honors in 1970 from Alcorn State University in his native Mississippi. While attending Alcorn State, he received a Ford Foundation grant to study economics at Tulane University. He later earned a national urban fellowship to attend graduate school at the University of Illinois, where he received his Master's in Public Administration.

His tremendous work on behalf of Fairfax County and Northern Virginia have been recognized by the National Forum of Black Public Administrators, the American Society of Public Administrators, Leadership Fairfax, the Fairfax Bar Association, the Service Source Network, New Hope Housing, the Human Services Coalition of Northern Virginia and the Virginia General Assembly.

Madam Speaker, I ask my colleagues to join me in honoring the many accomplishments of Verdía L. Haywood as he brings his distinguished career with Fairfax County to an end. He has set a high standard for public service, and I am proud to have worked with him during my time in Fairfax County. We will miss him terribly, but, thankfully, our community will continue to benefit from his work and innovation in the delivery of human services for many years to come.

THANKING THE HRUBY FAMILY  
FOR THEIR DEDICATION TO  
RURAL AMERICA

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**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 12, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I want to take a few moments today to congratulate the Hruby family—Tim, Stephanie and daughter Sophie—who recently earned the Excellence in Agriculture award.

The award is part of the Young Farmers and Ranchers program, which recognizes young farmers and ranchers who are contributing to their local communities, the agriculture industry, and our state through their involvement, leadership, and participation.

My district, like many rural areas throughout our country, faces a "brain drain" as we lose young people to more urban areas. If we are going to reverse this trend, we need more Nebraskans like the Hrubys to step up and take the lead.

Agriculture isn't an occupation. Rather, as Tim and Stephanie can tell you, it is a way of life and I thank them for their dedication to their community and our state.

## HOUSE OF REPRESENTATIVES—Wednesday, January 13, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 13, 2010.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Rev. Samuel Tialavea, Congregational Christian Church of American Samoa, offered the following prayer:

God of the faith of our fathers and Lord of our homage, we embrace You and one another in heart and soul, thought and mind, giving You praise and trusting Your faithfulness. Bless this day and our activity in Your service.

O Lord, help us to remember that proclamation from ages past, "Where there is no vision, people perish."

Enable us, therefore, to be visionary in our decisionmaking, particularly with those resolved in Your wisdom by the leadership of our Nation. Grant this Congress the ability to see, the faith to believe, and the courage to leap forward in their journey of determination for tranquility and peace, upholding those virtues by which all may benefit from in our "home of the brave and land of the free."

God of the Most High, may Your will be done, Your vision be known, and Your righteousness prevail, both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BUTTERFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. BUTTERFIELD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING REV. SAMUEL TIKERI TIALAVEA OF AMERICAN SAMOA

The SPEAKER pro tempore. Without objection, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 1 minute.

There was no objection.

Mr. FALEOMAVAEGA. Madam Speaker, it is my great honor and pleasure to welcome Rev. Samuel Tialavea to the Chamber today. Rev. Tialavea, or "Sam" as he is popularly known in our Samoan community, is from my home district in American Samoa.

Rev. Tialavea is currently the General Secretary of the Congregational Christian Church of American Samoa, a position he has held now for some 8 years. He was appointed Secretariat of the Partnership Consultation Committee on Ministry and Mission of the United Church of Christ and the Congregational Christian Church, again, a post he has held for some 8 years now. He was ordained in the mid-1990s, where he became pastor of the Bread of Life Church in Honolulu prior to his election as the General Secretary of the CCCAS.

This is a historic occasion for my district. To my knowledge, Rev. Tialavea is the first ever Samoan to give the opening prayer to begin a regular House congressional session.

I would be remiss if I didn't acknowledge Rev. Tialavea's lovely wife, Fa'aipoipoga, who is present with us in the gallery. Also with her to witness this momentous occasion are Rev. Elder Leatulagi Faalevao, who is the vice chairman of the Congregational Christian Church, and his wife, Vagai; and Rev. Reupena Alo, who is the assistant to the General Secretary, and his wife, Deanne.

It is my distinct honor and privilege again to welcome to the House today my good friend, Rev. Samuel Tialavea, Sr.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

### TAXING BANK BONUSES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Yesterday, I introduced H.R. 4414, a bill that imposes a 75 percent tax on the outside bonuses bankers are paying themselves from windfall profits earned from massive Federal Government support.

This bill is necessary because bankers are about to pay out some of the largest bonuses in history. All banking corporations, whether they received direct assistance or not, received substantial benefits from government bailouts. Bankers' failures to self-regulate, let us remember, were the direct result of the crisis we're in today. They need to be told that the money they're making is a public trust, not something they've earned for good behavior.

Bank profits are the result of a deliberate Federal Government policy to restore banking capital and ultimately investment in American prosperity. Banking bonuses have nothing to do with these objectives, and payouts to bankers are a form of appropriation of public wealth.

Banks could be using their profits to do many things to improve the prospects of economic recovery, including strengthening their capital base, recognizing and writing off their real estate losses, reducing fees charged to customers, especially for seniors and struggling consumers, and increasing lending to small and medium-sized companies.

Support H.R. 1414.

### PEOPLE MAKING A DIFFERENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. In South Carolina last week, I met with people making a difference promoting jobs by visiting the OneStop employment centers across the district. I visited the directors and staff, desk to desk, in Columbia, Lexington, Aiken, Barnwell, Orangeburg, Hampton, Ridgeland, and Beaufort. I want to thank the energetic, optimistic, and talented employees and commissioners of the Employment Security Commission for their dedication to helping put people back to work.

Another economic development is being announced for South Carolina today. The Estill Correctional Facility is adding 50 more jobs with a biomass

contract with Ameresco. We welcome the recent economic commitments to our State from Four Star Industries, Boeing, DHL, Scotsman Ice, Dixie Narco, Ameresco at SRS, and now Estill Correctional Facility. The combination of low taxes, worker training, right-to-work protections, and less regulatory redtape is a sound recipe to attract business. This commonsense approach should be applied at the national level.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HONORING BOBBY SALCEDO

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. I rise today to speak of a shocking murder and a tragic loss to my California district. On New Year's eve, Bobby Salcedo was in a restaurant with family and friends in Durango, Mexico when gunmen burst in, took six of the men away, and shot each one to death execution style. Bobby was only 33 years old.

With Bobby, they murdered an exemplary U.S. citizen. He was an elected member of the El Monte City School District Board. He returned to his alma mater, Mountain View High School, to become its assistant principal. He was studying for his doctorate in education at UCLA. He dedicated his life to helping youth and was a rising star in our community.

Bobby's death shows that the violence done by Mexican drug cartels is not in some faraway land; its tentacles affect us in the U.S. all too closely. For the sake of Bobby Salcedo, we must end the violence of the Mexican drug cartels. My heart goes out to the family.

#### THE NEW ORLEANS SAINTS

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Madam Speaker, the New Orleans Saints are having a historic season. This success has benefited our city tremendously. And with their first playoff game kicking off this Saturday, I wanted to give constituents a chance to honor them. Today's statement is from Jewelyn Wellborn.

Jewelyn writes: "The reason we are proud of the Saints, the reason we rally behind them, has less to do with the scoreboard and more to do with the heart, soul, and fire of the city. Your average New Orleanian is characterized by different concepts that seem so opposite of one another. There are those who have always called New Orleans home and some who came for only a few years and fell in love.

"Watching the Saints helps us escape from rebuilding, yet reminds us of why

we came home. The Saints are an exact reflection of us, our city, our home, and that's why the Saints are my home team."

#### HEALTH CARE AND THE ECONOMY

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, the American people continue to struggle in this difficult economy. One of the counties in my North Carolina district is now suffering with the State's highest unemployment rate. Yes, people are hurting and need to be put back to work. The transformation of our Nation's health care system represents an enormous opportunity to create jobs and fuel economic growth.

Each year, our health care reform plan will create 250,000 to 400,000 jobs. These reforms will also allow small business to add an estimated 80,000 jobs. Without these reforms, the health care premiums paid by businesses in coming years will more than double. Money needlessly spent on health care premiums by small businesses is really needed to hire workers, increase salaries, and refuel the economy.

Madam Speaker, Americans cannot afford the status quo. Doing nothing is not an option. I urge my colleagues to join us in improving the health care delivery system.

#### AMERICAN CONSERVATION AND CLEAN ENERGY ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the U.S. is \$800 billion in debt to China, and yet Congress continues to spend, having to raise the debt limit time and time again.

We do not grow America's jobs by borrowing hundreds of billions from China, sending hundreds of billions of dollars to OPEC for oil, or taking hundreds of billions more from Americans in new taxes.

What we can do, however, is by using some of our oil off our coast, we can use it to create jobs, restore our environment, use conservation and new technologies to cut waste and improve energy efficiency, develop innovative, efficient, and clean energy generation in all sectors, and rebuild America's inefficient transportation and energy infrastructure.

By putting our resources to work, we put millions of Americans to work here at home, and all this can be done without raising taxes. I encourage my colleagues to join the effort by supporting and being cosponsors of H.R. 2227, the American Conservation and Clean Energy Independence Act. It's about new jobs for a new, clean America.

#### HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. The House is back in session this week, and at the top of the agenda is health care. I am here to make sure that the 217,000 uninsured in my district have affordable options to purchase health care coverage, as well as those across America.

Families across America will benefit greatly from the bill's extensive improvement to our health care system. We will finally end discrimination by insurance companies based on pre-existing conditions. We will bring peace of mind to every parent out there who constantly worries about paying for high medical bills.

America is the land of freedom and opportunity. America must have the freedom and opportunity to purchase their own health insurance that is affordable for everyone. Doing nothing is unacceptable. We need to drive down the health costs and demand greater accountability for health insurance companies.

I urge my colleagues to support the health care reform and put the interest of our families first.

#### NORTHWEST LOUISIANA FOOTBALL STATE CHAMPIONS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, recently, two teams in my district won football State championships. In Class 2A, the Evangel Eagles, led by Coach John Bachman, Sr., defeated John Curtis High School.

David Dee Duron completed an 8-yard touchdown pass in the third quarter to Trey Taylor to give Evangel the lead. The Eagles won the game by a final score of 18-13. David Dee Duron finished the game completing 25 of 39 passes for 273 yards and two touchdowns, setting 2A title game records for most completions, attempts and yardage.

In Class 1A, the Haynesville Golden Tornados, coached by David Franklin, beat South Plaquemines to win the title. Late in the third quarter, B'Air McGee had a 21-yard touchdown to give Haynesville the lead, and then the Golden Tornado defense intercepted a pass with only 23 seconds left in the game to preserve the 19-12 win.

Congratulations to the coaches and players of both Evangel and Haynesville on this tremendous accomplishment.

□ 1015

#### PEOPLE WITH ALBINISM

(Mr. CONNOLLY of Virginia asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to highlight an ongoing crime against humanity in East Africa and particularly in Tanzania: the butchering of people with albinism in order to sell their body parts for profit.

According to rumors spread by witch doctors, the body parts of people with albinism can bring good luck. A single limb of a person with albinism can sell somewhere from \$500 to \$2,000, a king's ransom in much of the countryside of Tanzania. I recently met with a survivor of this horrific crime who told me her dramatic story in her own words—Mariamu Stanford, a 28-year-old woman with albinism, from rural Tanzania.

One night in October of 2008, Mariamu was attacked in her sleep by a group of machete-wielding men who cut off both of her arms. In the end, she also lost her unborn child. Despite all this, she is a survivor who is relaying her story in the hopes that these brutal crimes against people with albinism will end.

To this extent, Madam Speaker, I will be introducing a House resolution recognizing the plight of people in East Africa with albinism, condemning their murder and mutilation, and calling for swift action by our country and that of Tanzania.

#### HONORING BARBARA STOFLET

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today to honor Barbara Stoflet, a teacher at Gatewood Elementary School in Minnetonka.

At a recent White House ceremony, Barbara was awarded the Presidential Award for Excellence in Mathematics and Science Teaching, the Nation's highest honor for teaching in those fields. Barbara is one of only two Minnesota educators to receive such an honor.

She used her cutting-edge teaching methods and passion in the classroom to develop each student's potential for more than 20 years, even earning a Minnesota Teacher of the Year Award along the way.

Barbara's participation in the improvement of educational programs in the school as well as in the entire district ranges from instrumental classroom development to writing mathematical standards for Minnesota. For her development of innovative teaching strategies, her work to promote the key areas of math and science, and for her selfless commitment to an important profession, I am honored to recognize Barbara Stoflet before this body.

#### HEALTH CARE AND THE ECONOMY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, the two most pressing issues that our constituents want us to tackle are health care and the economy.

Last week, I convened a number of roundtables in my district with a variety of business leaders in order to discuss the economy and jobs. Health care costs were, as I expected, a top concern for all of them, and that's why I was proud to report that our health reform legislation will benefit them.

Our health reform bill will allow small business to add an estimated 80,000 new jobs because we are going to be lowering the cost of health insurance premiums. It is pretty simple: less money spent on health insurance premiums means the ability to hire new workers and to have salary increases for existing employees. Contrast that with the other side, which is to preserve the status quo: letting insurance premiums continue to rise and to cause further job loss.

We must enact meaningful health reform now in order to reduce health insurance costs, to protect jobs, and to enable small business growth.

#### CREATE JOBS AND MAKE HEALTH CARE MORE AFFORDABLE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, as we begin the second session of the 111th Congress, more than 15 million Americans are looking for work. Our Nation's unemployment rate is 10 percent—actually, 12 percent in the 11th District of Georgia, which is the highest level of unemployment since June of 1983.

Last year, Democrats promised that borrowing almost \$1 trillion on the backs of our children and grandchildren would create jobs immediately and that unemployment would not rise above 8 percent. Clearly, that is not the case.

So as we start this session, I urge Democratic leaders to finally take some commonsense steps to create jobs and to make health care more affordable. That means putting an end to spending money that we don't have. It means not continuing to pass legislation that imposes job-killing taxes on our small businesses, and it means passing health care legislation that actually reduces health care costs for all Americans without cutting their benefits.

Madam Speaker, the American people cannot afford any more of the Democrats' agenda for killing jobs and for growing the Federal Government.

#### HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, I would like to tell you about two of my constituents in Louisville who came up over the break and who told me why they were against health care reform.

The first one was a mother. She said she thought our health care reform bill was going to hurt too many people. When I asked her why or who, she said, Well, like my son. He had a kidney transplant, and I'm afraid he won't get the care he needs. When I told her that under our bill we could very well save his life because he would never get insurance under the present situation and that he would never be denied coverage under our bill, she had a little bit of a conversion right on the spot.

A second was a woman who owned a gift shop in Louisville. She said she was against health care reform because she is a diabetic. She said, I can't wait until 2014 to get the help I need. She wasn't against health care reform. She needs it now, and she needs it desperately. Under our bill, there will be a high-risk pool so she can immediately get coverage that she can't get now.

The fact is health care reform as proposed by the House Democrats will save lives, will save money, will save jobs, and will save Medicare. It is time to pass health care reform.

#### GOOGLE'S INTENTION TO PULL OUT OF CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I rise today to voice my strong support of Google's intention to consider pulling out of China due to a "highly sophisticated and targeted attack" on its corporate infrastructure and email service. Google is making a principled stand reminiscent of the companies that pulled out of apartheid South Africa and fascist Germany.

The Washington Post reported today that Google said it has evidence that a primary goal of the attackers was accessing the gmail accounts of Chinese human rights activists. They found that the gmail accounts of literally dozens of brave human rights advocates "appear to have been routinely accessed by third parties."

This is unconscionable but is not surprising given China's long history of cracking down on free speech, human rights, and religious freedom. China is regressing. They are increasingly brazen in their human rights abuses.

This principled stand on the part of Google will surely give hope to the millions of Chinese people who yearn for freedom and who cry out for basic human rights.



## NATIONAL URBAN LEAGUE

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute.)

Mr. BOCCIERI. Madam Speaker, today I rise in recognition of the 100th anniversary of the National Urban League, an organization dedicated to bettering the lives and protecting the rights of minority groups across our country.

The National Urban League is the oldest and largest community-based organization in our Nation. Locally, the Greater Stark County Urban League, located in my northeastern Ohio district, formed out of the integration of the Massillon and Canton affiliates, has been serving our Stark County communities for over 90 years.

Under the direction of interim president and CEO Vince Watts, the work of the Greater Stark County Urban League is bettering Stark County at precisely the time we need it. Ohio's unemployment is still high, and we are recovering slowly, but now more than ever, as we are rebuilding our local economy for future success, the Greater Stark County Urban League is connecting minority groups in our communities to the employment and housing services and to the health and youth programming necessary.

Last year, the local Urban League began a new scholarship program for 20 high school juniors and seniors. This year, they hope to provide 30 scholarships. The League is also offering classes this year to help 60 people in Stark County obtain their GEDs.

I commend the Stark County Greater Urban League for making critical investments in our people, in our country, and in our future. This is the type of service that we all talk about here and should applaud every day on the floor of the House of Representatives.

## BURMESE AMERICAN IMPRISONED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, an American citizen is being held illegally and unjustly by the Burmese Government today, and we should do all we can to return him to the United States and to his family.

Nyi Nyi Aung has been imprisoned in Burma since September 3, and has been held under a revolving array of charges—all bogus. Aung has been deprived of food and sleep, has been beaten, then has had medical treatment withheld, and he remains in prison while his trial is pending.

The Burmese Government has ignored its obligations under international treaty, and it violates the standards of human rights and basic decency.

Aung has a heart for the oppressed people of his native country, a heart to

bring true democracy to Burma, and his offense is promoting freedom in a country that is like a vast prison camp.

I urge Secretary Clinton to publicly call for Aung's release and to use all possible diplomatic means to return him to the United States where he can receive medical care. His life hangs in the balance, and we cannot afford to wait.

## HONORING THE LIFE OF MIEP GIES AND HER IMPACT ON THE WORLD

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, last week, a lady died, named Miep Gies, a Dutch lady. She died at age 100.

The reason her death is worth noting is that she was a Dutch Catholic who, with her husband, hid the Frank family—Anne Frank, Otto Frank, that family—and another Jewish family for 25 months in Amsterdam when the Nazi regime came and was taking Jewish people from Amsterdam and throughout Europe to concentration camps. For 25 months, their family protected the Franks. They were then betrayed, the Frank family, and sent to concentration camps where all died but Otto Frank.

Ms. Gies found the diary of Anne Frank. She preserved it and gave it to Otto Frank when he was released from his concentration camp—the only surviving Frank. It was published, the story of a young girl and her hopes during the Nazi occupation of Amsterdam and the persecution of Jews.

There are people today who do not believe that the Anne Frank diary was real. It was indeed real. This lady saved it. She saved history and taught us what people can do, just ordinary citizens, in acts of heroism to protect others in the face of injustice. I am pleased to recognize her in the United States Congress. We are lucky she came this way. She had a significant impact on the world.

## RECOGNIZING THE 188TH FIGHTER WING AND ITS ROLE IN THE GLOBAL WAR ON TERROR

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, more than 8 years after the September 11 attacks, our country is still fighting against terrorism. The attempted attack on Christmas Day has renewed the discussion of how to keep our country and its citizens safe and our Nation's interests protected. Our military is fighting every day to protect the world from these extremists.

Arkansans have proudly served to defend our country since the global war

on terror began. Most recently, last week, 50 members of the 188th Fighter Wing, based in Fort Smith, Arkansas, left for a 120-day deployment in Afghanistan. These men and women are continuing the Arkansas tradition of service to our Nation. In the coming months, an additional 250 members of the 188th will deploy to provide close air support for ground troops in Afghanistan. This is an important mission that I am confident these men and women will accomplish successfully.

I ask my colleagues to keep the members of the 188th and their families and friends in their thoughts and prayers during this time.

## THE EARTHQUAKE DEVASTATION IN HAITI

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, I was deeply saddened to learn yesterday of the 7.0 Richter scale earthquake that struck Haiti yesterday. As I speak, President Obama is preparing to address the Nation about our response and support. My heart goes out to the Haitian people.

I would also like to express our condolences to the United Nations peacekeeping organization there. Currently, it is expected there will be casualties from Brazil, China, Jordan, France, and other countries. The Montana Hotel, where I have been, was one of the places where the soldiers stayed and where many of the deaths were.

So as an earthquake of this magnitude and this aftershock have wrought extensive damage to Port-au-Prince, we say that we are here to add our support, and our prayers go out to the people of Haiti.

□ 1030

## DEPUTY KENT MUNDELL, JR.

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Madam Speaker, the people of the State of Washington are in a state of shock once again. They are in disbelief at the news that yet another police officer has been shot and killed in the line of duty. That makes six in the last 2 months in western Washington.

As a former cop myself, I will never forget the devastating time that we have gone through in the last couple months in losing these cops.

Last week, I attended the memorial for Pierce County Deputy Kent Mundell. He was 44 years old, and he died after being shot in the line of duty. He was able to kill the suspect, save other family members, his partner Sergeant Nick Hauser, and the community he had sworn to serve and protect. He paid the ultimate price.

Visiting at the hospital and attending his service and memorial, it is clear that Deputy Mundell had a heart full of life. He was willing and ready to serve. He was full of compassion for other human beings. And, now, that heart is silenced, and we all mourn this profound loss.

Deputy Mundell leaves behind his mom, his wife, his son and daughter, his partner, his entire law enforcement community, countless friends and loved ones. I ask this body, please, to keep them all in your prayers.

Deputy Kent Mundell, out of service, gone, but not forgotten.

### JOBS

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Madam Speaker, 2010 may be a new year, but our top priorities remain the same: jobs, jobs, and jobs. We must stay focused on job creation to end this economic downturn.

With our national debt well over \$12 trillion, we cannot just rely on more spending to achieve our goals. Washington has to find the right balance between investing in our future and doing more with less.

This year, I will continue to push for projects that require common sense, not millions of dollars; projects that help communities attract new industries that will create jobs, get folks back to work, and put the economy back on track. I will also work to remove barriers to success for small businesses and curb excessive regulations that can slow growth.

These low-cost job creation efforts will spur economic recovery without further increasing the debt. I urge my colleagues to join me in supporting them.

### FOUR KEY HEALTH CARE MESSAGES FOR VOTERS 55 AND OLDER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, seniors who express concern about the Democrat plans for a government takeover of health care in our country are correct to be concerned for at least four reasons:

The Democrat health plans do not address the fundamental concern of lowering the cost of health care. Indeed, the Democrat plans do exactly the opposite by raising health care costs.

Not only will the Democrat health care plans cause health care costs to go up, they will raise taxes, increase the deficit, raise premiums, and hurt the quality of health care that Americans receive.

The funding mechanisms envisioned to pay the cost of Democrat health care will harm Medicare and devastate Medicare Advantage.

Passing the Democrats' health care bill will harm our economy at a time when we need to focus on creating jobs. I urge seniors to tell their Democrat representatives to vote "no" on this job-killing, deficit-raising bill.

### ONE HUNDRED WAYS TO A HEALTHIER JOB MARKET

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, the Joint Economic Committee, which I chair, has just launched a non-partisan outreach looking for new and creative ideas to accelerate job creation in our struggling economy.

The JEC is looking for ideas that come from outside the bubble of the Beltway and that may be outside the box of conventional thinking. We are surveying executives at Fortune 100 companies as well as at leading small businesses across America looking for their ideas and innovations.

The administration has already identified some of the things we must do to create jobs, including the passage of health care reform.

Under the status quo, the soaring costs of medical care serves as a hidden tax on employers in the form of higher health care premiums. But we are committed to doing more, and we are eager to hear the best ideas from the sharpest minds in the country, looking for innovative new ways to create jobs and produce an economy that is stronger, fairer, and brighter.

### HEALTH CARE REFORM AND JOBS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, Democrats in Congress have devoted job creation as the number one top priority that we are focusing on in this period.

The fact is that the Republican recession has created some of the worst economic conditions since the Great Depression. But it is important to note that the American Recovery and Reinvestment Act has actually helped our economy begin to recover, and it is important to make sure that Americans know this.

It is important for Americans to know that the Recovery Act has created more than 640,000 jobs since it was enacted almost a year ago, and could produce as many as 1.6 million jobs.

More is needed, but the Recovery Act has reduced job losses, reduced unemployment rates and the increase in the unemployment rate, and increased the gross domestic product.

So, Madam Speaker, the Democratic caucus will continue to focus on job creation and will continue to work well, and we hope to do this in a bipartisan way. But even if we can't, we will continue to make jobs first on the agenda.

### VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today representing the voice of my Vietnamese American constituency to once again bring attention to the deteriorating human rights conditions in Vietnam.

Last Wednesday, a number of Catholics were attacked by the police for reporting an incident where Vietnam Government officials destroyed a holy cross at the Dong Chiem parish. The removal of the cross was only one incident in a series of violent actions taken by the Vietnamese Government to unlawfully seize church property which has belonged to the parish for over 100 years.

And I ask myself, why have we not put this country, Vietnam, on the list of countries of particular concern, those who prosecute and persecute religious beliefs? I find it absolutely appalling that the Vietnamese Government continues to get away with these human rights violations, and we should do something about it.

In 2010 I hope that the United States will finally take a stand and show the world that this behavior is unacceptable. It is time for Vietnam to be held accountable.

### HAITI

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, the devastating earthquake which hit Haiti last night is something that pains all of us.

The millions of Haitian Americans in this country and people who care about Haiti all over the world need to see what we can do to get aid as quickly as possible to the beleaguered people of Haiti.

The earthquake was 7.0 on the Richter scale, the largest earthquake ever to hit Haiti. And this comes on top of devastating hurricanes a little more than a year ago. The people of Haiti are going to need the United States to help.

As chairman of the Western Hemisphere Subcommittee, I will leave no stone unturned to try to get aid to people of Haiti. And I know that President Obama and Secretary Clinton have already made statements and promised and pledged lots of and lots of aid.

Probably thousands upon thousands of people are devastated and killed, and this is going to touch all of us. So I call on this House, I call on the American people, I call on our government to do whatever we can to send aid to help the beleaguered people of Haiti. Now is the time.

I urge the American people to listen, to send donations to those organizations that can get aid in as quickly as possible. Money donations are probably what is needed right now. Only the United States is in a very, very unique position. And, again, we want to tell the Haitian people that the United States of America, the U.S. Congress is there with you. We will leave no stone unturned to try to save lives.

The next 72 hours is crucial in terms of saving lives, in terms of preventing any kind of epidemics, in terms of keeping food going and the water clean and making sure that there is no disease, looting, things like that. We need to do everything we can. I know we will. And, again, we will leave no stone unturned.

As chairman of the Western Hemisphere Subcommittee, I know that our committee will be right in there with our sleeves rolled up and do everything we can to help the people of Haiti.

#### VETO MESSAGE ON HOUSE JOINT RESOLUTION 64, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2010

The SPEAKER pro tempore (Ms. BALDWIN). Pursuant to the order of the House of January 12, 2010, the unfinished business is the further consideration of the veto message of the President on the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of January 12, 2010, at page 7.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

#### GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent all Members may have 5 legislative days to revise and extend their remarks on H.J. Res. 64.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I am the only speaker for our side of the aisle and I plan to be brief. So I will yield the customary 30 minutes to the gentleman from Florida (Mr. YOUNG) for the purpose of debate only.

I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I might consume.

I wanted to rise in support of the position taken by my friend, Mr. OBEY. He didn't say what that position was exactly; so I am assuming that we are going to vote "no," that we are going to support the President's veto. And I think, on our side, we fully support this issue.

I find it a bit ironic that here we are having to defend the constitutional prerogatives of the Congress on a joint resolution that was originally sent to the President to respect his constitutional prerogatives.

Under Article I, section 7 of the Constitution, the President has up to 10 days to review legislation before deciding whether to sign it into law. However, when a continuing resolution is to keep the government functioning if the appropriations bill is set to expire, the continuing resolution is sent to the President to give him the opportunity to review the appropriations bill. As a matter of courtesy to the President, Congress, on a bipartisan basis, traditionally submits a short-term "signing" CR to preserve the President's ability.

That is exactly what the situation here is today. Basically, it is a moot question other than the constitutional requirements. And so we are here to say to my friend Mr. OBEY and to you, Madam Speaker, that assuming that Mr. OBEY is going to recommend a "no" vote, we are going to also vote "no."

I have no further requests for time, and I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I think the gentleman from Florida has summed up the situation pretty well.

In December, the House and Senate passed a 5-day continuing resolution in order to give the President time to sign the Defense appropriations bill. The President received the CR and the Defense appropriations bill on the same day, December 19. He signed the Defense bill, thereby avoiding the need for the stopgap funding in the CR.

Since the President signed the Defense appropriations measure quickly, I agree that the CR was not needed to keep the government open.

The President sent the CR back to the House, as the gentleman indicated, with his veto. But in that veto message, he suggested in some ways that he had, in fact, pocket vetoed the legislation.

But the fact is clear that the Congress was here to receive a message, and we do not consider it a pocket veto. Therefore, we feel that the appropriate action to be taken is to sustain the veto and take this action to demonstrate that, in our judgment, a pocket veto is not appropriate, that the

President exercised a regular veto and it should be treated as such.

Mr. LEWIS of California. Madam Speaker, I fully support my friends on the other side of the aisle taking action to protect the constitutional prerogatives of the legislative branch in this matter.

As the gentleman from Florida stated, it is ironic that the executive branch has chosen to use an action taken by the Congress as a courtesy to them against this very body. I think this should give all of us pause when we are faced with similar situations in the future.

As the gentleman from Florida has stated, the Constitution allows the President to take some time to review the legislation sent to him. However, when we are dealing with appropriations bills and operating under a continuing resolution to keep the government running, sometimes timelines don't match up neatly. As a matter of courtesy to the President, Congress on a bipartisan basis traditionally transmits a short-term "signing" CR to preserve the President's ability to review final appropriations bills without triggering a government shutdown.

That is exactly what occurred in this situation. The Congress did not send the President the final defense appropriations bill until December 19, the day the existing CR was to expire, leaving the President no time to review the defense bill unless he wanted to shut the Department of Defense down. So, the Congress unanimously passed and transmitted a short-term CR solely as a matter of courtesy. The President could have easily followed his predecessors' practice and signed both bills. The substantive effect would have been the same as it is today.

But that is not what the President chose to do. So we are here today, as the Congress, to deal with the first veto issued by President Obama.

Is it a veto based over substantive policy disagreements like President Bush's veto of stem cell legislation, or President Clinton's veto of legislation lifting the arms embargo for Bosnia and Herzegovina?

No, it is not. It is a veto that simply uses a now moot piece of legislation to re-ignite a battle between the legislative and executive branches dating back to the Nixon administration, a battle that the courts have generally sided in favor of the legislative branch.

I hope that in the future the President will exercise his veto power on substantive issues important to the American people such as vetoing bills that continue us on a path of reckless government spending.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

In accord with the Constitution, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings will be postponed.

□ 1045

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## SUPPORTING CONTINUED POLITICAL AND ECONOMIC DEVELOPMENT IN UKRAINE

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 981) supporting continued political and economic development in Ukraine.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 981

Whereas in 1991, Ukraine re-established its independence, and began the process of developing democratic institutions and a market economy;

Whereas the Ukrainian people bravely demonstrated their desire for a free, democratic, and prosperous country through non-violent protest during the 2004 Orange Revolution;

Whereas the United States and Ukraine have a strong relationship, as evidenced by the United States-Ukraine Charter on Strategic Partnership, signed in December 2008 by Secretary of State Condoleezza Rice with the objective of expanding cooperation on defense, trade, energy, democratic development, and cultural exchange;

Whereas during the July 2009 visit of Vice President Biden to Kyiv, the United States and Ukraine agreed to create the Strategic Partnership Commission to help implement the Charter, which held its inaugural meeting in Washington, DC, on December 9, 2009, during the visit of the Ukrainian Foreign Minister;

Whereas a strong, sovereign, independent, democratic, and economically prosperous Ukraine is important to the interests of the United States and to achieving peace, prosperity and stability in Europe;

Whereas Ukraine has been a staunch partner of the United States and NATO (North Atlantic Treaty Organization) allies, as demonstrated by Ukraine's participation in the International Security Assistance Force in Afghanistan and the NATO Training Mission in Iraq and by NATO's declaration at the Bucharest Summit in April 2008 that Ukraine will become a member of the Alliance;

Whereas the United States and the European Union provide assistance to help Ukraine foster peace and security, strengthen its democratic institutions, further economic growth, and counter HIV/AIDS and other deadly diseases;

Whereas the United States, the United Kingdom, and Russia gave security assurances to Ukraine in the Budapest Memoranda of December 5, 1994, following Ukraine's commitment to eliminate all nuclear weapons from its territory and its ac-

cession to the Treaty on Non-Proliferation of Nuclear Weapons as a non-nuclear weapons state as well as the entry into force of the START Treaty;

Whereas the Joint Statement on the Expiration of the START Treaty issued by the United States and Russia on December 4, 2009, affirmed that "the assurances recorded in the Budapest Memoranda will remain in effect after December 4, 2009";

Whereas, as Vice President Biden stated when he was in Kyiv, the effort to reset the United States relationship with Russia "will not come at Ukraine's expense," and "the more substantive relationship we have with Moscow, the more we can defuse the zero-sum thinking about our relations with Russia's neighbors";

Whereas Ukraine and the Ukrainian people have suffered from the world financial crisis, and the government has sought and received assistance from international financial institutions, but still needs to overcome internal political and economic stalemates that prevent it from fulfilling its requirements and hinder its ability to achieve greater financial stability;

Whereas Ukraine will hold a presidential election on January 17, 2010, with a possible run-off election on February 7, 2010, if needed;

Whereas the initial 2004 presidential elections in Ukraine were marred by widespread irregularities, including fraud, intimidation, falsification of results, and media bias; and

Whereas it is vital for Ukraine's democratic development that the 2010 elections be free, fair, transparent, and untainted: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms the strong relationship between the United States and Ukraine, and encourages continued efforts to implement the provisions of the United States-Ukraine Charter on Strategic Partnership;

(2) expresses its support for the efforts of the Ukrainian people to consolidate democratic institutions, rule of law, respect for human rights, and economic reforms;

(3) recognizes the suffering of the Ukrainian people due to the downturn in the world economy, and supports measures by the international financial institutions to assist Ukraine;

(4) urges all parties in Ukraine to seek resolution of disputes and to take active measures to enable necessary political and economic reforms;

(5) urges the Government of Ukraine and all political parties to ensure that the 2010 election is conducted freely, fairly, transparently, and without manipulation;

(6) encourages the Government of Ukraine and all political parties to welcome the participation of the Organization for Security and Cooperation in Europe (OSCE) and other international election monitors, cooperate fully with them, and provide them unimpeded access to all aspects of the election process; and

(7) reiterates its enduring support and friendship for Ukraine and the Ukrainian people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

## GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

This Sunday, Ukrainians will go to the polls to elect a new President. The successful conduct of these elections is important to our country, the United States. As Vice President BIDEN said during his visit to Kiev last summer, "we consider Ukraine to be a vital European partner for advancing stability, prosperity, and democracy on the Continent."

Six years ago, the Orange Revolution demonstrated the Ukrainian people's desire for freedom, democracy, and prosperity. Since that time, Ukraine has made great strides in developing a vibrant civil society, an open and free press, and a government accountable to its citizens. We welcome the government's registration of over 450 international observers for the elections, including from the OSCE and the International Republican Institute. We would take this means and opportunity to urge all parties in the elections to cooperate fully with the observers and ensure the elections are conducted without manipulation.

The United States and Ukraine have a strong bond, not least due to the fact that over 1 million Americans trace their roots back to Ukraine. These ties were solidified in the Charter on Strategic Partnership, which was signed in December of 2008 and which outlined numerous areas of engagement and cooperation. Last month, the Strategic Partnership Commission held its first meeting here in Washington during the visit of the Ukrainian Foreign Minister.

Madam Speaker, Ukraine has been a key partner in the efforts of the Transatlantic Alliance to ensure international security, contributing forces to the NATO mission in Afghanistan and training mission in Iraq. In addition, on December 16, Ukraine formally agreed to allow the transit of cargo through its territory to support the NATO ISAF operations in Afghanistan. Access to the landlocked country of Afghanistan is vital, and we applaud Ukraine in assisting to turn the tide against the Taliban and prevent safe haven for al Qaeda. NATO has made clear that Ukraine will become a member of the Alliance at some point, if it so desires.

Following the 60th anniversary of the NATO summit in Strasbourg-Kehl, I visited Kiev, Ukraine, as chairman of

the U.S. delegation to NATO and as president of the NATO Parliamentary Assembly to underline NATO's ongoing commitment to Ukraine's process of Euro-Atlantic integration. While meeting with the leaders of Ukraine, I expressed the conviction that NATO's door should remain open and encouraged the implementation of reforms necessary to bring this integration to fruition.

In order for Ukraine to remain on this positive path of political development and Euro-Atlantic integration, it is critical that this upcoming election be free, fair, and untainted by the fraud and irregularities that beset the 2004 polls.

Also, we recognize that Ukraine, like much of the world, has suffered greatly from the global financial crisis. Unfortunately, political divisions have hampered Ukraine's effort to overcome this crisis and to implement the reforms necessary to cement its progress on the road to prosperity. These elections are particularly important to ensure the Ukrainian Government has a clear mandate from its people that would enable it to carry out the difficult decisions necessary to put the country on such a path.

Madam Speaker, given the importance of Ukraine as a vital friend and strategic partner of the United States, I would urge support for this resolution.

I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 981, introduced by Chairman BERMAN, and expressing our support for the continued political and economic development of Ukraine.

Almost 20 years have passed since the Ukrainian people gained their independence by breaking free from the oppressive authoritarian Soviet communist regime. Despite continuing challenges, both internal and external, Ukraine has made significant progress in establishing a democratic political system and implementing market-based economic reforms. Since becoming an independent state, Ukraine has evolved into an increasingly important partner for the United States and for our European allies.

Ukraine's participation in the international mission in Afghanistan and in the NATO training mission in Iraq are examples of contributions that Ukraine has made and is making in its effort focused on promoting stability and defeating Islamic extremists. In recognition of Ukraine's commitment, the NATO heads of state at their Bucharest summit in April, 2008, agreed to and declared Ukraine will become a member of the NATO Alliance in the future. In December, 2008, then-Secretary of State Condoleezza Rice signed the U.S.-Ukraine Charter on Strategic Partner-

ship, which aims to expand cooperation between our two countries on issues relating to democracy, defense, energy, and trade.

Significant challenges continue to confront Ukraine, including serious financial troubles it now faces as a result of the global financial crisis. One very serious challenge to the stability of Eastern Europe, as well as the future independence and prosperity of Ukraine, lies in the apparent interest on the part of some in neighboring Russia to ensure that Ukraine is held within a sphere of influence dominated by Russia. It's important to Ukraine, to Europe, and to the transatlantic community that Russia refrain from any effort to provoke instability by fomenting territorial divisions, as it did in Georgia, or interfere in Ukraine's domestic policies and politics, either overtly or through less visible corrupt activities.

In the wake of the Russian invasion of Georgia in August, 2008, such concern over Russian intentions toward Ukraine is no small matter. The Kremlin needs to accept the right of Ukraine to its independence and to its right to live as a peaceful political democracy free of intimidation. The United States has a strong interest in seeing the rise of a sovereign, free, democratic, and prosperous Ukraine. The presidential elections scheduled to take place next week in Ukraine need to be conducted in a free and fair manner. The victor in those elections needs to lead Ukraine in a democratic and noncorrupt manner in order to solidify the hard-won progress already made by the Ukrainian people.

I urge my colleagues to render their full support for this resolution.

Madam Speaker, I yield back the balance of my time.

Ms. KAPTUR. Madam Speaker, as an original cosponsor of this resolution, I stand in full support and in strong friendship of Ukraine and her people.

In a region which struggles to produce a stable democracy, Ukraine is poised to become a shining example of a strong and viable democratic state. Upon establishment of its independence in 1991, Ukraine moved towards becoming a free society through the creation of democratic institutions and a fledgling market economy.

More recently, the Orange Revolution of 2004 showed the Ukrainian people's desire for a more open, free, and prosperous country—for a resolute democracy. Since its independence, Ukraine has been an ally of the United States. The signing of the United States-Ukraine Charter on Strategic Partnership in 2008 expands our already existing cooperation on defense, energy, democratic development, and cultural exchange.

However, obstacles exist which threaten to derail Ukraine's progress. The global financial crisis has taken a harsh toll on the country, causing the government to seek international assistance. Ukraine must take the difficult internal steps necessary to maintain her finan-

cial independence, to ensure that she is not beholden to outside financial institutions and interests.

It is imperative to the future of Ukraine that this month's elections be free, fair, and transparent. Without elections that accurately express the will of the people, Ukraine's democracy cannot, and will not, achieve its full potential.

Given the determination of Ukraine to maintain itself as a democratic nation, it is more important now than ever for the United States to support Ukraine's continued political and economic development.

We stand by Ukraine as she continues her endeavor to become a standard bearer for democracy. In strong support of Ukraine and her people, I urge my colleagues to vote "yes" on this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I rise to acknowledge the importance of continued political and economic development in Ukraine. The United States-Ukraine Charter on Strategic Partnership, signed in December 2008 by Secretary of State Condoleezza Rice, signifies the strong relationship between the United States and Ukraine. We continue to support the expanding cooperation on defense, trade, energy, democratic development, and cultural exchange.

During the IX Lvov International Economic Forum, international experts noted Ukraine's strong areas and the areas that are worth working on. Areas of strength include the market's scope, the system of higher education, macroeconomic stability, and effectiveness of the job market. The following drawbacks, however, were noted: lack of preparedness for the introduction of new technologies, the financial sector, the instability of government institutions and the country's policies as a whole, and the ineffectiveness of the commodities market.

Ukrainians have a strong presence in Chicago and have greatly contributed to the city. There are almost 14,000 Ukrainians living within city limits and more than 45,000 Ukrainians living within the greater Chicago metropolitan area. The core Ukrainian neighborhood in the city is known as Chicago's "Ukrainian Village." Even though Ukrainian Chicago extends far beyond the Ukrainian Village, this area continues to function as its hub with three major Ukrainian churches, two Ukrainian banks, a Ukrainian grammar school, the Ukrainian National Museum, a Ukrainian Cultural Center, two Ukrainian youth organizations, and many Ukrainian restaurants, stores and businesses.

I am honored to represent such a diverse and multi-cultured congressional district, and I continue to welcome the people of the Ukrainian Village and honor them for their continued service and dedication to Chicago.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H. Res. 981, supporting continued political and economic development in Ukraine.

It has been 18 years since Ukraine joined the family of free and independent nations, much of that due to the commitment shown by the people of Ukrainian heritage living throughout the world including those in Southeast Michigan.

And today, Ukraine is a great friend and ally of the United States and a model for nations

who made the transformation from tyranny to freedom. They have been stalwart partners in the War on Terror—sending troops to support International Security Assistance Force in Afghanistan and Iraq.

The U.S.-based human rights watchdog Freedom House designated Ukraine as a free country for the fourth consecutive year in its 2010 Freedom in the World survey. It is all the more encouraging because according to Freedom House, 2009 marked the fourth consecutive year in which global freedom suffered a decline.

It is time that we gave the people of Ukraine the recognition they deserve for their exemplary economic progress and continued democratic ambitions, especially as their presidential elections approach next week.

The Ukrainian people bravely demonstrated their desire for a free, democratic, and prosperous country through nonviolent protest during the 2004 Orange Revolution and this year's election is a testament to the enduring strength of the Ukrainian democracy. It is my sincere hope that the elections are conducted in a fair, free and transparent manner.

The Ukrainian population in Southeast Michigan is one of the largest—if not the largest, in the nation. These Ukrainian Americans are great citizens and great Patriots, and for years Ukrainians fought against Soviet oppression on behalf of freedom, so it is my honor to serve the 10th Congressional District and the Ukrainian-Americans who live there; and this Nation is proud to call Ukraine and her people friends and allies.

A strong, sovereign, independent, democratic, and economically prosperous Ukraine is important to the interests of the United States and to achieving peace, prosperity and stability in Europe, so I urge my colleagues to support this bill.

Mr. GERLACH. Madam Speaker, I rise today in strong support of H. Res. 981, which supports the continued political and economic development in Ukraine. This important resolution represents another step in our continued efforts to support the Ukrainian people in their efforts to fully integrate into the Euro-Atlantic community of democratic nations.

On January 17th, Ukraine will hold its presidential election with a subsequent run-off held on February 7th. This election represents a critical moment not only for Ukraine, but for the region as a whole. As Ukraine continues along the path of economic and political integration, it is my hope that the presidential election will be conducted in a free, fair, and transparent manner.

As a co-chair of the Congressional Ukrainian Caucus, I believe it is important to encourage closer ties between the United States and Ukraine. This relationship must be one that is continually fostered and strengthened, both politically and economically. By expressing our support for free and democratic elections, Congress can assist the Ukrainian people in their efforts to join the larger Euro-Atlantic community of democratic nations.

I would like to thank the Chairman and Ranking Member for their continued support of legislation aimed at strengthening the ties of the United States with a key ally in Eastern Europe and encouraging fair and democratic elections. In light of the recent economic

struggles of Ukraine, our support and continued friendship is critical.

Madam Speaker, I urge my colleagues to vote in favor of H. Res. 981 and in favor of continued friendship and support for Ukraine and the Ukrainian people in their efforts to fully integrate into the Euro-Atlantic community of democratic nations.

□ 1100

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 981.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING MARK INGRAM ON WINNING THE 2009 HEISMAN TROPHY

Mr. KILDEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 970) congratulating Flint native, University of Alabama sophomore, and running back Mark Ingram on winning the 2009 Heisman Trophy and honoring both his athletic and academic achievements.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 970

Whereas Mark Ingram was raised in Flint, Michigan;

Whereas Mark Ingram attended Grand Blanc Community High School and Flint Southwestern Academy, where he distinguished himself as a running back and cornerback;

Whereas Mark Ingram was a 4-year starter in high school, and rushed for 4,926 yards and 58 touchdowns in his final 2 seasons;

Whereas, during his high school football career, Mark Ingram was honored with the Saginaw Valley MVP Award, named Area Player of the Year, and was an All-State selection;

Whereas, in 2009, Mark Ingram led the University of Alabama to the Southeastern Conference (SEC) Championship and rushed 113 yards and scored 3 touchdowns in the championship game;

Whereas, in 2009, Mark Ingram broke the University of Alabama single-season rushing record with 1,542 yards, was named the SEC offensive player of the year, scored 18 total touchdowns, and finished the season with 322 receiving yards;

Whereas, in 2009, Mark Ingram was named an All SEC First Team Selection, a Walter Camp 1st team All-American, and an American Football Coaches Association All-American;

Whereas Mark Ingram is the first Heisman Trophy winner from the University of Alabama;

Whereas Mark Ingram is only the third sophomore in history to win the Heisman Trophy;

Whereas Mark Ingram has made the Dean's List at the University of Alabama;

Whereas Mark Ingram's Heisman win brings tremendous pride to his hometown of Flint, Michigan;

Whereas, December 12, 2009, has been declared Mark Ingram Day in the City of Flint;

Whereas the sport of football is an important national pastime that helps foster teamwork, leadership skills, sportsmanship, and camaraderie; and

Whereas football can help build self-esteem and promote exercise and a more active and healthy lifestyle: Now, therefore, be it

Resolved, That the House of Representatives congratulates Flint native and running back Mark Ingram on winning the 2009 Heisman Trophy and honors both his athletic and academic achievements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 970 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 970, honoring Mark Ingram, 2009 Heisman Trophy winner and pride of my hometown, Flint, Michigan.

Madam Speaker, with an unemployment rate of close to 30 percent, Flint has been going through some tough times. Our young people need a role model they can look up to, someone who can show them that through hard work and perseverance their dreams are within reach and that greatness can be achieved.

Madam Speaker, Mark Ingram is that inspiration for our community. Since he began his football career in Grand Blanc Community High School and Flint Southwestern Academy where he was a 4-year starter and distinguished himself as a running back and a cornerback, he has continuously excelled.

This season, Mark broke the University of Alabama single season rushing record with 1,542 yards, was named the Southeastern Conference offensive player of the year, scored 18 touchdowns and finished one season with 322 receiving yards. He led his team to the SEC championship, rushing for 113 yards and scoring three touchdowns in the championship game.

He is the first Heisman winner from the University of Alabama and only the third sophomore in history to win the Heisman Trophy. Just last Thursday, Mark led the Alabama Crimson Tide to the national championship and was named the game's offensive most valuable player.



Beyond his athletic accomplishments, Mark is a dean's list student at the University of Alabama where he is pursuing a degree in communications.

Madam Speaker, I introduced H. Res. 970 to congratulate Mark on all his remarkable achievements, and I am pleased to call Mark Ingram the pride of Flint. I urge immediate passage of this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from Flint here today, and I know the people of the State of Alabama appreciate having Mark Ingram in their State and going to school at the university. I rise today to support this House resolution, congratulating the Flint native Mark Ingram, University of Alabama sophomore and running back, on winning the 2009 Heisman Trophy, honoring both his athletic and academic achievements.

And that's important. The idea to award the most outstanding college football player was originally conceived by members of the Downtown Athletic Club who appointed a club trophy committee charged with conducting the first award presentation at the conclusion of the 1935 football season. In 1936, following the death of John W. Heisman, the Downtown Athletic Club trophy renamed the award the Heisman award.

On Saturday, December 12, 2009, University of Alabama student and running back Mark Ingram was elected as the 75th winner of the Heisman Memorial Trophy as the most outstanding college football player in the United States for 2009. This season, Mark rushed 249 times for 1,542 yards with 15 touchdowns, while catching 30 passes for 322 yards, leading Alabama to an undefeated regular season and a number one national ranking.

Mark was named the AP Offensive Player of the Year as well as the SEC Offensive Player of the Year, and his rushing total established a single season record at Alabama. Mark has been recognized as a superior college football player, but his team and coaches also deserve recognition. Ingram is the University of Alabama's first Heisman Trophy winner.

The team's head coach, Nick Saban, and all Alabama fans share in Ingram's excitement. On January 7, led by Coach Saban, the University of Alabama football team enjoyed the perfect end to a perfect season, winning the BCS championship game against the University of Texas. Mark was recognized as offensive MVP of the national championship game, running 116 yards and scoring two touchdowns.

Just 6 months ago, Mark was a new starting running back, not the household name that he is today. Watching Mark deliver his humble and heartfelt

acceptance speech gave us all insight into this outstanding young man and student athlete that Mark truly is. His dedication to the team and school as well as his hard work is the reason he received this exceptional award.

In his acceptance speech when he received the Heisman Trophy, he congratulated his offensive line, and I have a special connection there. I had a classmate from high school that I graduated with whose son was on the offensive line. I graduated with the young man's father. His mother is a friend of mine as well, and his family is a close friend of mine. His name is Barrett Jones. So we congratulate them. As any running back knows, that's why you win Heisman Trophies, because you have a great offensive line.

People that I know that are close to the University of Alabama football program talk about what an outstanding young man Mark Ingram is. He is not just great on the football field, but he is great on the campus. He represents the university well, and he represents Flint, Michigan, well by not just by being a great running back but by being a great person.

I extend my congratulations to Mark Ingram, to Head Coach Saban, to the players and the fans, to the University of Alabama; and I ask my colleagues to support this resolution.

Madam Speaker, I yield to the gentleman from Alabama (Mr. BACHUS) such time as he may consume.

Mr. BACHUS. Madam Speaker, I commend Mark Ingram. The whole State of Alabama is very proud of Mark and Flint, Michigan. The State of Michigan I know is very proud of their native son, and they should be. I commend Congressman KILDEE for bringing this resolution. The State of Michigan has overcome many challenges, and I think it's fitting that Mark Ingram comes from a State that has overcome so many challenges.

I rise to recognize Mark Ingram as representing the citizens of Alabama. He is the first Heisman Trophy winner to ever win the award at the University of Alabama. Now, think about the University of Alabama, Bear Bryant, and the storied program at the university; yet he is the first recipient of the Heisman Trophy at the University of Alabama. Many names come to mind at the University of Alabama, many all-Americans; yet he is the first to accomplish that. And as Congressman KILDEE said, he did so in his sophomore year.

A "Sports Illustrated" cover story called Mark "the Pride of the Tide." He did set an Alabama single-season rushing record of over 1,542 yards. He led the Nation with 38 runs of 10 yards or more, and he caught 30 passes in addition to that. When the game was on the line, Mark Ingram was at his best.

What statistics don't measure and what Congressman GUTHRIE and what

Congressman KILDEE have properly emphasized is the person that Mark Ingram is. You know, in life, it's not so much your accomplishments on the field. It's what you do with that opportunity. It's what you do with that talent. And Mark's greatest asset is his spirit. He stands as an example for all young people of what can be achieved through hard work, through determination of overcoming adversity and putting others first.

In his acceptance speech, he put others first. He recognized his four competitors. He talked about how much he enjoyed getting to meet them, what fine young men they were; and we know that that's true. We know of Tim Tebow. We know of all that Tim has done off the field. He is an inspiration to all of us with his values and his spiritual commitment.

Prior to the Alabama-Texas game, Alabama fans who visited California had many conversations with the University of Texas fans. Both before the game, during the game, and after the game, the respect, the kindness, and the hospitality between those two teams and between their fans should be an example for all of us. There was such a spirit of friendliness. And Colt McCoy, many of us learned that he spends as much as 2 or 3 hours on certain days visiting children with terminal illnesses and with severe illnesses. What a fine young man. What a fine young man Tim Tebow is.

Mark Ingram is a better person because of the challenges of those young men and their examples. I think he will be a better example for others. And how wonderful it is that our young people can look to people like Mark Ingram, Tim Tebow, Colt McCoy to be role models.

I think the story that Mark has that is a little special is dealing with the family challenges. Mark has been a model of grace and loyalty. As a dean's list student, he has balanced his record on the football field with excellence in the classroom. He demonstrated his humility and his spirit of sportsmanship during his speech at the Heisman Trophy award ceremony. He thanked his teachers. He thanked his coaches. He thanked his teammates. And as I said earlier, he thanked his competitors and talked about what fine young men they were.

So today I think we not only congratulate Mark Ingram, but we congratulate Tim Tebow, Colt McCoy, and college football for producing so many fine young men that are examples off the field as well as on the field. And college football is better because of Mark Ingram. It's better because of them. It's better because of people back in Flint, Michigan, the grandfather and mother and teachers who made Mark Ingram the person he is today. And he had the intelligence and the character to recognize them.



Mark was the most valuable player of the national championship game. Not only was he that; he was a Heisman award winner, and he won the national championship. That is something that no other player has done, no other player in the history of college football. Matt Leinart of the University of Southern Cal was a Heisman Trophy winner, and he played for USC in the national championship game. However, he was not the most valuable player. As I said, the Alabama and Texas fans came together to support their teams, two storied programs. They were respectful of each other, and they are an example of the high plane that college athletes can reach.

□ 1115

The way that Mark Ingram has conducted himself and represented his team and the university is perhaps his greatest accomplishment. It is a source of pride for all supporters of Alabama football but also for Auburn supporters. I can tell you that we are all, in the State of Alabama and throughout the country, proud of Mark Ingram. From President Robert Witt to Coach Nick Saban to all citizens of the State.

In conclusion, Madam Speaker, we congratulate Mark Ingram for his achievements for his hard work. And it did take hard work; it was not given to him. He has earned every accolade.

Mr. KILDEE. First of all, I would like to thank the gentleman from Alabama (Mr. BACHUS) for recognizing the ability and the character of Mr. Ingram. We are very proud of him in Flint, Michigan, and we are so happy that Alabama can share our pride.

I thank you for your kind words.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield such time as he may consume to another gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Madam Speaker, I want to personally thank Mr. KILDEE on behalf of Alabama fans all across the Nation for bringing this important resolution to the House floor today.

Mark Ingram is an exceptional athlete. As my colleagues have noted, he won the Heisman Trophy for the first time in the history of the University of Alabama to bring this honor and distinction to our storied and beloved university. But Mark Ingram is also an outstanding young man. I know the people of Michigan, and especially the people of Flint, are proud of what he has accomplished. But people all across America, especially young people, as we look to so many athletes and actors and politicians who sometimes disappoint us, here you have a young man, 19 years old, who on the night that he received the highest athletic award that can be bestowed upon a college football player, stood with tears in his eyes and proudly thanked God,

thanked his family, thanked even his teachers, the professors at the University of Alabama for helping to give him this opportunity. He thanked, as my friend from Kentucky said, the offensive line and the quarterback and the others who helped make this not just an individual award but a team award.

As I think about my own children, my 14-year-old daughter, Lee, and my 11-year-old son, Robins, I like to know there are young role models like Mark Ingram out there for children all across America to be proud of and to look up to.

Yes, Mark Ingram is a tremendous athlete. And as my colleagues have already noted, he has already set the single season rushing record at the University of Alabama, and when you think about the great names who have played running back—Johnny Musso, Shaun Alexander, and Bobby Humphrey—that is saying a lot. But Mark Ingram is also a dean's list student. My sister, Judy, is the provost at the University of Alabama, the chief academic officer, and she says that the faculty at the university look at Mark with awe at what he does not only on the athletic field but in the classroom as well. He is a dean's list student, and he is certainly setting the highest standard of any student at the University of Alabama.

So it goes without saying, Madam Speaker, that we are all proud, the people of Michigan, the people of Alabama, and people all across this country, that a young man can come to the University of Alabama, someone who didn't even know if he would be starting at the running back position at the beginning of the year, and contribute to his team to win the 13th National Championship and the first ever Heisman Trophy.

We are proud of Mark Ingram, and I thank the gentleman from Michigan and the gentleman from Kentucky for allowing all of us to pause for just a moment and say: We salute you, Mark, we are proud of you, and we know you have a great future in front of you.

Mr. KILDEE. Madam Speaker, I want to thank Mr. BONNER for his kind remarks.

What is exciting to me is that Mark Ingram's family back in Flint is watching this live right now. Alabama is proud of him; Michigan is proud of him; and he makes this whole Nation proud of him. His depth of decency really sets an example for all of us.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself the balance of my time to close.

Mark Ingram was an outstanding young man to watch. I watched most of the games he played on television, and actually had a chance to see the BCS game myself. He just seemed like an outstanding person. And like I said, the people whom I know who are close to

the program—my in-laws live in Alabama—said this couldn't have happened to a better person. He is a person who exudes leadership on the football field, and I was told he is not just somebody that you want to just cheer for, but somebody who you want to be around. That says a lot for him.

I urge the passage of this resolution.

I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 970.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING ILLINOIS MATHEMATICS AND SCIENCE ACADEMY

Mr. KILDEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 862) congratulating the staff, students, and faculty at the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction Competition, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 862

Whereas the United States House of Representatives has repeatedly recognized in passed legislation the importance of science, technology, engineering, and math education at all levels as a necessary part of strengthening the future of scientific research in the United States;

Whereas the Intel Corporation holds an annual "Intel Schools of Distinction" competition in which schools compete for grants by demonstrating an environment and curricula that demonstrates 21st century teaching and learning, with a focus on mathematics and science;

Whereas the annual Intel School of Distinction awards recognize United States schools that implement innovative math and science programs and serve as role models for other schools;

Whereas each year, only one school across the country is selected through this competition as the "Star Innovator" among the 18 finalists receiving the Intel Schools of Distinction honor;

Whereas, on September 15, 2009, the Illinois Mathematics and Science Academy, a State-supported boarding school serving 650 of Illinois' top high school mathematics students, was selected as the 2009 Star Innovator in the Intel Schools of Distinction competition;

Whereas Illinois Mathematics and Science Academy alum are currently working at the head of their fields in such diverse industries as aerospace engineering, biotechnology, forensic science, and academic institutions across the globe;

Whereas Leon Lederman, the recipient of the Nobel Prize in Physics in 1988, worked to

create the Illinois Mathematics and Science Academy as a school that could not only provide children with an invaluable education in science and mathematics, but also to train thousands of Illinois teachers in the art of teaching those skills; and

Whereas the Illinois Mathematics and Science Academy has clearly demonstrated a continued dedication to offering the kind of education necessary to create future generations of scientists in the United States, and thus secure the future of scientific research in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the staff, students, and faculty at the Illinois Mathematics and Science Academy on this award and wish them well in all their future endeavors; and be it further; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Illinois Math and Science Academy for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I request 5 legislative days in which Members may revise and extend their remarks and insert extraneous material into the RECORD on H. Res. 862.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Madam Speaker, I recognize the gentleman from Illinois (Mr. FOSTER) for such time as he may consume.

Mr. FOSTER. Madam Speaker, I am here on the floor today to speak in support of H. Res. 862 honoring the Illinois Math and Science Academy for its receipt of the Intel Corporation's Star Innovator award. The Illinois Mathematics and Science Academy is a school of outstanding academic quality in my district, but I am also speaking in support of bringing the attention of this body to the importance of education in science, mathematics, and other quantitative fields.

The Illinois Mathematics and Science Academy was first proposed by Leon Lederman, the recipient of the Nobel Prize in Physics in 1988 as a way of ensuring that top flight and motivated Illinois children receive an invaluable education in science and mathematics, and also to train thousands of Illinois teachers in the art of teaching those skills. Under the guidance of Stephanie Pace Marshall, this institution blossomed into an institution that has graduated many famous and accomplished graduates, including the inventor of the original Web browser, Mosaic, the founder of YouTube, and dozens of surgeons, teachers, fighter pilots, scientists, and, yes, even financial services experts. We employ an

IMSA graduate in our congressional office today.

The award that this school received last September, Intel Corporation's Star Innovator award, has its own rich history of promoting science in the United States. The progenitor of this award was first given out in 1942, then referred to as the Westinghouse Science Talent Search. This award was given out under this name for over 50 years and was highly recognized as the highest scientific honor that any high school student could receive.

A decade ago, this program was taken over by Intel, the company that invented the microprocessor and a company that recognizes the crucial importance of math and science education to the economic future of our country. The name of the award and its primary sponsor may have changed, but the award itself and the high academic honor associated with it continue to this day.

Under Intel's guidance, the program now includes awards honoring not only students and teachers, but innovative institutions specializing in math and science education as well. As a scientist myself, I see the need for recognizing and congratulating scientific achievement at all ages. We need not just this award, not just corporate sponsorships, not just economic awards, but also a new cultural appreciation for the value of individuals with extensive quantitative skills in math, science, and engineering, and other technical disciplines.

But I also have a special reason to be proud of this award. As it turns out, my daughter is one of the many proud alumni who call IMSA their alma mater. My daughter recently graduated from Stanford, and I am happy to report that she is now gainfully employed doing work she enjoys, certainly one of the key milestones in any parent's lifetime.

While the Illinois Math and Science Academy lies in the Illinois 14th Congressional District that I represent, I am proud to be joined in this congratulation by the entire Illinois delegation. And in particular, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT), IMSA's neighbor to the east, who has always been a strong supporter of math and science education, as well as the Illinois Math and Science Academy.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 862 congratulating the staff, students, and faculty at the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction competition.

Math and science education at all levels is a necessary part of strengthening the future of scientific research

in the United States. As a result of the changing nature of the global economy, American economic competitiveness is now at the forefront. Emphasizing math and science education will ensure a competitive 21st century workforce.

Madam Speaker, I would now like to yield such time as she may consume to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Madam Speaker, I rise today in strong support of H. Res. 862, which congratulates the Illinois Mathematics and Science Academy, commonly known as IMSA, which is located in Aurora, Illinois, for winning the 2009 Star Innovator award. And I would like to commend the gentleman from Illinois (Mr. FOSTER) for offering this resolution and also for all of the work he has done in math and science and in education. We really do need to continue to work to have more scientists, more engineers, and more mathematicians if we are going to compete in the global economy.

IMSA was founded in 1985. It does enroll the most talented 10th through 12th graders in the State of Illinois. Since its founding, it has graduated 4,000 students, including many from nearby communities. I have had the opportunity to have many of those students come from my district. IMSA students go on to pursue exciting careers in the latest cutting-edge fields: mathematics, engineering, and science. And just a few more facts on where these IMSA alumni have gone. They were founding teams for many Web sites, many Web site innovations, including Netscape, PayPal, and YouTube, as the gentleman from Illinois recognized.

Each year Intel gives this Star Innovator award to a school that provides high quality, cutting-edge math and science instruction in a unique and enriching environment. It is a boarding school, but the kids have the opportunity to go home on the weekend, but they work really, really hard and concentrate on their studies and they come out with a great education and are able to move forward.

I am a long-time advocate also of science, technology, engineering, and mathematics, or STEM education, and I have been since my tenure here in Congress. I am really delighted to see that this school is recognized for its innovative curriculum, its administration, its teachers, and the high caliber of graduates that it produces. If we are really to strive to develop a workforce for the 21st century and be able to participate in the global economy—we always think of our country as having the innovation and the creativity—well, this is where it comes from. It is from schools like this that produce the graduates that are able to carry forth in these fields.

I hope that IMSA will be a model for other schools throughout the country. I think the more recognition it gets, the more we will find that these schools are so important to our economy.

Please join us in supporting this important resolution in encouraging excellence among our Nation's schools and giving those best students the opportunity to participate in something like this.

□ 1130

Mr. PLATTS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I recognize myself for such time as I may consume.

First of all, it is always a privilege to follow Mrs. BIGGERT to the microphone, particularly when she speaks on education. Her support of education at every level is well known well beyond the borders of Illinois. And this country's educational system is much better off because of her devotion to education.

Madam Speaker, I rise today in support of H. Res. 862, congratulating the staff of the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction Competition.

Each year the Intel Corporation holds an annual "Intel Schools of Distinction" competition. The awards recognize schools in the United States that implement innovative math and science programs and serve as role models for other schools. Among the 18 schools that qualify for the Intel Schools of Distinction honor, one school is selected to receive the highly prestigious Star Innovator award. Finalists, Winners, and the Star Innovator all receive a cash grant from the Intel Foundation. The Star Innovator is given a \$25,000 grant. On September 15, 2009, the Illinois Mathematics and Science Academy was selected as a 2009 Star Innovator.

Established in 1985, the idea, as Mr. FOSTER mentioned, was first created by Nobel Prize winner Leon Lederman, who set out to craft a school that not only would provide children with an invaluable education in science and mathematics, but also train thousands of Illinois teachers in the art of teaching those skills.

Students at the Illinois Math and Science Academy design and conduct hands-on experiments, make observations, analyze data, draw conclusions, and communicate evidence-based principles. Students are able to delve into the scientific literature and build understanding by blending information and investigation through writing. Students are given opportunities to partner with cutting-edge scientists on diagnostics, nanotechnology, medical research, and more.

At the center of achievement at Illinois Mathematics and Science Academy is an excellent staff. They utilize cutting-edge facilities and technology to advance student achievement. Of the 18 science faculty members, 11 have a Ph.D. Numerous alumni are currently working at the head of their fields in such diverse industries as aerospace engineering, biotechnology, forensic science, and academic institutions across the globe.

The Illinois Mathematics and Science Academy has clearly demonstrated a continued dedication to offering the kind of education necessary to create future generations of scientists in the United States, and thus secure the future of scientific research in this country. Awarding them the Star Innovator award not only credits them for doing an outstanding job educating our youth in math and science, but also helps grant them the funds to continue their success.

Madam Speaker, once again I express my support and congratulations for the Illinois Mathematics and Science Academy in winning the 2009 Star Innovator in the Intel Schools of Distinction Competition, and I urge my colleagues to support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I rise today to congratulate the staff, students, and faculty at the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction competition.

Supporting mathematics and science in education is crucial to our national prosperity. The U.S. workforce is dramatically changing, and the demand for highly skilled jobs is rising. In the recent years the employment in science, technology, engineering and mathematics—or "STEM"—fields increased by an estimated 25 percent.

Every year, Intel honors U.S. schools that demonstrate 21st century teaching and learning environments that promote excellence in math and science with the Intel Schools of Distinction awards. To be considered, schools must develop an environment and curricula that meet or exceed benchmarks put forth by national mathematics and science content standards.

The Illinois Mathematics and Science Academy uses competency-driven learning experiences to enable students to acquire strong bases of disciplinary content knowledge and skills. Students at IMSA design and conduct hands-on experiments, make observations, analyze data, draw conclusions, and communicate evidence-based principles. Students also delve into the scientific literature and build understanding by synthesizing information and investigation through writing. These skills and abilities are then extended with electives and through the Student Inquiry and Research, SIR, program. Through SIR, students partner with cutting edge scientists on diagnostics, nanotechnology, medical research, and much more.

I am honored to join Representative FOSTER in congratulating the Illinois Mathematics and Science Academy in receiving this prestigious honor, the Star Innovator in the Intel Schools of Distinction Award.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 862, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING NORTH CENTRAL COLLEGE

Mr. KILDEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1001) congratulating North Central College on winning the 2009 NCAA Division III men's cross country championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1001

Whereas the North Central College Cardinals' men's cross country team won the NCAA Division III National Championship on November 21, 2009;

Whereas all seven North Central College team members that competed in the championship earned All-American status;

Whereas the 2009 championship Cardinals team is comprised of Neal Klein, Michael Spain, Ryan Carrigan, Nathaniel Hird, Kyle Brady, Nathan Rutz, Sean Carlson, and head Coach Al Carius;

Whereas the North Central College Cardinals compete in 22 intercollegiate sports and study more than 55 different majors;

Whereas North Central College, located in Naperville, Illinois, is a four-year liberal arts college with students from 31 States and 23 countries; and

Whereas the North Central College men's cross country team national title is one example of the excellence students have demonstrated in athletics, as well as academics and all areas of collegiate life: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates North Central College and its athletes, coaches, faculty students, and alumni on the winning of the 2009 NCAA Division III men's cross country championship; and

(2) recognizes North Central College for excellence in academics, athletics, and collegiate life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1001 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1001, which recognizes and congratulates the North Central College Cardinals' men's cross country team for winning the 2009 NCAA Division III men's cross country championship, and for pursuing athletic and academic excellence.

For the entirety of the 2009 season, the North Central College Cardinals' men's cross country team held onto their ranking as number one among NCAA Division III teams, and by the U.S. Track and Field and Cross Country Coaches Association. The team won their first Illinois Intercollegiate Championship this season, edging out the University of Illinois by 16 points, while winning the NCAA Midwest Regional by an 84-point margin.

On November 21, 2009, the team applied the lessons learned during their successful season and displayed their outstanding athletic skills by winning the NCAA Division III National Cross Country Championship. It was the Cardinals' 13th team men's cross country championship in their school's history, and its first since 1999. The team won with 50 points, and the margin of victory was the largest in the history of the Division III men's national meet. In addition, all seven of the Cardinal team's national championship competitors earned All-American honors.

I would like to recognize each one of them individually, and congratulate: Neal Klein, Michael Spain, Ryan Carrigan, Nathaniel Hird, Kyle Brady, Nathan Rutz, and Sean Carlson on their athletic excellence. Special congratulations are due to Coach Al Carius who, along with leading the team to win their championship, guided the Cardinals to eight invitational wins this season.

In addition to an outstanding season of coaching, the day after winning the championship the U.S. Track and Field and Cross Country Coaches Association named Carius the 2009 NCAA Division III National Cross Country Coach of the Year. Carius, also a member of the U.S. Track and Field Cross Country Coaches Association Hall of Fame, has led his athletes to a total of 18 national titles during his tenure at North Central, and four championships in outdoor track and field, and one in indoor track and field.

North Central College succeeds not only on the cross country trails, but in its classrooms as well. Founded in 1861 in Naperville, Illinois, North Central College has 2,333 full-time undergraduates, hailing from 31 States and 23 foreign countries. NCC offers over 55 different majors. North Central College

empowers students to choose or design nontraditional concentrations, and offers a wide range of field experiences, independent studies, and internships. It is an institute of higher learning from which its graduates include its athletes, which go on to accomplish great things and make important contributions to our Nation.

Madam Speaker, once again I congratulate the North Central men's cross country team and its coaches on its 2009 Division III NCAA championship title, and I wish the program much success in the 2010 season.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1001—Congratulating North Central College on winning the 2009 NCAA Division III men's cross country championship.

North Central College is a private 4-year liberal arts college located in Naperville, Illinois. North Central has 2,333 full-time undergraduate students and a 15:1 student-faculty ratio. Students at North Central have excelled both academically and athletically. NCC was recently named a "College of Distinction" and was named one of "America's Best Colleges" by US News and World Report. The NCC Cardinals have won 24 national championships and is the only school in their conference to win four national championships in four different sports.

North Central College athletics are best known for their Men's Track and Field and Cross Country teams. The Cardinals men's cross country team has been excelling for over 40 years. The first Cardinal was named All American in 1964 and the team won their first NCAA Division III Championship in 1975.

On November 21, 2009 the North Central College men's cross country team swept the NCAA Division III championships for the 13th time. The Cardinals took first place by a 131-point margin of victory, the largest ever in the history of the championship. Each of the team's seven competing players were named All American and Head Coach Al Carius was named National Coach of the year.

The North Central College men's cross country team is one example of collegiate excellence. Congratulations to Head Coach Al Carius, the team members Neal Klein, Michael Spain, Ryan Carrigan, Nathaniel Hird, Kyle Brady, Sean Carlson, and Nathan Rutz, the faculty, staff and North Central students on this victory.

Today, we recognize and commend North Central College for its pursuit and achievement of athletic, academic and collegiate excellence.

I urge my colleagues to support House Resolution 1001.

Madam Speaker, I yield such time as she may consume to the sponsor of this legislation, the distinguished gentleman from Illinois, JUDY BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of House Resolution 1001, recognizing North Central College in

Naperville, Illinois, my district, for exceptional athletic and academic achievements.

On November 21, 2009, the North Central men's cross country team won its 13th NCAA Division III National Championship. Team members, and I am going to go over their names again because I think this is so important, Neal Klein, Michael Spain, Ryan Carrigan, Nathaniel Hird, Kyle Brady, Nathan Rutz, and Sean Carlson earned All-American status, placing them in an elite group of national athletes. Additionally, head coach Al Carius was named 2009 NCAA Division III National Cross Country Coach of the Year by the U.S. Track and Field and Cross Country Association.

These dedicated young men of the team spent countless hours training and preparing for their outstanding cross country season, ultimately winning nearly every meet in which they participated. The success of the North Central men's cross country team is but one example of the high caliber of the college students in both athletic and academic pursuits.

I think this resolution is a great opportunity to encourage excellence among our Nation's best students. When you think of sports, they say, oh, this is athletics, this isn't academics. But they really go hand in hand. I think as we have learned how important exercise is, it doesn't really have to be athletics, but exercise is in improving the capabilities of our brains. And I think that so many times that you think, oh, well, this is just kind of a little aside. But it really is important.

I am proud to say that Illinois really is the only State in the Union that requires gym or some sort of athletics for every student in the State. And I wish more States could have the same opportunity for the kids to pursue their sports. So this is a great opportunity to talk about excellence in both athletics and academics. I would urge my colleagues to join me in recognizing the North Central men's cross country team for their victory at the NCAA Division III National Championship.

Mr. PLATTS. Madam Speaker, I urge a "yes" vote in support of House Resolution 1001, and yield back the balance of my time.

Mr. KILDEE. Madam Speaker, first of all, I am sure the students and faculty and coaches and all those at North Central College are very pleased that Mrs. BIGGERT is the chief sponsor of this resolution. And it is our pleasure to, in a few minutes, pass that so they can keep it in their archives forever.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 1001.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THE LIFE AND WORK OF DR. MARTIN LUTHER KING, JR.

Mr. KILDEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1002) honoring the life and work of Dr. Martin Luther King, Jr. and encouraging the continued commitment to the Martin Luther King, Jr. Day as a national day of service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1002

Whereas the King Holiday and Service Act, a law designating Martin Luther King, Jr. Day as a national day of volunteer service, was signed into law in 1994;

Whereas millions of individuals have been inspired by the life and work of Dr. Martin Luther King, Jr. to serve their neighbors and communities every 3rd Monday of January;

Whereas the 2009 Martin Luther King, Jr. Day of Service marked a milestone in the service movement, bringing together more than 1 million volunteers who served in more than 13,000 projects nationwide;

Whereas serving one's community for the betterment of every individual speaks to the high character, transformative world view, and everyday practice of Dr. Martin Luther King, Jr.;

Whereas the efforts of national service volunteers have been a steadfast foundation of our Nation's infrastructure, supporting not only individuals and families in need, but acting in response to national catastrophes and natural disasters;

Whereas the importance of service was recognized through the signing of the Edward M. Kennedy Serve America Act (Public Law 111-13) in April 2009;

Whereas individuals have the opportunity to participate in thousands of scheduled community service projects and events all across the Nation, as well as to create and implement community service projects where a need for such projects has been identified;

Whereas the Corporation for National and Community Service is working with the Martin Luther King, Jr. Center for Nonviolent Social Change and thousands of other nonprofit, community, national service, and education organizations across the Nation to encourage individuals to serve on this holiday and throughout the year; and

Whereas leaders at the Federal, State, and local level are planning to use Martin Luther King, Jr. Day to rally our Nation to commit to serve and make an ongoing commitment to service: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) encourages all individuals in the United States to pay tribute to the life and works of Dr. Martin Luther King, Jr. through participation in community service projects on Martin Luther King, Jr. Day;

(2) recognizes the inherent value of community service and volunteerism in the creation of civil society and as a means of non-

violent community progress consistent with the works of Dr. Martin Luther King, Jr.;

(3) recognizes the benefits of the collaborative work by the many organizations that promote, facilitate, and carry out needed service projects nationwide;

(4) encourages its members and colleagues to urge their constituents to participate in community service projects; and

(5) acknowledges that by serving one's country, one's community, and one's neighbor our Nation makes progress in civility, equality, and unity consistent with the values and life's work of Dr. Martin Luther King, Jr.

□ 1145

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

##### GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1002 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1002, which honors the life and work of Dr. Martin Luther King, Jr. and encourages the continued commitment to Martin Luther King, Jr. Day as a national day of service.

January 18, 2010, marks an important holiday for our country; it is a day in which our Nation reflects on the life and teachings of an inspirational and courageous leader, Dr. Martin Luther King. Dr. King devoted his life to the causes of equality and social justice, believing that unity in nonviolence and service to our fellow man would empower individuals and strengthen our communities and our country.

Dr. King once said, "Life's most urgent and persistent question is: What are you doing for others?" As the King Day of Service approaches, I encourage my peers, colleagues, and every American citizen to answer Dr. King's call to service by volunteering within your communities.

Last year, the 2009 King Day of Service brought together more than 1 million volunteers across the Nation to work on more than 13,000 projects. This year, public and private entities alike, including the Corporation for National and Community Service, the Martin Luther King, Jr. Center for Nonviolent Social Change, Clear Channel, UPS, City Year, and Habitat for Humanity, are committed to building on last year's success and generating an even larger show of unity and service in this country.

Service and volunteerism are fundamental American values demonstrated

by our citizens throughout history. In good times or in our hour of greatest need, fellow citizens have always come together with great spirit and generosity. As a country, we have looked to national service for healing and hope as well as joy and laughter.

The inherent value of service to our communities was acknowledged and affirmed by Congress and President Obama when in April, 2009, the Edward M. Kennedy Serve America Act was signed into law. This legislation has jump-started a new era of service, creating a continuum of service for which Americans of all ages and from every background can lend their experience and skills to uplift our communities and transform this Nation.

Since its passage, organizations like AmeriCorps have been able to significantly expand their membership, receiving more applications than they have capacity for at a ratio of four to one. This year's King Day of Service provides each of us with the opportunity to follow in Dr. King's footsteps through service to our communities on this day and throughout the year to come.

Madam Speaker, I proudly support this resolution and thank Congressman PLATTS for bringing this bill forward. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1002, which promotes Martin Luther King, Jr. Day as a day of national service and recognizes the efforts of the countless Americans who will volunteer their time and efforts on behalf of many worthy causes.

I am proud to have introduced this resolution with my fellow co-Chairs of the National Service Caucus, Representatives DORIS MATSUI, VERN EHLERS, and DAVID PRICE; as well as Education and Labor Committee Chairman GEORGE MILLER, Representative JOHN LEWIS, and numerous other colleagues.

It was in 1994 that Congress designated the Martin Luther King, Jr. Federal holiday as a national day of service in recognition of Dr. King's selfless and courageous service to his fellow citizens. Since then, we have seen a growing number of individuals embrace this day as a day on, not a day off.

In 2009, millions of Americans spent Martin Luther King, Jr. Day serving in over 13,000 projects all across the country. This year, the Corporation for National and Community Service is again working with the King Center and six other grantees to promote the King Day of Service. In years past, organizations like the Capital Area Food Bank, Habitat for Humanity, and the Boys and Girls Club all benefited from the

volunteer efforts of everyday Americans. I am looking forward to again volunteering myself at the Crispus Attucks Association of York back in my home town.

As January 18 quickly approaches, I encourage my fellow Members of Congress and constituents to take advantage of the countless service opportunities available in your local communities. A list of opportunities can be found at [Serve.gov](http://Serve.gov) as well as [MLKday.gov](http://MLKday.gov). In addition to the day's activities, families and individuals will be given resources as to how they can serve their communities throughout the year.

As we reflect on the great gift of compassion and selflessness that Dr. King has given us both in his life and in passing, may we remember his words, "Everybody can be great because anybody can serve."

I urge all of my colleagues to support this resolution.

I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my colleague for presenting this resolution.

Madam Speaker, I rise in tribute to Dr. Martin Luther King, Jr. Dr. King was a man I knew personally and regarded as a brother, friend, colleague, prophet, and my hero. He was a simple human being filled with love, peace and compassion for all humankind. He was a ray of hope who preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice.

Dr. King's speech at the March on Washington transformed the steps of the Lincoln Memorial into a modern day pulpit. On that day, he shared his dream of the beloved community, a truly interracial democracy. I can still hear him say, "I have a dream today, deeply rooted in the American Dream."

It is fitting and appropriate that we pause, as a Nation and as a people, to remember the life of Dr. Martin Luther King, Jr. He inspired a Nation and changed America forever. It is also fitting that while remembering his life and his contributions, that we commit ourselves to serving our communities, to become the change that we all wish to see in the world.

Madam Speaker, today we encourage all citizens, especially our young people, to take the time to reflect on the teaching and the leadership of Dr. Martin Luther King, Jr. We encourage all people to do something today for your neighbor, for your community, for your country that will move us closer to Dr. King's dream of creating a beloved community.

I urge all Members to reflect on this day of service and peace. Remember Dr. Martin Luther King, Jr.'s legacy this weekend; make a difference in

your own community, and continue Dr. King's great legacy of service and make it your own.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the time and I thank him for bringing this bill to the floor. And I thank the gentlemen on the other side of the aisle for their support of this bill.

Madam Speaker, I rise as one who was part of the bipartisan coalition who established in this Chamber the Martin Luther King holiday some two and a half decades ago. That was a glorious day here, and it was a day in which we acted for the right reasons.

Martin Luther King, Jr. was born January 15, 1929. Perhaps it is fitting that Dr. King was born in that year, for while the great Crash of 1929 would shake the economic and financial fundamentals of our country and our society, Dr. King's life and work would just as dramatically shake this Nation into reconfirming our commitments to our moral and constitutional foundations.

Madam Speaker, in honor of Dr. King, we do not have the time to recount the entire complex history of civil rights in this country, but Dr. King knew and appreciated the shoulders upon which he stood. Slavery was our founding fault, and segregation our enduring national stain. Dr. King knew these truths in his soul, and knew many we could discuss today that fought their struggles for civil rights and laid the groundwork for Dr. King's life work. The gentleman from Georgia is one of those people. We have individuals like Harriet Tubman, Frederick Douglass, the African Americans who so nobly, heroically, and tragically served in Congress after the Civil War, Booker T. Washington, the early founders of the NAACP, Emmett Till, Medgar Evers, the tirelessly persistent, transportation-less souls in Montgomery, the brave individuals in Birmingham, Alabama and Philadelphia, Mississippi, those who tried to cross the Edmund Pettus Bridge, and many, many more.

We think of those 180,000 African Americans who served and fought for this country during the Civil War, those who fought bravely against the suffering, the unspeakable lynchings, the violence, the de facto and de jure segregation and the enforced callousness and ruthlessness of being second-class citizens in a Nation founded upon liberty.

Many could have been bitter. Those who succeeded were not bitter, but they called us to our better spirits. Martin Luther King, Jr. stood on these precedents, rightly admonishing us to look to their example, and we should all take pride in their and his commitment to equality and to civil rights.

Madam Speaker, Dr. King's letter from a Birmingham jail is one of the

finest articulations of the moral prerequisites of the rule of law and its fundamental necessity to our legal, political, and societal foundations ever written. When I talk to school children, oftentimes I tell them to take a look at that letter. When you realize that letter was written without any access to books at the time, that he wrote under very difficult circumstances in a sparse jail cell, you appreciate even more the wisdom and the grace of the language that Dr. King used. His articulation of natural rights guided by natural law, of just and unjust laws, and of the objective and non-arbitrary basis for the rule of law, just government, and moral order is, in my judgment, without comparison.

So as we call, in this resolution, people of this Nation, particularly young people, to dedicate a portion of that day to service to their country, let us remember the vision of Dr. King as he understood the true basis for laws in this country.

When asked by some of the other ministers in Birmingham why he would interfere, he basically answered that it was his obligation to stand up against injustice. He said that he was a man of the law, but we were called to follow just laws, not unjust laws. He answered the question as to the difference between the two. And he, in my judgment, made a very, very specific reference to natural law in which he said that there are those laws which violate the laws of God, that we know them to be unjust, and therefore we must work against them.

I also remember in that letter he said to these ministers, who were similarly Christian ministers, when they accused him of being an outside agitator, and I can only paraphrase his words, but he said words to this effect: He said, What was Christ but an outside agitator for love? What was Christ but someone who attempted to seek justice? And are not we called upon to do the same thing?

So as we, in this resolution, call upon young people and others of this country to commit some time in the service of others, let them understand that Dr. King's appeal went deeper than just serving another; it was serving another for the right reason, it was for fighting for justice, not only in your community, but anywhere that you saw injustice.

□ 1200

There are few heroes in any lifetime that you have; but certainly, for those of us old enough to have been alive during Dr. King's lifetime, even though we may not have marched with him, we were honored to be part of a generation that saw his life and his commitment and his call to justice and truth and, fundamentally, to a full application of the Constitution of the United States and the foundations upon which this country is based.



I thank you for the time.

Mr. KILDEE. Madam Speaker, I continue to reserve the balance of my time.

Mr. PLATTS. Madam Speaker, again, I urge a "yes" vote in support of the resolution. I am honored to join with the gentlemen from Michigan and Georgia, and I am certainly delighted and honored to associate myself with the remarks of the gentleman from California and his work in establishing the Martin Luther King, Jr. Federal holiday. I urge a "yes" vote.

Mr. HONDA. Madam Speaker, I rise in support of H. Res. 1002, honoring the life and work of Dr. Martin Luther King, Jr. and encouraging the continued commitment to Martin Luther King, Jr. Day as a national day of service. Through the Martin Luther King, Jr. National Day of Service, we honor Dr. King's noble vision of equality and message of compassion.

Dr. King preached peace in the fight for equality, shaking the foundations of segregation with love for others, even those who sought to oppose his vision. His unyielding commitment to non-violent resistance anchored his messages, and his "I Have a Dream" speech changed America and sparked a movement that embraced civil rights, justice, equality and human dignity for all. This is a movement that we must continue to fight for and protect.

We have celebrated considerable successes due to Dr. King's Dream. Housing, schools and transportation are now accessible by all Americans. Indeed, in 2008 Americans took another great step toward realizing Dr. King's vision by electing America's first African-American President, Barack Obama. These achievements were not easily won, but Dr. King's Dream has proven resilient and it has persevered.

As a Representative of Silicon Valley, one of the most ethnically diverse areas of the country, I appreciate Dr. King's message of equality. As Chair of the Congressional Asian Pacific American Caucus, CAPAC, I recognize the great strides that have been made since Dr. King sparked the historic civil rights movement, and CAPAC has continued to vigilantly ensure equal opportunity remains accessible to all. For his vision and sacrifices, we owe Dr. King a great debt of gratitude for his service and leadership to our Nation, and there is no better way to express that gratitude than through our own personal service to the Nation.

The Martin Luther King, Jr. Day of Service will serve to remind Americans that we should all take the time to contribute to our communities. This day continues to pay tribute to the life and actions of a great man, as we continue to foster brotherhood and service amongst our friends, neighbors, and communities. Since its designation as a federal holiday in 1994, Americans have Dr. King's birthday to act on his ideals. It has been a day to improve lives, bridge social barriers, and change our Nation into the "Beloved Community" that Dr. King had hoped to see during his life. Thanks in part to the commitment we have shown to honor Dr. King, the Day of Service continues to grow in popularity as a chance for citizens, business leaders, and

public officials alike to contribute to their communities. In 2009 alone, over 13,000 Martin Luther King, Jr. Day of Service projects occurred throughout the Nation, honoring the Dream of Dr. King.

I am pleased that the constituents of California's 15th District have answered this call to service as a tribute to Dr. King's life. Constituents of all backgrounds volunteer to remove graffiti, pick up litter, improve parks, and engage in other activities that aim to selflessly improve the world around them. Though each individual's effort may be small, the Martin Luther King, Jr. Day of Service provides the medium to combine an individual's energies with those of his or her neighbors. The resulting collaboration is an impactful and tangible celebration of Dr. King's messages.

As we near the day of remembrance, we must recognize that the fight goes on. Dr. King's Dream embodies an ideal for our Nation to pursue—Americans of all ethnicities and creeds, living together with dignity and hope. To admire Dr. King's life requires us to follow his legacy. Let us honor his life by working together to continue to build an America where every child enjoys all the privileges of equal opportunity and freedom.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to join my colleagues in recognizing the extraordinary life of Dr. Martin Luther King, Jr.

As our nation prepares to celebrate Dr. Martin Luther King's birthday this weekend, we are reminded of his remarkable accomplishments as a civil rights leader and as a lifelong advocate for human justice and peace. More than 40 years have past since Dr. King delivered his famous "I Have a Dream" speech on the steps of the Lincoln Memorial. Yet today, Dr. King's words and his life's work help inspire Americans to think differently about race and human rights.

Sadly, Dr. King's life ended tragically and prematurely, but his dream lives on. As the election of President Barack Obama demonstrates, America has made significant progress in the last 40 years and there is no question that Dr. King's remarkable work for fairness and equality under the law led profoundly to this historic moment for our country.

Yet, more work must be done. We need to honor Dr. King's call to make our communities, our nation and the world more just. As we face high unemployment rates, increased child poverty, and unprecedented number of Americans who go to bed hungry, we need to remember not just Dr. King's words but his call to action.

I am particularly reminded about that call as we stand on the precipice of passing historic health care reform. Dr. King's words are used by health care justice groups across the country. As he said, "Of all the forms of inequality, injustice in healthcare is the most shocking and inhumane."

We must pass health care legislation that not only ends health care disparities but provides health care justice. Every person must have access to affordable health coverage. Every person must receive the highest quality care. And every person must be able to get a medical education if they choose to make a career of caring for others.

Madam Speaker, Dr. King was a visionary, a man ahead of his time, and his words of

wisdom and contributions to our country will never be forgotten. Again, I urge my colleagues to support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in full support of honoring and continuing to recognize Dr. Martin Luther King, Jr.'s birthday as a national holiday.

Dr. King's birthday was first recognized in the great state of Illinois in 1973, 5 years after being introduced to Congress by my good friend JOHN CONYERS. Dr. Martin Luther King, Jr. was a very prominent African-American clergyman and political leader of the twentieth century; the most prominent member of the civil rights movement of the 1950s and 1960s, during that time he became famous through his promotion of nonviolent methods of opposition to segregation, such as boycotts of segregated city buses, or sit-ins at lunch counters that would not serve Black people, and organized marches that will forever be remembered in our nation's history. One such demonstration was the march at Marquette Park, in Chicago, IL, where Dr. King was struck in the head by a rock for protesting the open housing laws in the city. When asked why he put himself at risk he said "I have to do this—to expose myself—to bring this hate into the open." The marches led to an accord that year between the protesters and the Chicago Real Estate Board, which helped start the cultural change in Chicago. Dr. King's most memorable march was the March on Washington in 1963 where he delivered his "I Have a Dream" speech; it was a speech of hope and determination, epitomizing the day's message of racial harmony, love, and a belief that Blacks and Whites could live together in peace. Even after his death, he has evolved from a prominent civil rights leader into the symbol for the civil rights movement in the United States. He is studied by schoolchildren of all backgrounds; monuments have been dedicated in his honor and institutions such as the Center for Nonviolent Social Change in Atlanta which bears his name, have been established to carry on his work. The message of racial harmony and equality for all is a message I still believe in and fight for everyday, so it is an honor to support this resolution honoring Dr. Martin Luther King, Jr., his life and legacy.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to express my strong support for H. Res. 1002 which honors the life and work of Doctor Martin Luther King, Jr. and encourages the continued commitment to the Martin Luther King, Jr. holiday as a national day of service. I would also like to commend Representative PLATTS, the sponsor of this resolution, for his continued commitment to preserving the accomplishments of Doctor Martin Luther King, Jr. I urge my colleagues to support this resolution.

Madam Speaker, ten years ago, thanks to the hard work of Chairman JOHN CONYERS, all fifty states for the first time officially observed the federal holiday in Dr. King's honor. This was certainly a milestone for the United States. Efforts to memorialize Dr. King's life with a holiday have been ongoing since shortly after his assassination on April 4, 1968 and I am proud to say we have come a long way from that time.

It is an honor to be a representative from Georgia where Dr. Martin Luther King, Jr.



began his work and, as an African-American I am proud to be a part of Dr. King's legacy. It is through Dr. King's efforts to codify civil rights in both the law and the heart of America that I am able to have the privilege of representing the great state of Georgia in the House of Representatives today. Dr. King's work continues to influence millions of people today. His call for nonviolence and civic engagement has inspired people to positive action to better their station and their communities. As Dr. King once said, "Everybody can be great, because everybody can serve." These words embody the spirit we need to remember during the upcoming holiday.

Madam Speaker, as the third Monday in January approaches and Dr. Martin Luther King Jr.'s message of service, unity and equality for all continues to resonate with people around the world, let us not forget what Dr. Martin Luther King, Jr. did for America and the world and let us recognize the importance of this holiday and of service to our community.

I strongly support H. Res. 1002.

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of H. Res. 1002 which recognizes the efforts of who those who serve their communities on Martin Luther King Day and promotes the holiday as a day of national service.

During his life, Dr. Martin Luther King, Jr. recognized the power of service to strengthen communities. In 1994, Congress made Martin Luther King Day a national day of community volunteerism to further commemorate Dr. King's legacy of peace, community, and justice.

On January 18, 2010, people of all backgrounds across the country will come together to improve lives, bridge social barriers, and continue the pursuit of achieving Martin Luther King's vision of a fair and equitable society for all Americans.

At home in Minnesota, and across the nation, many will volunteer to serve their communities by working at food banks, helping the homeless, and improving schools. Minnesotans have a proud tradition of civic engagement. In a study conducted by the Corporation for National and Community Service, Minneapolis-St. Paul was ranked number one for volunteer rates in a large city.

Martin Luther King, Jr. once said "An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." As we begin this New Year at a time when many of our neighbors are struggling to find employment, I can think of no better way to strengthen our nation than to come together and create positive change in our communities. I encourage everyone to get involved this Martin Luther King Day and to browse <http://www.usaservice.org> for volunteer opportunities. Every American who will volunteer on Monday and those that continue to serve throughout the year deserve our gratitude and appreciation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of Martin Luther King, Jr. and to honor this great civil rights leader by supporting and continuing the tradition of a national day of service in his memory.

As a profoundly diverse country, our greatest strengths are evident when we come to-

gether in the spirit of community and work toward a greater good. This notion of service was remarkably evident in Dr. King's work, and it is fitting that we honor his legacy by working with our neighbors and fellow citizens to better our communities and country. When Dr. King saw injustice, he worked diligently and by peaceful means to bring about positive change. Today, it is important to remember that all of us can make a difference and emulate Dr. King's efforts by working together.

In my district, there are major celebrations planned to honor the life of Dr. King, including a candle-lighting ceremony and a parade. Students in the Dallas Independent School District have submitted essays that discuss the life and work of Dr. King, and additionally, people across the area will participate in service-oriented projects and volunteer for various organizations. I am proud of the hard work they are doing to make North Texas a better place.

Today, we move forward by honoring Martin Luther King, Jr. and his great dream with renewed optimism. It is my hope that this Day of Service will be a true reflection of his legacy and serve as a catalyst for good across the country.

Ms. MATSUI. Madam Speaker, I rise today to honor and recognize Monday, January 18, 2010, as the Martin Luther King, Jr. National Day of Service, and to thank Mr. PLATTS and my fellow Co-Chairs of the National Service Caucus for introducing this resolution.

Dr. King taught our nation about compassion and tolerance. He inspired us to look past our differences. He challenged us to speak out against hate and injustice, wherever and whenever we saw it, and to embrace the common elements that unify us all.

Madam Speaker, the Martin Luther King, Jr. National Day of Service and the resolution before us encourages all of us to continue his fight; to make our country a better, more equal place for our children and grandchildren.

This year more than ever, let us recommit ourselves to strengthening our communities and our nation.

Hundreds of volunteers will be participating in service events in Sacramento and communities across the country this coming Monday.

I look forward to doing my part and encourage my colleagues to join me as we honor the life and work of Dr. King, by giving back to our communities and supporting the underlying resolution.

Mr. AL GREEN of Texas. Madam Speaker, I would like to express my support for H. Res. 1002, a resolution honoring the life and work of Dr. Martin Luther King, Jr. which encourages the continued commitment to Martin Luther King, Jr. Day as a national day of service.

Martin Luther King, Jr. Day is a holiday marking the birth of Rev. Dr. Martin Luther King, Jr., which is celebrated on the third Monday of January each year.

President Ronald Reagan declared Dr. King's birthday a national holiday and signed it into law on January 15, 1983. Not only does January 15 mark the day this Civil Rights Leader was born, but it is one of four United States federal holidays to commemorate an individual person in this country.

Dr. King was the chief architect for non-violent activism in the Civil Rights movement,

which successfully protested racial discrimination in federal and state law.

During the time of the Civil Rights movement, many challenges and controversies arose, but Dr. King's commitment to democracy, freedom, and equality did not waver.

Dr. King challenged us to give back to a community we have accepted so much from. With his leadership, our nation made great strides against racial discrimination and toward increased civil rights.

It is in the spirit of solidarity that we recognize Dr. King's Day as a national day of service which was first encouraged by Congress in 1994 through passage of the King Holiday and Service Act. On this day, our nation has the opportunity to bond together and serve our local and global community, with no expectation of reward in return. The dream is a special type of service our nation needs. This type of service not only brings our nation together, but it creates an environment of people committed to helping one another achieve the dream.

I urge my colleagues to support H. Res. 1002.

Mr. PLATTS. I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 1002.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KILDEE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING THE INITIATIVES OF CHICAGO WILDERNESS

Mr. KILDEE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 860) supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 860

Whereas in 2007, the Chicago Wilderness, an alliance of over 240 organizations contributing to the quality of life in Chicago, launched the "Leave No Child Inside" initiative with the goal to get more children outside and to increase the amount and quality of time they spend there;

Whereas unstructured, outdoor play is important for the wholesome, balanced development of the cognitive, emotional, social, and physical skills of children;

Whereas research has demonstrated that outdoor play helps children manage stress;

Whereas it is shown that natural spaces stimulate children's limitless imagination and foster creativity;

Whereas children who connect with nature become more inventive and better problem-solvers due to the hands-on learning that outdoor environments provide;

Whereas participation in summer camp has been shown to increase the self-esteem scores of children from low-income areas;

Whereas hiking and walking activities have been shown to lower high blood pressure, decrease anxiety, and combat obesity;

Whereas being active in outdoor activities, such as fishing, is correlated with reduced Attention-Deficit Disorder symptoms;

Whereas the presence of natural amenities near the homes of low-income urban children is associated with higher levels of cognitive functioning;

Whereas children who grow up spending time in nature are also more likely to be strong advocates for the environment when they reach adulthood;

Whereas the Children's Outdoor Bill of Rights joint resolution passed the State of Illinois; and

Whereas the Illinois General Assembly proclaimed June as "No Child Left Inside Month": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes and encourages the Children's Outdoor Bill of Rights commitment to "Leave No Child Inside" and fight obesity, physical disorders, and unawareness of natural amenities by promoting quality outdoor activities for children and adults; and

(2) encourages the President to issue a proclamation in support of the goals and ideals of the Children's Outdoor Bill of Rights.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. KILDEE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material on H. Res. 860 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KILDEE. I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Resolution 860, supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights.

With more and more children growing up in a world where the Internet, cell phones and video games are at their fingertips, the need for children to play and to explore outside has become even more important. Research has shown that unstructured outdoor play is a key element in the wholesome, balanced development of the cognitive, emotional, social, and physical skills of children.

The Chicago Wilderness, a coalition of over 240 organizations, is committed to adding biodiversity to the Chicago metropolitan area and to creating a better quality of life in the community. Based on the idea that people's lives are improved by a strong connection with nature, the coalition sets out to increase and to diversify public participation in environmental stewardship.

The Chicago Wilderness especially recognizes the value of connecting children to nature. In fact, in 2007, they launched the Leave No Child Inside initiative and the Children's Outdoor Bill of Rights with the goal of increasing awareness and of encouraging more children to explore their outdoor environments.

Getting more children outside enjoying nature, encouraging their curiosity and developing their creativity is essential. Playing outdoors not only helps children learn in new ways to improve academically; it also helps them thrive both socially and emotionally. Studies have shown that outdoor play helps children manage obstacles such as stress, as well as helping them become more inventive and better problem-solvers. Many health risks are also lowered when outdoor activities become a part of a child's daily life, and children who connect with nature have even shown to improve their inner-personal relationships and behavior. In some cases, outdoor activity, something as simple as fishing, has been correlated with reducing the symptoms of attention deficit disorder.

This resolution encourages us all to recognize and to support the Children's Outdoor Bill of Rights—a commitment to fight obesity, physical disorders—and an awareness of natural amenities by promoting quality outdoor activities for both children and adults. This is a truly worthy commitment. Simple and fun outdoor activities can have a great impact on our Nation's children and families.

Madam Speaker, once again, I express my support of H. Res. 860. I thank Representative QUIGLEY for bringing this bill forward, and I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. PLATTS. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 860, supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights.

I want to commend the sponsor of this resolution, the gentleman from Chicago (Mr. QUIGLEY), for his leadership on this issue.

Most of us here today can remember ample time during our childhoods which was spent outdoors. In fact, to this very day, the child in me still enjoys hikes in the woods and tent-camping. In fact, for my wife, Leslie, and

our two boys, T.J. and Tom, some of our most wonderful vacations have been tent-camping in our national parks throughout our great Nation.

Unfortunately, however, many children today do not have these same opportunities. Due to a lack of safe outdoor play areas, an abundance of video games and television time and, unfortunately, little encouragement to play outdoors, many children today do not experience the benefits of outdoor activities.

Research indicates that being active outdoors benefits children in countless ways. Active outdoor play has been shown to help children manage stress, to lower their blood pressure, and to help children develop cognitive skills.

The Children's Outdoor Bill of Rights encourages children to participate in outdoor activities and to explore opportunities—to discover the wilderness, to learn to swim, to follow a trail, and to explore other outdoor resources. The Children's Outdoor Bill of Rights highlights the importance of outdoor activities to the development and nourishment of children.

Our Nation boasts some of the world's most beautiful parks and natural monuments, an array of wildlife not found elsewhere, and abundant natural resources. Certainly, children should be encouraged to take advantage of these unique opportunities and resources.

For most of us, outdoor play was a regular part of growing up. Unfortunately, again, this is not true today. By supporting the Children's Outdoor Bill of Rights, we highlight the importance of children participating in outdoor activities. In doing so, we will bless not just our Nation's children but our Nation as a whole. Again, I am honored to support this resolution, and I urge a "yes" vote.

I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. I appreciate the remarks from the gentleman from Pennsylvania, and it bears truth that Philly fans and Cub fans can unite on common goals.

Madam Speaker, earlier this year, the House passed the No Child Left Inside Act, a bill and an initiative I support wholeheartedly. This past summer, following our congressional footsteps, the Illinois General Assembly proclaimed June "No Child Left Inside Month."

The Chicago Wilderness, a network of over 240 organizations statewide, makes giant strides to promote this initiative. The organization works to get more children outside, and it increases the amount and quality of the time they spend there. Children who grow up with an understanding of the land, air and water surrounding them

grow into environmentally conscious adults, and it makes them more physically fit.

These individuals are people who are actively involved in efforts to clean, restore, and preserve our precious resources. The Chicago Wilderness knows this, and it works hard to better the lives and communities of everyone in the Chicago-land area. The Chicago Wilderness should be commended and recognized for their efforts to promote environmental literacy and healthy living.

I urge you to join me in support of this resolution on the House floor today. As it is my first resolution, I wish to thank my staff for their efforts.

Mr. PLATTS. Madam Speaker, before I conclude, I would just reference that on a family visit to Chicago this past summer, we think of Chicago as an urban center and city, and what a wonderful city it is, but my boys also had the chance to fish in the Chicago River as part of a City of Chicago fishing program, encouraging just what we're talking about in this resolution, getting kids outdoors and enjoying the activities of the outdoors. The fish they caught in the Chicago River may not have been big, but they still caught some; and they remember that visit very well.

Again, I urge a "yes" vote, and I thank the gentleman from Illinois (Mr. QUIGLEY) for sponsoring this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I wish to take a moment to voice my strong support for a bill offered by the gentleman from Illinois and my delegation colleague, Mr. QUIGLEY. H. Res. 860, supports two key environmental initiatives within Illinois: the Chicago Wilderness and the Children's Outdoor Bill of Rights.

Chicago Wilderness is alliance of public and private organizations dedicated to promoting conservation and strengthening the natural ecosystems of the Chicago region. With over 240 members, the alliance includes government agencies, conservation organizations, scientific organizations, cultural institutions, schools, universities, and business partners. A few such members with whom I have worked closely over the years include: Blacks in Chicago; the Chicago Park District; the Chicago Botanic Gardens; the Chicago Metropolitan Planning Agency; the Chicago Zoological Society; the Metropolitan Water Reclamation District; and the Village of Oak Park.

Chicago Wilderness has four long-term efforts: The Green Infrastructure Vision initiative promotes the creation and maintenance of green, open spaces; the Leave No Child Inside initiative promotes environmental education and experiences for children and youth; the Restoring the Health of Local Nature initiative engages in active restoration and land management to improve the health of natural areas as well as their plants and animals; and the Climate Change initiative involves examining, making recommendations, and taking action to limit the Chicago area's impact on global climate change.

The Children's Outdoor Bill of Rights is a joint resolution passed by the Illinois General Assembly to establish goals for children to experience nature. The Children's Outdoor Bill of Rights states that every child should have opportunities to "... discover wilderness—prairies, dunes, forests, savannas, and wetlands; camp under the stars; follow a trail; catch and release fish, frogs, and insects; climb a tree; explore nature in neighborhoods and cities; celebrate heritage; plant a flower; play in the mud or a stream; and learn to swim."

Understanding and interacting with nature are positive ways for children and youth to develop their minds and bodies. Outdoor play encourages independent learning and creativity and develops public awareness about the critical, interdependent relationship humans have with nature. As a child, I remember fondly the time I spent outside with my siblings, exploring my rural community, studying animals, and learning about nature. These experiences contributed to my appreciation of and commitment to improving the environment.

I join Mr. QUIGLEY in recognizing the importance of and supporting these two Illinois environmental initiatives—the Chicago Wilderness and the Children's Outdoor Bill of Rights.

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res. 860, a resolution supporting the Leave No Child Inside initiative and the Children's Outdoor Bill of Rights. For our children's physical, emotional and intellectual growth, it is important for them to spend time outdoors and in nature. Unstructured playtime nourishes childhood development by stimulating imagination and creativity and building healthy habits.

America's children are spending less time outside, and more time in front of the television or computer. This loss of exercise and exploration negatively affects their physical health, and it causes problems later in life. Nearly 119 million American adults are currently overweight or obese. Childhood obesity has doubled since 1980, costing Americans more than \$117 billion per year. We simply cannot afford to leave our children inside.

The Children's Outdoor Bill of Rights is a call to fight obesity and to provide and promote quality outdoor activities for our children. For these reasons, I urge my colleagues to support H. Res. 860.

Mr. PLATTS. I yield back the balance of my time.

Mr. KILDEE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 860, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KILDEE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### E.V. WILKINS POST OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. E.V. WILKINS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, shall be known and designated as the "E.V. Wilkins Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "E.V. Wilkins Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to add any extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Madam Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I present H.R. 3892 for consideration.

This legislation will designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office."

At this time, I yield such time as he may consume to the chief and lead sponsor of this resolution, the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. To the distinguished chairman of the subcommittee, my friend from Massachusetts (Mr. LYNCH), and to the minority member who is managing the bill—and I do not recall your name right now and I apologize for that—thank you very much for allowing us to have this time today.

Madam Speaker, I rise to recognize a friend, the late Elmer V. Wilkins, who was an outstanding educator, mayor, councilman, State board of education member, and a lifelong North Carolinian.

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In North Carolina, we remember E.V. as one with a strong philosophy of tolerance and civic responsibility and educational achievement. Because of his public service, I introduced this bill to name the United States Post Office located in Roper, North Carolina, as the "E.V. Wilkins Post Office."

Thanks to the overwhelming support of the entire North Carolina delegation—and I understand that Mr. ETHERIDGE, who is my colleague from North Carolina, may be on the floor in a few minutes, and they were, of course, friends—we are one step closer to this bill becoming a reality. The people of Roper, North Carolina, and throughout the county of Washington and even the surrounding counties deeply appreciate this naming opportunity.

Elmer Vanray, "E.V.," Wilkins was born on Independence Day of 1911, and to many who knew him, this was no coincidence. He was a staunch defender of constitutional rights and would become a well-known voice for civil rights and voting rights for every citizen. E.V. was the second of 10 children born to Mr. T.L. and Mrs. Maggie Wilkins in Roper.

After graduating from my alma mater, North Carolina Central University, in the 1930s, E.V. returned to his hometown of Roper to teach mathematics at J.J. Clemmons High School. He soon became the school's principal, a position he held for more than 30 years.

In 1946, Madam Chair, E.V. led an effort to provide bus rides to and from school for African American children living in his community. Prior to his activism, white children were the only students having access to a bus, forcing African American students to walk, sometimes miles, to and from their school. He solicited small donations from fair-minded white citizens and from African American citizens, and even accepted bushels of potatoes from those who were unable to give money. Those potatoes were sold and the proceeds were used in what was called the "bus fund."

In the mid-1950s, frustrated with the inability of African American citizens to vote, E.V. Wilkins, along with the local branch of the NAACP, initiated a lawsuit to compel elections officials to allow African American citizens to register to vote. As a result, E.V.'s father, Mr. T.L. Wilkins, was able to vote for the first time in 1956.

It was clear to E.V. that political empowerment for the African American community could make a real difference in their lives, and so in 1967, 2 years after the Voting Rights Act, E.V. made history by becoming the first African American since Reconstruction to be elected to the town council.

Sensing an opportunity to better serve the town and its citizens, E.V.

was then elected mayor of Roper in 1975, again making history as the first African American to hold that position. E.V. served as mayor for 20 years until his retirement.

E.V. was a well-known progressive voice in eastern North Carolina. In addition to serving as mayor, he served as a delegate to the Democratic National Convention in 1972, 1980, and 1984, helping to nominate George McGovern, Jimmy Carter, and Walter Mondale as nominees for his political party.

E.V. was a tireless and stalwart public servant throughout his life. In addition to his service as teacher, principal, councilman, and mayor, he served on numerous boards, including the State Board of Education for North Carolina, State Economic Development Commission, North Carolina Secondary Road Council, North Carolina Railroad Board of Directors, North Carolina State Ports Authority, Advisory Board for the Rural Education Institution at ECU, which is East Carolina University, and Elizabeth City State University Board of Trustees.

During his life, E.V. received many honors and awards, including the North Carolina Distinguished Citizen Award, the Order of the Long Leaf Pine, the Service Award by the North Carolina Leadership Caucus, the North Carolina Distinguished Service Award, and the North Carolina Human Relations Commission's Libby D. Koontz Award in recognition for his dedication and leadership in the areas of education, civil rights, and human rights.

He was also honored by Elizabeth City State University with the naming of the university's computer center as the E.V. Wilkins Academic Computer Center several years ago. Further, Elizabeth City State University established the E.V. Wilkins Endowed Chair in the university's School of Education and Psychology Department in 1996.

E.V. Wilkins passed away, Madam Speaker, on June 2, 2002, at the age of 90 years old. His commitment to enriching the lives and standing up for those less fortunate are qualities that I hope we all emulate. His integrity and the values for which he fought do great honor to the post office that will bear his name.

His greatest fortune is his two daughters, Bunny and Joy. Bunny was also called to public service, I might say, much like her father. She is currently the mayor of Roper, North Carolina, and is an outspoken advocate for her town and its citizens.

Again, I want to thank my friend Mr. LYNCH and the ranking member and all of my colleagues for their support. I respectfully request an "aye" vote on H.R. 3892.

Mr. LUETKEMEYER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3892, designating the United States Postal

Service facility located at 101 West Highway 64 Bypass in Roper, North Carolina, the "E.V. Wilkins Post Office."

Born in Roper, North Carolina, on July 4, 1911, Elmer Vanray Wilkins spent his childhood in Roper before attending North Carolina Central University, where he received a bachelor of science and master of arts degree.

Upon graduation, Mr. Wilkins returned home to Roper, where he taught mathematics at J.J. Clemmons High School. During the time he was serving as a teacher, Mr. Wilkins met his wife, Elizabeth, also a fellow teacher.

As a result of his success as a teacher, in 1941 he was promoted to principal of Clemmons High School, a position he held with distinction for over 30 years.

Throughout his decades of service at Clemmons High School, Mr. Wilkins was described as a mentor to many of his students.

In the 1950s, Mr. Wilkins began his involvement in politics. He worked with the NAACP to file a lawsuit that eventually ensured that African Americans in his home county of Washington County were allowed the right to vote. He continued his work in politics, and in 1967 he became the first post-Reconstruction African American member of the Roper town council.

Mr. Wilkins broke down more racial barriers in 1975 when he became the first African American mayor of Roper. He served as mayor for 20 years until he retired. During his time as mayor, he was a delegate to the Democratic National Convention three separate times.

His years of public service earned him many different awards and honors. His passion for helping others and dedication to the town of Roper was a model for young people in the community that he helped grow and change. He was given the North Carolina Distinguished Citizen Award, the Service Award by the North Carolina Leadership Caucus, the North Carolina Distinguished Service Award, and the North Carolina Human Rights Commission's Libby D. Koontz Award in recognition of his dedication and leadership in the areas of education, civil rights, and human rights.

Elizabeth City State University dedicated its computer center to Mr. Wilkins and created an endowed faculty chair in his honor in its School of Education and Psychology.

Mr. Wilkins' personal accomplishments are an inspiration to many in Roper and throughout North Carolina, including his daughter, Bunny Sanders, who is the current mayor of Roper.

I urge my colleagues to support this resolution to honor E.V. Wilkins' life and successes. I ask my fellow Members to join me in supporting H.R. 3892.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS) to speak on Mr. BUTTERFIELD's resolution.

Mr. DAVIS of Illinois. Madam Speaker, let me, first of all, thank Chairman LYNCH for yielding. And I want to commend Representative BUTTERFIELD for introducing such as outstanding resolution paying tribute to such an outstanding individual as Mr. Wilkins.

As I listened to Representative BUTTERFIELD talk about Mr. Wilkins, I couldn't help but be reminded of my own parents, my uncles and aunts, who were all part of that generation of individuals who did outstanding work that has been unheralded in many instances. So I simply want to congratulate Representative BUTTERFIELD for recognizing such an outstanding person.

I also want to take this opportunity to commend Representative PLATTS for his resolution honoring the work of Dr. Martin Luther King, who lived in the neighborhood where I lived the little time that he spent in Chicago, and I got a chance to know him and to see him. And so I simply recommend that all of us spend a day of service and a day of work in his memory.

Mr. LUETKEMEYER. Madam Speaker, I urge all Members to support the passage of H.R. 3892.

I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, first, I want to thank Mr. LUETKEMEYER for his articulate comments and his support of this resolution. I want to thank the lead sponsors, Mr. BUTTERFIELD, and also Mr. ETHERIDGE I understand is a sponsor as well. I ask our colleagues on both sides to support this resolution.

Mr. ETHERIDGE. Madam Speaker, I rise today in support of H.R. 3892 to name the post office at 101 West Highway 64 bypass in Roper, North Carolina after my friend, a fierce education advocate and civil rights champion, Elmer Vanray "E.V." Wilkins. I would like to thank my friend Congressman BUTTERFIELD for offering this legislation to provide a well-deserved honor to one of North Carolina's native sons.

I had the distinct privilege of working with E.V. during my tenure as State Superintendent of Public Instruction in North Carolina. I will remember E.V. for his unique style in handling tough situations and his passion for education. E.V. was born in Roper on July 4, 1911, to Tom and Maggie Wilkins. He received both his Bachelor of Science and Masters degrees from North Carolina Central University in Durham, North Carolina and later returned to Roper to teach mathematics at J.J. Clemmons High School. While at Clemmons High School, E.V. Wilkins met his beautiful wife, Elizabeth, who was also a teacher there. In 1941, E.V. became principal of Clemmons High School, a position he held for 33 years. E.V. was an institution at Clemmons, a positive influence and mentor to his students, always encouraging them to succeed.

Perhaps E.V.'s most lasting legacy will be his work bringing races together in North Carolina. Back in the days when white children had a bus to take to school and African-American students did not, E.V. began his efforts by raising money for a school bus for Clemmons High School in 1946. He was able to get donations from African Americans and whites, and even sold bushels of potatoes to raise funds. But this was only the first of his successes fighting for civil rights.

In the mid-1950s, Wilkins continued his fight for equality against white town leaders' refusal to allow African Americans to vote. Wilkins led a lawsuit with the National Association for the Advancement of Colored People on behalf of the town's black residents and in 1956 won a court order enforcing their right to vote. Wilkins' father was able to vote for the first time in his life. E.V. was committed to the idea that all people deserve equal rights, and he dedicated his life to this cause.

In 1967, E.V. Wilkins became the first African American since reconstruction to be elected to the Roper Town Council and then in 1975 he became the first African American elected as Mayor of Roper. He held this position for 20 years.

A committed public servant, throughout his life E.V. found time to serve as a member of the Board of Trustees of the North Carolina School of Science and Mathematics, the Advisory Board for the Rural Education Institution at East Carolina University, and of the Elizabeth City State University Board of Trustees, serving as Chair from 1989 to 1994. He was also active in the Democratic Party and served as a delegate to the National Democratic Convention in 1972, 1980, and 1984.

E.V. Wilkins died on June 2, 2002 and is survived by his daughters, Bunny Sanders and Joy Price, son-in-law, Ralph Price, and two grandchildren. Madam Speaker, this is a fitting tribute for an extraordinary man whom I was proud to call my friend, and honored to work with in support of education for all of North Carolina's children. I thank Congressman BUTTERFIELD for offering this legislation and urge my colleagues to support it.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3892.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SERGEANT MATTHEW L. INGRAM POST OFFICE

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4139) to designate the facility of

the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4139

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SERGEANT MATTHEW L. INGRAM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, shall be known and designated as the "Sergeant Matthew L. Ingram Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Matthew L. Ingram Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

As chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 4139 for consideration. This legislation will designate the United States Postal Service facility located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office."

H.R. 4139 was introduced by my colleague Representative GREGG HARPER of Mississippi on November 19, 2009, and reported out of the Oversight and Government Reform Committee on December 10, 2009, by a voice vote. In addition, the legislation enjoys the support of the entire Mississippi House delegation.

A native of Pearl, Mississippi, Sergeant Ingram was serving in support of Operation Enduring Freedom in Afghanistan as a proud member of the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division out of Fort Carson, Colorado. Regrettably, Sergeant Ingram was killed in action in Kunar province, Afghanistan on August 21, 2009, after an improvised explosive device detonated near his vehicle and his unit came under small arms fire from enemy forces. Sergeant Ingram was 25 years old at the time of his death.

Following his graduation from Newton County High School in Decatur, Mississippi, Sergeant Ingram enlisted in the United States Army in 2003 to fulfill his lifelong goal of serving his country. One year later, Sergeant Ingram was deployed to Iraq and served two tours of duty, with distinction, in support of Operation Iraqi Freedom from 2004 to 2005 and from 2006 to 2007. In recognition of his exemplary service, Sergeant Ingram received an Army Commendation Medal, an honor bestowed on soldiers who distinguish themselves through heroism, meritorious achievement, or meritorious service.

On May 26, 2009, Sergeant Ingram began a tour of duty in Afghanistan in support of Operation Enduring Freedom and remained in service to his country until his passing on August 21 of last year.

Madam Speaker, those that were fortunate enough to know Sergeant Matthew Ingram remember him as a loyal, hardworking, and positive young man whose dedication to serving his country was only surpassed by his devotion to his loving family. In the words of his loving father, James, Sergeant Matthew Ingram was a "mighty good man."

As noted by his beloved wife, Holly, Sergeant Ingram was a soldier at heart, whose service in the United States Army afforded him the opportunity to do exactly what he loved to do. However, Sergeant Ingram always considered being a good dad to his daughter, Chloe, now over 1 year old, as his most important mission in life. "He loved his baby and would do anything for her," recalled Holly Ingram upon her husband's passing.

Similarly, Sergeant Ingram's classmates and teachers at his alma mater, Newton County High School, remember their fallen friend as a dedicated and courageous young man.

□ 1230

As noted by Sergeant Ingram's former teacher, Sue Geter, I am very honored to have taught him. And the fact that he gave the ultimate price is something I am proud of, that I had an opportunity to teach him.

Madam Speaker, the life of Sergeant Matthew L. Ingram stands as a testament to the courage and dedication of all our brave servicemen and women who have made the ultimate sacrifice in defense of our Nation. Let us pay tribute to the life and service of Sergeant Matthew L. Ingram through the passage of this legislation, H.R. 4139, to designate the Hickory, Mississippi, postal facility in his honor. I urge all of my colleagues to join us in supporting H.R. 4139.

I reserve the balance of my time.

Mr. LUETKEMEYER. Madam Speaker, I yield such time as he may consume to my distinguished colleague,

the gentleman from the State of Mississippi (Mr. HARPER).

Mr. HARPER. Madam Speaker, I rise today in support of H.R. 4139, a resolution to designate the facility of the United States Postal Service located in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office."

As a child, Matthew was thought of by his mother, Patricia, as the one giving the orders. She explains he would tell his older brother what to do. "He's always been a leader, not a follower," explains Patricia. "He did not want to be mediocre." As Matthew grew older, he saw many advantages to military service. For starters, he saw the Army as a way to serve the country that he loved, pay for his education, and, as his mother added, see the world.

Ingram joined the Army in the summer of 2003, fulfilling his basic training requirements at Fort Benning, Georgia. Matthew served as a member of the 2nd Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division, based in Fort Carson, Colorado. Soon after basic training his brigade was reassigned to South Korea, where he spent 10 months prior to his first deployment to Iraq for a 1-year tour.

Stationed in Colorado after returning from Iraq, Ingram would meet his future wife, Holly. Their 2006 marriage preceded his return for a second Iraq tour. However, this time he had been promoted to sergeant. In 2007, Sergeant Ingram returned to Colorado from theatre wearing an impressive military decoration. He wore one of the highest honors presented to soldiers who have been wounded while serving our country, the Purple Heart. As his mother would describe, "That was his most prized possession." Sergeant Ingram's next call to duty was in Afghanistan in May of 2009, and for the first time he left not only a wife, whom he loved, but also a beautiful baby girl, Chloe. His departure would be the last time this brave young soldier would embrace his family that he loved so much.

On August 20, 2009, Army Sergeant Matthew Ingram died from wounds suffered from an IED detonated near his vehicle during combat in Afghanistan. The blast occurred while his unit was under small-arms fire from enemy forces. At the time of his death, the fighting in Afghanistan was so brutal that Admiral Mike Mullen, the chairman of the Joint Chiefs of Staff, described the situation as "serious and deteriorating." Although this would be his last mission, combat had become familiar to this brave, 25-year-old Purple Heart recipient.

Naming this facility will present a constant reminder of the sacrifices Sergeant Ingram and other Mississippians have made through their service to our country. Matthew's love for his country and able leadership took him from Hickory, Mississippi, to Afghani-

stan, and his courage and sacrifice will never be forgotten. I urge you to support this resolution.

Mr. LUETKEMEYER. Madam Speaker, I urge the Members to support the passage of H.R. 4139.

I have no further requests for time, and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I ask all Members on each side as well to support this resolution, which will designate the facility of the United States Postal Service located in Hickory, Mississippi, in honor of Matthew L. Ingram.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4139.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FDR DOCUMENTS ACT

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (S. 692) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TREATMENT OF OWNERSHIP OF CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT.

(a) IN GENERAL.—If any person or entity makes a gift of any property described in subsection (b) to the National Archives and Records Administration, then any claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

(b) PROPERTY DESCRIBED.—Property is described in this subsection if such property—

(1) is a part of the collection of documents, papers, and memorabilia relating to Franklin Delano Roosevelt or any member of his family or staff; and

(2) was in the possession of Grace Tully and retained by her at the time of her death.

(c) DATE OF GIFT.—The date of a gift referred to in subsection (a) is any date specified by the donor so long as such date is subsequent to the physical delivery of the property described in subsection (b) to the National Archives and Records Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members



may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield my such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present Senate bill 692 for consideration.

This legislation will facilitate the donation of the Grace Tully Archive to the National Archives and Records Administration. Senate bill 692 is the Senate companion to H.R. 1506, which was introduced by Representative LOUISE SLAUGHTER. H.R. 1506 passed the House by voice vote on November 16, 2009, after it was approved by the Committee on Oversight and Government Reform by voice vote on October 29, 2009. Senate bill 692 is identical to H.R. 1506, and was introduced by Senator CHUCK SCHUMER on March 25, 2009. The legislation was reported out of the Senate Committee on Homeland Security and Governmental Affairs without amendment on October 5, 2009, and was passed by the United States Senate on October 14, 2009, by unanimous consent.

Madam Speaker, Ms. Grace Tully served as the personal secretary of President Franklin Delano Roosevelt from June of 1941 to April of 1945. In her capacity as personal secretary to the President, Ms. Tully preserved an assortment of personal papers and other historical items related to President Roosevelt that have come to form a historically significant collection. While the private owner of the Grace Tully Collection would like to donate the materials to the Franklin Delano Roosevelt Presidential Library, the National Archives and Records Administration, which administers the Roosevelt Library, has asserted a claim to a portion of the collection. The claim asserted by the National Archives impacts whether the private owner may claim a tax deduction for the donation. In order to facilitate the donation of the Grace Tully Archive, Senate bill 692 waives the government's claim to the records and will thereby allow the collection to be gifted to the Roosevelt Library.

Madam Speaker, the Grace Tully Archive represents an important part of American history. Through the passage of Senate bill 692, we will ensure that this collection will be properly preserved and made publicly available through the Roosevelt Library.

I'd also like to note that this legislation enjoys the support of the National Archives. As noted by former Acting Archivist Adrienne Thomas in a letter sent to the Oversight Committee in October of 2009, "I write to express my strong support for the ongoing legisla-

tive effort to facilitate the donation to the Franklin D. Roosevelt Presidential Library of the Tully Archive." Ms. Thomas went on to say that, "It is very important to the National Archives and Records Administration, and for future historians that might want to study these papers, for the Tully Archive to be kept intact and made fully accessible to the American people in a public government archives."

Madam Speaker, I urge my colleagues to join me in supporting Senate bill 692.

I reserve the balance of my time.

Mr. LUETKEMEYER. Madam Speaker, I yield myself such time as I may consume.

S. 692 is identical to H.R. 1506, which passed the House on November 16. Therefore, I want to reiterate the points made previously during debate on the House bill. This bill will waive certain claims of the United States to specific documents, known as the Tully Collection, relating to Franklin Delano Roosevelt. Grace Tully served in Franklin Roosevelt's secretarial staff for several decades, and in 1941, became his personal secretary. After her death, her collection of papers passed through a number of hands and finally to the current owners, Sun Times Media, who bought the collection for \$8 million in 2001.

In 2004, the National Archives asserted a claim to a portion of the documents. Sun Times Media wishes to donate the collection to President Roosevelt's Presidential Library in Hyde Park, New York, and take a tax deduction. Due to the Archives claim, Sun Times Media is prevented from receiving a tax deduction on the donation. This bill waives the legal claims of the United States and the Archives, thereby clearing the way for the tax deduction and the donation.

I understand the Archives has offered to support this legislation in a letter to the committee. Nevertheless, I want to again highlight two points: The majority moved this bill without a hearing. We should have had a better understanding of legislation relinquishing the Federal Government's claims while benefiting certain private entities through tax breaks. Given the multiple, ongoing instances of mismanagement of the Archives, we should have the opportunity on the committee to review all legislation relating to this agency.

Madam Speaker, I urge the Members to support the passage of S. 692, and I yield back the balance of my time.

Mr. LYNCH. Likewise, Madam Speaker, I urge support of Senate bill 692, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 692.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT OF 2009

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2646) to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2646

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Accountability Office Improvement Act of 2009".

### SEC. 2. AUTHORITY TO OBTAIN INFORMATION.

(a) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking "(a)" and inserting "(2)"; and

(2) by inserting after the section heading the following:

"(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law."

(b) COPIES AND INTERVIEWS.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by striking "inspect an agency record" and inserting "inspect, and make and retain copies of, an agency record and interview agency officers and employees".

(c) RULES OF CONSTRUCTION.—Section 716 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(f) No provision of any law in existence on the date of the enactment of this section or enacted after such date shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under this section, except to the extent such provision expressly and specifically refers to this section and provides for such limitation, amendment, or supersession."

### SEC. 3. ADMINISTERING OATHS.

Paragraph (4) of section 711 of title 31, United States Code, is amended to read as follows:

"(4) administer oaths to witnesses, except that, in matters other than auditing and settling accounts, the authority of an officer or employee to administer oaths to witnesses pursuant to a delegation under paragraph (2) shall not be available without the prior express approval of the Comptroller General (or a designee)."



## SEC. 4. AGENCY REPORTS.

Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or planned” after “action taken”; and

(2) by amending paragraph (1) to read as follows:

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Operations of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and”.

Mr. KUCINICH. Madam Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Is the gentleman from Missouri opposed to the motion?

Mr. LUETKEMEYER. No, I am not.

The SPEAKER pro tempore. The gentleman from Ohio will control the time in opposition.

Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

## GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I rise in strong support of H.R. 2646, the Government Accountability Office Improvement Act of 2009. This legislation, introduced by the chairman of the Oversight Committee, Representative ED TOWNS of Brooklyn, will increase the effectiveness of the GAO by clarifying and strengthening the GAO's authority in several critical areas, including its access to records.

Congress relies heavily on the GAO as a force multiplier in carrying out the investigative and oversight functions vested in the legislative branch. The GAO helps inform the Congress and executive agencies and the public about areas and programs within the Federal Government that are performing well and those that need to be improved or are vulnerable to waste, fraud, and abuse. General Accounting Office audits provide reliable assessments as to whether the taxpayers are receiving full value from important government programs. This legislation is necessary to ensure that GAO can successfully carry out all of these important functions for the Congress.

□ 1245

Specifically, the GAO Improvement Act addresses a 2002 Federal court decision that limited the GAO's ability to question agency access determinations in court. The bill explicitly provides the Comptroller General with standing to pursue litigation if the Comptroller General determines that the performance of her official duties has been harmed by an agency improperly withholding information.

The bill also clarifies the GAO's access to information in two important areas. First, it confirms the GAO's right to make and retain copies of records, which has been denied by Federal agencies in some cases. And it provides the GAO with the right to interview agency officers and employees. The bill also says that the GAO's access to agency information should be limited only if an act passed by the Congress expressly and specifically extends to limit such access.

Additionally, the bill clarifies GAO's authority to administer oaths, an important tool in conducting audits and taking statements. Lastly, it provides agencies more flexibility in reporting to Congress in their responses to GAO recommendations. The Committee on Oversight and Government Reform reported H.R. 2646 favorably on a voice vote on June 4, 2009.

At the committee markup, a bipartisan amendment was added to the bill that would have allowed the GAO to conduct reviews of certain actions taken by the Federal Reserve that previously have been exempt from GAO review. However, similar language was included in the Wall Street Reform and Consumer Protection Act which passed the House before the holiday recess.

Therefore, the legislation that we are considering today is the bill introduced by Representative TOWNS on June 4 and is without the committee's amendment related to the Federal Reserve.

Madam Speaker, the Congress and the American people need the GAO to help us remain informed about what's being done well and what needs to be improved within the Federal Government. The GAO can only do this effectively if it has access to all the information it needs. This bill strengthens the GAO in this manner. It is an important good-government initiative that will improve the effectiveness of government operations.

I urge all Members to support the legislation, and I reserve the balance of my time.

Mr. KUCINICH. As has been recounted by my friend from Massachusetts, the amendment which was in the bill that would have given the GAO the ability to audit the Fed was taken out of the bill; and the bill, as it was introduced originally, is before this Congress. I question the wisdom of moving on this bill, absent a provision to audit the Fed prior to the Senate acting be-

cause suppose the Senate, which has the ability to go any direction on this, suppose the Senate strips out the provision that I did support, the Ron Paul provision, the Senate strips that out, and then we have stripped out a provision in our bill. It just sends a signal to the Fed that it's business as usual.

That's the reason I am raising this question right now, because it hasn't passed the Senate. If it passed the Senate, I would not be on the floor challenging this legislation. Because if it had been passed, it went through conference, then finally at last the Fed is going to be held accountable; but we aren't that far along yet.

So I bring on the first day of legislative action in this second session of the 111th Congress a bill to the floor that essentially gives the Fed what they want, which is they don't want any oversight at all. And why was this brought forward in the first place? Because Congress and our committee, particularly, depend on the Government Accountability Office and the audits and the reviews they perform to assist us in helping us justify our oversight responsibilities.

But GAO currently, unless the law changes, cannot perform audits or conduct reviews of the various credit facilities that the Federal Reserve created. And due to an express prohibition on auditing monetary activities of the Fed containing section 714 of title 31, GAO isn't allowed to assist Congress in conducting oversight on the Fed's role.

Now, this Congress voted for the financial reforms. A majority of Members of Congress signed on to Mr. PAUL's very strong proposal to audit the Fed. I was one of those signatories. So this isn't a question of whether we want to audit the Fed or not. A majority of the Members of Congress agree on that. Well, why start off this new year with a bill that strips that provision out long before the Senate acts? Let's see what the Senate is going to do. That's why I didn't want to see this bill brought to the floor at a time when the Senate hasn't acted on the Fed language; and if we go ahead and take that language out of our bill, some could read it in the Senate as a green light to strip out the Paul provision, which is a much stronger provision than what I brought forward in my amendment.

So those are the concerns that I wanted to bring forward and air them publicly, and just ask Members—a cautionary note here about what's happening with respect to the Fed. Since a majority of Members of Congress already want to audit the Fed, why should we go and weaken our position by passing a bill that strips out audit provisions before the Senate has acted on the bill that contains the Paul amendment?

With that, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, at this time I ask unanimous consent to be able to yield 10 minutes of my time to the gentleman from Missouri (Mr. LUETKEMEYER).

The SPEAKER pro tempore. Without objection, the gentleman from Missouri will control 10 minutes.

There was no objection.

Mr. LUETKEMEYER. Thank you, Madam Speaker.

As noted all year, oversight and accountability are critically important. This bill provides GAO additional process authorities regarding access to information and enhances GAO's ability to carry out its mission. The GAO has done a long-standing right-of-access to agency records. On occasion, its efforts have been frustrated and delayed by agencies refusing to provide GAO with copies of necessary records or by a lack of willingness on the part of agency officers and employees to discuss the content of records or provide background information relevant to programs under review.

This bill augments the GAO's existing access authority by confirming GAO's right to make and retain copies of records and by providing GAO with the right to interview agency officers and employees. In addition, the bill requires agencies to interpret statutes as requiring disclosure of information to GAO unless the statute expressly prohibits disclosure to GAO. Finally, the bill makes some commonsense changes to the Comptroller General's ability to administer oaths as well as agency reporting requirements.

Madam Speaker, Congress looks to the GAO to assist with the investigative and oversight functions vested in the legislative branch. This bill is intended to increase the effectiveness of GAO by ensuring that the agency is not unnecessarily restricted in its efforts to secure necessary information when performing these necessary and important functions.

I urge my colleagues to support this legislation, and I thank the gentleman from Massachusetts for yielding his time and I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, in closing, before I yield back, I just want to say that I understand the spirit in which the gentleman from Ohio has brought this issue forward. I do understand the central role that oversight and investigation have in this Congress. It is the only way that we can make sure that the executive follows the legislative mandate of Congress and that the resources provided by the taxpayer are properly used to limit fraud, waste and abuse. So I understand the spirit in which he acts.

I think his desire for transparency is spot on, and I agree with it. I think the position of the chairman, Mr. TOWNS of New York, is that we have included a provision in another bill recently

passed that would provide for all of that. I understand, however, that the belt-and-suspenders approach that the gentleman would like to see, which is, let's put it in every bill that we send over there, is germane. And I respect that urgency.

However, I do in this case agree with the chairman that we have addressed those concerns in the other bill, and we will need to be diligent in making sure that the effect of that language is carried into law.

Mr. KUCINICH. I want to say to my friend from Massachusetts, you and I both support our Chair. We support the oversight function of our committee and of the Congress, and that is the spirit in which I rise. Also, I think it's critical that we track this financial reform legislation as it moves through the Senate to make sure that the provisions that were put in by Representative PAUL are not going to be stripped. I would not want the Senate to misinterpret the stripping of a Federal audit provision from a government oversight bill as being an indication of the weakening of the intention of Congress to hold the Fed accountable.

So it's for that reason that I raise that issue, and I appreciate the gentleman's remarks.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2646.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. COHEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 51, United States Code.
- Sec. 4. Conforming amendments to other laws.
- Sec. 5. Transitional and savings provisions.
- Sec. 6. Repeals.

### SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to codify certain existing laws related to national and commercial space programs as a positive law title of the United States Code.

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C. 285b(1)).

### SEC. 3. ENACTMENT OF TITLE 51, UNITED STATES CODE.

Title 51, United States Code, "National and Commercial Space Programs", is enacted as follows:

## TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS

### Subtitle I—General

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### Subtitle II—General Program and Policy Provisions

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| 305. Management and Review .....                     | 30501 |
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### Subtitle VI—Earth Observations

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### Subtitle VII—Access to Space

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| 703. Shuttle Pricing Policy for Commercial and Foreign Users ..... | 70301 |
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| 707. Human Space Flight Independent Investigation Commission ..... | 70701 |
| 709. International Space Station .....                             | 70901 |
| 711. Near-Earth Objects .....                                      | 71101 |
| 713. Cooperation for Safety Among Spacefaring Nations .....        | 71301 |

### Subtitle I—General

## CHAPTER 101—DEFINITIONS

Sec.  
10101. Definitions.

### § 10101. Definitions

In this title:

(1) ADMINISTRATION.—The term "Administration" means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

**Subtitle II—General Program and Policy Provisions**

**CHAPTER 201—NATIONAL AERONAUTICS AND SPACE PROGRAM**

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**SUBCHAPTER I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS**

**§ 20101. Short title**

This chapter may be cited as the “National Aeronautics and Space Act”.

**§ 20102. Congressional declaration of policy and purpose**

(a) **DEVOTION OF SPACE ACTIVITIES TO PEACEFUL PURPOSES FOR BENEFIT OF ALL HUMANKIND.**—Congress declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all humankind.

(b) **AERONAUTICAL AND SPACE ACTIVITIES FOR WELFARE AND SECURITY OF UNITED STATES.**—Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military

operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which agency has responsibility for and direction of any such activity shall be made by the President.

(c) **COMMERCIAL USE OF SPACE.**—Congress declares that the general welfare of the United States requires that the Administration seek and encourage, to the maximum extent possible, the fullest commercial use of space.

(d) **OBJECTIVES OF AERONAUTICAL AND SPACE ACTIVITIES.**—The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of the Earth and of phenomena in the atmosphere and space.

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles.

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space.

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes.

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere.

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency.

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this chapter and in the peaceful application of the results thereof.

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(9) The preservation of the United States preeminent position in aeronautics and space through research and technology development related to associated manufacturing processes.

(e) **GROUND PROPULSION SYSTEMS RESEARCH AND DEVELOPMENT.**—Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the Administration also be directed toward ground propulsion systems research and development. Such development shall be conducted so as to contribute to the objectives of developing energy and petroleum-conserving ground propulsion systems, and of minimizing the environmental degradation caused by such systems.

(f) **BIOENGINEERING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAMS.**—Congress declares that the general welfare of the United States requires that the unique competence of the Administration in science and

engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability.

(g) **WARNING AND MITIGATION OF POTENTIAL HAZARDS OF NEAR-EARTH OBJECTS.**—Congress declares that the general welfare and security of the United States require that the unique competence of the Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.

(h) **PURPOSE OF CHAPTER.**—It is the purpose of this chapter to carry out and effectuate the policies declared in subsections (a) to (g).

**§ 20103. Definitions**

In this chapter:

(1) **AERONAUTICAL AND SPACE ACTIVITIES.**—The term “aeronautical and space activities” means—

(A) research into, and the solution of, problems of flight within and outside the Earth's atmosphere;

(B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles;

(C) the operation of a space transportation system including the space shuttle, upper stages, space platforms, and related equipment; and

(D) such other activities as may be required for the exploration of space.

(2) **AERONAUTICAL AND SPACE VEHICLES.**—The term “aeronautical and space vehicles” means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

**SUBCHAPTER II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES**  
**§ 20111. National Aeronautics and Space Administration**

(a) **ESTABLISHMENT AND APPOINTMENT OF ADMINISTRATOR.**—There is established the National Aeronautics and Space Administration. The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration and shall have authority and control over all personnel and activities thereof.

(b) **DEPUTY ADMINISTRATOR.**—There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during the Administrator's absence or disability.

(c) **RESTRICTION ON OTHER BUSINESS OR EMPLOYMENT.**—The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

**§ 20112. Functions of the Administration**

(a) **PLANNING, DIRECTING, AND CONDUCTING AERONAUTICAL AND SPACE ACTIVITIES.**—The Administration, in order to carry out the purpose of this chapter, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made

through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations;

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof;

(4) seek and encourage, to the maximum extent possible, the fullest commercial use of space; and

(5) encourage and provide for Federal Government use of commercially provided space services and hardware, consistent with the requirements of the Federal Government.

**(b) RESEARCH AND DEVELOPMENT IN CERTAIN TECHNOLOGIES.—**

(1) **GROUND PROPULSION TECHNOLOGIES.**—The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 4 to 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2503 to 2509).

(2) **SOLAR HEATING AND COOLING TECHNOLOGIES.**—The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5503, 5504, 5507).

**§ 20113. Powers of the Administration in performance of functions**

(a) **RULES AND REGULATIONS.**—In the performance of its functions, the Administration is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

(b) **OFFICERS AND EMPLOYEES.**—In the performance of its functions, the Administration is authorized to appoint and fix the compensation of officers and employees as may be necessary to carry out such functions. The officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with chapter 51 and subchapter III of chapter 53 of title 5, except that—

(1) to the extent the Administrator deems such action necessary to the discharge of the Administrator's responsibilities, the Administrator may appoint not more than 425 of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the rate of basic pay payable for level III of the Executive Schedule; and

(2) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, the Administrator may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel under the General Schedule, and fix their compensation accordingly.

(c) **PROPERTY.**—In the performance of its functions, the Administration is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for em-

ployees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States;

(2) to acquire by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed 10 years without regard to section 8141 of title 40;

(3) to lease to others such real and personal property;

(4) to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of chapters 1 to 11 of title 40 and in accordance with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.); and

(5) to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor.

(d) **GIFTS.**—In the performance of its functions, the Administration is authorized to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible.

(e) **CONTRACTS, LEASES, AND AGREEMENTS.**—In the performance of its functions, the Administration is authorized, without regard to subsections (a) and (b) of section 3324 of title 31, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this chapter, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration.

(f) **COOPERATION WITH FEDERAL AGENCIES AND OTHERS.**—In the performance of its functions, the Administration is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment.

(g) **ADVISORY COMMITTEES.**—In the performance of its functions, the Administration is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration.

(h) **OFFICES AND PROCEDURES.**—In the performance of its functions, the Administra-

tion is authorized to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this chapter with related scientific and other activities being carried on by other public and private agencies and organizations.

(i) **TEMPORARY OR INTERMITTENT SERVICES OF EXPERTS OR CONSULTANTS.**—In the performance of its functions, the Administration is authorized to obtain services as provided by section 3109 of title 5, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under section 5376 of title 5.

(j) **ALIENS.**—In the performance of its functions, the Administration is authorized, when determined by the Administrator to be necessary, and subject to such security investigations as the Administrator may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens.

**(k) CONCESSIONS FOR VISITORS' FACILITIES.—**

(1) **IN GENERAL.**—In the performance of its functions, the Administration is authorized to provide by concession, without regard to section 1302 of title 40, on such terms as the Administrator may deem to be appropriate and necessary to protect the concessioner against loss of the concessioner's investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority that the Administration may have to provide facilities, equipment, and services for visitors to its installations).

(2) **PUBLIC NOTICE AND DUE CONSIDERATION OF PROPOSALS.**—A concession agreement under this subsection may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract.

(3) **REASONABLE OPPORTUNITY FOR PROFIT.**—The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed. The consideration paid by the concessioner for the concession shall be based on the probable value of the opportunity and not on maximizing revenue to the United States.

(4) **RECORDS AND ACCESS TO RECORDS.**—Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to the records by the Administration and the Comptroller General of the United States for a period of 5 years after the close of the business year to which the records relate.

(5) **POSSESSORY INTERESTS.**—A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement the concessioner constructs or locates upon land owned by the United States. With the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by the concessioner, and, unless otherwise provided by contract, shall not be extinguished

by the expiration or other termination of the concession and may not be taken for public use without just compensation.

(l) **DETAILING MEMBERS OF ARMED SERVICES.**—In the performance of its functions, the Administration is authorized, with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this chapter to the same extent as that to which they might be lawfully assigned in the Department of Defense.

(m) **CLAIMS AGAINST THE UNITED STATES.**—In the performance of its functions, the Administration is authorized—

(1) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$25,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in section 20112(a) of this title, where such claim is presented to the Administration in writing within 2 years after the accident or incident out of which the claim arises; and

(2) if the Administration considers that a claim in excess of \$25,000 is meritorious and would otherwise be covered by this subsection, to report the facts and circumstances to Congress for its consideration.

#### **§ 20114. Administration and Department of Defense coordination**

(a) **ADVISE AND CONSULT.**—The Administration and the Department of Defense, through the President, shall advise and consult with each other on all matters within their respective jurisdictions related to aeronautical and space activities and shall keep each other fully and currently informed with respect to such activities.

(b) **REFERRAL TO THE PRESIDENT.**—If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, or the Administrator concludes that any request, action, proposed action, or failure to act on the part of the Department of Defense is adverse to the responsibilities of the Administration, and the Administrator and the Secretary of Defense are unable to reach an agreement with respect to the matter, either the Administrator or the Secretary of Defense may refer the matter to the President for a decision (which shall be final).

#### **§ 20115. International cooperation**

The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this chapter, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

#### **§ 20116. Reports to Congress**

(a) **PRESIDENTIAL REPORT.**—The President shall transmit to Congress in May of each year a report, which shall include—

(1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding fiscal year; and

(2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 20102(d) of this title.

(b) **RECOMMENDATIONS FOR ADDITIONAL LEGISLATION.**—Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 20102(d) of this title.

(c) **CLASSIFIED INFORMATION.**—No information that has been classified for reasons of national security shall be included in any report made under this section, unless the information has been declassified by, or pursuant to authorization given by, the President.

#### **§ 20117. Disposal of excess land**

Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 that is owned by the United States and under the jurisdiction and control of the Administration, unless—

(1) a period of 30 days has passed after the receipt by the Speaker and the Committee on Science and Technology of the House of Representatives and the President and the Committee on Commerce, Science, and Transportation of the Senate of a report by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action; or

(2) each such committee before the expiration of that period has transmitted to the Administrator written notice to the effect that the committee has no objection to the proposed action.

### **SUBCHAPTER III—GENERAL ADMINISTRATIVE PROVISIONS**

#### **§ 20131. Public access to information**

(a) **PUBLIC INSPECTION.**—Information obtained or developed by the Administrator in the performance of the Administrator's functions under this chapter shall be made available for public inspection, except information—

(1) authorized or required by Federal statute to be withheld;

(2) classified to protect the national security; or

(3) described in subsection (b).

(b) **SPECIAL HANDLING OF TRADE SECRET OR CONFIDENTIAL INFORMATION.**—

(1) **IN GENERAL.**—The Administrator, for a period of up to 5 years after the development of information described in paragraph (2), may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5.

(2) **INFORMATION DESCRIBED.**—Information referred to in paragraph (1) is information that results from activities conducted under an agreement entered into under subsections (e) and (f) of section 20113 of this title, and that would be a trade secret or commercial or financial information that is privileged or confidential under the meaning of section 552(b)(4) of title 5 if the information had been obtained from a non-Federal party participating in such an agreement.

(c) **COMMITTEES OF CONGRESS.**—Nothing in this chapter authorizes the withholding of information by the Administrator from the duly authorized committees of Congress.

#### **§ 20132. Security requirements**

The Administrator shall establish such security requirements, restrictions, and safeguards as the Administrator deems necessary in the interest of the national security. The Administrator may arrange with

the Director of the Office of Personnel Management for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as the Administrator deems appropriate. If any such investigation develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

#### **§ 20133. Permission to carry firearms**

As the Administrator deems necessary in the public interest, the Administrator may—

(1) direct officers and employees of the Administration to carry firearms while in the conduct of their official duties; and

(2) authorize employees of contractors and subcontractors of the Administration who are engaged in the protection of property owned by the United States, and located at facilities owned by or contracted to the United States, to carry firearms while in the conduct of their official duties.

#### **§ 20134. Arrest authority**

Under regulations prescribed by the Administrator and approved by the Attorney General, employees of the Administration and of its contractors and subcontractors authorized to carry firearms under section 20133 of this title may arrest without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Persons granted authority to make arrests by this section may exercise that authority only while guarding and protecting property owned or leased by, or under the control of, the United States under the administration and control of the Administration or one of its contractors or subcontractors, at facilities owned by or contracted to the Administration.

#### **§ 20135. Property rights in inventions**

(a) **DEFINITIONS.**—In this section:

(1) **CONTRACT.**—The term “contract” means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder.

(2) **MADE.**—The term “made”, when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(3) **PERSON.**—The term “person” means any individual, partnership, corporation, association, institution, or other entity.

(b) **EXCLUSIVE PROPERTY OF UNITED STATES.**—

(1) **IN GENERAL.**—An invention shall be the exclusive property of the United States if it is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(A) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work the person was employed or assigned to perform, or was within the scope of the person's employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government,

or services of Government employees during working hours; or

(B) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties the person was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in subparagraph (A).

(2) PATENT TO UNITED STATES.—If an invention is the exclusive property of the United States under paragraph (1), and if such invention is patentable, a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (g).

(c) CONTRACT PROVISIONS FOR FURNISHING REPORTS OF INVENTIONS, DISCOVERIES, IMPROVEMENTS, OR INNOVATIONS.—Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which the party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(d) PATENT APPLICATION.—No patent may be issued to any applicant other than the Administrator for any invention which appears to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (hereafter in this section referred to as the “Director”) to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Director, with the application or within 30 days after request therefor by the Director, a written statement executed under oath setting forth the full facts concerning the circumstances under which the invention was made and stating the relationship (if any) of the invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Director to the Administrator.

(e) ISSUANCE OF PATENT TO APPLICANT.—Upon any application as to which any such statement has been transmitted to the Administrator, the Director may, if the invention is patentable, issue a patent to the applicant unless the Administrator, within 90 days after receipt of the application and statement, requests that the patent be issued to the Administrator on behalf of the United States. If, within such time, the Administrator files such a request with the Director, the Director shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within 30 days after receipt of the notice requests a hearing before the Board of Patent Appeals and Interferences on the question whether the Administrator is entitled under this section to receive the patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the United States Court of Appeals for the Federal Circuit in accordance with procedures governing appeals from decisions of the Board of Patent Appeals and Interferences in other proceedings.

(f) SUBSEQUENT TRANSFER OF PATENT IN CASE OF FALSE REPRESENTATIONS.—Whenever a patent has been issued to an applicant in conformity with subsection (e), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection with the patent contained a false representation of a material fact, the Administrator, within 5 years after the date of issuance of the patent, may file with the Director a request for the transfer to the Administrator of title to the patent on the records of the Director. Notice of any such request shall be transmitted by the Director to the owner of record of the patent, and title to the patent shall be so transferred to the Administrator unless, within 30 days after receipt of notice, the owner of record requests a hearing before the Board of Patent Appeals and Interferences on the question whether any such false representation was contained in the statement filed in connection with the patent. The question shall be heard and determined, and the determination shall be subject to review, in the manner prescribed by subsection (e) for questions arising thereunder. A request made by the Administrator under this subsection for the transfer of title to a patent, and prosecution for the violation of any criminal statute, shall not be barred by the failure of the Administrator to make a request under subsection (e) for the issuance of the patent to the Administrator, or by any notice previously given by the Administrator stating that the Administrator had no objection to the issuance of the patent to the applicant.

(g) WAIVER OF RIGHTS TO INVENTIONS.—Under such regulations in conformity with this subsection as the Administrator shall prescribe, the Administrator may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, non-transferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(h) PROTECTION OF TITLE.—The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which the Administrator has title, and to require contractors or persons who retain title to inventions or discoveries under this section to protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) ADMINISTRATION AS DEFENSE AGENCY.—The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35.

(j) OBJECTS INTENDED FOR LAUNCH, LAUNCHED, OR ASSEMBLED IN OUTER SPACE.—Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35.

(k) USE OR MANUFACTURE OF PATENTED INVENTIONS INCORPORATED IN SPACE VEHICLES LAUNCHED FOR PERSONS OTHER THAN UNITED STATES.—The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, unless the Administration gives an express authorization or consent for such use or manufacture.

#### §20136. Contributions awards

(a) APPLICATIONS.—Subject to the provisions of this section, the Administrator is authorized, on the Administrator's own initiative or on application of any person, to make a monetary award, in an amount and on terms the Administrator determines to be warranted, to any person (as defined by section 20135(a) of this title) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for such an award shall be referred to the Inventions and Contributions Board established under section 20135 of this title. Such Board shall accord to each applicant an opportunity for hearing on the application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to the applicant for the contribution. In determining the terms and conditions of an award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of the contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of the contribution by the United States; and

(4) any other factors the Administrator determines to be material.

(b) APPORTIONMENT OF AWARDS.—If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of the applicants, and shall apportion any award to be made among the applicants in amounts the Administrator determines to be equitable.

(c) SURRENDER OF OTHER CLAIMS.—No award may be made under subsection (a) unless the applicant surrenders, by means the Administrator determines to be effective, all claims that the applicant may have to receive any compensation (other than the award made under this section) for the use of the contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to a treaty or agreement with the United States, within the United States or at any other place.

(d) REPORT AND WAITING PERIOD.—No award may be made under subsection (a) in an amount exceeding \$100,000 unless the Administrator transmits to the appropriate committees of Congress a full and complete report concerning the amount and terms of, and the basis for, the proposed award, and a



period of 30 calendar days of regular session of Congress expires after receipt of the report by the committees.

**§ 20137. Malpractice and negligence suits against United States**

(a) **EXCLUSIVE REMEDY.**—The remedy against the United States provided by sections 1346(b) and 2672 of title 28, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties or employment therein or therefor shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such person (or the estate of such person) whose act or omission gave rise to the action or proceeding.

(b) **ATTORNEY GENERAL TO DEFEND ANY CIVIL ACTION OR PROCEEDING FOR MALPRACTICE OR NEGLIGENCE.**—The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers. Such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Administrator.

(c) **REMOVAL OF ACTIONS.**—Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, and all references thereto. Should a district court of the United States determine, on a hearing on a motion to remand held before a trial on the merits, that the case so removed is one in which a remedy by suit within the meaning of subsection (a) is not available against the United States, the case shall be remanded to the State court.

(d) **COMPROMISE OR SETTLEMENT OF CLAIMS.**—The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

(e) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any cause of action arising out of a negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations).

(f) **LIABILITY INSURANCE FOR PERSONS ASSIGNED TO FOREIGN COUNTRIES OR NON-FEDERAL AGENCIES.**—The Administrator or the

Administrator's designee may, to the extent that the Administrator or the designee deems appropriate, hold harmless or provide liability insurance for any person described in subsection (a) for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury.

**§ 20138. Insurance and indemnification**

(a) **DEFINITIONS.**—In this section:

(1) **SPACE VEHICLE.**—The term "space vehicle" means an object intended for launch, launched, or assembled in outer space, including the space shuttle and other components of a space transportation system, together with related equipment, devices, components, and parts.

(2) **THIRD PARTY.**—The term "third party" means any person who may institute a claim against a user for death, bodily injury, or loss of or damage to property.

(3) **USER.**—The term "user" includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle.

(b) **AUTHORIZATION.**—The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations, or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 20113 of this title.

(c) **INDEMNIFICATION.**—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations, or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user. Such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

(d) **TERMS OF INDEMNIFICATION AGREEMENT.**—An agreement made under subsection (c) that provides indemnification must also provide for—

(1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

(e) **CERTIFICATION OF JUST AND REASONABLE AMOUNT.**—No payment may be made under subsection (c) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

(f) **PAYMENTS.**—Upon the approval by the Administrator, payments under subsection (c) may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

**§ 20139. Insurance for experimental aerospace vehicles**

(a) **DEFINITIONS.**—In this section:

(1) **COOPERATING PARTY.**—The term "cooperating party" means any person who enters into an agreement with the Administration for the performance of cooperative scientific, aeronautical, or space activities to carry out the purposes of this chapter.

(2) **DEVELOPER.**—The term "developer" means a United States person (other than a natural person) who—

(A) is a party to an agreement with the Administration for the purpose of developing new technology for an experimental aerospace vehicle;

(B) owns or provides property to be flown or situated on that vehicle; or

(C) employs a natural person to be flown on that vehicle.

(3) **EXPERIMENTAL AEROSPACE VEHICLE.**—The term "experimental aerospace vehicle" means an object intended to be flown in, or launched into, orbital or suborbital flight for the purpose of demonstrating technologies necessary for a reusable launch vehicle, developed under an agreement between the Administration and a developer.

(4) **RELATED ENTITY.**—The term "related entity" includes a contractor or subcontractor at any tier, a supplier, a grantee, and an investigator or detailee.

(b) **IN GENERAL.**—The Administrator may provide liability insurance for, or indemnification to, the developer of an experimental aerospace vehicle developed or used in execution of an agreement between the Administration and the developer.

(c) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the insurance and indemnification provided by the Administration under subsection (b) to a developer shall be provided on the same terms and conditions as insurance and indemnification is provided by the Administration under section 20138 of this title to the user of a space vehicle.

(2) **INSURANCE.**—

(A) **IN GENERAL.**—A developer shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

(i) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with the development or use of an experimental aerospace vehicle; and

(ii) the United States Government for damage or loss to Government property resulting from such an activity.

(B) **MAXIMUM REQUIRED.**—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 50914(a)(3) of this title for a launch. The Administrator shall publish notice of the Administrator's determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.



(C) INCREASE IN DOLLAR AMOUNTS.—The Administrator may increase the dollar amounts set forth in section 50914(a)(3)(A) of this title for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

(D) SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.—The Administrator may not provide liability insurance or indemnification under subsection (b) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

(3) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (b), the Administrator may not indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (d).

(4) APPLICATION OF CERTAIN PROCEDURES.—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 20138(c) of this title, then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 50915 of this title.

(d) CROSS-WAIVERS.—

(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—The Administrator, on behalf of the United States, and its departments, agencies, and instrumentalities, may reciprocally waive claims with a developer or cooperating party and with the related entities of that developer or cooperating party under which each party to the waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(2) LIMITATIONS.—

(A) CLAIMS.—A reciprocal waiver under paragraph (1) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or that natural person's estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(B) LIABILITY FOR NEGLIGENCE.—A reciprocal waiver under paragraph (1) may not absolve any party of liability to any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or such a natural person's estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

(C) INDEMNIFICATION FOR DAMAGES.—A reciprocal waiver under paragraph (1) may not be used as the basis of a claim by the Administration, or the developer or cooperating party, for indemnification against the other for damages paid to a natural person, or that natural person's estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

(D) WILLFUL MISCONDUCT.—A reciprocal waiver under paragraph (1) may not relieve the United States, the developer, the cooperating party, or the related entities of the developer or cooperating party, of liability for damage or loss resulting from willful misconduct.

(3) EFFECT ON PREVIOUS WAIVERS.—This subsection applies to any waiver of claims entered into by the Administration without regard to the date on which the Administration entered into the waiver.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) SECTION 20138.—This section does not apply to any object, transaction, or operation to which section 20138 of this title applies.

(2) SECTION 50919(g)(1).—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 50919(g)(1) of this title.

(f) TERMINATION.—

(1) IN GENERAL.—The provisions of this section shall terminate on December 31, 2010.

(2) EFFECT OF TERMINATION ON AGREEMENT.—The termination of this section shall not terminate or otherwise affect any cross-waiver agreement, insurance agreement, indemnification agreement, or other agreement entered into under this section, except as may be provided in that agreement.

**§ 20140. Appropriations**

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this chapter, except that nothing in this chapter shall authorize the appropriation of any amount for—

(A) the acquisition or condemnation of any real property; or

(B) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000.

(2) AVAILABILITY.—Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) USE OF FUNDS FOR EMERGENCY REPAIRS OF EXISTING FACILITIES.—Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) TERMINATION.—Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

**§ 20141. Misuse of agency name and initials**

(a) IN GENERAL.—No person (as defined by section 20135(a) of this title) may knowingly

use the words “National Aeronautics and Space Administration” or the letters “NASA”, or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters—

(1) as a firm or business name in a manner reasonably calculated to convey the impression that the firm or business has some connection with, endorsement of, or authorization from, the Administration which does not, in fact, exist; or

(2) in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that the product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the Administration which does not, in fact, exist.

(b) CIVIL PROCEEDING TO ENJOIN.—Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

**§ 20142. Contracts regarding expendable launch vehicles**

(a) COMMITMENTS BEYOND AVAILABLE APPROPRIATIONS.—The Administrator may enter into contracts for expendable launch vehicle services that are for periods in excess of the period for which funds are otherwise available for obligation, provide for the payment for contingent liability which may accrue in excess of available appropriations in the event the Federal Government for its convenience terminates such contracts, and provide for advance payments reasonably related to launch vehicle and related equipment, fabrication, and acquisition costs, if any such contract limits the amount of the payments that the Government is allowed to make under such contract to amounts provided in advance in appropriation Acts. Such contracts may be limited to sources within the United States when the Administrator determines that such limitation is in the public interest.

(b) TERMINATION IF FUNDS NOT AVAILABLE.—If funds are not available to continue any such contract, the contract shall be terminated for the convenience of the Government, and the costs of such contract shall be paid from appropriations originally available for performance of the contract, from other unobligated appropriations currently available for the procurement of launch services, or from funds appropriated for such payments.

**§ 20143. Full cost appropriations account structure**

(a) ACCOUNTS FOR APPROPRIATIONS.—

(1) DESIGNATION OF 3 ACCOUNTS.—Appropriations for the Administration shall be made in 3 accounts, “Science, Aeronautics, and Education”, “Exploration Systems and Space Operations”, and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

(2) REPROGRAMMING.—Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

(3) **AVAILABILITY.**—Appropriations shall remain available for 2 fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.

(b) **TRANSFERS AMONG ACCOUNTS.**—

(1) **IN GENERAL.**—To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer among accounts as necessary, amounts for—

- (A) Federal salaries and benefits;
- (B) training, travel, and awards;
- (C) facility and related costs;
- (D) information technology services;
- (E) publishing services;
- (F) science, engineering, fabricating, and testing services; and
- (G) other administrative services.

(2) **DISASTER, ACT OF TERRORISM, EMERGENCY RESCUE.**—The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.

(c) **TRANSFER OF UNEXPIRED BALANCES.**—The unexpired balances of prior appropriations to the Administration for activities authorized under this chapter may be transferred to the new account established for such activity in subsection (a). Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund under the same terms and conditions.

#### **§20144. Prize authority**

(a) **IN GENERAL.**—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

(b) **TOPICS.**—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.

(c) **ADVERTISING.**—The Administrator shall widely advertise prize competitions to encourage participation.

(d) **REQUIREMENTS AND REGISTRATION.**—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

(e) **ELIGIBILITY.**—To be eligible to win a prize under this section, an individual or entity—

(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

(2) shall have complied with all the requirements under this section;

(3) in the case of a private entity, shall be incorporated in and maintain a primary

place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

(f) **LIABILITY.**—

(1) **ASSUMPTION OF RISK.**—Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term “related entity” means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

(2) **LIABILITY INSURANCE.**—Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(g) **JUDGES.**—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

(2) have a familial or financial relationship with an individual who is a registered participant.

(h) **ADMINISTERING THE COMPETITION.**—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(i) **FUNDING.**—

(1) **SOURCES.**—Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

(2) **AVAILABILITY.**—

(A) **DEFINITION OF PROVISIONS KNOWN AS THE ANTI-DEFICIENCY ACT.**—In this paragraph, the term “provisions known as the Anti-Deficiency Act” means sections 1341, 1342, 1349(a), 1350, 1351, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, and 1519 of title 31.

(B) **IN GENERAL.**—Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall re-

main available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the provisions known as the Anti-Deficiency Act.

(3) **APPROPRIATION OR COMMITMENT OF FUNDS REQUIRED BEFORE ANNOUNCEMENT OF PRIZE OR INCREASE.**—

(A) **IN GENERAL.**—No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

(B) **INCREASE.**—The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

(4) **NOTICE TO COMMITTEES FOR PRIZE GREATER THAN \$50,000,000.**—No prize competition under this section may offer a prize in an amount greater than \$50,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) **APPROVAL OF ADMINISTRATOR FOR PRIZE GREATER THAN \$1,000,000.**—No prize competition under this section may result in the award of more than \$1,000,000 in cash prizes without the approval of the Administrator.

(j) **USE OF ADMINISTRATION NAME OR INSIGNIA.**—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

(k) **COMPLIANCE WITH EXISTING LAW.**—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.

#### **§20145. Lease of non-excess property**

(a) **IN GENERAL.**—The Administrator may enter into a lease under this section with any person or entity (including another department or agency of the Federal Government or an entity of a State or local government) with regard to any non-excess real property and related personal property under the jurisdiction of the Administrator.

(b) **CASH CONSIDERATION.**—

(1) **FAIR MARKET VALUE.**—A person or entity entering into a lease under this section shall provide cash consideration for the lease at fair market value as determined by the Administrator.

(2) **UTILIZATION.**—

(A) **IN GENERAL.**—The Administrator may utilize amounts of cash consideration received under this subsection for a lease entered into under this section to cover the full costs to the Administration in connection with the lease. These funds shall remain available until expended.

(B) **CAPITAL REVITALIZATION AND IMPROVEMENTS.**—Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—

(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and

(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.

(C) NO UTILIZATION FOR DAILY OPERATING COSTS.—Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such terms and conditions in connection with a lease under this section as the Administrator considers appropriate to protect the interests of the United States.

(d) RELATIONSHIP TO OTHER LEASE AUTHORITY.—The authority under this section to lease property of the Administration is in addition to any other authority to lease property of the Administration under law.

(e) LEASE RESTRICTIONS.—

(1) NO LEASE BACK OR OTHER CONTRACT.—The Administration is not authorized to lease back property under this section during the term of the out-lease or enter into other contracts with the lessee respecting the property.

(2) CERTIFICATION THAT OUT-LEASE WILL NOT HAVE NEGATIVE IMPACT ON MISSION.—The Administration is not authorized to enter into an out-lease under this section unless the Administrator certifies that the out-lease will not have a negative impact on the mission of the Administration.

(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. The report shall include the following:

(1) VALUE OF ARRANGEMENTS AND EXPENDITURES OF REVENUES.—Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.

(2) AVAILABILITY AND USE OF FUNDS FOR OPERATING PLAN.—The availability and use of funds received under this section for the Administration's operating plan.

(g) SUNSET.—The authority to enter into leases under this section shall expire 10 years after December 26, 2007. The expiration under this subsection of authority to enter into leases under this section shall not affect the validity or term of leases or the Administration's retention of proceeds from leases entered into under this section before the expiration of the authority.

#### § 20146. Retrocession of jurisdiction

(a) DEFINITION OF STATE.—In this section, the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(b) RELINQUISHING LEGISLATIVE JURISDICTION.—Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

#### § 20147. Recovery and disposition authority

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION HUMAN SPACE FLIGHT VEHICLE.—The term "Administration human space flight vehicle" means a space vehicle, as defined in section 20138(a) of this title, that—

(A) is intended to transport one or more persons;

(B) is designed to operate in outer space; and

(C) is either—

(i) owned by the Administration; or

(ii) owned by an Administration contractor or cooperating party and operated as part of an Administration mission or a joint mission with the Administration.

(2) CREWMEMBER.—The term "crewmember" means an astronaut or other person assigned to an Administration human space flight vehicle.

(b) CONTROL OF REMAINS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of an Administration human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

(2) TREATMENT.—Each crewmember shall provide the Administrator with the crewmember's preferences regarding the treatment accorded to the crewmember's remains and the Administrator shall, to the extent possible, respect those stated preferences.

(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

#### SUBCHAPTER IV—UPPER ATMOSPHERE RESEARCH

#### § 20161. Congressional declaration of purpose and policy

(a) PURPOSE.—The purpose of this subchapter is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

(b) POLICY.—Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

#### § 20162. Definition of upper atmosphere

In this subchapter, the term "upper atmosphere" means that portion of the Earth's sensible atmosphere above the troposphere.

#### § 20163. Program authorized

(a) IN GENERAL.—In order to carry out the purposes of this subchapter, the Administration, in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

(b) ACTIVITIES.—In carrying out the provisions of this subchapter, the Administration shall—

(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology, and in making necessary observations and measurements;

(2) provide, by way of grant, contract, scholarships, or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this subchapter; and

(3) make all results of the program authorized by this subchapter available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

#### § 20164. International cooperation

In carrying out the provisions of this subchapter, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.

#### CHAPTER 203—RESPONSIBILITIES AND VISION

Sec.

- 20301. General responsibilities.
- 20302. Vision for space exploration.
- 20303. Contribution to innovation.
- 20304. Basic research enhancement.
- 20305. National Academies decadal surveys.

#### § 20301. General responsibilities

(a) PROGRAMS.—The Administrator shall ensure that the Administration carries out a balanced set of programs that shall include, at a minimum, programs in—

(1) human space flight, in accordance with section 20302 of this title;

(2) aeronautics research and development; and

(3) scientific research, which shall include, at a minimum—

(A) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(B) Earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(C) support of university research in space science, Earth science, and microgravity science; and

(D) research on microgravity, including research that is not directly related to human exploration.

(b) CONSULTATION AND COORDINATION.—In carrying out the programs of the Administration, the Administrator shall—

(1) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(2) work closely with the private sector, including by—

(A) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(B) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(C) using commercially available products (including software) and services to the extent practicable to support all Administration activities; and

(D) encouraging commercial use and development of space to the greatest extent practicable; and

(3) involve other nations to the extent appropriate.

#### § 20302. Vision for space exploration

(a) IN GENERAL.—The Administrator shall establish a program to develop a sustained

human presence on the Moon, including a robust precursor program, to promote exploration, science, commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(b) **MILESTONES.**—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 70502 of this title):

(1) Returning Americans to the Moon no later than 2020.

(2) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(3) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the International Space Station.

(4) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

#### **§ 20303. Contribution to innovation**

(a) **PARTICIPATION IN INTERAGENCY ACTIVITIES.**—The Administration shall be a full participant in any interagency effort to promote innovation and economic competitiveness through near-term and long-term basic scientific research and development and the promotion of science, technology, engineering, and mathematics education, consistent with the Administration's mission, including authorized activities.

(b) **HISTORIC FOUNDATION.**—In order to carry out the participation described in subsection (a), the Administrator shall build on the historic role of the Administration in stimulating excellence in the advancement of physical science and engineering disciplines and in providing opportunities and incentives for the pursuit of academic studies in science, technology, engineering, and mathematics.

(c) **BALANCED SCIENCE PROGRAM AND ROBUST AUTHORIZATION LEVELS.**—The balanced science program authorized by section 101(d) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611(d)) shall be an element of the contribution by the Administration to the interagency programs.

(d) **ANNUAL REPORT.**—

(1) **REQUIREMENT.**—The Administrator shall submit to Congress and the President an annual report describing the activities conducted pursuant to this section, including a description of the goals and the objective metrics upon which funding decisions were made.

(2) **CONTENT.**—Each report submitted pursuant to paragraph (1) shall include, with regard to science, technology, engineering, and mathematics education programs, at a minimum, the following:

(A) A description of each program.

(B) The amount spent on each program.

(C) The number of students or teachers served by each program.

#### **§ 20304. Basic research enhancement**

(a) **DEFINITION OF BASIC RESEARCH.**—In this section, the term "basic research" has the meaning given the term in Office of Management and Budget Circular No. A-11.

(b) **COORDINATION.**—The Administrator, the Director of the National Science Foundation, the Secretary of Energy, the Secretary of Defense, and the Secretary of Commerce shall, to the extent practicable, coordinate basic research activities related to physical

sciences, technology, engineering, and mathematics.

#### **§ 20305. National Academies decadal surveys**

(a) **IN GENERAL.**—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) **INDEPENDENT COST ESTIMATES.**—The agreements described in subsection (a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) **REEXAMINATION.**—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant the Administration asking the National Academies to reexamine the priorities that the decadal survey had established.

### **Subtitle III—Administrative Provisions**

#### **CHAPTER 301—APPROPRIATIONS, BUDGETS, AND ACCOUNTING**

Sec.

30101. Prior authorization of appropriations required.

30102. Working capital fund.

30103. Budgets.

30104. Baselines and cost controls.

#### **§ 30101. Prior authorization of appropriations required**

Notwithstanding the provisions of any other law, no appropriation may be made to the Administration unless previously authorized by legislation enacted by Congress.

#### **§ 30102. Working capital fund**

(a) **ESTABLISHMENT.**—There is hereby established in the United States Treasury an Administration working capital fund.

(b) **AVAILABILITY OF AMOUNTS.**—

(1) **IN GENERAL.**—Amounts in the fund are available for financing activities, services, equipment, information, and facilities as authorized by law to be provided—

(A) within the Administration;

(B) to other agencies or instrumentalities of the United States;

(C) to any State, territory, or possession or political subdivision thereof;

(D) to other public or private agencies; or

(E) to any person, firm, association, corporation, or educational institution on a reimbursable basis.

(2) **CAPITAL REPAIRS.**—The fund shall also be available for the purpose of funding capital repairs, renovations, rehabilitation, sustainment, demolition, or replacement of Administration real property, on a reimbursable basis within the Administration.

(3) **NO FISCAL YEAR LIMITATION.**—Amounts in the fund are available without regard to fiscal year limitation.

(c) **CONTENTS.**—The capital of the fund consists of—

(1) amounts appropriated to the fund;

(2) the reasonable value of stocks of supplies, equipment, and other assets and inventories on order that the Administrator transfers to the fund, less the related liabilities and unpaid obligations; and

(3) payments received for loss or damage to property of the fund.

(d) **REIMBURSEMENT.**—The fund shall be reimbursed, in advance, for supplies and services at rates that will approximate the ex-

penses of operation, such as the accrual of annual leave, depreciation of plant, property, and equipment, and overhead.

#### **§ 30103. Budgets**

(a) **CATEGORIES.**—The proposed budget for the Administration submitted by the President for each fiscal year shall be accompanied by documents showing—

(1) by program—

(A) the budget for space operations, including the International Space Station and the space shuttle;

(B) the budget for exploration systems;

(C) the budget for aeronautics;

(D) the budget for space science;

(E) the budget for Earth science;

(F) the budget for microgravity science;

(G) the budget for education;

(H) the budget for safety oversight; and

(I) the budget for public relations;

(2) the budget for technology transfer programs;

(3) the budget for the Integrated Enterprise Management Program, by individual element;

(4) the budget for the Independent Technical Authority, both total and by center;

(5) the total budget for the prize program under section 20144 of this title, and the administrative budget for that program; and

(6) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(b) **ADDITIONAL BUDGET INFORMATION UPON REQUEST BY COMMITTEES.**—The Administration shall make available, upon request from the Committee on Science and Technology of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

(1) information on corporate and center general and administrative costs and service pool costs, including—

(A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(C) the major activities included in each cost category; and

(2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(c) **INFORMATION IN ANNUAL BUDGET JUSTIFICATION.**—The Administration shall provide, at a minimum, the following information in its annual budget justification:

(1) The actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years by directorate, theme, program, project and activity within each appropriations account.

(2) The proposed programmatic and non-programmatic construction of facilities.

(3) The budget for headquarters including—

(A) the budget by office, and any division thereof, for the actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years;

(B) the travel budget for each office, and any division thereof, for the actual, current, and proposed funding level; and

(C) the civil service full time equivalent assignments per headquarters office, and any division thereof, including the number of Senior Executive Service, noncareer, detailee, and contract personnel per office.

(4) Within 14 days of the submission of the budget to Congress an accompanying volume shall be provided to the Committees on Appropriations containing the following information for each center, facility managed by any center, and federally funded research and development center operated on behalf of the Administration:

(A) The actual, current, proposed funding level, and estimated budgets for the next 5 fiscal years by directorate, theme, program, project, and activity.

(B) The proposed programmatic and non-programmatic construction of facilities.

(C) The number of civil service full time equivalent positions per center for each identified fiscal year.

(D) The number of civil service full time equivalent positions considered to be uncovered capacity at each location for each identified fiscal year.

(5) The proposed budget as designated by object class for each directorate, theme, and program.

(6) Sufficient narrative shall be provided to explain the request for each program, project, and activity, and an explanation for any deviation to previously adopted baselines for all justification materials provided to the Committees.

(d) **ESTIMATE OF GROSS RECEIPTS AND PROPOSED USE OF FUNDS RELATED TO LEASE OF PROPERTY.**—Each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of this title.

#### **§ 30104. Baselines and cost controls**

(a) **DEFINITIONS.**—In this section:

(1) **DEVELOPMENT.**—The term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in the Administration’s Procedural Requirements 7120.5c, dated March 22, 2005.

(2) **DEVELOPMENT COST.**—The term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program.

(3) **LIFE-CYCLE COST.**—The term “life-cycle cost” means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control.

(4) **MAJOR PROGRAM.**—The term “major program” means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than \$250,000,000.

(b) **CONDITIONS FOR DEVELOPMENT.**—

(1) **IN GENERAL.**—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) **REPORT.**—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) **NONDELEGATION.**—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(c) **MAJOR PROGRAM ANNUAL REPORTS.**—

(1) **REQUIREMENT.**—Annually, at the same time as the President’s annual budget submission to Congress, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) **BASELINE REPORT.**—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (b)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (d), who shall be an individual whose primary responsibility is overseeing the program.

(3) **INFORMATION UPDATES.**—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(d) **NOTIFICATION.**—

(1) **REQUIREMENT.**—The individual identified under subsection (c)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) **REASONS.**—Not later than 30 days after the notification required under paragraph (1), the individual identified under sub-

section (c)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) **NOTIFICATION OF CONGRESS.**—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) **FIFTEEN PERCENT THRESHOLD.**—

(1) **DETERMINATION, REPORT, AND INITIATION OF ANALYSIS.**—Not later than 30 days after receiving a written notification under subsection (d)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(A) transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(i) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(ii) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(iii) a description of any impacts the cost increase or schedule delay, or the actions described under clause (ii), will have on any other program within the Administration; and

(B) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(i) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(ii) the projected cost and the schedule for completing the program after instituting the actions described under subparagraph (A)(ii); and

(iii) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

(2) **COMPLETION OF ANALYSIS AND TRANSMITTAL TO COMMITTEES.**—The Administration shall complete an analysis initiated under paragraph (1)(B) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science and Technology of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(f) **THIRTY PERCENT THRESHOLD.**—If the Administrator determines under subsection (e) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (e)(1)(A), the Administrator shall not expend any additional funds on the program, other than termination costs, unless Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is

continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

#### CHAPTER 303—CONTRACTING AND PROCUREMENT

- Sec.  
 30301. Guaranteed customer base.  
 30302. Quality assurance personnel.  
 30303. Tracking and data relay satellite services.  
 30304. Award of contracts to small businesses and disadvantaged individuals.  
 30305. Outreach program.  
 30306. Small business contracting.  
 30307. Requirement for independent cost analysis.  
 30308. Cost effectiveness calculations.  
 30309. Use of abandoned and underutilized buildings, grounds, and facilities.  
 30310. Exception to alternative fuel procurement requirement.

##### **§ 30301. Guaranteed customer base**

No amount appropriated to the Administration may be used to fund grants, contracts, or other agreements with an expected duration of more than one year, when a primary effect of the grant, contract, or agreement is to provide a guaranteed customer base for or establish an anchor tenancy in new commercial space hardware or services unless an appropriations Act specifies the new commercial space hardware or services to be developed or used, or the grant, contract, or agreement is otherwise identified in such Act.

##### **§ 30302. Quality assurance personnel**

(a) **EXCLUSION OF ADMINISTRATION PERSONNEL.**—A person providing articles to the Administration under a contract entered into after December 9, 1991, may not exclude Administration quality assurance personnel from work sites except as provided in a contract provision that has been submitted to Congress as provided in subsection (b).

(b) **CONTRACT PROVISIONS.**—The Administration shall not enter into any contract which permits the exclusion of Administration quality assurance personnel from work sites unless the Administrator has submitted a copy of the provision permitting such exclusion to Congress at least 60 days before entering into the contract.

##### **§ 30303. Tracking and data relay satellite services**

(a) **CONTRACTS.**—The Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

(b) **REPORTS TO CONGRESS.**—The Administrator shall in January of each year report

to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation enacted by Congress.

##### **§ 30304. Award of contracts to small businesses and disadvantaged individuals**

The Administrator shall annually establish a goal of at least 8 percent of the total value of prime and subcontracts awarded in support of authorized programs, including the space station by the time operational status is obtained, which funds will be made available to small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (within the meaning of paragraphs (5) and (6) of section 8(a) of the Small Business Act (15 U.S.C. 637(a))), including Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaska Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and minority educational institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.)).

##### **§ 30305. Outreach program**

(a) **ESTABLISHMENT.**—The Administration shall competitively select an organization to partner with Administration centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses in communities across the United States through enhanced insight into the technologies of the Administration's space and aeronautics programs. The program shall support the mission of the Administration's Innovative Partnerships Program with its emphasis on joint partnerships with industry, academia, government agencies, and national laboratories.

(b) **PROGRAM STRUCTURE.**—In carrying out the program described in subsection (a), the organization shall support the mission of the Administration's Innovative Partnerships Program by undertaking the following activities:

(1) **FACILITATING ENHANCED INSIGHT.**—Facilitating the enhanced insight of the private sector into the Administration's technologies in order to increase the competitiveness of the private sector in producing viable commercial products.

(2) **CREATING NETWORK.**—Creating a network of academic institutions, aerospace contractors, and Administration centers that will commit to donating appropriate technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This

paragraph shall not apply to any contracting actions entered into or taken by the Administration.

(3) **CREATING NETWORK OF ECONOMIC DEVELOPMENT ORGANIZATIONS.**—Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) **REPORT.**—Not later than one year after October 15, 2008, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of the Administration's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by the Administration, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

##### **§ 30306. Small business contracting**

(a) **PLAN.**—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) **PRIORITY.**—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by the Administration to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

##### **§ 30307. Requirement for independent cost analysis**

(a) **DEFINITION OF IMPLEMENTATION.**—In this section, the term "implementation" means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.

(b) **REQUIREMENT.**—Before any funds may be obligated for implementation of a project that is projected to cost more than \$250,000,000 in total project costs, the Administrator shall conduct and consider an independent life-cycle cost analysis of the project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Administrator shall, to the extent practicable and consistent with other laws, solicit the advice of experts outside of the Administration.

##### **§ 30308. Cost effectiveness calculations**

(a) **DEFINITIONS.**—In this section:

(1) **COMMERCIAL PROVIDER.**—The term "commercial provider" means any person providing space transportation services or other space-related activities, the primary control of which is held by persons other

than a Federal, State, local, or foreign government.

(2) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(b) **IN GENERAL.**—Except as otherwise required by law, in calculating the cost effectiveness of the cost of the Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

#### **§ 30309. Use of abandoned and underutilized buildings, grounds, and facilities**

(a) **DEFINITION OF DEPRESSED COMMUNITIES.**—In this section, the term “depressed communities” means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

(b) **IN GENERAL.**—In any case in which the Administrator considers the purchase, lease, or expansion of a facility to meet requirements of the Administration, the Administrator shall consider whether those requirements could be met by the use of one of the following:

(1) Abandoned or underutilized buildings, grounds, and facilities in depressed communities that can be converted to Administration usage at a reasonable cost, as determined by the Administrator.

(2) Any military installation that is closed or being closed, or any facility at such an installation.

(3) Any other facility or part of a facility that the Administrator determines to be—

(A) owned or leased by the United States for the use of another agency of the Federal Government; and

(B) considered by the head of the agency involved to be—

- (i) excess to the needs of that agency; or
- (ii) underutilized by that agency.

#### **§ 30310. Exception to alternative fuel procurement requirement**

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit the Administration from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

### **CHAPTER 305—MANAGEMENT AND REVIEW**

Sec.

30501. Lessons learned and best practices.

30502. Whistleblower protection.

30503. Performance assessments.

30504. Assessment of science mission extensions.

#### **§ 30501. Lessons learned and best practices**

(a) **IN GENERAL.**—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing the Administration's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after December 30, 2005. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at the Administration.

(b) **REQUIRED CONTENT.**—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for the Administration, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) **INCENTIVES.**—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

#### **§ 30502. Whistleblower protection**

(a) **IN GENERAL.**—Not later than 1 year after December 30, 2005, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by the Administration to protect from retaliation Administration employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that Administration employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) **GOAL.**—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) **PLAN.**—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower's complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate Administration Human Resources professionals, and all Administration managers and supervisors, regarding personnel laws, rules, and regulations.

(d) **REPORT.**—Not later than February 15 of each year beginning February 15, 2007, the Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation

of the Senate on the concerns described in subsection (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

#### **§ 30503. Performance assessments**

(a) **IN GENERAL.**—The performance of each division in the Science directorate of the Administration shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) **TIMING.**—Beginning with the first fiscal year following December 30, 2005, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within 6 fiscal years of December 30, 2005.

(c) **REPORTS.**—Not later than March 1 of each year, beginning with the first fiscal year after December 30, 2005, the Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by the Administration in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of the Administration's science mission priorities and programs.

#### **§ 30504. Assessment of science mission extensions**

(a) **ASSESSMENT.**—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime.

(b) **CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.**—For those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

### **CHAPTER 307—INTERNATIONAL COOPERATION AND COMPETITION**

Sec.

30701. Competitiveness and international cooperation.

30702. Foreign contract limitation.

30703. Foreign launch vehicles.

30704. Offshore performance of contracts for the procurement of goods and services.

#### **§ 30701. Competitiveness and international cooperation**

(a) **LIMITATION.**—

(1) **SOLICITATION OF COMMENT.**—As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through



notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(2) **AGREEMENTS WITH PEOPLE'S REPUBLIC OF CHINA.**—The Administrator shall certify to Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company owned by the People's Republic of China or incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information, that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not improve the missile or space launch capabilities of the People's Republic of China.

(3) **ANNUAL AUDIT.**—The Inspector General of the Administration, in consultation with appropriate agencies, shall conduct an annual audit of the policies and procedures of the Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

(b) **NATIONAL INTERESTS.**—

(1) **DEFINITION OF UNITED STATES COMMERCIAL PROVIDER.**—In this subsection, the term “United States commercial provider” means a commercial provider (as defined in section 30308(a) of this title), organized under the laws of the United States or of a State (as defined in section 30308(a) of this title), which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this section, section 30307, 30308, 30309, or 30702 of this title, or the National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391, 114 Stat. 1577);

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

(2) **IN GENERAL.**—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in paragraph (3) of this subsection.

(3) **DESCRIPTION OF NATIONAL INTERESTS.**—International cooperation in space explo-

ration and science activities most effectively serves the United States national interest when it—

(A)(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens;

(B) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(C) is consistent with the need for Federal agencies to use space to complete their missions; and

(D) is carried out in a manner consistent with United States export control laws.

#### **§ 30702. Foreign contract limitation**

The Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

#### **§ 30703. Foreign launch vehicles**

(a) **ACCORD WITH SPACE TRANSPORTATION POLICY.**—The Administration shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) **INTERAGENCY COORDINATION.**—The Administration shall not launch a payload on a foreign launch vehicle unless the Administration commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) **APPLICATION.**—This section shall not apply to any payload for which development has begun prior to December 30, 2005, including the James Webb Space Telescope.

#### **§ 30704. Offshore performance of contracts for the procurement of goods and services**

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act (41 U.S.C. 10a et seq.) was waived pursuant to obligations of the United States under international agreements.

### **CHAPTER 309—AWARDS**

Sec.

30901. Congressional Space Medal of Honor.  
30902. Charles “Pete” Conrad Astronomy Awards.

#### **§ 30901. Congressional Space Medal of Honor**

(a) **AUTHORITY TO AWARD.**—The President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space

Medal of Honor, to any astronaut who in the performance of the astronaut's duties has distinguished himself or herself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of humankind.

(b) **APPROPRIATIONS.**—There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this section.

#### **§ 30902. Charles “Pete” Conrad Astronomy Awards**

(a) **SHORT TITLE.**—This section may be cited as the “Charles ‘Pete’ Conrad Astronomy Awards Act”.

(b) **DEFINITIONS.**—In this section:

(1) **AMATEUR ASTRONOMER.**—The term “amateur astronomer” means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer.

(2) **MINOR PLANET CENTER.**—The term “Minor Planet Center” means the Minor Planet Center of the Smithsonian Astrophysical Observatory.

(3) **NEAR-EARTH ASTEROID.**—The term “near-Earth asteroid” means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(4) **PROGRAM.**—The term “Program” means the Charles “Pete” Conrad Astronomy Awards Program established under subsection (c).

(c) **CHARLES “PETE” CONRAD ASTRONOMY AWARDS PROGRAM.**—

(1) **IN GENERAL.**—The Administrator shall establish the Charles “Pete” Conrad Astronomy Awards Program.

(2) **AWARDS.**—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) **AWARD CATEGORIES.**—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) **DISCOVERY OF BRIGHTEST NEAR-EARTH ASTEROID.**—The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) **GREATEST CONTRIBUTION TO CATALOGUING NEAR-EARTH ASTEROIDS.**—The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) **AWARD AMOUNT.**—An award under the Program shall be in the amount of \$3,000.

(5) **GUIDELINES.**—

(A) **CITIZEN OR PERMANENT RESIDENT.**—No individual who is not a citizen or permanent resident of the United States at the time of the individual's discovery or contribution may receive an award under this section.

(B) **FINALITY.**—The decisions of the Administrator in making awards under this section are final.

### **CHAPTER 311—SAFETY**

Sec.

31101. Aerospace Safety Advisory Panel.  
31102. Drug and alcohol testing.

#### **§ 31101. Aerospace Safety Advisory Panel**

(a) **ESTABLISHMENT AND MEMBERS.**—There is established an Aerospace Safety Advisory

Panel consisting of a maximum of 9 members who shall be appointed by the Administrator for terms of 6 years each. Not more than 4 such members shall be chosen from among the officers and employees of the Administration.

(b) CHAIRMAN.—One member shall be designated by the Panel as its Chairman.

(c) DUTIES.—The Panel shall—

(1) review safety studies and operations plans referred to it, including evaluating the Administration's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board, and make reports thereon;

(2) advise the Administrator and Congress with respect to—

(A) the hazards of proposed or existing facilities and proposed operations;

(B) the adequacy of proposed or existing safety standards; and

(C) management and culture related to safety; and

(3) perform such other duties as the Administrator may request.

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—A member of the Panel who is an officer or employee of the Federal Government shall receive no compensation for the member's services as such.

(B) MEMBERS APPOINTED FROM OUTSIDE THE FEDERAL GOVERNMENT.—A member of the Panel appointed from outside the Federal Government shall receive compensation, at a rate not to exceed the per diem rate equivalent to the maximum rate payable under section 5376 of title 5, for each day the member is engaged in the actual performance of duties vested in the Panel.

(2) EXPENSES.—A member of the Panel shall be allowed necessary travel expenses (or in the alternative, mileage for use of a privately owned vehicle and a per diem in lieu of subsistence not to exceed the rate and amount prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by the member in the performance of duties vested in the Panel, without regard to the provisions of subchapter I of chapter 57 of title 5, the Standardized Government Travel Regulations, or section 5731 of title 5.

(e) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to Congress. In the first annual report submitted after December 30, 2005, the Panel shall include an evaluation of the Administration's management and culture related to safety. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the space shuttle.

#### **§ 31102. Drug and alcohol testing**

(a) DEFINITION OF CONTROLLED SUBSTANCE.—In this section, the term "controlled substance" means any substance under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) specified by the Administrator.

(b) TESTING PROGRAM.—

(1) EMPLOYEES OF ADMINISTRATION.—The Administrator shall establish a program applicable to employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions. Such program shall provide for preemployment, reasonable suspicion, random, and post-accident testing for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regu-

lations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(2) EMPLOYEES OF CONTRACTORS.—The Administrator shall, in the interest of safety, security, and national security, prescribe regulations. Such regulations shall establish a program that requires Administration contractors to conduct preemployment, reasonable suspicion, random, and post-accident testing of contractor employees responsible for safety-sensitive, security, or national security functions (as determined by the Administrator) for use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. The Administrator may also prescribe regulations, as the Administrator considers appropriate in the interest of safety, security, and national security, for the conduct of periodic recurring testing of such employees for such use in violation of applicable law or Federal regulation.

(3) SUSPENSION, DISQUALIFICATION, OR DISMISSAL.—In prescribing regulations under the programs required by this subsection, the Administrator shall require, as the Administrator considers appropriate, the suspension, disqualification, or dismissal of any employee to which paragraph (1) or (2) applies, in accordance with the provisions of this section, in any instance where a test conducted and confirmed under this section indicates that such employee has used, in violation of applicable law or Federal regulation, alcohol or a controlled substance.

(c) PROHIBITION ON SERVICE.—

(1) PROHIBITION UNLESS PROGRAM OF REHABILITATION COMPLETED.—No individual who is determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall serve as an Administration employee with responsibility for safety-sensitive, security, or national security functions (as determined by the Administrator), or as an Administration contractor employee with such responsibility, unless such individual has completed a program of rehabilitation described in subsection (d).

(2) UNCONDITIONAL PROHIBITION.—Any such individual determined by the Administrator under this section to have used, in violation of applicable law or Federal regulation, alcohol or a controlled substance after December 9, 1991, shall not be permitted to perform the duties that the individual performed prior to the date of the determination, if the individual—

(A) engaged in such use while on duty;

(B) prior to such use had undertaken or completed a rehabilitation program described in subsection (d);

(C) following such determination refuses to undertake such a rehabilitation program; or

(D) following such determination fails to complete such a rehabilitation program.

(d) PROGRAM FOR REHABILITATION.—

(1) REGULATIONS AND AVAILABILITY OF PROGRAM FOR CONTRACTOR EMPLOYEES.—The Administrator shall prescribe regulations setting forth requirements for rehabilitation programs which at a minimum provide for the identification and opportunity for treatment of employees referred to in subsection (b) in need of assistance in resolving problems with the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance. Each contractor is encouraged to make such a program available

to all of its employees in addition to those employees referred to in subsection (b)(2). The Administrator shall determine the circumstances under which such employees shall be required to participate in such a program. Nothing in this subsection shall preclude any Administration contractor from establishing a program under this subsection in cooperation with any other such contractor.

(2) ESTABLISHMENT AND MAINTENANCE OF PROGRAM FOR ADMINISTRATION EMPLOYEES.—The Administrator shall establish and maintain a rehabilitation program which at a minimum provides for the identification and opportunity for treatment of those employees of the Administration whose duties include responsibility for safety-sensitive, security, or national security functions who are in need of assistance in resolving problems with the use of alcohol or controlled substances.

(e) PROCEDURES FOR TESTING.—In establishing the programs required under subsection (b), the Administrator shall develop requirements which shall—

(1) promote, to the maximum extent practicable, individual privacy in the collection of specimen samples;

(2) with respect to laboratories and testing procedures for controlled substances, incorporate the Department of Health and Human Services scientific and technical guidelines dated April 11, 1988, and any subsequent amendments thereto, including mandatory guidelines which—

(A) establish comprehensive standards for all aspects of laboratory controlled substances testing and laboratory procedures to be applied in carrying out this section, including standards which require the use of the best available technology for ensuring the full reliability and accuracy of controlled substances tests and strict procedures governing the chain of custody of specimen samples collected for controlled substances testing;

(B) establish the minimum list of controlled substances for which individuals may be tested; and

(C) establish appropriate standards and procedures for periodic review of laboratories and criteria for certification and revocation of certification of laboratories to perform controlled substances testing in carrying out this section;

(3) require that all laboratories involved in the controlled substances testing of any individual under this section shall have the capability and facility, at such laboratory, of performing screening and confirmation tests;

(4) provide that all tests which indicate the use, in violation of applicable law or Federal regulation, of alcohol or a controlled substance by any individual shall be confirmed by a scientifically recognized method of testing capable of providing quantitative data regarding alcohol or a controlled substance;

(5) provide that each specimen sample be subdivided, secured, and labelled in the presence of the tested individual and that a portion thereof be retained in a secure manner to prevent the possibility of tampering, so that in the event the individual's confirmation test results are positive the individual has an opportunity to have the retained portion assayed by a confirmation test done independently at a second certified laboratory if the individual requests the independent test within 3 days after being advised of the results of the initial confirmation test;

(6) ensure appropriate safeguards for testing to detect and quantify alcohol in breath

and body fluid samples, including urine and blood, through the development of regulations as may be necessary and in consultation with the Department of Health and Human Services;

(7) provide for the confidentiality of test results and medical information of employees; and

(8) ensure that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.

(f) EFFECT ON OTHER LAWS AND REGULATIONS.—

(1) CONSISTENCY WITH FEDERAL REGULATION.—No State or local government shall adopt or have in effect any law, rule, regulation, ordinance, standard, or order that is inconsistent with the regulations promulgated under this section.

(2) CONTINUANCE OF REGULATIONS ISSUED BEFORE DECEMBER 9, 1991.—Nothing in this section shall be construed to restrict the discretion of the Administrator to continue in force, amend, or further supplement any regulations issued before December 9, 1991, that govern the use of alcohol and controlled substances by Administration employees with responsibility for safety-sensitive, security, and national security functions (as determined by the Administrator), or by Administration contractor employees with such responsibility.

#### CHAPTER 313—HEALTHCARE

Sec.

31301. Healthcare program.

31302. Astronaut healthcare survey.

##### § 31301. Healthcare program

The Administrator shall develop a plan to better understand the longitudinal health effects of space flight on humans. In the development of the plan, the Administrator shall consider the need for the establishment of a lifetime healthcare program for Administration astronauts and their families or other methods to obtain needed health data from astronauts and retired astronauts.

##### § 31302. Astronaut healthcare survey

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of the Administration. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

#### CHAPTER 315—MISCELLANEOUS

Sec.

31501. Orbital debris.

31502. Maintenance of facilities.

31503. Laboratory productivity.

31504. Cooperative unmanned aerial vehicle activities.

31505. Development of enhanced-use lease policy.

##### § 31501. Orbital debris

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable the Administration to decrease the risks associated with orbital debris.

##### § 31502. Maintenance of facilities

In order to sustain healthy Centers that are capable of carrying out the Administra-

tion's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

##### § 31503. Laboratory productivity

The Administration's laboratories are a critical component of the Administration's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

##### § 31504. Cooperative unmanned aerial vehicle activities

The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of Administration and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

##### § 31505. Development of enhanced-use lease policy

(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—

(1) is based upon sound business practices and lessons learned from the demonstration centers; and

(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.

(b) CONTENTS.—The policy required by subsection (a) shall include the following:

(1) CRITERIA FOR DETERMINING ECONOMIC VALUE.—Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—

(A) Federal financing through appropriations; or

(B) sale of the property.

(2) SECURITY AND ACCESS.—Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.

(3) MEASURES OF EFFECTIVENESS.—Measures of effectiveness for the enhanced-use lease program.

(4) ACCOUNTING CONTROLS.—Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.

#### Subtitle IV—Aeronautics and Space Research and Education

#### CHAPTER 401—AERONAUTICS

##### SUBCHAPTER I—GENERAL

Sec.

40101. Definition of institution of higher education.

40102. Governmental interest in aeronautics research and development.

40103. Cooperation with other agencies on aeronautics activities.

40104. Cooperation among Mission Directorates.

##### SUBCHAPTER II—HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS

40111. Fundamental research program.

40112. Research and technology programs.

40113. Airspace systems research.

40114. Aviation safety and security research.

40115. Aviation weather research.

40116. University-based Centers for Research on Aviation Training.

##### SUBCHAPTER III—SCHOLARSHIPS

40131. Aeronautics scholarships.

##### SUBCHAPTER IV—DATA REQUESTS

40141. Aviation data requests.

##### SUBCHAPTER I—GENERAL

##### § 40101. Definition of institution of higher education

In this chapter, the term “institution of higher education” has the meaning given the term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

##### § 40102. Governmental interest in aeronautics research and development

Congress reaffirms the national commitment to aeronautics research made in chapter 201 of this title. Aeronautics research and development remains a core mission of the Administration. The Administration is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

##### § 40103. Cooperation with other agencies on aeronautics activities

The Administrator shall coordinate, as appropriate, the Administration's aeronautics activities with relevant programs in the Department of Transportation, the Department of Defense, the Department of Commerce, and the Department of Homeland Security, including the activities of the Next Generation Air Transportation System Joint Planning and Development Office established under section 709 of the Vision 100—Century of Aviation Reauthorization Act (Public Law 108–176, 49 U.S.C. 40101 note).

##### § 40104. Cooperation among Mission Directorates

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

##### SUBCHAPTER II—HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS

##### § 40111. Fundamental research program

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautics research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) OPERATION.—The Administrator shall conduct the program under this section, in part by awarding grants to institutions of higher education. The Administrator shall encourage the participation of institutions of higher education located in States that participate in the Experimental Program to Stimulate Competitive Research. All grants to institutions of higher education under this section shall be awarded through merit review.

**§ 40112. Research and technology programs**

(a) **SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.**—The Administrator may establish an initiative with the objective of developing and demonstrating, in a relevant environment, airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(b) **ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.**—The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(c) **HYPERSONICS RESEARCH.**—The Administrator may establish a hypersonics research program with the objective of exploring the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. The program may also include the transition to the hypersonic range of Mach 3 to Mach 5.

(d) **REVOLUTIONARY AERONAUTICAL CONCEPTS.**—The Administrator may establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(e) **FUEL CELL-POWERED AIRCRAFT RESEARCH.**—

(1) **OBJECTIVE.**—The Administrator may establish a fuel cell-powered aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(2) **APPROACH.**—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

(f) **MARS AIRCRAFT RESEARCH.**—

(1) **OBJECTIVE.**—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(2) **APPROACH.**—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

**§ 40113. Airspace systems research**

(a) **OBJECTIVE.**—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) **ALIGNMENT.**—Not later than 1 year after December 30, 2005, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

**§ 40114. Aviation safety and security research**

(a) **OBJECTIVE.**—The Aviation Safety and Security Research program shall pursue re-

search and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) **ALIGNMENT.**—Not later than 1 year after December 30, 2005, the Administrator shall align the projects of the Aviation Safety and Security Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

**§ 40115. Aviation weather research**

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

**§ 40116. University-based Centers for Research on Aviation Training**

(a) **IN GENERAL.**—The Administrator shall award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate Administration Centers.

(b) **PURPOSE.**—The purpose of the Centers for Research on Aviation Training shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) **APPLICATION.**—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) **AWARD DURATION.**—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed in the application submitted under subsection (c); and

(2) other requirements as specified by the Administrator.

**SUBCHAPTER III—SCHOLARSHIPS****§ 40131. Aeronautics scholarships**

(a) **ESTABLISHMENT.**—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering or equivalent programs at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) **IMPLEMENTATION.**—Not later than 180 days after December 30, 2005, the Administrator shall publish regulations governing the scholarship program under this section.

(c) **COOPERATIVE TRAINING OPPORTUNITIES.**—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the Administration Centers engaged in aeronautics research and development during the summer prior to the first year of the stu-

dent's Masters program, and between the first and second year, if applicable.

**SUBCHAPTER IV—DATA REQUESTS****§ 40141. Aviation data requests**

The Administrator shall make available upon request satellite imagery and aerial photography of remote terrain that the Administration owns at the time of the request to the Administrator of the Federal Aviation Administration or the Director of the Five Star Medallion Program, to assist and train pilots in navigating challenging topographical features of such terrain.

**CHAPTER 403—NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM**

Sec.

40301. Purposes.

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**§ 40301. Purposes**

The purposes of this chapter are to—

(1) increase the understanding, assessment, development, and utilization of space resources by promoting a strong educational base, responsive research and training activities, and broad and prompt dissemination of knowledge and techniques;

(2) utilize the abilities and talents of the universities of the Nation to support and contribute to the exploration and development of the resources and opportunities afforded by the space environment;

(3) encourage and support, within the university community of the Nation, the existence of interdisciplinary and multidisciplinary programs of space research that—

(A) engage in integrated activities of training, research, and public service;

(B) have cooperative programs with industry; and

(C) are coordinated with the overall program of the Administration;

(4) encourage and support the existence of consortia, made up of university and industry members, in order to advance the exploration and development of space resources in cases in which national objectives can be better fulfilled through such consortia than through the programs of single universities;

(5) encourage and support Federal funding for graduate fellowships in fields related to space; and

(6) support activities in colleges and universities generally for the purpose of creating and operating a network of institutional programs that will enhance achievements resulting from efforts under this chapter.

**§ 40302. Definitions**

In this chapter:

(1) **AERONAUTICAL AND SPACE ACTIVITIES.**—The term "aeronautical and space activities" has the meaning given the term in section 21013 of this title.

(2) **FIELD RELATED TO SPACE.**—The term "field related to space" means any academic discipline or field of study (including the physical, natural, and biological sciences, and engineering, space technology, education, economics, sociology, communications, planning, law, international affairs,

and public administration) which is concerned with or likely to improve the understanding, assessment, development, and utilization of space.

(3) **PANEL.**—The term “panel” means the space grant review panel established pursuant to section 40308 of this title.

(4) **PERSON.**—The term “person” means any individual, any public or private corporation, partnership, or other association or entity (including any space grant college, space grant regional consortium, institution of higher education, institute, or laboratory), or any State, political subdivision of a State, or agency or officer of a State or political subdivision of a State.

(5) **SPACE ENVIRONMENT.**—The term “space environment” means the environment beyond the sensible atmosphere of the Earth.

(6) **SPACE GRANT COLLEGE.**—The term “space grant college” means any public or private institution of higher education which is designated as such by the Administrator pursuant to section 40306 of this title.

(7) **SPACE GRANT PROGRAM.**—The term “space grant program” means any program that—

(A) is administered by any space grant college, space grant regional consortium, institution of higher education, institute, laboratory, or State or local agency; and

(B) includes 2 or more projects involving education and one or more of the following activities in the fields related to space:

- (i) Research.
- (ii) Training.
- (iii) Advisory services.

(8) **SPACE GRANT REGIONAL CONSORTIUM.**—The term “space grant regional consortium” means any association or other alliance that is designated as a space grant regional consortium by the Administrator pursuant to section 40306 of this title.

(9) **SPACE RESOURCE.**—The term “space resource” means any tangible or intangible benefit which can be realized only from—

(A) aeronautical and space activities; or

(B) advancements in any field related to space.

(10) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

#### **§ 40303. National space grant college and fellowship program**

(a) **ESTABLISHMENT.**—The Administrator shall establish and maintain, within the Administration, a program to be known as the national space grant college and fellowship program. The national space grant college and fellowship program shall consist of the financial assistance and other activities provided for in this chapter. The Administrator shall establish long-range planning guidelines and priorities, and adequately evaluate the program.

(b) **FUNCTIONS.**—Within the Administration, the program shall—

(1) apply the long-range planning guidelines and the priorities established by the Administrator under subsection (a);

(2) advise the Administrator with respect to the expertise and capabilities which are available through the national space grant college and fellowship program, and make such expertise available to the Administration as directed by the Administrator;

(3) evaluate activities conducted under grants and contracts awarded pursuant to sections 40304 and 40305 of this title to ensure

that the purposes set forth in section 40301 of this title are implemented;

(4) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the national space grant college and fellowship program, on a cooperative or other basis;

(5) encourage cooperation and coordination with other Federal programs concerned with the development of space resources and fields related to space;

(6) advise the Administrator on the designation of recipients supported by the national space grant college and fellowship program and, in appropriate cases, on the termination or suspension of any such designation; and

(7) encourage the formation and growth of space grant and fellowship programs.

(c) **GENERAL AUTHORITIES.**—To carry out the provisions of this chapter, the Administrator may—

(1) accept conditional or unconditional gifts or donations of services, money, or property, real, personal or mixed, tangible or intangible;

(2) accept and use funds from other Federal departments, agencies, and instrumentalities to pay for fellowships, grants, contracts, and other transactions; and

(3) issue such rules and regulations as may be necessary and appropriate.

#### **§ 40304. Grants or contracts**

(a) **AUTHORITY OF ADMINISTRATOR.**—The Administrator may make grants and enter into contracts or other transactions under this subsection to assist any space grant and fellowship program or project if the Administrator finds that the program or project will carry out the purposes set forth in section 40301 of this title. The total amount paid pursuant to a grant or contract may equal not more than 66 percent of the total cost of the space grant and fellowship program or project involved, except in the case of grants or contracts paid for with funds accepted by the Administrator pursuant to section 40303(c)(2) of this title.

(b) **SPECIAL GRANTS.**—The Administrator may make special grants under this subsection to carry out the purposes set forth in section 40301 of this title. The amount of a special grant may equal up to 100 percent of the total cost of the project involved. A special grant may be made under this subsection only if the Administrator finds that—

(1) no reasonable means is available through which the applicant can meet the matching requirement for a grant under subsection (a);

(2) the probable benefit of the project outweighs the public interest in the matching requirement; and

(3) the same or equivalent benefit cannot be obtained through the award of a contract or grant under subsection (a) or section 40305 of this title.

(c) **APPLICATION.**—Any person may apply to the Administrator for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe.

(d) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2) and (3) and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

(2) **LIMITATIONS.**—No payment under any grant or contract under this section may be applied to—

(A) the purchase of any land;

(B) the purchase, construction, preservation, or repair of any building; or

(C) the purchase or construction of any launch facility or launch vehicle.

(3) **LEASES.**—Notwithstanding paragraph (2), the items in subparagraphs (A), (B), and (C) of such paragraph may be leased upon written approval of the Administrator.

(4) **RECORDS.**—Any person that receives or utilizes any proceeds of any grant or contract under this section shall keep such records as the Administrator shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such cost which was provided through other sources. Such records shall be maintained for 3 years after the completion of such a program or project. The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Administrator or the Comptroller General, may be related or pertinent to such grants and contracts.

#### **§ 40305. Specific national needs**

(a) **IDENTIFICATION OF SPECIFIC NEEDS AND GRANT-MAKING AND CONTRACTING AUTHORITY.**—The Administrator shall identify specific national needs and problems relating to space. The Administrator may make grants or enter into contracts under this section with respect to such needs or problems. The amount of any such grant or contract may equal up to 100 percent of the total cost of the project involved.

(b) **APPLICATIONS FOR GRANTS OR CONTRACTS.**—Any person may apply to the Administrator for a grant or contract under this section. In addition, the Administrator may invite applications with respect to specific national needs or problems identified under subsection (a). Application shall be made in such form and manner, and with such content and other submissions, as the Administrator shall by regulation prescribe. Any grant made, or contract entered into, under this section shall be subject to the limitations and provisions set forth in paragraphs (2) and (4) of section 40304(d) of this title and to such other terms, conditions, and requirements as the Administrator considers necessary or appropriate.

#### **§ 40306. Space grant college and space grant regional consortium**

(a) **DESIGNATION AND QUALIFICATIONS.**—

(1) **AUTHORITY TO DESIGNATE.**—The Administrator may designate—

(A) any institution of higher education as a space grant college; and

(B) any association or other alliance of 2 or more persons, other than individuals, as a space grant regional consortium.

(2) **SPACE GRANT COLLEGE REQUIREMENTS.**—No institution of higher education may be designated as a space grant college unless the Administrator finds that such institution—

(A) is maintaining a balanced program of research, education, training, and advisory services in fields related to space;

(B) will act in accordance with such guidelines as are prescribed under subsection (b)(2); and

(C) meets such other qualifications as the Administrator considers necessary or appropriate.

(3) **SPACE GRANT REGIONAL CONSORTIUM REQUIREMENTS.**—No association or other alliance of 2 or more persons may be designated as a space grant regional consortium unless the Administrator finds that such association or alliance—

(A) is established for the purpose of sharing expertise, research, educational facilities or training facilities, and other capabilities in order to facilitate research, education, training, and advisory services in any field related to space;

(B) will encourage and follow a regional approach to solving problems or meeting needs relating to space, in cooperation with appropriate space grant colleges, space grant programs, and other persons in the region;

(C) will act in accordance with such guidelines as are prescribed under subsection (b)(2); and

(D) meets such other qualifications as the Administrator considers necessary or appropriate.

(b) **QUALIFICATIONS AND GUIDELINES.**—The Administrator shall by regulation prescribe—

(1) the qualifications required to be met under paragraphs (2)(C) and (3)(D) of subsection (a); and

(2) guidelines relating to the activities and responsibilities of space grant colleges and space grant regional consortia.

(c) **SUSPENSION OR TERMINATION OF DESIGNATION.**—The Administrator may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).

#### **§ 40307. Space grant fellowship program**

(a) **AWARD OF FELLOWSHIPS.**—The Administrator shall support a space grant fellowship program to provide educational and training assistance to qualified individuals at the graduate level of education in fields related to space. Such fellowships shall be awarded pursuant to guidelines established by the Administrator. Space grant fellowships shall be awarded to individuals at space grant colleges, space grant regional consortia, other colleges and institutions of higher education, professional associations, and institutes in such a manner as to ensure wide geographic and institutional diversity in the pursuit of research under the fellowship program.

(b) **LIMITATION ON AMOUNT PROVIDED.**—The total amount which may be provided for grants under the space grant fellowship program during any fiscal year shall not exceed an amount equal to 50 percent of the total funds appropriated for such year pursuant to this chapter.

(c) **AUTHORITY TO SPONSOR OTHER RESEARCH FELLOWSHIP PROGRAMS UNAFFECTED.**—Nothing in this section shall be construed to prohibit the Administrator from sponsoring any research fellowship program, including any special emphasis program, which is established under an authority other than this chapter.

#### **§ 40308. Space grant review panel**

(a) **ESTABLISHMENT.**—The Administrator shall establish an independent committee known as the space grant review panel, which shall not be subject to the provisions of the Federal Advisory Committee Act (5 App. U.S.C.).

(b) **DUTIES.**—The panel shall take such steps as may be necessary to review, and

shall advise the Administrator with respect to—

(1) applications or proposals for, and performance under, grants and contracts awarded pursuant to sections 40304 and 40305 of this title;

(2) the space grant fellowship program;

(3) the designation and operation of space grant colleges and space grant regional consortia, and the operation of space grant and fellowship programs;

(4) the formulation and application of the planning guidelines and priorities pursuant to subsections (a) and (b)(1) of section 40303 of this title; and

(5) such other matters as the Administrator refers to the panel for review and advice.

(c) **PERSONNEL AND ADMINISTRATIVE SERVICES.**—The Administrator shall make available to the panel any information, personnel, and administrative services and assistance which is reasonable to carry out the duties of the panel.

(d) **MEMBERS.**—

(1) **APPOINTMENT.**—The Administrator shall appoint the voting members of the panel. A majority of the voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more of the disciplines and fields related to space. The other voting members shall be individuals who, by reason of knowledge, experience, or training, are especially qualified in, or representative of, education, extension services, State government, industry, economics, planning, or any other activity related to efforts to enhance the understanding, assessment, development, or utilization of space resources. The Administrator shall consider the potential conflict of interest of any individual in making appointments to the panel.

(2) **CHAIRMAN AND VICE CHAIRMAN.**—The Administrator shall select one voting member to serve as the Chairman and another voting member to serve as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

(3) **REIMBURSEMENT FOR EXPENSES.**—Voting members of the panel who are not Federal employees shall be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

(4) **MEETINGS.**—The panel shall meet on a biannual basis and, at any other time, at the call of the Chairman or upon the request of a majority of the voting members or of the Administrator.

(5) **POWERS.**—The panel may exercise such powers as are reasonably necessary in order to carry out the duties enumerated in subsection (b).

#### **§ 40309. Availability of other Federal personnel and data**

Each department, agency, or other instrumentality of the Federal Government that is engaged in or concerned with, or that has authority over, matters relating to space—

(1) may, upon a written request from the Administrator, make available, on a reimbursable basis or otherwise, any personnel (with their consent and without prejudice to their position and rating), service, or facility which the Administrator considers necessary to carry out any provision of this chapter;

(2) may, upon a written request from the Administrator, furnish any available data or other information which the Administrator considers necessary to carry out any provision of this chapter; and

(3) may cooperate with the Administration.

#### **§ 40310. Designation or award to be on competitive basis**

The Administrator shall not under this chapter designate any space grant college or space grant regional consortium or award any fellowship, grant, or contract unless such designation or award is made in accordance with the competitive, merit-based review process employed by the Administration on October 30, 1987.

#### **§ 40311. Continuing emphasis**

The Administration shall continue its emphasis on the importance of education to expand opportunities for Americans to understand and participate in the Administration's aeronautics and space projects by supporting and enhancing science and engineering education, research, and public outreach efforts.

### **CHAPTER 405—BIOMEDICAL RESEARCH IN SPACE**

Sec.

40501. Biomedical research joint working group.

40502. Biomedical research grants.

40503. Biomedical research fellowships.

40504. Establishment of electronic data archive.

40505. Establishment of emergency medical service telemedicine capability.

#### **§ 40501. Biomedical research joint working group**

(a) **ESTABLISHMENT.**—The Administrator and the Director of the National Institutes of Health shall jointly establish a working group to coordinate biomedical research activities in areas where a microgravity environment may contribute to significant progress in the understanding and treatment of diseases and other medical conditions. The joint working group shall formulate joint and complementary programs in such areas of research.

(b) **MEMBERSHIP.**—The joint working group shall include equal representation from the Administration and the National Institutes of Health, and shall include representation from National Institutes of Health councils, as selected by the Director of the National Institutes of Health, and from the National Aeronautics and Space Administration Advisory Council.

(c) **ANNUAL BIOMEDICAL RESEARCH SYMPOSIA.**—The joint working group shall organize annual symposia on biomedical research described in subsection (a) under the joint sponsorship of the Administration and the National Institutes of Health.

(d) **ANNUAL REPORTING REQUIREMENT.**—The joint working group shall report annually to Congress on its progress in carrying out this section.

#### **§ 40502. Biomedical research grants**

(a) **ESTABLISHMENT OF PROGRAM.**—The Administrator and the Director of the National Institutes of Health shall establish a joint program of biomedical research grants in areas described in section 40501(a) of this title, where such research requires access to a microgravity environment. Such program shall be consistent with actions taken by the joint working group under section 40501 of this title.

(b) **RESEARCH OPPORTUNITY ANNOUNCEMENTS.**—The grants program established under subsection (a) shall annually issue joint research opportunity announcements under the sponsorship of the National Institutes of Health and the Administration. Responses to the announcements shall be evaluated by a peer review committee whose members shall be selected by the Director of

the National Institutes of Health and the Administrator, and shall include individuals not employed by the Administration or the National Institutes of Health.

#### **§ 40503. Biomedical research fellowships**

The Administrator and the Director of the National Institutes of Health shall create a joint program of graduate research fellowships in biomedical research described in section 40501(a) of this title. Fellowships under such program may provide for participation in approved research conferences and symposia.

#### **§ 40504. Establishment of electronic data archive**

The Administrator shall create and maintain a national electronic data archive for biomedical research data obtained from space-based experiments.

#### **§ 40505. Establishment of emergency medical service telemedicine capability**

The Administrator, the Administrator of the Federal Emergency Management Agency, the Director of the Office of Foreign Disaster Assistance, and the Surgeon General of the United States shall jointly create and maintain an international telemedicine satellite consultation capability to support emergency medical services in disaster-stricken areas.

### **CHAPTER 407—ENVIRONMENTALLY FRIENDLY AIRCRAFT**

Sec.

40701. Research and development initiative.  
40702. Additional research and development initiative.

40703. Research alignment.

40704. Research program on perceived impact of sonic booms.

#### **§ 40701. Research and development initiative**

The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(1) **NOISE LEVELS.**—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) **ENERGY CONSUMPTION.**—Twenty-five percent reduction in the energy required for medium- to long-range flights, compared to aircraft in commercial service as of December 30, 2005.

(3) **EMISSIONS.**—Nitrogen oxides on takeoff and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of December 30, 2005.

#### **§ 40702. Additional research and development initiative**

The Administrator shall establish an initiative involving the Administration, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) **NOISE LEVELS.**—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of October 15, 2008.

(2) **GREENHOUSE GAS EMISSIONS.**—Significant reductions in greenhouse gas emissions

compared to aircraft in commercial services as of October 15, 2008.

#### **§ 40703. Research alignment**

In addition to pursuing the research and development initiative described in section 40702 of this title, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

#### **§ 40704. Research program on perceived impact of sonic booms**

(a) **ESTABLISHMENT.**—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms. The data could enable the promulgation of appropriate standards for overland commercial supersonic flight operations.

(b) **COORDINATION.**—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by the Administration and the Federal Aviation Administration.

### **CHAPTER 409—MISCELLANEOUS**

Sec.

40901. Science, Space, and Technology Education Trust Fund.

40902. National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund.

40903. Experimental Program to Stimulate Competitive Research—merit grant competition requirements.

40904. Microgravity research.

40905. Program to expand distance learning in rural underserved areas.

40906. Equal access to the Administration's education programs.

40907. Museums.

40908. Continuation of certain education programs.

40909. Compliance with title IX of Education Amendments of 1972.

#### **§ 40901. Science, Space, and Technology Education Trust Fund**

There is appropriated, by transfer from funds appropriated in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 100-404, 102 Stat. 1014), for "Construction of facilities", the sum of \$15,000,000 to the "Science, Space, and Technology Education Trust Fund", which is hereby established in the Treasury of the United States. The Secretary of the Treasury shall invest these funds in the United States Treasury special issue securities, and interest shall be credited to the Trust Fund on a quarterly basis. Such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States. The Administrator, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of available funds on a competitive basis. Grants shall be made available to any award-

ee only to the extent that the awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made. Of the funds made available by this Trust Fund, \$250,000 shall be disbursed each calendar quarter to the Challenger Center for Space Science Education. The Administrator shall submit to Congress an annual report on the grants made pursuant to this section.

#### **§ 40902. National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund**

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States, in tribute to the dedicated crew of the Space Shuttle Challenger, a trust fund to be known as the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund (hereafter in this section referred to as the "Trust Fund"). The Trust Fund shall consist of amounts which may from time to time, at the discretion of the Administrator, be transferred from the National Aeronautics and Space Administration Gifts and Donations Trust Fund.

(b) **INVESTMENT OF TRUST FUND.**—The Administrator shall direct the Secretary of the Treasury to invest and reinvest funds in the Trust Fund in public debt securities with maturities suitable for the needs of the Trust Fund, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Interest earned shall be credited to the Trust Fund.

(c) **PURPOSE.**—Income accruing from the Trust Fund principal shall be used to create the National Aeronautics and Space Administration Endeavor Teacher Fellowship Program, to the extent provided in advance in appropriation Acts. The Administrator is authorized to use such funds to award fellowships to selected United States nationals who are undergraduate students pursuing a course of study leading to certified teaching degrees in elementary education or in secondary education in mathematics, science, or technology disciplines. Awards shall be made pursuant to standards established for the fellowship program by the Administrator.

#### **§ 40903. Experimental Program to Stimulate Competitive Research—merit grant competition requirements**

(a) **DEFINITION OF ELIGIBLE STATE.**—In this section, the term "eligible State" means a State designated by the Administrator as eligible to compete in the National Science Foundation's Experimental Program to Stimulate Competitive Research.

(b) **COMPETITION.**—Making use of the existing infrastructure established in eligible States by the National Science Foundation, the Administrator shall conduct a merit grant competition among the eligible States in areas of research important to the mission of the Administration. With respect to a grant application by an eligible State, the Administrator shall consider—

(1) the application's merit and relevance to the mission of the Administration;

(2) the potential for the grant to serve as a catalyst to enhance the ability of researchers in the State to become more competitive for regular Administration funding;

(3) the potential for the grant to improve the environment for science, mathematics, and engineering education in the State; and

(4) the need to ensure the maximum distribution of grants among eligible States, consistent with merit.



(c) **SUPPLEMENTAL GRANTS.**—The Administrator shall endeavor, where appropriate, to supplement grants made under subsection (b) with such grants for fellowships, traineeships, equipment, or instrumentation as are available.

(d) **INFORMATION IN ANNUAL BUDGET SUBMISSION.**—In order to ensure that research expertise and talent throughout the Nation is developed and engaged in Administration research and education activities, the Administration shall, as part of its annual budget submission, detail additional steps that can be taken to further integrate the participating eligible States in both existing and new or emerging Administration research programs and center activities.

#### **§ 40904. Microgravity research**

The Administrator shall—

(1) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can be advanced significantly from the uniqueness of microgravity and the space environment; and

(2) carry out, to the maximum extent practicable, basic, applied, and commercial International Space Station research in fields such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low-temperature physics, and cellular research at a level that will sustain the existing United States scientific expertise and research capability in microgravity research.

#### **§ 40905. Program to expand distance learning in rural underserved areas**

(a) **IN GENERAL.**—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) **PRIORITIES.**—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

#### **§ 40906. Equal access to the Administration's education programs**

(a) **IN GENERAL.**—The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to the Administration's education programs.

(b) **REPORT.**—Every 2 years, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section and the results of such efforts. As part of the report, the Administrator shall provide—

(1) data on minority participation in the Administration's education programs, at a minimum in the categories of—

(A) elementary and secondary education;

(B) undergraduate education; and

(C) graduate education; and

(2) the total value of grants the Administration made to Historically Black Colleges

and Universities and to Hispanic Serving Institutions through education programs during the period covered by the report.

(c) **PROGRAM.**—The Administrator shall establish the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics.

#### **§ 40907. Museums**

The Administrator may provide grants to, and enter into cooperative agreements with, museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, Earth science, or microgravity.

#### **§ 40908. Continuation of certain education programs**

From amounts appropriated to the Administration for education programs, the Administrator shall ensure the continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and, consistent with the results of the review under section 614 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155, 119 Stat. 2933), the Administration Explorer School program, to motivate and develop the next generation of explorers.

#### **§ 40909. Compliance with title IX of Education Amendments of 1972**

To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Administrator shall conduct compliance reviews of at least 2 grantees annually.

#### **Subtitle V—Programs Targeting Commercial Opportunities**

### **CHAPTER 501—SPACE COMMERCE**

#### **SUBCHAPTER I—GENERAL**

Sec.

50101. Definitions.

#### **SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES**

50111. Commercialization of Space Station.

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50113. Acquisition of space science data.

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#### **SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**

50131. Requirement to procure commercial space transportation services.

50132. Acquisition of commercial space transportation services.

50133. Shuttle privatization.

50134. Use of excess intercontinental ballistic missiles.

#### **SUBCHAPTER I—GENERAL**

#### **§ 50101. Definitions**

In this chapter:

(1) **COMMERCIAL PROVIDER.**—The term “commercial provider” means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments.

(2) **PAYLOAD.**—The term “payload” means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload.

(3) **SPACE-RELATED ACTIVITIES.**—The term “space-related activities” includes research and development, manufacturing, processing, service, and other associated and support activities.

(4) **SPACE TRANSPORTATION SERVICES.**—The term “space transportation services” means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory.

(5) **SPACE TRANSPORTATION VEHICLE.**—The term “space transportation vehicle” means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload.

(6) **STATE.**—The term “State” means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(7) **UNITED STATES COMMERCIAL PROVIDER.**—The term “United States commercial provider” means a commercial provider, organized under the laws of the United States or of a State, that is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government-sponsored research and development similar to that authorized under this chapter;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

#### **SUBCHAPTER II—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES**

#### **§ 50111. Commercialization of Space Station**

(a) **POLICY.**—Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station,

and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

**(b) USE OF UNITED STATES COMMERCIALY PROVIDED SERVICES.—**

(1) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, the Administration shall—

(A) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet Administration-specified ascent, entry, and International Space Station proximity operations safety requirements;

(B) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(C) facilitate, to the maximum extent practicable, the transfer of Administration-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(D) issue a notice of intent, not later than 180 days after October 15, 2008, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in paragraph (1)(D) shall not come at the expense of full funding of the amounts authorized under section 101(3)(A) of the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422, 122 Stat. 4783), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(3) ADDITIONAL TECHNOLOGIES.—The Administration shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.

(4) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy Administration ascent, entry, and International Space Station proximity operations safety requirements, the Administration shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of the Administration's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with the Administration through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

**§ 50112. Promotion of United States Global Positioning System standards**

In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national

security, public safety, scientific, and economic interests of the United States, Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees;

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide; and

(3) provide clear direction and adequate resources to the Assistant Secretary of Commerce for Communications and Information so that on an international basis the Assistant Secretary can—

(A) achieve and sustain efficient management of the electromagnetic spectrum used by the Global Positioning System; and

(B) protect that spectrum from disruption and interference.

**§ 50113. Acquisition of space science data**

(a) DEFINITION OF SPACE SCIENCE DATA.—In this section, the term “space science data” includes scientific data concerning—

(1) the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets;

(2) microgravity acceleration; and

(3) solar storm monitoring.

(b) ACQUISITION FROM COMMERCIAL PROVIDERS.—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost effective, space science data from a commercial provider.

(c) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10). For purposes of such law and regulations, space science data shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

**§ 50114. Administration of commercial space centers**

The Administrator shall administer the Commercial Space Center program in a coordinated manner from Administration headquarters in Washington, D.C.

**§ 50115. Sources of Earth science data**

(a) ACQUISITION.—The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost-effective, space-based and airborne Earth remote sens-

ing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10). For purposes of such law and regulations, such data, services, distribution, and applications shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.

(c) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(d) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

**§ 50116. Commercial technology transfer program**

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between the Administration and the private sector. This program shall place at least as much emphasis on encouraging the transfer of Administration technology to the private sector (“spinning out”) as on encouraging use of private sector technology by the Administration. This program shall be maintained in a manner that provides clear benefits for the Administration, the domestic economy, and the research community.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of the Administration's technology transfer and commercialization organizations that is in effect as of December 30, 2005.

**SUBCHAPTER III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES**

**§ 50131. Requirement to procure commercial space transportation services**

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with international agreements for international collaborative efforts relating to science and technology;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a space shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) AGREEMENTS WITH FOREIGN ENTITIES.—Nothing in this section shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for international collaborative efforts relating to science and technology.

(d) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before October 28, 1998, or with respect to which a contract for such acquisition or ownership has been entered into before October 28, 1998.

(e) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

#### **§ 50132. Acquisition of commercial space transportation services**

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10). For purposes of such law and regulations, space transportation services shall be considered to be a commercial item.

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

#### **§ 50133. Shuttle privatization**

The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency space transportation requirements for transportation to and from Earth orbit, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the space shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the space shuttle fleet.

#### **§ 50134. Use of excess intercontinental ballistic missiles**

(a) IN GENERAL.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration; or

(2) transfer ownership of any such missile to another person, except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—

(1) IN GENERAL.—A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if, except as provided in paragraph (2) and at least 30 days before such conversion, the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on Armed Services and the Committee on Science and Technology of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a certification that the use of such missile—

(A) would result in cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers;

(B) meets all mission requirements of the agency, including performance, schedule, and risk requirements;

(C) is consistent with international obligations of the United States; and

(D) is approved by the Secretary of Defense or the designee of the Secretary of Defense.

(2) EXCEPTION TO REQUIREMENT THAT CERTIFICATION BE TRANSMITTED 30 DAYS BEFORE CONVERSION.—The requirement under paragraph (1) that the certification described in that paragraph must be transmitted at least 30 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that—

(1) were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles; and

(2) have been declared excess to United States national defense needs and are in compliance with international obligations of the United States.

### **CHAPTER 503—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION**

Sec.

50301. Definitions.

50302. Loan guarantees for production of commercial reusable in-space transportation.

#### **§ 50301. Definitions**

In this chapter:

(1) COMMERCIAL PROVIDER.—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services or systems, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(2) IN-SPACE TRANSPORTATION SERVICES.—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(3) IN-SPACE TRANSPORTATION SYSTEM.—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(4) IN-SPACE TRANSPORTATION VEHICLE.—The term “in-space transportation vehicle” means a vehicle designed—

(A) to be based and operated in space;

(B) to transport various payloads or objects from one orbit to another orbit; and

(C) to be reusable and refueled in space.

(5) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(6) UNITED STATES COMMERCIAL PROVIDER.—The term “United States commercial provider” means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

#### **§ 50302. Loan guarantees for production of commercial reusable in-space transportation**

(a) AUTHORITY TO MAKE LOAN GUARANTEES.—The Secretary may guarantee loans made to eligible United States commercial providers for purposes of producing commercial reusable in-space transportation services or systems.

(b) ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.—The Secretary shall prescribe requirements for the eligibility of United States commercial providers for loan guarantees under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan guaranteed under this section.

(c) LIMITATION ON LOANS GUARANTEED.—The Secretary may not guarantee a loan for a United States commercial provider under this section unless the Secretary determines that credit would not otherwise be reasonably available at the time of the guarantee for the commercial reusable in-space transportation service or system to be produced utilizing the proceeds of the loan.

(d) CREDIT SUBSIDY.—

(1) COLLECTION REQUIRED.—The Secretary shall collect from each United States commercial provider receiving a loan guarantee under this section an amount equal to the amount, as determined by the Secretary, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), of the loan guarantee.

(2) PERIODIC DISBURSEMENTS.—In the case of a loan guarantee in which proceeds of the loan are disbursed over time, the Secretary shall collect the amount required under this subsection on a pro rata basis, as determined by the Secretary, at the time of each disbursement.

(e) OTHER TERMS AND CONDITIONS.—

(1) PROHIBITION ON SUBORDINATION.—A loan guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider.

(2) RESTRICTION ON INCOME.—A loan guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or

(B) provide significant collateral or security, as determined by the Secretary, for other obligations the income from which is so excluded.

(3) TREATMENT OF GUARANTEE.—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(4) OTHER TERMS AND CONDITIONS.—The Secretary may establish any other terms and conditions for a guarantee of a loan under this section as the Secretary considers appropriate to protect the financial interests of the United States.

(f) ENFORCEMENT OF RIGHTS.—

(1) IN GENERAL.—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan guarantee under this section.

(2) FORBEARANCE.—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), to the United States.

(3) UTILIZATION OF PROPERTY.—Notwithstanding any other provision of law and subject to the terms of a loan guaranteed under this section, upon the default of a United States commercial provider under the loan, the Secretary may, at the election of the Secretary—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) CREDIT INSTRUMENTS.—

(1) AUTHORITY TO ISSUE INSTRUMENTS.—Notwithstanding any other provision of law, the Secretary may, subject to such terms and conditions as the Secretary considers appropriate, issue credit instruments to United States commercial providers of in-space transportation services or systems, with the aggregate cost (as determined under the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)) of such instruments not to exceed \$1,500,000,000, but only to the extent that new budget authority to cover such costs is provided in subsequent appropriations Acts or authority is otherwise provided in subsequent appropriations Acts.

(2) CREDIT SUBSIDY.—The Secretary shall provide a credit subsidy for any credit instrument issued under this subsection in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(3) CONSTRUCTION.—The eligibility of a United States commercial provider of in-space transportation services or systems for a credit instrument under this subsection is in addition to any eligibility of such provider for a loan guarantee under other provisions of this section.

## CHAPTER 505—COMMERCIAL SPACE COMPETITIVENESS

Sec.

50501. Definitions.

50502. Launch voucher demonstration program.

50503. Anchor tenancy and termination liability.

50504. Use of Government facilities.

50505. Test facilities.

50506. Commercial Space Achievement Award.

### § 50501. Definitions

In this chapter:

(1) AGENCY.—The term “agency” means an executive agency as defined in section 105 of title 5.

(2) ANCHOR TENANCY.—The term “anchor tenancy” means an arrangement in which

the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable.

(3) COMMERCIAL.—The term “commercial” means having—

(A) private capital at risk; and

(B) primary financial and management responsibility for the activity reside with the private sector.

(4) COST EFFECTIVE.—The term “cost effective” means costing no more than the available alternatives, determined by a comparison of all related direct and indirect costs including, in the case of Government costs, applicable Government labor and overhead costs as well as contractor charges, and taking into account the ability of each alternative to accommodate mission requirements as well as the related factors of risk, reliability, schedule, and technical performance.

(5) LAUNCH.—The term “launch” means to place, or attempt to place, a launch vehicle and its payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space.

(6) LAUNCH SERVICES.—The term “launch services” means activities involved in the preparation of a launch vehicle and its payload for launch and the conduct of a launch.

(7) LAUNCH SUPPORT FACILITIES.—The term “launch support facilities” means facilities located at launch sites or launch ranges that are required to support launch activities, including launch vehicle assembly, launch vehicle operations and control, communications, flight safety functions, and payload operations, control, and processing.

(8) LAUNCH VEHICLE.—The term “launch vehicle” means any vehicle constructed for the purpose of operating in or placing a payload in outer space or in suborbital trajectories, and includes components of that vehicle.

(9) PAYLOAD.—The term “payload” means an object which a person undertakes to launch, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(10) PAYLOAD INTEGRATION SERVICES.—The term “payload integration services” means activities involved in integrating multiple payloads into a single payload for launch or integrating a payload with a launch vehicle.

(11) SPACE RECOVERY SUPPORT FACILITIES.—The term “space recovery support facilities” means facilities required to support activities related to the recovery of payloads returned from space to a space recovery site, including operations and control, communications, flight safety functions, and payload processing.

(12) SPACE TRANSPORTATION INFRASTRUCTURE.—The term “space transportation infrastructure” means facilities, associated equipment, and real property (including launch sites, launch support facilities, space recovery sites, and space recovery support facilities) required to perform launch or space recovery activities.

(13) STATE.—The term “State” means the several States, the District of Columbia, Puerto Rico, American Samoa, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

(14) UNITED STATES.—The term “United States” means the States, collectively.

### § 50502. Launch voucher demonstration program

(a) REQUIREMENT TO ESTABLISH PROGRAM.—The Administrator shall establish a dem-

onstration program to award vouchers for the payment of commercial launch services and payload integration services for the purpose of launching payloads funded by the Administration.

(b) AWARD OF VOUCHERS.—The Administrator shall award vouchers under subsection (a) to appropriate individuals as a part of grants administered by the Administration for the launch of—

(1) payloads to be placed in suborbital trajectories; and

(2) small payloads to be placed in orbit.

(c) ASSISTANCE.—The Administrator may provide voucher award recipients with such assistance (including contract formulation and technical support during the proposal evaluation) as may be necessary to ensure the purchase of cost effective and reasonably reliable commercial launch services and payload integration services.

### § 50503. Anchor tenancy and termination liability

(a) ANCHOR TENANCY CONTRACTS.—Subject to appropriations, the Administrator or the Administrator of the National Oceanic and Atmospheric Administration may enter into multiyear anchor tenancy contracts for the purchase of a good or service if the appropriate Administrator determines that—

(1) the good or service meets the mission requirements of the Administration or the National Oceanic and Atmospheric Administration, as appropriate;

(2) the commercially procured good or service is cost effective;

(3) the good or service is procured through a competitive process;

(4) existing or potential customers for the good or service other than the United States Government have been specifically identified;

(5) the long-term viability of the venture is not dependent upon a continued Government market or other nonreimbursable Government support; and

(6) private capital is at risk in the venture.

#### (b) TERMINATION LIABILITY.—

(1) IN GENERAL.—Contracts entered into under subsection (a) may provide for the payment of termination liability in the event that the Government terminates such contracts for its convenience.

(2) FIXED SCHEDULE OF PAYMENTS AND LIMITATION ON LIABILITY.—Contracts that provide for the payment of termination liability, as described in paragraph (1), shall include a fixed schedule of such termination liability payments. Liability under such contracts shall not exceed the total payments which the Government would have made after the date of termination to purchase the good or service if the contract were not terminated.

(3) USE OF FUNDS.—Subject to appropriations, funds available for such termination liability payments may be used for purchase of the good or service upon successful delivery of the good or service pursuant to the contract. In such case, sufficient funds shall remain available to cover any remaining termination liability.

#### (c) LIMITATIONS.—

(1) DURATION.—Contracts entered into under this section shall not exceed 10 years in duration.

(2) FIXED PRICE.—Such contracts shall provide for delivery of the good or service on a firm, fixed price basis.

(3) PERFORMANCE SPECIFICATIONS.—To the extent practicable, reasonable performance specifications shall be used to define technical requirements in such contracts.

(4) FAILURE TO PERFORM.—In any such contract, the appropriate Administrator shall

reserve the right to completely or partially terminate the contract without payment of such termination liability because of the contractor's actual or anticipated failure to perform its contractual obligations.

#### **§ 50504. Use of Government facilities**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—Federal agencies, including the Administration and the Department of Defense, may allow non-Federal entities to use their space-related facilities on a reimbursable basis if the Administrator, the Secretary of Defense, or the appropriate agency head determines that—

(A) the facilities will be used to support commercial space activities;

(B) such use can be supported by existing or planned Federal resources;

(C) such use is compatible with Federal activities;

(D) equivalent commercial services are not available on reasonable terms; and

(E) such use is consistent with public safety, national security, and international treaty obligations.

(2) **CONSULTATION.**—In carrying out paragraph (1)(E), each agency head shall consult with appropriate Federal officials.

(b) **REIMBURSEMENT PAYMENT.**—

(1) **AMOUNT.**—The reimbursement referred to in subsection (a) may be an amount equal to the direct costs (including salaries of United States civilian and contractor personnel) incurred by the United States as a result of the use of such facilities by the private sector. For the purposes of this paragraph, the term "direct costs" means the actual costs that can be unambiguously associated with such use, and would not be borne by the United States Government in the absence of such use.

(2) **CREDIT TO APPROPRIATION.**—The amount of any payment received by the United States for use of facilities under this subsection shall be credited to the appropriation from which the cost of providing such facilities was paid.

#### **§ 50505. Test facilities**

(a) **CHARGES.**—The Administrator shall establish a policy of charging users of the Administration's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **FUNDING ACCOUNT.**—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

#### **§ 50506. Commercial Space Achievement Award**

(a) **ESTABLISHMENT.**—There is established a Commercial Space Achievement Award. The award shall consist of a medal, which shall be of such design and materials and bear such inscriptions as determined by the Secretary of Commerce. A cash prize may also be awarded if funding for the prize is available under subsection (d).

(b) **CRITERIA FOR AWARD.**—The Secretary of Commerce shall periodically make awards under this section to individuals, corporations, corporate divisions, or corporate subsidiaries substantially engaged in commercial space activities that in the opinion of the Secretary of Commerce best meet the following criteria:

(1) **NON-GOVERNMENTAL REVENUE.**—For corporate entities, at least half of the revenues from the space-related activities of the corporation, division, or subsidiary is derived from sources other than the United States Government.

(2) **SUBSTANTIAL CONTRIBUTION.**—The activities and achievements of the individual, corporation, division, or subsidiary have substantially contributed to the United States gross national product and the stature of United States industry in international markets, with due consideration for both the economic magnitude and the technical quality of the activities and achievements.

(3) **SUBSTANTIAL ADVANCEMENT OF TECHNOLOGY.**—The individual, corporation, division, or subsidiary has substantially advanced space technology and space applications directly related to commercial space activities.

(c) **LIMITATIONS.**—No individual or corporate entity may receive an award under this section more than once every 5 years.

(d) **FUNDING FOR AWARD.**—The Secretary of Commerce may seek and accept gifts of money from public and private sources for the purpose of making cash prize awards under this section. Such money may be used only for that purpose, and only such money may be used for that purpose. The Secretary of Commerce shall make publicly available an itemized list of the sources of such funding.

### **CHAPTER 507—OFFICE OF SPACE COMMERCIALIZATION**

Sec.

50701. Definition of Office.

50702. Establishment.

50703. Annual report.

#### **§ 50701. Definition of Office**

In this chapter, the term "Office" means the Office of Space Commercialization established in section 50702 of this title.

#### **§ 50702. Establishment**

(a) **IN GENERAL.**—There is established within the Department of Commerce an Office of Space Commercialization.

(b) **DIRECTOR.**—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5 as determined by the Secretary of Commerce.

(c) **FUNCTIONS OF OFFICE.**—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce.

(d) **DUTIES OF DIRECTOR.**—The primary responsibilities of the Director in carrying out the functions of the Office shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

#### **§ 50703. Annual report**

The Secretary of Commerce shall submit an annual report on the activities of the Office, including planned programs and expenditures, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

### **Subtitle VI—Earth Observations**

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##### **SUBCHAPTER I—GENERAL**

#### **§ 60101. Definitions**

In this chapter:

(1) **COST OF FULFILLING USER REQUESTS.**—The term "cost of fulfilling user requests" means the incremental costs associated with providing product generation, reproduction, and distribution of unenhanced data in response to user requests and shall not include any acquisition, amortization, or depreciation of capital assets originally paid for by the United States Government or other costs not specifically attributable to fulfilling user requests.

(2) **DATA CONTINUITY.**—The term "data continuity" means the continued acquisition and availability of unenhanced data which are, from the point of view of the user—

(A) sufficiently consistent (in terms of acquisition geometry, coverage characteristics, and spectral characteristics) with previous Landsat data to allow comparisons for global and regional change detection and characterization; and

(B) compatible with such data and with methods used to receive and process such data.

(3) DATA PREPROCESSING.—The term “data preprocessing”—

(A) may include—

(i) rectification of system and sensor distortions in land remote sensing data as it is received directly from the satellite in preparation for delivery to a user;

(ii) registration of such data with respect to features of the Earth; and

(iii) calibration of spectral response with respect to such data; but

(B) does not include conclusions, manipulations, or calculations derived from such data, or a combination of such data with other data.

(4) LAND REMOTE SENSING.—The term “land remote sensing” means the collection of data which can be processed into imagery of surface features of the Earth from an unclassified satellite or satellites, other than an operational United States Government weather satellite.

(5) LANDSAT PROGRAM MANAGEMENT.—The term “Landsat Program Management” means the integrated program management structure—

(A) established by, and responsible to, the Administrator and the Secretary of Defense pursuant to section 6011(a) of this title; and

(B) consisting of appropriate officers and employees of the Administration, the Department of Defense, and any other United States Government agencies the President designates as responsible for the Landsat program.

(6) LANDSAT SYSTEM.—The term “Landsat system” means Landsats 1, 2, 3, 4, 5, and 6, and any follow-on land remote sensing system operated and owned by the United States Government, along with any related ground equipment, systems, and facilities owned by the United States Government.

(7) LANDSAT 6 CONTRACTOR.—The term “Landsat 6 contractor” means the private sector entity which was awarded the contract for spacecraft construction, operations, and data marketing rights for the Landsat 6 spacecraft.

(8) LANDSAT 7.—The term “Landsat 7” means the follow-on satellite to Landsat 6.

(9) NATIONAL SATELLITE LAND REMOTE SENSING DATA ARCHIVE.—The term “National Satellite Land Remote Sensing Data Archive” means the archive established by the Secretary of the Interior pursuant to the archival responsibilities defined in section 60142 of this title.

(10) NONCOMMERCIAL PURPOSES.—The term “noncommercial purposes” means activities undertaken by individuals or entities on the condition, upon receipt of unenhanced data, that—

(A) such data shall not be used in connection with any bid for a commercial contract, development of a commercial product, or any other non-United States Government activity that is expected, or has the potential, to be profitmaking;

(B) the results of such activities are disclosed in a timely and complete fashion in the open technical literature or other method of public release, except when such disclosure by the United States Government or its contractors would adversely affect the national security or foreign policy of the

United States or violate a provision of law or regulation; and

(C) such data shall not be distributed in competition with unenhanced data provided by the Landsat 6 contractor.

(11) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(12) UNENHANCED DATA.—The term “unenhanced data” means land remote sensing signals or imagery products that are unprocessed or subject only to data preprocessing.

(13) UNITED STATES GOVERNMENT AND ITS AFFILIATED USERS.—The term “United States Government and its affiliated users” means—

(A) United States Government agencies;

(B) researchers involved with the United States Global Change Research Program and its international counterpart programs; and

(C) other researchers and international entities that have signed with the United States Government a cooperative agreement involving the use of Landsat data for non-commercial purposes.

## SUBCHAPTER II—LANDSAT

### § 60111. Landsat Program Management

(a) ESTABLISHMENT.—The Administrator and the Secretary of Defense shall be responsible for management of the Landsat program. Such responsibility shall be carried out by establishing an integrated program management structure for the Landsat system.

(b) MANAGEMENT PLAN.—The Administrator, the Secretary of Defense, and any other United States Government official the President designates as responsible for part of the Landsat program shall establish, through a management plan, the roles, responsibilities, and funding expectations for the Landsat program of the appropriate United States Government agencies. The management plan shall—

(1) specify that the fundamental goal of the Landsat Program Management is the continuity of unenhanced Landsat data through the acquisition and operation of a Landsat 7 satellite as quickly as practicable which is, at a minimum, functionally equivalent to the Landsat 6 satellite, with the addition of a tracking and data relay satellite communications capability;

(2) include a baseline funding profile that—

(A) is mutually acceptable to the Administration and the Department of Defense for the period covering the development and operation of Landsat 7; and

(B) provides for total funding responsibility of the Administration and the Department of Defense, respectively, to be approximately equal to the funding responsibility of the other as spread across the development and operational life of Landsat 7;

(3) specify that any improvements over the Landsat 6 functional equivalent capability for Landsat 7 will be funded by a specific sponsoring agency or agencies, in a manner agreed to by the Landsat Program Management, if the required funding exceeds the baseline funding profile required by paragraph (2), and that additional improvements will be sought only if the improvements will not jeopardize data continuity; and

(4) provide for a technology demonstration program whose objective shall be the demonstration of advanced land remote sensing technologies that may potentially yield a system which is less expensive to build and operate, and more responsive to data users, than is the current Landsat system.

(c) RESPONSIBILITIES.—The Landsat Program Management shall be responsible for—

(1) Landsat 7 procurement, launch, and operations;

(2) ensuring that the operation of the Landsat system is responsive to the broad interests of the civilian, national security, commercial, and foreign users of the Landsat system;

(3) ensuring that all unenhanced Landsat data remain unclassified and that, except as provided in subsections (a) and (b) of section 60146 of this title, no restrictions are placed on the availability of unenhanced data;

(4) ensuring that land remote sensing data of high priority locations will be acquired by the Landsat 7 system as required to meet the needs of the United States Global Change Research Program, as established in the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.), and to meet the needs of national security users;

(5) Landsat data responsibilities pursuant to this chapter;

(6) oversight of Landsat contracts entered into under sections 102 and 103 of the Land Remote Sensing Policy Act of 1992 (Public Law 102–555, 106 Stat. 4168);

(7) coordination of a technology demonstration program pursuant to section 60133 of this title; and

(8) ensuring that copies of data acquired by the Landsat system are provided to the National Satellite Land Remote Sensing Data Archive.

(d) AUTHORITY TO CONTRACT.—The Landsat Program Management may, subject to appropriations and only under the existing contract authority of the United States Government agencies that compose the Landsat Program Management, enter into contracts with the private sector for services such as satellite operations and data preprocessing.

(e) LANDSAT ADVISORY PROCESS.—

(1) ADVICE AND COMMENTS.—The Landsat Program Management shall seek impartial advice and comments regarding the status, effectiveness, and operation of the Landsat system, using existing advisory committees and other appropriate mechanisms. Such advice shall be sought from individuals who represent—

(A) a broad range of perspectives on basic and applied science and operational needs with respect to land remote sensing data;

(B) the full spectrum of users of Landsat data, including representatives from United States Government agencies, State and local government agencies, academic institutions, nonprofit organizations, value-added companies, the agricultural, mineral extraction, and other user industries, and the public; and

(C) a broad diversity of age groups, sexes, and races.

(2) REPORTS.—The Landsat Program Management shall prepare and submit biennially a report to Congress which—

(A) reports the public comments received pursuant to paragraph (1); and

(B) includes—

(i) a response to the public comments received pursuant to paragraph (1);

(ii) information on the volume of use, by category, of data from the Landsat system; and

(iii) any recommendations for policy or programmatic changes to improve the utility and operation of the Landsat system.

### § 60112. Transfer of Landsat 6 program responsibilities

The responsibilities of the Secretary with respect to Landsat 6 shall be transferred to the Landsat Program Management, as agreed to between the Secretary and the Landsat Program Management, pursuant to section 60111 of this title.

**§ 60113. Data policy for Landsat 7**

(a) **LANDSAT 7 DATA POLICY.**—The Landsat Program Management, in consultation with other appropriate United States Government agencies, shall develop a data policy for Landsat 7 which should—

(1) ensure that unenhanced data are available to all users at the cost of fulfilling user requests;

(2) ensure timely and dependable delivery of unenhanced data to the full spectrum of civilian, national security, commercial, and foreign users and the National Satellite Land Remote Sensing Data Archive;

(3) ensure that the United States retains ownership of all unenhanced data generated by Landsat 7;

(4) support the development of the commercial market for remote sensing data;

(5) ensure that the provision of commercial value-added services based on remote sensing data remains exclusively the function of the private sector; and

(6) to the extent possible, ensure that the data distribution system for Landsat 7 is compatible with the Earth Observing System Data and Information System.

(b) **ADDITIONAL DATA POLICY CONSIDERATIONS.**—In addition, the data policy for Landsat 7 may provide for—

(1) United States private sector entities to operate ground receiving stations in the United States for Landsat 7 data;

(2) other means for direct access by private sector entities to unenhanced data from Landsat 7; and

(3) the United States Government to charge a per image fee, license fee, or other such fee to entities operating ground receiving stations or distributing Landsat 7 data.

**SUBCHAPTER III—LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS****§ 60121. General licensing authority**

(a) **LICENSING AUTHORITY OF SECRETARY.**—

(1) **IN GENERAL.**—In consultation with other appropriate United States Government agencies, the Secretary is authorized to license private sector parties to operate private remote sensing space systems for such period as the Secretary may specify and in accordance with the provisions of this subchapter.

(2) **LIMITATION WITH RESPECT TO SYSTEM USED FOR OTHER PURPOSES.**—In the case of a private space system that is used for remote sensing and other purposes, the authority of the Secretary under this subchapter shall be limited only to the remote sensing operations of such space system.

(b) **COMPLIANCE WITH LAW, REGULATIONS, INTERNATIONAL OBLIGATIONS, AND NATIONAL SECURITY.**—

(1) **IN GENERAL.**—No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this chapter, any regulations issued pursuant to this chapter, and any applicable international obligations and national security concerns of the United States.

(2) **LIST OF REQUIREMENTS FOR COMPLETE APPLICATION.**—The Secretary shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this subchapter. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary

to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

(c) **DEADLINE FOR ACTION ON APPLICATION.**—The Secretary shall review any application and make a determination thereon within 120 days of the receipt of such application. If final action has not occurred within such time, the Secretary shall inform the applicant of any pending issues and of actions required to resolve them.

(d) **IMPROPER BASIS FOR DENIAL.**—The Secretary shall not deny such license in order to protect any existing licensee from competition.

(e) **REQUIREMENT TO PROVIDE UNENHANCED DATA.**—

(1) **DESIGNATION OF DATA.**—The Secretary, in consultation with other appropriate United States Government agencies and pursuant to paragraph (2), shall designate in a license issued pursuant to this subchapter any unenhanced data required to be provided by the licensee under section 60122(b)(3) of this title.

(2) **PRELIMINARY DETERMINATION.**—The Secretary shall make a designation under paragraph (1) after determining that—

(A) such data are generated by a system for which all or a substantial part of the development, fabrication, launch, or operations costs have been or will be directly funded by the United States Government; or

(B) it is in the interest of the United States to require such data to be provided by the licensee consistent with section 60122(b)(3) of this title, after considering the impact on the licensee and the importance of promoting widespread access to remote sensing data from United States and foreign systems.

(3) **CONSISTENCY WITH CONTRACT OR OTHER ARRANGEMENT.**—A designation made by the Secretary under paragraph (1) shall not be inconsistent with any contract or other arrangement entered into between a United States Government agency and the licensee.

**§ 60122. Conditions for operation**

(a) **LICENSE REQUIRED FOR OPERATION.**—No person that is subject to the jurisdiction or control of the United States may, directly or through any subsidiary or affiliate, operate any private remote sensing space system without a license pursuant to section 60121 of this title.

(b) **LICENSING REQUIREMENTS.**—Any license issued pursuant to this subchapter shall specify that the licensee shall comply with all of the requirements of this chapter and shall—

(1) operate the system in such manner as to preserve the national security of the United States and to observe the international obligations of the United States in accordance with section 60146 of this title;

(2) make available to the government of any country (including the United States) unenhanced data collected by the system concerning the territory under the jurisdiction of such government as soon as such data are available and on reasonable terms and conditions;

(3) make unenhanced data designated by the Secretary in the license pursuant to section 60121(e) of this title available in accordance with section 60141 of this title;

(4) upon termination of operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(5) furnish the Secretary with complete orbit and data collection characteristics of the system, and inform the Secretary immediately of any deviation; and

(6) notify the Secretary of any significant or substantial agreement the licensee intends to enter with a foreign nation, entity, or consortium involving foreign nations or entities.

(c) **ADDITIONAL LICENSING REQUIREMENTS FOR LANDSAT 6 CONTRACTOR.**—In addition to the requirements of subsection (b), any license issued pursuant to this subchapter to the Landsat 6 contractor shall specify that the Landsat 6 contractor shall—

(1) notify the Secretary of any value added activities (as defined by the Secretary by regulation) that will be conducted by the Landsat 6 contractor or by a subsidiary or affiliate; and

(2) if such activities are to be conducted, provide the Secretary with a plan for compliance with section 60141 of this title.

**§ 60123. Administrative authority of Secretary**

(a) **FUNCTIONS.**—In order to carry out the responsibilities specified in this subchapter, the Secretary may—

(1) grant, condition, or transfer licenses under this chapter;

(2) seek an order of injunction or similar judicial determination from a district court of the United States with personal jurisdiction over the licensee to terminate, modify, or suspend licenses under this subchapter and to terminate licensed operations on an immediate basis, if the Secretary determines that the licensee has substantially failed to comply with any provisions of this chapter, with any terms, conditions, or restrictions of such license, or with any international obligations or national security concerns of the United States;

(3) provide penalties for noncompliance with the requirements of licenses or regulations issued under this subchapter, including civil penalties not to exceed \$10,000 (each day of operation in violation of such licenses or regulations constituting a separate violation);

(4) compromise, modify, or remit any such civil penalty;

(5) issue subpoenas for any materials, documents, or records, or for the attendance and testimony of witnesses for the purpose of conducting a hearing under this section;

(6) seize any object, record, or report pursuant to a warrant from a magistrate based on a showing of probable cause to believe that such object, record, or report was used, is being used, or is likely to be used in violation of this chapter or the requirements of a license or regulation issued thereunder; and

(7) make investigations and inquiries and administer to or take from any person an oath, affirmation, or affidavit concerning any matter relating to the enforcement of this chapter.

(b) **REVIEW OF AGENCY ACTION.**—Any applicant or licensee that makes a timely request for review of an adverse action pursuant to paragraph (1), (3), (5), or (6) of subsection (a) shall be entitled to adjudication by the Secretary on the record after an opportunity for any agency hearing with respect to such adverse action. Any final action by the Secretary under this subsection shall be subject to judicial review under chapter 7 of title 5.

**§ 60124. Regulatory authority of Secretary**

The Secretary may issue regulations to carry out this subchapter. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5.

**§ 60125. Agency activities**

(a) **LICENSE APPLICATION AND ISSUANCE.**—A private sector party may apply for a license



to operate a private remote sensing space system which utilizes, on a space-available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to this subchapter, may license such system if it meets all conditions of this subchapter and—

(1) the system operator agrees to reimburse the Government in a timely manner for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, platform, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise compromise intended civilian Government missions, as determined by the agency responsible for such civilian platform.

(b) ASSISTANCE.—The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) AGREEMENTS.—To the extent provided in advance by appropriation Acts, any United States Government agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote sensing space system is licensed by the Secretary before commencing operation.

(d) APPLICABILITY.—This section does not apply to activities carried out under subchapter IV.

(e) EFFECT ON FCC AUTHORITY.—Nothing in this subchapter shall affect the authority of the Federal Communications Commission pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.).

#### SUBCHAPTER IV—RESEARCH, DEVELOPMENT, AND DEMONSTRATION

##### § 60131. Continued Federal research and development

(a) ROLES OF ADMINISTRATION AND DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense are directed to continue and to enhance programs of remote sensing research and development.

(2) ADMINISTRATION ACTIVITIES AUTHORIZED AND ENCOURAGED.—The Administrator is authorized and encouraged to—

(A) conduct experimental space remote sensing programs (including applications demonstration programs and basic research at universities);

(B) develop remote sensing technologies and techniques, including those needed for monitoring the Earth and its environment; and

(C) conduct such research and development in cooperation with other United States Government agencies and with public and private research entities (including private industry, universities, non-profit organizations, State and local governments, foreign governments, and international organizations) and to enter into arrangements (including joint ventures) which will foster such cooperation.

(b) ROLES OF DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF THE INTERIOR.—

(1) IN GENERAL.—In order to enhance the ability of the United States to manage and utilize its renewable and nonrenewable resources, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to conduct programs of research and development in the applications of remote sensing using funds appropriated for such purposes.

(2) ACTIVITIES THAT MAY BE INCLUDED.—Such programs may include basic research at universities, demonstrations of applications,

and cooperative activities involving other Government agencies, private sector parties, and foreign and international organizations.

(c) ROLE OF OTHER FEDERAL AGENCIES.—Other United States Government agencies are authorized and encouraged to conduct research and development on the use of remote sensing in the fulfillment of their authorized missions, using funds appropriated for such purposes.

##### § 60132. Availability of federally gathered unenhanced data

(a) IN GENERAL.—All unenhanced land remote sensing data gathered and owned by the United States Government, including unenhanced data gathered under the technology demonstration program carried out pursuant to section 60133 of this title, shall be made available to users in a timely fashion.

(b) PROTECTION FOR COMMERCIAL DATA DISTRIBUTOR.—The President shall seek to ensure that unenhanced data gathered under the technology demonstration program carried out pursuant to section 60133 of this title shall, to the extent practicable, be made available on terms that would not adversely affect the commercial market for unenhanced data gathered by the Landsat 6 spacecraft.

##### § 60133. Technology demonstration program

(a) ESTABLISHMENT.—As a fundamental component of a national land remote sensing strategy, the President shall establish, through appropriate United States Government agencies, a technology demonstration program. The goals of the program shall be to—

(1) seek to launch advanced land remote sensing system components within 5 years after October 28, 1992;

(2) demonstrate within such 5-year period advanced sensor capabilities suitable for use in the anticipated land remote sensing program; and

(3) demonstrate within such 5-year period an advanced land remote sensing system design that could be less expensive to procure and operate than the Landsat system projected to be in operation through the year 2000, and that therefore holds greater potential for private sector investment and control.

(b) EXECUTION OF PROGRAM.—In executing the technology demonstration program, the President shall seek to apply technologies associated with United States National Technical Means of intelligence gathering, to the extent that such technologies are appropriate for the technology demonstration and can be declassified for such purposes without causing adverse harm to United States national security interests.

(c) BROAD APPLICATION.—To the greatest extent practicable, the technology demonstration program established under subsection (a) shall be designed to be responsive to the broad civilian, national security, commercial, and foreign policy needs of the United States.

(d) PRIVATE SECTOR FUNDING.—The technology demonstration program under this section may be carried out in part with private sector funding.

(e) LANDSAT PROGRAM MANAGEMENT COORDINATION.—The Landsat Program Management shall have a coordinating role in the technology demonstration program carried out under this section.

##### § 60134. Preference for private sector land remote sensing system

(a) IN GENERAL.—If a successor land remote sensing system to Landsat 7 can be funded

and managed by the private sector while still achieving the goals stated in subsection (b) without jeopardizing the domestic, national security, and foreign policy interests of the United States, preference should be given to the development of such a system by the private sector without competition from the United States Government.

(b) GOALS.—The goals referred to in subsection (a) are—

(1) to encourage the development, launch, and operation of a land remote sensing system that adequately serves the civilian, national security, commercial, and foreign policy interests of the United States;

(2) to encourage the development, launch, and operation of a land remote sensing system that maintains data continuity with the Landsat system; and

(3) to incorporate system enhancements, including any such enhancements developed under the technology demonstration program under section 60133 of this title, which may potentially yield a system that is less expensive to build and operate, and more responsive to data users, than is the Landsat system otherwise projected to be in operation in the future.

#### SUBCHAPTER V—GENERAL PROVISIONS

##### § 60141. Nondiscriminatory data availability

(a) IN GENERAL.—Except as provided in subsection (b), any unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government shall be made available to all users without preference, bias, or any other special arrangement (except on the basis of national security concerns pursuant to section 60146 of this title) regarding delivery, format, pricing, or technical considerations which would favor one customer or class of customers over another.

(b) EXCEPTIONS.—Unenhanced data generated by the Landsat system or any other land remote sensing system funded and owned by the United States Government may be made available to the United States Government and its affiliated users at reduced prices, in accordance with this chapter, on the condition that such unenhanced data are used solely for noncommercial purposes.

##### § 60142. Archiving of data

(a) PUBLIC INTEREST.—It is in the public interest for the United States Government to—

(1) maintain an archive of land remote sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) control the content and scope of the archive; and

(3) ensure the quality, integrity, and continuity of the archive.

(b) ARCHIVING PRACTICES.—The Secretary of the Interior, in consultation with the Landsat Program Management, shall provide for long-term storage, maintenance, and upgrading of a basic, global, land remote sensing data set (hereafter in this section referred to as the “basic data set”) and shall follow reasonable archival practices to ensure proper storage and preservation of the basic data set and timely access for parties requesting data.

(c) DETERMINATION OF CONTENT OF BASIC DATA SET.—In determining the initial content of, or in upgrading, the basic data set, the Secretary of the Interior shall—

(1) use as a baseline the data archived on October 28, 1992;

(2) take into account future technical and scientific developments and needs, paying

particular attention to the anticipated data requirements of global environmental change research;

(3) consult with and seek the advice of users and producers of remote sensing data and data products;

(4) consider the need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary of the Interior considers appropriate, unenhanced data generated either by the Landsat system, pursuant to subchapter II, or by licensees under subchapter III;

(6) include, as the Secretary of the Interior considers appropriate, data collected by foreign ground stations or by foreign remote sensing space systems; and

(7) ensure that the content of the archive is developed in accordance with section 60146 of this title.

(d) **PUBLIC DOMAIN.**—After the expiration of any exclusive right to sell, or after relinquishment of such right, the data provided to the National Satellite Land Remote Sensing Data Archive shall be in the public domain and shall be made available to requesting parties by the Secretary of the Interior at the cost of fulfilling user requests.

#### **§ 60143. Nonreproduction**

Unenhanced data distributed by any licensee under subchapter III may be sold on the condition that such data will not be reproduced or disseminated by the purchaser for commercial purposes.

#### **§ 60144. Reimbursement for assistance**

The Administrator, the Secretary of Defense, and the heads of other United States Government agencies may provide assistance to land remote sensing system operators under the provisions of this chapter. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

#### **§ 60145. Acquisition of equipment**

The Landsat Program Management may, by means of a competitive process, allow a licensee under subchapter III or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other United States Government civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out this section.

#### **§ 60146. Radio frequency allocation**

(a) **APPLICATION TO FEDERAL COMMUNICATIONS COMMISSION.**—To the extent required by the Communications Act of 1934 (47 U.S.C. 151 et seq.), an application shall be filed with the Federal Communications Commission for any radio facilities involved with commercial remote sensing space systems licensed under subchapter III.

(b) **DEADLINE FOR FCC ACTION.**—It is the intent of Congress that the Federal Communications Commission complete the radio licensing process under the Communications Act of 1934 (47 U.S.C. 151 et seq.), upon the application of any private sector party or consortium operator of any commercial land remote sensing space system subject to this chapter, within 120 days of the receipt of an application for such licensing. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(c) **DEVELOPMENT AND CONSTRUCTION OF UNITED STATES SYSTEMS.**—Authority shall not be required from the Federal Communications Commission for the development and construction of any United States land remote sensing space system (or component thereof), other than radio transmitting facilities or components, while any licensing determination is being made.

(d) **CONSISTENCY WITH INTERNATIONAL OBLIGATIONS AND PUBLIC INTEREST.**—Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

#### **§ 60147. Consultation**

(a) **CONSULTATION WITH SECRETARY OF DEFENSE.**—The Secretary and the Landsat Program Management shall consult with the Secretary of Defense on all matters under this chapter affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this chapter, necessary to meet national security concerns of the United States and for notifying the Secretary and the Landsat Program Management promptly of such conditions.

(b) **CONSULTATION WITH SECRETARY OF STATE.**—

(1) **IN GENERAL.**—The Secretary and the Landsat Program Management shall consult with the Secretary of State on all matters under this chapter affecting international obligations. The Secretary of State shall be responsible for determining those conditions, consistent with this chapter, necessary to meet international obligations and policies of the United States and for notifying promptly the Secretary and the Landsat Program Management of such conditions.

(2) **INTERNATIONAL AID.**—Appropriate United States Government agencies are authorized and encouraged to provide remote sensing data, technology, and training to developing nations as a component of programs of international aid.

(3) **REPORTING DISCRIMINATORY DISTRIBUTION.**—The Secretary of State shall promptly report to the Secretary and Landsat Program Management any instances outside the United States of discriminatory distribution of Landsat data.

(c) **STATUS REPORT.**—The Landsat Program Management shall, as often as necessary, provide to Congress complete and updated information about the status of ongoing operations of the Landsat system, including timely notification of decisions made with respect to the Landsat system in order to meet national security concerns and international obligations and policies of the United States Government.

(d) **REIMBURSEMENTS.**—If, as a result of technical modifications imposed on a licensee under subchapter III on the basis of national security concerns, the Secretary, in consultation with the Secretary of Defense or with other Federal agencies, determines that additional costs will be incurred by the licensee, or that past development costs (including the cost of capital) will not be recovered by the licensee, the Secretary may require the agency or agencies requesting such technical modifications to reimburse the licensee for such additional or development costs, but not for anticipated profits. Reimbursements may cover costs associated with required changes in system performance, but not costs ordinarily associated with doing business abroad.

#### **§ 60148. Enforcement**

(a) **IN GENERAL.**—In order to ensure that unenhanced data from the Landsat system

received solely for noncommercial purposes are not used for any commercial purpose, the Secretary (in collaboration with private sector entities responsible for the marketing and distribution of unenhanced data generated by the Landsat system) shall develop and implement a system for enforcing this prohibition, in the event that unenhanced data from the Landsat system are made available for noncommercial purposes at a different price than such data are made available for other purposes.

(b) **AUTHORITY OF SECRETARY.**—Subject to subsection (d), the Secretary may impose any of the enforcement mechanisms described in subsection (c) against a person that—

(1) receives unenhanced data from the Landsat system under this chapter solely for noncommercial purposes (and at a different price than the price at which such data are made available for other purposes); and

(2) uses such data for other than noncommercial purposes.

(c) **ENFORCEMENT MECHANISMS.**—Enforcement mechanisms referred to in subsection (b) may include civil penalties of not more than \$10,000 (per day per violation), denial of further unenhanced data purchasing privileges, and any other penalties or restrictions the Secretary considers necessary to ensure, to the greatest extent practicable, that unenhanced data provided for noncommercial purposes are not used to unfairly compete in the commercial market against private sector entities not eligible for data at the cost of fulfilling user requests.

(d) **PROCEDURES AND REGULATIONS.**—The Secretary shall issue any regulations necessary to carry out this section and shall establish standards and procedures governing the imposition of enforcement mechanisms under subsection (b). The standards and procedures shall include a procedure for potentially aggrieved parties to file formal protests with the Secretary alleging instances where such unenhanced data have been, or are being, used for commercial purposes in violation of the terms of receipt of such data. The Secretary shall promptly act to investigate any such protest, and shall report annually to Congress on instances of such violations.

### **SUBCHAPTER VI—PROHIBITION OF COMMERCIALIZATION OF WEATHER SATELLITES**

#### **§ 60161. Prohibition**

Neither the President nor any other official of the Government shall make any effort to lease, sell, or transfer to the private sector, or commercialize, any portion of the weather satellite systems operated by the Department of Commerce or any successor agency.

#### **§ 60162. Future considerations**

Regardless of any change in circumstances subsequent to October 28, 1992, even if such change makes it appear to be in the national interest to commercialize weather satellites, neither the President nor any official shall take any action prohibited by section 60161 of this title unless this subchapter has first been repealed.

### **CHAPTER 603—REMOTE SENSING**

Sec.

60301. Definitions.

60302. General responsibilities.

60303. Pilot projects to encourage public sector applications.

60304. Program evaluation.

60305. Data availability.

60306. Education.

#### **§ 60301. Definitions**

In this chapter:

(1) **GEOSPATIAL INFORMATION.**—The term “geospatial information” means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.

(2) **HIGH RESOLUTION.**—The term “high resolution” means resolution better than five meters.

(3) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

#### **§ 60302. General responsibilities**

The Administrator shall—

(1) develop a sustained relationship with the United States commercial remote sensing industry and, consistent with applicable policies and law, to the maximum practicable, rely on their services; and

(2) in conjunction with United States industry and universities, research, develop, and demonstrate prototype Earth science applications to enhance Federal, State, local, and tribal governments’ use of government and commercial remote sensing data, technologies, and other sources of geospatial information for improved decision support to address their needs.

#### **§ 60303. Pilot projects to encourage public sector applications**

(a) **IN GENERAL.**—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) **PREFERRED PROJECTS.**—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) **OPPORTUNITIES.**—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) **DURATION.**—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) **REPORT.**—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) **WORKSHOP.**—Each recipient of a grant under subsection (a) shall, not later than 180

days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) **REGULATIONS.**—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

#### **§ 60304. Program evaluation**

(a) **ADVISORY COMMITTEE.**—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industries, to monitor the program established under section 60303 of this title. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act (5 App. U.S.C.), the advisory committee established under this subsection shall remain in effect until the termination of the program under section 60303 of this title.

(b) **EFFECTIVENESS EVALUATION.**—Not later than December 31, 2009, the Administrator shall transmit to Congress an evaluation of the effectiveness of the program established under section 60303 of this title in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

#### **§ 60305. Data availability**

The Administrator shall ensure that the results of each of the pilot projects completed under section 60303 of this title shall be retrievable through an electronic, internet-accessible database.

#### **§ 60306. Education**

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information and awareness of the need for geospatial workforce development.

### **CHAPTER 605—EARTH SCIENCE**

Sec.

60501. Goal.

60502. Transitioning experimental research into operational services.

60503. Reauthorization of Glory Mission.

60504. Tornadoes and other severe storms.

60505. Coordination with the National Oceanic and Atmospheric Administration.

60506. Sharing of climate related data.

#### **§ 60501. Goal**

The goal for the Administration’s Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, the Administration’s Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, the Administration shall, together with the National Oceanic and Atmospheric Administra-

tion and other relevant agencies, provide United States leadership in developing and carrying out a cooperative international Earth observations-based research program.

#### **§ 60502. Transitioning experimental research into operational services**

(a) **INTERAGENCY PROCESS.**—The Director of the Office of Science and Technology Policy, in consultation with the Administrator, the Administrator of the National Oceanic and Atmospheric Administration, and other relevant stakeholders, shall develop a process to transition, when appropriate, Administration Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(b) **RESPONSIBLE AGENCY OFFICIAL.**—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall each designate an agency official who shall have the responsibility for and authority to lead the Administration’s and the National Oceanic and Atmospheric Administration’s transition activities and interagency coordination.

(c) **PLAN.**—For each mission or sensor that is determined to be appropriate for transition under subsection (a), the Administration and the National Oceanic and Atmospheric Administration shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress no later than 60 days after the successful completion of the mission or sensor critical design review.

#### **§ 60503. Reauthorization of Glory Mission**

Congress reauthorizes the Administration to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth’s climate.

#### **§ 60504. Tornadoes and other severe storms**

The Administrator shall ensure that the Administration gives high priority to those parts of its existing cooperative activities with the National Oceanic and Atmospheric Administration that are related to the study of tornadoes and other severe storms, tornado-force winds, and other factors determined to influence the development of tornadoes and other severe storms, with the goal of improving the Nation’s ability to predict tornados and other severe storms. Further, the Administrator shall examine whether there are additional cooperative activities with the National Oceanic and Atmospheric Administration that should be undertaken in the area of tornado and severe storm research.

#### **§ 60505. Coordination with the National Oceanic and Atmospheric Administration**

(a) **JOINT WORKING GROUP.**—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions where appropriate. The Joint Working Group shall also prepare the plans required by subsection (c).

(b) **COORDINATION REPORT.**—Not later than February 15 of each year, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the

Senate on how the Earth science programs of the Administration and the National Oceanic and Atmospheric Administration will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) **COORDINATION OF TRANSITION PLANNING AND REPORTING.**—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with other relevant agencies, shall evaluate relevant Administration science missions for their potential operational capabilities and shall prepare transition plans for the existing and future Earth observing systems found to have potential operational capabilities.

(d) **LIMITATION.**—The Administrator shall not transfer any Administration Earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

#### **§ 60506. Sharing of climate related data**

The Administrator shall work to ensure that the Administration's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, "Earth Science and Applications from Space", and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

#### **Subtitle VII—Access to Space**

### **CHAPTER 701—USE OF SPACE SHUTTLE OR ALTERNATIVES**

Sec.

70101. Recovery of fair value of placing Department of Defense payloads in orbit with space shuttle.

70102. Space shuttle use policy.

70103. Commercial payloads on space shuttle.

#### **§ 70101. Recovery of fair value of placing Department of Defense payloads in orbit with space shuttle**

Notwithstanding any other provision of law, or any interagency agreement, the Administrator shall charge such prices as are necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the space shuttle.

#### **§ 70102. Space shuttle use policy**

(a) **USE POLICY.**—

(1) **IN GENERAL.**—

(A) **POLICY.**—It shall be the policy of the United States to use the space shuttle—

(i) for purposes that require a human presence;

(ii) for purposes that require the unique capabilities of the space shuttle; or

(iii) when other compelling circumstances exist.

(B) **DEFINITION OF COMPELLING CIRCUMSTANCES.**—In this paragraph, the term "compelling circumstances" includes, but is not limited to, occasions when the Administrator determines, in consultation with the Secretary of Defense and the Secretary of

State, that important national security or foreign policy interests would be served by a shuttle launch.

(2) **USING AVAILABLE CARGO SPACE FOR SECONDARY PAYLOADS.**—The policy stated in paragraph (1) shall not preclude the use of available cargo space, on a space shuttle mission otherwise consistent with the policy described in paragraph (1), for the purpose of carrying secondary payloads (as defined by the Administrator) that do not require a human presence if such payloads are consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(b) **ANNUAL REPORT.**—At least annually, the Administrator shall submit to Congress a report certifying that the payloads scheduled to be launched on the space shuttle for the next 4 years are consistent with the policy set forth in subsection (a)(1). For each payload scheduled to be launched from the space shuttle that does not require a human presence, the Administrator shall, in the certified report to Congress, state the specific circumstances that justified the use of the space shuttle. If, during the period between scheduled reports to Congress, any additions are made to the list of certified payloads intended to be launched from the shuttle, the Administrator shall inform Congress of the additions and the reasons therefor within 45 days of the change.

(c) **ADMINISTRATION PAYLOADS.**—The report described in subsection (b) shall also include those Administration payloads designed solely to fly on the space shuttle which have begun the phase C/D of its development cycle.

#### **§ 70103. Commercial payloads on space shuttle**

(a) **DEFINITIONS.**—In this section:

(1) **LAUNCH VEHICLE.**—The term "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space.

(2) **PAYLOAD.**—The term "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object.

(b) **IN GENERAL.**—Commercial payloads may not be accepted for launch as primary payloads on the space shuttle unless the Administrator determines that—

(1) the payload requires the unique capabilities of the space shuttle; or

(2) launching of the payload on the space shuttle is important for either national security or foreign policy purposes.

### **CHAPTER 703—SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS**

Sec.

70301. Congressional findings and declarations.

70302. Purpose, policy, and goals.

70303. Definition of additive cost.

70304. Duties of Administrator.

#### **§ 70301. Congressional findings and declarations**

Congress finds and declares that—

(1) the Space Transportation System is a vital element of the United States space program, contributing to the United States leadership in space research, technology, and development;

(2) the Space Transportation System is the primary space launch system for both United States national security and civil government missions;

(3) the Space Transportation System contributes to the expansion of United States

private sector investment and involvement in space and therefore should serve commercial users;

(4) the availability of the Space Transportation System to foreign users for peaceful purposes is an important means of promoting international cooperative activities in the national interest and in maintaining access to space for activities which enhance the security and welfare of humankind;

(5) the United States is committed to maintaining world leadership in space transportation;

(6) making the Space Transportation System fully operational and cost effective in providing routine access to space will maximize the national economic benefits of the system; and

(7) national goals and the objectives for the Space Transportation System can be furthered by a stable and fair pricing policy for the Space Transportation System.

#### **§ 70302. Purpose, policy, and goals**

The purpose of this chapter is to set, for commercial and foreign users, the reimbursement pricing policy for the Space Transportation System that is consistent with the findings included in section 70301 of this title, encourages the full and effective use of space, and is designed to achieve the following goals:

(1) The preservation of the role of the United States as a leader in space research, technology, and development.

(2) The efficient and cost effective use of the Space Transportation System.

(3) The achievement of greatly increased commercial space activity.

(4) The enhancement of the international competitive position of the United States.

#### **§ 70303. Definition of additive cost**

In this chapter, the term "additive cost" means the average direct and indirect costs to the Administration of providing additional flights of the Space Transportation System beyond the costs associated with those flights necessary to meet the space transportation needs of the United States Government.

#### **§ 70304. Duties of Administrator**

(a) **ESTABLISHMENT AND IMPLEMENTATION OF REIMBURSEMENT RECOVERY SYSTEM.**—The Administrator shall establish and implement a pricing system to recover reimbursement in accordance with the pricing policy under section 70302 of this title from each commercial or foreign user of the Space Transportation System, which, except as provided in subsections (c), (d), and (e), shall include a base price of not less than \$74,000,000 for each flight of the Space Transportation System in 1982 dollars.

(b) **REPORTS TO CONGRESS.**—Each year the Administrator shall submit to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives a report, transmitted contemporaneously with the annual budget request of the President, which shall inform Congress how the policy goals contained in section 70302 of this title are being furthered by the shuttle price for foreign and commercial users.

(c) **REDUCTION OF BASE PRICE.**—

(1) **AUTHORITY TO REDUCE.**—If at any time the Administrator finds that the policy goals contained in section 70302 of this title are not being achieved, the Administrator shall

have authority to reduce the base price established in subsection (a) after 45 days following receipt by the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives of a notice by the Administrator containing a description of the proposed reduction together with a full and complete statement of the facts and circumstances which necessitate such proposed reduction.

(2) **MINIMUM PRICE.**—In no case shall the minimum price established under paragraph (1) be less than additive cost.

(d) **LOW OR NO-COST FLIGHTS.**—The Administrator may set a price lower than the price determined under subsection (a) or (c), or provide no-cost flights, for any commercial or foreign user of the Space Transportation System that is involved in research, development, or demonstration programs with the Administration.

(e) **CUSTOMER INCENTIVES.**—Notwithstanding the provisions of subsection (a), the Administrator shall have the authority to offer reasonable customer incentives consistent with the policy goals in section 70302 of this title.

#### CHAPTER 705—EXPLORATION INITIATIVES

- Sec.  
70501. Space shuttle follow-on.  
70502. Exploration plan and programs.  
70503. Ground-based analog capabilities.  
70504. Stepping stone approach to exploration.  
70505. Lunar outpost.  
70506. Exploration technology research.  
70507. Technology development.  
70508. Robotic or human servicing of spacecraft.

##### § 70501. Space shuttle follow-on

(a) **POLICY STATEMENT.**—It is the policy of the United States to possess the capability for human access to space on a continuous basis.

(b) **ANNUAL REPORT.**—The Administrator shall transmit an annual report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle and the estimated time before they will demonstrate crewed, orbital spaceflight.

##### § 70502. Exploration plan and programs

The Administrator shall—

(1) construct an architecture and implementation plan for the Administration's human exploration program that is not critically dependent on the achievement of milestones by fixed dates;

(2) implement an exploration technology development program to enable lunar human and robotic operations consistent with section 20302(b) of this title, including surface power to use on the Moon and other locations;

(3) conduct an in-situ resource utilization technology program to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit; and

(4) pursue aggressively automated rendezvous and docking capabilities that can support the International Space Station and other mission requirements.

##### § 70503. Ground-based analog capabilities

(a) **IN GENERAL.**—The Administrator may establish a ground-based analog capability in

remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) **ENVIRONMENTAL CHARACTERISTICS.**—The Administrator shall select locations for the activities described in subsection (a) that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, or other potential resources).

(c) **INVOLVEMENT OF LOCAL POPULATIONS AND PRIVATE SECTOR PARTNERS.**—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

##### § 70504. Stepping stone approach to exploration

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international partners, to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

##### § 70505. Lunar outpost

(a) **ESTABLISHMENT.**—As the Administration works toward the establishment of a lunar outpost, the Administration shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) **DESIGNATION.**—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the “Neil A. Armstrong Lunar Outpost”.

##### § 70506. Exploration technology research

The Administrator shall carry out a program of long-term exploration-related technology research and development, including such things as in-space propulsion, power systems, life support, and advanced avionics, that is not tied to specific flight projects. The program shall have the funding goal of ensuring that the technology research and development can be completed in a timely manner in order to support the safe, successful, and sustainable exploration of the solar system. In addition, in order to ensure that the broadest range of innovative concepts and technologies are captured, the long-term technology program shall have the goal of having a significant portion of its funding available for external grants and contracts with universities, research institutions, and industry.

##### § 70507. Technology development

The Administrator shall establish an intra-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight

projects under development. The Administration shall have a goal of funding the intra-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

##### § 70508. Robotic or human servicing of spacecraft

The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair to the extent practicable and appropriate.

#### CHAPTER 707—HUMAN SPACE FLIGHT INDEPENDENT INVESTIGATION COMMISSION

- Sec.  
70701. Definitions.  
70702. Establishment of Commission.  
70703. Tasks of Commission.  
70704. Composition of Commission.  
70705. Powers of Commission.  
70706. Public meetings, information, and hearings.  
70707. Staff of Commission.  
70708. Compensation and travel expenses.  
70709. Security clearances for Commission members and staff.  
70710. Reporting requirements and termination.

##### § 70701. Definitions

In this chapter:

(1) **COMMISSION.**—The term “Commission” means a Commission established under this chapter.

(2) **INCIDENT.**—The term “incident” means either an accident or a deliberate act.

##### § 70702. Establishment of Commission

(a) **ESTABLISHMENT.**—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a space shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) **DEADLINE FOR ESTABLISHMENT.**—The President shall establish a Commission within 7 days after an incident specified in subsection (a).

##### § 70703. Tasks of Commission

A Commission established pursuant to this chapter shall, to the extent possible, undertake the following tasks:

(1) **INVESTIGATION.**—Investigate the incident.

(2) **CAUSE.**—Determine the cause of the incident.

(3) **CONTRIBUTING FACTORS.**—Identify all contributing factors to the cause of the incident.

(4) **RECOMMENDATIONS.**—Make recommendations for corrective actions.

(5) **ADDITIONAL FINDINGS OR RECOMMENDATIONS.**—Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) **REPORT.**—Prepare a report to Congress, the President, and the public.

**§ 70704. Composition of Commission**

(a) **NUMBER OF COMMISSIONERS.**—A Commission established pursuant to this chapter shall consist of 15 members.

(b) **SELECTION.**—The members of a Commission shall be chosen in the following manner:

(1) **APPOINTMENT BY PRESIDENT.**—The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) **LISTS PROVIDED BY LEADERS OF CONGRESS.**—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission. The President may select one of the candidates from each of the 4 lists for membership on the Commission.

(3) **PROHIBITION REGARDING FEDERAL OFFICERS AND EMPLOYEES AND MEMBERS OF CONGRESS.**—No officer or employee of the Federal Government or Member of Congress shall serve as a member of the Commission.

(4) **PROHIBITION REGARDING CONTRACTORS.**—No member of the Commission shall have, or have pending, a contractual relationship with the Administration.

(5) **PROHIBITION REGARDING CONFLICT OF INTEREST.**—The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(6) **EXPERIENCE.**—To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(7) **DIVERSITY.**—To the extent practicable, the President shall seek diversity in the membership of the Commission.

(c) **DEADLINE FOR APPOINTMENT.**—All members of a Commission established under this chapter shall be appointed no later than 30 days after the incident.

(d) **INITIAL MEETING.**—A Commission shall meet and begin operations as soon as practicable.

(e) **SUBSEQUENT MEETINGS.**—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members.

(f) **QUORUM.**—Eight members of a Commission shall constitute a quorum.

(g) **VACANCIES.**—Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

**§ 70705. Powers of Commission**

(a) **HEARINGS AND EVIDENCE.**—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this chapter—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or member may determine advisable.

(b) **CONTRACTING.**—A Commission may, to such extent and in such amounts as are pro-

vided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this chapter.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this chapter. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.**—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) **ADMINISTRATION ENGINEERING AND SAFETY CENTER.**—The Administration Engineering and Safety Center shall provide data and technical support as requested by the Commission.

**§ 70706. Public meetings, information, and hearings**

(a) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this chapter.

(b) **PUBLIC HEARINGS.**—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

**§ 70707. Staff of Commission**

(a) **APPOINTMENT AND COMPENSATION.**—The Chairman, in consultation with the Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) **DETAILEES.**—Any Federal Government employee, except for an employee of the Administration, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) **CONSULTANT SERVICES.**—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, but at rates not to exceed the daily

equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5. An expert or consultant whose services are procured under this subsection shall disclose any contract or association the expert or consultant has with the Administration or any Administration contractor.

**§ 70708. Compensation and travel expenses**

(a) **COMPENSATION.**—Each member of a Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5 for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

**§ 70709. Security clearances for Commission members and staff**

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this chapter without the appropriate security clearances.

**§ 70710. Reporting requirements and termination**

(a) **INTERIM REPORTS.**—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) **FINAL REPORT.**—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) **TERMINATION.**—

(1) **IN GENERAL.**—A Commission, and all the authorities of this chapter with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

**CHAPTER 709—INTERNATIONAL SPACE STATION**

Sec.

70901. Peaceful uses of space station.

70902. Allocation of International Space Station research budget.

70903. International Space Station research.

70904. International Space Station completion.

70905. National laboratory designation.

70906. International Space Station National Laboratory Advisory Committee.

70907. Maintaining use through at least 2020.

**§ 70901. Peaceful uses of space station**

No civil space station authorized under section 103(a)(1) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101-611, 104 Stat. 3190) may be used to carry or place in orbit any nuclear weapon or any other weapon of mass destruction, to install any such weapon on any celestial body, or to station any such weapon in space in any other manner. This civil space station may be used only for peaceful purposes.

**§ 70902. Allocation of International Space Station research budget**

The Administrator shall allocate at least 15 percent of the funds budgeted for International Space Station research to ground-based, free-flyer, and International Space Station life and microgravity science research that is not directly related to supporting the human exploration program, consistent with section 40904 of this title.

**§ 70903. International Space Station research**

The Administrator shall—

(1) carry out a program of microgravity research consistent with section 40904 of this title; and

(2) consider the need for a life sciences centrifuge and any associated holding facilities.

**§ 70904. International Space Station completion**

(a) **POLICY.**—It is the policy of the United States to achieve diverse and growing utilization of, and benefits from, the International Space Station.

(b) **ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.**—The Administrator shall ensure that the International Space Station will—

(1) be assembled and operated in a manner that fulfills international partner agreements, as long as the Administrator determines that the shuttle can safely enable the United States to do so;

(2) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research, consistent with section 40904 of this title;

(3) have an ability to support a crew size of at least 6 persons, unless the Administrator transmits to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after December 30, 2005, a report explaining why such a requirement should not be met, the impact of not meeting the requirement on the International Space Station research agenda and operations and international partner agreements, and what additional funding or other steps would be required to have an ability to support a crew size of at least 6 persons;

(4) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles;

(5) support any diagnostic human research, on-orbit characterization of molecular crystal growth, cellular research, and other research that the Administration believes is necessary to conduct, but for which the Administration lacks the capacity to return the materials that need to be analyzed to Earth; and

(6) be operated at an appropriate risk level.

(c) **CONTINGENCIES.**—

(1) **POLICY.**—The Administrator shall ensure that the International Space Station can have available, if needed, sufficient logistics and on-orbit capabilities to support any potential period during which the space shuttle or its follow-on crew and cargo sys-

tems are unavailable, and can have available, if needed, sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(2) **PLAN.**—Before making any change in the International Space Station assembly sequence in effect on December 30, 2005, the Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to carry out the policy described in paragraph (1).

**§ 70905. National laboratory designation**

(a) **DEFINITION OF UNITED STATES SEGMENT OF THE INTERNATIONAL SPACE STATION.**—In this section the term “United States segment of the International Space Station” means those elements of the International Space Station manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

(b) **DESIGNATION.**—To further the policy described in section 70501(a) of this title, the United States segment of the International Space Station is hereby designated a national laboratory.

(c) **MANAGEMENT.**—

(1) **PARTNERSHIPS.**—The Administrator shall seek to increase the utilization of the International Space Station by other Federal entities and the private sector through partnerships, cost-sharing agreements, and other arrangements that would supplement Administration funding of the International Space Station.

(2) **CONTRACTING.**—The Administrator may enter into a contract with a nongovernmental entity to operate the International Space Station national laboratory, subject to all applicable Federal laws and regulations.

**§ 70906. International Space Station National Laboratory Advisory Committee**

(a) **ESTABLISHMENT.**—Not later than one year after October 15, 2008, the Administrator shall establish under the Federal Advisory Committee Act a committee to be known as the “International Space Station National Laboratory Advisory Committee” (hereafter in this section referred to as the “Committee”).

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Committee shall be composed of individuals representing organizations that have formal agreements with the Administration to utilize the United States portion of the International Space Station, including allocations within partner elements.

(2) **CHAIR.**—The Administrator shall appoint a chair from among the members of the Committee, who shall serve for a 2-year term.

(c) **DUTIES OF THE COMMITTEE.**—

(1) **IN GENERAL.**—The Committee shall monitor, assess, and make recommendations regarding effective utilization of the International Space Station as a national laboratory and platform for research.

(2) **ANNUAL REPORT.**—The Committee shall submit to the Administrator, on an annual basis or more frequently as considered necessary by a majority of the members of the Committee, a report containing the assessments and recommendations required by paragraph (1).

(d) **DURATION.**—The Committee shall exist for the life of the International Space Station.

**§ 70907. Maintaining use through at least 2020**

The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2015.

**CHAPTER 711—NEAR-EARTH OBJECTS**

Sec.

71101. Reaffirmation of policy.

71102. Requests for information.

71103. Developing policy and recommending responsible Federal agency.

71104. Planetary radar.

**§ 71101. Reaffirmation of policy**

Congress reaffirms the policy set forth in section 20102(g) of this title (relating to surveying near-Earth asteroids and comets).

**§ 71102. Requests for information**

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

**§ 71103. Developing policy and recommending responsible Federal agency**

Within 2 years after October 15, 2008, the Director of the Office of Science and Technology Policy shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near-term public safety is at risk; and

(2) recommend a Federal agency or agencies to be responsible for—

(A) protecting the United States from a near-Earth object that is expected to collide with Earth; and

(B) implementing a deflection campaign, in consultation with international bodies, should one be necessary.

**§ 71104. Planetary radar**

The Administrator shall maintain a planetary radar that is comparable to the capability provided through the Deep Space Network Goldstone facility of the Administration.

**CHAPTER 713—COOPERATION FOR SAFETY AMONG SPACEFARING NATIONS**

Sec.

71301. Common docking system standard to enable rescue.

71302. Information sharing to avoid physical or radio-frequency interference.

**§ 71301. Common docking system standard to enable rescue**

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

**§ 71302. Information sharing to avoid physical or radio-frequency interference**

The Administrator shall, in consultation with other agencies of the Federal Government as the Administrator considers appropriate, initiate discussions with the appropriate representatives of spacefaring nations



to determine an appropriate frame-work under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among the nations.

#### SEC. 4. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) TITLE 5.—Section 9811(a)(1)(E) of title 5, United States Code, is amended by striking “section 203(c)(2)(A) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(c)(2)(A))” and substituting “section 20113(b)(1) of title 51”.

(b) TITLE 31.—Section 1304(a)(3)(D) of title 31, United States Code, is amended by striking “section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473)” and substituting “section 20113 of title 51”.

(c) TITLE 35.—Section 210(a)(7) of title 35, United States Code, is amended by striking “section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457)” and substituting “section 20135 of title 51”.

(d) TRANSFER OF CHAPTERS 701 AND 703 OF TITLE 49, UNITED STATES CODE.—

(1) TITLE 49, UNITED STATES CODE.—Title 49, United States Code, is amended as follows:

(A) In the analysis for title 49, United States Code, the item related to subtitle IX is amended to read as follows:

##### “IX. [TRANSFERRED].”

(B) The heading and analysis for subtitle IX of title 49, United States Code, are amended to read as follows:

##### “Subtitle IX—[Transferred]

“Chapter 701. [Transferred]  
703. [Transferred].”

(2) RENUMBERING AND TRANSFER OF CHAPTERS.—Chapters 701 and 703 of title 49, United States Code, are renumbered as chapters 509 and 511, respectively, of title 51, United States Code, and transferred so as to appear after chapter 507 of title 51, United States Code, as enacted by section 3 of this Act.

(3) RENUMBERING OF SECTIONS IN CHAPTER 509 OF TITLE 51, UNITED STATES CODE.—In chapter 509 of title 51, United States Code, as renumbered by paragraph (2), and in the chapter analysis, the sections are renumbered as follows:

- (A) Section 70101 is renumbered 50901.
- (B) Section 70102 is renumbered 50902.
- (C) Section 70103 is renumbered 50903.
- (D) Section 70104 is renumbered 50904.
- (E) Section 70105 is renumbered 50905.
- (F) Section 70105a is renumbered 50906.
- (G) Section 70106 is renumbered 50907.
- (H) Section 70107 is renumbered 50908.
- (I) Section 70108 is renumbered 50909.
- (J) Section 70109 is renumbered 50910.
- (K) Section 70109a is renumbered 50911.
- (L) Section 70110 is renumbered 50912.
- (M) Section 70111 is renumbered 50913.
- (N) Section 70112 is renumbered 50914.
- (O) Section 70113 is renumbered 50915.
- (P) Section 70114 is renumbered 50916.
- (Q) Section 70115 is renumbered 50917.
- (R) Section 70116 is renumbered 50918.
- (S) Section 70117 is renumbered 50919.
- (T) Section 70118 is renumbered 50920.
- (U) Section 70119 is renumbered 50921.
- (V) Section 70120 is renumbered 50922.
- (W) Section 70121 is renumbered 50923.

(4) RENUMBERING OF SECTIONS IN CHAPTER 511 OF TITLE 51, UNITED STATES CODE.—In chapter 511 of title 51, United States Code, as renumbered by paragraph (2), and in the chapter analysis, the sections are renumbered as follows:

- (A) Section 70301 is renumbered 51101.
- (B) Section 70302 is renumbered 51102.

(C) Section 70303 is renumbered 51103.

(D) Section 70304 is renumbered 51104.

(E) Section 70305 is renumbered 51105.

(5) CROSS REFERENCES IN CHAPTER 509 OF TITLE 51, UNITED STATES CODE.—

(A) Section 50902(11) of title 51, United States Code, as renumbered by paragraph (3), is amended—

(i) by striking “section 70104(c)” and substituting “section 50904(c)”;

(ii) by striking “section 70105a” and substituting “section 50906”.

(B) Section 50902(19) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70120(c)(2)” and substituting “section 50922(c)(2)”.

(C) Section 50904(a)(2) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70102(1)(A) or (B)” and substituting “section 50902(1)(A) or (B)”.

(D) Section 50904(a)(3) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70102(1)(C)” and substituting “section 50902(1)(C)”.

(E) Section 50904(a)(4) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70102(1)(C)” and substituting “section 50902(1)(C)”.

(F) Section 50905(b)(5)(A) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70112(a)(2) and (c)” and substituting “section 50914(a)(2) and (c)”.

(G) Section 50906(c) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70105(b)(2)(C)” and substituting “section 50905(b)(2)(C)”.

(H) Section 50906(i) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “sections 70106, 70107, 70108, 70109, 70110, 70112, 70115, 70116, 70117, and 70121” and substituting “sections 50907, 50908, 50909, 50910, 50912, 50914, 50917, 50918, 50919, and 50923”.

(I) Section 50907(a) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “sections 70104(c), 70105, and 70105a” and substituting “sections 50904(c), 50905, and 50906”.

(J) Section 50908(b)(2) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70105(c)” and substituting “section 50905(c)”.

(K) Section 50908(e) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70110” and substituting “section 50912”.

(L) Section 50909(b) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70110” and substituting “section 50912”.

(M) Section 50912(a)(1) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70105(a) or 70105a” and substituting “section 50905(a) or 50906”.

(N) Section 50912(a)(2) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70104(c)” and substituting “section 50904(c)”.

(O) Section 50912(a)(3)(A) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70107(b) or (c)” and substituting “section 50908(b) or (c)”.

(P) Section 50912(a)(3)(B) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70108(a)” and substituting “section 50909(a)”.

(Q) Section 50915(a)(1)(A) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section

70112(a)(1)(A)” and substituting “section 50914(a)(1)(A)”.

(R) Section 50915(a)(2) of title 51, United States Code, as renumbered by paragraph (3), is amended—

(i) by striking “section 70112(a)(1)(A)” and substituting “section 50914(a)(1)(A)”;

(ii) by striking “section 70112(a)(1)” and substituting “section 50914(a)(1)”.

(S) Section 50916 of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70106(b)” and substituting “section 50907(b)”.

(T) Section 50919(b)(2) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)” and substituting “chapter 601 of this title”.

(U) Section 50922(c)(2)(B) of title 51, United States Code, as renumbered by paragraph (3), is amended by striking “section 70102” and substituting “section 50902”.

(6) CROSS REFERENCES IN CHAPTER 511 OF TITLE 51, UNITED STATES CODE.—

(A) Section 51101(1) of title 51, United States Code, as renumbered by paragraph (4), is amended by striking “section 502 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5802)” and substituting “section 50501 of this title”.

(B) Section 51104(d)(1) of title 51, United States Code, as renumbered by paragraph (4), is amended by striking “section 303 of this title” and substituting “section 303 of title 49”.

(7) ANALYSIS FOR TITLE 51, UNITED STATES CODE.—The analysis for title 51, United States Code, as enacted by section 3 of this Act, is amended by adding, after the item for chapter 507, the following items:

“509. Commercial Space Launch Activities ..... 50901  
“511. Space Transportation Infrastructure  
Matching Grants ..... 51101”.

(8) DEEMED REFERENCES TO TITLE 49, UNITED STATES CODE.—In title 49, United States Code, references to “this title” are deemed to refer also to chapters 509 and 511 of title 51, United States Code.

(e) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005.—Section 304 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16654) is amended as follows:

(1) Subsection (a)(1) is redesignated as subsection (a) and amended to read as follows:

“(a) ASSESSMENT OF CERTAIN MISSIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall carry out an assessment under section 30504 of title 51, United States Code, for at least the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager.”.

(2) Subsection (b) is amended by striking “subsection (a)(1)” and substituting “subsection (a)”.

#### SEC. 5. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term “source provision” means a provision of law that is replaced by a title 51 provision.

(2) TITLE 51 PROVISION.—The term “title 51 provision” means a provision of title 51, United States Code, that is enacted by section 3.

(b) CUTOFF DATE.—The title 51 provisions replace certain provisions of law enacted on or before July 1, 2009. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal,

as the case may be, the corresponding title 51 provision. If a law enacted after that date is otherwise inconsistent with a title 51 provision or a provision of this Act, that law supersedes the title 51 provision or provision of this Act to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 51 provision is deemed to have been enacted on the date of enactment of the corresponding source provision.

(d) REFERENCES TO TITLE 51 PROVISIONS.—A reference to a title 51 provision is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 51 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 51 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 51 provision.

#### SEC. 6. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

#### Schedule of Laws Repealed

| Act   | Section   | United States Code   |
|---|---|--|
| National Aeronautics and Space Act of 1958 (Public Law 85-568) .....  | 102 .....<br>103 .....<br>201 .....<br>202 .....<br>203 .....<br>204 .....<br>205 .....<br>206 .....<br>207 .....<br>208 .....<br>302 .....<br>303 .....<br>304(a) .....<br>304(e) .....<br>304(f) .....<br>305 .....<br>306 .....<br>307 .....<br>308 .....<br>309 .....<br>310 .....<br>311 .....<br>312 .....<br>313 .....<br>314 .....<br>315 .....<br>316 .....<br>317 .....<br>401 .....<br>402 .....<br>403 .....<br>404 ..... | 42 U.S.C. 2451.<br>42 U.S.C. 2452.<br>42 U.S.C. 2471 (prior).<br>42 U.S.C. 2472.<br>42 U.S.C. 2473.<br>42 U.S.C. 2474.<br>42 U.S.C. 2475.<br>42 U.S.C. 2476.<br>42 U.S.C. 2476a.<br>42 U.S.C. 2476b.<br>42 U.S.C. 2453.<br>42 U.S.C. 2454.<br>42 U.S.C. 2455(a).<br>42 U.S.C. 2456.<br>42 U.S.C. 2456a.<br>42 U.S.C. 2457.<br>42 U.S.C. 2458.<br>42 U.S.C. 2458a.<br>42 U.S.C. 2458b.<br>42 U.S.C. 2458c.<br>42 U.S.C. 2459.<br>42 U.S.C. 2459b.<br>42 U.S.C. 2459c.<br>42 U.S.C. 2459f.<br>42 U.S.C. 2459f-1.<br>42 U.S.C. 2459j.<br>42 U.S.C. 2459k.<br>42 U.S.C. 2459l.<br>42 U.S.C. 2481.<br>42 U.S.C. 2482.<br>42 U.S.C. 2483.<br>42 U.S.C. 2484. |
| Act of June 15, 1959 (Public Law 86-45) .....   | 4 .....   | 42 U.S.C. 2460.  |
| National Aeronautics and Space Administration Authorization Act, 1968 (Public Law 90-67) .....  | 6 .....   | 42 U.S.C. 2477.  |
| Joint Resolution of September 29, 1969 (Public Law 91-76) .....   | 1, 2 .....  | 42 U.S.C. 2461.  |
| National Aeronautics and Space Administration Authorization Act, 1978 (Public Law 95-76) .....  | 6 .....   | 42 U.S.C. 2463.  |
| National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324) .....   | 106(a) .....  | 42 U.S.C. 2464.  |
| National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99-170) .....   | 201 .....<br>202 .....<br>203 .....<br>204 .....  | 42 U.S.C. 2466.<br>42 U.S.C. 2466a.<br>42 U.S.C. 2466b.<br>42 U.S.C. 2466c.  |
| National Space Grant College and Fellowship Act (Title II of Public Law 100-147) .....  | 203 .....<br>204 .....<br>205 .....<br>206 .....<br>207 .....<br>208 .....<br>209 .....<br>210 .....<br>211 .....<br>213 .....<br>214 .....   | 42 U.S.C. 2486a.<br>42 U.S.C. 2486b.<br>42 U.S.C. 2486c.<br>42 U.S.C. 2486d.<br>42 U.S.C. 2486e.<br>42 U.S.C. 2486f.<br>42 U.S.C. 2486g.<br>42 U.S.C. 2486h.<br>42 U.S.C. 2486i.<br>42 U.S.C. 2486k.<br>42 U.S.C. 2486l.   |
| Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1989 (Public Law 100-404) .....                            | (par. under heading “Science, Space, and Technology Education Trust Fund”, at 102 Stat. 1028).  | 42 U.S.C. 2467.  |
| Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (Public Law 101-144) ..... | (pars. under heading “Small and Disadvantaged Business”, at 103 Stat. 863).   | 42 U.S.C. 2473b.   |
| National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101-611) .....                                    | 112 .....   | 42 U.S.C. 2465a.   |

## Schedule of Laws Repealed—Continued

| Act   | Section  | United States Code                     |
|---|--|--|
|   | 115(b) .....   | 15 U.S.C. 1535.                        |
|   | 123 .....  | (not previously classified).           |
|   | 203 .....  | 42 U.S.C. 2465c.                       |
|   | 206 .....  | 42 U.S.C. 2465f.                       |
| Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Public Law 102-139) .....             | (1st par. under heading “Administrative Provisions”, at 105 Stat. 771).  | 42 U.S.C. 2459d.                       |
| National Aeronautics and Space Administration Authorization Act, Fiscal Year 1992 (Public Law 102-195) .....  | 19 .....   | 42 U.S.C. 2459e.                       |
|   | 20 .....   | 42 U.S.C. 2467a.                       |
|   | 21(a) .....  | 42 U.S.C. 2473c(a).                    |
|   | 21(c) .....  | 42 U.S.C. 2473c(c).                    |
|   | 21(d) .....  | 42 U.S.C. 2473c(d).                    |
|   | 21(e) .....  | 42 U.S.C. 2473c(e).                    |
|   | 21(f) .....  | 42 U.S.C. 2473c(f).                    |
|   | 21(g) .....  | 42 U.S.C. 2473c(g).                    |
|   | 21(h) .....  | 42 U.S.C. 2473c(h).                    |
| Land Remote Sensing Policy Act of 1992 (Public Law 102-555) .....   | 3 .....  | 15 U.S.C. 5602.                        |
|   | 101 .....  | 15 U.S.C. 5611.                        |
|   | 102 .....  | 15 U.S.C. 5612.                        |
|   | 103 .....  | 15 U.S.C. 5613.                        |
|   | 104 .....  | 15 U.S.C. 5614.                        |
|   | 105 .....  | 15 U.S.C. 5615.                        |
|   | 201 .....  | 15 U.S.C. 5621.                        |
|   | 202 .....  | 15 U.S.C. 5622.                        |
|   | 203 .....  | 15 U.S.C. 5623.                        |
|   | 204 .....  | 15 U.S.C. 5624.                        |
|   | 205 .....  | 15 U.S.C. 5625.                        |
|   | 301 .....  | 15 U.S.C. 5631.                        |
|   | 302 .....  | 15 U.S.C. 5632.                        |
|   | 303 .....  | 15 U.S.C. 5633.                        |
|   | 401 .....  | 15 U.S.C. 5641.                        |
|   | 501 .....  | 15 U.S.C. 5651.                        |
|   | 502 .....  | 15 U.S.C. 5652.                        |
|   | 503 .....  | 15 U.S.C. 5653.                        |
|   | 504 .....  | 15 U.S.C. 5654.                        |
|   | 505 .....  | 15 U.S.C. 5655.                        |
|   | 506 .....  | 15 U.S.C. 5656.                        |
|   | 507 .....  | 15 U.S.C. 5657.                        |
|   | 508 .....  | 15 U.S.C. 5658.                        |
|   | 601 .....  | 15 U.S.C. 5671.                        |
|   | 602 .....  | 15 U.S.C. 5672.                        |
| National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (Public Law 102-588) .....  | 304 .....  | 42 U.S.C. 2467b.                       |
|   | 502 .....  | 15 U.S.C. 5802.                        |
|   | 504 .....  | 15 U.S.C. 5803.                        |
|   | 506 .....  | 15 U.S.C. 5805.                        |
|   | 507 .....  | 15 U.S.C. 5806.                        |
|   | 508 .....  | 15 U.S.C. 5807.                        |
|   | 510 .....  | 15 U.S.C. 5808.                        |
|   | 602 .....  | 42 U.S.C. 2487a.                       |
|   | 603 .....  | 42 U.S.C. 2487b.                       |
|   | 604 .....  | 42 U.S.C. 2487c.                       |
|   | 606 .....  | 42 U.S.C. 2487e.                       |
|   | 607 .....  | 42 U.S.C. 2487f.                       |
|   | 608 .....  | 42 U.S.C. 2487g.                       |
| Commercial Space Act of 1998 (Public Law 105-303) .....   | 2 .....  | 42 U.S.C. 14701.                       |
|   | 101 .....  | 42 U.S.C. 14711.                       |
|   | 104(b) .....   | 42 U.S.C. 14712(b).                    |
|   | 105 .....  | 42 U.S.C. 14713.                       |
|   | 106 .....  | 42 U.S.C. 14714.                       |
|   | 107 .....  | 42 U.S.C. 14715, 15 U.S.C. 5621, 5622. |
|   | 201 .....  | 42 U.S.C. 14731.                       |
|   | 202 .....  | 42 U.S.C. 14732.                       |
|   | 204 .....  | 42 U.S.C. 14733.                       |
|   | 205 .....  | 42 U.S.C. 14734.                       |
|   | 206 .....  | 42 U.S.C. 14735.                       |
| Technology Administration Act of 1998 (Public Law 105-309) .....  | 8 .....  | 15 U.S.C. 1511e.                       |
| National Aeronautics and Space Administration Authorization Act of 2000 (Public Law 106-391) .....  | 126 .....  | 42 U.S.C. 2475a.                       |
|   | 301 .....  | 42 U.S.C. 2459g.                       |
|   | 304 .....  | 42 U.S.C. 2459h.                       |
|   | 305 .....  | 42 U.S.C. 2475b.                       |
|   | 325 .....  | 42 U.S.C. 2473d.                       |
| Commercial Reusable In-Space Transportation Act of 2002 (Title IX of Public Law 107-248) .....  | 903 .....  | 42 U.S.C. 14752.                       |
|   | 904 .....  | 42 U.S.C. 14753.                       |
| Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003 (Division K of Public Law 108-7) ..... | (last par. under heading “Administrative Provisions”, at 117 Stat. 520). | 42 U.S.C. 2459i.                       |

## Schedule of Laws Repealed—Continued

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|--|--|--|
| National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155) ..... | 101(a) .....   | 42 U.S.C. 16611(a).                          |
|  | 101(b) .....   | 42 U.S.C. 16611(b).                          |
|  | 101(h)(1) .....  | 42 U.S.C. 16611(h)(1).                       |
|  | 101(i) .....   | 42 U.S.C. 16611(i).                          |
|  | 103 .....  | 42 U.S.C. 16613.                             |
|  | 105 .....  | 42 U.S.C. 16614.                             |
|  | 107 .....  | 42 U.S.C. 16615.                             |
|  | 110 .....  | 42 U.S.C. 16618.                             |
|  | 202 .....  | 42 U.S.C. 16631.                             |
|  | 203 .....  | 42 U.S.C. 16632.                             |
|  | 204 .....  | 42 U.S.C. 16633.                             |
|  | 205 .....  | 42 U.S.C. 16634.                             |
|  | 301 .....  | 42 U.S.C. 16651.                             |
|  | 304(a) (matter before par. (1)).   | 42 U.S.C. 16654(a) (matter before par. (1)). |
|  | 304(a)(2) .....  | 42 U.S.C. 16654(a)(2).                       |
|  | 305(2) .....   | 42 U.S.C. 16655(2).                          |
|  | 305(3) .....   | 42 U.S.C. 16655(3).                          |
|  | 306 .....  | 42 U.S.C. 16656.                             |
|  | 311 .....  | 42 U.S.C. 16671.                             |
|  | 312 .....  | 42 U.S.C. 16672.                             |
|  | 313 .....  | 42 U.S.C. 16673.                             |
|  | 314 .....  | 42 U.S.C. 16674.                             |
|  | 315 .....  | 42 U.S.C. 16675.                             |
|  | 316 .....  | 42 U.S.C. 16676.                             |
|  | 401 .....  | 42 U.S.C. 16701.                             |
|  | 411 .....  | 42 U.S.C. 16711.                             |
|  | 421 .....  | 42 U.S.C. 16721.                             |
|  | 422 .....  | 42 U.S.C. 16722.                             |
|  | 423 .....  | 42 U.S.C. 16723.                             |
|  | 424 .....  | 42 U.S.C. 16724.                             |
|  | 425 .....  | 42 U.S.C. 16725.                             |
|  | 426 .....  | 42 U.S.C. 16726.                             |
|  | 427 .....  | 42 U.S.C. 16727.                             |
|  | 431 .....  | 42 U.S.C. 16741.                             |
|  | 441 .....  | 42 U.S.C. 16751.                             |
|  | 501(a) .....   | 42 U.S.C. 16761(a).                          |
|  | 501(b) .....   | 42 U.S.C. 16761(b).                          |
|  | 503 .....  | 42 U.S.C. 16763.                             |
|  | 504 .....  | 42 U.S.C. 16764.                             |
|  | 505 .....  | 42 U.S.C. 16765.                             |
|  | 506(1) .....   | 42 U.S.C. 16766(1).                          |
|  | 506(2) .....   | 42 U.S.C. 16766(2).                          |
|  | 507(a) .....   | 42 U.S.C. 16767(a).                          |
|  | 507(b) .....   | 42 U.S.C. 16767(b).                          |
|  | 507(d) .....   | 42 U.S.C. 16767(d).                          |
|  | 601 .....  | 42 U.S.C. 16781.                             |
|  | 612 .....  | 42 U.S.C. 16791.                             |
|  | 613 .....  | 42 U.S.C. 16792.                             |
|  | 615 .....  | 42 U.S.C. 16794.                             |
|  | 616 .....  | 42 U.S.C. 16795.                             |
|  | 618 .....  | 42 U.S.C. 16797.                             |
|  | 619(b) .....   | 42 U.S.C. 16798(b).                          |
|  | 621 .....  | 42 U.S.C. 16811.                             |
|  | 707 .....  | 42 U.S.C. 16821.                             |
|  | 708 .....  | 42 U.S.C. 16822.                             |
|  | 709 .....  | 42 U.S.C. 16823.                             |
|  | 821 .....  | 42 U.S.C. 16841.                             |
|  | 822 .....  | 42 U.S.C. 16842.                             |
|  | 823 .....  | 42 U.S.C. 16843.                             |
|  | 824 .....  | 42 U.S.C. 16844.                             |
|  | 825 .....  | 42 U.S.C. 16845.                             |
|  | 826 .....  | 42 U.S.C. 16846.                             |
|  | 827 .....  | 42 U.S.C. 16847.                             |
|  | 828 .....  | 42 U.S.C. 16848.                             |
|  | 829 .....  | 42 U.S.C. 16849.                             |
|  | 830 .....  | 42 U.S.C. 16850.                             |
| America COMPETES Act (Public Law 110-69) .....   | 2001(a) .....  | 42 U.S.C. 16611a(a).                         |
|  | 2001(b) .....  | 42 U.S.C. 16611a(b).                         |
|  | 2001(c) .....  | 42 U.S.C. 16611a(c).                         |
|  | 2001(e) .....  | 42 U.S.C. 16611a(e).                         |
|  | 2002(b) .....  | 42 U.S.C. 16712(b).                          |
|  | 2003 .....   | 42 U.S.C. 16658.                             |
| Science Appropriations Act, 2008 (Public Law 110-161, div. B, title III) .....                     | (7th par. under heading “Administrative Provisions”, at 121 Stat. 1919). | 42 U.S.C. 16611b.                            |
| National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422) ..... | 201 .....  | 42 U.S.C. 17711.                             |
|  | 204(b) .....   | 42 U.S.C. 17712(b).                          |
|  | 204(c) .....   | 42 U.S.C. 17712(c).                          |
|  | 204(d) .....   | 42 U.S.C. 17712(d).                          |
|  | 206(a) .....   | 42 U.S.C. 17713(a).                          |
|  | 208 .....  | 42 U.S.C. 17714.                             |
|  | 302 .....  | 42 U.S.C. 17721.                             |
|  | 303 .....  | 42 U.S.C. 17722.                             |
|  | 304(b) .....   | 42 U.S.C. 17723(b).                          |
|  | 304(c) .....   | 42 U.S.C. 17723(c).                          |
|  | 307 .....  | 42 U.S.C. 17724.                             |

## Schedule of Laws Repealed—Continued

| Act   | Section  | United States Code     |
|---|--|------------------------|
|   | 403 .....  | 42 U.S.C. 17731.       |
|   | 404(a) .....   | 42 U.S.C. 17732(a).    |
|   | 404(b) .....   | 42 U.S.C. 17732(b).    |
|   | 405(b) .....   | 42 U.S.C. 17733(b).    |
|   | 407 .....  | 42 U.S.C. 17734.       |
|   | 501 .....  | 42 U.S.C. 17741.       |
|   | 502 .....  | 42 U.S.C. 17742.       |
|   | 601(a) .....   | 42 U.S.C. 17751(a).    |
|   | 602 .....  | 42 U.S.C. 17752.       |
|   | 704(b) .....   | 42 U.S.C. 17781(b).    |
|   | 704(c) .....   | 42 U.S.C. 17781(c).    |
|   | 801(a) .....   | 42 U.S.C. 17791(a).    |
|   | 803 .....  | 42 U.S.C. 17793.       |
|   | 804 .....  | 42 U.S.C. 17794.       |
|   | 805 .....  | 42 U.S.C. 17795.       |
|   | 902 .....  | 42 U.S.C. 17801.       |
|   | 1002(a) .....  | 42 U.S.C. 17811(a).    |
|   | 1003(a) .....  | 42 U.S.C. 17812(a).    |
|   | 1102(b) .....  | 42 U.S.C. 17821(b).    |
|   | 1103 .....   | 42 U.S.C. 17822.       |
|   | 1104 .....   | 42 U.S.C. 17823.       |
|   | 1107 .....   | 42 U.S.C. 17824.       |
|   | 1109(c) .....  | 42 U.S.C. 17825(c).    |
|   | 1112 .....   | 42 U.S.C. 17827.       |
|   | 1116 .....   | 42 U.S.C. 17828.       |
|   | 1117 .....   | 42 U.S.C. 17829.       |
| Science Appropriations Act, 2009 (Public Law 111-8, div. B, title III ..... | (3d proviso in par. under heading "Cross Agency Support", at 123 Stat. 589). | 42 U.S.C. 16611b note. |

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

## GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

H.R. 3237 codifies into positive law as title 51, United States Code, the laws related to national and commercial space programs. It was jointly introduced by Judiciary Committee Chairman JOHN CONYERS from the great State of Michigan and Ranking Member LAMAR SMITH from the great State of Texas, where many of these space programs are located. It was prepared by the Office of Law Revision Counsel as part of its functions under 2 U.S.C. 285(b), which it performs in coordination with our committee.

This bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of nonsubstantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect. The bill has been subject to extensive public review in the previous two Congresses, including by relevant congressional committees, agencies, practi-

tioners, academic experts and whoever else is left. The current bill is substantially identical to the bill Chairman CONYERS and Ranking Member SMITH introduced 2 years ago, with a few additional technical clarifications suggested by interested parties.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

I support H.R. 3237, a bill proposed by the Office of Law Revision Counsel to enact title 51 of the U.S. Code, as positive law. The Judiciary Committee has jurisdiction over law revision bills, and this particular bill creates a new title to address national and commercial space programs.

Many laws have been enacted over the years dealing with national and commercial space programs. However, there is no distinct title in the U.S. Code to consolidate these laws. This is because the U.S. Code was established in 1926, long before space programs were ever contemplated. This bill would put all of these laws into one title within the Code. H.R. 3237 and similar law revision bills are important because they ensure that the U.S. Code is up to date and accurate, without making substantive changes to the law. I am happy to support this legislation today.

I yield back the balance of my time.

Mr. COHEN. Madam Speaker, at this point I ask everybody to vote unanimously in support of H.R. 3237 and pass it, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr.

COHEN) that the House suspend the rules and pass the bill, H.R. 3237.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 p.m.), the House stood in recess subject to the call of the Chair.

□ 1505

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DRIEHAUS) at 3 o'clock and 5 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order, each by the yeas and nays:

Passage of H.J. Res. 64, notwithstanding the objections of the President to the contrary; and suspending the rules with regard to H. Res. 1002, H. Res. 860, and H.R. 3892.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

# VETO MESSAGE ON HOUSE JOINT RESOLUTION 64, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question whether the House, on reconsideration, will pass House Joint Resolution 64, the objections of the President to the contrary notwithstanding.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. In accord with the Constitution, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 143, nays 245, answered “present” 1, not voting 44, as follows:

[Roll No. 2]  
YEAS—143

|                 |                 |               |
|-----------------|-----------------|---------------|
| Aderholt        | Franks (AZ)     | Miller (MI)   |
| Akin            | Frelinghuysen   | Moran (KS)    |
| Alexander       | Garrett (NJ)    | Myrick        |
| Austria         | Gerlach         | Neugebauer    |
| Bachmann        | Gingrey (GA)    | Nunes         |
| Bachus          | Gohmert         | Olson         |
| Barrett (SC)    | Goodlatte       | Paulsen       |
| Bartlett        | Griffith        | Pence         |
| Barton (TX)     | Guthrie         | Petri         |
| Biggert         | Hall (TX)       | Pitts         |
| Bilirakis       | Harper          | Platts        |
| Bishop (UT)     | Hastings (WA)   | Putnam        |
| Blackburn       | Heller          | Rehberg       |
| Blunt           | Hensarling      | Reichert      |
| Boehner         | Herger          | Roe (TN)      |
| Bonner          | Hoekstra        | Rogers (AL)   |
| Bono Mack       | Hunter          | Rogers (KY)   |
| Boozman         | Inglis          | Rogers (MI)   |
| Brady (TX)      | Issa            | Rohrabacher   |
| Brown (SC)      | Jenkins         | Rooney        |
| Brown-Waite,    | Johnson, Sam    | Roskam        |
| Ginny           | Jordan (OH)     | Royce         |
| Buchanan        | King (NY)       | Ryan (WI)     |
| Burgess         | Kingston        | Scalise       |
| Burton (IN)     | Kline (MN)      | Schmidt       |
| Camp            | Lamborn         | Schock        |
| Cantor          | Lance           | Sensenbrenner |
| Capito          | Latham          | Sessions      |
| Carney          | LaTourette      | Shadegg       |
| Carter          | Latta           | Shimkus       |
| Cassidy         | Lee (NY)        | Smith (NE)    |
| Chaffetz        | Linder          | Smith (NJ)    |
| Coble           | LoBiondo        | Smith (TX)    |
| Coffman (CO)    | Lucas           | Souder        |
| Cole            | Luetkemeyer     | Stearns       |
| Conaway         | Lummis          | Sullivan      |
| Culberson       | Lungren, Daniel | Taylor        |
| Davis (KY)      | E.              | Terry         |
| Dent            | MacK            | Thornberry    |
| Diaz-Balart, L. | Marchant        | Tiahrt        |
| Diaz-Balart, M. | McCarthy (CA)   | Turner        |
| Dreier          | McCaul          | Upton         |
| Emerson         | McCotter        | Walden        |
| Fallin          | McHenry         | Westmoreland  |
| Filner          | McKeon          | Whitfield     |
| Flake           | McMorris        | Wilson (SC)   |
| Fleming         | Rodgers         | Wittman       |
| Forbes          | Mica            | Wolf          |
| Fortenberry     | Miller (FL)     |               |

NAYS—245

|             |                |               |
|-------------|----------------|---------------|
| Ackerman    | Boren          | Castle        |
| Adler (NJ)  | Boswell        | Castor (FL)   |
| Altmire     | Boucher        | Childers      |
| Andrews     | Brady (PA)     | Chu           |
| Arcuri      | Braley (IA)    | Clarke        |
| Baca        | Bright         | Clay          |
| Baird       | Broun (GA)     | Cleaver       |
| Baldwin     | Brown, Corrine | Cohen         |
| Bean        | Butterfield    | Connolly (VA) |
| Becerra     | Buyer          | Conyers       |
| Berkley     | Cao            | Cooper        |
| Bishop (GA) | Capps          | Costello      |
| Bishop (NY) | Capuano        | Courtney      |
| Blumenauer  | Carnahan       | Crowley       |
| Bocieri     | Carson (IN)    | Cuellar       |

|                  |                  |                  |
|------------------|------------------|------------------|
| Cummings         | Kirkpatrick (AZ) | Polis (CO)       |
| Dahlkemper       | Kissell          | Pomeroy          |
| Davis (CA)       | Klein (FL)       | Posey            |
| Davis (IL)       | Kosmas           | Price (GA)       |
| Davis (TN)       | Kratovil         | Price (NC)       |
| DeFazio          | Kucinich         | Quigley          |
| DeGette          | Langevin         | Reyes            |
| Delahunt         | Larsen (WA)      | Richardson       |
| DeLauro          | Larson (CT)      | Rodriguez        |
| Dicks            | Lee (CA)         | Ross             |
| Dingell          | Levin            | Rothman (NJ)     |
| Doggett          | Lipinski         | Roybal-Allard    |
| Donnelly (IN)    | Loeb sack        | Ruppersberger    |
| Doyle            | Lofgren, Zoe     | Rush             |
| Driehaus         | Lowe             | Ryan (OH)        |
| Duncan           | Lujan            | Salazar          |
| Edwards (MD)     | Lynch            | Sanchez, Linda   |
| Edwards (TX)     | Maffei           | T.               |
| Ellison          | Maloney          | Sanchez, Loretta |
| Ellsworth        | Manzullo         | Sarbanes         |
| Engel            | Markey (CO)      | Schakowsky       |
| Eshoo            | Markey (MA)      | Schauer          |
| Etheridge        | Marshall         | Schiff           |
| Farr             | Massa            | Schrader         |
| Fattah           | Matheson         | Scott (GA)       |
| Foster           | Matsui           | Scott (VA)       |
| Fox              | McCarthy (NY)    | Serrano          |
| Fudge            | McClintock       | Sestak           |
| Garamendi        | McCollum         | Shea-Porter      |
| Giffords         | McDermott        | Sherman          |
| Gonzalez         | McGovern         | Simpson          |
| Gordon (TN)      | McIntyre         | Sires            |
| Granger          | McMahon          | Skelton          |
| Graves           | McNerney         | Slaughter        |
| Grayson          | Meek (FL)        | Smith (WA)       |
| Green, Al        | Melancon         | Snyder           |
| Green, Gene      | Michaud          | Space            |
| Hall (NY)        | Miller (NC)      | Speier           |
| Halvorson        | Miller, Gary     | Spratt           |
| Hare             | Miller, George   | Stark            |
| Heinrich         | Minnick          | Stupak           |
| Herseeth Sandlin | Mitchell         | Sutton           |
| Hill             | Mollohan         | Teague           |
| Himes            | Moore (KS)       | Thompson (CA)    |
| Hinche           | Moran (VA)       | Thompson (MS)    |
| Hinojosa         | Murphy (CT)      | Tiberi           |
| Hiron            | Murphy (NY)      | Tierney          |
| Hodes            | Murphy, Patrick  | Titus            |
| Holden           | Murphy, Tim      | Tonko            |
| Holt             | Murtha           | Towns            |
| Honda            | Nadler (NY)      | Tsongas          |
| Hoyer            | Napolitano       | Van Hollen       |
| Inslee           | Neal (MA)        | Velázquez        |
| Israel           | Nye              | Visclosky        |
| Jackson (IL)     | Oberstar         | Walz             |
| Jackson Lee      | Obey             | Wasserman        |
| (TX)             | Oliver           | Schultz          |
| Johnson (GA)     | Ortiz            | Watson           |
| Johnson (IL)     | Owens            | Watt             |
| Jones            | Pallone          | Weiner           |
| Kagen            | Pascarell        | Welch            |
| Kanjorski        | Pastor (AZ)      | Wilson (OH)      |
| Kaptur           | Paul             | Woolsey          |
| Kennedy          | Payne            | Wu               |
| Kildee           | Perlmutter       | Yarmuth          |
| Kilpatrick (MI)  | Perriello        | Young (AK)       |
| Kilroy           | Peters           | Young (FL)       |
| King (IA)        | Peterson         |                  |

ANSWERED “PRESENT”—1

Thompson (PA)

NOT VOTING—44

|             |               |              |
|-------------|---------------|--------------|
| Abercrombie | Deal (GA)     | Moore (WI)   |
| Barrow      | Ehlers        | Pingree (ME) |
| Berman      | Frank (MA)    | Poe (TX)     |
| Berry       | Gallegly      | Radanovich   |
| Bilbray     | Grijalva      | Rahall       |
| Boustany    | Gutierrez     | Rangel       |
| Boyd        | Harman        | Ros-Lehtinen |
| Calvert     | Hastings (FL) | Schwartz     |
| Campbell    | Higgins       | Shuler       |
| Cardoza     | Johnson, E.B. | Shuster      |
| Chandler    | Kind          | Tanner       |
| Clyburn     | Kirk          | Wamp         |
| Costa       | Lewis (CA)    | Waters       |
| Crenshaw    | Lewis (GA)    | Waxman       |
| Davis (AL)  | Meeks (NY)    |              |

□ 1535

Messrs. JACKSON of Illinois, SMITH of Washington, POSEY, Mrs. NAPOLITANO, Mr. ELLSWORTH, Mrs. MALONEY, Mr. SPRATT, Ms. GRANGER,

Ms. MCCOLLUM, Ms. LEE of California, and Ms. WASSERMAN SCHULTZ changed their vote from “yea” to “nay.”

Messrs. WHITFIELD, MCCARTHY of California, FRELINGHUYSEN, HERGER, BONNER, Ms. GINNY BROWN-WAITE of Florida, and Mr. PAULSEN changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the veto of the President was sustained and the joint resolution was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 2, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The veto message and the joint resolution are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

## REMEMBERING PAULA NOWAKOWSKI

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, first I would like to thank Speaker PELOSI and the majority leader, Mr. HOYER, for their graciousness over the last couple of days. I also want to say thanks to all of the Members on both sides of the aisle who have offered their condolences to me, personally, and to my staff. A special “thank you” to President Obama and former President Bush for their calls of condolence.

I think all of us know that this institution couldn't operate without staff; it just couldn't function. And this last week, we lost one of the best. I was fortunate enough to have a great leader of my team; and we rise today and remember Paula Nowakowski.

Now, let me say that she was no picnic. She was as tough as nails, and any of you who have worked with her—GEORGE, you remember—she was as tough as nails—a brilliant strategist who had a wicked sense of humor. Haley Barbour, whom she once worked for, said that she was as smart as a whip, and you have to visualize that coming from Haley; but there was a softer side of Paula as well. She made a positive difference in thousands of lives around the Hill and around this town.

She loved all things Detroit, especially her beloved Detroit Red Wings, and so you will see that I and a lot of my staff will have a Detroit Red Wings pin on for the balance of this year. She loved her country. She was a warrior for freedom, and two of her biggest heroes were Ronald Reagan and Pope John Paul II, who worked together to

bring Soviet communism to its knees. She loved this institution, and she loved all of the Members and the staff, and had friends on both sides of the aisle; but most of all, she loved her family. Her mother, Teo, and her brother Gary are with us today.

And, Mrs. Nowakowski, please accept our condolences, and thank you for the shining light that was your daughter. Of her 46 years, that light shined brightly and touched countless lives, and she will never be replaced in this institution, nor will she be forgotten.

With that, I would be happy to yield to my friend, the Speaker of the House.

Ms. PELOSI. I thank the gentleman, the distinguished leader, for yielding, and express to him on behalf of all Members of the House of Representatives, indeed, the Congress, the condolences that we all feel. We extend them to you on Paula's passing.

As the leader has said, we all were aware of her brilliance and her effectiveness when the leader was chairman of the Education and Workforce Committee. Mr. MILLER, that is why he is presiding in the chair, became a fan of Paula, as did John Lawrence, her counterpart, as well.

This is a very special person, a devoted conservative as the leader has said. She loved Ronald Reagan and John Paul II. She had a strong perspective, was very innovative in her orientation in terms of solutions and had a beautiful, beautiful smile. It is with great sadness that all of us received the news of her passing.

And, to her mother, I say, we were shocked by it, in a state of disbelief, and especially for someone so vibrant, so full of life, with this brilliant intellect again, and this strong personality to leave us so young. She left us, but she has made her mark. She is a person we will never forget because of her leadership skills and because of her friendship.

So it is with great respect, admiration, sadness, and affection that I extend to Paula's family the sympathy and condolences of the Congress as I join the distinguished leader in doing so.

I extend those condolences to you, Mr. Leader, because I know what a great partner she was to you as you lead the Republicans in the Congress.

But she was here for everyone because, as the leader said, she loved this institution. So we are all shocked by her loss. Her belief in John Paul II enables the rest of us to be comforted by the fact that now she has joined him and so many others in heaven; and just to express the gratitude of a grateful Congress to all who knew her, to her family—to Michael, to her mother—to all of you, I hope it is a comfort to you that, with the greatest sadness, so many people mourn your loss and are praying for your family at this very, very difficult time.

With that, I—and in sorrow—yield back to the distinguished leader.

Mr. BOEHNER. I am pleased to yield to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman. And I, too, stand with much respect as we today commemorate the life of Paula Nowakowski.

To her family that is here with us, we gather today in this moment to salute a dear friend, a dedicated staffer, an indispensable member of our leader's team and, frankly, of our conference's team.

Paula had an unshakable devotion to our country and its principles. As the Speaker just indicated, she had a very innovative spirit about her and about the commonsense solutions that we are trying to arrive at here to address the challenges of the people whom we represent.

Her sage advice and counsel made her an invaluable resource to our Members each and every day and, frankly, to this institution. She will be in our thoughts every day as we pass legislation that empowers individuals and that lifts the American spirit.

Paula was particularly concerned about the working families in her beloved State of Michigan. Almost daily, we would hear in leadership meetings, in conference meetings about the plight of the manufacturing workers who would see nothing but closed-up factories and question their future. Paula was there for them.

Paula's life was cut short way too soon. We will, Mr. Leader, all miss her terribly, but we will find strength, determination and inspiration in the example that she set for all of us. All of us, I guess, can learn from this when it is all said and done. What is most important is not when you die but how you lived. Everyone who knew Paula knows, as the leader said, she was tough as nails, but she lived every day to the fullest, giving her heart and her soul to help make America a better, more prosperous place.

□ 1545

We will all remember her each day. We will remember her when we do the work on this floor, we will remember her in our places of worship, and we will smile and think of her the next time that her beloved Detroit Red Wings win another Stanley Cup. Our party and our Nation owe Paula a tremendous debt of gratitude.

Mr. Speaker, I would now like to read a letter from Senator MITCH MCCONNELL, the distinguished Senate Minority Leader.

"Dear Leader Boehner:

"I share your sorrow over the untimely passing of Paula Nowakowski. I too considered Paula a trusted confidant. Over the years, I came to deeply value her candid counsel, her sound instincts and her warm good humor. She

was unafraid to speak the truth. Her sense of teamwork and loyalty helped to lay a foundation of open communication and trust on both sides of the Capitol dome. My staff and I will miss her tremendously.

"It is a testament to the respect and admiration that she enjoyed on this side of the Capitol that if any of us ever started a conversation with 'I just talked to Paula,' or 'Paula said,' everyone from Senators to staffers not only knew who you were talking about, but that whatever she said carried an implicit guarantee. You could take it to the bank. She was regarded by everyone here as a consummate professional, a tremendous asset to our party and the Congress, and sharp as they come—in short, an extraordinary woman.

"All those qualities aren't easy to find in one place. But that is what made Paula stand out, and that's why her passing has prompted so many heartfelt expressions of grief and admiration from both sides of the aisle. It's a truly trusted adviser who can finish his or her boss's sentences—and she was one who could." And often did, I might add. "It is also a rare staffer who could be so intensely focused on the business of the House even as she succeeded in building such a strong sense of teamwork with the Senate.

"So on behalf of the entire Senate family, please accept our condolences on this loss to you, your staff, to Congress, and, indeed, to our country. Hopefully the memory of her spirit and example will provide some measure of consolation at this difficult time.

"Yours Sincerely, Mitch McConnell, Republican Leader."

At this time, I yield to the gentleman from Maryland, the majority leader.

Mr. HOYER. I thank my friend for yielding.

There are times in life when you get a call and you are shocked, you are saddened, you are stunned. That was such a call for, I am sure, all of us when we learned that Paula Nowakowski had passed away.

Shakespeare said, "She should have died hereafter. There would have been time for such a word. Tomorrow, and tomorrow, and tomorrow."

Paula will not see those tomorrows, and we are sad. And we share the sadness and loss that her family has experienced.

And, JOHN, we share the loss that you have experienced. All of us who have staff know that they become family, not just staff, not just bureaucrats or somebody that we rely on to do this, that, or the other. They become alter egos, in many respects, particularly those who lead our offices. Paula Nowakowski had that relationship to JOHN BOEHNER and, indeed, to others as well.

Since 1995, Paula was an important and positive part of Leader BOEHNER's



team, and in that time she earned respect throughout the Congress for her political skill, for her work ethic and her dedication to her ideals.

I particularly remember her kindness and cooperation during the transition from a Republican majority to a Democratic one in November and December of 2006. Clearly, a difficult time for those who were moving from the majority to the minority. I have been there. I understand how it feels. It was a disappointing time for her and for Mr. BOEHNER, and for her party as well. However, throughout that time she maintained a professionalism, a courtesy, and a kindness that I will always remember.

Paula's premature passing reminds us all of the uncertainty of our future and the importance of today and now, and how important it is to be nice to one another, respectful of one another so that we do not lament tomorrow what we did not do today.

The absence she leaves behind reminds us that Congress is not simply an inanimate branch of government, but a living and vibrant community of public servants and, quite often, friends, a place for very talented Americans who love their country and seek to serve it well. Paula Nowakowski was such a person, such a fellow citizen, such an American. She was a valued friend of many, a loyal and effective leader of Congressman BOEHNER's staff, and an outstanding example of the dedication and hard work displayed by so many who serve this House and our country. Paula's absence will be felt in this community and especially in Leader BOEHNER's office for years and years to come.

So my thoughts are with you, Mr. Leader, at your loss. And our thoughts are with her family as well. We are pleased that they are here. They loved her.

It is important for them to know that although Paula was a partisan, as all of us for the most part are on this floor, she rose above partisanship. We rise above partisanship in our respect and love and sense of loss.

I yield back my time to the Republican leader.

Mr. BOEHNER. Let me thank my fellow leaders for their kind words.

Mr. Speaker, I ask that the House observe a moment of silence.

The SPEAKER pro tempore (Mr. GEORGE MILLER of California). The Chair would ask all present to rise for the purpose of a moment of silence.

Mr. NUNES. Mr. Speaker, I rise today to extend my deepest condolences to the family and friends of Paula Nowakowski. Paula served the Congress and our Nation with distinction for many years, most recently as Chief of Staff to my good friend, the Republican Leader, Mr. BOEHNER.

I had the pleasure of knowing and working with Paula for nearly a decade. She was a trusted advisor and I always appreciated her

counsel and support. Her love for the House of Representatives, humility, professionalism, and abilities were well-known. Paula will be sadly missed by all of us who had the honor and privilege of working with her.

Ms. ROS-LEHTINEN. Mr. Speaker, as I searched for the words to honor and remember Paula Nowakowski, the journey led me to former President Reagan.

President Reagan was an inspiration for Paula the professional, the strategist, the conservative, and, most importantly, Paula, the proud American, whose love of country brought her to the Congress and to JOHN BOEHNER's staff.

President Reagan said:

Let us be sure that those who come after will say of us . . . that in our time we did everything that could be done . . . we kept them free; we kept the faith.

I think these words best encapsulate who Paula was—a tireless advocate; a devout Catholic; and a formidable warrior and human being.

We are all the better for having known her. Paula, you will be sorely missed.

Mr. MCKEON. Mr. Speaker, I rise today to commemorate the life of Paula T. Nowakowski, who tragically and unexpectedly passed away Saturday, January 9, 2010. As a trusted aide to Republican Leader JOHN BOEHNER, she was there for each and every Member of the Republican Conference. Before I served as Chairman and Ranking Member of the Education and Workforce Committee, Paula effectively led the staff as Staff Director for nearly six years, helping to enact legislation that were major initiatives of President Bush's administration. Paula held a deep love and respect for the institution of Congress and the people who are elected and chosen to serve our Nation. She was extraordinarily talented, loyal, and to the point. She will be greatly missed.

Mr. PENCE. Mr. Speaker, I rise today to honor the life and memory of Paula Nowakowski, and to express my deep sadness over her passing.

Paula, the dedicated chief of staff to House Republican Leader JOHN BOEHNER, died unexpectedly last Saturday evening, January 9, 2010, at the young age of 46.

Her death leaves a void on Capitol Hill that can never be filled. Paula was a true professional and a devoted patriot on behalf of her country.

During twenty-five years of public service, Paula spent fifteen years as a faithful aide to Leader BOEHNER and proved herself to be a woman of integrity and compassion.

And as we all know, it is difficult to overstate the love she held for her home in Michigan.

Paula will not only be remembered for her work on the Hill, but for her tireless efforts off the Hill as well.

Paula worked extensively, on Leader BOEHNER's behalf, in developing an annual gala to benefit Catholic schools in Washington, D.C. Over the last six years, this gala has offered more than \$5 million in support for local Catholic schools struggling to keep their doors open.

If further proof was needed of Paula's impact in the lives of so many, look no further than a Facebook page that in just a few days

has signed up over 650 individuals to honor Paula's memory.

This past weekend, Congress lost a talented public servant and House Republicans lost a dear friend.

As one leadership aide noted, Paula "demanded excellence."

May we continue our work on behalf of the American people the way Paula would have wanted us to—in a manner that promotes excellence.

On behalf of my family and staff, I extend my sincere thoughts and prayers to Paula's family, friends and to the entire staff at the Republican Leader's office, as they cope with this incalculable loss.

May God comfort them during this difficult time.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DRIEHAUS). Without objection, 5-minute voting will continue.

There was no objection.

#### HONORING THE LIFE AND WORK OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1002, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 1002.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 3]  
YEAS—379

|              |                |                 |
|--------------|----------------|-----------------|
| Ackerman     | Boren          | Clarke          |
| Aderholt     | Boswell        | Clay            |
| Adler (NJ)   | Boucher        | Cleaver         |
| Akin         | Brady (PA)     | Coble           |
| Alexander    | Brady (TX)     | Coffman (CO)    |
| Altmire      | Braley (IA)    | Cohen           |
| Andrews      | Bright         | Cole            |
| Austria      | Broun (GA)     | Conaway         |
| Baca         | Brown (SC)     | Conyers         |
| Bachmann     | Brown, Corrine | Cooper          |
| Bachus       | Brown-Waite,   | Costello        |
| Baird        | Ginny          | Courtney        |
| Baldwin      | Buchanan       | Crowley         |
| Barrett (SC) | Burton (IN)    | Cuellar         |
| Bartlett     | Butterfield    | Culberson       |
| Bean         | Buyer          | Cummings        |
| Becerra      | Camp           | Dahlkemper      |
| Berkley      | Cantor         | Davis (CA)      |
| Biggert      | Cao            | Davis (IL)      |
| Bilirakis    | Capito         | Davis (KY)      |
| Bishop (GA)  | Capps          | Davis (TN)      |
| Bishop (NY)  | Capuano        | DeGette         |
| Bishop (UT)  | Carnahan       | DeLauro         |
| Blackburn    | Carney         | Dent            |
| Blumenauer   | Carson (IN)    | Diaz-Balart, L. |
| Blunt        | Cassidy        | Diaz-Balart, M. |
| Boccheri     | Castle         | Dicks           |
| Boehner      | Castor (FL)    | Dingell         |
| Bonner       | Chaffetz       | Doggett         |
| Bono Mack    | Childers       | Donnelly (IN)   |
| Boozman      | Chu            | Dreier          |

Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Halvorson  
Hare  
Harper  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Hill  
Himes  
Hinche  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham

LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam

Quigley  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Murphy (CT)  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman

Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOT VOTING—54

Abercrombie  
Arcuri  
Barrow  
Barton (TX)  
Berman  
Berry  
Bilbray  
Boustany  
Boyd  
Burgess  
Calvert  
Campbell  
Cardoza  
Carter  
Chandler  
Clyburn  
Connolly (VA)  
Costa  
Crenshaw  
Davis (AL)  
Deal (GA)  
DeFazio  
Delahunt  
Doyle  
Ehlers  
Frank (MA)  
Gallegly  
Grijalva  
Gutierrez  
Hall (TX)  
Harman  
Hastings (FL)  
Hastings (WA)  
Higgins  
Johnson, E. B.  
Kind  
Kirk  
Lewis (CA)  
Lewis (GA)  
Lucas  
Marchant  
Meeks (NY)  
Moore (WI)  
Poe (TX)  
Radanovich  
Rahall  
Rangel  
Ros-Lehtinen  
Shuler  
Shuster  
Tanner  
Wamp  
Waters  
Waxman

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1559

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE FOR HAITI  
EARTHQUAKE VICTIMS

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Madam Speaker, I rise to ask for a moment of silence for the people of Haiti, for the American citizens in Haiti, for the Haitian American community, and for all of those whose families and friends have been injured or killed in this devastating earthquake. Of course, Haiti has suffered through many challenges and crises—earthquakes, hurricanes, food insecurity, hunger, poverty. Haiti needs increased attention and resources from the United States and the international community to help it recover during this difficult period. Of course, at this moment our priority is search and rescue.

We have been in touch with the administration, and the President is quickly deploying all available assets and resources to assist. We ask the global humanitarian community to help us in this massive, massive undertaking. Our commitment to Haiti must extend beyond this emergency period to recovery and to rebuilding efforts. Our thoughts and our prayers go out to all of those who have been impacted by this catastrophe of enormous proportions.

The SPEAKER. Members will please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. DRIEHAUS). Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING THE INITIATIVES OF  
CHICAGO WILDERNESS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 860, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and agree to the resolution, H. Res. 860, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 1, not voting 63, as follows:

[Roll No. 4]

YEAS—369

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Cleaver         | Graves           |
| Aderholt       | Coble           | Grayson          |
| Adler (NJ)     | Coffman (CO)    | Green, Al        |
| Akin           | Cohen           | Green, Gene      |
| Alexander      | Cole            | Griffith         |
| Altmire        | Conaway         | Guthrie          |
| Andrews        | Conyers         | Hall (NY)        |
| Austria        | Cooper          | Halvorson        |
| Baca           | Costello        | Hare             |
| Bachmann       | Courtney        | Harper           |
| Bachus         | Crowley         | Heinrich         |
| Baird          | Cuellar         | Heller           |
| Baldwin        | Culberson       | Hensarling       |
| Barrett (SC)   | Cummings        | Herger           |
| Bartlett       | Dahlkemper      | Herseth Sandlin  |
| Bean           | Davis (CA)      | Hill             |
| Berkley        | Davis (IL)      | Himes            |
| Biggart        | Davis (KY)      | Hinche           |
| Bilirakis      | Davis (TN)      | Hinojosa         |
| Bishop (GA)    | DeFazio         | Hirono           |
| Bishop (NY)    | DeGette         | Hodes            |
| Blackburn      | DeLauro         | Hoekstra         |
| Blumenauer     | Dent            | Holden           |
| Blunt          | Diaz-Balart, L. | Holt             |
| Bocciari       | Diaz-Balart, M. | Honda            |
| Boehner        | Dicks           | Hoyer            |
| Bonner         | Dingell         | Hunter           |
| Bono Mack      | Doggett         | Inglis           |
| Boozman        | Donnelly (IN)   | Inslee           |
| Boren          | Dreier          | Israel           |
| Boswell        | Driehaus        | Issa             |
| Boucher        | Duncan          | Jackson (IL)     |
| Brady (PA)     | Edwards (MD)    | Jackson Lee      |
| Brady (TX)     | Edwards (TX)    | (TX)             |
| Braley (IA)    | Ellison         | Jenkins          |
| Bright         | Ellsworth       | Johnson (GA)     |
| Broun (GA)     | Emerson         | Johnson (IL)     |
| Brown (SC)     | Engel           | Johnson, Sam     |
| Brown, Corrine | Eshoo           | Jones            |
| Brown-Waite,   | Etheridge       | Jordan (OH)      |
| Ginny          | Fallin          | Kagen            |
| Buchanan       | Farr            | Kanjorski        |
| Burton (IN)    | Fattah          | Kaptur           |
| Butterfield    | Filner          | Kennedy          |
| Buyer          | Flake           | Kildee           |
| Camp           | Fleming         | Kilpatrick (MI)  |
| Cantor         | Forbes          | Kilroy           |
| Cao            | Fortenberry     | King (NY)        |
| Capito         | Foster          | Kingston         |
| Capps          | Foxy            | Kirkpatrick (AZ) |
| Capuano        | Franks (AZ)     | Kissell          |
| Carnahan       | Frelinghuysen   | Klein (FL)       |
| Carney         | Fudge           | Kline (MN)       |
| Carson (IN)    | Garamendi       | Kosmas           |
| Cassidy        | Garrett (NJ)    | Kratovil         |
| Castle         | Gerlach         | Kucinich         |
| Castor (FL)    | Giffords        | Lamborn          |
| Chaffetz       | Gingrey (GA)    | Lance            |
| Childers       | Gonzalez        | Langevin         |
| Chu            | Goodlatte       | Larsen (WA)      |
| Clarke         | Gordon (TN)     | Larson (CT)      |
| Clay           | Granger         | Latham           |

LaTourette Neugebauer Scott (VA)  
Latta Nunes Sensenbrenner  
Lee (CA) Nye Serrano  
Lee (NY) Oberstar Sessions  
Levin Obey Sestak  
Linder Olson Shadegg  
Lipinski Oliver Shea-Porter  
LoBiondo Ortiz Sherman  
Loeback Owens Shimkus  
Lofgren, Zoe Pallone Simpson  
Lowey Pascrell Sires  
Luetkemeyer Pastor (AZ) Skelton  
Luján Paulsen Slaughter  
Lummis Payne Smith (NE)  
Lungren, Daniel Pence Smith (NJ)  
E. Perlmutter Smith (TX)  
Lynch Perriello Smith (WA)  
Mack Peters Snyder  
Maffei Peterson Souder  
Maloney Petri Space  
Manzullo Pingree (ME) Spratt  
Markey (CO) Pitts Stark  
Markey (MA) Platts Stearns  
Marshall Polis (CO) Stupak  
Massa Pomeroy Sullivan  
Matheson Posey Sutton  
Matsui Price (GA) Taylor  
McCarthy (CA) Price (NC) Teague  
McCarthy (NY) Putnam Terry  
McCaul Quigley Thompson (CA)  
McClintock Rehberg Thompson (MS)  
McCollum Reichert Thompson (PA)  
McCotter Reyes Thornberry  
McDermott Richardson Tiahrt  
McGovern Rodriguez Tiberi  
McHenry Roe (TN) Tierney  
McIntyre Rogers (AL) Titus  
McKeon Rogers (KY) Tonko  
McMahon Rogers (MI) Towns  
McMorris Rohrabacher Tsongas  
Rodgers Rooney Turner  
McNerney Roskam Upton  
Meek (FL) Rothman (NJ) Van Hollen  
Melancon Roybal-Allard Velázquez  
Mica Royce Visclosky  
Michaud Ruppertsberger Walden  
Miller (MI) Rush Walz  
Miller, Gary Ryan (OH) Wasserman  
Minnick Ryan (WI) Schultz  
Mitchell Salazar Watson  
Mollohan Sánchez, Linda Watt  
Moore (KS) T. Welch  
Moran (KS) Sanchez, Loretta Westmoreland  
Moran (VA) Sarbanes Whitfield  
Murphy (CT) Scalise Wilson (OH)  
Murphy (NY) Schakowsky Wilson (SC)  
Murphy, Patrick Schauer Wittman  
Murphy, Tim Schiff Wolf  
Murtha Schmidt Wu  
Myrick Schock Yarmuth  
Nadler (NY) Schrader Young (AK)  
Napolitano Schwartz Young (FL)  
Neal (MA) Scott (GA)

## NAYS—1

Paul

## NOT VOTING—63

Abercrombie Davis (AL) Lucas  
Arcuri Deal (GA) Marchant  
Barrow Delahunt Meeks (NY)  
Barton (TX) Doyle Miller (FL)  
Becerra Ehlers Miller (NC)  
Berman Frank (MA) Miller, George  
Berry Gallegly Moore (WI)  
Bilbray Gohmert Poe (TX)  
Bishop (UT) Grijalva Radanovich  
Boustany Gutierrez Rahall  
Boyd Hall (TX) Rangel  
Burgess Harman Ros-Lehtinen  
Calvert Hastings (FL) Ross  
Campbell Hastings (WA) Shuler  
Cardoza Higgins Shuster  
Carter Johnson, E. B. Speier  
Chandler Kind Tanner  
Clyburn King (IA) Wamp  
Connolly (VA) Kirk Waters  
Costa Lewis (CA) Waxman  
Crenshaw Lewis (GA) Weiner

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1609

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BECERRA. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall No. 4. If present, I would have voted “yea.”

## E.V. WILKINS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3892, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3892.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 1, not voting 76, as follows:

[Roll No. 5]

YEAS—356

Ackerman Castle Foxx  
Aderholt Childers Franks (AZ)  
Adler (NJ) Chu Frelinghuysen  
Akin Clarke Fudge  
Ryan (OH) Clay Garrett (NJ)  
Austria Cleaver Gerlach  
Baca Coble Giffords  
Bachmann Coffman (CO) Gingrey (GA)  
Bachus Cohen Gohmert  
Baird Cole Gonzalez  
Baldwin Conaway Goodlatte  
Barrett (SC) Conyers Granger  
Bartlett Cooper Graves  
Bean Costello Grayson  
Becerra Courtney Green, Al  
Berkley Crowley Green, Gene  
Biggert Cuellar Griffith  
Bilirakis Cuberson Guthrie  
Bishop (GA) Cummings Hall (NY)  
Bishop (NY) Dahlkemper Halvorson  
Bishop (UT) Davis (CA) Hare  
Blackburn Davis (IL) Harper  
Blumenauer Davis (KY) Heinrich  
Blunt Davis (TN) Heller  
Boehner DeFazio Hensarling  
Bonner DeLauro Herger  
Bono Mack Dent Herseth Sandlin  
Boozman Diaz-Balart, L. Hill  
Boren Diaz-Balart, M. Himes  
Boswell Dicks Hinchey  
Boucher Dingell Hinojosa  
Brady (PA) Doggett Hirono  
Brady (TX) Donnelly (IN) Hodes  
Braley (IA) Dreier Hoekstra  
Bright Driehaus Holden  
Broun (GA) Duncan Holt  
Brown (SC) Edwards (MD) Honda  
Brown, Corrine Edwards (TX) Hunter  
Brown-Waite, Ellison Inglis  
Ginny Ellsworth Inslee  
Buchanan Emerson Israel  
Burton (IN) Engel Issa  
Butterfield Eshoo Jackson (IL)  
Buyer Etheridge Jackson Lee  
Camp Fallin (TX)  
Cao Farr Jenkins  
Capito Fattah Johnson (IL)  
Capuano Filner Johnson, Sam  
Carnahan Fleming Jones  
Carney Forbes Jordan (OH)  
Carson (IN) Fortenberry Kagen  
Cassidy Foster Kanjorski  
Kaptur

Kennedy Mitchell Schmidt  
Kildee Mollohan Schock  
Kilpatrick (MI) Moore (KS) Schrader  
Kilroy Moran (KS) Schwartz  
King (IA) Moran (VA) Scott (GA)  
King (NY) Murphy (CT) Scott (VA)  
Kingston Murphy (NY) Sensenbrenner  
Kirkpatrick (AZ) Murphy, Patrick Serrano  
Kissell Murphy, Tim Sessions  
Klein (FL) Murtha Sestak  
Kline (MN) Myrick Shadegg  
Kosmas Nadler (NY) Shea-Porter  
Kratovil Neal (MA) Sherman  
Kucinich Neugebauer Shimkus  
Lamborn Nunes Simpson  
Lance Nye Sires  
Langevin Obey Skelton  
Larsen (WA) Olson Slaughter  
Larson (CT) Olver Smith (NE)  
Latham Ortiz Smith (NJ)  
LaTourette Owens Smith (TX)  
Latta Pallone Smith (WA)  
Lee (CA) Pascrell Souder  
Lee (NY) Pastor (AZ) Spratt  
Levin Paulsen Stark  
Linder Payne Stearns  
Lipinski Pence Stupak  
LoBiondo Perlmutter Sullivan  
Loeback Perriello Sutton  
Lofgren, Zoe Peters Taylor  
Lowey Peterson Teague  
Luetkemeyer Petri Terry  
Luján Pingree (ME) Thompson (CA)  
Lummis Pitts Thompson (MS)  
Lungren, Daniel Platts Thompson (PA)  
E. Polis (CO) Thornberry  
Lynch Pomeroy Tiahrt  
Mack Posey Tiberi  
Maffei Price (GA) Tierney  
Maloney Price (NC) Titus  
Manzullo Putnam Tonko  
Markey (CO) Rehberg Towns  
Markey (MA) Reichert Tsongas  
Marshall Reyes Turner  
Massa Richardson Upton  
Matheson Rodriguez Van Hollen  
Matsui Roe (TN) Velázquez  
McCarthy (CA) Rogers (AL) Visclosky  
McCarthy (NY) Rogers (KY) Walden  
McCaul Rogers (MI) Walz  
McClintock Rohrabacher Wasserman  
McCollum Rooney Schultz  
McDermott Roskam Watson  
McHenry Roybal-Allard Watt  
McIntyre Royce Weiner  
McKeon Ruppertsberger Welch  
McMahon Rush Westmoreland  
McMorris Ryan (OH) Whitfield  
Rodgers Ryan (WI) Wilson (OH)  
McNerney Salazar Wilson (SC)  
Meek (FL) Sánchez, Linda Wittman  
Mica T. Wolf  
Michaud Sanchez, Loretta Woolsey  
Miller (FL) Sarbanes Wu  
Miller (MI) Scalise Yarmuth  
Miller (NC) Schakowsky Young (AK)  
Miller, Gary Schauer Young (FL)  
Minnick Schiff

## NAYS—1

Paul

## NOT VOTING—76

Abercrombie Connolly (VA) Johnson, E. B.  
Alexander Costa Kind  
Andrews Crenshaw Kirk  
Arcuri Davis (AL) Lewis (CA)  
Barrow Deal (GA) Lewis (GA)  
Barton (TX) DeGette Lucas  
Berman Delahunt Marchant  
Berry Doyle McCotter  
Bilbray Ehlers McGovern  
Bocchieri Frank (MA) Meeks (NY)  
Boustany Gallegly Melancon  
Boyd Garamendi Miller, George  
Burgess Gordon (TN) Moore (WI)  
Calvert Grijalva Napolitano  
Campbell Gutierrez Oberstar  
Cantor Hall (TX) Poe (TX)  
Cardoza Harman Quigley  
Carter Hastings (FL) Radanovich  
Castor (FL) Hastings (WA) Rahall  
Chaffetz Higgins Rangel  
Chandler Hoyer Ros-Lehtinen  
Clyburn Johnson (GA) Ross

|              |        |        |
|--------------|--------|--------|
| Rothman (NJ) | Space  | Waters |
| Shuler       | Speier | Waxman |
| Shuster      | Tanner |        |
| Snyder       | Wamp   |        |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 1615

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOCCIERI. Mr. Speaker, on rollcall No. 5, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. BARROW. Mr. Speaker, I was unable to be present for votes today, Wednesday, January 13, 2010. Had I been present I would have voted "nay" on rollcall vote No. 2 and "yea" on rollcall votes Nos. 3, 4, and 5.

ADJOURNMENT TO FRIDAY,  
JANUARY 15, 2010

Ms. DEGETTE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. on Friday, January 15, 2010; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 19, 2010, for morning-hour debate.

The SPEAKER pro tempore (Mr. POLIS). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

CONCERN FOR THOSE MISSING IN  
THE HAITIAN EARTHQUAKE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I want to join my colleagues, so many of whom I have heard discussing on the floor of the House the overwhelming tragedy, the catastrophic incident that has occurred in our neighboring country of Haiti. But I particularly want to offer my deepest sympathy to my constituents, my Haitian American constituents in Houston, Texas, many of whom are suffering because their relatives are in Haiti, and they cannot find them.

I wanted to acknowledge a delegation of Rotary Club members from Houston, Texas, who came to Haiti just yesterday, and their family members are expressing concern for their location and status. It makes it relevant to know that this hurricane-like earthquake is the largest earthquake that we've seen

in the Western Hemisphere over the last number of years. We know that all resources have to be pointed toward Haiti. To the United Nations, for the losses they are experiencing, my sympathy. To the Haitian Government, my sympathy. And my commitment is that you will never walk alone. We will stand with you in this battle to recover Haiti.

DEFICITS MADE IN CALIFORNIA  
SHOULD STAY IN CALIFORNIA

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, yesterday I addressed the demand of Governor Schwarzenegger for Federal aid by noting the devastating impact that his tax increases have had on California's economy. Tax increases that were supposed to bring in \$13 billion of additional revenue have, instead, crushed California's brittle economy and cost \$10 billion in lost revenues in just 9 months.

California's revenue problem isn't the only thing that was made in Sacramento. Their spending problem is also self-inflicted. When Schwarzenegger took office, California was spending \$78 billion a year. Instead of hitting the brakes, he hit the accelerator and in just 4.5 years increased spending by a stunning 40 percent. When State revenues peaked at their all-time high in July of 2008 at \$97 billion, California was already running a \$9 billion deficit.

Mr. Speaker, budget deficits that are made in California need to stay in California, and that goes for the 49 other States as well.

DEMOCRATIC CONGRESS DEVOTED  
TO JOB CREATION AS WE WORK  
OUT OF THE REPUBLICAN RE-  
CESSION

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, Democrats in Congress have been devoted to job creation as a top priority to help put people back to work and to refuel our economy ravaged by the economic policies of the former administration. The Republican recession is the worst economic crisis the country has experienced since the Great Depression.

The Recovery Act by itself is not enough to restore the economy, but it is helping put America back to work. The Recovery Act has created more than 640,000 jobs since it was enacted in February and could produce as many as 1.6 million jobs. The Recovery Act has reduced job losses, reduced the unemployment rate, and increased the gross domestic product. We should continue to support jobs and jobs now.

## GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of Leader BOEHNER's 1-minute today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE ADMINISTRATION'S AFGHANISTAN  
PLAN LACKS CLARITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when a President decides to go to war, his or her plans must have clarity. The American people need to know exactly where the President stands and what his goals are. The President's original proposal was to begin withdrawing American troops from Afghanistan 18 months from now, in July 2011. When the President first announced the plan, it sounded like a pretty clear timetable, but then the picture started to get really fuzzy when American and Afghan officials began to backtrack.

National Security Adviser James Jones said the withdrawal date is "not a cliff, it's a ramp." Secretary of State Clinton said the withdrawal would continue "for the foreseeable future." Defense Secretary Gates called the withdrawal plan the "beginning of a process, an inflection point," and dependent upon "conditions on the ground." He also said that the actual withdrawal would "probably" take 2 or 3 years. And then President Karzai really threw cold water on things when he said that Afghanistan would not be able to provide for its own security for 15 to 20 years, let alone 18 months.

So the question is this: When July, 2011, rolls around, will we be at the beginning of the troop withdrawal or just in the middle of it? Will we be standing on the cliff or going down the ramp? And will we be at the inflection point or at the point of no return in another open-ended war?

Mr. Speaker, the American people and our troops deserve a solid plan. We have the right to know exactly what we're getting into before we start spending billions of dollars more and spilling more and more of our troops' blood. That's why Congress must ask

the administration some tough questions and demand better answers, especially before we authorize another dime for this foreign occupation.

You know, that's our responsibility. That's our job. We must make sure that the next appropriation has a much better balance between the military and civilian need, a balance that will be considerably better than the last appropriation. We must make sure it includes sufficient funds for economic development, humanitarian aid, infrastructure, education, and other elements of smart security. And the House must have a full and open debate about the administration's escalation plan and an up-or-down vote on whether we support it.

We have a solemn obligation, Mr. Speaker, to let the American people know where each one of us stands. As for me, I've made it clear that I am opposed to the escalation. I have proposed a clear alternative, House Resolution 363, the SMART Security Platform for the 21st Century. Mr. Speaker, after the catastrophe of Iraq, we can't march blindly into another war that will drag on for years and years. The time to change and to choose a better path is right now.

#### PENNSYLVANIA FARM SHOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, if you were in Harrisburg, Pennsylvania, right now, you could be taking part in the annual event that reminds us all of what is wholesome and fine in this country. A few hours wandering through the Pennsylvania Farm Show, and nostalgia builds. One person remembers the hours it takes to sew the minute stitches on a winning quilt. Another recalls the time and dedication required to raise a tiny calf into a prize-winning dairy cow. A third pictures her mother throwing out recipes until finally one comes together that produces the best angel food cake ever. Some 400,000 people attend, and that is 400,000 memories, from horse-shoe pitching contests to a ride on the 60-year-old merry-go-round. There is a culmination of smells from the hay and the livestock, the sticky bun contest, the myriad foods in the food court—including potato doughnuts, which happens to be my favorite—and even the odor of diesel from the tractor-dancing contests. Yes, that is tractor square dancing—two callers and 14 drivers.

Somehow the fragrances are all tied up with the memories. Now, I'm talking about the largest indoor agricultural event in America, with 10,000 competitive exhibits and 270 commercial vendors.

□ 1630

The 24-acre site of the Pennsylvania Farm Show Complex and Expo Center

in Harrisburg, Pennsylvania, houses 11 buildings, including three arenas. The show started on January 9 and continues until Saturday, January 16.

To give you just one example of the breadth of this show, there are more than 6,000 head of sheep, swine, horses, cattle, goats, poultry, and rabbits in competition for the best of the best.

Young rodeo champions from around the State compete in the high school rodeo that includes team roping, saddle and bareback bronco riding, bull riding, and the list goes on. Both members of 4-H and Future Farmers of America participate in the farm show and all of its aspects. There are young people who have learned values and a possible vocation from their participation in this huge event.

Here is an exhibit and competition that was new to me, the Sheep to Shawl contest. It features both adult and youth teams that shear sheep on site, spin the wool into yarn, and create a beautiful shawl in about 2 hours. Each team consists of a shearer, three spinners, and a weaver. The shawls then sell at an auction with proceeds going directly to the team. One sold for more than \$3,000.

This 94-year-old show was begun in 1917, and it was called the Pennsylvania Corn, Fruit, Vegetable, Dairy Products, and Wool Show. It has grown and expanded and grown again from 5,000 visitors in 1917 to 400,000 this year. It has come through war conditions that nearly cancelled the show in 1918 because the Federal Government seized control of the railroads, to Tropical Storm Agnes in 1972, which put 91 inches of water in the main exhibition building that left an inch of mud and half a million dollars in damage.

This show is an opportunity to share knowledge and experience. For example, the beekeeping exhibits have drawn a lot of attention since 2007 and the widely publicized plight of the honeybee from colony collapse disorder. This disorder is characterized by sudden colony death, according to the Mid-Atlantic Apiculture Research and Extension Consortium based at Penn State.

It is the honeybee that is responsible for pollinating 100 fruits, vegetables, and nuts that are vital to us. Scientists and researchers are getting closer to finding the cause of the colony collapse disorder but are not there yet. Sharing awareness is key to finding the cure.

Agriculture remains Pennsylvania's number one industry with more than 63,000 farms statewide. Farm products range from dairy production, cattle, mushrooms, corn, and various greenhouse crops. Also, timber harvesting continues to be a major job source throughout the Commonwealth of Pennsylvania, particularly in my district because of our unparalleled hardwoods.

Having come from a family of dairy farmers, I am always happy to meet

and talk with those who continue to work on the farm and provide our Nation's food supply. This annual event is one of the best opportunities to do just that because of the diverse mix of farmers, State and local government officials, and agriculture associations, all of which have great agricultural expertise.

There are many reasons for celebrating the Pennsylvania Farm Show, and I hope I have piqued your interest enough to have you attend this year or next and experience it for yourself.

#### INFRASTRUCTURE INVESTMENT CREATES JOBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this week two so-called reporters from Associated Press, a Matt Apuzzo and a Brett Blackledge, did a supposed analysis of the investment in transportation and infrastructure projects from the so-called stimulus legislation. They came to the conclusion that there was no effect on local unemployment and it barely helped the beleaguered construction industry. That is a pretty interesting conclusion when we can document the jobs created, the hours worked: 250,000 direct jobs were created, and when you look at the secondary employment impact, you are up to about three-quarters of a million jobs. There are 8,587 highway and transit projects under construction, and it had no effect on local unemployment? What they are saying is, because of the hemorrhaging in other parts of industry and business in America, the unemployment rate is going up.

Now, what if we had just not made the investment in transit and infrastructure and had walked away from those 750,000 jobs? Would they have written a story saying that unemployment increased by nearly a million jobs because the Federal Government failed to invest in transportation and infrastructure? This is a totally perverse and bizarre conclusion reached by these two individuals.

If they wanted to write about the tax cuts in the stimulus, I would say they are right. Remember, the total investment, total, in hard jobs, in transportation infrastructure in this bill was about 5 percent of the gargantuan stimulus bill, 5 percent, yet it created 25 percent of the measurable jobs. Now, the tax cuts which totaled 8 times more, 8 times as much money was spent on tax cuts, something which mimicked the failed Bush policy that President Obama wanted to do to have a bipartisan bill and cut a deal with three Republican Senators, we got \$300 billion of tax cuts for three Republican votes for that bill which have not created a single job or prevented the loss of a single job.

Ask any American who is still working what they did with their tax cut last week, and they will say, What tax cut? Oh, President Obama's promised tax cut, the one the Republicans in the Senate insisted on.

They would say, I didn't get a tax cut.

Yeah, actually you did. There was a slight reduction in your withholding. And you are not getting sent a check this time. You are getting paid a tiny bit more.

Now, I have a lot of people in my district who could use that \$12 a week. But they will also say to me, Congressman, that is not going to put a single person back to work. It is not going to help my neighbor down the street who doesn't have a job and used to work in the construction industry, and these two turkeys have the temerity to come up with a so-called study which is now being quoted by the likes of the Wall Street Journal and other right-wing institutions as proving that public investment in infrastructure doesn't create jobs. It arguably did create jobs, but I will say it was way too small.

We have 160,000 bridges in our national system that are weight limited or functionally obsolete. What if we had a plan to replace all of those bridges? What about the jobs in the steel industry to produce the steel for those bridges? What about the engineering jobs and the construction equipment jobs and all of those things? This stimulus was too small and too short-term in terms of transportation and infrastructure. It was a one-time thing. It did create a lot of jobs and it kept a lot of people off the unemployment rolls, but it didn't get the maximum effect it would get with a long-term investment in transportation and infrastructure where you get people ordering new rock-crushing machinery. There happens to be some made in my district. Or new streetcars. We are making some of those in Oregon, too. Or buses that are manufactured in the Midwest with components from all around America. Those sorts of things will put a heck of a lot of people back to work, will revive our manufacturing so we actually need not less, which would be the conclusion of these guys, but more investment in our crumbling transportation network in America.

The city of Chicago, I hope they are listening down at the White House, got a grand total of \$350 million towards its \$6 billion backlog on the Chicago Transit Authority. They are holding up some of the "EL" with 2-by-4s and other sorts of braces. They spent that money in 30 days. They ordered buses. They ordered steel. They put people to work immediately. They could have spent a billion. They could have spent \$2 billion in that time period, but the money wasn't there. It was too small, but it did create a heck of a lot of good jobs and make needed investments in this country.

#### AMERICA CANNOT SPEND ITS WAY OUT OF DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, you know, I really get a big kick in listening to my Democrat colleagues when they talk about spending all this money on infrastructure and how we are not spending enough and how we need to come up with another stimulus bill. The fact of the matter is, since they took control of Congress, the national debt has gone up by almost \$4 trillion. You can't spend your way out of debt. You can't create jobs by digging yourselves into a bigger and bigger hole, and that is exactly what they are talking about doing.

Now they say they have created jobs. They said that unemployment would not go above 8 percent, and they say they have created or saved 2 million jobs or thereabouts. The fact of the matter is 7 million jobs have been lost; lost. Seven million jobs have been lost.

Now, even if you said and accepted their premise that they saved or created 2 million jobs, you would still be 5 million jobs in the hole, and the unemployment rate isn't 8 percent. It is 10 percent, and it was up above that, and I believe it probably will get there again.

You know, I just can't understand why they don't get it. John F. Kennedy, a Democrat, he got it. He said time and again when he was President, if you give people more disposable income, they will spend it to buy more products. And if you give more income back to business and industry through tax cuts, as I was just talking about with individuals, that will give them more money for investment and to hire employees. And if people and industry go out and spend that tax cut, then they are going to have to produce more products; more refrigerators, more cars, more vacuum sweepers, whatever it is. And if people buy more because they have more money to spend collectively across the country, 300 million people, then you are going to see employment rise; employment rise, not unemployment.

John F. Kennedy understood that, and that is why early in his administration he put through tax cuts. And then when Ronald Reagan came in after the debacle called the Carter administration where we have unemployment at 12 percent and inflation at 14 percent, worse than we have today even, Reagan came in and said we are going to cut taxes. And I think he even mentioned John F. Kennedy. And so Reagan, Yeah, well, we are going to cut taxes instead of raising taxes. So they cut taxes and we worked our way out of a very severe recession. We created millions of jobs and had an economic expansion that lasted 20 years because

we cut taxes and gave people their money back, some of it, and we gave business and industry some of their money back so they could make investment. That's the way you do it.

And yet the Democrats and the Obama administration are talking about the tax cuts that were put into place early in the Bush administration. They want to let them expire this year, which is going to be a drain on the economy, take more money out of people's pockets, more money out of business and industry, and exacerbate the economy, the economic problems we are facing.

And so when I hear my colleagues come down—I love to listen to their rhetoric. Their logic eludes me, though, because you are not going to solve the unemployment problems or the economic problems in this country by loading more debt and more taxes on the backs of the American people. You are going to cause the future generations to look back at us and say, Why did you do that to us, because you are going to have inflation and you are going to have higher taxes and you are going to have a deteriorating economy, and you are going to have the government taking over more and more responsibility, which is what a lot of socialists in this administration would like to see. They believe government can do the job better than the private sector. Obviously, most Americans don't agree with that if you look at the polls lately just on the health care bill alone.

So I would just like to say to my colleagues, Mr. Speaker, that if we are serious about solving the economic problems, let's take a look at history. Let's look at what they did in the Kennedy administration. Let's look at what they did in the Reagan administration, and let's say we are going to extend the tax cuts. We are going to cut taxes further right now because it will give people more disposable income, give more money for business and industry to invest, and people and industry will buy more; therefore, they will produce more products and more people will go back to work and you will lower the unemployment rate.

The unemployment rate today, it is not 10 percent, incidentally. There are a lot of people who have been getting unemployment checks that aren't included anymore. It is more like 15 to 17 percent, and this administration is responsible for it.

#### MISTAKES OF BANKS TRANSFERRED TO TAXPAYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the conventional wisdom flowing through the media to our Nation is that without

the Wall Street bailout, America would have gone into economic depression and many banks would have failed. Well, the bailout passed. But think about it, then America fell into depression. Unemployment skyrocketed, and since January of last year, 141 banks have failed and been resolved through the Federal Deposit Insurance Corporation with more to come. Yet the biggest banks that did the damage were rescued rather than broken up and held accountable. These big banks gambled wildly, taking huge risks with our money and our mortgages, and now they are transferring their trillions of dollars of mistakes to our taxpayers for generations to come. What's wrong with this picture?

The public's anger is rising, rightly. That can make a difference because that will affect elections. Yet the powerhouses of Wall Street who took TARP money within a year are earning the strongest profits in America compared to every other business, and they are handing themselves exorbitant bonuses, over \$150 billion and counting. Clearly what Congress did was incorrect.

□ 1645

America has fallen into a deepening depression, more unemployment, with projections for a jobless recovery, with rising trade deficits, which weren't supposed to happen because of the value of the dollar. Why? Because the financial crisis was resolved in the wrong way. The financiers who created this house of cards are still rewarding themselves and doing a reverse Robin Hood—taking from others to reward the privileged few. That doesn't sound like the America I know.

Credit remains frozen across our country. Credit being frozen means no more jobs. It means jobless recovery, because businesses cannot make payroll. They cannot buy supplies. They cannot maintain their inventories. When five megabanks in our country control nearly half the deposits of the American people, that is too concentrated. It is too unaccountable. And it is too much of a transfer of power from the many to the few. That isn't what America is about.

Alone, or joined together in groups, these big banks successfully lobbied Congress to weaken financial regulatory reform and defeat one of the most powerful and necessary reforms rebuilding the protective walls between regular, prudent commercial banking and speculation. Financial reform should have deconstructed the too big to fail firms that caused this economic crisis, but the bill that whizzed through this Congress a few weeks ago did exactly the opposite. It enshrined them, it grandfathered them.

I introduced H.R. 4377, called the Return to Prudent Banking Act, which would restore the Glass-Steagall pro-

tections, which were overturned a decade ago in a bill called Gramm-Leach-Bliley that sailed through this Congress. Our bill would restore the barriers between commercial banking and speculation, not allowing this transfer of power to the abusers.

I look forward to working with my other colleagues, like Congressman MAURICE HINCHEY of New York, such a leader on this issue, to combine our bills, to return our financial system to a prudent banking system, one in which credit is no longer seized up because we fixed what is wrong with the fundamentals.

Our citizens demand a more competitive banking system, one that is less concentrated, and without the systemic risks our current one encourages. The momentum is building for real change, and I am glad there is an election this year. Because despite the work of the megabanks to enshrine themselves, we still have hope because more Americans are paying attention.

There is an article in the Wall Street Journal today by Thomas Frank entitled Bring Back Glass-Steagall. He is right. The so-called financial regulatory reform bill that moved through this House too quickly last year before examining the root causes of this crisis has a bottom line. The House bill basically grandfathered the megabanks, which set the stage for a future meltdown in our economy because the Federal Government becomes the open arms for Wall Street's high risk future behavior. The big banks of course will fight any effort to reform the current system, but speculators shouldn't be given free rein. They have to let the American people know that in fact if they are high risk, hey, you are on your own. But those firms should not be allowed to gamble with regular commercial banking.

The American people should think about how to restore normal credit flows, because until we do that this economy is not going to heal.

#### BIPARTISAN COUNTERTERRORISM EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, earlier this week, the co-chairs of the 9/11 Commission, Lee Hamilton and Thomas Kean, in an op-ed for the USA Today, wrote that "national security is too important to become a partisan issue." And I could not agree more.

That is why I wrote President Obama yesterday with three specific actions that I recommended he could take immediately, with strong bipartisanship support, to help prevent future terrorist attacks against America. First, I recommended that he immediately bring back the two co-chairs of the 9/11

Commission for a six-month period to conduct a formal review and follow-up to the 9/11 report. Mr. Hamilton and Mr. Kean would be charged with evaluating which of the commission's original recommendations have been implemented and to what end, and which have failed to be implemented and at what cost.

Second, I urged the creation of a Team B concept, separate from the review that would be conducted by the 9/11 Commission co-chairs. Historically, the phrase Team B refers to a group of outside experts brought together to analyze the threats posed by the Soviet Union to the United States and counter the positions of intelligence officials within the CIA and government, known as Team A. The Team B concept has been successful in previous administrations when fresh eyes were needed to provide the commander in chief with objective information to make informed policy decisions. I believe it can work now.

Third, I urged the President to support the legislation that I introduced today to establish a 10-year term of office for the administrator of the Transportation Security Administration, TSA, similar to what the Congress has done in the past for the appointment process for the director of the FBI. Bob Mueller has done an outstanding job, and that process has worked well.

Since TSA's creation following 9/11, TSA has had six administrators, six, averaging terms of just 1.5 years. The attempted Christmas Day bombing of a U.S. airliner points to the need for long-term, strong, and capable leadership that is outside of the political process.

In a separate letter to Deputy National Security Adviser John Brennan, I posed a series of pointed questions concerning the security situation in Yemen and the circumstances surrounding the failed Christmas Day attack. Specifically, I asked the administration how it plans to deal with the possible radicalization of some 55,000 Americans, 55,000 Americans that are currently visiting, living, or studying in Yemen, pointing out that these individuals can fly back to the United States with American passports.

The dangers of radicalization in Yemen are very troubling. The alleged Fort Hood terrorist, Major Nidal Hasan was radicalized by Yemeni-American cleric Anwar al Aulqi. The alleged terrorist who killed a U.S. Army recruiter in Little Rock, Arkansas, was also radicalized by al Aulqi. And now we have learned that the alleged Christmas Day terrorist was reportedly also in contact with al Aulqi in Yemen. Convicted terrorist John Walker Lindh was radicalized in Yemen while studying Arabic in 1998 and 2000, leading to his collaboration with the Taliban in Afghanistan.

Last week, President Obama said, "Now is not the time for partisanship,



it is the time for citizenship—a time to come together, work together with the seriousness of purpose that our national security demands.” However, working together demands that this administration work with Congress, both Republicans and Democrats, in good faith to provide information, answer questions, and consider solutions, and to develop a strategy to defeat al Qaeda, whenever and however we can.

The administration must live up to the President's challenge to involve Congress in the active participation on counterterrorism matters. This can only happen, however, if the legislative branch, Republicans and Democrats, are included in the process.

In closing, I urge my colleagues in the House to support bringing back the 9/11 team, Kean and Hamilton, for 6 months, create a Team B to consider innovative solutions to disrupt and defeat al Qaeda, and to make the TSA administrator position independent and nonpartisan, that will go for a long term, similar to what we currently do with regards to the FBI. These are good bipartisan steps to protect the homeland, and ultimately to defeat al Qaeda.

With that, Mr. Speaker, I thank you for your courtesy, and yield back the balance of my time.

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 12, 2010.

Hon. BARACK H. OBAMA,  
The President, The White House,  
Washington, DC.

DEAR MR. PRESIDENT: “National Security is too important to become a partisan issue.” This sentence was the opening line in a January 11 USA Today op-ed jointly authored by Lee Hamilton and Thomas Kean, co-chairs of the 9/11 Commission. Last week, you, too, said, “Now is not a time for partisanship, it's a time for citizenship—a time to come together and work together with the seriousness of purpose that our national security demands.” I could not agree more with this sentiment.

No nation, including America, can hope to win this long battle against al Qaeda and like foes if the war effort is marked by partisanship. Sadly, not only has partisanship infused the rhetoric surrounding national security discussions, it has actually obstructed the critical role of congressional oversight. Too often in recent months partisanship has resulted in withholding of information, unanswered letters and briefings denied by this administration.

The stakes are too high and the cost of failure is too great for petty politics to rule the day. The White House has a moral obligation to actively and consistently reach out to the minority party in Congress, to be forthcoming with information and to provide access to all levels of government.

Hamilton and Kean go on to write, “We intend to monitor the implementation of the 9/11 Commission's recommendations and report on new national security threats.” I urge you to encourage this effort by bringing back these two co-chairs for a six-month period to conduct a formal review and 9/11 Commission follow-up. They would be charged with evaluating which of the Commission's original recommendations have been implemented and to what end, and

which have failed to be implemented and at what cost.

This past weekend, The Washington Post featured an op-ed by Bruce Hoffman, respected professor of security studies at Georgetown University and a senior fellow at the U.S. Military Academy's Combating Terrorism Center. Hoffman wrote, “(W)hile al-Qaeda is finding new ways to exploit our weaknesses, we are stuck in a pattern of belated responses, rather than anticipating its moves and developing preemptive strategies. The ‘systemic failure’ of intelligence analysis and airport security that Obama recently described was not just the product of a compartmentalized bureaucracy or analytical inattention, but a failure to recognize al-Qaeda's new strategy. The national security architecture built in the aftermath of Sept. 11 addresses yesterday's threats—but not today's and certainly not tomorrow's. It is superb at reacting and responding, but not at outsmarting . . . a new approach to counterterrorism is essential.”

Distinct from temporarily bringing back the two 9/11 Commission co-chairs, I also urge the creation of a “Team B.” As you may know, historically the phrase “Team B” refers to a group of outside experts, commissioned by the Central Intelligence Agency in the 1970's and headed by Richard Pipes, to analyze the threats posed by the Soviet Union to the United States and counter the positions of intelligence officials within the CIA, known as “Team A.” In your remarks last week following the review of the attempted Christmas Day terrorist attack, you rightly referred to our enemy as “nimble.” Too often our response to the evolving threat posed by al Qaeda, and others sympathetic to their murderous aims, is anything but.

The Team B concept has been successful in previous administrations when fresh eyes were needed to provide the commander-in-chief with objective information to make informed policy decisions. I believe it can work now, too, and suggest that among the individuals, but not exclusively, whose expertise and forward-thinking would be well-suited to a Team B are: Bruce Hoffman; Andrew McCarthy and Patrick Fitzgerald, both of whom were involved in the prosecution of Sheik Omar Abdel Rahman in the first World Trade Center bombings; Fouad Ajami, professor at the School of Advanced International Studies (SAIS), Johns Hopkins University; Jean Bethke Elshtain, professor of social and political ethics at the University of Chicago; economist Judy Shelton, National Endowment for Democracy board member; foreign policy columnist and author Anne Applebaum; Andrew F. Krepinevich Jr., author of *Seven Deadly Scenarios: A Military Futurist Explores War in the 21st Century*; Elliot Cohen, professor of Strategic Studies at SAIS; Philip D. Zelikow, diplomat and author who worked as executive director of the 9/11 Commission; and Joshua Muravchik, formerly a scholar at the American Enterprise Institute and presently a Foreign Policy Institute fellow at SAIS.

The 9/11 Commission report was issued nearly six years ago. Even if every recommendation had been implemented, which it has not, our enemy has evolved since that time. Our current intelligence infrastructure is at times overwhelmed by data, information and the urgency of daily events, and as such is unable to dedicate the time and resources necessary to think outside the box and better comprehend this multidimensional threat. “Team B” would possess the

necessary expertise but would be free from these daily pressures. The team would represent a “new approach to counterterrorism” which focuses not just on connecting the dots of intelligence, but which seeks to stay a step ahead in understanding how to break the radicalization and recruitment cycle that sustains our enemy, how to disrupt their network globally and how to strategically isolate them.

I also believe there is an urgent need to make the Transportation Security Agency (TSA) administrator a long-term position. Since TSA's inception following the 9/11 attacks, there have been six Transportation Security Agency administrators and acting administrators. For a position of this import to turn over with such frequency and to automatically change hands with each new administration simply does not make sense. I am introducing legislation that mirrors the language used to establish a 10-year term and Senate confirmation for FBI directors. I am hopeful that members of both parties will see the merits of this proposal and I urge your support for this change.

America is a great nation facing an enemy unlike any other we have ever known. We must steel ourselves for the struggle ahead, frankly assessing the nature and scope of the threat we face and guarding against partisanship at all costs. The people of this country deserve nothing less.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 12, 2010.

Mr. JOHN BRENNAN,  
Deputy National Security Adviser, The White House, Washington, DC.

DEAR JOHN: I write today in light of the proliferation of attempted al Qaeda-sponsored attacks against the U.S. homeland last year to request that you work to engage both Congress and the administration in the process of making the prevention of future attacks our nation's paramount priority. I come to this issue as the author of the language in 1998 creating the National Commission on Terrorism and the ranking Republican on the House Commerce-Justice-Science Appropriations Subcommittee that funds key counterterrorism programs, including the Federal Bureau of Investigation (FBI) and the High-Value Detainee Interrogation Group (HIG)—which was established by your administration to address the concerns about detainee interrogations in Guantanamo Bay—and the U.S. Marshals Service. From that experience, I am concerned that there has been inadequate oversight by this Congress on federal counterterrorism programs and responses.

I have recently learned from the State Department legislative affairs office that there are an estimated 55,000 Americans currently visiting, living, or studying in Yemen, along with other Westerners. As you know, alleged Fort Hood terrorist Major Nidal Hasan was radicalized by Yemeni-American cleric Anwar al Aulaqi. The alleged terrorist who killed the U.S. Army recruiter in Little Rock, Arkansas, was also reportedly radicalized by al Aulaqi. Now we have learned that the alleged Christmas Day terrorist, Umar Farouk Abdulmutallab, was also in contact with al Aulaqi in Yemen. You may also be aware that convicted terrorist John Walker Lindh was radicalized in Yemen while studying Arabic in 1998 and 2000, leading to his collaboration with the Taliban in Afghanistan. How many of the 55,000 Americans now in Yemen are subject to

radicalization by al Aulahi and other al Qaeda recruiters? How is your administration planning to deal with the possible radicalization of those who can fly back to the U.S. with American passports? This is especially troubling in light of the fact that the Yemeni government does not control large portions of the country outside the capital city.

In his remarks last week, President Obama said, "Now is not a time for partisanship, it's a time for citizenship—a time to come together and work together with the seriousness of purpose that our national security demands." I could not agree more. However, working together demands that both the Congress, including Republicans and Democrats, and the administration work in good faith to provide information, answer questions, consider solutions, and to develop a strategy to defeat al Qaeda wherever it may be active.

It is disappointing that this administration has been, thus far, unresponsive to my letters and requests for information as well as letters from other Republican members of the House and Senate. I have sent six letters to the president and administration officials since October 1, 2009, expressing concern over the security situation in Yemen and the efforts of al Qaeda in the Arabian Peninsula to attack the U.S. I have read the classified biographies of the Guantanamo Bay detainees that have been released to Yemen and other unstable countries and have urged that this information be provided in unclassified form to the American people. If the American people could see the backgrounds of some of these detainees being sent back to these countries, I believe they would be shocked. For example, Ayman Batarfi, one of the Yemeni detainees released by this administration on December 19, 2009, has worked closely with Osama bin Laden in Afghanistan and trained with a microbiologist who taught al Qaeda how to produce anthrax in August 2001, according to unclassified Pentagon documents from 2004. These detainees are, in many cases, highly trained terrorists with close ties to al Qaeda.

In December, I offered an amendment to the fiscal year 2010 omnibus appropriations legislation that would have required unclassified notifications about impending detainee releases. Unfortunately, my amendment was defeated along party lines. We can and must do better to end this reflexive partisan opposition. To this end, I would appreciate your responses to the following questions relating to Yemen and the recent terrorist acts committed against the United States:

1. The president has indicated that six Guantanamo detainees released to Yemen in December remain in government custody, although other accounts indicate that they may have been paroled to their families. What is the current custody status of these former detainees?

2. According an article in today's Washington Post, "Yemen's fragile government fears that Somali fighters from al-Shabab will swell the ranks of Yemen's Islamist militants at a time when links between the Somali group and al-Qaeda in the Arabian Peninsula are growing." Do the same security concerns expressed by the administration with regard to Yemen apply to Somaliland?

3. Does the U.S. government now recognize Somaliland as an independent state? Does it have relations with the region's government? Are U.S. officials receiving cooperation from the Somaliland regional government?

4. It is my understanding that Umar Farouk Abdulmutallab indicated to authorities that he had trained in Yemen with other al Qaeda members prepared to launch similar attacks targeting U.S. airliners. Is this correct? If so, what countries are these suspected terrorists from?

5. Following the thwarted Christmas Day attack, who interrogated Mr. Abdulmutallab? Which agencies were consulted for questions prior to the interrogation? Which agencies submitted questions for the interrogation? Was he interrogated prior to being read Miranda rights? Given that this attack occurred on the Christmas holiday, did the appropriate high-level officials come to Detroit to conduct or support the interrogation?

6. Was Mr. Abdulmutallab considered a "high-value" detainee upon his arrest? What qualifies a detainee to be considered of "high-value"? Was the new High-Value Detainee Interrogation Group (HIG) involved in his interrogation? Did every agency (that is represented on the HIG) participate in the interrogation?

7. I was told in September 2009 that the Interrogation Task Force had made recommendations to the president, which he had approved. What is the new interrogation policy and how was it applied, if at all, in the interrogation of Mr. Abdulmutallab? If it was not applied, why not?

8. Does the new interrogation policy draw distinctions based upon whether the detainee is apprehended inside or outside the U.S.? If so, please specify.

9. What are the restrictions—legal, policy or procedure—that limit which agencies can take part in such interrogations? Were other intelligence agencies involved?

10. Who made the decision to arrest Mr. Abdulmutallab rather than transfer him to military custody to be held as an enemy combatant? Which agencies were consulted in this decision?

11. Was Mr. Abdulmutallab advised to stop cooperating with interrogators after being provided with legal counsel? If so, did he?

12. Why were the terms "al Qaeda," "Yemen," "terrorism," or "jihad" not mentioned to describe Mr. Abdulmutallab's activities in the seven-page charging instrument?

13. Was Christmas Day chosen for attack by al Qaeda for symbolic value?

14. What connections exist between the radical cleric al Aulahi and the Christmas Day, Fort Hood, and Arkansas attacks—as well as other terrorist plots last year?

15. How many former Guantanamo detainees have returned to terrorism?

16. Has the Defense Intelligence Agency (DIA) report on detainee recidivism been revised upward? If so, when will this report be released publicly? Has the president seen the updated report?

17. In a recent op-ed in The Washington Post, Professor Bruce Hoffman, a respected professor of security studies at Georgetown University and a senior fellow at the U.S. Military Academy's Combating Terrorism Center, wrote, "During the past 18 months, American and British intelligence officials have said, well over 100 individuals from such countries have graduated from terrorist training camps in Pakistan and have been sent West to undertake terrorist operations." Is this assessment low or high?

18. Does al Qaeda monitor congressional hearings or think tank publications relating to U.S. counterterrorism strategy?

19. What are the primary strategies al Qaeda uses to recruit Westerners? Which strategies have been most successful?

I would appreciate a response to these questions as soon as possible. The answers to these questions will be critical in helping Congress play an active and participatory role in working with the administration on counterterrorism matters. This can only happen, however, if the legislative branch—including the minority party—is included in this process.

I look forward to your response. Please do not hesitate to contact me or my staff member, Thomas Culligan, at 202-225-5136 if I can be of assistance.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

#### STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the section 302(a) allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the section 302(a) allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2011 and 2012 for accounts identified for advance appropriations under section 424 of S. Con. Res. 13. This list is needed to

enforce section 424 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13

[Reflecting action completed as of January 5, 2010—On-budget amounts, in millions of dollars]

|                        | Fiscal years      |                   |            |
|------------------------|-------------------|-------------------|------------|
|                        | 2009 <sup>1</sup> | 2010 <sup>2</sup> | 2010–2014  |
| Appropriate Level:     |                   |                   |            |
| Budget Authority ..... | 3,668,601         | 2,882,149         | n.a.       |
| Outlays .....          | 3,357,164         | 3,001,027         | n.a.       |
| Revenues .....         | 1,532,579         | 1,653,728         | 10,500,149 |
| Current Level:         |                   |                   |            |
| Budget Authority ..... | 3,670,974         | 2,869,949         | n.a.       |
| Outlays .....          | 3,364,358         | 3,012,314         | n.a.       |
| Revenues .....         | 1,532,579         | 1,633,383         | 11,271,543 |

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13—Continued

[Reflecting action completed as of January 5, 2010—On-budget amounts, in millions of dollars]

|   | Fiscal years      |                   |           |
|---|-------------------|-------------------|-----------|
|   | 2009 <sup>1</sup> | 2010 <sup>2</sup> | 2010–2014 |
| Current Level over (+)/under (–) Appropriate Level: |                   |                   |           |
| Budget Authority .....                              | 2,373             | –12,200           | n.a.      |
| Outlays .....                                       | 7,194             | 11,287            | n.a.      |
| Revenues .....                                      | 0                 | –20,345           | 771,394   |

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

<sup>1</sup>Notes for 2009: Current resolution aggregates exclude \$7,150 million in budget authority and \$1,788 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

<sup>2</sup>Notes for 2010: Current resolution aggregates exclude \$10,350 million in budget authority and \$5,488 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2010 in excess of \$12,200 million (if not already included in the current level estimate) would cause FY 2010 budget authority to exceed the appropriate level set by S. Con. Res. 13.

OUTLAYS

Outlays for FY 2010 are above the appropriate levels set by S. Con. Res. 13.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2010 excess of \$20,345 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2010 through 2014 in excess of \$771,394 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JANUARY 5, 2010

[Fiscal years, in millions of dollars]

| House Committee                    | 2009 |         | 2010    |         | 2010–2014 Total |         |
|------------------------------------|------|---------|---------|---------|-----------------|---------|
|                                    | BA   | Outlays | BA      | Outlays | BA              | Outlays |
| Agriculture:                       |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Armed Services:                    |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 35              | 35      |
| Current Level .....                | 0    | 0       | 8       | 8       | 278             | 251     |
| Difference .....                   | 0    | 0       | 8       | 8       | 243             | 216     |
| Education and Labor:               |      |         |         |         |                 |         |
| Allocation .....                   | –187 | –202    | 32      | 36      | –812            | –801    |
| Current Level .....                | –187 | –202    | 32      | 36      | 188             | 199     |
| Difference .....                   | 0    | 0       | 0       | 0       | 1,000           | 1,000   |
| Energy and Commerce:               |      |         |         |         |                 |         |
| Allocation .....                   | 11   | 2       | 10      | 13      | –10             | –2      |
| Current Level .....                | 11   | 2       | 10      | –337    | –10             | –2      |
| Difference .....                   | 0    | 0       | 0       | –350    | 0               | 0       |
| Financial Services:                |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | –564 | 3,226   | 318     | 11,346  | 527             | 8,061   |
| Difference .....                   | –564 | 3,226   | 318     | 11,346  | 527             | 8,061   |
| Foreign Affairs:                   |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Homeland Security:                 |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| House Administration:              |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Judiciary:                         |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 5       | –1      | 64      | –71             | –6      |
| Difference .....                   | 0    | 5       | –1      | 64      | –71             | –6      |
| Natural Resources:                 |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Oversight and Government Reform:   |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Science and Technology:            |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Small Business:                    |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Transportation and Infrastructure: |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 13,085  | 0       | 68,669          | 0       |
| Current Level .....                | 0    | 0       | 180     | 0       | 900             | 0       |
| Difference .....                   | 0    | 0       | –12,905 | 0       | –67,769         | 0       |
| Veterans' Affairs:                 |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Current Level .....                | 0    | 0       | 0       | 0       | 0               | 0       |
| Difference .....                   | 0    | 0       | 0       | 0       | 0               | 0       |
| Ways and Means:                    |      |         |         |         |                 |         |
| Allocation .....                   | 0    | 0       | 5,600   | 5,600   | 35,970          | 35,970  |
| Current Level .....                | 0    | 0       | 5,696   | 5,696   | 6,624           | 6,624   |
| Difference .....                   | 0    | 0       | 96      | 96      | –29,346         | –29,346 |

## DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations subcommittee   | 302(b) suballocations as of July 8, 2008 (H. Rpt. 110–746) |           | Current level reflecting action completed as of September 30, 2009 |           | Current level minus suballocations |          |
|---|--|-----------|--|-----------|------------------------------------|----------|
|   | BA   | OT        | BA   | OT        | BA                                 | OT       |
| Agriculture, Rural Development, FDA .....                           | 20,623   | 22,000    | 27,594   | 22,823    | 6,971                              | 823      |
| Commerce, Justice, Science .....                                    | 56,858   | 57,000    | 76,311   | 62,440    | 19,453                             | 5,440    |
| Defense .....   | 487,737  | 525,250   | 636,663  | 625,194   | 148,926                            | 99,944   |
| Energy and Water Development .....                                  | 33,265   | 32,825    | 91,085   | 35,130    | 57,820                             | 2,305    |
| Financial Services and General Government .....                     | 21,900   | 22,900    | 29,747   | 24,004    | 7,847                              | 1,104    |
| Homeland Security .....   | 42,075   | 42,390    | 45,045   | 46,508    | 2,970                              | 4,118    |
| Interior, Environment .....   | 27,867   | 28,630    | 38,586   | 29,687    | 10,719                             | 1,057    |
| Labor, Health and Human Services, Education .....                   | 152,643  | 152,000   | 281,483  | 168,653   | 128,840                            | 16,653   |
| Legislative Branch .....  | 4,404  | 4,340     | 4,428  | 4,393     | 24                                 | 53       |
| Military Construction, Veterans Affairs .....                       | 72,729   | 66,890    | 80,076   | 66,975    | 7,347                              | 85       |
| State, Foreign Operations .....                                     | 36,620   | 36,000    | 50,605   | 40,989    | 13,985                             | 4,989    |
| Transportation, HUD .....   | 54,997   | 114,900   | 119,530  | 121,039   | 64,533                             | 6,139    |
| Unassigned (full committee allowance) .....                         | 0  | 987       | 0  | 0         | 0                                  | –987     |
| Subtotal (Section 302(b) Allocations) .....                         | 1,011,718  | 1,106,112 | 1,481,153  | 1,247,835 | 469,435                            | 141,723  |
| Unallocated portion of Section 302(a) Allocation <sup>1</sup> ..... | 470,483  | 141,760   | 0  | 0         | –470,483                           | –141,760 |
| Total (Section 302(a) Allocation) .....                             | 1,482,201  | 1,247,872 | 1,481,153  | 1,247,835 | –1,048                             | –37      |

<sup>1</sup> Includes emergencies enacted before March, 2009 that are now included in resolution totals. Also includes adjustments for rebasing and technical reestimates since the Appropriations bills were scored at the time of enactment. Finally, it includes adjustments for overseas deployments made pursuant to S. Con. Res. 13.

## DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations subcommittee   | 302(b) suballocations as of July 30 2009 (H. Rpt. 111–238) |           | Current level reflecting action completed as of January 5, 2010 |           | Current level minus suballocations |        |
|---|--|-----------|---|-----------|------------------------------------|--------|
|   | BA   | OT        | BA  | OT        | BA                                 | OT     |
| Agriculture, Rural Development, FDA .....                           | 22,900   | 24,883    | 23,304  | 24,905    | 404                                | 22     |
| Commerce, Justice, Science .....                                    | 64,415   | 70,736    | 64,416  | 70,864    | 1                                  | 128    |
| Defense .....   | 636,293  | 648,367   | 636,374   | 647,180   | 81                                 | –1,187 |
| Energy and Water Development .....                                  | 33,300   | 42,771    | 33,465  | 42,954    | 165                                | 183    |
| Financial Services and General Government .....                     | 24,150   | 25,653    | 24,186  | 25,613    | 36                                 | –40    |
| Homeland Security .....   | 42,625   | 46,345    | 42,776  | 46,634    | 151                                | 289    |
| Interior, Environment .....   | 32,300   | 34,188    | 32,240  | 34,585    | –60                                | 397    |
| Labor, Health and Human Services, Education .....                   | 163,400  | 218,909   | 164,825   | 220,128   | 1,425                              | 1,219  |
| Legislative Branch .....  | 4,700  | 4,805     | 4,656   | 4,597     | –44                                | –208   |
| Military Construction, Veterans Affairs .....                       | 77,905   | 77,665    | 78,005  | 77,698    | 100                                | 33     |
| State, Foreign Operations .....                                     | 48,843   | 47,487    | 48,764  | 47,691    | –79                                | 204    |
| Transportation, HUD .....   | 68,821   | 135,243   | 67,900  | 134,342   | –921                               | –901   |
| Unassigned (full committee allowance) .....                         | 0  | 566       | 0   | 0         | 0                                  | –566   |
| Subtotal (Section 302(b) Allocations) .....                         | 1,219,652  | 1,377,618 | 1,220,911   | 1,377,191 | 1,259                              | –427   |
| Unallocated portion of Section 302(a) Allocation <sup>1</sup> ..... | 1,240  | –339      | 0   | 0         | –1,240                             | 339    |
| Total (Section 302(a) Allocation) .....                             | 1,220,892  | 1,377,279 | 1,220,911   | 1,377,191 | 19                                 | –88    |

<sup>1</sup> Includes adjustments made for final appropriations action.

## 2011 and 2012 advance appropriations under section 424 of S. Con. Res. 13

[Budget Authority in Millions of Dollars]

## Section 424(b)(1) Limits

|  |        |
|--|--------|
|  | 2011   |
| Appropriate Level .....                      | 28,852 |
| Enacted advances:                            |        |
| Accounts Identified for Advances:            |        |
| Employment and Training Administration ..... | 1,772  |
| Office of Job Corps .....                    | 691    |
| Education for the Disadvantaged .....        | 10,841 |
| School Improvement Programs .....            | 1,681  |
| Special Education .....                      | 8,592  |
| Career, Technical and Adult Education .....  | 791    |
| Payment to Postal Service ....               | 89     |
| Tenant-based Rental Assistance .....         | 4,000  |
| Project-based Rental Assistance .....        | 394    |
| Subtotal, enacted advances ...               | 28,852 |
|  | 2012   |
| Appropriate Level <sup>1</sup> .....         | n.a.   |

## Enacted advances:

Accounts Identified for Advances:  
Corporation for Public Broadcasting .....

## Section 424(b)(2) Limits

|   |        |
|---|--------|
| Appropriate Level <sup>2</sup> .....  | n.a.   |
| Enacted advances:   |        |
| Veterans Health Administration Accounts Identified for Advances:  |        |
| Medical services .....  | 37,136 |
| Medical support and compliance .....  | 5,307  |
| Medical facilities .....  | 5,740  |
| Subtotal, enacted advances ...  | 48,183 |
| <sup>1</sup> S. Con. Res. 13 does not provide a dollar limit for 2012.  |        |
| <sup>2</sup> S. Con. Res. 13 does not provide a dollar limit for allowable advances for the Veterans Health Administration. |        |

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 12, 2010.

Hon. JOHN M. SPRATT, Jr.,  
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current

2012

through September 30, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated September 10, 2009, the Congress cleared and the President signed an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111–68). That legislation includes a provision related to the Postal Service that affected budget authority and outlays for fiscal year 2009 (see footnote 4 of the report).

This is the final current level letter for fiscal year 2009.

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

## FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH SEPTEMBER 30, 2009

(In millions of dollars)

|   | Budget authority | Outlays   | Revenues  |
|---|------------------|-----------|-----------|
| Previously Enacted <sup>1</sup>   |                  |           |           |
| Revenues .....  | n.a.             | n.a.      | 1,532,571 |
| Permanents and other spending legislation .....   | 2,186,897        | 2,119,086 | n.a.      |
| Appropriation legislation .....   | 2,031,683        | 1,851,797 | n.a.      |
| Offsetting receipts .....   | -640,548         | -640,548  | n.a.      |
| Total, Previously enacted .....   | 3,578,032        | 3,330,335 | 1,532,571 |
| Enacted this session:   |                  |           |           |
| Helping Families Save Their Homes Act of 2009 (P.L. 111-22) .....   | -524             | 3,266     | 0         |
| An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products* * and for other purposes (P.L. 111-31) ... | 11               | 2         | 8         |
| Supplemental Appropriations Act, 2009 (P.L. 111-32) <sup>2</sup> .....  | 89,682           | 26,992    | 0         |
| An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39) .....  | -187             | -202      | 0         |
| An act to authorize the Director of the United States Patent and Trademark Office to use funds...and for other purposes (P.L. 111-45) .....                                       | 0                | 5         | 0         |
| An act to restore sums to the Highway Trust Fund, and for other purposes (P.L. 111-46) <sup>3</sup> .....   | -40              | -40       | 0         |
| An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111-68) <sup>4</sup> .....                    | 4,000            | 4,000     | 0         |
| Total, enacted this session .....   | 92,942           | 34,023    | 8         |
| Total Current Level <sup>2,3,4,5</sup> .....  | 3,670,974        | 3,364,358 | 1,532,579 |
| Total Budget Resolution <sup>6</sup> .....  | 3,675,751        | 3,358,952 | 1,532,579 |
| Adjustment to budget resolution for disaster allowance <sup>7</sup> .....   | -7,150           | -1,788    | n.a.      |
| Adjusted Budget Resolution .....  | 3,668,601        | 3,357,164 | 1,532,579 |
| Current Level Over Budget Resolution .....  | 2,373            | 7,194     | n.a.      |
| Current Level Under Budget Resolution .....   | n.a.             | n.a.      | n.a.      |

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

|  | Budget authority | Outlays   | Revenues  |
|--|------------------|-----------|-----------|
| Supplemental Appropriations Act, 2009 (P.L. 111-32) .....  | 16,169           | 3,530     | n.a.      |
| <sup>3</sup> Section 1 of P.L. 111-46 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111-46 reversed this policy and restored payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act reduced budget authority and outlays by \$40 million in 2009. |                  |           |           |
| <sup>4</sup> Section 164 of Division B of P.L. 111-68 reduced the required transfer from the Postal Service Fund to the Postal Service Retiree Health Benefits Fund for fiscal year 2009 by \$4 billion. The transfer does not affect unified budget totals; however, since the Postal Service Fund is off-budget, and current level does not include off-budget amounts, only the on-budget piece of the transfer (an increase in spending of \$4 billion) is shown in current level totals.  |                  |           |           |
| <sup>5</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.  |                  |           |           |
| <sup>6</sup> Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:  |                  |           |           |
|  | Budget authority | Outlays   | Revenues  |
| Original Budget Resolution .....   | 3,675,927        | 3,356,270 | 1,532,571 |
| Revisions:   |                  |           |           |
| For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) .....  | 0                | 2,882     | 0         |
| For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products and for other purposes (section 324) ...   | 11               | 2         | 8         |
| For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 322) .....   | -187             | -202      | 0         |
| Revised Budget Resolution .....  | 3,675,751        | 3,358,952 | 1,532,579 |

<sup>7</sup> S. Con. Res. 13 includes \$7,150 million in budget authority and \$1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget, the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.  
Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 12, 2010.

Hon. JOHN M. SPRATT, Jr.,  
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through January 5, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of

the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated September 10, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2010:

An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111-68);

Fiscal Year 2010 Federal Aviation Administration Extension Act (Public Law 111-69);

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80);

Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83);

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84);

Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85);

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010 (Public Law 111-88);

Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92);

An act to allow the funding for interoperable emergency communication grants program (Public Law 111-96);

No Social Security Benefits for Prisoners Act of 2009 (Public Law 111-115);

Consolidated Appropriations Act, 2010 (Public Law 111-117);

Department of Defense Appropriations Act, 2010 (Public Law 111-118); and

An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes (Public Law 111-124).

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

## FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JANUARY 5, 2010

(In millions of dollars)

|   | Budget authority | Outlays   | Revenues  |
|---|------------------|-----------|-----------|
| Previously Enacted: <sup>1</sup>                |                  |           |           |
| Revenues .....                                  | n.a.             | n.a.      | 1,665,986 |
| Permanents and other spending legislation ..... | 1,642,620        | 1,625,731 | n.a.      |
| Appropriation legislation .....                 | 0                | 600,500   | n.a.      |
| Offsetting receipts .....                       | -690,251         | -690,251  | n.a.      |
| Total, Previously enacted .....                 | 952,369          | 1,535,980 | 1,665,986 |

## FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JANUARY 5, 2010—Continued

[In millions of dollars]

|  | Budget authority | Outlays          | Revenues         |
|--|------------------|------------------|------------------|
| <b>Enacted Legislation:</b>  |                  |                  |                  |
| <b>Authorizing Legislation:</b>  |                  |                  |                  |
| Helping Families Save Their Homes Act of 2009 (P.L. 111-22) .....  | 318              | 11,346           | 0                |
| An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111-31) ..... | 10               | 13               | 46               |
| An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39) .....   | 32               | 36               | 0                |
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 and for other purposes (P.L. 111-42) .....                  | 0                | 0                | 6,862            |
| An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (P.L. 111-45) .....  | 0                | 65               | 0                |
| Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (P.L. 111-47) <sup>2</sup> .....                                       | 0                | 0                | 3                |
| Judicial Survivors Protection Act of 2009 (P.L. 111-49) .....  | -1               | -1               | 0                |
| Fiscal Year 2010 Federal Aviation Administration Extension Act (P.L. 111-69) .....   | 180              | 0                | 0                |
| National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84) .....  | 8                | 8                | 20               |
| Worker, Homeownership, and Business Assistance Act of 2009 (P.L. 111-92) .....   | 5,708            | 5,708            | -38,940          |
| An act to allow the funding for the interoperable emergency communications grant program (P.L. 111-96) .....   | 0                | -350             | 0                |
| No Social Security Benefits for Prisoners Act of 2009 (P.L. 111-115) .....   | -12              | -12              | 0                |
| An act to extend the generalized system of Preferences and the Andean Trade Preference Act, and for other purposes (P.L. 111-124) .....  | 0                | 0                | -589             |
| <b>Total, authorizing legislation enacted this session</b> .....   | <b>6,243</b>     | <b>16,813</b>    | <b>32,604</b>    |
| <b>Appropriations Acts:</b>  |                  |                  |                  |
| Supplemental Appropriations Act, 2009 (P.L. 111-32) <sup>2</sup> .....   | 11,333,530       | -2               | 0                |
| An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111-68) .....                                      | 4,656            | 3,914            | 0                |
| Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80) .....  | 119,826          | 96,198           | 0                |
| Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83) .....   | 44,137           | 26,619           | 0                |
| Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111-85) .....   | 33,465           | 19,573           | 0                |
| Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010 (P.L. 111-88) .....                                 | 32,760           | 20,543           | 0                |
| Consolidated Appropriations Act, 2010 (P.L. 111-117) .....   | 1,058,293        | 856,752          | 0                |
| Department of Defense Appropriations Act, 2010 (P.L. 111-118) <sup>2</sup> .....   | 637,886          | 404,382          | 3                |
| <b>Total, appropriations acts enacted this session</b> .....   | <b>1,931,034</b> | <b>1,461,511</b> | <b>1</b>         |
| <b>Entitlements and mandatories:</b>   |                  |                  |                  |
| Budget resolution estimates of appropriated entitlements and other mandatory programs .....  | -19,697          | -1,990           | 0                |
| <b>Total Current Level <sup>2-3,4</sup></b> .....  | <b>2,869,949</b> | <b>3,012,314</b> | <b>1,633,383</b> |
| <b>Total Budget Resolution <sup>5</sup></b> .....  | <b>2,892,499</b> | <b>3,006,475</b> | <b>1,653,728</b> |
| Adjustment to budget resolution for disaster allowance <sup>6</sup> .....  | -10,350          | -5,448           | n.a.             |
| <b>Adjusted Budget Resolution</b> .....  | <b>2,882,149</b> | <b>3,001,027</b> | <b>1,653,728</b> |
| <b>Current Level Over Budget Resolution</b> .....  | <b>n.a.</b>      | <b>11,287</b>    | <b>n.a.</b>      |
| <b>Current Level Under Budget Resolution</b> .....   | <b>12,200</b>    | <b>n.a.</b>      | <b>20,345</b>    |
| <b>Memorandum:</b>   |                  |                  |                  |
| Revenues, 2010-2014:   |                  |                  |                  |
| House Current Level .....  | n.a.             | n.a.             | 11,271,543       |
| House Budget Resolution .....  | n.a.             | n.a.             | 10,500,149       |
| Current Level Over Budget Resolution .....   | n.a.             | n.a.             | 771,394          |
| Current Level Under Budget Resolution .....  | n.a.             | n.a.             | n.a.             |

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

|  | Budget authority | Outlays       | Revenues      |
|--|------------------|---------------|---------------|
| Supplemental Appropriations Act, 2009 (P.L. 111-32) .....  | 17               | 7,064         | n.a.          |
| An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (P.L. 111-47) ..... | 0                | 2,000         | n.a.          |
| Department of Defense Appropriations Act, 2010 (P.L. 111-118) .....  | 12,025           | 11,976        | -4,473        |
| <b>Total, emergency requirements enacted this session</b> .....  | <b>12,042</b>    | <b>21,040</b> | <b>-4,473</b> |

<sup>3</sup> The estimate for P.L. 111-46, an act to restore the Highway Trust Fund, and for other purposes, does not change current level totals. P.L. 111-46 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111-46 reversed this policy and will restore payments to states at levels already assumed in current level. Thus, no change is required.

<sup>4</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>5</sup> Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

|  | Budget authority | Outlays          | Revenues         |
|--|------------------|------------------|------------------|
| Original Budget Resolution .....   | 2,888,691        | 3,001,311        | 1,653,682        |
| Revisions:   |                  |                  |                  |
| For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 422(0)(1)) .....   | 3,766            | 2,355            | 0                |
| For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) .....  | 0                | 818              | 0                |
| For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324) ..... | 10               | 13               | 46               |
| For revisions for House-passed appropriations bills (sections 422(a) and 423(a)(1)) .....  | 0                | 3,521            | 0                |
| For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 322) .....   | 32               | 36               | 0                |
| For revisions for final appropriations bills (section 423(a)(1)) .....   |                  | -1,579           |                  |
| <b>Revised Budget Resolution</b> .....   | <b>2,892,499</b> | <b>3,006,475</b> | <b>1,653,728</b> |

<sup>6</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the House Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

## CBC HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. LEE) is recognized for 60 minutes as the designee of the majority leader.

Ms. LEE of California. As Chair of the 42-member Congressional Black

Caucus, let me first begin by saying that our thoughts and our prayers go out to the people of Haiti and the Haitian-American community, those Americans and others in Haiti affected by this devastating earthquake.

Members of the Congressional Black Caucus are continuing to monitor the situation in Haiti, and are committed

to providing whatever emergency humanitarian assistance is needed. The Congressional Black Caucus has a long history of working with the Haitian people and the Haitian-American community on a variety of issues. We share a close and long-standing relationship. Many members of the Congressional

Black Caucus, including myself, have visited Haiti many, many times.

Since learning of the devastating earthquake yesterday, my staff and I have been in contact with the State Department and other officials to assess the situation on a regular basis. Congressman DONALD PAYNE of New Jersey chairs the International Affairs Task Force of the Congressional Black Caucus, and has held several meetings today to coordinate our legislative and humanitarian assistance efforts. The CBC is working to help to ensure that the United States can and will continue to do everything it can to provide emergency humanitarian assistance. The President has quickly deployed all available assets and resources to respond to this emergency.

Over the last several years, Haiti has experienced an extraordinary set of challenges, from high food prices and food shortages, to natural disasters. Haiti will need increased attention and resources from the international community to help it recover during this very difficult time.

United Nations reports say thousands of people may have died in this earthquake. At least 100 people are believed to be buried in the rubble of the United Nations headquarters building in Port-au-Prince. The head of the United Nations Mission is among the missing. Search and rescue teams have been sent to Haiti from several countries. A United States military official says tentative plans are underway for the hospital ship USNS *Comfort* to dock off the coast of Haiti to assist with sick and wounded. We are asking the global community to help us with these efforts.

In response to the earthquake in Haiti, the U.S. Agency for International Development is dispatching a disaster assistance response team, and has activated its partners the Fairfax County Urban Search and Rescue Team and the Los Angeles County Search and Rescue Team. Now, more than ever, Haiti needs our help.

Haiti is the poorest, least developed country in the Western Hemisphere, with an average per capita income of \$500 per year. But the Haitian people are resilient and proud people. The country ranks 146 out of 177, lower than Bangladesh and even the Sudan on the United Nations Human International Development Index. And also one in eight children will die before the age of five. That is one in eight.

Over the last 2 years, Haiti has been devastated by a triple blow of rising food and energy prices, the succession of hurricanes and tropical storms, and the global economic downturn. In May of 2008, the former chair of the Congressional Black Caucus, Congresswoman CAROLYN CHEEKS KILPATRICK of Michigan, and I, led a Congressional delegation to Haiti to examine the conditions on the ground. We were joined

then by 10 members of the Congressional Black Caucus and one member of the Congressional Hispanic Caucus. Later that month, the House passed an emergency supplemental that included funding for international food aid, and also other food security initiatives. As a member of the Appropriations Committee, we worked to ensure that Haiti's needs were addressed in the context of the global food crisis.

Thanks in large part to the leadership of many members in the Congressional Black Caucus, in September 2008 President Bush signed H.R. 2638 into law, which amended the Department of Homeland Security Act to include 100 million in additional disaster relief to the Caribbean, of which 96 million was appropriated to Haiti. During Haiti's time of need then Congress stepped up to lend support. And of course we expect no less this time around.

□ 1700

As we deliver urgent and immediate support to the people of Haiti and all of those who have been affected by this earthquake, we must also identify long-term solutions to Haiti's problems. Haiti's food shortages, severe deforestation, poor sanitation, lack of family planning and health care services, high unemployment and underdevelopment, and also the lack of an agricultural sector, these issues, these problems cannot be solved by emergency assistance alone. And so that is why, working with Chairman ENGEL, many of us are working on my bill, H.R. 417, which is called the Next Steps for Haiti Act of 2009.

This bill would provide technical expertise and build human capacity to help Haiti address its own problems. Many Haitian Americans living in the United States have technical expertise in areas such as agriculture, education, health care, and infrastructure and would like to return to Haiti to assist their people. My bill creates a mechanism to transfer this knowledge in order to meet the needs and the goals of Haiti.

Beyond that, we need to ensure that we find innovative ways to build human capacities, such as educational exchanges, programs such as I have proposed and other Members in H.R. 416, the Shirley Chisholm U.S.-Caribbean Educational Exchange Act.

Now more than ever Haiti needs the support of its neighbor to the north. Even as we deal with our own problems during these tough economic times, we must not turn a blind eye to the untold human suffering just off our shores. Today, we express our continued support for Haiti. We stand in solidarity with the Haitians and the Haitian Americans who have lost loved ones, with the United States citizens still trapped on the island. We stand in solidarity with the rescue workers who have devoted their time and their

treasure to help people they do not know. We stand hand in hand with them today and renew our continued support.

Our thoughts and our prayers go out to the Haitian people and to all of those who have been affected during this very trying time. We are asking everyone in our country to help in this assistance with the Haiti effort. Of course individuals can go online, USAID.gov, for more information. The administration is urging cash donations. There are many, many efforts taking place by our administration in this immediate emergency response in terms of a search-and-rescue effort at this moment.

Thank you again for giving us the opportunity to speak tonight. I would like now to turn the floor over to Congresswoman DONNA CHRISTENSEN from the Virgin Islands, who has led on many efforts as it relates to the Caribbean, who knows Haiti very, very well, who knows what natural disasters mean in terms of the dislocation and the tragic deaths that occur and what we have to do as a country to help respond to such a tragedy of this magnitude.

Thank you, Congresswoman CHRISTENSEN.

Mrs. CHRISTENSEN. And thank you, Congresswoman and Chairwoman LEE, for your leadership of the caucus through every event that we've had to deal with, but especially for the way that you have answered the call to action for the people of Haiti and have called us to action as well within the caucus and within the Congress.

Mr. Speaker, I rise this evening with my colleagues to express our deep sense of concern for the plight of the Haitian people after yesterday's devastating earthquake, the most devastating some people have observed in 200 or more years. I want to again thank our chair lady and the past years of the Congressional Black Caucus for the leadership they have given over the years on behalf of the nation of Haiti.

Last year, we began this administration and this Congress with hope for this country because of the promised engagement of President Obama, the demonstrated commitment of Secretary of State Hillary Clinton, and the work on the ground of former President Clinton. But today, after beginning to rebuild after an onslaught of hurricanes in years past, this country, which is poor in resources but never has been poor in spirit, has been dealt a devastating blow once again.

So on behalf of the people of the Virgin Islands who are Caribbean neighbors of the people of Haiti, I express my condolences on the loss that has not yet been counted and for a sorrow not yet fully expressed because of the shock at the sheer magnitude of the loss that affects us all as fellow human beings.



I would like to express special concern for the Haitian Americans in my district and across the country who are worried and devastated as they try to get some word about the status of their loved ones back at home.

Mr. Speaker, Haiti has always had a special place in my heart and the hearts of all of us in the Congressional Black Caucus as me and my colleagues have tried over several administrations to impress upon those administrations the need for assistance for a people who crave economic opportunity, political stability, and social advancement. Many Haitians have migrated to our shores and have made significant and magnificent contributions to our country, but many still yearn for a better future for the country that they left behind.

As we ponder how to help Haiti in this time of disaster, which has followed many other disasters, and the difficulty of daily living for many of her residents, I hope that we will look at how we can help this neighbor to turn the corner and be more able to grow and develop in a way that can be helpful and more supportive to her citizens and help them to build for the future. Haiti needs debt forgiveness, investment in infrastructure, assistance in health care and education, and many of the things that we take for granted that would create that brighter future for its people.

I commend President Obama for his quick response in getting first responders there to help those trapped in the rubble, medical assistance to help those who have been hurt or injured, and military assistance to help maintain the stability that is necessary to make sure that those most in need get the help. And we know that his commitment and our commitment as Members of Congress is there for the long term.

Mr. Speaker, this disaster has touched the lives of rich and poor, educated and not, Haitians and others. And as we fellow human beings who care stand ready to assist in this time of need, I join my colleagues tonight in the Congressional Black Caucus and pledge our help in this disaster and in the long term for their recovery. Right now the need is for monetary donations to credible organizations like the International Red Cross and others operated by churches and not-for-profit organizations that work with the people of Haiti on a regular basis. News reports last night told us that the people of Haiti, devastated by the disaster, took to the streets last night and hugged and prayed while trying their best to dig their friends and neighbors out of the rubble. We want them to know that we join in their prayers for relief and mercy and will do what we can as neighbors, as friends, as family, and as Members of Congress to assist them in their time of need.

Ms. LEE of California. Thank you very much, Congresswoman CHRISTENSEN.

Now I would like to yield to the Chair of the Congressional Black Caucus' International Affairs Task Force, Congressman DON PAYNE, who also chairs the Africa and Global Health Subcommittee of the Foreign Affairs Committee. Congressman PAYNE today has been working hour by hour coordinating an emergency response strategy for the House of Representatives. Thank you very much, Congressman PAYNE, for being with us here tonight and for your leadership.

Mr. PAYNE. Thank you very much. And let me commend the chairperson of the Congressional Black Caucus, BARBARA LEE, for her continued leadership, stellar leadership, bringing issues that are current to us before the Congressional Black Caucus and the Congress and the Nation.

Once again, we are here to talk about an issue that is very close to us. As has been indicated, I chair the International Task Force of the CBC and others on the Western Hemisphere Committee and so forth. Haiti has been a longtime concern to many of us, and we certainly wish to express our concern for this disaster, this catastrophe that has stricken Haiti.

As you know, Haiti was hit by four devastating hurricanes and tropical storms recently, a year and a half ago. And Haiti was recovering, recovering from the mudslides, recovering from the floods, working its way back for the past 15 months. Then of course last night we were just shocked when we heard that a 7.0 earthquake on the Richter scale, an earthquake that was only 5 miles from the surface of the Earth, therefore giving it a magnitude of strength that is rarely felt in an earthquake because many earthquakes go down 100 miles, 150 miles deep into the Earth. However, this being 5 miles from the surface meant that the shock and the aftershocks were as individual earthquakes would be because of the proximity to the surface. This was a tremendous setback again for Haiti.

From reports, we have heard that few buildings are left standing in Port Au Prince. The Parliament building, schools, hospitals, houses are destroyed. We have known that there has been a problem in Haiti with deforestation, with the need for firewood and heating fuel, cooking fuel, and therefore the denuding of the topography, therefore making it very difficult for the environment to move forward. And so this unbelievable earthquake is certainly another tremendous setback.

We know that the U.S. had a quick response. Our Secretary of State from Hawaii early this morning indicated that the U.S. would be there in full force with all of our support. Then we recall this morning the President of the United States addressed our coun-

try, indicating that the U.S. will do all within our authority to ensure that everything is done that we can.

There has been a tremendous amount of coordination. We heard from Cheryl Mills from the Secretary of State's office recently on a conference call where she updated us about all of the military and humanitarian, USAID programs that are going on. We have ships that are going to Haiti. We have Mercy Hospital ship that's on its way. We have helicopters that will be deployed from our aircraft carriers. We have the Coast Guard that is coming down.

And so we have a tremendous amount of immediate—there was never any hesitation on the part of our government, and I commend the Obama administration. In my State of New Jersey, we have many, many Haitian Americans, and my office has been inundated with calls of people who want to know what they can do and concerns about their family and loved ones and what will the next steps be.

In concluding, Haiti has been a strong ally to the United States of America throughout its history. Haiti sent troops to fight with the American patriots who were fighting for their independence against Great Britain. In Savannah, the Battle of Savannah, many Haitians lost their lives, which was one of the turning points of the colonists turning the tide against the British Army. Many valiant Haitians died for our independence. And actually, during history, when the Haitian military had a 12-year war with Napoleon's army, Haiti defeated the great Napoleon's military and therefore, France was in need of finances. And France at that time controlled the Louisiana territory. It was because of Haiti's defeat of France and their need for cash that the United States was able to buy the Louisiana territory in the famous Louisiana Purchase, which therefore opened the West to the United States, and Lewis and Clark then went throughout the continent.

□ 1715

So, if you look at it, Haiti has had a tremendous amount to do with our development as a Nation, and so we now owe a responsibility, I believe, to our longstanding friend in Haiti. So I know that we are on the right track. The Congressional Black Caucus will continue to monitor and ensure that we have a thorough and efficient response, as we have seen. We have been pleased up to this point, and we will be at the forefront.

So, once again, let me commend the chairperson of the Congressional Black Caucus and all of the members who have joined shoulder to shoulder to say that we will march until we ensure that Haiti will, once again, be able to come back again. They have the resilience. They have the spirit. They have the determination. So we know that it

will come back, but it will have to be with the assistance of the United States and of many other nations around the world who are willing to help.

Ms. LEE of California. Thank you very much, Congressman PAYNE. Let me thank you for that presentation and also for putting Haiti in a historical context. It is important that we recognize and remember the history of how our foreign policy and our relations with Haiti have been so important in the past, which now has brought us to this day.

So, today, we are talking about how we can respond in an emergency way and in a manner that will help the Haitian people take care of the sick and that will help with these search and rescue efforts. I also thank you for reminding us that we have to help Haiti to move forward and to rebuild and recover.

Now I would like to ask Congresswoman SHEILA JACKSON LEE to speak. Congresswoman JACKSON LEE is a member of the Homeland Security Committee, but also she was very instrumental in the Katrina response. She provided many, many ways and vehicles for Katrina survivors to live and to have a decent place to stay until they could return home, and she ensured that FEMA was responsive to their needs. She really took on many, many issues as it relates to hurricane survivors. Now she is working very hard as it relates to the earthquake in Haiti.

So thank you again, Congresswoman JACKSON LEE. Let me just remind you, and I was listening to Congressman PAYNE, that I come from an area that is earthquake-prone. It is hard to imagine what a 7.0 or a 7.1 earthquake is on the Richter scale given our experience with, maybe, a 4 or a 5 or a 6. So this is really an earthquake of enormous magnitude that those of us who come from earthquake-prone regions recognize and understand.

Thank you, Congresswoman JACKSON LEE.

Ms. JACKSON LEE of Texas. Let me thank Congresswoman BARBARA LEE, our chairperson, who raised the red flag and who let out the siren and gathered us together, and I want to respond to what she just said about the earthquake.

It rocks you in your soul; 7.0 on the Richter scale is hair-raising. I would also argue that it puts your hair on fire. I still have a sense that I am trembling because it's unimaginable. As you have just indicated, we look to California, and we get very nervous about our friends and family who are there when we hear of a 2, of a 3 or of a 4. I recall in the northern California area when there was an earthquake that impacted the baseball game and the baseball stadium, and it was all over the news. It was not a 7.0.

So I would just simply say that we rise here with all solemnness. We are not speechless, but we are trembling for those who are now in the eye of devastation.

I, too, rise to thank the Congressional Black Caucus, of which I am a member, to thank all of those who have been in meetings, as we have been throughout this morning and yesterday, and on a conference call that occurred. Work is going on as we speak and the concern that we have for those who we have been able to see only through, to a certain extent, still pictures, though I know many of our cable networks in particular have been making their way there, and other networks, to be able to deliver the devastation to us.

I express my appreciation to the President of the United States, who moved swiftly. There was no hesitation on the commitment that President Barack Obama had. In fact, he quickly offered his prayers, but he acknowledged the devastation, making note of the fact that he had seen collapsed hospitals, crumbled homes, men and women carrying their injured neighbors to the streets. He acknowledged that it was truly heart-wrenching, sufficient to make you tremble. So, moving swiftly, he directed his administration to coordinate in an aggressive manner to save lives.

The people of Haiti will have the full support of the United States in the urgent efforts to rescue those trapped beneath the rubble and to deliver the humanitarian relief—the food, the water, and the medicine—the Haitians will need. He has authorized that USAID and the Departments of State and Defense work closely together, and he has mobilized large numbers of individuals, including our military efforts.

I also want to take note that the Secretary of Homeland Security has indicated that our resources, including the United States Coast Guard and FEMA, will be there, which we have jurisdiction over—my committee has jurisdiction over—and Chairman THOMPSON will be intimately involved in pushing the efforts of making sure that FEMA and the U.S. Coast Guard are there.

Google “7.0” and get a sense of how deeply devastating that is and that it hit one of the most populated areas, Port-au-Prince. It damaged buildings extensively. We saw the palace collapse, not riddled by bullet holes, but literally collapse. How fortunate we can say we were, the fact that this came at 6 o'clock when we understand that many of the workers in the palace and the government were already gone, but we know that government officials may have lost their lives. It is said that many of the United Nations personnel and peacekeeping troops have lost their lives, and so we can't put this at a level of seriousness by just our voices and our words.

Let me thank the U.S. Southern Command that is deploying a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of yesterday's devastating earthquake. Let me also mention that the team will include U.S. military engineers, operational planners, a command-and-control group, and communications specialists. They will arrive in Haiti on two C-130 Hercules aircraft. For those who don't know or who can't imagine, those are huge, boat-like aircraft which can carry an enormous amount of equipment.

Chairman LEE, I think one of the important issues that I am very concerned about and would like to get a report on is how many aircraft—let me just use the right terminology—large ships can carry heavy equipment. We know in the war zones that there are large aircraft that can carry heavy equipment, and the equipment I am thinking of in particular would be the Earth-moving machines, the machines that can assist in finding the loss.

As we understand, many are still living or are still trying to live who are in the crushed buildings. Time is of the essence. It is imperative because of the crush injuries that can kill. Even if they are alive, the fact that some parts of their bodies are crushed, whether it is a leg or an arm, can cut off circulation, and they can die. Some of the large equipment is so very important, and I would like to get a report on how fast that equipment can move.

We do understand that a U.S. Coast Guard helicopter already evacuated four critically injured U.S. Embassy staff to the naval station at Guantanamo Bay, Cuba, hospital for further treatment. Elements of the U.S. Air Force First Special Operations Wing are deploying today to the international airport of Port-au-Prince, Haiti, to provide air traffic control capability and airfield operations.

That is very important, which will allow Members of Congress—and might I thank Congresswoman LEE in working with the Congressional Black Caucus. I would like to push for a codel on Friday, but I realize the difficulty of moving Members during a time of great uncertainty. So I encourage, as you have already dictated, that the CBC have a codel, and I know there are many members who are looking to do that and who would do that at the appropriate time. I want everyone to realize that the Congressional Black Caucus is leading on this, and we are attempting to get to Haiti as quickly as we can, making sure that the operations of rescue go forward first.

A U.S. Navy P-3 Orion aircraft from the forwarding operational location at El Salvador took off early this morning to conduct an aerial reconnaissance of the area affected by the earthquake, and the U.S. Navy aircraft carrier, the USS *Carl Benson*, is under way and is

expected to arrive off the coast of Haiti. I might imagine that they will be bringing in what is necessary in the heavy equipment. Many countries around the world are also coming, and I do believe it is crucial that we acknowledge that.

The Red Cross is receiving dollars. The White House has a Web site, Madam Chair, which I would like to recite if I could find it.

Ms. LEE of California. Will the gentlelady yield?

Ms. JACKSON LEE of Texas. I will be happy to yield.

Ms. LEE of California. I believe the Web site is USAID.gov.

Ms. JACKSON LEE of Texas. Yes, that's one of them.

There was a WhiteHouse.gov, and that is an excellent one to use if I find it. Then of course I would like to state the number for American family members who are trying to find their family in Haiti, and that number is (888) 407-4747.

What I would like to conclude on is to give comfort to Haitians who are here and to ensure that they can reach out to the offices of their Members of Congress. I'll give my number, which is (202) 225-3816, for constituents in my area, but it is important to note that all Members of Congress and the Congressional Black Caucus members will all be going home to their districts, meeting with the Haitian Americans in their constituencies. In particular, I will be meeting with Haitian American constituents, and I am calling for a weekend of prayer that will culminate on your days of worship, that you will offer up a weekend of prayer for the people of Haiti, for their families and, of course, for the Haitian Americans who are now here struggling to help their loved ones.

It is also important for Haitian Americans and for others to note that the President and the Secretary of Homeland Security have put a hold on any deportations. Let me say this because that always raises hairs, but we in the Congressional Black Caucus have been in the forefront for acknowledging that, really, the deportations of Haitians have really fallen upon the backs of hardworking Haitians who came here, by and large, simply to work and to achieve opportunities. They came alongside of the Cubans, but did not have the same status. We have not found danger in the Haitian community. In fact, a story that appeared in the Houston Chronicle is of a Haitian American whom I helped. She was a schoolteacher with two children and a husband, and she is being switched off.

I am glad that she is now in the midst, Chairwoman LEE, of the Haitian relief effort in Houston.

So we have been advocating, and the Trans Africa Forum has advocated for TPS status, but I think it's important

to note that we have gotten the quickest response and that that response is that the deportations of Haitians—and I want to repeat it again—are now on hold as ordered by the President of the United States and the Secretary of Homeland Security. I can't imagine any Member of Congress is going to rise to his feet to challenge that humanitarian act by this government, and I am very proud of them.

I do want to take note of the fact as well that I am very pleased that Major Washington has been detailed to my office, and his firsthand knowledge has already been helpful. One of the things that, I think, we should emphasize in the immediate hours, tragically, is to secure units from the military which are able to set up temporary morgues. We hate to say that, but we understand that that is what we are going to face, and let me tell you why.

□ 1730

In listening to the leadership in Haiti, Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead. We don't know that, but these are government officials who have said that number, and a leading Senator estimated the number as possibly as high as 500,000. Again, we don't have an affirmation of these numbers, but these are leaders who are on the ground, and I believe it is very important.

Eight American employees working at the Embassy were injured; three were medevaced. We believe there are three U.S. citizens who have died, currently reported by the individual.

I think I started out by saying the Houston Rotary Club, downtown Rotary Club has a delegation in Haiti as of yesterday, and we are working to ensure their return.

Let me say thank you for the U.S. Embassy. The building, we understand, is intact. We thank those workers there. We encourage them as they are helping to be part of the solution. We are encouraging them as we work with them for those constituents of ours that are still there that we will be looking for.

I hope that the long journey of recovery will be a bipartisan effort. I am thankful that the Congressional Black Caucus, meeting with their constituents as we go home, will be able to be the harvesters of information and bring back information that can be very helpful.

The Congresswoman, Congresswoman LEE, mentioned a number. I want to cite the American Red Cross, who is also accepting public donations to support the Haitian response, to the American Red Cross International Response Fund, which is used to respond to disasters such as the Haitian earthquake. The American Red Cross made an initial contribution of \$1 million from these funds for relief activities within

hours of the earthquake, and they are prepared to send relief supplies for 5,000 families from their warehouse in Panama. The United Nations is releasing \$10 million from its emergency fund.

And as I close, let me just cite very quickly the Irish telecommunication company is helping. European Commission has approved 3 million euros. Spain has committed dollars in euros. Netherlands has committed 2 million euros. Germany committed 2 million euros. China will donate 1 million. Sweden, 6 million kronor, \$850,000.

Venezuela has sent doctors, firefighters, and rescue workers. Mexico will send doctors, search and rescue dogs. France is sending two planes. Britain has sent 64 firefighters.

And, by the way, that is a component that we believe does not exist, firefighters. My plea to our brave firefighters across America, I believe we should facilitate your going, if you desire. And I certainly will look forward to reaching out to my firefighters in Houston for opportunities.

Taiwan, Israel, and of course the United States State Department is in full force, which we hope they will be coordinating all this.

Lastly, I know that Cuba will be sending doctors. They have been especially supportive in crises, and I am in advance thanking them for their medical team.

Congresswoman LEE, Chairwoman LEE, I am touched by this devastation in ways that cannot be expressed, as all of us are, and the reason is because we work with Haitian Americans in our constituency. We have been to Haiti. We have watched it get on its feet. We have visited political prisoners in its jails. We have now been grateful for a new day in Haiti.

And I also want to thank former President Bill Clinton, who has been appointed by the President some many months ago to help chart the recovery for Haiti. We have got a whole new task now, but we are up to the task. And what we will say is, my brothers and sisters, have faith. Never give up the faith, for in this time of need you will find that the human community will rally toward you and they will be your wind beneath your wings. They will be your Good Samaritan. They will be your brother. They will be your sister. And as a good songwriter often said and many of us like to sing, just lean on me. Just lean on me, and we will make a difference.

Thank you, Madam Chair, for your leadership and that of the Congressional Black Caucus.

Mr. Speaker, there are certain facts, I would like to discuss:

#### EARTHQUAKE

A massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince on Tuesday, January 12th. The damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds, even thousands.

Several eyewitnesses reported heavy damage and bodies in the streets of the capital, Port-au-Prince, where concrete-block homes line steep hillsides. There was no immediate estimate of the dead and wounded on Tuesday evening.

Haiti sits on a large fault that has caused catastrophic quakes in the past, but this one was described as among the most powerful to hit the region. With many poor residents living in tin-roof shacks that sit precariously on steep ravines and with much of the construction in Port-au-Prince and elsewhere in the country of questionable quality, the expectation was that the quake caused major damage to buildings and significant loss of life.

The dimensions of the disaster are still unfolding, Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead, and leading senator Youri Latortue estimated the number at possibly as high as 500,000, according to the Associated Press.

#### U.S. DEATH TOLL

Eight American employees working at the Embassy were injured; 3 were medivaced. There are 3 U.S. citizens deaths currently reported but the toll is expected to rise.

#### U.S. AID RESPONSE

President Obama vows immediate response and aid.

The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—has worked overnight to ensure that critical resources are positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

U.S. Southern Command will deploy a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of yesterday's devastating earthquake.

The team includes U.S. military engineers, operational planners, and a command and control group and communication specialists, will arrive in Haiti today on two C-130 Hercules aircraft.

The team will work with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow on U.S. military support.

The American Red Cross is accepting public donations to support the Haitian response through the American Red Cross International Response Fund—which is used to respond to disasters such as the Haiti earthquake. The American Red Cross made an initial contribution of 1 million dollars from these funds for relief activities within hours of the earthquake and we are prepared to send relief supplies for 5,000 families from our warehouse in Panama.

#### INTERNATIONAL AID RESPONSE

The United Nations is releasing \$10 million from its emergency funds.

Irish telecommunications company Digicel said it would donate \$5 million to aid agencies and help repair the damaged phone network.

European Commission has approved €3 million (\$4.37 million) with more funds likely.

Spain has pledged €3 million (\$4.37 million), and sent three planes with rescue teams and 100 tons of emergency relief equipment.

Netherlands has donated €2 million (\$2.91 million) and will send a 60-person search-and-rescue team.

Germany gave €1.5 million (\$2.17 million) and sent an immediate response team. Another team with 20 rescue dogs is on standby.

China will donate \$1 million.

Sweden has offered 6 million kronor (\$850,000) along with tents, water purification equipment and medical aid.

Venezuela has sent doctors, firefighters and rescue workers.

Mexico will send doctors, search-and-rescue dogs and infrastructure damage experts.

France is sending two planes with doctors, food and medical equipment.

Britain has sent 64 firefighters with search-and-rescue dogs and 10 tons of equipment.

Iceland is sending 37 search-and-rescue specialists.

Taiwan is flying in 23 rescue personnel and 2 tons of aid and equipment.

Israel is sending an elite army rescue unit including engineers, rescue workers, doctors and medics.

The U.S. State Department Operations Center set up the following number for Americans seeking information about relatives in Haiti: (888) 407-4747. The department cautioned that because of heavy volume, some callers may hear a recording. The State Department said those interested in helping immediately may text 'HAITI' to '90999' and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill. The department also suggested contacting agencies such as the Red Cross or Mercy Corps to help with relief efforts.

Ms. LEE of California. Thank you very much. And thank you for that very powerful statement, Congresswoman JACKSON LEE, and also for reminding us that this is a global response and the United States is leading.

#### GENERAL LEAVE

Ms. LEE of California. We, tonight, would like to ask the Speaker if we could keep the record open for 5 days for those who would like to add their statements to the record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LEE of California. Once again, our thoughts and our prayers go out to the people of Haiti, to the Haitian American community, to all of those, our American citizens, all of those who have been impacted by this horrible, horrific earthquake.

Ms. WATERS. Mr. Speaker, I was absolutely devastated to learn of the earthquake that struck Haiti late yesterday afternoon. I fear that an earthquake of this magnitude, with its subsequent aftershocks, has dealt a serious blow to the livelihoods and lives of many Haitians and to the important economic, political and social developments that were underway in the country.

Haiti is already the poorest country in the Western Hemisphere. I have traveled to Haiti many times, and I have seen the poverty and desperation of the Haitian people with my own eyes. There is widespread unemployment and underemployment, and more than two-thirds of

Haitian workers do not have formal jobs. There is a high risk of infectious diseases, including diarrhea, hepatitis, typhoid fever, dengue fever and malaria. The infant mortality rate is nearly 6 percent, and almost half of the adult population cannot read and write.

Many people have worked hard over the years to assist the people of Haiti. I have worked with officials in the U.S. Government and international organizations to bring economic development to Haiti. Meanwhile, dedicated people working with charities and non-governmental organizations are on the ground in Haiti trying to end poverty and help the Haitian people build a brighter future for themselves and their children.

I have also worked very hard over several years to bring debt cancellation to Haiti, which owed over one billion dollars in debts to the World Bank, the International Monetary Fund (IMF), and other multilateral financial institutions. Last June, the World Bank announced that all of these debts would be completely canceled.

Yet for the people of Haiti, every step forward seems to be followed by three steps backward. In August and September of 2008, Haiti was struck by four hurricanes and tropical storms in rapid succession: Fay, Gustav, Hanna, and Ike. The loss of life and the destruction of infrastructure as a result of these storms were devastating. The storms destroyed more than 22,000 houses and damaged an additional 84,000 houses. Almost all of the agricultural land in the country was flooded, causing more than \$200 million in damage to the agricultural sector alone and exacerbating hunger throughout the country. The storms also damaged or destroyed roads, bridges and other essential infrastructure.

I had hoped that this year would be a year of recovery for Haiti. Yet this earthquake appears to be far more damaging than the storms of 2008. We do not yet know the full extent of the damage, but certainly thousands of Haitians have lost their lives, thousands of others have been injured, and many survivors have most likely lost their homes or livelihoods.

Despite the devastation that has occurred in Haiti, I am encouraged by the prompt actions of President Obama, Secretary of State Clinton, and other government officials to mobilize available resources and coordinate relief efforts. I urge the U.S. Government, the international community, nonprofit organizations and individual people to take all appropriate actions to respond to this earthquake and help the Haitian people recover from this terrible tragedy.

My heart is with the people of Haiti at this dark hour, and I commit myself to doing everything I can to help them through this terrible disaster.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it is beyond devastating that our friend and neighbor, the Republic of Haiti, has been hit with yet another terrible natural disaster. My thoughts and prayers are with both the Haitian people during this time of incredible hardship, and my constituents in South Florida whose family and friends have fallen victim to this tragedy.

As you know, the people of Haiti are now experiencing the death, destruction, and aftermath of a 7.0 magnitude earthquake.

Just 600 miles off the coast of Florida, Haiti stands as the poorest nation in the Western Hemisphere. Its nine million people are no strangers to hardship. In its tumultuous recent past, Haiti has experienced violent uprisings and floods that killed thousands of people and wiped out much of their food and infrastructure systems. As a result, they stand at a severe disadvantage and are ill equipped to deal with a tragedy of this scale.

Sadly, many Haitians have been unable to recover from the turmoil of their past, and therefore, remain exceedingly vulnerable to the repercussions of yesterday's powerful earthquake.

Recovery must be our first priority.

I am proud that the United States Government has offered immediate assistance to the people of Haiti.

Both President Obama and Secretary Clinton have pledged America's unwavering support for Haiti during this crisis.

Military officials have said that plans are underway for the hospital ship USNS *Comfort* to dock off the coast of Haiti to assist the sick and wounded.

The U.S. Agency for International Development (USAID) is dispatching a Disaster Assistance Response Team (DART) and has activated its partners; the Fairfax County Urban Search and Rescue (USAR) Team and the Los Angeles County Search and Rescue Team.

We must continue to work with the Obama Administration and federal agencies to help marshal necessary humanitarian relief efforts.

In addition, now more than ever, it is clear that Congress must work to enact Temporary Protected Status (TPS) for Haitian nationals living in the United States.

TPS would allow Haitians to remain in peace and security in the U.S. while the island recovers.

In 1998 the U.S. government set a precedent when it granted TPS to nationals from Central American countries affected by Hurricane Mitch, and I would like to see the same fairness applied to Haiti.

The United States must continue to provide assistance to bring Haiti out of poverty. I strongly support Congress appropriating robust emergency funds to assist Haiti in the wake of this catastrophe. Such funding is vital to providing stability in that fragile country, and is in our own national security interest.

Mr. Speaker, it is our moral responsibility to help our neighbors in Haiti however we can, and the residents of South Florida can be sure that I will continue to use my position as a Member of Congress to advocate policies that will promote stability and security in Haiti during this time of need.

Mr. RUSH. Mr. Speaker, I rise to bear witness to the reports of the remarkable response I know is taking place in Chicago and other parts of the United States in the aftermath of the 7.0 earthquake that struck Haiti yesterday.

Thankfully, that response is being led by a fully engaged Obama Administration who, right now, is rapidly transporting critically needed food, supplies and relief workers—both civilian and military—in an aggressive effort to save lives within the next, critical 24 hours.

My prayers are with the departed souls who lost their lives, yesterday, and for the families

and loved ones they left behind. I pray that their loved ones find the strength to carry on in spite of the horrific circumstances they face.

I come from a city that was founded by a bold Haitian explorer, Jean Baptiste Pointe du Sable. My hope is that the people of Haiti will tap into a boldness of spirit, and determination, that will help them find the collective will to rebuild. My hope and prayer for Haiti is that this nation will emerge even stronger than they were before yesterday's devastation.

I commend CBC Chairwoman BARBARA LEE and the rest of the leadership of this caucus, and others, who are marshalling our combined resources to help the people of Haiti rebuild.

May God bless the people of Haiti and those who are risking their lives to help them.

Mr. CONYERS. Mr. Speaker, I would like to express my deepest condolences to the people of Haiti who have lost family, friends and loved ones in yesterday's earthquake. I understand that the island as a whole has been devastated, and that the capital city of Port-au-Prince was particularly severely hit. I greatly appreciate the efforts of the Administration and many non-governmental organizations who are working tirelessly to provide emergency aid and assistance.

However, as I have long worked in partnership with Haiti to assist in the development of the country, I strongly believe that the Administration's efforts to ameliorate the damage suffered by Haiti should not be limited to simply initial emergency response and aid. The recovery of Haiti will be a lengthy process, particularly since yesterday's earthquake served to further exacerbate the existing humanitarian crisis that was the result of crippling damage inflicted by four hurricanes and tropical storms in late 2008. In this environment, Haiti is simply not in a position to adequately provide for the safety of Haitian nationals upon their return to the country from the United States.

Therefore, I will, along with a bi-partisan group of Members of Congress, be asking the Administration to designate Haiti for Temporary Protected Status, or TPS. TPS will allow Haitian nationals currently in the U.S. to remain until this time of crisis has passed and Haiti is adequately able to handle the safe return of its nationals. I hope that the Administration recognizes that TPS designation for Haiti will be a significant step towards rebuilding after yesterday's tragedy. Again, I would like to extend my most sincere condolences to the Haitian people, and reassure them that I will do everything in my power to ensure that the U.S. government will provide any and all necessary assistance towards the rebuilding of Haiti.

Mrs. LOWEY. Mr. Speaker, I rise today with a heavy heart and sincere condolences for the victims of yesterday's tragic earthquake. Yet another natural disaster has devastated this country and its people.

My heartfelt sympathy and prayers go out to the people of Haiti, those injured and unaccounted for, including Americans and U.N. personnel, and those who have lost loved ones.

I commend the swift response by the Obama Administration, especially USAID, the State Department, and DOD, as well as the international community to quickly mobilize hu-

manitarian and disaster relief in a complex humanitarian disaster.

The devastation this earthquake has wrought is particularly tragic for the people of Haiti, who have endured not only destructive storms and hurricanes, but crushing poverty and political turmoil. Americans and people around the world have answered the call to support Haiti with time, talents, and charitable assistance in Haiti's great time of need.

I stand committed to help the Haitian people recover from this disaster through emergency and humanitarian assistance as well as through long-term development assistance. I'm hopeful that a unified coordinated effort, in collaboration with the Haitian people, will result in a successful effort to rebuild their beautiful country.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in solemn sympathy with the residents of Haiti as they are once again forced to cope with a major catastrophe. As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction, the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds, even thousands.

Several eyewitnesses reported heavy damage and bodies in the streets of the capital, Port-au-Prince, where concrete-block homes line steep hillsides.

Haiti sits on a large fault that has caused catastrophic quakes in the past, but this one was described as among the most powerful to hit the region within the last 200 years. With many poor residents living in tin-roof shacks that sit precariously on steep ravines and with much of the construction in Port-au-Prince and elsewhere in the country of questionable quality, the expectation was that the quake caused major damage to buildings and significant loss of life.

The dimensions of the disaster are still unfolding, Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead, and leading senator Youri Latortue estimated the number at possibly as high as 500,000, according the Associated Press.

Although this tragedy struck the land of our neighbor, it is also an American tragedy. The earthquake injured eight American employees working at the Embassy, including three who were medivaced. There are 3 U.S. citizens deaths currently reported but this number is expected to rise. Additionally, countless Americans have relatives in Haiti, and many of them are still unable to locate their loved ones.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. In the days ahead, I look forward to working with President Clinton, the Special Envoy to Haiti, to address the destruction caused by this natural disaster. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

America and her allies have already initiated a comprehensive, interagency response to the

earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure that critical resources are positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

U.S. Southern Command will deploy a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of yesterday's devastating earthquake. The team includes U.S. military engineers, operational planners, and a command and control group and communication specialists, will arrive in Haiti today on two C-130 Hercules aircraft. The team will work with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate followup on U.S. military support.

Our friends in the international community must also be commended for their efforts. The United Nations is releasing \$10 million from its emergency funds. The European Commission has approved €3 million (\$4.37 million) with more funds likely. Countless other nations from Germany, to China, to Israel to Mexico have also pledged support. I commend each of these nations for coming to a nation in dire need of assistance. Many of my constituents ask what they can do to help, or how they can find their loved ones. Those who are interested in helping immediately may text HAITI to 90999 and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill.

The State Department also suggested contacting agencies such as the Red Cross or Mercy Corps to help with relief efforts.

For loved ones, The U.S. State Department Operations Center set up the following number for Americans seeking information about relatives in Haiti: (888) 407-4747. The department cautioned that because of heavy volume, some callers may hear a recording.

This weekend I will return to Houston, where I will meet with my Haitian-American constituents. It is important to mention that the Department of Homeland Security has already put a hold on the scheduled deportation of Haitians in America. I cannot imagine that any Member of Congress will rise to challenge this assistance to Haitian families in their time of need.

Once again, I am devastated by the immeasurable tragedy that occurred in Haiti. Along with my colleagues, I hope to visit Haiti in the near future to meet with their leaders and see what the United States can do to rebuild the shattered livelihoods.

Ms. LEE of California. I yield back the balance of my time.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. NEUGEBAUER. Mr. Speaker, we are clearly in a technical revolution in our country. People now have more information available to them than lit-

erally at any other time in probably the history of our country. They know more about what is going on in their government than they ever have before. I think that is one of the reasons we are seeing people all across America rise up and start to make such bold statements and attending these TEA parties and attending these Members that are having meetings in their districts, and they are coming in record numbers.

Back this August, I had an opportunity to have a number of town hall meetings in my district, and thousands of people came to voice their opposition to what they think is happening to their country, and particularly in opposition to this health care bill.

Every morning, Americans wake up and follow with deep interest public policy issues that we are sent here to solve, and many people watch C-SPAN. I know that when I am back in the district, many people will say, Congressman, I saw you on C-SPAN.

In fact, recently I had a conversation with one of my constituents who lives over in Muleshoe, Texas. She was calling to express her great concern about what is going on to her country, these huge deficits, trillions of dollars of spending money that we don't have, the government taking over the health care, and she was concerned about what is going on. What I learned, as she spoke more and more, she knew a lot about the issues that are facing our country, and she said she picked up a lot of that by watching C-SPAN.

A lot of the viewers that call in to C-SPAN on a daily basis, they'll voice their disappointment or concerns about what is going on in their country, and they'll say, And thank God for C-SPAN.

C-SPAN is kind of the watchdog, the eyes and ears, the vehicle that enables millions of Americans to see what we are up to here in Washington, D.C. Every day, people can view Congress raising their taxes, decreasing their freedoms, forcing business owners to pay more fines. All of this, thanks to C-SPAN, it is here for millions of Americans to see. Except, that is not going to be the case for health care reform in our country.

Mr. Speaker, it is no secret that the majority plans to negotiate the final thousand-page health care bill without C-SPAN cameras present.

President Obama promised when he was running for President that he was going to change Washington. He vowed, at least eight times, that the American people would get to see the negotiations of the health care bill on C-SPAN.

Speaker PELOSI promised that the Democratic-led Congress would be the most transparent Congress in history. She went on to say that the work on the health care bill will be displayed transparently, while simultaneously,

unapologetically, denying C-SPAN cameras access to capture the ongoing negotiations.

In fact, those negotiations have been going on somewhere in this building. None of us, very few of us know where, and very few people are in the room making decisions that are going to impact the American people, not for this generation, but generations to come. All of this talk about transparency and openness, yet nobody knows who is actually in the room and actually what is happening.

But we do know what happened when they went into the room, for example, in the Senate and other places: Deals were cut. And I think one of the problems that this majority has and this White House has is they have got a health care bill that is so unpopular that they have to meet in secret to talk about it so that they can cut deals so they can get enough votes to pass it.

Wouldn't it be nice if the American people could experience some of that transparency that the Speaker and the President of the United States promised the American people, that they could be able to see the negotiations.

I had the opportunity to experience what is positive about having these negotiations in a public setting when we did the farm bill a couple of years ago. We sat down at a table. We had Republicans and we had Democrats. The cameras were on. The discussions were frank, they were honest, they were open, and in the end, democracy took its place and a bill was crafted and it was passed by the House and the Senate.

I don't understand why we can't have that same transparency and openness when we are talking about people's health care. Probably one of the most important things to many Americans is the ability for them to have some control over their health care. We have now a bill that is talking about taking over the government and government taking over the health care of our country, yet we are negotiating and debating this bill in the darkness of some room somewhere in the Capitol, and who knows where.

Let's turn the lights on to this debate. Let's turn the lights on in that room. Let's turn the lights on so that the American people can see what is going on as these decisions are being made about their health care. It is too important.

Now, the Democrats are going to say, Yeah, but when the Republicans were in charge, that is the way they did things. Well, that sounds like kind of a schoolyard taunting contest. But the fact is, that is not the truth.

I want you to remember these dates: July 15, 2003, September 9, 2003, November 20, 2003. And you say, Well, what happened then? One of the good things about C-SPAN is they have a great library of American policy and democracy in action. In fact, it is probably



one of the most extensive ones in the world, and people can come and research and see actually what did happen on the floor of the House on a particular day.

And what happened on that day was that Members of Congress met to resolve their differences between the House and the Senate version of the Medicare reform legislation that provided medical prescription drug benefits for Medicare recipients. A very important piece of legislation, one that was not without some controversy. The House passed a version, the Senate passed a version, and then, in the light of day, these two versions were negotiated on these days. The American people got to see the discussions that went on and got to see this bill being crafted that eventually became law.

If the Democrats weren't engaging in these backroom deal-making deals, I think they wouldn't mind the lights being turned on. But the problem is that they are cutting deals. And the reason they are having to cut deals is because they are trying to pass a piece of legislation that the American people don't embrace.

Many of us agree that health care needs to be reformed. And my colleagues on my side of the aisle, Republicans, conservatives, have been offering some commonsense ideas that could reform the current system without turning over health care to the government, without limiting patients' rights, and bringing more transparency and making health care more affordable and available and accessible to the American people.

If the President and the Speaker and the congressional leaders are serious about this new era of openness and transparency, then why, Mr. Speaker, why, Mr. President, why aren't the lights on and why aren't the cameras in the rooms so that the American people can see what is going on in their country? I believe they deserve to know.

This is a very important issue to the American people, and I hope that the Speaker and the President of the United States will keep their word and allow the lights to be turned on for this important issue.

It is now my pleasure to recognize the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my good friend from Texas for leading this very important Special Order tonight and for yielding.

Transparency and accountability is such an important part of what we need in government. And what I have seen since my election a little over a year ago and when I came to Congress in January of 2009, and especially on every issue, we should have that type of transparency that we are talking about today. In particular, today we are talking about health care.

There are probably few issues that we can deal with as a country and that we can debate and discuss as intimate to our lives as health care. It touches our lives in so many different ways. Plus, it is such a significant part of our economy. The issue of health care is just central to the American people. And for the type of debate—and I use that actually cautiously, that word “debate,” because there really hasn't been allowed an avenue of debate.

I thought when I came to Congress I had a responsibility to represent the people that I now work for. When I worked in health care, and I did that for 28 years, I only had one boss. It changed from time to time. Today, I feel a responsibility that I work for 660,000 really smart people, and that is the citizens that live and work in the Fifth Congressional District of Pennsylvania. I came here with a responsibility to represent their needs in the Federal Government, in Congress, in this Chamber, and yet from day one have been locked out of some of the most important debates that we could be having, that surrounding health care.

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Now I came with some expertise—almost 30 years of serving individuals facing life-changing disease and disability. I happen to believe we have a pretty good health care system, but that we could improve upon it. That the four dimensions of health care that I've dedicated my life as a health care professional working on were increasing access, decreasing costs, improving quality, and strengthening that decisionmaking relationship between the patient and the physician—not having a bureaucrat or the government coming between the two.

I looked forward to that debate. I was pleased when President Obama said that we're going to work on health care. When he said that, I took him at his word. I thought that meant I would be invited to the table. And that is not the case. That has not happened. I actually happen to serve on one of the committees of jurisdiction, the House Education and Labor Committee. The only time I had a chance to even look at that bill was when I was asked to mark it up. When you do bill markup, the bill has been written. That's where you come in and you make the final substantive changes and you offer amendments. And we did that as members of the Republican Caucus and the House Education and Labor, as did Ways and Means, as did Energy and Commerce. We made amendments in the twelfth hour of that bill's proposal. It had already been written. It had been written behind closed doors. It really was a backroom deal. And all of our amendments were rejected. What minute input we had was rejected.

As I reflect back and I remember 2008, that Presidential campaign year,

and well over a half a dozen, eight or nine times, who was then candidate, now President Obama, saying—and it was his idea. He was going to have C-SPAN broadcast the health care negotiations. We were going to provide that type of transparency. Eight or nine times. The documentation is out there. I have watched the video replayed in the national media over the past number of weeks. Yet, despite that, that's not what has happened.

Today, what passed out of the House and passed out of the Senate were written in the Democratic leadership Chambers, both the House and Senate, respectively. Today, we're not even having—not following due process and having a conference committee. This is done over the telephone today, I guess. That means that Members of Congress, I guess, will be telecommuting. Next, we won't need to come to Washington because it looks like it's not a democracy or a constitutional Republic. Maybe it's a dictatorship. Just a handful of chosen leaders at the top dictate what is probably the most important piece of legislation that we could deal with in terms of health care.

Now I'm real proud to have signed on, as my colleagues have, a sunshine resolution by Congressman BUCHANAN from Florida that calls for transparency. I believe there's 151 signatures, cosponsors. It's bipartisan on that bill. It's calling for full transparency when it comes to health care. As of today, we've started working on a discharge petition—a measure that we find is not used very often on this floor. Unfortunately, it does not appear that Madam Speaker is going to bring Mr. BUCHANAN's bill to the floor to allow the Members of Congress to have an up-or-down vote on whether we want transparency or the American people deserve transparency. I certainly believe they do.

So this discharge petition is a new tool. If we're able to garner 218 signatures, it forces that issue to the floor, of transparency. So I certainly encourage all of my colleagues. I'm very confident that we've got unanimous support on this side of the aisle, and we certainly encourage all my colleagues on the other side of the aisle to sign that discharge petition. The American people deserve to have at least an up-or-down vote on transparency when it comes to an issue that is as significant as health care.

Now I do believe that we're probably going to see some type of health care bill that will be back in this Chamber. I suspect, unfortunately, that may happen by the State of the Union address. I happen to believe the President's looking for something like that to speak about as a topic. Unfortunately, imposing that type of an artificial timeframe to continue to compress and to force this through—the American people deserve better. They deserve full



debate and full time scheduled for developing this legislation.

I happen to have significant concerns as a health care professional with almost 30 years of experience, tremendous concern, as I look at this bill. I look at cost. The idea behind health care reform was to bring down the cost of health care. What is being proposed in either the House or Senate version doesn't do that. It drives cost up for the average American. One estimate I saw was at least a \$300 increase in health insurance premiums per individual, \$2,100 per family. That's for the average American, driving those costs up. If you happen to be an individual who sacrificed on salary because you wanted more health care benefits from your employer, well, those more than likely will qualify as a Cadillac health care plan. You're going to get taxed 40 percent. Forty percent is what that health care bill is going to be increased. I don't know many employers that can afford to absorb all that.

That's also going to fall back on the true economic engines of this country, which is our small businesses, but also it's going to fall back on employees, individual workers, to make up—to pay that bill.

Mr. NEUGEBAUER. Would the gentleman yield?

Mr. THOMPSON of Pennsylvania. I certainly will.

Mr. NEUGEBAUER. The interesting thing, again, about this not being done in the daylight is now we're hearing that the unions have gone over and sat down and cut a deal that if the Cadillac insurance plan was negotiated by labor contract, they're going to be exempted. So the question is that that burden then is going to be transferred more and more and more to families that didn't have a health care plan negotiated by a union. Again, that's the reason, I think, as the gentleman stated, we need to be doing this in the light of day, because the American people need to see what is going on here. And, quite honestly, what is going on isn't necessarily in everybody's best interest.

I yield back to the gentleman.

Mr. THOMPSON of Pennsylvania. I thank the gentleman for that. It strikes me that perhaps we need to bring in a facilitator, given the spirit of the Democratic leaders, and perhaps we could see if Monty Hall—I don't know if he's still alive or not; if he is, perhaps the old game show host from "Let's Make a Deal"—because that seems to be, as I follow this, and obviously it's what's reported in the media and what the Democratic Caucus reports, there's a lot of dealmaking, whether it's a hospital I believe in Connecticut, one hospital being purchased, helped to secure votes; whether it's Nebraska getting an exemption on any future medical assistance increase. Even the Democratic Governor of Tennessee,

I love what he called that. I've never met the man, but I have a lot of respect for how candid he is. He called that "the mother of all unfunded mandates," what it does with medical assistance.

I know in Pennsylvania our medical assistance bill, over 10 years, medical assistance is expected to go up, under these Democratic leadership health care bills, \$2.4 billion. We were in a financial meltdown as a State this past year. We went 6 months without a budget because those folks who were serving in the State legislature, the Governor, they couldn't balance the books. They couldn't get the revenue to match expenses. And now we've got this unfunded mandate coming out of \$2.4 billion for the Keystone State. Now that was before, I think, the Nebraska sweetheart deal was made. So I'd be curious to know what portion of paying for Nebraska do the Pennsylvania taxpayers have to make up, because every other taxpayer in America is going to have to make up for the sweetheart deals that are made.

I thank the gentleman, and I'll yield back at this point.

Mr. NEUGEBAUER. Well, I thank the gentleman. One of the things the gentleman brought up, I think the American taxpayers didn't get the benefit, as someone who, I think you said, someone with over 30 years as a health care professional and, as you know, in the Congress we have, particularly on our side, we have a number of physicians that have worked in health care, have dealt with Medicaid and dealt with Medicare, have seen the private payment system, all of the existing systems, and bring a huge amount of knowledge to this process, but unfortunately the American people didn't get the benefit from their knowledge, your knowledge. And, quite honestly, it's a shame.

As you said, you have 660,000 customers. Every Member of Congress has about 660,000 people that are looking to them to come up here and have serious discussion, serious debate, and work on things that are good for the American people. It's not good for the American people when very few people sit down and make a decision about something that's going to impact not only my 660,000 people, but yours and the other gentleman from Ohio. This is serious policy.

It's now my pleasure to recognize the gentleman from Ohio, Mr. LATTA.

Mr. LATTA. Well, I thank the gentleman for yielding. I really appreciate him hosting this Special Order late this afternoon. I think it's very, very important that the American people absolutely know what's going on here. As we all were home over the Christmas holidays, I know that I had a lot of events that I had to attend. I don't care if I spoke at a Chamber of Commerce or a Rotary, you name it, people were

very, very concerned with what's going on in this Chamber. They're worried about a lot of things. They're worried about the health care that's been passed by this House, they're worried about jobs, they're worried about the cap-and-tax legislation, they're worried about the EPA and other mandates that are being forced down their throats. But I think it's important probably to start off talking about the health care a little bit here.

I don't think there's anybody in this Chamber, there's not one person in this country that would say that we shouldn't do something about having some meaningful debate on health care in this country. But when we're looking at it, what we've seen happening is we've seen, as has been mentioned by my colleagues from Texas and also from Pennsylvania, it's been a one-way street. And the American people don't care for that. They want an open debate, and they want to make sure that they know what's going on.

But as we're talking about this health care, I think it's important that we also hear what the people back home are saying. When I'm home—I represent the largest manufacturing district in the State of Ohio. I also represent the largest agricultural district in the State of Ohio. In 2008, I represented the ninth-largest manufacturing district in Congress. Because of what's happening in this economy, I've dropped to 15. And I don't even want to know when the next numbers come out to find out where the Fifth Congressional District is located in that long list.

But when I go out and go to the different factories and go to the small businesses, and I really want know what is going on, that's the best way I can gauge what is going on in the economy. When I'm out there—one visit to one factory in particular sticks with me. A gentleman came up to me who was a press operator. He came up and said, I really don't understand what you guys are doing in Washington. And he said, You know, you all talk about health care. If I can't put a roof over my family's head, if I can't put food on that table, why do I care about health care right now? I worry about jobs, and I worry about my job.

And I think that that's something that has been lost in this. I know one of our colleagues from the Senate recently said that maybe in the past year that the Congress here should be really concentrating on not health care but on job creation. Because let's just talk about these jobs and what's happening out there, not just from that individual that works on that factory floor, but just an individual like everybody you know that might work in a factory across this country.

But also I remember walking and being in one of my small business owner stores in the district, and after I

was in the store and I bought some things, I was walking out and he said, Can I talk to you for a little bit? We stood out, and it was pretty darn cold that afternoon, but we stood outside for a good long period of time. He said, Let me tell you something. If you all pass this health care legislation, I'm out of business. He said, There's no way. He said, Even though your bill was over 1,000 pages long, and I know that the Senate bill is going to be several thousand pages—a couple thousand pages long—he said, What I've been able to get out of it and figure out in the newspaper, I won't be able to stay in business. He said, Look around here. Look at the people running the cash register, stocking the store in here. They're all going to be without a job. And it's going to be one more store on Main Street USA that's going to be vacant. And we can't have that happen.

I think that what we need to do in this body is really go out and talk to these individuals. I have advocated what we need to do is instead of trying to do a few hearings down here—and I don't think we had enough hearings when we talked about health care and during this debate—I think what we should have done is taken these hearings across America. And we wouldn't have done anything but help the American people to, first of all, have their say in what is going on, and two, that the Members of this body would be able to hear it directly from the American people.

□ 1800

I know when I served in the Ohio Legislature for 11 years—you know, when you're representing the State of Ohio, it's not that large of a State, and many times we would have all of our hearings in Columbus. But many times, we would take our hearings out across what we called the four quadrants of the State and hold hearings in different areas. And that's so that people can actually come nearby to where they live. They didn't have to drive down to the State capitol.

I think that's what we should have done with this whole debate on health care. Let's bring these hearings to the American people, and let them have their say. That is where we are going to find out what they are going to have to say about this. That is where we are going to find these things out.

When you're talking about jobs killers—you know, with the model that was being advocated by Ms. Romer, we could lose up to 5 million jobs in this country. The National Federation of Independent Businesses, just from the employer mandate on small businesses across this country, they're estimating 1.6 million jobs could be lost. That's on top of the millions of jobs that we've lost since the beginning of this recession and also the almost 3 million jobs since the beginning of last year that

have been lost just from the beginning of this administration.

We can't afford to lose more jobs in this country, because where are these people going to go? It's not that hard to remember back to 1982. In 1982, during that very tough recession that we can all remember, President Carter, during his administration from 1977 up to 1981, during the campaign when he was elected, had created what he called the misery index. And that misery index took the unemployment rate, the inflation rate, and the interest rate. It was toward the end of his administration. You know, we saw in this country 21.5 percent interest rates. We saw unemployment rates in double digits, and we saw the inflation at double digits.

Well, where we are today, when we look at having over 10 percent unemployment in this country, and we're talking about losing millions more jobs because of this bill, we can't afford it. When you're talking to the small businesses and small factory owners out there about what's in this piece of legislation besides all these mandates—but just talk about the taxes.

This was prepared by an analysis done by the Committee on House Ways and Means from Ranking Member DAVE CAMP. Since the increases in 2009, just in general, the net taxes that were passed by this House were \$1.71 trillion. And just the estimate on this health care bill alone, they're looking at over \$732.5 billion. That's billion dollars.

And who's going to pay for this? When they're looking at that 5.4 percent surtax placed on a lot of the small businesses that are the ones that create jobs out there and on certain individuals at a certain higher level, when you're looking at \$460.5 billion in taxes, when you're looking at these employer mandates at \$135 billion, and you go right down the line, this is what's going to kill incentive in this country. This is what's going to kill the entrepreneur.

This is what is going to kill people who will say, Why even get up in the morning and try to go out and create jobs? Because one of the things that is lost here in Washington and in these Halls of Congress is that this body does not create jobs. This body spends the wealth of this country.

You know, the American people are really out there, and they understand it. When you look at this, it was mentioned a little bit earlier about what is happening with the increases, when you're talking on the Senate side about a 40 percent tax on those individuals out there with a quote-unquote Cadillac plan. Well, a lot of people say, Oh, Cadillac, they must be rich individuals. Well, I'll tell you what, in the State of Ohio, we have a lot of auto plants, and when you're looking at these auto plants, a lot of these folks are the auto workers who are going to end up paying 40 percent on an individual pre-

mium or will spend \$8,500 on their health care plan, a family plan at \$23,000. When you put these together, it's like, how are they going to pay for this as a small family?

When you take all these costs that are being associated under this piece of legislation, it's unfathomable. When we talk about unfathomable, I did read the health care bill. I sat down one weekend. I think it was 1,028 pages. I read it, tabbed it, underlined it so I could really get a good understanding. You are looking at a couple thousand pages on the Senate side.

But I think what is missing in this whole debate is, you know, here is what someone gave me not too long ago, the Constitution of the United States. But you know, as that little commercial on TV says: But wait, there's more. In this little book that's in about 10-point type, there's the Constitution, the Convention, the Congressional Resolutions, all of the amendments, the Virginia Bill of Rights, the Declaration of Independence, the Massachusetts Bill of Rights, the Articles of Confederation, the Virginia Statute of Religious Liberty, the Annapolis Convention, the Virginia Randolph Plan, the New Jersey or Patterson Plan, the Hamilton Plan and The Great Compromise, right there. That is America in a nutshell.

How is it that we end up today putting out thousands of pages that people can't comprehend, but America, our government, and how we were founded is right there. Put it in your pocket, and read it at any time. And I think that's what the American people are very concerned about, and I appreciate the gentleman for yielding.

Mr. NEUGEBAUER. Well, I thank the gentleman for pointing out the taxes that are in this bill. I think the bad news is that they're going to have to be higher tax because they are disguising, as you know, what this bill actually costs. Now the stated cost that the Speaker of the House says is this bill costs \$891 billion. But if you add the mandated cost of the employer-mandating tax, it's another \$135 billion. And if you add the cost of individual mandate tax for individuals that are going to be penalized under this plan, it's another \$33 billion. So the total cost, the CBO score is \$1.06 billion.

You don't hear the Speaker or the leadership or the President talking about this number. Now the other piece is that in the House bill, there is no provision for what is being called the "doc fix." Today we have reimbursement levels that are being projected to be reduced by a substantial level, which is going to cause more and more doctors not to see Medicare and Medicaid patients. So this leadership team has promised and made a deal with the docs that they will bring a separate bill. They don't want to bring it in this one because, why? It cost \$209 billion.

So now instead of \$1.06, you have got a nearly a \$1.2 trillion bill.

Now the other piece is that Medicaid is being transferred to—part of this cost is going to be Medicaid which is going to be transferred to States, unless you're from Nebraska. What is the cost of that? That's \$34 billion. Now here is the real sleeper. I hope that the American people are watching C-SPAN and the like because the lights are on here, and the lights are on this chart. And guess what, this little bill collects taxes that the gentleman was talking about for 10 years, but it only has expenses for 7 years.

Now think about all of the businesses and families all across America that if you could collect 10 years' worth of salary but you only had to pay 7 years' worth of expenses, that's like the first 3 years you don't have to make your house payment, you don't have to buy your gasoline, you don't have to make your car payment. You just get your paycheck. Nothing taken out of it, no Social Security, no withholding. What a great deal that would be. Well, that's the way this bill has been put together in order to disguise the real cost of this.

So once the 3-year period passes, then on an annualized basis, this bill costs another \$727 billion more than what is being represented to the American people. So what does that total? \$2.1 trillion. So a bill that this leadership says is \$891 billion—it's not \$891 billion. It's \$2.1 trillion. And at a time in which, as the gentleman was talking about, small businesses are struggling to keep their doors open—in my district—and I think the gentleman's district as well—small businesses play a huge part in creating jobs. Who is going to pay this \$2.1 trillion? Because the taxes that they're talking about collecting only pay for a bill that costs \$891 billion, but this bill costs \$2.1 trillion.

Now here's the other thing that people have looked at: this bill mandates, as both of my friends know, mandates that every American have health insurance. And in fact, if you don't, there is a penalty for it. So one of the things, people say that if the government is requiring to you do something to pay for health care or to have health care, and there is a penalty for doing it, it becomes a tax or a cost. Some people who have kind of calculated what that means for the economy, GDP and overall, said maybe that's a \$4 trillion number. So possibly what we are looking at, if we shed light on this bill, as we should, that really the impact of this is that it's a \$6 trillion piece of legislation.

Now I don't know about you, but I think the American people think that whether it's \$2 trillion or \$6 trillion or even \$891 billion that we should have had more debate than we did on this bill. As my colleagues will remember

on the day that we passed this bill, very little debate was—I think one amendment—there was one amendment to a \$2 trillion—to a \$6 trillion bill was allowed.

These are the kinds of things that cause me to say, Mr. President, we have to hit the pause button here because we're talking about something that impacts families all across America. We have some numbers here that are big. We are now spending money that we don't have. Every dollar that the government spends, they have to go out and borrow nearly 40 cents of that from people, like in China and Japan; and it is not a sustainable thing. Yet now we're talking about more taxes and I think potentially bigger deficits because we've not had good discussions on this bill.

Now I will yield some additional time to the gentleman from Pennsylvania to reflect on these important issues again.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend for yielding. I just want to come back. You hit on such an incredible point about the individual mandate to purchase health insurance. Now I wouldn't consider myself in any way a constitutional scholar. I'm just an American and a citizen. But my good friend here has a copy of the Constitution. And as I've read in the version of the Constitution that I carry around, which is about 28 pages, I think that was put together by some really smart people a long time ago that has withstood the test of time. And really our Constitution has become a model for other countries and emerging countries to base their governing principles on. But to the best of my knowledge, I can't recall that there is anything in that Constitution that provides a basis for Congress mandating that every individual American in this country purchase health insurance.

I will yield to the gentleman with the pocket Constitution there to just see what his thoughts are on that.

Mr. LATTA. I thank the gentleman for yielding. I think you would be very hard pressed to find it. I know that when I went out in my district—I know that Members going across their districts, across this country have found the same questions being asked. Where does it say that? Especially a question, as the gentleman from Texas has mentioned, that under this bill that was passed by the House that there was a 2.5 percent, quote-unquote, fine on individuals, plus that individual mandate that you have to have it or civil or criminal penalties could be imposed.

How can we do that? You know, it's unfathomable that this would be able to withstand a challenge in court that an individual would be forced to have to do this. Again, I think if you just read this little document, you are going to be very hard pressed to find it. If I could just mention—and also what

the gentleman from Texas was talking about—what it's going to do to the States. In the Columbus Dispatch, there was an article that broke it down for the State of Ohio. We are running about an \$850 million deficit. And unlike this body, we have to balance our books. It is constitutional that we have to make sure that we're in balance. So Ohio is out of balance by about \$850 million, but there was also a story by the Columbus Dispatch, in their calculation, that this bill would impose a Medicaid debt upon the State which would increase that deficit by another \$900 million.

I think that this is what people need to find out. This is not just going to affect small businesses or large businesses or individuals. This is going to affect your State government, your local government, if they can even function. Because all of a sudden, these mandates are going to come down from Washington, and good luck.

I thank the gentleman for yielding.

Mr. THOMPSON of Pennsylvania. I appreciate that. In terms of cost, much of my professional life was involved in serving older adults. A particular section that I find very appalling of what I see in both the Democratic House bill and the Democratic Senate bill is what is authorized in terms of increasing the cost of individual insurance premiums for older adults. Older adults rely on Medicare. I will talk a little bit on Medicare in just a second. But they purchase supplemental insurance to fill in the gap, to make sure that they don't exhaust their life savings that they've accumulated over time. They've earned those. They've put those aside so that they can enjoy those retirement years and be able to do the things that they've always hoped and dreamed about doing. So supplemental insurance serves an important purpose there.

Well, within the House bill, it authorizes, it allows, it codifies that insurance premiums for older adults are allowed to double. In the Senate bill, it does one step better than that; it allows supplemental insurance costs, individual insurance costs for older adults to triple, and that's a crime.

□ 1815

I want to take the next step. I have talked about the four dimensions of health care. Now I want to talk about accessibility. If we are doing health care reform correctly, we are increasing accessibility. I don't think we are. We are making health care less accessible. Part of that is through Medicare cuts, half a trillion dollars in Medicare cuts. There are a lot of physicians today that do not accept medical assistance patients or Medicare patients today, and it is all economics. Medical assistance pays 40 to 60 cents for every dollar of cost, and Medicare pays right now 80 to 90 cents for every dollar of cost.

Just recently one of the facilities that President Obama lifted up as a bright, shining example of what we can do for health care reform, the Mayo Clinic, their operations in Arizona decided and announced that they were no longer taking Medicare payment, which meant if you are an older adult and you are going to a facility that doesn't accept Medicare, you will have to pay out of pocket. You have to have some other provisions.

So these cuts we have piled on top with Medicare just adds insult to injury. My diagnosis for either the House or the Senate, the Democratic bills are fewer doctors and fewer hospitals. Most doctors in Pennsylvania, the average doctor is over 50 years of age in Pennsylvania. Right now they are looking at significant cuts under these bills in terms of reimbursement. They are not paying their costs now.

I would predict, and as I meet with physicians around my State, many are preparing to retire because it is better to get out now rather than burning through their life savings. With that, we will result in less accessible health care services. Hospitals are only making 1 to 3 percent margin today. With Medicare cuts, they will be in the negative column. You can't run a business, whether it is a hospital or any other business, and have more expenses than you do revenue and stay in business for very long. Hospitals close, that is less accessible health care. So this bill not only drives up costs, it makes health care much less accessible.

Once again, I want to thank the gentleman for leading this Special Order tonight. I am going to yield at this time to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman for yielding. I thank both him and the gentlemen from Texas and Ohio for this Special Order hour on behalf of the Republican Study Committee.

I notice the chart in the well of the Chamber is talking about the real cost of the health care legislation and what it means over time: \$2.1 trillion. I think when you look at that number and couple it with some of the things that we have seen happen in the last year—in fact, I gave a speech last week back home in the Fourth Congressional District of Ohio where I talked about this, and I started the speech with the question, Who would have imagined? Who would have thought? Who would have thought that we would run a \$1.4 trillion deficit last year, the largest in American history? Who would have thought that we would have a \$12 trillion national debt, moving to \$13 trillion in the very near future, slated to go on the Obama budget spending schedule to \$20 trillion over the next 10 years? Who would have thought within 2 years the interest payments on that debt would be over a billion dollars a

day? We are talking some serious, serious financial concern.

And what do we have being pushed by the leadership in this Congress? A health care bill that is going to add \$2.1 trillion to those already unbelievable numbers. Every single American, every man, woman, and child today, to pay off the debt we currently have, it is \$39,000 that they have to pay. It is unbelievable. You think about one of the things that makes America great, that makes us the greatest Nation in history, is the simple concept that parents make sacrifices for their kids so that when they grow up they can have life better than we did. They in turn do it for their children, and each generation in this country has done it for the next.

But now what we have in America, unfortunately, is this focus on living and spending for the now, living and spending for the moment and sending the bill to our kids. Unfortunately, this health care bill represents all that is bad about Washington, not only on the spending side, but as my colleagues have pointed out, in a whole host of other areas as well.

I would just say in just a general sense, and I will make this last point and then I will yield back to the gentleman from Texas. I would just say this bill represents what Americans hate about Washington. This health care bill is big taxes, big spending, big Washington, big bureaucracy, Federal Government telling families and small business owners and individual Americans how they are now going to get their health care, telling Americans that you will now have bureaucrats between you and your family and your doctor. It represents everything that Americans don't like about this place. Unfortunately, it seems like the leadership in this Congress is bound and determined to move forward with that.

One thing I know about Americans, Mr. NEUGEBAUER, is that we hate being told what to do. It is part of the American DNA. They see this health care bill as telling them how they are going to get their health care, and they don't like it. The old line that we have in Ohio, and probably have in Texas, too, is that for most Americans when they are traveling down the highway and they see the sign that says 55, for most Americans that is not the limit, that is the challenge. That is how we look at things. We hate this idea of being told how we are going to do things. That is why we are Americans. And the idea that now the central government, the Federal Government, is going to tell us how we are going to get our health care, and it is going to cost us \$2.1 trillion in addition to all of the debt we currently have, is what really offends Americans.

So I appreciate the gentleman from Texas taking the time tonight to lead this hour, and I yield back to the gentleman.

Mr. NEUGEBAUER. I thank the gentleman, and the gentleman brings up a very important point. On top of this being a very expensive bill and the fact that we are going to be spending money that we actually don't have, when I look at this chart, I think about my new grandson, Miles, and I think about my two grandsons, Nathan and Noah, and I think about what kind of legacy, what kind of future are we leaving these young people, the next generation, that by 2012 we are talking about a \$16.7 trillion debt in this country. And as the gentleman said, by 2020 we are talking about \$20 trillion.

When I was back in the district, and maybe you all have used this analogy, but for people to get their arms around what is a trillion, if you counted to a trillion, it would take you 19,000 years to count to a trillion. We are talking some serious money here. So I thank the gentleman for bringing up those important points.

This is all intertwined. We are talking about jobs and the impact of health care on patients' rights and also small businesses, but we are really talking about the impact on an entire Nation of, one, turning health care over to the government; and, secondly, continuing down this road of borrowing and spending money that we don't have and charging it to future generations.

I know each Member here on the floor tonight has this voting card, and right now it is a credit card and it has a huge credit limit on it. What I think many in the Chamber with me tonight want to do is turn this into a debit card where we are spending money that we actually have instead of borrowing from our children and grandchildren.

Mr. JORDAN of Ohio. The gentleman is right on target with his comments.

I just remind the Speaker, last spring the Republican Study Committee offered a balanced budget, something families and small business owners have to do every year and something local governments have to do. Unfortunately, the Federal Government never has to do that. RSC brought forth a balanced budget, and we plan to do the same thing this year because we understand that we cannot continue what that chart shows, not only for present-day America, but as the gentleman points out, because of what it means for our kids and grandkids. So we will bring that balanced budget back. It does the right things. It keeps in place those good tax cuts that were put in place in 2001 and 2003, protects Social Security, protects Medicare and national defense during this time we find ourselves in, and cuts spending, which we have to do. We have to make those tough decisions and do the right thing.

Mr. NEUGEBAUER. I thank the gentleman, and I yield to the other gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I thank the gentleman for yielding.

Just talking about these numbers, how are we going to pay for this? We are looking at 21, 22, \$23 trillion in the outyears here. The question is how are we going to pay for this. We owe \$3 trillion to foreign governments, over \$800 billion owed to the Chinese alone, our largest creditor. Down the road when the Chinese and the Italians, all these governments are now saying, Wait a minute, America, you have got to do something about your spending. You have got to get this under control. They are worried about something. They are worried about getting paid back, and they don't want to see this debt that we owe them become cheap money, and so they are getting concerned about this.

But if you just go back to 1981, 1982, if we go to those years when the Federal Government was out there borrowing heavily, we had 21½ percent interest rates in this country. I was just starting to practice law back then, and we had to write land contracts if a person wanted to sell a house. You couldn't go to the bank and get a loan because there was no money. The seller would meet with the buyer and they would say, In 3 years time, you are going to pay me so much interest and principal. And hopefully at the end of that time there would be a balloon payment to try this pay this thing off if they could get a loan.

But when we are looking at these numbers, it is going to be unfathomable how we are going to pay this off, because the Federal Government is going to have to go out there and borrow every penny that is out there and somehow do this. But then when you look and talk to these private enterprises out there, the small businesses, they are having a hard time getting credit today, and we are not in that situation. It is bad, but it is not going to be anything like this that you show in your chart.

Mr. NEUGEBAUER. The other gentleman from Ohio brought up a point about the current interest payment that is approaching a billion dollars at the most historically low rate time in the history of our country. The gentleman reminded all of us there was a time in our country, and I was in business when we were paying 15, 16, 17 percent for money. It was hard to get, and once you got it, you had to have a really good idea to make it. So you begin to think about what happens to our interest payments if we—let's just say we doubled the interest rates that the Treasury is doing right now. That begins to double the payment. So now instead of \$1 billion, it is \$2 billion. What that begins to do is, as we put together our budget, there is less and less money for discretionary spending because the first thing you have to do is make your mortgage payment, and we are mortgaging the future of our country. So these are important issues and

I appreciate the gentleman bringing that point up.

I think the other thing that kind of concerns a lot of people is the point that the gentleman made about our creditors. What if China, for example, who is our largest creditor, and as the gentleman points out, they have said, We are not quite sure what our appetite in the future is for continuing to loan America money to just spend and borrow without some kind of discipline, and that is something that we have to look at.

I have another chart, and I would like to make one quick point and then go back to see if any folks have departing comments.

One thing that the American people are also pretty tired of is all of these bureaucracies. I know when I went around in August, and I think a lot of my colleagues did, too, we brought this chart around to show the American people. This is a diagram of the House version of this bill. You can see all of these new bureaucracies and all of these new agencies, and somehow this is going to simplify health care for Americans? This is going to make it better for Americans?

What we do know is hidden in this is a czar that is given very broad powers that is going to be able to determine what kind of policy you and I get to have. That concerns me that the Federal Government is going to be picking and choosing the kinds of coverages that are going to be offered to the American people instead of the American people being able to pick and choose the things that they think are coverages that they need.

So I think when you look at the cost, when you look at the complexity of this, it is no wonder the American people are asking the Speaker of the House and they are asking the President to keep their promise about transparency here because they are very concerned about this.

I yield to the gentleman from Pennsylvania. I think he probably showed this chart to his folks back home, too. What was their reaction?

Mr. THOMPSON of Pennsylvania. They were appalled. And it has grown as these bills have been further proposed and developed in the back rooms among the Democratic leadership. The current set of new bureaucracies is somewhere around 130 new bureaucracies that have been created to dictate to that part of our lives called health care.

I will just give you one example. In addition to just the imposing of the Federal Government among our personal lives and our personal decisions with health care, what it does to the cost of health care. Under the former Clinton administration, we wrote out HIPAA, Health Insurance Portability and Accountability Act, and certainly no one can be opposed to maintaining

privacy as it relates to health care. And portability, we would be much further along if that would have taken care of portability, if it was the right solution for taking your insurance with you when you change employers. I happen to think that type of portability is a positive thing.

□ 1830

But the fact is that is what HIPAA did. And that was just one new bureaucracy that was created under HIPAA. The cost of providing health care because of HIPAA, I am sure that we could find many health care hospitals that will say, health care systems that actually probably laid off direct caregivers because they had to hire people to push papers, they had to hire people to be compliance people to be able to comply with all this massive new bureaucracy and the new regulations that were as a result of HIPAA.

Now, you take HIPAA, multiply that times at least 130, I forget the last count, my colleagues may have a better count of the new health care bureaucracies under the Pelosi or the Reid health care plans, but you just take the experience of HIPAA, the overhead costs of providing health care, multiply that times at least 130, that is a devastating effect on the providers of health care throughout this country.

Mr. NEUGEBAUER. I thank the gentleman. And I think he makes a great point. And I think one of the things that is the center of all of this is, you know, the administration is talking about jobs. I thought it was interesting today that they are going to quit tracking jobs tied to the stimulus plan because you know what, the stimulus plan hadn't been creating any jobs. This health care plan is going to stimulate, it is going to stimulate a bunch of new hires in Washington, D.C., and not across the heartland of America, because they are going to have to put people in place here to fill all these positions. And they are going to be shuffling paper, and they are going to be asking hospitals and doctors and health care providers to jump through all of these hoops so that they can justify their jobs.

I think the American people want to create jobs out there in States like Ohio and Texas. So, you know, the job creation, unfortunately, is moving in the wrong direction if you are creating jobs in Washington, D.C. we need to be creating jobs in the heartland of America.

I want to yield some additional time to my friend from Ohio.

Mr. LATTA. I appreciate the gentleman for yielding. I would be remiss if I didn't bring this up. As I mentioned a little earlier, I represent the largest agricultural district in the State of Ohio, along with manufacturing. When we are talking about all these numbers

about what could occur with all this massive debt that we are going to be accumulating, what is that going to do to the farmers out there? How are they going to get their crops out? How are they going to be able to buy land? How are they going to be able to buy machinery?

The last thing that we want to be in this country, not only do we not want to be a debtor Nation, but we don't want to become dependent on the rest of the world for our food. Because once we lose that ability to grow our own food, to supply it for ourselves, we are done. And if the American people think the times are tough now when we are worried about where we get our energy or who is going to be buying our debt, you throw food into that mix, and that will be pretty much the end. I think that is why you take all these things together and why this debate is so important. And that is why I think really that we should have had this debate going on across the United States. I appreciate the gentleman for yielding.

Mr. NEUGEBAUER. I would now like to yield some time to another one of our colleagues who has joined us here, the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank the gentleman from Texas for yielding and for hosting this hour, because it is so important right now. As the American people are watching what is going on here in Washington, most people are saying they don't want a government takeover of health care. They want us to be focusing on creating jobs, which we should be doing, but instead you have got these meetings going on behind closed doors by Speaker PELOSI and her liberal lieutenants to try to have this government takeover of health care being forced down the people's throats.

The President said multiple times during the campaign that he would insist that these meetings be held in public, they be on C-SPAN so the American people could see it. And yet the President has totally gone back on his word. These meetings are behind closed doors. You know, ironically the President goes out publicly and he bashes big insurance companies, and then he goes behind closed doors and he cuts special sweetheart deals with insurance companies. He goes behind closed doors and first says Republicans don't have a plan, and yet when we submit our plan to him, he refuses to meet with us. He throws us out of the room.

The American people are tired of this. Because we should be doing the things that we have proposed to reduce the cost of health care. But instead, you have got these back room sweetheart deals, you have got these closed door meetings instead of the public transparency that we were promised.

And it is very unfortunate, because we are talking about one-sixth of our

economy. We are talking about a government takeover bill that would literally throw millions of Americans off their health care. So I appreciate what you are doing.

Mr. NEUGEBAUER. I thank the gentleman. And I thank my colleagues for entering into this very important discussion so that the American people can have a little light shined on a very important issue.

#### TERRORIST ATTACKS ON AMERICA

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

It is an interesting time we live in. We have heard in the past year that Gitmo is the main recruiting tool, the best recruiting tool for al Qaeda, for Islamic jihadists who want to destroy America. And so I thought it was important that we look at that a little more in depth, rather than just having a cursory action, because for those of us who have been to Gitmo, I have been twice, I know that no one has ever been waterboarded at the Guantanamo Bay facility. The Khalid Sheikh Mohammed waterboarding occurred in the Middle East. And there are those that are worried about waterboarding continuing.

The fact is, when that was leaked and such a big deal made out of it and the fact that when the U.S. has done it, been involved, there have been a doctor there, there was no way they were going to allow harm to come to the individual being waterboarded, the word was out. And so Islamic extremists, jihadists that want to kill America, that want to wipe us off the face of the map, want to destroy Israel, they knew and could tell their extremists you don't have to worry if you are ever waterboarded, because they will have a doctor there, they are not going to let anything happen to you. So obviously, it will never work as a procedure again. But as we have found out, there are a lot of Americans that are alive today because that procedure was used.

So if Gitmo had never been used as a location where waterboarding or torture of any kind occurred, then why is it so bad? Well, it is because a lot of people don't know what they are talking about. Having visited many prisons as a judge, chief justice, and even as a Congressman having visited prisons, I know from visiting Guantanamo Bay facility, the detention facility there, that the people are not mistreated. They get good food. And in fact, most of the detainees there have gained weight, not lost weight. They get excellent medical facilities. They get treatment when they need it. The interrogation often, if there is any at all, occurs in a big lounge chair there.

In fact, the biggest problem there at Guantanamo Bay for those who work there is having feces and urine thrown on them. The detainees figure out really brilliant ways to go about throwing feces and urine on the guards. Now, at most prisons if you do that you are put in isolation, where there is no way you could do something like that again. Not at Guantanamo Bay.

As I was told by a commander there, because there are so many frequent visits by those who want to make sure no one is being done wrong there, they don't want anyone ever to be found in isolation no matter how much feces or urine they are throwing. So the thing that is normally done is taking away some of their movie watching time. Yes, they watch movies there. Nothing that violates their religion. They are given Korans that American hands have never touched. They are given food that is not inconsistent with their religious beliefs. It is really rather amazing.

And then all of the money that was spent to build a courtroom facility there, and areas where the detainees could consult with their attorneys in private so that it was clear to anyone in that facility, in that detention area that there is no way to have bugs in this place, and so you could truly have private consultation, but it is so isolated an area you didn't have to worry about anybody coming in there. And the security measures were such there that it was an amazing facility for the trial of alleged terrorists.

Now, we have Americans who are saying but it is just wrong to hold somebody without trying them. Those people are completely ignorant. They are not mean. They are just ignorant of the laws of war that have gone throughout time. Because never in the history of mankind has there been a time when a group declared war on another group or country and then were captured while they were in the process of bringing war against those individuals that they were given full civilian treatment in court. Certainly there has never been any American prisoners that were treated like that.

In fact, if you read of the torture to Americans during World War II, some in the Pacific, some in Europe, but just phenomenal the treatment that has been accorded Americans. If you look at what has happened before Guantanamo Bay was ever opened to Americans at the hands of jihadists, extremists, then you find out that Gitmo didn't cause those problems. They didn't cause a rallying cry for people to join some extremist jihadist group. It was a matter of their religious beliefs.

And if you look at the pleading that was filed by Khalid Sheikh Mohammed, who has now been ordered by our President, our Attorney General to be brought to New York for trial instead of being tried under the constitutional



military commission down in Guantánamo, you see what he has to say. In fact, if you go back to his last—and this was declassified so that everyone in the country and the world could know what he had to say.

Khalid Sheikh Mohammed is a very smart man. He is intent on doing everything he can to help destroy America, destroy our freedoms, destroy our way of life. But if you look at page six of his pleading, toward the end, he says, "We have news for you. The news is you will be greatly defeated in Afghanistan and Iraq, and that America will fall politically, militarily, and economically. Your end is very near, and your fall will be just as the fall of the towers on the blessed 9/11 day. We will raise from the ruins, God willing," Khalid Sheikh Mohammed says. "We will leave this imprisonment with our noses raised high in dignity, as the lion emerges from his den." And he says, "We ask God to accept our contributions to the great attack on America, and to place our 19 martyred brethren among the highest peaks in paradise."

Other comments he had to say in his pleading, and as I understand it he did his own interpretation, and he would make statements and then support them with what he believed was support from the Koran itself, he says, "God stated in his book, verse 190, Al-Baqara, and fight in the way of Allah those who fight you, but Allah likes not the transgressors." But then he goes on in the very next page and talks about then fight—and he quotes, he says, "From God's book, verse nine, Al-Tawbah, then fight and slay the pagans wherever you find them, and seize them, and besiege them and lie in wait for them in each and every ambush."

□ 1845

He says himself, "In God's book, he ordered us to fight you wherever we find you, even if you were inside the holiest of all holy cities, the Mosque in Mecca, and the holy city of Mecca, and even during sacred months." So we've been told we could never fight a battle with extremist jihadists during Ramadan because that might violate their religious beliefs. Khalid Sheikh Mohammed states his belief that it's fine for them to blow us up in their sacred months, that's just fine.

He goes on in another place, he says, "We do not possess your military might, nor your nuclear weapons. Nevertheless, we fight you with the Almighty God. So, if our acts of jihad and our fighting with you caused fear and terror, then many thanks to God, because it is him that has thrown fear into your hearts, which resulted in your infidelity, paganism, and your statement that God had a son and your trinity beliefs."

So obviously anyone who is a Christian, who believes that there is a Father, Son and Holy Ghost as part of the

Holy Trinity, as was cited in the Treaty of Paris 1783—an original copy of that is over in our State Department on display. And you can see that the bold big letters that start the Treaty of Paris in which England had to recognize the United States—there was a treaty after the surrender at Yorktown, but this was the official treaty that England officially signed onto. They knew this was so important that they had to have it done in the name that was so important that no one in England would dare try to violate that oath. So in big, bold letters it says, "In the name of the undivided and most Holy Trinity."

So Khalid Sheikh Mohammed makes clear that anybody that would sign onto something like that clearly is an infidel and needs to be killed.

Then he quotes, God stated in his book, verse 151, Al-Umran, "Soon shall we cast terror into the hearts of the unbelievers, for that they joined companies with Allah, for which he has sent no authority"—in other words, saying that Allah or God had a son—"their place will be the fire; and evil is the home of the wrongdoers."

Again, this is the pleading that was declassified by the court so we could know what Khalid Sheikh Mohammed wrote. And he wrote it apparently, but on behalf of himself and the other prisoners who are now going to be transferred to New York City in an unprecedented move to get him right in the middle where he can cause more trouble.

By the way, they were planning on pleading guilty. They were pleading guilty. There was not going to be much of a trial because they were going to plead guilty, take credit for what they've done, as he has done in this pleading. But now that our President and the Attorney General have said, hey, let's bring them to New York, let's give them a platform to spew their anger and hatred and disgust for the United States and let's give them a platform—they didn't say this verbally, but it's clearly what is happening and will happen—this will give them a platform to recruit for the terrorists.

I know the President didn't intend to do that, I know that our Attorney General didn't intend to do it, but they're just ignorant of history and therefore they don't realize—and we'll forgive them, they know not what they do. But we need to look at these things that have been said.

If you look at the bottom of page 5, Khalid Sheikh Mohammed says, "America is the number one, and the largest country in the world, spreading military might and terrorism." He says, America is the principal and greatest supplier to the occupying terrorist State of Israel, and so God has ordered us to spend for jihad and this cause. And he says this is evident in many Koranic verses.

There is one thing he says, though. He says, "God has stated in his book, verse 14, Al-Hashir: They fight not against you even together, except in fortified townships, or from behind walls, their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not."

And so as Khalid Sheikh Mohammed is saying, this is a great recruiting tool because of their ignorance. They don't know who they're fighting. They're not united. Obviously they're people that don't realize we're at war with them, and so they want to be buddies. And others realize we're at war with them and they want to stop us. But because of that division, the ignorance of those who don't really understand the war—not of the vast majority of Islam, but for this small, perhaps 1 percent of Islam, these extremist groups, they're saying they're going to be able to defeat us because we're divided because so many are ignorant and don't understand that they are in such a war with us.

I see I have a colleague, Mr. THOMPSON; I would like to yield him such time as he may need.

Mr. THOMPSON of Pennsylvania. I appreciate that. I appreciate my good friend from Texas for hosting this hour on such an important issue. Really, this is about national security. And I also appreciate your leadership on this. I believe you serve on the Judiciary Committee, and with your background as a judge, a chief justice, you have so much experience in this area. My background is not in those same areas, and so I appreciate having a leader and somebody with that type of experience on these issues we're looking at.

My concern as a citizen and as a Member of Congress is what I think is the number one responsibility, the primary responsibility of the United States Government, and that is to provide for national security, safety and security for our citizens. This is an issue that touches my heart deeply in terms of the risks that are involved here.

We are at war, and we are at war with an enemy that is not uniformed, an enemy that is evil, and the measures that it uses as they seek to kill Americans. And so this whole issue surrounding Guantanamo Bay, which I think has worked well in terms of, in a very humane way, a respectful way, housing terrorists, those captured in the act of war, and has treated them very respectfully, I have tremendous concern. I don't have a legal background, obviously, and that's why I look forward to your opinions on that and your insight.

As the President, whom I disagree with—I think our country is safer by using Guantanamo Bay, where those individuals are right now, to keep them



there as opposed to bringing them to New York for trial, or bring them to Illinois to be housed, or to bring them to our shores, to our soil. I would like to yield back to the gentleman in terms of legal concepts such as discovery. What do you see as the risks as the President continues, I believe, in opposition of the majority of the American people that want to bring these terrorists to our soil?

I will yield back.

Mr. GOHMERT. That is an excellent question that's been posed about the type of discovery that's afforded in a civil trial, in a civilian U.S. district court as opposed to those in a military commission. A military commission, as set up constitutionally, as the Supreme Court has said is constitutional, has more limited discovery, so we do not have to turn over all our national secrets to our enemies during a time of war when they're at war with us.

Can you imagine if during World War II there were Japanese or Germans who were at war with us captured on the battlefield and President Roosevelt or President Truman had said, you know what? We're going to bring them in and put them in a show trial in a U.S. district court in America. Well, they would say, well, we, as defendants, we want all your information; Germans saying we want to know what information you have about our Enigma machines. We want to know in the Japanese area of occupation what information you have. All the demands that can be made in discovery. And you say, well, a U.S. district court can review those things privately and decide what can be disclosed and what can't. You don't have to disclose state secrets. It is ridiculous to get to that point.

I hear some, again, who are ignorant of history—good people, just ignorant of history—that think we need to afford these people all of the rights that any American has. Well, an American who is at war with another country is afforded certain rights, but not the rights that they would be afforded in a U.S. district court. They're afforded all of the rights that our Constitution requires in the military commission. And there is more restrictive discovery.

Unfortunately, there was ignorance in America and among our leaders and among most of us in America that there was a war going on. The United States was at war, but only one side knew, and that was the side attacking us. President Carter didn't realize that; actually, President Reagan didn't realize that. President Clinton certainly didn't realize that. For all the good things he was doing to try to help oppressed Muslims in the world and sending troops to help out, you would have thought that there wouldn't be this type of thing being planned on his watch.

But we know from the trial back in the early 1990s after the bombing at the

World Trade Center in 1993 that, on the one hand, information was disclosed in discovery that the U.S. had gotten intelligence by intercepting cell phone calls. That was immediately traced back to al Qaeda, and they immediately stopped using cell phones. And so had that not occurred and that trial not occurred in a U.S. district court, so they wouldn't have handed over the information that we were getting our intelligence from cell phones, there is an excellent chance we would have known that 9/11 was coming from the cell phone chatter. But that was foreclosed.

We also know from that trial back in the 1990s that information was demanded by the defendants of the unnamed co-conspirators. That was required to be disclosed. Within 2 weeks, all of that information was back in the hands of Osama bin Laden and they knew who not to use and who we were on to. Again, it hurt us dramatically in our intelligence efforts to defend ourselves and to prepare for the onslaught against us. So it is dangerous to provide people at war with you with the kind of discovery that will be available in the U.S. district courts.

What is infuriating to me—I was in the Army for 4 years. I know about the military justice system. To think about our soldiers in harm's way having the requirement put on them that for the future you may have an Attorney General or a President that decides the people you capture on the battlefield are entitled to a trial in a U.S. district court. Therefore, we know you're being shot at, but go ahead and go on out there and bring your forensic wagon and start getting fingerprints so we can prove that they touched the bullet casings that you saw them touch because your testimony in a U.S. district court will need to be supplemented with hard evidence.

We will need DNA evidence, we will need other evidence forensic in nature. We'll have to have people go out there and check out the bodies, take the bullets out of our servicemen who were killed by this guy you saw shoot so that we can establish that, yes, their fingerprints were on the weapon. That is insane to require our soldiers and sailors, our military in harm's way to go out and be conducting forensic evidence examinations on a battlefield during a time when people are at war with us.

I was glad to hear our President say in the last couple of weeks that he recognizes now that we are in a war. Well, if we're in a war, you don't bring—they were called "enemy detainees"; now, as amended in the past year by our majority here in the House and Senate, that language has been changed. It was just really kind of impolite to call them enemy combatants. That language has now been changed in the law to "alien unprivileged enemy belligerents." Hopefully that will make them feel better.

But it goes back to what Khalid Sheikh Mohammed said in his pleading, "They fight not against you even together."

"Their enmity among themselves is very great, you would think that they were united, but their hearts are divided. That is because they are a people who understand not."

□ 1900

They know that there are people in this country who are ignorant, that they are in a war and intend to destroy us, and they say that's what gives them the advantage over us. So you have people well-intentioned. Now, that's a good intention of the President of the United States to say, You know what? We're going to be above board, give them all this information, and have all of these open trials. Of course, we also heard we were going to have open proceedings on the health care bill, and that hasn't happened. Although we're not going to open up the health care debate and although we're not going to do what we promised and put it on C-SPAN, we are going to do that for the enemies of the United States. That is extraordinary.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield?

Mr. GOHMERT. Certainly.

Mr. THOMPSON of Pennsylvania. Yes, I have just tremendous concerns with these decisions the administration is trying to move.

I know the Republicans in this Congress have been working very hard over the past year to keep those terrorists—I don't care what other label they put on them. They're terrorists. I have a son who was wounded as a result of some of those folks south of Baghdad, and they're terrorists. They seek to do harm. They want to kill Americans. They've been captured in the act of war, in the war theater.

I have tremendous concern with the Commander in Chief and with my colleagues on the other side of the aisle who, I really think, have compromised principles. You look at every decision that gets made, and there are principles behind it. I think the principle that should be above all for the Commander in Chief and for the United States Congress is the safety and security of the United States citizens. It comes down to keeping every individual American as safe as absolutely possible, and that's the principle that should be guiding us.

If that is the principle that should be in place—and that's a principle that is easy to find within the opening paragraph of the Constitution of the United States—then this would not be a debate. We would come to the conclusion that our commanders who established Guantanamo Bay used the right wisdom, the right rule of law to do that, and we are doing that in a fair and humane way to keep those terrorists housed and to keep Americans safe.

Yet the principle, I believe, that is being followed by our Commander in Chief and by my colleagues on the other side of the aisle is one of almost bowing to other countries, of doing what appears to be politically correct, of winning favor in the international community, that closing Guantanamo Bay is not good for Americans. It seems like it's something that is offered up as a public relations move to the rest of the world.

I yield back for your thoughts.

Mr. GOHMERT. I would take you back to 1978 when a very nice man at that time was the President, named Jimmy Carter. I believe it was in 1978 that President Jimmy Carter hailed the Shah of Iran as leading a country that was the most stable entity in the whole Middle East. Then a year later, it had been home to a revolution. Ayatollah Khomeini came back, and for the first time in our lifetime—some say the first time ever—but certainly, for the first time in my lifetime, there were Islamic extremists, jihadist individuals, who were in charge of a nation and that nation's military. So going back to what Khalid Sheikh Mohammed said in his pleading: Their hearts are divided. That is because they are people who understand not.

Well, we had a President—again, a nice man, Jimmy Carter—but he understood not. He was wrong about the shah's having such a stable country. It was not stable. That was misread. Then he misread that these were guys who, if you just were nice to them, they'd be nice back. Apparently, they even sent a Cabinet member to talk to the representative of Ayatollah Khomeini to tell him, Look, we're ready to be friends, to help, to have a wonderful relationship with you. Just let us know when and how fast you want to proceed. He understood not that these people considered themselves as extremist jihadists—enemies of the United States. They considered it the Great Satan, and they needed to destroy it at all costs. Ayatollah Khomeini called for, basically, war against the United States.

On November 4, 1979, Iranian Muslim extremists stormed the American Embassy in Iran. They actually took more than 52 hostages. They released some for PR purposes later but kept 52 diplomats hostage. Now, President Carter and his administration thought we can just out-friend them, and they'll release them. We'll just be nice to them. We know how to do this. We'll be really, really nice, and we'll work with them. In fact, at one point, President Carter said, We don't want to do anything that will put these hostages at risk. That was a green light to Islamic extremists, jihadists, around the world that the United States is a paper tiger, that it's weak and that, as Khalid Sheikh Mohammed said, They're divided. They understand not. They don't

realize we are at war with them and are going to destroy them, and so we can take them.

Those 444 days that the United States allowed itself to be held hostage in Iran were the greatest recruiting tools of jihadists the world over, and we did nothing.

During the campaign of 1980, President Carter painted Presidential candidate Reagan as being so crazy that he might just attack these guys and take them out and that you couldn't trust him. Remember that "Saturday Night Live" had a sketch of Reagan walking around, asking where the red nuclear button was. He was going to push it. So the reputation around the world was such that people perceived that this Reagan guy may actually come after us, that we'd better release the hostages. Well, the hostages were released; but again, unfortunately, it wasn't limited to President Carter and advisers of his administration that they didn't recognize that the jihadists were at war with us.

We had Marines in Beirut, Lebanon. In 1983, the Marine barracks were bombed in Lebanon. One terrorist driver drove through the concertina wire, drove through the guards, and the truck exploded and killed 241 American servicemen in Beirut, Lebanon. That was a phenomenal recruiting tool. People in America started saying, Let's just get out. Just get out. Unfortunately, on that occasion, President Reagan bowed to his advisers and to popular opinion at the time that we needed to just pull out.

That was an extraordinary recruiting tool. At the time, jihadists used it in an incredible way to recruit for their crazed jihadist cause because they were able to say, Look, one guy gave his life, detonated a bomb, and the most powerful military country in the world, the United States, turned tail and ran. One man completely committed as a suicide bomber could make the United States cower and run, because that is the way it was perceived. That was a phenomenal recruiting tool for jihadists around the world. They were also not ignorant. The jihadists were not.

In Vietnam, instead of just finishing giving our soldiers, sailors and airmen what they needed to just win the war and to come home, it was strung out in Washington under President Johnson. He was even picking the bombing sites in Washington instead of letting the servicemen do their jobs.

One of the things I admire about former President George H.W. Bush is when he committed that we were going to liberate Kuwait from the atrocity of Saddam Hussein's moving in and taking over that country, he did a great thing. He called in the military guys, and said, You guys are in the military. You tell me what we need. Here is what we're going to do. We're going to lib-

erate Kuwait. So they put together a plan, and that's what they did. It was not the civilians running the activity.

SAM JOHNSON, a Member of our body here, a colleague who was in the Hanoi Hilton for nearly 7 years, was told, after we carpet-bombed North Vietnam in Hanoi for 2 weeks, that they rushed back to the negotiating table, worked out a deal that was favorable to them and not to the United States. SAM said, when he was leaving the POW camp, the Hanoi Hilton, the commander was laughing, and said, You stupid Americans. If you had just bombed us for one more week, we would have had to surrender unconditionally.

But we didn't do that. We didn't give the servicemembers what they needed to just win the war and come home. That should have been the lesson of Vietnam: never commit troops unless you are willing to give them what it takes to win the war and come home.

In Beirut, Lebanon, our Marines were told—and the ones who were out on the perimeter who should have been able to stop the truck coming through the concertina wire—and there should have been more to stop them than that—they were not allowed under their rules of engagement to even have rounds in their weapons. We've repeated some of those same mistakes, but that was a tremendous recruiting tool.

If you go through the history, there are so many acts of war. That was certainly an act of war. Under everyone's interpretation of international law, when you invade an embassy, you have committed an act of war against that country. There is an act of war against America. We were within our rights to say, You either get our hostages out within 48 hours, 72 hours, whatever it is, or we're coming in.

I was in the Army at Fort Benning at the time, so we were paying close attention. Nobody was dying to go to Iran, but people were prepared to go and die, if necessary, to defend our country after an act of war like that. Yet what happened after that was no response. So, again, they were able to recruit.

After we pulled out of Beirut, Lebanon, after the attack on our Marine barracks in 1984, Malcolm Kerr, a Lebanese-born American, was president of the American University of Beirut. He was killed by two gunmen outside his office. Hezbollah said the assassination was part of the organization's plan to drive all Americans out of Lebanon.

On March 16, Hezbollah kidnapped William Buckley, a political officer at the U.S. Embassy in Beirut. Buckley was supposed to be exchanged for prisoners, but that didn't happen. There was a trial in the U.S. District Court of a civil nature, not of prisoners of war, not of enemy combatants. There was a trial in the U.S. District Court where the evidence came forward to prove and it was established, and the court found

that Hezbollah was responsible for the attack on the Beirut Marine barracks and that it was sponsored by Iran, that Iran was the one behind it all. They've been at war with us since 1979, and we didn't know it.

You would have thought as other things occurred, like the Kuwait Airways Flight 221 being hijacked and diverted to Tehran where two Americans were killed, that that might have been a clue.

It might have been a clue when two Hezbollah members hijacked a TWA flight and forced the pilot to fly to Beirut. Eight crew members and 145 passengers were held for 17 days, and one of the hostages, a U.S. Navy diver, was murdered.

You would have thought that perhaps, when 4 terrorists from Abu Nidal's organization attacked the El Al offices at Leonardo DaVinci Airport in Rome and 13 people, including 5 Americans, were killed and 74 were wounded, among them 2 Americans, that that would have been a clue that someone was at war with us.

□ 1915

It might have been a clue that in an explosion at the LaBelle nightclub in Berlin frequented by American soldiers that two U.S. soldiers were killed and 191 individuals were wounded, including 41 U.S. soldiers, and they saw the evidence indicating Libya was involved, that that would have been a clue.

In 1988, Colonel William Higgins, the American chief of the UN Truce Supervisory Organization, was abducted again by Hezbollah, backed by Iran, and Hezbollah later claimed they killed Colonel Higgins.

Some who were alive back in the 1980s may recall that, after Libya had sponsored terrorism, President Reagan realized you have got to deal with these people in a manner they understand. We sent planes to Libya, they bombed his home, and we didn't have any more trouble out of Libya for a number of years.

But if you come up to 1991, there were two car bombings that killed a U.S. Air Force sergeant and severely wounded an Egyptian diplomat in Istanbul, and the Turkish Islamic Jihad claimed responsibility.

You get to 1993, February 26, a massive van bomb exploded in an underground parking garage below the World Trade Center in New York City that killed six and wounded 1,042. Four Islamist activists were responsible for the attack. But those in authority in the country did not realize that we were even in a war. We were in a war.

So when you start thinking about what is the greatest terrorist recruiting tool? What is it that has enabled the jihadists to continue to recruit since 1979? Well, first they use the fact that even though we have so much

military might, we turned tail and ran from Vietnam. And then they were able to use that in 1979. They attacked the United States by attacking our Embassy, took American hostages, and we did nothing about it. That was a great recruiting tool, and they were able to recruit well because of it, because they were able to show they scared the great Satan even though they had more power, more military might.

Then, in 1983, to bomb our barracks and have one man give his life and kill 241 Marines and we withdrew, that was a great recruiting tool for jihadists. It wasn't Gitmo.

These people have been at war with us for over 30 years, and it took too long for people in authority here to realize it. So if you go forward, of course—and there are many other killings, bombings.

In 1995, Islamic extremists set fire to a warehouse belonging to the U.S. Embassy, threatened the Algerian security guard because he was working for the United States, and the armed Islamic group was apparently suspected and felt clearly that they were involved with the attack.

November 13 of 1995, a car bomb exploded in the parking lot outside the Riyadh headquarters of the Office of the Program Manager, Saudi Arabian National Guard, killing seven persons, five of them U.S. citizens. Three groups—the Islamic Movement for Change, the Tigers of the Gulf, and the Combatant Partisans of God—claimed responsibility for that attack, that act of war against Americans.

February 25 of 1996, a suicide bomber blew up a commuter bus in Jerusalem killing 26, including three U.S. citizens, injuring 80 others. Among those injured were U.S. citizens. Hamas claimed responsibility for the bombing.

June 25 of 1996, a fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility there in Dhahran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Saudi Hezbollah was identified as the group responsible.

They were at war, but the United States still did not recognize it. Still, we are turning over secrets and intelligence gathering information through trials, through the courts in the United States District Court. What a mistake.

1997, September 4, the bombing on Ben Yehuda Street in Jerusalem, one U.S. citizen killed, 10 injured. Hamas claimed responsibility for the attack.

There are so many others.

November 12, two gunmen shot to death four U.S. auditors from Union Texas Petroleum and their Pakistani driver as they drove from the Sheraton Hotel in Karachi. Two groups claimed responsibility: the Islamic Council and Islamic Revolutionary Council, also known as the Aimal Khufia Action Committee.

1998, August 7, a car bomb exploded at the rear entrance of the U.S. Embassy in Nairobi. The attack killed a total of 292, including 12 U.S. citizens, injured over 5,000, including Americans. The perpetrators belonged to some group named al Qaeda that is part of Osama bin Laden's network.

2000, October 12. While the campaign for President in 2000 was going on, a suicide squad rammed the warship the USS Cole with an explosives-laden boat, killing 13 American sailors and injuring 33. It was believed to have been caused by Osama bin Laden's al Qaeda organization.

We still didn't recognize there was a war going on, not until September 11, 2001, when people know what happened. Finally, we got the picture. Finally, we realized this war has been going on since 1979, and it is time we fought in this war and not let it be a one-sided war.

There is no answering these people who want to destroy our way of life with reaching out in peace. I saw a sign not long ago, some protestor had a sign that said, "War never brought about peace." I was amazed. Obviously, this person knows nothing about history.

The greatest periods of peace come when bad guys are defeated. Those who are mean and evil and they want to take the liberty others may have, you defeat them, and then you have a period of peace.

And there are periods of peace when the bad guys defeat countries who don't know they are at war even though they are stronger. That is what al Qaeda, that is what Hezbollah, that is what the jihadists are counting on is the ignorance in this country by people who do not realize there is a war going on and that we are determined to show how loving and peaceful we can be.

Neville Chamberlain tried that. He tried that. And what happened was, as Winston Churchill said: An appeaser is someone who keeps feeding the alligator, hoping they'll be eaten last. And that is what Chamberlain did, and it didn't work. It didn't work in the Pacific.

When people declare war against you, you have got to fight them in the war until they finally acknowledge, Okay, we give up. We are no longer at war. We will quit fighting.

At that point, all of the detainees, the prisoners of war that you have held, you release them because their buddies are no longer at war with you. That is the history of civilized society at war. And when they are released, you hold those you have probable cause to believe committed war crimes and then try them in a Nuremberg or military commission-style trial.

I would like to recognize my dear friend, my colleague from Minnesota, MICHELE BACHMANN.

Mrs. BACHMANN. I want to thank the gentleman from Tyler, Texas,

LOUIE GOHMERT, for the wonderful job that he has been doing. I caught some of the gentleman's remarks briefly, and I was so pleased that you talked about this whole concept of the greatest terrorist recruiting tool, Gitmo or U.S. weakness.

You are exactly right in your description of what we are looking at now with Gitmo. What we are looking at the President's idea of closing Gitmo is actually a fiction.

And the gentleman may have already addressed that issue, but it can't be underscored enough in my mind: Gitmo will not be closed. Yes, it may no longer be in its current physical location off of U.S. soil, but Gitmo will simply be packed up into boxes, a moving van is going to show up, and that moving van will be taken across water and across land. And, guess what? Gitmo is going to have a new address. It will fill out a change of address form for the worst of the worst terrorists that we know of that are enemy non-combatants against United States citizens, only now these enemy non-combatants, rather than being held safely and securely off U.S. soil, will be brought on to U.S. soil, where they will be on U.S. soil in Thompson, Illinois, in the heartland of this great country, whereby they will have opportunities potentially to do what we know terrorists have been doing for the past several years, and that is recruiting through the U.S. prison system for more people to become radicalized in their Sharia-compliant view of jihadist extremism.

Is this going to make anyone safer in the United States? Ultimately, that is the final question that we as Members of Congress have to satisfy ourselves: Will we be safer bringing these terrorists from Gitmo onto U.S. soil or will we be safer keeping them secure where they have been all along, on Gitmo? I think it is keeping them on Gitmo.

Something else I would like to bring up if I could, just for a minute, just to divert, and it is the issue of this underwear bomber on Christmas Day. This is such a horrible travesty that was averted simply because the incompetence of this terrorist. But for his incompetence, we would have this Chamber filled with Members of Congress screaming about, What happened? Why weren't we secure? We would be having lively discussions every night. Thank God this terrorist was not successful. But he came so close to taking out nearly 300 innocent lives.

We have seen this path before, and there is a common thread that occurs. The common thread are people who are sold out to radicalize Sharia-compliant jihad. That is the thread. Why aren't we as a government looking for people with that profile?

Oh, I guess I said a bad word. Profile? Is that a politically noncorrect word now? We are not supposed to say it?

Well, let's talk about what we need to do to keep safety foremost. Not political correctness. Safety of the American people. That is what this is about.

The American people are right to be outraged when they think that their government is lifting up the tenets of multiculturalism over the tenets of the safety and security of the American people.

Oh, that the day would never come when, in the name of political correctness, Americans would die needlessly in tragedies like the one thankfully that was averted on Christmas Day. May that never be.

And for my money, one of the worst things that happened is that when this underwear bomber was taken off of the plane, he had a small interrogation, then was given his Miranda warnings, was given a defense lawyer, and that is the end of it. Now duct tape is over his mouth. The United States will never again benefit from what this terrorist—I suppose we are supposed to say "alleged terrorist"—what this fellow intended against American citizens and other citizens from other nations of the world. This is a travesty.

He should not have been given his Miranda warnings, in my opinion. He should have been fully vetted and interrogated for what he was, because, let's remember, we have to make a decision. Are we going to take this war seriously or are we going to treat this as a criminal act akin to breaking and entering?

This is war. You can't have anything more clear. Someone who comes intending to bomb a plane, a Northwest Airlines plane over Detroit, this is an act of war. This is not a breaking and entering. This should not have been a Mirandized situation, given full rights to a lawyer and told forever and ever, You don't have to say a word. Now we are giving you all the rights, privileges, and immunities of an American citizen even though you aren't one. You are a Nigerian, and you planned evil intent for a lot of innocent people.

This is beyond belief to me. I just can't believe it. That is why I am so grateful to the gentleman from Tyler, Texas, because you are asking exactly the right question: Is Gitmo a recruiting tool or U.S. weakness? When you lawyer up and Mirandize actual terrorists in the midst of a terrifying event, an act of war against America, you don't Mirandize. You treat them for what they are.

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You treat them for what they are. You interrogate them. Why? Because at the end of the day will the American people be safer or will we be more at risk? Closing Gitmo, that location, moving it to Thompson, Illinois, opening it up, it's still Gitmo; now it's just Gitmo North rather than Gitmo South, and that equals U.S. weakness.

With that, I yield back to the gentleman from Tyler, Texas.

Mr. GOHMERT. I appreciate so much those wonderful points that were made. It is weakness that gives a recruiting tool, the joy among jihadists to realize we told them, close Gitmo. It's a nice place if you're going to be held somewhere as a prisoner. We told them it was a recruiting tool. And now, as Khalid Sheikh Mohammed said, that is because they are people who understand not the reason they'll defeat us. They didn't get it. They thought they really did need to close Gitmo, and they did, and they're going to bring it onto the continental U.S. That shows weakness. The fact that we are showing that kind of weakness in closing Gitmo is a fantastic recruiting tool.

Mrs. BACHMANN. Absolutely.

Mr. GOHMERT. If you go back after the surge that was ordered by President Bush, and before that, things weren't going well. General Petraeus told us we need a surge. We got a surge and all of a sudden things are going much better in Iraq. They're going great. And some of the declassified information that was obtained by our intelligence sources, we saw their own writings. We saw what they said. They said that things are going so good for the United States, we thought after the Republicans lost the majority, they would pull out. But now that they've come with more troops and they're defeating us, we can't recruit. Their own information said we can't recruit, because this showed strength.

And now they're having a big time because, gee, they've been successful in making us think that showing weakness is going to help us, when it's actually helping them recruit. It is exactly what's happened. Every time they acted and did something violent, and we responded by backing up.

I want to address very quickly one of the things that's been brought up by some of our friends. Some people in the country say, Well, these prisoners need all of the constitutional rights they're supposed to have. And they're getting them at Gitmo. Because just as if—when I was in the military, I was subject to the UCMJ. I was subject to a military court. I wasn't entitled to a trial if I had done something on a military installation. I was entitled to a military trial. And that was constitutional. And it was constitutional and is constitutional for this Congress to set up military commissions to try people who have engaged in war against us. That is constitutional. And they've gotten all of their constitutional rights as someone at war with us. And now, because they're going to be tried in the United States, they're deciding to plead not guilty so they can put on a show.

What causes more weakness, what causes more recruiting? Is it U.S. weakness or is it Gitmo? Clearly, our

country leaders have been suckered into thinking that closing Gitmo will be a good thing for us, and in fact what is telegraphed is, these people are weak, just as Khalid Sheikh Mohammed said. You would think they are united, but their hearts are divided. That's because they're people who understand not. They're saying, We don't understand.

Mrs. BACHMANN. If the gentleman would yield on Khalid Sheikh Mohammed. This is an extremely important point. Again, the mastermind of 9/11, who achieved his goal of killing 3,000 innocent Americans in the World Trade Center bombing, he got his way. Why would we give him his way by bringing him to New York City at over \$200 million a year taxpayer expense to give him a show trial when he's already pled guilty and already asked to be executed? What happened? Did the President, did the Attorney General say to Khalid Sheikh Mohammed, Now wait a minute; you don't want to plead guilty. Wait a minute; you don't want to be executed. You want to come to New York City. You want to have the trial just like you asked for in the first place.

Why would we do that? Because the only message we will be sending to future terrorists will be you, too, can have a show trial in the city of your choice if you come to America. Or, if you try a terrorist activity, you, too, can be Mirandized and be part of the American legal system.

I yield back to gentleman from Texas.

Mr. GOHMERT. Thank you. I realize my time is expiring and appreciate the indulgence, Mr. Speaker. It should be clear, though, the way to deal with Iran is not through weakness. If they won't shut down the nuclear proliferation, we have got to shut them down.

With that, we yield back our time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today and January 12 on account of other district business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CONNOLLY of Virginia, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 20.

Mr. JONES, for 5 minutes, January 20.

Mr. BURTON of Indiana, for 5 minutes, January 19 and 20.

Mr. MORAN of Kansas, for 5 minutes, January 20.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

#### ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Friday, January 15, 2010, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5460. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-262, "Private Adoption Fee Temporary Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5461. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. BILL 18-261, "Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5462. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-242, "Unused Pharmaceutical Safe Disposal Act of 2009"; to the Committee on Oversight and Government Reform.

5463. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2009 through December 31, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—86); to the Committee on House Administration and ordered to be printed.

5464. A letter from the Clerk, U.S. House of Representatives, transmitting List of reports pursuant to Clause 2(b), Rule II of the Rules of the House of Representatives; (H. Doc. No. 111—83); to the Committee on House Administration and ordered to be printed.

5465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rail Trail Bridge, Oswego River, Oswego, NY [CGD09-07-094] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lake Erie, Cleveland, Ohio. 18th Annual Ohio Master Swim [CGD09-07-095] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River Fireworks Display, Detroit River, Trenton, MI [CGD09-07-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River, Detroit River, Trenton, MI [CGD09-07-098] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River Classic Offshore Race, St. Clair River, St. Clair, MI [CGD09-07-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Budd Inlet, Olympia, Washington [CGD13-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Sault Ste. Marie, Michigan [CGD09-07-101] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville, Seneca River, Baldwinsville, NY [CGD09-07-103] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Vincent Foundation Fireworks, Presque Isle Bay, Erie, PA [CGD09-07-106] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit International Jazz Festival Fireworks, Detroit River, Detroit, MI [CGD09-07-114] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit Belle Isle Grand Prix, Detroit River, Detroit, MI [CGD09-07-117] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Fairport Harbor Perch Fest [CGD09-07-121] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; China Basin, San Francisco, CA [CGD11-06-009] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; China Basin, San Francisco, CA [CGD11-08-001] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elliott Bay Along Seattle Waterfront, Seattle, Washington [CGD13-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Willamette River Mystery Sheen; Portland, Oregon [CGD 13-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland National Air Show [CGD09-07-118] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event; Sacramento River Bridge-to-Bridge Waterfront Festival, San Francisco Bay and Sacramento River, CA [CGD 11-06-004] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Fireworks Display, San Francisco Bay, CA [CGD 11-06-007] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Knights Landing, CA [CGD11-06-044] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3650. A bill to

establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; with an amendment (Rept. 111-396 Pt. 1). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Natural Resources discharged from further consideration. H.R. 3650 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SPEIER (for herself, Ms. DELAUNO, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. SUTTON, and Mr. PERRIELLO):

H.R. 4428. A bill to prohibit the manufacture, sale, or distribution in commerce of children's jewelry containing cadmium, barium, or antimony, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ADLER of New Jersey (for himself, Mr. MCMAHON, Mr. MICA, and Mr. YOUNG of Florida):

H.R. 4429. A bill to provide for an increase of \$250 in benefits under certain Federal cash benefit programs for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, Veterans' Affairs, Oversight and Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.R. 4430. A bill to protect the democratic process and the right of the people of the District of Columbia to define marriage; to the Committee on Oversight and Government Reform.

By Mr. GRAYSON:

H.R. 4431. A bill to amend the Internal Revenue Code of 1986 to impose a 500 percent excise tax on corporate contributions to political committees and on corporate expenditures on political advocacy campaigns; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4432. A bill to direct the Securities and Exchange Commission to revise its reporting requirements to require public companies to report certain expenditures made to influence public opinion on any matter other than the promotion of the company's products or services; to the Committee on Financial Services.

By Mr. GRAYSON:

H.R. 4433. A bill to make the antitrust laws applicable to a political committee under the Federal Election Campaign Act of 1971 which is established and administered by a separate segregated fund of a corporation pursuant to section 316(b)(2)(C) of such Act; to the Committee on the Judiciary.

By Mr. GRAYSON:

H.R. 4434. A bill to amend the Federal Election Campaign Act of 1971 to extend the ban

on the making of contributions by certain government contractors to other for-profit recipients of Federal funds, to limit the amount of contributions the employees of for-profit recipients of Federal funds may make during any calendar year in which such funds are provided, and for other purposes; to the Committee on House Administration.

By Mr. GRAYSON:

H.R. 4435. A bill to amend the Securities Exchange Act of 1934 to prohibit any national securities exchange from effecting any transaction in a security issued by a corporation unless the corporation's registration with the exchange includes a certification that the corporation currently is in compliance with the provisions of the Federal Election Campaign Act of 1971 governing contributions and expenditures by corporations which were in effect with respect to elections held during 2008; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. MACK, Mr. INGLIS, Mr. WOLF, Mr. LINDER, and Mr. LAMBORN):

H.R. 4436. A bill to direct the Secretary of State to submit to Congress an annual report on exports of weapons and related services by the Government of Belarus and Belarusian enterprises and related matters; to the Committee on Foreign Affairs.

By Mr. ETHERIDGE (for himself, Mr. KAGEN, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. COURTNEY, Mr. SKELTON, Mr. BUTTERFIELD, and Mr. PRICE of North Carolina):

H.R. 4437. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. SMITH of Texas, and Mr. GONZALEZ):

H.R. 4438. A bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Natural Resources.

By Mr. COHEN (for himself and Mr. DOGGETT):

H.R. 4439. A bill to amend the Internal Revenue Code of 1986 to impose the same rate of tax on pipe tobacco as is imposed on roll-your-own tobacco; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself and Mr. HALL of New York):

H.R. 4440. A bill to amend title 37, United States Code, to increase the maximum monthly rate for the military special pay known as hostile fire pay, imminent danger pay, or hazardous duty pay, to increase the maximum monthly rate for the family separation allowance paid to deployed members of the Armed Forces, and to increase other special and incentive pays to recognize the service of members of the Armed Forces and encourage recruitment and retention; to the Committee on Armed Services.

By Mr. BARRETT of South Carolina:

H.R. 4441. A bill to amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay,



Cuba, to facilities in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 4442. A bill to direct the Secretary of Homeland Security to conduct a study and submit a report to Congress on the use of explosives detection technologies in air transportation, and for other purposes; to the Committee on Homeland Security.

By Mrs. HALVORSON:

H.R. 4443. A bill to amend the Internal Revenue Code of 1986 to increase the work opportunity tax credit for hiring veterans; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4444. A bill to prohibit the Federal Government from awarding contracts or grants to, entering into other agreements with, providing any other Federal funds to, or engaging in activities that promote, certain organizations; to the Committee on Oversight and Government Reform.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 4445. A bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; to the Committee on Natural Resources.

By Mr. HELLER (for himself, Ms. TITUS, and Ms. BERKLEY):

H.R. 4446. A bill to amend the Victims of Child Abuse Act of 1990 to strengthen juvenile and family courts; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 4447. A bill to impose a moratorium on the use of appropriated funds for official travel outside of the United States by Members, officers, and employees of the House of Representatives until the Comptroller General issues a report on the costs of such travel and makes recommendations regarding appropriate restrictions and reporting requirements on such travel; to the Committee on House Administration.

By Mr. MASSA (for himself, Mr. MAF-FEI, Mrs. MALONEY, Mr. HIGGINS, Mr. HINCHEY, Mr. TONKO, Mr. RANGEL, Mr. BISHOP of New York, Mr. NADLER of New York, Mr. ISRAEL, Mr. MCMAHON, and Mr. SESTAK):

H.R. 4448. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Newtown Battlefield located in Chemung County, New York, and the suitability and feasibility of its inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCARTHY of California (for himself and Mr. HARPER):

H.R. 4449. A bill to direct the Election Assistance Commission to make payments to reimburse States for costs incurred in establishing online voter registration programs, and for other purposes; to the Committee on House Administration.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mr. TOWNS, and Mr. ISSA):

H.R. 4450. A bill to establish an interim Inspector General for the Federal Housing Finance Agency; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for con-

sideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut:

H.R. 4451. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 4452. A bill to amend the Public Health Service Act to provide for a national program to conduct and support activities toward the goal of significantly reducing the number of cases of overweight and obesity among individuals in the United States; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. BUCHANAN, Ms. ROSELEHTINEN, and Mr. MARCHANT):

H.R. 4453. A bill to require the President to revoke Executive Order 13524 and restore the words removed by that Order; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. ISRAEL):

H.R. 4454. A bill to amend the Fraud Enforcement and Recovery Act of 2009 to require the Financial Crisis Inquiry Commission to make a preliminary report no later than June 15, 2010; to the Committee on Financial Services.

By Mr. THOMPSON of California (for himself and Mr. LINDER):

H.R. 4455. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4456. A bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself and Mr. MCMAHON):

H.R. 4457. A bill to provide for the payment to the City of New York and Washington, D.C. of amounts attributable to the unpaid fully adjudicated parking fines and penalties issued to foreign governments, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 4458. A bill to increase public safety and reduce recidivism rates by creating a 3-year pilot program under which the Attorney General provides grants to correctional facilities to establish a 40-hour work week curriculum of responsible activities for incarcerated individuals; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 4459. A bill to amend title 49, United States Code, to establish a 10-year term of office for any individual appointed as the Assistant Secretary of Homeland Security (Transportation Security Administration), and for other purposes; to the Committee on Homeland Security.

By Mr. FILNER:

H. Con. Res. 226. Concurrent resolution supporting the observance of "Spirit of '45 Day"; to the Committee on Oversight and Government Reform.

By Mr. TOWNS (for himself, Mr. HASTINGS of Florida, Ms. MATSUI, Mr. SIREN, and Ms. NORTON):

H. Con. Res. 227. Concurrent resolution supporting the goals and ideals of National Urban Crimes Awareness Week; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. DAVIS of Alabama, Mr. BONNER, Mr.

GRIFFITH, Mr. ADERHOLT, Mr. BRIGHT, and Mr. ROGERS of Alabama):

H. Res. 1007. A resolution commending the University of Alabama for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself, Mr. SMITH of New Jersey, Mr. AKIN, Mr. AUSTRIA, Mr. BACA, Ms. BORDALLO, Mr. CAO, Mrs. CHRISTENSEN, Mr. DAVIS of Kentucky, Mr. DONNELLY of Indiana, Mr. DRIEHAUS, Ms. ESHOO, Mr. GINGREY of Georgia, Mr. HARE, Ms. HIRONO, Mr. HOLT, Mr. JONES, Mr. LATTA, Mr. MANZULLO, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCMAHON, Mr. MICHAUD, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Mr. SESSIONS, Mr. SESTAK, Mr. SOUDER, Mr. STUPAK, Mr. TEAGUE, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. INGLIS, Mr. RUPPERSBERGER, and Mr. COURTNEY):

H. Res. 1008. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHIFF, Mr. SMITH of Washington, Mr. BOREN, Mr. HOEKSTRA, Mr. GALLEGLY, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BLUNT, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. KING of New York):

H. Res. 1009. A resolution honoring the seven Americans killed in Khost, Afghanistan, on December 30, 2009, for their service to the United States, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CONYERS (for himself, Mr. LEWIS of Georgia, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. NADLER of New York, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. GONZALEZ, Mr. SCOTT of Virginia, and Mr. COHEN):

H. Res. 1010. A resolution celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, "Happy Birthday", and for other purposes; to the Committee on the Judiciary.

By Mrs. HALVORSON (for herself, Mrs. CHRISTENSEN, Ms. GIFFORDS, Mr. MCMAHON, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, Mr. POSEY, Mr. TEAGUE, Mr. QUIGLEY, Mr. BOOZMAN, Ms. DELAUNO, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. RANGEL, Mr. LEVIN, Ms. CLARKE, Mrs. DAVIS of California, Ms. KOSMAS, Ms. KILROY, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. CARDOZA, Ms. MCCOLLUM, Mrs. CAPPS, Ms. RICHARDSON, Mr. CONYERS, Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. BALDWIN, Mrs. BLACKBURN, Mrs. MALONEY, Mr. HARE, Mr. WU, Ms. MATSUI, Mr. MAF-FEI, Mr. BISHOP of New York, Mrs. DAHLKEMPER, Mr. HEINRICH, Ms. MARKEY of Colorado, Mr. NADLER of New York, Mr. HASTINGS of Florida, Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Mr. SCHOCK, Mr. HINOJOSA, Ms. WATSON, Ms. EDDIE



BERNICE JOHNSON of Texas, Ms. ESHOO, Ms. TITUS, Mr. HILL, Mr. COHEN, Ms. GINNY BROWN-WAITE of Florida, and Ms. EDWARDS of Maryland);

H. Res. 1011. A resolution recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month; to the Committee on Energy and Commerce.

By Mr. LATTA (for himself and Ms. KAPTUR):

H. Res. 1012. A resolution commending the 175th anniversary of The Blade, a newspaper in Toledo, Ohio; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. PAYNE, and Mr. SMITH of New Jersey):

H. Res. 1013. A resolution condemning the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H. Res. 1014. A resolution recognizing and supporting the goals and ideals of North American Inclusion Month; to the Committee on Oversight and Government Reform.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 4460) for the relief of Pablo Eduardo Perrone and Maria Cristina Lemos; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. MARIO DIAZ-BALART of Florida.  
H.R. 82: Mr. PAUL.  
H.R. 144: Mr. CONYERS.  
H.R. 272: Mr. NEUGEBAUER.  
H.R. 389: Ms. WOOLSEY.  
H.R. 442: Mr. CAMPBELL.  
H.R. 450: Mr. AKIN and Mr. MARCHANT.  
H.R. 622: Mr. SCALISE.  
H.R. 678: Mr. KIRK, Mr. GORDON of Tennessee, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. TERRY, Mr. DELAHUNT, Mr. BOOZMAN, Mr. RUPPERSBERGER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. PASTOR of Arizona.  
H.R. 704: Mr. MELANCON.  
H.R. 734: Mr. TONKO, Ms. DELAURO, and Mr. LUJÁN.  
H.R. 868: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 881: Mr. FLEMING and Mr. BILIRAKIS.  
H.R. 886: Mr. SESSIONS and Mr. THOMPSON of Pennsylvania.  
H.R. 959: Mr. TIM MURPHY of Pennsylvania.  
H.R. 1067: Mr. LOBIONDO.  
H.R. 1079: Mr. FRANKS of Arizona and Mr. RYAN of Ohio.  
H.R. 1126: Ms. MATSUI, Ms. SCHAKOWSKY, Mr. FILNER, and Mr. GUTIERREZ.  
H.R. 1179: Ms. ZOE LOFGREN of California.  
H.R. 1283: Mr. HODES.  
H.R. 1326: Mr. CONYERS, Mr. SIREs, and Mr. INSLEE.  
H.R. 1347: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1361: Mr. TONKO.

H.R. 1476: Ms. HERSETH SANDLIN.  
H.R. 1499: Mr. CONNOLLY of Virginia.  
H.R. 1526: Mr. GENE GREEN of Texas and Mr. NYE.  
H.R. 1557: Mr. SMITH of New Jersey.  
H.R. 1597: Mr. JOHNSON of Illinois.  
H.R. 1623: Mr. KING of New York.  
H.R. 1625: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1643: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1670: Mr. LUJÁN.  
H.R. 1677: Mr. OWENS.  
H.R. 1685: Mr. DAVIS of Illinois.  
H.R. 1796: Mr. SESTAK.  
H.R. 1806: Mr. CARTER.  
H.R. 1821: Mr. TEAGUE.  
H.R. 1835: Mr. TONKO and Mr. POE of Texas.  
H.R. 1844: Mr. LIPINSKI.  
H.R. 1875: Mr. VISCOLSKY.  
H.R. 1908: Mr. HEINRICH.  
H.R. 1948: Mrs. BLACKBURN.  
H.R. 1956: Ms. PINGREE of Maine.  
H.R. 1990: Mr. ROSS.  
H.R. 1995: Ms. WATERS.  
H.R. 2006: Mr. WILSON of Ohio.  
H.R. 2057: Mr. SENSENBRENNER.  
H.R. 2112: Mr. SCOTT of Georgia and Mr. GUTIERREZ.  
H.R. 2135: Mr. TONKO, Mr. GRAVES, Mr. PLATTS, Mr. REICHERT, and Mr. MARIO DIAZ-BALART of Florida.  
H.R. 2254: Mr. MOLLOHAN, Mr. WATT, Mr. CHANDLER, and Mr. WEINER.  
H.R. 2267: Mr. MELANCON and Mr. ENGEL.  
H.R. 2268: Mr. MAFFEI.  
H.R. 2287: Mr. ROGERS of Michigan.  
H.R. 2303: Ms. NORTON.  
H.R. 2324: Mr. GARAMENDI, Mr. MAFFEI, and Mr. FATTAH.  
H.R. 2365: Mr. LIPINSKI.  
H.R. 2377: Mr. REICHERT and Mr. BRIGHT.  
H.R. 2425: Mr. PRICE of North Carolina.  
H.R. 2443: Mr. HOLDEN.  
H.R. 2480: Mr. HIMES, Mr. PRICE of North Carolina, Ms. BERKLEY, Mr. LATOURETTE, Mrs. DAHLKEMPER, Mr. ENGEL, Mr. TONKO, Mr. JOHNSON of Illinois, Mr. WHITFIELD, Mr. SNYDER, Mr. SCHAUER, Mr. UPTON, Mrs. HALVORSON, Mr. ADERHOLT, Mr. SIREs, and Ms. KOSMAS.  
H.R. 2492: Mr. POLIS of Colorado, Mr. POMEROY, and Mr. COURTNEY.  
H.R. 2493: Mr. SHULER, Mr. OWENS, Mr. ARCURI, and Mr. JOHNSON of Georgia.  
H.R. 2542: Mr. THOMPSON of Mississippi, Mr. CARTER, Mr. BILIRAKIS, and Mr. SMITH of Washington.  
H.R. 2546: Mr. BRADY of Pennsylvania.  
H.R. 2555: Mr. MEEKS of New York.  
H.R. 2578: Mr. CLEAVER.  
H.R. 2584: Mr. COURTNEY, Ms. VELÁZQUEZ, and Mr. FRANKS of Arizona.  
H.R. 2624: Mr. REICHERT and Mr. MARIO DIAZ-BALART of Florida.  
H.R. 2625: Mr. POLIS of Colorado.  
H.R. 2698: Ms. SUTTON.  
H.R. 2699: Ms. SUTTON.  
H.R. 2737: Mr. GORDON of Tennessee.  
H.R. 2746: Mr. ALTMIRE and Ms. DEGETTE.  
H.R. 2766: Mr. CAPUANO.  
H.R. 2818: Mr. LUJÁN.  
H.R. 2819: Mr. FARR and Mrs. MCCARTHY of New York.  
H.R. 2881: Mr. LEE of New Jersey.  
H.R. 2882: Mr. LEWIS of Georgia, Mr. SIREs, Mr. RUPPERSBERGER, and Mr. DRIEHAUS.  
H.R. 2906: Mr. CONNOLLY of Virginia.  
H.R. 2969: Ms. NORTON and Mr. TONKO.  
H.R. 2979: Mr. DRIEHAUS, Ms. CLARKE, Mr. CONYERS, Ms. KAPTUR, Mr. LEWIS of Georgia, and Mr. RUPPERSBERGER.  
H.R. 3012: Mr. GEORGE MILLER of California.

H.R. 3025: Mr. GORDON of Tennessee.  
H.R. 3039: Ms. BORDALLO.  
H.R. 3047: Ms. MOORE of Wisconsin, Mr. RUSH, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, and Mr. JOHNSON of Georgia.  
H.R. 3131: Mr. THORNBERRY.  
H.R. 3149: Mr. CUMMINGS and Mr. HALL of New York.  
H.R. 3164: Mr. JOHNSON of Illinois.  
H.R. 3240: Ms. KOSMAS, Mr. LANCE, and Mr. OLSON.  
H.R. 3249: Mr. SABLAN.  
H.R. 3308: Mr. LATOURETTE.  
H.R. 3321: Mr. BRALEY of Iowa, Mr. TONKO, Mr. AL GREEN of Texas, and Mr. SESTAK.  
H.R. 3349: Mr. MCINTYRE.  
H.R. 3363: Mr. YOUNG of Florida.  
H.R. 3401: Mr. JOHNSON of Georgia and Ms. FUDGE.  
H.R. 3402: Ms. FUDGE.  
H.R. 3408: Ms. SCHWARTZ, Mr. GRIJALVA, and Mr. KENNEDY.  
H.R. 3421: Mr. LYNCH, Mr. LUJÁN, and Mr. LIPINSKI.  
H.R. 3464: Mr. PLATTS and Mr. COURTNEY.  
H.R. 3488: Mr. BISHOP of Georgia.  
H.R. 3502: Mr. WOLF, Mr. WITTMAN, and Mr. JOHNSON of Illinois.  
H.R. 3517: Mr. SESTAK.  
H.R. 3519: Ms. HERSETH SANDLIN.  
H.R. 3554: Mr. SCHAUER.  
H.R. 3577: Mr. CONNOLLY of Virginia.  
H.R. 3578: Mr. REICHERT.  
H.R. 3589: Mr. FRELINGHUYSEN.  
H.R. 3592: Mr. SESTAK.  
H.R. 3641: Mr. CONNOLLY of Virginia.  
H.R. 3668: Mr. ALEXANDER, Mr. TAYLOR, Mr. OLIVER, Mr. ROTHMAN of New Jersey, Mr. SIREs, Mr. PLATTS, Mr. GERLACH, Ms. SHEAPORTER, Mr. JOHNSON of Georgia, Mr. BACA, Mr. GUTIERREZ, Mr. BOREN, Mr. CARDOZA, Mr. CHANDLER, Mr. ENGEL, Mr. OBERSTAR, Ms. KOSMAS, and Mr. COBLE.  
H.R. 3670: Mr. DOGGETT and Mr. CONNOLLY of Virginia.  
H.R. 3682: Mr. SCHIFF.  
H.R. 3706: Mr. SOUDER.  
H.R. 3715: Mr. LUJÁN and Mr. HINCHEY.  
H.R. 3727: Mr. CONNOLLY of Virginia.  
H.R. 3731: Ms. ROS-LEHTINEN and Mr. FOSTER.  
H.R. 3742: Mr. KLINE of Minnesota, Mr. SCHAUER, Mr. PAYNE, and Mr. CHANDLER.  
H.R. 3749: Mr. INGLIS.  
H.R. 3752: Mr. MURTHA.  
H.R. 3764: Ms. CORRINE BROWN of Florida.  
H.R. 3797: Mr. SCALISE.  
H.R. 3803: Mr. TERRY.  
H.R. 3827: Mr. SESTAK.  
H.R. 3943: Mrs. MCMORRIS RODGERS, Mr. KAGEN, and Mr. BISHOP of Georgia.  
H.R. 3995: Mr. HINCHEY.  
H.R. 4037: Mr. CONYERS and Ms. FUDGE.  
H.R. 4043: Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. MCGOVERN, and Mr. FORBES.  
H.R. 4054: Mr. WITTMAN.  
H.R. 4060: Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. CHAFFETZ, and Mr. REHBERG.  
H.R. 4064: Mr. ROGERS of Michigan.  
H.R. 4068: Mr. WOLF.  
H.R. 4099: Mr. CONNOLLY of Virginia.  
H.R. 4102: Mr. CONNOLLY of Virginia.  
H.R. 4114: Mr. KILDEE.  
H.R. 4125: Mrs. HALVORSON.  
H.R. 4127: Mr. RADANOVICH and Mr. BOOZMAN.  
H.R. 4128: Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. WEINER, and Ms. ESHOO.  
H.R. 4140: Mr. QUIGLEY.  
H.R. 4148: Mr. JACKSON of Illinois.  
H.R. 4168: Mr. HEINRICH, Mr. FILNER, Ms. GIFFORDS, and Mr. SESTAK.

H.R. 4179: Mr. SESTAK.  
H.R. 4199: Mr. PRICE of North Carolina, Mr. WELCH, and Mr. SCHAUER.  
H.R. 4226: Mr. SCHOCK and Mr. THOMPSON of California.  
H.R. 4233: Mr. BISHOP of Utah and Mr. CHAFFETZ.  
H.R. 4241: Ms. BERKLEY.  
H.R. 4247: Mr. SESTAK, Mr. PLATTS, Mr. SCOTT of Virginia, Mr. ANDREWS, Mr. FILNER, Mr. ROTHMAN of New Jersey, Mr. GRIJALVA, Mr. SABLAN, Ms. KILROY, and Ms. MCCOLLUM.  
H.R. 4249: Mr. COLE.  
H.R. 4255: Mr. SKELTON, Mr. TAYLOR, Mr. MCCOTTER, Mr. SPRATT, Mrs. LUMMIS, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. COFFMAN of Colorado, Mr. DAVIS of Tennessee, Mr. ROGERS of Kentucky, and Mr. SPACE.  
H.R. 4258: Mr. COURTNEY.  
H.R. 4262: Mr. LINDER and Mrs. MCMORRIS RODGERS.  
H.R. 4268: Mr. HINCHEY.  
H.R. 4269: Mrs. LOWEY and Ms. SCHAKOWSKY.  
H.R. 4274: Mr. MCGOVERN, Mr. AL GREEN of Texas, and Ms. MOORE of Wisconsin.  
H.R. 4278: Mr. LANGEVIN.  
H.R. 4287: Mr. BLUMENAUER and Mr. SESTAK.  
H.R. 4295: Mr. PERRIELLO.  
H.R. 4296: Mr. PALLONE, Mr. INSLEE, Mr. RYAN of Ohio, Mr. SESTAK, Mr. MOLLOHAN, Mr. ISRAEL, Mr. WU, Ms. BEAN, and Mr. DRIEHAUS.  
H.R. 4300: Mr. KAGEN.  
H.R. 4309: Mr. PERRIELLO.  
H.R. 4312: Mr. SCHOCK.  
H.R. 4329: Mr. SCOTT of Virginia, Mr. MORAN of Virginia, and Mr. WOLF.  
H.R. 4336: Mrs. EMERSON, Mr. BARTLETT, Mr. MILLER of Florida, Mr. OLSON, and Mr. BISHOP of Utah.  
H.R. 4371: Mr. ALEXANDER, Mr. LEE of New York, Mr. WOLF, Mr. PASTOR of Arizona, Mr. CONAWAY, Mr. BLUNT, Mr. TONKO, Mr. CASTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. WELCH, Mrs. CAPITO, Mr. DONNELLY of Indiana, and Mr. ROGERS of Michigan.  
H.R. 4376: Mr. SESTAK.  
H.R. 4386: Mr. DOGGETT, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. HALL of New York, Mr. HOLT, Mr. MOORE of Kansas, Ms. LINDA T. SANCHEZ of California, Mr. DEFazio, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. COURTNEY, Mr. SMITH of Washington, Ms. ESHOO, Mr. ROTHMAN of New Jersey, Ms. ZOE

LOFGREN of California, Ms. CHU, Mr. FARR, and Mr. MCGOVERN.  
H.R. 4393: Mr. SCHOCK.  
H.R. 4400: Mr. KAGEN, Mr. SALAZAR, and Mr. DUNCAN.  
H.R. 4403: Mr. HEINRICH, Mr. HALL of New York, and Mr. ROE of Tennessee.  
H.R. 4414: Mr. CUMMINGS, Mr. KAGEN, and Mr. JOHNSON of Georgia.  
H.R. 4426: Mr. DOGGETT, Mr. MCDERMOTT, Mr. MCGOVERN, and Mr. HINCHEY.  
H. Con. Res. 13: Ms. NORTON.  
H. Con. Res. 30: Mr. AUSTRIA.  
H. Con. Res. 137: Mr. ENGEL.  
H. Con. Res. 170: Mr. GINGREY of Georgia and Mr. TEAGUE.  
H. Con. Res. 200: Mr. MURPHY of New York, Mr. GARRETT of New Jersey, Mr. HALL of New York, Mr. ROTHMAN of New Jersey, Ms. GRANGER, and Mr. SENSENBRENNER.  
H. Res. 111: Mr. SHUSTER.  
H. Res. 278: Mr. DEFazio.  
H. Res. 526: Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Ms. CLARKE, Ms. WATSON, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Mr. WATT, Ms. FUDGE, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. LEE of California, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. BACA, and Mr. CAPUANO.  
H. Res. 554: Ms. BEAN.  
H. Res. 615: Mr. PAULSEN.  
H. Res. 699: Mr. CARNAHAN.  
H. Res. 704: Mr. COSTA, Mr. ROYCE, Ms. RICHARDSON, Mr. LIPINSKI, Mr. SHULER, Ms. SLAUGHTER, Mr. RADANOVICH, Mr. MASSA, Mr. BURTON of Indiana, Mr. MURPHY of Connecticut, Mr. HOLDEN, Mr. LUCAS, Mr. PASCRELL, Mrs. BIGGERT, Mr. MURPHY of New York, and Mr. MCMAHON.  
H. Res. 847: Mr. REHBERG, Mr. TIAHRT, Mr. SMITH of Nebraska, and Mr. HALL of Texas.  
H. Res. 855: Mr. CONNOLLY of Virginia and Mr. ROTHMAN of New Jersey.  
H. Res. 873: Mr. POE of Texas.  
H. Res. 901: Mr. SESTAK.  
H. Res. 902: Mr. RADANOVICH, Mr. BARTON of Texas, Ms. KILROY, Ms. BORDALLO, Mr. BOUCHER, Mr. MCNERNEY, and Mr. LATTA.  
H. Res. 932: Ms. BORDALLO.  
H. Res. 936: Mr. WITTMAN.  
H. Res. 943: Mr. POLIS of Colorado and Mr. SMITH of Nebraska.  
H. Res. 959: Mr. TIAHRT and Mr. BOOZMAN.  
H. Res. 960: Mr. SIRES, Mr. MCCOTTER, Mr. SMITH of New Jersey, and Mr. MORAN of Virginia.

H. Res. 977: Mr. TIAHRT, Mr. ROE of Tennessee, Ms. JENKINS, Mr. LIPINSKI, Mr. YOUNG of Florida, and Mr. FORBES.

H. Res. 981: Ms. SCHWARTZ.

H. Res. 986: Mr. SESTAK.

H. Res. 988: Mr. REHBERG.

H. Res. 991: Mr. BOUCHER, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Mr. WOLF, Mr. INSLEE, Mr. CONNOLLY of Virginia, Mr. KLEIN of Florida, Mr. GRAYSON, Mr. HILL, Mr. WEINER, Mr. KRATOVIL, Mr. SHERMAN, Mr. LOEBACK, Ms. DEGETTE, Mr. MURPHY of New York, Mr. BLUMENAUER, Mr. WILSON of Ohio, Ms. DELAURO, Ms. KILROY, Mr. KAGEN, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Mr. NYE, and Mr. WITTMAN.

H. Res. 997: Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. YARMUTH, Mr. COURTNEY, Mr. MANZULLO, and Mr. MICHAUD.

H. Res. 1002: Mr. COHEN, Mr. BISHOP of Georgia, and Ms. RICHARDSON.

H. Res. 1003: Ms. CLARKE, Mr. HONDA, Mr. GONZALEZ, Mrs. DAVIS of California, Mr. GARAMENDI, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. STARK, Ms. BERKLEY, Mr. SCOTT of Virginia, Mrs. NAPOLITANO, and Ms. WATSON.

H. Res. 1004: Mr. JOHNSON of Illinois, Mrs. BIGGERT, Mrs. HALVORSON, Mr. KIRK, Mr. SCHOCK, Ms. NORTON, Ms. SCHAKOWSKY, Mr. HARE, Mr. RUSH, Mr. SHIMKUS, Mr. FOSTER, Mr. GUTIERREZ, Mr. MANZULLO, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. PRICE of North Carolina, Ms. JACKSON LEE of Texas, Mr. CLEAVER, Ms. BEAN, Mr. BUTTERFIELD, Mr. ROSKAM, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, and Mrs. CHRISTENSEN.

H. Res. 1006: Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. BURTON of Indiana, Mr. PAULSEN, Mr. AKIN, Mr. PRICE of Georgia, Ms. FALLIN, Mr. BRADY of Texas, Mr. LATTA, Mrs. BLACKBURN, Mr. JORDAN of Ohio, Mr. DANIEL E. LUNGREN of California, Mr. BROWN of South Carolina, Mr. TIAHRT, Mr. MCHEENRY, Mr. SCALISE, Mr. GUTHRIE, Mr. FLEMING, Mr. KING of Iowa, Mr. GOHMERT, Mr. PITTS, Mr. MARCHANT, Mr. BROUN of Georgia, Mr. HARPER, Mr. COLE, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, and Ms. JENKINS.

## EXTENSIONS OF REMARKS

HONORING KENYON R. PARTON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kenyon R. Parton, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 215, and in earning the most prestigious award of Eagle Scout.

Kenyon has been very active with his troop participating in many scout activities. Over the many years Kenyon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kenyon R. Parton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING DR. RADA MIHALCEA ON BEING AWARDED THE PRESIDENTIAL EARLY CAREER AWARDS FOR SCIENTISTS AND ENGINEERS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. BURGESS. Madam Speaker, today I rise to congratulate Rada Mihalcea. Dr. Mihalcea is an engineering researcher from the University of North Texas who will be honored by the White House on January 13, 2010, for her groundbreaking research on understanding the meaning of text and her exemplary commitment to education and community service.

Dr. Mihalcea serves as an Associate Professor for computer science and engineering at UNT, which is located in Denton, Texas. She is among 100 university researchers nationwide who will receive the Presidential Early Career Awards for Scientists and Engineers. This is one of the highest honors a scientist can receive in the United States.

Dr. Mihalcea's research focuses on finding a way to combine several different monolingual and multilingual lexical resources and integrating them into educational applications. Such applications could be useful in assisting Spanish-speaking individuals understand English texts by providing simpler synonyms or translations into English. This innovation is expected to make a huge impact on the local community and the Nation once successfully implemented.

Dr. Mihalcea will be the first professor from any university in the Dallas/Fort Worth Area to

receive the Presidential Early Career Awards for Scientists and Engineers. She was nominated by the National Science Foundation, who also awarded her the CAREER Award in 2008 for her work.

Madam Speaker, it is with great honor that I rise today and congratulate Dr. Rada Mihalcea, a recipient of a 2010 Presidential Early Career Awards for Scientists and Engineers, and thank her for her outstanding academic achievements and continuing dedication to the University of North Texas. It is an honor to represent Dr. Mihalcea and the University of North Texas in the United States House of Representatives.

CELEBRATING THE RETIREMENT OF MAYOR HYLAND R. JOHNS

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Honorable Hyland R. Johns on the occasion of his retirement after 36 years of faithful service to the borough of Bryn Athyn, a close-knit community northeast of Philadelphia. I am honored to represent Mayor Johns and the entire Bryn Athyn community in Congress.

Before being elected to Bryn Athyn borough council in 1971, Mr. Johns served both as a volunteer with the Bryn Athyn Fire Company and as borough zoning officer. He was elected to the borough council in 1971 and one year later became vice president. Mr. Johns held the position of vice president until 1975 when he became borough council president. His service as president lasted for nine years until he was elected mayor. During his tenure as mayor, the borough of Bryn Athyn prospered.

Bryn Athyn is home to the Bryn Athyn Cathedral, Cairnwood, and Glencairn Museum. Under Mr. Johns' leadership, the historic district of Bryn Athyn—which contains these local landmarks—was officially designated a National Historic Landmark. As Mayor, Mr. Johns served as a charming, enthusiastic, informed ambassador to neighboring residents, communities, businesses, organizations, and leaders in the region, sharing the unique significance of Bryn Athyn's architecture and religious heritage.

Before his career as a local official, Mr. Johns faithfully served his country during the Second World War in the Navy's Construction Battalion. Mr. Johns went on to earn a graduate degree in Urban Forestry from Michigan State University. He is an active member of his church, has served on the board of the Academy of the New Church, and serves on the board of the Pennypack Ecological Restoration Trust. Under Mayor Johns' leadership, the Academy of the New Church has contin-

ued to expand, with the Mitchell Performing Arts Center opening in 2002.

Madam Speaker, once again I applaud Mayor Johns for his dedication, service and accomplishments as an elected official for nearly four decades. I offer my heartfelt congratulations to him on the momentous occasion of his retirement from public office.

IN HONOR OF CAPTAIN LUTHER H. SMITH, JR., U.S. ARMY AIR FORCES

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. SESTAK. Madam Speaker, I would like to honor today the memory of a great American hero, Captain Luther H. Smith, Jr., U.S. Army Air Forces, who will be buried with full military honors in Arlington National Cemetery on Friday, 15 January. Captain Smith was one of the original Tuskegee Airmen, a highly decorated World War II prisoner of war, a recipient of the Congressional Gold Medal, the first African-American aerospace engineer hired by General Electric in its Missile and Space Operations in Philadelphia, a loving husband and father, and a longtime resident of Villanova, PA.

Captain Smith was born in Des Moines, Iowa on September 27, 1920. His early dreams to serve as a military aviator were fulfilled when he joined the U.S. Army Air Forces and began training at Alabama's Tuskegee Army Air Field and Tuskegee Institute. One of the first African Americans to become a licensed pilot, Captain Smith began his military career in 1943. He flew 133 combat missions with the 332nd Fighter Group as a combat fighter pilot over Europe. He was severely wounded on his last mission on Friday, 13 October 1944, and spent the next seven months in enemy hospitals and prison camps before being liberated in May 1945 by the Allied forces. During his distinguished military career, Captain Smith destroyed 2 German aircraft in aerial conflicts and 10 aircraft in ground strafing attacks. Captain Smith was awarded the Distinguished Flying Cross, the Air Medal with 6 Oak Leaf Clusters, the Purple Heart, the Prisoner of War Medal, and 8 European Theater Campaign Ribbons.

After retiring from the U.S. Army Air Forces, Captain Smith completed his engineering education at the University of Iowa, earning a B.S. in mechanical engineering. He was hired by General Electric where he was involved in projects for the Air Force, the Navy Submarine Command, and NASA. His work included missile and jet engine design and he published numerous papers and was awarded two patents.

Following his retirement from GE in 1988, Captain Smith was active in support of local

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

civic causes, serving as the vice-chairman of the Radnor Township (PA) School Board and on the Board of the Delaware County (PA) Community College.

He also was instrumental in capturing the history of the Tuskegee Airmen—so that present and future generations of Americans could understand their significance. He believed passionately that “racial equality in America started in the skies over Europe.” He and two other Tuskegee Airmen were featured in the 2006 Documentary “On Freedom’s Wings: Bound for Glory, the Legacy of the Tuskegee Airmen” which was sponsored by the Pennsylvania Veterans Museum in Media, PA. He also designed the plaque dedicated in memory of the Tuskegee Airmen in Arlington National Cemetery. In May 1995, he was selected by President Bill Clinton to represent the U.S. Air Force for the 50th Anniversary Celebration of VE Day, and he accompanied President Clinton and Vice-President Gore to Europe.

Captain Smith was a member of a unique group of men who possessed an unabashed devotion to this nation and a belief in the strength of American values, even at a time when their country’s laws failed to reflect the values for which they fought.

On Friday, at 9:05 AM, the First Fighter Wing from Langley Air Force Base will offer the ultimate recognition of Captain Smith’s service to this nation. Like Captain Smith, throughout its storied history, the U.S. Air Force First Fighter Wing has been a trail-blazer—leading the way in bringing new fighters operational. Four F-15 fighter jets will fly over the internment services for Captain Smith. In the words of Captain Smith’s son Gordon—“I would like to think that my Dad will be beaming with joy and appreciation.”

To Captain Smith’s widow, Lois G. Smith, his son Gordon and daughter Deborah, I offer this tribute. As this nation prepares to honor the memory of Martin Luther King, Jr. on Monday, it is fitting that we also honor the memory of Captain Luther H. Smith, Jr.—like Dr. King, a great American hero who fought to realize America’s commitment to freedom for all.

31ST ANNUAL DR. MARTIN LUTHER KING, JR. MEMORIAL BREAKFAST

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. VISCLOSKY. Madam Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr. and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King’s life, and, unfortunately, his untimely death, reminds us that we must continually work to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the

spirit of resolve and achievement that will help move our country into the future. In particular, several distinguished individuals from Indiana’s First Congressional District will be recognized during the 31st Annual Dr. Martin Luther King, Jr. Memorial Breakfast on Saturday, January 16, 2010, at the Genesis Convention Center in Gary, Indiana. The Gary Frontiers Service Club, which was founded in 1952, sponsors this annual breakfast.

This year, the Gary Frontiers Service Club will pay tribute to several local individuals who have for decades unselfishly contributed to improving the quality of life for the people of Gary. Those individuals who will be recognized as Dr. Martin Luther King, Jr. Marchers at this year’s breakfast include: Ms. Ella Bush, Ph.D., Mr. Charles Deggans, Mr. Arthur Hoyle, Reverend R.T. Mitchell, and Mr. Linus Scott. Additionally, our distinguished State Senator Earline Rogers and Ms. Era C. Twyman will be honored with the prestigious Dr. Martin Luther King, Jr. Drum Major Award, an award given out annually to outstanding individuals of the Gary community, while Mr. Claude Powers will be recognized as the 2009 Frontier of the Year.

Though very different in nature, the achievement of all these individuals reflect many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and faced them with unwavering strength and determination. Each one of the honored guests’ greatness has been found in their willingness to serve with “a heart full of grace and a soul generated by love.” They set goals and work selflessly to make them a reality.

Madam Speaker, I urge you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club officers: President Oliver J. Gilliam, Vice President James Piggee, Secretary Melvin Ward, Financial Secretary Sam Frazier, and Treasurer/Seventh District Director Floyd Donaldson, as well as Breakfast Chairman Clorius L. Lay, Videographer Otho Lyles, Master of Ceremony Alfred Hammonds, the honorees, and all other members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

HONORING MILTON VARDEMAN PADGETT

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Milton Vardeman Padgett on the occasion of his 100th birthday. Vardeman was born January 13, 1910 in the Blackland community in Northeast Mississippi to John and Hulda Padgett.

At a young age, Vardeman fell in love with the game of basketball and played at Jumpertown. To this day, he enjoys watching basketball and has become a devoted fan of the Memphis Grizzlies. Vardeman worked as a carpenter for Fisher Aircraft in Memphis during WWII, but worked as a farmer throughout his life.

Vardeman married Margaret Geno Padgett and was a devoted husband for 65 years until her death in 1996. Mr. and Mrs. Padgett reared two children, Harrell Padgett and Janie Padgett McCall. He also has four grandchildren, nine great-grandchildren, and 11 great-great-grandchildren.

Vardeman still lives in his home in Jumpertown, Mississippi and is being cared for by his daughter Janie. He says his longevity in life is attributed to always honoring his father and mother. I ask my colleagues to join me in paying tribute to Mr. Vardeman Padgett on his 100th birthday.

RECOGNIZING STEPHEN LUCAS, DIRECTOR OF JAMES A. HALEY VETERANS’ HOSPITAL AND CLINICS

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize Mr. Stephen Lucas, the director of the James A. Haley Veterans’ Hospital and Clinics in Tampa, Florida, who is retiring after a distinguished 37 years of federal and military service. As the director of Haley Veterans’ Hospital, Mr. Lucas oversaw one of the largest veterans’ health care systems in the United States, comprised of the James A. Haley Veterans’ Hospital and the associated outpatient clinics affiliated with the University of South Florida College of Medicine.

Mr. Lucas, a Navy veteran who served on the USS *Iwo Jima* and in Vietnam, began his VA career in 1974 and since has served at multiple VA medical centers across the United States. Mr. Lucas also worked in the private sector, including as the senior hospital consultant with Sun Health, Inc., as the director of management engineering at the Madisonville Regional Health Center in Kentucky, and at the Baton Rouge General Hospital in Louisiana.

During Mr. Lucas’s tenure at the James A. Haley Veterans’ Hospital, he received awards recognizing his significant achievements and leadership skills, including the 2009 Robert W. Carey Performance Excellence award. Additionally, during his tenure at the Miami VA Medical Center and Clinics, the Medical Center received the Secretary of Veterans’ Affairs Robert W. Carey Performance Excellence Award for providing the highest quality of care, as well as the Governor’s Sterling Award, which recognizes organizations that have achieved performance superiority within their establishment.

I also would like to recognize the contributions of Mr. Lucas’s family, including his wife Sheri, his daughter Amanda and his two sons, Mathew and Thomas. The commitment by Mr. Lucas to the Haley Veterans’ Hospital meant sacrifices from his family. Those sacrifices are highly appreciated by the veterans’ community served by the hospital.

Madam Speaker, Mr. Lucas is a true American hero who should be recognized for his outstanding military service, as well as his exemplary career. Haley’s Veterans’ Hospital

has truly been blessed to have such a worthy and honorable citizen as its director. I wish him well on his retirement.

TRIBUTE TO BUTLER COUNTY ON  
THEIR 200TH ANNIVERSARY

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. WHITFIELD. Madam Speaker, I rise today to honor Butler County in the First Congressional District of Kentucky on their 200th Anniversary. This momentous occasion not only celebrates the rich history of Butler County, but the many thousands of residents who over the years have made it a vibrant and thriving community.

Butler County was formed on January 18, 1810 and was named for General Richard Butler, a Revolutionary War soldier. With the introduction of a navigation system for the Green and Barren Rivers in the 1830's, a new mode of transportation in the area began and brought with it many new people to the area including merchants, miners, loggers, river workers, engineers and carpenters.

The Civil War slowed development of the county. Following the war, former soldiers from both sides joined together to raise funds for a Civil War Monument that was dedicated in May 1907. The monument is believed to be one of the only two existing memorials which honors both Confederate and Union soldiers.

Today, Butler County attracts many tourists who come to visit the historic sites of the area, steamboat era museum, Green River and many other attractions. The county also hosts the Green River Catfish Festival every year. Anglers from around the country travel to Butler County to try and catch one of the numerous tagged catfish released into the river for cash prizes. The top prize is \$50,000.

To commemorate the county's 200th Anniversary, community leaders and residents of Butler County have planned a year's worth of events to educate Kentuckians about the history of Butler County and celebrate its residents and culture. A book entitled Butler County, Kentucky—History and Families is also being compiled which features stories about communities and families in Butler County as written by residents. It is my privilege to represent Butler County in the U.S. House of Representatives and I hope my colleagues in Congress will join me in celebrating this community and its residents.

HONORING CHUCK MACK

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to Chuck Mack of the International Brotherhood of Teamsters. On January 15, 2010, the Teamsters Joint Council 7 will host a Testimonial Dinner in San Francisco, California, honoring Chuck's exemplary career in the labor movement.

Chuck joined the Teamsters in the summer of 1960 as a Del Monte seasonal worker, and continued as a loader and driver for Garrett Trucking for four years. In 1966, Chuck was elected business agent at Teamsters Local 70 and was re-elected in 1969. In 1971, at the request of the Teamster leadership, Chuck served as a lobbyist in Sacramento for the California Teamsters Public Affairs Council. He returned to Local 70 the following year and was elected secretary-treasurer and served in that capacity until June 2009.

He became president of Joint Council 7 in 1982 and served in that position until June 2009, making him the second longest-serving Joint Council president. In 1998 he was elected vice president of the International Brotherhood of Teamsters Western Region. He was re-elected to this office in 2001 and 2006.

Chuck was appointed IBT director of Port Division in 2003 and remained in this position until June 2009. As port director, he built a powerful coalition of labor, community, environmental and interfaith groups to fight for economic justice for drivers and environmental justice for communities. Since 1981, he has served as a Western Conference of Teamsters Pension Trustee and became co-chair in 2009.

Chuck Mack's commitment to labor and to the welfare of others has earned him the deep respect of his members and others. To quote Chuck, "the most rewarding part of this job has always been the members. Meeting with them one-on-one and listening to what they have to say, providing strong representation so that they have good jobs with good wages, good health care and a strong pension . . . jobs that provide for them and their families."

I join Chuck Mack's colleagues and friends in honoring his contributions and his continuing service.

PERSONAL EXPLANATION

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Ms. BALDWIN. Madam Speaker, I regret that due to illness, I missed 30 votes on December 9, 2009 through December 11, 2009. Had I been present, I would have voted in the following manner:

On H. Res. 955, Providing for consideration of H.R. 4213, the Tax Extenders Act, on ordering the previous question, I would have voted yes.

On H. Res. 955, Providing for the consideration of H.R. 4213, the Tax Extenders Act, on agreeing to the resolution, I would have voted yes.

On H.R. 3951, To designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the Roy Rondeno, Sr. Post Office Building, on Motion to Suspend the Rules and Pass, I would have voted yes.

On H.R. 4213, Tax Extenders Act of 2009, Table Appealing of the Ruling of the Chair, I would have voted yes.

On H.R. 4213, Tax Extenders Act of 2009, on passage, I would have voted yes.

On H.R. 3603, To rename the Ocmulgee National Monument, on Motion to Suspend the Rules and Pass, as Amended, I would have voted yes.

On H. Res. 956, Providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives, markets, and for other purposes, on agreeing to the resolution, I would have voted yes.

On H.R. 86, To eliminate an unused light-house reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange County, California, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes, on motion to suspend the rules and pass, as amended, I would have voted yes.

On H. Res. 961, Providing for consideration of the conference report to accompany the bill (H.R. 3288) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, on ordering the previous question, I would have voted yes.

On H. Res. 961, Providing for consideration of the conference report to accompany the bill (H.R. 3288) making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, on agreeing to the resolution, I would have voted yes.

On H.R. 3288, Making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, on agreeing to the conference report, I would have voted yes.

On H.R. 4017, To designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the Ann Marie Blute Post Office, on motion to suspend the rules and pass, I would have voted yes.

On H. Res. 962, Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on agreeing to the resolution, I would have voted yes.

On H. Res. 964, Providing for further consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, on agreeing to the resolution, I would have voted yes.

On H.R. 4173, Frank of Massachusetts amendment No. 1, as modified, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Sessions of Texas amendment, on agreeing to the amendment, I would have voted no.

On H.R. 4173, Lynch of Massachusetts amendment, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Murphy of New York amendment No. 6, on agreeing to the amendment, I would have voted no.

On H.R. 4173, Frank of Massachusetts amendment No. 7, on agreeing to the amendment, I would have voted yes.

On H.R. 4174, Stupak of Michigan amendment No. 8, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Stupak of Michigan amendment No. 9, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Kanjorski of Pennsylvania amendment No. 12, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, McCarthy of California amendment, on agreeing to the amendment, I would have voted no.

On H.R. 4173, Peters of Michigan amendment, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Marshall of Georgia amendment, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Schakowsky of Illinois amendment, on agreeing to the amendment, I would have voted yes.

On H.R. 4173, Minnick of Idaho amendment, on agreeing to the amendment, I would have voted no.

On H.R. 4173, Bachus of Alabama Substitute Amendment, as Modified, on agreeing to the amendment, I would have voted no.

On H.R. 4173, The Wall Street Reform and Consumer Protection Act of 2009, on Motion to Recommit with Instructions, I would have voted no.

On H.R. 4173, The Wall Street Reform and Consumer Protection Act of 2009, on passage, I would have voted yes.

#### HONORING THE LIFE OF JUDY SUMNER

##### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CHILDERS. Madam Speaker, I rise today with deep sadness by the passing away of a great leader and native Mississippian, Mayor Judy Sumner. Mayor Sumner, 58, died Saturday, January 9, 2010, at her home.

During her mayoral tenure, she guided the town toward resolution of a debt crisis with the Internal Revenue Service and a host of other creditors while helping to coordinate celebrations of Como's musical and ethnic heritage and its Main Street business revival.

Mayor Sumner was a devoted wife to Mike Sumner and mother to her four children, Courtney Collins, Wendy Bailey, Sassene Dyer and Nick Sumner. Madam Speaker, with distinct honor and pride, I along with the citizens of Como, Mississippi, sadly mourn the death of such an inspirational leader and Mississippian. I want to personally thank her for all her contributions. Her memory will live on.

#### TRIBUTE TO THE ST. FRANCIS PARISH SCHOOL

##### HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a well-re-

spected parochial school in my community. St. Francis Parish School, located in Bakersfield, California is celebrating 100 years of education this upcoming April.

The St. Francis Parish School has a unique history. Started by the Sisters of Mercy in 1910, the school consisted of two classrooms in the basement of a church. After sixteen years of various makeshift learning environments, an actual school structure was constructed, and in 1940 the St. Francis High School was created which gave the two schools a combined K-12 presence. In 1943, the Sisters of Mercy were unable to staff a high school and lower school, so they delegated the Dominican sisters of the Congregation of St. Thomas of Aquinas, Diocese of Seattle to take over the St. Francis students. The present location of St. Francis Parish School was opened in 1952, and the Dominican Sisters continued to run the school until 1978. After changing hands once more in 1978 to a different sister group, the school is presently operated by lay teachers and one Mercy Sister. It is fitting that the staff has come full circle to include this one Mercy Sister.

Today, St. Francis Parish School has a pre-school through eighth grade platform that serves 586 students. The school's curriculum has grown to add computer technology, and grades 2-8 have smart boards, internet capability, and sound systems in every classroom. Growing with demand, the school has evolved to include Spanish, art, and music. Additional teachers have been added to St. Francis' staff to teach these new curriculums, and yearly textbook updates occur in every class in order to maximize the school's educating potential.

Most importantly, St. Francis Parish School pushes its students to be lifelong active leaders and responsible citizens. Every age group is required to do community service through both class service projects and quarterly school service projects. An array of community service organizations welcome the school's generosity such as the American Heart Association, the Cancer Society, Mercy Beyond Borders, the Homeless Center, Catholic Charities, Mercy Hospital, Lion's Club, SPCA, the Valley Achievement Center, Alpha Canine, and St. Faustina's. For 100 years, St. Francis Parish School has instilled high leadership, faith, and service qualities throughout its students.

St. Francis Parish School is a keystone of our educational community that measures success in its loyalty from generations of students. I thank St. Francis for its 100 years of service to the people of Bakersfield and wish them the very best in its next 100 years.

#### A TRIBUTE TO LUCY GLENN TAYLOR

##### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor the memory of a distinguished lady of Kentucky, Lucy Glenn Taylor. A third generation funeral home director and community leader, Lucy lived her life by the philosophy

"always be kind to others," a motto which translated into her daily life.

Lucy dedicated her life to others starting at a young age. During World War II Lucy organized and managed funeral services while members of her family were in military service. Many have said that she even helped move caskets from time to time.

Lucy went on to become the director of her family's funeral home in 1978 and it was her notorious kind demeanor that inspired her children to continue the family business. Lucy always took the time to get to know those who used her family's services and was a well-loved and respected member of the community.

Once named the First Lady of the Year by Beta Sigma Phi International Service Sorority, Lucy took on several leadership roles within her community. She was a member of the Pilot Club for 50 years, during which she once served as president, and served on the board of directors for the Elizabeth Munday Center and Kentucky Wesleyan College. Among other organizations, Lucy was involved with the Junior League of Owensboro, Wendell Foster Bazaar, the Isaac Shelby Chapter of the Daughters of the American Revolution and was also a member and former president of the Franklin School PTA.

Always poised yet genuine, those who had the privilege of meeting Lucy Glenn Taylor never forgot her. Lucy never intended to draw attention to her acts of kindness. To the contrary, she would quietly extend a hand to those in need.

Sadly, on Monday, January 4, 2010, Lucy Glenn Taylor passed away in her home at the age of 88. I join with her family, friends, and confidants in mourning her loss. Although we may have lost one of the Commonwealth's most loyal friends, Lucy's legacy will continue through the countless number of people whose lives she touched.

#### GARY NICHOLS

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize Gary W. Nichols for his outstanding service to his country, and to congratulate him on receiving his honorary high school diploma from North Kansas City High School in North Kansas City, Missouri.

Gary dropped out of high school in 1954 to join the United States Navy. He would have been a member of the graduating class of 1956. Gary was a career serviceman from 1954-1974 and served on several destroyers and carriers during the Vietnam War. He attained the Rank of E-5.

Gary has earned the gratitude and respect of his fellow veterans and fellow citizens of Kansas City, Missouri. He has served as the Post Commander as well as the District 3 Commander for the American Legion. His life's dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our great nation.

Gary is originally from Kingsville, MO, but he now lives in Kansas City with his wife Shirley, where he is the proud father of seven children and step-children, 22 grandchildren and five great-grandchildren.

Madam Speaker, I ask my colleagues to join with me in congratulating Gary W. Nichols on the occasion of receiving his honorary high school diploma on January 30, 2010. I would also like to thank North Kansas City High School for providing Gary with the degree he would have received had he not left school to fight for his nation. I know Gary's colleagues, family and friends join with me in thanking him for his commitment to his country and wishing him happiness and good health in his future endeavors.

COMMENDING HAMILTON  
STEPHENS WINTERS

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. ALEXANDER. Madam Speaker, I rise today to recognize and commend a distinguished student, Hamilton Stephens Winters, on his achievement of Eagle Scout, awarded January 9, 2010.

For nine years, Hamilton has been active in scouts. Prior to completing Cub Scouts in 2006, Hamilton received the Arrow of Light Award, which is the highest award a Cub Scout can earn.

After completing the Cub Scout program, Hamilton joined Boy Scout Troop 66. During his tenure in the Boy Scouts, Hamilton has earned 37 merit badges, far surpassing the 21 merit badges that are required. This accomplishment is all the more impressive, considering Hamilton is only 14 years old.

Hamilton is a model citizen amongst the youth in our country and my district. His proven leadership and remarkable accomplishments have truly made his family and community proud. I am confident that Hamilton will use the skills he has acquired for the rest of his life as tools for the betterment of his community, state and country. I ask my colleagues to join me in congratulating Hamilton Stephens Winters on this monumental achievement.

DR. CINDY STEVENSON

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. PERLMUTTER. Madam Speaker I rise today to recognize and applaud Dr. Cindy Stevenson, superintendent of Jeffco Public Schools for her selection as finalist in the 2010 Superintendent of the Year. Of the 49 state-level finalists only four nominees are chosen. This program along with ARAMARK Education, ING and the American Association of School Administrators celebrates the contributions and leadership of top public school superintendents like Dr. Stevenson.

Dr. Stevenson's service to Jefferson County schools has helped with the development of

its teachers and educational leaders. She has always held a strong focus on student achievement, improving teaching and learning, creating community partnerships and focusing on continuous improvement for all Jefferson County schools. The work of a superintendent like Dr. Stevenson has resulted in a number of successful academic communities in Jefferson County.

To reach this point in the nomination process Dr. Stevenson was required to fulfill a list of rigorous criteria. Among the qualifying factors Dr. Stevenson had to exemplify creativity in successfully meeting the needs of students in the school system, exemplary strength in both personal and organizational communication, a constant improvement of administrative knowledge and active participation in local community activities. Dr. Stevenson has met and exceeded this criteria and her nomination and successes confirm this.

I extend my deepest congratulations to Dr. Stevenson for her selection as finalist for the 2010 Superintendent of the Year. I have no doubt she will exhibit the same dedication in all her future accomplishments.

HONORING THE LIFE OF  
CORPORAL JAMES SZUBA

**HON. JOE DONNELLY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. DONNELLY of Indiana. Madam Speaker, I rise today in tribute to Corporal James Szuba, a nearly eight year veteran of the Mishawaka Police Department, who gave his life in the line of duty.

On Saturday, January 9, 2010, an intoxicated driver, in the act of fleeing from a pursuing officer, struck Corporal Szuba's patrol car as he was responding to a call for assistance. On board was his eight-year-old canine partner, a German Shepherd named Ricky, who was also killed upon impact.

Mishawaka Police Assistant Chief Mike Samp noted "He was very dedicated. He was one of those officers who would step up and help an officer if they needed anything. He was an outstanding officer who is going to be greatly missed around here." In 2004 he and three fellow officers were presented the Officer of the Year Award by the Indiana Council of Fraternal, Veterans and Social Societies after they rescued a five-year-old boy from drowning in a frozen neighborhood pond. Cpl. Szuba also received several letters of commendation and his performance evaluation noted that he "is one of the most dependable and trustworthy officers . . . he has leadership skills and is well respected by his peers and supervisors."

James followed a family tradition of service; his late father, Floyd, was an officer and his brother, John, is a sergeant with the nearby South Bend Police Department. Cpl. Szuba was trained in patrol tactics and narcotics searches. He was also an Indiana Law Enforcement Academy firearms instructor for the Mishawaka Police Department.

Corporal Szuba leaves behind his mother, Gerri, his wife, Debbie, a son, Joshua and

daughter, Stephanie, two brothers and two sisters as well as many friends, relatives and fellow officers. Madam Speaker, we grieve for the loss of Corporal James Szuba. Let us always value that America's police officers serve to protect our country, day in and day out, regardless of the dangers they face. May God welcome him home and give comfort to his family and friends.

CELEBRATING VALDOSTA,  
GEORGIA'S 150TH BIRTHDAY

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. KINGSTON. Madam Speaker, today I rise to celebrate the 150th birthday of Valdosta, Georgia. This impressive milestone allows us to take the time to celebrate the city's progress over the past 150 years.

Valdosta was incorporated as a town in 1860, when Troupville, the previous Lowndes County seat, relocated to follow the expanding railroad. The city of Valdosta is home to more than 46,000 people, as well as Moody Air Force Base, where President George W. Bush received his National Guard flight training. Valdosta is commonly referred to as the "Azalea City," as the red, pink, and white plants bloom in abundance throughout the city, especially in the spring.

According to tradition, the first train came over the new road to Valdosta on July 4, 1860. Willis Allen was designated as the first manager of the railroad, which was then called Savannah, Florida, & Western and later became part of the Atlantic Coast Line. Valdosta was primarily an agricultural city, and with time it became the largest inland market for Sea Island cotton in the world, until the boll weevil beetle eliminated the crop in 1917. Today, Valdosta's agriculture consists mainly of row crops such as tobacco, cotton and peanuts.

Valdosta has been the home of many skilled athletes, which earned the town the 2008 "Tidetown, USA" award by ESPN. With 14 national titles, 47 conference titles, 99 state titles, and 289 region titles, Valdosta has certainly earned this honor. Valdosta has also thrived in the artistic realm. A number of comedians, actors, and musicians have emerged from Valdosta. The original "Jingle Bells" tune was even composed by one of Valdosta's music teachers, James Lord Pierpont. Valdosta's symphony orchestra—composed of local artists, students, and professors at Valdosta State University—attracts guest performers of international reputation. The Arts and Balloon Festival, held in April, serves to celebrate all of these artistic endeavors.

Whether you are admiring the beauty of Valdosta at the annual Azalea festival in March, watching one of the city's athletes perform on the national stage, or simply encountering friendly faces as you pass through one of Valdosta's many parks and historic districts, the city is no doubt a captivating one. From its birth in 1860 until today, the year of its Sesquicentennial Celebration, Valdosta has remained one of the nation's greatest and most productive cities. It is one of the many cities



that keep Georgia on the mind, and I am proud to celebrate its history with you today.

#### HOPE FOR HAITI

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to offer my deepest sympathy to the people of Haiti as they cope with the aftermath of yesterday's massive earthquake. The tremendous loss of life and the untold devastation has left the capital of Port-au-Prince in ruins and countless families facing the untold horrors of loved ones injured or killed. This earthquake has shown us nature's worst.

The world's response to this awful tragedy will demonstrate the best of human nature. Many people will offer relief and assistance, through time and money. As we have always done in times of international disaster, the United States is sending aid to Haiti, including Fairfax County's Urban Search and Rescue Team 1 (USAR Team 1), which deployed this morning.

USAR Team 1 is one of two urban search and rescue teams nationwide that report to the U.S. Agency for International Development—Office of U.S. Foreign Disaster Assistance for humanitarian deployments. This highly trained rescue team has deployed to numerous locations across the globe, saving lives in areas such as Armenia, Indonesia, Romania, Kenya, Bolivia, Oklahoma City, and the Pentagon, providing critical lifesaving rescues, especially in building collapse situations.

In this terrible time of tragedy, Fairfax County's USAR Team 1 represents the best that America has to offer, hope and a commitment to helping those in need. I commend the men and women of USAR Team 1 on their heroic efforts, mourn for those who lost their lives and pray for those awaiting aid.

#### SALUTING THE ATHLETES OF THE 2010 WINTER GAMES OF TEXAS

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise to recognize the outstanding athletes of the fifth annual Winter Games of Texas.

This multi-sport youth athletic event is patterned after the international Olympic Games and presented by The Texas Amateur Athletic Federation, a nonprofit organization established in 1925 to promote, organize and conduct amateur athletics in Texas.

The sports festival serves as an excellent showcase of the talented young athletes of Texas. More than 4,500 young people will participate in this year's competition.

An exciting Celebration of Athletes program will be held, featuring games, live entertainment, professional athletes, and past Olympic heroes.

Fourteen different sporting events are included in the contest this year: soccer, basketball, table tennis, wrestling, cheerleading, swimming, flag football, ice hockey, figure skating, volleyball, fencing, bowling, rock climbing, karate, and gymnastics.

I commend each of the athletes who will be competing in these sports. Their hard work, dedication and passion will serve them well in all aspects of life.

I would also like to thank the City of Frisco, including their fine leader, Mayor Maher Maso, the Texas Amateur Athletic Federation, and all the volunteers throughout this city and state who have expended their time and energy to prepare for this great event.

I wish all participants and volunteers an enjoyable and successful tournament.

Let the games begin!

#### IN HONOR AND REMEMBRANCE OF RICHARD J. ZUNT

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. Richard J. "Dick" Zunt, dedicated father, uncle, journalist and friend, whose amazing life reflected love for family, community and journalistic excellence. As a high school sports beat reporter, he consistently captured the energy, action and emotion of games played throughout Greater Cleveland. From amazing triumphs, to shocking defeats, to predictable endings, Mr. Zunt's reporting was always accurate, compassionate, and respectful—and held the interest and imagination of tens of thousands of readers.

Though a talented reporter, it was Mr. Zunt's kind demeanor, great sense of humor and generous heart that drew others to him. He lived his life by the Golden Rule, reaching out to help wherever needed. He grew up in Cleveland, instilled with values of hard work, service to community and an unmistakable joy for life. A talented athlete himself, Mr. Zunt ran track at St. Ignatius High School, graduating in 1950. As a student reporter at John Carroll University, Mr. Zunt began honing his journalistic skills as a reporter for the university paper, the "Carroll News." He graduated from John Carroll in 1955, then served two years in the United States Navy. In 1957, following his military service, Mr. Zunt joined The Plain Dealer, where he worked as a sports reporter, with an emphasis on high school sports, until his retirement in 2001.

Throughout his tenure at The Plain Dealer, Mr. Zunt made countless friends, many of whom remained close friends throughout his life. His honest approach, unwavering integrity and caring nature forged life-long bonds of trust, friendship and admiration with coaches, players, school administrators and colleagues. He was very active in the community, serving on several community, press and educational boards—and was an active alumnus of St. Ignatius High School. Though not impressed with awards and accolades, Mr. Zunt's many achievements were publicly recognized. He

was inducted to the St. Ignatius Hall of Fame, the Greater Cleveland Softball Hall of Fame, and the Cleveland Press Club Hall of Fame.

Madam Speaker, please join me in honor and remembrance of Mr. Richard J. "Dick" Zunt, whose love for family and friends, service to community and joy for living will be remembered always. I offer my deepest condolences to his loving children, Mary "Cal," Monica, Sarah, and Richard J. Jr.; to his daughters-in-law, Brooke and Ethel; to his sons-in-law, Mike and Ruben; to his brothers, J. Raymond and Robert; to his sister Mary; to his dear companion, Doris; and to all his extended family members and numerous friends. Mr. Zunt's life—defined by kindness, joy, talent and a compassionate heart—will forever live in the minds and hearts of his family, friends and all whom knew and loved him well—and he will never be forgotten.

#### A TRIBUTE TO KAREN ANDE AND RUTHANN RICHTER

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to two Bay Area women, Karen Ande and Ruth Richter, and their compelling book *Face to Face, Children of the AIDS Crisis in Africa*.

This very special work was conceived after Karen Ande and Ruthann Richter travelled to Africa in 2004. They were devastated by the plight of children living under staggeringly brutal conditions, often without food, education or a stable, caring adult in their lives. Many of the children had watched their parents die and then had to cope with the consequences of living alone or with little support. They resolved to bring the issue to light and their book is the vehicle they chose to accomplish this goal.

The following words in praise of the book by Philip Pizzo, M.D., Dean of the Stanford University School of Medicine, a specialist in pediatric AIDS and one of the 14th Congressional District's most distinguished and effective leaders, are an eloquent statement about the book and its subject.

"Ruthann Richter and Karen Ande have given a new voice and face to this pandemic, which continues to destroy the hopes, dreams and lives of children. Through compelling and poignantly informed stories and narratives and incredibly sensitive and touching portraits of children, families, providers and communities, Richter and Ande remind us, in a deeply personal way, how important HIV remains in Africa and beyond."

Madam Speaker, I ask my colleagues to join me in honoring Karen Ande and Ruthann Richter for their extraordinary work and their efforts to bring to our attention the continuing ravages of the AIDS virus on the children of Africa.

GOVERNOR ALBERT ROSELLINI

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. REICHERT. Madam Speaker, I rise today in honor of Governor Albert Rosellini, who will celebrate his 100th birthday on January 21, 2010. Gov. Rosellini was elected to the Washington State Senate in 1938, and served honorably as Washington State's governor from 1957 to 1965. Ultimately, this man has always worked as a servant and leader for his family, community and State.

As a 29-year-old law school graduate from Tacoma, Washington, Governor Rosellini began his career early, serving in the Washington State Senate in 1938 and championing issues ranging from forward-looking transportation policy to juvenile justice. He was an advocate for working families and never missed an opportunity to improve the lives of his constituents. Later, as Governor, Rosellini played an important role in starting one of our nation's finest medical schools at the University of Washington. He also helped create the Evergreen Point Floating Bridge—a bridge that now bears his name. The type of leadership that helped build the Floating Bridge is typical of Gov. Rosellini: visionary and decisive.

Additionally, Governor Rosellini's ascension to the Governorship of Washington was a seminal moment in the illustrious history of Roman Catholic Italian-Americans and he remains a leader in that community to this day.

A Seattle columnist wrote in 2005 that Governor Rosellini "makes most governors after him look like slackers." Madam Speaker, Gov. Rosellini served Washington with a steely determination, with the cares, concerns, and best interest of all Washingtonians in his mind and heart at all times. It is my distinct honor to recognize him and his countless contributions to the great state of Washington, and to challenge us all to aspire to serve in the same way he has throughout his distinguished life and career.

Along with this House, I wish Mr. Rosellini a happy 100th birthday and thank him for his dedicated public service.

INTRODUCTION OF LEGISLATION  
TO ESTABLISH 10-YEAR TERM  
FOR TSA ADMINISTRATOR

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. WOLF. Madam Speaker, today I am introducing legislation to establish a 10-year term of office for any individual appointed to serve as the administrator of the Transportation Security Administration, TSA, akin to the appointment process for the director of the Federal Bureau of Investigation, FBI.

The failed Christmas Day bombing of a U.S. airliner points to the need for strong, capable leadership at TSA. It is essential that the agency be independent of political influence and focus on its core mission: to protect "the

Nation's transportation systems to ensure freedom of movement for people and commerce." Given the continued threat from al Qaeda to U.S. and international aviation, it is essential that the TSA administrator has bipartisan support.

I believe a 10-year term for the administrator of TSA will help provide the agency with the qualified, long-term and independent leadership it needs at this time. Over the last 9 years since TSA's creation following 9/11, TSA has had six administrators—averaging terms of just 1.5 years. This is hardly the stable and committed leadership that the agency should have, given its critical role in ensuring the safety of our citizens and aviation infrastructure. It simply does not make sense for the position to change hands with each new administration or even sooner.

This bill further strengthens our Nation's homeland by ensuring stable leadership at the Department of Homeland Security and freeing that the TSA administrator to assure agency professionalism over political fidelity. I urge my colleagues to support this important legislation.

RECOGNITION FOR CHIEF ROBERT  
W. GILBERT, U.S. BORDER PATROL

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to recognize Robert W. Gilbert, who is leaving his position as Chief Patrol Agent of the United States Border Patrol Tucson Sector to become the Department of Homeland Security Attaché in Mexico.

As the representative of one of only ten congressional districts on the U.S.-Mexico border, I have worked closely with Chief Gilbert in the ongoing effort to secure our border. Chief Gilbert has been relentless in his pursuit of this goal, and for that, every American owes him a tremendous debt of gratitude.

During his time in Tucson, Chief Gilbert never lost sight of the fact that our border is more than a boundary separating two nations. He knows that our border with Mexico is a conduit for trade through which hundreds of millions of dollars of vital goods and services flow each year. He is also acutely aware of the negative impact on local residents, ranchers and businesses caused by the criminal cartels that smuggle people and drugs across the border and into our communities.

Chief Gilbert followed his father into the Border Patrol and has carried out assignments in San Diego, El Paso and on the Canadian border. In March 2007, he was named Chief Patrol Agent of the Tucson Sector, the Nation's largest and most active border region.

Chief Gilbert supervises more than 3,200 agents who patrol 262 miles of international border. The agents who work for him account for the highest number of drug seizures and illegal immigrant apprehensions in the Nation. Chief Gilbert has called the Tucson Sector "ground zero for the Border Patrol." When he was asked whether being assigned to such a busy part of the border was a reward or a

punishment, Chief Gilbert called his posting "an honor." It has been no less an honor for those of us who have had the opportunity to work with him.

Representing the Eighth Congressional District in Southeastern Arizona, I have had the privilege of witnessing first-hand the Border Patrol's important work. It has been a highlight of my time in Congress to meet the men and women of the Tucson Sector of the Border Patrol who serve in one of the most challenging and rugged regions in our country.

Under Chief Gilbert's exceptional leadership, great progress has been achieved in making our border more secure. In just the first three months of fiscal year 2010, agents in the Tucson Sector arrested 51,111 people and seized 270,418 pounds of marijuana. In fiscal year 2009, agents in the Tucson Sector seized an all-time national record of more than 1.2 million pounds of marijuana.

It is clear on many levels that Chief Gilbert and the men and women under his command are gaining control of the most porous area of our border with Mexico.

In addition to implementing effective new strategies to deal with the high volume of drug and human smuggling, Chief Gilbert and his team have been most responsive to my inquiries on behalf of constituents and they have reached out to build positive relationships with local residents, ranchers and business owners. The Chief established regular meetings of community stakeholders which have resulted in stronger partnerships between the Border Patrol and the citizens who live along the border. He has gone to great lengths to establish better understanding and communications with the community including his mule ride along the border with area ranchers to directly inspect the effects that smuggling has had on their land and operations.

In a 2009 interview with Linda Valdez, a columnist with the Arizona Republic, Chief Gilbert talked about the enthusiasm he has for his job. "If you can't get excited about defending the United States of America, you don't have a pulse," he said.

Each day, the agents supervised by Chief Gilbert confront armed smugglers, harsh desert terrain and weather extremes to keep us safe. Each day, they and Chief Gilbert illustrate what it means to be dedicated to duty and to country.

While enormous credit rightfully goes to Chief Gilbert for Border Patrol successes since he arrived on the job, we also recognize the great sacrifices that have been made by his family. His wife Lia and children Matthew and Sophia have been there to support the Chief through his many long days and weekends at work. The strength of his family has played a vital role in sustaining the Chief in his tireless service to the Nation. We thank them for all they have done for him and, through him, for all of us.

On behalf of the people of Arizona's Eighth Congressional District, I am proud to give the highest commendation to Chief Robert W. Gilbert for a job very well done. This man is a true patriot, who has served our region and the Nation with selflessness, integrity and honor.

GRATITUDE FOR THE SERVICE OF  
LASHAWN Y. WARREN

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CONYERS. Madam Speaker, I would like to take this opportunity to thank one of the most dedicated and productive members of the Judiciary Committee staff for her service to the House, LaShawn Warren. For 2½ years, LaShawn served as Oversight Counsel for the Committee on the Judiciary.

LaShawn graduated magna cum laude from Savannah State College in Savannah, Georgia. She earned her law degree from Howard University, where she served as co-editor-in-chief of the Social Justice Law Review and rose to the leadership ranks of many of the law school's societies and associations. In addition to her law degree, she earned a certificate in non-profit management from Georgetown University's Center for Professional Development.

Prior to joining the staff of the Judiciary Committee, LaShawn served as Legislative Counsel for Civil Rights for the American Civil Liberties Union, ACLU. As Legislative Counsel, she prepared congressional testimony for the U.S. Congress and the United Nations Human Rights Council, UNHRC, and lobbied Members of Congress, UNHRC members, and their respective staffs on voting rights, education equity, racial profiling, employment, housing, domestic violence policy, welfare reform, privacy, international human rights, and civil rights enforcement. She chaired advocacy and legislative coalitions, worked with national and local media, and served as the lead strategist for the civil rights community's successful effort to reauthorize the Voting Rights Act in 2006. Prior to her tenure at the ACLU, she served as a legislative analyst for the Seattle City Council and as an Assistant Attorney General for the Washington State Office of the Attorney General.

During her time with the Judiciary Committee, LaShawn led the Congress' investigation into the enforcement of Federal civil rights laws, hiring practices, and resource management issues in the Civil Rights Division, CRT, of the Department of Justice. By the end of the 110th Congress, her work had exposed massive politicization of the CRT's operations, including its hiring practices and case-prosecution decisions. Cleaning up that division—so central to the equal rights of all Americans—is a great legacy of LaShawn's work at the Committee. She additionally served as the Committee's lead counsel on voting issues and conducted investigative and legislative work related to voting, employment, housing, predatory lending, bankruptcy, civil rights and criminal law enforcement, international law compliance, and civil rights in immigration policy. She authored large portions of the Committee staff's report "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush" and supervised the drafting and editing of the Committee's bipartisan amici brief in Northwest Austin Municipal Utility District No. 1 v. Eric H. Holder (2009).

On behalf of the Judiciary Committee, its staff, and this distinguished body, I would like to thank LaShawn for her service and for her unwavering commitment to protecting and advancing civil rights and liberties for all Americans. We are losing a dear colleague, mentor, and friend—her generosity, optimism, professionalism, and warmth shall be sorely missed. We wish her the best of luck and extend to her our deepest gratitude.

HONORING MR. ROD MORGAN ON  
BECOMING THE FIRST AFRICAN  
AMERICAN TO SERVE AS PRESIDENT OF THE INDIANA STATE  
BAR ASSOCIATION

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Mr. Rod Morgan, a remarkable jurist from Indiana's 7th Congressional District, who recently became the first African American to serve as president of the Indiana State Bar Association. I applaud Mr. Morgan for this monumental achievement.

Currently a partner at Bingham McHale LLP in Indianapolis, Mr. Rod Morgan's legal career has been vast and varied. His career has touched upon nearly every aspect of jurisprudence from serving as an Army Judge Advocate General, to acting as a legal advisor to numerous military and political leaders, to teaching law and writing scholarly papers. Mr. Morgan is also an active member of the community, serving on numerous boards and associations, recently serving as president of the Indianapolis Black Chamber of Commerce and chairman of the Partnership for Affordable Housing. His election as president of the Indiana State Bar Association marks yet another milestone in an exemplary career.

Today, I ask my colleagues to join me in honoring Mr. Rod Morgan and wishing him the best of luck in his latest endeavor.

IN HONOR AND REMEMBRANCE OF  
ELIZABETH JOYCE COSSER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Elizabeth Joyce Cosser, lovingly known as "Nan" treasured grandmother of my wife, Elizabeth, and dearest mother and matriarch.

Mrs. Cosser was born in 1923 and spent her childhood in the beautiful, rolling farmlands of Nottinghamshire and later South Downs, England. Nan's unyielding love for the natural world, great joy of learning, deep commitment to family and sense of service to others was deeply rooted in her childhood. Moreover, Nan was raised to believe that girls were just as worthy as boys, and her fierce independence, courage and outspokenness shone throughout her life—and began during an era when women's rights and opportunities were still non-ex-

istent. A trailblazer in so many ways—Nan was a feminist and environmentalist before those words existed in the world's consciousness.

As a young woman, Nan ventured out on her own, eventually leaving home to become a nurse. During WWII, Nan's family homestead, Blackcap Farm, was destroyed by Canadian Troops who leveled the countryside with rounds and mortars during training maneuvers. At that same time, Nan worked as a nurse, tending to wounded soldiers amidst air raids and heaving bombing, in Brighton and the East End. After the war, Nan continued her chosen vocation of nursing, specializing in delivering babies. She became a community midwife, and delivered 1,265 babies, including Elizabeth, her namesake and granddaughter.

Nan coveted nature, and was on the forefront of the green movement and animal rights causes. In her spare time, Nan planted trees—thousands of trees. To this day, thick groves of chestnut, oak, buckeye and hazelnut trees grow along the country paths in Belhus Woods in Essex—all planted by Nan.

Nan taught by example, instilling in her children and grandchild a true love and respect for the earth and for each other. Beyond her love of gardening, Nan spent time with family on numerous outdoor adventures. She guided her grandchildren through the countryside, gathering berries which she later transformed into pies, jams, wine and even vodka. Her artistic talents and interests were extensive and varied; Nan excelled at painting, embroidery, knitting and pottery, and her adventurous spirit led her to journey to places around the world—researching the history of the culture wherever she went.

Nan combined her love of history and art, creating beautiful works depicting momentous eras and individuals in world history. Nan's keen interest in England's royal lineage led her to embark on an extensive project in which she researched every king and queen in England, dating back 1,000 years. Her research then inspired her to create an incredible series of pottery busts reflecting, in detail, the likeness and aura of royalty dating back one thousand years!

Madam Speaker and Colleagues, please join me in honor and recognition of Elizabeth Joyce "Nan" Cosser, whose kind and generous heart drew others to her. Nan's strength, integrity, and love for the world and its inhabitants, will forever live within the hearts of all us who knew and loved her well, and will forever reflect from the branches and leaves of the towering oak and chestnut trees along the English countryside—forever connecting us all in the cycle of life.

TOWN HALL BY MAIL SURVEY RESULTS FOR FLORIDA'S 10TH CONGRESSIONAL DISTRICT

**HON. C. W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. YOUNG of Florida. Madam Speaker, our nation is faced with more major issues, and is more divided over how we should handle those issues, than at any time I have served in Congress.

These issues include matters of national security, financial security, economic security, and the future of our health care system. Last November, I asked residents of the 10th Congressional District I have the privilege to represent to share their thoughts with me on these and many other pressing issues. To date, more than 31,500 have responded to my survey which included 26 questions on a wide range of legislative matters. In addition, almost half of those who responded provided some very helpful additional comments about other matters of interest to them. In order to certify the accuracy of the results, I had an outside firm tabulate the surveys before returning them to me to review the comments.

Madam Speaker, following my remarks, I will include for the benefit of my colleagues the complete results of my Town Hall by Mail survey. As we return for the Second Session of this 111th Congress and begin debate on these many difficult issues, I think they will find these results of special interest.

CONGRESSMAN BILL YOUNG TOWN HALL BY MAIL

1. Which of the following do you feel to be the most pressing federal issue?

Federal Deficit, 17.33%  
Job Creation, 16.02%  
A Growing Federal Government, 15.14%  
Health Care, 14.52%  
National Security, 11.21%  
Energy Independence, 8.83%  
Immigration, 7.79%  
Other, 3.61%  
No Response, 2.86%  
Housing, 2.69%

2. Are you satisfied with your current health care coverage?

Yes, 73.09%  
No, 20.40%  
Not currently covered, 4.77%  
No Response, 1.73%

3. From what you have read about the pending health care legislation before Congress, do you believe this legislation would improve the quality of your health care coverage?

Yes, 15.85%  
No, 70.71%  
Unsure, 11.72%  
No Response, 1.71%

4. From what you know about the health care reform legislation pending before Congress, would you support or oppose this legislation?

Support, 22.42%  
Oppose, 65.81%  
Unsure, 10.22%  
No Response, 1.55%

5. Should health care reform include a government-run public option?

Yes, 28.49%  
No, 60.44%  
Unsure, 8.88%  
No Response, 2.19%

6. Do you believe that any health care reform legislation should specifically prohibit federal funding for illegal immigrants to receive health care coverage?

Yes, 81.17%  
No, 11.12%  
Unsure, 5.99%  
No Response, 1.71%

7. Should Congress raise taxes to pay for health care reform legislation?

Yes, 16.47%  
No, 74.73%  
Unsure, 7.04%  
No Response, 1.76%

8. Should Congress pay for health care reform legislation by cutting Medicare by \$500 billion as proposed in the House bills?

Yes, 7.48%  
No, 83.32%  
Unsure, 7.44%  
No Response, 1.76%

9. Should Congress require individuals to purchase health care insurance or face a tax penalty?

Yes, 17.02%  
No, 73.54%  
Unsure, 7.77%  
No Response, 1.68%

10. Do you believe that the \$787 billion economic stimulus spending bill approved by Congress earlier this year has created jobs?

Yes, 15.32%  
No, 73.67%  
Unsure, 9.48%  
No Response, 1.53%

11. Given the continued increase in unemployment, should Congress enact a second stimulus spending bill this year?

Yes, 13.31%  
No, 72.66%  
Unsure, 12.36%  
No Response, 1.67%

12. Should the President approve the recommendation of General Stanley McChrystal to deploy some 40,000 more troops to Afghanistan?

Yes, 49.60%  
No, 32.53%  
Unsure, 16.04%  
No Response, 1.83%

13. Would you be willing to pay higher fuel and energy prices to reduce the production of greenhouse gases?

Yes, 23.59%  
No, 64.03%  
Unsure, 10.52%  
No Response, 1.86%

14. Should Congress be required to post major legislation online at least 72 hours before it's voted on in the House or Senate?

Yes, 85.08%  
No, 5.90%  
Unsure, 7.16%  
No Response, 1.86%

15. Should Congress extend the \$8,000 federal first-time homebuyer's tax credit (the credit is set to expire on November 30, 2009)?

Yes, 48.66%  
No, 41.21%  
Unsure, 8.34%  
No Response, 1.79%

16. Should Congress consider passage of a second Cash for Clunkers program?

Yes, 13.43%  
No, 78.75%  
Unsure, 6.27%  
No Response, 1.56%

17. Should Congress provide additional bailout funds for U.S. automakers and financial institutions?

Yes, 2.88%  
No, 90.71%  
Unsure, 4.82%  
No Response, 1.58%

18. The federal National Debt is currently over \$11.9 trillion and is projected to increase by more than \$9 trillion over the next ten years. To balance our account, Congress should:

Reduce government spending and eliminate programs, 83.30%  
Increase taxes to pay for existing government programs, 13.43%  
No Response, 3.27%

19. Should the federal government be required by law to have a balanced budget, as the Florida state government and most other states are required to do?

Yes, 79.64%  
No, 9.18%  
Unsure, 9.38%

No Response, 1.81%

20. Which do you believe would do more to create jobs and stimulate the American economy?

Increased government spending and new government programs, 13.21%

Reducing taxes on private business (the U.S. business tax rate is the 29th highest of the world's 30 largest economies), 81.37%

No Response, 5.43%

21. The Federal Reserve had refused to disclose to the Congress which companies have been given trillions of dollars in bailout money. Should the Fed be subject to a full and complete audit of its actions?

Yes, 94.54%  
No, 1.71%  
Unsure, 2.24%  
No Response, 1.51%

22. Should suspected terrorists be transferred from the prisons at Guantanamo Bay to federal prisons in the United States?

Yes, 20.62%  
No, 67.22%  
Unsure, 8.21%  
No Response, 3.95%

23. Should amnesty for those here illegally be included in immigration reform?

Yes, 12.23%  
No, 74.12%  
Unsure, 9.69%  
No Response, 3.96%

24. The measure of the cost-of-living for Social Security recipients is predicted to increase from 2010 to 2011, yet recipients are not likely to receive a cost-of-living adjustment the next year. Should Social Security recipients receive an increase in their benefits for 2012?

Yes, 74.86%  
No, 10.60%  
Unsure, 10.70%  
No Response, 3.84%

25. Should the U.S. continue pursuing a missile defense shield in Europe?

Yes, 51.27%  
No, 27.68%  
Unsure, 17.19%  
No Response, 3.86%

26. Should economic sanctions continue against Iran?

Yes, 78.87%  
No, 7.27%  
Unsure, 10.07%  
No Response, 3.78%

IN TRIBUTE TO SHARON SCHULTZE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. FILNER. Madam Speaker, I rise today to recognize the dedication and contributions of my Senior Legislative Assistant, Sharon Schultze.

On Monday, January 11, 2010, Sharon retired after seventeen years of service in my Washington Congressional office. In and of themselves, these years are enough to qualify her for special recognition, but she also served as my Assistant for four years when I was a member of the San Diego Board of Education, as my Council Representative for five years when I was a member of the San Diego City Council, and in numerous roles in many of my campaigns, including Finance Director for two of my Congressional Campaigns. When one of my early campaigns

showed practically a zero in donations for an entire summer month of fundraising, I called on her, and the contributors returned. Throughout the years, she has been my go-to person when I need something done and done right.

Upon reflection, I believe that her most important contribution has been to provide a consistent and friendly voice to the people we are serving, knowing many by name. She gives them what they are asking for—either the answers they need or information about who can help if we are not the right office to call. A visitor or caller never goes away without assistance.

Sharon's work over the years has included legislation that addresses people's needs: education, gay and lesbian, health, labor, Native American, senior citizen and Social Security, religion, art, welfare, women, and veterans issues. She was my sole staff person for the House of Representatives Veterans' Affairs Committee (VA) for fourteen years. She has met with constituents and lobbyists, answered mail, prepared my statements for the VA and the House and talking points for speaking engagements, prepared bills for introduction in the House, and written press releases. In fact, she has done almost everything in my office, from the duties of staff assistant to executive assistant to administrative assistant, as needed—just not systems administration.

She has taken a keen interest in how micro-credit and microenterprise can help many people in our country, travelling to Bangladesh to learn about the Grameen Bank in Dhaka, founded by Nobel Peace Prize Laureate Professor Muhammad Yunus.

She has helped me prepare for many of the awards and recognitions I have received, for example, the 2009 Gusi Peace Prize I was recently awarded in the Philippines and the Martin Luther King, Jr. Award I received from the National Education Association in 2003. Her supporting role in my work on the issues important to my Filipino constituents was critical to my selection as a recipient of the Legion of Honor, the highest civilian award given by the Philippines, presented by then-President Fidel Ramos.

Sharon has also prepared the nominations I have made throughout the years for winning entries, for example in the Victory Against Hunger Award sponsored by the Congressional Hunger Center, the Private Sector Small Business Award from the Asian American Business Roundtable, the Congressional Angels in Adoption Awards from the Congressional Coalition on Adoption Institute, the Ethics Award from the San Diego Human Dignity Foundation, and my nominations for the White House Conference on Aging. For each of the seventeen years we have been in Washington, she has been the DC staff person in charge of trip arrangements to Washington for the winning students in the annual Congressional Arts Competition. She has greeted our Congressional Pages and has handled the ticket requests for Presidential inaugurations.

She has joined with me in many of our accomplishments. She was with me when we talked with VA Secretary Jesse Brown about the need for a Veterans' Home in Chula Vista, California. She was at the table when we

spoke to VA Secretary Principi about providing medical equipment and supplies to the Veterans Hospital in Manila. She helped to bring a Community Based Outpatient Clinic to Imperial County, California and the Miramar National Cemetery to San Diego, California, with a groundbreaking scheduled for January 30, 2010.

Her important legislative achievements include passage of several bills for veterans, including a bill to provide a posthumous Purple Heart to the families of every prisoner of war who died while in a prison camp, a bill to provide compensation to World War II Merchant Mariners who were excluded from the original GI Bill benefits, and legislation to restore equity and promised benefits to the Filipino World War II veterans who were deprived of both by an act of Congress in 1946.

I want to take this opportunity to say thank you to Sharon for 26 years of working together, learning together, and achieving together. As a former history professor, I believe that we have changed a small piece of history.

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#### CONDEMNING THE GOVERNMENT OF UGANDA'S ANTI-HOMOSEXUALITY BILL

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to speak out against Bill No. 18, the Anti-Homosexuality Bill of 2009, which will soon be considered for passage by the government of Uganda. This proposed legislation criminalizes and punishes homosexuality, thereby endangering the lives of all Ugandans and threatening their civil and human rights. This is outrageously discriminatory and deeply troubling.

The Anti-Homosexuality Bill was introduced as a Private Member's Bill by Ugandan Member of Parliament David Bahati of the National Resistance Movement Party on April 29, 2009. Following adoption, it was published in the Uganda Gazette on September 25, 2009, according to the procedural rules of the Ugandan Parliament. A vast majority of governments throughout the world, including the United States, continue to deny full civil rights and protections to their lesbian, gay, bisexual, and transgender, LGBT, citizens. However, the Anti-Homosexuality Bill takes this to a deadly extreme.

This legislation condemns HIV-positive citizens, including minors, who engage in consensual homosexual acts to death and sentences citizens who engage in consensual homosexual acts to life imprisonment. The Anti-Homosexuality Bill also seeks to persecute LGBT citizens living abroad by extraditing them for acts committed outside Uganda, including those who are also dual citizens of Uganda and the United States. Furthermore, this legislation requires known homosexuals to be reported to the authorities within 24 hours; failure to do so would result in a jail term of up to 3 years. This applies to Ugandan nationals and dual citizens living abroad, as well as any person who witnesses such an act within

Uganda, regardless of whether they have legal ties to the Ugandan nation. Finally, the Anti-Homosexuality Bill requires that its provisions override any commitment to international agreements or protocols that recognize the rights of LGBT persons to the extent of the inconsistency between the two. As a responsible member of the international community, the United States cannot condone such a bill becoming law.

The Anti-Homosexuality Bill legislates against the fundamental democratic right of freedom from fear of physical harm by one's own government. This legislation would undermine the government of Uganda's commitment to democracy at a most basic level, significantly damage its relations with the international community, and risk inciting greater hate-motivated violence within Uganda itself. Its mere existence almost certainly will lead to violence against individuals who either are LGBT or are rumored to be LGBT, their families, and community leaders in their places of worship, homes, schools, and businesses.

Furthermore, I am deeply concerned about the consequences that this bill would have on public health in Uganda as it attempts to combat HIV/AIDS. The stigmatization of homosexual identity and behavior continues to stymie efforts to fight HIV/AIDS in the United States and abroad. The bill's criminalization of homosexuality will undoubtedly discourage individuals from having the open and honest discussions about their sexual health and behavior that are crucial to lessening the spread and burden of this infection.

I commend President Obama and Secretary of State Clinton for denouncing this bigoted legislation and am pleased to acknowledge that their sentiments have been publicly shared by the European Union, Canada, and other nations and international human rights groups. In addition, I also applaud those Ugandans, including Senior Advisor to President Museveni, John Nagenda, who have spoken out in opposition to this bill and urge them to fight it when Uganda's parliament enters discussions on the matter in February or March of this year.

I am further encouraged by Secretary Clinton's commitment to protect "the rights of the LGBT community worldwide" and will continue working to ensure that sexual orientation and gender identity not constitute the basis for criminal penalties, harassment, or discrimination. It is my fervent hope that Congress will show a similar commitment to its own LGBT citizens as it is called upon to repeal discriminatory legislation such as "Don't Ask, Don't Tell" and the Defense of Marriage Act.

Madam Speaker, I unequivocally condemn the Anti-Homosexuality Bill in the strongest possible terms and urge the government of Uganda to withdraw this bill and support the inalienable human rights of all people.

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#### CONGRATULATING RODNEY KAY

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate Rodney Kay, named

my State's 2009–10 "Assistant Principal of the Year" by the Georgia Association of Secondary School Principals. Rodney, head of Curriculum and Instruction at Heard County High School in Franklin, will represent the Peach State well when he competes for the national title in March.

Rodney won this award after serving as an administrator for only two years. This recognition so early in his career demonstrates the passion and commitment he brings to educating young people. His leadership, combined with the talents of all the fine educators at Heard County High, quickly brought demonstrable results. The school has achieved new records in test scores, and the Governor's Office of Student Achievement named Heard County as one of only nine schools to attain "platinum" status in the 2008–09 school year.

Rodney's win was not only well-deserved, but it also had the additional benefit of bringing positive attention to Heard County students' accomplishments, said Principal Rusty Sowell. "It is a tremendous honor to be selected, and it speaks for itself with the things he has done and helped us achieve," Sowell continued.

This success might derive from Rodney's team player approach with teachers. Rodney knows first-hand the challenges as well as the joys that come with serving directly in the classroom. Before his promotion to assistant principal at Heard County, he worked as a Spanish teacher for 13 years in his hometown of Carrollton.

As a Member of Congress, I greatly appreciate efforts to honor the outstanding public servants who dedicate their lives to enlightening the next generation of Americans. Our teachers rank among our greatest resources. They put their own hearts on the line for students facing educational hardships or troubled home lives. They also know the triumph of seeing students learn, overcome obstacles, achieve academic excellence and go on to successful college and professional careers.

Rodney Kay obviously has approached this calling with fervor and passion—and with an eye on a higher purpose. "I believe I am in the school to serve teachers and students, and I have been placed on this Earth to serve God and others," Rodney said.

We appreciate that service from Rodney and his fellow educators. On behalf of the people of Georgia's 3rd District, I congratulate him on this honor and wish him the best of luck as he advances to the next level.

RECOGNIZING STEELE CREEK  
PRESBYTERIAN CHURCH IN  
CHARLOTTE, NC

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mrs. MYRICK. Madam Speaker, I would like to honor and recognize Steele Creek Presbyterian Church in Charlotte, NC. Steele Creek Presbyterian was founded in 1760, and this year, they celebrate their 250th anniversary as a church community.

As one of the oldest churches in our area, Steele Creek Presbyterian Church is a corner-

stone in the Charlotte community. Its membership is dedicated to the service of others, whether by providing food to area shelters, manpower to local Habitat for Humanity projects, or any number of other volunteer efforts in our community. The congregation at Steele Creek Presbyterian Church continually sets an example of living a life of faith by raising our future generations in an atmosphere that fosters love, service and a sense of community.

Madam Speaker, today it is my honor to recognize Steele Creek Presbyterian Church. They have demonstrated a level of commitment to community that is well appreciated, and it serves as an example for us all. It is a privilege to represent the Steele Creek congregation, and I wish them many more years of worship and service.

A TRIBUTE TO HARDY WILLIAMS

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor the life and work of my friend Hardy Williams, the late State Senator from Philadelphia. Senator Williams was a pioneer in championing African American causes in Philadelphia and dedicated his life to serving his community.

Senator Williams was born April 14, 1931 and raised in West Philadelphia. A product of the School District of Philadelphia, Sen. Williams graduated from Pennsylvania State University and the University of Pennsylvania Law School. He was elected to the Pennsylvania House of Representatives, and began his groundbreaking work shortly thereafter. He organized the Pennsylvania Legislative Black Caucus in 1972, and served five successful terms as a State Representative.

In 1982 he was elected to the Pennsylvania State Senate. During his tenure in the Senate, Sen. Williams served as minority chairman of the Public Health and Welfare Committee and chairman of a task force on violence as a public health issue. In 1994, he founded and served as executive director of Black Family Services. Sen. Williams also founded the Organized Anti-Crime Community Network. He worked with Blacks Networking for Progress, the Delaware Valley Ecumenical Council, and the African-American Delaware Valley Port Corporation. Sen. Hardy was instrumental in establishing the Crisis Intervention Network, a program dedicated to preventing violence among youths.

Senator Hardy Williams' long and impressive career showcases his commitment, service, and dedication to bettering his community. Madam Speaker, I ask that you and my other distinguished colleagues join me in celebrating the life and accomplishments of Sen. Williams, and honor him for the great work he has done for the people of Philadelphia.

IN HONOR OF NAVY SEAL SPECIAL  
WARFARE OPERATOR FIRST  
CLASS JEREMY WISE

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. ROSS. Madam Speaker, I rise today to honor a true American hero. On December 30, 2009, our state and nation lost a great patriot when former Navy SEAL Special Warfare Operator First Class Jeremy Wise, age 35, died in an attack on a CIA outpost near Khost, Afghanistan. He died when a terrorist detonated a bomb at the facility, killing seven Americans in the attack.

Petty Officer Wise was raised in Arkansas by his loving parents, Dr. Jean and Mary Wise, and graduated from Hendrix College in Conway, Arkansas. Although I never had the honor to meet Petty Officer Wise, I extend my deepest condolences on behalf of all Arkansans to his family, friends, colleagues and acquaintances for this devastating loss.

Petty Officer Wise joined the U.S. Navy in 2001 where he rose to the rank of Special Warfare Operator First Class as a Navy SEAL, joining an elite group of service men and women. Petty Officer Wise served with the U.S. Navy until September 2009. After his Naval service, he headed to the front lines in Afghanistan as a security contractor doing the important work over there that needs to be done to secure our nation here at home. Throughout his extended period of service to our nation, Petty Officer Wise was an exemplary serviceman who embodied the true patriot.

My deepest thoughts and prayers are with his wife, Dana; son, Ethan; parents, Jean and Mary; and the rest of his family during this extraordinarily difficult time.

Today, I ask all members of Congress to join me as we honor the life of Navy SEAL Special Warfare Operator First Class Jeremy Wise and his legacy, as well as each man and woman in our armed forces, and those in harm's way supporting their efforts, who give the ultimate sacrifice in service to our great country.

BULGARIA SETS PACE FOR  
ECONOMIC RECOVERY

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. WILSON of South Carolina. Madam Speaker, as chairman of the Congressional Caucus on Bulgaria, I would like to commend Prime Minister Boyko Borisov and the country of Bulgaria for their fiscal soundness.

According to a January 12, 2010 article in The Wall Street Journal, countries around the world, including the United States, could learn from the Bulgarians as proponents of a free market democracy. Bulgaria entered the European Union (EU) in 2007 and succeeded in producing the smallest budget deficit among the 27 member nations last year. (They are

not yet part of the euro zone, which currently consists of 16 EU nations.) As a dynamic member of NATO, Bulgaria is a valued partner of America.

Bulgaria is on track to be the only EU nation to balance its 2010 budget. The country was able to manage its budget by instituting key fiscal strategies. The most basic example was the capital city's ability to freeze wages and pensions for those in the government, re-evaluate costly state investment projects, and slash government spending by 15 percent. Such efforts resulted in a "full-year deficit of less than 500 million lev (\$370 million), or 0.8 percent of gross domestic product. The closest country to do so was Germany with 3.4 percent.

Given the international attention to Bulgaria's fiscal strategy, European leaders will now understand Bulgaria has arrived on the world stage. Continuing economic progress could help Bulgaria leapfrog other euro desiring countries, like Romania and Hungary who had to be given bailouts from the International Monetary Fund, IMF, due to the downturn, whereas Bulgaria has not and does not intend to ask the IMF for assistance. Even Poland, who has been rethinking their entering the euro currency nations club, may be outpaced by Bulgaria as a currency member nation.

Bulgaria's decision to tackle the difficult issue of spending and budget deficits, which plagued their country in the past, is now a model for other Baltic states where deficits are rising. Further evidence of their success is the credit-rating agency Standard & Poor's has upgraded Bulgaria's status as stable.

I commend Prime Minister Borisov and Finance Minister Simeon Djankov for their visionary work elevating Bulgaria as a major player in the EU and world. Entry into the euro zone should be given serious consideration by the EU as a result of these major achievements.

#### TRIBUTE TO REVEREND CHARLES ALLEN

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. PAUL. Madam Speaker, Reverend Charles L. Allen. Sr., Pastor of the Greater Mount Nebo Missionary Baptist Church, is retiring after thirty-two years of dedicated service. I am pleased to join his parishioners in thanking Reverend Allen for his devoted service to his church and community.

Reverend Allen has served in many capacities throughout his years in the ministry. Among the many positions Reverend Allen has held are President of the Puritan District Congress of Texas and advisor to the City-wide Ushers Association. Reverend Allen also taught Moody Bible College courses to his parishioners and other interested members of the community. Reverend Allen served in the United States Army from 1952 until 1954.

Under Reverend Allen's leadership, Greater Mount Nebo experienced a tremendous increase in membership. Reverend Allen helped ensure Greater Mount Nebo had sufficient re-

sources to construct a new edifice and retire the church's mortgage. Reverend Allen also helped his congregation, and the entire community, by organizing a variety of education courses.

Reverend Allen's parishioners benefited not just from his teachings, but from his personal example. Reverend Allen treats everyone who crosses his path with integrity and compassion. The vitality and warmth exhibited by this spiritual and dedicated leader has earned him the respect and admiration of those individuals who have been privileged to know and work with him.

In conclusion, Madam Speaker, I am pleased to join the congregation of Greater Mount Nebo Missionary Baptist Church in thanking Reverend Charles L. Allen, Sr., for all he has done to better the lives of his parishioners.

#### A RESOLUTION "CELEBRATING THE LIFE AND WORK OF DR. MARTIN LUTHER KING, JR. DURING THE 30TH ANNIVERSARY OF THE STEVIE WONDER SONG TRIBUTE TO DR. KING, 'HAPPY BIRTHDAY,' AND FOR OTHER PURPOSES"

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. CONYERS. Madam Speaker, today I rise to introduce a resolution celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, "Happy Birthday." Joining me in this effort is the gentleman from Georgia, JOHN LEWIS, and I would like to acknowledge him at this time.

For over 40 years, we have commemorated the life and work of our nation's greatest civil rights leader, Dr. Martin Luther King, Jr. Since 1986, we have recognized Dr. King with a Federal holiday in his honor—a holiday that I worked hard to achieve. As we approach this year's King Holiday, which coincides with the 30th anniversary of Stevie Wonder's song tribute to Dr. King, "Happy Birthday," I am honored to introduce this resolution for a few reasons.

First, we celebrate Dr. Martin Luther King, Jr. for pursuing a dream of equality that made our nation a more free and just society. In his short life, Dr. King laid the foundation for a society that could live up to the ideal that "all men are created equal." It is on the shoulders of Dr. King and others at the forefront of the Civil Rights Movement, that we are here today, able to acknowledge that much of Dr. King's dream has been realized.

Our 44th President, President Barack Obama, is a testament to Dr. King's pursuit and struggle for equality. At his Inauguration, President Obama acknowledged that he was a product of Dr. King's legacy, when he expressed that the historic day be explained by "why men and women and children of every race and every faith can join in celebration across this magnificent Mall, and why a man whose father less than sixty years ago might

not have been served at a local restaurant can now stand before you to take a most sacred oath."

Second, we are able to commemorate the life and work of Dr. Martin Luther King, Jr. on the third Monday in January every year because of the commitment to continue Dr. King's legacy by people like Stevie Wonder. Stevie Wonder's 1980 song tribute to Dr. King, "Happy Birthday," became a rallying cry for those supporting the campaign to honor Dr. King with a Federal holiday. It was that song that led to the collection of 6 million signatures in support of a Federal holiday that Stevie Wonder and Coretta Scott King presented to Congressional Leadership in 1982.

After legislation providing for a Federal holiday in honor of Dr. King had been enacted in 1983, and was first observed in 1986, it was Stevie Wonder that headlined a concert during that first official commemoration of Dr. King. Significantly, Stevie Wonder's work to advance the legacy of Dr. King did not end here. Mr. Wonder went on to address such racial and social ills as apartheid in South Africa, famine in Africa, and the AIDS epidemic.

Finally, I introduce this resolution commemorating the life and work of Dr. King during this 30th anniversary of "Happy Birthday" because, while the legacy of Dr. King lives on in Stevie Wonder and so many of us, we must realize that we still have work to do to live up to the ideal that "all men are created equal." Advancing Dr. King's mission of equality means eliminating the disparities that exist in so many aspects of our society, like healthcare, housing, employment, and education. Advancing Dr. King's mission of peace means encouraging our nation to be a peaceful democracy.

Therefore, it is with this resolution that I ask the people of the United States to renew pledges to advance those principles and actions that are consistent with Dr. King's dream, those principles of equality, freedom, peace, courage, and compassion. Let us allow Dr. King to live on in each of us, not just on the third Monday in January, but every day.

#### INTRODUCTION OF THE LIFELONG IMPROVEMENTS IN FOOD AND EXERCISE ACT (LIFE)

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. NORTON. Madam Speaker, today, as we come close to the enactment of historic health care legislation, I introduce the Lifelong Improvements in Food and Exercise Act (LIFE), authorizing a national initiative to attack a major health problem in the United States that cannot be remedied through the health care system alone. Growing problems of overweight and obesity are now found in Americans of every age, race, and major demographic group, and threaten the health of Americans like no other single disease or condition does. In fact, the key to eliminating many of the most serious health conditions is reducing overweight and obesity. The LIFE bill would provide \$25 million in funding to the



Centers for Disease Control and Prevention (CDC) for a coordinated effort to reverse increasingly sedentary lifestyles and diets that are high in fat and sugar. Despite rising consciousness of this epidemic, from NBC's "The Biggest Loser" to a steady stream of diet books, startling rates of obesity among adults and children continue in the United States. In 2007, estimates from the CDC National Center for Health Statistics showed that the percentage of children who are overweight has more than doubled, and among adolescents, the rates have tripled since 1980. Today, 13 million overweight children have an 80 percent chance of being overweight adults, with the health conditions that follow, such as high blood pressure, heart disease, and cancer. The CDC reports that Type 2 diabetes, considered an adult disease, is now widespread in children. The health care system is already paying the price, and the consequences for kids will follow them throughout their lives. If we are serious about health care, we must start where the most serious health conditions begin: in the epidemic of overweight and obesity.

The LIFE bill directs the CDC to pursue obesity and sedentary lifestyles in three ways: train health professionals to recognize the signs of obesity early and educate people concerning healthy lifestyles, such as proper nutrition and regular exercise; conduct education campaigns to teach the public about how to recognize and address overweight and obesity; and develop intervention strategies to be used in everyday life at worksites and in community settings. This important legislation is the minimum necessary to address this major health care crisis. Already, chronic diseases, many of which are caused or exacerbated by overweight or obesity, account for 70 percent of all deaths in the U.S., which is 1.7 million each year, and 60 percent of U.S. medical care expenses annually. According to the Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity, the cost of obesity in the United States was more than \$117 billion in 2000. Currently, an estimated 300,000 deaths per year are related to obesity.

A focused national health initiative is necessary because unhealthy lifestyles have become a normal part of everyday life. Participation in high school physical education classes has dropped from 42 percent in 1991 to 33 percent in 2005. National data show an increase in unhealthy eating habits for adults and no change in physical activity. Changes in nutrition are equally critical because 60 percent of young people consume too much fat, a factor doubling the percentage of overweight youth.

I urge my colleagues to join me in support of this important legislation to mobilize the country now, before entirely preventable health conditions, that often begin in children, overwhelm the nation's health care system.

## TRIBUTE TO PROFESSOR JACK DAVIDSON

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Kansas University Professor John P. [Jack] Davidson, who died on January 10th.

Jack Davidson, along with his wife Mary, was a consistent voice for enlightened, progressive leadership in Lawrence and Douglas County, Kansas. I was proud to have him as a constituent and very much appreciated his thoughtful advice on many of the pending issues of the day. Jack was a candidate for the Kansas Board of Education in 1998, the same year I first was a candidate for the U.S. Congress, and he later served a term as an elected member of the Lawrence U.S.D. No. 497 School Board. Jack was a longtime, dedicated Democratic Party activist whose dedication, hard work and creativity will be missed by all who knew him and worked with him through the past several decades. I am pleased to include with this tribute an obituary for Jack that appeared in the Lawrence Journal World.

Thank you very much, Madam Speaker, for this opportunity to pay tribute to a Kansan who worked tirelessly to make his community, his nation and the world a better place.

[From the Lawrence Journal World, Jan. 12, 2010]

Jack Davidson (John P. Davidson) died at home in Lawrence on January 10. A memorial service is planned at the Ecumenical Christian Center on Feb. 15.

He was born on July 22, 1924, in Los Angeles, the son of John Pirnie Davidson and Istalia Rhine.

After graduating from Glendale High School, Jack followed his interests in rocketry and science to the University of California, Berkeley.

From 1943 to 1946, he served in the Army Signal Corps in the European Theater of Operations until he was honorably discharged as a first sergeant.

Returning to Berkeley, he graduated from the University of California in 1948, with highest honors in physics.

As a graduate student at Washington University in St. Louis, he worked with Mary Rieser and others to organize the Student Committee for the Admission of Negroes. Although most students supported that effort, Arthur Holly Compton, the Chancellor, declined to challenge community traditions at that time. Jack and Mary were married in September 1949.

Jack received his doctorate in 1952, working under Eugene Feenberg. He did post-graduate work at Columbia University and eventually published more than 40 research papers, a monograph, and encyclopedia entries.

He taught at the Brazilian Center for Physical Research in Rio, and at the Joint Establishment for Nuclear Energy Research in Lillestrom, Norway. His research for the Norwegian merchant marine on the possibility of outfitting the fleet with nuclear reactors included the possibility that the reactor core might breach containment and melt down through the hull. This was the first use

of the term "meltdown" in nuclear reactor literature.

He taught and did research at Rensselaer Polytechnic Institute through 1966, and after that at the University of Kansas. He was chairman of the Department of Physics and Astronomy from 1977 to 1989. He also taught at Tsing Hua University in Taiwan in the summer of 1969.

Jack Davidson led summer camps in astronomy for high school students for many years. He is a member of the American Astronomical Society, the American Physical Society, and the Kansas Academy of Sciences.

After his retirement in 1996, he served on the USD 497 School Board from 1999 to 2003. He was also active in local Democratic Party politics and in flying clubs.

He was preceded in death by his brother, Duncan Davidson. He is survived by his wife, Mary Davidson, of the home, and by four sons, John Pirnie Davidson III and his wife, Shirley Schaeffer, Scarsdale, New York; Robert Kenneth Davidson and his wife, Monica Davidson, Ottawa, KS; Tom Davidson and his wife, Diane Davidson, Lexington, MA; and Jim Davidson, Lawrence, KS; and by six grandchildren, Jessica, Julia, Anna, Nathan, Owen, and Alice.

In lieu of flowers, the family asks that contributions be made to the Ecumenical Christian Center, 1204 Oread.

## RESOLUTION

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. TOWNS. Madam Speaker, I introduce a resolution recognizing and supporting the goals and ideals of North American Inclusion Month.

Whereas one in every five Americans struggles with some sort of disability, be it intellectual, physical or otherwise, and the need for inclusion of individuals with disabilities is a family, community and national priority;

Whereas a similar ratio exists in the Jewish community, with over 1 million Jewish individuals living with a form of disability;

Whereas individuals with disabilities face significant disadvantages in educational and employment opportunities;

Whereas 70 percent of individuals with disabilities are unemployed or significantly underemployed;

Whereas special education and related programming do not address underlying needs for appropriate training to lead to greater independence and employment;

Whereas Yachad, the National Jewish Council for Disabilities, and its parent organization, the Union of Orthodox Jewish Congregations of America, is dedicated to addressing the needs of all individuals with disabilities and including them in the Jewish community;

Whereas Yachad provides programming for individuals with disabilities and their families to foster inclusion in communal happenings and assists in placing individuals with disabilities in employment;

Whereas Yachad and the Union of Orthodox Jewish Congregations of America are cosponsoring North American Inclusion Month in February to increase public awareness of the life

circumstances of individuals with disabilities, and the need for increased employment opportunities, better special education and increased inclusion of these individuals on the family, communal and national levels: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and supports the goals and ideals of North American Inclusion Month.

NONNIE BURNS—A CHAMPION OF JUSTICE

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. FRANK of Massachusetts. Madam Speaker, on March 25th, when we will be in session I assume, an excellent organization known as Discovering Justice will present the Champion of Justice Award to a great advocate of fairness, Nonnie Burns. Nonnie Burns, I should say at the outset, is an old friend of many years, going back to the days when she was a strong supporter of mine when I first ran for the State Legislature in the Beacon Hill section of Boston in 1972. Since then, she has gone on to an extraordinarily distinguished career, first as an extremely respected judge in the Massachusetts trial courts, and then as the state's Commissioner of Insurance, a position from which she has since retired.

Throughout her career as an attorney, judge and commissioner, Nonnie Burns has exemplified the legal profession at its best—namely in a commitment to seeing that justice is done for all. It is entirely appropriate that Discovering Justice, housed I should note in the Federal Courthouse in Boston named for our beloved late colleague Joe Moakley, is honoring her. Discovering Justice educates young people about the justice system and what they can do to make sure that it functions as it should. They run a particularly large program called Children Discovering Justice, which Nonnie Burns inspired and which she has championed. The program for children in grades 1–5 is taught in 25% of the public schools in Boston.

Madam Speaker, I am proud to call Nonnie Burns a friend and grateful for the advice I have been able to get from her over the years. In particular, during her tenure as Insurance Commissioner, she was of significant value to those of us on the Financial Services Committee in her thoughtful and prompt responses to questions we had affecting insurance policy. I congratulate Discovering Justice for recognizing her value and presenting her with this award, which, as I noted, I will not be able to note in person because I will be here on the floor when the event goes forward.

HONORING RALPH L. FLETCHER

**HON. ADAM H. PUTNAM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. PUTNAM. Madam Speaker, today I rise to recognize Ralph L. Fletcher, the mayor of

Lakeland, a city in my 12th Congressional District of Florida. Ralph has worked tirelessly to represent the best interests of the citizens of Lakeland. Moreover, as a small business owner, he has successfully run his Fletcher Printing Company and helped form the successful real estate company, Arch Inc.

"Buddy" Fletcher enjoyed building one-on-one relationships with the citizens of Lakeland. As his deputy city manager, Tony Delgado told the Lakeland Ledger, Monday mornings became Buddy Time—where the mayor would share with him all of the complaints and suggestions he had gathered from residents of Lakeland over the weekend. No task was too small or big for Mr. Fletcher, and he was dedicated to making sure that the issue was addressed properly.

Mr. Fletcher truly is Lakeland's own. He first attended Lakeland High School and then later pursued his education even further at Florida Southern College. Mr. Fletcher first served as one of Lakeland's City Commissioners from 1989 to 1992. He was then elected as mayor of Lakeland in 1993 as has served in that office ever since.

When he first decided to run for office, his wife suggested that running a campaign only on economic development would not be sufficient. However, during his tenure as mayor he helped bring in Watkins Motor Lines and the headquarters of the grocery chain Publix downtown to add jobs in the city. Always with an eye for the long term benefits to Lakeland, Fletcher is remembered by his admirers for improved economic development, city beautification and the restoration of parks.

Fletcher has been well renowned for his accessibility to residents. He instructed his staff to give out his cell phone number to any resident who wanted to reach him personally. People he has golfed with had several anecdotes about taking weekend calls out on the course. A reporter once asked him how many hours a week he dedicated to job. Fletcher was baffled by this question because he considered himself always on duty from when he woke up at 4:30 a.m. until he went to sleep.

In 1998, he was recognized for his volunteer service earning the Sun 'n Fun Chairman of the Board Award. The Sun 'n Fun organization is a volunteer group focused on aviation education and running the Florida Air Museum.

In 2001, he earned the Jere Annis Leadership Award. These awards are granted to those who have graduated from the Lakeland Leadership Program—which has provided consistent leadership in enhancing quality of life and cohesion in the Lakeland community.

Mr. Fletcher truly is a great leader in the community and his extensive volunteer efforts reflect that. In February of 2004 he earned the Distinguished Citizen of the Gulf Ridge Council of the Boy Scouts of America for outstanding leadership. In May of 2009, he earned the University of South Florida Polytechnic Distinguished Service Award for his contributions to USF Polytechnic and service to the community.

Mr. Fletcher looks forward to spending his retirement with his devoted wife of 57 years, Weetsie.

Lakeland City Commissioner Dean Boring had this to say of Fletcher, "He's been Lakeland's No. 1 cheerleader, and he'll never stop

doing that. If you cut Buddy Fletcher, Lakeland would pour out. He lives, sleeps, eats and drinks Lakeland."

IN RECOGNITION OF FAMILIES FLU VACCINATION DAY AND FAMILIES FIGHTING FLU

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. VAN HOLLEN. Madam Speaker, today I rise in recognition of Families Flu Vaccination Day and Families Fighting Flu. Influenza is a serious disease that kills nearly 100 children younger than five years of age every year in the United States. In fact, more children die from the flu than from chicken pox, whooping cough, and measles combined. The flu is a highly contagious viral infection of the respiratory tract. With the recent development of H1N1, a deadlier strain of the flu, it is more important now than ever to vaccinate our children and educate the American public. Indeed, more than 240 children in the United States have died from the H1N1 virus.

I commend the efforts of Families Fighting Flu, a non-profit, volunteer-based organization of families who have experienced firsthand the death of a child or have had a child experience severe medical complications from seasonal or H1N1 influenza. Families Fighting Flu and its medical advisors are dedicated to educating people about the severity of influenza and the importance of vaccinating children against the flu every year. The members of Families Fighting Flu have suffered terrible personal losses as a result of the virus. We are grateful that they are sharing their personal tragedies so that others will not have to suffer such loss. Influenza is unpredictable, but we know that the more people who are vaccinated, the less likely the disease will spread.

Every year in the United States more than 20,000 children under the age of five are hospitalized due to influenza. Additionally, children are two-to-three times more likely than adults to get sick with the flu because of their less developed immune systems. Because the flu vaccine is typically 60 to 90 percent effective when administered to children, getting an annual flu vaccination is an easy way to help stop the spread of the virus.

This week is National Influenza Vaccination Week, a national observance that was established to highlight the importance of continuing influenza vaccination, as well as foster greater use of the flu vaccine after the holiday season into January and beyond. The Centers for Disease Control and Prevention recommends that all children 6 months through 18 years of age get vaccinated against the flu every year. In addition, the CDC recommends that all contacts and caregivers of children from birth to age five should be vaccinated.

Madam Speaker, I urge my colleagues to join me in paying tribute to Families Fighting Flu. This non-profit organization is determined to help prevent the tragedy of losing another child by encouraging annual flu vaccinations for all children. I look forward to working with

my colleagues to support Families Flu Vaccination Day and make influenza immunization for children a national health priority.

#### PERSONAL EXPLANATION

##### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this chamber yesterday evening and today. I would like the record to show that, had I been present, I would have voted "present" on rollcall vote 1, "nay" on rollcall vote 2 and "yea" on rollcall votes 3, 4 and 5.

#### EARMARK DECLARATION

##### HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3288, the Consolidated Appropriations Act for fiscal year 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3288

Account: Military Construction—Army National Guard

Legal Name of Requesting Entity: Nevada National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: \$2,000,000. Funding will be used for wind, solar, and geothermal energy projects at facilities and training sites operated by the Nevada National Guard.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3288

Account: Military Construction—Air National Guard

Legal Name of Requesting Entity: Nevada National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: \$10,800,000. Funding will be used for the design and construction of a new fire station at the Nevada Air National Guard base located at the Reno-Tahoe International Airport in Reno, Nevada. The new fire station is intended to replace the half-century old original structure. Construction of the new fire station will alleviate the concerns regarding the current fire station, which has become inadequate in size and insufficient in space in order to properly support the fire protection and crash/rescue requirements for the 152nd Airlift Wing.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3288

Account: Transportation—Federal Highway Administration—Surface Transportation Priorities

Legal Name of Requesting Entity: Nevada Department of Transportation

Address of Requesting Entity: 1263 South Stewart St., Carson City, NV 89712

Description of Request: \$779,200. The project will add three miles of controlled access freeway from Fairview Dr. to the southern connections at the existing US 50 West—Tahoe Juncture/Carson Street intersection. The Freeway will be designed for two lanes in each direction with provisions for future widening in the median connection to the Reno/Sparks community with Carson City and the Lake Tahoe Basin.

#### HONORING THE BLUE RIDGE COUNCIL BOY SCOUTS AS THEY CELEBRATE THEIR 86 YEARS OF SERVICE TO THE UPSTATE OF SOUTH CAROLINA

##### HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. INGLIS. Madam Speaker, Saturday, January 9, 2010, marked a special day for the Blue Ridge Council Boy Scouts and the entire Boy Scouts of America organization. The Blue Ridge Council celebrated its 86th year of serving the youth of Upstate South Carolina and the national Boy Scouts of America organization celebrated its centennial. The Boy Scouts of America organization was founded on principals set forth to shape and mold boys into young men. Learning to become mentally awake, physically strong and morally straight are key to the development of loyal patriots and the Boy Scouts of America have long since been instrumental in the lives of many young men.

#### TRIBUTE TO SALLY WINSHIP, R.D.H., M.S., ED.D.

##### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. MOORE of Kansas. Madam Speaker, before my election to the House of Representatives, I served for several years as an elected member of the board of trustees for the Johnson County Community College in Overland Park, Kansas. This excellent community college is the crown jewel of my home community, and I was very proud to be associated with this outstanding institution of higher education.

During my board service, I got to know Dr. Sally Winship who served as dean of the College's Continuing Education and Community Services. This month, Dr. Winship is retiring after working as a community college educator and administrator for 37 years. She retires as vice president of the College's Workforce, Community and Economic Development Department, and has also served as president of the JCCC Center for Business and Technology.

Sally was originally trained as a dental hygienist and became coordinator of the JCCC

program before becoming assistant dean of the Science, Health Care and Math Division in 1987. She received her B.S. degree from Armstrong State College, and then obtained her M.S. degree from Columbia University, and her doctorate in education from the University of Kansas.

During Sally's time at the college, the outstanding Regnier Center for Technology and Business was designed, built, and opened. Her responsibilities included managing over 60 full-time staff and 550 part-time faculty, as well as managing programs serving over 155,000 participants and 480 area businesses.

Sally worked hard to make the Johnson County Community College this area's workforce development resource for the greater Kansas City business community. During her time at the college, it grew in student population, course offerings, campus buildings, prestige and reputation.

Madam Speaker, I join Sally's many friends and colleagues in wishing her health, happiness, and prosperity for the next chapter of her life, and in thanking her for her many, important contributions to our community.

#### IN MEMORY OF JAMES TERRELL JORDAN

##### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 13, 2010

Mr. ROSS. Madam Speaker, I rise today to honor the memory of James Terrell Jordan of Monticello, Arkansas, who passed away on December 27, 2009, at the age of 84. Having fought for freedom in World War II, James then committed his life to the people of Arkansas through public office for over five decades.

James was born in Drew County, Arkansas, to his late parents Alvin and Linnie Jordan, and attended schools in Monticello and California. He was a member of the 101st Airborne Division in World War II, serving as a paratrooper and receiving a Purple Heart Medal.

Following active duty on the frontlines, James returned to serve his community beginning as Drew County treasurer in 1956. He then served as county judge for eight years before becoming mayor of Monticello for 17 years. Having also given his time and energy to numerous agencies, councils and committees, James was awarded the "Man of the Year" award in 1985 from the Drew County Chamber of Commerce.

James was elected to the Arkansas House of Representatives in 1986 and served for 12 years. Representing District 92, he served on the Committee on City, County and Local Affairs and the Committee on Public Transportation. His lifetime love of education led to his eventual appointment to the University of Arkansas Board of Visitors by Governor Mike Huckabee.

I had the distinct privilege of serving with James during my time in the Arkansas state legislature and he was someone I respected and trusted for sincere advice and counsel. As an admired and respected public officer, James worked tirelessly to better the lives of those around him.

James was well known for far more than being a member of the Greatest Generation who committed himself to the state he loved so much; he was also known to many as a good friend and role model.

My thoughts and prayers and those of every Arkansan are with his wife, Bonnie; two sons, Terrell and Jerry; daughter, Cindy; his nine grandchildren, eight great grandchildren and the rest of his family and friends during this difficult time. James will be profoundly missed and the people of Arkansas are deeply grateful to his lifetime of exemplary effort and legacy of community service and leadership.

TRIBUTE TO MARIE LOUISE  
ANDERSON GREENWOOD

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. DEGETTE. Madam Speaker, I rise today to honor the extraordinary life and exceptional accomplishments of Mrs. Marie Louise Anderson Greenwood. On January 15, 2010, Mrs. Greenwood will be honored by the Denver business community at the 25th annual Martin Luther King, Jr. Business Social Responsibility Awards where she will receive the "Trailblazer Award" in recognition of her tireless commitment to education, community and moving beyond racial barriers.

She was born in Los Angeles, California on November 24, 1912, the only daughter of Joseph and Sarah Anderson. In search for better opportunities, her family moved to Denver, Colorado, where Marie attended Denver West High School. Marie graduated third in her class in 1931 and received an honorary four-year state scholarship which she used to attend the Colorado Teachers College, now The University of Northern Colorado. As an African American student, Marie faced racism and was prevented from living on campus or joining student organizations. However, she sought membership in the Alpha Kappa chapter of Alpha Kappa Alpha Sorority, the first national sorority founded for college educated African American women, and solidified her commitment to education.

Marie excelled at the Colorado Teachers College. She was recruited to teach in Denver Public Schools in 1934, a year before she was slated to graduate. Despite the opportunity to be the first African-American teacher in Denver Public Schools, Marie chose instead to finish her studies and graduate with the class of 1935. With a Bachelor of Arts degree in Elementary Education in hand, Marie was hired as the first to receive a probationary contract as a first grade teacher in the school system. In 1938, she accepted the offer of permanent tenure at Whittier Elementary School as the first teacher of color in the Denver Public Schools.

Marie continued to teach first grade at Whittier Elementary School until 1945 when she took a leave of absence to raise her four children: Louise, Richard, William Jr. and James. As her family moved to a new home in 1950 near the Newlon School, the Greenwoods initiated the integration of the neighborhood. Their

children became the first African Americans to attend Newlon and Marie and William R. Greenwood, Marie's husband, created the framework at that school for what we now know as a Parent Teacher Association (PTA). Marie organized a preschool program and became the first PTA president. In 1953, she returned to teaching as a primary grade substitute teacher with the desire to teach full-time at the Newlon school.

In 1955, in spite of the administration's alleged discrimination against minority teachers and their practice of assigning African American teachers only to schools in the then predominantly African American neighborhood of Northeast Denver, Marie obtained a regular teaching position at Newlon School. This was due, in part, to the PTA mothers who recognized Marie's proficiency as a teacher and advocated on her behalf. Her keen ability to relate to both students and teachers, along with her belief that every child can learn, earned her recognition as one of the best teachers in the Denver Public Schools. Marie retired from teaching in 1974, but completed her book "Every Child Can Learn", which looks back on her 30 years of experience and discusses the challenges she faced during that time.

The Denver community is fortunate to have such a strong role model and leader in Marie Louise Anderson Greenwood. She continues helping children and promoting literacy through the "Read Aloud" program, which has adult volunteers reading books to young children both in Denver Public Schools and at Denver Public Libraries. She has maintained her dedication to the Alpha Kappa Alpha Sorority for more than 75 years. Marie is also still active in her church. At 97 years old, her exuberance and spirit are reflected in her active involvement in the liturgical dance ministry of Shorter AME Church of which she has been a member since 1927.

Marie has been recognized by several organizations for her many years as an educator and overcoming prejudice throughout her career. She was honored in 1997 as a pioneer in her field by The University of Northern Colorado Alumni Association, where a teaching scholarship has been established in her name. In 2001, the Denver Public Schools even built a school and named it the Marie L. Greenwood K-8 school in her honor. Race relations in America have not improved as quickly as we would ever hope, but without pioneers like Marie Greenwood leading the way, barriers would never be broken and dreams would never become reality. In advance of our annual commemoration of the life and lessons of Dr. Martin Luther King, Jr., please join me in paying tribute to Marie Louise Anderson Greenwood for her life's work as a distinguished educator, public servant and social trailblazer.

HONORING THE LIFE OF MEMPHIS  
MUSIC ICON WILLIE MITCHELL

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Mr. COHEN. Madam Speaker, I rise today to honor the life of Willie Mitchell, a great

Memphis music performer, producer, icon, and patriarchal figure to many jazz and R&B artists. Willie Mitchell was a great trumpeter, bandleader, and early in his career had worked with talented artists, including Otis Clay. After the passing of Joe Coughi, Willie Mitchell took over Hi Records on Lauderdale Street in South Memphis where he assembled house band Hi Rhythm and defined the sounds of O.V. Wright, Syl Johnson, Ann Peebles, and many others.

Willie Mitchell's greatest find could, arguably, be singer Al Green. As a great horn player and musician, Willie Mitchell was performing in Texas and Al Green was on the bill. He told Al Green, "Come back to Memphis and I'll make you a star"—and Willie Mitchell made it happen for Al Green. That happened often in Memphis someone saying,—"Come to Memphis and I'll make you a star." And then Al Green helped to unite the sounds of jazz and R&B to meet the demands of a new era of music. Speaking about Al Green, Willie Mitchell marveled that "... of all the singers, he was the only one that could hear jazz changes and really sing in that style ... and it was just hit after hit."

Willie Mitchell's contributions and influence transcends the boundaries of place and time. Detroit's distinguished Motown Records, headed by Berry Gordy, Jr., sent a team down to Hi Records to learn the secret behind Willie Mitchell's sound. These sounds can still be heard in recent string and horn arrangements on Rod Stewart's newest album "Soulbook," a soon-to-be released album by legend Solomon Burke and in the current artistry of pop singer John Mayer, hip-hop artist Anthony Hamilton, and others.

Willie Mitchell received many awards including the 2008 GRAMMYs Trustees Award for a lifetime of achievements. In 2004, the portion of Lauderdale Street in front of Royal Studios in Memphis, which Willie Mitchell retained after the sale of Hi Records in the late 70s, was renamed "Willie Mitchell Boulevard" by the City.

Willie Mitchell was laid to rest today in Memphis. He gave people lots of love and happiness and reasons to stay together—he and Al Green. We'll all miss Willie Mitchell. I appreciate the fact that he came our way and helped produce the Memphis sound and became part of that great Memphis legend of soul music. He was loved by his musical community and by his family. He leaves two wonderful daughters, two grandsons who became his sons, a step-son and a musical history and tradition that will live on forever.

PERSONAL EXPLANATION

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 1, on a quorum call of the House. Had I been able to, I would have voted "present" on this rollcall vote.

## HOUSE OF REPRESENTATIVES—*Friday, January 15, 2010*

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, this Congress, as representative of Your people, is filled with prayer born out of fear, frustration and uncertainty of the future. May our hearts grow this new year in rhythm with the failing hopes and frightened signs of the Nation.

By Your spirit, lead us in a lamentation that will unite our souls and lift us to a new song of freedom as the children of God.

In Your silence, Lord, we can begin to hear the very melody of creation and recreation going on both now and forever.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Wednesday, January 13, 2010:

H.R. 1377, to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-department facility, and for other purposes;

H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building";

H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office";

H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building";

H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building";

H.R. 3539, to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building";

H.R. 3667, to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building";

H.R. 3767, to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building";

H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Hall Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

H.R. 3667. An act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

H.R. 3788. An act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

### ADJOURNMENT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, January 19, 2010, for morning-hour debate.

There was no objection.

Accordingly (at 9 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 19, 2010, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Debris Field, Lake Michigan, Milwaukee, WI [CGD09-07-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise 4th of July Fireworks, Paradise, MI [CGD09-07-051] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boomtown Casino Barge, Pascagoula, MS to Biloxi, MS [COTP Mobile-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Put-In-Bay Fourth of July Fireworks, Put-In-Bay, OH [CGD09-07-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cedarville 4th of July Fireworks, Cedarville, MI [CGD09-07-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Three Mile Creek, Mobile, AL [COTP Mobile-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munising 4th of July Fireworks, Munising, MI [CGD09-07-058] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 4th of July Fireworks, Sault Ste. Marie, MI [CGD09-07-059] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Detroit Zone [CGD09-07-067] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5499. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Au Gres City Fireworks, Saginaw Bay, Au Gres, MI [CGD09-07-072] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Alpena Fireworks, Thunder Bay, Lake Huron, Alpena, MI [CGD09-07-074] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marquette 4th of July Fireworks, Marquette, MI [CGD09-07-076] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gatzaros Fireworks, Lake St. Clair, Grosse Pointe Park, MI [CGD09-07-077] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel, Mobile, AL [COTP Mobile-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harrisville Fireworks Display, Lake Huron, Harrisville, MI [CGD09-07-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Theodore Industrial Canal, Mobile, AL [COTP Mobile-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Lorain, Ohio. Lakeview Park Summer Triathlon/Duathlon Race [CGD09-07-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Flight for Diabetes Day; Lake Erie, Cleveland, Ohio [CGD09-07-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Bay Village, Ohio. Huntington Beach Huntington Triathlon/Duathlon Race [CGD09-07-087] (RIN: 1625-AA00) received July 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Panama City Marina, Panama City, FL [COTP Mobile-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC Hollyhock Drive Operations; St. Clair River; Port Huron, MI [CGD09-07-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Canalfest of the Tonawanda's, Niagara River, Tonawanda, NY [CGD09-07-090] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tug Across the River; Detroit River; Detroit, MI [CGD09-07-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Harbor Beach Fireworks, Lake Huron, Harbor Beach, MI [CGD09-07-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Launch of Vessel, Menominee River, Marinette, WI [CGD09-07-093] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Shute Folly Island, Charleston, South Carolina [COTP Charleston 06-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Charleston Harbor, Patriots Point — USS Yorktown, Mount Pleasant, SC [COTP Charleston 06-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Fernandina Beach, FL [COTP Jacksonville 06-075] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blue Crab Festival Fireworks Display — St. Johns River, Palatka, FL [COTP Jacksonville 06-076] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cathedral Parish Festival Fireworks Display — Hospital Creek, St. Augustine, FL [COTP Jacksonville 06-077] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Greater Jacksonville Kingfish Tournament Fireworks Display, Sisters Creek, Jacksonville, FL [COTP Jacksonville 06-102] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Terminal 30/Port of Seattle Cruise Terminal, East Duwamish Waterway, Washington [CGD13-08-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Green Cove Springs, FL [COTP Jacksonville 06-117] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kissimmee Holiday Extravaganza Fireworks, West Lake Tohopekaliga, Kissimmee, FL [COTP Jacksonville 06-225] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 67/The Edgewater Inn, Elliott Bay, Washington [CGD13-08-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, St. Johns River, Jacksonville, Florida [COTP Jacksonville 06-258] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southwest of Canaveral Barge Canal and Sykes Creek, Merritt Island, FL [COTP Jacksonville 06-229] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apra Harbor, GU [COTP Guam 06-002] (RIN: 1625-AA00) received January 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tarague Basin, GU [COTP Guam 06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 1.5NM North of Glass Breakwater, Philippine Sea, GU [COTP Guam 06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-006] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Oregon and Washington Coastal Bars and Entrances [CGD13-06-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Charleston, South Carolina [COTP Charleston 06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [COTP CGD13-06-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V FAL-91 KOPCAKOE, Callagher Cove, Olympia, Washington [CGD13-07-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seafair Fireworks, Lake Washington, Washington [CGD13-07-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation (SLR) and Safety Zone Regulations: Seattle Seafair Unlimited Hydroplane Race and Blue Angles Air Show Performance 2007, Lake Washington, WA [CGD13-07-026] (RIN: 1625-AA08 and 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parade of Ships, Seattle, Washington [CGD13-07-027] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zones: TOP OFF, Freemont and Steel Bridges Safety Zones, Willamette River, Portland, Oregon [CGD13-07-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Willamette River and Multnomah Channel, all waters within 100 yards radius around the Barge Western Tow [CGD13-07-057] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Emergency Salvage Operation of Fishing Vessel ANNA MARIE in the surf zone adjacent to an open ocean beach near the Copalis River on the Washington Coast [CGD13-08-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-08-009] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 725. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes (Rept. 111-397 Pt. 1). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged



from further consideration. H.R. 725 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. DINGELL introduced a bill (H.R. 4461) to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes; which was referred to the Committee on Financial Services.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. ROGERS of Alabama.  
 H.R. 510: Ms. BERKLEY.  
 H.R. 571: Mr. McDERMOTT and Mr. FRANKS of Arizona.  
 H.R. 997: Mr. PETERSON.  
 H.R. 1236: Ms. DeGETTE.  
 H.R. 1552: Mr. LUJÁN.  
 H.R. 1585: Mr. BRIGHT.  
 H.R. 1954: Mrs. MCMORRIS RODGERS.  
 H.R. 2080: Mr. SESTAK.  
 H.R. 2369: Mr. LUJÁN.  
 H.R. 2565: Mr. SESTAK.  
 H.R. 3007: Mr. SESTAK.  
 H.R. 3164: Mr. WILSON of Ohio.  
 H.R. 3245: Mr. DRIEHAUS.  
 H.R. 3249: Mr. CAO.  
 H.R. 3380: Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. PITTS, Mr. WALZ, Mr. HALL of New York, and Mr. HOLDEN.

H.R. 3705: Ms. SUTTON, Mr. SIRES, Ms. LEE of California, Mr. COURTNEY, and Mr. GUTIERREZ.

H.R. 3765: Ms. FOXX and Mr. TIAHRT.

H.R. 3957: Mr. HASTINGS of Florida and Mr. SIRES.

H.R. 4107: Mr. SOUDER.

H.R. 4116: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HOLDEN, Ms. FUDGE, Mrs. HALVORSON, and Mr. PETERSON.

H.R. 4210: Ms. KOSMAS.

H.R. 4386: Mr. QUIGLEY and Ms. PINGREE of Maine.

H.R. 4400: Mr. KISELL and Mr. NEUGEBAUER.

H.R. 4426: Mr. DEFAZIO, Mr. COHEN, Mr. CARDOZA, Mr. MASSA, Ms. SUTTON, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. YARMUTH, Mr. HARE, Mr. GARAMENDI, Mrs. CAPPS, Mr. KILDEE, and Mr. TEAGUE.

H. Con. Res. 200: Mr. GARY G. MILLER of California.

H. Res. 200: Mr. FORBES.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 9, January 13, 2010, by Mr. VERN BUCHANAN on House Resolution 847, was signed by the following Members: Vern Buchanan, Jeff Fortenberry, Jason Chaffetz, Frank D. Lucas, Judy Biggert, Adrian Smith, Lee Terry, Thaddeus G. McCotter, J. Gresham Barrett, Devin Nunes, Daniel E. Lungren, Kenny Marchant, Peter J. Roskam, Dean Heller, Candice S. Miller, Geoff Davis, Dave Camp, Lynn Jenkins, Michele Bach-

mann, Marsha Blackburn, Gus M. Bilirakis, Blaine Luetkemeyer, Frank A. LoBiondo, Bill Cassidy, Lynn A. Westmoreland, Mike Coffman, Darrell E. Issa, John Fleming, Duncan Hunter, Mario Diaz-Balart, Pete Sessions, Wally Herger, David G. Reichert, Christopher John Lee, Jo Bonner, Sam Johnson, Jeb Hensarling, Jim Jordan, Steve King, Tom Cole, Bob Inglis, Jeff Miller, Trent Franks, Jo Ann Emerson, Roy Blunt, Jerry Moran, Mark E. Souder, Jean Schmidt, Spencer Bachus, David P. Roe, Mike Pence, Mary Bono Mack, Todd Russell Platts, Henry E. Brown, Jr., Steve Scalise, Glenn Thompson, Rob Bishop, David Dreier, John B. Shadegg, Greg Walden, Joe Wilson, Donald A. Manzullo, Thomas J. Rooney, John Kline, Denny Rehberg, Michael R. Turner, Erik Paulsen, Doug Lamborn, Cliff Stearns, John Linder, Gregg Harper, Frank R. Wolf, Walter B. Jones, Virginia Foxx, Cynthia M. Lummis, Robert E. Latta, Robert B. Aderholt, Joseph R. Pitts, Cathy McMorris Rodgers, Randy Neugebauer, K. Michael Conaway, Kevin McCarthy, John A. Boehner, Parker Griffith, Pete Olson, Phil Gingrey, Eric Cantor, and Roscoe G. Bartlett.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 1 by Mr. LATTA on the bill (H.R. 581): Roscoe G. Bartlett.

## EXTENSIONS OF REMARKS

IN HONOR OF THE LATE JULIAN  
WAGER

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mrs. MALONEY. Madam Speaker, I rise to pay special tribute to Julian Wager, the legendary civic activist and community leader in the communities of western Queens, who passed away this month. Aptly honored as the "Honorary Mayor of Long Island City" for his extraordinary character and dedication to the neighborhoods of the city he loved, Julie Wager was a uniquely beloved figure who provided lifelong service to others.

Over the course of six decades, Mr. Wager sought tirelessly to expand and improve professional, financial and networking opportunities for businesses and residents in the Borough of Queens. He provided both entrepreneurial and philanthropic services to the people of his beloved community of Astoria. His family's business, Genius Shop, has been an integral part of the fabric of the vibrant Astoria community for more than half a century. Among his many notable contributions to the resilient Astoria neighborhood, Julie Wager helped ensure the commercial vibrance of Steinway Street for future generations.

Mr. Wager was once memorably quoted as saying, "We work together within the communities, and we appreciate the values of the residents and the merchants. These are the people that support the myriad of charities that exist out there, not the trendy franchised stores who just take the bucks and get out." True to those precepts, Julie Wager was one of the foremost reasons why the business and commercial communities of western Queens remain a thriving hub of commercial activity while also serving as livable communities for tens of thousands of New Yorkers.

Among his extensive contributions to the civic and commercial life of western Queens, Julie Wager served as president of the Steinway Street Merchants Association for more than a quarter century. In 1979, he founded the Central Astoria Local Development Coalition and has served as its president for more than two decades. In 1991, he established the Steinway Street Business Improvement District, serving as its president and executive vice president.

Having suffered a serious spinal injury in 2000 that left him a paraplegic, Julie Wager remained undaunted in his valiant perseverance and undeterred from his determination to volunteer his energies on behalf of others. He served as vice president of the Walter Kaner Foundation; former chairperson of A Way Out; and as a member of Queens Community Board 1 for more than three decades. He was also an enterprising and dedicated advertising director for the Queens Gazette, an institu-

tional pillar of the communities he knew and loved so well. He leaves six daughters and nine grandchildren. Like them, the residents and communities of western Queens know that we shall not see the likes of Julie Wager again, and we are all the poorer for it.

Madam Speaker, I salute the life and work of Mr. Julian Wager and I ask that my distinguished colleagues in this House join me in recognizing his extraordinary service and contributions to the civic and business life of our nation's greatest city.

IN RECOGNITION OF JIM  
KEATHLEY

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. SKELTON. Madam Speaker, it has come to my attention that Jim Keathley, the superintendent of the Missouri Highway Patrol, will be retiring on March 1, 2010. After exactly 33 years of service with the highway patrol, Mr. Keathley's impressive career will come to a close.

The people of Missouri have benefited greatly from the 3 years he has served as superintendent, a job he enjoys immensely. Among his most notable achievements is a reduction in traffic deaths to levels not seen since 1950. This impressive accomplishment is due in no small part to his vigilant focus on highway safety.

For more than three decades, Mr. Keathley has put his life on the line for the safety of my fellow Missourians. Now, his sons follow this proud tradition as state troopers themselves. Missouri is a better place due to the proud service of Mr. Keathley and his sons.

Madam Speaker, it is with great honor that I wish the very best for Mr. Keathley as he begins a new chapter in his life. I trust that my fellow members of the House will join me in thanking him for his service to the people of Missouri.

HONORING GARY SEVERSON

**HON. JOHN T. SALAZAR**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. SALAZAR. Madam Speaker, I rise today to honor the work and legacy of Gary Severson, who for the past 11 years has admirably served as Executive Director of the Northwest Colorado Council of Governments (NWCCOG).

Mr. Severson has led the council with an openness and team spirit that has allowed for effective management, while developing part-

nerships among the city and county entities he served. Under his leadership, the NWCCOG has emerged as a viable cohort and has grown as a respected and valued resource in addressing regional issues. As a result, the Council's guidance has been sought by elected officials from Colorado to Washington, DC.

Under Mr. Severson, the NWCCOG has taken responsibility for many complex federal and state projects with significant impact on programs including Weatherization, All-Hazards Emergency Management and Elevator Inspection Programs. The influence of his leadership has been particularly profound in protection of federal lands within the confines of the NWCCOG region.

With more than 68 percent of the NWCCOG region being managed by federal agencies, his stewardship and insight have helped grow the Council into a recognized leader in National Forest Planning, Community Wildfire Protection Planning and mitigating the detrimental effects of bark beetle infestation. Such efforts have led to many accolades, including receipt of the prestigious USDA Rural Leadership Award.

The future is bright for the region as the NWCCOG explores ways to expand on an economic base of recreation and construction. Mr. Severson's vision includes the possibilities of a sustainable wood products industry, enhancing higher education and upgrading medical services. He has truly left a lasting legacy of accomplishment.

Madam Speaker, I proudly acknowledge the work and leadership of Gary Severson and extend to him the gratitude of the 28 member jurisdictions of NWCCOG for his 11 years as Executive Director. I wish him continued success in his future endeavors.

HONORING THE DEATH OF LAHORI  
RAM

**HON. JOHN GARAMENDI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. GARAMENDI. Madam Speaker, I rise today to honor the one year passing of Lahori Ram. I ask my colleagues to join me in recognizing the outstanding achievements of Lahori during his lifetime.

Lahori Ram served with a strong vision and dedication to the local community and California. From the day he emigrated from India to this great nation in 1972, Lahori embraced the notion that in America, hard work and sacrifice has limitless possibilities. He lived his American Dream, and his lasting legacy of philanthropy, community leadership, and political activism will be with us for generations to come.

As a 28-year-old graduate student, Lahori Ram worked in farm fields in Fresno for 75

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cents an hour to help pay for a master's degree in Foreign Affairs from Yuba College. In 1976, he started a career with the United States Postal Service, where he worked an average of 55 to 60 hours per week, including most holidays, before retiring 18 years later in 1994.

Lahori Ram's hard work allowed him to buy his first family home in San Bruno in 1979, and with uncanny investment ability he sold that home in 1984, and eventually came to own over 100 apartment units in the bay area. With his success, after retirement, Lahori dedicated himself to philanthropy and to giving back to his community.

In 1981 Lahori Ram helped establish the Sri Guru Ravidass Sabha Temple in Pittsburg, generously donated to charity, assisted many causes in India, and was a well-known figure in the Sikh and Hindu religious communities. He was appointed and served on the California Technology, Trade, and Commerce Committee; the California Transportation Commission; and the California Commission for Economic Development.

Madam Speaker, I am truly honored in joining many Californians to pay tribute to my friend and dedicated public servant, Lahori Ram.

#### PERSONAL EXPLANATION

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. SHUSTER. Madam Speaker, on rollcall Nos. 2, 3, 4, and 5, I was not present. Had I been present, I would have voted "yea" on rollcall No. 2, "yea" on rollcall No. 3, "yea" on rollcall No. 4, and "yea" on rollcall No. 5.

#### PERSONAL EXPLANATION

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. ROSS. Madam Speaker, on Wednesday, January 13, 2010, I was not present for votes 4 and 5.

Had I been present for rollcall 4, supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights, I would have voted "yea."

Had I been present for rollcall 5, to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the E.V. Wilkins Post Office, I would have voted "yea."

#### TRIBUTE TO ERIC BOTKIN

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. CALVERT. Madam Speaker, I rise today to celebrate the life of Eric Botkin, a retired

firefighter paramedic and valued member of the community of Riverside, California. Riverside has been blessed by dynamic and dedicated leaders, like Eric, who willingly and unselfishly give their time and talent and make their communities a better place to live and work.

Eric Botkin began his career with the City of Riverside Fire Department on May 1, 1998. He held the position of firefighter paramedic until his retirement. During his career he performed as a fire investigator from February 18, 2000 through July 5, 2002. He completed Engine Certification on November 2, 2007. His last assignment was Fire Station 13 on Canyon Springs Blvd.

Prior to working for the City of Riverside Fire Department Eric was a paid/call firefighter with the Orange County Fire Authority. He also worked for Lifefleet Ambulance and Medtrans Ambulance before pursuing his fire department career.

Eric passed away at his Temecula home on December 27th surrounded by family and friends, including his wife, Hallie, and son, Hunter, 10, after battling glioblastoma multiforme, a form of brain cancer. Eric Botkin was diagnosed in October of 2007 and retired from the fire department on October 30, 2008. For the past two years Eric remained upbeat and was an inspiration to all.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of Riverside Firefighter Eric Botkin. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

#### COMMEMORATING THE 50TH ANNIVERSARY OF THE GREENSBORO LUNCH COUNTER SIT-IN

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. SHULER. Madam Speaker, I rise today to commemorate the 50th Anniversary of the Greensboro Lunch Counter Sit-In.

Bucking the convention of segregation, on February 1, 1960, Ezell Blair, Jr. (Jibreel Khazan), Franklin McCain, Joseph McNeil and David Richmond sat at a Woolworth's lunch counter in Greensboro, North Carolina, refusing to leave without service. These four courageous young students at the Agricultural and Technical College of North Carolina, now the North Carolina Agricultural and Technical State University, became known as the A&T Four. Their actions on February 1st inspired a wave of sit-in demonstrations across the nation that played a pivotal role in the Civil Rights Movement.

After the first sit-in on February 1st more than twenty other A&T students joined the A&T Four for the second day of the sit-in. By the end of the first week, hundreds of students from colleges throughout the area came to the downtown Greensboro area to participate in the Woolworth sit-in and rally in the streets in support. The following week, student sit-ins were launched across the state of North Carolina, and soon thereafter, across the country.

After months of commitment by young civil rights activists, the first African-American was served at the Greensboro Woolworth's lunch counter on July 25, 1960. The lunch counter was officially desegregated the following day.

As a Representative from the great state of North Carolina, it brings me great pride to recognize the outstanding efforts of this group whose actions were instrumental in securing equal treatment for African-Americans throughout North Carolina and the United States. The story of the A&T Four exemplifies the sacrifices made by countless courageous individuals to end inequality. The culmination of their efforts resulted in the end of an era of racial segregation and structured discrimination.

Madam Speaker, it is with great respect and appreciation that I recognize the bravery shown by the young men who launched the Greensboro Lunch Counter Sit-In, and all those who followed in their footsteps, making the state of North Carolina and the nation a better place for all Americans.

#### HONORING ASSISTANT CHIEF LENN GRANT OF THE BARRINGTON ILLINOIS FIRE DEPARTMENT

#### HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Ms. BEAN. Madam Speaker, I rise to recognize Assistant Chief Lenn Grant of the Barrington Fire Department. I would like to thank Assistant Chief Grant for his 37 years of service to the Barrington community and congratulate him on his recent retirement. Assistant Chief Grant has made a valuable contribution to his community, and to the district I represent.

During the course of Assistant Chief Grant's career, the Barrington Fire Department has grown along with the needs of the community, evolving from a small on-call team to a modernized full-time squad with advanced emergency capabilities. Assistant Chief Grant's rise from a part-time firefighter to assistant chief reflects the dedication and professionalism that have earned him the respect of his colleagues and community. Throughout Assistant Chief Grant's time with the department, he has continually reached beyond the call of duty, serving on numerous public safety committees and developing innovative training programs for fellow firefighters.

Madam Speaker, the Village of Barrington will greatly miss Assistant Chief Grant's hard work and initiative within the fire department, but I know he will continue to apply the same talents and values to the benefit of the Barrington community for years to come. I thank Assistant Chief Grant for his service and wish him continued success in the future.

IN RECOGNITION OF STEPHANIE R. DAWKINS

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mrs. MALONEY. Madam Speaker, I rise to recognize Stephanie R. Dawkins, a respected business leader both here and abroad. The founder and CEO of Stephanie Dawkins International, Inc., and a former Senior Vice President of AB Volvo, Stephanie Dawkins is widely respected in the world of business for her expertise and acumen, which she now shares as a renowned consultant, strategic advisor, and professional public speaker on business management.

Stephanie is a leader and innovator in her field, where she has amassed more than two decades of operations and human resources experience. As the former Senior Vice President of AB Volvo, Stephanie Dawkins was responsible for labor and employee relations, safety and the environment, health and well being, performance management, organizational effectiveness, exit management and global policy harmonization at an international corporation with tens of thousands of employees. She was the first African-American to be promoted to the ranks of Volvo's senior executives.

Stephanie Dawkins' achievements have been recognized by a wide range of respected organizations. She serves as a Trustee of the Business and Professional Women's Foundation and as a member of the European-American Women's Council, the National Speakers Association, the Executive Leadership Council, the Society for Human Resources Management, the Associated Society for Training and Development, the National Association of African Americans in Human Resources, and the Swedish-American Chamber of Commerce.

The hallmarks of Stephanie Dawkins' success in her professional and civic engagement have been her optimism, her work ethic, and her persistence. As she herself so eloquently stated in the June 2006 edition of the North Carolina Journal for Women, "... I understand the importance of always being at your personal best. You never know under what circumstance another person's path will meet with your own. You never know who is watching, who is seeing you as a role model, or who will make the decision to emulate you."

Stephanie R. Dawkins has worked tirelessly in her professional life and leadership roles to support the accomplishments of women both in the United States and abroad. Through her involvement in and leadership of such vital and vibrant organizations as the European-American Women's Council (EAWC) and the Business and Professional Women's Foundation, she strives to forge ties and improve communications between professional women around the globe. She has dedicated her efforts to expanding and improving training for future leaders of EAWC and has consistently demonstrated her commitment to the mission of the EAWC in helping women in the workforce achieve their business and professional goals.

Madam Speaker, I request that my colleagues join me in paying tribute to Stephanie

R. Dawkins and her vital contributions to our nation's civic and business endeavors.

**HONORING AND CELEBRATING THE LIFE OF WILLIAM GREINER**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to honor an outstanding citizen of Buffalo and Western New York and a dear friend who will be profoundly missed, William Greiner. Bill Greiner, the 13th president of the University at Buffalo, died due to complications from heart surgery at the age of 75. This is a devastating loss to his family and friends, and to our community.

William R. Greiner, who spent 42 years at UB as president, provost, and longtime Law School faculty member, joined the law faculty in 1967. He rose through the faculty and administrative ranks, culminating with his appointment as the University at Buffalo's 13th president in 1991. He served until 2003 and was named president emeritus on November 17, 2009 by the SUNY Board of Trustees.

Greiner's administrative leadership resulted in a period of unprecedented growth at the University at Buffalo. His extensive list of major accomplishments includes the expansion of the university's research enterprise, including the creation of major research institutes and recruitment of world-class faculty, solidifying UB's place as a top-flight research university. He established the university as a leading international educational institution, and under his leadership UB became the first American university to establish a branch in China when it opened a center in Beijing.

Bill was deeply loved by his family, friends, and the community. He will be remembered as much for his engaging, hands-on administrative style, and tireless advocacy on behalf of UB as for his long list of accomplishments. He was known as the quintessential university citizen and he cherished his role as professor and mentor.

Madam Speaker, I offer my deepest condolences to Bill's family. My thoughts are with them, and I share their grief of this wonderful man I am honored to have called a dear friend. His loss is felt by the many lives he touched in the Buffalo community.

**IN RECOGNITION OF FRANCIS BRILLHART**

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. SKELTON. Madam Speaker, let me take this means to recognize Francis Brillhart, a businessman, volunteer, and mayor who has served the community of Holden, Missouri for over 43 years. On January 3, 2010, Mr. Brillhart celebrated his 75th birthday.

Francis Brillhart has owned and operated Brillhart Music for the past 4 decades. In that

time, he has donated or provided at reduced cost audio equipment and sound systems to local churches, nonprofits, and service organizations throughout the community. Though his work with this Holden staple consumed much of his time, Mr. Brillhart's true passion was serving others.

Serving on the Johnson County Real Estate Board, Emergency Management Board, and the Community Health Board, Mr. Brillhart worked diligently so that his fellow citizens could lead better, safer, and more comfortable lives.

The hallmark of his lifetime of service has been the 11½ years he served as Mayor of Holden. During that time, Mr. Brillhart ensured that government worked for the people he represented. With his family, friends, and neighbors in mind, he made tough decisions that benefited all. He left big shoes to fill in Holden's City Hall, and he will not soon be forgotten.

Madam Speaker, I trust that my fellow Members of the House will join me in wishing a very happy birthday to Francis Brillhart, a man who has bettered the lives of countless residents of Holden, Missouri.

**H.R. 4173, "THE WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009"**

**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 15, 2010*

Mr. WATT. Madam Speaker, I would like to submit the following information on H.R. 4173:

[From the Washington Post, Dec. 19, 2009]

**THE HOUSE OF REPRESENTATIVE'S REFORM PACKAGE HURTS THE FED'S INDEPENDENCE**

The House of Representatives has passed a comprehensive financial regulatory reform package. It creates a consumer protection agency for financial services and establishes a mechanism for resolving failed, systemically important institutions. Agree or disagree with the particulars, there is no disputing the bill's significance. Certainly President Obama has made reform one of his top priorities. The Senate, of course, has yet to weigh in, and it will probably be months before Mr. Obama has legislation on his desk. Yet if the House bill did come to him, he should veto it, for one reason: Whatever good it might do would be canceled out by the inclusion of Texas Republican Ron Paul's proposal to subject the Federal Reserve's monetary policymaking to regular audits by the Government Accountability Office, an arm of Congress.

Supporters suggest that the measure would merely provide "transparency" for a secretive, powerful institution. But for all its wide, bipartisan backing, this is anything but a prudent or centrist law. In fact, it is an attack—born of crisis and the attendant emotions—on the political independence the central bank must have to do its job.

The case for political independence at the Fed is elementary. Elected officials, such as members of Congress, are inherently loath to tighten the supply of money available to their constituents, even when that might be necessary to fight inflation. U.S. experience, and that of countries around the world, confirms this, which is why Congress exempted

the Fed's money-supply decisions from GAO scrutiny in a 1978 law. Mr. Paul's proposal would effectively repeal that. Investors already spend enough energy and money trying to figure out where interest rates are heading without this additional dose of permanent uncertainty. Trust in the Fed, and, by extension, the dollar, will evaporate if markets believe that the Fed is courting the approval of Congress's auditors.

Mr. Paul doesn't care; he's an "end the Fed" man. In the past, other members of Congress have basically just humored him. It's a sign of the times—and not a good one—that they have been Fed-bashed into following him now. To be sure, the Fed may have been lax as a bank regulator. Monetary policy under former chairman Alan Greenspan was, in hindsight, too loose. Both failures contributed to the current crisis—during which the Fed has ventured into new and unorthodox areas to stave off depression, thus unavoidably politicizing itself. Under Chairman Ben S. Bernanke, the central bank has corrected some regulatory errors. It is aware of the politicization risk posed by its current monetary policies and seemingly is eager to undo them as soon as it safely can. This week, the Fed announced that it will phase out special lending programs for money market mutual funds, short-term corporate lending and investment banks by Feb. 1.

Mr. Paul's cure is worse than the Fed's ills, real or alleged. The central bank is already more transparent than the Fed-bashers let on: It produces an annual report; the chairman testifies before Congress; it releases, with some delay, the minutes of its policy meetings. We hope cooler heads prevail in the Senate, though a similar measure has 31 co-sponsors there. If not, Mr. Obama will have to get out his veto pen. In fact, it might save everyone a lot of trouble if he made that intention clear right away.

View all comments that have been posted about the article.

#### OPEN LETTER TO CONGRESS AND THE EXECUTIVE BRANCH

Representatives Ron Paul and Alan Grayson have put forward an amendment, under the banner of increasing the Federal Reserve's transparency and accountability, to subject the Fed's monetary policy and discount-lending actions to an audit by the Government Accounting Office (GAO). This amendment, which has just been voted out of the House Financial Services Committee, is an attempt to undermine the Fed's independence which will worsen economic policy and macroeconomic outcomes, particularly on inflation.

Economic theory and a massive body of empirical evidence provide strong support for the independence of central banks in their conduct of monetary policy. Subjecting central banks to short-run political pressure impairs the credibility of their commitment to maintaining low and stable inflation, with an outcome of higher and more volatile inflation, interest rates, and unemployment. This has happened over and over again in the past, not only in the United States but in many other countries throughout the world.

The Fed's independence gives it credibility in fighting inflation which stabilizes inflation expectations. During this crisis this credibility allowed the Fed to take extraordinary action to prevent the recent financial market disruption from causing a possible depression without triggering inflation. Eventually the Fed will have to scale back its unprecedented monetary accommodation.

When the Fed seeks to begin tightening monetary conditions, it must be allowed to do so without political interference. Weakening of the Fed's independence now might raise inflation risk, which would cause borrowing costs to rise and would lower prospects for a strong economic recovery.

We believe that the Paul/Grayson amendment will substantially weaken the Federal Reserve's independence and will do serious harm to the economy, particularly at this critical juncture. We recommend that it not be adopted in any Congressional legislation.

Ricardo Caballero, Massachusetts Institute of Technology; Kenneth French, Dartmouth College; Robert Hall, Stanford University; Anil Kashyap, University of Chicago Booth School of Business; Pete Klenow, Stanford University; Frederic Mishkin, Columbia University; Thomas Sargent, New York University; Michael Woodford, Columbia University; Andrew Abel, Wharton School of the University of Pennsylvania; Daron Acemoglu, MIT; Viral Acharya, New York University Stern School of Business; Stefania Albanesi, Columbia University; Laurence Ales, Carnegie Mellon University; Alberto Alesina, Harvard University; Robert M. Anderson, UC Berkeley; Kathryn Anderson, Vanderbilt University; Boragan Aruoba, University of Maryland; Paul Asquith, Massachusetts Institute of Technology; Jeremy Attack, Vanderbilt University; Alan Auerbach, University of California, Berkeley.

Costas Azariadis, Washington University in St. Louis; David Backus, NYU; Martin Baily, The Brookings Institution; Brad Barber, UC Davis; David Bate, University of Iowa; William Baumol, New York University; Charles Becker, Duke University; David Beim, Finance and Economics, Columbia Business School; Geert Bekaert, Columbia University; Ola Bengtsson, University of Illinois; Dan Bernhardt, University of Illinois; Jagdish Bhagwati, University Professor, Columbia University; Alan Blinder, Princeton University; Nick Bloom, Stanford; Patrick Bolton, Columbia University; George Borts, Brown University; Phillip Braun, University of Chicago; Bruce Brown, Cal State Polytechnic Univ. Pomona; Clair Brown, University of California, Berkeley; Gardner Brown, University of Washington.

Stephen Buckles, Vanderbilt University; Eric Budish, University of Chicago Booth School of Business; Francisco Buera, University of California at Los Angeles; Jeremy Bulow, Stanford Business School; Craig Burnside, Duke University; John Campbell, Harvard University; Miltiades Chacholiades, Georgia State University; Joseph Chen, University of California, Davis; Yu-chin Chen, University of Washington; Martin Cherkes, Columbia University; Pierre Andre Chiappori, Columbia University; Lawrence Christiano, Northwestern University; Russell Chudrewicz, Penn State University; Sanjay Chugh, University of Maryland; Timothy Cogley, New York University; Olivier Coibion, College of William and Mary; Shawn Cole, Harvard Business School; Pierre Collin-Dufresne, Columbia University.

Diego Comin, Harvard; Michelle Connolly, Duke University; Thomas Cooley, New York University; Dora Costa, UCLA; Roger Craine, University of California, Berkeley; Janet Currie, Columbia University; Andrew Daughety, Vanderbilt University; Steven Davis, University of Chicago Booth School of Business; Davide Debortoli, University of California, San Diego; Francesco Decarolis, University of Wisconsin, Madison; Stefano DellaVigna, UC Berkeley; Wouter Dessein,

Columbia University; Phoebus Dhrymes, Columbia University; Peter Diamond, MIT.

Douglas Diamond, University of Chicago Booth School of Business; Francis Diebold, University of Pennsylvania; Avinash Dixit, Princeton University; Allan Drazen, University of Maryland; Robert Driskill, Vanderbilt University; Darrell Duffie, Stanford University; Chris Edmond, NYU Stern; Franklin Edwards, Columbia University; Sebastian Edwards, UCLA; Martin Eichenbaum, Northwestern University; Theo Eicher, University of Washington; Andrea Eisfeldt, Northwestern University Kellogg School of Management; Michael Elsby, University of Michigan; Charles Engel, University of Wisconsin; Eduardo Engel, Yale University; Roger E. A. Farmer, UCLA; Jon Faust, Center for Financial Economics, Johns Hopkins U.; Jesus Fernandez-Villaverde, University of Pennsylvania; T. Aldrich Finegan, Vanderbilt University (Professor Emeritus); Michael Fishman, Northwestern University.

Virginia Grace France, University of Illinois; Jeffrey Frankel, Harvard University; Ken Froot, Harvard University; Xavier Gabaix, NYU; Francisco Gallego, Pontificia Universidad Catolica de Chile; Marc Giannoni, Columbia University; J. Fred Giertz, University of Illinois at Urbana-Champaign; Richard Gilbert, University of California, Berkeley; Simon Gilchrist, Boston University; Yuriy Gorodnichenko, UC Berkeley; Gary Gorton, Yale University; Francois Gourio, Boston University; Daniel Graham, Duke University; William Greene, New York University; Nathaniel Gregory, University of Chicago Booth School of Business; Bronwyn Hall, University of California at Berkeley; John Haltiwanger, University of Maryland; Gary Hansen, UCLA; Lars Peter Hansen, University of Chicago; Bruce Hansen, University of Wisconsin.

Gordon Hanson, UC San Diego; Milton Harris, University of Chicago; Christian Hellwig, UCLA; Benjamin Hermalin, University of California; Andrew Hertzberg, Columbia University; Yael Hochberg, Northwestern University; Robert Hodrick, Columbia University; Burton Hollifield, Carnegie Mellon University; Takeo Hoshi, University of California, San Diego; Christopher House, University of Michigan; Peter Howitt, Brown University; Chang-Tai Hsieh, University of Chicago Booth School of Business; Glenn Hubbard, Columbia University; John Huizinga, University of Chicago Booth School of Business; Erik Hurst, University of Chicago; Saul H. Hymans, University of Michigan; David Ikenberry, University of Illinois at Urbana-Champaign; Ravi Jagannathan, Northwestern University; Nir Jaimovich, Stanford University; Urban Jermann, University of Pennsylvania.

Dana Johnson, Comerica Incorporated; Charles I. Jones, Stanford University, Graduate School of Business; Marcin Kacperczyk, New York University Stern School of Business; Charles Kahn, University of Illinois; Steve Kaplan, University of Chicago Booth.

Shachar Kariv, UC Berkeley/Economics; Anthony Karydakis, Stern School of Business, New York University; Barbara Katz, Stern School of Business, New York University; Peter Kenen, Princeton University; Miles Kimball, University of Michigan; Kent Kimbrough, Duke University; Patrick Kline, UC Berkeley; Ralph Koijen, Chicago Booth; Samuel Kortum, University of Chicago; SP Kothari, MIT; Kala Krishna, Penn State University; Randall Kroszner, University of Chicago, Booth School of Business; Finn Kydland, University of California, Santa Barbara; David Laibson, Harvard University;

Bruce Lehmann, Graduate School of International Relations and Pacific Studies, University of California, San Diego.

Jonathan Lewellen, Dartmouth College; Frank Lichtenberg, Columbia University; Victor Lima, The University of Chicago; Barton Lipman, Boston University; Adriana Lleras-Muney, UCLA; Andrew Lo, MIT; Sydney Ludvigson, New York University; Louis Maccini, Johns Hopkins University; W Bentley MacLeod, Columbia University; Burton Malkiel, Princeton University; Ulrike Malmendier, University of California, Berkeley; Paula Malone, University of Michigan; Robert McDonald, Northwestern University; Daniel McFadden, University of California, Berkeley; Rajnish Mehra, University of California, Santa Barbara; Marc Melitz, Harvard University; Allan Meltzer, Carnegie Mellon University; Enrique Mendoza, University of Maryland; Laurence Meyer, Macroeconomic Advisers; Frederic Mishkin, Graduate School of Business, Columbia University.

Robert Moffitt, Johns Hopkins University; Enrico Moretti, University of California, Berkeley; Stephen Morris, Princeton University; Adair Morse, University of Chicago Booth School of Business; Giuseppe Moscarini, Yale University; Kevin Murphy, University of Chicago; Stewart Myers, MIT; Roger Myerson, University of Chicago; Brent Neiman, University of Chicago Booth School of Business; Maurice Obstfeld, University of California, Berkeley; Brendan O'Flaherty, Columbia University; Lee Ohanian, UCLA; Maureen O'Hara, Cornell University; Claudia Olivetti, Boston University; Martha Olney, U.C. Berkeley; Joseph Ostroy, UCLA; Stavros Panageas, University of Chicago Booth School of Business; Lubos Pastor, University of Chicago Booth School of Business; Neil Pearson, University of Illinois at Urbana-Champaign; Lasse H. Pedersen, New York University.

George Pennacchi, University of Illinois; Scott Perkins, University of Illinois; George Perry, Brookings Institution; Thomas Philippon, New York University; Monika Piazzesi, Stanford University; Elizabeth Powers, University of Illinois at Urbana-Champaign; Edward C Prescott, Arizona State University; Giorgio Primiceri, Northwestern University; Thomas Pugel, New York University Stern School of Business.

John Quigley, University of California, Berkeley; Valerie Ramey, University of California, San Diego; John Riley, UCLA; Michael Riordan, Columbia University; James Roberts, Duke; Gerard Roland, UC Berkeley; Michael Rothschild, Princeton University (Emeritus); Peter L. Rousseau, Vanderbilt University; Juan Rubio-Ramirez, Duke University; Kim Ruhl, NYU Stern School of Business; Lynne Sagalyn, Columbia University.

Bernard Salanie, Columbia University; Seth Sanders, Duke University; Allen Sanderson, University of Chicago; Tano Santos, Columbia University; Paola Sapienza, Northwestern University; Rafael Schiozer, University of Illinois at Urbana-Champaign; Richard Schmalensee, Massachusetts Institute of Technology; Stephanie Schmitt-Grohe, Columbia University; Myron Scholes, Stanford University, Emeritus; Frank Schorfheide, University of Pennsylvania; John Shea, University of Maryland at College Park; Robert Shiller, Yale University; Robert Shiller, University of Chicago; Stephen Shore, Johns Hopkins University; Kenneth Singleton, Stanford University; Matt Slaughter, Dartmouth College; Jeffrey Smith, University of Michigan; Lones Smith, University of Michigan; Tony Smith, Yale

University; Nicholas Souleles, The Wharton School, University of Pennsylvania.

Chester Spatt, Carnegie Mellon University; Victor Stango, University of California, Davis; Richard Startz, University of Washington; James Stock, Harvard University; Marti Subrahmanyam, New York University; Suresh Sundaresan, Columbia University; Chris Telmer, Carnegie Mellon University; Peter Temin, MIT; Michele Tertilt, Stanford University; Duncan Thomas, Duke University; George Tolley, University of Chicago; Robert Topel, University of Chicago; Robert Townsend, MIT; Grace Tsiang, University of Chicago; Stephen Turnovsky, University of Washington; Harald Uhlig, University of Chicago; Martin Uribe, Columbia University; Salvador Valdés-Prieto, Catholic University of Chile; Stijn Van Nieuwerburgh, New York University Stern School of Business; Hal Varian, UC Berkeley.

Carlos Vegh, University of Maryland; Laura Veldkamp, New York University, Stern School of Business; Pietro Veronesi, University of Chicago; Anne Villamil, University of Illinois; Paul Wachtel, New York University, Stern School of Business; Neng Wang, Columbia University; Mark Watson, Princeton University; Shang-Jin Wei, Columbia Business School Chazen Institute; Pierre-Olivier Weill, UCLA; David Weinstein, Columbia University; E. Roy Weintraub, Duke University; Louis Wells, Harvard Business School; Kenneth West, University of Wisconsin—Madison; Diana Weymark, Vanderbilt University.

Michael Whinston, Northwestern University; Mirko Wiederholt, Northwestern University; Robert Willis, University of Michigan; Daniel Wolfenzon, Columbia University; Robert Wright, Augustana College SD; Jonathan Wright, Johns Hopkins University; Randall Wright, University of Wisconsin—Madison; Stephen Yeaple, Penn State University; Stephen Zeldes, Columbia University; Stanley Zin, New York University; Eric Zivot, University of Washington Dept of Economics; Mark Zmijewski, University of Chicago Booth School of Business.

#### EARMARK DECLARATION

##### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 15, 2010

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following information regarding earmarks received as part of H.R. 3288, the Consolidated Appropriations Act, FY 2010.

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3288, Consolidated Appropriations Act, FY 2010

Commerce, Justice, Science, and Related Agencies Projects

Project Name: Confluence Cellular Communication Tower Project

Account: DOJ/COPS Tech

Legal Name of Requesting Entity: County of Somerset

Address of Requesting Entity: 300 North Center Avenue, Somerset, PA 15501

Description of Request/Justification of Federal Funding: \$100,000 for Confluence Cellular Communication Tower Project

It is my understanding that funding will be used to construct a cellular communications

tower to provide mobile phone and radio communications along the Greater Allegheny Passage Trail.

This project is a valuable use of taxpayer funds because the tower would make emergency communications available to law enforcement personnel, rangers, and trail users for critical incidents and emergencies.

#### TRIBUTE TO ST. MARGARET'S EPISCOPAL SCHOOL, FOUR TIME CALIFORNIA FOOTBALL CHAMPIONS

##### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 15, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a school in my congressional district, St. Margaret's Episcopal School, that not only excels in academics but is also distinguished on the football field. The St. Margaret's football team won the 2009 California Interscholastic Federation, CIF, Small Schools State Championship for the fourth consecutive year. In the championship game, St. Margaret's defeated Ontario Christian 12 to 6.

The football team is an outstanding example of hard work, determination and perseverance. After 4 straight years of being on top, they have certainly earned the title "Champions." The members of the winning football team include:

Matt Duenes, Houston Agan, James Murayama, Mike Schmall, Andrew Torok, Fernando Almejo, Brennan Smith, Joey Sego, Jon Gencarella, Chris Adams, Chris Bauer, Chase McClure, Scott McGowan, Davis Edwards, Mark Olivier, John Carpenter, Adam Miyawaki, Nolan Lynch, Byran Flores, Leo Garcia, Chase Steuber, Jake Dappen, Jeff Askin, Brett Nicholas, Freddy Valencia, Will Findiesen, Matt Kloss, Connor McClure, Max Carpenter, and AJ Rovsek.

The team is led by Head Coach Harry Welch; Assistants Rod Baltau, Sean Coen, Hiram Johnson, Jay Noonan, Brent Ward, and Butch Ward.

It is an honor to represent such a fine group of young people with a strong dedication to teamwork and academics. I know each one of them will treasure the memories of their fourth championship season, and I commend them, and the entire St. Margaret's community, for this truly great achievement.

#### IN RECOGNITION OF THE LATE JOHN HOBBS

##### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 15, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of my good friend John Hobbs, a remarkable man who distinguished himself in his personal and professional endeavors. A respected, highly successful pioneer in the investment management

industry, John Hobbs was also a selfless civic activist and philanthropist who was dedicated to education and to the pursuit of justice and civil rights. He bequeathes a legacy of professional excellence and compassion for others.

John Hobbs demonstrated a lifelong dedication to education and youth development. He attended Wesleyan University and earned an A.B. and M.B.A. degrees from Harvard University. He served on the Harvard Graduate School of Education's and the Harvard Business School's Dean's Advisory Boards and co-chaired—along with his late wife of 46 years, Elisabeth Atwater Hobbs—the Harvard Graduate School of Education's Capital Campaign. As the Campaign Steering Committee's Co-Chairs in the 1990s, John and Liz helped raise \$111 million, the largest sum ever raised by a school of education. They endowed the John H. and Elisabeth A. Hobbs Chair of Cognition and Education held by Prof. Howard Gardner. They also helped many students cover education costs through the Hobbs Fellowship. John had been Chairman of the Board of Trustees of Common Cents in NYC, on the Governing Board of the Graduate Faculty of the New School University and on the

Board of the Foundation for Child Development. He was also a dedicated patriot who served in the United States Air Force Reserve.

As an investment manager, John Hobbs was a co-founder, Chairman, and CEO of Jennison Associates, one of Wall Street's first independent institutional investment management firms. At the time, institutional investment portfolios were managed primarily by large bank investment departments, insurance companies, and investment counselors. John and his colleagues built Jennison with the belief that in-house fundamental research and specialized investment teams would generate superior long-term investment returns. Now a subsidiary of Prudential Financial, Jennison manages more than \$90 billion in assets for major institutions, mutual funds, and private individuals. Many of its existing client relationships were established while he was Chief Executive Officer.

He was instrumental in Jennison's expansion beyond equities into the institutional fixed income market. He was named Jennison's president and chief executive officer in 1976 and became chairman in 1994. In 1996, he took on added responsibilities as president of

institutional asset management for the global money management group of Prudential. In 2000, he took the helm of Prudential's entire equity asset management business, including the active quantitative management firm Quantitative Management Associates. He served as Jennison's vice chairman from late 2002 until he retired in 2003. After the death of his wife, he returned to work and was most recently the vice chairman of Madison Asset Management Group, LLC, a global infrastructure investment specialist.

In addition to his beloved wife who predeceased him, John Hobbs was the devoted father of Margaret M., George C. and Kate H. Hobbs; beloved brother of Eleanor Richardson of Niantic, Conn., and Margaret Sudbury of Winchester, MA. He is also survived by loving nephews, nieces, cousins and friends.

Madam Speaker, in recognition of a lifetime of service to others, I request that my colleagues join me in paying tribute to the late John Hobbs, a great American who made immeasurable improvements to our civic life. John Hobbs' selfless and enduring dedication to others inspires us all.



**SENATE—Tuesday, January 19, 2010**

The Senate met at 11 o'clock and 2 seconds a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

—————

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 19, 2010.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

—————

**ADJOURNMENT UNTIL 10 A.M.,  
TOMORROW**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 10 a.m., Wednesday, January 20, 2010.

Thereupon, the Senate, at 11 o'clock and 30 seconds a.m., adjourned until Wednesday, January 20, 2010, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, January 19, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 19, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### PEOPLE WITH ALBINISM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have met many strong and courageous women in my lifetime, both here and abroad. But I rise today to recognize Mariamu Stanford, a young woman from Tanzania, who epitomizes the essence of bravery. I rise to shine a light on the untold horrors she and others with albinism faced, and continue to face, in East Africa.

I rise to highlight an ongoing, but little known, crime against humanity in East Africa, particularly in rural Tanzania, where human beings with albinism are butchered and their body parts sold for profit. These horrific acts are perpetuated by witch doctors who believe the body parts of people with albinism have magical powers, and can be mixed in potions to bring the buyer good luck. Rural villages strong incentive to harvest the limbs of their neighbors with albinism, because a single limb can sell for as much as \$2,000, a king's ransom in rural Tanzania.

Mariamu, who has albinism, is one of the few survivors of these horrific attacks. Her story is one of fear, horror,

and unbelievable courage. She told me her story, through an interpreter, when we met recently. One night in October of 2008, when she was asleep with her toddler son, a group of machete-wielding young men from her village broke into her home and attacked her. They cut off both of her arms while she struggled, screamed, and shielded her young son from the blows.

It was six long hours after the attack before she, 5 months pregnant, was able to receive medical treatment. In the end, she also lost her unborn child. But she survived, and she is now relaying her story here in America in the hopes that these brutal crimes against people with albinism will come to an end.

Mariamu came to the United States for a visit thanks to the generosity of many, including many of my constituents from Northern Virginia with albinism, and some who are parents of children with albinism. While she was here for nearly 2 weeks in December, Mariamu was fitted with prosthetic arms donated by the Orthotic Prosthetic Center in Fairfax, Virginia, and she underwent intensive physical therapy.

She is a rare survivor of a horrible and inhumane crime that is a growing concern in East Africa. More than 54 people with albinism have been butchered in the region, most of them women and children. In November of 2008 a 6-year-old girl was shot dead in Burundi's eastern province of Ruyigi, close to the border with Tanzania. Her attackers removed her head and limbs, leaving only her dismembered torso.

In January of 2009, three men armed with machetes killed an 8-year-old boy in Burundi and smuggled his limbs into Tanzania. Every one of these stories border on the unbelievable, and quite frankly, turn my stomach, as I hope they do yours.

Not only do people with albinism face violence in various parts of the world, but they also are at higher risk for medical complications from their condition. In East Africa's harsh sun, for example, skin cancer is very prevalent. But oftentimes, people with albinism have no choice but to expose themselves to the sun with little protection, as they must be outside to work, go to school, or attend to everyday business.

Unfortunately, the medical issues the people with albinism face are the least of their worries in rural East Africa. The threat of brutal violence looms over them at all times. Tanzanian Prime Minister Mizengo Peter Pinda has condemned these violent crimes, as

he should, against people with albinism, but judicial and enforcement barriers remain.

My meeting with Mariamu and local families concerned about her plight has moved me to take action. I am contacting President Obama and the State Department to urge them to place diplomatic pressure on Tanzania to end these crimes against humanity and to provide education to dispel this myth that body parts of those with albinism have any supernatural properties.

I also believe we must look at providing humanitarian and medical assistance to people with albinism in East Africa, with a focus particularly in Tanzania, where most of these brutal crimes have occurred. To this end, I plan to introduce a House Resolution recognizing the plight of people with albinism in East Africa, Mr. Speaker, condemning their murder and mutilation, and advocating remedies to bring an end to this heinous and misguided behavior.

### FISCAL DISCIPLINE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Arizona (Mrs. KIRKPATRICK) for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, our national debt is setting new records each week, and Washington cannot ignore it any longer. Unless we take action, the debt could bring our recovery to a standstill, and raise interest rates for our families. Allowing excessive spending to continue is not an option.

In 2010, we must draw the line and put fiscal discipline at the top of our agenda. This Congress should develop and execute a plan to start paying down the debt and ensure sustainable spending levels for the long term. We can and should continue smart investments that create jobs, develop our critical infrastructure, and help new industries grow.

But at the same time, we have to start cutting waste and demanding efficiency. Government programs should be actively searching for ways to do more with less. And if they won't, Congress has to step up and do it for them.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MORAN of Virginia) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God Almighty, the legacy of the Reverend Martin Luther King, Jr., lives on in our day.

As we witness the horrible tragedy of Haiti on television and we become more attuned to the heartbeat, sympathy, anxieties, and hopes of America, the House of Representatives might call to mind the image Dr. King used. His prophetic call was for people everywhere to transcend race, class, nation, and religious differences to embrace a vision of a "World House."

Here and now, let us do our part to embrace his image and work to fulfill his dream for a universal dwelling on Earth as it is in heaven. Lord, we want a place for every person in our society where all have equal justice.

We pray for a home where conflicts may be resolved in a spirit of love and forgiveness, without violence, and wounds can be healed.

Lord, let Dr. King's vision and promise for the future resonate in every human heart until it becomes a way of living, living up to Your design for us.

This we pray now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HEALTH CARE REDUX

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as the health care negotiations have droned on for months behind closed doors led by REID and PELOSI without the participation of the American people, Republicans and even many Democrats, what do we have to show for it?

We have the Louisiana Purchase, the Corn Husker Kickback, backroom deals with special interests, protection of the trial lawyers, and, finally, an embarrassing deal with the unions that allows them to be exempt from a 40 percent excise tax on "Cadillac" health care plans that the rest of the Nation will be subject to.

To my colleagues: Have you no shame?

What happened to the President's promises of open debate on C-SPAN and inviting Members of Congress to come to the White House to go over the health care bill "line by line"?

I submit today that we scrap the flawed documents under consideration and immediately begin a bipartisan discussion on how to truly reform health care in this country in a way that does not involve higher taxes, higher costs to policyholders, and even more governmental interference in our daily lives.

## GOVERNOR CHRISTINE TODD WHITMAN HIGHLIGHTS THE PROBLEM WITH BACKROOM HEALTH CARE NEGOTIATIONS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Congress and this administration continue pushing a job-killing health care takeover. Brokered in back rooms, the bill includes \$518 billion in new job-killing taxes that will hurt small businesses, and squeezing Medicare threatens senior citizens.

Backroom deals in Washington is politics at its worst, and it is high time that the American people were given a seat at the negotiations table.

The President promised the American people eight different times health care would be public. C-SPAN has offered to broadcast the negotiations. In Politico, former New Jersey Governor Christine Todd Whitman highlights Speaker PELOSI's brushoff of the request, saying that the President stood for a number of things while on the campaign trail.

I encourage the Speaker to encourage the President to keep his promise of open discussions by letting C-SPAN show the American people what is going on behind closed doors. We need change in Washington.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## AMERICANS SEE MEDIA AS BIASED, LIBERAL, TOO POWERFUL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans see the media as biased, lib-

eral, and too powerful, according to a new Rasmussen survey.

Just two in ten Americans say reporters try to offer unbiased coverage of political campaigns. More than seven in ten say reporters try to help the candidate they want to win.

Furthermore, a majority of voters believe, "The average reporter is more liberal than they are." And two-thirds think the media have too much power and influence over government decisions.

This is the fourth public opinion poll in the last few months that has found that Americans don't trust the media. If the national media want to restore Americans' confidence, they should report the facts and not tell people what to think.

## PUT GOVERNMENT IN ITS PLACE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, according to the 10th Amendment, any power not specifically granted to the Federal Government is reserved to the people and to the States.

Those that demand government take over health care have yet to provide a constitutional example for such government oppression. Further, it doesn't say anywhere in the Constitution the Federal Government can force anybody to buy anything, including health insurance. It is not there.

Some have said, what about car insurance? The States, not the Feds, regulate car insurance so drivers can pay for third-party injuries. And driving is a privilege, not a right.

A better example would be if the Feds forced the people to buy a car from GM. "Government Motors" would pick the car they want the citizens to buy, then tax them to pay for it. That is unconstitutional. So is forcing people to buy health insurance.

Thomas Jefferson said, "The Federal Government is our servant, not our master." It is about time we put government in its place.

And that's just the way it is.

## ARMY SPECIALIST KYLE WRIGHT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to Army Specialist Kyle Wright, a 22-year-old from Romeoville, Illinois, who was killed in combat on January 13 while serving our country during his first tour of duty in Afghanistan.

Specialist Wright followed in his father's and grandfather's military footsteps by enlisting in the Army, and did so out of a strong desire to advance the freedoms and liberties of women in Afghanistan, a cause very close to my heart.

He joined the Army after graduating in 2006 from Romeoville High School, where, even as a young man, he demonstrated his love for this country by serving in the Marine Corps Junior Reserve Officers Training Corps.

He was passionate, honorable, and loved by all who knew him, his family, his girlfriend, and his fellow soldiers. His dedication to women's rights in Afghanistan was inspired by his sisters, his mother, stepmother, and grandmother. And his dedication to upholding the American ideals and freedoms he believed in knew no bounds.

I would like to extend my deepest condolence to the Wright family and to all who knew this brave soldier. Our Nation lost a true hero with Specialist Wright's passing. He will be missed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Castle Nugent National Historic Site Establishment Act of 2010".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) **HISTORIC SITE.**—The term "historic site" means the Castle Nugent National Historic Site established in section 3.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. CASTLE NUGENT NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands, in order to preserve, protect, and interpret, for the benefit of present and future generations, a Caribbean cultural landscape that spans more than 300 years of agricultural use, significant archeological resources, mangrove forests, endangered sea turtle nesting beaches, an extensive barrier coral reef system, and other outstanding natural features.

(b) **BOUNDARIES.**—The historic site consists of the approximately 2,900 acres of land extending

from Lowrys Hill and Laprey Valley to the Caribbean Sea and from Manchenil Bay to Great Pond, along with associated submerged lands to the three-mile territorial limit, as generally depicted on the map titled "Castle Nugent National Historic Site Proposed Boundary Map", numbered T22/100,447, and dated October 2009.

(c) **MAP AVAILABILITY.**—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(2) **U.S. VIRGIN ISLAND LANDS.**—The Secretary is authorized to acquire lands and interests in lands owned by the U.S. Virgin Islands or any political subdivision thereof only by donation or exchange.

#### SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) **SHARED RESOURCES.**—To the greatest extent practicable, the Secretary shall use the resources of other sites administered by the National Park Service on the Island of St. Croix to administer the historic site.

(c) **CONTINUED USE.**—In order to maintain an important feature of the cultural landscape of the historic site, the Secretary may lease to the University of the Virgin Islands certain lands within the boundary of the historic site for the purpose of continuing the university's operation breeding Senepol cattle, a breed developed on St. Croix. A lease under this subsection shall contain such terms and conditions as the Secretary considers appropriate, including those necessary to protect the values of the historic site.

(d) **MANAGEMENT PLAN.**—Not later than three years after funds are made available for this subsection, the Secretary shall prepare a general management plan for the historic site.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair now recognizes the gentlewoman from Guam (Ms. BORDALLO).

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3726, sponsored by my good friend and colleague from the Virgin Islands, DONNA CHRISTENSEN, establishes the Castle Nugent National Historic Site as a new unit of the National Park System on the island of St. Croix in the United States Virgin Islands.

The lands to be included in this new historic site represent the largest un-

developed natural area remaining on the island, and there is very strong local support for protecting it as parkland for future generations.

The new park, Mr. Speaker, encompasses about 11,500 acres, three-quarters of which are submerged lands containing one of the largest and healthiest coral reef systems in the region. The National Park Service has studied the site and testified that it meets their criteria for addition to the system.

Congresswoman CHRISTENSEN is to be commended for her commitment to preserving the unique history and the culture of the beautiful island of St. Croix. So we urge our colleagues to support passage of H.R. 3726.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

We have concerns with H.R. 3726. As of today, the National Park Service has yet to complete the congressionally authorized study of this proposal. In fact, the agency has asked that we defer consideration until the study is completed.

These studies are not without cost in both personnel and funds, and they take several years to complete and can drain as much as \$500,000 from the Park Service budget. What use are these feasibility studies if we simply choose to ignore them, or, in this case, rush to pass legislation before the study can be finalized? Typically, these studies contain information that could be useful in crafting better legislation.

For example, it would be nice to know what process the National Park Service went through to consult with all private property owners who may be harmed or impacted by this designation. The National Park Service testified that the cost to acquire the private property to establish this park could be as much as \$50 million, in addition to nearly \$1 million a year to operate the park.

□ 1415

Most of us are aware of the estimated \$9 billion in maintenance backlog created currently with the National Park Service. Consequently, it becomes very difficult to justify why additional land acquisition is advisable at this particular time. How do we explain to taxpayers that, while unemployment soars, their government is conspiring to buy beach-front property in the Caribbean? Is adding these luxurious 2,900 acres to the Federal land inventory the priority of this particular Congress?

Nearly every acre of the dry land that is to be acquired is privately owned. It's our understanding the majority of this land is owned by one family. According to testimony heard by the Committee on Natural Resources, this family is supportive of the proposal and even initiated this process.

We heard that it is their desire that this land not be developed, but be preserved in its current condition. It seems to me that they are in a perfect position to accomplish that goal as landowners. May I suggest that they also possess the power to determine the future of the property without any interference of Congress.

In addition, to complicate the issue further, sources within the Park Service have told us that there is discord within the family itself over whether this designation is indeed in the family's best interest. Apart from this family, we have heard nothing from the other property owners affected by this bill, both on land and in the water. Is it fair for us in Washington, D.C., to place them in a restrictive designation without their consent and also not knowing whether the consent exists or not?

It is not only these 2,900 acres of dry land that's affected by this legislation. In addition, this bill includes the park-associated submerged lands out to the 3-mile territorial limit of the Virgin Islands. This could mean that fishing in the area would be prohibited, just as it is at the Virgin Islands National Park that surrounds two-thirds of the island of St. John.

I hope that this will not impact struggling fishermen, but it is a possibility that deserves attention and has yet to be addressed, but would have, had the feasibility study been completed.

Again, these are questions that need to be answered, and I would hope that some of them will be answered in the final study when it is finally signed by Secretary Salazar. If this legislation does move forward today, I hope the current landowners and their descendants are aware that the National Park Service will now be their zoning board.

I would also like to note that there is no "willing seller" provision in this legislation. While "willing seller" provisions are minimum at best protections, at least with this language Congress is on record that landowners should not be hounded or harassed into selling their land to the National Park Service.

I cannot in good conscience support this legislation, yet that does not guarantee the right of private property owners. Our constituents deserve better than that. If the intent of this proposal is to preserve historic landscapes, certainly that can be done locally without Federal funds, interference, or bureaucratic red tape.

So I urge my colleagues to demonstrate some fiscal responsibility and demand respect for property rights that are not yet in this bill.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you, Madam Chair, for yielding.

Today, I rise to speak on behalf of H.R. 3726, a bill that I introduced to establish the Castle Nugent National Historic Site on St. Croix, in my district in the U.S. Virgin Islands. The introduction of this bill continues an effort started in 2006 to build upon that great precedent set by our Forefathers when Yellowstone in Wyoming became the first national park. The establishment of Castle Nugent National Historic Site would provide an excellent opportunity to preserve a very special and unique landscape for the people of St. Croix and visitors to the islands for generations to come.

H.R. 3726 calls for the preservation of 2,900 acres, which include a Caribbean dry forest, pristine coastal barrier coral reef system, and a pre-Columbian, as well as a post-European, settlement. The property has a long agricultural history dating back to the 1730s, when the Danish estate house, now listed on the National Register of Historic Places, was constructed. The farm is one of the last working cattle ranches on St. Croix and one of the ranches instrumental in the development and exportation of Senepol cattle throughout the Caribbean and the rest of the world.

H.R. 3726 would ensure the continued rearing of Senepol cattle with a provision that guarantees a continued relationship with the University of the Virgin Islands to support ongoing scientific research. In addition to guaranteeing the protection of one of the most ecologically sensitive areas on the island, H.R. 3726 would also preserve a rich part of our historic and cultural past by preserving the archaeological remains of the indigenous inhabitants of St. Croix.

The family which owns the majority of this property has been incredibly patient—the pressure to sell their land to developers has been overwhelming—and yet they have continued to try to do what they feel, and I agree, is best for all concerned. There is no intent here to interfere with privately held property. The sole purpose of this bill is to protect and preserve the historic, cultural, and environmental assets and the opportunity for the people of the Virgin Islands as well as their fellow Americans to continue to enjoy the area and to preserve it for future generations.

Even the person who purchased about 400 acres of this property a few years back is on record in support of preserving this area. Longtime neighbors of Castle Nugent support the bill. Both the Bush and Obama administrations have supported this designation every step of the way. The current administration has testified that the study is completed and that it fully supports the designation that we're seeking. The designation is supported by my con-

stituents, including some of those who originally questioned the expansion of the park. As far as I'm aware, no one is challenging the conclusion of the study or the wisdom of preserving the area.

There's no substantive reason to oppose the legislation. The bill contains no intergovernmental mandates, as defined in the Unfunded Mandates Reform Act; would impose no cost on State, local, or tribal governments; and would impose no private sector mandates either, as defined in the UMRA. This is a beautiful and important cultural and natural resource that is in danger of being lost to the Nation's public forever. If we don't move forward, there's a real risk that when the study is formally transmitted to Congress, supporting the designation, the land will already have been sold and condominium owners will be the only people who ever get to visit the area.

At this time, I'd like to take the opportunity to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their support in ushering this bill through the Resources Committee. I'd also like to thank the numerous community members who wrote in support of this bill, including our national park superintendent, Mr. Joel Tutein; Mr. Olasee Davis, who traveled from the Virgin Islands to testify in favor of the bill; the Gasperi family, and to thank them again for their patience in holding out for this day; and the Trust for Public Lands, who's given them their support.

I just wanted to add a few other things. While it would be ideal to wait until spring when the study would be formally transmitted to Congress, there are certain examples where this committee and the Congress have moved forward with designations before studies were completed or, in some cases, without studies at all. I'd just like to mention two examples. The legislation designating President Reagan's boyhood home in Illinois and the Oklahoma City Memorial were enacted without studies at all. Both were sponsored by Members from the other side of the aisle. So precedent has been set for bills to be acted on prior to the study being completed or even without studies.

In addition, on November 17, I want to just remind my colleagues that the National Park Service testified in the committee to the fact that Castle Nugent has met their criteria for suitability and national significance. We're confident in the National Park Service's testimony and that the final opinion will reflect what was testified to; but it is necessary for us to act expeditiously, as there is risk of losing the property if we don't move quickly.

Mr. BISHOP of Utah. In closing, whether this cattle ranch becomes part of our national inventory or not may indeed be a good idea. But one of the things I think we are saying right now

is the scope these processes have to go through—and the process does become important. Poor process produces poor policy. What we are arguing in this particular case is if we should allow the process to go through to its completion. There are questions that still have to be asked that yet have a quantified answer to them. Neighbors may be in support, but we want those things quantified, which should be part of the process that is there.

There should be private property rights in this particular document for the protection of private property owners, and that should be boilerplate language we add in all legislation—not just this, but the rest that comes through. The question that we should be asking, which is what the study should be asking as well, is not necessarily do we go forth in this particular one but should we look at this as the only way of preserving or moving forward on this cattle ranch in the future? Is this indeed the best way? Are there other concepts that could be used? And should this be the \$50 million budget priority of this particular Congress? Those are the types of questions that should have been answered in the committee before this bill moved forward, and that's what we asked in committee and we're asking again on the floor.

This may indeed be the proper use of turning this former cattle ranch into a national asset, but there are still questions that should have been asked in a proper process to make sure that this is the right policy at this particular time. And that's why we have objections to this particular bill, not necessarily the substance of it, but the manner and mechanism of what we are doing, because there are still too many unanswered questions.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge the Members to support the bill, H.R. 3726, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3726, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### BLM CONTRACT EXTENSION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3759) to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3759

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Nation's recent economic downturn has dramatically affected the forest products industry, especially those companies reliant on wood from Federal lands. Currently, the Forest Service has several options for helping timber companies amend the terms of timber contracts that are no longer economically viable. However, the Bureau of Land Management does not have the same authorities.

H.R. 3759, introduced by our distinguished colleague from Oregon, Representative DEFAZIO, would help rural economies and struggling timber companies by allowing the Secretary of the Interior to add 3 years to the expiration date of certain BLM timber contracts. This authority is similar to the Forest Service authority and would enable companies to wait for a better economic climate.

□ 1430

Mr. Speaker, we commend Representative DEFAZIO for his efforts to support rural communities by proposing this legislation. We support the passage of H.R. 3759 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

This particular bill has been well explained by the distinguished gentlelady from Guam. Up front, I would like to say that I have basically favored this bill introduced by the distinguished gentleman from Oregon. In concept, it is a good bill, and I actually will be voting for it on the floor. However, I do want to state that there are two particular problems, once again, with the process, which are very perplexing and concerning to me, and I think it's something we ought to discuss.

This bill has been changed—I think significantly—since it left the committee on November 18. An amendment was added at 12:58—that is the date on it, today. Admittedly, we knew about it maybe an hour before that, but an amendment that changes this bill significantly was added today. That is not the process you go through. Once again, poor process will equate to poor public policy.

The amendment that was added in here took out salvaged sales on BLM land. That is not what was in the bill when it went through committee, and I

would suggest that I am not in favor of that change to a very good bill. We will be told, I'm assuming, that this change was made to conform what practices we do on BLM with national forest land. However, what we are doing is changing the law to conform to an agency regulation, which is, indeed, backwards.

Congress should be establishing what our requirements are and what our practices are, not forcing Congress to try to regulate ourselves and relate ourselves to what an agency of government, through its own internal regulations, does. So I am opposed to this amendment, which was added within the very last 2 hours. That should not be there and was not discussed in committee.

I am also opposed in one particular way to the concept that this was made from a "shall" to a "may." I would like it very much more had it been with the original language that Representative DEFazio proposed in making this a "shall" issue as opposed to simply making this or any other bill that comes before us today into a "may," to make it at the whim of the Secretary.

Now, with those two conclusions, I will say that this is still a good bill. This is still a bill that I think should go forward. This is a bill that should have gone forward in the way it came out of committee, in which it was a stronger and better bill, and I will still vote on it on the floor. But I am perplexed with these changes that have been made that weaken this bill and do not improve it and, more importantly, with the process we are going through to make these last-minute changes when they should have been done with full committee hearing, with full committee discussion, and full committee markup.

In closing, let me just apologize for making a misstatement in the first place. I am told now that there is a statute that since has been done by the National Forest Service, so the statutes are consistent. They are consistently wrong, but they are still consistent here. It is still the wrong thing to do, and those salvaged sales should have been approved on both BLM as well as national forest land, and I still resent the process that went through, even though what I said was technically wrong earlier.

With that, I intend to vote "yes" because I think the DeFazio bill is a good bill. It needs to go forward. It is the right thing to do, but we could have done a whole lot better if we had really put our minds to it.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3759, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes."

A motion to reconsider was laid on the table.

#### INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 725

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Arts and Crafts Amendments Act of 2010".

#### SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305d) is amended to read as follows:

#### "SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

"(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code).

"(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

"(c) CRIMINAL PROCEEDINGS.—

"(1) INVESTIGATION.—

"(A) IN GENERAL.—The Board may refer an alleged violation of section 1159 of title 18, United States Code, to any Federal law enforcement officer for appropriate investigation.

"(B) REFERRAL NOT REQUIRED.—A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

"(2) FINDINGS.—The findings of an investigation of an alleged violation of section 1159 of title 18, United States Code, by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

"(A) a Federal or State prosecuting authority; or

"(B) the Board.

"(3) RECOMMENDATIONS.—On receiving the findings of an investigation under paragraph (2), the Board may—

"(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18, United States Code; and

"(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

"(d) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 6."

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITIONS.—In this section:

"(1) INDIAN.—The term 'Indian' means an individual that—

"(A) is a member of an Indian tribe; or

"(B) is certified as an Indian artisan by an Indian tribe.

"(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

"(3) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) INCLUSION.—The term 'Indian tribe' includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

"(i) a State legislature;

"(ii) a State commission; or

"(iii) another similar organization vested with State legislative tribal recognition authority.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior."

(4) in subsection (b) (as redesignated by paragraph (2)), by striking "subsection (c)" and inserting "subsection (d)";

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking "subsection (a)" and inserting "subsection (b)"; and

(B) by striking "suit" and inserting "the civil action";

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

"(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

"(A) the Attorney General, at the request of the Secretary acting on behalf of—

"(i) an Indian tribe;

"(ii) an Indian; or

"(iii) an Indian arts and crafts organization;

"(B) an Indian tribe, acting on behalf of—

"(i) the Indian tribe;

"(ii) a member of that Indian tribe; or

"(iii) an Indian arts and crafts organization;

"(C) an Indian; or

"(D) an Indian arts and crafts organization.



“(2) DISPOSITION OF AMOUNTS RECOVERED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

“(B) EXCEPTIONS.—

“(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

“(I) the amount of the cost of the civil action and reasonable attorney’s fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

“(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

“(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

“(I) the amount of the cost of the civil action; and

“(II) reasonable attorney’s fees.”; and

(7) in subsection (e), by striking “(e) In the event that” and inserting the following:

“(e) SAVINGS PROVISION.—If”.

### SEC. 3. MISREPRESENTATION OF INDIAN PRODUCED GOODS AND PRODUCTS.

Section 1159 of title 18, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) PENALTY.—Any person that knowingly violates subsection (a) shall—

“(1) in the case of a first violation by that person—

“(A) if the applicable goods are offered or displayed for sale at a total price of \$1,000 or more, or if the applicable goods are sold for a total price of \$1,000 or more—

“(i) in the case of an individual, be fined not more than \$250,000, imprisoned for not more than 5 years, or both; and

“(ii) in the case of a person other than an individual, be fined not more than \$1,000,000; and

“(B) if the applicable goods are offered or displayed for sale at a total price of less than \$1,000, or if the applicable goods are sold for a total price of less than \$1,000—

“(i) in the case of an individual, be fined not more than \$25,000, imprisoned for not more than 1 year, or both; and

“(ii) in the case of a person other than an individual, be fined not more than \$100,000; and

“(2) in the case of a subsequent violation by that person, regardless of the amount for which any good is offered or displayed for sale or sold—

“(A) in the case of an individual, be fined under this title, imprisoned for not more than 15 years, or both; and

“(B) in the case of a person other than an individual, be fined not more than \$5,000,000.”; and

(2) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) the term ‘Indian tribe’—

“(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

“(B) includes, for purposes of this section only, an Indian group that has been formally recognized as an Indian tribe by—

“(i) a State legislature;

“(ii) a State commission; or

“(iii) another similar organization vested with State legislative tribal recognition authority; and”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

#### GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, on behalf of the Natural Resources Committee chairman, Mr. NICK RAHALL, and myself, I would like to commend the gentleman from Arizona, Representative ED PASTOR, for sponsoring the pending measure and for working with the committee to bring it before the full House.

The sale of misrepresented and counterfeit American Indian jewelry, pottery, baskets, rugs, and other items cheats the consumer, degrades the entire native market, and robs talented, hardworking native artisans of their living. This has been a growing problem that Mr. PASTOR’s legislation will effectively address.

H.R. 725 would amend the Indian Arts and Crafts Act of 1990 to authorize any Federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is represented as an Indian-produced good. The legislation also requires that the findings of an investigation of an alleged offense be submitted to a Federal or State prosecuting authority or to the Indian Arts and Crafts Board.

Again, I want to commend my colleague Mr. PASTOR of Arizona for his hard work and dedication to this piece of legislation. He is addressing a longstanding problem with this bill, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. BISHOP of Utah. I rise to slowly yield myself such time as I may consume.

Mr. Speaker, Republicans have no objections to H.R. 725, and indeed, we support appropriate law enforcement efforts to stop illegal counterfeiting of Indian arts and crafts. However, I would like to note a concern for the record, because this bill could have been written in a way to increase its effectiveness.

At the committee hearing on H.R. 725, it became clear that the Bureau of Indian Affairs’ Office of Law Enforcement is contemplated to be the primary agency to investigate and enforce

any violations of this new Indian Arts and Crafts Act. As written, this bill, H.R. 725, authorizes any Federal law enforcement officer to enforce the act. That is the issue. It authorizes any Federal law enforcement officer to authorize the act. This would include law enforcement officers who may or may not have expertise in dealing with tribes, with artists, counterfeit art or crafts.

So I certainly hope that the President takes appropriate steps to delegate this overly broad law enforcement authority only to the agency or the agencies that have the funding, manpower, time, and expertise to enforce this important but somewhat complex area of law. It would be nice if Congress were to actually take that responsibility to ourselves. Indeed, the very goal of stopping this illegally counterfeited Indian art should not be turned over to law enforcement agencies who are strained with other duties, other kinds of investigation of crime, acts of terrorism, fraud, or any other kind of scheme that takes place.

Finally, in addition to the fact that this has not been specified where it should be, I do want to note that there is a largely identical bill, sponsored by the Senator from Arizona, that is in the House. If we had taken up that bill today, it could probably be signed into law this particular week. I have no idea why we did not take up the Senate bill rather than pushing this bill forward, and for whatever reason it is. If, indeed, it is simply because it’s a Senator’s bill, that may be good enough for me. But if there are other concepts that may be there, there are still questions as to why we are not passing Senate Bill 151 rather than this one. However, by passing H.R. 725 today, we are simply delaying the enactment of this particular bill.

So once again, I think we missed the opportunity of trying to narrow in our particular focus on the enforcement powers, and there are still some questions on why this bill is taking precedence over others that may speed up the actual date of enactment of this, but with the substance of the bill, I am in support.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

In 1935, Congress enacted legislation to establish the Indian Arts and Crafts Board. The Indian Arts and Crafts Board, an agency within the U.S. Department of the Interior, is responsible for promoting the development of American Indian and Alaska Native arts and crafts, improving the economic status of the members of the Indian tribes, and helping to develop and expand marketing opportunities for arts and crafts produced by the American Indians and Alaska Natives.

The 1935 legislation adopted criminal penalties for selling goods with the

misrepresentation that they were Indian produced. This provision, currently located in section 1159 of title 18, U.S. Code, set fines not to exceed \$500 or imprisonment not to exceed 6 months or both. Although this law was in effect for many years, it provided no meaningful deterrent to those who misrepresented imitation arts and crafts as Indian produced. In addition, willful intent was required to be proved. Therefore, very little enforcement took place.

So H.R. 725 seeks to address this continuing problem by strengthening the penalties associated with misrepresentation of Indian-produced goods and by empowering Federal, tribal, and local authorities to undertake investigations and enforcement. A Senate companion bill, S. 151, passed the Senate on July 24, 2009.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the very complete and thorough analysis that the gentlelady from Guam did on this particular bill. It was well done.

I will ask at this time if the gentlelady from Guam has any more speakers for this particular bill.

Ms. BORDALLO. Mr. Speaker, we do not have any additional speakers.

Mr. BISHOP of Utah. Sadly, neither do I. So at this time, I will simply go forward and say that we still support it. We still think this bill could have been done better. We are still very curious on why the Senate bill was not being pushed forward, but we support the purpose and the goals of this particular piece of legislation, and we will be very happy to support it here on the floor as well.

I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 725, the Indian Arts and Crafts Amendments Act of 2009, which will safeguard an industry critical to the Native American economy and small businesses.

First, I would like to acknowledge Speaker PELOSI, Majority Leader HOYER, and Chairman RAHALL for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman PASTOR, the author of this legislation, who worked so hard to help such an underserved community protect their economic livelihood.

Mr. Speaker, H.R. 725, the Indian Arts and Crafts Amendments Act of 2009 amends the Indian Arts and Crafts Act of 1990 to authorize any federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is misrepresented as an Indian produced good or product. H.R. 725 authorizes the Indian Arts and Crafts Board to refer offenses to any federal law enforcement officer for investigation. In addition, this bill proposes new penalties for goods offered or displayed for sale or sold for less than \$1,000 at a \$25,000 fine, a 1-year imprisonment, or both.

In California, the State I represent, there are over one hundred Native American tribes, many of varying levels of economic success. Misrepresentation of products is one of the biggest problems facing the Native American art industry and market. Not only does the industry have to compete with the larger market, but Native Americans must compete with those who copy and counterfeit their work. Income from a single artist is often the sole source of support for their family, as well as being a source of strength and pride that reinforces cultures and traditions within communities. Therefore, as a long time friend and supporter of the Native American community, I am so pleased to champion a bill such as H.R. 725, which protects the unique economic opportunities of this community.

In conclusion, Mr. Speaker, I support this bill because it protects an important industry in the areas and populations that needs assistance. The communities benefiting from H.R. 725 represent some of the most traditionally disadvantaged, isolated, and underserved populations in America. I am proud to work with my colleagues to ensure that Native Americans receive full protection of their most viable industry.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 725.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 725, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### IDAHO WILDERNESS WATER FACILITIES ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3538) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Wilderness Water Facilities Act".

#### SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture is authorized to issue a special use authorization to each

of the 20 owners of a water storage, transport, or diversion facility (in this section referred to as a "facility") located on National Forest System land in the Frank Church-River of No Return Wilderness or the Selway-Bitterroot Wilderness (as identified on the map titled "Unauthorized Private Water Diversions located within the Frank Church River of No Return Wilderness", dated December 14, 2009, or the map titled "Unauthorized Private Water Diversions located within the Selway-Bitterroot Wilderness", dated December 11, 2009) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as "the date of designation");

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

#### (b) TERMS AND CONDITIONS.—

(1) EQUIPMENT, TRANSPORT, AND USE TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) after conducting a minimum tool analysis for the facility, the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) ADDITIONAL TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman in Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, prior to the designation of the Frank Church-River of No Return and the Selway-Bitterroot Wilderness areas in Idaho, private landowners received permits to maintain and repair water diversions on national forest land now included in those wilderness areas. Many of those permits have since expired, leaving those who own the water diversions without options for mechanically maintaining their water systems.

The bill before us, H.R. 3538, would give the Secretary of Agriculture the authority to issue special use authorizations to owners of specific water storage, transport, or diversion facilities within these wilderness areas. The permits would only be issued if the owner can prove that the water facility meets certain criteria specified in the legislation.

Mr. Speaker, we support the passage of H.R. 3538, and I reserve the balance of my time.

□ 1445

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This bill, as introduced by Mr. SIMPSON of Idaho, would require the Forest Service to issue special use permits to owners of small, existing water systems in two Idaho wilderness areas. And although these water diversions continue to operate, their owners currently lack the authority to maintain or repair these facilities. Failure to maintain or repair these facilities would harm not only the farms and ranches that need to be assured of having access to water that they own to be viable, but also will be important for the Forest Service to maintain the environmental needs and watersheds on these particular Forest Service lands.

This bill, H.R. 3538, will allow the owners of the existing water systems to do this necessary maintenance.

Let me just say this legislation has been very narrowly tailored to apply to only a small number of sites that are within the wilderness areas and meet a very specific criteria. So to qualify for this bill, they would have to be a water diversion facility that was in existence before the wilderness area was designated. It has to be continuously used since the wilderness area was designated. The owners have to have a

valid water right under Idaho law that predated the wilderness designation, and the sites only can be covered in this bill if there is no other alternative than to continue the use of these facilities within the wilderness designation. And so it is beneficial not only to the Forest Service but to these private property owners individually for the water rights that they have recognized that are valid.

Let me say that this bill illustrates one of the problems that we here in Congress have. Wilderness designation is the most inflexible and restrictive of any of the land use weapons that are at our disposal and in our arsenal. Too often we find after the fact of that designation that there are simple activities that are denied because of that designation that should not have been there in the first place. We ought to be wise enough to devise a conservation practice for our lands without creating unintended consequences to neighboring families that were poorly thought out when the designation was originally made. There is no reason we cannot be both good stewards and good neighbors. This shows one of the problems we have when we rush into designation of land without doing a thorough understanding of what the consequences of that designation of land will be.

I understand also there was another change in this particular bill. And although I stand, as I did on the other, to support it, I want to make public that we do not approve of the change that was made in that bill. Just as in the DeFazio bill, the word "shall" would have made it a better bill, and it should have remained, and that was the concept that the committee voted, so in this bill the word "shall" was changed to more permissive language after the committee voted on the bill. That "shall" should have been in here, which would have been the better language for this particular piece of legislation.

Even though I support the bill with the change, that change was done in a poor process. That change should have been done before the committee actually allowed this bill to leave their jurisdiction. And in all sincerity, the mandate would be the appropriate policy we as Congress should have insisted upon. So I am not happy with that particular change, but I still support the bill because overwhelmingly it does a great deal of good in areas where otherwise there would be a great deal of harm done by the unexpected consequences of some rash action many years before. So I support this bill as well.

I yield back the balance of my time. Mr. SIMPSON. Mr. Speaker, I rise today in support of H.R. 3538, the Idaho Wilderness Water Resources Protection Act. This bipartisan, non-controversial legislation is a technical fix intended to enable the Forest Service

to authorize and permit existing historical water diversions within Idaho wilderness.

Last year, one of my constituents came to me for help with a problem. The Middle Fork Lodge has a water diversion within the Frank Church-River of No Return Wilderness Area that has existed since before the wilderness area was established and is protected under statute. The diversion was beginning to leak and is in desperate need of repairs to ensure that it does not threaten the environment and watershed, but when the Forest Service began the process of issuing the Lodge a permit to allow them to make the necessary repairs, we discovered that the Forest Service did not have the authority to issue the required permit.

As we looked into this issue, we discovered that the Forest Service lacks this authority throughout both the Frank Church-River of No Return Wilderness, where there are 22 known water developments, and the Selway-Bitterroot Wilderness, where there are three. These diversions are primarily used to support irrigation and minor hydropower generation for use on non-Federal lands.

The damage to the water diversion at the Middle Fork Lodge is severe enough that the Forest Service had to do temporary emergency repairs last fall, but without authority to issue them the necessary special use permit, they will be unable to do the work needed to permanently fix the problem. While the urgent situation at the Middle Fork Lodge brought this issue to my attention, it is obvious to me that this problem is larger than just one diversion. At some point in the future, all 20 of these existing diversions will need maintenance or repair work done to ensure their integrity.

H.R. 3538 authorizes the Forest Service to issue special use permits for 20 qualifying historic water systems in these wilderness areas. I believe it is important to get ahead of this problem and ensure that the Forest Service has the tools necessary to manage these lands.

For these reasons I have worked with my colleague, WALT MINNICK, to introduce H.R. 3538. This legislation allows the Forest Service to issue the required special use permits to owners of these historic water systems and sets out specific criteria for doing so. Providing this authority will ensure that existing water diversions can be properly maintained and repaired when necessary and preserves beneficial use for private property owners who hold water rights under state law.

I have deeply appreciated the cooperation of the Forest Service in addressing this problem. Not only have they communicated with me the need to find a system-wide solution to this issue, but at my request they drafted this legislation to ensure that it only impacts specific targeted historical diversions—those with valid water rights that cannot feasibly be relocated outside of the wilderness area.

H.R. 3538 is bipartisan and non-controversial. It is intended as a simple, reasonable solution to a problem that I think we can all agree should be solved as quickly as possible. I was encouraged that the bill passed out of Committee without objection and am hopeful that we can move it through the legislative process without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

Ms. BORDALLO. Mr. Speaker, I want to thank my colleague, the gentleman from Utah (Mr. BISHOP), for managing the bills this afternoon with me, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3538, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. BORDALLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMENDING THE UNIVERSITY OF ALABAMA

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1007) commending the University of Alabama for winning the Bowl Championship Series National Championship Game.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1007

Whereas, on January 7, 2010, the University of Alabama Crimson Tide defeated the University of Texas Longhorns, 37-21, in the Bowl Championship Series (BCS) National Championship Game in Pasadena, California;

Whereas the University of Alabama located in Tuscaloosa, Alabama, has become one of the premier athletic and academic institutions in the country;

Whereas the University of Alabama has been the Southeastern Conference (SEC) Football Champion a record-setting 22 times;

Whereas the University of Alabama has made an NCAA-record 57 bowl appearances;

Whereas the Crimson Tide players won many individual accomplishments throughout the season including, Mark Ingram as the first player from the University of Alabama to win the Heisman Trophy, Rolando McClain as the Butkus Award Winner, and 6 players selected as Associated Press First Team All Americans;

Whereas Mark Ingram rushed for 116 yards and 2 touchdowns to be named the Offensive Most Valuable Player of the BCS National Championship Game;

Whereas Marcell Dareus returned an interception for a touchdown and was named the Defensive Most Valuable Player of the BCS National Championship Game;

Whereas the Crimson Tide defense held the University of Texas to 276 offensive yards and forced 5 turnovers during the BCS National Championship Game;

Whereas Nick Saban in his third year as head coach led the University of Alabama to its first National Championship since 1992; and

Whereas residents of Alabama and Crimson Tide fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the University of Alabama for winning the Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Alabama President Dr. Robert E. Witt and head coach Nick Saban for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

##### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1007 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the University of Alabama football team for their victory in the 2010 Bowl Championship Series National Championship Game.

On January 7, football fans all across the country were treated to an exceptional game as the University of Alabama Crimson Tide defeated the University of Texas Longhorns to win the national title. With the defeat of the Longhorns team by a score of 37-21, the championship game marked an NCAA record of 57 bowl appearances for the Crimson Tide.

This was the Crimson Tide's first title since 1992, its eighth since the advent of the polls in the 1930s, and its seventh number one Associated Press title. This year's team earned a 14-0 season record and won the Associated Press title unanimously. The team's win brought a fourth consecutive title back to the Southeastern Conference. The Crimson Tide had won all season on the strength of their defense and running game, and they did so again in the championship game.

The outstanding players and coaches produced a great season, winning numerous awards and gaining exceptional praise from all over the athletic world, including the National Football Foundation and the Football Writers Association. Both rewarded the team with honorary awards.

Congratulations to Mark Ingram, who received the Heisman Trophy, becoming the first University of Alabama player and the third sophomore in history to win the award. Ingram won the award by only 28 points, the closest finish in the Heisman award's 75-year-long history. A Dean's List student at

the University of Alabama, Ingram excels both on and off the field. He ran 116 yards in the championship game and scored 2 touchdowns on 22 carries, leading his team to victory and to his being named the offensive most valuable player of the game.

Congratulations are also due to defensive end Marcell Dareus, also a sophomore at the university, who was named defensive most valuable player of the game. Dareus made the game's key defensive play in the second quarter with an interception return for a 28-yard touchdown run.

I want to extend my congratulations to Head Coach Nick Saban. In the short span of 3 years, Saban took a program that had struggled to find success and brought it back to championship caliber. A two-time National Coach of the Year, Saban has achieved resounding success as a head coach. Over the years, he has earned a reputation as an outstanding leader, organizer, and motivator. His commitment to rebuilding the total college football program at the University of Alabama, paired with his conviction to make his players the best that they can be, has led his team to be leaders on and off the field. His team has repeatedly exhibited grit, determination, and resilience, often overcoming adversity to achieve victory.

The extraordinary achievement of this year's team is a tribute to the skill and dedication of all the players, as well as coaches, students, alumni, families, and fans that have helped to make the University of Alabama a premier football program. Winning the national championship, finishing the season with a 14-0 overall record, and leading the Southeastern Conference to another championship has brought national acclaim to the University of Alabama and great pride to those that care for the school. I know the fans of the university will revel in this great triumph as they look forward to the 2010 season.

Mr. Speaker, once again I congratulate the University of Alabama football team for their tremendous success.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I rise today in support of H. Res. 1007, and I yield myself such time as I may consume.

Mr. Speaker, I rise today commending the University of Alabama for winning the Bowl Championship Series National Championship Game in Pasadena. It is special to me for three quick reasons, among others. One, my brother is a graduate of the University of Alabama, both the undergrad and the law school, in Tuscaloosa. And really good friends of mine had a son, number 75, Barrett Jones, the right guard—I think he played both sides—but an outstanding young man. His mother was a high school classmate of mine, and his father and his father's family are good

friends of ours, and I wish them a lot of luck.

Another thing is, there have been two coaches in the SEC to win SEC championships from two different schools. One is Nick Saban, who won it at LSU and now at Alabama, and Bear Bryant who won it at Alabama and the University of Kentucky.

The University of Alabama is located in Tuscaloosa. It was founded in 1831. The University of Alabama is the oldest and largest of the State's major research universities, with student enrollment of approximately 29,000. The university has 12 academic divisions and houses the only publicly supported law school in Alabama.

The University of Alabama is widely recognized as a premier university. The university is consistently ranked among the top 50 public universities by U.S. News & World Report and has the most students of any institution named to the USA Today All-USA College Academic Team. The University of Alabama is widely known as one of the Nation's flagship public universities. And one special person to be affiliated and attend the law school is Harper Lee, who wrote "To Kill a Mockingbird," a very special lady to the citizens of Alabama and the country.

The University of Alabama's athletic program has excelled throughout the history of the institution. The Alabama Crimson Tide football program was started in 1892 and is the university's most nationally known athletic program. The program has won 22 SEC titles, 13 national championships, and, this year, one Heisman Trophy. The Crimson Tide has also produced 18 Hall of Famers and 96 All-Americans.

On January 7, the University of Alabama won the 2009 BCS championship game against the University of Texas. Sophomore running back and Heisman Trophy winner Mark Ingram was named the team's offensive MVP, and sophomore defensive end Marcell Dareus was named the defensive MVP.

I congratulate the University of Alabama, the team, and Head Coach Nick Saban on winning this BCS championship. And I congratulate Mark Ingram and the team for winning the 2009 Heisman Trophy. After Alabama won the 1978 national championship in a very famous and legendary college game against Penn State in the Sugar Bowl on December 31, 1978, just the previous spring the University of Kentucky had won the national championship in basketball; so immediately the next weekend or so they played each other in basketball, and I will never forget the University of Kentucky fans unfolding a banner that said "Congratulations from one champion to another."

□ 1500

It showed a lot of class for my fellow Kentuckians to do that to another

school. But it showed a lot of spirit in the SEC and the pride we have in each other. And of course after last night, and we expect this weekend, the University of Kentucky's basketball team will be ranked number one. So hopefully, after this spring, the University of Alabama fans, like my friend from Birmingham here with me today, will be able to congratulate our team, the University of Kentucky, on winning the national championship following Alabama this year. That is our hope. And I endorse this resolution. I urge my colleagues to support it, and I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I notice my friend, Mr. BACHUS, the introducer of this resolution, probably awaiting a chance to make some remarks. So I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield as much time as he may consume to Mr. BACHUS from Alabama.

Mr. BACHUS. Mr. Speaker, I want to thank the gentlelady from Hawaii and the gentleman from Kentucky, and the Education and Labor Committee for expediting this resolution, and for your kind words in support of the University of Alabama and its fine football team upon winning the national championship.

And Mr. Speaker, I thank you and the Congress for giving the Alabama delegation the opportunity to congratulate the University of Alabama and its football team for winning the national championship. All members of the Alabama delegation have joined with me and Congressman ARTUR DAVIS. I and he are the lead cosponsors of this resolution.

This is a celebration of the culmination of a very successful season on and off the field of play. And as I say, it culminated in the game between the University of Alabama and University of Texas, two teams that exemplify college football and college athletics at its best.

In the previous year, Alabama was undefeated, but then lost to Florida in the SEC championship game and Utah in the Sugar Bowl. Disappointing losses like that might tear some teams apart. Instead, it made the university's coaching staff and players even more committed and determined to put in the hard work and dedication needed to make it all the way to the top. The hard work started in spring practice and continued through the long fall schedule.

One important lesson is never allow your defeats to hold you back. Last week we honored Mark Ingram, who also has overcome challenges to win the Heisman Trophy. Alabama did this, they put the last two defeats of the former season behind them and dedicated them to the year ahead.

To make it to the national championship game, you must have the discipline to win in the regular season

week in and week out. Alabama always came prepared to play to the very end, whether it was in the season opener against a talented Virginia Tech team, or against the demanding competition in the SEC, which many believe is presently the toughest football conference in the Nation, although I am sure some of my colleagues would debate that.

There were games won by comfortable margins, and there were close calls against the University of Tennessee and Auburn University. There was the return match-up with Florida, the defending SEC champion and the defending national champion, and its outstanding quarterback, Tim Tebow, in the SEC title game.

Each game and each victory was a building block towards the BCS championship game on January 7, where the team achieved its ultimate goal. The match-up in Pasadena was fitting because the University of Alabama and the University of Texas both have proud football histories, with legendary coaches, with coaches like Paul "Bear" Bryant and Darrell Royal.

The fans on both sides were avid and dedicated, who came out so to support their teams in great number and with great enthusiasm. But in doing so, they were very respectful and hospitable towards each other. That is the way college athletics should be. That is the way that things should be on the floor of this House. And we should all be committed to that. And I think that we are.

The game itself had inspiring personal stories. The quarterback for Texas, Colt McCoy, is a fine young man. When he was injured, his team took from his example and never gave up, fighting until the end. Alabama's quarterback, Greg McElroy, quietly played with two broken ribs. Alabama running back Mark Ingram, the MVP of the game and the first Heisman Trophy winner in school history, is a student-athlete of outstanding character and spirit. But it was a team effort. In the end, Alabama came out on top, and finished the season with a perfect 14-0 record, and its first national championship season since 1992, under Coach Gene Stallings.

There was another undefeated team, and that was Boise State University. And I congratulate coach Chris Peterson of Boise State. When someone said they should be invited to the White House together with the University of Alabama, he graciously said there is only one national champion, that is the University of Alabama, and they should be invited. So I congratulate Boise State University on their successful undefeated year, as do all citizens of Alabama.

The passionate fans in Alabama can be very proud of the way that their student-athletes have represented both the university and the state. I commend President Dr. Robert Witt and

his administration, and Coach Nick Saban and his fine staff, for setting high standards on and off the field. And last but not least, we congratulate the alumni, the fans, and the students of the University of Alabama for their support.

But most of all, it was the players, the athletes, each and every one of them. Through their hard work, these players have earned the right to be called champions. We at Alabama salute them, are proud of them, and we appreciate the opportunity to honor them with this resolution.

Ms. HIRONO. I would like to ask whether the gentleman from Kentucky has any further speakers.

Mr. GUTHRIE. I have no further requests for time.

In closing, and I should have said before about Boise State, they had an outstanding team this year. And I also want to close with Texas. I didn't mention the University of Texas. What a quality program, quality athletes, quality coach. And there was a special relationship with a Colt McCoy, the quarterback, and Jordan Shipley, the wide receiver. If people had a chance to watch the game, Colt McCoy I think went out on the second possession injured.

If the story that I have heard is correct, which has been told to me, is their fathers played together at Abilene Christian University in Abilene, Texas. And so these kids have known each other their entire life, and probably were sitting on the stage that they had always dreamed of played together their entire life, and then within the second series Colt McCoy was injured. If you watched the game, there was nobody that played as well on the field that night as Jordan Shipley. And I imagine he just increased his game to make up for his friend. And that just shows the class of Texas. Those are two athletes I mentioned. All of them are wonderful and fantastic young men. And I want to congratulate them as well.

With that, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, once again I would like to congratulate the University of Alabama for their tremendous win. And I in particular would like to thank my friend, Mr. BACHUS, for his comments about how good sportsmanship should be played on all fields, including this field.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1007.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1004) congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1004

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a United States medical school;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the University's Department of Medicine;

Whereas in 2002, Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the Nation's pre-eminent medical schools, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually by national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on our most pressing medical and research issues: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses its best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Feinberg School of Medicine for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

##### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1004 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1004, which congratulates the Northwestern University Feinberg School of Medicine for its the 150 years of commitment to advancing science and health through educating students and supporting significant research in the medical field.

The Feinberg School of Medicine started their first classes in 1859, and is now one of 11 colleges at Northwestern University. Feinberg School of Medicine enrolls over 4,130 students; 1,600 full-time, 200 part-time, and 284 research students, and has established itself as one of the most premier medical schools in the Midwest.

Much has changed at Feinberg School of Medicine over its 150-year history, but the core principles have remained constant. The school still strives to empower its students to make a difference and use their education to positively impact the world around them. As one example, Feinberg's free community health outpatient medical clinic, located on the west side of Chicago, provides medical care to low-income patients, while offers Feinberg students a practical environment in which to learn from one another and attending physicians. Through the clinic's interactive learning style and commitment to public service, the community health clinic gives students a taste of clinical medicine and prepares students to be successful by giving them practical, first-hand experience in the field of medicine.

The Feinberg School of Medicine is also part of the McGraw Medical Center of Northwestern University. Nearly all of its attending staff members have faculty appointments at the school, and many medical students and residents receive some of their education at this center and the community health clinic. Because of these connections, medical students and residents have an opportunity to apply the knowledge learned in the classroom to real patients, situations, and medical settings.



Through its research initiatives, state of the art clinical facilities, consistent outreach to the local community, and innovative curriculum, the medical school attracts bright and talented individuals to its faculty and student body. Feinberg School of Medicine produced a number of leaders and innovators in the medical field, including Mary Harris Thompson, Northwestern's first female medical graduate, and by some accounts, the first female surgeon in the U.S.; John A. D. Cooper, who was among the most prominent medical educators of the 20th century; Debi Thomas, the first African-American figure skater to win a medal at the Winter Olympics in 1988. She completed Feinberg School of Medicine in 1997, and has since become a leading orthopedic surgeon. These are only a few of the school's notable alumni changing the medical profession as we know it.

I want to express my support for Northwestern University's Feinberg School of Medicine and thank Congressman DAVIS for bringing this bill forward. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

As well as the previous resolution, I actually have another brother who graduated from Northwestern University, along with my sister-in-law. That is where they met, but the undergrad school, not the medical school. But they certainly loved and enjoyed their time at Evanston next to one of our world's great cities, Chicago.

I rise today in support of the House Resolution 1004, congratulating Northwestern University's Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health.

□ 1515

The Feinberg School of Medicine was founded in 1859 as the Medical Department of Lind University. The department became Chicago Medical School in 1864. The medical school affiliated with Northwestern University in 1870 and was renamed the Feinberg School of Medicine in 2002.

The School of Medicine has exemplified excellence since its founding in the 19th century. It was founded with the intention of leading the reform of the medical education system. Northwestern School of Medicine led reform by demanding an extended program, correlated hospital instruction, a graded curriculum, and rigorous graduation requirements. The school also premiered the honors program in medical education in the combined M.D./Ph.D. program.

Today, the Feinberg School of Medicine remains at the forefront of medical education. It is ranked among the

top 20 American medical research schools by U.S. News & World Report and accepts only 6.5 percent of applicants. The Feinberg School of Medicine is also part of the McGaw Medical Center of Northwestern University, one of the Nation's leading academic medical centers focused on research, education, and clinical services.

Today, with an increasing need for health care and constantly changing resources and technology, the demand for high-quality, innovative medical schools is high. Feinberg School of Medicine provides this challenging education based on ongoing research and the latest developments.

I am happy to congratulate the Feinberg School of Medicine on the 150th anniversary of their founding and ask my colleagues to support this resolution.

Mr. Speaker, I yield such time as she may consume to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today also in strong support of House Resolution 1004, a resolution recognizing the 150th anniversary of the Northwestern University Feinberg School of Medicine. I thank the gentleman from Illinois, Congressman DANNY DAVIS, for introducing this resolution.

I am an alumni of Northwestern University School of Law, and I am pleased to see that the School of Medicine is continuing the Northwestern tradition of excellence. As was mentioned, according to U.S. News & World Report, Feinberg is now ranked in the top 20 medical schools in the country. When I attended law school, in the downtown campus was the School of Medicine, the School of Law, and then the business school, which moved out to Evanston. But the complex has grown, certainly in the medical school, since 1859 as the Medical Department of Lind University, then the Feinberg School of Medicine becoming a part of Northwestern University in 1870. People now that would see the complex in Chicago, it is huge and continues to grow and to provide the excellence for education for so many students.

A couple of other notable alumni that went to the school there are Charles Mayo, one of the founders of the Mayo Clinic, which is certainly well known—it's nice to have that distinguished type of graduate from the school—and John Cooper, the first president of the Association of American Medical Colleges. So the illustrious 150-year history of Northwestern University Feinberg School of Medicine is such that we have to commend the administration, the doctors, the faculty, and all that are involved in making the School of Medicine one of the best in the country. I am proud to have gone to the school, and I am proud to support this resolution.

Mr. GUTHRIE. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, once again, I congratulate the Feinberg School of Medicine for their leadership in medicine and science and urge my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1004.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONGRATULATING THE DARTMOUTH OUTING CLUB OF HANOVER, NEW HAMPSHIRE

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 776) congratulating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 776

Whereas, December 14, 2009, marks the centennial of the founding of the Dartmouth Outing Club (DOC) at Dartmouth College in Hanover, New Hampshire;

Whereas the DOC, the oldest and largest collegiate outing club in the Nation, was founded by Fred Harris, Dartmouth Class of 1911;

Whereas the DOC has continually promoted environmental stewardship through student leadership;

Whereas the DOC has promoted environmental stewardship by caring for over 100 miles of hiking trails, including over 70 miles of the Appalachian National Scenic Trail from Route 12 in Woodstock, Vermont, to Route 112 in Woodstock, New Hampshire, as well as maintaining cabins and shelters and teaching wilderness skills, sports, and safety to students and community members;

Whereas the DOC is a student-run club and has consistently focused on student leadership by providing students with the opportunity to lead by carrying out projects which have included constructing the Class of '66 Lodge, organizing the largest freshman trips program in the country, and directing sub-clubs that together allow students to learn about, appreciate, and experience the natural environment year-round;

Whereas a division of the DOC which promoted environmental sustainability and conservation has displayed leadership in environmental conservation by testifying before Congress regarding the Alaska National Interests Lands Conservation Act in the spring of 1977;



Whereas the DOC has promoted sustainability by having Dartmouth students buy and re-engineer a passenger bus into the DOC's Big Green Bus, powered by vegetable oil and solar energy;

Whereas, on June 16, 2009, 15 Dartmouth College students began the Big Green Bus' fifth annual cross-country trip, traveling 11,300 miles to promote environmental awareness; and

Whereas throughout 2009, the Dartmouth Outing Club, along with current members and alumni of Dartmouth College, took part in Centennial Celebrations for the organization by participating in a 100-mile hike of Outing Club trails, a Riverfest on the Connecticut River, the 63rd annual Woodsmen's Weekend, and a hike of the entire Appalachian National Scenic Trail from Georgia to Maine by students and alumni simultaneously in different sections: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness, and commends the Club's ongoing commitment to further environmental stewardship and student leadership.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 776 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 776, celebrating the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness.

Dartmouth has a rich history. In his arguments in 1818 to the Supreme Court in the Dartmouth College case, Daniel Webster said: "It is, sir, as I have said, a small college, and yet there are those who love it." Dartmouth is no longer small, yet many continue to admire the important contributions of Dartmouth's faculty, students, and organizations, including those of the Dartmouth Outing Club of Hanover.

Founding in 1909, the club set out to pique students' interest in the vast arctic sports that New Hampshire's winter has to offer. However, by the end of the school year, it had grown to encompass the students' year-round recreational activities. This resolution proudly acknowledges and celebrates the club's century of contributions. These contributions include the establishment of many programs and projects which have provided opportunities for students to learn about, appreciate, and

experience their natural environment year round. The club teaches wilderness skills and sports and safety know-how. The Environmental Studies Division of the club also offers lessons in environmental sustainability and conservation.

With over 1,500 student members, the Dartmouth Outing Club of Hanover is the largest collegiate outing club in the Nation. The club organizes trips in the out-of-doors and is also tasked with maintaining over 70 miles of the Appalachian National Scenic Trail.

The club has been a pioneer for environmental sustainability. In the spring of 1977, the club testified before Congress regarding the Alaska Lands Act, which led to the establishment of the Dartmouth Organic Farm. In addition, Dartmouth's Outing Club built a carbon-neutral greenhouse and re-engineered the club's big green bus to run on vegetable oil and solar energy.

This resolution encourages us all to join in the celebration of the Dartmouth Outing Club's 100 years of exemplary service to our Nation's wilderness and the Dartmouth community.

Mr. Speaker, once again, I express my support of H. Res. 776 and urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I rise in support of House Resolution 776 and yield myself such time as I may consume.

Mr. Speaker, I rise to congratulate the Dartmouth Outing Club on 100 years of service to the United States and its wilderness.

The Dartmouth Outing Club was formed in 1909 to stimulate interest in out-of-door sports. Club membership increased steadily, and by 1920 two-thirds of Dartmouth's student body were members of the outing club. Today the club has over 1,500 student members and is the largest collegiate outing club in the Nation.

Due to its large membership, the club is organized as an umbrella organization in which smaller clubs that specialize in an aspect of outdoor recreation are housed. These specialized clubs include Outward Bound, Bait and Bullet, and the Ledyard Canoe Club. Every year, the Outing Club organizes freshman trips during pre-orientation to encourage freshman class bonding and membership in the club.

The Dartmouth Outing Club, or DOC, has consistently focused on promoting outdoor activities. DOC provides students with the opportunity to participate in outdoor projects, trips and classes. DOC cares for over 100 miles of hiking trails, organizes projects such as the building of the Class of '66 Lodge, and organizes winter sport trips such as ski and snowboard trips.

On the occasion of the 100th anniversary of the founding of the Dartmouth Outing Club, it is important to recognize their contributions to the stu-

dents, alumni and New Hampshire wilderness. The DOC encourages students to be active and to remove themselves from the stresses of collegiate life and participate in outdoor activities.

For over 100 years, the Dartmouth Outing Club has provided a service connecting the students of Dartmouth with the New Hampshire wilderness to benefit both. I congratulate the students and alumni associated with the Dartmouth Outing Club on the occasion of their 100th anniversary. I have visited Dartmouth's campus, and the wilderness around there is absolutely stunningly beautiful both in New Hampshire and Vermont, which is just across the river. I think it is worthy of support, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Once again, I congratulate the Dartmouth Outing Club. At a time when environmental and outdoor issues in protecting our wilderness are such major concerns to so many of us, especially the young people, I thank them for their 100 years of leadership in these areas.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 776, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1008) honoring the contributions of Catholic schools, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1008

Whereas Catholic schools in the United States are internationally acclaimed for their academic excellence, but provide students with more than an exceptional scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the life-long development of moral, intellectual, physical, and social values in young people in the United States;

Whereas the total Catholic school student enrollment for the 2008-2009 academic year was nearly 2,200,000 and the student-teacher ratio was 14 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas nearly 30 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 15 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in 2000, the Catholic high school graduation rate was 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.";

Whereas the week of January 31, 2010, to February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops;

Whereas the Nation's Catholic schools emphasize the lifelong development of moral, intellectual, physical, and social values in addition to academic excellence;

Whereas Catholic schools educate a diverse group of students from all regions of the country; and

Whereas the theme for this year's Catholic Schools Week 2010 is "Dividends for Life—Faith, Knowledge, Discipline, and Morals"; Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States;

(2) applauds the National Catholic Educational Association and the United States Conference of Catholic Bishops on their selection of a theme that all can celebrate; and

(3) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 1008 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1008, which recognizes the contributions of our Nation's Catholic schools.

The Nation's first Catholic school was established in 1606 in present day St. Augustine, Florida. Since then, Catholic schools have become a critical part of America's education system. Today, the U.S. boasts more than 7,000 Catholic elementary and secondary schools that educate more than 2 million students from diverse ethnic, cultural, and religious backgrounds.

America's Catholic schools are an important education alternative for many families. Their private status provides them with the ability to implement rigorous curricula that incorporate moral values and ethics. Though not all of its students identify as Catholic, each one receives a quality education experience filled with academic rigor, character development, and spiritual lessons.

Catholic schools are known for their commitment to the academic and moral development of their students. Their students consistently demonstrate high levels of achievement. In 2000, Catholic high schools graduated 99 percent of their students, with the majority of these students continuing their academic careers at trade schools and other 2- and 4-year institutions. In the 2008/2009 school year, Catholic schools maintained a 14-1 student-teacher ratio, giving the students the benefit of a small classroom environment.

The week of January 31, 2010, to February 6, 2010, is designated by the Catholic Educational Association and the United States Conference of Catholic Bishops as Catholic Schools Week. Catholic Schools Week honors these important educational institutions and celebrates their many achievements.

Mr. Speaker, I support this resolution and ask that my colleagues join me in reaffirming Congress' commitment to education excellence and diversity with the passage of the National Catholic Schools Week resolution. I also want to thank Representative LIPINSKI for bringing this bill forward.

I reserve the balance of my time.

□ 1530

Mr. GUTHRIE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1008, honoring the contributions of Catholic schools.

January 31 through February 6 has been designated Catholic Schools Week. 2010 marks the 36th annual Catholic Schools Week, jointly sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops. Supporting Catholic Schools Week and the work of Catholic schools demonstrates support for the vital role

that Catholic elementary and secondary schools play in providing a quality education to the 2.2 million students enrolled across the Nation.

The U.S. Conference of Catholic Bishops states Catholic schools have a graduation rate of 99 percent, and about 97 percent of Catholic high school graduates go on to postsecondary training, to 4-year colleges, to community colleges, or to technical schools. In addition to academic success, Catholic educators place an emphasis on the importance of moral and social character development. By emphasizing the importance of developing character as well as academic knowledge, Catholic school educators help students become good citizens as well as academic leaders.

The theme for Catholic Schools Week 2010 is "Dividends for Life." This theme highlights the good work done by the Nation's Catholic schools, and it reminds parents that the dividends of a Catholic school education—students prepared in faith, knowledge, morals, and discipline—last a lifetime. The investment in a Catholic school education yields a lifetime of knowledge, moral and social guidance and community.

I recognize and appreciate the work of Catholic schools, their administrators and teachers, parents, and volunteers in providing a quality academic, moral, and social education. Catholic schools are an invaluable resource to students, parents and to communities.

I have the great privilege of representing the Second District of Kentucky. Throughout the Second District, there are settlements from migration into Kentucky that have traditional Catholic backgrounds, wonderful school systems, and wonderful people who are teaching in the school system, who are maintaining the school system, and who are ministering at the schools, and there are the local citizens who fund-raise and who do things for the schools. Their principal areas are throughout the district. There's Bardstown, Kentucky, which is a beautiful city, and then there's Owensboro, Kentucky, a great vibrant city on the Ohio River. Both of their Catholic high schools are very successful in students, in athletics, and in serving their communities. I also have a section of Louisville. Though the schools are not in my district, Louisville has a great tradition of great Catholic high schools and of the Catholic education.

On behalf of the people of the Second District, which has such a great tradition, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the sponsor of this legislation, my friend, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in support of H. Res. 1008, honoring Catholic Schools Week and recognizing the outstanding contributions that Catholic schools have made to America.

As a proud graduate of St. Symphorosa Grammar School and St. Ignatius College Prep and as a strong supporter of Catholic education, I am honored to sponsor this resolution again this year. I would like to thank the gentleman from New Jersey (Mr. SMITH) for joining me in working on this resolution as well as on many other important issues.

Since 1974, Catholic Schools Week has celebrated how Catholic schools have positively impacted our country, and it has recognized their outstanding contributions in providing a strong academic and moral education, as well as teaching the importance of responsibility to one's family and community.

The National Catholic Educational Association and the United States Conference of Catholic Bishops have provided exemplary leadership in conceptualizing and organizing Catholic Schools Week. This year's theme is timeless in scope and universal in its values. "Catholic schools—dividends for life: faith, knowledge, discipline, morals."

This theme perfectly embodies the call of America's Catholic schools, always emphasizing the necessity of a well-rounded educational experience. Nearly 95 percent of Catholic schools have a service program, and the average student completes approximately 80 hours of public service. My desire to serve was fostered by the dedicated teachers whom I had in 12 years of Catholic school.

Today, almost 2.2 million elementary and secondary students are enrolled in nearly 7,500 Catholic schools. By maintaining an excellent student-teacher ratio and through dedicated efforts, Catholic school students, on average, surpass other students in math, science, and reading in the three grade levels tested by the NAEP test. The graduation rate for Catholic high schools is 99 percent, and 97 percent of Catholic high school graduates go on to college or to technical school. In a country where poor educational reports have sadly become an annual tradition, these statistics are truly remarkable and should be greatly commended.

Catholic schools are known for embracing students from all walks of life and are highly effective in providing excellent educational opportunities for minority students and disadvantaged youth. Almost 15 percent of students in Catholic schools are not Catholic, and over the past 30 years, the percentage of minority students enrolled in Catholic schools has more than doubled. Despite exceptional results, the success of Catholic schools does not depend on selectivity, accepting nine out of every 10 students who apply.

In addition to producing well-educated students, Catholic schools save American taxpayers billions of dollars every year by lessening the number of students in already overburdened public schools. In fact, it is estimated that taxpayers save over \$1 billion from students attending Catholic schools in the Chicago area alone and \$20 billion nationwide. The importance of this savings is undeniable to American taxpayers.

Unfortunately, the current economic climate, combined with decades-long travails of the middle class, have been hard on Catholic schools in some areas. Like me, my wife, Judy, attended Catholic schools for 12 years, graduating from St. Patrick's Grade School and Bishop McCort High School in Johnstown, Pennsylvania. Unfortunately, last year, St. Patrick's closed. This closing has proven to be a great loss, not just for the students of St. Patrick's but for the entire community of Moxham, demonstrating just how important Catholic schools are to the greater community.

I was born and raised and live in the Chicago archdiocese, which still has one of the most successful school systems in the country. More than 96,000 students attend 258 schools. In my district alone, there are seven Catholic high schools and approximately 50 grammar schools, including one of the best in my home parish of St. John of the Cross in Western Springs.

My experiences have taught me the important spiritual, moral, and intellectual foundations that Catholic schools provide to students. A Catholic education has granted me the knowledge, discipline, desire to serve, and a love of learning that has enabled me to achieve my doctorate degree and become a teacher before being elected to Congress. In recognizing Catholic Schools Week, we pay a special tribute to the dedicated teachers and administrators who sacrifice so much, in many cases working for less than they would earn elsewhere.

Many of my formative memories are of teachers who taught me the values of faith and service. When I come down to this House floor, I can't help but remember the coach of my Student Congress team, Sister Diane Wiefenbach. I cannot forget in high school the impact that she had on me. That's something that I will always remember. Throughout the United States, millions of others have similar memories of the dedicated sisters, priests and lay teachers who gave their hearts and souls to touch the lives of their students.

Mr. Speaker, American Catholic schools deserve our praise, our support, and our gratitude. I would like to thank everyone who cosponsored this resolution. To share our congratulations in support for Catholic schools, I urge my colleagues to pass this resolution.

Mr. GUTHRIE. Mr. Speaker, I yield 5 minutes to the gentleman from one of our great national treasures, the city of New Orleans, the gentleman from Louisiana (Mr. CAO).

Mr. CAO. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 1008, to honor the contributions of Catholic schools in providing excellent academic opportunities for our youth.

Catholic schools throughout the United States provide an exceptional education for our children. They produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment which is rich in spiritual, character, and moral development.

Statistics confirm the success of Catholic primary and secondary schools. The Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending 4-year colleges and 17 percent attending 2-year colleges or technical schools.

The National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the church fulfills its commitment to the dignity of the person and building of community." They continue by saying, "Education of the individual Christian is important not only to his solitary destiny but also the destinies of the many communities in which he lives."

Having spent 6 years studying to become a Jesuit priest and having served as a professor in a Jesuit institution, I have a deep appreciation for the importance of education guided by principles embodied by the Catholic church. Education has always been a priority for me as a student, professor, and now as a Member of Congress.

Representing a district still recovering from Hurricane Katrina, my mission in Congress is to ensure that children in the Second District of Louisiana get the education they need. It is unacceptable that almost half of the students displaced by Hurricane Katrina were unable to complete their education.

Mr. Speaker, I thank the Representative from Illinois for bringing this important resolution honoring the contributions of Catholic schools throughout the United States. I strongly support this resolution honoring the contributions of Catholic schools and Catholic Schools Week, and I would urge my colleagues to do the same. In the words of my Jesuit brothers, "Ad maiorem Dei gloriam."

Mr. GUTHRIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, to attest to the diversity of a Catholic education, I, too, have a degree from a Catholic school.

Mr. AKIN. Mr. Speaker, I rise today in recognition of Catholic Schools Week 2010.

From January 31 to February 6, 2010, nearly 2.2 million students who attend the nation's 7,248 elementary, middle and secondary Catholic schools will celebrate Catholic Schools Week.

More than 48,000 students attend Catholic schools in the Archdiocese of St. Louis, which includes 10 counties and the City of St. Louis. Over 21,000 additional Catholic students are served through 122 parish schools of religion.

I applaud the efforts of faculty and parents who provide our nation's children with an excellent education focused on faith and values.

The 2010 theme, "Catholic Schools—Dividends for Life: Faith, Knowledge, Discipline, Morals" reminds parents of the dividends that a Catholic school education offers. Students are prepared in faith, knowledge, morals and discipline which last a lifetime. There is no better way to invest in a child's future—and the future of our nation.

Recently, 10 Catholic schools in my congressional district joined together and raised more than \$200,000 for the Key Player Initiative, which provides permanent, supportive housing to the homeless in the St. Louis region. Dan Buck, the head of St. Patrick Center, which provides services for the homeless and indigent in the St. Louis area, said the efforts of these students amazed and humbled him. He went on to say "We learn to never underestimate the power of children and the support of our community." At the same event, George Henry, the superintendent of Catholic education for the Archdiocese of St. Louis said, "our students put into practice what they are taught about treating others as Jesus would. Through the Key Player Initiative, they learned that the homeless and poor are right here in St. Louis and did their part to make this city a better place for all of us to live." This initiative is just one of many examples of the efforts Catholic schools in my district have become involved in, and there are similar stories from many other districts throughout the country.

Catholic Schools Week is a testament to the outstanding work by the Archdioceses across the country.

The Archdiocese of St. Louis has a long-standing tradition of leadership. I thank the Archdiocese for their commitment to enriching the lives of children by providing an education based on family, values, and faith.

For that reason, I rise today in support of H. Res. 1008, honoring the contributions of Catholic schools and I am pleased to honor them in their continuing endeavors.

Vote "yes" on H. Res. 1008.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1008 to honor the contributions of Catholic schools.

The tradition of Catholic schools in America dates back to settlement of the New World, and through the centuries, Catholic institutions have been incredibly effective at educating young people in the United States. Today, enrollment in Catholic institutions numbers at above 2 million students across the country with a student to teacher ratio of approximately 14 to 1. Additionally, Catholic schools graduate roughly 99 percent of their students with 97 percent of those graduates pursuing degrees at institutions of higher education.

Mr. Speaker, as we become a more interconnected and global society, the education of our young people will become increasingly important. Catholic institutions help to ensure that those same young people receive quality educations, and I ask my fellow colleagues to join me today in supporting H. Res. 1008 to honor the contributions of Catholic schools.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Res. 1008 to honor the contributions of Catholic schools across the country, and in honor of 2010 National Catholic Schools Week from January 31st through February 6th. I want to thank my colleagues—Mr. LIPINSKI of Illinois and Mr. SMITH of New Jersey—for their leadership in bringing this resolution to the House floor today, and I am proud to join them on this important resolution as an original cosponsor.

As a graduate of Catholic elementary and high schools—Sacred Heart Academy and Aquinas High School in Augusta, Georgia—I am keenly aware of the contributions that they provide to the 2.2 million students educated in Catholic schools across the country every year. These include close to 1,200 students at three Catholic schools in my District: St. Catherine of Siena in Kennesaw, St. Joseph's in my hometown of Marietta, and St. Mary's in Rome.

Not only do Catholic schools—like Sacred Heart and Aquinas—provide a strong and competitive academic environment, they also teach moral and ethical standards, skills for living and self esteem, and a Christian integration of spirit, mind, and body in each of their students.

Upon graduating from Aquinas, I thought that the Catholic school curriculum would be what best prepared me for my future. However, I must admit that I was wrong. While the strenuous academics at Sacred Heart and Aquinas did lay the foundation for success at Georgia Tech and the Medical College of Georgia, it was the faith and ethical standards taught at these schools that truly prepared me for life's struggles.

Mr. Speaker, while opening and running my medical practice, the respect for life taught at Sacred Heart and Aquinas led me to value and care for life at all stages, indeed from the moment of conception until natural death. Now that I have left my medical career to serve as a Member of Congress, I find the lessons learned from my days in Catholic schools more valuable now than ever. On a daily basis, I am confronted by difficult questions that affect millions of lives. If it were not for the moral standards and faith in God taught at Sacred Heart and Aquinas, I do not believe that I could properly represent the people of Northwest Georgia.

Mr. Speaker, our education system is only made stronger by Catholic schools in Northwest Georgia and throughout the nation which fully prepare their students for a brighter future. I urge all of my colleagues to support H. Res. 1008, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 1008. This resolution honors the contributions that Catholic schools make to our communities and, in particular, recognizes the annual Catholic Schools Week, celebrated from January 31 to February

6 of this year. I thank Mr. LIPINSKI of Illinois for introducing H. Res. 1008, for recognizing Catholic Schools Week, and for his ongoing support for Catholic schools nationwide.

Catholic Schools Week is an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops. The week honors the principals, teachers, coaches, and parents who educate more than 2.2 million children in Catholic Schools. This year, the Conference of Catholic Bishops selected "Dividends for Life—Faith, Knowledge, Discipline, and Morals" as the theme.

Guam's association with the Roman Catholic Church dates back to Ferdinand Magellan's arrival on our island in 1521. Guam became an important port-of-call along trade routes through the Pacific sailed by Spanish galleons. Padre Diego Luis de San Vitores, a Spanish Jesuit missionary, arrived in Guam in 1662 during his journey from Mexico to the Philippines. Padre San Vitores vowed to return to Guam upon leaving the island.

Three years later, through his close ties to the royal court, he persuaded King Philip IV of Spain and Queen Maria Ana of Austria to order the establishment of a Catholic mission in Guam. Padre San Vitores established a mission in the village of Agaña, which later became the site of the island's first Catholic Church. It is now the seat of the Metropolitan Archdiocese of Agaña, canonically erected in 1911 and elevated to a Diocese in 1965—300 years after Padre Diego Luis de San Vitores kept his promise to return to the island. The Diocese was further elevated in 1984 to a Metropolitan Diocese. Today it enjoys a congregation of 101,000 strong throughout Oceania.

The Roman Catholic faith grew strong on Guam over the years. This strength is represented in the quality of Catholic school education on the island. Our island has six elementary and middle schools, and four high schools that teach the Catholic faith along with strong academic curriculum.

The Catholic school tradition on Guam began with Bishop Apollinaris Baumgartner. He recognized our island's need for quality education inspired by the Catholic faith. In 1946, he invited three Sisters of Mercy from North Carolina to Guam. They established The Academy of Our Lady, the first all girls' Catholic high school on Guam. This school remains in operation today. Also, Bishop Baumgartner invited the School Sisters of Notre Dame of La Crosse, Wisconsin, to come to Guam in 1949. Soon after arriving on the island the Sisters founded Notre Dame High School, a Catholic co-educational high school. Notre Dame High School also remains open today. Father Dueñas Memorial High School is the third Catholic high school on Guam. Its namesake, Father Jesus Baza Dueñas, was executed on July 11, 1944, by the Japanese forces occupying Guam. Father Dueñas was killed along with his nephew because he would not betray the location of an American sailor hiding on the island. Father Dueñas Memorial High School continues his legacy of courage and integrity. Lastly in 2008, the Archdiocese of Agaña opened St. Thomas Aquinas Catholic High School, to further educate Guam's students. The school is a co-educational high

school offering a college preparatory academic program that challenges and develops its students to become moral and productive citizens with global perspectives firmly rooted in the Gospel of Jesus Christ through the teachings of the Catholic Church. All four schools offer rigorous curricula to prepare students for college while instilling strong moral values and an understanding of the Catholic faith.

Today, the Roman Catholic Archdiocese of Agaña remains committed to serving the people of Guam. Under the direction of the Most Reverend Anthony Sablan Apuron, OFM Cap, DD, Metropolitan Archbishop of Agaña, Catholic educational institutions on Guam provide quality academic instruction to students. The contributions of the Catholic school system to the people of Guam are reflected in our local leaders in the clergy, government, and private-sector who are alumni of the Catholic schools.

I recognize and commend the Catholic schools in Guam for their commitment to a rigorous education, sound moral values, and respect and understanding for the Catholic faith. It is my hope that the tradition of Catholic schools education on Guam and around the United States will remain strong for generations to come.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 1008, which recognizes and honors the dedication and academic excellence of Catholic schools in all 50 states as well as the District of Columbia. Catholic schools provide each and every student with a quality education and life skills training through the commitment, professionalism, and faith of their teachers and administrators. I would like to thank Mr. LIPINSKI for his leadership in bringing this resolution to the Floor and I ask my colleagues to join me supporting its passage.

The impact of Catholic education in the United States is tremendous, as over 2 million elementary and secondary students, including more than 100,000 students in my home state of New Jersey, continue to receive a values-added education with an emphasis on academic excellence, advancement beyond high school, fundamental morals and community reinvestment. The graduation rate for Catholic school students is outstanding at 99 percent with 97 percent of these graduates choosing to continue their education through college studies.

The week of January 31, 2010 to February 6, 2010, marks the annual national celebration of Catholic Schools Week. An event which began in 1974, this year's theme of "Catholic Schools—Dividends for Life: Faith, Knowledge, Discipline, Morals," exemplifies the broad spectrum of Catholic education. Students are taught to strive for scholastic excellence, the importance of an integrated focus on the transcendent importance of God, the skills of personal and academic discipline, and to recognize and defend moral imperatives.

Catholic schools, Mr. Speaker, are an integral part of our nation's commitment to education and serve a cross-section of American students. Catholic schools have a rich history of welcoming, serving and educating new immigrants. With close to 30 percent of Catholic school enrollment from minority backgrounds and approximately 15 percent from non-Catholics; it is evident that this extraordinary institu-

tion meets the needs of a highly diverse group of young people.

In closing, Mr. Speaker, I would like to read a few words which sum up the unique and extraordinary vision of Catholic education from a 1972 pastoral message by the National Conference on Catholic Bishops: "Education is one of the most important ways by which the Church fulfills its" commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."

Again, I ask my colleagues to join me in supporting this important element of faith-based education which serves alongside America's public and private schools to strengthen and reinforce our education system.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1008, "Honoring the contributions of Catholic schools." I would like to begin by thanking my colleague Representative LIPINSKI for introducing this resolution in the House, as quality education should be at the top of our priority list. I urge my colleagues to support and acknowledge Catholic schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our communities and our nation as a whole.

Catholic schools deliver high-quality education, challenge students to reach their full potential, and provide thousands of families throughout the United States with outstanding educational options for their children. Today, there are over 6,000 Catholic schools serving around 2,200,000 school children across the nation. In addition to their service to our nation as a whole, Catholic schools also play an important role in the education of over 18,000 school children in my home city of Houston, Texas. Within the city of Houston there are currently 39 Catholic schools, which educate children from kindergarten through high school, and there are 24 other Catholic schools within the greater Houston metropolitan area.

Catholic schools have consistently demonstrated their commitment to high academic standards, small class sizes and new and innovative approaches to education. Many parents choose Catholic schools due to their small class sizes with an average student-teacher ratio of about 14 to 1. Catholic schools have also continually demonstrated their success in educating students, boasting a 99 percent high school graduation rate with 97 percent of Catholic high school graduates going on to higher education. This impressive rate of students that go on to higher education has served as a great resource not only to the communities in which these students live, but also to our nation as a whole.

Our nation's Catholic schools are engaged in educating an increasingly diverse group of students with nearly 30 percent of enrolled students representing a minority group and

about 15 percent of students from non-Catholic backgrounds. The diversity and educational excellence of students that can be found in Catholic schools across the nation has helped to produce students and citizens with a strong understanding of the many cultures and values that make up our community and nation. I ask my colleagues for their continued support of Catholic schools and urge them to support this resolution.

Mr. QUIGLEY. Mr. Speaker, I rise today in support of House Resolution 1008, honoring the contributions of America's Catholic schools. These institutions provide an education that goes beyond simple arithmetic and basic grammar, instilling in children a faith and purpose that continues to serve them long after graduation. Catholic schools thrive on a sense of community and offer children and their neighborhoods high-quality education and a nurturing environment to grow beyond the classroom. This is on display everyday in the 5th District at schools like St. Benedict, Mt. Caramel, Gordon Tech and so many more.

With more than two million students across the U.S. attending Catholic schools, their efforts are felt in countless neighborhoods and in the communities they serve. They hold their students to a strict standard of excellence by graduating 99 percent of high school students—a shining example of what our high schools are capable of achieving.

Further, Catholic schools' contributions are not limited to those within the Catholic faith. Almost 15 percent of attendees are not Catholic, offering us lessons in diversity and inclusion. These ideals are extended further by minority students comprising almost a third of Catholic schools' student bodies.

I want to thank Representative LIPINSKI for introducing this resolution and urge all my colleagues to support it this afternoon. Catholic schools have and will continue to provide valuable educational experiences for our nation's youth and we must thank them and recognize these institutions for all they do.

Mr. STUPAK. Mr. Speaker, I rise in support of H. Res. 1008, to honor the contributions of Catholic schools and recognize Catholic Schools Week 2010.

Catholic schools have played an important role in the American education system. Catholic schools across our country have an excellent reputation for providing a strong academic and moral education, as well as teaching social responsibility, to the more than 2 million American students currently enrolled in Catholic schools.

The Catholic schools in my district work hard to create an environment where academic excellence and value driven pride can be fostered and embraced.

Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character and moral development.

My wife, Laurie, and I as well as our two sons, Ken and B.J., attended Northern Michigan's Catholic schools and realize the benefits of the Catholic education system.

The week of January 31 through February 6, 2010, has been designated as Catholic Schools Week by the Catholic Educational Association and the United States Conference of Catholic Bishops.

This week let us pause, reflect and congratulate administrators, faculty, staff, students and parents as we celebrate the dedicated tradition of promoting education through our Catholic faith.

Catholic schools remain possible because Catholics come together through their parishes and dioceses to make a financial commitment to see this strong tradition continue.

H. Res. 1008 acknowledges the hard work and dedication that Catholic schools have contributed to building our local communities and our nation.

I am proud to co-sponsor H. Res. 1008 and support the many Catholic schools in my district and across our nation.

I urge all of my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1008 to honor the contributions of Catholic schools.

The tradition of Catholic schools in America dates back to settlement of the new world, and through the centuries, Catholic institutions have been incredibly effective at educating young people in the United States. Today, enrollment in Catholic institutions numbers at above 2 million students across the country with a student to teacher ratio of approximately 14 to 1. Additionally, Catholic schools graduate roughly 99 percent of their students with 97 percent of those graduates pursuing degrees at institutions of higher education.

Mr. Speaker, as we become a more interconnected and global society, the education of our young people will become increasingly important. Catholic institutions help to ensure that those same young people receive quality educations, and I ask my fellow colleagues to join me today in supporting H. Res. 1008 to honor the contributions of Catholic schools.

Ms. HIRONO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRATULATING THE PENN STATE WOMEN'S VOLLEYBALL TEAM

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1015) congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1015

Whereas the Penn State Nittany Lions continued a 102 match winning streak, the longest Division I women's streak, to win

the 2009 NCAA Division I women's volleyball championship;

Whereas head coach Russ Rose has 1,001 wins to his name, all of which have come at the helm of the Penn State program;

Whereas the Penn State women's volleyball team has won 65 consecutive Big Ten matches and owns the top 3 winning streaks in league history;

Whereas Megan Hodge, Alisha Glass, and juniors Blair Brown and Arielle Wilson were named AVCA First Team All-Americans and Megan Hodge was the 2009 ESPN the Magazine Academic All-American of the Year;

Whereas the Nittany Lions women's volleyball team has won 74 straight home matches and the program also owns the NCAA's longest road winning streak at 50 straight matches;

Whereas the Nittany Lions women's volleyball team has amassed at least 20 wins 33 times; and

Whereas the athletic excellence demonstrated by the Penn State women's volleyball team is one example of the athletic, academic, and collegiate excellence of Penn State's students, faculty, administration, and alumni: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates the Penn State women's volleyball team and the university's athletes, coaches, faculty, students, and alumni on the winning of the 2009 NCAA Division I women's volleyball championship; and

(2) recognizes Penn State for its recognized excellence as an institution of higher education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

##### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H. Res. 1015 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the Penn State women's volleyball team on winning the 2009 NCAA Division I women's volleyball championship tournament.

On December 19, 2009, the top-ranked Penn State women's volleyball team made history by becoming the first team to win three consecutive national titles and four overall NCAA national championships. The Penn State Nittany Lions entered the tournament ranked as the top seed and defeated the Texas Longhorns in dramatic fashion. After trailing 0-2 in the championship match, Penn State put together an amazing come-from-behind effort, eventually winning 3-2. The Penn State women's volleyball team holds the Nation's longest winning streak with 102 matches.

□ 1545

With a 30-0 record, a top-ranked season, and a national championship, Penn State has much to be proud of.

Senior Megan Hodge led the Nittany Lions with 21 points, while both junior Blair Brown and freshman Darcy Dorton contributed 13 points in the championship match. Brown made 14 saves, Hodge had 13, and senior setter Alisha Glass had 12. Hodge, Brown, Glass, and Arielle Wilson, a junior, were named American Volleyball Coaches Association First Team All-Americans, and Hodge was the 2009 ESPN, the Magazine Academic All-American of the year. Quite a feat considering the demands of an elite Division I athletic program.

Congratulations are also in order for Coach Russ Rose. After this year, he posted 1,001 wins in his career at Penn State. Heading one of the most successful programs in the country, Russ Rose collects wins at a staggering pace. Never having posted less than 22 wins in a season, he understands how to bring the best out of his athletes and coaching staff.

Volleyball demands extreme focus and composure. The Penn State women's volleyball team earned the highest athletic honor, a national championship. I know the fans, alumni, students, faculty, and athletes will relish this experience and look forward to next year's season.

Mr. Speaker, once again I congratulate the Penn State women's volleyball team for their success, and thank Representative THOMPSON for bringing this resolution forward.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1015—Congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I National Championship.

Pennsylvania State University, or Penn State, as it is widely known, is a public research university founded in 1855 as the Farmers' High School of Pennsylvania. In 1875 the school became Pennsylvania State College and in 1989, became Pennsylvania State University. Today, Penn State offers 160 different majors and has over 43,000 students enrolled at the main campus.

Penn State has a strong reputation for its academic excellence. It is known as one of the "Public Ivies" and as a premier research institution. Notable alumni can be found in every region of the nation and abroad.

Penn State athletics are also known for their excellence. The Nittany Lions have won 65 national collegiate championships, 37 of which are NCAA championships. The women's volleyball team won one of Penn State's most recent national titles.

The Nittany Lions women's volleyball team has a long history of winning. In the national championship, the Nittany Lions continued their long-standing winning streak to 102 wins, the longest NCAA Division I winning streak.



During the 2009 season, Penn State clinched its 7th consecutive Big Ten title and its 13th Big Ten title in its history. The Nittany Lions also own the longest road winning streak with 50 straight road wins. Head coach Russ Rose led the team to his 1,001st career victory in the championship game.

In the championship game against the University of Texas, senior Megan Hodge led the team with 21 kills, while Blair Brown and Darcy Dorton contributed with 12 kills each. Megan Hodge, Blair Brown, Alisha Glass and Arielle Wilson were also named All-Americans.

I congratulate Penn State and the team, the players, head coach Russ Rose, the students, faculty and alumni. I urge my colleagues to join me in supporting this resolution.

I yield such time as he may consume to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my colleague for yielding.

Mr. Speaker, today I rise in support of H. Res. 1015, a resolution congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship.

Exactly 1 month ago today, the Pennsylvania State University women's volleyball team staged a stunning come-from-behind victory against the University of Texas Lady Longhorns and took home their third consecutive NCAA national championship.

Their record is long and distinguished, starting with a 102-match winning streak that began in September 2007. It is the longest Division I women's winning streak and the second longest in NCAA history. The Nittany Lions volleyball team has won 65 consecutive Big Ten matches.

The women were led by superwomen seniors Megan Hodge and Alisha Glass, who own a career record of 142 wins and only 5 losses. Theirs is the best 4-year winning percentage of any graduating class at Penn State.

Hodge finished her career ranking second on Penn State's career kills list with 2,142. She is just the second Lady Lion in the program's history to reach the 2,000 career kills milestone. Glass finished her career fourth on Penn State's career assists list with 5,799.

Hodge, Glass, and juniors Blair Brown and Arielle Wilson were named the American Volleyball Coaches Association First Team All-Americans. Hodge was also named the Coaches Association National Player of the Year for 2009.

Freshman Darcy Dorton was named the Big Ten Freshman of the Year and the Coaches Association Mideast Region Freshman of the Year.

Nittany Lion Coach Russ Rose reached his 1,000th career victory against Hawaii in the national semifinals, and he heads into the 2010 season with 1,001 wins, all at the helm of the Penn State women's volleyball program.

All the members of the Pennsylvania Congressional delegation and Penn

State alum Congressman FRANK WOLF signed a letter to President Obama asking that he and the First Lady host this remarkable team at the White House. These young women have shown a tremendous dedication to both their sport and their academic endeavors, and are true ambassadors for Pennsylvania State University and all college athletes.

Mr. Speaker, today I ask support for the resolution in honor of a team with the spirit and drive to lead and to win, the Penn State women's Nittany Lion volleyball team.

Mr. GUTHRIE. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, I would like to end my remarks by thanking Mr. THOMPSON, the introducer of this resolution. I heard him mention the University of Hawaii, which, as you know, is also a powerhouse volleyball women's team. So it just goes to show how far we have come with title IX. And that title was named for my friend and predecessor, the late Patsy T. Mink.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1015.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMENDING THE UNIVERSITY OF VIRGINIA MEN'S SOCCER TEAM

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 991) commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 991

Whereas the University of Virginia men's soccer team won the 2009 Division I national championship, defeating the University of Akron at WakeMed Soccer Park in Cary, North Carolina, on December 13, 2009;

Whereas the University of Virginia played through 2 sudden-death overtimes and a penalty-kick shootout to defeat the University of Akron;

Whereas goaltenders Diego Restrepo from the University of Virginia and David Meves

from the University of Akron held both teams scoreless through regulation and overtime;

Whereas Sean Hiller scored the game-winning goal in the penalty kick shootout;

Whereas goalkeeper Diego Restrepo made 3 saves in regulation, 1 save in the penalty kick shootout, and was named defensive most valuable player of the College Cup;

Whereas midfielder Jonathan Villanueva earned recognition as offensive most valuable player of the College Cup; and

Whereas head coach George Gelnovatch led the University of Virginia to its sixth national championship and first since 1994: Now, therefore, be it

*Resolved*, That the House of Representatives congratulates the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

#### GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 991 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 991, which commends the University of Virginia's men's soccer team for winning the 2009 Division I NCAA National Championship.

The UVA men's soccer team, ranked second in the Nation, collected its sixth NCAA championship and its first since 1994. The Cavaliers defeated the top-ranked University of Akron team in a penalty kick shootout after a scoreless regulation and double overtime play. This game was extremely competitive, and highlighted the athletic prowess of all the players on the field. After 110 minutes of grueling play, the game was ultimately decided with an extremely intense shootout. The UVA soccer team was able to accomplish its goals, edging out Akron 3-2 in the shootout. Their effort and talent deserves to be recognized.

The UVA Cavaliers posted a 19-3-3 regular season record and finished the season with an amazing 16-game unbeaten winning streak. The victory also gave UVA its 19th school national championship. The team applied the lessons learned during the season and displayed their outstanding athletic skills and cohesive team strategy, allowing fewer goals to be scored against them than any other team in the Nation. Entering the title game, their last goal allowed was on October 17, in a 3-1 victory over Virginia Tech.

Five Cavaliers were named to the All-Tournament team. Diego Restrepo,



Jonathan Villanueva, Brian Ownby, Mike Volk, and Tony Tchani. Villanueva was also named Most Outstanding Offensive Player, while Restrepo was named Most Outstanding Defensive Player of the game. Tchani and Restrepo were named the first team All-Americans, and Tchani was drafted by the New York Redbulls in the Major League Soccer Superdraft. Even with all the individual accolades and awards, the 2009 national championship contained a total team effort, and each member of the team should be commended for athletic excellence.

Special congratulations are due to Coach George Gelnovatch. He wrapped up his 14th season as head coach and led his talented defensive team to a historic championship. He earned his 200th career victory during the regular season and led UVA to its fourth ACC tournament title during his tenure. Additionally, Soccer America named Coach Gelnovatch Men's Coach of the Year.

Mr. Speaker, once again I congratulate the University of Virginia's men's soccer team for winning the 2009 Division I NCAA Championship title. I want to thank Congressman PERRIELLO for bringing this bill forward. I wish the program much success in the 2010 season.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of House Resolution 991, commending the University of Virginia's men's soccer team for winning the 2009 Division I NCAA National Championship.

The University of Virginia, located in Charlottesville, Virginia, was founded in 1819 by Thomas Jefferson. UVA has been synonymous with excellence throughout its history. It was the first educational institution to offer many academic programs that are common today. Eighty-five percent of today's freshman students were in the top 10 percent of their high school classes, and the university is known as a "Public Ivy League." UVA was also ranked the "Number 1 Best Value" for public universities by USA Today and The Princeton Review, and ranked the number two "National University" in the country by U.S. News & World Report.

The level of excellence exemplified by UVA and its students also extends to its athletics. The Virginia Cavaliers have won 20 national championships and numerous regional titles. The men's soccer and men's lacrosse teams are two of the most successful athletic teams at UVA.

The Cavaliers men's soccer team won the most recent national championship for the university. The UVA men's soccer team captured its sixth national championship on December 13, 2009. During the championship game, the Cavaliers battled the previously undefeated Akron Zips in two overtime

periods in a shootout. It was the second time a national championship for the team was decided in a shootout.

I congratulate the University of Virginia, the team, the players, Head Coach George Gelnovatch, and the students, faculty, and alumni. I urge my colleagues to support House Resolution 991.

I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. Once again, Mr. Speaker, I urge everyone to support this resolution.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 991.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HIRONO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. this evening.

Accordingly (at 3 o'clock and 58 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3254, TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT; FOR CONSIDERATION OF H.R. 3342, AAMODT LITIGATION SETTLEMENT ACT; AND FOR CONSIDERATION OF H.R. 1065, WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-399) on the resolution (H. Res. 1017) providing for consideration of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; for consideration of the

bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and for consideration of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. HASTINGS of Florida. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 228

*Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 27, 2010, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1004, by the yeas and nays;

H. Res. 1015, de novo;

H. Res. 991, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1004, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1004.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 36, as follows:

[Roll No. 6]  
YEAS—397

Abercrombie DeFazio Kennedy  
Ackerman DeGette Kildee  
Aderholt Delahunt Kilpatrick (MI)  
Adler (NJ) DeLauro Kilroy  
Akin Dent Kind  
Altmire Diaz-Balart, L. King (IA)  
Andrews Diaz-Balart, M. King (NY)  
Arcuri Dicks Kingston  
Austria Dingell Kirk  
Baca Doggett Kirkpatrick (AZ)  
Bachmann Donnelly (IN) Klein (FL)  
Bachus Doyle Kline (MN)  
Baird Dreier Kosmas  
Baldwin Driehaus Kratovil  
Barrow Duncan Kucinich  
Bartlett Edwards (MD) Lamborn  
Barton (TX) Ehlers Lance  
Bean Ellison Langevin  
Becerra Ellsworth Larsen (WA)  
Berkley Emerson Larson (CT)  
Berman Engel Latham  
Berry Eshoo LaTourette  
Biggert Etheridge Latta  
Bilirakis Fallin Lee (CA)  
Bishop (GA) Farr Lee (NY)  
Bishop (NY) Fattah Levin  
Bishop (UT) Filner Lewis (GA)  
Blackburn Flake Linder  
Blunt Fleming Lipinski  
Boccheri Forbes LoBiondo  
Boehner Fortenberry Loeb sack  
Bono Mack Foster Lofgren, Zoe  
Boozman Foxx Lowey  
Boren Frank (MA) Lucas  
Boswell Franks (AZ) Luetkemeyer  
Boucher Frelinghuysen Luján  
Boustany Fudge Lummis  
Boyd Gallegly Lungren, Daniel  
Brady (PA) Garamendi E.  
Brady (TX) Garrett (NJ) Lynch  
Braley (IA) Gerlach Mack  
Bright Giffords Maffei  
Broun (GA) Gingrey (GA) Manzullo  
Brown (SC) Gohmert Marchant  
Brown-Waite, Gonzalez Markley (CO)  
Ginny Goodlatte Marshall  
Buchanan Gordon (TN) Massa  
Burgess Granger Matheson  
Burton (IN) Graves Matsui  
Butterfield Grayson McCarthy (CA)  
Calvert Green, Al McCarthy (NY)  
Camp Green, Gene McCaul  
Campbell Griffith McClintock  
Cantor Guthrie McCollum  
Cao Hall (NY) McCotter  
Capps Hall (TX) McDermott  
Capuano Halvorson McGovern  
Cardoza Hare McHenry  
Carnahan Harman McIntyre  
Carney Harper McKeon  
Carson (IN) Hastings (FL) McMahon  
Carter Hastings (WA) McMorris  
Cassidy Heinrich Rodgers  
Castle Heller McNeerney  
Castor (FL) Hensarling Meek (FL)  
Chaffetz Herger Meeks (NY)  
Chandler Herseth Sandlin Melancon  
Childers Hill Mica  
Chu Himes Michaud  
Clarke Hinchey Miller (FL)  
Clay Hirono Miller (MI)  
Cleave Hodes Miller (NC)  
Clyburn Holden Miller, Gary  
Coble Holt Miller, George  
Coffman (CO) Honda Minnick  
Cohen Hoyer Mitchell  
Cole Hunter Mollohan  
Conaway Inglis Moore (KS)  
Connolly (VA) Insee Moore (WI)  
Conyers Israel Moran (KS)  
Cooper Issa Murphy (CT)  
Costa Jackson (IL) Murphy (NY)  
Costello Jackson Lee Murphy, Tim  
Courtney (TX) Murtha  
Crowley Jenkins Myrick  
Crowley Johnson (GA) Nadler (NY)  
Cuellar Johnson (IL) Napolitano  
Culberson Johnson, Sam Neal (MA)  
Cummings Jones Neugebauer  
Dahlkemper Jones Nunes  
Davis (CA) Jordan (OH)  
Davis (IL) Kagen Nye  
Davis (KY) Kanjorski Obey  
Davis (TN) Kaptur Olson

Oliver Ruppersberger Stupak  
Ortiz Ryan (OH) Sullivan  
Owens Ryan (WI) Sutton  
Pallone Salazar Tanner  
Pascarell Sanchez, Linda Taylor  
Pastor (AZ) T. Terry  
Paul Sanchez, Loretta Thompson (CA)  
Paulsen Sarbanes Thompson (MS)  
Payne Scalise Thompson (PA)  
Pence Schakowsky Thornberry  
Perriello Schauer Tiberi  
Peters Schiff Tierney  
Peterson Schmidt Titus  
Petri Schock Tonko  
Pingree (ME) Schwartz Towns  
Pitts Scott (GA) Turner  
Platts Scott (VA)  
Poe (TX) Sensenbrenner Upton  
Polis (CO) Serrano Van Hollen  
Pomeroy Sessions Velázquez  
Posey Sestak Visclosky  
Price (GA) Shadegg Walden  
Price (NC) Shea-Porter Walz  
Putnam Sherman Wamp  
Quigley Shimkus Wasserman  
Rahall Shuler Schultz  
Rangel Shuster Waters  
Rehberg Simpson Watson  
Reichert Sires Watt  
Richardson Skelton Waxman  
Rodriguez Slaughter Weiner  
Roe (TN) Smith (NE) Welch  
Rogers (AL) Smith (NJ) Westmoreland  
Rogers (KY) Smith (TX) Whitfield  
Rogers (MI) Smith (WA) Wilson (OH)  
Rooney Snyder Wilson (SC)  
Ros-Lehtinen Souder Wittman  
Roskam Space Wolf  
Ross Speier Wu  
Rothman (NJ) Spratt Yarmuth  
Roybal-Allard Stark Young (FL)  
Royce Stearns

## NOT VOTING—36

Alexander Grijalva Oberstar  
Barrett (SC) Gutierrez Perlmutter  
Blibray Higgins Radanovich  
Blumenauer Hinojosa Reyes  
Bonner Hoekstra Rohrabacher  
Brown, Corrine Johnson, E. B. Rush  
Buyer Kissell Schrader  
Capito Lewis (CA) Teague  
Crenshaw Maloney Tiahrt  
Davis (AL) Markey (MA) Tsongas  
Deal (GA) Moran (VA) Woolsey  
Edwards (TX) Murphy, Patrick Young (AK)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRATULATING THE PENN STATE WOMEN'S VOLLEYBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1015.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1015.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. RYAN of Ohio. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 0, answered “present” 1, not voting 36, as follows:

[Roll No. 7]

## AYES—396

Abercrombie Connolly (VA) Herger  
Ackerman Conyers Herseth Sandlin  
Aderholt Cooper Hill  
Adler (NJ) Costa Himes  
Akin Costello Hinchey  
Altmire Courtney Hirono  
Andrews Crowley Hodes  
Arcuri Cuellar Holden  
Austria Culberson Holt  
Baca Cummings Honda  
Bachmann Dahlkemper Hoyer  
Bachus Davis (CA) Hunter  
Baird Davis (IL) Inglis  
Baldwin Davis (KY) Insee  
Barrow Davis (TN) Israel  
Bartlett DeFazio Issa  
Barton (TX) DeGette Jackson (IL)  
Bean Delahunt Jackson Lee  
Becerra DeLauro (TX)  
Berkley Dent Jenkins  
Berman Diaz-Balart, M. Johnson (GA)  
Berry Dicks Johnson (IL)  
Biggert Dingell Johnson, Sam  
Bilirakis Doggett Jones  
Bishop (NY) Donnelly (IN) Jordan (OH)  
Bishop (UT) Doyle Kagen  
Blackburn Dreier Kanjorski  
Blumenauer Duncan Kaptur  
Blunt Edwards (MD) Kildee  
Boccheri Ehlers Kilpatrick (MI)  
Boehner Ellison Kilroy  
Bono Mack Ellsworth Kind  
Boozman Emerson King (IA)  
Boren Engel King (NY)  
Boswell Eshoo Kingston  
Boucher Etheridge Kirk  
Boustany Fallin Kirkpatrick (AZ)  
Boyd Farr Klein (FL)  
Brady (PA) Fattah Kline (MN)  
Brady (TX) Fattah Kosmas  
Braley (IA) Filner Kratovil  
Bright Fleming Flake Kucinich  
Broun (GA) Forbes Lamborn  
Brown (SC) Fortenberry Lance  
Brown-Waite, Foster Langevin  
Ginny Foxx Larsen (WA)  
Buchanan Frank (MA) Larson (CT)  
Burgess Franks (AZ) Latham  
Burton (IN) Frelinghuysen LaTourette  
Butterfield Fudge Latta  
Calvert Gallegly Lee (CA)  
Camp Garamendi Lee (NY)  
Campbell Garrett (NJ) Levin  
Cantor Gerlach Lewis (GA)  
Cao Giffords Linder  
Capps Gingrey (GA) Lipinski  
Capuano Gohmert LoBiondo  
Cardoza Gonzalez Loeb sack  
Carnahan Goodlatte Lofgren, Zoe  
Carney Gordon (TN) Lowey  
Carter Granger Lucas  
Cassidy Graves Luetkemeyer  
Castle Grayson Luján  
Castor (FL) Green, Al Lummis  
Chaffetz Green, Gene Lungren, Daniel  
Chandler Griffith E.  
Childers Guthrie Lynch  
Chu Hall (NY) Mack  
Clarke Hall (TX) Maffei  
Clay Halvorson Manzullo  
Cleave Hare Marchant  
Clyburn Harman Markley (CO)  
Coble Harper Marshall  
Coffman (CO) Hastings (FL) Massa  
Cohen Hastings (WA) Matheson  
Cole Heinrich Matsui  
Conaway Heller McCarthy (CA)  
Connolly (VA) Heller McCarthy (NY)  
Conyers Hensarling McCaul  
Cooper Conaway

McClintock  
McCollum  
McCotter  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)

Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson

Sires  
Skeltton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Wassman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (FL)

## ANSWERED "PRESENT"—1

Oberstar

## NOT VOTING—36

Alexander  
Barrett (SC)  
Billbray  
Bonner  
Brown, Corrine  
Buyer  
Capito  
Crenshaw  
Davis (AL)  
Deal (GA)  
Diaz-Balart, L.  
Edwards (TX)

Grijalva  
Gutierrez  
Higgins  
Hinojosa  
Hoekstra  
Johnson, E. B.  
Kennedy  
Kissell  
Lewis (CA)  
Maloney  
Markey (MA)  
McDermott

Moran (VA)  
Murphy, Patrick  
Perlmutter  
Radanovich  
Reyes  
Rohrabacher  
Schrader  
Teague  
Tiahrt  
Tsongas  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1907

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMENDING THE UNIVERSITY OF VIRGINIA MEN'S SOCCER TEAM

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution, H. Res. 991.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 991.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. HARE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 0, answered "present" 2, not voting 33, as follows:

[Roll No. 8]

AYES—398

Abercrombie  
Ackerman  
Adherholt  
Adler (NJ)  
Akin  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)

Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cueellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming

Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Henger  
Herseth Sandlin  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)

Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky

Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson

Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson

## ANSWERED "PRESENT"—2

Oberstar

## NOT VOTING—33

Alexander  
Barrett (SC)  
Billbray  
Bonner  
Brown, Corrine  
Buyer  
Capito  
Crenshaw  
Davis (AL)  
Deal (GA)  
Edwards (TX)

Grijalva  
Gutierrez  
Higgins  
Hinojosa  
Hoekstra  
Johnson, E. B.  
Kennedy  
Kissell  
Lewis (CA)  
Maloney  
Markey (MA)  
Moran (VA)

Murphy, Patrick  
Perlmutter  
Radanovich  
Reyes  
Rohrabacher  
Rush  
Schrader  
Teague  
Tiahrt  
Tsongas  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber this evening. Had I been present, I would have voted "yea" on rollcall votes 6, 7 and 8.

#### FILIBUSTER HAS CREATED MINORITY RULE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, tonight I am introducing a resolution to urge the Senate to change its filibuster rule.

The filibuster has in effect created minority rule. It wasn't the intent of the framers of the Constitution to allow any one person the power to bring the legislative process to a halt, which is exactly what the filibuster has given each Senator the ability to do. The framers very clearly outlined the five instances when they believed a supermajority was needed. The day-to-day business of Congress was not one of them. But the use of the filibuster has become such common practice that it now requires a supermajority in the Senate to pass virtually every piece of legislation, no matter how mundane. The filibuster has begun to erode the integrity of our democratic process.

My colleague, Senator TOM HARKIN from Iowa, who has been a leader on this issue since 1995, recently announced he will introduce legislation to change the filibuster rule, and I am offering a resolution urging the Senate to do the same.

The filibuster was not intended by the framers of the Constitution, and it is certainly not good for the country when we try to solve the difficult problems that face us today. The time has come for the Senate to change its rules.

#### CONGRATULATING THE CUBAN-AMERICAN BAR ASSOCIATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I would like to recognize the Cuban-American Bar Association for its success and contributions to our south Florida community.

For nearly 40 years, the Cuban-American Bar Association has served the

public interest by increasing awareness of the study of jurisprudence, fostering respect for the law, and increasing diversity in the judiciary and the legal community.

Given the tragic example of Castro's lawless regime, the members of the Cuban-American Bar Association are keenly aware of the importance of the rule of law and have dedicated their professional careers to its implementation and preservation.

This Saturday, the Cuban-American Bar Association will celebrate its installation of a new executive board. Incoming President Manuel Garcia-Linares and president-elect for 2011 Victoria Mendez will build upon the example of leadership left by outgoing President Roland Sanchez-Medina, Jr. Their dedication and professionalism are not only testaments to their characters but also to the Cuban-American community and to Hispanics in general.

I would also like to congratulate the incoming 2010 Board of Directors:

Nelson Bellido, Raul Chacon, Vivian De Las Cuevas-Diaz, Isabel Diaz, Sandra M. Ferrera, Monica Gordo, Anna Marie Hernandez, Javier Lopez, Ricardo M. Martinez-Cid, Nicole Mestre, Jennifer Perez, and Monica Segura.

#### CREDIT CARD COMPANIES SHOULD SUSPEND FEES ON CHARITABLE CONTRIBUTIONS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, as the world watches the crisis, the tragedy in Haiti, many people are coming forth with charitable contributions to help different organizations that are sponsoring efforts, and it is commendable and wonderful. But what was discovered is that the credit card companies are charging their customary 3 percent fee on those credit card contributions. That is wrong. And the credit card companies, I believe, saw it was wrong, and they put that off for 60 days on contributions given to certain groups.

What I am looking into introducing is legislation, and-or through a letter of request to the administration, suspending credit card fees, except those for processing, on contributions to 501(c)(3) charities.

When people make contributions to charities, and contributions are down now because of the recession, the full amount should be going to that 501(c)(3). Complete charitable contributions should be permitted, and the credit card companies should work with us, at least if it is a disaster like Katrina, like what we have experienced in Haiti or with the tsunamis or with tornados in our Nation.

#### NEW ORLEANS SAINTS' HISTORIC SEASON

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Madam Speaker, the New Orleans Saints' historic season continued this past Saturday with a 45-14 playoff victory. Next week, they will compete for the NFC championship title, and they will win.

Their success has benefited our city and inspired our district, so I have provided my constituents with a chance to honor them.

Today's statement is from Tripp Roy of New Orleans, Louisiana. Tripp writes:

"The Saints' positive impact on our city is immeasurable. They have done more for New Orleans than any other professional sports franchise has done for any other American city.

"Aside from the short-term joy the team's success has brought to New Orleans, the Saints' record has put the city back on the map, displaying to the Nation that we are back for the long term.

"The endless media coverage, non-stop showcasing of the region's unique culture, and undeniable camaraderie created among the New Orleans 'Who Dat' nation are all the results of the Saints' incredible season.

"This is just the rallying cry the city needed. New Orleans is better than ever, thanks in large part to the Saints."

#### HAITIAN ORPHANS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, I am overwhelmed as I have seen the outpouring of support for the Haitian people and also the concern of this Congress. I would ask that we move forward on one particular interest and concern, and that is the orphans of Haiti.

Already before the earthquake there were 1.5 million orphans. Now, we have seen hundreds of thousands of children who are now without parents.

Over the weekend, I was able to secure and be able to send two planeloads of doctors and nurses and supplies. Thank you, Texas. In that they were operating on a number of individuals, particularly children, 150 surgeries, 600 patients, it is important that we are able to airlift the most badly injured of children and others, particularly children, out of Haiti.

I will be introducing legislation and working with the administration to establish refugee status so these children can be airlifted in an organized manner to have surgery; otherwise, they will die. It is important for us to join together, both sides of the aisle, to find constructive ways to expedite caring

for those who are now dying. Our children are our priority. As Chair of the Congressional Children's Caucus, that will be my focus, to save the children of Haiti.

#### WAR WITH AL QAEDA

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, there are a lot of issues that are before this Congress, very, very serious issues. But on Christmas Day, we were reminded of one that we do not always think about, and that is the fact that we are still the subject of those who would use terror to take away our liberty.

I would hope that, as the President has found it appropriate to use the word "war" and talk about the war with al Qaeda, that we would understand that it is more than words, it is actions; that we need to treat those who would attempt to kill us in this way as what they are, unlawful enemy combatants, not common criminals. We should not turn them over to our criminal justice system. We should allow them to be interrogated by the military.

Madam Speaker, those who say that they are attacking us because of Guantanamo do not understand history, both long-term and short-term. They are not attacking us because of Guantanamo. They are attacking us because of the Statue of Liberty.

#### CONGRATULATING OAK GROVE PRESBYTERIAN CHURCH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Madam Speaker, I rise today to congratulate the Oak Grove Presbyterian Church of Bloomington, Minnesota, for receiving the 2009 Omar Bonderud Human Rights Award.

Named for the first chairperson of the Bloomington Human Rights Commission, the award is given to individuals and organizations that have made a significant contribution to improving the rights of people in their community.

The selfless works of Oak Grove Presbyterian Church include tutoring for the economically disadvantaged, as well as improving dialogue and understanding across different religions and cultures.

In a letter to the Human Rights Commission, Oak Grove was described as "an outstanding community organization with a long history of working with community partners to improve the lives of the diverse residents of Bloomington."

This award shows the dedication of Oak Grove to the pursuit of justice and

freedom, rights that we can all aspire to protect. I am honored to congratulate them today.

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#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### INVESTING IN SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, President Obama is certainly doing the right thing when it comes to the humanitarian crisis in Haiti. He's responded quickly, he's responded effectively, and he's pledged that the United States will do all that we can do to alleviate the suffering of the Haitian people and to help them rebuild their lives. President Obama has shown that America stands for hope, decency, and human rights, which is, of course, the kind of moral leadership that the President of the United States must always show. But while the administration is getting it right in Haiti, we still have a lot of work to do in Afghanistan, where the President plans to ask Congress for \$33 billion in emergency funding to pay for the escalation of the war there.

Madam Speaker, we do need to appropriate more funds for Afghanistan, but not for more troops, because there is no military solution to the problem there. Sending more troops makes us look like occupiers, which will surely help the Taliban recruit more violent extremists, who will attack their own Afghani neighbors and the United States. So instead of investing in the military in Afghanistan, we need to invest in SMART security, which means investing in economic development, health, infrastructure, humanitarian aid, better law enforcement, and governance. SMART security also includes helping the Afghan people to build schools so girls and women can be offered an education as well as the boys.

Madam Speaker, General McChrystal, our commander in Afghanistan, recently said that the Taliban looks for young people with no education when they are looking for new recruits. That's why I believe that investing in books, not bombs, is the way to stop violent extremism in Afghanistan and actually in every other part of the world as well. We also need to invest in our own economy and our own people right here at home, because we can't keep our country safe unless we have a strong economy, well educated, and with everybody having jobs that

they can afford to support their families on.

So that's why we must invest in jobs. We must invest in housing. We must invest in child care and health care. And we must especially be concerned about those facing their own humanitarian crisis in our communities.

So just consider some of these facts, Madam Speaker: one in every 50 Americans is living in a household where food stamps are the only source of income. The effective unemployment rate today is really over 17 percent. And middle class families are now earning less than they did a decade ago, adjusted for inflation.

The economic disaster right here in our own country is unprecedented in American history. Unfortunately, the Congress will soon be presented with a record Pentagon budget, however, for the next fiscal year. I would suggest that instead of increasing the Pentagon budget, we should reduce it by cutting out funds for useless cold war weapons, which would slash the defense budget by 25 percent. Isn't that amazing? We could slash the defense budget by 25 percent if we would just stop building useless cold war weapons. We can make those dollars available to invest right here at home to put SMART security to work in Afghanistan as well.

Madam Speaker, the best way to keep our country safe is to stick to our fundamental American values of peace and compassion for the people of the world. We must put these values to work in Haiti, in Afghanistan, and right here at home. I urge all of us and our President to do just that.

#### DON'T LET THEM FLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, an al Qaeda jihadist committed an act of war over the skies of Detroit on Christmas Day. Umar Farouk Abdulmutallab, working with al Qaeda in Yemen, sewed explosives into his underwear. He tried to blow up the plane over Detroit, but the detonator failed and the terrorist was captured by passengers. Counting on faulty detonators is not a sound national security policy. We should be stopping terrorists from boarding planes in the first place.

The underwear bomber got on the plane with a valid United States visa. Even though he was on a terrorist watch list, he boarded a plane for the U.S. anyway. After the 9/11 attacks, the State Department was ordered to open visa security units at all of our embassies. Eight years later, only 14 of the 220 American embassies have visa security units. Why is that?

The underwear bomber got his U.S. visa in London. He got to keep his visa

even though his father told our embassy in Nigeria that his son was a dangerous radical. American embassies in London and Nigeria don't have a visa security unit. And when the bomber's own father told us he was dangerous, the information was ignored by our State Department.

The underwear bomber paid cash for a ticket, had no luggage, and he was on that watch list. The United States State Department was warned by the bomber's father that he was a threat. He had even previously been denied entry into the United Kingdom because he applied for a visa to go to a college that doesn't exist in the United Kingdom. But U.S. authorities let him fly the friendly skies anyway. He should not have been allowed on that airplane. The American people have the right to know why our Nation allowed this person to enter the United States with a visa, knowing all of these facts.

After the failed attack, Abdulmutallab bragged about 20 more terrorists preparing to attack the United States. He said they were also training in Yemen. According to Slade Gorton, a member of the 9/11 Commission, he was singing like a canary, then we charged him in Federal court, he got a lawyer, and he quit talking. Instead of turning the terrorist over to the military authorities for interrogation, or even letting him just keep on talking, the administration treated this individual like a 2-bit car thief. They told him he had the right to remain silent, and then they got this jihadist a lawyer on the public dime and he quit talking.

Under the new "try the terrorists in Federal court" policy, America has lost the ability to get vital information about al Qaeda. America is probably less safe as a result. The bomber could and should have been tried in a military court. There are legal allowances for enemies like the underwear bomber. And as an enemy combatant, he should have been held and interrogated by military officials under existing law.

In Federal court now they're even talking about offering this terrorist a plea deal to get some information that he was willing to offer earlier with no deal. Now we are making a deal with the Devil. So the terrorists can avoid justice and get leniency by making a backroom agreement with authorities.

Another problem these jihadists have, they are not your average, everyday criminals. They are radical jihadists on a mission to kill themselves and every American they can take with them. A few years in prison is not going to deter their mission. To the contrary, these who kill in the name of religion try to kill their prison guards. It's happened in the United States.

Louis Pepe was once a prison guard at the Metropolitan Correctional Cen-

ter in New York. Ten months before the 9/11 terrorist attack, two al Qaeda inmates were held there. These are the ones who bombed the American Embassy in East Africa in 1998, killing over 200 people. A weak-kneed Federal judge gave these two al Qaeda terrorists permission to buy hot sauce in the penitentiary. So what they did is made it into mace to incapacitate the guard. They stabbed him in the eye with a knife they made by filing down a hair comb. They kicked and beat Pepe and smeared a cross on his chest in his own blood. He was left permanently blinded, partially paralyzed, and he lost most of his ability to speak. These terrorists were trying to get the keys to the cell block to take more hostages. Now, isn't that lovely?

Jihadists are at war with this Nation and, when captured, they should be treated like military criminals. But first and foremost, when radicals are on a threat list, don't let them on the airplane. Why is that so difficult to comprehend? Meanwhile, Madam Speaker, the band keeps playing while the ship of common sense is sinking in the ocean.

And that's just the way it is.

#### CELEBRATING THE LIFE OF DR. DENNIS WEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. We commemorate extraordinary people and events on the floor of this House. Madam Speaker, there's no more extraordinary person that I have known than Dr. Dennis West. To everybody he was just "Denny." No pretension, low-key, insignificant.

Dennis West had a remarkable career. Over the last 40 years, the city of Portland has gained a reputation as a unique community: well-planned, thoughtfully governed, providing cutting-edge initiatives, and creating a model of livability. Our community has been characterized by citizen involvement and getting the most out of scarce resources. There have been many heroes, elected officials, civic leaders, and philanthropists who've helped create this unique and renowned city. No one has done more as a public servant than Dennis West.

He started his public service as an intern in the office of one of my predecessors, Congresswoman Edith Green. I first met Denny 40 years ago when he was a professor at Portland State University's School of Urban Studies, which he helped found and guide. Over the course of these four decades, Portland State, now Oregon's largest university, has emerged as one of the centers of urban scholarship and practical application, a laboratory of livability, a Mecca for planning and sustain-

ability, and a critical driver of vitality for Portland.

Denny then played a critical role as chief of staff to Lloyd Anderson, Portland's Commissioner of Public Works, in an era where the city of Portland was taking bold action with the development of its downtown plan, its transit system, and the creation of a 38-acre waterfront park instead of a riverfront freeway. Denny helped play a role for his engineering boss, developing the vision and becoming an effective and respected political leader.

Then Denny was recruited by Multnomah County's new chairman, Don Clark, to establish the financial and budgetary systems to help modify personnel procedures and give coherence to what had been an old-style, typical county operation. During this time the county did not just modernize its administration and finance. It was involved in innovative justice, health, environmental, and transportation initiatives. Dennis West was the intellectual force helping guide and implement that vision.

Then Denny was a deputy director of the Port of Portland, a quiet agency with a powerful reach to deal with critical freight and transportation movements, the airport, the docks, and economic development. Again, he played a critical role in the development of the port capacity and the professionalism of its staff as a key element in the evolution of our metropolitan area.

The Oregon Health Science University has played a critical role in the last 25 years in research breakthroughs, medical innovation, economic development, and the delivery of high-quality health care. Denny West was a key administrator for research and economic development, helping create the academic, economic, and health care powerhouse that is one of our State's most important institutions and our city's largest employer.

Denny concluded his career serving 10 years as the director of the Portland Housing Authority, one of the Nation's premier public housing agencies, dealing with the problems of homelessness, special needs, low-income housing, and community revitalization. Under his leadership, Portland won national recognition awards for its innovation, cost-effective delivery, and perhaps the capstone of his career was the acclaimed Columbia Village, a spectacularly successful HOPE VI housing project making a deteriorated World War II-vintage housing project into a point of pride.

Denny West was an extraordinarily gifted administrator. In agency after agency so important to our community, he played a critical role, often as the go-to guy, the person who perhaps didn't have the title but made things work. With the Housing Authority of Portland, he was also the guy in charge, and the results are a testament

to his extraordinary vision, administrative skill, sensitivity, and compassion.

Over these last 40 years the half-dozen agencies provided the infrastructure, the drive, the national recognition, all of which blended to make Portland a unique community. While Dennis West's name might not be well known, his fingerprints were on the critical developments in all of these organizations. Denny's career and achievements were made while being an extraordinary human being, a friend, and determined civic advocate. Even though his later years were marked by debilitating illness, he never lost his spark and drive. He willed himself to do things that younger, healthier people could not even imagine.

All sympathy goes out to Denny's wife, Sue, his life partner, who played such an extraordinary role, especially in his difficult later years, and to his circle of friends who provided unbelievable support, who revere his contributions and his memory. We all join in celebrating the life of this extraordinary man, Denny West.

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#### ISRAELI PEACE TALKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, a year ago Israel was engaged in defensive operations to protect its citizens from terrorist attacks. In doing so, Israel was exercising the most basic right and responsibility of a state, to protect one's citizens. Troubling, many in the international community condemned Israel's actions. Many more refused to recognize Israel's right to self-defense.

As we begin this new year, I'm here to speak up for the right of sovereign nations to defend their people. Israel has a right to defend itself. The U.S., as a strong ally of Israel, must be vigilant in supporting this most basic right.

I just read a story in the Jerusalem Post about life in Israel a year after Operation Cast Lead. Before the war, Israelis were enduring relentless rocket and mortar attacks in Gaza. Terrorists launched more than 12,000 rockets and mortars across borders in Gaza at Israel's civilians over the course of 8 years. These rockets were not aimed at military targets, but the goal was to try to kill civilians and instill a sense of fear in the Israeli people.

Thousands of Israelis living within range of Hamas rockets had their whole lives changed. Locating the nearest shelter as they went around town became second nature to them. Israelis living in the time of Sderot

have just 15 seconds from the time a warning is sounded to take shelter from missile attacks. Young children did not know that this way of life was not normal.

When I visited Israel last year, I had the opportunity to meet with several Israeli families from Sderot. They told me compelling stories about living under the constant barrage of terrorist activity and the challenges of raising a family under these conditions, yet their attitude was, This is our home. This is our community, and we are going to stay and surmount this adversity. The families under attack faced difficult circumstances, but they were not willing to give up on a place they considered home, nor should they have to.

Since Operation Cast Lead, things have improved for Israelis living within the range of Hamas rockets, yet we should know, the attacks still occur. Since the end of the war, there have been an additional 300 attacks. This is, of course, far less than the 3,200 attacks in 2008 but, still, 300 too many.

At the time the story in The Jerusalem Post was written, 242 attacks had occurred since the end of Operation Cast Lead. The writer said that it was both shocking and sad that her friends would say, Only 242 attacks. She asked, In what other country do you think that it's a reasonable number of rocket attacks aimed at civilian targets in 1 year? Any terrorist attack is unacceptable.

Israelis hope for peace. They do not want war or conflict with their neighbors, but peace is a two-way street. Israeli Prime Minister Binyamin Netanyahu has reiterated Israel's commitment to peace. He has said that he is ready to resume peace talks now and without condition. He even placed a 10-month moratorium on the construction of new homes in the West Bank to jump-start the peace talks.

It is my sincere hope that Israel's willingness to make peace will be reciprocated and that the terrorist attacks will cease. But if attacks continue, Israelis must be allowed to defend their homes, and we in the United States must assist in that effort and support their basic right to do so.

#### HONORING CARLOS HERNANDEZ GOMEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Madam Speaker, Isaac Asimov once said, "If my doctor told me I had only 6 minutes to live, I wouldn't brood. I'd type a little faster." For our dear friend and journalist Carlos Hernandez Gomez, it wasn't a matter of if. A year ago he was diagnosed with cancer, and tragically this week, he lost his battle. He was 36 years young.

For a year, Carlos never allowed a disease destroying him inside to show outside. He wrote, he reported, he lived. He never brooded. His courageous fight showed his strength as a person and a journalist committed to the ideals of a more responsive and transparent government.

There have been countless tributes to Carlos this week, both humorous and tearful, from the interns he graciously mentored at Public Radio to the President of the United States, whom he tenaciously covered when no one outside of Springfield knew his name or how to pronounce it. That's because Carlos treated everyone like a person and made it impossible not to adore him. Whether it was a witty nickname or a spot-on impression of a politician, Carlos brought everyone down to Earth with his disarming sense of humor.

He had an encyclopedic memory and an irrepressible hunger to learn. As a political reporter, those came in handy. He could remember names and details from election cycles and court cases as if it happened yesterday. As a person, this was just his nature. He asked his nurses about their families and could recall lyrics to obscure Beatles' songs without missing a beat.

His energy was infectious, and his passion for life was unmistakable. To know him was to love him.

Carlos attended Quigley Preparatory Seminary—no relation—and then studied philosophy at DePaul University. He once said that if he wasn't a reporter, he would have been a priest. He went on to work Extra News, Los Angeles' La Opinion, the Chicago Reporter, Chicago Public Radio, the Chicago Reader, and most recently, CLTV. With his trademark fedora and thick-rimmed black glasses, he was a throwback to a bygone era of journalism.

Carlos had such an insatiable need to cram details, insight, and vivid description into his reports that his producers tried to slow down his quick delivery. While he heeded those words, he would sneak in at the very end of his pieces, seemingly reducing "Carlos Hernandez Gomez" to one syllable with a heartwarming Puerto Rican lilt. It was a trademark that became just as recognizable as his hat. His signoff was so familiar that taxi drivers who listened to him loyally on public radio and recognized his distinctive voice would often give him free rides.

He was an old-school reporter, and he was a consummate Chicagoan who loved his town like family. He loved the official facets of the job, interviewing officials, pounding the pavement, working the political and court beats he knew so well. But he also knew that he could often get people at their most real on a barstool at the Billy Goat Tavern or over a pastrami sandwich at Manny's Deli.

He covered the famous and the infamous, from Mayor Daley to Rod



Blagojevich, from mob bosses to George Ryan, the news of whose indictment he was the first to break. He wasn't afraid to criticize the status quo, but he did so with such credibility that even the powers that be, whose feathers he'd ruffled, respected him. He was determined not to dumb down the news. He would rather do a thorough story about a complicated issue than a quick, superficial hit.

His commitment to the truth was matched only by his unwavering faith, which he would tell you were one and the same. He also loved Star Wars, Italian beef, the guitar, and his beloved wife, Randi. At the hospital this weekend when someone said that he was leaving us too soon, that 36 years wasn't enough, his brother Jason and his cousin Mark agreed but pointed out that he packed more life into 36 years than many of us could hope to do in twice the time. Today, it is hard to find solace in that revelation. For his family, friends, and all of us who knew Carlos, this is no way to begin 2010.

On Sunday night, I heard some news about questionable choices made by a local candidate and smiled. This is exactly the kind of story that Carlos would have loved to cover, to find the truth and report it, meticulously and with panache.

Even in death, Carlos Hernandez Gomez will brighten our days, and for that, we tip our fedoras and lift our bowed heads back up. He will be missed.

#### U.S. SENATE ELECTION IN MASSACHUSETTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, in 8 minutes the polls will close in Massachusetts. I don't know whether Mr. Brown is going to win or whether he is going to lose, but one thing I do know is that this shows very clearly that the people across this country—moderate, liberal, conservative—are all concerned about what we're doing in this Chamber and the Chamber across the Capitol.

You know, a lot of people will say, Well, it's all about health care. I don't think it's just health care. I think health care's a big part of it, Madam Speaker, but I think it's also the kind of chicanery that we're seeing going on right now.

When you buy somebody's vote with \$300 million in Louisiana and you buy somebody's vote in Nebraska, and then when the unions start squealing because they think they're going to be paying too much for health insurance, you give them a \$60 billion tax break, break on their premiums, people across the country start saying, Hey, what's going on? Is anybody up there honest?

You're buying votes with taxpayers' money. That \$60 billion break that the unions are going to get is going to be made up in part from a new tax or an additional tax on prosthetic devices and wheelchairs. The people who really need help are going to have to pay higher taxes for those things because you're giving a \$60 billion break to the unions.

So, Madam Speaker, I'm not going to talk for the whole 5 minutes tonight. I just want to make this point very, very clear, and I hope my colleagues back in their offices are listening as well. There is a message being sent to Members of Congress. There is a message being sent to the Senators across the Capitol, and it is that people want honest, fair government. They don't want a socialist government. They don't want the Congress controlling their lives. They don't want to have a bureaucrat between themselves and the doctors that they go see on a regular basis. In short, they don't want that health care bill, and they certainly don't want more taxes, and they certainly don't want Members of the Senate and the House being bought off by bribes that are being given to them by the leadership in order to get their vote on this health care bill.

Regardless of what happens in, now, 6 minutes, I think that the people of this country have got the message. They don't want socialized medicine. They don't want more government control over their lives. So I hope my colleagues on the other side of the aisle, who may not be here right now, that they will take a hard look at the polling results and what happens tonight. Win, lose, or draw, it's going to show very clearly that an awful lot of Democrats, an awful lot of Independents as well as Republicans are very concerned about what's going on here in Washington.

I hope that down the road my colleagues who have political goals in mind will take all this to heart when they start casting their vote on this health care bill when it comes back from the Senate.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the Senate or its Members.

Mr. BURTON of Indiana. Madam Speaker, I beg to differ. I think that as long as I am speaking in a generic term, it's not something that's not allowed. We talk about the Senate all the time.

The SPEAKER pro tempore. Members may not engage in unparliamentary remarks toward the Senate collectively or its Members.

#### HONORING PRIVATE FIRST CLASS GEOFFREY A. WHITSITT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, I rise to remember Private First Class Geoffrey A. Whitsitt, a 21-year-old of Travelers Rest, South Carolina, Army Airborne, serving in Afghanistan, headed for Special Forces training and hoping to become an Army Ranger.

Geoff was 2 weeks shy of his 22nd birthday when, on January 13, an improvised explosive device was detonated near the Humvee he was driving, killing Geoff, his sergeant, and seriously wounding their gunner. Some Taliban or al Qaeda operative out there might be thinking that they killed an infidel. They didn't. They failed at three levels.

First, Geoff was no infidel. He was a believer. He was a believer in America and a believer in the King of all creation, a citizen of the freest, most blessed land in the world, and a citizen of the kingdom of heaven. Geoff wanted that kingdom to come. He prayed for that kingdom to come. He worked for that kingdom to come. He served for that kingdom to come. In the end, he went there before the invisible became visible here.

Those who detonated that IED failed at another level. They think they frightened Geoff's family, his friends and his countrymen. They're wrong. My wife and I visited the Whitsitts last night. Their faith in America, their faith in the author of our salvation, the Prince of Peace, the King of Kings is undiminished. They know that other Geoff's will run the hills and woods that Geoff loved to run in the northern part of our county. They know that another Geoff will come in last in his first cross-country meet and finish 16th in the State by the end of the season.

□ 2000

They know that another Geoff will take what he learned of love and books and faith in his home school and at Greenville Tech Charter High School and volunteer to serve his Nation.

They know that another dad will take another Geoff to the banks of the Middle Saluda River for fishing and for talks about the essence of life. Those who detonated that IED failed at a third and higher level. They think that Geoff is dead. He isn't. He lives. He lives in our hearts and minds because he is one of our heroes.

He lives in the heart of his older brother, Steven, serving with steely determination in the United States Navy.

He will always live in the hearts of his mom and dad. They loved him, led him, admired him, and gave him up for the rest of us.

Their gift reminds us of the gift of all gifts—a father who had sovereign control over all aspects of His Son's substitutionary death, and who gave Him up for us all. Geoff lives in the nail-pierced hands of that Savior, and no one can snatch him out of those hands.

#### ISSUES OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, it is an honor again to be here on the floor of the House of Representatives to talk about the issues of the day and talk about changes that have happened in our country over the course of the last year due to the leadership of President Obama and the Democratic Congress.

I know in today's world, in today's media-driven world where we like to talk about and have fights about different issues and let those fights kind of permeate society, sometimes it is very difficult for us as leaders in the country to talk directly to our constituents and to the American people about some of the changes that have been put in place.

If we look at just a little over a year ago, in the fall of last year, October of 2008, the difficulties facing our country, on the economic side, the collapse of the stock market, the collapse of the job market, Wall Street run amuck, no regulations, no rules, fancy packaging of different accounting schemes and creative financial packages that ultimately led our country to one of the greatest crises we have had since the Great Depression. And were it not for the programs that were started during the Great Depression, it would have been the Great Depression. And if it weren't for extraordinary acts on behalf of the Federal Government to support the banking industry, and I remember getting calls from local businesses, local banks, community banks, saying we need to do something, things are collapsing, we had a vote here on the floor to pass billions of dollars worth of aid to the banks and the vote failed and the stock market dropped 800 to 900 points. Subsequently we came back and passed it and took a lot of political heat for it.

Months later, under the leadership of President Obama after he was sworn in, we passed the stimulus package. In January of last year, we had 700,000-plus jobs that were lost in January of last year. And every economist was saying, Presidential candidate McCain's top economist was saying, the top Democratic economist, were all saying there was a \$2 trillion to \$3 trillion hole in the economy, and we have to fill that hole. And the only entity left to put some money into the econ-

omy is the Federal Government. Thus, the stimulus package—which quite frankly I didn't think was big enough. We put the stimulus package in place.

Now let's fast forward a year. Nobody is happy, of course. I represent Youngstown and Warren, Ohio, and they have the worst unemployment rates in the entire State. A lot of that has to do with the manufacturing base and losing manufacturing jobs. But the bottom line is this: in November, we lost thousands of jobs as opposed to 750,000 jobs. And I think in December, the numbers are not completely official, but 70,000 or 80,000 jobs were lost in December. So from 750,000 in the month of January to only losing 80,000 in December—nobody is happy with that, but we are clearly moving in the right direction.

When you look at the fact that the stock market is up 55 to 60 percent since it bottomed out, we are clearly moving in the right direction.

Now, a lot more has to be done, and I think we have got to make some tremendous investments, but one of the things that is strangling the economy right now is health care costs on businesses and health care costs on families. And so the health care reform proposal is here to say that even if you don't morally believe that we should cover every American, we can all make those arguments from a religious perspective or values arguments or ethical arguments that we maybe need to do that, let's set that aside and let's talk economics and let's talk about the fact that if we do nothing, health care costs will continue to strangle small businesses in the United States, will continue to further increase their grip around the throats of families in the United States, and all we hear when we go back to our districts is about the cost of health care.

This is President Obama's attempt and the attempt of the Democrats to try to fix this problem. By doing absolutely nothing, we are going to see an \$1,800 a year increase in the average family of four's health care costs next year, and then another \$1,800 the following year and another \$2,000, and it will just keep escalating to the point where it eats up the whole family budget and you are paying more and getting less in coverage, really. So it is eating up the whole family budget. There is less money to spend on tuition or go on vacation or increase your family's quality of life, maybe move into a better neighborhood, a better school district. All of these things are not available to families because of the increased cost of health care.

So doing nothing allows that to continue because we are afraid to make tough political decisions. We didn't get elected to come to this body, Madam Speaker, to make the easy decisions. We didn't run just to make sure that we got elected in 2 more years. We got

hired by the American people to solve very difficult, very complex problems. And we are attacking those problems because that's the mission that they gave us. We set out to do it with energy, and we set out to do it now with health care reform.

Let me just say finally before I kick it to my friend, who people all across the country now know of because of his heroic works in Haiti, if we do nothing in 10 years, \$1 of every \$5 in the United States of America will be spent on health care. And in 30 years, \$1 of every \$3 will be spent on health care in the United States of America. That is unsustainable. That is an unsustainable road for us to go down. People will look 10 years from now and 20 years from now and 30 years from now and they will ask, Who was representing western Pennsylvania when they had a chance to tackle health care reform? Who was representing Connecticut and who was representing northeast Ohio when the bell rang to step up and make these changes?

I yield to my friend from western Pennsylvania.

Mr. ALTMIRE. I thank the gentleman and I thank him for his kind words as well. He hit the nail right on the head, Madam Speaker, I think it is appropriate today to take a look at what was happening 1 year ago today. A year ago today, the budget deficit was forecast by the Congressional Budget Office for the fiscal year ending September 30, 2009, to be \$1.8 trillion. The jobs that were lost in the month of January were more than 700,000 jobs 1 year ago in January. The stock market was trending straight down, and it bottomed out in March at 6,500. We had just had a loss of 6 percentage points for the quarter in GDP, one of the largest in recent memory drops in gross domestic product. That is what we were facing 1 year ago today.

As the gentleman from Ohio said, this Congress was elected to make difficult decisions. This Congress was elected to work together and do give and take. Look, every bill that you pass is going to have some things that you like and some things that you don't like, but when the country is staring into the abyss, literally facing economic calamity if we fail to act, 1 year ago moving into the spring of 2009, this Congress did act. In fact, February of 2009.

What has happened since then compared to 1 year ago today? I talked about how the budget forecast was expected to be \$1.8 trillion in deficit. Well, we ended at about \$1.2 trillion in deficit. Now I am not going to have a big party here, because that is the largest deficit that we have ever faced because of some of the circumstances that the gentleman described that were beyond control and unforeseen because of the economic catastrophe, but we

saved \$600 billion from the deficit because the economy was starting to rebound in a way that the Congressional Budget Office did not foresee.

The gross domestic product, instead of losing 6.5 percentage points in a quarter like a year ago, we are on the verge of announcing back-to-back quarters of positive growth in GDP, and we expect a very strong number for the last half of 2009.

We talked about all of these factors relating to our economy, and things are starting to improve. We are certainly not out of the woods yet. But it was the actions of this Congress, instead of sitting on our hands and saying, Well, let's just let everything solve itself. That is how we got here in the first place. That is how we found ourselves in the hole that we are in the process of digging our way out of.

What I would say to the gentleman is, you cannot solve our long-term budget circumstance, our deficit, as the gentleman eloquently said, without addressing the cost of health care. Health care affects everybody in this country, every business, every family, every level of government—Federal, State, and municipal. We are at a competitive disadvantage to all of the nations that we have to do business with. The gentleman represents a district similar to mine. He is in the Youngstown area; I have southwestern Pennsylvania, very hard-hit by losses in manufacturing. A lot of that has to do with health care costs. A lot of the competitive disadvantage that America has with foreign nations is because of the cost of health care. But businesses every day struggle to make that decision: Are they going to be able to continue to offer coverage to their employees for one more year facing another 20 percent rate increase?

Senior citizens in my district on average saw a 45 percent increase in their Medicare Advantage plans. A 45 percent 1-year increase. That is simply unsustainable, and the government certainly is never going to balance its budget without addressing the cost of health care.

Mr. RYAN of Ohio. I would like to say that this just didn't happen. We didn't just end up here a couple of Octobers ago and all of a sudden things just happened. Our government was controlled by a conservative, neoconservative ideology for most of the first decade in this century. From 2000 to 2008 they controlled the White House, and 2000 to 2006 they controlled the Congress. They implemented their economic philosophy, hook, line, and sinker. It got implemented. They controlled all of the levers of government. They passed their supply-side economics. They cut taxes for the wealthiest, saying that will stimulate the economy and everything will take care of itself. Deregulate Wall Street; everyone will be honest with each other, no one

would possibly do anything wrong if we are not watching them, and they will behave themselves. They forgot to factor in that people get greedy when you don't watch them, and that is what happened on Wall Street.

□ 2015

So my point on top of what the gentleman just said is this didn't just happen. We had leaders in Washington, D.C., who implemented an extreme ideology. That ideology got implemented here in the United States Congress. It was their ideology that was governing or not governing Wall Street. It was the lack of investments in jobs, education, health care that needed to be made.

And all of a sudden fast forward a few years, the Ponzi scheme ends, the house of cards collapses, and it is not just Wall Street that has problems, it ripples throughout the economy, and now we have in some cities 15, 20 percent unemployment. We have health care costs zooming out of control, energy costs zooming out of control, we continue to be dependent on foreign sources for our energy, which is a national security issue, because these problems weren't addressed.

And the initiatives that we have put forth over the last year have begun to shift the trends at least away from losing hundreds of thousands of jobs a month to only losing 80,000, from 700,000 to 80,000. From the stock market ending up at 6,500 a year ago now up to over 10,000, up 55 percent. So things aren't perfect, but they certainly are moving in the right direction.

And if we can get the health care plan implemented, start reducing costs for businesses that they have money to free up to invest into their small businesses, into their capital, into their machinery, into their workforce, into their technology, then I think we can begin to really drive the economy forward and put the middle class back front and center where they belong.

I yield to my friend.

Mr. MURPHY of Connecticut. Thank you, Mr. RYAN, Mr. ALTMIRE. And let's just talk about health care during that 6-year period in which the Republicans controlled every piece of the apparatus down here in Washington. By allowing them to set a health care agenda for this country which made a really good deal with the insurance companies and the drug companies and a lot of the for-profit health care entities, what we saw over that decade of time, where the Republicans were driving the agenda here in Washington, was for businesses in my district and in your district, 120 percent increase in the amount of money that they were paying for health care.

Now, it would have been nice if revenues for those same companies were going up by the same percentage, but

they weren't. Revenues couldn't keep pace with the health care inflation that businesses, many of them small mom and pop shops, manufacturers that maybe employed only 10 or 20 people, it couldn't keep up with the rising costs of health care. And so businesses went under. We lost manufacturing and industrial capacity to countries overseas that spend half as much as we do on health care, and approach it in a very different way. Workers during that same period of time saw their wages remain largely flat because every bit of extra money that the company that they worked for made went straight into health care costs.

For small businesses it was even worse. During that same time, as insurance companies gathered and gathered more power by virtue of the I think very, very bad decisions made here in Washington, small businesses ended up paying about 20 percent more than large businesses did, forcing more of them to go out of business. Our health care system got worse and worse and worse, and it contributed in a bigger and bigger way to the recession that we find ourselves in today.

We have got to wake up to the fact that when you hand a health care system over to the insurance companies and the drug companies, when you write a Medicare drug benefit bill that essentially guarantees lifetime profits for the insurance and drug companies, while passing down the bill to regular Americans, while you ignore the festering problems in Medicare so that you push more and more of the problem back ultimately onto businesses who are going to have to front the cost for an increased Medicare budget, you are crippling our economy.

The Republican health care agenda here in this House over the course of the last decade, and what continues to be their agenda, is part and parcel of what got us into this economic mess, Mr. RYAN. We can tell the story from the handing of the reins of economic power by the Republicans over to the banks and to the Wall Street lending community. We can tell the story with regard to our energy prices that are also crippling our economy, as we handed over the power of our energy policy to the big oil companies. But you can absolutely tell the story of where we are today with respect to our economy through the lens of the health care policy that the Republicans perpetrated on this Congress and on this country for almost a decade, and would like to bring us back to if they were ever to get control of this place again. That is part of the story.

Mr. RYAN of Ohio. There is no question about it. No question about it. And I think one of the important issues that we need to talk about as a country too, along with the health care and along with a lot of the decisions that our friends on the other side made that

put us here, we need to remember this in context not only of the last year, but I think of the last couple of decades. Because the arguments we are hearing today about socialism, and here comes big government and all these other things were the same arguments that they made against President Clinton in his initial budget that he passed in 1993 when he first got in. It was the same claims. And I think they passed it without any Republican votes in the House, and Democrats had to carry the water.

And look what happened in the nineties. And that is what I say even to my Republican friends who we like to tease each other back home in the district. I said how is your 401(k) doing now since President Obama has been in? Is it doing a little better than it was when President Bush was in? I think it was. So you take that number that Bush had, the same thing with President Clinton, 20 million new jobs created in the 1990s because of the Democratic economic proposals. You had the bottom 20 percent of people, their wages grow for the first time in a long, long time prior to that. You saw budget deficits turn into budget surpluses.

What we are trying to say here is there is always going to be a neoconservative Republican extreme faction that is going to say whatever we are doing is somehow going to make the sky fall. But the reality is these are sound economic principles, these are sound investments, sound reforms on health care, energy, and the like.

I yield to my friend.

Mr. ALTMIRE. The gentleman talks about the impact that policies have. And exactly right on the point of job creation. We are in a brand new decade here. Look at the decade past. It was the first decade since they started keeping the statistic on job growth over the course of a 10-year period. The first time we went through an entire decade and did not have a statistically relevant increase in jobs. Went an entire decade basically flat line. Well, that is not helping anybody.

When we talk about the Clinton budget in 1993, sometimes when I am researching different Members' positions on issues, I will go back and look at some of the things that were said on this floor back in 1993, saying that if we passed the Clinton plan to balance the budget that we were going to cause the greatest recession in American history and collapse the economy. And some of the arguments that were made, I think it is fair to say, were proven false when the last 4 years of the Clinton administration we had four consecutive budget surpluses, the last four budget surpluses that we have had in this country.

Now, I don't want to go back and battle old battles or rehash old fights, but the point is past is prologue. And you can look at the fights that we are hav-

ing today, and the same people who were predicting disaster if we passed those policies are the same people who are trying to prevent this Congress from addressing the systemic issues that we face right now.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. ALTMIRE. I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. We could have ideological differences over an issue like health care or energy policy, but what maybe was the most remarkable to me over the course of the last year was to see that divide between Republicans and Democrats happen on the issue of financial regulatory reform. I mean when I am back in my district, you know I certainly got people who are on both sides of the energy debate, and on both sides of the health care debate, but boy, almost everybody I run into, with maybe the exception of a few people who are commuting back and forth to high-priced jobs in New York, say you got to step up to the plate and stop these Wall Street investment banks from going back and doing the same things that they did to us regular, average everyday Joes over the course of the last decade.

You got to go in and fix the problem of derivatives. You have to go in and stop these institutions from becoming so highly leveraged that they cause catastrophic failure of themselves and the entire system. Go back and fix this for us.

When I got sworn in maybe I was a little bit naive this year. I thought, yeah, we are going to have some knock down, drag them out fights on a couple of issues, but I bet you this Congress is going to come together and rein in the abuses and the excesses on Wall Street. Well, we are even fighting over that. The Republicans don't want to join us and try to curb the real abuses on Wall Street. And if they do, they kind of want to do it with a little patch here and a little Band-Aid here when President Obama said step up and listen, to the extent we are sending money to these banks to try to keep the economy afloat, well then we should ask them to help pay it back with a fee on the big banks. Republicans ran out and opposed that as well.

I mean, listen, we represent very similar districts. We have got a lot of Republicans, a lot of Democrats, a lot of liberals, conservatives. I get that they are going to fight on things, but there has got to be some fundamental issues to how we institute some fairness back in our economy and stick up for the little guy against these big Wall Street banks that have caused so much of this trouble. There has got to be places that we can agree on.

And I guess as you talk about past is prologue, you know, I think we are in for a lot of fights when it comes to sticking up for the little guy because it

seems like there is only one group here, Mr. ALTMIRE, that is fighting those fights.

Mr. ALTMIRE. That is right. And as we have continued to talk about the key issues to balancing our budget have to be paying for any increase in expenditures or decrease in revenue. And the gentleman talks about his surprise to hear that people would oppose taking a look at the way Wall Street firms do business and taking a look at the way things have been run over the last several years and what that led to a year-and-a-half ago.

I was just as surprised as the gentleman to learn that there was opposition to the concept that we should have to pay for things that we pass in this House. Because I mentioned the four straight budget surpluses that President Clinton had in the last 4 years of his administration. That was due largely to pay-as-you-go budget scoring, which to give credit where credit is due, was instituted by President Bush's father in 1990. It was in effect throughout the 1990s. Wildly successful time in our economy. And as I said, four straight budget surpluses.

So this Congress, before myself and Mr. RYAN became Members, allowed it to expire, allowed pay-as-you-go budget scoring to expire. And now what have we had? Instead of having four straight budget surpluses, we are approaching 10 straight budget deficits. Deficits extended as far as the eye can see.

So in this House we had a debate on whether or not to require any piece of legislation that comes through this House that raises revenue or that raises expenditures or decreases revenue, very simple concept, you would have to have an offset for that. Find somewhere else in the budget to make a cut. Find somewhere else in the budget to come up with the money to pay for whatever the policy idea is that you are putting forward.

It is what every family and every business has to do every day in this country. If you want to spend more money on one side of the ledger, you have to find it on the other side of the ledger. Well, this Congress over the past 10 years has not operated under that commonsense accounting rule, and it has led to these enormous deficits, and in the long term the incredible astronomical debt facing this country.

So I was surprised to hear some of my colleagues on the other side oppose the concept—pretty simple—pay for what you want to spend. Pay for revenue decreases. We don't even find agreement on that in this Congress. It doesn't bode well for having a debate, an informed debate on how to solve these key problems of our economy at this important time.

□ 2030

Mr. RYAN of Ohio. We've got to make the investments that we have to

make as a country. Our infrastructure around the country needs a huge shot in the arm. Trillions of dollars need to be invested in roads and bridges, high-speed rail all across the United States, airports. This all needs to be done. Our ports, waterways, those kinds of investments have been neglected for years and years and years, and we need to continue to make those investments here as well.

We have to ask those people who end up making tremendous profits from those enterprises to step up and help, who have been very successful over the course of the last few years. And I don't think we should run from the fact that we need to ask them. There has been a shift towards the middle class paying more and more of the share of revenue that's coming into the Federal Government. We need to reduce that for the middle class and ask those who are benefiting in a very big way.

I want to make one final point as we begin to close here and have a few minutes left on the issue of energy. I think it is important, as we talk about health care and health care costs, we need to also address the issue of how we are going to produce and generate energy here in the United States. This is our number one national security issue that we have in this country. We send \$1 billion a day out of this country through our gas pumps into foreign countries, oil-producing countries who don't like us all that much and cause us tremendous geopolitical strife day in and day out and distract us from what we need to be doing.

We need to make sure that we create an energy system in the United States that takes that money and keeps it here in the United States of America to refurbish our homes, our businesses, our commercial buildings here in the United States, to make sure that we pump that money into battery technology, smart cars, smart grids, energy-efficient homes, energy management systems. This is the future of the United States of America.

Last week, we had a conference here where we met with several CEOs in these energy management systems now working for Wal-Mart, Home Depot, Costco, saving them 20 to 25 percent on their energy costs. Those are savings that companies like those can reinvest back into their business. But if you ask the CIA, you talk to the Joint Chiefs of Staff, this is a national security issue. Why would we want to depend on foreign sources of energy to supply our own military here in the United States? We address our national security issue, we create jobs here in the United States, and we help to address the carbon issue here causing global climate change.

These are the issues that we need to tackle as a country, and we can't be afraid to do it. We can't be afraid,

Madam Speaker, to make the tough decisions, to push the tough policies, to make sure that 10, 20, 30 years from now when people look back and say, What did they do in 2010, 2009 in the United States Congress to try to address some of these problems, we can say we answered the call, we made the tough decisions, and the country was better off for it.

With that, I yield back the balance of my time.

#### UNCONSTITUTIONALITY OF HEALTH CARE LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. I can tell by looking at the proverbial clock on the wall at 8:30 that an important election that was just held today with the voting booths now closed just one half hour ago and the ballots all being collected in their boxes and brought to the appropriate places for counting, and we will see—potentially during the course of the next 60 minutes—just how that election should turn out.

Just as an aside, for those who are with us here this evening taking part in this discussion on the constitutionality, or the lack thereof, the unconstitutionality of the health care legislation that's about to come before this House again, we will be interspersing some of the election results so we can keep everyone apprised of just how those elections are turning out.

I mentioned the fact that the election was held today, and I'm sure there will be pundits on the air tonight talking about exactly what do the election results mean up in the State of Massachusetts, not just for the State of Massachusetts, but for the country as a whole; and a number of them will be saying what I have said before, that it's not so much just looking at those two individual candidates, but what their respective parties stand for, and more specifically, what the President of the United States and this administration has stood for over these last 12 months and what his seminal program, his major issue, has been, and that of course is this health care, so-called "reform," the imposition of new mandates and taxes and totally changing the health care configuration and how the delivery of it is done in this country.

Some would make the case that what the election that just closed now 32 minutes ago in Massachusetts is about is whether or not the American public agrees with what the Obama administration has put forth as their major proposal is changing the health care delivery system in the United States or not. We will see the results, if not in

the next 60 minutes, at least sometime tonight.

More importantly, though, than what the outcome of that one election will be is what will Congress be doing with that legislation here in the House and in the Senate this week or next week or whenever they decide to bring back that issue for a vote, and we anticipate that they will.

The fundamental issue, though—this is the one that we'll be discussing in here—is not some of the minutia of that health care legislation, not some of the small language that is buried within—first in the thousand pages that came before this House that I would hazard a guess that probably just about no one on the other side of the aisle read thoroughly and had a complete comprehension of what they were voting on when they voted "yes," nor clearly in the 2,000 pages that came forth in the Senate variation and version of that health care bill.

It's not some of the minutia, not some of the small language, and not so much the details that should be the first question that any Member of Congress should be asking themselves when they're about to vote on that bill; but it's rather the fundamental issue of whether that piece of legislation is constitutional at all.

In my pocket here is my wallet, and in my wallet is my voting card—actually, I have it over here because we just finished voting a little while ago. And as you know, Madam Speaker, every time we vote, we put it in one of these little slots here before we vote red, green, or yellow.

I always suggest to my colleagues that before they vote on whatever the legislation is, they should be asking themselves one fundamental question: Is the bill that they're about to vote on constitutional or not? Does the Constitution of the United States give us, as Members of this body, the authority to pass that law that we're about to vote on?

We are all required, when we become new Congresspeople every 2-year terms, to raise our hands and to say that we support and defend the Constitution of the United States. As a matter of fact, I was just in New Jersey earlier today where now-Governor Chris Christie did the same thing, raised his hand and said that he is supporting and defending not only the Constitution of New Jersey, but also the Constitution of the United States as well. We, as Members of this body, of the House of Representatives, do that every 2 years when we have the honor and privilege of being elected by our constituents at home; we come to Washington and say we will support and defend the Constitution.

As an aside, there is one member of our delegation from Texas who has suggested that it should be a requirement that every Member of Congress and their staffs should read the Constitution at least once each term. Well, I'm

not going to say that we have to mandate that; I think it would not be a bad thing for each Member to do it each term. I go through the Constitution on a regular basis, and I hope that other Members would as well. But we have all held up our hands and said that we are going to uphold it, so that is why I suggest to each Member that before they vote on any bill, that they ask themselves is that bill constitutional.

Now, the health care bill that we're talking about here is far more sweeping than just about any other piece of legislation that I have ever dealt with in my short term here in Congress. And I think it is far more devastating and sweeping than any other legislation that we have seen in generations. It would impact upwards of one-sixth of our economic activity of this country. But far more important than that, it would impact our very fundamental liberties that our Founding Fathers intended that our Constitution was designed to protect.

And so that is what our discussion is going to be tonight. And we will eagerly await the outcome of the election in the State of Massachusetts to see what the voters of that State would like to have their voices come in on. But I think the voices of that State will say, whether they support the nature or some aspects of this health care bill or not, I think all of those citizens of Massachusetts, as with the citizens of the great State of New Jersey would also agree with me, that whatever we do on health care in this country should at the very least be constitutional.

Now, one of the primary aspects of this bill that I would suggest has a flaw in it with regard to the constitutionality of it is the health care mandate. And what is that? In the bill, for the first time ever, I would suggest, in the history of the United States, Congress is going to suggest that we are not going to try to be regulating activity, but we are going to try to regulate inactivity.

For a long time now—well, basically, you can go back to the 1930s and the New Deal courts and FDR and the like—Congress has grown in its authority and had the Federal Government grow in its size as far as its reach of regulation and taxation of economic activity in this country. And so now you can see just about every aspect of your life in one way, shape or form having a little bit of a reach of the Federal Government into it as the Federal Government tries to regulate in one way, shape or form.

But that is always in the area of activity. If you're in interstate commerce some how or other, if you're a trucking firm, the Federal Government is going to reach out and regulate your activity. If you're selling some sort of product either in your State or outside of your State, the Federal Government is

going to try to come in and regulate that form of activity. If you're in any other form of business, in State or out of State, the Federal Government is going to try and step in in some way, shape or form, I would suggest, and try to regulate that activity.

But never before since our Constitution was first created in 1787 has the Federal Government said we are now going to regulate inactivity. We are going to start regulating you even if you do absolutely nothing. Even if you just stay home, don't buy anything, don't do anything, we are now going to regulate your activity. And we're going to do that regulation in a more personal and profound nature than any other aspect that we've been talking about here on the floor in the last several months or years, and that is your health care and your health insurance.

So in this legislation that the administration has proposed that has passed out of this House, that has passed in the Senate, and now is in some area of compromise on the other side of the aisle, the Federal Government, this administration says, can regulate inactivity. They can step into your house and say, because you are not doing something that the Federal Government believes you should be doing—what is that? buying insurance—we're going to penalize you and we're going to do that with a tax. We have never seen this before. And I would suggest that that is an overreach, a far overreach of what the Founding Fathers ever intended for this government, this Federal Government to be able to do.

It is, therefore, a fundamental flaw, an unconstitutional flaw in this legislation. It is one of the main reasons why I voted against it when it came in this House, and it will be a continuing reason why I will vote against it if ever it comes back on the floor of this House again.

Now, I see I have been joined by some of my colleagues from the floor who have spoken on the difficulties or the problems or the demerits of the health care bill in the past. As I said in my opening comments, there are a number of those areas that we can talk about with regard to the taxation aspect or with regard to the fact that you're putting the government—and I'm looking at a doctor now—between you and your doctor and other problems with this bill as well. There are a whole host of reasons why this legislation is bad as it impacts upon us as individuals and our health quality in this country. But as I said at the beginning, the most profound aspect of it is that it's unconstitutional, and it's unconstitutional because of this mandate.

With that, I am pleased to be joined by Ms. FOXX, who would like to speak on this topic as well.

□ 2045

Ms. FOXX. Well, thank you, Mr. GARRETT. I appreciate your taking the lead

in organizing this Special Order tonight to give us an opportunity to talk about the health care bill that has been proposed by President Obama and Speaker PELOSI. It has certainly gotten a good bit of news in the last few months.

In the news that I watch on a regular basis, particularly in the last few days, we have heard a lot about the health care bill and, as you indicated, about the impact or the possible impact on the election that is being held in Massachusetts today to fill a vacant Senate seat. I think it is very important that we continue this debate, even though there may not be many people watching this, because generally people who are watching C-SPAN, I think, are very interested in what is going on politically in the country, and probably most people are watching what is happening with the outcome of the election in Massachusetts. It has been about 45 minutes now since the polls closed, and I know, when I was watching, just before I came to the floor, the comment was made that it probably won't take long to get the results of the election as Massachusetts is a rather small State, and they have good reporting mechanisms. So we will probably hear, and I think, for months, will continue to debate whether this very, very ill-advised bill that has been proposed has had an impact.

I speak often to groups, school groups, and I always like to talk about the Constitution because it is so important to our country and to why we are the country that we are. No other country in the world has had such an endearing and enduring Constitution as we have had. If you type out the Constitution on 8½-by-11 paper, double spaced, like you would a term paper, it only turns out to be about 18 pages long. It's rather short as constitutions go. Many countries have constitutions that are thousands and thousands of pages. I think one of the geniuses of our Founders was that they were able to write a very short Constitution that has stood us in good stead for over 200 years, and it continues to stand us in good stead.

One of the things I always point out to the students when I talk to them is the first three words of the Constitution. I wish I had a poster, but I don't. Even in the original document, these three words were written larger than the other words: "We the People." The Founders wanted the people of this country to be in charge of our government. They knew about the tyranny of a king, and they knew about the tyranny of a parliament. They never wanted those tyrannies to be visited upon the American people again, so they wrote a preamble that started that way: "We the People of the United States." That's what we need to focus on here in the Congress all the time.

I agree with my distinguished colleague from New Jersey (Mr. GARRETT),



which is that, every time we vote, we should ask ourselves: Is my vote going to be a vote that supports the Constitution as I swore an oath to do? I think that is very, very important.

I also think that the 10th Amendment to the Constitution doesn't get nearly the kind of attention that it deserves. The First Amendment gets a tremendous amount of attention, as it should; but all of our amendments are extremely important, and I think it's worthy to point out that in the over 200 years since the Constitution was adopted that we have only had 27 amendments to the Constitution, and we haven't needed a lot of amendments to the Constitution. We've had opportunities to adopt other amendments, and we haven't done so. I want to point out the 10th Amendment and read it, because I think, again, it's so important to this discussion that we're having on why the proposed health care bill is unconstitutional.

The 10th Amendment says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Founders did enumerate certain things that the House should do, that the Senate should do, that the President should do, and those things that are not enumerated by the Constitution are left to the people and are left to the States. Nowhere in the Constitution do we read the words: The government shall provide for health care. Nowhere. In fact, the words "health care" are nowhere in the Constitution. In fact, the Constitution says in the preamble that the people are "to provide for the common defence, promote the general welfare." Well, the main job of the Federal Government is to provide for the common defense. Unfortunately, we have gotten far, far away from that notion.

Most of the things that have been done by the Federal Government which are unconstitutional, in my opinion, have been done for good reasons. They're not malevolent reasons, but they're wrong. We should not be funding education, for example, and some of us who are here tonight have talked about that in the past. We certainly, I don't think, should be mandating that individuals in this country purchase health insurance on penalty of being put in prison. It is ridiculous that we have people contemplating that in this country. It is a tremendous overreach of power.

I want to point out something that my good colleague has pointed out, which is the issue of our being penalized for the absence of something as opposed to actions. Not buying health insurance will get a citizen in trouble in this country. Never before has that happened.

I want to point out something that the President has said and that our col-

leagues on the other side of the aisle who are pushing this terrible bill have said.

They said, Oh, when the American people understand what's in this bill, then they will like it. Well, that in itself, to me, is a condemnation of the bill. The bill that has been voted on in the Senate they didn't have a chance to read, and what's being negotiated now between the House and the Senate is being done behind closed doors by a very small group of people—all in secret. Well, if the bill were put out there now, the American people could decide: Do they like the bill or not like the bill? They're saying, from what they know and from what we know and from what had been proposed in the bills in the House, we know that the bills have bad elements in them, and that's what the American people are reacting to—the elements that we know which are bad.

The additional sad situation that we face is that there is a lot that has been agreed to by four or five or six people that nobody knows anything about. That is not the way to operate in a republic. That is not the way this Congress should be operating nor should our President be a part of that.

We have ample evidence from good constitutional scholars that this is not good.

[From the Wall Street Journal, Jan. 2, 2010]

#### WHY THE HEALTH-CARE BILLS ARE UNCONSTITUTIONAL

IF THE GOVERNMENT CAN MANDATE THE PURCHASE OF INSURANCE, IT CAN DO ANYTHING  
(By Orrin G. Hatch, J. Kenneth Blackwell and Kenneth A. Klukowski)

President Obama's health-care bill is now moving toward final passage. The policy issues may be coming to an end, but the legal issues are certain to continue because key provisions of this dangerous legislation are unconstitutional. Legally speaking, this legislation creates a target-rich environment. We will focus on three of its more glaring constitutional defects.

First, the Constitution does not give Congress the power to require that Americans purchase health insurance. Congress must be able to point to at least one of its powers listed in the Constitution as the basis of any legislation it passes. None of those powers justifies the individual insurance mandate. Congress's powers to tax and spend do not apply because the mandate neither taxes nor spends. The only other option is Congress's power to regulate interstate commerce.

Congress has many times stretched this power to the breaking point, exceeding even the expanded version of the commerce power established by the Supreme Court since the Great Depression. It is one thing, however, for Congress to regulate economic activity in which individuals choose to engage; it is another to require that individuals engage in such activity. That is not a difference in degree, but instead a difference in kind. It is a line that Congress has never crossed and the courts have never sanctioned.

In fact, the Supreme Court in *United States v. Lopez* (1995) rejected a version of the commerce power so expansive that it would leave virtually no activities by individuals that Congress could not regulate. By

requiring Americans to use their own money to purchase a particular good or service, Congress would be doing exactly what the court said it could not do.

Some have argued that Congress may pass any legislation that it believes will serve the "general welfare." Those words appear in Article I of the Constitution, but they do not create a free-floating power for Congress simply to go forth and legislate well. Rather, the general welfare clause identifies the purpose for which Congress may spend money. The individual mandate tells Americans how they must spend the money Congress has not taken from them and has nothing to do with congressional spending.

A second constitutional defect of the Reid bill passed in the Senate involves the deals he cut to secure the votes of individual senators. Some of those deals do involve spending programs because they waive certain states' obligation to contribute to the Medicaid program. This selective spending targeted at certain states runs afoul of the general welfare clause. The welfare it serves is instead very specific and has been dubbed "cash for cloture" because it secured the 60 votes the majority needed to end debate and pass this legislation.

A third constitutional defect in this ObamaCare legislation is its command that states establish such things as benefit exchanges, which will require state legislation and regulations. This is not a condition for receiving federal funds, which would still leave some kind of choice to the states. Still, this legislation requires states to establish these exchanges or says that the Secretary of Health and Human Services will step in and do it for them. It renders states little more than subdivisions of the federal government.

This violates the letter, the spirit, and the interpretation of our federal-state form of government. Some may have come to consider federalism an archaic annoyance, perhaps an amusing topic for law-school seminars but certainly not a substantive rule for structuring government. But in *New York v. United States* (1992) and *Printz v. United States* (1997), the Supreme Court struck down two laws on the grounds that the Constitution forbids the federal government from commandeering any branch of state government to administer a federal program. That is, by drafting and by deliberate design, exactly what this legislation would do.

The federal government may exercise only the powers granted to it or denied to the states. The states may do everything else. This is why, for example, states may have authority to require individuals to purchase health insurance but the federal government does not. It is also the reason states may require that individuals purchase car insurance before choosing to drive a car, but the federal government may not require all individuals to purchase health insurance.

This hardly exhausts the list of constitutional problems with this legislation, which would take the federal government into uncharted political and legal territory. Analysts, scholars and litigators are just beginning to examine the issues we have raised and other issues that may well lead to future litigation.

America's founders intended the federal government to have limited powers and that the states have an independent sovereign place in our system of government. The Obama/Reid/Pelosi legislation to take control of the American health-care system is the most sweeping and intrusive federal program ever devised. If the federal government



can do this, then it can do anything, and the limits on government power that our liberty requires will be more myth than reality.

With that, I would like to yield back to my colleague from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentlelady for joining us on the floor this evening and for her remarks for the last several minutes on this very most important issue. As the gentlelady who has come to the floor on numerous occasions in the past to speak to this most profound and fundamental issue, the protecting of our constitutional rights, I once again thank her.

With that, I will now just turn to the gentleman from Georgia, who is familiar, I'm sure, with James Madison and "The Federalist Papers" where Mr. Madison said, "In the first place, it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated powers." Congress, in other words, was not set forth free by our Founding Fathers to have unlimited grants of authority but, rather, certain prescribed ones.

With that, perhaps you could help enumerate and share on that point on which Madison was so eloquently quoted 200 years ago. The gentleman from Georgia.

Mr. BROUN of Georgia. Thank you, Mr. GARRETT. I appreciate your yielding this evening.

In Hosea 4:6, God tells us, "My people are destroyed for a lack of knowledge." Unfortunately, people all over this country have a tremendous lack of knowledge about how much liberty and freedom we've lost in this country. Now, I differentiate between freedom and liberty. I talk more about liberty than freedom. A wild dog is free. Let me define for the American people what "liberty" is. "Liberty" is freedom bridled by morality.

We have things going on here in this Congress, and we've had things going on in Congress after Congress under both Democratic as well as Republican leadership. We've had things going on with the executive branch under both Republican and Democrat Presidents, and we even have things going on in the Federal court system, all the way up to the U.S. Supreme Court, where rulings are handed down where the American people are losing their liberty.

I am a strict original intent constitutionalist. In fact, I carry a copy of the Constitution in my pocket at all times, and it's in every one of my suits. On my desk, there is a tremendous document. It's called "The Federalist Papers in Modern Language," which is a transliteration of "The Federalist Papers," which are very difficult to read because they're in old-style English. This is in modern-type English. It's not

an interpretation. It's just a transliteration. It goes from one form of English into another.

So I highly encourage the American people to get these documents. I give copies of the Constitution to anyone who walks into my office here in Washington, D.C., and I give my constituents copies of the Constitution out of our district offices. Every Congressman can do the same. The American people need to become knowledgeable about how much liberty we've lost.

One of the greatest attacks upon liberty is what's going on here in Congress today where the leadership in this House, where the leadership in the Senate, and where the leadership down Pennsylvania Avenue, in the White House, want to take away your liberty to see your doctor and for that doctor and you to make the decisions that you need to have made so that you have the best quality health care.

Now, Ms. FOXX was talking about the 10th Amendment. I'll go back and read it just to help educate the people because you may have not listened to Ms. FOXX, but listen up, please, Madam Speaker, to what the 10th Amendment says.

It says, "The powers not delegated to the United States by the Constitution—" in other words, those powers specifically given to Congress, the President and the courts—"nor prohibited by it to the States." Those are such things as minting money and having armies and things like that. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

So we in Congress can only technically constitutionally pass laws that are specifically given to us by the powers of this document. Article I, section 8 actually lists the things that Congress can pass laws about.

Madam Speaker, this is just a little booklet which contains the Constitution, the Declaration of Independence, and every single amendment. It's just this little bitty booklet, not the thousands of pages that PelosiCare and ReidCare and ObamaCare entail. Madam Speaker, it starts right here, and it goes to right here. It's 1¾ pages in this little booklet. It's just 18 things. It says, "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States."

□ 2100

Now, Madison was very specific, and Mr. GARRETT was talking about that. If you read the Federalist papers, the general welfare, which one of the clauses that has been perverted by Democrats and Republicans, courts, Presidents, and Congress alike, means

the general welfare. Not direct welfare, but the general welfare of the Nation.

So we have the ability to collect taxes and pay the debts.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

Now, Mr. GARRETT was just talking a few minutes ago about this commerce clause being utilized to make folks do something because the leadership here thinks that we have to mandate every person in this country to buy health care insurance whether you want to or not. That has never been done, and it is totally unconstitutional, as Mr. GARRETT was saying.

Actually, this commerce clause is one of the three that have been perverted, also. The original intent of that is that we don't lockbox trade within State borders. And we have done that on health insurance, which is unconstitutional in itself.

Republicans over and over again have suggested, and in fact in my comprehensive health care reform bill that I introduced, H.R. 3889, it would allow people in Georgia to buy health insurance in Alabama, which is cheaper, for the same Blue Cross-Blue Shield policy. Why shouldn't we be able to do that? This commerce clause under the original intent should allow us to do so. Republicans have proposed that. Democrats have fought against that.

Going on. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States. So we should have naturalization and bankruptcy laws.

To coin money, to regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States. In fact, this is one of the few constitutional criminal justice things that the Federal Government is supposed to be doing. Most of the criminal justice laws that the Federal Government has on its books are unconstitutional because we don't have the authority to do them.

To establish post offices and post roads. Post roads during the Founders' time were the highway system. So we do have constitutional authority for Federal roads.

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. That means patent laws. So we have constitutional authority for patents.

To constitute tribunals inferior to the Supreme Court.

Folks, there is only one Federal court that is established in this document, and that is the U.S. Supreme

Court. Every single Federal court, every single Federal judge serves at the pleasure of the Congress. We need to start putting checks on these dudes, and ladies, around this country who have actually broken their oath of office when they swear to uphold the Constitution. In fact, every one of us, when we are sworn in, every Congress swears to uphold the Constitution against enemies, both foreign and domestic. Madam Speaker, we have a lot of enemies that are domestic, enemies of the Constitution. This House is overrun by many domestic enemies of the Constitution, and the Senate is full of a bunch of them also. The courts are full of a bunch of them likewise.

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. That is another one of the few criminal defense laws of the Federal Government.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on lands and water.

To raise and support armies.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces. That is for the Army and the Navy, and the Marine Corps. I am a Marine, by the way—Semper Paratus.

To provide and call forth the militia.

To provide for organizing, arming, and disciplining the militia.

To exercise exclusive legislation in all cases over the District of Columbia. So when the District of Columbia decides that they want to have homosexual marriage recognized in the District of Columbia, we in Congress are supposed to tell them no. In fact, I have got a House Resolution that says that.

To make all laws that should be necessary and proper for carrying into execution the foregoing powers.

That is it, folks. That is it. The 18 things that we have the authority here in Congress to pass laws about. There is absolutely nothing in this document that gives Congress the authority to take over the health care system in this country. None.

And when we see PelosiCare on this floor or when we see ReidCare, ObamaCare on this floor, there is absolutely zero constitutional authority.

Now, God says in his Word, with the multitude of counselors there is safety. And I make a challenge to the Democrats. One Democrat in this House. If one Democrat in this House or one Democrat in the U.S. Senate were to show me in this document where Congress has the authority to pass a bill that takes over the health care system in America and sets forth socialized medicine, as they are trying to do under ObamaCare, I will vote for it. If one person in this House or the Senate shows me where in this document that

we have the constitutional authority to do that, I will vote for it.

I make a pledge to my Lord God, my Lord Jesus Christ up above, to the people of the United States, I pledge to vote for it if one, just one House member or Senate member will show me in this document where we have the authority to do so. I am not worried about that pledge, because there is none.

PelosiCare, ReidCare, ObamaCare, secret—well, they are all secret bills. They are all in secret, with no transparency we have been promised by the Speaker as well as by the President. There is nothing in this document to give the Federal Government the authority.

Mr. GARRETT was talking about that one mandate on individuals which in itself is unconstitutional. There are so many things in this thing—in fact, in the Senate bill, Mr. GARRETT, Madam Speaker, they say we, the next Congress, can't pass laws regarding that bill to overturn it, to amend it, or to withdraw it, appeal it. That in itself is unconstitutional. We in this Congress can't make a law that subjugates the next Congress to what we pass. That is unconstitutional. It doesn't pass the smell test, either.

The American people, Madam Speaker, are being destroyed for a tremendous lack of knowledge of this document and how much liberty we are losing.

Madam Speaker, it is up to the American people to rise up and say no to ObamaCare. To say no to whatever bill.

I understand that the Majority Leader, Mr. HOYER, today said that, "The Senate bill is better than nothing." So I am expecting with that comment that they are going to try to force down the throats of this House the Senate bill. I pray and hope to God, Lord Jesus Christ, please help us to not pass that bill. It is in the name of Jesus that I pray that. But I just hope and pray that we don't pass any bill that is being presented here.

I have challenged Democrats, many of them individually, to introduce a bill. I will give them the legislative language. And it is totally constitutional, Mr. GARRETT, Mr. Speaker—it has gone from Madam Speaker to Mr. Speaker. Welcome. We are glad to have you tonight—to do four things.

One is have cross-state purchasing of insurance for individuals and businesses, which is constitutional under the commerce clause. And we should be doing that under the commerce clause.

To have associations so that associations could be developed. I am a Rotarian. We could have a Rotary International pool. I am a graduate of the University of Georgia, Medical College of Georgia. We could have a University of Georgia system pool. We could have any kind of pool. We could have a con-

struction pool. We could have a college graduate pool. We could have all these pools that anybody in the country could join and have multiple options to buy many different kinds of policies, and it would put a whole lot of market forces into the system to lower the cost.

The third thing is to stimulate the States to set up high-risk pools for those who can't buy insurance because of preexisting conditions.

And, fourth, to have 100 percent tax deductibility for every single person in this country for all health care expenses. There are a lot of people that are left out, and you can't deduct your health care expenses.

Four simple things, all constitutional. I've had many Democrats, Mr. Speaker, tell me they would love to introduce this bill. I will be the first cosponsor, and we could pass that, I believe, in this House. That would put some market forces in the system and would literally lower the cost of health care.

Mr. Speaker, I am a medical doctor. In my medical practice as a family practitioner I have seen how government intrusion in the health care system has markedly run up the cost of health care. A couple of quick examples. I don't want to hog the time, Mr. GARRETT, but let me just give this story right quick like.

I was in a solo practice down in rural southwest Georgia, and I had a small automated lab with quality controls to make sure that the results were correct for my patients. Most doctors, if not almost all doctors, want to have good lab results. Many doctors across the country had these small automated labs with quality control. Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act. It was signed into law. It shut down my lab and every single doctor's lab in this country.

Prior to CLIA, if a patient came in with a sore throat, running a fever, I would do a CBC, a complete blood count, to see if they had a bacterial infection and thus needed antibiotics, or a viral infection that is not helped by antibiotics. They don't need to spend their money or even be exposed to antibiotics. I charged \$12 for that test. It took 5 minutes to do it. CLIA shut my lab down. I had to send patients across the way to the hospital. It took 2 to 3 hours, cost \$75 for one test.

Mr. Speaker, what do you think that did to the cost of health care across this country? What do you think that did to the cost of insurance across the country? It ran it up for everybody.

Congress a few years ago passed HIPAA. That has cost the health care industry billions, with a B, billions of dollars, and has not paid for the first aspirin to treat the headaches that it has created. It was totally unneeded.

It is government regulation in the health care system, Mr. Speaker, that

has run the cost up so that it is just outrageous. The Federal Government has no business regulating what I do with my patients. It has no constitutional authority to do so.

We have to go back to the drawing boards and work on a constitutional basis and present in a step-by-step approach and a constitutional approach ways of getting the Federal Government out of regulating the health care system. Let the marketplace regulate it. Because I know without a question that the marketplace, unencumbered by taxes and regulations, is the best control of quality, quantity, and cost of all goods and services, including my services as a medical doctor.

But, again, I challenge one Democrat in this House or in the Senate to show me where it is constitutional for us to pass PelosiCare, ReidCare, ObamaCare, and I will vote for bill. They can't do it because it is unconstitutional. Thank you, Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank the gentleman from Georgia for his passionate statements and litany of facts with regard to the unconstitutionality of this underlying bill. And within all that, there is the question of: What does that mean to me? The unconstitutionality.

What it comes right down to is this: That the Founders were profound and wise in their thinking in establishing the Constitution, and to do so not for their generation but for posterity as well, so that our rights and our liberties would be protected. And I think that is the case you were making.

Mr. BROUN of Georgia. If the gentleman would yield for 30 seconds. And I thank you for doing so, because we have some other speakers, and I have taken a long time. I apologize to the other speakers for taking so long.

But you are right. What does it mean to the American citizen about this bill? Not only that it is unconstitutional, which it is. But if you have private insurance, the cost is going to go up.

We have been told by our President: If you like your health insurance, you can keep it. But it is going to be more expensive if this is passed than it is today, and it is going to go up a lot faster, higher. Your doctor and you can't make decisions. Some government bureaucrat in Washington is going to be making those decisions for you.

Medicare people are going to have the Medicare money cut, the pot that is available for Medicare to be cut markedly so there is going to be more rationing of care. There already is some, but it is going to be worse. I as a doctor am already regulated and told who I can put in the hospital and how long they can stay there. That is going to get a whole lot worse. So it is going to affect the quality of care.

The American people need to understand: The cost of your health insur-

ance is going up. The quality of care that your doctor can give you is going down. Markedly going down. And you are going to be mandated to be—basically, it is a process of transferring everybody into a single-payer health care system. Socialized medicine. That is what our President said. That is their objective. And so it is going to be disastrous for everybody.

□ 2115

Mr. GARRETT of New Jersey. I thank the gentleman for laying it out so clearly to us. I will yield in just one moment to the gentleman from Utah. But before that, I think I'll be yielding to the gentleman from Texas, because at the beginning of this hour I promised we would bring periodic updates as to how this very important vote is occurring in the State of Massachusetts.

Mr. GOHMERT. Well, in hearing the discussion about what is constitutional and what isn't, the American people are not stupid. In Massachusetts, with over 68 percent of the precincts reporting, the Republican, Brown, has about a hundred thousand votes more—53, moving towards 54 percent, to 46. Massachusetts was not fooled. They looked at the candidates, they looked at what the candidates themselves were saying to the people in Massachusetts, and Brown made clear he wasn't voting for the health care bill. And he is doing the unthinkable: he's running away with this at this point. It's not even close. It's not even close enough that legal action and all those types of things that have been tried in other places were going to help.

The people have made clear, and I couldn't help but think about a comment of one of our Democratic colleagues down the hall when he said, You know, the further we go, the more difficult it is to pass laws that the American people don't want passed. That is the way it's supposed to be. This body is not supposed to come in here and pass laws that the American people do not want passed. They are not supposed to. That is the way it was designed.

I love what Justice Scalia said not long ago when someone asked, Is the Bill of Rights really what has made this country the greatest country of liberty in history, and he said, No; the Soviet Union had a better Bill of Rights than we do. It was because the Founders did not trust government, and they wanted to make it as difficult as they could to pass a law to put upon the people. So they created not one body, but two bodies, and created it to where either body could cancel out the other body.

And that wasn't good enough. They said, We need an executive. But we don't want a prime minister that is elected by the legislature. Oh, no. We want an executive elected separately, and then he can veto what those bodies

do. Even if they don't cancel out each other, he can cancel them out. And that's not good enough. We want a judicial branch that will make it even more difficult to create laws that are crammed down the throats of the American people. He said, That is what actually has done more to preserve the rights of Americans, because it was so difficult to get laws passed.

And what we have seen the last year in here is just a complete usurpation of all of those checks and balances that were provided by the Founders, the complete, actually, elimination of them, as we saw the White House have an auto task force in secret. Cram down laws that were in violation of what were passed here regarding bankruptcy. We had a bankruptcy judge willing to just sign an order that was given to him that was in clear violation of the laws that were passed, and then a Supreme Court that didn't do anything about it. To her credit, Ruth Bader Ginsburg put a 24-hour hold, but then that was withdrawn. And so the Constitution was turned upside down; the laws were turned upside down. And now the American people have had enough. And we are seeing it in Massachusetts.

Who would have thought that a Senator in California would have a close race, much less a Senator in Massachusetts have a close race. And now it's turned out it wasn't even close. You have a Republican in Massachusetts that appears well on his way to being sworn in as the next Senator from Massachusetts. I know that those in power in Massachusetts would not be exceedingly hypocritical and delay swearing Senator Brown in. Surely they would not be that hypocritical. He ought to be sworn in just as quickly as the interim Senator was sworn in to avoid being labeled eternally as the hypocrites of the decade. So I'm sure they won't allow that to happen. They will swear in Senator Brown just as quickly as they can do that. This should spell the end, as we are told, of health care. But, here again, we have people in the House, people in the Senate, that say, Forget what the American people want, forget what the Constitution says.

It should be pointed out, as my friends have been talking about the Constitution, when you lay it out, I don't see how this could be held constitutional. And so we've tried to get a fast track in there to go straight to the Supreme Court. Here and in the Senate they don't want it in there because they know it'll be held unconstitutional.

I appreciate my friend for yielding. But it appears Massachusetts is speaking very loudly.

Mr. GARRETT of New Jersey. I appreciate the gentleman from Texas for the update, for your comments; and just as you're all hoping, as we are,

that they will move quickly with the appointment, so too we hope that the rest of the Massachusetts congressional delegation will listen to the voters from the State of Massachusetts and do the right thing when the votes come here in the House.

With that, I am very pleased now to turn the floor over to the gentleman from Utah, a gentleman who is on the floor frequently speaking about constitutional issues, the gentleman who helped found the Constitutional Caucus here in the House, the gentleman from Utah.

Mr. BISHOP of Utah. I thank the gentleman from New Jersey for this. You know, we are talking about a potential health care bill which, whether it is the Senate or House version, is an enormous expansion of the government. Not only is it an enormous expansion of the government in the cost for it, but it's also an enormous expansion in the amount of power.

Now, both bills are based on the commerce clause of giving them their authority to implement this program. The commerce clause, as we know, over the last 70 years has been so expanded, its shape has basically been lost. But notwithstanding even when the courts have ruled on commerce clause issues, they have two thresholds that must be maintained before something has usually been declared constitutional for them.

One is the activity has to have a significant impact on interstate commerce. I think you can argue this bill will. But the second is the willing participant threshold that must be met, which means the commerce clause has said Congress can do that which will stop an activity; but never, never have they said the commerce clause can be used to forbid inactivity or force individuals to pay a fine not only for doing nothing, but for doing the wrong kind of thing according to the Federal Government.

Now that is the problem this piece of legislation has, because if you can force people to go through this to have a certain kind of health insurance, they can force Americans to do anything at any given time. The Constitution simply says commercial activity in which people choose to engage, but cannot require that they engage in those commercial activities. So it's one of those simple concepts. Let me give an example.

We passed a Cash for Clunkers bill, which gave incentives for people to go and get a certain kind of car. We still allow people that choice and option. If you use that same program with the principles within this health care monstrosity, we don't have a Cash for Clunkers program; we simply have a clunker program, which will then have the government establish a bureaucracy, an organization not only to tell you what to buy, but when to buy it

and give you the opportunity to pay for it yourself or be fined by the Federal Government.

Now that is not the way it's supposed to be. In *Mack v. The United States*, the Supreme Court said, The Constitution protects us against our better instincts because it divides power to help us so that we do not succumb to the temptation of concentrating power in one location as an expedient solution for crisis of the day. And that is indeed what this particular bill would do.

Mr. GARRETT of New Jersey. With that, I will just have an update from the Cloakroom that on the Massachusetts race that the Republican candidate Brown has won and the Democrat has conceded with 53 to 46 percent on the votes. Thank you.

Mr. BISHOP of Utah. That news, if I can get the time from the gentleman from New Jersey, is as amazing as the potential harm that this bill could do to all Americans that are there. We've spoken many times on the floor about the concept of the general welfare clause, which was not an expansion of opportunity for Congress. It was supposed to be a limitation. And I did at one time get a call—we spoke once on what was the interpretation of the general welfare clause—I got a call from a lady from Alabama after that, saying it was very eloquent, but these are all the things I like the government doing. And then she gave me a list of stuff.

I said, Ma'am, you basically missed our intent. It was not the government can do these things; it is which level of government should do these things. Not every issue has to rise to the importance that Congress needs to do it, which would lead to another element of the Constitution that I think this Obama health care-Democrat-Reid-Pelosi, whatever you want to call it, is violating, which is Federalism.

But before I do that, I would yield back to the gentleman from New Jersey to allow him to at least give some comments upon this particular issue, and then if we want to go back into Federalism—you don't have a whole lot of time—I'd be more than happy to pick that up at some later date. But I'd like to yield back to the gentleman first and at least give you a shot at this thing.

Mr. GARRETT of New Jersey. My shot is just to be able to bring this issue to the floor and to the American public and to Members of Congress as well. As my opening comment was the importance of looking at the constitutionality of any legislation, or particularly this legislation—you probably recall this—I was not the first one to bring this issue up. Reporters were actually the ones who brought this up to our leadership here in the House and to the White House as well. I wasn't there when it happened. All I know is what I read in the paper.

But when the issue of the constitutionality, whether it was the mandate

provision that we are talking about principally here or the other aspects as well, my understanding from what I read in the press is when the reporter asked Speaker PELOSI about, Did you consider the constitutionality of this legislation, she just laughed it off and said, Of course not. We are not looking at that.

My understanding is, likewise, when that question was posed to the administration, Did you consider the constitutionality of the health care bill, their answer was even more emphatic: no, we didn't look at that at all. That is so profound of an answer, to think that the administration would not look at the constitutionality of a piece of legislation that is going to impact upon personal choices of the health decisions of Americans and one-sixth of the economy as well.

The Founders understood this issue as far as protecting our freedoms and our liberties and that you need a document in order to do so. One of our first Chief Justices, Chief Justice Marshall, famously observed that the powers of the legislature, here in the Congress, are defined and limited, as the gentleman from Georgia just enumerated the 18 powers in it, and that those limits may not be mistaken or forgotten in the Constitution as written.

What he said was that the Constitution—I have a copy over here—was written because we want to put down the limitations on the power of the government to go and exercise authority over the public to a limited factor so the public still has some freedom and liberty at the end of the day. He continued on with that by saying, Should Congress, under the pretext of executing its powers, pass laws for the accomplishments of objects not entrusted—perhaps some of those list of requirements or ideas that this lady who called you from Alabama, was it—that she would like somebody to take care of her for her—should Congress under the pretext of executing its powers pass laws via accomplishment of objects not entrusted to the national government—this is where I yield back to you on the Federalism issue—it would become the painful duty of this tribunal—that meaning the U.S. Supreme Court—should a case requiring such a decision come before it, to say that such an act was not the law of the land.

What does that mean? That means that Congress does not have the ability to say that something is constitutional just because we say it is. Congress does not have the ability of saying that something is necessary and proper just because we say it is. Congress does not have the ability to say something is providing the good and general welfare for the country and therefore is constitutional just because we say it is.

We have a Constitution that is a contract entered into by the people of this

country with their government defining what the authority is on the various levels of government, and we here as Members of Congress must live within the terms of that contract. We cannot go outside of the terms of the contract any more than any one of us can go outside the terms of a contract that we entered into when we buy a house or buy a car or enter a contract with some store or what have you.

We are limited by what the Constitution does and says. That is what we are trying to ask that this administration keep in mind and what we are asking the Speaker to keep in mind as well when they bring forth a bill to the floor trying to do something that we all agree needs to be done, and that is to reform the health care delivery system in this country. But we would suggest that it be done in a way that is constitutional and protects the freedoms and liberties of the American people.

And with that, I yield to the gentleman whatever time remains.

□ 2130

Mr. BISHOP of Utah. I appreciate you yielding again on this.

Let me just say that there are several concepts that we have talked about here. One, does it meet the threshold of the commerce clause according to the courts? I do not think it does. You have also mentioned several other concepts, that just because Congress says this is a necessary and proper act doesn't necessarily mean it is a necessary and proper act.

It also bothers me that we forget the very essence of federalism upon which this country was founded, which means simply, it is not essential for the Federal Government to have to solve every problem. In fact, sometimes it is better if the Federal Government does not. I have used that example many times before about records. When I was younger, if I wanted a song, I had to buy the entire record. Now there is an iPod that my kid can download the song that I want, too. If I want vanilla, Ben and Jerry's still has 34 flavors from which I can choose.

Every part of our lives is now based on the concept of choice and options for American people, except the government. The Federal Government is still the last bastion of one-size-fits-allism, where we tell people what they ought to be doing rather than allowing them to have choices and options. I say this because some people said, Well, if we don't do this, we have nothing. That is not true. States are moving forward. My State already has implemented a process that gives people 66 options based on the demographics of my State, and everything we are doing in Utah is stopped dead. If this Federal bill passes, they succeed, they now dictate everything that will happen.

States are different. Massachusetts has a program they seem to like. It

would not work in Utah. The demographics of Utah would not allow our program to be successful in Massachusetts. But that is why there is the brilliance of federalism, so there can be 50 different innovative ideas and people have the chance to experiment and try and prove and find something that works for their particular area. In a nutshell, that is a very brief problem. This destroys the concept of federalism.

I will yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I am trying to think of the quote. You can try to help me out here. "States were created as the—"

Mr. BISHOP of Utah. "Laboratory of democracy."

Mr. GARRETT of New Jersey. "—laboratory of democracy" so all of those experiments could go on. Instead, what we have are the States becoming the guinea pigs for the democracy because the States are being controlled by the Federal Government in a way that is not the way the American public would like to see it.

So I thank the gentleman from Utah for, once again, joining us on the floor in an eloquent and educational format, as you always do. I appreciate that in a commonsense way that we can all understand it as well.

#### YEAR IN REVIEW

The SPEAKER pro tempore (Mr. MURPHY of New York). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I apologize for the delay in getting down here to answer the call of the gavel.

There are some distractions taking place around America as we speak. A lot of America has been transfixed by what has happened this year. I could go back and recap some of the events, but we pretty well know what they are: \$700 billion in TARP spending. We've watched three large investment banks be nationalized by the Federal Government. We've watched AIG be nationalized, taken over by the Federal Government. We've watched Fannie Mae and Freddie Mac be taken over by the Federal Government and then by an Executive order right before Christmas, have them open up the debt ceiling on Fannie and Freddie to where every American is a guarantor of the national debt, which could be \$5.5 trillion of Fannie Mae and Freddie Mac. We watched negotiations take place behind the scenes that told the bankruptcy court how to push our automakers through there, and both of them were nationalized, taken over by the Federal Government. Then we watched the \$787 billion economic stimulus plan be passed in an urgency that hasn't pro-

duced a product and a resolve, except a debt that is going to drag down the economy for the American people. Then behind that, out of this House came hurry up and rush cap-and-trade, cap-and-tax. Pass it. It passed out of the House, and it went over there on the docket of the Senate.

The American people began to realize what was happening. They couldn't believe it. They didn't think, first, the \$700 billion TARP was really real. Somehow they trusted that we knew what we were doing here, as a majority. The majority knew what they were doing. So they sat back, and something else happened, and something else happened. That's the list that I have given you, Mr. Speaker.

The American people have risen up. In the month of August, they filled up town hall meetings all across America over and over again. Hundreds and thousands of people came out so that their voice could be heard. Some of them stayed up all night long just to craft their question and do the research so that if they got a chance to ask a Member a question—you could tell there was a tremendous amount of American intensity going on all across America.

Into September and after Labor Day, we came back here and the grind began. The effort to pass a national health care act began. The socialized medicine effort wound up again, and they began pushing this through, Mr. Speaker. Speaker PELOSI's agenda, HARRY REID's agenda, and President Obama's agenda, the idea of nationalizing proud, private sector companies and taking over one-third of the private sector profits and doing so in a little more than a year in the United States.

Then taxing all of our energy and putting restrictions on America's economy, where the end result is to send jobs to India and jobs to China. The American people watched that, and they thought, Well, surely these people know what they're doing. But the more mistakes they saw and the list of misguided liberal ideas that had been passed out of the House and sent to the Senate—and some passed out of the Senate—was stacking up higher and higher and higher, Mr. Speaker. And the American people, in groups, incrementally began to realize that they knew better than the people that were in charge of Congress, and they lost their trust and their faith in the good judgment of the people that they elected in this constitutional Republic, especially when they saw that there was a determination on the part of the President of the United States, the Speaker of the House and the majority leader of the United States Senate to nationalize our bodies, to take over the management and the control of the most personal and private thing we have, that is this thing inside our skin,

our bodies, and the Federal Government deciding what we were going to have for insurance and who was going to pay for it and what the premiums would be and what kind of mandates would be on it and what kind the coverage would be and the decisions that we would have.

And then on top of that, an effort to start to tax, oh, let's say, trans fats or foods that they think we shouldn't eat, or sin taxes so that they could manage our lives, regulate everything that we do, nationalize and take over the control of our very private bodies and then tell us what we can eat and probably when we can sleep. It's way, way too much government intrusion on a proud and independent people.

So when we looked across America, we looked around for, "from whence cometh our help?" Well, we had help from all over America. The Tea Party Patriots came up from all over America, and they had huge rallies. They came to this Capitol on 9/12, and they filled this city up with people with American flags and yellow "Don't Tread on Me" flags, and they cried out for relief from the overspending that's been taking place. They held up their Constitutions, and tears went down the cheeks of men and women who love this country. It happened all over, in every State, and it really packed people in here in Washington, DC.

Still their hearts were hardened, and still they were determined to force socialized medicine down the throats of the American people. And then more people came to this Capitol, and as they came closer to a vote on health care here in the House of Representatives, a call went out one day, and 3½ days later somewhere between 10,000 and 50,000 Americans showed up here in the United States Capitol so their voices could be heard. They filled up over here on the west side of the Capitol and packed people out there with their American flags and their yellow "Don't Tread on Me" flags. They cried out for relief from this oppressive government that was taking their liberties away and my liberties away.

And still their hearts were hardened, Mr. Speaker. Two days later, we called people back to town. Over here on this side of the Capitol, thousands came again, and again they pleaded with the legislature and the Congress here, Give us some relief. We just want fiscal responsibility. We want our liberties. They told us, We're not Europeans. We're Americans. We're a different people. We didn't come here for dependency. A lot of people came here under the New Hampshire motto, "Live free or die" in the United States of America, have a chance to succeed, take the risk of failure, take your own personal responsibilities. All that they asked for was a chance to succeed, and that was taken away, taken away by a President of the United States, a Speaker of the

House, and a majority leader in the United States Senate, three people.

The American people began to understand that when the House bill passed here by a vote of 220–215, that if three people changed their minds, that bill goes down in defeat on the House floor, and the rest of that saga doesn't happen, Mr. Speaker. But it went over to the Senate where they ground it out and churned it out and cut deals in back rooms. There are no longer smoke-filled rooms, I don't think. At least there are not on the House side, because by order of the Speaker, that's another freedom that you lost. And if you want to eat an omelet over here in the cafeteria, it shall be made out of the eggs of a free-range hen. Don't forget that, Mr. Speaker. That's another liberty that we've lost.

So the health care bill went to the Senate, and they cut deals. And we heard things like, Louisiana Purchase II. How do you buy off the Senator in Louisiana? And then we heard things like the Florida purchase of the Senator down there so they could be exempted from losing their Medicare Advantage. Then we saw the "cornhusker kickback," Senator NELSON. I can say that now. We changed the rule. Why? Because he lost the amendment, which was the pro-life amendment, the Stupak amendment, in the Senate by a vote of 45–54, so crafted some new language that would still leave the United States Government in the business of brokering abortions through mandated health insurance premiums and got a special exemption for Medicaid increases in Nebraska, the "cornhusker kickback."

The American people saw this with revulsion, and still they came forward and produced 60 votes to end the filibuster in the Senate on Christmas Eve, Mr. Speaker. And about that time, I had a conversation with my senior Senator in Iowa, Senator CHUCK GRASSLEY, who is engaged in this debate in a serious way with the full intention of trying to find the best policy that could be put together in the legislative body, but he had to walk away from it at a point because they didn't need his vote. They were going to go for the most liberal, the most left-wing, the most leaning into socialism policy that they could pass, and it wasn't going to be with Republican votes. So that's what they did. They put the votes together to end the filibuster, and the deal was made on the 23rd of December. The vote for the end of the filibuster came up on the morning of the 24th, Christmas Eve morning.

I talked to my senior Senator, and I said, What can we do now, Senator? How do we kill this bill? And he said, We have to pray, and we have to pray for a victory in Massachusetts in the special election in the United States Senate. Mr. Speaker, you know, that didn't seem very plausible at the time.

I started to take a look at this, and I followed the Senator's advice. I put a little work in up there myself. I just came back from Massachusetts a few hours ago. A few minutes ago they've announced that Martha Coakley has conceded to Scott Brown.

Mr. Speaker, I want to tell you, there was a shot heard around the world up there in Lexington 200-plus years ago. There is another shot heard around the world tonight. In fact, it's the Scott heard around the world tonight, and it's the American people rejecting socialized medicine. It's the American people rejecting overspending and fiscal irresponsibility and living for the now and passing out the government dole and making sure that nobody has to worry about anything except how their children and grandchildren are going to pay this massive debt that's been created in the trillions of dollars.

□ 2145

Voting here on the floor to increase the national debt by smaller increments, \$300 billion, and next time it will be a big old chunk, and there is no restraint whatsoever in spending. The Blue Dogs are more groundhogs. They have gone underground, Mr. Speaker. They used to come down here and harangue Republicans about spending too much money because we would have a little deficit at the end of the year. Now, I have always been for a balanced budget, and I will vote to balance it every time I get the chance. But the Blue Dogs demagogued Republicans for a long time. Now they are groundhogs. They went out and saw their shadow and they went underground because the people on their side of the aisle are spending money irresponsibly, like crazy.

How could you possibly take away, spend enough money and take away enough liberty that the three-and-a-half to one Democrats to Republicans in Massachusetts would elect a Republican to come down to the United States Senate and vote against cloture so that the Harry Reid bill could be killed in the Senate? How could you ever spend that much money? I didn't believe it was possible, Mr. Speaker.

Some would say a miracle has taken place tonight, and I wouldn't disagree with that. I believe there has been intervention. And I am grateful for it. It is what I asked for and what I worked for.

I spent 3 days up there and experienced a lot of good people in Massachusetts. Mr. Speaker, I want to say into the RECORD that working with the very liberal agenda of the Massachusetts delegation doesn't always give a person the most positive attitude about the people that they represent. I come from Iowa, where we have the privilege of making a recommendation to America on who we think should be the next President of the United States. We

take it seriously, and we have a lot to say about it, and we are grateful for that privilege and that honor, but it is only a recommendation, Mr. Speaker.

Tonight, today and tonight the people of Massachusetts not only made a recommendation, they made a decision, not just for the people of Massachusetts, they made a decision for the United States of America. And that decision is no socialized medicine in this country. Keep our liberty. Get the budget under control. Let people take care of themselves and each other. The government is not a nanny. That is the message that comes from the place where liberty began.

Yesterday I was standing at Plymouth Rock. Three hundred and ninety years ago the Pilgrims landed there. And here we are, 390 years later, Massachusetts, of all improbable places, has brought us back to that rock of liberty. I could not be happier tonight. This is all I could ask for. I am looking forward now to the battle we have ahead to preserve the liberty that we have left and restore some of that we have lost.

I am happy to yield to the gentleman from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. I thank the gentleman from Iowa. I think it is a tribute to you that over these many months of the last year, you have been stalwart in your support of the liberties of this country and the first principles of this country. The gentleman from New York (Mr. KING) was so committed to the American people and the vote on health care that he missed his own son's wedding because the vote was taken on a Saturday, and we needed every single vote, not knowing if it would go our way or the vote of socialized medicine. And this gentleman sacrificed seeing his middle child's wedding in order to cast his vote for the American people that day. I applaud you for going up and participating in Massachusetts' election observing.

I would like to ask the gentleman before I begin to discuss budget issues. Did you talk to people in Massachusetts today and yesterday? What was on their mind? What was guiding their decisions in deciding to make a change in party after that seat had been held by Democrats since 1953. What was on their mind in casting their ballots today?

Mr. KING of Iowa. Some would say it is all about health care and socialized medicine. In fact, quite a few did say that.

But if you listened a little more closely, they are also telling people on our side of the aisle, Don't you spend too much money, either. We are tired of you being irresponsible with our tax dollars and with our children and grandchildren's future. That is definitely a core in the center of this. And underneath it is that list of things that

I gave at the beginning: The TARP funding, the stimulus plan, the nationalization of eight formerly private entities. They see all of that spending, and they see government trying to manage everything. And as liberal as Massachusetts is, they said, Enough.

The first version of it is, and some have said it is all about health care. And for them it was. For others it was health care and too much spending. For others, it was health care, too much spending, and the government injecting themselves in and taking over private businesses. They don't want to have a social democracy here in the United States. They understand we are not Europe. I mean when the first people arrived here in the United States it was down at Jamestown in 1607. And then 1620, the Pilgrims landed up at Plymouth Rock. They came for freedom and liberty, for religious freedom and economic freedom. I think it is the sweetest of symmetry in history to think that the Mayflower landed at Plymouth Rock in 1620, and 390 years later in 2010, their descendants in Massachusetts said, We are going to send you somebody to defend our freedom for America.

I was asking for reinforcements. We are outmanned and we are outgunned. We are fighting a scrappy fight. We need reinforcements, and we get some reinforcements tonight.

Mrs. LUMMIS. The father of the Massachusetts Constitution, John Adams, died 50 years to the day that the Declaration of Independence was signed. And as he died, he said "Jefferson lives." And ironically, Thomas Jefferson died that very same day, 50 years to the day after the Declaration of Independence was signed. These are people whose founding principles and founding beliefs carried them until the day they died. Although during the years they were political rivals, they respected and admired each other so much because of the work they had both done to help found this country, that they wanted to nurture it and guide it and see that it survived.

I believe tonight we are seeing that same nurturing and guidance and seeing the founding principles verified in Massachusetts. So it is indeed an exciting day for our country.

Among the things that you mentioned that the people of Massachusetts chose to be concerned about in casting their ballots today is the deficit. I would like to take a minute to show you a chart that explains how this deficit has grown over the last year and that the debt that our majority party here in Congress today says they inherited actually has grown to unprecedented levels while they were in control. When they espouse the fact that during the Clinton years, the deficit was rejected and that there were budget surpluses, it actually happened when there was a Republican Congress.

But the gentleman from Iowa has given me the opportunity to bring this chart and show it to you. The Federal deficit tripled in one fiscal year as tax revenues fell and Congress pumped out large sums to stabilize financial institutions and stimulate the economy. This top line shows you where the Federal budget deficit was. Well, that is neutral. That is neutral ground. That is a balanced budget. Down here on this dotted line is the debt that the majority party inherited 1 year ago, a \$459 billion budget deficit. That is the difference in money collected from the taxpayers of this country and the money spent during that year.

Now look at 2009. Below this dotted line is the amount of deficit spending that has occurred during the last year. And as the gentleman from Iowa just went through, these are the elements that have stepped that deficit to unprecedented levels: \$950 billion increase from 2008, and our deficit is \$1.4 trillion, almost a trillion dollars more than the Democrats inherited 1 year ago, and here is how it goes. First of all, lower tax receipts due to the recession, something that they didn't factor in. Then the stimulus money, which at \$787 billion was about twice what the Republicans proposed to spend on stimulus, and our bill would have created twice as many jobs. And in fact the Democrats' bill that they said would keep unemployment below 8 percent ended up blossoming into double digit unemployment.

That is what people are worried about. They are worried about whether they will have a job tomorrow, and whether their children will have a job and whether they will be able to pay their bills and whether they will default on their mortgage. And on top of that, whether their health care benefits will be taxed or whether they will be penalized because the government hasn't approved of the health care plan they have now. But I digress.

Now let's go on to the bailouts for financial institutions and auto industries, taking it to even lower levels. Bailouts for Fannie Mae and Freddie Mac, an area where the government in its wisdom decided that people who may not financially qualify for loans to own a home should have them, and this is the resultant deficit. And finally, unemployment benefits due to the recession. Plus you add other spending and here we are, \$1.4 trillion in deficit spending in addition to the debt that has accumulated over the years.

Now if the gentleman from Iowa would indulge one more chart. When you hear the term structural deficit, this is the structural deficit, the difference between spending and taxes. This chart runs from the 1970s through 2019. And if you look, this dotted line is today. Look at how the gap between spending and taxes grows and separates going forward, and here is where we are



today at a massive point in terms of the difference between spending and taxes.

But over the years, regardless of who was President, regardless of who was in Congress, we didn't have those abrupt and wild and dramatic swings. In fact, when the Republicans controlled Congress under a Democrat President, you actually had tax receipts higher than spending. These are the years that the gentleman from Iowa talked about, about which he is most proud and about which I am most proud as a person who was observing as a non-Member of Congress during those years.

This chart here shows you where spending went over the last period of time, 1969 to 2008. This very high number for defense, when over 40 percent of the Federal budget was going to defense, was at the height of the Vietnam War. Look at its abrupt decline after the Vietnam War into the 1970s, then back up for a little bounce during the period of the 1980s while we were ending the Cold War, and then you see it declined after the fall of the Berlin Wall, and this is the area of the so-called peace dividend, and then back up only slightly during the war after 9/11.

But the real kicker on this chart is the bottom line, the red line, Medicare and Medicaid, because before we were a welfare state, the amount of the Federal budget and in terms of the use of the Federal budget, only about 5 percent went to entitlement programs, Medicare and Medicaid. That number has been dramatically increasing with no end in sight because people of your and my age are going to move into retirement, meaning that Medicare will be more expensive. There will be more of us on it, and Medicaid benefits have increased over time.

Consequently, this is going to be eating more and more of our budget. Non-defense discretionary spending is actually down, and Social Security, more level than you would think at about 20 percent of the Federal budget. But there again, that number is going to go up unless we get a handle on entitlements. So these are the areas with which we need to grapple. These are the areas which I believe were on the minds of Americans in Massachusetts as they went to the polls today.

□ 2200

Mr. KING of Iowa. I thank the gentlelady from Wyoming for the interesting charts. I think it's important for us to refresh ourselves with these trends consistently. They have changed dramatically under this administration.

I think the American people now realize that Republicans in the majority disappeared here in November of 2006, and Democrats have been in control of this Congress ever since then. In the previous years, they all said that if you would just let them have control of

this Congress, things would be better. Give us the majority, they said over and over again. The 30-something Group, which now I think is in the 40-somethings, just consistently, night after night, made the same case: the economy would be a lot better off if you had Democrats in charge.

Well, they came into control in November of 2006 and immediately what we saw was a significant decline in industrial investment. That was the first indicator of what was happening with our economy, and it happened this way: CHARLIE RANGEL became the likely, and not yet formally named, but he did become the chairman of the Ways and Means Committee. And he went on the talk show circuit all over America; he was a very busy guy. And the pundits were asking Chairman RANGEL, Which one of these Bush tax cuts don't you like, or do you like them all? And CHARLIE would never be able to say that he liked any of them, but he never really answered back on which ones he didn't like.

But because of his answers and the process of elimination, from November through February it became clear to the investors in America that there wasn't any Bush tax cut that CHARLIE RANGEL liked and that he liked spending better, and he was going to do what he could do to let them expire so that the government could collect more money so they could start more programs and grow government spending.

Investment knew that; business figured it out. And as they did, the capital investment went down; the industrial investment went down almost in direct proportion to the appearances of CHARLIE RANGEL on national TV. Because capital is always smart money—it wouldn't be capital if it weren't smart—and so if the cost of investing in a business goes higher because there's a tax increase, what do you do? You invest less in business because the return isn't as likely or the margin isn't as good.

So when America and the world were promised that the Bush tax cuts were going to be, let me just say that they would say it this way, "allowed to expire," which is willfully kill them and raise taxes, industrial investment dropped off. When industrial investment dropped off, of course when you invest in capital investment, you get a return in productivity. If you stop investing in industrial investment, then you start losing efficiencies.

There was a professor—actually, he was a professor that served underneath Lenin in Russia, his name was Professor Khodnev. He did a study, it's called the Khodnev study. Nobody really knew about this study until MIT University did a computer study some 25-or-so years ago analyzing what happened with capital investment and returns and how the cycles of the economy went. Somebody remembered that

they read this old study from Professor Khodnev, a Russian who was commissioned by Lenin to prove that capitalism would be self-defeating and expire.

So he went through their data and he showed that there was a decline, that unemployment would go up and gross receipts would go down, profits would go down and capital investment would go down. He showed a cycle that showed that when the capitalism of the economy peaked out, it would then drop back down over the course of about 26 years. That showed capitalism's decline. Then it would go back up again to peak out again in another 26 years. It's a 52-year cycle, Professor Khodnev's 52-year cycle.

And so he was commissioned to prove capitalism was self-defeating, but he found out that, well, it defeats itself for a while, but then when you get down to the bottom, entrepreneurs start to come up with good ideas. They all figure out what they're going to do, and they invest in research and development. They implement new ideas, new ideas improve technology, technology improves productivity, improved productivity improves profitability. And when you're down at the bottom of this trough where you're making these investments, your productivity then goes up because of the capital investment at the trough. And as it goes up, your profits go up.

Then you get up there 26 years later to the peak and you realize, this is pretty good, I'm making money, I think I'll coast awhile. They stop making capital investments like they stopped under the beginning of the Rangel term and then your productivity drops off. And you don't realize it for a while. You're not quite in a free fall, but you're coasting. I remember seeing a poster on a fellow's wall years ago of a little kid sitting on a tricycle. He's got his hands on the handlebar and his hair is flying a little bit, he's got his feet off the pedal and a great big grin on his face. He's having fun, but the bottom of the poster says, If you're coasting, you're going downhill.

And we went downhill, Mr. Speaker. We went downhill because taxes were too high and because the wrong message got sent to capital investment, apparently because of Khodnev's theory that was matched by the computer study at MIT, by the way, and you can pick your cycles within the cycles too.

But it's the nature of capitalism to invest money, improve your productivity, and then have that equipment get old. Then you can't compete so much anymore and your productivity then diminishes in the face of this competition. You still get profits because you've got the return back on your capital investment and you own your equipment, but if the profits get narrower and narrower and the harder it is to get that competitive production out

of the older equipment, then you peak out and you start to slide. And then you think, what are we going to do now? Well, let's go invent some things. Let's get our productivity back, and let's compete with the rest of the world.

That's what needs to happen, but it has to happen in a competitive environment, Mr. Speaker. It needs to happen with low regulations and low taxation. And you can't be punishing business. And we can't have a President that is demagoging the capital investment in America and telling the bankers that they're greedy. Bankers will pull back.

I think this is a lesson out of Franklin Delano Roosevelt: he went around and punished capital throughout the thirties. And then he had his New Deal that he said was a good deal; I said it was a horrible deal. The President said it would have been a better deal only FDR didn't spend enough money. Well, now we're finding out what America thinks of the FDR-New Deal-President-on-steroids Obama who went to Copenhagen twice and went 0 for 2. He wanted to get the World's Fair in Chicago; that was a goose egg. Then he went to Copenhagen to get a deal for cap-and-trade. He got a fig leaf, but not a deal. So that's 0 for 2 in Copenhagen.

Then he went to Virginia to try to win the governorship down there, about three stops across the river. Well, we've got Governor McDonnell. Then he went to New Jersey to save that for the very rich and, as of yesterday, former-Governor Corzine. We have Governor Chris Christie. Then he went to Massachusetts, a place where you would never have to call the President of the United States to Massachusetts for reinforcements, never. No one could imagine a scenario like that and have the President's political capital on the line. He has a situation where he couldn't win because the race was already too close.

But this is worse than taking a black eye, this is a thumping. This is a real thumping. It is a movement along the east coast. And if it can move like this on the east coast, it can really move across the rest of the country as a dynamic sea change.

The American people reject some other things, as I said earlier. The most personal thing you have is your body. And the government comes in and nationalizes General Motors; that's like nationalizing the Dallas Cowboys. But your body? The most private thing you have, to have the government decide they're going to manage it and tell you what you're going to pay for insurance and set up a health choices administration czar to write the rules after the fact? To pass legislation that would appoint someone to have power over life and death, someone to be appointed later—maybe by, let me see, and confirmed by some Senators to be

elected later. Well, they have gone way too far. And the wisdom of the Founding Fathers has been, I think, ratified and established.

While I'm here talking about how things have to change, Mr. Speaker, I, not by accident, have an acorn here in my pocket. We know what ACORN has been doing to try to redirect America's destiny. They have admitted to over 400,000 fraudulent voter registration forms. They have said that they've gone to swing States and turned up their organization. They said they're a 501(c)(3), not-for-profit, nonpartisan organization.

I went down to their headquarters at 2609 Canal Street in New Orleans. And there, where they run most of their operations out of, there was a huge "Obama for President" sign right smack dab in the front window of the national headquarters of not-for-profit, tax exempt, 501(c)(3) ACORN campaigning for the President of the United States. He was elected about 8 months earlier, 9 months earlier; they still had a sign in the window. The President wrote the book "The Audacity of Hope." This is a lot of audacity to see what ACORN is doing. They've got to be pulled out by the roots, Mr. Speaker.

That is the next piece that comes along. The American people have to step up and make sure that our elections are legitimate, that they're not stolen, that every American citizen registered to vote that counts a ballot has their vote counted. But the rest of those people don't have any business voting, and once is enough. And the threats that came and the stories that we've heard—we will pick up more about Massachusetts; but I suspect that they're not going to look very far because on a victory you don't go examine very deeply.

□ 2210

Yet, in the close races, those that can scramble things and those that can produce fraudulent voter registration forms, those corrupt criminal enterprises will take and steal our liberty and our freedom, and I think we've seen it happen in several States. Thank God it didn't happen in Massachusetts tonight.

I yield to the gentlewoman from Wyoming.

Mrs. LUMMIS. I have a couple more questions for you.

We look at the fact that, in the health care bill, the Senator from Nebraska sought an exemption from the impacts of Medicaid expenditures in his State and at the fact that the Amish sought an exemption because their religious freedom requires them not to be mandated to have a certain health insurance program placed upon them. There were other exemptions. The unions went to the White House recently because they wanted to be ex-

empted from the Cadillac insurance plan tax that was going to help pay for the Senate bill to create socialized medicine.

Then there was the citizen who asked: If this is such a great bill, why do so many people need exemptions? Could that be part of the reason, the very simple question: If this is such a great bill, why does everybody want to be exempted from it? Could that have anything to do with tonight's election results in Massachusetts?

I yield back.

Mr. KING of Iowa. I thank the gentlelady.

I think there are lots of things that had to do with the election in Massachusetts tonight. I think a lot of it was that the American people are fed up and that they've had enough. You know, people will rise to their responsibility. I don't know how many times I've seen a town that needs a mayor, a small town, but nobody wants to bother. Somebody else can do that. If the wrong person steps forward and says, Well, I'll be mayor, well, we've got a little syndrome—and I won't say the person's name—but it's a syndrome that says, if somebody who's going to do a lousy job steps up, somebody who'll do a good job will step up to protect them from the damage that will be caused. I think that's part of what happened in Massachusetts. I think, when this announcement was made that the Coakley candidate would support the bill, whatever it was that came out behind closed doors, that that really mobilized a lot of people.

We need to be thinking about what actually has happened here. In this House, a bill was passed, and there were amendments that were offered in committee, but there wasn't much of a process here. I offered something like 13 amendments in the Rules Committee at 1:30 in the morning, and there was nobody there to hear that. It's like if a tree falls in the forest. The Rules Committee sat there and chastised me for wasting their time for asking them if they'd give me permission to come down here to the floor and argue for the liberty of the American people. They had the audacity to chastise me for using up paper. It was a waste of paper to print these amendments because, surely, I should have known that Speaker PELOSI wasn't going to let these amendments come to the floor. So what was the point of putting them on record?

My advice to them was take that 2,000-page bill and put the paper back in the tree. The world would have been a lot better off if we'd had a few more trees and a few less 2,000- or now 4,000-page bills.

I think something else we need to talk about, Mr. Speaker, is they're not going to break the filibuster in the United States Senate on this bill anymore. So what kind of shenanigans do we have to guard against?

Are they going to delay the certification of the votes in Massachusetts to try to delay the swear-in of Senator-elect Scott Brown? I like the sound of that. I haven't said that before. Senator-elect Scott Brown. Are they going to delay that? Are they going to try to keep him off the floor?

Are they going to try to push a bill through with the 60 votes they have and defy the will of the American people?

Is Speaker PELOSI going to try to take the Senate version of the bill now, which is something that the House has lined up to reject, and bring it to the floor of the House before people figure out what's going on and send it to the President even though the American people have not just at every opportunity—and the election today was an opportunity today for the voices of the people in Massachusetts and America to be heard. Thank you, Massachusetts. Not only that, the people have stepped up to do everything they can, and they have created opportunities that their voices be heard, and I say still their hearts are hardened.

If they circumvent the will of the American people, if there's a bill from the Senate that gets brought to the floor and sent to the President because everybody over here just sucks it up and decides they're going to go ahead and lose those seats, there will be holy thunder to pay in the ballot box in November. I pray the streets will be peaceful until then, and I'm not sure they will be, Mr. Speaker.

This is a rejection. This is a referendum on socialized medicine in Massachusetts today. This is President Obama's socialized medicine agenda rejected in Massachusetts. This is heavy-handed legislation and backroom dealing rejected in Massachusetts. This is special deals for different States, exemptions, carve-outs for Florida, Louisiana and Nebraska and others rejected by the people in Massachusetts. No secret deals. That's all rejected by people in Massachusetts.

A situation that we have now is—and I said this going into the election a year ago November—excuse me. Well, it was last November actually. Going into the election, I said, If you elect Barack Obama as President of the United States and if you return majorities to the House of Representatives for Democrats and to the United States Senate—and I didn't anticipate it was going to be 60. I think, if you went back and did a recount in Minnesota, it wouldn't have been 60, but that's what it turned out to be—I predicted then that those majorities and a President Obama, the three of them—President Obama, Speaker PELOSI, and HARRY REID—could go in a phone booth and dictate to America what they wanted to do to this country. I put that in an op-ed here a couple of days ago, or at least in a press release, because I wanted to make sure it was down in print.

There is no formal function that has taken place in the House of Representatives all year long or in the United States Senate all year long that controls the negotiations on the part of the ruling troika in America—Obama, PELOSI, and REID. They plan to and strategize to draft a whole new bill, one that's not guided by anything except their judgment on whether they can get the votes to pass it and bring it directly to the floor of the House of Representatives—bypass the committee process, not allow any amendments, just write a draconian bill like King George would write. You know, he vetoed the will of the colonists, and now the colonists have vetoed the will of the President today.

Mrs. LUMMIS. Will the gentleman yield on that point?

Mr. KING of Iowa. I yield.

Mrs. LUMMIS. Interestingly, over the August recess, when we were all at home having town hall meetings and the people had their opportunities to step forward and express their opinions about this bill, one of the leaders of the majority party in the Senate was quoted as saying, It's getting harder and harder to pass legislation that the American people don't want.

So they even acknowledge that the American people don't want this. They even acknowledge that it is the judgment of the leadership of the Democratic Party that this is good for the American people whether the American people know it or not.

That's what King George was doing. King George was deciding that he knew what was best for the American colonies whether they knew it or not, but they rose up, and they told King George otherwise—that they knew what was best for them, and they formed a more perfect union.

That's what, in part, tonight's election was about. That's what the elections and the discussions may be about throughout this calendar year unless there is some recognition by the majority party and by our President that "change" means moving more towards the center.

You and I want what's best for our country. We don't want to stand up here and bash the other party. We want to work with them to come up with solutions for our country. I come from a State where we have frequently a boom-and-bust economy. I served in the Wyoming Legislature when we were in boom years and when we were in bust years. We know how to ramp up an economy, and we know how to ramp a government down in response to a declined economy. We could work with a President and with a majority party now if they were willing to do so; but as you and I know, we've seen no indication that they're willing to do so, and you expressed an example of it.

It was the night that you were there at 1:30 a.m. in the Rules Committee to

try and get an amendment. I had three amendments to that bill. I was there an hour before you were, and I was told that there were going to be two amendments allowed on the floor tomorrow to that 2,000-page bill. One would be Minority Leader JOHN BOEHNER's substitute bill, which they already knew was going to go down and that it would get the votes of all of the members of the Republican Party and none of the members of the Democrat Party. That was one of the amendments.

□ 2220

The other one was the Stupak amendment, because that was demanded by of course every Republican and enough Democrats that they had to allow it to go to the floor in order to get that bill passed. But every other bill that was sponsored in good faith by Democrats and Republicans alike, rank-and-file Democrats and Republicans, were rejected, was not allowed to go to the floor and in fact was essentially blown off in the Rules Committee.

That is not government of the people. That is government the way that King George ran it. That is government that the people tonight rejected in Massachusetts.

Mr. KING of Iowa. I thank the gentlelady. This is an exhilarating day for a lot of reasons, and many of us have poured our hearts and souls into this. I have argued that even when you are surrounded and there isn't hope, it is no time to give up because you never know when the cavalry is going to come over the hill. Well, they came over the hill in Massachusetts today.

There was a fellow that gave up, though, and I think it is important to put this into the CONGRESSIONAL RECORD.

[From the Washington Times]

BOOKIE PAYS OFF EARLY, PREDICTS BROWN WIN

(By Joseph Curl)

BOSTON.—On Monday, an Irish bookie paid off bettors who had wagered that state Sen. Scott Brown, a conservative Republican, would win the special election for the Massachusetts U.S. Senate seat held for nearly 50 years by liberal Democratic icon Edward M. Kennedy.

"Enough is enough. It seems that Senator Brown just has to get out of bed tomorrow to win convincingly. As far as we're concerned, this race is well and truly over," said Paddy Power, Ireland's largest bookmaker, 24 hours before the actual election.

Before shutting down the betting, Mr. Brown had gone from 5-4 odds to 1-5 (meaning if a bettor put down \$5, they only stood to make \$1 if Mr. Brown wins). The odds against his opponent—Democrat Martha Coakley, the state's attorney general—soared from 4-7 to win to 3-1 to lose.

"Paddy Power has also cut the odds on the Republicans winning the 2012 presidential election from 11-10 to evens and have installed Senator Scott Brown at odds of 20-1 to win the Republican presidential nomination in 2012," the bookmaker said.

Mr. Brown, Mrs. Coakley and Joseph Kennedy, a Libertarian who is running as an

independent, entered the final day of campaigning before Tuesday's special election to fill the U.S. Senate seat left empty by the death of Edward M. Kennedy.

The Irish bookie also paid off early on the 2008 presidential election. About a week before Election Day, Mr. Power paid out more than \$1 million to all bettors who wagered on then-Sen. Barack Obama, saying Sen. John McCain was too far behind in the polls to win.

One fellow gave up, and his name is Paddy Power. He is the lead bookie from Ireland. This is in the Washington Times printed today, so you can guess he capitulated sometime in the night, and it made the Washington Times. Paddy Power started to pay out the bets to the people that bet that Brown would be elected over Coakley today. And he said the polls were far enough apart that he didn't need to wait until the polls closed and they counted the votes. It was over. So Paddy paid out somewhere around—here we go. Mr. Brown had gone from 5-4 odds to 1-5. Meaning that if you bet \$5 that he would win, you would pay out \$1. And so Coakley went from 4-7 odds to 3-1.

Now, the people from Nevada would understand all that instinctively, but I believe that, if I read this right, Mr. Power paid out more than \$1 million to all bettors who wagered on the Obama race. So he paid out the bets. He just decided that he didn't need to wait for the polls to be counted. He gave up, but he predicted it right.

From my view, Mr. Speaker, I think when we have a public policy that is completely wrong, that violates the Constitution and it violates the spirit of the American people, in fact diminishes and damages, the American people should never give up, should never give up until it is all over. Then, you figure out how to start it all over again.

I had a poster in my construction company office for years, and I just found it as I cleaned out my office over the Christmas break and I was snowed in. It was of this shore bird, a tall, long-legged bird, and he was swallowing a frog. And the frog is going down the throat of this bird, but the frog has his arms out and he is holding that bird by the throat. He is not going to be let up, or if he does he will be swallowed. The message is, Never give up.

We didn't give up in this House. A lot of us stood and we fought. And we have got a lot of battles ahead of us, but the cavalry has arrived, we have got reinforcements. And now, there are people who will not be sleeping tonight trying to figure out how to pass a bill the American people don't want.

I think that this time in history, this vote and this election and this special election in Massachusetts represents the most significant congressional race in my lifetime and maybe in the history of the United States. Time will tell. Time will tell on that. But I am

exhilarated to see the spirit of freedom and liberty that has emerged in a place where we didn't see a lot of that in the past.

I yield to the gentlelady, and then I will come back with any closing comments.

Mrs. LUMMIS. I thank the gentleman from Iowa. And I look forward to the day when you are in the majority party, next year on this floor, and I am in the majority party, God willing, and that we can work together with President Obama to solve the problems of this country; that we can go back as happened in the 1990s, where you had a member of the Democratic party as President and a Republican Congress, and they worked together to balance the budget.

That is what the American people, I believe, are yearning for. That is what I am yearning for. And I look forward to working with the President in a way that we can balance the budget and bring the American people back to have faith and confidence in its government because we return to founding principles.

You know, there is an old saying: When all else fails, read the directions. The Constitution of the United States is the directions. And at a time like this, when we have record deficits, when we have soaring U.S. interest payments like you see on this chart, when we have Americans concerned about their health care, about their jobs, about the ability to earn an income, when people are concerned about the growth in China and what they see in some cases as the decline in jobs in the United States, that is when you return to founding principles.

Let's look at our Constitution more often. Let's return with our President next year, as a majority party, and I hopefully will be serving with you in the majority party at that time, and get back to those founding principles. Read the directions, what made America great, and restore the confidence of the American people in this institution and in our ability to self-govern.

Mr. KING of Iowa. I thank the gentlelady for joining me tonight in this Special Order.

You have heard, Mr. Speaker, my enthusiasm to put an end to this socialized medicine bill. You haven't heard what has been refreshed, at least, although I am confident you have heard, the things that the Republicans would like to do.

Republicans have introduced at least 42 different health care bills here in this Congress. We have passed good pieces of legislation in the past when we were in the majority and sent them over to the Senate, where the trial lawyers blocked any reform. And one of those is to reform lawsuit abuse in medical malpractice.

The number that I get from the health insurance underwriters is 8.5

percent of all our health care costs is wrapped up in lawsuit abuse—the litigation, the defensive medicine, and the premiums that are unnecessary because of the lawsuit abuse. That 8.5 percent represents \$203 billion a year going out unnecessarily wasted out of health care.

This 4,000-page bill. And we don't know how many pages it is now. I don't know if they are back there now writing more pages, or if they are burning up pages trying to balance out their carbon footprint. But in this 4,000-some page bill, there is not anything in there that does one single thing to reduce one penny in unnecessary health care costs that has to do with lawsuit abuse.

So that is number one. We want to fix that. We have introduced legislation on it. We passed it out of the House in 2005 when we were in the majority, and sent it over to the Senate where the trial lawyers blocked it, lawsuit abuse.

JOHN SHADEGG for years has been pushing legislation to allow people to buy health insurance across state lines. So today, in Governor Christie's state, someone who would pay a premium there, a young 25-year-old man, buys a health insurance premium for about \$6,000 a year, a healthy young man, can go to Kentucky, can buy a similar—not the same, but a similar policy, for \$1,000 a year. So why wouldn't we adopt the Shadegg language and let the people in New Jersey save \$5,000, and let them buy that policy in Kentucky until they start to lower the premiums and lower the mandates in New Jersey?

Buying insurance across state lines does a lot to lower the cost of health care. And the President has said there isn't enough competition in the health insurance industry. Remember, he demagogued the health insurance industry mercilessly for a long time: Not enough competition. So he wanted to create a new Federal health insurance company that would offer a handful or a dozen health insurance policies.

Here are the real numbers, Mr. Speaker. There are 1,300 health insurance companies in America—1,300 companies. That is a lot of competition. The President's idea is, well, we need 1,301, then. And that will be the deciding factor. And of those companies, there are approximately 100,000 different varieties of policies. If one wanted to go shopping, you could conceivably buy 100,000 different policies. That is a lot of policies and a lot of options and a lot of companies, and they are not allowed to compete across state lines. In fact, some of them don't want to do that. Some of them want to protect their little bailiwick, and some of them are trying to establish a de facto monopoly in their States. The Shadegg bill fixes that, and it breaks that down and lets people go out of state to buy insurance. Those are two big things.

I want 100 percent deductibility of everybody's health insurance premiums. If a corporation or a company, a sole proprietorship, partnership, limited liability corporation, if they can deduct health insurance premiums for their employees, why if they don't provide that insurance can't the employee deduct 100 percent of that premium in the same way? It is completely unjust.

When I bring that up, some say it costs too much money. Well, then let's level the tax a little bit. It is \$32 billion, if I remember right, on the number. That is not too much money to give people equity and give people justice.

So let's have full deductibility of everybody's premiums. Let's buy insurance across state lines, make all of the insurance companies in the country compete against each other. Let's end this lawsuit abuse, Mr. Speaker. Let's have transparency in billing, so we can start to reduce the cost shifting that takes place. Because some people underpay; others have to overpay.

And, by the way, cutting Medicare by half a trillion dollars and alleging that there is waste, fraud, abuse, and corruption out there—and they'll be able to find that all if we just let them cut Medicare by half a trillion—how is it the President of the United States can make an allegation that there is waste, fraud, and abuse, and can end corruption to the tune of hundreds of billions of dollars and not point one finger at the people that are corrupted or doing it? And how is it that the President of the United States can hold a right hostage to an ultimatum?

□ 2230

We have a right to a legitimate government; we have a right to government oversight. If there's waste, fraud, abuse, and corruption in Medicare, we shouldn't have to be held hostage to pass socialized medicine to find out where it is so the government can go fix it. That should happen every day, automatically, every time, by due-diligent public servants. A half a trillion dollar cut. By the way, wiping out Medicare Advantage. Oh, except for Florida. That's the carve-out on there.

The American people are full up to here of those kind of shenanigans. They're tired of special arrangements. They really don't like the idea that everybody's Cadillac health insurance plan is going to be taxed at 40 percent, except the unions. They're not going to be taxed quite so much. Give those an exemption because, after all, they helped the President get elected.

So this is like a huge, right-out-in-the-open, shine-the-spotlight-on-it, political payoff. This is America. And this is what the people in Massachusetts revolted against today. A peaceful revolution. People that came up and said, I'm going to exercise my right at the ballot box. And if they ex-

ercise their good judgment and their right at the ballot box, then you don't have to go to the other form of changing government, which gets a little bloody. The French had it kind of rough after our Revolution. We don't want that in this country. We're grateful for people that go to the polls and provide that kind of revolution with good judgment and good energy and good organization and a great and wonderful spirit.

For me, I get to pack 3 days of good memories about Massachusetts into my mind, and I can carry that with me forever. That's something that will never change now. I look forward to going back up there, Massachusetts, that deep, deep blue State turned a little purple today, Mr. Speaker.

So I appreciate your indulgence and you listening and I appreciate the opportunity to address you here before the House of Representatives on this glorious day. I look forward to every day we have from here on out to the end of this session as we shape this policy and we start to move back to sanity in America. I look forward to the elections in November of this year, 2010.

I look forward to the new faces that will come, the freshman class. It will be a large freshman class—a class of vigor, people that are full of energy, that really do come to change this country. I intend to team up with them, bring us a balanced budget, bring us back more liberty, strengthen our families, strengthen our foreign policy and, by the way, while that's going on, we need to shape a President for 2010.

Thank, Mr. Speaker. I appreciate it, and I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending his brother's funeral in Alaska.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, January 20 and 21.

Mr. POE of Texas, for 5 minutes, January 21, 22, and 26.

Mr. JONES, for 5 minutes, January 21, 22, and 26.

Mr. BURTON of Indiana, for 5 minutes, January 21 and 22.

Mr. INGLIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, January 20, 21, 22, and 26.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 20, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ICW, Ft. Walton Beach, FL [COTP Mobile-06-027] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Noble Jim Thompson, Pascagoula, MS to the Gulf of Mexico [COTP Mobile-06-028] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Channel, Pascagoula, MS [COTP Mobile-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V Zhen Hua, Mobile River, McDuffie Berth #1 [COTP Mobile-06-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security

Zone; Secretary of DHS and Commandant Visit to Pascagoula, MS [COTP Mobile-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [CGD13-06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD 13-06-035] (RIN: 1625-AA11) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation (SLR) and Safety Zone Regulations: Seattle Seafair Unlimited Hydroplane Race and Blue Angles Air Show Performance 2006, Lake Washington, WA [CGD13-06-036] (RIN: 1625-AA08 and 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation, Quicksilver Unlimited Light Hydroplane Race, Dyes Inlet, WA [CGD13-06-39] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chandeleur Sound, Gulf of Mexico, Gulfport, MS [COTP Mobile-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami, FL [COTP Miami, Florida 07-

016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USS Girdley Port of Miami Visit, Miami, Florida [COTP Miami 07-002] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Bomb Threat, East Waterway Duwamish River, WA [CGD13-06-040] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel, Mobile, AL [COTP Mobile-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Theodore Industrial Canal, Mobile, AL [COTP Mobile-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Panama City Marina, Panama City, FL [COTP Mobile-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5569. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Security Zone; Ft. Lauderdale Fleet Week, Port Everglades, Florida [COTP MIAMI 07-096] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, CSI: Miami Filming [COTP Miami 07-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunfest 2007 Fireworks Display, West Palm Beach, Florida [COTP Miami 07-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunken Catamaran ANZHELA EXPLORER, Golden Beach, Florida [COTP MIAMI 07-071] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pompano Beach Power Squadron Safe Boating Parade, Intracoastal Waterway, from Pompano Beach, FL to Fort Lauderdale, FL [COTP MIAMI 07-064] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM295 to GICW MM377, Panama City, FL to East of the Fenholloway River, FL [COTP Mobile-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-049] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-042] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tombigbee River, Demopolis, AL [COTP Mobile-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C.



801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay, Pensacola, FL [COTP Mobile-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami, FL [COTP Miami, Florida 07-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-135] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chandeleur Sound, Gulf of Mexico, Gulfport, MS [COTP Mobile-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Bay St. Louis, MS [COTP Mobile-06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Global Initiative to Combat Nuclear Terrorism Conference, Inter-Continental Hotel, Miami, FL [COTP Miami 07-119] (RIN: 1625-AA87) received January 7, 2010, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-118] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks Displays in the Captain of the Port Miami Zone [COTP Miami 07-113] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-106] (RIN: 125-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-176] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami to Key Largo Race, Biscayne Bay and the Intracoastal Waterway, Florida [COTP MIAMI 07-101] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Israel Independence Day Boat Parade, Intracoastal Waterway, Miami, FL [COTP MIAMI 07-099] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Pompano Beach Boat Parade, Intracoastal Waterway, Broward County, FL [COTP Miami 06-202] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5598. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Mobile Ship Channel, Mobile, AL [COTP Mobile-05-051] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Causus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Causus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boomtown Casino Barge, Pascagoula, MS to Biloxi, MS [COTP Mobile-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Three Mile Creek, Mobile, AL [COTP Mobile-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Causus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3538. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; with an amendment (Rept. 111-398). Referred to the Committee of the Whole House on the state of the Union.



Mr. MCGOVERN: Committee on Rules. House Resolution 1017. Resolution providing for consideration of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; for consideration of the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and for consideration of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (Rept. 111-399).

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. CAMP, Mr. CLYBURN, Mr. CANTOR, Mr. STARK, Mr. HERGER, Mr. LEVIN, Mr. SAM JOHNSON of Texas, Mr. McDERMOTT, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mr. NUNES, Mr. NEAL of Massachusetts, Ms. GINNY BROWN-WAITE of Florida, Mr. BECERRA, Mr. DAVIS of Kentucky, Mr. DOGGETT, Mr. ROSKAM, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. ALTMIRE, Mr. BACA, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CHANDLER, Ms. CHU, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COURTNEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. DRIEHAUS, Mr. EHLERS, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Ms. FOXF, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARRETT of New Jersey, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KILROY, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Ms. KOSMAS, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LUJÁN, Mr. LYNCH, Mr. MACK, Mr. MASSA, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of New York, Ms. NORTON, Mr. NYE, Mr. OBERSTAR, Mr. PAL-

LONE, Mr. PERRIELLO, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. REBERG, Mr. REYES, Ms. RICHARDSON, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. SCHOCK, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIREN, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. STUPAK, Mr. TEAGUE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. TSONGAS, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Ms. WOOLSEY, and Mr. WU):

H.R. 4462. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. SMITH of Texas, Mr. McKEON, Mr. BURTON of Indiana, Mr. SOUDER, Mr. ROONEY, Mr. SESSIONS, Mr. HOEKSTRA, Mr. PLATTS, Mr. HARPER, and Mr. KLINE of Minnesota):

H.R. 4463. A bill to require that all foreign terrorists with links to terrorist networks who attack the United States or its Government be considered enemy combatants to be tried by military tribunals instead of civilian courts; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mr. LINDER, Mr. BROWN of Georgia, Mr. BURTON of Indiana, Mr. OLSON, Mr. POSEY, and Mr. COBLE):

H.R. 4464. A bill to prohibit the release or transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba, into or to the custody of any country or region that is recognized by the Department of State or the Department of Defense as a haven for terrorist activity or that has been classified as a state sponsor of terrorism; to the Committee on Armed Services.

By Mr. KISSELL (for himself, Mr. MEEKS of New York, Mr. MASSA, Ms. KILPATRICK of Michigan, Mr. ISRAEL, and Mr. POE of Texas):

H.R. 4465. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services; to the Committee on Veterans' Affairs.

By Mr. LATTA (for himself, Mr. HOLDEN, Mr. HINCHEY, Mr. OLSON, Ms. GINNY BROWN-WAITE of Florida, Mr. CARNEY, and Mr. MURTHA):

H.R. 4466. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself, Mr. HALL of New York, Mr. RUSH, Ms. WATERS, Mr. JOHNSON of Georgia, Ms. ROS-LEHTINEN, Mr. MCMAHON, Ms. LEE of California, Mr. MACK, Mr. HONDA, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Ms. WASSERMAN SCHULTZ, and Mr. CAPUANO):

H.R. 4467. A bill to accelerate the income tax benefits for charitable cash contribu-

tions for the relief of victims of the January 12, 2010, earthquake in Haiti; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. HIMES):

H.R. 4468. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the January 12, 2010, earthquake in Haiti; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 4469. A bill to amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

By Ms. WATSON:

H.R. 4470. A bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H. Con. Res. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. KANJORSKI, Mr. SESTAK, Mr. DENT, Mrs. DAHLKEMPER, Mr. SHUSTER, Mr. MURTHA, Ms. SCHWARTZ, Mr. HOLDEN, Mr. DOYLE, Mr. CARNEY, and Mr. GERLACH):

H. Res. 1015. A resolution congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I National Championship; to the Committee on Education and Labor; considered and agreed to.

By Mr. ELLISON:

H. Res. 1016. A resolution expressing the sense of the House of Representatives that a Global Marshall Plan holds the potential to demonstrate the commitment of the United States to peace and prosperity through poverty reduction in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. McDERMOTT (for himself, Mr. BLUMENAUER, Mr. ELLISON, Mr. WELCH, Mr. HONDA, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. COURTNEY, Mr. BERMAN, Mr. BECERRA, Ms. LINDA T. SÁNCHEZ of California, Mr. DOGGETT, Mr. GRIJALVA, Ms. DELAURO, Ms. KAPTUR, Ms. SUTTON, Mr. CONNOLLY of Virginia, Ms. WOOLSEY, Ms. HIRONO, Mr. NADLER of New York, Ms. ESHOO, Mrs. CAPPS, Mr. TONKO, Mr. BRALEY of Iowa, Mr. COHEN, Ms. JACKSON LEE of Texas, and Mr. FARR):

H. Res. 1018. A resolution requesting the Senate to adjust its rules to reflect the intent of the framers of the Constitution by amending the Senate's filibuster rule, Rule 22, to facilitate the consideration of bills and amendments; to the Committee on Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. COHEN.

H.R. 25: Mr. BOOZMAN.

H.R. 211: Mr. REYES.

H.R. 333: Mr. PASCRELL.

H.R. 417: Ms. HIRONO and Mr. WEINER.

H.R. 537: Ms. MATSUI and Mr. KING of New York.

H.R. 571: Mr. GRIJALVA.

H.R. 600: Mr. CLEAVER.  
H.R. 716: Ms. ROYBAL-ALLARD.  
H.R. 793: Mr. MANZULLO.  
H.R. 930: Mr. FILNER.  
H.R. 953: Mr. CARTER.  
H.R. 997: Mr. MCKEON.  
H.R. 1126: Ms. TSONGAS.  
H.R. 1175: Mr. SESTAK.  
H.R. 1361: Mr. CASTLE and Mr. GERLACH.  
H.R. 1551: Ms. WATERS and Ms. CHU.  
H.R. 1570: Mr. CAMP.  
H.R. 1589: Mr. MOORE of Kansas.  
H.R. 1645: Mr. REYES.  
H.R. 1778: Mr. WALZ, Mr. SESTAK, and Mr. LIPINSKI.  
H.R. 1873: Mr. TONKO and Mrs. MALONEY.  
H.R. 1925: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. AL GREEN of Texas.  
H.R. 1956: Mr. CHANDLER.  
H.R. 2055: Ms. SHEA-PORTER and Mr. PIERLUISI.  
H.R. 2143: Mrs. KIRKPATRICK of Arizona.  
H.R. 2256: Mr. MAFFEI.  
H.R. 2350: Ms. BALDWIN, Mr. HODES, and Mr. ROTHMAN of New Jersey.  
H.R. 2377: Mr. SIMPSON, Mr. GERLACH, Mr. TIM MURPHY of Pennsylvania, and Mr. MARSHALL.  
H.R. 2478: Mr. HOLDEN, Mr. ALTMIRE, Mr. PETERSON, Mrs. KIRKPATRICK of Arizona, Mr. MOLLOHAN, and Ms. HARMAN.  
H.R. 2546: Mr. SESTAK and Mr. CONNOLLY of Virginia.  
H.R. 2567: Ms. EDWARDS of Maryland and Mr. NADLER of New York.  
H.R. 2605: Mr. TIAHRT.  
H.R. 2624: Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. JOHNSON of Illinois, and Mr. MARSHALL.  
H.R. 2788: Mrs. LOWEY.  
H.R. 2811: Mr. FARR and Mr. FATTAH.  
H.R. 2842: Mr. ROYCE.  
H.R. 2849: Mr. MURPHY of Connecticut.  
H.R. 2923: Mr. PETERSON.  
H.R. 2941: Mr. WALZ and Ms. SUTTON.  
H.R. 3010: Mr. TIM MURPHY of Pennsylvania and Mr. MARSHALL.  
H.R. 3011: Mr. ROONEY.  
H.R. 3012: Mr. LUJÁN.  
H.R. 3042: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 3043: Mr. OLVER, Mr. JACKSON of Illinois, Mr. CLEAVER, Ms. ZOE LOFGREN of California, and Mr. BOSWELL.  
H.R. 3054: Mr. COHEN.  
H.R. 3090: Mr. RUSH.  
H.R. 3105: Mrs. MCMORRIS RODGERS.  
H.R. 3125: Mr. TERRY, Mrs. CHRISTENSEN, and Mr. ROGERS of Michigan.  
H.R. 3251: Mr. PRICE of Georgia.  
H.R. 3264: Ms. CHU, Mr. SESTAK, and Mr. DAVIS of Illinois.  
H.R. 3308: Mrs. BIGGERT.  
H.R. 3315: Mrs. MALONEY.  
H.R. 3321: Mr. GONZALEZ.  
H.R. 3343: Ms. CLARKE.  
H.R. 3355: Mrs. HALVORSON.  
H.R. 3362: Mr. SHERMAN, Ms. JACKSON LEE of Texas, and Mr. JONES.  
H.R. 3488: Mr. HINCHEY.  
H.R. 3536: Mr. HIGGINS.  
H.R. 3652: Ms. ZOE LOFGREN of California.  
H.R. 3664: Mr. BISHOP of New York.  
H.R. 3688: Mr. SHULER.  
H.R. 3695: Mr. MCINTYRE, Mr. CHANDLER, Ms. DELAURO, Mr. FARR, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. MASSA, Ms. CHU, and Mr. THOMPSON of Mississippi.  
H.R. 3721: Mr. HODES.  
H.R. 3758: Mr. OWENS.  
H.R. 3790: Mr. ROE of Tennessee, Mr. HILL, Mr. BISHOP of New York, Mr. TONKO, and Mr. GOODLATTE.  
H.R. 3838: Mr. TONKO, Mrs. MALONEY, and Mr. SESTAK.

H.R. 3943: Ms. SLAUGHTER, Mrs. HALVORSON, Mr. ISRAEL, Mr. TIM MURPHY of Pennsylvania, Mr. PERRIELLO, Mr. AL GREEN of Texas, and Mr. GRAVES.  
H.R. 3974: Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. STARK, Ms. CLARKE, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, and Ms. SCHAKOWSKY.  
H.R. 3990: Mr. DAVIS of Illinois and Mr. JOHNSON of Georgia.  
H.R. 3995: Mr. JACKSON of Illinois, Mr. MASSA, Ms. SCHAKOWSKY, and Mr. RUSH.  
H.R. 4003: Mr. MURPHY of New York.  
H.R. 4004: Mr. GUTIERREZ, Mr. JOHNSON of Georgia, and Mr. FOSTER.  
H.R. 4021: Ms. SCHAKOWSKY and Mr. MCMAHON.  
H.R. 4034: Mr. OWENS and Mr. SMITH of Washington.  
H.R. 4037: Mr. ELLISON.  
H.R. 4109: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 4129: Mr. STARK.  
H.R. 4138: Mr. SOUDER.  
H.R. 4149: Ms. BALDWIN.  
H.R. 4155: Mr. LUJÁN.  
H.R. 4247: Mr. HARPER and Ms. SCHAKOWSKY.  
H.R. 4249: Mr. WILSON of South Carolina.  
H.R. 4255: Mr. STEARNS, Mr. SOUDER, Ms. GRANGER, Mr. KILDEE, Mr. FORBES, Mr. UPTON, and Mr. OWENS.  
H.R. 4256: Mr. MCDERMOTT.  
H.R. 4262: Mr. TIM MURPHY of Pennsylvania.  
H.R. 4264: Ms. BALDWIN.  
H.R. 4278: Mr. CARNAHAN.  
H.R. 4291: Mr. ELLISON, Mrs. CHRISTENSEN, and Ms. CHU.  
H.R. 4295: Mr. HODES.  
H.R. 4298: Mr. NADLER of New York.  
H.R. 4324: Mr. COSTELLO and Mr. KISSELL.  
H.R. 4325: Mr. AL GREEN of Texas and Mr. FILNER.  
H.R. 4329: Mr. FORBES.  
H.R. 4356: Mr. BARTLETT, Mr. WOLF, Ms. DEGETTE, Mr. COURTNEY, Mr. HALL of New York, Mr. KILDEE, and Mr. LIPINSKI.  
H.R. 4360: Mr. STARK, Mrs. NAPOLITANO, Mr. FARR, Mr. GARAMENDI, Mr. THOMPSON of California, and Mr. LANGEVIN.  
H.R. 4374: Mr. HARE.  
H.R. 4375: Mr. JONES.  
H.R. 4386: Mr. MCDERMOTT.  
H.R. 4392: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, and Mr. RANGEL.  
H.R. 4393: Ms. RICHARDSON.  
H.R. 4400: Mr. WILSON of South Carolina.  
H.R. 4402: Mr. KAGEN, Mr. MCGOVERN, Mr. PASTOR of Arizona, Mr. BLUMENAUER, Mr. ELLISON, and Mr. FRANK of Massachusetts.  
H.R. 4403: Mr. ELLISON, Mr. PETERSON, and Mr. MICHAUD.  
H.R. 4415: Mr. HARPER and Mr. LINDER.  
H.R. 4426: Mr. ROTHMAN of New Jersey, Mr. MICHAUD, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. KAGEN, Mr. GENE GREEN of Texas, Mr. SCHAUER, Ms. TSONGAS, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. BISHOP of New York, and Mr. FILNER.  
H.R. 4427: Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. BARTLETT, Mr. ROE of Tennessee, and Mr. POE of Texas.  
H.R. 4450: Mr. CHAFFETZ.  
H.R. 4453: Mr. JONES, Mr. DUNCAN, and Mr. BURTON of Indiana.  
H. Con. Res. 13: Mr. JACKSON of Illinois and Mr. FILNER.  
H. Con. Res. 154: Mr. TOWNS.  
H. Con. Res. 170: Mr. RAHALL.  
H. Con. Res. 175: Mr. SESTAK.  
H. Res. 200: Ms. KAPTUR and Mr. COOPER.  
H. Res. 236: Ms. LORETTA SANCHEZ of California.

H. Res. 252: Ms. CHU.  
H. Res. 443: Mr. JOHNSON of Georgia.  
H. Res. 486: Ms. LORETTA SANCHEZ of California.  
H. Res. 567: Mr. MCCARTHY of California.  
H. Res. 699: Mr. OWENS.  
H. Res. 709: Ms. CHU.  
H. Res. 762: Mrs. LOWEY and Mrs. MALONEY.  
H. Res. 803: Ms. JENKINS.  
H. Res. 847: Mr. BONNER and Mr. HASTINGS of Washington.  
H. Res. 888: Mr. LANCE and Mr. SCHOCK.  
H. Res. 902: Mr. COBLE, Mr. HOLT, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. MARKEY of Massachusetts, and Mr. HINCHEY.  
H. Res. 943: Mr. HUNTER.  
H. Res. 954: Mr. BOOZMAN.  
H. Res. 959: Mr. SOUDER, Mr. PAUL, Ms. GRANGER, and Mr. CONAWAY.  
H. Res. 977: Mr. ROONEY, Mr. REHBERG, Mr. LINDER, Mr. SHUSTER, Mr. TURNER, Mr. SESSIONS, Mr. BROWN of South Carolina, Mr. BROUN of Georgia, Mr. TIBERI, and Mr. MACK.  
H. Res. 988: Ms. GRANGER.  
H. Res. 997: Mr. GENE GREEN of Texas, Mr. COSTELLO, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. HOEKSTRA, Mr. UPTON, and Mr. MASSA.  
H. Res. 1003: Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, Ms. BALDWIN, Mr. FALEOMAVAEGA, Ms. CASTOR of Florida, Mr. NADLER of New York, Mr. BERMAN, Mr. MOORE of Kansas, Ms. DELAURO, Mr. JOHNSON of Georgia, Mr. ARCURI, and Mr. STUPAK.  
H. Res. 1008: Mr. DAVIS of Illinois, Mr. DOYLE, Mr. EHLERS, Mr. GRIJALVA, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. CALVERT, Mr. TAYLOR, and Mr. TERRY.  
H. Res. 1010: Mr. WATT and Ms. CHU.  
H. Res. 1011: Mr. SHULER, Mr. POLIS, Mr. ORTIZ, Mr. MEEK of Florida, Mr. SABLAN, Mr. RUSH, Mr. SPRATT, Mr. KIRK, Mr. THOMPSON of California, Ms. HARMAN, Ms. KAPTUR, Mr. COSTA, Mr. GONZALEZ, and Mrs. KIRKPATRICK of Arizona.  
H. Res. 1013: Mr. WOLF and Mr. CROWLEY.  
H. Res. 1014: Ms. FOXX, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Mr. MCMAHON, Mr. HOLDEN, Mr. ADLER of New Jersey, and Mrs. MCCARTHY of New York.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative MCCLINTOCK, or a designee, to H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative MCCLINTOCK, or a designee, to H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative MCCLINTOCK, or a designee, to H.R. 3342, the Aamodt Litigation Settlement Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## EXTENSIONS OF REMARKS

TO CONGRATULATE THE BOY SCOUTS OF AMERICA ON THEIR 100TH ANNIVERSARY

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. LAMBORN. Madam Speaker, I rise today to congratulate the Boy Scouts of America on their 100th Anniversary. Many of our nation's most respected citizens are members of this esteemed organization, including government officials, business leaders, entertainers, and astronauts. Today, there are almost three million young men enrolled as members of the Boy Scouts. In my home state of Colorado, there are over 40,000 young men currently involved in scouting programs, and over 600 earned the rank of Eagle Scout in 2009.

I have personally seen the positive impact of the Boy Scouts: my wife and I dedicated many nights and weekends with our four sons to carving Pinewood Derby cars, learning to tie knots in ropes, and planning service projects. Today, all four boys are Eagle Scouts. It is an achievement that speaks to years of dedication and hard work. The Boy Scouts of America has played an invaluable role in helping millions of families, just like mine, raise up young men of character.

The Oath of the Boy Scouts is this: "On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight." At a time when this country desperately needs men of character, the Boy Scouts of America is actively training the next generation of leaders to fulfill this pledge.

May God Bless the Boy Scouts of America during the next 100 years.

### HONORING PARKER GOLLIGLEE

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Parker Golliglee, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 309, and in earning the most prestigious award of Eagle Scout.

Parker has been very active with his troop participating in many scout activities. Over the many years Parker has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Parker Golliglee for his ac-

complishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

### HONORING ANITA THETFORD

### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. MARCHANT. Madam Speaker, I rise today to honor Anita Thetford who is retiring after twenty-nine years of service as a city employee of Hurst. Since 1990, she has served as the Director of Finance, holding positions as Certified Government Finance Officer and Registered Tax Assessor and Collector. Her leadership in the City of Hurst has impressively improved the standard of living for her community, and I am proud to honor such a distinguished leader.

Ms. Thetford's invaluable leadership has laid the groundwork for a strong fiscally conservative economy in the City of Hurst. In her twenty-nine years of service, Hurst has maintained healthy financial ratings, earned lower bond interest ratings and reduced the property tax.

Ms. Thetford has also been an active member of the community serving as a leader in the Government Finance Officers Association of Texas (GFOAT), Women's Professional Network group and the Rotary Club of Hurst-Euless-Bedford. Her commendable dedication to the City of Hurst proves that citizens can truly make a difference in lives of others.

Throughout Ms. Thetford's tenure she has accumulated an impressive list of awards. To name just a few, Ms. Thetford was honored with the 1998 Outstanding Service Award from her peers, 1998 Outstanding Finance Officer by GFOAT, 1995 Woman of the Year from Metro Business and Professional Women's Club and 2007 Linda Keithley Award.

On behalf of the 24th District of Texas, I would like to thank Ms. Thetford for her tireless service to Hurst. Ms. Thetford's successes have been many, and it is an honor for me to recognize her for her twenty-nine years of contributions to the people of Hurst. I ask all my colleagues to join me in wishing Anita Thetford continued success in her future.

### RECOGNIZING SR. SGT MARK A. TODD, SR. OF FORT HOOD, TEXAS

### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CARTER. Madam Speaker, I would like to recognize Sr. SGT Mark A. Todd, Sr. of Fort Hood, Texas for his unbelievable bravery

on November 5, 2009 at Fort Hood, Texas. Sr. SGT Todd, selflessly, helped put an end to the horrific massacre that took place, killing 12 soldiers and 1 civilian and wounding more than 40 others. His leadership, skill and bravery are truly heroic. We, as one Nation under God honor him today for his heroism. His actions will not be forgotten, and he will forever be recognized for his leadership and bravery.

It is an honor to recognize Sr. SGT Todd, as he continues to be a true leader at Fort Hood, in Texas District 31, and the United States of America.

### EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF HAROLD PAUL ALTSHULER

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of Harold Paul Altshuler, a Dallas insurance executive who passed away on December 16, 2009, at the age of 88.

Mr. Altshuler was born on November 19, 1921, in Paterson, New Jersey. He graduated from Bard College and entered the United States Air Force where he flew 33 bombing missions over Germany during World War II. For his brave and courageous actions he twice received the Purple Heart, and after Victory in Europe Day, he continued his service by flying damaged aircraft back to England for the Air Transport Command.

After the war, Mr. Altshuler completed a doctor of laws degree from the University of Virginia and founded Republic Bankers Life which later became Life of America Insurance Co. He settled in Dallas in the 1950s and actively developed his insurance and banking business. There he made a name for himself as one of the leading insurance executives in the industry and was active in the community where he served on the board of Allied Bank in Oak Cliff, Texas.

Madam Speaker, I ask my fellow colleagues to join me today in honoring Harold Paul Altshuler who diligently served his country in time of war and was an icon in the Dallas community. He will be truly missed.

### TRIBUTE TO RABBI JOEL E. REMBAUM

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. BERMAN. Madam Speaker, we are honored to pay tribute to our friend, Rabbi

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Joel E. Rembaum, on the occasion of his 25 years of service to Temple Beth Am and the Pressman Academy.

Rabbi Rembaum's lifelong dedication to the Jewish community started at an early age when he was a camper at Camp Ramah. Soon after he graduated from UCLA with his masters, he left for New York where he earned his ordination as a Rabbi from the Jewish Theological Seminary of America. Rabbi Rembaum returned to Los Angeles where he earned a Ph.D. in history at UCLA. He also holds the degrees of Master of Hebrew Literature and Doctor of Divinity, Honoris Causa, from the Jewish Theological Seminary.

Rabbi Rembaum was part of the well renowned faculty and administration of the American Jewish University from 1970 to 1985, pursuing his steadfast vocational climb to the positions of Dean of Undergraduate Studies and eventually becoming an associate professor of Jewish history. He was a visiting assistant professor at UCLA and UC Irvine. He then taught at the Wexner Heritage Foundation and served on the faculty of the Ziegler School of Rabbinic Studies. He has received countless graduate and research fellowships and contributed to the Melton Research Institute Seminar in Jewish History. He was also a member of the board of directors of the Association for Jewish Studies. Rabbi Rembaum has published an impressive variety of articles in the field of Jewish history and has lectured extensively throughout the United States.

Since July 1985, Rabbi Joel E. Rembaum has passionately served as Senior Rabbi of Temple Beth Am in Los Angeles, California. As Senior Rabbi, he successfully launched a reform of the synagogue's education system and worked with the congregation's lay and professional leadership to construct the Rabbi Jacob Pressman Academy. I commend Rabbi Rembaum for making the academy a holistic educational system. Nevertheless year after year, Rabbi Rembaum has continued teaching in all facets of Beth Am's educational programming, in which he continues to inspire and touch the lives of students and faculty.

Rabbi Rembaum lives in Los Angeles with his wife, Fredi, herself a respected and prominent Jewish public professional. The Rembaums have four children: Yona, Avi, Nomi, and Joshua. They also have six grandchildren: Itai, Dani and Ella Rembaum and Ilan, Uri and Maayan Eshkenazi.

Madam Speaker and distinguished colleagues, we ask you to join me in saluting Joel E. Rembaum for his impressive career and dedication to the Jewish community, and to congratulate him on his service to Temple Beth Am and the Pressman Academy.

#### AMERICANS WANT TRANSPARENCY ON HEALTH CARE

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. SMITH of Texas. Madam Speaker, the Administration's health care plan will affect every single American and impact one-sixth of the U.S. economy.

But congressional leaders have taken the critical negotiations behind closed doors, even though President Obama repeatedly promised a transparent process.

The Administration claims Congress needs to pass a health care plan to cover 47 million people who are uninsured.

But that 47 million figure includes 4 million people who are eligible for public health insurance but not yet enrolled, 10 million illegal immigrants, 9 million people who are only temporarily uninsured, and 10 million people who can afford health coverage but choose not to purchase it.

We should focus on the long-term, low-income uninsured, about 14 million people, not a government takeover of the entire private health care delivery system.

#### RECOGNIZING SGT KIMBERLY D. MUNLEY OF FORT HOOD, TEXAS

#### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CARTER. Madam Speaker, I would like to recognize SGT Kimberly D. Munley of Fort Hood, Texas for her unbelievable bravery on November 5, 2009 at Fort Hood, Texas. Kimberly, selflessly, helped put an end to the horrific massacre that took place, killing 12 soldiers and 1 civilian and wounding more than 40 others. She had the courage to defend, despite her own gunshot wounds from the shooter. Her leadership, skill and bravery are truly heroic. We, as one Nation under God honor her today for her heroism. Her actions will not be forgotten, and she will forever be recognized for her leadership and bravery.

It is an honor to recognize SGT Munley, as she continues to be a true leader at Fort Hood, in Texas District 31, and The United States of America.

#### IN CELEBRATION OF THE LIFE AND WORK OF DR. MARTIN LUTHER KING, JR.

#### HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. MARSHALL. Madam Speaker, it is my pleasure to rise today to honor one of Georgia's greatest citizens, Dr. Martin Luther King, Jr., and to recognize the efforts of the Martin Luther King, Jr., Banquet Committee, the North Georgia Building and Construction Trades Council, and the Central Georgia Federation of Trades and Labor Council. It is on this 22nd Annual Martin Luther King, Jr., Banquet and Awards Ceremony that we all pause to remember Dr. King's life and legacy and to reflect on what a profoundly positive impact he has had on each and every one of us. Dr. King's impact was not limited to the South or even to the United States. His nonviolent struggle for the equality of all people enriched our entire globe, a fact acknowledged by his receipt of the Nobel Peace Prize in 1964.

Dr. King's message throughout the struggle of the Civil Rights movement was clear and simple. All people should be equal before the law and all should have the opportunity to make the most out of their lives in a free and democratic society. Dr. King contributed enormously to the passage of the Civil Rights Act of 1964, a landmark in the struggle for racial equality. Unfortunately, that struggle continues today, almost 42 years after Dr. King was murdered by an assassin. Our nation's annual celebration of Dr. King's birth reminds us that we have more to do to assure the equality of all people before the law.

Madam Speaker, the work of the North Georgia Building and Construction Trades Council and the Central Georgia Federation of Trades and Labor Council continues the work begun by Dr. King. Their efforts for Georgians in gaining meaningful and quality employment in the construction industry deserve our thanks. Their endeavors are in keeping with Dr. King's simple message that all deserve the chance to succeed and I again wish to congratulate them on all the outstanding work they do for all Georgians and for the important work they do to honor Dr. Martin Luther King's legacy.

#### COMMEMORATING THE 50TH ANNIVERSARY OF THE GREENSBORO, NORTH CAROLINA, SIT-IN AND CELEBRATING THE OPENING OF THE INTERNATIONAL CIVIL RIGHTS CENTER AND MUSEUM

#### HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. WATT. Madam Speaker, on February 1, 1960 four freshman students from North Carolina Agricultural and Technical State University, Ezell Blair (Jibreel Khazan), Franklin McCain, Joseph McNeil and David Richmond, sat down and requested service at the F.W. Woolworth's segregated lunch counter in Greensboro, North Carolina. In the following days more students from North Carolina Agricultural and Technical State University, Bennett College for Women, Woman's College of the University of North Carolina (now the University of North Carolina at Greensboro) and Dudley High School would join the sit-in. The nonviolent action of these students sparked a nationwide sit-in movement.

I ask my colleagues in the House to join me today in commemorating and celebrating these acts of heroism and the opening of the International Civil Rights Center and Museum on February 1, 2010. The Museum is located at the site of the February 1, 1960 sit-in and will be a lasting memorial to these historic acts.

The courage of the students at North Carolina Agricultural and Technical State University, Bennett College for Women, Woman's College of the University of North Carolina (now the University of North Carolina at Greensboro) and Dudley High School serves to remind us of the important role that young people played, and continue to play, in the civil rights struggle and in the fight for equality

and justice for all people. The International Civil Rights Center and Museum will be a monument to the sacrifices of freedom-loving people who came together to work for the promise of this nation.

Madam Speaker, I ask my colleagues to join me in commemorating the 50th anniversary of the Greensboro sit-in and to thank those who labored to keep America's dream of democracy alive and real. I also encourage all citizens to join me in supporting the International Civil Rights Center and Museum.

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HONORING LUCY BILLINGSLEY  
AND THE CHIAPAS PROJECT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize Lucy Billingsley who founded the Chiapas Project, a non-profit organization that is dedicated to lifting women out of poverty in Latin America.

The Chiapas Project was founded in 2003 when Ms. Billingsley, a Dallas real estate developer, traveled to Chiapas, Mexico with thirty other women to see firsthand how microfinance and microloans effectively helped some of the most disadvantaged women in Mexico's poorest state. The group returned to North Texas with vigorous determination and raised \$790,000 to fund the expansion of a microfinance institution called Alternative Solidaria in Chiapas. This money ultimately lifted roughly 4,000 women out of poverty. Today, the Chiapas Project has set new goals and is working toward raising more money for microfinance initiatives across Latin America.

Recently Ms. Billingsley was honored at the Dallas Regional Chamber's 14th Annual International Business Achievement Awards luncheon where she received the Individual Award. Additionally, the Chiapas Project was commended for raising the global awareness of North Texas as an international business center in Latin America and across the world.

Madam Speaker, I encourage my fellow colleagues to join me in recognizing both Lucy Billingsley and the Chiapas Project for the great work they have done to help disadvantaged women and families in Latin America.

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HONORING THE MIAMI MEDICAL  
TEAM FOUNDATION

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. ROS-LEHTINEN. Madam Speaker, it gives me great pleasure to Honor the Miami Medical Team Foundation, MMTF, a South Florida non-profit organization dedicated to improving medical conditions in third world countries. The Miami Medical Team Foundation has provided humanitarian assistance to countries that are hit by disasters.

Since 1980, the MMTF has helped families recoup from floods and hurricanes. In order to

combat all disasters, The Miami Medical Team Foundation is comprised of doctors that specialize in different medical fields. These doctors go to great lengths to provide service for those in need. The Miami Medical Team Foundation provides relief to individuals and families by supplying food, clothing, medications, and other necessities. In addition to sending these supplies, The Miami Medical Team Foundation donates medical equipment to hospitals in affected countries. This wonderful organization provides relief missions ranging from basic health to refugee assistance. In addition to their excellent service, the MMTF covers all of the expenses of these relief missions. This self-funded foundation is truly committed to the greater good and I strongly commend their efforts.

I extend my gratitude to all of the employees and volunteers in The Miami Medical Team Foundation especially their chairman and president, Dr. Manuel Alzugaray, for all of his hard work and dedication. Dr. Manuel Alzugaray has been committed to helping others since the beginning of his long career. Through his studies, he has become a certified expert in matters dealing with terrorism and homeland security. He is a board certified expert in traumatic stress, making him a keen asset when dealing with sensitive global catastrophes. He has become an expert in treating those who have suffered mentally from the havoc of natural disasters. Dr. Alzugaray never ceases to make a tangible difference in the lives of many around the world.

The Miami Medical Team Foundation is devoted to serving anyone in need around the world and I strongly commend all of its efforts. I wish each and every member and volunteer the utmost success and again offer my utmost appreciation for all they do.

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HONORING THE 3RD BRIGADE  
COMBAT TEAM

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. OWENS. Madam Speaker, I rise today to honor the outstanding service of the 3rd Brigade Combat Team, "Spartans," 10th Mountain Division, as they complete their service in Afghanistan and return to their families and loved ones.

I am tremendously proud of the brave soldiers of the 3rd BCT who have sacrificed so much to keep our Nation safe. The family members of these soldiers must also be recognized, enduring through the Spartans' year-long deployment and providing their unwavering support as they return home.

The 3rd Brigade Combat Team was led during their missions in Afghanistan by COL David B. Haight and CSM Delbert D. Byers. The brigade consists of the Headquarters and Headquarters Company, 3rd Brigade, 1st Battalion, 32nd Infantry Regiment, 2nd Battalion, 87th Infantry Regiment, 3rd Battalion, 71st Cavalry Regiment, 4th Battalion, 25th Field Artillery Regiment, 710th Brigade Support Battalion, and the 3rd Brigade Special Troops Battalion.

The Spartans began their deployment to Afghanistan in December of 2008 in support of Operation Enduring Freedom. Their assigned area of operations covered Wardak and Logar 1st-32nd Provinces, with the 1st-32nd detached to operate in Kunar Province. The 3rd BCT guarded the southern approaches to Kabul. If enemy forces sought to attack the city from the south, they had to get through the Spartans first.

The 3rd BCT's deployment to the area was significant in another way as well. Their operations marked the first time during Operation Enduring Freedom that International and Security Assistance Force, ISAF, units conducted counterinsurgency operations in either Wardak or Logar provinces. Before the Spartans arrived in country, only Afghan National Army and Afghan National Police operated in the provinces; these forces were isolated and confined to local areas.

The Brigade's units partnered with Afghan security forces to help develop their capacity and overall professionalism, ultimately playing a pivotal role in returning the security of Afghanistan over to the Afghan people. Aggressive counterinsurgency efforts resulted in low morale among insurgents and surviving leadership fleeing the region.

3rd BCT's operations resulted in 419 detainees, 236 enemy killed, and 120 enemy wounded. At the same time, the Spartans had 311 friendly casualties and 32 brave Soldiers killed in action.

They have truly performed in the best of Fort Drum's traditions and deserve our heartfelt thanks. It is with sincere gratitude that I recognize them before Congress today.

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CONGRATULATING MCCALL  
BUTLER

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate McCall Butler, a student at Troup County Comprehensive High School, on his selection as a member of the State Student Advisory Council for the 2009-2010 school year. McCall was one of 53 students selected by state schools superintendent Kathy Cox. As a council member he will have the honor of discussing state policies with fellow members as well as with superintendent Cox several times during the school year. He will also have the honor of serving as an ambassador for the superintendent within his school.

The relationship between students and educators that this council facilitates is invaluable for improving and monitoring state policy. "It gives me a tremendous insight into how state policies and procedures are working in the classroom and it allows me to communicate directly with students in schools throughout Georgia," superintendent Cox has said.

McCall is an outstanding Georgia scholar. He is dedicated to giving a voice to the concerns of his school and its vital programs. Upon receiving the honor he commented, "A big reason for me to apply was because the

Career Technical Agriculture Education programs at our school are very important to me, and I want to make sure they have continued funding going toward local, regional and state activities."

McCall will undoubtedly serve the interests of the students of Georgia and especially his school very well.

We appreciate the service provided by McCall and his fellow members on the State Student Advisory Council. I congratulate McCall on behalf of the people of Georgia's 3rd District and wish him continued success in his academic endeavors.

#### FRESH THINKING ON SUPPORTING ISRAEL

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mrs. CAPPS. Madam Speaker, I ask unanimous consent to place into the RECORD a compelling op-ed written by Representative GEORGE MILLER, which appeared recently in the Vallejo Times Herald. I have long admired Representative MILLER's thoughtful approach to one of the toughest foreign policy challenges we face—resolving the Israeli-Palestinian conflict. In this piece, Representative MILLER cogently outlines a path forward in the Middle East and discusses the importance of supporting a political process that will bring about two States living side by side in peace and security.

[From the Vallejo Times Herald, Jan. 14, 2010]

#### FRESH THINKING ON SUPPORTING ISRAEL

(By Representative George Miller)

I read with interest Larry Grossman's piece in the Times-Herald ("Miller isn't fair to Israel," Jan. 10) criticizing my record on issues related to Israel. I believe he and I share the same interest in defending Israel's right to exist and flourish in peace and security. We appear to differ on what it means to support Israel. I am glad to be able to offer my view.

The United States can and must play a constructive role in helping to end the deadly and destabilizing conflict between Israel and the Palestinians and Israel's neighbors. But adhering to an outdated ideology that punishes diverse perspectives on the Middle East is a disservice to Israel and the cause of peace and security. Here are my views on some of the key issues facing Israel and the United States today.

I support a strong and lasting friendship between the United States and Israel. The deep ties between our nations are rooted in a shared culture and common set of beliefs. America's support for Israel and the Israeli people has never been, nor is it now, in question.

I fully support Israel's right to defend itself and I reject hateful speech, rocket attacks, suicide bombs and other violent attacks directed against the Israeli people. No nation should ever be expected to withstand such attacks without response. When I have been critical of Israeli military action, such as in Gaza in 2008, it has been based on the view that Israel's response was disproportionate and undermined its long-term interests. In addition, democratic nations like

Israel and the United States must respect International Law and human rights and I will always demand adherence to those critical instruments of democracy and freedom.

I support a two-state solution to the Israeli-Palestinian conflict and the immediate resumption of peace talks as necessary steps to ensure Israel's security and status as a democratic nation. President Obama and Secretary of State Clinton support a two-state solution, as did President George W. Bush. Moreover, Israeli Prime Minister Benjamin Netanyahu supports a two-state solution. Israel must cease the aggressive, and sometimes illegal, settlement activity in order for the peace talks and the two-state solution to succeed.

When it comes to votes in Congress affecting the Middle East, I do not follow orthodoxy but judge issues based on whether they advance the cause of peace and security.

Consider two recent examples. Along with 57 other members of Congress, I opposed a House resolution in November criticizing a report by Justice Richard Goldstone on the Gaza war because the bill was rushed through the House without a single congressional hearing or any delineation of the relevant issues for members' consideration. On the other hand, I supported the recently passed Iran Refined Petroleum Sanctions Act, which furthered the cause of peace and security by sending a strong signal to Iran that Congress is willing, if necessary, to enact tough sanctions to diminish Iran's capability to threaten Israel.

Debate in the United States on Middle East issues has been dominated for decades by the position pushed by some supporters of Israel that the only friend of Israel is the one who never criticizes. That is not the definition of friendship.

Not all actions by the government of Israel are in the best of interest of the Jewish people, but to say so publicly is not an attack on the state. The same is true for our own country. Criticizing the Bush administration for invading Iraq or the Obama administration for wanting to close Guantanamo, just for example, are not attacks on America nor should they ever be labeled as such.

There are many different voices within Israel on the issue of peace and security, just as there are wide ranging views among American Jews and others in our country that support the state of Israel. Americans For Peace Now, for example, an affiliate of the non-governmental Israeli movement Peace Now, is critical of some Israeli military and government actions but is clearly pro-Israel. And J Street, a different organization mentioned by Mr. Grossman, does an excellent job of educating policymakers about Middle East issues. J Street is pro-Israel and pro-peace but does not support every Israeli government position.

These two groups are rattling the nerves of the traditional pro-Israel lobby—and they are being attacked as a result.

But the strength of democracy is its tolerance for dissent. Expanding the debate is a positive development for Jews, Palestinians and all Americans interested in securing a lasting peace in the Middle East.

My approach as a Member of Congress when it comes to the Middle East and other vital concerns is to examine issues and raise questions and determine whether the actions planned by Congress are helpful to the cause of peace and security. I can think of no greater way in which to show my support for Israel and the Israeli people.

#### HONORING NICHOLAS D. TURCOTTE

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. PAULSEN. Madam Speaker, I rise in honor of Nicholas D. Turcotte, a citizen-soldier who gave his life on December 4, 2006 while serving in Iraq.

As a member of the Minnesota National Guard, Nick distinguished himself. In just 2 years he rose to the rank of Sergeant, and was known as a soldier's soldier; dependable, helpful, and an outstanding example to those around him.

Sergeant Turcotte was born in Highland Park, Illinois. After living in Colorado, he moved to Maple Grove, Minnesota with his grandparents.

He enjoyed playing hockey, paintball, singing and playing trombone. He contemplated a career in law enforcement and joined the Maple Grove Police Explorers until he entered basic training with the Minnesota National Guard.

Nick married his high school sweetheart, Jennifer, in September 2004.

Inspired by his enthusiasm for service and commitment to his country, Nicholas Turcotte's family has established a scholarship in his name that supports the Minnesota Law Enforcement Explorer Association. This scholarship will allow other young people to participate in the educational programs the Explorers offer, as well as providing money for secondary education.

Madam Speaker, it is with the greatest respect and admiration that I honor Sergeant Turcotte's sacrifice on behalf of the Nation today. We are ever grateful for his service, and continue to grieve with his family, who is keeping his memory alive each and every day.

#### EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF MATTIE LEE NASH

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in honor of Mattie Lee Nash who passed away recently at the age of 87.

As a remarkably civic-minded resident of West Dallas, Ms. Nash was constantly working to better her community. She was frequently referred to as the "Mayor of West Dallas," and during the 1980s she served on the Dallas Housing Authority's board, where she gave a voice to the often forgotten neighborhoods west of the Trinity River. In 1991, she was elected to the Dallas City Council after the adoption of the single-member-district system that helped to ensure diverse representation on the city council. Throughout all of this, she maintained a tireless sense of hope that emboldened citizens across the city of Dallas.

Twenty-five years after her term on the city council, we remember Ms. Nash with warm

thoughts and heavy hearts. Her actions so struck people in the community that the city recently honored her by naming a recreation center in her honor.

Madam Speaker, I ask my fellow colleagues to join me today in honoring Ms. Mattie Lee Nash, who worked tirelessly for the citizens of West Dallas to ensure that they were actively and fairly represented.

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THE LOSS OF C. BLYTHE  
ANDREWS

**HON. KATHY CASTOR**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. CASTOR of Florida. Madam Speaker, I rise today in honor of Mr. C. Blythe Andrews, Jr., the former editor-in-chief of the Florida Sentinel Bulletin, Florida's largest and oldest Black newspaper, and a beloved member of the Tampa Bay community. The state of Florida suffered a great loss on January 12, 2010 when he passed away.

Mr. Andrews' devotion to the Florida Sentinel Bulletin was lifelong. His first job for the paper was during his years at Booker T. Washington Junior High School. He would spend afternoons after school folding newspapers for delivery. He continued to work for the paper, under the close eye of his father, who was the editor-in-chief at the time, while attending Middleton High School in Tampa. After receiving his bachelor's degree in economics, his master's in journalism, and serving in our Nation's Army, he went on to continue the family legacy of newspaper publishing, becoming editor-in-chief of the Sentinel Bulletin in 1977. He held the position for nearly 20 years and went on to serve as the publisher and owner. Through the newspaper, he opened the doors of opportunity for many African American youth in the community who found the Florida Sentinel Bulletin to be the first step into the business world. The newspaper has served as a voice for the African American community of West-Central Florida for decades, providing news twice-weekly and offering an outlet for African American writers and columnists. This family legacy continues through his children, C. Blythe Andrews III and Sybil Kay Andrews Wells.

Mr. Andrews was a voice for the working class as well as his fellow African Americans. He was a member of the board of trustees for Tampa General Hospital, and directed the Lily White Security Benefit Association that offered burial insurance benefits that other companies did not. Mr. Andrews was appointed to many positions of honor and distinction in community organizations including: Tampa Bay Regional Planning Council, Tampa Bay Performing Arts Center Trustee, the Greater Tampa Chamber of Commerce, the Tampa Employment and Training Council, the Foundation Board of the University of South Florida, the Arts Council of the State of Florida, and Chairman of the Board of the Hillsborough County Hospital Association. Additionally, he was the first African American appointed to the Tampa Sports Authority, later serving as vice chairman, and advocated for the renam-

ing of Tampa's Buffalo Avenue after Dr. Martin Luther King Jr.

Mr. Andrews was merited as one of the Twenty-Five Most Influential People of Tampa Bay by Tampa Bay Life Magazine—an honor that is befitting a man who uplifted the people of Tampa Bay while educating and informing the community of the news that applied to their lives when no one else thought it was necessary to do so. He leaves a legacy of leadership as a pioneer for the African American community.

Madam Speaker, Mr. C. Blythe Andrews Jr. will be greatly missed by the state of Florida and especially by the Tampa Bay area. My thoughts and condolences are with his wife, Gloria, and the rest of his family in this time of loss.

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HONORING STEVE D. CHAN, DDS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Steven D. Chan, a pediatric dentist who resides and practices in Fremont, California. Dr. Chan was recently elected as a Regent of the American College of Dentists, the oldest national honorary organizations for dentists in the country. During his service as Regent, Dr. Chan will represent Regency 7, which comprises California, Nevada, Arizona, New Mexico and Hawaii.

The College recognizes meritorious contributions to the Dental Society and the profession of dentistry.

Dr. Chan serves on the Executive Committee of the California Society of Pediatric Dentistry and is past president of the California Dental Association. He is founder of the California Dental Association Foundation. The Foundation was formed as the philanthropic affiliate of the California Dental Association in 2001 with the mission to improve the oral health of Californians.

Dr. Chan formerly served on the Fremont Library Commission and is active in the Fremont community. I am confident Dr. Chan will serve admirably in his newly elected role as Regent. I wish him every success.

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HONORING MR. EARL WILSON, JR.

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CLAY. Madam Speaker, I rise today to honor a true St. Louis legend and visionary, Mr. Earl Wilson, Jr. on the occasion of his retirement from the St. Louis Gateway Classic Sports Foundation. Earl Wilson has devoted his life to serving the St. Louis community first as a trailblazing corporate executive and later as a dedicated community servant. His commitment led him to establish one of the most honored and respected community organizations in the Midwest, The St. Louis Gateway Classic Sports Foundation.

Mr. Wilson has been blazing a path for inner-city residents, especially the youth of St. Louis, since graduating high school and becoming an ROTC captain at Lincoln University in Jefferson City, Missouri. He served as a captain in the U.S. Army Corps of Engineers and was a successful 30 year executive with IBM. He also had the honor of serving as the Marketing Director for the U.S. Olympic Festival in St. Louis in 1994. He has been a wonderful husband and dedicated father of four.

Sixteen years ago, Mr. Wilson created the St. Louis Gateway Classic Foundation in an effort to elevate the status of African Americans in St. Louis. The Gateway Classic was originally organized as a football event hosting teams from historic black colleges and universities. The game eventually grew into his trademark St. Louis Gateway Classic Sports Foundation and has created an impressive list of community events and initiatives.

Through the foundation Mr. Wilson has raised millions of dollars for his scholarship fund leading to the education of more than 100 African-American students who otherwise might not have the means to attend college. Over sixty of the awardees graduated from historically black colleges or universities.

He also established the St. Louis Gateway Classic Walk of Fame. The Walk of Fame highlights the sacrifices and achievements of area African Americans. It has honored the lives of prominent St. Louis citizens such as Dick Gregory, Jackie-Joyner Kersee, former Congressman William L. Clay, Sr., Ozzie Smith and the Fifth Dimension.

Mr. Wilson has exhibited a tireless dedication to his community throughout his life. That commitment has been an inspiration to his family, friends and all that have come to know him. His impact on young people's lives in the St. Louis community can be measured in his wonderful array of good works.

Madam Speaker, I am honored to pay tribute to Mr. Wilson; a man who has made a difference in each life that he has touched. I urge my colleagues to join me in honoring Mr. Earl Wilson, Jr.

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HONORING MIKE SIITARI

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. PAULSEN. Madam Speaker, I rise today to call attention to Mike Siitari, a 31 year veteran of the Edina Police Department and who will retire as its Chief at the end of January.

For more than three decades, Edina law enforcement has seen Chief Siitari rise through the ranks from police dispatcher to patrol officer to lieutenant and finally, a decade long stint in the Department's highest post.

Even after dedicating a lifetime to public service, Chief Siitari has no intention of quietly retiring; instead he will take on a role at the School Safety Center in St. Paul. There, he will work with the Minnesota Department of Safety to make schools safer by minimizing violence and maximizing prepared emergency procedures.



As the community congratulates Chief Siitari on his new opportunity, we would also like to thank him for what he leaves behind. Because of his dedicated work, Edina is a safer, more enjoyable community.

EXPRESSING CONDOLENCES AND  
CELEBRATING THE LIFE OF  
MRS. MILDRED DELOACHE WIN-  
STON THOMAS

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor an incredibly gifted teacher and devoted citizen of the Dallas community, Mrs. Mildred DeLoache Winston Thomas, who passed away on December 29, 2009 at the age of 93.

Mrs. Thomas was born in Cedar Creek, Texas on May 12, 1916. A lifelong Christian, she spent her formative years at Mount Olive Baptist Church where she was baptized and completed primary school. She later went on to graduate from Emile High School and receive a Bachelor of Science Degree from Tillotson College in Austin, Texas.

Throughout her remarkable life, Mrs. Thomas worked diligently to better herself, her family, and her community. She began a career in education that would last roughly 40 years, spending 36 of those years with the Dallas Independent School District. While working as a full time mother and teacher, she completed a Master of Science Degree at the University of North Texas at Denton where she was one of seven African Americans to integrate the university.

Upon retirement in 1986, Mrs. Thomas continued to be active in civic life. She served as a docent for the Dallas African American Art Museum, the Dallas Museum of Art, and the Dallas Arboretum. As a woman committed to her faith, she continued to be active in various ministries at New Hope Baptist Church where she was a deaconess.

Mildred Thomas lived a spirited life and carried herself with dignity, elegance, grace and warmth. She held deep beliefs on fairness, right and wrong, and was unflinching in her defense and support of those she loved.

Madam Speaker, with the passing of Mrs. Thomas, Dallas has truly lost an honorable and dedicated citizen, and I ask my fellow colleagues to join me today in celebrating her long and accomplished life.

EDUCATOR HALL OF FAME

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. POE of Texas. Madam Speaker, teachers spend endless hours with our children preparing them for their future. These teachers are a role model for our children and continue to shape them each and every day.

Lamar University honored four area educators on November 5, 2009 to be inducted

into the Educator Hall of Fame—Joe Chenella, Ms. Sally House, Dr. Ron Sims, and Ms. Patty Sanderson.

Mr. Chenella started his career at Bridge City High School as a math teacher. After working his way through the system, Mr. Chenella now serves as the Bridge City ISD Assistant Superintendent. He is proud to see his students involved in the community and the leadership roles they have chosen.

Ms. House has taught students in Beaumont, Nederland, Lubbock, and Midland. She has been recognized for her outstanding work and continues her love for teaching by advising our future teachers at Lamar University.

Dr. Sims has a passion for teaching and working with students. He has taught, served as assistant principal, and principal at local schools. He is now serving as Superintendent of Lumberton ISD.

Ms. Sanderson has taught at Langham Elementary in Nederland for the past 14 years. She shows her love of teaching by encouraging her students and being a positive influence.

On behalf of the Second District of Texas, I would like to congratulate these educators on their dedication and love for teaching. They truly inspire others and have made a difference in many students' lives.

RECOGNIZING THE TWENTIETH  
ANNUAL MARTIN LUTHER KING  
YOUTH ORATORICAL CONTEST  
HOSTED BY THE PRINCE WIL-  
LIAM ALUMNAE CHAPTER OF  
DELTA SIGMA THETA SORORITY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Twentieth Annual Martin Luther King Youth Oratorical Contest hosted by the Prince William Alumnae Chapter of Delta Sigma Theta Sorority, Inc. and its Education Foundation.

Dr. Martin Luther King Jr. left an indelible mark on the way Americans engage in civil dialogue. Despite the violence perpetrated against the Civil Rights Movement, Dr. King responded with oratory and nonviolent resistance to condemn the injustice of social inequality. His legacy is one of tolerance and steadfast commitment to principled and peaceful communication.

The MLK Youth Oratorical contestants pay tribute to Dr. King's legacy with their ability to exercise the strength of the spoken word. This is a skill inseparable from their character and will serve them well as they tackle leadership opportunities and build personal relationships.

I congratulate and applaud the following contestants in the Twentieth Annual Martin Luther King Youth Oratorical Contest:

Middle School Contestants:  
Makaila Davenport—Stonewall Middle School  
Autumn Moore—Rippon Middle School  
David Rivera-Kohr—Saunders Middle School  
High School Contestants:

Lauren Coleman—Potomac High School  
Alice Gyamfi—C.D. Hylton High School  
Seth Opoku-Yeboah—Osborn Park High School

Madam Speaker, I ask that my colleagues join me in commending the Delta Sigma Theta Sorority, Inc. for recognizing the benefit that Dr. King's teachings bring to the development of our youth. We lay the foundations of a more tolerant society when we nurture the ability to engage and communicate with one another in a way that respects our common humanity.

CONGRATULATING THE UNIVER-  
SITY OF CALIFORNIA, IRVINE'S  
MEN'S VOLLEYBALL TEAM

**HON. JOHN CAMPBELL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CAMPBELL. Madam Speaker, I would like to congratulate the University of California, Irvine's men's volleyball team for winning the 2009 National Collegiate Athletic Association (NCAA) Division I Men's Volleyball National Championship. The NCAA Championship title is UC Irvine's second title in three years, which makes them one of five programs to have won more than one NCAA men's volleyball Championship title.

The Anteaters, who were ranked in the Nation's top 10 for 75 consecutive weeks, including No. 1 for 21 of those weeks, achieved many historic accomplishments during the 2008–2009 season. They finished the year 27–5 overall. Ryan Ammerman was named the tournament's most outstanding player with 12 blocks, six kills, and 55 assists in the championship match. Taylor "Bones" Wilson led the Anteaters with 21 kills followed by Carson Clark with 15 kills. In addition, Ammerman, Wilson, and Clark were all named to the NCAA All-Tournament team.

UC Irvine men's volleyball team had four players selected to the American Volleyball Coaches Association (AVCA) All-America Team. Senior setter Ryan Ammerman garnered first-team honors on the AVCA All-America Team. Jordan DuFault, Kevin Wynne, and Carson Clark earned second-team accolades on the AVCA All-America Team. The senior class of Ryan Ammerman, Brent Asuka, Nick Spittle, Jon Steller, and Taylor Wilson has become the most successful graduating class in school history, with a 101–30 record in their four years winning two NCAA Championship titles.

Furthermore, senior All-American Jon Steller was named UC Irvine's Lauds & Laurels Outstanding Athlete. Sophomore outside hitter Jordan DuFault earned second team All-American honors and was ranked nationally in four categories, including kills, digs, hitting percentage, and blocks. The Anteaters captured the Mountain Pacific Sports Federation (MPSF) regular season title with a 19–3 record. Also, freshman Carson Clark was selected as the MPSF Freshman of the Year as well as a first-team All-MPSF honoree.

Congratulations to head coach, John Speraw, and the men's volleyball team of the University of California, Irvine, for winning the

2009 NCAA Division I Men's Volleyball National Championship. I am proud to recognize the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of California, Irvine win the national title.

It is an honor to recognize UC Irvine, under the leadership of Chancellor Michael V. Drake, M.D., as it continues to establish itself as a world-class research university, and as one of the top universities in the Nation.

IN MEMORY OF MRS. MARY  
YOUNG-CUMMINGS, TRAIL-  
BLAZER AND FIGHTER FOR ECO-  
NOMIC AND SOCIAL JUSTICE

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the life of my friend and former colleague, Mrs. Mary Young-Cummings, who passed away at the age of 66 on January 16, 2010. Mary was a woman of conviction and compassion who set an example for others through all the things she accomplished in her life.

Mary Young-Cummings was born in Fitzgerald, Georgia, on March 1, 1943, the 13th of 16 children. She was a proud product of the Ben Hill County School System, graduating from Monitor High School. At Savannah State College (now University), she served as president of the Honor Society and graduated in 1964 with a double major in mathematics and physics. She earned a law degree from Howard University in 1967 and then practiced with the NAACP Legal Defense Fund in New York.

Mary was a spirited and staunch advocate for social and economic justice. She founded the Savannah State College (now University) Chapter of the NAACP and participated in civil rights campaigns in Georgia, Mississippi, Alabama, and Florida. She also participated in the historic March on Washington on August 28, 1963.

Mary was also a trailblazer, forerunner and visionary. She was the first African-American female attorney in Albany, Georgia, and served under the tutelage of legendary civil rights attorney C.B. King. Mary brought a successful lawsuit against the city of Albany to end unfair election practices so that African-Americans could be elected to posts throughout the city. This action paved the way for her to be elected the first African-American woman commissioner in the history of Albany. She eventually became the first African-American woman from Albany to serve in the Georgia House of Representatives (1981–1992), and in 1992 became one of the first African-American women to run for Congress in Georgia's Second Congressional District.

In July of 2009, a play about Mary's life entitled "Cotton Field Girl" was performed at the Albany Civil Rights Institute in Albany. This play chronicled Mary's humble beginnings and her propensity for hard work and determination as instilled in her by her parents.

Shirley Chisholm once said that "service is the rent that we pay for the space that we oc-

cupy here on this earth." Mary Young-Cummings, in the same spirit as Harriet Tubman, Sojourner Truth, and Fannie Lou Hamer, fought for what was right, even if she had to stand alone. Our country and our world are better because Mary Young-Cummings walked among us with pride and dignity and served humanity so well.

RECOGNIZING THE 19TH ANNUAL  
INSTALLATION OF OFFICERS  
BANQUET FOR THE OCCOQUAN  
WOODBIDGE LORTON VOLUN-  
TEER FIRE DEPARTMENT

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 19th Annual Installation of Officers Banquet for the Occoquan Woodbridge Lorton Volunteer Fire Department.

The 2010 officers and members of the board of directors are taking leadership roles in one of Northern Virginia's longest standing volunteer fire departments. The O.W.L. Volunteer Fire Department was borne out of the need for organized fire response capabilities in the growing suburbs of Northern Virginia. In 1938, the Department officially formed to become the only fire department between Fredericksburg and Alexandria. In the subsequent decades O.W.L. has expanded to staff three stations and provide emergency medical services.

The members of O.W.L. are dedicated community volunteers, and the 2010 officers and directors will be diligent stewards of this tradition of service. The 250 active O.W.L. members answer 14,000 calls and serve 60,000 people each year. Their job is demanding and the hours are long, but they gladly serve for little more than the satisfaction of volunteerism and civic engagement. We would all do well to follow their example.

2010 Officers: President Debra Haight, Chief James McAllister, Assistant Chief Mike Clark, Assistant Chief Wayne Haight, Assistant Chief Jack McGovern, Assistant Chief Karl Fippenger, Assistant Chief David Halman, Rescue Chief Edward Craig, Captain Stewart Young, Captain John Roberts, Captain Richard Slusher, Captain Justin Witt, Captain Richard Moore, Captain Steve Godin, Captain Reece Fancher, Lieutenant Jonathan Baldwin, Lieutenant Kurt Bolland, Lieutenant Mark Chandler, Lieutenant Matthew Haight, Lieutenant Ben New, Lieutenant Rick Ruggieri, Lieutenant Dave Williams, Lieutenant Ryan Williams, Lieutenant Tammy Hill, Lieutenant Flavia Kelly, Lieutenant Kelly Shaw, Lieutenant Teddie Steele, Sergeant Joshua Culp, Sergeant Ernie Firkin, Sergeant Harold Griffith, Sergeant Rob Laver, Sergeant Nate Peterson, Sergeant Adam Wynn, Executive Vice President Mike McCranie, Treasurer George Nazionale, Membership Secretary Heather Carroll, Sergeant At Arms John Karnback, Elections Officer Susan Mitchem

Board of Directors: Chris McIntosh, Lenny Peters, Ralph Bowman, Thomas Sullivan, Kevin Lewis, William Spicer, Ron Miller

Madam Speaker, I ask that my colleagues join me in congratulating these remarkable volunteers on their new positions. The Occoquan Woodbridge Lorton Volunteer Fire Department is to be commended for the vital service it provides to the Prince William community.

TRIBUTE TO MAJOR GENERAL  
CURTIS M. BEDKE

### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Major General Curtis M. Bedke, for his outstanding service to our nation on the occasion of his retirement from the United States Air Force.

It is an honor to join the people of Ohio's 7th Congressional District in congratulating Major General Bedke upon his retirement as Commander of the Research Laboratory at Wright-Patterson Air Force Base.

A 1977 graduate of the U.S. Air Force Academy, he has served a distinguished career, piloting 78 aircraft in more than 4,300 flights. As Commander of the Air Force Research Laboratory, he led more than 10,000 employees and was responsible for managing the Air Force's science and technology program.

Previously, General Bedke was Commander of the Air Force Flight Test Center at the Edwards Air Force Base in California. He also served in Operation Enduring Freedom as the Combined Forces Air Component Commander in Egypt in 2001 and as the U.S. Central Command's senior military representative to Pakistan in 2002.

For his many years of service to our nation, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon his retirement and wish him ongoing success in all future endeavors.

HONORING ANDREW JAMES  
SWOBODA FOR HIS SUCCESS IN  
THE SIEMENS COMPETITION IN  
MATH, SCIENCE AND TECH-  
NOLOGY

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor a local high school student, Andrew James Swoboda of Alexandria, Va., for his work alongside his California teammate in the Siemens Competition in Math, Science and Technology.

Participating in this competition on Monday, December 7, 2009, his team's original research on Optimization of Platinum Nanoparticles for Proton Exchange Membrane Fuel Cells Using Pulse Electrochemical Deposition earned them a shared scholarship of \$10,000. Celebrating academic achievement and encouraging our country's students to pursue

math and science excellence, this decade-old competition, hosted by the Siemens Foundation, awarded more than \$500,000 in scholarships this year to our nation's most promising high school students. Andrew is certainly that—a fine example of promise and talent, from whom we can be sure to expect great things in the future.

Madam Speaker, I ask that my colleagues join me in congratulating Andrew and his teammate for this recognition and in wishing him all the best in his future endeavors.

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RECOGNIZING LOOKMAN  
MUHAMMED

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. QUIGLEY. Madam Speaker, I rise today to recognize Lookman Muhammed, a student from Lawrence Hall Youth Services, for winning City Clerk Miguel del Valle's annual city sticker design contest. On December 15th, 2009, Lookman Muhammed won the 15th annual high school art contest.

This year's contest theme was "Burnham's Chicago," encouraging students to study the work of architect Daniel Burnham. More than 300 students from grades 9–12, and 39 Chicago high schools entered the art contest. After a panel of honorary judges narrowed the entries down to the top 10 designs, the public voted online and at City Hall computer kiosks. Nearly 17,500 votes were cast by the public to choose this year's winner.

Muhammed's artwork will be seen on 1.3 million vehicle stickers beginning in June 2010. He also receives a \$1,000 savings bond to help with his continuing education. In addition, Muhammed, along with all the finalists, will receive an honorary resolution at a January awards ceremony with City Clerk Miguel del Valle in City Hall.

Madam Speaker, I ask my colleagues to join me in recognizing Lookman Muhammed for winning City Clerk Miguel del Valle's 15th annual city sticker design contest, and thank him for participating in the contest and contributing to the City of Chicago.

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IN RECOGNITION OF THE CONTRIBUTIONS OF PRINCIPAL PATRICIA S. PHILLIPS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Patricia S. Phillips and to express my gratitude for her years of selfless dedication in the field of education.

Principal Phillips believes in the public school system and the power of education.

For more than 30 years, she has worked tirelessly on behalf of thousands of Fairfax County Public Schools students and the community as a whole. Principal Phillips has demonstrated her strong commitment time and time again, first as a teacher, and later, beginning in 2003, as Principal of Fairhill Elementary School.

Principal Phillips has earned the respect and admiration of her peers and staff, but more important, that of the students and their families who have been taught, led, encouraged and supported by her over the decades. She has been a worthy role model and a fair and trusted friend. Principal Phillips also has a record of consistent academic and administrative excellence. In recognition of this excellence, Principal Phillips was honored with the Washington Post's Principal Leadership Award and has the distinction of having been named a Fairfax County's Top Rated Principal.

Principal Phillips is retiring after years of service, during which she became loved and admired for her passion for education, leadership in ensuring quality schools, and excellence as a role model. Principal Phillips has demonstrated a genuine love for her students and her work, the result of which has been the betterment of our schools and of our community.

Madam Speaker, in closing, I would like to again thank Principal Phillips for her commitment to education. Her efforts and leadership have been a great benefit to the children of our community and truly merit our highest praise. I ask my colleagues to join me in applauding Principal Phillips and in wishing her the very best in her retirement.

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REMARKS ON THE PASSING OF  
MICAH NAFTALIN, LEADER OF  
THE MOVEMENT TO AID SOVIET  
JEWRY

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the Helsinki Commission I wish to mark the recent passing of Micah H. Naftalin, an enthusiastic leader of the grassroots movement on behalf of oppressed Jews in the Soviet Union. His dedicated work contributed significantly in advancing the cause of refuseniks denied their right to leave the U.S.S.R. During the dark days of the Cold War, Micah was an impassioned champion for human rights for members of the Jewish community and others, including political prisoners, in the Soviet Union.

Micah was similarly unwavering in his commitment to combat anti-Semitism and related violence, closely monitoring and reporting on developments in Eastern Europe and the former Soviet Union. He was appointed to the U.S. Holocaust Memorial Council in 1982, later serving as acting director.

For more than two decades Micah served as national director of the Union of Councils for Jews in the former Soviet Union. He worked closely with the Helsinki Commission to advance democracy, human rights and the rule of law in Russia and elsewhere in the former Soviet Union. In 1993, he served as a public member on the U.S. delegation to the annual meeting to review implementation of human rights commitments by signatories to the Helsinki Final Act. In 2007, he helped found the Coalition Against Hate, a consortium of human rights NGOs from Russia, Ukraine and Belarus united in their efforts to monitor hate crimes.

Madam Speaker, I join Chairman BEN CARDIN and others on the Helsinki Commission in expressing our condolences to Micah's family and his many friends.

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TO COMMEND ANNANDALE TERRACE  
ELEMENTARY SCHOOL ON  
BEING AWARDED THE BLOOM  
COMMUNITY GRANT

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 19, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to congratulate Annandale Terrace Elementary School on being named a recipient of a \$2,000 Bloom Community Grant.

Bloom, a large grocery store chain, is committed to being a "good neighbor" to the communities in which its stores are located. Bloom is opening a new store in Annandale, Va., and in conjunction with this opening, announced a grant competition between local area public schools with a grand prize of \$2,000. In order to qualify for consideration, each participating school submitted a proposal for a project that would "benefit mind, body and soul for the entire community."

The student body of Annandale Terrace Elementary School includes a large percentage of students who live in apartments and may not have sufficient access to outdoor physical activities. Annandale Terrace Principal Christina R. Dickens recognized this difficulty and coordinated the effort to submit a proposal to create an outdoor exercise path throughout the fields on the school. This exercise path would be oriented to the students but would be open to the entire community when school is not in session. This project, once completed, will help to create an environment that encourages physical activity and a healthy lifestyle.

Madam Speaker, I ask my colleagues to join me in congratulating Principal Dickens and Annandale Terrace Elementary School on being awarded the Bloom Community Grant. I would also like to express my gratitude to Bloom for their investment in the well-being of the Annandale community.

## SENATE—Wednesday, January 20, 2010

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our Heavenly Father, thank You for the gift of a new year. We have received great benefits from Your hands and lift to You our grateful praise.

Lord, lead our lawmakers on the road You have chosen. Guide them with Your counsel and teach them with Your precepts. Give them the spirit they ought to have that they may do what they ought to do. Lord, this is the day You have made. We will rejoice and be glad in You, for Your joy is our strength. We pray in Your great name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. UDALL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business

for 1 hour, with Senators allowed to speak therein for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees.

Following morning business, the Senate will proceed to executive session to consider the nomination of Beverly Baldwin Martin of Georgia to be a U.S. circuit judge for the Eleventh Circuit. Debate on the nomination is limited to 1 hour, equally divided and controlled between Senators LEAHY and SESSIONS or their designees. Upon the use or yielding back of the time, the Senate will proceed to vote on confirmation of that nomination.

The Senate will recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

We expect to consider H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt, under a previous agreement later today.

### MEASURES PLACED ON CALENDAR—H.R. 3961 and H.R. 4154

Mr. REID. Mr. President, it is my understanding there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the title of the bills for the second time.

The legislative clerk read as follows:

A bill (H.R. 3961) to amend Title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

A bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

Mr. REID. Mr. President, I object to further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### MAKING LEGISLATIVE PROGRESS

Mr. REID. Mr. President, visiting with Nevadans, as I have done during these past several weeks, it is impossible not to be motivated to get back to the business of legislating. It is im-

possible to ignore their grief over growing foreclosures or the uncertainty of unemployment or the frustration of fighting insurance companies for their families' health.

It is just as evident that the people of Nevada and the Nation need us to work toward sensible solutions rather than drown once again in the partisan bickering that consumed much of last year.

Some elections go your way; some elections go the other way. It is the nature of democratic politics in a very diverse Nation. But regardless of an outcome of an election, as I have said many times, the American people demand that we work together as partners, not partisans, to improve their lives. That is as true after Republican victories as it is after Democratic victories.

In the first half of the 111th Congress, even with the minority's minimal help, we made significant progress. While last year's final few months were dominated by a debate over health insurance reform that will save lives, save money, and save Medicare, that historic step was only one of many accomplishments that we are proud to have passed last year.

We began this Congress determined to strengthen and stabilize the economy for working families. That is why we immediately cut taxes for the middle class and small businesses. That is why we immediately started the Lilly Ledbetter legislation to equalize pay for women in America. That is why we started the process of creating good-paying jobs here at home and investing in our future.

Just last week, the White House Council of Economic Advisers found that as many as 2 million Americans have the stimulus to thank for their jobs, as does the growing gross domestic product. But there is more to do, that is for sure.

We protected consumers by cracking down on abusive credit card companies, and we have been trying to do that for a long time. Last year, we were able to get it done, finally—to get under control the abuses credit card companies have been doing to the American people for so long. We cracked down on mortgage fraud scams, the scams that take place when times are tough. We changed the law. We rooted out corporate fraud. But there is more to do.

We started to thaw our frozen credit markets so Americans can get the loans they need to buy a car, send a child to college, or start a new business. But there is more to do.

We are helping responsible homeowners keep their homes, and helped

more homeowners to keep the equity in their homes. We helped more families to buy their first home. A lot of people can claim the idea for the first-time home buyer tax credit. The idea came, as far as I know, from JOHNNY ISAKSON of Georgia. It was a tremendously important program that is still going on. We extended that. But even though we have done that, there is more to do.

We helped millions of children stay healthy by expanding CHIP. We extended it by about 14 million children who can go to the doctor when they are sick or to the hospital when they are hurt. We made it easier by far for these kids to get the help and care they need.

We made it harder for tobacco companies to prey on these children. We learned, and we have known for some time, that the tobacco habit starts, most of the time, when you are a teenager. With this legislation we had been trying to pass for decades, we were finally able to get it done—to focus on tobacco companies and why there has to be control placed on them. Even though we have done that, there is more to do.

We extended unemployment insurance for millions and extended COBRA subsidies so those struggling to find work can feed their families, fuel our economy, and afford decent medical care. But there is more to do.

We supported the travel and tourism industries, which will create tens of thousands of jobs and cut our deficit by hundreds of millions of dollars. Even after having done that, there is more to do.

We helped hundreds of thousands of drivers afford more fuel-efficient cars and trucks. It was such a good idea—cash for clunkers—that now I heard on the news that Japan is going to do it. That will be a boon for American car manufacturers because Japan said those Japanese people who decide to use the Cash for Clunkers Program can buy American cars. Even though we have done that, there is more to do.

With the national service bill named for Senator Kennedy, we made it easier for more Americans to serve their country like our heroes of generations past. With one of the most important conservation bills in many decades, we protected public lands for generations to come. But there is more to do.

We have given our troops, veterans, and their families the support they deserve, including better battlefield equipment, better care for our wounded warriors, and a well-earned pay raise. We also cut waste and fraud in the Pentagon's purchase of military weapons. But there is more to do.

This Congress also made history by pursuing justice and ensuring equality for every single American. With a hate crimes bill that bears Emmett Till's name, we stood up for those who were victims of violence because of their race, ethnicity, or sexual orientation.

With the fair pay bill in Lilly Ledbetter's name, we stood up for those who are targets of discrimination in the workplace because of their gender or background.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country. The Senate confirmed President Obama's outstanding nominee for the Supreme Court, Sonia Sotomayor.

It is a long list of accomplishments, but I assure the Senate that we are just getting started. We have a lot more to do.

In the coming year, we will ensure all Americans can access affordable health care, and we will deny insurance companies the ability to deny health care to the sick, and we will slash our deficit in the process.

We will help more Americans keep their homes and their jobs, and we will continue to help our economy not only recover but prosper once again.

We will continue to create new jobs, including good-paying clean energy jobs that can never be outsourced. You can see throughout the country that happening. A week ago Monday, 2 days ago, I was in a place about 35 miles outside of Las Vegas at the Harry Allen plant that is going to be the most clean natural gas facility for producing electricity in America. About 700 men and women were working on that construction project. At that construction project, there were people walking and running and doing the jobs they needed to do, with trucks moving back and forth.

The reason we were there is because the Western Area Power Administration, WAPA, under the stimulus bill we passed, had the ability to do loans that were very low-interest loans. We were there to announce a public-private partnership between WAPA and others, which will bring electricity from the northern part of the State to the southern part of Nevada for the first time in Nevada's history.

We became a State in 1864. Why is that important? It will allow Nevada to be energy independent in 2½ to 3 years. Just as important, we also will be able to produce far more electricity than Nevada needs because now, with this power line that will create hundreds and hundreds of jobs, we will also have a lot of energy projects for that full 250-mile area. They will be able to do solar, wind, geothermal and bring that onto the power line. That is only the first phase. After that, it has been agreed by WAPA that they can do stage 2, which will bring electricity from the Northwest into Nevada and, of course, California and the whole Southwest. That is a good project and an example of good-paying clean energy jobs that can never be outsourced.

We will tackle our daunting energy and climate challenges, and by doing

that we will strengthen our national security, our environment, and our economy.

We need to look no further than Boone Pickens, who talks about this every day of his life. We will have a more secure Nation, and we will lessen our dependence on foreign oil. We will use the resources we have, among which are wind, Sun, geothermal, and now we are the largest holder of natural gas of any country in the world. That is what Boone Pickens is talking about—using our own energy, not continuing importing oil.

As we do all these things, we will continue to leave a seat at the table for our Republican colleagues. Whether their caucus comprises 40 or 41 members, each composes this body of 100. Our individual caucuses—one that will have 59 and one that will have 41—should all be united within the walls of this Chamber and not defined by the aisle that divides the desks.

Today is the first anniversary of the first time our President addressed our Nation as our President. One year ago today, standing on steps just a short distance from here, he reflected that our Nation had chosen “unity of purpose over conflict and discord.” He asked us to put aside the differences and dogmas that paralyze our politics.

We can answer that call this year—not just because President Obama requested it but because the American people justly demand it.

By and large, those in the minority have shown, so far, far too little interest in working with us. More important, they have shown far too little interest in working on the interests of their constituents.

Mr. President, I called my office early this morning and asked my faithful assistant, Janice Shelton, to arrange a call for me to talk to the new, soon-to-be Senator from Massachusetts, SCOTT BROWN. I look forward to visiting with him. I look forward to welcoming him to the Senate and asking him that he work with us. It is certainly a conversation I look forward to.

I hope in this new year we will resolve to leave partisan political motivation behind. I hope we will share and renew the motivation to get to work, to legislate for the good of this country.

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#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

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#### SCOTT BROWN VICTORY

Mr. MCCONNELL. Mr. President, first, I welcome everyone back after what I hope was a restful time away from Washington. It is good to be here. I can assure everyone that Republicans

are energized and eager to pick up where we left off. There is a lot to do, and we are ready.

The news of the day, of course, is that we will soon be welcoming a new Senator into our ranks. It has been a long time—a very long time—since the people of Massachusetts sent a Republican to the Senate. So I congratulate Senator-elect SCOTT BROWN on his decisive victory last night.

I had a chance to speak with him last night. I think it was truly a remarkable turnout and decision on the part of the people of that State.

There is a reason the Nation was focused on this race. The American people have made it abundantly clear they are more interested in shrinking unemployment than expanding government. They are tired of bailouts. They are tired of government spending more than ever at a time when most people are spending less. They do not want the government taking over health care. They made that abundantly clear last night in the Commonwealth of Massachusetts.

This is why Americans are electing good Republican candidates who they hope will reverse a year-long Democratic trend of spending too much, borrowing too much, and taxing too much. The voters have spoken. They want a course correction. We should listen to them.

Today, we will have a chance to show we have gotten the message when we take up legislation that would raise the national debt limit. The reason we are being asked to raise the limit on the national credit card is clear. It is because the majority has spent the past year spending money we do not have on stimulus bills that do not stimulate the economy, on budgets that double the debt in 5 years and triples it in 10. We need to move in a new direction—a dramatically new direction. That is the message of Virginia. That is the message of New Jersey. That is the message of Massachusetts.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

#### HEALTH CARE

Mr. ALEXANDER. Mr. President, Massachusetts voters yesterday sent a

clear message that the Democratic majority in Congress is not in touch with the American people and that we ought to restart the health care debate.

Senator-elect SCOTT BROWN's independent voice will provide a much needed check and balance to a Congress that has become dominated by more taxes, more spending, and more cash takeovers. Nothing demonstrates that need more than the so-called health care reform bill, a 2,700-page attempt to remodel 17 percent of the American economy that was concocted in secret, presented to the Senate over the weekend before Christmas during the worst snowstorm in years, voted on in the middle of the night, and passed 5 days later, on Christmas Eve, without one single Republican vote.

Now that the people have spoken in Massachusetts, we should abandon these arrogant notions of trying to turn our entire health care system upside down all at once and, instead, set a clear goal of reducing health care costs and then work together, step by step, to re-earn the trust of the American people—an approach Republican Senators urged exactly 173 different times on the floor of the Senate during last year.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been proposing a step-by-step approach to confronting our Nation's challenges 173 different times during 2009. On health care, we first suggested setting a clear goal: reducing costs. Then we proposed the first six steps toward achieving that goal: one, allowing small businesses to pool their resources to purchase health plans; two, reducing junk lawsuits against doctors; three, allowing the purchase of insurance across State lines; four, expanding health savings accounts; five, promoting wellness and prevention; and, six, taking steps to reduce waste, fraud, and abuse.

We offered these 6 proposals in complete legislative text totaling 182 pages. The Democratic majority rejected all six and ridiculed the approach, in part, because our approach was not comprehensive.

A good place to restart the health care debate would be to abandon plans to send a huge bill to States—that is, every State except Nebraska—to pay for Medicaid expansion. The 60 Senators who voted for this so-called health care reform legislation ought to be sentenced to go home and serve as Governor for two terms to try to pay for it because what these Senators would find is that States are broke, and there will either be higher State taxes or higher college tuition or both to pay for what the Democratic Governor of Tennessee has called “the mother of all unfunded mandates.”

That mandate arrogantly expands Medicaid and, to help pay for it, would send a 3-year, \$25 billion bill to Gov-

ernors who, in turn, will send the bill to State taxpayers and then to college students. That is akin to your big-spending Uncle Sam hiring someone to paint your house and then sending the bill to you, even though you told Uncle Sam you already spent all your available money sending your kid to college. Of course, Uncle Sam does not have to balance its budget and you do.

I speak today not just as a Senator but as a former Governor worried about our States and as a former president of a great public university worried about our college students, many of whom are seeking an education to get a job.

Washington policies are turning our Federal constitutional system upside down. They are transforming autonomous State governments into bankrupt wards of the central government. In doing so, they are making it harder for States to support public higher education; therefore, damaging its quality and damaging the opportunity for Americans to afford it.

Governor Schwarzenegger of California said:

With a \$19 billion deficit, the last thing we need is another \$3 billion bill for Medicaid.

At the University of California, students are paying a 32-percent tuition increase. Why? Because, according to the New York Times, “the University of California now receives only half as much support from the State per student as it did in 1990.”

Why is that? Because when Governors make up their budgets, it usually comes down to a choice between exploding Medicaid costs and higher education, and Medicaid, hopelessly entangled with expensive Washington policies and mandates, usually wins.

This is not a new problem. It was a problem when I was Governor 30 years ago. It became a bigger problem between 2000 and 2006, when Medicaid spending for State governments rose 63 percent, while spending for higher education went up only 17 percent.

The Association of American Universities and President Obama's Budget Director both have warned us that the drop in State support is hurting the quality of American public higher education, and the problem gets worse.

Some estimates predict the State share of Medicaid spending will go from \$138 billion in 2007 to \$181 billion in 2011. Yet instead of fixing the problem of exploding Medicaid costs and its impact on higher education, the health care bill would make it worse.

Over the Christmas holidays in my State, the most talked about part of the health care bill was the so-called cornhusker kickback, which makes taxpayers and students all over America pay for Nebraska's Medicaid so Nebraskans will not have to raise their taxes and tuition.

I can guarantee you any Senator who is sentenced to go home and serve as

Governor—except perhaps in Nebraska—would not vote for this health care bill.

The second recent big blow to States and to higher education has been the stimulus package, which was hailed as bailing States out but instead will soon push them over the financial cliff.

This is how the Democratic Lieutenant Governor of New York explained it in a Wall Street Journal article on January 8. He said:

... states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use Federal funds only as supplements. The net result of this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

On top of all this is the dramatic deterioration of the autonomous role of the States in our Federal system. Thanks, in part, to the stimulus, federally collected tax dollars have risen to 40 percent of State budgets. So instead of serving as autonomous laboratories of democracy in a Federal system, States are becoming little more than heavily regulated and increasingly insolvent administrative divisions of the central government in Washington.

Some are suggesting a new stimulus to bail out the States. Why should we even consider that when the last one is helping to push States off the financial cliff? Why should we pass a new health care bill that makes it worse for States; that is, every State except Nebraska.

Wouldn't it be better to restart the health care debate and take a series of steps to reduce health care costs without the Medicaid mandate?

Instead of expanding Medicaid and sending the States the bill, why not reform Medicaid, which has become an embarrassing administrative nightmare, where \$30 billion a year goes to waste, fraud, and abuse, according to the Government Accountability Office.

Instead of dumping 15 million to 18 million more low-income Americans into a Medicaid Program, in which 50 percent of doctors—50 percent of doctors—will not take new patients, shouldn't we try a better idea?

Lieutenant Governor Ravitch suggests that one place to start is relieve States of the responsibility for those patients who draw services from both Medicare and Medicaid.

That would save States about \$70 billion a year and would place all the responsibility on Washington for reforming the program so taxpayers could afford it.

Thirty years ago, when I was Governor, I met with President Reagan and proposed a grand swap: that the Federal Government would take over all of Medicaid in exchange for giving the States all the responsibility for elementary and secondary education.

President Reagan liked the idea. I still think fixing the responsibility for both education and Medicaid in a single government would make it work better and force its reform.

The No. 1 topic on the minds of most Americans today is jobs. Running up the cost of health care, raising State taxes, damaging the quality of universities and community colleges, and restricting access to them is a good way to kill jobs, not create jobs.

There still is time to restart the health care debate, to work together on a step-by-step plan to reduce health care costs, while avoiding expensive mandates on States that increase State taxes and increase college tuitions. The surest way to cause this to happen is to tell those 60 Senators who voted for this health care bill that if it becomes law, they will be sentenced to go home and serve as Governor for two terms to try to pay for it.

Mr. President, I ask unanimous consent to have printed in the RECORD three newspaper articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 7, 2010]  
WASHINGTON AND THE FISCAL CRISIS OF THE STATES—THE STRINGS ON FEDERAL STIMULUS MONEY ARE MAKING IT HARDER FOR STATES TO CUT SPENDING AND BALANCE THEIR BUDGETS

(By Richard Ravitch)

As one whose interest in public service stems largely from the conviction that government can make a positive difference in people's lives, I have found the past year a paradox. From the financial crisis to health-care reform, the federal government has taken on challenges that urgently need to be addressed. Yet despite these actions—and sometimes because of them—the states, which provide most of the services that touch citizens' lives, are in their deepest crisis since the Great Depression. The state crisis has become acute enough to belong on the federal agenda.

New York State faces a budget deficit that could climb to \$8 billion or \$9 billion in fiscal year 2010–11 and the state could face another deficit in 2011–12 of about \$14 billion to \$15 billion. The causes of the larger deficits down the road include a drop off in federal stimulus funds, an increase in Medicaid costs, and the planned expiration of a state income tax surcharge, as well as the state's underlying structural deficit.

New York is in a tough spot, but few other states are immune from large and growing deficits. According to the Center on Budget and Policy Priorities, the states have faced and will face combined budget shortfalls estimated at \$350 billion in fiscal years 2010 and 2011. Past experience suggests that these deficits will continue even if a national economic recovery takes hold. Moreover, we do not know how robust the recovery will be or what shape it will take. We know only that it will not spare the states the necessity of making acutely painful fiscal choices. New York and other states face draconian cuts in public services, higher taxes, or, more likely, a combination of both.

The federal stimulus has provided significant budget relief to the states, but this relief is temporary and makes it harder for

states to cut expenditures. In major areas such as transportation, education, and health care, stimulus funds come with strings attached. These strings prevent states from substituting federal money for state funds, require states to spend minimum amounts of their own funds, and prevent states from tightening eligibility standards for benefits.

Because of these requirements, states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use federal funds only as supplements. The net result is this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

Until recently, some people predicted that the stimulus funds would not evaporate—that instead the federal government would rescue the states once more with another stimulus bill. But the prospect of this kind of help looks doubtful as an increasing number of lawmakers in Washington worry about the federal deficit and seem intent on taking serious steps to rein it in.

If those steps include neglecting the fiscal situation facing the states, the country could be headed for fiscal problems that are larger than the ones we face now. We are in a time of extraordinary economic change and Washington is struggling with the sometimes-conflicting demands of the federal deficit and the unemployment rate. But the states' growing deficits present their own urgent national problem that the federal government must place in the balance.

Federal policy makers do not have the option of assuming that the state fiscal crisis is temporary or will cure itself without further involvement by Washington. This crisis reflects the growing long-term pressures on the states from the health-care needs of an aging population and the maintenance needs of an aging infrastructure. Moreover, the \$3 trillion municipal bond markets have begun to notice the states' deficits: Moody's recently downgraded the bond ratings of Arizona and Illinois because of the deficits those states face. The rating agency says it is waiting to see whether New York will reduce its budget gaps and has warned the state against trying to do so solely through one-time actions.

It seems almost inevitable now that the states' fiscal problems will have further effects on capital markets, possibly as soon as next spring and summer. If more cracks appear in the capital markets that handle municipal bonds, the U.S. Treasury and the Federal Reserve will be faced with an unattractive set of options: They can allow those markets to deteriorate or use federal tax dollars to shore them up and thereby increase the federal deficit.

It is safe to say that one way or another events will force federal policy makers to spend money in response to state deficits. Federal officials shouldn't wait for an emergency to begin to address two questions: Which services should the federal government provide and which should the states provide? And how should the costs of these services be split among federal, state, and local tax bases?

For example, Medicare, not Medicaid, is the primary payor of health-care costs for the elderly and disabled. About 17% of Medicare beneficiaries are low-income and, thus, also receive varying levels of state Medicaid benefits. These "dual eligible" beneficiaries



account for some 40% of state Medicaid spending.

For these beneficiaries, the current system is a nightmare: They disproportionately suffer from chronic diseases but must navigate two separate bureaucracies and sets of rules in order to receive care. For the states, this system is a costly burden. From the perspective of a rational health policy, the system is an anachronism. It developed when Medicare did not provide income-based aid and did not have income-based information about those it served. Medicare now provides such aid and has the information and capacity to provide these benefits more effectively, with more potential for cost containment, than the current system.

A federal takeover of services to dual eligibles would cost about \$70 billion per year. For many states, a share of this amount would be the difference between chronic fiscal crisis and a chance at structural budget balance. After the Troubled Asset Relief Program and health-care reform—with the cost of the latter estimated by the Congressional Budget Office at almost \$900 billion from now through 2019 and \$1.8 trillion in the 10 years from 2014 through 2023—the bill for such a takeover does not seem huge or disproportionate to the relief it would provide to state budgets.

Those of us responsible for the states' budgets have the unpleasant duty of imposing greater burdens on our citizens before we can reach legitimate balance between revenues and expenditures. It is not unreasonable for us to hope that federal policy makers will treat our state deficit problems with the same seriousness with which they are now preparing to address the national deficit.

[From the Wall Street Journal, Jan. 5, 2010]

#### THE PUSHBACK—STATE AGS SAY BEN NELSON'S MEDICAID DEAL IS UNCONSTITUTIONAL

"It's not a special deal," Ben Nelson told the New York Times of the special deal that converted him into the 60th Senator for ObamaCare. "It's a fair deal. Some people said I was getting money for Nebraska. That's wrong. I was just getting rid of an underfunded federal mandate. There's nothing sleazy about it. I cracked the door open for other states."

The other states think somewhat less of Mr. Nelson's benevolence. Under the "Cornhusker Kickback," the federal government will pay all of Nebraska's new Medicaid costs forever, while taxpayers in the other 49 states will see their budgets explode as this safety-net program for the poor is expanded to one out of every five Americans.

"In addition to violating the most basic and universally held notions of what is fair and just," the AGs wrote last week to the Democratic leadership, the Article I spending clause is limited to "general Welfare." If Congress claims to be legitimately serving that interest by expanding the joint state-federal Medicaid program, then why is it relieving just one state of a mandate that otherwise applies to all states? In other words, serving the nongeneral welfare of Nebraska—for no other reason than political expediency—violates a basic Supreme Court check on the "display of arbitrary power" that was established in 1937's *Helvering v. Davis*.

Obviously Congress treats different states differently all the time, via earmarks and the like, but in this case there is simply no plausible argument for some kind of "general" benefit. The only state that gains from special treatment for Nebraska is Nebraska—and this actively harms all other states, which will have fewer tax dollars for

their own priorities while effectively subsidizing the Cornhusker state.

The 12 Attorneys General are all Republicans, but as it happens their complaints are echoed by the liberal states of New York and California. In a December letter Governor Arnold Schwarzenegger lamented that ObamaCare would impose the "crushing new burden" of as much as \$4 billion per year in new Medicaid spending in a state that is already deeply in the red. And in a Christmas Day op-ed in the Buffalo News, New York Governor David A. Paterson protested the almost \$1 billion in new costs as well as the "unfairness of the Senate bill" when "New York already sends significantly more money to Washington than it gets back."

The reality is that national taxpayers have subsidized New York and California's social services for years because Medicaid's funding formula rewards higher state spending. That spending helps explain why these two states, plus New Jersey, are in such budget fixes today. But we welcome Mr. Paterson's discovery that redistributing income via progressive taxation is harmful.

"The final bill must provide equitable federal funding to all states," Mr. Paterson insisted, and in that sense Mr. Nelson may be right about his opening the political door. As Democrats merge the House and Senate bills, they may extend the 100% Nebraska deal to all states to shut them up, assuming they can rig the budget math. Of course, that gambit would harm either medical providers, given that state Medicaid reimbursement rates are well below even Medicare's, or Medicaid patients, as more doctors and hospitals simply drop those patients.

We recognize that mere Constitutional arguments won't deter the political juggernaut that is ObamaCare. But no one should be surprised when Americans wonder if this unprecedented federal intrusion into their lives violates our nation's founding principles.

[From the Wall Street Journal, Jan. 2, 2010]

#### THE STATES AND THE STIMULUS—HOW A SUPPOSED BOON HAS BECOME A FISCAL BURDEN

Remember how \$200 billion in federal stimulus cash was supposed to save the states from fiscal calamity? Well, hold on to your paychecks, because a big story of 2010 will be how all that free money has set the states up for an even bigger mess this year and into the future.

The combined deficits of the states for 2010 and 2011 could hit \$260 billion, according to a survey by the liberal Center on Budget and Policy Priorities. Ten states have a deficit, relative to the size of their expenditures, as bleak as that of near-bankrupt California. The Golden State starts the year another \$6 billion in arrears despite a large income and sales tax hike last year. New York is literally down to its last dollar. Revenues are down, to be sure, but in several ways the stimulus has also made things worse.

First, in most state capitals the stimulus enticed state lawmakers to spend on new programs rather than adjusting to lean times. They added health and welfare benefits and child care programs. Now they have to pay for those additions with their own state's money.

For example, the stimulus offered \$80 billion for Medicaid to cover health-care costs for unemployed workers and single workers without kids. But in 2011 most of that extra federal Medicaid money vanishes. Then states will have one million more people on Medicaid with no money to pay for it.

A few governors, such as Mitch Daniels of Indiana and Rick Perry of Texas, had the

foresight to turn down their share of the \$7 billion for unemployment insurance, realizing that once the federal funds run out, benefits would be unpayable. "One of the smartest decisions we made," says Mr. Daniels. Many governors now probably wish they had done the same.

Second, stimulus dollars came with strings attached that are now causing enormous budget headaches. Many environmental grants have matching requirements, so to get a federal dollar, states and cities had to spend a dollar even when they were facing huge deficits. The new construction projects built with federal funds also have federal Davis-Bacon wage requirements that raise state building costs to pay inflated union salaries.

Worst of all, at the behest of the public employee unions, Congress imposed "maintenance of effort" spending requirements on states. These federal laws prohibit state legislatures from cutting spending on 15 programs, from road building to welfare, if the state took even a dollar of stimulus cash for these purposes.

One provision prohibits states from cutting Medicaid benefits or eligibility below levels in effect on July 1, 2008. That date, not coincidentally, was the peak of the last economic cycle when states were awash in revenue. State spending soared at a nearly 8% annual rate from 2004–2008, far faster than inflation and population growth, and liberals want to keep funding at that level.

A study by the Evergreen Freedom Foundation in Seattle found that "because Washington state lawmakers accepted \$820 million in education stimulus dollars, only 9 percent of the state's \$6.8 billion K–12 budget is eligible for reductions in fiscal year 2010 or 2011." More than 85% of Washington state's Medicaid budget is exempt from cuts and nearly 75% of college funding is off the table. It's bad enough that Congress can't balance its own budget, but now it is making it nearly impossible for states to balance theirs.

These spending requirements come when state revenues are on a downward spiral. State revenues declined by more than 10% in 2009, and tax collections are expected to be flat at best in 2010. In Indiana, nominal revenues in 2011 may be lower than in 2006. Arizona's revenues are expected to be lower this year than they were in 2004. Some states don't expect to regain their 2007 revenue peak until 2012.

So when states should be reducing outlays to match a new normal of lower revenue collections, federal stimulus rules mean many states will have little choice but to raise taxes to meet their constitutional balanced budget requirements. Thank you, Nancy Pelosi.

This is the opposite of what the White House and Congress claimed when they said the stimulus funds would prevent economically harmful state tax increases. In 2009, 10 states raised income or sales taxes, and another 15 introduced new fees on everything from beer to cellphone ringers to hunting and fishing. The states pocketed the federal money and raised taxes anyway.

Now, in an election year, Congress wants to pass another \$100 billion aid package for ailing states to sustain the mess the first stimulus helped to create. Governors would be smarter to unite and tell Congress to keep the money and mandates, and let the states adjust to the new reality of lower revenues. Meanwhile, Mr. Perry and other governors who warned that the stimulus would have precisely this effect can consider themselves vindicated.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Arizona is recognized.

#### SENATOR DORGAN

Mr. McCAIN. Mr. President, I thank my friend and colleague from North Dakota for allowing me to speak out of order. I might add—and I will say this several times—what a privilege it has been for me to have served with the Senator from North Dakota, a man who embodies the best in a prairie populist and one with whom I have had a great honor and privilege working for a long time.

As the hour grows near, I will have more to say about my appreciation and the honor of working with the Senator from North Dakota.

#### SENATOR-ELECT SCOTT BROWN

Mr. McCAIN. Mr. President, I come to the floor to congratulate my friend, SCOTT BROWN, on his historic victory last night.

SCOTT BROWN is a man who has served his country in the Army National Guard and Reserve. He is a person who has served his State in the State legislature. He is a wonderful father and a wonderful public servant. I congratulate him on his landmark victory.

I believe it was in Concord where the "shot was heard round the world." Last night a shot was fired round this Nation. A shot was fired saying no more business as usual in Washington, DC. Stop this unsavory, sausage-making process called health care reform, where special favors are dispensed to special people for special reasons in order to purchase votes.

The American people do not want this health care reform because they do not believe it attacks the fundamental problem with health care in America; that is, there is nothing wrong with the quality, it is the cost that needs to be brought under control.

But there is also anger—I know from the townhall meetings in my own State—about the process: the Louisiana purchase, \$300 million for Louisiana; the Florida Medicare Advantage grandfather clause for the Senator from Florida; the \$5 billion cornhusker kickback; Vermont, Massachusetts, Hawaii, Michigan, Connecticut—twice in Connecticut—Montana, South Dakota, North Dakota, Wyoming—the list goes on and on of special deals that were carved for special reasons. The latest, of course, is the incredible action concerning unions being exempt from taxes nonunion members will now have to pay in greater numbers. How do you justify favoring one group of Americans; that is, union members, for any reason other than you owe them political favors and they have political influence?

So the negotiating went from the backrooms here to the backrooms in the White House—the same President who said C-SPAN and a completely transparent process would prevail here so the American people would know who is on the side of the pharmaceutical companies. And the pharmaceutical companies probably got the best sweetheart deal of anybody in this whole process.

So I believe the majority of the American people have said and according to polling data 48 percent of Massachusetts voters have said health care was the single issue driving their vote. Thirty-nine percent said they voted for BROWN specifically because of his vocal opposition to the measure. I congratulate SCOTT BROWN. I congratulate our new colleague not only for standing up for what is right but also for articulating the frustration of the American people about this process we have been through.

So here we are, and now the rumors are that they will jam this proposal through the House of Representatives and then bypass what has always been the normal legislative process. They should not do that. The American people have spoken. The people of Massachusetts have spoken for the rest of America: Stop this process, sit down in open and transparent negotiations, and let's begin from the beginning.

We can agree on certain principles and certain measures that need to be taken, such as malpractice reform, going across State lines so people can have the insurance of their choice, and many other things, including, perhaps, a refundable tax credit for those who need health insurance and risk pools for those who have preexisting conditions. There are many things we could agree on if, for the first time in this administration and in this Senate, we sit down across the table from one another in honest and open negotiations and discussions.

We know health care costs in America are out of control. We know they need to be fixed. We want to be part of that process. So I urge the President of the United States, I urge my colleagues—now 59 of them—to say: Stop, start from the beginning, sit down, and work for America. Let's do what has been done in the past, time after time after time, where we sit down and negotiate in good-faith efforts. So far, that has not happened despite the promises the President made during his campaign.

I urge my colleagues together to say we have to stop this process, we have to stop this unsavory sausage making, Chicago style, that has been going on, and we have to sit down in open and honest negotiations with the American people and fix the health care problem. We can do that together, and that is what the American people want us to do.

Again, I thank my colleague from North Dakota, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

#### THE ECONOMY

Mr. DORGAN. Mr. President, there has been a lot happening in this country with respect to politics and the economy over these past months, and I know there is great angst and concern across this country. There are questions: When will America get the bounce back in its step? These are troublesome times, for sure, for a lot of reasons, but I am convinced we will find ways to put America back on track. I am convinced of that.

You know, you go back a couple hundred years in American history, and this country has been through some very tough times but always—always—rebounds. There has always been a sense of optimism that the future will be better than the past, that kids will have it better than their parents. I am convinced of that.

I think the American people have plenty to be steamed about, and they need to find ways to let off that steam. They have a right to be steamed, and let me describe a bit of it.

One year ago, this President took office and he inherited an economic wreck. That is just a fact. The question at that moment was, will this economy completely collapse? That wreck was caused by a lot of things, but deciding to go to war and not paying for a penny of it year after year—everybody knows better than that. You can't do that. Hiring regulators who were boasting that they weren't willing to regulate, saying to the big shots on Wall Street, the speculators, the big investment bankers, and others: Do whatever you want. We won't watch. The sky is the limit. We don't care. Now we see the carnage that results from that: derivatives—instruments that derive value from something else—CDOs, mortgage-backed securities, synthetic derivatives. Do you know what a synthetic derivative is? That is something that doesn't have any value of any kind. It is just a wager. You might as well put a craps table in the middle of an investment bank lobby and say to them: You don't have to go to Las Vegas, you can gamble here. And by the way, you can gamble with other people's money, not your own. But even investment banks and FDIC-insured banks have been gambling on their own proprietary accounts on derivatives. We ought to know better than that. So what happens is the regulators give a green light to that kind of rancid behavior, and it steers this country into an unbelievable bubble of speculation. Then the center pole of the tent collapses, the economy nearly collapses, and a whole lot of the American people

are paying for it. The fact is, these folks fleeced America. It is the great bank robbery in American history.

When I talk about big investment banks and some others, the community banks out there weren't involved in this. Go to most of your hometown banks and take a look at how they are doing. They are doing just fine because they weren't involved in these sorts of shenanigans. It was the biggest financial firms in this country that steered this country into the ditch, and it started, yes, with mortgage brokers and mortgage banks and investment banks and hedge funds and derivatives traders. All of them steered this country into the ditch. By the way, now they are driving the getaway car, going to the bank to deposit their big bonuses. They got big bonuses even while their firms lost a lot of money. Now, all of a sudden, many of the firms that would have collapsed were it not for the help of the American people are now earning record profits and set to pay the biggest bonuses in history in the next few weeks. That is unbelievable, and in my judgment, it shouldn't be allowed.

In my judgment, we have to do something about this, and one of the pieces of the agenda in front of us is to reform this system of finance and try to wring out the unbelievable orgy of speculation in this system that puts the American economy and the American people at risk. So one of the pieces of this agenda at this point is so-called financial reform legislation.

As I said, I am convinced that while this ship of state has a lot of leaks, we can fix it and set it right and set it back on course, but it is not going to be done by revisionist history of the past by some, by those who put their hands over their eyes and plug their ears and decide, you know, we are not interested in learning the lessons of the past.

This President inherited a wreck. He may not have done every single thing right in the last year, but I will tell you this: He took action to try to put a foundation under this economy to prevent its collapse, and I think he deserves some credit for that. Had he done nothing after walking in the White House door, the Federal budget deficit was going to be \$1.3 trillion. That is what this President was left with from the previous administrations.

So, as I said, we have a lot of work to do, and it is going to require the co-operation of people in this Chamber. There has not been much cooperation recently. This Chamber has been pretty divided. You know, I have I guess dozens of times quoted Mark Twain when he was asked once by someone if he would engage in a debate. And he immediately said: Yes, if I can take the negative side. And they said: Well, we have not even told you the subject. He

said: That doesn't matter. The subject doesn't matter. The negative side will take no preparation for me. And so it is here in this Chamber—the negative side saying no to every single initiative, even those initiatives that I believe saved this economy from collapse. But we need to do better than that. We need to work together and find ways, in a bipartisan manner, to cooperate for this country's benefit.

So what are the issues? Well, I just mentioned financial reform. We have to fix this system of ours. The fact is, the same firms that steered this country into the ditch, the same people, the same interests are doing exactly what they did before: trading on their own proprietary accounts and taking on massive amounts of risk. We have to decide whether we should separate investment banking from FDIC-insured banking. We have to decide if you are too big to fail, you are just flatout too big. We have to decide those things in a financial reform bill that comes to the floor of the Senate.

The American people are concerned about a lot of things—first and foremost, jobs. There is no social program in this country that is as important as a job that pays well, in my judgment. A good job that pays well makes everything else possible for families. So we need to focus like a laser on trying to create jobs once again in this country and put people back on payrolls. If we want to do something for the economic health of both families and America, it is good jobs that pay well, with some security and some benefits. There is no better tonic than that.

It is also the case that we need to focus like a laser on this issue of deficits and debt because the fact is, we were left with an economy that is not sustainable with respect to the current deficits. It just isn't. You can't fight wars without paying for them. You just can't do that. You can't enact programs without paying for them. And when you fall into a very deep recession and your revenues dry up and you have \$400 billion a year less in revenue—because of unemployment and many other stabilizing programs that try to help people who have been laid off and who are in trouble, you have \$400 billion more in outlays—and you run into giant Federal budget deficits, we have to fix that. We have to do that because this course is not sustainable.

There is one other issue I want to talk about for a moment. I hope that early on in this year, we will do something else that is important to the economic strength of America, and that is to pass an energy bill that moves in the direction of giving us the freedom from foreign oil. Let me describe why this is important in the context of trying to also fix what is wrong in this economy. We are a nation that uses a substantial amount of oil. We stick little straws in this planet every day and

suck out oil. We suck out about 85 million barrels of oil a day from this planet called Earth. Of the 85 million or 84 million barrels of oil a day, one-fourth of it is used in this little place on the planet called the United States of America. We need one-fourth of all the oil that is produced every day just to keep America going, and a substantial amount of that oil is produced in areas of the world that don't like us very much, areas of the world that are very troubled. So we have great vulnerability with respect to our Nation's energy security.

The fact is, energy powers this country's economy. We don't think about it. We get up every single day and we flick on a switch, we plug something into a wall socket, we turn a key in an ignition. In dozens of ways, beginning when we first step out of bed and turn on the light, we use energy, and we use a lot of it. So the question is, What can give this country some energy security? Being 70 percent dependent on foreign oil? Certainly not. By the way, in addition to getting nearly 70 percent of our oil from other countries, nearly 70 percent of the oil is used in our transportation fleet.

So what do we do about all that? The fact is, we passed the Energy bill out of the Energy Committee, about 6, 7 months ago here in the Senate, and that Energy bill, in my judgment, has a lot to commend it. I believe that early on in this Congress, the President and the Senate ought to decide we are going to take up this bill. It is bipartisan. We should pass this legislation and give America another step in the direction of being less dependent on foreign oil.

It is also about jobs. You create a lot of jobs by new production and conservation systems and so on.

Let me describe what is in this legislation. The legislation deals with increasing production of energy here at home. It also increases conservation and efficiency and maximizing the production of renewable energy. It also creates the first ever national renewable electricity standard, which means that a certain percentage of our electricity to come from renewable energy. All that is in this legislation and it has already been passed by the Senate Energy Committee on a bipartisan vote. Let me start for a moment with some good news.

Mr. President, could I be notified at the end of 15 minutes, please, of my presentation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Let me start with some good news because we almost never hear good news these days in America. All the news in America is about what went wrong, the old saying about bad news is that it travels halfway around the world before good news

gets its shoes on. Almost nobody has any interest in saying let's broadcast good news all day.

The good news last year, with respect to oil, was that for the first year in a long time, America actually increased its production of oil. We have been on this declining path. No more. Last year we increased the production of oil. Part of that comes from a formation in my part of the country called the Bakken shale. It is unbelievably complicated what we have done, but our country has learned to go explore and get oil from formations that 5, 8, 10 years ago you could not get oil from. There is up to 4.3 billion gallons of oil in the Bakken shale formation, 4.3 billion barrels of recoverable oil, that can now be unlocked using today's technology. They drill down 2 miles with a drilling rig, do a big curve, and go out 2 miles. With one rig they go down 2 miles, then go out 2 miles and then they hydrofracture it and the oil drops. They are getting up to 2,000 barrel-a-day wells. That is just one part of the substantial additional production available in this country, and it is producing now in a very significant way in Montana and North Dakota in the Bakken shale.

Also, in the Energy bill that was passed by the Senate Energy Committee, I introduced an amendment that was agreed upon on a bipartisan vote that opens the eastern Gulf of Mexico. We believe that there is at least 3.8 billion gallons of recoverable oil and at least 21 trillion cubic feet of natural gas in the eastern Gulf of Mexico including the Destin Dome. There is a lot to be achieved by additional production and we should do that. There is no question we should do that. The legislation that has been passed on a bipartisan vote, with my amendment to open the additional production, would allow that to happen.

That is one piece of the Senate Energy Committee's legislation. But there is much more. We understand our most abundant resource is coal, but we need to have a lower carbon future as we continue to use fossil fuels for energy. So the research and the science that is exciting, to be able to continue to use coal and capture and sequester or capture and provide beneficial use of CO<sub>2</sub>, is something we are working on very hard. We advance it in this legislation.

If you are going to maximize production of energy where the wind blows and the Sun shines, through solar energy and wind energy, you need to develop an interstate highway of transmission. We don't have that. We have an interstate highway system to drive on, but we don't have an interstate highway system to move electricity on and to produce energy where the wind blows and the Sun shines and then move it to the load centers. That does not exist at the moment.

In the last 10 years, we have built about 11,000 miles of natural gas pipeline to move natural gas around the country. During the same period, we only built 668 miles of high-voltage transmission lines between the States. We have to fix that. If you are going to maximize the production of energy where the wind is blowing and the Sun is shining, and we should, then you need to have an interstate highway of transmission to move that energy to the load centers. This transmission section is in the Senate Energy Committee's bill.

We have included a national renewable electricity standard, for the first time in history, in this legislation. That will drive the production of renewable energy because 15 percent of the energy that is sold must come from renewable energy sources. I think the votes exist on the floor of the Senate to get to a 20-percent RES. All of that, I think, is very important.

The other thing we do is we move toward an electric drive vehicle system with investments in battery technology and all of the related issues that would involve electric drive vehicles. That is going to be part of our future.

Beyond the electric drive future, I think, is hydrogen and fuel cell technology. There is so much to be excited about. We do need to get the legislation that has already passed the Senate Energy Committee to the floor of the Senate. Let me describe it briefly by saying this. There are some who say the issue is climate change, and we have to bring a climate change bill to the floor of the Senate.

Here is my view. To address climate change and have a lower carbon future means that you have to put in place policies that actually reduce carbon. How do you do that? By doing the very things I have described in this legislation that is now out of the Senate Energy Committee and ready to come to the floor. It is addressed to the specific policies that will reduce carbon, that will actually allow us to make progress in addressing climate change issues.

I know there is a lot of discussion, and also a lot of controversy surrounding the issue of cap and trade. My own view on cap and trade is that I don't have the foggiest interest in providing a \$1 trillion carbon trading market for traders and speculators on Wall Street to decide on Monday and Tuesday what our energy is going to cost on Thursday and Friday. I am not interested in doing that, given the history of what has happened on Wall Street and the economic wreck they caused in recent years.

Having said that, we still need a lower carbon future. I agree with that. The way to do that is to pass smart energy policy. We have a bipartisan bill that addresses all these issues: additional production, additional conserva-

tion, more efficiency, maximizing renewables, the first ever renewable electricity standard. All these issues will strengthen our country, and I hope very much one of the priorities in the coming months will be to pass the energy legislation that was passed by the Senate Energy Committee and advance our country's interest.

The ACTING PRESIDENT pro tempore. The Senator has used 15 minutes.

Mr. DORGAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, before I address some of the issues before us, let me say a word about my friend and colleague from North Dakota who, during this recess, announced he is going to retire at the end of this year. Senator DORGAN and I have served together both in the House and the Senate. He has been such a powerful force and powerful voice in the Senate Democratic caucus on so many important issues that we share values on. I am not going to bid him farewell because I know this year will be a busy year for him, representing his State and being engaged. His talk, just this moment on the floor, about issues of concern are clear evidence he is going to be fighting for his causes and his people in this upcoming year. But I do have to express my regret that my colleague is leaving us and thank him for his many years of fine service to the people of his State, in the House and the Senate, and I look forward to making this a great sendoff year and again thank him for his contribution.

Mr. DORGAN. If the Senator will yield, I have always refrained from using the word "retire" because I can't sit around very much. So I don't intend to quit working. But I am not seeking reelection, the Senator is correct about that. This is a great institution, and it is a great privilege to serve here. I look forward to a lot of work this year with my colleague from Illinois and I hope, together, we will frame the policies that will help put America back on track to a better future.

#### LESSON FROM MASSACHUSETTS

Mr. DURBIN. Mr. President, what did we learn yesterday in Massachusetts? I guess many things about the feeling of the American people. When you take a look at the polls, it is interesting. It is not as if it is a very partisan feeling among most Americans. They are not happy with either political party, when it comes right down to it, and if given a third-party choice, a lot of folks tend to move in that direction. It reflects a number of feelings. The first is, we have a weak economy and a lot of people unemployed and there is a lot of uncertainty. I think that has created anxiety, if not anger. I think also it is an issue about whether this Congress

and this administration can respond to the issues that count, that matter in people's lives, and do it in a timely fashion. There is a frustration that many of the issues we take up seem to take forever, and most of them take forever right here in this room because the Senate was designed to slow things down and sometimes bring them to a halt. That is even adding to the frustration and maybe the anger across America.

When you ask people in polls about the situation in Washington, they say two things that are not necessarily consistent. They say: No. 1, I am concerned about the debt of this Nation. How much more debt can we pile up on future generations and how much more can we mortgage our future to foreign lenders such as China that will buy up our debt and buy a bigger piece of control of our economy? A legitimate point. But the second thing they will say is: Listen, I hope the President and Congress will do something to help create jobs to get this country moving forward—which, of course, would involve the expenditure of Federal funds. They do not always give consistent answers, but it is easy to look behind the results in Massachusetts and in other States and see that the American people are upset and concerned about the current situation. What will we take from this?

There will be a realignment in the Senate, in terms of going forward. There will be 59 Democratic Senators and 41 Republican Senators after the new Senator from Massachusetts, Mr. BROWN, is sworn into this body. But still we will face the issues people want us to deal with.

When I went home to Illinois, I didn't shy away from health care. I took it on the road and went to South Suburban Chamber of Commerce in Cook County. That is right near the city of Chicago. Yesterday, I went to the Chicago Chamber of Commerce and invited in small businesses to talk about health care. What I heard from them I heard in letters and e-mails and messages from all over the State; that is, people are genuinely concerned. They may feel at least some satisfaction with their current health insurance, but they are worried about the future. When small businesses stand, as they did yesterday, and say: Our premiums went up 17 percent, 20 percent each year and it is unsustainable, that is a reality. If we play to a draw here and do nothing, it is understandable people will be even more frustrated and angry.

I understand the shortcomings of our effort to reform health care. I am humble enough to realize that even our best work may not be perfect and may need to be changed in the future. But it is not enough to just stop the debate and ignore the problem. I would engage and invite my colleagues from the other side of the aisle, if they truly want to govern, if they truly want to work with

us, please step forward. Show us you are willing to sit down and work together; we are and we have tried and we will continue to. We should. It is not just a matter of health care. It also goes to the question of creating jobs.

We have an opportunity now to breathe life back into this economy, to get more people back to work. Like one of my friends, a Congressman from Illinois, PHIL HARE, said recently: I get personally ill when I hear the term "jobless recovery."

I share his angst and nausea, if that is what it is, over that term. There will be no jobless recovery. Until people get back to work, we are still in recovery and have not reached our goal yet, which is to end the recession with a strong economy and people back to work.

How will we reach that goal? We need to do something this year, and we need to do it quickly so we do not miss a construction season, so we can create new opportunities for jobs in building bridges and highways and airports and water projects all across America—investment in our infrastructure that pays off over the long run and creates jobs immediately. That is something we need to do. It will take money to do it.

Fortunately, there is a source. President Bush had his Troubled Asset Relief Program and took hundreds of billions of dollars and loaned them to financial institutions and companies to get through the worst of the recession. Many of those companies are paying us back, some with interest. We wish to take the money that is being paid back there and invest it back into this economy to get it moving forward.

This sounds to me like something that Democrats and Republicans should agree on. I think we both share the goal of getting out of this recession and begin moving forward, but we need a cooperative, bipartisan effort for that to be achieved. I hope we can find it. I hope we can reach common ground there.

I believe most of the Senators from most of the States represented here have heard from their Governors. My State is struggling. Others are as well. There will be layoffs of key personnel—firefighters, policemen, and teachers, for example. We should find a way to help those States get through this tough patch they have run into because of a recession and downturn in revenues. We don't want to see our children suffer because teachers are laid off and there are more kids in the classroom. We certainly do not want to endanger our communities by laying off firefighters or policemen, if that means our safety is compromised in our homes and neighborhoods. So there ought to be some common ground we can find, both sides of the aisle.

At the same time, there is a meaningful discussion underway with Sen-

ators CONRAD and GREGG, Democrat and Republican, on long-term deficit reduction. In the midst of a recession it is hard, I think terribly hard, to argue we will not be adding to the national debt as we try to bring ourselves out of the recession. But we clearly need to have a plan—a direction and a long-term goal—of reducing our deficit. We can reach that goal, and I think we should. We need to do this on a bipartisan basis.

I hope in the days ahead, when the President gives the State of the Union Address, he will speak to this and he will try to help us in reaching that common goal.

So whatever the result in Massachusetts, it will, of course, make the news today, will diminish in importance as other stories replace it. But at the end of the day, we still have responsibilities. We still need to deal with the rising cost of health care. We need to deal with the fact that 50 million Americans do not have health insurance. We need to confront the health insurance companies that are turning down people when they need help the most with their health insurance plan. We certainly need to address the job situation, making sure our government is funding and inspiring new job growth across our country. We need to deal with a long-term deficit with a plan that starts to bring us out of our national debt or at least reduce our national debt.

That, to me, represents at least three immediate and attainable goals that should be done on a bipartisan basis. Whether we have 60 votes or 59 votes, those issues still challenge us. So the lesson from Massachusetts is the American people are expecting responsible results in Washington. We have to deliver them. We can deliver them. But to do it, we need a bipartisan approach. We need both Republicans and Democrats to work together toward these goals.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, is the Senate still in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. CHAMBLISS. I ask unanimous consent that all time be yielded back and that we move to the nomination of Beverly Martin.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING  
BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

## NOMINATION OF BEVERLY BALDWIN MARTIN TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant legislative clerk read the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak under the time allotted to Senator SESSIONS and that I be followed by my colleague Senator ISAKSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise today to speak on behalf of a good friend, a very fine jurist, Judge Beverly Martin, who has been nominated by President Obama to the Eleventh Circuit Court of Appeals.

I have had the good fortune of knowing Judge Martin, who is a native of Macon, GA, for many years and could think of no one with more integrity, professional competence, and appropriate judicial bearing to sit on the Nation's second highest bench.

Judge Martin is a fourth-generation lawyer. Her great-grandfather, grandfather, and her father were all lawyers in Macon, GA. They started the law firm of Martin & Snow in Macon, which is where Judge Martin also began the practice of law after graduating from the University of Georgia School of Law in 1981.

I talked to my good friend Cubbege Snow, Jr., who was one of the senior partners at the firm at that point in time. I said: Cubbege, tell me about Beverly. What did you do with her when she came fresh out of law school to be the fourth generation Martin in that law firm?

He said: SAXBY, she started just like everybody else; we put her collecting accounts, which is the one thing lawyers have to do when they start out is that sort of menial type work.

I remember one day walking by her office and she is obviously on the phone with somebody trying to collect an open account, and she finally screamed

at whoever it was on the other end and said, "If you do not pay this bill, I am going to lose my job."

So Beverly Martin started at the bottom of the ladder in the practice of law. She has worked herself up to the point now of being one of the finest district court judges we have in our State.

My good friend Jerry Harrell, who is also a member of that firm, says the thing he remembered best about now Judge Martin when she was practicing law is that she is very bright, but she approached everything from a true commonsense standpoint and that she was a very level-headed individual.

Judge Martin was drawn from private practice to Atlanta to go to work in the attorney general's office by then Attorney General Mike Bowers. She was there for a 10-year period. And in 1997 she was appointed U.S. Attorney for the Middle District of Georgia after serving for a couple of years as an assistant U.S. attorney.

During her tenure as U.S. Attorney for the Middle District of Georgia in Macon, Judge Martin was known as a tough prosecutor. She handled cases herself in a way that was not only very professional but in a very meaningful way.

At the same time, she was very compassionate outside of the courtroom. In fact, she started a program in Macon, Valdosta, Columbus, and Athens that is called the Weed & Seed Program. It is now a nationwide program that is run through U.S. Attorney offices. Judge Martin was a strong proponent and received national recognition for the work she did with the Weed & Seed Program in our State. She also held day camps for inner-city kids during the summertime. She served on various boards, including the board of Macon State College and Majority Women of Achievement, which board she serves on with my wife Julianne.

Her lengthy tenure as a prosecutor has given her a uniquely informed perspective. When handling criminal cases, as many of my colleagues know, a prosecutor must be tough but fair in carrying out their responsibilities. This experience has served her well as she has served on the District Court. It makes her exceptionally well qualified to serve on the Eleventh Circuit Court of Appeals.

While on the district court, Judge Martin was faced with several difficult criminal matters. In 2002, she refused to intervene and halt the scheduled execution of a man convicted of killing a Columbus, GA, police officer.

More recently, in 2008, she rejected arguments that Georgia's method of capital punishment was unconstitutional, determining that it more than conformed with the recent Supreme Court guidance on the issue.

In his choice of Judge Martin, the President not only picked a fine Georgian to sit on the nation's second high-

est bench, but he has also picked a top-notch legal mind.

More revealing about Judge Martin as a jurist than my remarks are the anonymous lawyer comments that have been written about her during her 9 years on the bench. Words such as "smart," "bright," "respectful," and "fair" appear frequently. One lawyer wrote, "Her legal ability is matched by her courtroom demeanor, which is the best around."

Another said, "She always calls it as she sees it. She has no leaning."

Mike Bowers, attorney general and her mentor of 15 years, said she is the most evenhanded judge he has ever appeared before.

In fact, Mike, who is now in private practice, told me that he tried the very first jury trial case before Judge Martin. In Federal trials, the lawyers are all required to stand at a lectern where they ask their questions to the witnesses, and it is not appropriate to get too close to the jury. But all of us used to try to do that because you could sometimes be more effective. He said: One day I was trying this case before Judge Martin, the very first case she had tried, and I obviously got a little too close to the jury. Being the evenhanded judge she is, she looked at her 15-year mentor and she said, very professionally: Mr. Bowers, please back away a respectful distance from the jury. He said: I remember it very well.

That is the evenhandedness with which Judge Martin has always conducted herself on the bench. I have no doubt Judge Martin will serve the people of Georgia, Alabama, and Florida very well on the Eleventh Circuit. She is, to put it plainly, a fair and wise judge. The President couldn't have chosen a more qualified individual for the Eleventh Circuit Court of Appeals. I am proud to lend my support to her and look forward to her swift confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to join my colleague Senator CHAMBLISS to endorse the confirmation and hopefully unanimous confirmation of Judge Beverly Martin to the Eleventh U.S. Circuit Court of Appeals. I thank President Obama for sending this nomination forward and for the consultation his people had with Senator CHAMBLISS and myself. I thank Senator LEAHY, chairman, and Ranking Member SESSIONS from Alabama of the Judiciary Committee for the diligence with which they approached this confirmation and the speed with which we have now brought it to the floor.

I am proud that the vote on Judge Martin today will be the first vote of the 2010 session of the Senate. As Senator CHAMBLISS said, Judge Martin comes from a long, distinguished family of lawyers from middle Georgia.

She comes to the bench with a balanced temperament and the even-handed process that comes from growing up in middle Georgia and having respect for one's fellow man.

I don't know Judge Martin and did not know Judge Martin until she was nominated. I am not an attorney so I didn't have a lot to fall back on when I made my first judgment. I decided what I would do is what I always did in my 33 years of business. I figured you could always find out what was at the heart of someone by calling those who competed with them, other members of the same profession. So I called lawyers, judges, prosecutors around Georgia, friends I had, and said: Tell me what you know about Judge Beverly Martin. Without exception, every response was positive.

It was interesting. One district attorney said: I like her because she has the tenacity of a prosecutor. She was a prosecutor for the northern district of Georgia. I talked to a dear friend of mine who is on the Georgia Supreme Court who said she has the temperament for a judge. I talked to another practicing attorney, who had tried cases before her and had competed with her when she was a practicing attorney herself, who said: JOHNNY, she is tough. She is fair. But she has a passion for the law, a passion for doing what is right.

I don't think you can come up with a finer endorsement than those three quotes.

I also join Senator CHAMBLISS in acknowledging and studying one's record. Some of her decisions I think have been outstanding. As a former prosecutor, she understands the dangers our law enforcement officers go through. She understands the value they serve. I think her ruling not to stay the execution of a murderer of a Columbus, GA policeman was absolutely the right decision. Her defense of the Georgia death penalty law as being constitutional was not only appropriate but right. Throughout all of her decisions, one thing is for sure: Whether you agreed or not, she gave it the thought and time necessary to make what she felt was the right decision.

In 2000, the Senate confirmed Judge Martin to the northern district court in Georgia. It did so unanimously. It is my hope that on this day the Senate once again will unanimously approve the confirmation of Judge Beverly Martin to the U.S. Eleventh Circuit Court of Appeals.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak on the nomination of Judge Beverly Baldwin Martin who President Obama nominated to the Eleventh Circuit on June 19. I remain at a loss as to why it has taken this long for her nomination to come before the full Senate for a vote. Judge Martin's nomination is one of the few that has had strong bipartisan support. Both of her home State Senators, Senator CHAMBLISS and Senator ISAKSON, have expressed their support for the President's nominee from the beginning. I have also expressed my support for Judge Martin and I believe she will be easily confirmed when the vote occurs.

As I have said many times, Republicans have been and are ready and willing to proceed to a roll call vote on her nomination for months but, for whatever reason, our Democratic colleagues, the leadership, would not take yes for an answer. Instead, they chose to force votes on controversial nominees such as David Hamilton and Andre Davis. Given those nominees' records, it was no secret they would engender opposition and that it would take some time for their records to be examined and to be prepared for debate.

I do not know the reasons for not calling up Judge Martin's nomination sooner. I hope it wasn't to purposely delay this noncontroversial nomination in order to create an illusion that a lot of judges are being obstructed. Certainly we have been accused of obstructing nominations in the last few months and we have heard these allegations repeated on the Senate floor and in the press, often supported by inaccurate and misleading information. Some of my Democratic colleagues have said they want to confirm judicial nominees at the same pace the Democratic-controlled Senate confirmed President Bush's nominees. I think my colleagues should be careful what they wish for, because President Obama's nominees have fared far better than President Bush's. For those who were not here then, and for those who don't—or won't—remember, I wish to take a moment to describe exactly what happened during that time.

President Bush began his Presidency by extending an olive branch and renominating two prior Clinton nominees to seats on the Circuit Courts of Appeal—one step removed from the Supreme Court. He renominated Democratic nominees. How was he repaid for that? The Democrats took the olive branch and broke it and gave it back to him. It began soon after President Bush was elected when a group of well-known professors—liberal activist professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein, met with the Democratic leadership and proposed changing the ground rules of the confirmation process in a meeting,

apparently—certainly not open to the public. They proposed that Senators should consider a nominee's ideology—this had not been historically done—and for the first time in the history of the country, they proposed that the burden be shifted to the nominee to somehow prove they were worthy of the appointment instead of having the Senate respect the presumptive power of the President to make nominations and then object if that nomination was a concern to them. So it was clear to me then that as a result of that meeting, a majority of the Democrat Members of this body agreed to what they proposed. After the Democrats took control in the 107th Congress, then-Majority Leader Daschle promised to “use whatever means necessary” to defeat President Bush's judicial nominees.

Before the 2001 August recess, the Democrats granted hearings for only two circuit court nominees, and one was Roger Gregory, a former Clinton nominee who was renominated. They even refused to hold a hearing for now-Chief Justice John Roberts. His nomination at the time was to the District of Columbia circuit which had been scheduled for a hearing before the change in the Senate majority. Then, in an unprecedented and, I think, partisan move, our Democratic colleagues indiscriminately returned every single one of President Bush's 40 pending judicial nominations. There was no consideration of an individual nominee's record. There was no consideration of bipartisan support for the nominee. It was a simple obstruction, it appeared to me. Thirty of these nominees were later confirmed by voice vote or by a substantial majority.

This was followed by another unprecedented event: the systematic filibuster of highly qualified nominees, many of whom were later confirmed by voice vote or a substantial majority. The Democrats filibustered 30 attempts to hold up-or-down votes on at least 17 judicial nominees, highly qualified nominees—some rated unanimously well qualified by the American Bar Association. Senator REID summed up what they were doing during the filibuster of Priscilla Owen—a fabulous nominee; a justice on the Texas Supreme Court; a great lady—he opposed her nomination and he said in his quote: “There is not a number of hours in the universe that would be sufficient” to debate her nomination.

So, today, we hear outrage that President Obama's nominees have been waiting for weeks or months for a confirmation vote. President Bush's nominees to the circuit courts waited an average of 350 days—almost a year, on average; I was here—from nomination to confirmation. That was just the average. The majority of President Bush's first nominees to the circuit courts waited years for confirmation votes and some never even received a hearing



in committee, despite being highly qualified, outstanding nominees. Priscilla Owen, Justice Owen of the Texas Supreme Court, waited 4 years for a confirmation vote. John Roberts, Jeffrey Sutton, and Deborah Cook all waited 2 years. Dennis Shedd and Michael McConnell waited for more than a year and a half. Terrence Boyle, who was nominated by President Bush for the Fourth Circuit, languished close to 8 years and never received a vote, even though he passed out of the Judiciary Committee with a majority, and the Democrats had the majority. Miguel Estrada, rated unanimously well qualified by the American Bar Association, was filibustered through seven cloture votes and never confirmed. Charles Pickering, Carolyn Kuhl, Williams Myers, Henry Saad, William Haynes—all I think outstanding nominees—all were filibustered and never confirmed. So I ask my Democratic colleagues: Did we have any outrage from that side then?

Let's look at the current pace of nominations. Unlike President Bush, President Obama did not extend an olive branch by renominating any of the outstanding pending nominees President Bush had submitted who were being held up. In fact, he ignored a request by all of the Republican Members of this body to do that. Instead, he chose Judge David Hamilton as his first nominee. He could hardly be characterized as a consensus nominee. Thirty-nine Senators—all Republicans—voted against him after a full debate.

The treatment of President Obama's and President Bush's nominees for the Fourth Circuit will illustrate what I am saying. During the 110th Congress, despite the 33-percent vacancy rate on that court, four of President Bush's well-qualified, consensus nominees to that court, the Fourth Circuit, were needlessly delayed and ultimately blocked. President Bush nominated Steve Matthews in September of 2007. Despite his stellar qualifications, he was forced to wait 485 days to even get a hearing and the hearing never came. His nomination was returned in January of 2009. Chief Judge Robert Conrad of the district court had the support of his home State Senators and received an ABA rating of unanimously well qualified. Despite overwhelming support and exceptional qualifications, including having played point guard for Clemson in the ACC, he waited 585 days for a hearing that never came. His nomination was returned. Judge Glen Conrad had been chosen by Janet Reno, President Clinton's Attorney General, to investigate one of the allegations against President Clinton. Out of all of the prosecutors in America, she chose Judge Conrad. It is an outrage that he was not confirmed. He was a stellar nominee and should have been confirmed. The bar respected him and so did the Democratic administration.

Finally, Rod Rosenstein, whom the ABA rated unanimously well-qualified and who served in the Department of Justice in both Democrat and Republican administrations, waited 414 days for a hearing that never came. His nomination was returned on January 2, 2009.

President Obama's Fourth Circuit nominees have fared far better. Take Judge Andre Davis. He received a hearing a mere 27 days after his nomination, a committee vote just 36 days later, and was confirmed in early November of last year. Justice Barbara Milano Keenan was nominated on September 14, 2009. She received a hearing just 22 days later and was voted out of committee 23 days after that. Both Judge Albert Diaz and Judge James Wynn were nominated on November 4, 2009. The committee quickly held their hearing on December 16, 2009—despite the fact that the Senate was consumed with the healthcare debate—and their nominations are listed on the committee's agenda for this week.

The raw numbers also demonstrate that this is not the simple "apples to apples" comparison that some have tried to make it out to be.

President Obama has nominated little more than half the judicial nominees that President Bush had nominated at this point in his Presidency. Despite holding a time consuming Supreme Court confirmation hearing, the Judiciary Committee has still managed to hold hearings for all of President Obama's nominees, except for the few that were nominated just before the recess last month and were not ripe for hearings before the break. Compare that to this point under President Bush when 31 of his judicial nominees had yet to receive hearings.

And, not only has the Senate confirmed nearly the same percentage of President Obama's judicial nominees as were confirmed at this point under President Bush, but we are moving faster. Indeed, President Obama's circuit court nominees have received confirmation votes mere months after being nominated—far quicker than President Bush's circuit court nominees, who waited an average of 350 days. Many waited years and many never even received an up-or-down vote. The simple fact is that President Obama has nominated fewer and we have confirmed more.

All of this is not to lay the groundwork for some sort of payback, but to set the record straight. Republicans have not held a private retreat to plot how to block judicial nominees. We have not taken orders from outside groups to block nominees based on their ideology. We have not blocked nominees because we do not want them to sit on a specific case. We have not once attempted to filibuster nominees in the Judiciary Committee. That is how Democrats treated President Bush's nominees. Those are the facts.

We have not and will not do any of those things. Instead, we will continue to thoroughly analyze the records of President Obama's nominees, and hold fair and rigorous hearings to ensure that each nominee possesses the impartiality, the commitment to the rule of law, the integrity, the legal expertise, and the judicial restraint necessary to sit on our Nation's judiciary.

As ranking member of the Judiciary Committee, I look forward to continuing to work with the chairman to process nominations in the bipartisan manner that we have established over the past year.

I yield the floor.

I see our outstanding chairman, Senator LEAHY, is here. I know he wants to get back to the committee. I appreciate his leadership. He is a person I enjoy working with. We spat a little over these nominations, but he allows us to have full and fair hearings when we have them, and I think I can't ask for more than that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, as we return for the second session of the 111th Congress, the Senate at last considers the long-stalled nomination of Judge Beverly Martin of Georgia to the Court of Appeals for the Eleventh Circuit. Even though Judge Martin is a well-respected district court judge with the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, her nomination has been stuck on the Senate Executive Calendar for over 4 months since it was promptly reported by the Judiciary Committee without a single dissenting vote.

The delays for consideration of the nomination of Judge Martin, along with delays for seven other judicial nominations currently on the Senate's Executive Calendar, are the result of a Republican strategy to stall, delay, and obstruct that began last year. I urge the Senate Republican leadership to reconsider their strategy and instead join with us and with President Obama to fill the more than 100 vacancies that have now accumulated on our Federal courts around the country.

The obstructionist tactics that we saw last year from Republicans led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year. The 12 Federal circuit and district court nominees confirmed last year was less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, a Democratic Senate majority proceeded to confirm 28 judges. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

Republicans have refused to agree to the consideration of qualified, non-controversial nominees for weeks and months. Last December, only 3 of the available 13 judicial nominations on the Senate Executive Calendar were considered. By contrast, in December 2001, the first year of President Bush's administration, Senate Democrats proceeded to confirm 10 of his judicial nominees. At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. At the end of President Clinton's first year, just one judicial nominee was left on the Senate Executive Calendar. At the end of President George H.W. Bush's first year, a Democratic Senate majority left just two judicial nominations pending on the Senate Executive Calendar. At the end of the first year of President Reagan's first term—a year in which the Senate confirmed 41 of his Federal circuit and district court nominees—not a single judicial nomination was left on the Senate Executive Calendar. This past December, Senate Republicans left 10 judicial nominees without Senate action and insisted on returning 2 of them to the President so that they would have to be renominated.

None of the eight judicial nominations currently pending on the Executive Calendar are controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and then confirmed unanimously by the Senate once they were finally allowed to be considered.

Judicial vacancies have now skyrocketed to over 100, undoing years of hard work. The lack of Senate action last year is attributable to Senate Republicans and no one else. President Obama has reached across the aisle to consult with Republican Senators. The nomination before the Senate today is another example of that. He has made quality nominations. While President Obama has moved beyond the judicial nominations battles of the past and reached out to work with Republicans and make mainstream nominations, Senate Republicans continue their tactics of delay.

When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When President Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees. The Republican leadership has returned to their practices in the 1990s, which resulted in more than doubling circuit court vacancies, and led to the pocket filibuster of more than 60 of President

Clinton's nominees. The crisis they created eventually led even to public criticism of their actions by Chief Justice Rehnquist during those years.

Instead of praising President Obama for consulting with Republican Senators, the Senate Republican leadership has doubled back on what they demanded when a Republican President was in the White House. No more do they talk about each nominee being entitled to an up-or-down vote. That position is abandoned and forgotten. Instead, they now seek to filibuster and delay judicial and even executive nominations. They have also abandoned their initial position at the start of this Congress that they would filibuster judicial nominees on which home State Senators were not consulted. It turned out such consultation and home State Republican Senator support did not matter when they unsuccessfully filibustered President Obama's first judicial nominee, Judge David Hamilton. He was filibustered despite the support of Senator LUGAR, his home State Senator and the longest serving Republican in the Senate.

Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in his first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed confirmation in the 1996 session.

This is wrong. The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts.

During President Bush's last year in office, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits. As matters stand today, judicial vacancies have spiked and are being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges.

We have seen this unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

These obstruction tactics took dangerous lows last year when Senate Republicans voted to leave our troops without funding at a time when we are fighting two wars. Had the Senate Republican filibuster of the Defense Department appropriations bill been successful, they would have cut off funding for our troops in the field. Senate Republicans also filibustered the veterans bill.

Judge Martin's nomination is the longest pending of the judicial nominees currently on the Executive Calendar. Judge Martin is a well-respected Federal district court judge. Her nomination received a unanimous rating of "well qualified" from the American Bar Association's Standing Committee on the Federal Judiciary and has the support of both Republican home State Senators, Senator CHAMBLISS and Senator ISAKSON. Judge Martin has spent 25 years in public service as a Federal judge, as U.S. attorney for the Middle District of Georgia, as an Assistant U.S. attorney in that office, and as an assistant attorney general in the Office of the Attorney General of Georgia. Judge Martin's nomination should have been an easy one to have confirmed months ago. Republicans should have thanked President Obama for consulting with the home State Republican Senators and moved forward. I wish we could have reached a time agreement sooner. It should not have taken 4 months.

I urge Senate Republicans to reconsider their strategy and allow prompt consideration of the other judicial nominees awaiting Senate consideration: Judge Joseph Greenaway of New Jersey, nominated to the Third Circuit; Justice Barbara Keenan of Virginia, nominated to the Fourth Circuit; Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Rosanna Malouf Peterson, nominated to the Eastern District of Washington; and William Conley, nominated to the Western District of Wisconsin.

Mr. President, I will reserve the remainder of my time and yield 6 minutes to the Senator from Delaware, an

extraordinarily valuable member of the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I thank the Senator. It is a pleasure to serve with him on the Judiciary Committee and see the work he is doing.

Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN PRAISE OF LISA BROWN

Mr. KAUFMAN. I rise once again to recognize one of America's great Federal employees.

One year ago today, Barack Obama took the oath of office as President of the United States. As with every change in administration, the White House welcomed many new staff members, appointed by the President to help him carry out his policy goals.

I have spoken many times about career Federal employees who serve regardless of which political party controls the executive branch. Today, I want to use my time to highlight the important work performed by those Federal employees who serve in appointee positions. Although their jobs depend on the outcome of elections and political circumstances, they are no less accountable to the people and no less dedicated in their service.

This holds true for the appointees from both parties, who, given the opportunity, eagerly leave jobs in the private and nonprofit sectors to serve in government. Many of our Nation's elected leaders once served in this capacity, including some of my Senate colleagues.

On this first anniversary of President Obama's inauguration, many are reflecting on the past 12 months and trying to gauge his administration's success. One thing I am certain about is that he could not carry out his ambitious agenda without the help of the talented White House staff.

The great Federal employee I am honoring today has the challenging job of making sure the White House staff are working together and that all of the information the President needs reaches his desk.

Lisa Brown serves as White House staff secretary. It is a position many Americans are unfamiliar with, but it is one of the most important in the West Wing. The staff secretary is responsible for keeping the lines of communication between the President and his senior staff open and organized. Nearly every memo destined for the President's desk must first pass through the hands of the staff secretary, who filters the most pressing items and ensures that the President's decisions are conveyed to the appropriate staff member. Think about how complex that is.

Lisa is a native of Connecticut, and she graduated magna cum laude from

Princeton with a degree in political economy. She also holds a law degree with honors from the University of Chicago.

After clerking for the late Judge John Godbold, on the U.S. Court of Appeals for the Eleventh Circuit in Alabama, Lisa was a partner at the Washington law firm Shea & Gardner. While working in the private sector, she also engaged in pro bono work in the area of civil rights and disabilities law. During that time, Lisa gained valuable expertise in these fields, which she would later put to use in her government service.

In 1996, Lisa began working as an attorney adviser in the Justice Department's Office of Legal Counsel. After a year in that role, she was appointed deputy counsel to Vice President Gore, and in 1999 she was appointed as his counsel. At the same time, Lisa served on the executive board of the President's Committee for Employment of People with Disabilities. She also worked on legislative issues with the Vice President's Domestic Policy Office.

After the Clinton administration ended, Lisa moved to the nonprofit sector, where she became executive director of the American Constitution Society for Law and Policy. When President Obama was elected, he asked her to return to government service as a key part of his White House team.

Despite her busy schedule in one of America's most stressful work environments, Lisa still finds time to raise a 6-year-old son with her husband Kevin. Juggling family responsibilities and a demanding workload is a challenge she shares with many other West Wing staffers.

Lisa and other political appointees are a living reminder of the elective nature of our government. When the people decide to give control of the executive branch to the party in opposition, that party is always ready to call on a cadre of talented and dedicated citizens ready to shape policy.

Many of them bring to their jobs the unique perspective of having worked for a previous administration, and they frequently leave higher paying jobs to return to government service. When they do so, they are not only signing on to serve the President. They also commit to long and stressful hours working on behalf of the American people to whom the President and his West Wing staff are answerable.

Mr. President, I hope my colleagues will join me in honoring the service of Lisa Brown and all those working and who have worked in the West Wing under Presidents Obama, Bush, Clinton, and their predecessors.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I see the distinguished assistant Republican leader on the floor. I ask unanimous consent that all time remaining on either side be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, have the yeas and nays been requested on the nominee?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. I ask for the yeas and nays on the nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. UDALL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

#### [Rollcall Vote No. 1 Ex.]

#### YEAS—97

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Enzi       | McConnell   |
| Alexander | Feingold   | Menendez    |
| Barrasso  | Feinstein  | Merkley     |
| Baucus    | Franken    | Mikulski    |
| Bayh      | Gillibrand | Murkowski   |
| Begich    | Graham     | Murray      |
| Bennet    | Grassley   | Nelson (NE) |
| Bennett   | Gregg      | Nelson (FL) |
| Bingaman  | Hagan      | Pryor       |
| Boxer     | Harkin     | Reed        |
| Brown     | Hatch      | Reid        |
| Brownback | Hutchison  | Risch       |
| Bunning   | Inhofe     | Rockefeller |
| Burr      | Inouye     | Sanders     |
| Burriss   | Isakson    | Schumer     |
| Byrd      | Johanns    | Sessions    |
| Cantwell  | Johnson    | Shaheen     |
| Cardin    | Kaufman    | Shelby      |
| Carper    | Kerry      | Snowe       |
| Casey     | Kirk       | Specter     |
| Chambliss | Klobuchar  | Stabenow    |
| Coburn    | Kohl       | Tester      |
| Cochran   | Kyl        | Thune       |
| Collins   | Landrieu   | Udall (NM)  |
| Conrad    | Lautenberg | Vitter      |
| Corker    | Leahy      | Voinovich   |
| Cornyn    | LeMieux    | Warner      |
| Crapo     | Levin      | Webb        |
| DeMint    | Lieberman  | Whitehouse  |
| Dodd      | Lincoln    | Wicker      |
| Dorgan    | Lugar      | Wyden       |
| Durbin    | McCain     |             |
| Ensign    | McCaskill  |             |

#### NOT VOTING—3

|      |         |            |
|------|---------|------------|
| Bond | Roberts | Udall (CO) |
|------|---------|------------|

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's actions.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

#### MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I further ask that I may be permitted to speak for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PRESIDENT OBAMA'S FIRST YEAR IN OFFICE

Mr. KYL. Mr. President, it was exactly 1 year ago that Barack Obama was sworn in as President of the United States. He began by promising to launch a new era of responsibility, bipartisanship, and transparency at home and to improve America's standing abroad. That message appealed to the American people. The President came into office with high approval ratings, widespread support, and plenty of bipartisan good will in this Chamber. Taking stock now a year later, it is apparent the President has not delivered the change he promised. The

President's approach to spending, debt, and big government has surprised and frustrated the American people. It is not what they bargained for. Much of the legislation introduced by the majority has passed on party-line votes and without the transparency he promised.

On this 1-year anniversary, I want to talk specifically about the conflict between President Obama's campaign promises and the policies he has promoted during his first year in office.

Despite his pledge to embrace fiscal responsibility, President Obama's domestic agenda has reflected a belief that big government and massive spending are the keys to promoting economic growth. From car company bailouts, to cash for clunkers, to a wasteful \$1.2 trillion stimulus bill that failed to keep unemployment from topping 8 percent, as the administration claimed it would, Federal spending has soared. So has the national debt. President Obama said earlier this year that we cannot keep on borrowing from China, and that is true. So why does the President continue to advocate spending money that we do not have and will have to borrow? What ever happened to his campaign promise of a net spending reduction? Government spending grew by \$705 billion in fiscal year 2009, an increase of 24 percent from 2008, and appropriations legislation enacted this year will increase spending by 8 percent more in 2010.

America's 2009 Federal deficit, which is the gap between total outlays and total revenue, made history—and not in a good way. It exceeded \$1.4 trillion, which is the highest amount in history and more than three times as large as the biggest annual deficit during the previous administration.

The recordbreaking budget President Obama submitted to Congress doubles the deficit in 5 years and triples it in 10. It also creates more debt than the combined debt of every President from George Washington all the way through George Bush. There is no way to blame President Bush for this situation.

The total debt has reached an almost unimaginable sum—almost \$12 trillion. This week, the Senate will take up an increase in the debt ceiling, which is the total amount of legal U.S. debt. That increase will come on the heels of a \$290 billion increase in the debt ceiling that was passed late last year and another increase that was passed early in 2009 to accommodate the stimulus bill. Interest payments on this debt are expected to reach \$800 billion—just interest alone—\$800 billion per year by 2019. Clearly, we have not entered a new era of fiscal responsibility but, rather, quite the opposite.

Of course, the most expensive piece of legislation passed last year was the health care bill. The \$2 trillion-plus bill, the most consequential domestic

legislation in a generation, was hardly a work of fiscal responsibility or bipartisanship. It passed both bodies of Congress on a partisan vote. The legislation will create a massive new entitlement at a time when America cannot afford its existing entitlement programs.

The bill is filled with deals for special interests that President Obama said would be banned from doing business with his administration. Last week, for example, the White House reached a deal with labor union leaders to exempt, until 2018, union health care plans from a tax that will hit many other Americans.

The bill also violates several key pledges President Obama made about health care reform—first, the pledge that it would be deficit neutral. Richard Foster, who is the Chief Actuary for the Centers for Medicare and Medicaid Services, estimates that under the reform legislation, national health spending will rise by \$222 billion over the next 10 years, and the Congressional Budget Office tells us that the Senate bill double-counts the savings from certain Medicare reforms. It uses certain funds to extend the solvency of Medicare by 9 years while simultaneously using those exact same funds to offset the cost of the bill. According to the Congressional Budget Office:

To describe the full amount . . . as both improving the Government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement of the government's fiscal position.

In short, this bill is not deficit neutral.

The President also pledged that middle-income families would not see their taxes raised. This is the second broken pledge. As Republicans have explained repeatedly, this bill is packed with taxes that will hit many middle-income Americans, including seniors and the chronically ill. In fact, the Senate version contains a total of 12 new taxes.

The third broken pledge relates to costs. President Obama said his health care bill would reduce costs. It does not. Costs for many families will actually increase thanks to a litany of new Federal requirements and mandates.

This whole process has also shown that the President's professed commitment to transparency was nothing more than a campaign slogan. He promised at least seven times that the health care negotiations would be aired on C-SPAN, as he put it, "so the American people can see what the choices are." But that didn't happen. As Speaker PELOSI reminded us, the President promised a lot of things on the campaign trail. Those who were not invited to the Democrats' secret negotiations did not know the details of the respective health care bills until just

before each of them came out for a vote, and we are talking about bills that are more than 2,000 pages long and contain hundreds of hidden provisions.

Even before the health care legislation is concluded, the President is proposing yet another spending bill, a second stimulus package. The stimulus bill—they call it a jobs bill now—that recently passed the House of Representatives would cost taxpayers \$260 billion more in deficit spending. I do not believe the way to create jobs is to expand the size and expenditures of the Federal Government. I believe we must encourage growth in the private sector, not by taking money out but by putting money back in. It is understandable and unfortunate that job creators may be nervous about economic conditions. The economy is still shaky and new taxes loom on the horizon.

After seeing the dismal employment report in December, a month in which the economy lost another 85,000 jobs, Diana Furchtgott-Roth, a former chief economist of the U.S. Labor Department, advised the administration to “press the reset button on economic policy.” More specifically, she urged the President not to raise taxes, scale back Federal spending, focus on deficit reduction, and reject the new environmental regulations that will drive U.S. jobs overseas.

I hope in the coming year President Obama will consider more sensible domestic policies so that we can rein in the out-of-control spending that has characterized his first year. This would truly be change we can believe in.

I would also like to discuss the tension between rhetoric and reality in the President’s foreign and national security policies.

Throughout the campaign, President Obama pledged he would improve America’s reputation abroad and repair supposedly damaged alliances. In September 2007, Candidate Obama said:

America’s standing has suffered. Our diplomacy has been compromised by a refusal to talk to people we don’t like. Our alliances have been compromised by bluster. Our credibility has been compromised.

So what has been the President’s strategy for boosting America’s standing? He has gone on an apology tour of sorts, a fundamental consequence of which, in the words of Charles Krauthammer, has been “to effectively undermine any claim America might have to world leadership.”

The President has devoted much energy to improving relations with our adversaries. Not only have these efforts failed to yield positive results, but they have also led the administration to mistreat several key U.S. partners.

The administration’s approach to Iran has been regrettable, to say the least. President Obama came into office hoping to negotiate a “grand bargain” over the Iranian nuclear program. He embraced a policy of engage-

ment with the radical Iranian theocracy.

So far, this policy has done nothing to stop Iran from developing nuclear weapons and brutalizing its own people. But it did prevent the Obama administration from offering robust support to the pro-democracy demonstrators who flooded the streets last summer to protest a stolen election. Rather than embrace the protestors, who were standing up for liberty and human rights, President Obama initially said that he did not want “to be seen as meddling in Iranian elections. Those protestors, by the way, are still out in the streets, waging a courageous struggle for democracy.”

Despite all these U.S. efforts to engage the Iranian government, the negotiations over Iran’s nuclear program have gone nowhere, and the Iranian president recently declared that Iran “will continue resisting” international demands until the United States abolishes its own nuclear arsenal.

We must remember that Iran is the world’s leading state sponsor of terrorism, a government that murders peaceful student democracy activists. The events of the past year have shown that the Iranian regime is not a good-faith negotiator. Now is the time to maximize leverage over Iran through targeted sanctions. Meanwhile, we must not take any options off the table if we hope to prevent an Iranian nuclear weapon.

The President’s Iran strategy was based on the idea that U.S. engagement would produce real concessions. That did not work with Tehran, and it has not worked with Moscow either. Despite U.S. diplomatic efforts, the Russian government continues to withhold support for strong U.N. sanctions against Iran, it continues to bully its democratic neighbors, such as Georgia and Poland, and it continues to practice authoritarian domestic policies. America’s allies in Eastern Europe and Near Asia are getting nervous. President Obama’s cancellation of a planned missile-defense system in Poland and the Czech Republic, and the manner in which it was executed, gave the impression that the U.S. had caved to Russian pressure.

There are few regions in the world as volatile as the Middle East. Unfortunately, the Obama administration has alienated our closest Middle Eastern ally, Israel, by stubbornly pushing it to adopt a comprehensive “settlement freeze.”

As Elliott Abrams, a former deputy national-security adviser, has written in *National Review*, the administration has managed to damage the U.S.-Israel alliance, weaken Palestinian Authority President Mahmoud Abbas, and produce “a massive policy failure.” We all want a just and lasting solution to the Israeli-Palestinian conflict. But demanding unilateral concessions from

the Israeli government is no way to achieve it.

As for Latin America, it was highly regrettable that the U.S. imposed sanctions on Honduras, since the removal of former Honduran president Manuel Zelaya was a constitutionally justified act of democracy. Despite initially siding with Zelaya, a close ally of Venezuelan leader Hugo Chavez, the Obama administration appears ready to recognize the validity of the recent Honduran elections. The administration should now lift suspension of aid, cease any further contact with Mr. Zelaya, and denounce his extra-constitutional behavior.

With regard to Venezuela, the President’s policy of engaging Hugo Chavez proved a failure. Writing in *The Weekly Standard*, Jaime Daremblum, Costa Rica’s former ambassador to the United States, says, “If Obama believed his personal charm and assurances of goodwill would be sufficient to sway Chavez and the Castro brothers, he was mistaken.”

Indeed, Chavez has responded to friendly U.S. overtures by continuing to suffocate Venezuelan democracy, continuing to cooperate with Iran and Russia, and continuing to harass neighboring democracies, such as Colombia, where Chavez has funded vicious narco-terrorists. In an editorial last spring, the *Washington Post* noted, “This may be the first time the United States has watched the systematic destruction of a Latin American democracy in silence.”

Meanwhile, pending free-trade agreements with U.S. allies in Colombia, Panama, and South Korea still have not been approved by this Congress. That represents yet another foreign-policy failure for this administration. I sincerely hope the President urges Democratic leaders to take action on these agreements sometime this year, preferably soon. Implementing these three trade deals would provide a boost to the U.S. economy and would also strengthen the U.S. position in two important regions.

I also hope the President resists the temptation to support protectionist measures that will hurt our economy and damage our foreign relations. In his first year, the President signed a stimulus package containing a protectionist “Buy American” provision, agreed to discontinue a U.S.-Mexican trucking program, and imposed a tariff on Chinese tires. These policies were economically foolish, and they damaged America’s credibility as a promoter of trade liberalization.

Finally, a word about the administration’s antiterror policies, and its decision to increase the number of U.S. troops in Afghanistan. I am pleased that President Obama has maintained many of the policies that were formulated by President Bush, including the

use of military commissions to try suspected terrorists. However, I am disappointed that the President has decided not to use a military commission to try Khalid Sheikh Mohammed, the mastermind of the 9/11 attacks, and several of his co-conspirators.

Giving these terrorists a civilian trial in New York City will pose significant national security risks; among other things, it will compromise U.S. intelligence-gathering methods. The administration has chosen to prosecute several other terrorists before a military commission. So why not Khalid Sheikh Mohammed? Why should the highest-ranking al-Qaida leader captured since 9/11 be given a civilian trial while other al-Qaida members are given military commission trials?

The war against al-Qaida is just that, a war. It is not a law enforcement matter. By announcing that Khalid Sheikh Mohammed and other senior al-Qaida members will receive a civilian trial, the Obama administration has signaled that terrorists belong in the U.S. criminal-justice system. They do not. These men are enemy combatants waging war on the United States.

The terrorists who are scheduled to receive civilian trials in New York City have been held at the Guantanamo Bay detention facility. When the President took office, he promised that Guantanamo would be closed within a year. It is now a year later, and Gitmo is still open, as it should be.

There is a good reason that President Obama has not yet been able to fulfill his pledge: Closing Gitmo is a bad idea. The process of removing those detainees who are still being held at Gitmo will create a series of logistical problems and security threats.

Last month, six Gitmo detainees were sent back to their home country of Yemen. Just a few days later, a Nigerian man with links to a Yemen-based terrorist organization attempted to blow up Northwest Airlines flight 253. The flight 253 bombing attempt highlights the deadly threat posed by al-Qaida's Yemen affiliate, known as "al-in the Arabian Peninsula." The administration has wisely halted the transfer of Gitmo detainees to Yemen. But it seems intent to try the flight 253 bomber as a criminal defendant, rather than an enemy combatant. That is deeply misguided, for the reasons I have just listed, as well as the unnecessary difficulties it raises for our intelligence gathering.

The most important front in the war on terrorism remains the battle for Afghanistan. Several weeks ago, the President announced that he would be deploying an additional 30,000 U.S. troops to finish the mission. I strongly support that decision, yet I also worry that the President has set an artificial timeline for withdrawing American forces. The President declared that a withdrawal would begin no later than

July of next year. I hope that he is willing to embrace a flexible timeline. Military decisions in Afghanistan should be determined by conditions on the ground, not by the political climate in Washington.

The U.S. commitment to Afghanistan has been costly, and it will continue to be costly. That brings me to the connection between U.S. policies at home and U.S. strategy abroad. While domestic policy is not written to influence foreign policy, it affects what we can spend on defense and security.

President Obama recently acknowledged the relationship between U.S. economic strength and U.S. global leadership, when he said, "Our prosperity provides a foundation for our power. It pays for our military. It underwrites our diplomacy."

Well, that is absolutely true. Our leadership is contingent on our prosperity—and our ability to pay for a robust national defense.

But massive amounts of new spending, new taxes, and European-style government programs will weaken the U.S. economy and make it more difficult for us to exercise global military leadership.

Just look at what happened last year: While \$1.2 trillion was pumped into the stimulus bill and the majority in this chamber passed a \$2.5 trillion government takeover of health care, the defense budget was practically frozen. Missile defense has been cut, and there's been a reduction in the number of interceptors in Alaska that protect us from a North Korean attack.

So, there has to be balance in spending scarce resources. There is a tipping point at which excessive social spending chokes economic growth and weakens military power.

European nations can get by with relatively low levels of defense spending and high social spending because, for decades, they have enjoyed the protection of America's security umbrella. As Mark Steyn writes in *National Review* "Sweden can be Sweden because America is America."

But if we become more like Europe, if entitlement programs begin to swallow our budget whole, will we still be able to afford the burdens of global military leadership?

I submit that military decline is not an option for the United States. As former Secretary of State Madeline Albright put it, we are "the indispensable nation."

That is what American exceptionalism means. It means that, because of our unique history, our unique power, and the unique appeal of our founding principles, America plays a special role in global affairs.

I fear that many of the policies adopted over the past year will make it harder for America to continue playing this special role. I hope that during the year ahead, the administration will

pursue a more sensible and responsible course.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. We are in morning business.

MARTIN LUTHER KING, JR.

Mr. BURRIS. Thank you, Mr. President.

Every so often in the winding history of our country there is an entire generation that rises to confront the challenges of a moment. Every so often there is a movement so powerful that it changes the course of history. And every so often there is a visionary leader, a person with singular ideas, who comes along exactly at the right time to harness the energy of a movement and capture the imagination of a generation.

These are rare figures whose names are etched into our national consciousness, whose memorials dot the landscape of our Capital, and whose words and actions help to redefine the very fabric of our Nation. Dr. Martin Luther King, Jr., was just such a leader. He rose to prominence as a key figure of the civil rights movement, but he came to transcend both the movement and the generation that brought him to national prominence.

Earlier this week we came together as a nation to celebrate and commemorate the life and work of Dr. King. His message of equality and fairness for all inspired the transformative civil rights era and continues to resound throughout the United States even today.

The legacy of Dr. King is one that lives on through the service and goodwill of Americans in communities across the country.

And Dr. Martin Luther King, Jr. Day serves as an annual opportunity for people across the Nation to give back and volunteer to help those who are suffering.

It was this generosity of spirit that defined Dr. King's life and work.

And by living out his selfless dedication to our fellow man, we can honor his vision and continue the work he left behind.

The fact that I stand before you today on the floor of the U.S. Senate is proof of the enduring legacy of Martin Luther King.

Out of the chaos, violence, and injustice of segregation, Dr. King found the strength to speak of peace, hope, and righteousness.

Where many saw hate and resentment, Reverend King saw an opportunity to build bridges, to seek out the humanity of those on both sides, and to appeal to the compassion that lives in each of us.

There were some who lashed out with clenched fists. But although he knew he would be met with hostility, Dr. King came to the table, time and again, with arms outstretched.

Half a century ago, most people could barely conceive of a world in which someone like me could address the highest lawmaking body in our land.

Fewer still could have dreamed of the day when a man with a mother from Kansas and a father from Kenya would be sworn in as President of the United States of America.

I never thought I would live to see the day, Mr. President.

But even 50 years ago, when much of America could barely dream of such a future, Dr. King knew this day would come.

His vision never faltered, in spite of the dark days he witnessed and the tragic violence that eventually took his life.

The march towards equality has been long.

It began long before Martin Luther King walked this Earth, and it will continue long after all of us are gone.

But so long as this great Nation endures, Dr. King's spirit will live on in our highest aspirations.

His voice rings through our history.

And although he did not live to see the promised land, his steadfast gaze still guides our every step, his booming voice sets the cadence of our march, and we know he will be waiting for us when we get there.

In the near future, a monument to Dr. King will rise on the National Mall, just a short distance from this Senate Chamber.

He will stand shoulder-to-shoulder with other giants in our history: Washington, Jefferson, Lincoln, and King.

It is fitting that this great leader should be memorialized alongside other Americans who have helped to build a more perfect union.

And as we observed Martin Luther King, Jr. Day earlier this week and as we continue to build this monument, it is my hope that we can keep his spirit alive in our hearts.

As Dr. King might say, let us keep our feet on the march and our hands on the arc of history.

Let us look to the future with the same fierce urgency that he showed us more than 40 years ago.

Let us complete this journey together, arm in arm, and make Martin Luther King's dream a reality.

#### HAITI

Mr. BURRIS. Mr. President, I also wish to address a matter that is impacting our hemisphere; that is, the country of Haiti.

In recent days, we have all heard the tragic news and seen the shocking images of the earthquake that devastated the nation of Haiti just last week.

Even today, more than a week after the earthquake, the full measure of this catastrophe is difficult to ascertain.

Relief workers have only just begun to go out into the cities and towns that surround the Haitian capital, and we are starting to get initial reports from the outlying areas.

Essential infrastructure has been destroyed by the earthquake. Shelter, food, and water are in short supply, and it is nearly impossible to get aid to the people who need it most.

But it is the human toll of this natural disaster that is truly the most horrifying.

Estimates have soared to include over 200,000 people who may have died, and as many as 3 million who may be injured or homeless.

My thoughts and prayers are with all those whose lives have been touched by this terrible tragedy—those who have died, those who have been injured, and those who cannot yet get in touch with their loved ones.

I know my colleagues on both sides of the aisle will join me in pledging steadfast support for the people of Haiti in this time of crisis.

Haiti is one of the poorest nations on Earth, so this earthquake only compounds the challenges its people continue to face every day.

There are shocking disparities between Haiti and all other nations within the Western Hemisphere, and this tragedy has only widened the gap and exposed these disparities for all to see.

That is why it is especially gratifying that, in the wake of great calamity, America has answered the call again.

I commend President Obama for his focused and timely humanitarian response to this situation, and I applaud the excellent work of the volunteers, rescue workers, and military personnel who have rushed to provide aid.

They continue to save lives and provide care to those in need.

And I will work with my colleagues here in the Senate and with the administration to make sure these people have the tools and resources they need to be a part of the recovery.

Americans have already made a difference in the lives of many Haitians.

But we can and should do more.

The humanitarian crisis in Haiti is growing more desperate by the hour. In spite of the best efforts of relief workers, aid is not arriving fast enough, and thousands of lives hang in the balance.

That is why the American people have already responded in record numbers to requests for help.

They realize that, in many ways, the Haitian people are no different than ourselves.

And while they are not our countrymen, they are our neighbors in the world community, and today they require our assistance.

The American people have shown an extraordinary capacity for generosity. Donations and volunteers continue to stream into the disaster area. Here in Washington, we must do everything we can to encourage people to keep giving, and to make sure we can get supplies and assistance to those who need it most.

We must pledge ourselves to this humanitarian cause—to the belief that, in the aftermath of great tragedy, we can help restore hope to the beleaguered people.

Out of rubble, and chaos, and pain, we can help the people of Haiti begin to rebuild their lives and their country.

We can play a constructive part in the rebirth of this island nation, to help them chart a new course as they emerge from these trials and hopefully relegate the days of poverty to the past.

I ask my colleagues in this great body to join me in this pledge, and to join the millions of Americans who have already rallied to this cause. Both individually and as a nation, we can make a difference.

In this situation, we must make a difference because some of our brothers and sisters in that country are in dire need of our assistance and help for which we have responded very aggressively and very favorably to help them.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. BURRIS. Mr. President, I ask unanimous consent that the period of morning business be extended until 3:45, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. I ask unanimous consent that time under the quorum call be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURRIS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.



The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

#### HAITIAN CHILDREN

Ms. KLOBUCHAR. Mr. President, I come to the floor today to call attention to the ongoing humanitarian crisis in Haiti and to the plight of the many Haitian children who have been adopted by American families and are still waiting to be brought from the disaster to loving homes, to families who are waiting to welcome them. Many have been waiting for a year, 2 years. Many of the families in my State have actually gone to Haiti, and they have met these children.

In the days immediately following the earthquake, the United States, the United Nations, other nations, and organizations have moved swiftly to provide food and water, medicine and clothing, as well as international aid workers to assist in these disaster areas. The people of this country, the people all over the world, have been extraordinarily generous. Currently, thousands of American civilians, as well as members of our Federal agencies and Armed Forces, are in Haiti lending their hands to help the Haitian people.

Unfortunately, though the United States is doing much to save lives in Haiti, lives continue to be lost. And unfortunately, some of the most helpless of Haiti's people—its children—are among those in most need of our help. I am focusing on this issue, this small but important piece of our aid relief, because I have had so many families come to me from my State who are clutching photos of children they are waiting to bring home.

Minnesota has one of the highest rates of international adoptions in the country. Part of that is because we have had a strong tradition of aid, of bringing people from Somalia, the Hmong community, to our State. We have also had a strong tradition of reaching out for decades and adopting children from other countries.

Many of the families I met with over the weekend have been able to confirm that their children are safe, and for that they are so grateful. But they have also heard reports of orphanages that are not in the best shape—not enough food, not enough water. They know these children because so many of them have seen them before. They knew even before this in the poorest country in the Western Hemisphere that these children were not always getting adequate diets.

On January 15, I wrote to Secretaries Clinton and Napolitano, urging them to use their authority under the Immigration and Nationality Act to grant humanitarian parole to all U.S. families applying for entry to the United States on behalf of their prospective

children during this period of emergency. I also spoke with Secretary Clinton. She was amazingly generous with her time, and sympathetic and working on this issue.

I am thankful that on Monday, January 18, Secretary Napolitano announced her authorization of the use of humanitarian parole for orphans who are eligible for adoption in the United States. Humanitarian parole is typically used sparingly in cases of compelling emergency. But as I noted in my letter, the magnitude of this disaster clearly warrants broader application of this policy.

There are details, and the details are important. How are these kids going to get to the United States so the paperwork can be processed? There has been talk of a safe haven set up, but we have not seen that happen. Meanwhile, our families in Minnesota are getting more desperate as they hear about the second quake today, as they hear about the problems from the people who are running the orphanages.

This is what I am talking about. Betsy Sathers, a Minnesota resident, was widowed when her husband of 10 months was killed in the tragic I-35W Minneapolis bridge collapse on his way home from work. They talked about having children. So Betsy Sathers decided to adopt some children. She signed up to adopt kids in Haiti. She recently returned from celebrating their second birthday—twins. That is who I am talking about when I talk about someone who is awaiting the arrival of these children in her home.

This is another family—I have their picture here—I met over the weekend. Ginger and Dale Reynolds are adopting two kids, Roselene and Rodeley. They were in the final stages and hoping to bring their kids home. They were told they were in the next batch of adoptions when they last visited before the earthquake hit.

What is striking about this family is that Ginger still signs all of her e-mails with blessings, and they are still incredibly positive despite having their kids in this orphanage. They are also stressing how they want us to help all families, not just theirs. When I met with them, another family was there who was not quite as far along in the process. They spent most of their time talking about how this other family should be helped as well.

Finally, Dawn and Lee Sheldon—I have their photo as well. This is when they were in Haiti. These are the two children they want to adopt who are not with them yet. They are adopting two children. The conditions have been very bad for the particular orphanage where their two kids have been staying. This family has been glued to CNN, which has filmed at the orphanage, looking to see these children's faces.

While we talk legalities, understandably, orphans in Haiti are continuing

to suffer from lack of water, lack of food, lack of shelter. Many orphanages have been partially or entirely destroyed in the shocks from this quake. In others, the bodies of deceased personnel still lie near the children, for aid agencies are unable to take away all of the dead.

The hardship and the horror that these orphans face is extreme, and we must act now to bring them out from the unsanitary and potentially traumatizing situation in which they find themselves.

I am grateful for the quick work of Secretary Napolitano and Secretary Clinton. They are on the scene. They are doing the work. But we have to do everything we can to bring these children home. These orphanages, the ones that have not been damaged and are still functioning, need the beds, sadly, for other children. These children have homes to go home to—homes that are welcoming them, homes that consider them their children.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. BAUCUS. Mr. President, I ask consent to execute the order of December 22, 2009, with respect to H.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Committee on Finance is discharged of H.J. Res. 45 and the Senate will proceed to the consideration of the joint resolution, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

The PRESIDING OFFICER. The Senator from Montana is recognized.

AMENDMENT NO. 3299

Mr. BAUCUS. Pursuant to the previous order, on behalf of the majority leader, I have a substitute amendment at the desk which I now call up.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. REID, proposes an amendment, numbered 3299.

Mr. BAUCUS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following: "That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof \$14,294,000,000,000."

AMENDMENT NO. 3300 TO AMENDMENT NO. 3299

Mr. BAUCUS. Mr. President, pursuant to the previous order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3300 to amendment No. 3299.

Mr. BAUCUS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect Social Security)

At the appropriate place, insert the following:

( ) (a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BAUCUS. Mr. President, Ralph Waldo Emerson enjoined:

Pay every debt as if God wrote the bill.

Today, we will debate whether the United States continues to pay its bills. We will debate whether the United States will continue to pay the interest it owes on the money it has borrowed.

The spending laws that created the current national debt are behind us. The only question that remains is whether the government will honor its obligation to pay the bill. We have gone to the restaurant, we have eaten the meal, the waiter has delivered the check, and now the only question is whether we will pay the check. To state the question is to answer it: We simply must do so. We must pay the check for the bill, for the restaurant, for the meal we have eaten.

The legislation before us would increase the limit on the amount of money the U.S. Treasury can borrow. If Congress does not enact this legislation, and soon, then the Treasury

would default on its debt for the first time in history. If Congress does not enact this legislation, then the government would fail to pay the benefits to a portion of Social Security recipients, the Government would fail to pay benefits to a portion of the beneficiaries of all other Federal programs. That plainly would be unacceptable, and plainly we must enact this legislation.

When the Federal budget runs a deficit, the U.S. Treasury must borrow money to make up the difference. In language around here, we call it the shortfall. That shortfall results from laws enacted in the past that spent money and cut taxes. If we want to avoid the need to borrow, then Congress and the President must enact laws that will cause the Federal Government to spend less money or raise more revenue in the future. Simply preventing the Treasury from borrowing more money is not the solution.

If Congress does not allow the Treasury to borrow more money, then the Treasury will not have the money to pay its bills. The Treasury has no legal authority to prioritize spending and pay only the most important bills. They do not have that authority. If the bills are due, they are due. The Treasury does not even have a way to determine which are the most important bills. If the debt ceiling is not raised, the Treasury would have to pay bills on a first-come, first-served basis. Some of these bills would be interest payments on previously borrowed money. If the Treasury does not pay these interest payments, then the Federal Government would default on its financial obligations. That would be the first time in the history of the country. If that were to happen, financial entities would be afraid to loan the Treasury money. They would charge astronomically higher interest rates. This would only worsen already high budget deficits.

In some situations, the financial entities would not loan us money at all. This could prevent the Federal Government from meeting all of its programmatic commitments, but the disastrous economic effects would go well beyond that. The price of Treasury securities in the secondary markets would drop. This would cause an immense wealth loss for owners of assets in many other financial markets. This, in turn, would cause untold damage in those markets and further worsen the recession.

What is more, the value of the dollar could drop even further. This would increase inflation in the United States. It could well end the dollar's role as the reserve currency of the world, further exposing the American economy to global economic forces beyond our control.

In addition to paying interest costs, the Treasury pays many other important bills. Among those bills are Social

Security benefits. If Congress does not raise the debt limit, then Social Security benefits would have to compete for funding on a first-come, first-served basis with all other Federal payments. If Social Security payments did not come up for funding first, then they would not be paid.

Clearly, we should not let this happen either. The conclusion is simple. We must raise the debt ceiling. Federal budget deficits are at record highs. Why is that? The reasons are simple. We have been and still are in the deepest recession since the Great Depression. We have been in an unprecedented financial crisis. The current administration inherited those problems.

How have these problems contributed to record deficits, we might ask? Well, first, the recession directly affects the Federal budget. The recession has caused revenues to fall to record lows. Since 1970, the Federal Government has collected an average 18 percent of the gross domestic product in tax revenues. That is since 1970. In 2009, however, revenues accounted for only 14.9 percent of GDP, a drop of more than 3 percent.

Meanwhile, the recession has required much greater sums to be spent on unemployment benefits and on Medicaid payments. Second, Congress has had to pass legislation to fight the recession. We needed to enact a large stimulus package to foster economic growth. The package Congress enacted provided stimulus of about \$185 billion in fiscal year 2009, and it is estimated to provide stimulus of about \$400 billion in fiscal year 2010. This package has done some good—not perfect, but it has done some good. It helped prevent a deeper recession. It has significantly increased economic growth.

Regrettably, the package has not produced enough jobs yet. The Finance Committee and other committees will be looking at additional options to increase job growth as soon as we can turn to them. But let's be clear. If Congress had not enacted the stimulus package, then the country would be in a depression instead of a recession. The stimulus package was the right thing to do.

Third, as a result of the financial crisis, the Bush administration asked for and Congress gave legal authority under the Troubled Asset Relief Program, known as TARP. TARP gave the President authority to help financial institutions, as well as the struggling automotive industry, to weather the financial storm.

The Bush administration was using these authorities before the Obama administration took office. So the recession and financial crisis created needs that, in turn, led to high deficits and record borrowing. How do we reduce such commitments for the future? They are too high. We have to stop. We have to do something about all this. How do we avoid having to borrow such

huge sums of money in the future? First, we have to fix our health care system. The current health care system has led to skyrocketing costs in Medicare and Medicaid.

To reduce those costs for the long run, we need to pass comprehensive health care reform. That is a good first step to get that deficit under control. That is exactly what we are doing. In late December, the Senate passed health care reform. According to the nonpartisan Congressional Budget Office, our health care reform bill reduced the Federal deficit by \$132 billion in the first 10 years. Let me say that again.

According to the CBO, this health care regulation will reduce the Federal deficit by \$132 billion in the first 10 years—not increase but reduce. That helps. The bill would reduce Federal deficits by \$650 billion to \$1.3 trillion in the second 10 years; that is, in the second 10 years, there is a much greater reduction in deficit spending, according to the nonpartisan Congressional Budget Office, a reduction of between \$650 billion to \$1.3 trillion, a reduction in the Federal deficit in the second 10 years. This deficit reduction is likely to continue in subsequent decades.

Second, after we do all that, after we do all we can do to increase job growth, we need to start working on deficit reduction for the coming decade and also subsequent decades. Because the economy was in a deep recession and the financial markets were frozen, the government borrowed a lot of money. Once the recession is over, we have to reduce borrowing to a fiscally responsible level, and we should begin doing that as soon as we can.

But in the meantime, we cannot allow the Nation to default on its debt. We cannot allow benefits from programs such as Social Security to be paid on a first-come, first-served basis. No one enjoys raising the debt limit. Nobody. It is not something that is a lot of fun to do. No one enjoys paying debts either, but it is simply what we must do to honor our commitments.

There were times when the Senate joined together in recognition that we have this obligation as a joint obligation. Four times in the last 26 years, the Senate has raised the debt limit by unanimous consent. Let me repeat that. Four times in the last 26 years, the Senate has raised the debt limit by unanimous consent. The Senate did so as recently as 1996, under a Republican Senate and a Democratic President.

The Senate did so by unanimous consent three times in the 1980s, twice under a Democratic Senate and Republican President. It has been more than 17 years since the Senate last divided strictly along party lines on a debt-limit vote. We have raised the debt limit a dozen times since then. Honoring the Nation's obligations should not be a partisan matter, and usually

it is not. It has until recently not been a practice of the minority in the Senate to filibuster debt limit increases. Under President George W. Bush, the Senate raised the debt limit four times, with simple majorities, with fewer than 60 votes. The Senate did so twice under President Reagan as well.

All but four sitting Senators have voted for a debt limit increase at one time or another in their careers. Among sitting Senators who have served in more than one Congress, only one Senator has never voted for a debt limit increase.

So I call upon my colleagues to rise to the occasion. Let us pay our debts. Let us honor our obligations. Let us allow the debt limit to be raised.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I think most of the people watching this debate, studying how Congress works and how the Federal Government works, know there is a statutory limit on the amount of debt that can be issued by the Federal Government. If the public does not know this, they are constantly reminded of it because, from time to time, we pass legislation that does what this legislation does, increase the borrowing capacity of the Federal Government.

Right now this legal limit stands at \$12.394 trillion, and it applies to money borrowed from Federal investors such as banks and pension funds, as well as money borrowed from government programs such as Social Security and Medicare. Yes, we ought to admit that a lot of the Federal debt is owned by various foreign governments as well. I think the latest I saw, in the case of China maybe investing and holding about 8 percent of all the Federal debt and then you have other countries as well.

This determination is made when the Secretary of the Treasury goes to the market and says: We want to borrow X number of dollars, and people bid on it. Obviously, we take it for the lowest interest rate we can get, whatever individuals or pension fund or foreign entity might want to take our debt for that interest. That happens throughout the year.

The decision to increase the debt limit is never an easy one. In recent years, I have reluctantly supported increases in the debt limit on the grounds that Congress must pay its bills. That is quite obvious. Some countries—such as Argentina—decided, from time to time, they did not want to pay their debt, and they are paying the piper for making those unwarranted public decisions in those countries. We do not want to be in that shape.

But Congress sometimes, and too often, has been very irresponsible. I am going to get into some of this current

irresponsibility but, at the same time, I do not wish to say some other political party is entirely responsible, over a period of decades, for irresponsible spending. But I think it has reached a new height recently. Because of that, I will be voting no.

Sometimes deficits are unavoidable. People know about wars. The No. 1 responsibility of the Federal Government is to provide for the national defense, the protection of Americans or a threat to our security. We meet that threat. If that requires borrowing to do it, to protect the United States, we consider that justified.

But you cannot plan for wars. You can plan for peace by having a strong national defense. So war is one reason, recession is another. Natural disasters are another example. All of these can result in lower taxes and higher spending, which produces bigger deficits that add to our Federal debt.

But sometimes deficits can be avoided. Since the beginning of 2009, the majority in Congress has approved a \$787 billion stimulus bill, a \$408 billion supplemental appropriations bill, an additional \$350 billion for the financial bailout, and, most recently, an Omnibus appropriations bill that increased Federal spending by 12 percent over the previous year's levels.

In my recent 21-county tour of southeast Iowa, I discussed the most recent example as an example of how spending recently has gotten entirely beyond the commonsense view that Midwesterners look at spending by government. I pointed out how 1 year ago today, the new President was sworn in. The previous President was under a budget that was established for a 5-month period of time. That last budget under Bush had spending at a 3-percent increase. But just as soon as the new majority came into power with a new President, that 3-percent increase was not enough for the remaining 7 months, it was jacked up to 9 percent and then, for the year we are in, the 12 percent I just spoke about.

I think you have to adopt a principle of spending that has increases in expenditures related to the economic growth of the tax policies that provide revenue to the Federal Government. That doesn't have to be on a year-to-year basis, but over a long period we ought to have that balance. In other words, without increasing tax rates, with economic growth of the tax base, more money will come in to the Federal Treasury under the same tax rates.

Well, that growth in Federal income coming in makes it possible to appropriate more money, but there ought to be some relationship between the amount of money coming in and the expenditures made by the Congress.

The bills I just referred to—the stimulus bill, the Omnibus appropriations bill, and others—I voted against every

one of those on the grounds that we could not afford them. The fact that we are here this week facing yet another vote to increase the debt limit proves that is true. Many of my colleagues, particularly on the other side of the aisle, insist that it is not their fault. They continue to blame previous administrations for all fiscal problems.

I want to make it clear that we in the Republican Party got kicked out of the majority in 2006 because we lost fiscal integrity. I hope we are reestablishing that, and I hope that in the process of reestablishing that we can convince the people who had doubts about Republicans that we can regain their trust.

More recently, as I indicated, it seems a great deal of the current debt problem is related to irresponsible spending that has taken place near term.

What do they target us with when they want to blame us for the deficit? They criticize the 2001 and 2003 tax cuts which they insist were excessive and unfair. Such criticism overlooks several facts. First, these were not Republican tax cuts. They passed both the House and Senate with bipartisan support. Second, Federal revenue quickly returned to the historical average following these tax cuts, so they were not excessive relative to the government's historic claim on revenue.

I suppose you can take any period of time you want, but in the post-President Kennedy period of time, it seems to me the average take of the economy that has come through the Federal Government in the way of taxes has been about 18 to 19 percent. Even including the tax cuts of 2001 and 2003, those cannot be considered excessive relative to the government's historic claim on revenue; in other words, what the government takes as opposed to what they leave in the pockets of taxpayers in the United States.

It is very important to remember that our Tax Code is not fully indexed to inflation and economic growth. Thus, every year without a tax cut results in a small but not insignificant tax increase or more revenue coming into the Federal Treasury without our actually changing rates. Indeed, without the 2001 and 2003 tax cuts, Federal revenue would have risen well above that historic average of 18 to 19 percent. In fact, when we passed those tax cuts, it was very near 21 percent.

Third, critics insist that the 2001 and 2003 tax cuts unfairly benefitted the wealthy. Again, critics are wrong. I quote the Congressional Budget Office. Around here, we don't question the Congressional Budget Office. Maybe you want to. But if you want to question them, it takes 60 votes to override their determination of something, if there is a budget point of order.

According to the Congressional Budget Office, the bottom 90 percent of

households pays the smallest share of Federal taxes in nearly 30 years while the top 10 percent pays the largest share. When taxes are measured as a share of income, the bottom 90 percent of households pays the lowest effective rates in nearly 30 years while the top 10 percent pays their historic average.

You can say it many times, but it never sinks in because people have their own ideas of how to show populism, and it is to always hit the wealthy of America. From that standpoint, you have to understand that percentage of top income earners, if you compare what they are paying into the Federal Treasury now with what they were paying in even during the Reagan years, you will find it is a much higher percentage right at this point.

In regard to what I just said about historical averages, President Obama's budget and the budget resolution adopted by the Democratic majority in Congress last year both called for the continuation of 70 to 80 percent of the 2001 and 2003 tax cuts. So you can bad-mouth those tax bills all you want, but the new President, the new majority wants to maintain about 70 to 80 percent of them. So some of it isn't so bad, but you never hear that. It is all about the 2001 tax cuts being everything for the wealthy.

If these tax cuts were so excessive and so unfair then, why does the majority party support so many of those tax cuts right this very day?

The desire to blame our current predicament on the previous administration also overlooks two other facts. First, the Democrats controlled the majority of the Senate during half of the previous administration, including its final 2 years. I think it is disingenuous for them to deny any responsibility for where we are today.

Second, when the new administration took office in 2009, it sent up a budget that proposed to increase the debt three times faster than the previous administration. You know where that takes us to from the 40-year average? I talked about the 40-year average of the proportion of the GNP that is coming into the Federal Treasury as far as taxes are concerned at 18 to 19 percent. Take a 40-year average on what the percentage of the national debt is to gross national product. It is about 40 percent. This is going to be reaching 80 to 90 percent under this budget that was sent here in the previous year.

The majority party essentially approved most of that very same budget. So they have now signaled the intention to continue to increase the national debt at a record pace.

Finally, let me say a word about the health care bill adopted by the Senate. Rather than taking an incremental approach and waiting for the results to see what works and what doesn't work, the majority wants to raise taxes and cut Medicare to pay for a brand new

health care entitlement program. If they use all of the tax hikes, and all of the Medicare cuts they can support to pay for more spending, how will they ever reduce the deficit? At what point will those who want to blame our current predicament on previous administrations take responsibility for actions that are taking place now?

This week we have an opportunity to do that. I am glad we have a long period of time to discuss the debt limit but connect it with a lot of policies that seem to be out of proportion to problems that we previously had. If they want to continue to vote for more deficit spending, it seems to me they should vote to raise the debt limit or take actions that would reduce the need for such a dramatic increase in the debt limit.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Montana.

Mr. BAUCUS. Mr. President, on another matter which is topical and tragic and which is on the minds of Americans and people all over the world today, I rise to share a few remarks involving the overwhelming disaster that has hit Haiti.

Words do not begin to describe the extent of the disaster—thousands dead, more than 1 million homeless. Just imagine how bad it is. It is almost impossible to imagine. Families continue to search and mourn for lost mothers and fathers, brothers and sisters, and sons and daughters. The earthquake may be the most lethal disaster to ever occur in the Western Hemisphere. This is not a disaster on some distant shore. Haiti is closer to Florida, for example, than the distance from one end to the other of my State of Montana.

I am encouraged by the outpouring of help from around the world. Many have flown to volunteer. Others have helped through in-kind contributions, cash. In fact, I recently heard that a vast number of people responded on the Internet through Blackberry and Twitter to give contributions. It is a huge number—not individually large, but the total is a massive outpouring of support.

Americans have shown remarkable generosity. These are tough economic times, but millions still want to give. This is the American spirit. It is who we are as Americans.

Amidst this destruction and great sorrow, there are stories that offer incredible hope. Maxine Fallon, a 23-year-old student, was buried for 6 days without food or water. She was buried deep in the rubble which was once her university. She sent text messages pleading for help. A search-and-rescue team rescued her from the ruins of her cratered school. Since arriving, rescue teams from the United States and other countries have saved more than 75 victims from the rubble.

As Americans, we rise to aid our friends and neighbors who are in need.

There is no people in greater need right now than the people of Haiti. Haiti is the poorest country in the Western Hemisphere. Fifty-four percent of the population lives on less than a dollar a day. With so many struggling to survive, the earthquake's swift destruction must be met with a response equally forceful and rapid.

I propose we pass legislation as soon as possible called the Haiti Assistance Income Tax Incentive Act or simply the HAITI Act. The HAITI Act will allow U.S. taxpayers to make charitable contributions to Haiti relief programs until March 1, 2010, and claim those contributions on their 2009 income tax returns. The proposal is similar to legislation that passed unanimously in 2005, following the tsunami disaster along the Indian Ocean.

The HAITI Act is a bipartisan bill I am introducing with Senator GRASSLEY and several other Senators. The same language passed the House of Representatives earlier today.

This is simple legislation that would make a big impact. It will make it a little easier for Americans to contribute to the victims of the Haiti disaster. Frankly, most Americans want to contribute anyway. The American Red Cross and UNICEF's United States Fund raised about \$7.3 million in donations over a 4-hour period while a Larry King Live special on Haiti aired. But the relief and rebuilding effort in Haiti will require billions and will take a long time. This legislation is an additional incentive for Americans to contribute to that effort. As search and rescue efforts give way to building, these donations will ensure that our efforts have a lasting impact.

While we must do what we can to provide relief now, the people of Haiti will need our help for many years to come. This is not just a 1-week, 1-month, several-month effort. Trade programs such as the HOPE and HOPE II Acts provide an opportunity to create new jobs in Haiti's export sector. As the people of Haiti work to rebuild what was destroyed, I will continue to work to provide generous access to the U.S. market for products produced in Haiti.

The suffering in Haiti is heart-breaking and the generosity in response to the Haiti earthquake is a reflection of the American spirit. Today I stand with the people of Haiti and I ask my colleagues in the Senate to stand with me. Let's pass the HAITI Act and let's do everything we can to help those who have lost so much in this terrible disaster.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for up to 10 minutes, and that after my speech Senator THUNE be recognized, unless the Senator from Montana has somebody in between he wishes to be recognized.

Mr. BAUCUS. Mr. President, I reserve the right to have somebody else speak following the Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the next Member to be recognized on our side be Senator THUNE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I wish to thank Senator THUNE for his courtesy.

Mr. President, I wish to speak a little bit here on this debt ceiling issue because it is critical. It is critical because of the size of it. We as a nation are running up debt at a rate we have never seen in history. The budget which we are presently functioning under will add approximately \$1.4 trillion of debt from last year and potentially another \$1.2 trillion next year. Under the budgets that were brought forward by the President, it looks as though we are going to have \$1 trillion in deficits every year for the next 10 years. That is an expansion of our debt at a rate we have never seen before, except in a time of war.

What is the implication of that? Nobody understands what \$1 trillion is. I don't understand what \$1 trillion is. It is very hard to conceptualize \$1 trillion. So I wish to try to put it in context.

We know for a fact that certain nations get into trouble when they allow their debt to get so large that their economy doesn't have the capacity to pay it down in an orderly way. We are regrettably seeing that today in Greece. There are other nations in Europe that appear to have the same types of problems, including Ireland, where their national debt, their sovereign debt, has gotten so large they are basically in a position where their capacity to pay it off is at risk. So the value of that debt gets adjusted by the marketplace and it becomes much more expensive for those nations to borrow, and at some point, even, potentially they can't borrow and they end up in what amounts to a national bankruptcy.

That has never been a threat to us as a nation because we have always had a vibrant economy, and because the dollar, ironically, is the currency of world reserve, we have been able to basically what is known as monetize our own debt. There have always been people out there willing to lend to us as a nation because they have always presumed that the United States, because of our resilience, because of our economic strength, will always pay our

debt, and that is why Treasuries are considered to be one of the safest investments in the world, or traditionally have been. That has been a great strength of our Nation, of course, to have this sort of integrity to our currency and to our ability to repay our debt. However, on the course we are presently pursuing, all of that is going to be called into question and called into question much sooner than we had expected, I suspect, or anybody had anticipated who had looked at this objectively 2 or 3 years ago.

We know there are certain thresholds that generate huge warning signs where red flags go up and say, your Nation is in trouble. A couple of those thresholds have actually been adopted by the European Union as they have looked at their membership and said, What is the proper deficit of an industrialized nation? What is the proper public debt ratio to GDP of an industrialized Nation? In Europe what they say is, You can't be a member of the European Union if your deficits exceed 3 percent of GDP and your debt exceeds 60 percent of GDP, your public debt. Well, our deficits are around 12 percent of GDP right now. They will ultimately go down, but there is no time in the next 10 years where they are projected to fall below 5 percent of GDP under President Obama's budgets. Our public debt is going to cross that 60 percent of GDP threshold probably within the next year. So arguably, as I said before on this floor, we would not be able to get into the European Union if we wanted to, because we would not meet their standards for fiscal responsibility as a nation. That is pretty serious.

What is even more serious is there is no end in sight to this. We are looking at a deficit and debt situation which will continue to expand and become even more and more problematic for us as a nation for as far as the eye can reasonably see which, for the purposes of discussion around here, is about 10 years.

We know that the public debt-to-GDP ratio, under the President's budget as proposed last year before this health care bill was taken up—and I would argue that this health care bill is going to radically aggravate the public debt issue in the outyears, and there will be debate about that because CBO will debate that point, but I don't think all the pay-fors will ever occur—independent of that, we know that under the budget as it is presently presented, the public debt is going to exceed 80 percent of GDP—80 percent of GDP—by the year 2019. In fact, there are some estimates that say it will exceed 100 percent of GDP before we hit 2020. Those are intolerable situations.

What is the practical implication of our adding that much debt through deficit spending over the next few years to our economy? A few things occur, and they are undeniable. They will occur

on the path we are presently on. The first thing that will occur is it will be much harder for us to sell our debt because nations will start to say—people around the world, including our own public, I suspect, will start to say, Can they really pay that back. When they cross that 60-percent threshold, which is basically a key tipping point on the ability of a nation to manage itself, and they start heading up towards 80, 90, 100 percent of GDP as the public debt ratio, can they really pay back their debt? People are going to say, Well, I am not so sure. I am going to charge them a fairly significant premium before I am going to lend them any money. So the cost of our interest will go up dramatically. In fact, it is projected that in the year 2019, interest on the public debt alone will exceed \$800 billion a year. That is more being paid out in interest which goes to people all over the world—people in China, people in Saudi Arabia, all over the world—that interest will be higher than any other item of Federal spending. What a waste of money that is. What a waste of money that is. What a misuse of money. All of that money could be used for something constructive in the United States—building infrastructure, building schools, assisting education, whatever. If you are going to spend it, why would you spend it on interest?

So we will be in a position where it will be harder for us to sell our debt. Actually, we will probably get to a position fairly soon—and I am willing to bet on this; I won't be in this Congress at the time, but before we hit the year 2020—where we will actually have to take some radical step as a nation in order to deal with our debt. Because if we allow it to go up under its present scenario, it becomes totally unsustainable. It is like a dog chasing its tail; it can't get there. We can't pay down the debt.

The practical implications of that are twofold: Either, No. 1, you inflate the economy and devalue the currency, and that is a very harsh thing to do to the American public because it devalues their savings and it makes it harder for the economy to be productive or, No. 2, you radically raise taxes to try to reach the obligations of the debt, and that also dramatically impacts the economy. It makes us less productive. It means less jobs will be created. Either one of those scenarios, or only one of those two scenarios, or maybe a combination will occur if we continue on our present course, which means that the next generation will actually have a lower standard of living than our generation. It means it will be much more difficult for the next generation of Americans to buy a house, send their kids to school, buy a car, to live the quality lifestyle we have had as a nation. In fact, it will be the first time in history, if we stay on our

present course, that one generation has handed to another generation a lower standard of prosperity and quality of life. It is inexcusable to do that. It is unacceptable. Nobody in this body who has a public responsibility to the next generation—and we all have that responsibility—should do that to our children.

So what are we going to do to address it? Well, put very simply, we need to stop spending so much money. That is the bottom line. We need to stop spending so much money. Under the projections in this budget as it presently exists and was passed in this Congress, over my objection and over the objections of everybody on this side of the aisle, it is projected that we are going to be in a situation where, as I said, there will be \$1 trillion deficits for as far as the eye can see and the size of government spending will go from 20 percent of GDP up to about 24, 25 percent of GDP if the health care bill is also passed. That will be the highest level of Federal spending that has occurred in this government since World War II. We have never had those types of levels of spending. So it is not a revenue issue—although right now it is a revenue issue because, obviously, right now the economy is in a recession—but over the long run it is not a revenue issue.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. It is a spending issue. It is not a revenue issue. It is primarily a spending issue. The fact is that we are spending a great deal more than we can afford as a nation, and this government has committed to a great deal more than we can afford. So we need to do something on the spending side of the ledger.

There is going to be a series of proposals brought forward by our side, and Senator THUNE is going to offer one in a minute, to try to get to the issue. They won't solve the whole problem, but they will at least make significant steps down the road of restraint and show that we are starting to get serious about it, and they are reasonable ones. Senator THUNE: End TARP. End TARP. We don't need it anymore. We should take those dollars and put them toward debt reduction. Freeze discretionary spending. That will be Senator SESSIONS' amendment, or something like that. Rescind some of the stimulus spending that is going to occur after 2011; that may be one of our amendments. I know Senator COBURN is going to suggest a series of other issues. All of these are steps in the right direction.

So I think on our side of the aisle the basic philosophy is this: It is irresponsible to increase the debt ceiling if you don't do something responsible about addressing what is driving the debt

ceiling, which is spending. So we are going to suggest a series of initiatives around here that we believe are responsible on the issue of controlling spending, and I hope those initiatives will be passed so we can begin to put this country back on the road toward fiscal responsibility.

Mr. President, I yield the floor. Again, I wish to thank the Senator from South Dakota for his courtesy and the Senator from Montana as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3301 TO AMENDMENT NO. 3299

Mr. THUNE. Mr. President, I have an amendment at the desk and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNES, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN, proposes an amendment numbered 3301.

Mr. THUNE. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To terminate authority under the Troubled Asset Relief Program, and for other purposes)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ REPEAL OF THE TROUBLED ASSET RELIEF PROGRAM.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (excluding section 101(a)(3)) and under section 102 of such Act shall terminate on the date of enactment of this resolution.

(b) LOWERING OF NATIONAL DEBT LIMIT TO CORRESPOND TO TARP REPAYMENTS.—Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting after the dollar limitation contained in such subsection the following: “, as such amount is reduced by the amount described under subsection (d)’”; and

(2) by adding at the end the following new subsection:

“(d) The amount described under this subsection is the amount that equals the amount of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after the date of enactment of this subsection, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after the date of enactment of this subsection.”.



Mr. THUNE. Mr. President, we entered into this debate about the debt limit today. I appreciate the comments of my colleague from New Hampshire with respect to the overall picture of our financial and fiscal condition in the country right now. I think it is important to put that context out there because we are debating now a substitute amendment that the Senator from Montana is offering on the debt limit increase. I think that was originally proposed in the \$650 billion range. We are now talking about tripling that—a \$1.9 trillion increase in the debt limit—after having just voted on raising the debt limit before we went out for the Christmas holiday by about \$290 billion.

So we have this proposal on the Senate floor that would increase the total amount of indebtedness of the U.S. Government by \$1.9 trillion. As the Senator from New Hampshire very well pointed out, we are looking at deficits now into the foreseeable future that exceed \$1 trillion. It doesn't look like in the 10-year window in which we do budgeting in the Senate that we are ever going to have a year where we don't have a deficit that isn't in the \$1 trillion range. We had a \$1.4 trillion deficit last year and will have another \$1.2 trillion deficit this year. We keep racking up more and more debt that gets passed on to future generations and taxpayers.

As the Senator from New Hampshire pointed out, for admission into the European Union there are a couple of key thresholds. One is debt as a percentage of GDP, which is 60 percent, which is the threshold for admission into the European Union, and deficits, which is about 3 percent. He pointed out very effectively that we are at a threshold in this country that exceeds dramatically the deficit, the GDP threshold that wouldn't even allow us to get into the European Union, and we are going to blow by the debt to GDP threshold in the next year, which is 60 percent to GDP.

My point is, we are getting in perilous territory when it comes to the confidence and trust the American people have in the Federal Government's ability to manage responsibly and exercise fiscal discipline with their tax dollars. We are also getting to a point where I think those who are acquiring U.S. debt—and by that I mean the Chinese who, of course, are a big holder of U.S. debt—get to start saying: If we are going to continue to buy this debt, we are going to get a higher return. The higher our debt goes, the more risk they take on.

It is a fundamental rule of economics that we all learned that there is a corresponding relationship between risk and return. If an investor is going to assume more risk, they are going to demand a higher return. What we are doing now by piling up more debt is

saying to the people who would buy that debt, the investors out in the world or in this country is, this is becoming a more risky proposition for you. As we pile up more debt, they are going to start saying: OK, if we are going to buy that debt and finance your spending into the future, we are going to need a higher return. That means higher interest rates.

Of course, when you start seeing Federal Government debt go up in terms of interest rates, generally what happens is other interest rates in our economy will go up as well. So you will start seeing student loans, for example, and homeowners and small businesses all being impacted by higher interest rates as a result of what inevitably happens when you run these kinds of deficits year after year and add as much as we are to the Federal debt.

We are not showing any evidence that there is a willingness to restrain that. In fact, if we look at just the last year—of course, the \$1 trillion stimulus bill sort of started off the spending. Then since then we have had an omnibus, or minibus, spending bill, both of which increased spending year over year by about twice the rate of inflation, and sometimes in excess of that.

But what we have seen now between fiscal years 2008 and 2010 are astronomical increases in the size of the Federal Government. If we start with the legislative branch appropriations bills between 2008 and 2010—that covers a couple of appropriations years—we are looking at a 17.3-percent increase. If we look at appropriations for the Interior and the Environment, it is an increase of 21.4 percent over that time period; appropriations for Commerce, Science, and Justice, an increase of 24.2 percent. Appropriations for Transportation and HUD increased a whopping 39.1 percent. The State and Foreign Operations appropriations bill beat even that and was increased by 48.7 percent.

Taken as a whole, the entire government grew by 16.8 percent during that time period. When I say that, I am talking between 2008 and 2010. We saw a 16.8-percent increase in the size of the Federal Government. That is just speaking to the appropriations bills over those 2 years. Of course, we all know that dramatically outpaces and dwarfs the rate of inflation and the growth we have seen in our economy over that time period.

What is even more notable is that none of those increases included the increased funding through the stimulus bill, which I mentioned was an additional \$1 trillion. Of course, I am concerned that will be built into the budget baseline into the future, and we will see our appropriators assume that stimulus money is part of the baseline in spending.

Of course, those appropriations bills don't include this proposed stimulus 2 that we are hearing about: the bailouts

of the banks, the insurance companies, and the car companies, or the \$2.5 trillion expansion that would occur with a new health care proposal, or entitlement, in this country. So we have seen this dramatic increase in the growth of government and in spending in Washington, most of which is financed with borrowing.

Last year, in fact, 43 cents out of every dollar we spent in the Federal Government was borrowed. We cannot continue to sustain a pattern of borrowing 43 cents out of every dollar we spend. In fact, as American families and households and small businesses are having to tighten their belts, in Washington, DC, the spending continues unabated.

What I am hoping to do with this amendment is to at least demonstrate that, as an institution, the Senate is willing to say we are going to take some steps, no matter how modest they are—and I would say my amendment isn't going to go a long way toward eliminating this Federal debt, but certainly I think it demonstrates to the American people that we get it; we are hearing that they are uncomfortable with the massive amount of borrowing and spending and taxes going on here. Americans are going to pay for this in the form of higher taxes and in the form of higher inflation. As I said, it will be also in the form of higher interest rates on mortgages and small business loans and student loans and those sorts of things. So we have a responsibility to demonstrate to the American people that we are serious about getting our fiscal house in order.

The most recent example, of course, as I mentioned earlier, in this pattern of expansion of the Federal Government is the health care bill, which is in the process right now of discussions, evidently, between the House and Senate and the negotiations that are ongoing. It passed the House and the Senate before the Christmas holiday. I happen to hope that people will come to their senses and defeat this bill and that it would not emerge in the conference committee, and we can start over and do it the right way—in a step-by-step way, not in a way that expands the size of government by \$2.5 trillion.

That being said, the \$2.5 trillion expansion of the Federal Government includes higher taxes, Medicare cuts, and also at the end of the day, according to the CBO, does very little for most people in this country to actually reduce the cost of their health care insurance.

In fact, what we have seen through studies done by CBO and by the CMS Actuary is that for most Americans, they are going to see, at best, their health insurance premiums stay the same. If they are in the individual market, they will see them go up. So the health care bill is an example of this runaway Federal spending. In fact, in the latter part of that debate, we got a



response from the CBO to a question posed by the Senator from Alabama, Mr. SESSIONS, with regard to how the accounting is done in Medicare. One of the arguments we heard throughout the course of the debate was that it would extend the lifespan of Medicare. The question was posed to CBO: What happens with this additional Medicare tax and these Medicare cuts that would be imposed upon providers and senior citizens in this country?

The argument was always made that this will extend the lifespan of Medicare. Our question was, how do you spend money to create this entitlement program and pay for the health care expansion and say you are expanding Medicare? The answer that came back was that under the accounting convention regarding trust funds in a unified budget, in fact, there would be notes put into these trust funds that technically, legally speaking, would extend the lifespan of Medicare. But those dollars are also being spent on the new health care expansion.

From an economic standpoint, the conclusion you draw is that you cannot spend the same money twice. What they said is that you are spending the same money twice. You are double counting this money.

My view is that we have complicated this situation dramatically by this new health care entitlement program. That is why I think it is so important that we reverse course and start over and do this right, in a way that is step by step and gets at the fundamental issue most Americans are concerned about, which is the high cost of health care and providing access to more Americans and a higher quality of care.

I say all that as a background to get into this debate about the debt limit and to say I am very concerned. I also think most Americans are concerned about the amount of spending and borrowing and taxing that is occurring in Washington, DC. My amendment, very simply, says the Troubled Asset Relief Program that was enacted in late 2008—a \$700 billion authority for the Treasury to use to help bring stability to the financial services industry in this country—would end. We would basically say that job, that mission, and that purpose has been served, completed. In fact, any unobligated funds should not be spent, and we should not allow TARP to become a sort of revolving loan fund, a political slush fund, to be used for all kinds of purposes. Most of the people who voted for it believed it would be used to bring stability to our financial services industry. We were told at the time that if we didn't do something, we were on the verge of imminent financial collapse, a financial meltdown. So many of us supported that at the time, with the belief that it would in fact be used to acquire the troubled assets that were on the balance sheets of a lot of financial institutions.

What happened is it evolved and morphed into something entirely different. It has been used to take equity positions not only in insurance companies but in auto manufacturers. It was suggested by the Treasury Department, whose interpretation is that they could use this for other purposes. We think the statute is plain about how these funds ought to be used. The Treasury has taken a different interpretation. When they chose to extend this program, it was set to expire at the end of December of last year. The Treasury Department chose to extend it. The assumption most of us made was that they have designs on how to use the funds. If they don't, certainly Members of Congress do.

I don't say that as a partisan statement. I think there are probably people on both sides who would love to know there is a few hundred billion dollars available to go toward some program they think is important. I am not saying anybody's ideas about government programs that might serve a particular constituency's needs are not important. They are important in the minds of individual Senators. But if we are thinking about the overall good of the country, we have to begin thinking about what we are doing.

This authority that was created under TARP—the \$700 billion—is, if we don't shut it down, going to be used for all kinds of other ideas and purposes. We saw that most recently with the stimulus 2 bill that is proposed in the House of Representatives. They wanted to use TARP funding as an offset to pay for the new stimulus bill. We have seen proposals to use it for small businesses.

Frankly, I think we need to focus any efforts we make to create jobs in this country on small businesses because, after all, they create two-thirds or three-quarters of the jobs in our economy. Frankly, the TARP program wasn't designed to do that. It had a specific statutory purpose. That purpose is now being adulterated. It is used in all these different ways.

I happen to believe—and I hope a majority of my colleagues will as well—we should vote to end this program and not allow it to be used and misused and abused in a way that creates greater liabilities for the American taxpayers, creates more debt and borrowing because, after all, that is what it is.

The TARP authority is debt. When we talk about spending TARP money, it is not as if there is a big bank of money out there. What it means is that when TARP authority is used, we go out and borrow the money. Basically, we add to the Federal debt that we continue to pile up.

So the ENDTARP program—there is an acronym for everything around here—the ENDTARP program, Erasing Our National Debt Through Accountability and Responsibility Plan, or

ENDTARP, is what my amendment embodies. Basically, we believe we ought to, as a body, as an expression of our willingness to, again, demonstrate to the American people we can get our fiscal house in order, vote to end this program.

I would like to illustrate, if I may, what I am talking about in graphic terms. This is a pie chart that shows the whole \$700 billion that was authorized under TARP. The blue represents that the \$545 billion—the latest information we have—has been spent or at least committed. That was as of January 6, 2010. What this side, the red, represents is the unobligated funds. The unobligated funds is a combination of both the authority that was not used, and that was about \$155 billion, and payments that have been made back into the fund. That is about \$165 billion. So we have about \$319 billion—\$320 billion in round numbers—of unobligated authority in TARP. What my amendment simply would say is, this amount of money cannot be spent. We would end TARP, and instead of allowing the program to continue through October of this year, at which point, incidentally, they don't have to shut down the spending—the spending can continue to go on. The program, in effect, would shut down in October of this year. But we believe that this unobligated money in here, that we ought to not spend it. When we do not spend it, it is money we do not have to borrow, and that reduces the overall amount of the Federal debt and the amount of debt we are passing on to future generations.

Again, this is a way of illustrating what we are talking about, what the amendment would do. The blue represents the amount that has been committed or spent as of January 6. The other side, the red, represents the amount that has not been used, authorized but not spent, and has been paid back—in other words, unobligated balances in the TARP fund of about \$320 billion.

It is a fairly straightforward amendment. I hope a majority of my colleagues in the Senate will vote with me to say to the American people that we hear you; we do not believe using this program in a way that was not intended, that further aggravates a very serious fiscal situation for this country, ought to be allowed to continue.

I think the American people have made it clear that they are tired of the bailouts. There was a Wall Street Journal/NBC poll indicating that 53 percent of Americans are unhappy with the government's current role in the private sector. In fact, 65 percent of Americans are opposed to government intervention by taking a majority stake in General Motors.

Again, despite the original projections when TARP was signed into law that we were going to be made whole

and this was actually going to generate additional revenue for the American taxpayers, I think we now know the estimates that are coming forward suggest we are going to lose money. The amount of money that was authorized for this program, we are not going to get it all back, but the one thing we can do right now is to cut our losses by making sure that these unobligated funds do not get spent, that they do not go onto the Federal debt, and that they do not go onto additional borrowing. When we are borrowing 43 cents out of every dollar spent in Washington, DC, we need to exercise some fiscal discipline.

I hope my colleagues will vote to support this amendment. My understanding is there will be a vote sometime tomorrow on this amendment. I hope to have another opportunity to speak to it tomorrow morning. I wanted to lay the amendment down, make my colleagues aware of it, and encourage them to support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, frankly, I think the fundamental question facing us is, Are we going to pay our bills? That is the question before us today.

On the amendment offered by the Senator from South Dakota, I suspect the chairman of the Banking Committee, Senator DODD, will have something to say about that when we come back into session tomorrow. But the fundamental question we are facing with the debt limit extension resolution is, Are we going to pay our bills? We have incurred obligations. We have, as a country. Are we going to pay them? Are we going to pay our bills? That is the basic question. Are we going to live up to our commitment to pay our bills?

The discussion here quite correctly is somewhat—not correctly. The subject has moved over to, well, gee, aren't our deficits too high? Haven't we been spending too much compared with the revenue we are taking in? Yes. There is no one here who would argue the point that our deficits are too high. That is right. They are what they are partly because of the recession we are in, the subprime mortgage crisis that somewhat prompted all the problems we face as a country, a lot of loose lending by lots of institutions, packaging of obligations, of loans, and securitizing those loans, all the fees earned by banks and so forth. Pretty soon, all the mortgages became if not worthless, at least not worth very much at all. Our country consequently faced a recession by and large because of a lot of loose financial thinking in the last couple of years, beginning with the subprime mortgage crisis. We are where we are. We are trying to work ourselves out of the recession. But the basic question

is, Are we going to pay the debts we obligated? Are we going to live up to our commitments?

The Senator from New Hampshire, the ranking member of the Budget Committee, quite correctly talked about our deficits being too high. He raised the prospect of, gee, maybe fairly soon various countries are going to charge us more on the debt we are borrowing, may want to charge a premium because they wonder if they can trust the obligation of the United States to pay its debts. I don't know whether that is true. I don't know when that may or may not be true. That is a very speculative question. We just do not know. A lot of people have very formed opinions on that point. But I do know something that is absolutely true, over which there is no debate; that is, if we default on our debts, then we are going to find the economy is going to collapse. I do know that as a fact. Every Member of this body knows that to be a fact. We must extend the debt limit so we can pay our debts. That is pretty simple. In the meantime, as a Congress, clearly we have to work to get these deficits under control. We have to do both, frankly. We have to extend the debt limit so we can pay our debts. If we do not raise it, we cannot pay our debts. So we have to raise it. In addition, we have to work at getting these deficits under control. There is no doubt about that.

Frankly, one good way to get deficits under control is to pass health care reform. The Congressional Budget Office, which we all think is doing a pretty good job even though they frustrate us a lot—by and large we agree with their conclusions—the Congressional Budget Office has said the health care bill that passed the Senate would reduce the deficits by \$132 billion over the first 10 years. That is a reduction in deficits. That is going to help reduce the deficits. So all this talk—it is very proper talk—about the size of our deficits will be slightly less urgent once we start reducing the budget deficit. I am not one to stand up here and say health care reform is the total solution. I am only saying it reduces the budget deficit, according to the Congressional Budget Office, by \$132 billion over the first 10 years. They go even further and say that the next 10 years the health care reform bill that passed the Senate will reduce the Federal deficit by between \$650 billion and \$1.3 trillion—reduce the Federal deficit by between \$650 billion and \$1.3 trillion. Now we are talking real money. Now we are talking about a more-than-significant reduction in the deficit.

I heard some numbers flying around here several minutes ago about it costs \$2 trillion and this and that. That is not true. That is not what the Congressional Budget Office says. The Congressional Budget Office says, as I mentioned, a \$132 billion reduction in the

deficits in the first 10 years and between \$650 billion and \$1.3 trillion in deficit reduction in the second 10 years. That is what CBO says. I don't know where the Senator gets his numbers, but he did not get them from CBO. CBO's conclusions are as I have stated.

I urge us, frankly, to keep our heads screwed on straight and our feet on the ground. Let's decide what we have to do, and that is we have to pay our national debt and then go on and find ways to reduce the budget deficits. I think all of us can agree that is something we have to do.

To default on our national debt is certainly no way to run a government. We are supposed to be responsible people around here. Clearly, it would be irresponsible for us to not act in a way that prevents a default on our obligations.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am going to speak a little bit about the amendment offered by the Senator from North Dakota, Mr. CONRAD, co-sponsored by the Senator from New Hampshire, Mr. GREGG. It has not been offered yet. I am not totally certain it will be offered. I think it will be offered. I am going to speak on the amendment now, but if we are ready to enter a unanimous consent agreement as to the proceedings of the Senate tonight and tomorrow, I will stop my presentation so we can enter that order.

As I said, under the previous order, the amendment by the Senator from North Dakota, Mr. CONRAD, and the Senator from New Hampshire, Mr. GREGG, proposing a fiscal task force is in order to the pending measure.

Yesterday evening, the Vice President met with a number of interested parties, including our colleague, the Senate majority leader, the Speaker, the Senator from North Dakota, and others. I was at that meeting. Yesterday evening, that group discussed a fiscal commission to be created by an Executive order. I want to distinguish that effort, that is, that effort for the President to create a commission by an Executive order, from the amendment the Senators from North Dakota and New Hampshire propose on the bill.

I support the President's efforts to create a commission by Executive order, and I oppose the amendment to be proposed by the Senators from North Dakota and New Hampshire. The difference is that the Executive order would preserve the Senate's regular

order. The amendment, on the other hand, would create a fast-track procedure to short-circuit the Senate's regular order.

Let me take this opportunity to share with my colleagues what a number of respected groups have been saying about the Conrad-Gregg amendment.

On January 14, the chief executive officer of AARP wrote to Senators about the Conrad-Gregg commission. As my colleagues know, AARP is the non-partisan membership organization that represents 40 million people age 50 and older. AARP is the Nation's largest membership organization for people 50 and over and has offices in all 50 States. Listen to what AARP says:

We urge you to vote against an amendment to be offered by Senators Conrad and Gregg to establish a fiscal task force and to instead focus on addressing the challenges of the nation's long-term debt through regular order . . .

AARP goes on:

We oppose providing fast-track authority to a task force that will function with limited accountability outside the regular order of Congress, and with an exclusive focus on debt reduction. . . .

Quoting further, AARP says:

AARP believes the issues that the fiscal task force is meant to address—including the revenue gap, health care costs and the long-term solvency of Social Security—are among the most fundamental challenges we face as a nation. As such, they are issues Congress itself, through its regular order, should tackle.

AARP recognizes that doing things the normal way is not always easy. Quoting again, AARP says:

We recognize that these issues test regular order, as has been demonstrated by the long and difficult debate surrounding health care reform. Simply because these issues are difficult to address is not reason enough to abdicate the responsibility Congress has to act. However, an open debate is essential in a representative democracy to resolve issues that have as broad and deep an impact on its citizenry as changes to Medicare, Medicaid, Social Security and the tax system.

AARP focuses on the human costs. Quoting further, AARP says:

. . . a task force that is directed to identify proposals to restore the nation's long-term balance sheet cannot do so without regard to the impact its recommendations would have on individuals. Broad, deep cuts to the nation's health and economic security pillars—Medicare, Medicaid, and Social Security—could reduce long-term debt, but would do so by shifting significant burdens and risks to older Americans and millions of others who rely on these benefits.

AARP recommends in particular that Social Security be excluded from the commission's deliberations. AARP says:

We urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

That is true. It is very true. Social Security does not contribute to the an-

nual deficit. It does not. And if one looks at the long-term prospect of Social Security, it is in healthy shape for 25, 50 years. It does not add in any way significantly to the national debt.

Here is how AARP concludes its letter. AARP says:

Given the significance of Social Security and Medicare to the well-being of nearly all Americans, AARP believes a full and open debate is essential to ensuring the development of balanced solutions. As such, we oppose any legislative proposals that bypass or short circuit the protections afforded by regular order . . . to reach debt reduction goals.

That is what AARP writes, and I ask unanimous consent to have printed in the RECORD the full text of AARP's letter to Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,

Washington, DC, January 13, 2010.

DEAR SENATOR: On behalf of our nearly 40 million members, AARP writes to express opposition to three budget amendments you will be considering on January 20, 2010. We urge you to vote against an amendment to be offered by Senators Conrad and Gregg to establish a fiscal taskforce, and to instead focus on addressing the challenges of the nation's long-term debt through regular order. We also urge you to vote against an amendment to be offered by Senator Reid to establish statutory paygo, and by Senator Sessions to establish multi-year caps on discretionary spending.

#### FISCAL TASKFORCE

AARP agrees that the nation's long-term debt requires urgent action. We are committed to supporting balanced policies that address the nation's long term fiscal challenges while also honoring the contributions of our members and the needs of millions of other Americans who rely on Medicare, Medicaid and Social Security. However the current fiscal crisis is far broader than these lifeline programs. We oppose providing fast-track authority to a task force that will function with limited accountability outside of the regular order of Congress, and with an exclusive focus on debt reduction. We further oppose the establishment of such a task force in light of the targeted Medicare savings and proposed Medicare Payment Board (that would have further authority to reduce Medicare spending) in the pending Senate health care reform legislation.

AARP believes the issues that the fiscal task force is meant to address—including the revenue gap, health care costs and the long-term solvency of Social Security—are among the most fundamental challenges we face as a nation. As such, they are issues that Congress itself, through its regular order, should tackle. We recognize that these issues test regular order, as has been demonstrated by the long and difficult debate surrounding health care reform. Simply because these issues are difficult to address is not reason enough to abdicate the responsibility Congress has to act. However, an open debate is essential in a representative democracy to resolve issues that have as broad and deep an impact on its citizenry as changes to Medicare, Medicaid, Social Security and the tax system.

Moreover, a task force that is directed to identify proposals to restore the nation's long-term balance sheet cannot do so with-

out regard to the impact its recommendations would have on individuals. Broad, deep cuts to the nation's health and economic security pillars—Medicare, Medicaid and Social Security—could reduce long-term debt, but would do so by shifting significant burdens and risks to older Americans and millions of others who rely on these benefits. If a task force is formed to address long-term deficits, it should focus on systemic solutions that balance the twin goals of managing our national debt and ensuring the long-term health and economic security of Americans—not simply on authorizing budget cuts to eliminate the fiscal gap. Furthermore, we urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

In addition, any meaningful examination of the nation's long-term fiscal challenges should include a serious assessment of both traditional revenue sources and tax entitlements. The tax code contains a multitude of tax preferences that automatically convey benefits, similar to spending entitlements, and entail significant amounts of foregone revenue. However, unlike Social Security and Medicare, which distribute their earned benefits broadly, tax entitlements are highly skewed to the most affluent. Moreover, the federal tax base has eroded over the past several years. For these reasons, it is both reasonable and fair to expect that a fiscal task force prioritize an examination of revenue policies, and develop recommendations regarding revenues as a key premise of an overall strategy to address long-term deficits.

#### STATUTORY PAYGO AND MULTI-YEAR DISCRETIONARY CAPS

AARP is very troubled that Medicare is virtually singled out for arbitrary and automatic cuts should sequestration result from the establishment of statutory paygo. While we agree that some spending should be protected from sequestration, such as Social Security, very few mandatory programs are subject to automatic cuts under statutory paygo. Further, no automatic increase in revenues is required by sequestration, even though the possibility of such a result would undoubtedly prompt even stricter adherence to paygo. These limitations on sequestration leave Medicare especially vulnerable to arbitrary and automatic cuts that are unrelated to making the program more efficient or effective. This approach is especially unacceptable in light of the significant Medicare savings contained in the House and Senate health reform bills, and the proposed Medicare Payment Board in the Senate bill. Consequently, we oppose statutory paygo as a process that threatens to arbitrarily cut Medicare and the health security it promises for older Americans.

Finally, AARP is opposed to a multi-year cap on discretionary spending. Capping spending on less than a third of the federal budget will not result in any significant deficit reduction and would have a substantial negative impact on the federal governments ability to deliver the services our members expect. Congress routinely evaded the 1990 Budget Enforcement Act spending caps by ignoring them in session-ending budget deals, and averted cuts by simply adopting language each year wiping the paygo scorecard clean. Discretionary caps would pit programs that serve the elderly, the disabled and children against defense and homeland

security programs. Moreover, given the ongoing military actions in Iraq and Afghanistan, discretionary spending limits would ultimately require steep cuts to non-defense discretionary programs—the vast majority of which have been funded well below current services levels for the past eight years.

AARP is committed to working on a bipartisan basis with Congress to develop and advance responsible policies to address the nation's long term fiscal challenges. However, given the significance of Social Security and Medicare to the well-being of nearly all Americans, AARP believes a full and open debate is essential to ensuring the development of balanced solutions. As such, we oppose any legislative proposals that bypass or short circuit the protections afforded by regular order, or that rely on imbalanced, automatic, and arbitrary spending cuts to reach debt reduction goals.

If you have any further questions, feel free to call me, or please have your staff contact David Sloane, Senior Vice President of Government Relations and Advocacy, 202-434-3754.

Sincerely,

ADDISON BARRY RAND,  
*Chief Executive Officer.*

Mr. BAUCUS. Mr. President, AARP is by no means alone in taking these positions. On January 7, Barbara Kennelly, our former congressional colleague and now president and CEO of the National Committee to Preserve Social Security and Medicare, wrote to White House Chief of Staff Rahm Emanuel. The National Committee to Preserve Social Security and Medicare is a non-partisan, nonprofit organization representing millions of members and supporters nationwide. For more than 26 years, the organization has fought for the interests of older Americans.

Here is what the National Committee to Preserve Social Security and Medicare says:

The National Committee strongly opposes the fiscal commission legislation authored by Senators Conrad and Gregg.

The national committee also focused on Social Security, arguing that it is inappropriate for such a commission, and they wrote:

Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

Turning to the specifics of the Conrad-Gregg commission, the national committee wrote:

The legislation would effectively remove nearly every government program, including the Federal tax system, from the legislative jurisdiction of Congress. By fast-tracking the commission's recommendations through Congress with no allowance for amendments, the Conrad-Gregg measure would prevent Congress from exercising its legislative responsibilities with respect to Social Security. Enacting legislation that would push through changes of this importance to mil-

lions of Americans, especially seniors, without the opportunity for members of an elected Congress to amend them, ultimately disenfranchises the public and undermines the legitimacy of the political process.

Later in the letter, the national committee wrote:

The National Committee strongly believes that decisions relating to complex or essential programs such as Social Security, Medicare, Medicaid and taxes should be made through the regular legislative committee process. Such a process allows each program to be considered separately by substantive experts based on program solvency and policy goals.

That is what the National Committee to Preserve Social Security and Medicare writes, and I ask unanimous consent to have printed in the RECORD the full text of the letter from the National Committee to Preserve Social Security and Medicare.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL COMMITTEE TO PRESERVE  
SOCIAL SECURITY AND MEDICARE,  
*January 7, 2010, Washington, DC.*

Hon. RAHM EMANUEL,  
*White House Chief of Staff,*  
*Washington, DC.*

The National Committee to Preserve Social Security and Medicare is deeply concerned about the push to create a fiscal commission designed to reduce the federal debt. Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

The National Committee strongly opposes the fiscal commission legislation authored by Senators Conrad and Gregg. The legislation would effectively remove nearly every government program, including the federal tax system, from the legislative jurisdiction of the Congress. By fast-tracking the commission's recommendations through Congress with no allowance for amendments, the Conrad-Gregg measure would prevent Congress from exercising its legislative responsibilities with respect to Social Security. Enacting legislation that would push through changes of this importance to millions of Americans, especially seniors, without the opportunity for members of an elected Congress to amend them, ultimately disenfranchises the public and undermines the legitimacy of the political process.

The President has made clear his strong interest in pressing for fiscal responsibility measures. He has studied the Conrad-Gregg proposal and listened to the views of Senator Conrad and others on the subject. He has also contemplated creating his own commission through executive order. The National Committee believes that the advantage of an executive process is that it does not allow for a fast-track mechanism. However, we are concerned about an executive order for some of the same reasons we are concerned about the fast-track process.

The National Committee strongly believes that decisions relating to complex or essen-

tial programs such as Social Security, Medicare, Medicaid and taxes should be made through the regular legislative committee process. Such a process allows each program to be considered separately by substantive experts based on program solvency and policy goals. Moreover, we are concerned that an executive order which permits Social Security to be taken up in the context of fiscal or budgetary decisions will ignore the needs of Social Security and the well-being of its beneficiaries.

Seniors already believe that Social Security is being used by the government as a piggy bank. Now they fear that the President and the Congress are ready to use a fiscal commission to cut Social Security benefits, making seniors pay the price for the excesses of Wall Street. Those fears will only be unfounded if Social Security is strengthened and made solvent on its own merits and by people who recognize the importance of Social Security and the many protections it provides.

Cordially,

BARBARA B. KENNELLY,  
*President and CEO.*

Mr. BAUCUS. Mr. President, as well, on January 13, the president, secretary-treasurer, and executive director of the Alliance for Retired Americans sent a letter to all Senators on the Conrad-Gregg commission. The Alliance for Retired Americans is a non-partisan, nonprofit organization representing retired union members. They wrote:

The Alliance for Retired Americans, on behalf of its nearly four million members throughout the nation, writes in opposition to the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, S. 2853. We oppose attempts to attach it to debt ceiling or any other legislation. We cannot support the bill's fast-track means of implementing vast changes to programs such as Social Security, Medicare and Medicaid outside the regular legislative process.

The alliance talked about how the process would work, and they wrote:

Under the legislation, the jurisdiction for major long-term changes to programs including Social Security, Medicare, and Medicaid would be turned over to an 18-member task force, made up of 16 members of Congress and 2 administration officials.

Then the alliance wrote about what is wrong with the process, and here is what they wrote:

Regardless of the expertise of task force members, their representations would be crafted behind closed doors and subject to a fast-track up-or-down vote by Congress. Forcing changes to these critical benefit programs by eliminating open debate or amendments is an undemocratic way to address the future of such programs.

The alliance contrasted the new task force process with the existing committee process, and here is what they wrote:

Currently, congressional committees of jurisdiction consider changes and improvements to these vital programs with the opportunity for due consideration and debate. These committees, with their broad-based and detailed knowledge of the programs under their jurisdiction, are the proper forums for considering any changes to Social Security, Medicare and Medicaid.

The alliance concluded:

We strongly caution against a process that would bypass the regular legislative process in favor of an expedited, fast-track process that leaves room for little accountability and almost no room for input from the American people.

That is what the Alliance for Retired Americans writes, and I ask unanimous consent to have printed in the RECORD the full text of the letter from the Alliance for Retired Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR  
RETIREES AMERICANS,  
Washington, DC, January 13, 2010.

DEAR SENATOR: The Alliance for Retired Americans, on behalf of its nearly four million members throughout the nation, writes in opposition to the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, S. 2853. We oppose attempts to attach it to debt ceiling or any other legislation. We cannot support the bill's fast-track means of implementing vast changes to programs such as Social Security, Medicare and Medicaid outside the regular legislative process.

Under the legislation, jurisdiction for major and long-term changes to programs including Social Security, Medicare, and Medicaid would be turned over to a 18-member task force, made up of 16 members of Congress and 2 administration officials. Regardless of the expertise of task force members, their recommendations would be crafted behind closed doors and subject to a fast-track up or down vote by Congress. Forcing changes to these critical benefit programs by eliminating open debate or amendments is an undemocratic way to address the future of such programs.

Since their creation, Social Security, Medicare and Medicaid have worked well to keep millions of America's seniors healthy and out of poverty. Social Security has been the bedrock of income security for nearly all Americans, providing guaranteed benefits to retirees, those with disabilities, and the survivors of retired and deceased workers. Likewise, Medicare and Medicaid has helped our nation deliver the promise of well-being and improved quality of life for retirees.

Currently, congressional committees of jurisdiction consider changes and improvements to these vital programs with the opportunity for due consideration and debate. These committees, with their broad-based and detailed knowledge of the programs under their jurisdiction, are the proper forums for considering any changes to Social Security, Medicare and Medicaid. We strongly caution against a process that would bypass the regular legislative process in favor of an expedited, fast-track process that leaves room for little accountability and almost no room for input from the American people.

The Alliance for Retired Americans is committed to enacting legislation that improves the quality of life for retirees and all Americans. If we can be of assistance, please contact Richard Fiesta or Sarah Byrne in the Department of Government and Political Affairs at the Alliance.

Sincerely yours,

BARBARA J. EASTERLING,  
President.  
RUBEN BURKS,  
Secretary-Treasurer.  
EDWARD F. COYLE,  
Executive Director.

Mr. BAUCUS. What is more, on January 12, a broad consortium of organizations—56 in number—wrote to all Senators to express their concerns with the Conrad-Gregg commission. Among the organizations signing this letter were the AFL-CIO, AFSCME, Change to Win, the Campaign for America's Future, Common Cause, moveon.org Political Action, NAACP, the National Organization for Women, People for the American Way, the SCIU, and many others. This broad consortium of organizations wrote:

We write with strong opposition to the proposal of Senators Kent Conrad, Judd Gregg and others to create a deficit-reduction commission to override the normal legislative process and replace it with expedited procedures prohibiting amendments and limiting debate. If the Conrad-Gregg proposal were to become law, it could dramatically change by stealth critical benefits and services so vital to America's families.

The consortium of groups continued about the need for responsibility by writing:

Americans—seniors, women, working families, people with disabilities, youth, young adults, children, people of color, veterans, communities of faith and others—expect their elected representatives to be responsible and accountable for shaping such a significant, far-reaching legislation.

The consortium of groups continued about the problems with the commission, and here is what they said:

The American people are likely to view any kind of expedited procedure, where most members are sidelined to a single take-it-or-leave-it vote, as a hidden process aimed at eviscerating vital programs and productive investment.

The consortium of groups once again focused on problems with allowing the budget commission to change Social Security. They wrote:

An American public that only recently rejected privatization of Social Security would undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

The consortium of groups concluded:

We urge you to act decisively to prevent the creation of such an extraordinary and undemocratic budget commission.

That is what this consortium of groups, from Common Cause, to NOW, to People for the American Way, writes, and I ask unanimous consent to have printed in the RECORD the full text of their letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA DOES NOT NEED AN UNDEMOCRATIC  
"DEFICIT COMMISSION"

The following statement, signed by more than 40 national organizations (see below) was written and distributed by Roger Hickey (202 955-5665), co-director, Campaign for America's Future, and Nancy Altman (301 229-2651) and Eric Kingson, (315 374-8338), co-directors, Project to Defend and Improve Social Security.

This statement has been sent to Senate Majority Leader Harry Reid, House Speaker

Nancy Pelosi, all members of the Senate and House, and President Barack Obama (and key administration officials).

We write with strong opposition to the proposal of Senators Kent Conrad, Judd Gregg and others to create a deficit-reduction commission that would override the normal legislative process and replace it with expedited procedures prohibiting amendments and limiting debate. We write with an increasing sense of urgency, because plans to vote on the Conrad-Gregg proposal on January 20th or soon thereafter, as part of the debt ceiling bill. If the Conrad-Gregg proposal were to become law, it could dramatically change by stealth critical benefits and services so vital to America's families.

Those supporting this circumvention of the normal process have stated openly the desire to avoid political accountability. Americans—seniors, women, working families, people with disabilities, youth, young adults, children, people of color, veterans, communities of faith and others—expect their elected representatives to be responsible and accountable for shaping such significant, far-reaching legislation.

Any deficit reduction measures should be carried out in a responsible manner, providing a fairer tax system and strengthening—rather than slashing—Social Security and Medicare. We should be strengthening, not slashing, vital programs like Medicaid, Unemployment Compensation, the Supplemental Nutrition Assistance Program (food stamps), EITC, Supplemental Security Income, school meals, Early Head Start, Head Start, Child Care Development Fund, Chafee Foster Care Independence Program, National Family Caregivers Support Program, Individual Disability Education Act, vocational rehabilitation and other programs and services crucial to struggling lower income and middle-income people in every corner of our country.

And as unemployment continues to grow, we need a real debate about how to balance the need for economic recovery and productive public investment with the goal of long-term budget responsibility. The American people are likely to view any kind of expedited procedure, where most members are sidelined to a single take-it-or-leave-it vote, as a hidden process aimed at eviscerating vital programs and productive investment.

As you know, the current effort to reform the health-care sector seeks to achieve reductions in Medicare spending, without cutting benefits. But the proposed budget commission which will be viewed as a way to actually cut Medicare benefits, while insulating lawmakers from political fallout could confuse people and undermine the reform effort. And an American public that only recently rejected privatization of Social Security will undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

We urge you to act decisively to prevent the creation of such an extraordinary and undemocratic budget commission.

GROUPS THAT HAVE ALREADY AGREED TO SIGN  
(AS OF JANUARY 12, 2010)

AFL-CIO—American Federation of Labor-Congress of Industrial Organizations; AFSCME—American Federation of State, County and Municipal Employees; Alliance for Retired Americans; American Society on Aging; American Association of People with Disabilities; American Association of University Women; Americans for Democratic Action; Change to Win; Campaign for America's Future; and Center for Medicare Advocacy.

Common Cause; Demos; Disability Rights Education and Defense Fund; Food Research and Action Center; Frances Perkins Center; Generations United; Global Policy Solutions; Health & Medicine Policy Research Group; International Union, United Automobile, Aerospace & Agricultural; and LGBT Caucus of the American Academy of Physician Assistants, Inc.

MoveOn.org Political Action; NAACP; National Asian Pacific Center on Aging; National Association for Hispanic Elderly; National Association of Area Agencies on Aging; National Association of Mother Centers and Its MOTHERS Initiative; National Caucus and Center on Black Aged, Inc.; National Committee to Preserve Social Security and Medicare; and National Council of Women's Organizations.

National Indian Council on Aging; National Organization for Women; National Hispanic Council on Aging; National Senior Citizens Law Center; National Women's Law Center; OWL—The Voice of Midlife and Older Women; OpenLeft.com; and Pathways PA.

Pension Rights Center; People for the American Way; Progressive Democrats of America; Project to Defend and Improve Social Security; SEIU—Service Employees International Union; United Methodist General Board of Church & Society; USAction; Voices for America's Children; Wider Opportunities for Women; Women's Institute for a Secure Retirement; and the Women's Research and Education Institute.

#### STATE AND LOCAL ORGANIZATIONS

AFGE Council 220; AFGE Local 3937, AFL-CIO; California Alliance for Retired Americans; Coalition of Wisconsin Aging Groups; DelcoAction Seniors; New York Statewide Senior Action Council; Pennsylvania Alliance for Retired Americans; and Puget Sound Alliance for Retired Americans.

Mr. BAUCUS. It is not just progressive groups that oppose the Conrad-Gregg amendment. On January 15, a broad consortium of conservative groups sent what they called "An Open Letter to U.S. Senators Urging Opposition to the Conrad-Gregg Bipartisan Tax/Spending 'Reform' Commission." This conservative consortium said:

On behalf of the millions of taxpayers, small businesses, families, senior citizens and shareholders represented by our respective organizations, we urge you in the strongest terms to oppose and vote against the "Bipartisan Task Force for Responsible Fiscal Action Act of 2009," sponsored by Senators Kent Conrad and Judd Gregg, be it in stand-alone form or as an amendment.

These conservative groups explained their motivation. In their view, they said:

As written, the Conrad-Gregg proposal would lead to a guaranteed tax increase.

These conservative groups concluded as follows:

We urge you to oppose and vote against the misguided plan when it comes before you.

Among the signatories of this letter are the American Conservative Union, Americans for Tax Reform, the American Shareholders Association, the Competitive Enterprise Institute, Council for Citizens Against Government Waste, and the National Taxpayers Union.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the consortium letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 15, 2010.

#### AN OPEN LETTER TO U.S. SENATORS URGING OPPOSITION TO THE CONRAD-GREGG BIPARTISAN TAX/SPENDING "REFORM" COMMISSION

DEAR U.S. SENATOR: On behalf of the millions of taxpayers, small businesses, families, senior citizens and shareholders represented by our respective organizations, we urge you in the strongest terms to oppose and vote against the "Bipartisan Task Force for Responsible Fiscal Action Act of 2009," sponsored by Sens. Kent Conrad (D-ND) and Judd Gregg (R-NH), be it in stand-alone form or as an amendment.

As written, the Conrad/Gregg proposal would lead to a guaranteed tax increase.

The plan put forth by Sens. Conrad and Gregg establishes an eighteen-member task force comprised of ten Democrat and eight Republican Congressmen, Senators, and Administration officials. A report from the commission would need to gather fourteen votes in order to make an expedited recommendation to both bodies. The recommendation would only pass with a supermajority vote in each chamber.

Despite the appearance of protection for taxpayers, this commission would guarantee a net tax increase be in its proposal. Every Democrat on the commission would insist on tax increases to "balance" spending cuts in the recommendation.

There is no conceivable scenario whereby the commission would issue a report that does not contain tax hikes, and history underscores the dangers of such a bipartisan deal that puts everything on the table:

In the 1990 Andrews Air Force Base debacle, Congressional Democrats convinced a number of Republicans to join them in a bipartisan deal promising \$2 in spending cuts for every \$1 in tax increases. Every penny of the tax increases (\$137 billion from 1991-1995) went through. Not only did the Democrats break their promise to cut spending below the CBO baseline—they actually spent \$23 billion above CBO's pre-budget deal spending baseline.

In order to make such a commission acceptable from a taxpayer perspective, language must be included that explicitly removes tax increases and/or new taxes from commission consideration.

However, the proposal in its current form will likely come before you later this month as an amendment to yet another bill to increase the debt limit, as Democrats will be looking to use this commission idea as a way to cover their big-spending tracks.

This bipartisan commission is a veiled attempt to lure Republicans into taking joint ownership of massive tax increases to pay for their crisis and is arguably one of the biggest threats to taxpayers. What's worse, it could become the Trojan horse for a European-style Value-Added Tax (VAT).

We urge you to oppose and vote against this misguided plan when it comes before you.

Sincerely,

Jim Martin, chairman, 60 Plus Association; Stephen P. Gordon, media director, Alabama Republican Liberty Caucus; Brian Johnson, executive director, Alliance for Worker Freedom; Susan A. Carleson,\* chairman and CEO, American Civil Rights Union; David A. Keene, chairman, American Conservative Union; Grover Norquist, president, Americans for Tax Reform; Tim Phillips, president, Americans for Prosperity; Ryan Ellis, execu-

tive director, American Shareholders Association; John Tate, president, Campaign for Liberty; Sandra Fabry, executive director, Center for Fiscal Accountability; Timothy Lee, vice-president of legal and public affairs, Center for Individual Freedom; Chuck Muth, president, Citizen Outreach; Barbara Anderson, executive director, Citizens for Limited Taxation (MA); Wayne Crews, vice president for policy, Competitive Enterprise Institute; Tom Schatz, president, Council for Citizens Against Government Waste; Rick Watson, chairman, Florida Center-Right Coalition; Jamie Story, president, Grassroot Institute of Hawaii; Gregory Blankenship, president, Illinois Alliance for Growth.

Andrew Langer, president, Institute for Liberty; Robert McClure, president and CEO, James Madison Institute; Rep. James DeCesare, chairman, Kentucky Taxpayer Protection Caucus, House of Representatives; Colin Hanna, president, Let Freedom Ring; Del. Warren Miller, chairman, Maryland Taxpayer Protection Caucus, House of Delegates; Shane Osborn, Nebraska State Treasurer; Andrew Moylan, director of government affairs, National Taxpayers Union; Jerry Cantrell, president, New Jersey Taxpayers' Association; Deborah Owens, co-chair, Ohio Center-Right Coalition; Brandon Dutcher, vice president for policy, Oklahoma Council of Public Affairs, Inc.; Kim Thatcher, chairman, Oregon Taxpayer Protection Caucus, House of Representatives; Todd Kruse, Property Rights Association of Minnesota; Jason Williams, executive director, Taxpayer Association of Oregon; William Greene, president, RightMarch.com; Ben Cunningham, spokesman, Tennessee Tax Revolt; Laura Lee Adams, chairman, Utah Center-Right Coalition; Susan Gore, founder, Wyoming Liberty Group.

Mr. BAUCUS. Also on the conservative side, on December 29, 2009, the Wall Street Journal editorial page—no friend of progressive causes—published an editorial entitled "The Deficit Commission Trap." The editors of the Wall Street Journal wrote:

We only hope Republicans aren't foolish enough to fall down this trap door.

I conclude by saying that people on both sides of the political spectrum have very grave reservations and urge opposition to the amendment to be offered by our good friends and colleagues, Senators CONRAD and GREGG, and I hope we do not adopt that amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.



(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. UDALL of Colorado. Mr. President, due to the fact that I was ill and concerned for others traveling on the same airplane to Washington, DC, I was unable to cast a vote for rollcall No. 1 in the second session of the 111th Congress, the nomination of Beverly Baldwin Martin, of Georgia, to be a U.S. Circuit Judge for the 11th Circuit. Had I been present, I would have voted "yea" to confirm the nominee. •

#### HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN R. BOWMAN

Mr. BAYH. Mr. President, I rise with a heavy heart to honor the life of PFC Brian R. Bowman from Waveland, IN. Brian was 24 years old when he lost his life on January 3 when insurgents attacked his unit in Ashoq, Afghanistan. Brian was serving as a medic in the 1st Battalion, 12th Infantry Regiment, 4th Brigade Combat Team, 4th Infantry Division at Fort Carson, Colorado, as a part of Operation Enduring Freedom.

Today, I join Brian's family and friends in mourning his death. Brian will forever be remembered as a loving son and friend to many. Brian is survived by his devoted wife Casie, his father Robert Bowman and mother Paula J. Gerdes, two sisters and countless friends and relatives.

Brian was a Crawfordsville native who grew up in Waveland. Prior to entering the service in August of 2006, Brian graduated from Southmont High School in 2004. A gifted musician, he played the baritone for the Royal Mounties who were perennial contenders in the Indiana State Fair's band competition. His father said that he gave up sports to be in the band because he loved music.

While we struggle to express our sorrow over this loss, we can take pride in the example Brian set as a soldier, a husband, a son and a brother. Today and always he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Brian R. Bowman in the RECORD of the U.S. Senate for his service to this country and for his profound commit-

ment to freedom, democracy and peace. I pray that Brian's family finds comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brian.

#### CELEBRATING MARTIN LUTHER KING, JR.'S BIRTHDAY

Mr. CARDIN. Mr. President, I wish today to honor the life of Dr. Martin Luther King, Jr.

I would like to take this opportunity not only to talk about the man but also the movement. During a time of segregation, violence, unnecessary bloodshed, and ignorant bigotry, a man named Martin Luther King, Jr., graced the world with his poignant determination for peace. His life continues to inspire not only Americans but the world in continued efforts for equality amongst all men and women.

This week the Nation reflects on Dr. King's life and legacy. I remember being a young man during his lifetime. I remember not only the struggles he faced but the justice he longed for. As I reread Dr. King's letter from Birmingham Jail, where he wrote about trying to explain to one's child why she can't go to a public amusement park because she was Black; where he wrote about the humiliation of nagging signs that read "white" and "colored;" where he wrote about the internal fight against a "degenerating sense of nobodiness," I ask our Nation not to return to such a time but instead continue to move our Nation forward in accepting all people.

While Dr. King was fighting for national civil rights, I was growing up in Baltimore City, MD. I attended a segregated public school, and I remember with great sadness how discrimination was not only condoned but, more often than not, actually encouraged against Blacks, Jews, Catholics, and other minorities in the community. I remember the local movie theater denying admission to African Americans. I remember the community swimming pools that had signs hanging that read, "No Jews, No Blacks allowed." In the wake of death threats, physical attempts on his life, home bombings, and jail time, Dr. King fought for the rights Americans hold so dear. He fought for the right to vote, the right to equal access, the right to an equal education, and the right to be treated and seen as an equal.

More than 40 years later, our Nation has made significant progress. We have elected our first African-American President, we have women running Fortune 500 companies, we have the first female Speaker of the House, we have our first Latina Supreme Court Justice, and many more accomplish-

ments have occurred. And while we have come a long way from segregated lunch counters and firehouses and dogs being unleashed on protesters, we still have not reached the mountaintop. There are still laws, policies, and negative perceptions that infringe on individual civil rights.

The issues of today are not so different than the issues of Dr. King's time. We are at war. There is discrimination. There are disparities. There is hate. We must fight and expose these injustices. Dr. King believed that you must expose injustices "with all the tension its exposure creates." We must take up these issues. We must address health care disparities, discrimination in all forms, abuses in our criminal justice system, and bad legislative policies. We must not shy away from what great people before us worked so hard to bring to light. This is not the time for what Dr. King called the "moderate." This is not the time for those who say they agree with us in the goal but fail to take direct action. This is the time for action against injustices.

When more than 40 million Americans don't have access to quality health care, an injustice has occurred. When Americans receive discriminatory sentencing, an injustice has occurred. When Americans are subjected to discriminatory lending, an injustice has occurred. When hate crimes are perpetrated, an injustice has occurred. When our country uses torture, an injustice has occurred. When any form of discrimination is used, an injustice has occurred.

So I ask my fellow colleagues in the Congress and my fellow Americans nationwide, as we start a new year, a new decade, remember that "human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men willing to be co-workers with God . . ." Stand with us as we take up the controversial issues of the day—immigration, employment nondiscrimination, pay equity for women, hate crimes, sentencing reform, education reform, and remember such actions are taken in dedicated efforts toward a more loving and just union.

Dr. King said that the ultimate measure of a man or woman is not where he or she stands in the moments of comfort and convenience, but where he or she stands at times of challenge and controversy. He stood up and fought for what was just in a world of controversy. I ask you all to stand up on the shoulders of Dr. King and fight for the elimination of hate and discrimination. Dr. Martin Luther King, Jr., will always be remembered for his courage, elegance and tireless endurance for the fight of equality in America.



# PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2009

Mr. COBURN. Mr. President, I ask unanimous consent that these letters commenting on the Patient Protection and Affordable Care Act of 2009—the majority's "health reform bill"—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## PHYSICIAN ORGANIZATIONS THAT OPPOSE SEN- ATE'S PATIENT PROTECTION AND AFFORD- ABLE CARE ACT

To date 43 state, county and national medical societies, representing nearly one-half million physicians, have stated their public opposition to the Senate healthcare overhaul bill, the Patient Protection and Affordable Care Act (H.R. 3590).

### NATIONAL MEDICAL ASSOCIATIONS

American Academy of Cosmetic Surgery, American Academy of Dermatology Association, American Academy of Facial Plastic and Reconstructive Surgery, American Academy of Otolaryngology Head and Neck Surgery, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Obstetricians and Gynecologists, American College of Osteopathic Surgeons, American College of Surgeons, and American Osteopathic Academy of Orthopaedics.

American Society for Metabolic & Bariatric Surgery, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of Colon and Rectal Surgeons, American Society of General Surgeons, American Society of Plastic Surgeons, and American Urological Association.

Association of American Physicians and Surgeons, Coalition of State Rheumatology Organizations, Congress of Neurological Surgeons, Heart Rhythm Society, National Association of Spine Specialists, Society for Vascular Surgeons, Society of American Gastrointestinal and Endoscopic Surgeons, Society for Cardiovascular Angiography and Interventions, and Society of Gynecologic Oncologists.

### STATE AND COUNTY MEDICAL ASSOCIATIONS

Medical Association of the State of Alabama, Arizona Osteopathic Medical Association, California Medical Association, Medical Society of Delaware, Medical Society of the District of Columbia, Florida Medical Association, Medical Association of Georgia, and Kansas Medical Association.

Louisiana State Medical Society, Missouri State Medical Association, Nebraska Medical Association, Medical Society of New Jersey, Ohio State Medical Association, South Carolina Medical Association, Texas Medical Association, and Westchester (NY) County Medical Society.

DECEMBER 7, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR REID: The undersigned state and national specialty medical societies are writing you on behalf of more than 92,000 physicians in opposition to passage of the "Patient Protection and Affordable Care Act" (H.R. 3590) and to urge you to draft a more targeted bill that will reform the country's flawed system for financing healthcare, while preserving the best healthcare in the

world. While continuance of the status quo is not acceptable, the shifting to the federal government of so much control over medical decisions is not justified. We are therefore united in our resolve to achieve health system reform that empowers patients and preserves the practice of medicine—without creating a huge government bureaucracy.

H.R. 3590 creates a number of problematic provisions, including:

The bill undermines the patient-physician relationship and empowers the federal government with even greater authority. Under the bill, 1) employers would be required to provide health insurance or face financial penalties; 2) health insurance packages with government prescribed benefits will be mandatory; 3) doctors would be forced to participate in the flawed Physician Quality Reporting Initiative (PQRI) or face penalties for nonparticipation; and 4) physicians would have to comply with extensive new reporting requirements related to quality improvement, case management, care coordination, chronic disease management, and use of health information technology.

The bill is unsustainable from a financial standpoint. It significantly expands Medicaid eligibility, shifting healthcare costs to physicians who are paid below the cost of delivering care and to the states that are already operating under severe budget constraints. It also postpones the start of subsidies for the uninsured long after the government levies new user fees and new taxes to cover expanded coverage and benefits. This "back-loading" of new spending makes the long-term costs appear deceptively low.

The government run community health insurance option eventually will lead to a single-payer, government run healthcare system. Despite the state opt-out provision, the community health insurance option contains the same liabilities (i.e. government-run healthcare) as the public option that was passed by the House of Representatives. Such a system will ultimately limit patient choice and put the government between the doctor and the patient, interfering with patient care decisions.

Largely unchecked by Congress or the courts, the federal government would have unprecedented authority to change the Medicare program through the new Independent Medicare Advisory Board and the new Center for Medicare & Medicaid Innovation. Specifically, these entities could arbitrarily reduce payments to physicians for valuable, life-saving care for elderly patients, reducing treatment options in a dramatic way.

The bill is devoid of real medical liability reform measures that reduce costs in proven demonstrable ways. Instead, it contains a "Sense of the Senate" encouraging states to develop and test alternatives to the current civil litigation system as a way of addressing the medical liability problem. Given the fact that costs remain a significant concern, Congress should enact reasonable measures to reduce costs. The Congressional Budget Office (CBO) recently confirmed that enacting a comprehensive set of tort reforms will save the federal government \$54 billion over 10 years. These savings could help offset increased health insurance premiums (which, according to the CBO, are expected to increase under the bill) or other costs of the bill.

The temporary one-year SGR "patch" to replace the 21.2 percent payment cut in 2010 with a 0.5 percent payment increase fails to address the serious underlying problems with the current Medicare physician payment system and compounds the accumulated SGR

debt, causing payment cuts of nearly 25 percent in 2011. The CBO has confirmed that a significant reduction in physicians' Medicare payments will reduce beneficiaries' access to services.

The excise tax on elective cosmetic medical procedures in the bill will not produce the revenue projected. Experience at the state level has demonstrated that this is a failed policy. In addition, this provision is arbitrary, difficult to administer, unfairly puts the physician in the role of tax collector, and raises serious patient confidentiality issues. Physicians strongly oppose the use of provider taxes or fees of any kind to fund healthcare programs or to finance health system reform.

Our concerns about this legislation also extend to what is not in the bill. The right to privately contract is a touchstone of American freedom and liberty. Patients should have the right to choose their doctor and enter into agreements for the fees for those services without penalty. Current Medicare patients are denied that right. By guaranteeing all patients the right to privately contract with their physicians, without penalty, patients will have greater access to physicians and the government will have budget certainty. Nothing in the Patient Protection and Affordable Care Act addresses these fundamental tenets, which we believe are essential components of real health system reform.

Senator Reid, we are at a critical moment in history. America's physicians deliver the best medical care in the world, yet the systems that have been developed to finance the delivery of that care to patients have failed. With congressional action upon us, we are at a crossroads. One path accepts as "necessary" a substantial increase in federal government control over how medical care is delivered and financed. We believe the better path is one that allows patients and physicians to take a more direct role in their healthcare decisions. By encouraging patients to own their health insurance policies and by allowing them to freely exercise their right to privately contract with the physician of their choice, healthcare decisions will be made by patients and physicians and not by the government or other third party payers.

We urge you to slow down, take a step back, and change the direction of current reform efforts so we get it right for our patients and our profession. We have a prescription for reform that will work for all Americans, and we are happy to share these solutions with you to improve our nation's healthcare system.

Thank you for considering our views.

Sincerely,

Medical Association of the State of Alabama,  
Medical Society of Delaware,  
Medical Society of the District of Columbia,  
Florida Medical Association,  
Medical Association of Georgia,  
Kansas Medical Society,  
Louisiana State Medical Society,  
Missouri State Medical Association,  
Nebraska Medical Association,  
Medical Society of New Jersey,  
South Carolina Medical Association,  
American Academy of Cosmetic Surgery,  
American Academy of Facial Plastic and Reconstructive Surgery,  
American Association of Neurological Surgeons,  
American Society of Breast Surgeons,  
American Society of General Surgeons,  
and

Congress of Neurological Surgeons.

Past Presidents of the American Medical Association: Daniel H. Johnson, Jr., MD, AMA President 1996-1997. Donald J. Palmisano, MD, JD, FACS, AMA President 2003-2004. William G. Plested, III, MD, FACS, AMA President 2006-2007.

DECEMBER 1, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER REID: On behalf of the over 240,000 surgeons and anesthesiologists we represent and the millions of surgical patients we treat each year, the undersigned 19 organizations strongly support the need for national health care reform and share the Senate's commitment to make affordable quality health care more accessible to all Americans. As you know, we have been working diligently and in good faith with the Senate during the past year and have provided input at various stages in the process of drafting the Senate's health care reform bill. To this end, we have reviewed the Patient Protection and Affordable Care Act of 2009.

As you may recall, on November 4 our coalition sent you a letter outlining a number of serious concerns that needed to be addressed to ensure that any final health care reform package would be built on a solid foundation in the best interest of our patients. Since those concerns have not been adequately addressed, as detailed below, we must oppose the legislation as currently written.

We oppose:

Establishment and proposed implementation of an Independent Medicare Advisory Board whose recommendations could become law without congressional action;

Mandatory participation in a seriously flawed Physician Quality Reporting Initiative (PQRI) program with penalties for non-participation;

Budget-neutral bonus payments to primary care physicians and rural general surgeons;

Creation of a budget-neutral value-based payment modifier which CMS does not have the capability to implement and places the provision on an unrealistic and unachievable timeline;

Requirement that physicians pay an application fee to cover a background check for participation in Medicare despite already being obligated to meet considerable requirements of training, licensure, and board certification;

Relying solely on the limited recommendations of the United States Preventive Services Task Force (USPSTF) in determining a minimum coverage standard for preventive services and associated cost-sharing protections;

The so-called "non-discrimination in health care" provision that would create patient confusion over greatly differing levels of education, skills and training among health care professionals while inappropriately interjecting civil rights concepts into state scope of practice laws;

The absence of a permanent fix to Medicare's broken physician payment system and any meaningful proven medical liability reforms; and

The last-minute addition of the excise tax on elective cosmetic medical procedures. This tax discriminates against women and the middle class. Experience at the state level has demonstrated that it is a failed policy which will not result in the projected revenue. Furthermore, this provision is arbitrary, difficult to administer, unfairly puts

the physician in the role of tax collector, and raises serious patient confidentiality issues.

This bill goes a long way towards realizing the goal of expanding health insurance coverage and takes important steps to improve quality and explore innovative systems for health care delivery. Despite serious concerns, there are several provisions in the Patient Protection and Affordable Care Act of 2009 that the surgical community supports, strongly believes are in the best interest of the surgical patients, and should be maintained in any final package. Specifically these include: health insurance market reforms, including the elimination of coverage denials based on preexisting medical conditions and guaranteed availability and renewability of health insurance coverage; strengthening patient access to emergency and trauma care by ensuring the survival of trauma centers, developing regionalized systems of care to optimize patient outcomes, and improving emergency care for children; well-designed clinical comparative effectiveness research, conducted through an independent institute and not used for determining medical necessity or making coverage and payment decisions or recommendations; and the exclusion of ultrasound from the increase in the utilization rate for calculating the payment for imaging services.

Further, while redistribution of unused residency positions to general surgery is a positive step in addressing the predicted shortage in the surgical workforce, we believe that the Senate should look more broadly at the issue of limits on residency positions for all specialties that work in the surgical setting that are also facing severe workforce problems.

Finally, we are pleased that you have accepted our suggestion and removed language which would reduce payments to physicians who are found to have the highest utilization of resources—without regard to the acuity of the patient's physical condition or the complexity of the care being provided. We thank you for making this important change.

While we must oppose the Patient Protection and Affordable Care Act as currently written, the surgical coalition is committed to the passage of meaningful and comprehensive health care reform that is in the best interest of our patients. We are committed to working with you to make critical changes that are vital to ensuring that this legislation is based on sound policy, and that it will have a long-term positive impact on patient access to safe and effective high-quality surgical care.

Sincerely,

American Academy of Facial Plastic and Reconstructive Surgery, American Academy of Otolaryngology-Head and Neck Surgery, American Association of Neurological Surgeons, American Association of Orthopaedic Surgeons, American College of Obstetricians and Gynecologists, American College of Osteopathic Surgeons, American College of Surgeons, American Osteopathic Academy of Orthopedics, American Society of Anesthesiologists, American Society of Breast Surgeons, American Society of Cataract and Refractive Surgery, American Society of Colon and Rectal Surgeons, American Society for Metabolic & Bariatric Surgery, American Society of Plastic Surgeons, American Urological Association, Congress of Neurological Surgeons, Society for Vascular Surgery, Society of American Gastrointestinal and Endoscopic Surgeons, Society of Gynecologic Oncologists.

ALLIANCE OF SPECIALTY MEDICINE,

December 2, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR MAJORITY LEADER REID: As the Alliance of Specialty Medicine (Alliance), our mission is to advocate for sound federal health care policy that fosters patient access to the highest quality specialty care and improves timely access to high quality medical care for all Americans. As patient and physician advocates, the Alliance believes that true health reform should be enacted through a responsible and transparent process. Over the past year, the Alliance has provided substantive comments on those health reform provisions that concern specialty physicians and patients in their care. We are extremely concerned that your substitute amendment, the "Patient Protection and Affordable Care Act," to H.R. 3590, fails to address our previously mentioned concerns. Therefore, we oppose the substitute amendment in its current form. We stand ready to work with you to address the issues, outlined below, that continue to concern us.

PHYSICIAN PAYMENT UPDATE (SECTION 3101)

Medicare's sustainable growth rate (SGR) formula needs to be replaced with a permanent, stable mechanism for updating Medicare fees to continue to assure Medicare beneficiary access to high quality care. Rather than come back year after year, providing a short-term fix to this large problem, we must stop utilizing band-aid solutions and establish a new baseline for physician reimbursement. President Obama agreed with that proposal when he sent this year's budget to the Congress. The cost of interim updates to the physician fee schedule should not be shifted to out years, making permanent SGR reform even more difficult, and costly, to achieve. Already, as a result of previous interim updates, physicians currently face a 21% fee reduction beginning in January 2010. Medicare physician payment rates already are below market rates. Therefore, any long-term solution should, at the very least, recognize reasonable inflationary cost increases.

VALUE-BASED PHYSICIAN PAYMENT MODIFIER  
(SECTION 3007)

Rather than create a stable physician payment schedule, Section 3007 would dramatically alter the current payment system by adding a new, untested payment modifier that would redistribute Medicare payments based on quality and geographic cost variation, without a more systematic review of the potential consequences. While the Center for Medicare and Medicaid Services (CMS) has been testing various models in this area, CMS does not have the current capability to implement such a proposal and no valid methodology that incorporates appropriate risk adjustment factors and outcome measures even exists. Furthermore, there are many reasons for geographic cost variation, including differences in population demographics that merit significantly more study before such a measure could be implemented. Therefore, rather than add stability to the physician payment mechanism, the proposal would create yet more instability with an unrealistic and unachievable timeline.

CMS should be allowed to fully test models for value-based payment and determine which system would achieve maximum benefit before further modification of a flawed Medicare physician payment formula. There is widespread agreement that the current SGR process results in arbitrary and damaging cuts to Medicare physician payment.

We cannot achieve a reliable or stable incentive for quality care by modifying arbitrarily—and arbitrarily changing—reimbursement rates. And because this new modifier in Section 3007 would be budget neutral, some providers would face the dual blow of arbitrary SGR cuts and neutrality-imposed value-based purchasing cuts.

PAYMENT CUTS FOR SPECIALTY CARE (SECTION 5101)

While we understand the potential need to increase the payment rates of primary care physicians, many surgical and specialty medicine disciplines have faced significant cuts over the years while primary care fees have increased. As Medicare payments have continued their steady decline over the past few years, reimbursement for primary care services has actually increased. For example, CMS recently approved a more than \$4 billion increase in the fee schedule for primary care services, as well as a 37 percent increase in one key code used by primary care physicians. In its March 2009 report, MedPAC noted that Medicare payments for primary care have increased 10.6 percent between 2006 and 2009. And these changes will continue in the future. Indeed, under the 2010 Medicare Physician Fee Schedule, reimbursement for primary care physicians will increase between 2–4 percent.

While primary care payments have been increasing, specialty care payments have been decreasing. Since 1992, specialists have seen significant reductions in the fees they receive for procedural services. Although modest increases may have been provided for physician services in recent years, they have not kept up with the rate of inflation nor have all physicians seen increases. In fact, many surgical services were cut again in 2008 and a number of specialties are facing additional cuts in 2010 as a result of changes CMS has made in the fee schedule. Specialists continue to lose more ground in the fees they receive for serving Medicare beneficiaries while their practice costs continue to steadily rise. This is particularly troubling because much of the funding for this health care reform proposal already relies on cuts to Medicare and to the physicians that provide those key services. Additional cuts will likely result in decreased patient access to critical health care services. With a shortfall of 49,000 surgeons and other specialists predicted by the year 2025, we can ill-afford to further exacerbate the access to care problem.

INDEPENDENT MEDICARE ADVISORY BOARD  
(SECTION 3403)

Congress should retain proper oversight of the process that determines how services are provided under Medicare and not relegate it to another entity. If the goal of a new Advisory Board is to find new ways to eliminate spending in the Medicare program, the end result may well be detrimental to patient care for our nation's elderly. Already, Medicare reimbursement rates are well below market rates for similar services. And yet, the solution seems to be to further ratchet down the costs, without oversight, without care to ensure that our seniors receive the care that they deserve. Further, the construct of the Board seems to selectively exempt certain providers from its purview—placing more pressure to cut Medicare in those areas under its jurisdiction. There is no question we need to improve the Medicare program to make it sustainable well into the future. However, Medicare cannot be “fixed” when we do not look at the whole program, but rather, chop it up and force program sav-

ings into specific areas, such as provider reimbursement. We certainly understand and appreciate concerns with the rising costs of health care. But this is not the way to approach this problem. Rather than develop a coherent proposal to appropriately address the issue, the proposal contained in the substitute amendment abdicates Congress' fundamental responsibility and instead hopes that others can develop additional solutions and then allows them to be implemented. If we go forward with this process, there will be myriad unintended consequences, including restricting access to important interventions and services for Medicare patients. You should not allow important health care decisions to be made with little clinical expertise, resources or oversight required to ensure that seniors are not placed in jeopardy.

MEDICAL LIABILITY REFORM (SECTION 6801)

We remain concerned that the current health care proposal before us does not address our broken medical liability system. Medical liability reform will help achieve health system savings by reducing the incentives for defensive medicine and it will also protect physicians from unaffordable liability premiums. Last fall, President Obama stated in the *New England Journal of Medicine* that he would be “open to additional measures to curb malpractice suits and reduce the cost of malpractice insurance.” Earlier this year, at the American Medical Association's Annual Meeting, the President also noted that we will not be able to implement changes in our health care delivery system that reflect best practices, incentivize excellence and close cost disparities “if doctors feel like they are constantly looking over their shoulder for fear of lawsuits.” With a President that understands the need for medical liability reform, we do not understand why your proposal only includes a Sense of the Senate on the topic.

We would prefer a more comprehensive approach to this dire problem, such as federal medical liability reform based on the California or Texas models, which include, among other things, reasonable limits on non-economic damages. As you are aware the Congressional Budget Office recently scored comprehensive and proven medical liability reforms, similar to those above, as saving the federal government \$54 billion over the next decade. In addition to this savings, these reforms will also improve patient access to specialty care, particularly in rural and underserved areas. However, at the very least, we should do something in this area, and there are several bipartisan proposals which we should debate, consider, and then include within a comprehensive health care reform package.

EXCISE TAX ON CERTAIN ELECTIVE MEDICAL  
PROCEDURES (SECTION 9017)

Physicians strongly oppose taxes on distinctive physician services to fund health care programs or to pay for health care reform and we therefore are extremely concerned by the last minute addition of the tax on elective cosmetic surgery and medical procedures. This is a dangerous precedent to set as it places physicians in the role of tax collector, compromises patient safety by encouraging individuals to circumvent the tax by seeking procedures from non-medical personnel or providers in other countries, and jeopardizes patient privacy by opening physician practices up to IRS audits. Furthermore, once in place, we fear that this tax could easily be expanded to other health care services. As demonstrated by New Jersey's experience with a similar tax, the applica-

tion of such a tax is arbitrary and confusing to administer.

PROVISIONS IMPORTANT TO MAINTAIN IN ANY  
HEALTH CARE REFORM

We applaud many of the provisions in your substitute amendment that improve access to health insurance and believe a number of provisions must be included in any meaningful health reform package to improve access to affordable health insurance and assure access to specialty medicine. Those provisions included in your substitute amendment that we believe should be maintained include eliminating pre-existing condition exclusions, providing adequate access to specialty care through the benefit package, addressing rescission of health coverage, ensuring continuity in Medicaid coverage for children who go in and out of the system, and prohibiting annual and lifetime coverage limits.

In addition, the Alliance is pleased that your legislation includes a provision to expand comparative effectiveness research (CER). Like you, the Alliance believes appropriately designed CER conducted by an independent entity with full participation of all relevant stakeholders should enhance information about treatment options and outcomes for patients and physicians, helping them to choose the care that best meets the individual needs of the patient. CER needs to recognize the diversity, including racial and ethnic diversity, of patient populations and subpopulations and communicate results in ways that reflect the differences in individual patient needs. It should not be a vehicle for making centralized coverage and payment decisions or recommendations.

The Alliance also appreciates the elimination of a provision which would automatically reduce payment rates by 5% for physician services if they are deemed “outliers”, regardless of patient acuity or other key factors.

Finally, we appreciate that you addressed our concerns related to imaging services and clarified that the definition of advanced imaging does not include ultrasound as it relates to the increase in the utilization rate for imaging services.

Thank you for commitment and leadership on this issue. Physicians are an integral part of the health care system and are on the front lines of patient care. The Alliance hopes you will work with us to improve the Senate health reform package.

Sincerely,  
American Association of Neurological Surgeons; American Association of Orthopaedic Surgeons; American Society of Cataract and Refractive Surgery; American Urological Association; Coalition of State Rheumatology Organizations; Congress of Neurological Surgeons; Heart Rhythm Society; National Association of Spine Specialists; Society for Cardiovascular Angiography and Interventions.

AMERICAN ACADEMY OF DERMATOLOGY AND AAD ASSOCIATION,  
Washington, DC, Nov. 20, 2009.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MAX BAUCUS,  
Chairman, Senate Finance Committee,  
U.S. Senate, Washington, DC.

Hon. TOM HARKIN,  
Chairman, Senate HELP Committee,  
U.S. Senate, Washington, DC.

DEAR LEADER REID, CHAIRMAN BAUCUS, AND CHAIRMAN HARKIN: On behalf of the American Academy of Dermatology Association

(AADA), which represents nearly 12,000 dermatologists and our patients across the country, I am writing to state that we are opposed to S. 3590, the Patient Protection and Affordable Care Act (PPACA), in its current form. This legislation simply contains too many flawed provisions and policies that will harm vulnerable patient populations, undermine ongoing quality improvement efforts, leave in place an unstable physician payment system, and exacerbate physician workforce shortages—jeopardizing access to quality health care.

We are extremely disappointed to have reached this decision, because AADA fully supports meaningful and comprehensive health system reform that achieves our shared goals of improving the health care delivery system and providing coverage for more Americans. We are serious about achieving reform—after working closely with leadership on the House side and finding that H.R. 3961 and H.R. 3962 comport with most of our principles for reform, we indeed issued letters supporting the key provisions of those bills. Early this year, AADA readily embraced the Senate's offer to work as constructive partners in finding the common ground that would serve as the foundation of meaningful health system reform. On several occasions, AADA submitted thoughtful, constructive comments on numerous proposed reform components, and subsequent legislative provisions, in an effort to work in a collaborative fashion. However, PPACA has made it clear that the majority of our input has been dismissed.

AADA is on record with the Senate in opposition to the following key provisions:

**The Independent Medicare Commission—**This commission removes public accountability and Congressional oversight of Medicare payment policy. Even more troubling is the exemption of hospitals from the Commission's jurisdiction, forcing physicians to bear the costs of Medicare Part A inefficiencies. It is unreasonable to expect that the cost curve can be bent solely within the Medicare part B silo.

**Misvalued Relative Value Units—**This provision creates an unnecessary, duplicative bureaucratic layer. CMS and the RUC are already engaged in extensive efforts to review and correct RVUs that no longer reflect practice realities, and this existing process continues to bring about substantial changes without the need for a duplicative and new panel.

**Failure to Address Physician Payment—**This legislation seeks to "transform the health care delivery system," which would require physicians to make substantial changes in their practices. However, the bill offers yet another short term solution to a fundamentally flawed physician payment system. Without a stable payment system, physicians will be unable to make the long-term investments required to implement health system reform and continue to modernize their practices. The abject failure to recognize the need for real long-term reform demonstrates a misunderstanding of physician practice costs, including the employment of millions of Americans in these small businesses, and will inhibit transformation in the health care delivery system. We hope that the Senate will follow the House's lead and pass a complete repeal of the Sustainable Growth Rate formula.

While we are appreciative of changes made to the resource use and PQRI provisions, that positive movement was negated by the inclusion of new provisions in PPACA that have the potential to harm patients and con-

flict with several of our principles for reform.

**Tax on Cosmetic Surgical and Medical Procedures—**In an effort to offset the cost of this legislation, PPACA would impose a cosmetic procedure tax that disproportionately affects women and the middle class. Furthermore, this tax inserts the federal government into the physician-patient relationship in a new way—specifically, the Internal Revenue Service will become an arbiter of what is cosmetic and what is medically necessary. Under the proposed language, an HIV-infected patient with severe and stigmatizing lipatrophy (loss of facial fat) resulting from their antiviral medications might be taxed for seeking to reduce their social stigmatization and return their face to a normal shape.

**Public Reporting—**We have extensively participated in quality measure development and supported incentives for physician participation. However, several unresolved problems still make public reporting of performance results premature. Our ability to assess comparative quality from claims data and to risk-adjust any measures to reflect different patient populations is still in its infancy. Releasing performance measures to the public before physicians have had the opportunity to advance this science and build trust in a system to properly account for variations in patient populations has substantial risk. In particular, the physician profiling that will result from such a premature data release will discourage physicians from taking on the sickest, most vulnerable patients and those with complex medical and social conditions. This can only serve to exacerbate health care disparities and create new barriers to care for those patients who are most in need.

AADA has previously submitted comments related to additional policies, including the value-based physician payment modifier, the lack of any meaningful provision related to the reform of our nation's unbalanced medical liability system, and others in its prior communications.

Our nation's doctors and patients are in need of health care system reform—reform that can happen if we work together to create a system that embraces the principles of quality care, efficient use of resources, and a patient-centered approach to practicing medicine. We are deeply disappointed to find ourselves with a Senate bill which fails to address several of the concerns we have raised, and it is regrettable that our efforts at collaborative dialogue have not resulted in a bill that we can support.

We urge you to work with us to arrive at a legislative proposal that is consistent with our specialty's principles for health system reform—principles which are widely shared by the physician community. AADA believes it is incumbent upon every health care provider to commit to being responsible stewards of the nation's health care resources. The challenge is finding the balance between fiscal prudence, delivering high quality care, and preserving the trusted physician-patient relationship. Please feel free to contact John Hedstrom (jhedstrom@aad.org) in the Academy's Washington office at (202) 842-3555.

Sincerely,

DAVID M. PARISER, MD, FAAD,

*President.*

Mr. COBURN. Mr. President. I ask unanimous consent to have printed in the RECORD the following letter I sent to Mr. Alan Frumin, Parliamentarian of the U.S. Senate, on January 8, 2010, regarding the ruling that occurred in

the Senate on December 16, 2009, during consideration of the health care reform bill that permitted Senator SANDERS to unilaterally withdraw his amendment during its reading.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

*Washington, DC, January 8, 2010.*

ALAN FRUMIN,

*Parliamentarian of the Senate, U.S. Senate, Washington, DC.*

DEAR MR. FRUMIN: I write to express my dismay with the situation that occurred in the Senate on Wednesday, December, 16th, 2009, regarding Sanders Amendment No. 2837. Specifically, I refer to the ruling that permitted Senator Sanders to unilaterally withdraw his amendment during its reading. This ruling had immediate, untoward, and severe ramifications for consideration of highly consequential legislation.

After thorough research into the matter, I firmly believe the Chair incorrectly applied Senate rules and precedents to permit Senator Sanders to withdraw the amendment. In doing so, the Chair cited a 1992 circumstance in which Senator Adams was allowed to withdraw an amendment during its reading, without unanimous consent. While this particular precedent has generated a significant amount of controversy in its own right, in this case it has only served to distract from the central issue at hand: even if the 1992 procedure were a proper precedent, it cannot be used to justify the withdrawal of the Sanders amendment.

Unlike the situation in 1992, consideration of Senator Sanders' amendment was governed by a unanimous consent order. The order not only sequenced the amendment but provided that no further amendments could be proposed to the Sanders amendment. In calling up his amendment, Senator Sanders expressly stated that he was doing so pursuant to the order. A 1971 precedent reflects well-established Senate practice: "when the Senate is operating under a unanimous consent agreement or setting time for debate of a specific amendment that is action by the Senate on said amendment and subsequently it would take unanimous consent to withdraw the same." If this practice had been followed, Senator Sanders would not have been able to withdraw the amendment as a matter of right. Instead, he needed to propound a unanimous consent request, which he did not. Be assured, consent would not have been granted.

Following the ruling on December 16, your office justified Senator Sanders' unilateral withdrawal of his amendment, even in the face of the order, by claiming that the restrictions under a UC agreement for withdrawing an amendment are not imposed until after an amendment is pending. And you assert that the Sanders amendment could not be considered pending until the reading had been completed. I cannot find a basis for this explanation in Senate rules or precedents.

The assertion that the Sanders amendment was somehow not pending is illogical. A well-established practice, as expressed in a 1943 precedent, states "the amendment must be before the Senate to be withdrawn." Thus, for the Sanders amendment to be withdrawn, it had to have been pending. If the amendment were not pending, and thus not subject to the order, it should not have been in order to withdraw it.

A 1979 precedent definitively demonstrates when an amendment must be considered

pending. On December 10, 1979, Senator Roth of Delaware offered a second degree amendment to an amendment from Senator Stevens of Alaska. Objection was entered to dispensing with the reading of the Roth amendment. Upon a parliamentary inquiry during the reading, the Chair twice affirmatively stated that the amendment being read was the "pending amendment" and the "pending order of business."

Specifically, the Chair expressed the following: "The Chair would advise that the amendment offered by the Senator from Delaware is the pending order of business. A unanimous consent request that the reading of the amendment be dispensed with was objected to. Therefore, the amendment is in the process of being read and now will be read."

One can clearly draw two inferences from this ruling that demonstrate once an amendment is offered, it is pending:

1. If the amendment were not pending, the Chair would have stated that the order of business would be the reading of the amendment, not the amendment itself. Instead, the Chair stated that the pending order of business was the amendment, which was being read.

2. Furthermore, if the Roth amendment were not yet pending, the Chair would have stated the pending amendment was the underlying Stevens amendment. However, the Chair announced that the pending amendment was the Roth amendment.

Based on this precedent, which is directly on point and controlling, I believe it is conclusive that the Sanders amendment was, in fact, pending, thereby triggering the limitations imposed by a consent order. Because an order applied, "action" had been taken on the amendment. Therefore, Senator Sanders should have needed unanimous consent to withdraw his amendment.

If the amendment had been fully read, its disposition would have carried over until the next calendar day. That is what should have happened if Senate procedures were properly applied. Senators from both parties vividly understand that the Parliamentarian's advice in this matter may have been greatly consequential for the consideration of health care legislation.

Finally, it is disturbing to know that the only entities privy to the operative considerations underlying the ruling were your office and the majority party. Senator Cardin, who presided at the time of the ruling, submitted into the Record on December 21, 2009 a statement that mentioned the 1992 and 1950 precedents, supplied by your office, to attempt to justify his ruling.

Unfortunately, at the time of the ruling, I had no way of knowing about the 1992 Adams precedent since it occurred after the latest edition of Riddick's Senate Procedure was published. Furthermore, the 1950 precedent was inaccurately depicted in Riddick's, with the text of Riddick's contradicting the actual precedent cited. Had all the precedents been commonly available in a reliable and updated form, Senators could have had a basis to challenge the Sanders ruling in real time. By the time the dust had settled after the ruling, as Senators struggled to parse what had happened, such a challenge was long moot. In any event, neither of these precedents arose in the context of a consent order. I therefore believe the precedents were off-point and inapplicable.

You are a man of integrity, are a dedicated public servant, and hold the rules and precedents of the Senate in high regard. However, I believe this ruling was incorrect, and that

it had a major adverse impact on a monumental piece of legislation.

Sincerely,

TOM A. COBURN, M.D.,  
U.S. Senator.

#### TRIBUTE TO RICHARD GAUTHIER

Mr. LEAHY. Mr. President, today I would like to recognize Richard Gauthier, Chief of Police in Bennington, VT. Mr. Gauthier has been saving lives and protecting Vermont communities for nearly 30 years.

Chief Gauthier began his career with the Bennington Police Department in 1980 after graduating from the Vermont Police Academy in Pittsford. Six years later, he was promoted to detective, and in 1998, he was named chief of the department, a position he has held for the past 12 years.

Chief Gauthier received his bachelor's degree from Southern Vermont College in 1991, and later attended the FBI National Academy. He also holds a master's degree in criminal justice administration from Norwich University. As chief, he has led by example and consistently sought to improve the department, encouraging officers to seek additional education, improve their training and better their performance. He currently teaches courses in criminal justice at Southern Vermont College, his alma mater, where one former student described him as "a phenomenal educator."

During his time as chief, he has overseen a number of positive changes in the department and in the community including the formation of the Bennington County Child Advocacy Center/Special Victims Unit, of which he is a founding member. He also led efforts to specialize police investigation into drugs and gangs, and managed the department's move to a new police headquarters. A celebrated law enforcement officer, Chief Gauthier received the Vermont VFW Law Enforcement Officer of the Year in 2005 and the Vermont Commissioner's Award for Service to Children and Families.

Chief Gauthier will celebrate 30 years of service in September, and plans to step down as Chief of Police. I commend Chief Gauthier for his dedication to the city of Bennington and the State of Vermont. He has selflessly given so much to his community.

I ask unanimous consent that a story from The Bennington Banner about Chief Gauthier's career be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bennington Banner, Jan. 6, 2010]

BPD'S CHIEF GAUTHIER RETIRING: 30-YEAR VETERAN OF FORCE PLANS TO STEP DOWN IN SEPTEMBER

(By Neal P. Goswami)

BENNINGTON.—Bennington Police Chief Richard Gauthier, a longtime member of the

town police force, has informed officials of his decision to retire in the fall.

The 54-year-old Gauthier, appointed to the post in 1998, will reach the age of 55 and his 30th anniversary with the Bennington Police Department in September.

"I do have other goals that I want to achieve, and that would be a good time to start that," Gauthier said Wednesday in his downtown office. "When I came on 30 years ago when I was 25, I made up my mind at that point that I was going to finish here if at all possible, and that's what happened."

Gauthier joined the force two days after his 25th birthday, as a patrol officer. Six years later, he joined the Bureau of Criminal Investigations. After 12 years, and having reached the rank of sergeant, Gauthier was tapped by Town Manager Stuart A. Hurd to replace former Chief David Wooden.

"He was, I think, in the end, an excellent appointment. It was one of my first major appointments I had to face as town manager and, believe me, I was very, very nervous about it," Hurd said Wednesday.

"I say, more power to him. I certainly hate to lose him, and I think it's going to be an interesting process to try and replace him," he said. "Overall, there isn't anything bad you can say about Rick Gauthier."

Gauthier said his initial goal in police work was to become a detective, but his ambitions grew as he ascended the ranks of the department.

"That was as far forward as I was thinking at the time," Gauthier said. "Later on, after I had been at (the Bureau of Criminal Investigation) for a while, I began entertaining the potential, but I was still surprised when I was actually chosen."

Hurd said Gauthier was selected from a group of three internal candidates. Gauthier had a degree in criminal justice and as head of the police union had worked well with town officials, Hurd said.

"He brought all of those skills and all of those management styles, and in a sense, balance, to the police chief job in Bennington," he said.

Locals involved in the legal system had also vouched for him, Gauthier said.

"In talking with people in the law enforcement field—the state's attorney's office, lawyers who had worked with him—he really seemed to be heads and tails above everybody else in terms of his knowledge in police work," Hurd said.

For Gauthier, the highlight of his career in Bennington has been the "ability to help people out that desperately need it at the time." As chief, being able to shape the department and focus improvements on training, equipment and the professionalism of the department has been most rewarding, he said.

Gauthier said the department has made substantial in those areas because of a quality command staff. "I have what I consider to be a superior staff, a superior supervisory staff, and certainly this is a team effort," he said. "We are where we are because we have all worked together and done well."

A strong relationship with other town officials has helped, too, Gauthier said.

"I'm kind of the envy of a lot of other chiefs around the state. My relationship with (Hurd) is excellent. We've disagreed on a couple of things, but the disagreements have always been kind of minor," Gauthier said. "I've also had what I consider to be a very supportive select board, regardless of the members changing."

Hurd agreed that any disagreements the two have had have been "nothing of merit."

"He's always been a part of the team. He's never been sort of egocentric, or sort of self-centered.

"He's always been willing to step up when tough budget times are necessary, and people have to look at their budgets very hard and make tough decisions," Hurd said.

Gauthier said he has tried to encourage the officers he commands to "seek constant improvement," and hopes that will be a lasting legacy with the department.

"I hope that if I leave anything here, it's that continuous quest to improve all the time—improve yourself educationally, improve your performance as an officer, improve your training."

He has followed his own advice, earning a master's degree while serving as chief, and may pursue a doctorate degree following his retirement.

Employment outside of law enforcement is likely, Gauthier said, who already teaches courses at Southern Vermont College. He remains coy, however, about his full plans. "I've got a number of irons in the fire, and as I get closer to my actual retirement date, it will become clearer which one is the way I should go," he said.

Hurd said he intends to first look within the department to find Gauthier's replacement. The hope is to have someone on board at least 30 days before Gauthier departs, he said.

The search, once it begins, is expected to take at least two months. Hurd said he will create a review panel composed of himself, some select board members and possibly former Vermont State Police Director James Baker or former Bennington County Sheriff Gary Forrest. The panel will interview potential candidates, compare resumes to the job requirements and conduct a "deep reference check."

"You're looking for somebody who understands the law, but you're looking for somebody who has the personality to command but also to lead. I think there is a bit of a difference. You can be a good commander, but you might not be a good leader," Hurd said. "Hopefully, I'll be able to find somebody with similar management skills and personality."

At least two members of the department are interested in the position, according to people familiar with their thinking. Lt. Paul Doucette, currently second in the department's chain of command, and Detective Sgt. David S. Rowland, the third highest ranking officer in the department, have expressed interest, sources said.

Hurd said he doesn't expect any long-term negative impact from the internal search. "If you're goal is to stay and work and be a leader in Bennington then you're going to have to take some disappointment, because there's only going to be one chief. I'm prepared for that, and I think I'll be able to deal with it."

#### REMEMBERING CHIEF RALPH JACKMAN

Mr. LEAHY. Mr. President, I rise today to pay tribute to a dedicated public servant in Vermont who passed away earlier this month.

Ralph Jackman joined the Vergennes Volunteer Fire Department in 1947, and took over the helm as chief of the department in 1954. Some 55 years later, in November 2009, he stepped down from his post—widely recognized as one

of the longest serving fire chiefs in the Nation.

During his time as the chief, Jackman saw many changes at the fire department. The department grew immensely—doubling the number of firefighters and tripling the number of vehicles. He oversaw the establishment of a cadet program and the construction of a new fire station. He also found time for a variety of community service activities, including serving as the two-time president of the Vermont State Firefighters Association. Throughout his entire career, Jackman was in the thick of the action, responding to emergency calls and managing the volunteer department's operations.

Chief Jackman's family had firefighting in its blood. Jackman's twin brother Fred, who passed away in 2008, was a member of the Bristol Fire Department for 62 years, including 14 years as that department's chief. Chief Jackman's wife, as well as his five daughters, helped the Vergennes Volunteer Fire Department throughout his career. And eight of Chief Jackman's grandchildren are now firefighters.

My wife, Marcelle, and I wish to express our deepest condolences to Chief Jackman's wife, Myrle Jackman, his immediate family and his extended family in the fire service community throughout Vermont. They are rightly proud of Chief Jackman's long and distinguished career and the legacy he has left behind in Vergennes and Vermont.

I ask unanimous consent that a story from The Burlington Free Press about Chief Jackman's storied career be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Jan. 7, 2010]

#### LAST CALL FOR CHIEF JACKMAN: HUNDREDS ATTEND FUNERAL (By Matt Sutkoski)

VERGENNES.—Ralph Jackman made his last fire call Wednesday.

Jackman was chief of the Vergennes Fire Department from 1954 until November—55 years. He died Saturday at the age of 85. Services were held for him Wednesday morning.

Family, friends and more than 200 firefighters crowded into St. Peter's Catholic Church for the services. The firefighters came from surrounding towns and distant communities—Addison, Whiting, Bristol, Cabot, Burlington, Shrewsbury, East Montpelier, even Nashua, N.H.

At the service, Mark Bouvier of the Bristol Fire Department said Jackman's whole family helped with the chief's decades-long career. He had five daughters, and when they were growing up and a fire call came into the Jackman home in the middle of the night, everyone sprang into action. One daughter would answer the phone, others would make sure his gear was ready for him; another would open the garage door. "He needed all his daughters to get ready for fire calls," Bouvier said.

Firefighting runs in the Jackman family blood. His twin brother Fred, who died in

2008, was a member of the Bristol Fire Department for 62 years and was chief for 14 of those years. Eight of Ralph Jackman's grandchildren are firefighters.

Jackman was one of the nation's longest serving fire chiefs, and he was often in the forefront of Vermont firefighting innovations, Bouvier said. Under Jackman, the Vergennes Fire Department was the first to acquire a hose-reel truck and the first to establish a cadet program.

As great a contribution Jackman made to the Vergennes Fire Department, he thought of all the city's residents, Bouvier said. He'd give fuel oil to needy residents during the time he owned a fuel business. Somebody else might get a warm coat from him, and he was heavily involved in a variety of charitable organizations until the end of his life, Bouvier said.

The Rev. Yvon Royer, officiating at the Mass, also took note of Jackman's lifelong contributions. "He was a true icon of the community. It was a respect that was earned," Royer said.

After the service, with an honor guard of firefighters saluting, Jackman's American flag-draped coffin was loaded onto the back of Vergennes Fire Pumper Truck 316. Led by a contingent of Vergennes firefighters and followed by Jackman's family and friends, the truck bearing the coffin rolled slowly up Maple Street, turned right on Main, then right again onto Green Street to the Vergennes fire station.

The fire truck, parked in front of the station, then blasted its horn three times to ceremonially mark Jackman's final alarm.

#### 2010 NATIONAL AMBASSADOR FOR YOUNG PEOPLE'S LITERATURE

Mr. LEAHY. Mr. President, I am pleased that this month Katherine Paterson of Barre, VT, has been named the 2010 National Ambassador for Young People's Literature. Her books, which include "A Bridge to Terabithia," "Jacob Have I Loved," and "Bread and Roses Too," motivate young readers to become excited about reading and understand struggles and joy in their own lives. She has long inspired readers in Vermont and across the country to make reading a daily part of their lives.

Reading at a young age can have a dramatic impact on a child's ability to succeed and learn more than can be taught in a classroom. In my home town of Montpelier, VT, the Kellogg-Hubbard Library serves as the center of the community to many local children. When I am home, I love seeing children flood the library after school and borrow new and exciting books or choose to reread old favorites.

Despite what I witness at my local Vermont library, reading rates among children today are on the decline, which makes Ms. Paterson's role as National Ambassador even more crucial as she tours the country to attract new, young readers. I cannot think of a better suited choice for this challenging role, and I congratulate her on her appointment. On a personal note, Marcelle and I have valued our years of friendship with Katherine and John Paterson.



I ask unanimous consent to have printed in the RECORD a January 6, 2010, Washington Post article about this year's National Ambassador for Young People's Literature.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 6, 2010]

KATHERINE PATERSON NAMED NATIONAL AMBASSADOR FOR YOUNG PEOPLE'S LITERATURE  
(By David Montgomery)

The Stinky Cheese Man has been replaced by the Queen of Terabithia.

They have nothing in common, these two, and yet everything in common. Tuesday morning in the Library of Congress, with elementary school children as witnesses, the ceremony of succession was accomplished and a proud nation with so-so reading habits got a new National Ambassador for Young People's Literature.

She is Katherine Paterson, the award-winning author of more than 30 books, probably best-known for "Bridge to Terabithia," which was published and Newbery-Medaled in the late 1970s but had its longest run on the bestseller lists after release of the 2007 movie.

The outgoing ambassador wisecracked about all the imaginary diplomatic perks he would be giving up. He is Jon Scieszka, the award-winning author of more than three dozen illustrated books and chapter books and the Web-savvy creator of an online kid empire—but perhaps best known for his 1992 opus, "The Stinky Cheese Man and Other Fairly Stupid Fairy Tales."

It's hard to imagine two more different writers being asked to perform the same mission. Scieszka was the first kid-lit ambassador, serving the two-year term.

"We couldn't be more different," said Scieszka, 55. "Sometimes you want to read 'Bridge to Terabithia' and deal with that, sometimes you're feeling like a 'Knucklehead' and 'Stinky Cheese Man.' Kids are willing to try all of it."

"If you're trying to catch young readers, you have to fish with the right bait," said Paterson, 77. "Kids that are going to be caught by Jon's books are not going to be caught by my books."

Corey Shaw, 10, a fifth-grader at Brent Elementary School—one of three Capitol Hill schools that sent about a dozen students each to the ceremony—has read both "Terabithia" and Scieszka's "Tut, Tut." He gave thumbs up to both.

"It's actually a very important and surprising book," Corey said of "Tut, Tut," about a trip back in time to ancient Egypt.

Of "Terabithia," about a boy and a girl who invent a magical land together, Corey said: "The ending was very sad. Then I thought about it, and it's not that bad. You have to remember that you have to get over things."

Indeed, many of the other students also turned out to be what you might call Stinky Cheese Terabithians, fans of both the incoming and outgoing ambassadors, which helped Librarian of Congress James Billington and the others behind the ambassadorships make their larger point. The ambassador's role is to raise national awareness about the importance of young people's literature in getting young readers off to a good start. By picking two such different writers as the first two ambassadors, the program reminds parents that there are many different ways to be a reader, Billington said.

"Read for your life," Paterson told the young people in the audience. "Read for your life as a member of a family, as a part of a community, as a citizen of this country and a citizen of the world."

Meanwhile, reading rates among young people are in decline, while there has been an uptick in reading among adults, according to the latest figures released by the National Endowment for the Arts. Just over half of 9-year-olds, fewer than a third of 13-year-olds and about one-in-five 17-year-olds read almost every day for fun, the NEA reported in 2007.

The ambassador's responsibilities amount to making appearances at major book events around the country to evangelize for young reading—which Paterson has been doing for 30 years. "It will sound a little fancier now that I have this medal," she said.

A selection committee of children's book experts and the outgoing ambassador recommended Paterson to Billington. Sponsors of the ambassador program include the library's Center for the Book and the Children's Book Council, a nonprofit trade association. Several publishers also underwrite expenses.

Paterson's works include "Jacob Have I Loved," "The Great Gilly Hopkins," "Bread and Roses, Too," and, most recently, "The Day of the Pelican," about a refugee family's escape from the war in Kosovo to the United States.

Paterson lives in Barre, Vt., but inspiration for "Terabithia" came when she lived in Takoma Park. Her son David had a best friend, Lisa Hill, and the pair played imaginative games in Sligo Creek Park. While away on vacation, Lisa was struck and killed by lightning. Paterson wrote "Terabithia" to make sense of the tragedy, with protagonists named Leslie and Jess.

Before the ceremony in the library, David Paterson walked up to the rows of students. Katherine Paterson's four children, seven grandchildren and husband had come to watch her be honored.

"How many kids have read 'Bridge to Terabithia'?" he asked. Nearly 30 hands shot up. "You can tell your friends you met the original Jess."

Charlotte Harrington gasped. She's 9, a fourth-grader at St. Peter's Interparish School. "Terabithia" is one of her favorite books. "It starts out miserable, and then goes joyous, then goes downhill, then uphill," she said after David Paterson walked away.

When it was Charlotte's turn to get "Bread and Roses, Too," signed by Paterson, the girl told the author, "I loved 'Bridge to Terabithia.' It's one of the best books ever."

The Charlottes of the nation don't need an ambassador. But she and her friends had plenty of ideas for the new ambassador on hooking reluctant young readers.

"Give them a book that shows them what they feel like," said Fiona Campbell, 9, a fourth-grader at St. Peter's.

Isn't that what Paterson and Scieszka both have been doing, after their own fashion? Afterwards, they laughed about being such an odd couple.

"I think the No. 3 [ambassador] should be different from both of us!" Paterson said. "The variety of books is a wonder to behold, but we also have a variety of readers."

#### 100TH ANNIVERSARY OF THE BUFFALO BILL DAM

Mr. BARRASSO. Mr. President, during the 57th Congress, our predecessors

passed the Newland Reclamation Act that changed the landscape of arid Western States. Part of the 1902 act, which created the Reclamation Service, included funding for a dam in a narrow, 70-foot gorge in the Shoshone Canyon, 6 miles from Cody, WY.

The construction of the Shoshone Dam began in 1905. Workers used 78,576 cubic feet of rubble concrete to build the massive structure. When work was completed on January 15, 1910, the Shoshone Dam was the world's highest concrete arch dam at 325 feet. The total bill for the dam was \$1,345,000.

Water from the Shoshone River filled a reservoir that covered an area 10 miles long and 4 miles wide—over 300,000 acres of land. Promotional brochures published during the early years boasted that the dam and reservoir created a "healthful, invigorating and enjoyable climate with an abundance of sunshine and irrigation water." Further, in an effort to draw enterprising farmers to the basin, they stated the area is "immune from storms and that tornadoes and cyclones are unknown in the region."

The 79th Congress once again passed legislation affecting the dam—this time to rename it for one of the West's favorite sons: William F. Cody. In 1946, the Shoshone Dam formally became the Buffalo Bill Dam. While Buffalo Bill may be most famous for his Wild West Show in the early 1900s, he had the vision to harness the Shoshone River to open the area for development. Cody and his colleagues had big dreams to build more than 50 miles of canals and irrigate more than 150,000 acres. He was only able to bring water to 6,000 acres before his finances and stamina ran out. However, it was because he saw the region's potential that the dam was initially built.

Those of us who are fortunate to call Wyoming home have a great appreciation for the opportunity to live with, utilize and benefit from the Buffalo Bill Dam. It is a positive presence in the world of the West.

Last week marked the tremendous structure's 100th birthday. We remember the ingenuity, courage and foresight of the men and women who made the dam possible. It changed the near desert landscape into one that supports a wide range of agricultural and recreational activities. We often say Wyoming is what America was. The Buffalo Bill Dam is a great reminder of this.

#### ADDITIONAL STATEMENTS

#### TRIBUTE TO CHUCK MACK

• Mrs. BOXER. Mr. President, as Chuck Mack is honored by the Teamsters Joint Council 7, I take this opportunity to commend him for his tireless and dedicated service to the International Brotherhood of Teamsters.



Chuck Mack first joined the Teamsters as a seasonal plant worker for Del Monte in the summer of 1960. A few years later, he was elected business agent at Local 70 in Oakland, CA. In 1971, Chuck transitioned to a position in Sacramento, working as a lobbyist for the California Teamsters Public Affairs Council. The following year, he returned to Local 70, where he was elected as secretary-treasurer. For the next 27 years, until he retired in 2009, Mr. Mack served as Local 70's secretary-treasurer, where he was a strong and passionate advocate for bay area workers and their families.

Though serving as secretary-treasurer for Local 70 was a full-time job, Mr. Mack further showed his commitment to the International Brotherhood of Teamsters by also serving as the president of Joint Council 7 from 1982 until 2009—the second longest-serving Joint Council president in history. Mr. Mack also held several other distinguished positions during his tenure with the Teamsters, including: vice president of the International Brotherhood of Teamsters Western Region; IBT director of Port Division; and Western Conference of Teamsters Pension trustee. Though retired from many of his positions since June 2009, Mr. Mack continues to serve as the co-chair of the Western Conference of Teamsters Pension Trust.

Mr. Mack is known for his integrity and strong work ethic. From his humble beginnings with the Teamsters in the 1960s, Mr. Mack has worked for more than 40 years to help negotiate first-class rights for workers and their families throughout California. It is through his efforts that some of the strongest rights for workers have been won, including good jobs with good wages, access to health care, and fair and just contracts.

I have known Chuck Mack for many years, and I am continually inspired by his dedication to the labor movement. As a stalwart defender of equal rights and a champion for workers everywhere, I wish him many more years of continued community involvement and leadership.●

#### REMEMBERING BART SINGLETARY

● Mrs. BOXER. Mr. President, I am honored to remember Bart Singletary—a man of great generosity and humility who recently passed away.

Bart was a devoted father and husband, successful businessman, prolific philanthropist and dedicated steward of some of inland southern California's most influential civic institutions. His many achievements and stalwart presence in the Riverside community will have a lasting impact on the people of the Inland Empire.

Bart Singletary had an abiding connection to the city of Riverside. He was a second generation native of the city,

and as a young man he tended the grounds of the historic Citrus Experiment Station. Years later, this land became the site of Bart's beloved alma mater, the University of California, Riverside. After marrying his wife, Barbara, Bart took a position at a real estate firm that was offered to him by a fellow Riverside native and childhood friend, William Austin. They eventually became partners in William Austin Co., a property management and development firm based in Riverside. They enjoyed a successful business partnership that spanned more than four decades.

Bart's affection for his community was embodied in his relentless involvement in many of the area's civic organizations and educational institutions. He served as the chairman of the Greater Riverside Chambers of Commerce, he was the president of Riverside Community Hospital, and he helped to found the city of Riverside Economic Development Committee. He was also president of the board of trustees for the UC Riverside Foundation, and was actively involved with the California Citrus State Historic Park Operating Corporation, serving as its treasurer and on its Board of Directors.

In 1984, at the age of 57, Bart enrolled at UC Riverside to continue studies that he had begun years earlier at UCLA. He approached his schooling with characteristic humility and good humor—taking an internship at the university where his supervisor, Vice Chancellor for University Advancement Emeritus Jim Erickson, was 10 years his junior. His experience as an undergraduate during this time cemented his commitment to the university. In 2006, Bart and Barbara, along with his partner William Austin and his wife Toby, gave \$15.5 million to UCR. This gift was the largest in the university's history and represented the largest combined charitable trust given to a University of California campus in the first half of this decade. The donation enabled the university to create 22 endowed professorships and bolstered the university's proposal to establish a medical school.

Singletary leaves a distinguished legacy of service and leadership that is an example to us all. His trusted counsel and willingness to leverage his success for the benefit of others endeared him to, and earned him the respect of, all of those who were fortunate enough to have known him.

He is survived by his wife, Barbara, three children, three step-children, and five grandchildren. I extend my heartfelt condolences to them.

The city of Riverside, State of California and our Nation has lost an exemplary individual with the passing of Bart Singletary.●

#### REMEMBERING MICAH H. NAFTALIN

● Mr. CARDIN. Mr. President, as chairman of the Helsinki Commission, I wish to pay tribute to Micah Naftalin who served as national director of the Union of Councils for Soviet Jews until his death in late December. Micah worked tirelessly as a leader in the grassroots activist movement in the U.S. on behalf of Soviet Jews denied their fundamental freedoms and human rights, including their right to leave the U.S.S.R. His passionate advocacy included close work with the Helsinki Commission over the years, with a particular focus on the cases of individual refuseniks, Jews denied permission by the Soviet authorities to exercise their right to emigrate.

Micah brought a unique zeal to his work on behalf of struggling Soviet Jewry and helped pave the way for an exodus of Jews from the Soviet Union. From the push to enact the Jackson-Vanik amendment in the early 1970s and vigils outside of the Soviet Embassy to the 1987 Freedom Sunday mass rally on the National Mall under the banner, "Let My People Go," Micah was there. He saw the reforms ushered in by Soviet leader Mikhail Gorbachev as an opening that might lead to relief for Jews and others denied their basic human rights in that country. Besides emigration concerns, he also closely monitored manifestations of anti-Semitism in the U.S.S.R. and the plight of political prisoners.

With the easing of restrictions on emigration and the eventual breakup of the Soviet Union, Micah continued his human rights advocacy, contributing to efforts to monitor developments throughout Russia's regions as well as in newly independent countries, including Ukraine and Belarus. In 1993, he served as a public member on the U.S. delegation to the Implementation Meeting on Human Dimension Issues. Micah testified before the Helsinki Commission on numerous occasions drawing on his decades of experience as an activist fervently dedicated to advancing human rights on behalf of others. His voice will be sorely missed. On behalf of the Commission, I offer his family our heartfelt condolences.●

#### TRIBUTE TO RAYMOND PAUL PRITCHARD

● Mr. GRASSLEY. Mr. President, I would like to take a moment to honor a remarkable Iowan, Raymond Paul Pritchard, a native of Bondurant, IA. He is a distinguished World War II Air Force veteran and a civil servant of 29 years.

Following graduation from Bondurant High School in 1937, Mr. Pritchard went to work for Standard Oil Company. In 1941, Mr. Pritchard joined the Army Air Corp and served his country valiantly for the entirety

of World War II. As an engineer and top turret gunner in the 384th Bomber Group, Mr. Pritchard was involved in numerous missions in the hostile skies of Europe, including several bombing runs over Germany and Czechoslovakia that were critical to the war effort.

Upon returning from World War II, Mr. Pritchard became a U.S. Postal Service worker. Mr. Pritchard retired in 1974, following 29 years of public service.

Mr. Pritchard and his wife Helen have three children, along with seven grandchildren, and five great-grandchildren. He is a member of Christ United Methodist Church, American Legion Post 374, and a 50-year member of Pioneer Lodge No. 22.

Mr. Raymond Paul Pritchard is a truly remarkable Iowan and American, who exemplifies great military and civilian service to his country.●

#### TRIBUTE TO STEVEN C. McCRAW

● Mr. INHOFE. Mr. President, I commend Mr. Steve McCraw on his appointment to become the director of the Texas Department of Public Safety.

Mr. McCraw is a native of El Paso, TX, and holds a bachelor of science degree and a master of arts degree from West Texas State University. Mr. McCraw began his career in 1977 as a State trooper and sergeant narcotics investigator for the Texas Department of Public Safety prior to his appointment as a special agent with the FBI in 1983.

As an FBI special agent, Mr. McCraw was assigned to the Dallas, Pittsburgh, Los Angeles, Phoenix, Tucson, and San Antonio field offices. His FBI Headquarters assignments included Unit Chief of an organized crime unit; an Inspector; Deputy Assistant Director; Assistant Director of the Office of Intelligence, which was established in February 2002; and Assistant Director for the Inspection Division where he was responsible for strategic planning, internal investigations, and bureau-wide performance evaluations. He also served as the Inspector-In-Charge of the South East Bomb Task Force and the Director of the Foreign Terrorism Tracking Task Force, which was established by the President in October 2001.

After his retirement as an FBI Assistant Director in August 2004, Texas Governor Rick Perry appointed Mr. McCraw as the director of the Governor's Office of Homeland Security. Mr. McCraw has been instrumental in leading the State's homeland security efforts and spearheading emergency efforts and responses to a variety of security threats to the State and emergencies. His extensive background in the law enforcement and intelligence fields enabled him to make well-informed decisions in preparing for and responding to all hazards and threats in Texas.

On 17 July 2009, Mr. McCraw was selected as the Director of Texas Department of Public Safety which is a capstone to his law enforcement career as he returns to lead the department of over 8,500 commissioned and non-commissioned personnel.

I congratulate Mr. McCraw on this appointment and his long public service and substantial law enforcement career.●

#### 125TH ANNIVERSARY OF SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY

● Mr. JOHNSON. Mr. President, today I celebrate the 125th anniversary of the founding of the South Dakota School of Mines and Technology. Throughout its history, SDSM&T has been consistently providing students with a high-quality, affordable education. Graduates are fully prepared for successful, rewarding careers in engineering and science.

I have had many opportunities during my time in office to personally visit the School of Mines and Technology. I have always been impressed with the professionalism and dedication of the administration and faculty, the tradition of excellence at the institution, and the commitment to learn from the students who attend the school.

I am proud to be a partner with SDSM&T on its innovative research that has tremendous benefits for my State, as well as to the Nation and to the world, especially in the areas of engineering, science and technology, and defense. This work has everyday applications to the general public, the government and to Main Street businesses. The School of Mines has a great tradition as one of the top engineering schools in the Nation and their graduates are always in high demand by some of the top companies in the world. In 2009, South Dakota School of Mines and Technology was the only institution of higher learning where the starting salary for its graduates was more than the cost of the education.

I salute the great legacy and tradition of South Dakota School of Mines and Technology on the occasion of its 125th anniversary and commend the work and commitment, past and present, of the administrators, faculty, alumni and students of Mines. I wish them well in the upcoming year of observances and celebrations.●

#### CENTRAL MICHIGAN UNIVERSITY FOOTBALL TEAM

● Mr. LEVIN. Mr. President, I want to share today with the Senate my congratulations to the Central Michigan University Chippewas football team, champions of the Mid-American Conference and of the 2010 GMAC Bowl, on a successful and exciting season.

On January 6, 2010, in Mobile, AL, the Chippewas won their 12th game of the season, against just two losses, defeating Troy University, 44-41, in two overtimes in the GMAC Bowl. It was truly one of the college football season's most thrilling games.

Down by 12 points in the fourth quarter to a talented Troy team, the Chippewas came back to take the lead. They did not flinch when Troy tied the game with a last-second field goal to send the game into overtime, and persevered through two overtimes to triumph.

As expected, quarterback Dan LeFevour played a big role in the victory. LeFevour, a senior, had already become major college football's all-time leader in total touchdowns, set a long list of Mid-American Conference records, and become the only player in NCAA history with both 12,000 career passing yards and 2,500 career rushing yards. At the GMAC Bowl, LeFevour completed 33 of 55 passes for 395 yards, passing for one touchdown and rushing for another in overtime. Another Chippewa star, receiver Antonio Brown, caught 13 of LeFevour's passes for 178 yards, and had 203 yards in kickoff returns, including a 95-yard return for a touchdown that helped kick off CMU's fourth-quarter comeback.

It was a proud moment not just for CMU and Michigan, but across the Midwest, as the Chippewas broke a 14-game bowl losing streak for Mid-American Conference teams.

The team's competitiveness, skill, determination, and grit generated great pride not only in Mount Pleasant, CMU's home, but across the State of Michigan, which is home to half the Chippewas' roster. I join the proud citizens of Michigan in congratulating the Chippewas on a fantastic season, and enter the names of the team's players and coaches into the RECORD as permanent recognition of their success.

Players: Jahleel Addae, Vince Agnew, Andrew Aguila, Deja Alexander, Bryan Anderson, Nick Bellore, Brian Bennyhoff, Jake Bentley, Shamari Benton, Matt Berning, David Blackburn, Dannie Bolden, Tim Brazzel, Antonio Brown, Reggie Brown, John Carr, Derek Carter, Landon Carter, Paris Cotton, Jon Czerwienski, Leron Eaddy, Kirkston Edwards, Jake Ekkens, James Falls, Jeff Fantuzzi, Adam Fenton, Eric Fisher, Cedric Fraser, Kashawn Fraser, Eric Fraser, Connor Gagnon, Cornelius Gallon, Josh Gordy, David Harman, Jerry Harris, Brett Hartmann, Richard Hayes, Richie Hogan, Daniel Jackson, Gary Jackson, Jason Johnson, Todd Johnson, Aaron Kaczmariski, Matt Kanitz, Darren Keyton, Larry Knight, Dan LeFevour, Jake Linklater, Jeff Maddux, Matt Maletzke, Tommy Mama, Ben Masztak, Jordan McConnell, Aaron McCord, Colin Miller, Sean Murnane, Connor Odykirk, Allen Ollenburger,

Jake Olson, Mike Petrucci, Cody Pettit, Tim Phillips, Kito Poblach, Ryan Radcliff, Evan Ray, Malek Redd, Tyler Reed, Chris Reeves, Mike Repovz, Nick Reynolds, Derek Rifenbury, Caesar Rodriguez, Adam Schneid, Bryan Schroeder, Will Schwarz, D.J. Scott, Bobby Seay Jr., Valtorrey Showers, Sean Skergan, Alex Smith, Chris Starkey, Armond Staten, Darryll Stinson, Kevin Sweet, Zurlon Tipton, Matt Torres, Kyle Torzy, Shane Torzy, Carl Volny, Rocky Weaver, A.J. Westendorp, Lorenzo White, Zach Wiersma, John Williams, LaVarus Williams, Sam Williams, Cody Wilson, Jeremy Wilson, Steve Winston, Kyle Zelinsky and Frank Zombo.

Coaches: Interim Head Coach Steve Stripling, Offensive Coordinator Mike Bajakian, Defensive Coordinator Tim Banks, Linebackers Coach Mark Elder, Running Backs Coach Jeff Beckles; Recruiting Coordinator and Tight Ends Coach Max Glowacki, Offensive Line Coach Don Mahoney, Special Teams and Defensive Tackles Coach Paul Volero, Graduate Assistants Ryan Oshnock and Tony Pape, Director of Football Operations Plas Presnell, and Strength and Conditioning Coach Dave Lawson.●

#### TRIBUTE TO MARK INGRAM, JR.

● Mr. LEVIN. Mr. President, in December, Mark Ingram, Jr. became the 75th college football player to win the Heisman Memorial Trophy as the Most Outstanding College Football Player in the United States for 2009. In winning this award, one of the most coveted and prestigious awards any college athlete can receive, Mark joined an exclusive and distinguished list of college football players, which includes many of the greatest players to ever lace up a pair of cleats. This honor must be especially gratifying for Mark as he becomes both the first person from Flint, MI, and the first player from the University of Alabama to be declared the winner of this award.

This year was an especially close race. In fact, it is reported that this was one of the closest ballots in the history of the award. There are many great players on the college level today, and Mark can take particular pride in knowing that, as a sophomore, he put together a 2009 season that outshone them all. Clearly, he has earned the respect and admiration of the many that follow and cover college football on a daily basis.

Mark had an outstanding sophomore season. He scored 17 touchdowns and amassed 1,658 rushing yards, a single-season school rushing record. In addition to winning the Heisman, Mark was honored as the SEC Offensive Player of the Year. These are tremendous honors, and in a emotional acceptance speech, Mark spoke about the many people and situations that helped him

to develop the drive and determination necessary to excel on the gridiron. Mark grew up and played high school football in Flint, MI, and is, simply the latest athlete from this talent rich area of Michigan to excel in collegiate or professional competition.

After winning this award, Mark went on to lead his football team to a 37 to 21 victory in the BCS Championship Game, which was played in the Rose Bowl in Pasadena, CA, on January 7. In that game, Mark scored a late touchdown that sealed his team's victory. He rushed for 116 yards in 22 carries, which helped his team secure a hard fought victory and earned him recognition as the offensive player of the game.

While his exceptional athletic qualities are now well known to many, I am equally delighted to know that Mark also has distinguished himself in the classroom. This, to me, speaks volumes about his character, focus, and determination. His future appears to be bright both on and off of the football field. I know my colleagues join me in congratulating Mark Ingram, Jr. on this most impressive achievement. I wish him the best for a long and rewarding career, both on and off of the gridiron.●

#### 150TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF LANSING

● Mr. LEVIN. Mr. President, it is with great pleasure that I recognize an important milestone for the city of Lansing, the 150th anniversary of its founding. This is a moment worthy of celebration, and I am delighted to have this opportunity to share the pride of the residents of Lansing with my colleagues. The city and its citizens have been an integral part of Michigan's rich history, contributing much to the progress of the State and to its citizens. In the past 150 years, the city of Lansing has grown into a thriving community, and it is affectionately referred to by its residents as "the small city with the big city feel."

The city of Lansing had a rather humble beginning. In fact, Lansing's tenure as the capital of Michigan exceeds its history as a city. Lansing has served as Michigan's capital since 1847, when it was moved from Detroit. Chosen largely for its central location and its equal distance from some of Michigan's larger cities, the small township with fewer than 100 residents located 40 miles from the nearest railroad was designated the capital of Michigan. On February 15, 1859, the town of Lansing officially became a city. In the 1870s, Elijah E. Myers began to design the capitol structure that has endured as Michigan's center of government. The capitol building was completed in 1879.

Events in Lansing's early history helped to shape the city's rich culture and heritage. Transportation vastly

improved in 1865 when Lansing was connected to the State railroad system. With this advance in infrastructure, business and industry in Lansing grew steadily throughout the 1870s. In 1887, R.E. Olds produced the first horseless carriage in Lansing, and in 1903, Olds Motor Works was the first car company to use an assembly line and interchangeable parts in the production of automobiles. A thriving business community attracted many new residents to Lansing, which included a major migration of African Americans and other workers from the South, as well as returning soldiers from WWI and WWII. This hardworking and diverse population helped to shape Lansing's distinct character.

Lansing also is home to many nationally recognized institutions. Among them is the Ingham Medical Center, which opened its doors in 1980 as the world's first arthroscopic surgery center. Just next door, in East Lansing, is home to one of our country's leading universities, Michigan State University. Originally named the Michigan Agricultural College, MSU has educated many throughout the State and from across the Nation since 1855. In 1969, Dr. Clifton R. Wharton, Jr., became the first African American to head a major research university when he was appointed president of Michigan State University. Another impressive landmark is the Michigan Library and Historical Center, which is just a short walk from the Michigan State capitol. It opened on March 6, 1989, and became the second largest State library in the Nation.

The city has endured its share of challenges through the years, from natural disasters, such as earthquakes and floods, to epidemics and economic downturns. We once again find ourselves in a defining moment in our State's history, as we continue to navigate one of the deepest economic recessions in decades. It will be in Lansing where our Governor and State legislators will work to craft policies that will steer Michigan toward a more prosperous future.

I am proud to recognize Lansing's history and to honor all who have made significant contributions over the years. It is Lansing's legacy of policymaking and its rich history that has created a diverse and thriving community, one that will continue to grow and prosper for generations.●

#### TRIBUTE TO BUDD LYNCH

● Mr. LEVIN. Mr. President, 65 years ago, a young Canadian serving his nation was struck by German artillery fire on a Normandy battlefield. The blast tore away his right arm and shoulder, and at a field hospital, a chaplain performed last rites on young Joseph James Lynch.

It is the good fortune of the Detroit Red Wings hockey club and thousands

of fans in Michigan and across the United States and Canada that "Budd" Lynch survived the loss of his right arm with his life, his talent, and his sense of humor intact. Now 92 years old, Budd remains a leading citizen of Hockeytown after 60 years as a radio and television broadcaster, publicity and community affairs executive and public address announcer.

His broadcasting skills have been widely honored: He is a member of the Michigan Sports Hall of Fame and a winner of the Ty Tyson Award for Excellence in Sports Broadcasting from the Detroit Sports Broadcasters Association. In 1985, he received the Foster Hewitt Memorial Award, the highest honor in hockey broadcasting, and was inducted into the Hockey Hall of Fame.

As much as his talent at the microphone, it is Budd Lynch's unstoppable good humor that has endeared him to generations of hockey fans. Only someone with Budd's upbeat personality could refer to himself as "the one-armed bandit."

But even many of Budd's many fans don't know of all he has done for his community. For 20 years, he has hosted an annual charity golf tournament, with proceeds benefitting the Guidance Center, a Wayne County nonprofit organization that provides services including substance abuse and mental health counseling, parenting skills training, literacy promotion and educational programs for metro Detroit families. And he has spent countless hours providing guidance to fellow amputees, providing a living, breathing example that the loss of a limb does not stand in the way of a life lived joyfully.

The city of Wyandotte, which Budd has long called home, has planned a salute for him later this month, with the proceeds going to the Guidance Center. He will be presented with a key to the city, but Budd Lynch already has the key to the hearts of hockey fans in Detroit and around the NHL. I salute him for his years of service and sacrifice—to Canada, to the Red Wings, to hockey, and to the community and to our State that have for so many decades been proud to claim him as one of our own.●

#### TRIBUTE TO DR. CLAUD YOUNG

● Mr. LEVIN. Mr. President, it is a pleasure to pay tribute to Dr. Claud Young, the founder of the Michigan Chapter of the Southern Christian Leadership Conference and a tireless and dedicated advocate for civil rights and social and economic justice. His significant contributions as a physician and as an advocate for social and economic justice have impacted many across Michigan and the Nation.

Dr. Young's more than four decades of service will be recognized by the Michigan SCLC at a dinner in his

honor. This is a fitting tribute to a man who has spent his career engaged in the noble fight for justice for all. In 1970, Dr. Young, a noted physician, founded the Michigan Chapter of the Southern Christian Leadership Conference with the mission to continue the noble efforts of Dr. Martin Luther King, Jr. to achieve social, economic, and political justice through non-violence and the strength of love. Under his leadership, the Michigan SCLC has waged numerous successful battles and has had an enduring impact on the lives of many. I guess one could say, it is in his genes, having come from a family historically noted for its commitment to public service and community empowerment.

Once again, I am delighted to congratulate Dr. Young, a community leader and my good friend. I wish him and the SCLC the best as they continue their important work.●

#### TRIBUTE TO THE BRANDON BAUMAN FAMILY

● Mrs. LINCOLN. Mr. President, today I congratulate the Brandon Bauman Family for being named the 2009 Northern Arkansas County Farm Family. The recognition comes in honor of the Baumans' efficiency of production, conservation of energy and resources, leadership in agriculture and community affairs, home and farm improvement, and home and farm management.

Brandon and his wife Amy have two daughters, Caroline and Abigail. They farm 2,200 acres with rice, soybeans, wheat, and oats. I was pleased to help recognize the Baumans earlier this month during the 70th Annual Stuttgart Chamber of Commerce Membership Meeting and Banquet in Stuttgart.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the state and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. Agriculture leads all U.S. product groupings with the largest trade surplus at \$23 billion in fiscal year 2009, almost triple the next largest category of transportation products. We must work to continue the farm family tradition, so families such as the Baumans are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Baumans and all Arkansas farm families for their hard work and dedication.●

#### TRIBUTE TO NORMA STRABALA AND DEBBIE AHRENS

● Mrs. LINCOLN. Mr. President, today I congratulate Norma Strabala as "Citizen of the Year" and Debbie Ahrens as "Volunteer of the Year" for Stuttgart, AR.

I was pleased to be on-hand as Norma and Debbie were recognized earlier this month during the 70th Annual Stuttgart Chamber of Commerce Membership Meeting and Banquet in Stuttgart. I have felt a long kinship to Stuttgart, one of our delta communities not far from and very similar to my hometown of Helena. Stuttgart always feels like home, and I am grateful for the friendships I have made there. As members of a community with such a great spirit of volunteerism and caring, Norma and Debbie should be particularly proud of their recognitions.

According to those who know her best, Norma always strives to help other people through her attitude and actions. She has consistently worked to establish programs that help those less fortunate. She was a key figure in coordinating volunteer efforts during and after the 2008 tornado and 2009 straight-line winds that damaged much of the city, and during each holiday season.

Similarly, Debbie is known throughout Stuttgart for her volunteer efforts. Through the years, she has been active on many local Chamber of Commerce committees and is a deserving recipient of the designation of "Volunteer of the Year."

We should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Norma and Debbie.●

#### RECOGNIZING THE WYNNE INTERMEDIATE SCHOOL

● Mrs. LINCOLN. Mr. President, today I would like to congratulate Wynne Intermediate School, in Wynne, AR, on achieving the designation as a "Program of the Month" from the national "Reading Is Fundamental," or "RIF," program for the month of December 2009. RIF prepares and motivates children to read by delivering free books and literacy resources to children and families who need them most.

Located in the Arkansas Delta, not far from where I attended public school myself, the Wynne Intermediate School RIF program serves 462 children in the 4th and 5th grades. For the past 16 years, Wynne Intermediate School has held engaging motivational activities for both students and parents. With the closest bookstore 50 miles away, families depend on the RIF program to enjoy reading together.

I believe that education is the key to success for our young people. The knowledge and training that students receive today are the tools that carry them for the rest of their lives.

That is why I am so proud to help recognize Kaley Boeckmann, RIF coordinator, and the entire faculty and staff at Wynne Intermediate School for their dedication in helping increase opportunities for students to read and learn. Through their leadership and good example, countless students have been motivated to expand their horizons through the written word.

Most important, I would also like to congratulate all of the students in Wynne who have discovered the joy of reading. I encourage them to make the most of their education and opportunities.●

#### TRIBUTE TO ALBERT D. ROSELLINI

● Mrs. MURRAY. Mr. President, I would like to take a moment to recognize a very special advocate and former Governor of my home State of Washington who is celebrating his 100th birthday on Thursday.

Albert D. Rosellini served two terms as Governor of Washington State, first being elected in 1956. Before he was elected Governor, he served as the deputy prosecutor of King County and 18 consecutive years in the State senate.

Throughout his career, Governor Rosellini has been a dedicated public servant and an inspiration to generations of public servants. I know that Governor Rosellini's knowledge, drive and passion for service has made my home state a better place to live and work. It is an honor to have had the opportunity to earn the support and advice of such an extraordinary figure in my State's history.

In the State senate, Albert was a champion for labor, small business and equality, introducing an unfair practice bill to ensure small businesses receive decent prices, a fair employment practices bill, and an equal wage bill for women.

He strived to improve the quality of education in Washington State by supporting measures to improve retirement programs and raise salaries for teachers. He also promoted improvements to schools for the mentally disabled, deaf and blind. As a sponsor of the Youth Protection Act, Albert promoted progressive correctional programs for delinquents and revitalized penal institutions and juvenile institutions that are still in use today.

In 1951, he introduced a bill that created a teaching hospital on the campus of the University of Washington, continuing his goal to improve education and medical facilities across the State. That hospital is the basis of the acclaimed medical center we have there today.

As Governor, Albert worked to diversify Washington State's industry by creating the Department of Commerce and Economic Development which brought international trade to Washington. This department helped launch the high tech industry in this area and developed Overlake Park in Bellevue where Microsoft and other high tech companies are currently established.

The leadership abilities displayed by Governor Rosellini were quickly noticed by his colleagues and he was elected chairman of the National Governors Association during his second term as Governor.

Since leaving office, Governor Rosellini has continued his commitment to better Washington State. In 1979 he helped our State's athletes attend and compete on the world's stage as the chairman of the United States Olympic Committee for Washington State. Additionally, as a result of the great improvements made to Washington's transportation system while Governor, he was made a member of the Washington State Transportation Committee for 11 years, acting as chairman for the last 2.

I greatly respect the Governor for his unmatched dedication to public service and the State of Washington and thank him for making such a critical difference in the history of my State.●

#### TRIBUTE TO GLENDA MLADY REIMER

● Mr. NELSON of Nebraska. Mr. President, on the occasion of her retirement, I take this opportunity to honor Glenda Mlady Reimer for her many years of service to our great Nation. I have known Glenda for a number of those years and will miss her unfailing good humor and her dedication to public service.

Glenda began her illustrious career in 1989 after graduating from Northeast Nebraska Community College in Norfolk, NE. She spent the next 7 years working for my good friend, former U.S. Senator Jim Exon, first on his reelection campaign, then as his scheduler and office manager. During that time, Glenda distinguished herself, continually helping others and coordinating activities. She was the volunteer coordinator for Vice President Al Gore's first Inaugural Ball. In 1993 she served as president of the board of directors of the Nebraska Society of Washington, DC, where she still remains an active member today. Glenda also served as the coordinator with Members of Congress for the 1995 National Champion Cornhusker Football Team presentations at the White House. In 1996, Glenda became a member of the board of directors, Cornhusker Capital Chapter, University of Nebraska Alumni Scholarship program, where she continues her lifelong support of my home State's university.

After a few years working in the private sector, Glenda returned to Capitol Hill in 2001, joining Maryland Senator BARBARA A. MIKULSKI's Washington office. At the end of that year, the U.S. Air Force hired Glenda for her current position as legislative specialist and scheduler in the Congressional Budget and Appropriations Liaison Office. Over the past 8 years, Glenda has touched the lives of countless uniformed military servicemen and women. She always worked to instill a sense of direction, dedication and family, marking her exemplary career with superb professionalism.

While serving in a variety of positions within the U.S. Senate and Air Force, Glenda has assisted me and many members of the Appropriations and Budget Committees with numerous scheduling and coordinating challenges. Her thorough and efficient planning, experience, wisdom, hard work, and organizational skills assured mission success every time. Glenda will definitely be missed.

In closing, I firmly believe that Glenda Mlady Reimer deserves acknowledgment and appreciation for her outstanding service to both the legislative and executive branches of our Federal Government. She consistently conducted herself in a manner which brought great credit upon her, the U.S. Senate, and the U.S. Air Force. Glenda's outstanding character and dedication to service have resulted in a career of which she and her son Joel can be very proud; and I am sure my fellow Members of the Senate join me in thanking her for her commitment to our country and in wishing her all the best for her future.●

#### 250TH ANNIVERSARY OF POWNAL, VERMONT

● Mr. SANDERS. Mr. President, the State of Vermont will celebrate the year 2010 by marking the 250th anniversary of the historic town of Pownal, VT.

In celebrating Pownal, we celebrate a town that has done much more than merely survive the centuries. This bucolic little hamlet represents the strength and progress of our great State through the years.

Since its original charter in 1760, Pownal was built on a rich history that dates back to the divisive years of the revolution. During its earliest days many Pownal residents were stirred to join the Green Mountain Boys to fight for our independence. The fervor demonstrated by the original residents of this town set its course as the bedrock of loyalty and excellence in the State of Vermont.

Today we cherish the historic Mooar-Wright House which is the oldest house in both Pownal and the Green Mountain State. We commend the town's early emphasis on education, with two

former U.S. Presidents serving as teachers in north Pownal. Over the centuries this town was a pocket of industrial accomplishment in Vermont. Some of the State's largest cotton and woolen mills were housed in Pownal and later replaced by lime quarries. They helped carry Vermont through years of industrial development and growth. These auspicious achievements, however, also served as a reminder of our capacity for change because the industrial mills in Pownal were singled out for child labor. This documented injustice symbolized the past and put the town on the national map in 1916 when it was depicted on a United States postage stamp to commemorate the passage of the first child labor laws. The heart of the town became its national image in 1946 when the United Nations Bulletin featured a photo of the Pownal Center as "a picture of peace." Throughout the years this town was both the root of tradition and the spark of progress: a balance that few places or populations can claim.

Today, Pownal has developed into a town of more than three thousand. The buildings have grown and the industries have changed, but the ideals remain the same. On its 250th anniversary, Pownal continues to encapsulate the beauty and independence of our State. I thank the residents of Pownal for their contributions to our State's rich and unique history.

Mr. President, it is indeed an honor to represent the State of Vermont and the Town of Pownal and to promote its many successes.●

#### ABERDEEN FEDERAL CREDIT UNION

● Mr. THUNE. Mr. President, today I recognize the Aberdeen Federal Credit Union, AFCU, a member-owned not-for-profit financial cooperative located in Aberdeen, SD.

Chartered on April 11, 1935, this year marks the 75th anniversary of the AFCU. As a community charter, membership is open to all who live, work, worship, or attend school in Brown County. Building upon their mission of being responsive to their members' needs by providing competitive financial services, their membership has grown to nearly 10,000 Brown County residents. The AFCU has much to be proud of and I am confident that their success will continue well into the future.

As a credit union member myself, I understand firsthand the benefit of a credit union membership. Credit unions are a part of the community and they are well aware of the specific needs of their members. Their commitment to providing the best possible service is commendable, especially in the financial environment we are faced with today.

The AFCU will commemorate their 75th anniversary during their annual meeting held in Aberdeen, SD, on January 23, 2010. I would like to offer my congratulations to the leaders and membership of the AFCU on this milestone anniversary and wish them continued prosperity in the years to come.●

#### TRIBUTE TO FRED ROSENBAUM

● Mr. WYDEN. Mr. President, today I honor Fred Rosenbaum, a brigadier general, businessman, public servant, philanthropist, Holocaust survivor and one of Oregon's greatest residents. I have known few others who matched Fred's courage and dedication to improving the lives of every American. Although cancer may have taken Fred from this world, nothing can take away the remarkable legacy he left to Oregon and the Nation as a whole.

From his childhood as a Jew in Nazi Germany, Fred Rosenbaum saw the worst of humanity. Growing up in Vienna, Austria, Fred experienced the anti-Semitic riots of Kristallnacht first-hand. At age 12, shortly after Kristallnacht, school officials attempted to round up Fred and his Jewish classmates in a school basement, for eventual capture by the Nazi SS. Fred narrowly escaped them by crawling out a window and eventually finding his way to England. From England, Fred helped his parents escape from Austria.

Fred and his family eventually immigrated to Portland, OR, to start a new life. Within just a few years, Fred began serving his new country. At age 16, Fred lied about his age and joined the Army, serving in the Philippines. In a sense, Fred experienced both fronts of the Second World War.

Fred's service to his country extended for long after the conclusion of the war. After Fred returned home, he joined the Oregon National Guard and, by his retirement in 1986, earned the rank of brigadier general.

At the same time, Fred built up a successful insurance business and employed his success for the public good. He chaired Portland's Housing Authority for 13 years, served as president of the Oregon Museum of Science and Industry, served on the board of trustees of Reed College, and became an associate national commissioner of the Anti-Defamation League. Service to others was an essential part of Fred's life, and we are all richer for it.

However, if the name "Rosenbaum" lives on in Oregon for one reason, it is his work improving the lives of children. Fred drew upon his experience both as an officer in the Oregon National Guard and as a chairman of the Housing Authority of Portland to create a summer camp for at-risk youth. He founded the camp 40 years ago, and the camp continues to operate to this

day, buoyed by Fred's tireless dedication to its fundraising and survival.

The camp, located at the National Guard's Camp Rilea and now called "Camp Rosenbaum" in Fred's honor, provides pre-teens who live in public housing with an opportunity to fill their days with sports, the arts, and computer skills, while counselors and the Portland Police Bureau educate the children on the dangers of gangs and drugs. For many of the young and impoverished campers, it gives them their first chance to see the Pacific Ocean, and that moment always excites the kids. For the first time in their lives, they see a limitless horizon and Camp Rosenbaum helps them see that their potential is just as limitless.

Even though Fred has passed away, Camp Rosenbaum will continue to educate and engage at-risk youth. He would ask for nothing more.

Fred lived a life of service that immeasurably benefited both America and Oregon, and his legacy will live on for long after his passing. Not satisfied to just improve his own life, Fred dedicated himself to giving every child an opportunity to achieve their dreams.

His life is an inspiration to refugees everywhere, and a demonstration of the promise our country offers to those in even the direst of straits. Oregon and America have lost a humble hero who achieved greatness by helping others. Living up to his example of kindness and caring is a challenge he left to us all. Every American should rise to that challenge and give back to their communities and our country as much as Fred did. It would be a fitting tribute to an extraordinary man and a great American.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are pointed at the end of the Senate proceedings.)

#### REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON JANUARY 23, 1995, WITH RESPECT TO FOREIGN TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—PM 40

The PRESIDING OFFICER laid before the Senate the following message



from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2010.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

BARACK OBAMA.  
THE WHITE HOUSE, January 20, 2010.

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under the authority of the order of January 6, 2009, the Secretary of the Senate, on January 19, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The message also announced that the House agreed to the following resolution:

H. Res. 999. Resolution that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3539. An act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

H.R. 3667. An act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

H.R. 3788. An act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

#### MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2646. An act to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4173. An act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

#### ENROLLED BILLS SIGNED

The President pro tempore (Mr. BYRD) announced that he had signed

the following enrolled bills, which had previously been signed by the Speaker of the House:

H.R. 1377. An act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 2877. An act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 3072. An act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

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H.R. 3667. An act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

H.R. 3767. An act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

H.R. 3788. An act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

At 12:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 3759. An act to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes.

H. Con. Res. 228. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2646. An act to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.



H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs"; to the Committee on the Judiciary.

H.R. 3759. An act to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4173. An act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources, and referred as indicated:

H.R. 1854. An act to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California; to the Committee on Environment and Public Works.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 3961. An act to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

H.R. 4154. An act to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a \$3,500,000 exemption, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4168. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Electric Program: Definition of Rural Area" ((7 CFR Part 1710) (RIN0572-AC15)) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4169. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Average Procurement Unit Cost for the Remote Minehunting System (RMS) Program; to the Committee on Armed Services.

EC-4170. A communication from the General Counsel, Selective Service System, transmitting, pursuant to law, a report relative to the vacancy in the position of Director of the Selective Service System; to the Committee on Armed Services.

EC-4171. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Jack L. Rives, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4172. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Mississippi Coastal Improvements Program (MsCIP), Hancock, Harrison and Jackson Counties, Mississippi; to the Committee on Armed Services.

EC-4173. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority to Reflect Continuation of the Emergency Declared in Executive Order 12938 and Changes to the United States Code" (RIN0694-AE76) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4174. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reporting of Offsets Agreements in Sales of Weapon Systems or Defense-Related Items to Foreign Countries of Foreign Firms" (RIN0694-AE40) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4175. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Export Administration Regulations (EAR) Based upon the Accession of Albania and Croatia to Formal Membership in the North Atlantic Treaty Organization (NATO)" (RIN0694-AE62) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4176. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security,

Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization Validated End-User: Amendment to Existing Validated End-User Authorizations in the People's Republic of China (PRC) and India" (RIN0694-AE77) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4177. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Federative Republic of Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-4178. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-4179. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4180. A communication from the NRDAR Program Manager, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Natural Resource Damages for Hazardous Substances" (RIN1090-AA97) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Energy and Natural Resources.

EC-4181. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing" (FRL No. 9095-2) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC-4182. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry" (FRL No. 9095-1) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC-4183. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8985-4) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Environment and Public Works.

EC-4184. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL

No. 9096-4) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Environment and Public Works.

EC-4185. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa" (FRL No. 9096-6) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Environment and Public Works.

EC-4186. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corporate Reorganizations; Distributions Under Sections 368(a)(1)(D) and 354(b)(1)(B)" ((TD 9475) (RIN1545-BF83)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4187. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax-Exempt Bonds in Certain Disaster Areas" (Notice 2010-10) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4188. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Kuwait in support of the Combat Support Services Contract for the U.S. Army Support Group in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4189. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Canada relative to the design, manufacture, and repair of the APS-508 Radar to support the Canadian CP-140 Maritime Patrol Aircraft; to the Committee on Foreign Relations.

EC-4190. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Turkey relative to the design, manufacture, and repair of F-35 Center Fuselages and related Assemblies in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-4191. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the development of the Medium Extended Air Defense System (MEADS) Program involving the United States, Austria, Italy, and Germany in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4192. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Germany relative to the design and manufacture of the H-726 Dynamic Reference Unit for Military Vehicles; to the Committee on Foreign Relations.

EC-4193. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the United Kingdom relative to the manufacture and repair of aircraft vertical and azimuth rate gyros as well as attitude heading reference systems (AHRS) and attitude indicators; to the Committee on Foreign Relations.

EC-4194. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Arab Emirates relative to the design and development of the Vehicle Launched Scatterable Anti-Tank System (VLSAS) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4195. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's Fiscal Year 2009 Agency Financial Report; to the Committee on Foreign Relations.

EC-4196. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals; Methyl Esters of Conjugated Linoleic Acid (Cis-9), Trans-11 and Trans-10, Cis-12-Octadecadienoic Acids" (Docket No. FDA-2003-F-0398) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-4197. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Manufacturing Practice for Positron Emission Tomography Drugs" (Docket No. FDA-2004-N-0449) received in the Office of the President of the Senate on December 22, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-4198. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the use of the exemption from the antitrust laws provided by the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

EC-4199. A communication from the Director, Center for Employee and Family Support Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program" (RIN3206-AJ55) re-

ceived in the Office of the President of the Senate on December 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4200. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-138, "Initiative Measure No. 59, Legalization of Marijuana for Medical Treatment Initiative of 1999"; to the Committee on Homeland Security and Governmental Affairs.

EC-4201. A communication from the Inspector General, Department of Commerce, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4202. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4203. A communication from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4204. A communication from the Policy Editor, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extending Period of Optional Practical Training by 17 Months for F-1 Nonimmigrant Students with STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students with Pending H-1B Petitions (RIN1653-AA56) received on December 22, 2009; to the Committee on the Judiciary.

EC-4205. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners" (Docket Number DEA-275F) received in the Office of the President of the Senate on December 23, 2009; to the Committee on the Judiciary.

EC-4206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-248, "Religious Freedom and Civil Marriage Equality Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2778. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes (Rept. No. 111-114).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 1105. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to

approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque (Rept. No. 111-115).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1735. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. No. 111-116).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 965. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes (Rept. No. 111-117).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida (for himself, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. DURBIN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. LEMIEUX, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. UDALL of New Mexico, and Mr. WHITEHOUSE):

S. 2931. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Finance.

By Mr. VITTER:

S. 2932. A bill to amend the public charter school provisions of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2933. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 2934. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported seafood; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. CORNYN, and Mr. ROBERTS):

S. 2935. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. REID, Mr. NELSON of Florida, Mr. LEMIEUX, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. ROCKEFELLER, Mr. HATCH, Mr. BINGAMAN, Mr. BUNNING, Mr. KERRY, Mr. ENZI, Mrs. LINCOLN, Mr. CORNYN, Mr. MENENDEZ, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. DORGAN, Mr. JOHNSON, Mrs. SHAHEEN, Mr. CONRAD, Mr. LUGAR, Mr. JOHANNES, Mr. LAUTENBERG, Mr. ENSIGN, Mr. BURRIS, and Mr. BROWNBACK):

S. 2936. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. NELSON of Florida, Mr. LEMIEUX, and Mr. KERRY):

S. 2937. A bill to provide a temporary suspension of limitation on charitable contributions and to amend the Internal Revenue

Code of 1986 to extend the enhanced charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. VITTER, Mr. INHOPE, Mr. JOHANNES, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN):

S. 2938. A bill to terminate authority under the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes; read the first time.

By Mr. LAUTENBERG:

S. 2940. A bill to increase the use of security cameras at airport security screening checkpoints and exits, to impose increased penalties on individuals who circumvent security screening at airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW:

S. Res. 388. A resolution expressing the sense of the Senate regarding unfair and discriminatory measures of the Government of Japan in failing to apply the Eco-Friendly Vehicle Purchase Program to vehicles made by United States automakers; to the Committee on Finance.

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. Res. 389. A resolution commending The University of Alabama Crimson Tide for being unanimously declared the 2009 NCAA Football Bowl Subdivision National Champions; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 476

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 841

At the request of Mr. KERRY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 891

At the request of Mr. BROWNBACK, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1005

At the request of Mr. CARDIN, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 1005, a bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Colorado (Mr. UDALL) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. ENSIGN), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1317

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1317, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1582

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1582, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1771

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1771, a bill to authorize the

Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2743

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 2743, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oregon (Mr. WYDEN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans

Affairs to carry out comprehensive service programs for homeless veterans.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2789

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2789, a bill to establish a scholarship program to encourage outstanding undergraduate and graduate students in mission-critical fields to pursue a career in the Federal Government.

S. 2812

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2812, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate two small modular nuclear reactor designs, and for other purposes.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Arizona (Mr. MCCAIN) was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 2853, *supra*.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2868

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2868, a bill to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing

for small business concerns, and for other purposes.

S. 2886

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2886, a bill to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S.J. RES. 22

At the request of Mr. LEMIEUX, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S.J. Res. 22, a joint resolution proposing an amendment to the Constitution of the United States relative to requiring a balanced budget and granting the President of the United States the power of line-item veto.

S.J. RES. 23

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S.J. Res. 23, a joint resolution disapproving the rule submitted by the Federal Election Commission with respect to travel on private aircraft by Federal candidates.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

S. RES. 381

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 381, a resolution designating the week of February 1 through February 5, 2010, as "National School Counseling Week".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CORNYN, and Mr. ROBERTS):

S. 2935. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2935

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation."

### SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request):

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President. Today, I join the Ranking Member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in reintroducing, the Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Marshall Islands, the Honorable Jurelang Zedkaia.

This legislation is identical to legislation introduced by myself and Senators Domenici, AKAKA and MURKOWSKI in 2007 at the request of then-President Kessai Note. The Committee held a hearing on the bill, S. 1756, on September 25, 2007, S. Hrg 110-243, and staff had follow-up discussions with the administration and with other committees which have interests in matters addressed by the bill. However, before the Committee could formally consider an amendment in the nature of a substitute that was developed during these discussions, the government in the Republic of the Marshall Islands, RMP, was replaced and the position of the

new government on the substitute amendment was not obtained until it was too late for further action.

The process for reconsideration of this legislation in the 111th Congress will need to be pushed back because there is a new Administration with new officials who will need to be educated on the issues. There are also new members and staff on many of the Committees who will need to be educated on the history and need for this legislation before they can provide their input. Finally, the fiscal position of the U.S. government has weakened since 2007 and funding this legislation will be more challenging today than it would have been when the legislation was last considered.

To begin this process of education on this issue, I offer the following background.

For over 50 years, the Committee on Energy and Natural Resources has worked with the government of the RMI to respond to the tragic consequences of the U.S. nuclear weapons tests that were conducted in the islands from 1946 to 1958 when the islands were a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands. In 1986, this Trusteeship ended when the RMI entered into free association with the U.S. pursuant to the Compact of Free Association Act of 1985, (P.L. 99-239). Under Section 177 of the Compact, the U.S. accepted responsibility for damage and injuries resulting from the testing program and the law authorized two basic sources of compensation: 1) a legal settlement of \$150 million under Section 177, and 2) additional ex gratia assistance under sections 103, 105, and 224.

The \$150 million legal settlement and its Subsidiary Agreement funded a Claims Tribunal to adjudicate and pay awards arising from the test program, regular distribution payments to the affected communities, a supplemental health care program, a radiological and health monitoring program, and it allowed the RMI to request additional compensation if there were "changed circumstances"—that is, if information and injuries came to light after the settlement was reached which rendered the settlement "manifestly inadequate."

The RMI submitted such a "changed circumstances petition", CCP, in 2000 in which it sought over \$3 billion in addition compensation from Congress. At the Committee's 2005 hearing on the CCP, S. Hrg 109-178, the administration testified in opposition to further financial compensation because the 1985 settlement was "full and final" and the CCP was not based on new information or injuries arising after the original settlement date. The Administration and other witnesses also questioned the RMI's contention that radiation from the tests caused health injuries well beyond the four northern atolls of the

Marshall Islands, and questioned the policies and methodologies used by the Tribunal in determining eligibility for compensation and the amount of awards. The Committee took no further action on the CCP. In 2006, facing the statute of limitations, the atolls of Bikini and Enewetak filed suit in the U.S. Court of Claims, but the Court upheld the U.S. motion to dismiss.

In addition to the \$150 million legal settlement, several sections of the Compact authorized ex gratia compensation, primarily through the capitalization of trust funds for the rehabilitation and resettlement of contaminated lands in three of the affected atolls (Enewetak, Bikini, and Rongelap), and by providing program assistance through existing Federal programs such as USDA Agricultural and Food programs, the DOE Marshall Islands program, and extension of the Section 177 Health Care Program, also known as the "4-Atoll Health Care program". The rough estimate of this additional ex gratia compensation to date totals at least \$220 million.

It is important to note that while the administration opposed additional financial compensation based on the CCP, the administration's report noted that some of the RMI's requests for additional program assistance, while not qualifying as changed circumstances, "might be desirable".

The legislation being re-introduced today includes four of the RMI's requests for additional program assistance. I agree with President Zedkaia that these requests should be given consideration by the Congress. Briefly, these requests are:

Runit Island monitoring: Between 1977 and 1980, the U.S. conducted a cleanup of some of the contaminated areas of Enewetak Atoll where 43 tests were conducted. Some of the contaminated soil and debris was removed to Runit Island, mixed with concrete, and placed in Cactus crater that had been formed by one of the tests. Under the Compact settlement, the RMI accepted responsibility for, and control over the utilization of lands in the Marshall Islands affected by the testing. The Compact Act (P.L. 99-239) also reaffirmed a 1980 authorization, under P.L. 96-205, for the Marshall Islands Program of the U.S. Department of Energy (DOE) which provides medical care and environmental monitoring relating to the testing program. Since then, the people of Enewetak Atoll have from time to time asked DOE to include monitoring of conditions at Runit within their environmental monitoring program in order to assure the people living on other islands in Enewetak Atoll that there is no health risk from the cleanup spoils stored at Runit.

Section 2 of this Act would direct the Secretary of Energy, as a part of the existing program, to periodically survey radiological conditions on Runit

and report their findings to the Congress.

Energy Employees Occupational Illness Compensation Program, EEOICPA, eligibility: This program was enacted in 2001 to provide compensation for DOE and contractor employees associated with the nation's nuclear weapons program. During Senate debate, I submitted a list of facilities intended to be covered which included "Marshall Islands Test Sites, but only for the period after December 31, 1958." However, the RMI citizens who applied to the program were denied eligibility on the basis that Congress did not intend the law to cover non-U.S. citizens. I believe that this was an incorrect reading of Congressional intent. It is important to recognize that during the testing and cleanup period the Marshall Islands were a District of the U.S.-administered U.N. Trust Territory of the Pacific Islands and that the U.S. and its contractors employed workers from the Marshall Islands and from other districts in the Trust Territory.

Section 3 of this act would clarify that former Trust Territory citizens are eligible for the program, and it would coordinate benefits with the Compact of Free Association so that if a person received compensation under the Compact, then that amount would be deducted from any award received under EEOICPA.

4-Atoll Health Care Program funding: Section 177 of the Compact approved the \$150 million legal settlement, established the Settlement Trust Fund, and allocated \$2 million annually for 15 years to provide supplemental health care to the affected communities: Enewetak, Bikini, Rongelap and Utrik. The 15-year period ended in 2001, and with depletion of the Fund, the \$2 million annual payment was terminated in 2003. To continue some level of service under the program, the RMI and the U.S. Congress continued to contribute funds on a discretionary basis until a longer-term solution could be enacted.

Section 4 of the bill would authorize \$2 million annually through 2023 for the continuation of this program. I believe that this proposal offers an opportunity to discuss with the RMI and U.S. officials how supplemental healthcare assistance to the RMI can most effectively be used.

National Academy of Sciences Assessment: Underlying the debate between the U.S. and the RMI regarding compensation for injuries resulting from the testing program is a dispute over the extent of the area affected by the testing program. The U.S. believes that the health affects were limited to the four northern atolls of Rongelap, Utrik, Bikini, and Enewetak. However, the RMI and the Claims Tribunal took the position that all of the 1958 residents of the RMI should be eligible for compensation.



Section 5 of the bill is intended to help resolve this dispute by having the National Academy of Sciences conduct an assessment of the health impacts of the testing program.

I look forward to continuing to work with President Zedkaia, my colleagues, and the Administration on these proposals and to continue to respond to the tragic legacy of our nation's nuclear testing program in the Pacific.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2941

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2010".

#### SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) IN GENERAL.—Effective beginning January 1, 2010, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) survey radiological conditions on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that describes the results of each survey conducted under clause (i), including any significant changes in conditions on Runit Island."

#### SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384f) is amended by adding at the end the following:

"(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by that paragraph."

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: ", including a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by this paragraph".

(c) COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the Energy Employees Occupational Illness Compensation Program

Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3682 (42 U.S.C. 7385s–11) the following:

#### "SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

"(a) DEFINITION OF COMPACT OF FREE ASSOCIATION.—In this section, the term 'Compact of Free Association' means—

"(1) the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note); and

"(2) the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

"(b) COORDINATION.—Subject to subsection (c), an individual who has been awarded compensation under this subtitle, and who has also received compensation benefits under the Compact of Free Association by reason of the same covered illness, shall receive the compensation awarded under this subtitle reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the covered illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association.

"(c) WAIVER.—The Secretary may waive the application of subsection (b) if the Secretary determines that the administrative costs and burdens of applying subsection (b) to a particular case or class of cases justifies the waiver."

#### SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

"(4) SUPPLEMENTAL HEALTH CARE FUNDING.—

"(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.–RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall annually use the amounts made available under subparagraph (B) to supplement health care in the communities affected by the nuclear testing program of the United States, including capital and operational support of outer island primary healthcare facilities of the Ministry of Health of the Republic of the Marshall Islands in the communities of—

"(i) Enewetak Atoll,

"(ii) Kili (until the resettlement of Bikini);

"(iii) Majetto Island in Kwajalein Atoll (until the resettlement of Rongelap Atoll); and

"(iv) Utrik Atoll.

"(B) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph \$2,000,000 for each of fiscal years 2012 through 2028, as adjusted for inflation in accordance with section 218 of the U.S.–FSM Compact and the U.S.–RMI Compact, to remain available until expended."

#### SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

REPUBLIC OF THE MARSHALL ISLANDS,

November 13, 2009.

Hon. JEFF BINGAMAN,  
Chairman, Senate Committee on Energy and Natural Resources, Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing you on behalf of the Marshallese people to renew our mutual efforts to address the continuing consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

I would also like to take this opportunity to thank you for your efforts in introducing the "Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2007" formerly known as Senate Bill No. 1756. Your understanding and efforts over the past several years to move these difficult issues forward and address them in a substantive and meaningful manner is most appreciated by my Government and the Marshallese people. In this respect, I strongly believe that the substituted version of S. 1756 constituted real and substantive progress in addressing outstanding nuclear related issues.

Understanding that S. 1756 expired without action at the close of 2008, I would respectfully request that legislation again be introduced in the United States Senate to deal with the enduring consequences of the nuclear testing program in the Marshall Islands.

My Government submitted a Petition to the United States Congress in respect to Article IX of the Section 177 Agreement concerning "Changed Circumstances" in September, 2000. While my Government believes that we have firmly established that "changed circumstances" exist within the meaning of Article IX, we wish to focus our efforts on coming to a resolution and implementing measures that produce results in addressing the health, safety and damages caused by the nuclear testing program.

Senate Bill No. 1756, in its substituted version, represented the first serious and substantive attempt to deal with the consequences of the nuclear testing program since the Section 177 Agreement went into effect 23 years ago. Therefore, I would like to now discuss some specific measures for inclusion in legislation, which I believe will address outstanding concerns and issues.

1. The provisions contained in Section 4 of the substituted version of S. 1756 that provided the sum of \$4.5 million annually plus adjustment for inflation as a continuing appropriation through FY 2023 to address radiogenic illnesses and the nuclear related health care needs of Bikini, Enewetak, Rongelap, Utrik, Ailuk, Mejit, Likiep, Wotho, and Wotje, is acceptable to my Government. We would, however, request that the legislation include provision for the National Academy of Sciences to conduct an assessment of the health impacts of the nuclear testing program on the residents of the RMI. Inclusion of such an assessment, as contained in the original S. 1756 will provide important information on these issues to both governments.



2. We support the addition of persons who were citizens of the Trust Territory of the Pacific Islands for inclusion for eligibility in the Energy Employees Occupational Illness Compensation Program Act of 2000. There are many Marshallese who worked at Department of Energy sites in the RMI in the same manner as their U.S. citizen co-workers, yet have never received the health care and other benefits of this program.

3. We also support provision in the legislation for the proactive and ongoing monitoring of the integrity of the Runit Dome at Enewetak Atoll. This is an issue that has long been of concern to the people of Enewetak who live, fish and harvest food in the immediate area.

4. Any legislation addressing the consequences of the nuclear testing program would not be complete without consideration of the awards made by the Marshall Islands Nuclear Claims Tribunal. Absent from S. 1756 was any reference to the decisions and awards made by the Tribunal. The administrative and adjudicative processes of the Tribunal over the past 20 years are an important mutually agreed to component of the Section 177 Agreement and its implementation to resolve claims for damage to person and property arising as a result of the nuclear testing program. We cannot simply ignore the Tribunal's work and awards that it has made. The RMI has presented a report on this subject prepared by former United States Attorney General Richard Thornburgh in January, 2003, however, issues and concerns apparently continue. We should move forward and resolve any remaining issues and concerns regarding the Tribunal and its work.

We look forward to working with you and your staff to address the issues I have raised in this letter and to move forward on finally addressing the consequences of the nuclear testing program.

Thank you very much for all of your help.  
Sincerely,

JURELANG ZEDKAIA,  
*President.*

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 388—EXPRESSING THE SENSE OF THE SENATE REGARDING UNFAIR AND DISCRIMINATORY MEASURES OF THE GOVERNMENT OF JAPAN IN FAILING TO APPLY THE ECO-FRIENDLY VEHICLE PURCHASE PROGRAM TO VEHICLES MADE BY UNITED STATES AUTOMAKERS

Ms. STABENOW submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 388

Whereas the Consumer Assistance to Recycle and Save Act of 2009 (49 U.S.C. 32901 note) established the CARS Program to jumpstart automobile sales and increase fuel efficiency nationwide by providing incentives to purchase new fuel efficient automobiles;

Whereas on August 25, 2009, a total of 677,842 new vehicles had been purchased through the CARS Program;

Whereas according to the United States Department of Transportation, over 319,000 Japanese made automobiles were purchased through the CARS Program;

Whereas the CARS Program was open to automobiles manufactured in countries

other than the United States, the rebate associated with the current and planned extension of the Eco-Friendly Vehicle Purchase Program in Japan does not apply to automobiles made by United States automobile manufacturers; and

Whereas the Senate finds that by maintaining and extending the Eco-Friendly Vehicle Purchase Program, the Government of Japan is engaging in unfair and discriminatory measures contrary to Japan's obligations under the agreements of the World Trade Organization Agreement: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the President should direct the United States Trade Representative to continue to negotiate with the Government of Japan to eliminate the unfair and discriminatory measures relating to Japan's Eco-Friendly Vehicle Purchase Program; and

(2) if the United States Trade Representative is not able to obtain a satisfactory agreement with the Government of Japan, the United States Trade Representative shall initiate consultations under the framework of the World Trade Organization.

#### SENATE RESOLUTION 389—COMMENDING THE UNIVERSITY OF ALABAMA CRIMSON TIDE FOR BEING UNANIMOUSLY DECLARED THE 2009 NCAA FOOTBALL BOWL SUBDIVISION NATIONAL CHAMPIONS

Mr. SHELBY (for himself and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 389

Whereas on January 7, 2010, The University of Alabama Crimson Tide marched into the historic Rose Bowl and defeated the University of Texas Longhorns 37-21, to win The 2010 Bowl Championship Series (referred to in this preamble as the "BCS") National Championship Game;

Whereas the Crimson Tide earned a berth in the 2010 BCS National Championship Game by defeating the then-unbeaten Florida Gators 32-13 in the 2009 Southeastern Conference Championship Game;

Whereas the Crimson Tide finished the 2009 season with a perfect record of 14 victories and 0 losses;

Whereas the Crimson Tide defeated 3 teams ranked in the Associated Press (referred to in this preamble as the "AP") Postseason Top 10 Poll and 5 teams ranked in the AP Postseason Top 25 poll;

Whereas the Crimson Tide finished the 2009 season ranked first by all 60 AP voters and all 58 USA Today Coaches' Poll voters;

Whereas the first of 5 victories for the Crimson Tide in the Rose Bowl on January 1, 1926, earned the first football national championship for The University of Alabama and served as one of the first great achievements in the storied winning tradition of the Crimson Tide;

Whereas the 2010 BCS National Championship Game victory was the 32nd bowl victory and, a NCAA record, 57th bowl appearance for the Crimson Tide;

Whereas the Crimson Tide previously won a total of 12 National Championships, winning in 1925, 1926, 1930, 1934, 1941, 1961, 1964, 1965, 1973, 1978, 1979, and 1992;

Whereas Head Coach Nick Saban has led the Crimson Tide back atop the elite of Col-

lege Football while instilling discipline, character, and integrity in the young men he coaches;

Whereas the leadership and devotion of Crimson Tide Athletics Director Mal Moore to The University of Alabama have been crucial for the National Championship teams for which he has played, coached, and served as Athletic Director;

Whereas Javier Arenas, Terrence Cody, Michael Johnson, Mark Ingram, Rolando McClain, Leigh Tiffin, and Mark Barron earned AP All-America honors for their accomplishments during the 2009 season;

Whereas the 2009 Crimson Tide had a record number of 6 AP First Team All-Americans;

Whereas in 2009, running back Mark Ingram, Jr. won the first Heisman Trophy in the long and accomplished history of the Crimson Tide football program;

Whereas in 2009, Rolando McClain was recognized as the top collegiate linebacker in the Nation with the Butkus Award and the Jack Lambert Award, the first to be awarded to a Crimson Tide player;

Whereas Crimson Tide Defensive Coordinator Kirby Smart was honored as the best Assistant Coach in the Nation in 2009, with the prestigious Broyles Award;

Whereas 13 players on the 2009 Crimson Tide roster had earned their degrees from The University of Alabama before the season began;

Whereas President Robert Witt has been instrumental to the remarkable academic and athletic success that The University of Alabama has experienced since his arrival at the Capstone;

Whereas The University of Alabama is devoted to educating young persons and providing them with the tools to excel throughout their lives;

Whereas the excellence on the field of the Crimson Tide brought pride to The University of Alabama, the Crimson Tide faithful, and the whole of the great State of Alabama: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates The University of Alabama Crimson Tide for being unanimously declared the 2009 NCAA Football Bowl Subdivision National Champions;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Crimson Tide win the National Championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) President of The University of Alabama, Dr. Robert Witt;

(B) Athletic Director of The University of Alabama, Mal Moore; and

(C) Head Coach of The University of Alabama Crimson Tide, Nick Saban.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3299. Mr. BAUCUS (for Mr. REID) proposed an amendment to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3300. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, supra.

SA 3301. Mr. THUNE (for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNES, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr.

BUNNING, Mr. GRAHAM, and Mr. CORNYN) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, *supra*.

#### TEXT OF AMENDMENTS

**SA 3299.** Mr. BAUCUS (for Mr. REID) proposed an amendment to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

Strike all after the resolving clause and insert the following: "That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof \$14,294,000,000,000."

**SA 3300.** Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

( ) (a) **LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.**—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(b) **WAIVER.**—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

**SA 3301.** Mr. THUNE (for himself, Mr. VITTER, Mr. INHOFE, Mr. JOHANNES, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. LEMIEUX, Mr. BURR, Mr. ENZI, Mr. COBURN, Mr. BARRASSO, Mr. BENNETT, Ms. SNOWE, Mr. GRASSLEY, Mr. ENSIGN, Mr. CRAPO, Mr. WICKER, Mr. BUNNING, Mr. GRAHAM, and Mr. CORNYN) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . REPEAL OF THE TROUBLED ASSET RELIEF PROGRAM.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the authorities provided under section 101(a) of the Emergency Economic Stabilization Act of 2008 (excluding section 101(a)(3)) and under section 102 of such Act shall terminate on the date of enactment of this resolution.

(b) **LOWERING OF NATIONAL DEBT LIMIT TO CORRESPOND TO TARP REPAYMENTS.**—Section 3101 of title 31, United States Code, is amended—

(1) in subsection (b), by inserting after the dollar limitation contained in such sub-

section the following: " , as such amount is reduced by the amount described under subsection (d)"; and

(2) by adding at the end the following new subsection:

"(d) The amount described under this subsection is the amount that equals the amount of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 that is repaid on or after the date of enactment of this subsection, along with any dividends, profits, or other funds paid to the Government based on such assistance on or after the date of enactment of this subsection."

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 21, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the research, development, priorities and imperatives needed to meet the medium and long term challenges associated with climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [rosemarie\\_calabro@energy.senate.gov](mailto:rosemarie_calabro@energy.senate.gov)

For further information, please contact Jonathan Epstein at (202) 224-3357 or Rosemarie Calabro at (202) 224-5039.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 2, 2010 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Larry Persily, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [aman-da\\_kelly@energysenate.gov](mailto:aman-da_kelly@energysenate.gov).

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, February 10, 2010, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Proposed Budget for fiscal year 2011 for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to [allison.seyferth@energy.senate.gov](mailto:allison.seyferth@energy.senate.gov).

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Thursday, February 11, 2010, at 11:30 a.m., in room SD-366 of the Dirksen Senate Office.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, February 4, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's budget for fiscal year 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [rosemarie\\_calabro@energy.senate.gov](mailto:rosemarie_calabro@energy.senate.gov)

For further information, please contact Jonathan Epstein at (202) 224-3357 or Rosemarie Calabro at (202) 224-5039.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 20, 2010, at 10 a.m., to hold a hearing entitled "Yemen: Confronting Al-Qaeda, Preventing State Failure."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Hearing on the Nomination of Joshua Gotbaum for Director of the Pension Benefit Guaranty Corporation" on January 20, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 20, 2010, at 9:30 a.m. to conduct a hearing entitled "Intelligence Reform: The Lessons and Implications of the Christmas Day Attack."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 20, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Securing America's Safety: Improving the Effectiveness of Anti-Terrorism Tools and Inter-Agency Communication."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 20, 2010, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transpor-

tation be authorized to meet during the session of the Senate on January 20, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of mine be granted the privilege of the floor during consideration of the debt limit legislation: Aislinn Baker, Ian Clements, Brittany Durell, Ivie English, Zach Person, Greg Sullivan, and Ashley Zuelke.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2010 fourth quarter Mass Mailings is Monday, January 25, 2010. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

## PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. BAUCUS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 228 at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 228) providing for a joint session of Congress to receive a message from the President of the United States.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. BAUCUS. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 228) was agreed to.

## DISCHARGE AND REFERRAL—H.R. 1854

Mr. BAUCUS. Mr. President, I ask unanimous consent that H.R. 1854 be discharged from the Senate Committee on Energy and Natural Resources and

then be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ THE FIRST TIME—S. 2939

Mr. BAUCUS. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2939) to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks, and for other purposes.

Mr. BAUCUS. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States to the House Chamber for the joint session to be held at 9 p.m. on Wednesday, January 27, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR THURSDAY, JANUARY 21, 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Thursday, January 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and

the majority controlling the final half; that following morning business the Senate resume consideration of H.J. Res. 45, the debt limit bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. BAUCUS. Mr. President, there are three amendments pending to the joint resolution. We hope to reach time agreements on those amendments and, therefore, votes are expected tomorrow. Senators will be notified when these votes are scheduled.

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:50 p.m., adjourned until Thursday, January 21, 2010, at 9:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### MARINE MAMMAL COMMISSION

MICHAEL F. TILLMAN, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2011, VICE JOHN ELLIOTT REYNOLDS, III, TERM EXPIRED.

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2010, VICE PAUL K. DAYTON, TERM EXPIRED.

#### NATIONAL TRANSPORTATION SAFETY BOARD

EARL F. WEENER, OF OREGON, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2010, VICE MARK V. ROSENKER, RESIGNED.

#### AMTRAK BOARD OF DIRECTORS

JEFFREY R. MORELAND, OF TEXAS, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS, VICE DAVID MCQUEEN LANEY, TERM EXPIRED.

#### DEPARTMENT OF STATE

THEODORE SEDGWICK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SLOVAK REPUBLIC.

#### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

ROBERT WEDGEWORTH, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE AMY OWEN, TERM EXPIRED.

#### NATIONAL MUSEUM AND LIBRARY SERVICE BOARD

CARLA D. HAYDEN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2014, VICE KEVIN OWEN STARR, TERM EXPIRED.

#### NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

JOHN COPPOLA, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR

A TERM EXPIRING DECEMBER 6, 2013, VICE GAIL DALY, RESIGNED.

WINSTON TABB, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2013, VICE BEVERLY ALLEN, TERM EXPIRED.

#### NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014, VICE DENNIS P. WALSH.

#### THE JUDICIARY

MILTON C. LEE, JR., OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE JERRY STEWART BYRD, RETIRED.

#### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DANA KATHERINE BILYEU, OF NEVADA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2011, VICE THOMAS A. FINK, TERM EXPIRED.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2010, VICE GORDON WHITING, TERM EXPIRED.

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2014. (REAPPOINTMENT)

#### SPECIAL PANEL ON APPEALS

DENNIS P. WALSH, OF MARYLAND, TO BE CHAIRMAN OF THE SPECIAL PANEL ON APPEALS FOR A TERM OF SIX YEARS, VICE JOHN L. HOWARD, TERM EXPIRED.

#### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

CYNTHIA CHAVEZ LAMAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2010, VICE ALLEN E. CARRIER.

JOANN LYNN BALZER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2012, VICE LETITIA CHAMBERS, TERM EXPIRED.

#### THE JUDICIARY

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.

JON E. DEQUILLO, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE ALLEN SHARP, RETIRED.

AUDREY GOLDSTEIN FLEISSIG, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE E. RICHARD WEBBER, RETIRED.

LUCY HAERAN KOH, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE RONALD M. WHYTE, RETIRED.

TANYA WALTON PRATT, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE DAVID F. HAMILTON, ELEVATED.

JANE E. MAGNUS-STINSON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE LARRY J. MCKINNEY, RETIRED.

#### DEPARTMENT OF JUSTICE

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE ROSLYNN R. MAUSKOPF, RESIGNED.

DAVID J. HALE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DAVID L. HUBER, RESIGNED.

KERRY B. HARVEY, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE AMUL R. THAPAR, RESIGNED.

R. BOOTH GOODWIN II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE KARL K. WARNER II.

STEPHANIE A. FINLEY, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF

LOUISIANA FOR THE TERM OF FOUR YEARS, VICE DONALD W. WASHINGTON.

GERVIN KAZUMI MIYAMOTO, OF HAWAII, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE MARK MOKI HANOHAHO.

BRIAN TODD UNDERWOOD, OF IDAHO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE PATRICK E. McDONALD.

KELLY MCDADE NESBIT, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE PATRICK CARROLL SMITH, SR.

PETER CHRISTOPHER MUNOZ, OF MICHIGAN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE JAMES ROBERT DOUGAN.

CHRISTOPHER TOBIAS HOYE, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS, VICE GARY D. ORTON.

#### STATE JUSTICE INSTITUTE

MARSHA J. RABITEAU, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010, VICE SANDRA A. O'CONNOR, TERM EXPIRED.

HERNAEN D. VERA, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE TERRENCE B. ADAMSON, TERM EXPIRED.

#### DEPARTMENT OF JUSTICE

MARY L. SMITH, OF ILLINOIS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE NATHAN J. HOCHMAN, RESIGNED.

CHRISTOPHER H. SCHROEDER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ELISEBETH C. COOK, RESIGNED.

DAWN ELIZABETH JOHNSEN, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JACK LANDMAN GOLDSMITH III, RESIGNED.

#### DEPARTMENT OF DEFENSE

KATHERINE HAMMACK, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE KEITH E. EASTIN.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

#### To be major general

BRIG. GEN. STEVEN J. LEPPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

#### To be major general

COL. GERARD A. CARON

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be admiral

VICE ADM. JAMES A. WINNEFELD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

#### To be commander

RICHARD K. DOUGHERTY

### CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, January 20, 2010:

#### THE JUDICIARY

BEVERLY BALDWIN MARTIN, OF GEORGIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

## HOUSE OF REPRESENTATIVES—Wednesday, January 20, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 20, 2010.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, Creator of heaven and Earth, Eternal Shepherd of the living and the dead, as a Nation we unite with other nations of the world and pray for our suffering brothers and sisters in the poverty-stricken and Earth-shaken nation of Haiti. Have mercy on us all.

We beg You to help all the people of Haiti in all their needs. Come to the aid of the afflicted. Take pity on the helpless and the most vulnerable. Raise up the fallen as well as the ruins where human life and human remains may be still hidden. Restrain the wayward and sustain the brokenhearted. Bring compassion to those who mourn and eternal life to those who are buried in anonymity.

For, with the people of Haiti, we call upon You, Lord, as the everlasting Redeemer and Resurrection, both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### WALL STREET REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today in support of the Wall Street Bonus Tax Act. The legislation introduced by Congressman PETER WELCH would right a terrible wrong.

Right now, dozens of the financial institutions responsible for the economic meltdown are reverting right back to their old bad habits. They are getting ready to clap themselves on the back for the great job they think they've been doing by giving themselves billions of dollars in bonuses. But the thanks and the bonuses should go not to the bankers at Goldman Sachs and Citigroup and the others; it should go back to the American people.

It was the American people who stepped in and saved the banks from themselves. It was the American people who pumped billions of taxpayer dollars into Wall Street to keep it from melting down and taking the rest of the economy with it. And it should be the American people who reap the benefits of that action, not Wall Street banks.

Congress should pass the Wall Street Bonus Tax Act and give the American people their money back.

### SECOND SHOT HEARD AROUND THE WORLD

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, on April 19, 1775, 235 years ago, shots rang out in Massachusetts that forever changed the history of the world. British redcoats were ordered to seize the weapons of the American militia, even though it's never a good idea to try to disarm the American people.

The famous midnight ride of Paul Revere warned the Minutemen that the invincible British were coming. And as the sun rose over the town of Lexington, Massachusetts, the first shots rang out against the British tyranny, shots heard around the world.

At the north bridge of Concord, patriots fought the British Army. The

mighty British were defeated and turned back towards Boston. These were the first battles of the American Revolution to throw off the yoke of tyranny for a new idea of freedom.

The people of Massachusetts have fired a second shot heard around the world. Yesterday, they fired back against big, intrusive government, not with bullets, but with ballots. The Senate election was a statement for freedom over oppression. Our government, like the British, would do well never to underestimate the American people.

And that's just the way it is.

### HONORING STAFF SERGEANT DANIEL MERRIWEATHER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I rise today to pay tribute to a Memphis, Shelby County citizen who gave his life in service to our country in Afghanistan, Staff Sergeant Daniel Merriweather. He was the second soldier from Shelby County to die in Afghanistan since the beginning of Operation Enduring Freedom and our 12th in the Middle East since 2002. Staff Sergeant Merriweather, who was with the 118th Military Police Company, died when his convoy ran over an improvised explosive device.

He graduated from Overton High School in Memphis, Tennessee. He studied broadcast journalism, played football, loved sports, cowboy hats, boots, and country music. And you can see from his picture and from the reflections of his friends how much he loved life and how popular he was.

He wanted to serve his country, and he did so. He did two tours of duty, one in Afghanistan and one in Iraq. At 25 years of age, he is survived by his wife, Rachelle; his two children, 3-year-old Kale and Daniel Merriweather, Jr., just 3 months old; his parents, Pamela and Darryl Finnie; his sister, Adrienne; and his brother, Darryl Finnie, Jr.

These are the 12 soldiers who died from Shelby County, and unfortunately Staff Sergeant Merriweather joins that company.

Mr. Speaker, let us take a moment to honor the service and memory of Staff Sergeant Merriweather.

Thank you, Mr. Speaker. And thank you, Sergeant Merriweather.

### PRESIDENT'S INAUGURATION ONE YEAR AGO

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, 1 year ago today, the President was sworn into office, giving Democrats full control of Congress and the White House. After promising the American people a misnamed stimulus plan to keep unemployment under 8 percent, we see 10 percent unemployment continuing to cripple families.

Three hundred and sixty-five days later, the American people still haven't seen this Congress focus on job creation policies to promote small businesses. Instead, the American people have been saddled with more borrowing, more taxes, more spending, and increased deficits. As shown in Massachusetts, the American people support limited government, not failed big government.

Seven million Americans have lost jobs since Democrats took Congress, and now Americans want real change. It's time the Democrats get this message and get their priorities straight: Drop this backroom government health care takeover and take up job creation policies.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### MAIN STREET NEEDS HELP

(Ms. SUTTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SUTTON. Mr. Speaker, last fall, at the end of the last administration, we all know that America's largest financial institutions and companies were on the brink of collapse, and the Federal Government, and more importantly, the American taxpayers came to their rescue. But let's be clear: We did not do that because we were fans of their behavior. We did not appreciate even then the excessive greed that was driving Wall Street without any sense of responsibility. We helped them because ordinary citizens were being crushed, and we hoped to get the credit flowing.

So what has happened? Wall Street has experienced recovery, but Main Street still needs help. Wall Street needs to help pay for the revitalization of Main Street, and that is why I support the Wall Street Bonus Tax, which is going to levy a tax on those excessive bonuses that the Wall Street banks have the audacity to continue to give out even as the plight of our middle class is suffering.

Mr. Speaker, we have to do everything we can to stand up for the American taxpayers and the people who live in our communities.

### LESSONS TO BE LEARNED FROM SPECIAL ELECTION IN MASSACHUSETTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the United States Senate special election in Massachusetts offers many lessons for both Democrats and Republicans. Surely among them are these:

All true reform starts with the voice of the people.

Moderation beats extremism.

Common sense triumphs partisanship.

Voters can exercise real independence.

One-party control leads to arrogance.

There are few guaranteed election results.

Listen to the people, don't defy them.

Of course some will say there are no lessons to be learned or that the result of this special election should be ignored or can be explained away. But those who don't listen to the people, Democrats or Republicans, will pay a steep political price.

### AMERICANS WANT REAL CHANGE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. It's clear from the results last evening that the voters are angry. They haven't seen the change in direction that they thought they voted for 1 year ago in November.

Now, some Republicans will see it as an endorsement to turn back to the failed policies of the Bush years that put us in this mess. That wasn't the message. But the message is they want real change. They want the reform of Wall Street. They're tired of business as usual where the fat cats make out and the taxpayers get the bill. They want to see real reform in health care, take on the insurance industry, take on the pharmaceutical industry.

The Obama administration kicked off health care reform with a deal with the pharmaceutical industry. Now, that is not the kind of reform the American people want to see.

We need to step back and put forward a package of real reform. Take away the antitrust exemption of the health insurance industry; lower the cost of health care for all Americans; make the policies better; take on the pharmaceutical industry; allow people to reimport drugs from Canada that are exactly the same as the drugs sold here at a fraction of the cost. Those are the kinds of concrete steps people want to see.

### HEALTH CARE LEGISLATION CONTAINS A MARRIAGE PENALTY

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, while there is controversy about the pending health care legislation, one point where there should be bipartisan agreement is that the Federal Government should not penalize people simply for being married.

After review, it appears that both the House and the Senate bills contain significant marriage penalties. In the House bill, an unmarried couple with an income of \$25,000 each would have their combined premiums capped at \$3,076 per year. If the couple gets married, their annual premium cap drops to \$5,160 for the same insurance. In short, there is a \$2,084 penalty for simply being married.

While under the Senate bill it would be less, the marriage penalty would still exceed \$1,500 a year. Simply put, a marriage penalty on the middle class is just one more reason to dump this government takeover of our health care system.

□ 1015

### A NEW ECONOMIC VISION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, we know that job creation is Congress's job one, and we passed some time ago a great job creation engine for a clean energy economy in the United States. We passed that months ago in the U.S. House, and we know we have a tremendous opportunity for job creation. Building electric cars: I drove a Ford Focus all-electric car a couple of months ago. Building solar thermal plants: We now have contracts developing out in the Southwest. Building new energy-efficient windows: We heard from an entrepreneur the other day about the tremendous advances in energy efficiency.

Yet, to realize this economic vision, the U.S. Senate needs to get off the dime and pass a clean energy bill, and those who think that we should do nothing because Copenhagen didn't reach an agreement, I'll tell you what: the Chinese are not waiting. They're building solar plants. They're building electrical lithium-ion batteries. They're building new energy-efficient windows.

The U.S. Senate needs to join us and create a job-creating engine with clean energy and pass the energy bill.

### "NO" TO THE PELOSI TAKEOVER OF HEALTH CARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, many of my colleagues in the

House are ignoring the American people. Our constituents are holding rallies, posting blogs, talking with their neighbors, writing to their Congressmen, and are doing everything in their power to get them to listen.

The American people are telling us loud and clear: they don't want a government takeover of health care.

Listen to them. Massachusetts did. Americans want, need, and deserve better than a budget-busting, trillion-dollar health care bill when 10 percent of Americans are still unemployed. They are tired of sweetheart deals, secret meetings and dirty politics. There is still time to do what's right, to do what the people are asking us to do. Vote against the Pelosi takeover of health care.

#### A SOBERING PICTURE

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, this is a map from a new report by the Government Accountability Office that I requested in my role as Chair of the Joint Economic Committee. The report provides a detailed understanding of the state of the housing market at the end of June 2009, and it provides a sobering picture of the housing crisis this administration, President Obama, inherited.

By the end of last June, 1.7 million of the nonprime mortgages that originated from 2000–2007 had completed the foreclosure process. This map shows the estimated percentage of seriously delinquent nonprime loans by congressional district. It also serves as a map of the economic damage and social pain caused by lending practices of the past decade that were unsound by any measure.

Last year, this House passed financial regulatory reform to protect both consumers and our economy from the damaging effects of predatory lending. This sobering map is a reminder of why this legislation needs to pass into law.

#### A BACKROOM DEAL TO INCREASE THE NATION'S DEBT LIMIT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I saw the article in this month's Washington Post about the Obama administration's cutting a backroom deal with the Democrat leadership to create, by Executive order, a commission to deal with our Nation's excessive spending.

I am opposed to creating this panel by Executive order, and the American people will be opposed. Congress should be voting to create this commission, and it should be requiring that it act on the panel's recommendations.

What the President and the Democrat leadership have agreed to, which has only now come around to addressing the issue because they need political cover to increase the debt limit, is a fig leaf. This is the same group that has pushed our deficit to record levels and that has continued to write check after check from an account which already has a negative balance.

The American people will be cut out of the process. It is a backroom deal; and under this deal, the recommendations will be voted on by a lame-duck Congress, filled with retiring and defeated Members. This is wrong. Any action should be taken by a newly elected Congress, not one on the way out the door. Creating this commission by Executive order is the wrong way to go. We have to get this right. Too much is at stake.

#### JOB CREATION

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, during the Bush administration, the unemployment rate nearly doubled. We hemorrhaged millions of jobs, including 743,000 jobs that we lost in January 2009 when President Obama was sworn in. They made the mess, but we have to fix it.

Thankfully, this President and the Democrats in Congress have put measures in place to stabilize our economy and to begin to create jobs for the more than 15.3 million people who are unemployed. To those who are actively seeking a job but who can't find one, the economy has begun to move again.

We have extended unemployment. We have extended COBRA benefits for those who are unemployed to help them make ends meet, but that's not enough. We have to continue that until we stabilize the economy significantly and until unemployment falls. During this Congress, we've really helped our job creators: small businesses. We have to do more for them to make sure we steer equity and investment to start-ups in high-growth fields like clean energy and information technology, and we have to strengthen microlending from the Small Business Administration.

Look, we are not finished until millions of Americans who want to go to work go back to work. Our job isn't done until Americans achieve the American Dream.

#### HONORING IRA LEESFIELD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to salute Miami attorney Ira

Leesfield on receiving the 2010 American Jewish Committee's Judge Learned Hand Award for Preferred Excellence.

The American Jewish Committee must have had Ira in mind when this prestigious award was created to honor the memory of Judge Learned Hand and the principles that he so well represented: individual rights and the importance of democratic values in an orderly society.

With his very strong professional background, outgoing personality and true compassion for our community, Ira Leesfield has been a strong voice for civil rights in south Florida for many years, and I am honored to count him as a friend.

As the senior and managing partner of Leesfield & Partners, P.A., Ira has received many other honors, including the Anti-Defamation League's Jurisprudence Award, and he was the first Florida recipient of the American ORT Jurisprudence Award.

I am pleased to join the American Jewish Committee, his family, friends, and neighbors in their celebration of Ira's countless contributions to our community and, indeed, to our Nation.

#### THE STATE OF THE AMERICAN ECONOMY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, how soon we forget.

It's instructive to recall where we were 9 years ago. We had created 23 million new jobs; we were at peace throughout the world. In fact, we had a projected surplus of \$5.6 trillion. By this time, we would have paid off our debt. Instead, after 8 years of Republican control of all three branches of government, 8 years later, we had \$12 trillion of debt; we were engaged in two wars; health care costs were strangling our families and businesses. In fact, we were losing 700,000 jobs a month.

One year later, that job loss has been cut by 90 percent. We have a health care reform bill that will enable all American families to have affordable health care at less cost. The process of governance is difficult. To just say "no" is irresponsible.

#### GETTING THE AMERICAN ECONOMY BACK ON TRACK

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, Massachusetts, Virginia, New Jersey—they have all spoken, and I think they speak for the American people.

They want us to try to work out these problems that they're facing together and not keep pointing fingers.



It's time for us to get down to the job of creating jobs. They don't want this health care bill. It's pretty darn clear. That was the major issue in Massachusetts. So we need to get together and solve the problems of health care without ramming something down the people's throats from behind closed doors. It's extremely important.

They don't want higher taxes; they want lower taxes. They don't want more government interference in their lives; they want less. So what we ought to do is address the problems that are really important right now. The first thing is creating jobs and getting this economy back on track and not to try to ram a health care bill down the American people's throats that they really, really don't want.

#### SAVING AMERICA FROM AN ECONOMIC ABYSS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, there is always a great deal of danger in spontaneous reactions to elections. One of the things that I thought about last night when I watched SCOTT BROWN accept his victory in Massachusetts was that he didn't talk about returning to the agenda of 2000–2008. He didn't talk about returning to Bush economics or the Republican agenda. As a matter of fact, he never mentioned the word “Republican.”

What he did talk about, and he talked about it extremely well, was about the need for us to listen to the people, that the job wasn't his job or a Kennedy job. This was the people's job. It's a lesson for all of us to learn.

The true political victory will be won by the party and the individuals who demonstrate responsiveness to the needs of their communities and of their citizens. We have been doing that now for a year. I think we can make a strong case on the Democratic side that we have saved this country from an economic abyss. We will continue to do that while we continue to listen to the people we work for.

#### TOP 10 LIST OF HEALTH REFORM BENEFITS WASHINGTON REPUBLICANS THREATEN TO STRIP AWAY

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, we need to get our courage up and continue to reform health care. There are tremendous benefits that will be lost if we don't clearly draw the path to health care reform.

What we are doing is providing protections against insurance companies' discrimination and against losing coverage when you get sick. Insurance se-

curity, if you lose your job, will be guaranteed. There will be relief for small businesses and employers. There will be jobs for Americans in the health care industry, no lifetime limits on coverage, and there will be free preventative care.

That is what we want to do for the American people. We must go out and clearly explain the benefits, each and every one of us, to the American people.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3250) to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the “Private First Class Garfield M. Langhorn Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, shall be known and designated as the “Private First Class Garfield M. Langhorn Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Private First Class Garfield M. Langhorn Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Illinois (Mr. SCHOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1030

GENERAL LEAVE

Mr. LYNCH. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am proud to present H.R. 3250 for consideration. This legislation will designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the “Private First Class Garfield M. Langhorn Post Office Building.”

H.R. 3250 was introduced by my colleague and friend Representative TIM BISHOP of New York, on July 17, 2009, and was favorably reported out of the Oversight and Government Reform Committee by unanimous consent on October 29, 2009. In addition, the legislation enjoys the support of the entire New York House delegation.

Born on September 10, 1948, in Cumberland, Virginia, Private First Class Garfield Langhorn distinguished himself through his brave, dedicated, and selfless military service during the Vietnam War as a member of the United States Army's Troop C, 7th Squadron, 17th Cavalry Regiment, 1st Aviation Brigade.

In recognition of his heroic actions during the Vietnam War, Private First Class Langhorn posthumously received the Medal of Honor, the highest military decoration awarded by the United States Government, as well as the Purple Heart. Private First Class Langhorn was one of 20 African American soldiers to receive the Medal of Honor for their service during the Vietnam War.

As noted by the citation accompanying his Medal of Honor, Private First Class Langhorn demonstrated “conspicuous gallantry and intrepidity in action at the risk of his life and beyond the call of duty” while serving as a radio operator in Troop C in Vietnam's Pleiku province on January 15, 1969.

Specifically, the citation recounts that Private First Class Langhorn's platoon had been inserted into a landing zone in order to rescue two pilots of a downed Cobra helicopter. While members of his platoon, who had found the two pilots dead, attempted to take the men's bodies to a nearby pickup location, Private First Class Langhorn provided radio coordination and covering fire as the platoon came under intense fire from enemy forces.

As darkness fell, an enemy hand grenade landed directly in front of Private First Class Langhorn and only a few feet from several wounded members of his platoon. In response, and without hesitation, Private First Class Langhorn threw himself on the grenade and absorbed the ensuing blast, thereby saving the lives of his comrades by sacrificing his own.

Accordingly, the Medal of Honor citation further notes that, “Private

First Class Langhorn's extraordinary heroism, at the cost of his own life, was in keeping with the highest traditions of the military, and reflects great credit on himself, his unit, and the United States Army."

Mr. Speaker, in continued tribute to Private First Class Langhorn's bravery and self-sacrifice, the members of the United States Army's 7th Squadron, 17th Cavalry, past and present, have committed themselves to ensuring that his legacy and his memory lives on.

As noted by retired Sergeant Major Tony Morton, president of the 7th Squadron 17th Air Cavalry Association, all cavalry troopers assigned to the squadron must "earn their spurs" through the completion of a grueling 3-day series of tests and tasks known as the "spur ride." It is notable that completion of one of the stations requires soldiers to possess a detailed knowledge regarding the service and sacrifice of Private First Class Langhorn, a requirement that, according to Sergeant Major Morton, serves to ensure that Private First Class Langhorn "will go on in this squadron as long as this squadron is flying the colors."

In addition, in 2008, the squadron cut the ribbon on a conference center named after Private First Class Langhorn and the unit's other Medal of Honor recipient from Vietnam, Sergeant Ray McKibben. Moreover, the squadron also rededicated a memorial to the two soldiers that has been relocated from Fort Knox, Kentucky, to the unit's new headquarters at nearby Fort Campbell on the Kentucky-Tennessee border.

Mr. Speaker, the life of Private First Class Garfield M. Langhorn stands as a testament to the lives of all those brave men and women who have served in the United States military and offered our Nation the ultimate sacrifice. Let us further honor the courageous soldiers through the passage of H.R. 3250, which designates the Riverhead, New York, Postal Service building in Private First Class Langhorn's name.

I urge my colleagues to join me in supporting H.R. 3250.

I reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3250, designating the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building."

Garfield M. Langhorn's selfless and heroic actions, for which he received the Congressional Medal of Honor, serve as an inspiration to all Americans.

On January 15, 1969, U.S. Army Private First Class Garfield M. Langhorn of New York was serving as a radio operator in the Pleiku province of North Vietnam. His platoon's assignment was

to rescue two helicopter pilots who had been shot down and were behind enemy lines. Langhorn coordinated with aircraft that were providing cover to his platoon during the rescue mission. While soldiers in the platoon were bringing the bodies of two helicopter pilots they were rescuing to an extraction site, well disguised North Vietnamese soldiers suddenly surrounded the platoon. Langhorn radioed the support aircraft for assistance and helped provide cover for the other soldiers in the platoon.

As night came, the fighting continued, but the air support could no longer accurately pinpoint the soldiers on the ground. The enemy soldiers continued to close in. An enemy soldier threw a hand grenade near Langhorn and wounded several of his colleagues and men. According to his Congressional Medal of Honor citation, "choosing to protect these wounded, he unhesitatingly threw himself on the grenade, scooped it beneath his body and absorbed the blast. By sacrificing himself, he saved the lives of his comrades."

Mr. Speaker, Garfield Langhorn was a true American hero. In his last dying words, he is reported to have said, "You have to care." Private First Class Langhorn did care deeply about his fellow soldiers and he cared about his country. His story is an inspiration to all Americans.

I ask my colleagues to support H.R. 3250 to honor Private First Class Langhorn's sacrifice for years to come.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I appreciate the gentleman's kind words.

I yield 3 minutes to the chief sponsor of this bill, Mr. BISHOP of New York.

Mr. BISHOP of New York. Mr. Speaker, let me start by thanking my friend Mr. LYNCH for his remarks with respect to this legislation. Let me also thank the gentleman from Illinois for his remarks and his support of this legislation.

Mr. Speaker, I rise as the proud sponsor of H.R. 3250, and I thank the leadership for calling up this bill to name the United States Post Office located at 1210 West Main Street in Riverhead, New York, in my district on Eastern Long Island, as the "Private First Class Garfield M. Langhorn Post Office Building".

It was a journey of a hardworking American family, looking for an opportunity and a better way of life, that brought the family of Private First Class Garfield Langhorn of the United States Army from Cumberland, Virginia, to Riverhead, New York, in the early 1950s.

Private First Class Langhorn's mother still lives in this close-knit community—her name is Mary—where she raised her son who proudly answered the call of his country during the Vietnam War. He distinguished himself as a

radio operator and as a good soldier. I am proud to represent Mrs. Langhorn, and I commend her for the grace and the dignity with which she carries her loss.

On a hillside in Pleiku province, Private First Class Langhorn heard an even higher call than service and duty. His ultimate sacrifice saved the lives of several of his fellow soldiers by selflessly absorbing the explosion of an enemy grenade within his own body. It was an act of valor and heroism for which the Medal of Honor was created, and for which it is solemnly reserved.

Today, the Medal of Honor retains pride of place on Mary Langhorn's wall as a tangible symbol of the respect and honor her son earned from the American people. Passing H.R. 3250 today affirms the pride of Riverhead by memorializing one of its most distinguished citizens.

As they conduct their business each day, the people of Riverhead who visit the post office will be reminded of PFC Langhorn's extraordinary service and sacrifice and can reflect on the true value of freedom. They will know that PFC Garfield M. Langhorn is a national hero, and the values for which he gave his life, honor, loyalty, and family will again forever be memorialized.

Mr. Speaker, I am grateful to all of my colleagues in the New York delegation for cosponsoring this legislation, and I again thank Chairman TOWNS, Mr. LYNCH, and the gentleman from Illinois for their support.

Mr. SCHOCK. Mr. Speaker, I urge all Members to support the passage of H.R. 3250.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I again, in closing, urge my colleagues to join the gentleman from New York (Mr. BISHOP) in honoring Private First Class Garfield Langhorn through the passage of H.R. 3250.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3250.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

# CONGRATULATING NANCY GOODMAN BRINKER

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 708) congratulating Nancy Goodman Brinker for receiving the Presidential Medal of Freedom, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 708

Whereas Ambassador Brinker is the founder of the Susan G. Komen for the Cure, the world's leading breast cancer grass roots organization, and Ambassador Brinker established the organization in memory of her sister, who passed away from cancer in 1980;

Whereas through innovative events like Race for the Cure, the organization has given and invested nearly 1.5 billion for research, health services and education services since its founding in 1982;

Whereas the Susan G. Komen for the Cure has developed a worldwide grassroots network of breast cancer survivors and activists who are working together to save lives, empower people, ensure quality care for all and energize science to find cures;

Whereas Ambassador Brinker has served as Chair of the President's Cancer Panel (1990);

Whereas Ambassador Brinker has served as United States Ambassador to Hungary (2001–2003);

Whereas Ambassador Brinker has served as Chief of Protocol of the United States (2007–2009);

Whereas, in May of this year, Ambassador Brinker was named the first-ever World Health Organization's Goodwill Ambassador for Cancer Control;

Whereas, on July 30, 2009, President Obama named Peoria native Ambassador Nancy Goodman Brinker as a recipient of the Presidential Medal of Freedom;

Whereas the Presidential Medal of Freedom is America's highest civilian honor that is awarded to individuals who make an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors;

Whereas Ambassador Brinker's public service has impacted millions of lives and her work, from promoting cancer research to promoting freedom around the world, and has been praised by members of both parties; and

Whereas President Obama will present Illinois native Ambassador Nancy Goodman Brinker with the Presidential Medal of Freedom on Wednesday, August 12, 2009: Now, therefore, be it

*Resolved*, That the House of Representatives congratulate Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Illinois (Mr. SCHOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

## GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H. Res. 708 for consideration. This legislation expresses our congratulations to Ms. Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

House Resolution 708 was introduced by my colleague and friend Representative AARON SCHOCK of Illinois on July 31, 2009, and was favorably reported out of the Oversight and Government Reform Committee by voice vote on December 10, 2009. In addition, the legislation enjoys the support of nearly 60 Members of Congress.

Mr. Speaker, seeing that my colleague is the lead sponsor of this, I will reserve the balance of my time and allow the gentleman to offer this resolution.

Mr. SCHOCK. Mr. Speaker, I wish to extend my appreciation to my friend from Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, we rise today to honor a great woman, a great leader, and, really, an icon in our country and around the world for what the power of one person, working with hundreds and thousands of others, but really one person's vision, tenacity, and hard work can mean for her fellow mankind on Earth.

We rise today to honor Nancy Goodman Brinker. She was born December 6, 1946, in Peoria, Illinois, and is most notably known for her work with the Susan G. Komen for the Cure Foundation, the world's leading breast cancer grassroots organization, which has impacted millions of lives.

This organization was established in memory of her sister, Susie Komen, who passed away from cancer in 1980. Ms. Brinker since then has also founded the Susan G. Komen for the Cure's signature program, the Race for the Cure, the largest series of 5-K run and fitness walks in the world.

Since its origin in 1983 in Dallas, Texas, the Race for the Cure series has grown from one local race with 800 participants to a national series of 112 races that yielded just over 1.5 million participants last year.

Ms. Brinker's contributions to society extend beyond her work with the Susan G. Komen centers. Ms. Brinker has served in the government as Chair of the President's Cancer Panel in the early 1990s. She then went as the U.S. Ambassador to Hungary from 2001 to 2003, and then as the Chief of Protocol for the United States from 2007 to 2009.

□ 1045

Time magazine in 2008 named her as one of the 100 most influential people

in the entire world. In July, 2009, President Obama named Nancy Goodman Brinker as a recipient of the 2009 Presidential Medal of Freedom. The Presidential Medal of Freedom, of course, is America's highest civilian honor that is awarded to individuals who make an especially meritorious contribution to the security or national interest of the United States, world peace, cultural, or other significant public or private endeavors. She was presented the Presidential Medal of Freedom on Wednesday, August 12, 2009. The inscription on her Presidential Medal of Freedom says this: Drawing strength from tragedy, Nancy Goodman Brinker has transformed the Nation's approach to breast cancer.

When her sister was diagnosed in 1977, most breast cancer victims knew relatively little about the disease and suffered from popular stigmas. Nancy Brinker promised to challenge these norms. She founded Susan G. Komen for the Cure in honor of her sister. Today, the organization supports research and community awareness programs across the United States and around the world. Nancy Goodman Brinker's unique passion and determination have been a blessing to all those whose lives have been touched by breast cancer. In fact, it's these 1.5 million participants in the Race for the Cure and the thousands of people that this organization have touched that have led to the increased awareness of breast cancer. It's her work that has led to the infamous pastel pink being synonymous with breast cancer awareness and the work of the organization.

But let us be clear. The work has done much more than just create awareness about breast cancer research. Nancy Goodman Brinker's work has saved lives. In fact, the work of the Susan G. Komen Centers has generated over its 27 years \$1.5 billion in cancer research. As a result, we have discovered the first breast cancer susceptibility gene. The research dollars have led to the first use of magnetic resonance imaging scanners, or MRIs. They discovered the pathways that some cancer cells take in the body, leading to treatments to potentially stop the spread of cancers to other organs. And as a result of this continuous work, mortality from breast cancer is down. In the last decade, deaths from breast cancer fell by over 20 percent, and more than 2.5 million people in the United States are breast cancer survivors, the largest group of cancer survivors in America.

Now, as we read through the life and the work of Nancy Goodman Brinker, one might think this sounds like an obituary. But, my friends, rest assured Nancy Goodman Brinker's contributions to society are far from over. While many might retire, given this long resume of accomplishments, she continues to take on the mantle and

fight. Since her retirement from public service in our government, she has returned back as the CEO of the Susan G. Komen Centers and also was recently named the first ever World Health Organization's Goodwill Ambassador for Cancer Control.

Finally, I'd like to read a quote by our President, Barack Obama, when he issued the Presidential Medal of Freedom to Ms. Brinker. He said, One of the last things Susie Komen did before she passed away was ask her sister Nancy to make her a promise. Nancy promised her she would prevent other families battling breast cancer from hurting the way theirs had. What began with \$200 and a list of friends has become a global race for the cure, a campaign that has eased the pain and saved the lives of millions around the world. In the months after her sister's death, Nancy lay awake at night thinking about the promise she had made and wondering whether one person could really make a difference. Nancy's life is the answer.

Mr. Speaker, that is the reason we rise today to honor Nancy Goodman Brinker for what she has done, for what she continues to do, and for the inspiration that she is to all Americans of what one person can do for their country and for the world.

I reserve the balance of my time.

Mr. LYNCH. I thank the gentleman for his remarks.

As was noted, on August 12, 2009, President Obama awarded the Presidential Medal of Freedom, which is our Nation's highest civilian honor, to Ambassador Nancy Goodman Brinker in recognition of her efforts to advance breast cancer awareness and research. As noted by the President during the 2009 Medal of Freedom ceremony, the life of Nancy Goodman Brinker serves truly to answer the question whether one person can truly make a difference.

It is correct, as the gentleman from Illinois has noted, that this began as a promise between sisters. As she was falling victim to breast cancer, Susan G. Komen asked her beloved sister, Nancy, to promise to do everything she could to ensure that other families battling breast cancer had the help they needed to fight the deadly disease. From that simple promise between sisters, and in the honor of her sister, Ambassador Brinker has devoted her life to advancing breast cancer awareness and research.

In 1982, 2 years following her sister's passing, Ambassador Brinker, a breast cancer survivor herself, established Susan G. Komen for the Cure, a global nonprofit organization dedicated to supporting breast cancer research, a program that has affected millions of families in America. Notably, Susan G. Komen for the Cure, which also serves as the world's largest grassroots network of breast cancer survivors and activists, has raised nearly \$1.5 billion to

support advancements in breast cancer research, education, and health services since its inception. From its advocacy at the local, State, and Federal levels in support of enhanced breast cancer screening and treatment programs to its coordination with local health groups around the world to assist women in nearly 200 countries in overcoming social, cultural, and economic barriers to breast health treatment, Susan G. Komen for the Cure stands as a testament to the bravery of Susan G. Komen, as well as the commitment and vision of Ambassador Brinker.

As noted by Ambassador Brinker, Susan G. Komen for the Cure faced an immediate uphill battle in its mission to promote breast cancer awareness and research. In 1982, the disease received scant media attention and the fight against breast cancer was hampered by scarce resources, an inadequate supply network, and limited treatment options. However, under the dedicated and creative leadership of Ambassador Brinker, the breast cancer movement has managed to break the silence surrounding the disease and secure major advances with respect to breast cancer research, funding, education, and treatment.

In 1982, Ambassador Brinker founded the Susan G. Komen Race for the Cure, which is big in my district and is presently the world's largest and most successful education and fundraising event for breast cancer. In addition, Ambassador Brinker has also pioneered the concept of cause-related marketing, through which her foundation has established a variety of strong and enduring partnerships with businesses that share her commitment to ending breast cancer. Annually, the foundation raises over \$30 million through its marketing partnerships.

Moreover, Ambassador Brinker and her foundation have played an instrumental role in securing the passage of key legislation to promote public investment in breast health and breast cancer care. Most recently, the organization contributed to the passage of an amendment authored by Senator BARBARA MIKULSKI of Maryland to the Senate health care reform bill to ensure that breast cancer screening is available for women between the ages of 40 and 49. As noted by Ambassador Brinker, she will continue her efforts until the amendment becomes law.

In addition to her work on behalf of Susan G. Komen for the Cure, Ambassador Brinker's commitment to ending breast cancer can be witnessed through her service as Goodwill Ambassador For Cancer Control for the United Nations' World Health Organization. In this capacity, Ambassador Brinker has sought to raise breast cancer awareness and strengthen treatment programs in impoverished nations as well as advocate in support of stronger glob-

al action for cancer prevention in accordance with the global strategy for the prevention and control of non-communicable diseases that was endorsed by the World Health Assembly in 2008.

Mr. Speaker, in light of Ambassador Brinker's tireless efforts on behalf of ending breast cancer and her distinguished public service, it is not surprising that she was named as one of our Nation's Presidential Medal of Freedom recipients for 2009. Let us congratulate Ambassador Brinker on her receipt of our Nation's highest civilian honor and commemorate her life's worth through the passage of H. Res. 708.

I urge my colleagues to join me in supporting H. Res. 708.

I reserve the balance of my time.

Mr. SCHOCK. I yield 2 minutes to my distinguished colleague and good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend, the gentleman from Illinois, for his leadership on this crucial effort to eradicate breast cancer in our lifetime, and I rise in support of his resolution to congratulate Ambassador Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

Since her sister's death 30 years ago, Nancy has been devoted to finding a cure for breast cancer. As founder of the Susan G. Komen Breast Cancer Foundation and the 5K Race for the Cure, Nancy has helped to raise almost a billion dollars for this noble effort. In my congressional district, the Miami-Fort Lauderdale Race for the Cure has raised more than \$4.5 million. Our yearly local events reach hundreds of thousands of people as an educational outreach tool and as a grassroots movement builder. The research grants from Nancy's foundation have contributed to many of the new treatments that have truly saved lives. Through efforts like hers, we have made important strides in increasing breast cancer awareness throughout our Nation.

Today, the Susan G. Komen Breast Cancer Foundation is recognized as the leader in the fight against breast cancer. In solidarity with the countless survivors, like my good friend and Florida colleague, DEBBIE WASSERMAN SCHULTZ, I thank Ambassador Brinker for all that she has done and certainly all that she will continue to do in this noble fight against breast cancer.

Mr. LYNCH. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. SCHOCK. I yield 2 minutes to my distinguished colleague and good friend, the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I do thank the gentleman from Illinois.

It is such an honor for me today to rise in strong support of the resolution

to congratulate Ambassador Nancy Brinker for receiving the Presidential Medal of Freedom. Ambassador Brinker founded Susan G. Komen for the Cure in 1982, and has since built it into the world's leading breast cancer grassroots organization. The Susan G. Komen Foundation awarded \$780,000 in research grants in 2008 in my home State of Tennessee, and we are grateful for those grants.

Through her advocacy efforts, Ambassador Brinker is to be commended for saving countless lives as a trailblazer fighting for the health of women worldwide, empowering patients, and raising billions in funding for continued breast cancer research. She has worked tirelessly, building an impressive resume of accomplishments, most recently being named the first ever World Health Organization's Goodwill Ambassador for Cancer Control.

I commend Ambassador Brinker for standing with all women to raise awareness on the issue of mammography rationing in the health care reform bill and continuing to advocate for increased access to appropriate therapies and screenings for all Americans. Her contributions to society deserve much praise, and each points back to her original goal: to ease suffering and raise awareness to eradicate breast cancer for all, and to honor the memory of her sister. Today, we honor her.

□ 1100

Mr. LYNCH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, with that, I urge all Members to support the passage of House Resolution 708, honoring one of the finest Americans, Nancy Goodman Brinker.

I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of H. Res. 708, a bill to congratulate Ms. Nancy Goodman Brinker for receiving the Presidential Medal of Freedom. Nancy Brinker, a resident of my Congressional District in South Florida, has had a remarkable impact on the fight against breast cancer. As founder of Susan G. Komen for the Cure, a foundation named for her sister who unfortunately lost her battle with breast cancer 30 years ago, Nancy has helped raise over \$1 billion dollars in support of research, education campaigns and support services for patients and their loved ones.

Susan G. Komen for the Cure and the Race for the Cure have helped create a global movement to empower and support those touched by this disease. Now the largest grass roots breast cancer movement in the world, Susan G. Komen for the Cure offers a place for patients, their friends and family, and those who have lost loved ones to breast cancer to share their stories, raise awareness and donate their time and resources toward finally putting an end to this disease.

I was honored to participate in the Race for the Cure held in West Palm Beach, FL where I walked in honor of my sister, who was re-

cently diagnosed with breast cancer. At this event, I was delighted to meet Nancy in person, and thank her for her tireless efforts in fighting this terrible disease.

Nancy's work to honor the life of her sister by helping countless others is truly admirable, and deserving of this distinguished civilian award. I would like to thank my friend from Illinois, Congressman SCHOCK for introducing this resolution, and Chairman TOWNS for his leadership in bringing this bill to the House floor today. I urge passage of the bill and I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 708, which congratulates Ambassador Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

I was thrilled when I heard the news last year that President Barack Obama had given this highest civilian honor to Ambassador Brinker.

No one could be more deserving of this great honor. For nearly 30 years she has brought a deep passion to the fight against breast cancer. She has built an organization like no other to fight this terrible disease.

Susan G. Komen for the Cure is the largest and most progressive group of breast cancer activists in the world.

The Race for the Cure, which is now a global effort, has helped raise over a billion dollars for research, health services and educational efforts supporting millions of women in need. All of this because of Nancy, her passion and her vision.

It has been an honor and privilege to work with Nancy over the last year and I cannot think of a more courageous, dedicated, and passionate woman to honor today.

I thank my colleagues and friends Congressman AARON SCHOCK and Congresswoman JAN SCHAKOWSKY for introducing this fitting and well deserved resolution.

Mr. HENSARLING. Mr. Speaker, today I would like to honor Ambassador Nancy Brinker for her continued leadership and advocacy in breast cancer research and congratulate her on receiving America's highest civilian honor, the Presidential Medal of Freedom.

Ambassador Brinker's commitment to defeating breast cancer began 28 years ago after she lost her sister to the disease. Since that time, Ambassador Brinker has dedicated her life to increasing public awareness and developing a grassroots network of individuals affected by breast cancer.

As the founder of Susan G. Komen for the Cure, Ambassador Brinker has campaigned tirelessly to help those affected by breast cancer and has raised over \$1.3 billion for research and education purposes since it was founded.

Now serving as the Goodwill Ambassador for Cancer Control for the United Nations' World Health Organization, Ambassador Brinker's dedication and leadership are felt throughout the world as she promotes awareness and continues the global fight against breast cancer.

Breast cancer is a devastating disease that has touched many lives. As a former volunteer and board member of the American Cancer Society of Dallas, I have seen how cancer impacts a family. As a husband and father, I

share a deep commitment to the fight against cancer.

Mr. Speaker, on behalf of the Fifth District of Texas, I applaud Ambassador Brinker for her longstanding dedication, leadership and selfless spirit and congratulate her on receiving the Presidential Medal of Freedom.

Mr. LYNCH. Mr. Speaker, in closing, again I urge my colleagues to join Mr. SCHOCK of Illinois in congratulating Ms. Nancy Goodman Brinker on receiving the Presidential Medal of Freedom through the passage of H. Res. 708.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 708, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONGRESSWOMAN JAN MEYERS POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4095) to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4095

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONGRESSWOMAN JAN MEYERS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, shall be known and designated as the "Congresswoman Jan Meyers Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Congresswoman Jan Meyers Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Illinois (Mr. SCHOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 4095 for consideration. This legislation will designate the United States Postal Service facility located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building." Introduced by my friend and colleague Representative DENNIS MOORE of Kansas on November 17, 2009, H.R. 4095 was reported out of the Oversight and Government Reform Committee on December 10, 2009, by voice vote. Notably, H.R. 4095 has the support of the entire Kansas House delegation.

Since the lead sponsor, Mr. MOORE, is here, I would like to yield him such time as he may consume in bringing this resolution to the floor.

Mr. MOORE of Kansas. Mr. Speaker, I am pleased today to rise in support of bipartisan legislation which I introduced with my colleagues in the Kansas congressional delegation, H.R. 4095, designating the post office located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building."

Jan Meyers was elected to represent the Third Congressional District of Kansas in 1984 and reelected in five subsequent elections. In 1995, she became the first Republican woman to chair a standing House committee, the Small Business Committee, in more than 40 years. That milestone capped Jan's long tenure as a public servant that began with 5 years of service on the Overland Park City Council and included 12 years in the State senate. As Congressional Quarterly described her, Jan was "a mild mannered social moderate known for her willingness to compromise . . . Meyers' middle ground instincts make her a case swing vote."

Janice Lenore Crilly, Jan, was born on July 20, 1928, in Lincoln, Nebraska, the daughter of Howard M. Crilly, a newspaper publisher, and Lenore N. Crilly. Jan and her brother Donn were raised in Superior, Nebraska. In 1948, she graduated with an associate fine arts degree from William Woods College in Fulton, Missouri, and with a B.A. in communications from the University of Nebraska in 1951. Following graduation, she worked in advertising and public relations.

Jan Crilly married Louis "Dutch" Meyers who eventually became a Kansas City television station executive, and they raised a daughter and son, Valerie and Philip. Jan's career in Kansas GOP politics began in 1966 when she served as Overland Park chairwoman for Larry Winn, Jr.'s campaign for the Third Congressional District U.S. House seat. Two years later, she was the district co-Chair for the first of Senator Robert Dole's string of five successful Senate races. In 1974, Jan chaired Republican BOB BENNETT's gu-

bernatorial campaign in Johnson County.

From 1967 to 1972, she served as a member of the Overland Park City Council, presiding for 2 years. In 1972, Jan won election of the Kansas State Senate and served there for the next 12 years, rising to chair the Public Health and Welfare Committee as well as the Local Government Committee. When Representative Winn retired in 1984, Jan entered the GOP primary to succeed him. By that point, the district was a narrow north/south sliver, nestled in the northeast corner of Kansas across the river from the metropolis of Kansas City, Missouri. In a five-way race, she won the party nomination; and in the general election, she faced a formidable opponent in the Democratic candidate, Kansas City Mayor Jack Reardon.

Jan emphasized her long experience in State politics and campaigned around the district. When Congresswoman Meyers arrived in the House after winning that race, she was appointed to the Committee on Science and Technology, the Committee on Small Business, and the Select Committee on Aging. In the 100th Congress, she transferred from Science and Technology to the Foreign Affairs Committee.

Jan was most active on the Small Business Committee where she introduced a number of legislative measures to protect small business interests and to ensure they had fair representation in government. She worked to bring permanent tax cuts for small business. When Republicans took control of the House in the 1994 elections, Jan Meyers was promoted to chair the Small Business Committee. It marked the first time that a Republican woman had chaired the House committee since Edith Nourse Rogers headed Veterans' Affairs in the 83rd Congress from 1953 to 1955.

"Leadership positions come as a result of seniority," Jan said. And later she said, "I sincerely hope that women continue to run and continue to get elected, and I think that will ultimately result in more women being elected to leadership positions." Jan declined to run for reelection in 1996, noting that she wanted to spend more time with her family. "There are other things in life I want to do, and being a Member of Congress, if you take the job seriously, simply does not leave time," Jan told the press. She also said she believed that Members of Congress should serve no more than 10 to 14 years.

Jan returned to Overland Park, Kansas, where she joined foundation boards for a local library and a community college.

Mr. Speaker, Jan Meyers was a valued and important Member of Congress during her tenure in this body, and it is fitting that we vote today to name on

her behalf a post office in the city she served as a commissioner. This is bipartisan. I ask for the support of my colleagues.

Mr. Speaker, I am very pleased today to rise in support of bipartisan legislation I introduced with my colleagues in the Kansas congressional delegation, H.R. 4095, designating the post office located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

Jan Meyers was elected to represent the Third Congressional District of Kansas in 1984, and re-elected in five subsequent elections. In 1995, she became the first Republican woman to chair a standing House committee, the Small Business Committee, in more than 40 years. That milestone capped Jan's long tenure as a public servant that began with 5 years of service on the Overland Park City Council and included twelve years in the state senate. As Congressional Quarterly described her, Jan was "a mild mannered social moderate known for her willingness to compromise. . . . Meyers' middle ground instincts make her a key swing vote."

Janice Lenore Crilly (Jan) was born on July 20, 1928, in Lincoln, Nebraska, the daughter of Howard M. Crilly, a newspaper publisher, and Lenore N. (Hazel) Crilly. Janice Crilly and her brother, Donn, were raised in Superior, Nebraska. In 1948, she graduated with an Associate Fine Arts degree from William Woods College in Fulton, Missouri, and with a B.A. in communications from the University of Nebraska in 1951. Following graduation, she worked in advertising and public relations. Jan Crilly married Louis "Dutch" Meyers, who eventually became a Kansas City television station executive, and they raised a daughter and son, Valerie and Philip.

Jan Meyers's career in Kansas GOP politics began in 1966, when she served as Overland Park chairwoman for Larry Winn, Jr.'s campaign for the Third District U.S. House seat. Two years later, she was district co-chair for the first of Senator Robert Dole's string of five successful Senate races. In 1974, Jan chaired Republican Bob Bennett's gubernatorial campaign in Johnson County. From 1967 to 1972, she served as a member of the Overland Park City Council, presiding for two years. In 1972, Meyers won election to the Kansas state senate and served there for the next 12 years, rising to chair the public health and welfare committee as well as the local government committee.

When Representative Winn retired in 1984, Jan entered the GOP primary to succeed him. By that point, the district was a narrow north-south sliver nestled in the northeast corner of Kansas across the river from the metropolis of Kansas City, Missouri. In a five-way race she won the party nomination. In the general election she faced a formidable opponent in the Democratic candidate, Kansas City Mayor Jack Reardon. Jan emphasized her long experience in state politics and plastered the district with "Jan Can" posters. Benefiting from being on a ticket that featured President Reagan and the popular Senator Nancy Kassebaum (who received more votes than Reagan in the November elections), Jan won.



When Congresswoman Meyers arrived in the House, she was appointed to the Committee on Science and Technology, the Committee on Small Business, and the Select Committee on Aging. In the 100th Congress (1987–1989), she transferred from Science and Technology to the Foreign Affairs Committee.

Jan was most active on the Small Business Committee. She introduced a number of legislative measures to protect small business interests and to ensure that they had fair representation in government. She worked to bring permanent tax cuts for small businesses.

When Republicans took control of the House in the 1994 elections, Jan Meyers was promoted to chair of the Small Business Committee. It marked the first time that a Republican woman had chaired a House committee since Edith Nourse Rogers headed Veterans' Affairs in the 83rd Congress (1953–1955). "Leadership positions come as a result of seniority," Jan said later. "I sincerely hope that women continue to run and continue to get elected, and I think that will ultimately result in more women being elected to leadership positions."

Jan declined to run for re-election in 1996, noting that she wanted to spend more time with her family. "There are other things in life I want to do, and being a Member of Congress, if you take the job seriously, simply does not leave time," Jan told the press. She also said she believed that Members of Congress should serve no more than 10 to 14 years. Meyers returned to Overland Park, Kansas, where she joined foundation boards for a local library and a community college.

Mr. Speaker, Jan Meyers was a valued and important member of Congress during her tenure in this body and it is fitting that we vote today to name on her behalf a post office in the city she served as a commissioner.

Ms. JENKINS. Mr. Speaker, I would like to take this opportunity to voice my support for H.R. 4095, a bill to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

I would like to also congratulate my colleague and fellow Kansan, Mr. MOORE, the sponsor of this bill, for his service to our state. And thank Mr. MORAN and Mr. TIAHRT, the other members of the Kansas delegation who joined me as the original co-sponsors of this bill.

Mr. Speaker, We Kansans are proud of our pioneering spirit and Congresswoman Jan Meyers is a great example of that spirit. Born in Lincoln, Nebraska, Jan attended public schools in Superior, Nebraska before receiving a bachelor of arts from the University of Nebraska in 1951.

After moving to Kansas, Jan served on the City Council of Overland Park, from 1967 to 1972. She then served in the Kansas Senate from 1972 to 1984 and in 1984 she was elected to the House of Representatives where she served until January 3, 1997. During her time in this body, Jan chaired the Committee on Small Business in the 104th Congress, the first woman to serve in that capacity in more than 20 years.

Jan's commitment to fiscal responsibility made her a regular recipient of the Golden

Bulldog Award from Watchdog of the Treasury for her work to eliminate wasteful in government spending she was regularly named Taxpayer Hero by the Citizens Against Government Waste.

Jan is also an advocate for children and was a leader for health care reform. A committed conservationist, Jan was essential in the creation of the Tallgrass Prairie National Preserve, 10,894 acres of protected Kansas tall grass prairie, which forms the only unit of the National Park System dedicated to the rich natural and cultural history of this cherished ecosystem that is in our state.

Mr. Speaker, in closing, Jan Meyers is a great Kansan who served our State and this Nation with distinction and I consider myself lucky to call her my friend.

Mr. SCHOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4095, which would designate the facility of the United States Postal Service, located at 9727 Antioch Road in Overland Park, Kansas, as the Congresswoman Jan Meyers Post Office Building. Congresswoman Meyers dedicated her career to serving the people of Kansas.

After working on Larry Winn's successful campaign for a Kansas City-based House seat in 1966, Meyers began her own career in public service as a member of the Overland Park City Council from 1967 until 1972. In 1972, Meyers won a seat in the Kansas State Senate. She would serve in the State senate for 12 years, eventually becoming the Chair of the Public Health and Welfare Committee. In 1984, Congressman Larry Winn decided to retire. Meyers won the election for the district's open seat. She served her constituents for five terms, during which time she became the Chair of the Small Business Committee. She was the first woman in almost 20 years to chair a Permanent House committee.

Small businesses were very important to her throughout her career. She once commented, "There may be more dramatic issues, but none that are more important . . . because the small business sector employs at least 50 percent, maybe a little more, of the individuals in this country. Virtually all of the entry-level employees are with small business." A quote that is relevant to today.

While some wanted to eliminate the Small Business Committee at the time, Congresswoman Meyers was committed to seeing the committee was active and served an important purpose. In 1995, Congresswoman Meyers decided that she would retire and not run for reelection in order to spend more time with her family. She considered bills that she introduced that lowered taxes and reduced regulation on small business owners as some of the greatest accomplishments in her career.

Throughout her five terms of service, Congresswoman Meyers believed that it was very important to "listen to

your conscience and your constituents, both. Most of the time, they'll agree."

Mr. Speaker, to honor Congresswoman Meyers' career of service and the work that she did both for her constituents in Kansas and for small business owners throughout America, I encourage my colleagues to support this bipartisan bill.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I have no further requests for time; however, I will continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield 4 minutes to my distinguished colleague from the great State of Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I appreciate the gentleman from Illinois for recognizing me today.

I am here today to honor former Kansas Congresswoman Jan Meyers, a fiscal conservative and a true public servant. Jan served in the House of Representatives from 1985 to 1997, representing the communities around Kansas City. In 1995, she became the first woman chairman of a House committee since 1976.

Before her election to Congress, she served on the Overland Park City Council and as a senator in the Kansas State Legislature. While serving Kansans in the House of Representatives, Jan was a consistent advocate for fiscal responsibility, an example that many in Washington today could follow. Whether she was promoting legislation in the Small Business Committee to protect small business owners or offering conservative solutions during the debate over welfare reform, she always remembered that when Congress spent money, it was the taxpayers' money, not the government's.

She regularly voted to cut taxes so that Americans could keep more of what they earned and worked to reduce the budget deficit and eliminate wasteful government spending. Kansas son and American hero Bob Dole summed it up well when he said of Jan Meyers on the Senate floor that she "never stopped fighting to reduce the regulatory and tax burdens on America's small businessmen and women." She was a true steward of the people's resources and worked hard on their behalf.

Yet it was her caring and attentive nature that Kansans really remember. Although a conservative Republican, Jan reached out to Kansans of every philosophy. She was sensitive to the needs of Kansans and always quick to respond to their problems. Jan never forgot who she worked for and always had time for the folks back home.

To me, Jan was more than an ideal public servant. She is also a friend. The manner in which she met difficult circumstances with a smile gave me comfort on several occasions, and I value her kindness and gentle spirit. While



we recognize Jan today, it's also important to note the recent loss of Jan's husband of 56 years, Dutch. Together, Jan and Dutch made a good team and raised two wonderful children.

Our Nation needs more public servants like Jan Meyers, people that are good stewards of taxpayer money and put service above self. Designating a post office in her hometown of Overland Park in her name will remind Kansans of these characteristics and honor her legacy for years to come. I thank Jan Meyers for a job well done and for a life well lived.

I appreciate the gentleman from Kansas (Mr. MOORE) for bringing this legislation to the floor.

Mr. LYNCH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I urge support and passage of H.R. 4095, and I yield back the balance of my time.

Mr. TIAHRT. Mr. Speaker, I rise today to wholeheartedly support the naming of the United States Post Office Building located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building." Congresswoman Meyers represented the 3rd District of Kansas in the United States House of Representatives from January 3, 1985 until January 3, 1997. I had the honor of serving with Mrs. Meyers in the 104th Congress, her last two years in Congress. It truly was an honor to learn from her. The state of Kansas is a better place for her tireless service.

Born Janice Lenore Crilly on July 20, 1928 in Lincoln, Nebraska, Mrs. Meyers was raised in Superior, Nebraska. She attended William Woods College in Missouri and the University of Nebraska, earning an Associate Fine Arts degree and a B.A. in communications, respectively. She then married Louis "Dutch" Meyers in 1953, eventually having two children, Valerie and Philip.

Jan Meyers became active in politics in 1966 on the campaign of Edward Lawrence "Larry" Winn, Jr. for the U.S. House of Representatives. She later went on to become a district co-chairwoman for Senator Bob Dole's first U.S. Senate campaign. Mrs. Meyers went into public service herself as a city councilwoman in the city of Overland Park, from 1967–1972. She left the city council in 1972 when she was elected to the State Senate. Congresswoman Meyers then served in the State Senate until her election to the United States House of Representatives in 1984.

Congresswoman Meyers became the Chairwoman of the House Committee on Small Business in the 104th Congress, becoming just the 4th Republican woman to become the chair of a full committee. As a staunch fiscal conservative, she was dedicated to empowering the small business owners of America by introducing legislation to protect their interests and lower taxes to help them expand. Kansas is strong because of our small businesses and Congresswoman Meyers made them stronger. She believed that government works best when it facilitates, rather than restricts private business, as I do.

Congresswoman Meyers did not run for reelection to the 105th Congress in order to

spend more time with her family. She said "There are other things in life I want to do, and being a Member of Congress, if you take the job seriously, simply does not leave time."

During her time in Congress, the Congresswoman was fond of saying "Listen to your conscience and your constituents—both. Most of the time they'll agree." This is truly the best way to represent your constituents and has been my goal during my time in this body.

I would like to thank Jan Meyers for acting as a mentor to me in my freshman year and for her dedicated service to Kansas. This legislation is a fitting tribute to an honorable woman and a respected member of this distinguished body. I urge my colleagues to join me in supporting this legislation.

Mr. LYNCH. Mr. Speaker, again I encourage my friends on both sides of the aisle to join Mr. MOORE of Kansas in honoring the life and legacy of Congresswoman Jan Meyers through the passage of H.R. 4095, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4095.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EARLY DETECTION MONTH FOR BREAST CANCER

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 158) expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 158

Whereas in 2009, 1,479,350 new cases of cancer will be diagnosed in the United States;

Whereas the most common types of cancer in the United States are nonmelanoma skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers;

Whereas one out of every eight women in the United States will develop breast cancer in her lifetime;

Whereas incidence of breast cancer in young women is much lower than in older women, and young women's breast cancers are generally more aggressive and result in lower survival rates;

Whereas breast cancer currently takes the life of one woman in the United States every 13 minutes;

Whereas in 2009, 192,370 women in the United States will be diagnosed with invasive breast cancer;

Whereas there is currently no known cure for metastatic breast cancer;

Whereas many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future, if such a cure is possible at all;

Whereas prostate cancer is the second leading cause of cancer death among men, with over 80 percent of all cases occurring in men over age 65;

Whereas African-American men are diagnosed with the disease at later stages and die of prostate cancer more often than do white men;

Whereas in 2009, 1,910 men in the United States will be diagnosed with invasive breast cancer;

Whereas if detected early enough, over three-quarters of those who develop cancer could be saved;

Whereas greater annual awareness of the critical necessity of the early detection of breast cancer and other cancers will not only save tens of thousands of lives but also greatly reduce the financial strain on government and private health care services by detecting cancer before it requires very expensive medical treatment and protocols;

Whereas there is a need for enhanced public awareness of cancer screening; and

Whereas the designation of an Early Detection Month will enhance public awareness of breast cancer and all other forms of cancer: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress supports the designation of an Early Detection Month to enhance public awareness of screening for breast cancer and all other forms of cancer.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Illinois (Mr. SCHOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

##### GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am proud to present House Concurrent Resolution 158 for consideration. This resolution expresses support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

□ 1115

House Concurrent Resolution 158 was introduced by my friend and colleague, the gentleman from North Carolina (Mr. ETHERIDGE), on June 25, 2009, and was favorably reported out of the House Oversight Committee by voice vote on December 12, 2009. In addition, the legislation enjoys the support of more than 50 Members of Congress.

In recognition of Mr. ETHERIDGE's sponsorship, I would like to recognize him and yield him such time as he may consume.

Mr. ETHERIDGE. I thank the gentleman for yielding me this time.

I rise today in support of this resolution expressing the support for the designation of an Early Detection Month for cancer. I would also like to thank Chairman TOWNS for his work in bringing this bill to the floor.

Every year almost 2 million Americans are diagnosed with cancer. Tragically, more than one-quarter of those cases result in death. Early detection can help patients get early treatment. It can stop the spread of the disease before it becomes untreatable, or before it requires expensive medical treatments, and can be the difference between life and death. Early detection saves tens of thousands of lives annually, and also greatly reduces the financial strain on government and private health care services.

Several years ago, I was diagnosed with melanoma. My cancer was found early because I see my doctor regularly. Congresswoman WASSERMAN SCHULTZ, who joins me in sponsoring this resolution, found hers early because she was aware of how to test for the early signs of cancer. As cancer survivors ourselves, we want to enable all Americans to have the knowledge and access to care that can lead to early detection.

This resolution expresses support for an Early Detection Month beginning in May 2010. This concurrent resolution enhances public awareness of cancer screening and early detection so that any person who gets cancer can have a chance to survive.

Mr. Speaker, early detection is critical to help reduce the tragedy of cancer deaths in our country. I urge my colleagues to join me in fighting a disease that has claimed so many lives but, with support for early detection, can be beaten.

Mr. SCHOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 158, which expresses support for the designation of an Early Detection Month for breast cancer and all forms of cancers. Each year in the United States, there are over 1.4 million new cases of cancer, and hundreds of thousands of Americans die from this dreaded disease. Most of us know a family member, a friend, or a colleague who has been diagnosed with cancer and who has died from a struggle with cancer. Inevitably, cancer will affect every one of us in some way.

While early detection of cancer does not make every case treatable, early detection can dramatically increase the chance of survival. The American Cancer Society reports that the rate of death from breast cancer has been declining since 1990 largely because of the increased rate of early detection.

The American Cancer Society has similar conclusions for the declining mortality rate among men diagnosed with prostate cancer. Early detection

is essential to helping to treat cancer and save thousands of lives every year.

Unfortunately, despite the benefits of early detection, many Americans do not get the yearly examinations from their doctors that could detect various forms of cancers. The American Cancer Society reports that only 51 percent of all women 40 years and older had a mammogram in the last year. Less than half of all men age 50 and older were screened for prostate cancer in the last year. Nearly half of all Americans who are in the age groups most vulnerable for these types of cancers are not getting the early detection tests that could save their lives.

Mr. Speaker, we need to encourage more Americans to get early cancer detection tests such as mammograms and prostate screenings. I strongly encourage my colleagues to support this resolution which will create an Early Detection Month and raise public awareness of early detection of cancer to encourage more Americans to get life-saving, early detection tests.

I appreciate the opportunity to speak in support of this, Mr. Speaker.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I want to associate myself with the remarks of the gentlemen from Illinois and North Carolina, and I want to drill down some of the numbers that have been offered by the American Cancer Society.

They report that in 2009, 1.5 million new cases of cancer were diagnosed in the United States alone. In addition, the American Cancer Society notes that roughly one out of every two American men and one out of every three American women will have some type of cancer at some point in their lifetime. They also report that the most common types of cancer in the United States are nonmelanoma skin cancer, breast cancer in women, and prostate cancer in men. One out of every eight women in the United States will develop breast cancer, and about one in six men will be diagnosed with prostate cancer.

Furthermore, the American Cancer Society estimates that in 2009, more than 560,000 Americans died of cancer. In other words, more than 1,500 people lost their lives to cancer every day last year. The American Cancer Society also notes that cancer accounts for nearly one out of every four deaths in the United States, which makes cancer the second most common cause of death in the United States, exceeded only by heart disease.

Now, despite these troubling statistics, with early detection and proper management, cancer can be highly treatable. As noted by the American Cancer Society, the 5-year relative survival rate for all cancers diagnosed between 1996 and 2004 is about 66 percent, up from 50 percent in 1975 to 1977. The 5-year relative survival for female breast cancer has improved from 63

percent in the early 1960s to 89 percent today. Additionally, over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent.

Now, cancer can strike any individual regardless of gender, race, or age; but still, it is important to note that the risk of being diagnosed with cancer increases with age. In fact, according to the American Cancer Society, 77 percent of all cancers are diagnosed in persons 55 years and older.

Mr. Speaker, greater awareness of the critical necessity of breast cancer, prostate cancer, and all other cancers will save tens of thousands of lives, and may also help decrease the financial strain on government and private health care services by detecting cancer before it requires costly medical treatment.

Accordingly, let us take this opportunity through passage of H. Con. Res. 158 to increase public awareness of breast cancer and all forms and types of cancer and encourage all Americans to work with their doctors in order to maximize the possibility of early detection.

I urge my colleagues to join Mr. ETHERIDGE in supporting House Concurrent Resolution 158.

I reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Illinois for the time.

I rise in support of this resolution for the designation of an Early Detection Month for breast cancer. I do so in solidarity with and through the strength of thousands of breast cancer survivors.

Almost everyone in this country, unfortunately, knows someone who has suffered from breast cancer. Breast cancer is the second most common cancer among women, but it is becoming one of the most survivable cancers if the disease is detected early, which is the purpose of the bill before us.

We must remain vigilant in our efforts to educate and diagnose and treat. With these three pillars—education, diagnosis and treatment—we can and we will save lives. Let us make sure that we educate one another on the dangers of breast cancer and the need for early and routine checkups. Early detection makes the difference in surviving this terrible disease.

In memory of Congresswoman JoAnn Davis, who passed away at the age of 57 while serving last Congress after a 2-year battle with breast cancer, and for my baby granddaughter, Morgan Elizabeth, let us make sure that our efforts to defeat this terrible disease continue with the same strength, and even stronger, in our efforts at early detection for all individuals in our country and, indeed, the world.

Mr. LYNCH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I believe that probably everybody in the House and in the Senate has someone that they know or knew that had breast cancer or another form of cancer.

My first wife, Barbara, died about 8 years ago from cancer. I will never forget the day she felt a lump in her breast. She thought it was a fibrous tissue. She had them before, and she didn't want to go have herself tested. I said, I want you to go to the doctor and have him look at that. She did, and she called me a couple of days later when I was out here in Washington and she started crying and said, I've got breast cancer. Of course, I went back home and we went to the doctor and went through all of the things that you have to go through, including the chemotherapy. For any family that has gone through that, they know how very difficult it is. Had she had a mammogram earlier, she might not have had the breast cancer metastasize and go to other parts of her body. She ultimately passed away. It was a tragic thing to watch that.

That is why this bill, although it may sound like just a resolution, is very, very important. One of the things in the health care negotiations that has concerned me a great deal is that there was some talk about limiting mammograms to people 50 and above, and the people between 40 and 50 might not be included in getting mammograms and having coverage for that, either under the health plan or insurance plans.

I want to read you a letter from a young lady from my district in Noblesville, Indiana, Tonya Lewis. Here is what she says: "I was diagnosed with triple negative breast cancer in May of 2008 at age 39. I found this lump myself. I had a baseline mammogram at age 35. It came back clear. I was advised not to have another mammogram until age 40. The radiologist that read my mammogram at age 39 advised me that if I would have had a mammogram at age 36, 37, or 38, most likely I would not have had to have a mastectomy and 14 lymph nodes removed. My cancer spread to my lungs and chest wall after doing chemo and radiation. After completing nine different types of chemo, as of November 24, 2009, I am finally cancer free. Please fight for us breast cancer survivors and the young women in the future. I believe mammograms should be available and paid for by insurance companies at any age."

When we talk about limiting breast cancer screening to people 50 and above, I think we make a mistake because breast cancer does kill. One in every eight women is going to get

breast cancer in their lifetime and it is going to affect families across this country. I think we ought to make sure that we don't start limiting mammograms to only people 50 and above. It has been 40 and above for some time. In this particular case it wouldn't have helped her because she was in her thirties when she developed breast cancer. It is a very, very serious thing, and unless somebody has lived with it, they don't understand how horrible it is to watch somebody pass away going through the travails of cancer.

So I want to congratulate my colleagues on sponsoring this bill, and I hope in the negotiations on the health care bill, regardless of how it comes out, we make sure that we take care of the women who are suffering from these things and catch it before it becomes terminal.

Mr. LYNCH. Mr. Speaker, I thank the gentleman for his remarks, and I continue to reserve the balance of my time.

Mr. SCHOCK. Mr. Speaker, I urge passage of House Concurrent Resolution 158, and I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Con. Res. 158, a resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

Breast cancer in women is one of the most frequent forms of cancer recognized in the more than 2 million new cases of cancer diagnosed each year in the United States. In fact, every 13 minutes a woman dies from breast cancer, and in 2009 alone, 192,370 women were diagnosed with breast cancer in the U.S. This resolution recognizes the importance of early detection for breast cancer victims and is paramount due to the deadly nature of the disease.

Mr. Speaker, the United States Preventive Services Task Force recommendations—against routine mammography for women ages 40 to 49 and breast self-examinations—were shocking to say the least. As a practicing OB/GYN physician for nearly 30 years, I saw first hand the benefits that early detection of cancer in women can have on saving lives and improving quality of life. Therefore, it is imperative that this House duly recognizes the significance of self-examination and early detection of breast cancer.

The designation of Early Detection Month will enhance public awareness of the catastrophic and devastating effects of cancer. Hopefully, this resolution will shine further light on a disease that so commonly affects millions of Americans and in turn help to promote research and advanced medical procedures that will one day lead to a cure.

I urge all of my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 158 to express my support for the designation of an early detection month for breast cancer and all other forms of cancer.

Early detection is incredibly important in saving the lives of victims of cancer. While this

is true for people suffering from every form of cancer, it is particularly important for those suffering from breast cancer. Breast cancer can be detected through procedures that screen for abnormalities in breast tissue, and it is considered to be the best way for women to lower their risk of dying from the disease. Essentially, these screenings find the cancer early, when it is most treatable, and for this reason, designating an early detection month is incredibly important to help save the lives of the almost 200,000 women in the United States who are diagnosed with invasive breast cancer each year.

It is important to note, as well, that the risk of getting breast cancer is much lower for African-American women than white women; however, African-American women are more likely to die from breast cancer. This is attributed partly to the fact that African-American women are less likely to get regular mammograms, resulting in a diagnosis of breast cancer at a later stage. This is one more reason why designating an early detection month is so important.

In my district, we are doing our part to ensure early detection. Susan G. Komen for the Cure is one of the leading advocates for breast cancer awareness and actively promotes early detection. From their headquarters in Dallas, they have been advancing the cause for breast cancer prevention and awareness across the country. I am proud of the work they have done to save countless lives across the country.

Mr. Speaker, today I encourage my fellow colleagues to join me in supporting this very important resolution that expresses support for the designation of an early detection month for cancer and breast cancer.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 158, expressing support for the designation of an Early Detection Month to enhance public awareness of cancer screening.

As a young woman, I recently experienced firsthand why early detection is vital. As you may know, nearly two years ago, I was diagnosed with breast cancer.

During my year of treatment, I underwent genetic counseling and testing. I met with many specialists. I had seven surgeries. I am pleased to stand before you today cancer-free.

But the fact is, I may not have been around for any of these life saving procedures if I didn't have the knowledge and awareness to catch my lump early.

As a Member of Congress and lifelong advocate for early detection of cancer, I knew the statistics for breast cancer—that 1 in 8 women will be diagnosed in her lifetime.

I knew the importance of knowing what your breasts are supposed to feel like—that's why I chose to do self-exams.

I knew the importance of early detection—clinical exams every 3 years as of age 20; every year after 40 . . . mammograms every year after 40.

And yet for all that I knew to help me increase my chances of early detection of cancer, I soon realized how much I didn't know.

I didn't know that—even with no immediate family history of breast cancer—as an Ashkenazi Jew I was five times more likely to have the mutation . . . and, if I did, that I'd

have up to an 85 percent lifetime chance of getting breast cancer . . . and up to a 60 percent chance of getting ovarian cancer.

I didn't know that, because it's often more aggressive and diagnosed later, younger women—compared to older women—are more likely to die.

But I thank God that I knew enough. I didn't find my tumor through luck. I found it through knowledge and awareness, the fundamental tools for early detection.

These are the reasons why I commend my colleague, Congressman ETHERIDGE, for introducing this critical resolution that will enhance public awareness of screening for breast cancer and all other forms of cancer.

At the end of the day, knowledge is power. And with this resolution, we will give men and women all across America the power to detect cancer early, and we will save lives.

Mr. RAHALL. Mr. Speaker, I strongly support designating an Early Detection Month for Breast Cancer and All Forms of Cancer (H. Con. Res. 158). As a cancer survivor myself, I stand here as proof that early detection can save lives.

While the search for a cancer cure continues, much progress has been made in the areas of prevention, detection and treatment of cancers. However, there are still over 2 million new cases of cancer diagnosed each year.

The statistics are alarming: Breast cancer remains one of the most prevalent cancers affecting women, and prostate cancer is the second leading cause of cancer death among men. Only non-melanoma skin cancer remains more common for men and women overall. Right now, it is estimated that one in eight women will be diagnosed with breast cancer in their lifetime, and one in six men will be diagnosed with prostate cancer.

Sadly, thousands of West Virginia women faced breast cancer diagnosis in 2009 alone. Yet each year, more women survive their battle with breast cancer due to medical advances in early detection and treatment. Medical researchers, including those at Marshall University's Joan C. Edwards School of Medicine in Huntington, West Virginia, are working hard to improve those figures—but early detection remains an important key to saving lives, which is why I strongly support this effort to designate an Early Detection Month to bring attention and focus to this critical issue.

The steady decline in deaths resulting from breast cancer can be attributed to an increase in the number of women who receive mammograms and the development of powerful new drugs that successfully treat cancer.

As many of you are aware, in 2006 I was diagnosed with prostate cancer and subsequently underwent surgery. I am very thankful for all of the West Virginians who contacted me, offering their prayers and support as I prepared for my procedures, through my recovery, and up to this day. I am also truly grateful to the doctors who were able to diagnose my cancer early and—with immediate treatment, they improved my chances for survival.

Cancer screening is often quick and easy and many testing measures can be performed in a local doctor's office. So many lives can be saved and so many families spared a tragic

heartache of dealing with cancer diagnosis. That is why I support H. Con. Res. 158 and the efforts to encourage early detection since the bottom line with cancer is raising awareness and early detection saves lives.

Mr. LYNCH. Mr. Speaker, again I encourage my friends on both sides of the aisle to join Mr. ETHERIDGE in supporting the designation of an Early Detection Month for breast cancer and all forms of cancers through the passage of House Concurrent Resolution 158.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 158, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3254, TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT; FOR CONSIDERATION OF H.R. 3342, AAMODT LITIGATION SETTLEMENT ACT; AND FOR CONSIDERATION OF H.R. 1065, WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1017 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1017

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural

Resources; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in part C of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part D of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and

controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. Diaz-Balart). All time yielded during consideration of this rule is for debate only. I yield myself such time as I may consume.

#### GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1017.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1017 is a single rule that provides for separate consideration of three measures dealing with water rights settlements. Each bill is to be considered under a structured amendment process.

The rule provides for the consideration of H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act; H.R. 3342, the Aamodt Litigation Settlement Act; and H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009. Each bill has 1 hour of general debate, to be controlled by the Committee on Natural Resources. The rule for H.R. 1065 self-executes an amendment to ensure that the bill is PAYGO compliant. Each bill allows for the consideration of a separate amendment by Representative MCCLINTOCK, which is debatable for 10 minutes. The rule also allows a motion to recommit, with or without instructions, for each of the three bills.

H.R. 1065, the White Mountain Apache Tribe Water Rights Quantification Act of 2009; H.R. 3254, the Taos Pueblo Indian Water Rights Settlement Act; and H.R. 3342, the Aamodt Litigation Settlement Act are all bipartisan pieces of legislation, and they are all sensible pieces of legislation. Each of these bills will approve, ratify, and confirm carefully negotiated settlement agreements between tribal representatives, non-Indian water users, and the United States Government.

These agreements will provide both the tribes involved and affected communities in Arizona and New Mexico proper access to clean water. These three bills will provide critical funding for the development of drinking water supplies for people who have been hauling their water for years in the back of their pickup trucks. We know how critical clean drinking water is for the human body's health and development.

These bills will improve the health of young Native Americans by providing clean drinking water, and certainty to non-Indian people that the water will be available to them for development and use.

H.R. 1065 provides the required congressional approval for the agreement between the White Mountain Apache tribe and water users throughout Arizona. This legislation boasts the support of the entire bipartisanship Arizona delegation.

H.R. 3254 and H.R. 3342 each approve water settlement agreements in New Mexico considered critical to clean water access to the Taos Valley and Rio Grande watershed. Both of these bills were favorably reported by voice vote out of the Natural Resources Committee.

Unfortunately, Mr. Speaker, it has taken decades to work out these settlements. Congress has a responsibility to approve these settlements now and provide clean drinking water access for the affected tribes and the non-Indian people, and for their generations to come. I believe it is time for Congress to move on these bills, and I am pleased that Chairman RAHALL and the Natural Resources Committee has worked in a bipartisan way to move these bills through the process.

Now, there is some concern on the other side of the aisle that the Justice Department has not commented formally on any of these bills. Our colleague from California (Mr. MCCLINTOCK) believes the Department of Justice should formally respond to each of these bills before they take effect. The gentleman from California has legitimate concerns, and these concerns deserve to be considered on the floor today, and that is why we made this amendment in order on each of these bills.

This is a good rule. I urge my colleagues to support it today.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time, and I yield myself such time as I may consume.

Over the next 2 days, the House is set to consider three separate bills that would approve and ratify tribal claims to water rights made by the White Mountain Apache tribe in Arizona and the Pueblos of Pojoaque, San Ildefonso, Tesuque, and Taos in New Mexico. The bills would also restore and protect some environmentally sensitive land and watersheds, and require the maintenance of the water systems in question until they are conveyed to the respective tribes.

I support these bills when the McClintock amendments are included because I believe that the settlements will bring long-term certainty and stability to the respective tribes and water users in the affected areas.

Mr. Speaker, last night the majority in the Rules Committee decided to allow for consideration all three of the amendments submitted to the three bills we are set to consider this week. I wish to thank them for their uncharacteristic generosity in allowing minority amendments. These important amendments would prevent the bill from taking effect until the Attorney General assures Congress in writing that the settlements in these bills would represent a net benefit to the U.S. taxpayer based on the costs and risks of litigation and the odds the tribes would prevail in the litigation. I believe these amendments are important because they require the Attorney General to conduct a cost-benefit analysis of the settlements and make sure that they are fiscally responsible before the settlement funds can be paid.

Now, I assume that the other side of the aisle will highlight that this rule allows debate on all of the amendments which were submitted to the Rules Committee, but it restricts any and all possible further amendments from consideration. It is not an open rule. The majority campaigned on a promise to allow open and bipartisan debates in Congress, yet this year they have yet to allow even one open rule. That is correct, not one open rule. And that, Mr. Speaker, includes even the traditionally open appropriations process.

They could have changed that glaring and unfortunate statistic by allowing an open rule on the underlying, uncontroversial bill, but the majority in the Rules Committee decided to continue to make this the most closed Congress in history.

Now, let's look at the possible reasons the majority on the Rules Committee decided to vote against an open rule for these bills. Could it be that there is not enough time on the House schedule this week? Well, the House, until last night, was scheduled to be in session until Friday. And this rule, as proposed, only allows for a total of 3½ hours of total debate time for all three bills and all three amendments.

Even though we are now scheduled to leave on Thursday, we still have more than enough time to complete the three bills with an open rule. I sincerely doubt that an open rule would garner more than a handful of amendments. It would allow the majority to say for the first time, and to prove, at least offer some evidence, that they are living up to their pledge to run an open Congress.

I believe the real reason is that the majority is afraid of an open debate even on uncontroversial bills, and so they restrict debate consistently. It has become their standard operating procedure to close debate in the House. It is unfortunate, but it is a fact.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I appreciate how well my colleague on the

Rules Committee adheres to the Republican talking points, but I will again reiterate that all the amendments that were brought to the Rules Committee last night were made in order. And I think this is a good rule.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Well, it is not a question of talking points, it is a question of fact. We will move on.

I at this point yield, Mr. Speaker, 5 minutes to my distinguished friend from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. I want to thank the gentleman from Florida. I appreciate the opportunity.

My simple resolution requires that all negotiations on the health care bill be conducted under the watchful eye of the American people. The American people are angry, and for good reason. Washington is not listening.

□ 1145

Last night I think is a perfect example: It's not about Democrat and Republican, it's about the American people wanting to have more input into the process.

Even worse, Washington is not even letting the American people into the room to discuss or hear the health care reform debate. Secret deals, backroom deals on the health care bill should not be tolerated. In the State of Florida, we have the toughest sunshine laws in the country. You can't have two city commissioners, two county commissioners, two State senators—no one can go in the back room together and cut a deal or a secret deal and then lay that on the American people. We want to bring that sunshine to Washington. I am pleased that we have over 165 Members that have joined me in this cause and cosponsored this bill, this resolution, Democrats and Republicans.

Also, I introduced, and we have 111 Members that have signed, a discharge petition to force a vote on the floor. We want to get a vote to the floor on this sunshine resolution, and we feel confident that we're going to be able to do that.

C-SPAN has offered to publicly broadcast the health care meetings, and congressional leaders should accept that opportunity. Even the President said during the campaign eight different times that he wants this to be the most open, transparent administration in history. He said eight different times he wanted C-SPAN in the room. C-SPAN has agreed to be in the room during these negotiations. I don't want to, as a Member of Congress, end up with a 3,000-page bill at the end of the day that nobody has had a chance to read and you've got a day or so to look at it.

I think there is a good reason why Speaker PELOSI doesn't want the negotiations in public, because basically it's a bad bill. In my area of Sarasota-

Bradenton, Florida, we have the most seniors, almost 300,000 in our district, more than any other district in the country. They want to cut Medicare \$500 billion. I've seen the cuts. They're very real. They want to raise taxes on small business.

I know the biggest issue we've got is the economy and jobs. Working families want to get back to work, but yet they want to charge 8 percent on payroll. I've been in business for 30 years; I'm not a career politician. I can tell you that will kill more jobs than anything. That's a fixed expense, 8 percent on payroll.

They want to charge another 5.4 percent tax on businesses. Most businesses have pass-through income, whether they're a Sub S or LLC or a partnership, or whatever kind of business. They want to raise the taxes from 34, let Bush's tax cut sunset, which will take it to 39, then another 5.4, which will take it 45 percent in Florida. In many States like California that have a State income tax, or Oregon or New York, of 10 or 15 percent, it could take it up as high as 60 percent. So these small businesses have a lot of pass-through income. They're not going to have the capital. They're going to be sending the money here. That's going to cut more jobs.

It's time to bring some sunshine to Washington that we've got in Florida.

Mr. MCGOVERN. Mr. Speaker, aside from the fact that the gentleman's comments have absolutely nothing to do with the bill that we're talking about here today, I find it ironic that any Member on the other side of the aisle would talk about jobs with a straight face given their record.

In the last 3 months of the Bush administration, the economy was losing, on average, 673,000 jobs per month. In the last 3 months of 2009, the average job loss was 69,000 per month, an improvement of nearly 90 percent. That is not acceptable, but we are trying to bring this economy in a different direction.

They drove this economy into a ditch; let's not forget that. Let's not forget the economy that President Obama inherited. Let's not forget the record job losses and the stock market crash and all the special deals on Wall Street.

I've heard enough from the other side about the issue of jobs. They nearly ruined this economy. They are responsible for the massive job losses that we see now that we're trying to fix. So enough about that.

I will go back to what we are talking about here today, and that is a rule to consider these important bills dealing with clean water for Native American tribes. I again would reiterate that this is a good rule, everything they wanted they got, and I hope it will pass unanimously.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Well, Mr. Speaker, we saw last night that the blame game no longer works. And if we want to look at the past, we will see that when we cut taxes, we made it a reality; the recession after 9/11 was the shortest recession in history.

Now, unfortunately, the policies that are being followed now are totally different. They're increasing debt massively. The deficit as a percentage of GDP after TARP—that I opposed, but it can be said that it was a bipartisan decision, TARP—after TARP, the deficit as a percentage of GDP was 4 percent. Today, 1 year after the Democrats took the Presidency and they had already taken the House and the Senate, the deficit as a percentage of GDP is almost 12 percent, Mr. Speaker.

We are running in a dangerous direction, heading toward a collision with a fiscal crisis of unprecedented proportion. But, Mr. Speaker, the Democrats just don't get it. They don't see it. The American people sent a message last night that they had better, but it still remains to be seen if they received the message.

Mr. Speaker, I yield 6 minutes to my distinguished friend from Virginia (Mr. WOLF).

Mr. WOLF. I rise in opposition to the rule.

Today, the press is reporting that a backroom deal has been cut with Democratic leadership to create a deficit-cutting commission by Executive order. There are also reports that instead of putting every spending program and tax policy on the table, discretionary spending controlled by the Democratic-controlled Appropriations Committee would be exempt.

I oppose creating this panel by Executive order, and the American people will oppose this sleight of hand also. Press reports suggest that the Democratic leadership intends to bring the commission's recommendation up for a vote in Congress, but a vote that is not mandated as it would be if Congress passed similar legislation statutorily. More important, the vote that could take place under the administration's plan would happen after the midterm elections and before the newly elected Congress begins. It would be basically a lame-duck Congress vote. Lawmakers who are retiring or get defeated could vote on a set of recommendations with regard to entitlement spending and tax policy but never be accountable to the American people. Is it right for an outgoing Member of Congress to consider proposals that could affect every single American, knowing that days or weeks later they will no longer answer to voters in the district they once represented?

Between the Democrats and the Republicans in both Chambers, over 30 Members have already announced that they are retiring or running for another office. It is not appropriate for



outgoing lawmakers who may eventually lobby for a special interest that has a vested interest in the outcome of the vote on the commission to then vote on that recommendation. Any recommendation put forward should be considered by the newly elected Congress, who will have to publicly stand by their vote on the commission's recommendations. Members who have been elected and are accountable to the American people. A deficit commission established through Executive order amounts to nothing more than political cover.

This Congress has run up the country's credit card to a point of no return, and now the administration wants to be able to tout a bipartisan solution to spending that will conveniently help them survive the upcoming election cycle. All of a sudden, the Obama administration has found deficit-cutting religion. The same administration that pushed through a \$787 billion economic stimulus promising that unemployment would be held under 8 percent now wants to get our Nation's financial house in order. The same administration that promised an open and transparent process on health care reform, which is now being negotiated behind closed doors and could cost taxpayers nearly \$1 trillion, now wants credibility on spending issues.

The FY 2009 budget deficit registered at an unprecedented \$1.4 trillion. I believe the American people understand the depth of our financial problems, recognize the spending gorge that Congress has embarked on, and won't be fooled by a fig leaf commission established by an Executive order.

Moreover, Mr. Speaker, the American people will be cut out of the process under this plan. The bipartisan commission process I've talked about, and many Members on both sides have talked about for 4 years, includes a legitimate public engagement mandating public town hall-style meetings throughout the country. Now there will be no input from the hardworking people in our neighborhoods and communities. That is not right, and everyone knows it.

If lawmakers were serious about the debt and the deficit issues that Americans are increasingly worried about, Congress would halt the budget gimmicks, the slick talking points, and muster the political will to have an honest conversation with the American people about where we are, where we're heading, and what changes need to be made to get back on track. But an open process that allows the American people to weigh in will never happen through a commission established by an Executive order all done here in Washington.

This morning, Congressman LAMAR SMITH, our colleague from Texas, in a 1-minute speech on the floor offered a series of lessons to be learned from yes-

terday's special Senate election in Massachusetts. He said, All true reform starts with the voice of the people. The people will not have a voice in a deficit commission established through an Executive order.

He also said that common sense triumphs partisanship. A commission through Executive order negotiated by one party is the height of partisanship. Republican leadership in the House and the Senate have not been involved in this effort.

He also said voters can exercise real independence. Where is the voice of the people in a process that will not go beyond the Beltway?

In closing, Mr. SMITH correctly, and I say correctly, noted that one-party control leads to arrogance. We are seeing today an arrogance of power by a party that forecloses the minority from a seat at the table. And to be fair, Republicans were just as arrogant at times. Hopefully we have learned a lesson and will never go back to those times.

Mr. SMITH concluded that we should be listening to the American people, not defying them. The people of Massachusetts spoke yesterday. We would be wise in this Congress to heed that lesson.

I thank the gentleman for yielding.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, as we wait for the Republican leader, let me say that I have enjoyed this debate. These are noncontroversial bills that are being brought to the floor, and yet they're important. And, also, there are issues that have been brought out and that will be brought out now. I will oppose the previous question to bring out the issue that Mr. BUCHANAN talked about and bring it to a floor vote this morning.

Since the Democrats regained the majority in the House, I have heard a number of Members come down to the floor and quote Supreme Court Justice Brandeis that sunshine is said to be the best disinfectant. I think that quote is fitting. It's fitting today considering, as Mr. BUCHANAN pointed out, that as we speak, the majority is drafting, behind closed doors with no sunshine in sight, health care legislation that will affect every American.

So I think the question is begged, what is going on behind those closed doors? We don't know. We do not even know who is at the table. The American people deserve to know what is going on behind closed doors.

□ 1200

We need to bring sunlight, sunshine, into a process that is shrouded with secrecy. That is why I, along with a bipartisan group of 163 Members of this House, have cosponsored House Resolution 847, a resolution by my friend and

colleague, Representative BUCHANAN, that expresses the sense of the House that any meetings held to determine the final contents of sweeping health care legislation be held in public view and not behind closed doors. Mr. BUCHANAN pointed out the fact that C-SPAN has offered, in fulfillment of a campaign promise by the President, to be present at the negotiations.

Now, in order to help bring in sunshine to a process that the majority continues to hide from public view, I will be asking for a "no" vote on the previous question so we can amend this rule and allow the House to continue the Buchanan transparency resolution. This vote will give Members of the majority a chance to live up to their promise, as the distinguished Speaker said, "to lead the most honest, most open and most ethical Congress in history."

Madam Speaker, I know that Members are concerned that this motion may jeopardize consideration of the water rights bills and of the settlement bills that are being brought to the floor today; but I wish to make clear that the motion I am making provides for the separate consideration of the Buchanan transparency resolution within 3 days so we can vote on the water rights bills and then, once we are done, so that we can consider the Buchanan transparency resolution, H. Res. 847.

I have been informed that the Republican leader will not be coming down to the floor at this time.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Ms. MCCOLLUM). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, in closing, let me say a couple of things.

One is that this is a good rule and it should be approved. Secondly, and I say this with respect to my friends on the other side of the aisle, when they talk about sunshine, it's laughable. When you compare the transparency and the openness of this Democratic Congress to the way this place was run when they were in charge, there is no comparison.

I remember one night, after a conference report was completed and when all of the signatures were on the conference report, when they snuck in a special provision to provide special immunity to drug companies. That's the kind of transparency and openness that existed when they were in control.

On the health care bills, they've been on the Web. The House bill has been on the Web, and the Senate bill has been



on the Web. Even the Senate read it verbatim. So there has never been as much openness and transparency in any Congress as we've seen in this Congress.

When my friend from Florida talks about the deficit, boy, what a short memory. When Bill Clinton left office, he had eliminated the deficit, and we had started paying down the debt, and we left George Bush, Dick Cheney and my Republican friends with a surplus. Through their reckless policies—tax breaks for millionaires, special privileges for Wall Street and drug companies and all that they did—they racked up a record debt, and they did nothing about it. In fact, when they were in charge, they used to argue on the floor that somehow the deficit and the debt didn't matter anymore. They tried to say it wasn't a big deal.

So they left this President with a mess. I guess it's sometimes fun to make a mess, but it's not so fun and not so easy to clean up a mess. The Democrats in Congress and the President of the United States have to clean up the mess that they left. It's a little bit ironic that those who drove this economy into a ditch are complaining about the size of the tow truck.

The fact of the matter is we have to make some tough decisions. We have to create the conditions for jobs to grow. We have to invest in industries where there is a future, and we are trying to do that.

Again, in the last 3 months of the Bush administration, the economy was losing, on average, 673,000 jobs per month. In the last 3 months of 2009, the average job loss was 69,000 per month, which is an improvement of nearly 90 percent. We on the Democratic side have pledged to do everything we can to help create more jobs in this country and to focus on the issue of jobs, because that's where the concern amongst the American people really is.

In the stock market, stocks have seen significant gains since the beginning of March 2009, following the passage of the Recovery Act, which they all were opposed to. The Dow is up 58 percent. The S&P is up 64 percent. The Nasdaq is up 75 percent.

The GDP has grown. In the first quarter of 2009, the GDP was negative 6.4 percent. By the third quarter of 2009, the GDP was on the rise, increasing plus-2.2 percent, the best quarter for growth in 2 years. Forecasters predict steady GDP growth throughout 2010.

We see home sales are now rising. We see manufacturing beginning to rebound. U.S. manufacturing activity rose 55.9 from 53.6 in November, reaching the highest level since April of 2006. It is a positive indication of broader economic growth.

So it is difficult to sit here and to listen to lectures from Members on the other side of the aisle who created this

mess, which is the worst economy since the Great Depression. That's what they gave to President Obama. We have to fix it, and we have pledged to do whatever is necessary to help put people back to work, to help people be able to stay in their homes, and to help nurture growth in future industries.

So, Madam Speaker, I appreciate the comments from my friends on the other side of the aisle. Given their abysmal record, it's hard to believe they come here with straight faces to talk about these things; but we're going to fix the mess that they made.

Again, I would urge my colleagues to support the rule, and I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 1017 OFFERED BY MR. DIAZ-BALART

At the end of the resolution, add the following new section:

SEC. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 847) expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 847.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party of-

fered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 4462

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF VICTIMS OF EARTHQUAKE IN HAITI.**

(a) IN GENERAL.—For purposes of section 170 of the Internal Revenue Code of 1986, a taxpayer may treat any contribution described in subsection (b) made after January 11, 2010, and before March 1, 2010, as if such contribution was made on December 31, 2009, and not in 2010.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010, for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

(c) RECORDKEEPING.—In the case of a contribution described in subsection (b), a telephone bill showing the name of the donee organization, the date of the contribution, and the amount of the contribution shall be treated as meeting the recordkeeping requirements of section 170(f)(17) of the Internal Revenue Code of 1986.

(d) PAYGO.—All applicable provisions in this section are designated as an emergency for purposes of pay-as-you-go principles.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. I yield myself such time as I may consume.

Madam Speaker, all of us have witnessed this horrendous event that has taken place on our continent; and I know that, whether Republican or Democrat, we all want to be able to do whatever we can to ease the pain of these poor people. That's why I'm glad that Mr. HERGER is here representing the Republicans on the Ways and Means Committee, which did not hesitate to meet and decide on just what we could do as a committee to make it easier to encourage people to make contributions. I know all over the country that people are collecting clothes, food, and things of that nature; but the bottom line is that they need cash; they need checks. This is what we have decided to do.

So we have a nonpartisan bill here on this which deals with the technicality. It's available on the Web site of the Joint Committee, [www.jct.gov](http://www.jct.gov), and it's listed under Document No. JCX-2-10.

This bill allows Americans and others to make generous cash contributions to the charities of their choice; and at the same time, it allows them not to have to wait until next year to be able to deduct these as charitable contributions. It accelerates the time that this can be done between now and March so that any contribution that is

made can be deducted on the 2009 tax return, which is being prepared now for April 15.

In addition to that, there has been some question as to how you can document the actual payment if it were made on the cell phone or if it were made without actually having proof of a charitable deduction. The only proof that could be made would be by using the telephone bill, and there was a question as to whether or not that would be considered as sufficient evidence of making the contribution. This bill will, indeed, make it possible for text messages to be relied upon, text messages which are used on cell phones, when claiming these charitable contributions.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. I yield myself such time as I may consume.

Madam Speaker, we have all been moved by the reports and images of last week's horrendous earthquake in Haiti; and we were reminded just this morning of the dire situation that country is facing as reports have surfaced of a major aftershock.

Throughout our history, Americans have been eager to help others recover from the devastation of wars and natural disasters in faraway places. Once again, we have seen the compassion and generosity of the American people displayed front and center in the Haiti relief effort, including an outpouring of real-time donations through cell phones and the Internet. While many of our own U.S. citizens are struggling to find work and to make ends meet, it is only fitting that we should provide immediate tax relief for these charitable contributions.

This bill, which is sponsored by the bipartisan leadership of the Ways and Means Committee, as well as by the whips of both parties and by more than 150 Members from both sides of the aisle, would permit itemizers to treat Haiti-related charitable contributions made through the end of February as if they were made in 2009 rather than in 2010. This would allow itemizers the opportunity to claim the charitable deductions under 2009 returns, which most taxpayers are required to file by April 15 of this year, instead of waiting until they file their 2010 returns.

□ 1215

It would also permit taxpayers who use cell phone text messages to contribute to the relief effort to use their phone bill as a record of their donation. This is a commonsense bipartisan idea, and it deserves the support of every Member. I urge an "aye" vote.

I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MEEK). He is a member of the Ways and Means Committee, but, more importantly, he has been so

closely identified in the bringing back of Haiti before this tragedy. He has been there, and we admire and respect the contributions he is making to rebuild this great nation.

Mr. MEEK of Florida. Madam Speaker, I want to thank all of the Members that are here and the bipartisan support that we have for this great piece of legislation to not only incentivize Americans who continue to do what they have already done, to be able to help the people of Haiti, to be able to take off their contribution or get the tax benefit for giving in their 2009 taxes. I think it is important that we have a strong vote on this piece of legislation.

The Haitian people—I was just there. I spent 2 days on the ground there. Humanitarian workers are working so hard, and the majority of these non-governmental organizations that people can contribute to are doing the best work on the ground as it relates to the feeding and providing of comfort for the Haitians that are in desperate need of international support at this time. Madam Speaker, I would go even further to say hats off to our emergency response and urban rescue people that are really saving lives every day.

With the contributions that Americans give to organizations that are doing great work on the ground, coupled with the Congress and the House's action today of passing this legislation to allow some benefit to that individual for their contribution, will feed into a better response and a better recovery, not only for Haiti, but to also continue to fulfill our humanitarian commitment to the poorest country in the Western Hemisphere.

So I commend the chairman, the rest of the leadership that signed on to this bill, Republican Whip CANTOR, and a number of others that are on the Ways and Means Committee for this bipartisan effort. Thank you so very much.

I am pleased to be a co-sponsor on Chairman RANGEL, Majority Whip CLYBURN, Ranking Member CAMP, and Republican Whip CANTOR's bi-partisan bill that will provide an incentive for our citizens to contribute monetary donations to the relief efforts following the devastating January 12, 2010, earthquake in Haiti.

I filed an almost identical bill yesterday, H.R. 4467—with many co-sponsors.

Under this bill, if a citizen makes a cash contribution before March 1, 2010, they can take the charitable contribution deduction off of their 2009 income taxes, obviously decreasing their 2009 tax liability.

The American people have shown an outpouring of support for the Haitian people during their most vulnerable moment.

There have been countless donations from individual Americans offering whatever help they can.

Now is the time to give an added boost to the nation's charitable spirit by accelerating income tax benefits for Americans making donations.

I just returned from Haiti, witnessing firsthand the horror and devastation of the earthquake.

I represent more Haitian Americans than any other Member of Congress, and my district includes Little Haiti in Miami.

With so many of my constituents in pain, I am happy to be a part of this effort to help the Haitian people and all victims of this disaster.

This bill will not only help increase contributions.

But as the bill only applies to cash contributions, the bill encourages the much needed cash to be donated.

Since the night of the earthquake, I have fielded regular calls from constituents who were stranded, and lost loved ones in Haiti.

Last Thursday night in Miami, I convened in four hours an emergency communitywide meeting attended by 300-plus people to coordinate the rescue effort amongst first responders, relief experts, and the Haitian American community in Miami.

On Saturday I met with Vice President BIDEN in Miami in Little Haiti and then again at Homestead Reserve Base in Homestead Florida.

On Saturday night, I bought my own 1 way ticket from Miami to Santo Domingo, Dominican Republic on American Airlines.

I landed at 12:30 a.m. (Sunday morning), secured a drive from a Dominican local and together they drove through the night to the Dominican-Haiti border and then crossed into Haiti during sunup, arriving at the airport at around 7 a.m. EST on Sunday.

Never have I seen such devastation.

I witnessed the rescue of a young 2 year old that has moved me emotionally like nothing before.

Also, let's not forget that Haiti has come to America's aid before.

As an ally Haiti has been instrumental in the forming of our union.

In the Revolutionary War, Haitians fought with Americans for our independence.

Even as recently as 2005, Haiti again came to the aid of ailing Americans as the country offered support in the aftermath of Hurricane Katrina.

I am pleased to be a part of this legislation that will help boost our help to Haiti.

What the Chairman's bill (and your bill) does:

This bill will accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

Under current law, a taxpayer is allowed to deduct charitable contributions in the taxable year the contribution is made.

The bill asks for an exception to this for cash contributions made to the Haitian relief efforts: A taxpayer who contributes a cash contribution in January or February, 2010, will be allowed to take the charitable contribution deduction in the 2009 taxable year instead of having to wait for the 2010 taxable year.

Mr. HERGER. I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I thank my good friend from California for the time.

I rise today as an original cosponsor of this bill.

As my colleagues have explained, this important measure would accelerate the income tax benefits for chari-

table cash contributions to our relief efforts in Haiti. This means that those who are able to contribute now may receive the tax deduction for the 2009 filing period.

With over \$40 million in private and corporate donations already made, this will be a great incentive for the American people to reach even deeper into our pockets and help our friends in Haiti. This, in turn, will augment U.S. Government efforts, demonstrating the clear benefits of public-private partnerships. And it is an important step at a time when we must do more with less in the face of rapidly rising deficits here at home.

There is no doubt that the United States, as a government and as a people, stand side by side with the people of Haiti during this most tragic time. Our assistance efforts so far are unparalleled, and last week, President Obama pledged \$100 million in U.S. funding toward the relief efforts.

It is my hope that, after expeditious surveys of the damage, a significant portion of this funding will come from the \$845 million in international disaster assistance that this Congress has already appropriated for fiscal year 2010. By pulling from these funds, we will be able to quickly address the humanitarian needs in Haiti right now.

In addition, I urge President Obama to immediately begin efforts to convene an international donors' conference to bring together other responsible nations and international organizations that can join the United States in committing efforts to help the Haitian people recover from this horrible disaster.

Keeping in mind the urgent nature of this much-needed assistance, it remains incumbent upon the U.S. to work to ensure that international donations are pooled and integrated, that pledges are tracked, and that transparency measures are put in place to help ensure that aid reaches those who need it.

Further, we should encourage joint ventures and public-private partnerships as we consider the many ways that we may help promote not only the immediate but also the long-term recovery of Haiti as well. The United States will do its share, but the rest of the world must do its best also. Other nations must not forget about Haiti, once the attention on the crisis has subsided, and leave the U.S., as has been often the case, to bear most of the responsibility for the recovery of Haiti.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HERGER. I yield the gentlewoman an additional 1 minute.

Ms. ROS-LEHTINEN. Madam Speaker, we have all been deeply moved by the outpouring of support that we have seen from communities across the United States. Unsurprisingly, the Haitian American community has shown

invaluable leadership in the aftermath of last week's tragic earthquake. Now more than ever, the U.S. must focus our efforts on engaging these communities to make sure that they are involved in the rebuilding of their native homeland.

The Haitian diaspora is a valuable resource that must be tapped to ensure that the stability, freedom, success, and prosperity that the Haitian people deserve finally come true.

I would like to thank Chairman RANGEL and Ranking Member CAMP for introducing this important measure. I strongly urge my colleagues to support its passage.

I thank the gentleman again for the time.

Mr. RANGEL. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the Ways and Means Committee.

Mr. BLUMENAUER. Madam Speaker, I appreciate the courtesy of the Chair of the Ways and Means Committee in permitting me to speak on this and the rapid action that the committee has taken.

As we are overcome with grief and sympathy for the Haitian tragedy, I am reminded of the devastation I saw in Indonesia in the aftermath of the 2004 tsunami, where over 160,000 people were killed. That disaster inspired cooperation that was truly incredible even in the troubled island of Aceh that had been torn by war for years. That rebuilding effort sparked a terrific renaissance there.

This must signal a new day for the troubled but promising country of Haiti. Obviously, our immediate priority must be saving lives with food, water, shelter, medical supplies. I am pleased that groups in my community, like the acclaimed Mercy Corps, and the Northwest Medical Team, have leaped into action with resources from the Pacific Northwest to make a difference under these dire circumstances.

But we must recognize that decades of crushing poverty in Haiti have left ordinary people far too vulnerable to disaster. We have an obligation as a country, as we work with comprehensive aid efforts in the months and years ahead after the cameras are gone, to help the Haitians rebuild that nation. You know, there are problems with the nation of Haiti. But the world has not always, indeed has seldom been a good neighbor to that troubled country.

I am pleased that this legislation will make it easier for Americans, who face tough times themselves, to help give gifts of life and hope to our neighbors in that devastated island. The bill allows those who have donated to Haiti a chance to claim the donation in the tax return that they are preparing this spring rather than waiting a full year to claim the deduction. It is a simple gesture, but it will encourage giving in

this challenging economy and helping do what is right for Haiti.

Mr. HERGER. Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, it is my honor to yield 2 minutes to the majority whip, the gentleman from South Carolina (Mr. CLYBURN). There is no question that he has provided the leadership on this issue and inspired the Ways and Means Committee and so many other Members in the Congress. Haiti has a true friend in the heart of JIM CLYBURN, our Democratic whip.

Mr. CLYBURN. Madam Speaker, I thank Chairman RANGEL for yielding me this time.

I want to thank you and Mr. CAMP for bringing this legislation forward. I want to thank the minority whip, Mr. CANTOR, for joining with us in making this a truly bipartisan effort. I also want to thank the 162 cosponsors, original cosponsors, of this legislation.

I believe that all of us who are familiar with the various areas of our great country know that it all depends on where you live as to what kind of catastrophic event you can expect to visit your community. For many of us, it may be a dust storm; for others, like my area of the country, a hurricane; for others, it could very well be an earthquake.

All of us are but the sum total of our experiences, and I believe that it is this vast amount and broad level of experiences that the people of these United States of America are going to call upon in order to respond to the people of Haiti. And for us to offer all Americans the opportunity to deduct on their 2009 taxes any contribution they make to this effort by February 28 will go a long way toward incentivizing the kind of behavior that we think is very, very important.

I want to thank the sponsors of this legislation and thank all of those who will be voting for it today. It is one way that we can say to the people of this Nation that Americans not just sympathize with them but we empathize as well.

Mr. HERGER. Madam Speaker, I yield such time as he may consume to our whip, a member of the Ways and Means Committee, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, I am pleased to rise this afternoon in strong support of this important relief legislation for the people of Haiti.

On January 12, 2010, Haiti was shaken by an earthquake unparalleled in its history. As horrendous as they are, the pictures in our newspapers and on TV can only begin to tell the story of the suffering of the Haitian people. Just this morning, the people of that country had another scare, experiencing another shock with a magnitude of 6.1.

Madam Speaker, when crisis calls, American citizens are at their finest.

The people of the U.S. have always been, and continue to be, a generous and giving people. And whether it is offering shelter to orphan children, making cash donations, or simply volunteering time, when tragedy strikes, the American people take action.

Charitable donations have already begun pouring into organizations assisting in the relief efforts. This legislation allows generous Americans who make a cash donation to the Haitian relief effort to treat those donations as if they were made in the tax year 2009.

□ 1230

Similar policy has been used in past tragedies, and studies show that it actually increases the total amount of charitable contributions.

I want to thank my colleague, Majority Whip CLYBURN, for his assistance in bringing this legislation to the floor. I would also like to thank the gentleman from New York and the gentleman from Michigan and their leadership in bringing forward this important bill. While it is often the differences between the parties in Congress that makes the news, this legislation demonstrates that we can come together on commonsense proposals to ease the suffering of our fellow man. When our offices discussed last week how we could help encourage charitable donations for the relief effort, and in particular this proposal, it was clear that partisanship had been set aside. I think the American people and those in Haiti are all the better for it. I ask for support of this legislation.

Mr. RANGEL. I yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to, first of all, commend Chairman RANGEL and Ranking Member CAMP for their quick action and leadership on this legislation.

I rise today in strong support of this bill to accelerate the income tax benefits for those who make cash contributions to people affected by the earthquake in Haiti. Americans are deeply saddened at the level of devastation caused by the earthquake that struck Haiti on January 12, resulting in tremendous damage and loss of life.

There are enormous needs in Haiti. It is important to have the Federal Government, our government, demonstrate leadership in providing relief. I also wish to acknowledge and recognize all of the organizations and groups, not-for-profits, churches. Over the weekend, I visited several churches, and I was tremendously impressed at the level of giving that people out of the goodness of their hearts were pouring out. And especially do I congratulate and commend Bishop Blake and the Church of God in Christ churches for the enormous contribution that they are making; the Baptist churches,

Methodist churches. All churches. People are demonstrating what it means to give of themselves and to help others.

Mr. HERGER. Madam Speaker, I now yield 3 minutes to my good friend, the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I rise in support of H.R. 4462. On January 12, Haiti was struck by a magnitude 7 earthquake, which devastated the country and people of Haiti. I have lived for approximately a dozen years in earthquake country, and I know how serious an earthquake of this magnitude is. I wish to extend my deepest sympathy to the families who have lost loved ones in this horrible tragedy. Even in the face of this disaster, the people of the world have united in response through prayer, monetary donations, and critical humanitarian aid. In fact, The Chronicle of Philanthropy reported yesterday that over \$275 million has already been generously donated worldwide.

I am again humbled by the efforts of humanitarian aid groups based in west Michigan, which has a long history of charitable giving in times of need. The response to this natural disaster has proved no different. I'm grateful to my constituents for their compassion and generosity, which has existed for many years. Humanitarian aid groups in Grand Rapids that are contributing to the relief effort include Rays of Hope for Haiti, the Christian Reformed World Relief Committee, the Red Cross, and countless others. Even a global corporation located in my district is en route with several flights this week to Haiti, transporting medical supplies and a medical team. The extraordinary efforts by all of these groups are to be commended.

While our country and the world respond to emergency needs in Haiti, I have heard from many in my community who echo my fervent requests to provide additional assistance to the orphans in Haiti. I ask for your continued prayers for the children of Haiti who will soon be united with their adoptive families here in the United States, and especially for those who have been orphaned in the wake of last Tuesday's tragedy. I also urge the Department of Homeland Security and the Department of State to greatly speed up the adoption process and visa procedures for not only the orphans already in process but also for all the children who became orphans due to the death of their parents in the horrible earthquake.

I urge my constituents and all Americans to donate to a reputable charity organization for earthquake relief in Haiti. I am very pleased that former Presidents Bush and Clinton are leading efforts through the Clinton-Bush Haiti Fund. This bill, H.R. 4462, will allow taxpayers to deduct their donations from their 2009 taxes, and it is my

hope that all people who are able will offer their support to the people of Haiti.

May God bless and comfort the people of Haiti.

Mr. HERGER. Madam Speaker, in closing, I'd simply say that this is a good bill. It reflects the generosity of the American people in responding to a horrific disaster, and I urge all Members to vote "aye."

I have no further requests for time, and I yield back the balance of my time.

#### GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4462, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Madam Speaker, I close this on the high note that America has shown its greatest, especially in this Congress. I want to thank SCOTT MURPHY, a new Member, for insisting that we move forward on this. Of course, the Republicans, Mr. HERGER and Mr. CAMP, who joined together with Democrats to prove that when Americans want to do things, that party labels don't really mean that much. I do hope that the rest of the country would see what we have done and take advantage of this legislation in order to make certain that they have an accurate recording of the contributions that they make through the telephone as well as to take advantage of the expediting of deductions that are being recognized by the Internal Revenue Service.

I hope everyone would vote for this bill and let this be a symbol as to what this Congress can do. It's not just for Haiti, but for ourselves and the rest of the free world.

Mr. ENGEL. Madam Speaker, I rise in strong support of H.R. 4462, To Accelerate the Income Tax Benefits for Charitable Cash Contributions for the Relief of Victims of the Earthquake in Haiti Act, authored by my friend and colleague from New York, Representative RANGEL, the Chairman of the Ways and Means Committee. This important legislation would permit people who make charitable contributions to the relief work in Haiti to take a tax deduction on their 2009 taxes instead of on their 2010 returns. This is an excellent idea which will hopefully spark additional giving to help the people of Haiti.

Tens if not hundreds of thousands of people have lost their lives in the Haitian tragedy and hundreds of thousands more are homeless. The American people have been deeply moved by this crisis and are showing their profound generosity through donations to organizations helping the Haitian people. In fact, as of yesterday, the American Red Cross had already raised \$112 million for Haiti, \$22 million of which came from text messages sent

by the American people. The outpouring to Haiti from the great people of this nation and from around the world has been truly overwhelming. I am touched by how Americans from all walks of life have given their time, talents, and financial resources to help those whose lives depend upon such aid.

By permitting taxpayers to take a deduction on their 2009 taxes instead of their 2010 returns, H.R. 4462 will help those Americans who have already donated and encourage those who have not yet done so. In addition to thanking Chairman RANGEL for this legislation, I would also like to mention our colleague, Representative KENDRICK MEEK, who was developing similar legislation. He has been a leader on all aspects of U.S. policy toward Haiti and deserves to be recognized here in Congress.

Again, I strongly support H.R. 4462 to recognize the generosity of the American people in responding to the devastation in Haiti and to encourage future giving. This is a bill that inspires "the better angels of our nature" and helps the victims of this disaster, as well. It deserves our unanimous support.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of today's bill to accelerate the tax benefits for charitable contributions made in the aftermath of the devastating earthquake in Haiti. The people of Haiti have endured an unimaginable disaster, and our thoughts go out to the millions of families who have been affected by this tragedy.

In times such as these, we must unite in common purpose to help those in need. I am truly heartened by the outpouring of support from the American people, who have contributed hundreds of millions of dollars to disaster relief organizations over the last week despite the economic challenges they face here at home. As policy makers, we should do all we can to encourage this charitable spirit and assist Americans in giving whatever they can through immediate tax relief. The bill will allow people to claim cash contributions made to victims of the Haiti earthquake on their 2009 tax returns, rather than waiting until they file in 2010. It offers an immediate benefit for those who have already made a contribution and provides a little extra incentive for others who are considering a donation of their own.

It is crucial that we join together to support the ongoing rescue and recovery efforts. This bill is a small but necessary component of those efforts, and I remain ready to assist the international community as they bring additional aid and relief to Haiti.

Mrs. MALONEY. Madam Speaker, I rise in strong support of H.R. 4462 which would allow Americans to deduct the charitable contributions they make to the Haitian relief efforts in January and February of 2010 on their 2009 tax returns. I commend Chairman RANGEL for bringing this bill forward and I urge my colleagues to support it.

The toll of human suffering in Haiti is unimaginable, with up to an estimated 200,000 people who have lost their lives and nearly 3 million people affected by the earthquake. Haiti is the poorest, least developed country in the Western Hemisphere which, even before the quake, suffered from political instability, hurricanes, and food shortages. Even so, the loss of life and destruction from this disaster

has left the country in a state of collapse not seen in Haiti in over two centuries.

The images of death and devastation coming from Haiti are driving Americans to donate their time, money, and supplies—it is truly America at its best. All donations, large and small, are helping to provide crucial necessities for this relief effort. Millions of dollars are pouring into non-profit organizations that are making sure that money and supplies go directly where they need to go, to the people of Haiti. The bill we pass today will help encourage even more donations.

We know that the effort to rebuild Haiti and care for those who have been injured will continue for some time to come. The people of Haiti need our help and I am pleased that we are doing all that we can to promote the generosity Americans have shown since the devastating earthquake shook Haiti last week.

I urge my colleagues to support H.R. 4462.

Mr. AL GREEN of Texas. Madam Speaker, I lend my full support for H.R. 4462, introduced by my colleague Chairman CHARLES RANGEL, which allows for the acceleration of tax benefits for charitable cash contributions to benefit the victims of the earthquake in the Republic of Haiti on January 12, 2010.

This tax benefit will allow persons who make cash donations to the relief efforts in Haiti from January 11, 2010 to March 1, 2010 the opportunity to claim those donations as charitable contributions on their 2009 Federal Income Tax Return.

The 7.0 earthquake that ravaged the Haitian capital of Port-au-Prince, the city of Jacmel and the city of Carrefour brought immediate devastation to the country, taking the lives of approximately 200,000 people and leaving tens of thousands missing. This event, which has left an estimated 1.5 million homeless, has completely destroyed most of the infrastructure in the capital, and was deemed the largest earthquake of this magnitude in over two centuries in the Republic of Haiti.

Providing a tax benefit on charitable contributions would offer an incentive for American citizens to give during an essential period for the relief effort in Haiti. Several charities saw a significant drop in contributions, which fund the entirety of their operations, due to the economic crisis. Non-profit organizations will need considerable resources to provide the long-term services for a population devastated by a natural disaster. This tax benefit will ensure those resources are funded by an outpouring of generosity from the American people.

In the face of this grave tragedy, the American people have given from their hearts, as well as their pockets, to assist the people of Haiti during this time of extreme hardship and turmoil. This philanthropy should not go unnoticed, especially as many people have chosen to donate at a time when their own financial well-being is uncertain.

I would like to thank Chairman RANGEL for introducing this piece of legislation, and the American people for their benevolence in this time of adversity for the Haitian people.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquakes in Haiti, introduced

by my illustrious colleague Representative CHARLES B. RANGEL, from New York. This legislation will allow qualifying charitable donations for the victims of the earthquake in Haiti that are made between January 11, 2010, and March 1, 2010, to be treated as if such contributions were made in 2009, rather than in 2010. This will give Americans even more incentive to give to the relief efforts in Haiti.

Madam Speaker, the world witnessed the vivid devastation of Haiti's strongest earthquake in more than two centuries on Tuesday, January 12, 2010 which rocked the very core of the Caribbean. With thousands reported dead and thousands more estimated to be counted in that group, it has been the custom and the unstipulated duty of the American people to help our fellow world citizens in their time of desperation and need!

I have the honor and privilege to represent and serve a city such as Houston, Texas, which has, time and time again, shown its generosity and caring spirits, to anyone who is in need. This is why this bill is very significant; notwithstanding our current economic condition, America is STILL doing what it does best, giving much needed aid and hope to whom-ever is in need. We are already playing a key role in both security and much-needed funds in Haiti. This bill will identify a qualified contribution as "a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010" and will give much needed tax relief to the many companies and private citizens who have already given millions of dollars to the relief efforts.

The passage of this bill will cultivate more donations for the people of Haiti by "accelerating the tax benefit for certain charitable cash contributions made for the victims of the earthquake." We are not reinventing the wheel; similar changes to tax law were done after the tsunami that struck Thailand and Indonesia in December 2004 and other tax considerations were put in place after Hurricane Katrina hit the Gulf Coast in 2005. The bill would waive the current law provision that limits charitable deductions to 50% of a taxpayer's income and 10% for Corporations.

It is also in the United States' best interest, especially pertaining to foreign policy, to help, in any capacity, the relief and ultimate recovery of the nation of Haiti; it will also help govern the global message of "goodwill", which our President deems necessary for the prosperity of us all. For these reasons, I deeply support this legislation and implore my colleagues to join me in this endeavor.

Mr. VAN HOLLEN. Madam Speaker, I commend Chairman RANGEL and Ranking Member CAMP for bringing this timely legislation to the floor and support its swift enactment.

Simply put, H.R. 4462 will allow charitable cash contributions for Haitian earthquake relief made before March 1, 2010 to be deducted on the contributor's 2009 tax return. As the ongoing rescue and recovery effort in Haiti is still very much an issue of life and death, this targeted initiative will reward those who have already given while providing an extra incentive for those who are considering a contribution. Additionally, I applaud Secretary Napolitano's decision to grant Temporary Protected Status to Haitian nationals living in the United States, which will enable these individuals to stay in

the U.S. for up to 18 months past their visa expiration.

America is a generous and compassionate Nation that has always responded to our neighbors in need. I'm proud to support this bipartisan legislation.

Ms. JACKSON LEE of Texas. Madam Speaker. I rise in support of H.R. 4462—a bill that will accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction, the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds, even thousands.

Several eyewitnesses reported heavy damage and bodies in the streets of the capital, Port-au-Prince, where concrete-block homes line steep hillsides.

Haiti sits on a large fault that has caused catastrophic quakes in the past, but this one was described as among the most powerful to hit the region within the last 200 years. With many poor residents living in tin-roof shacks that sit precariously on steep ravines and with much of the construction in Port-au-Prince and elsewhere in the country of questionable quality, the expectation was that the quake caused major damage to buildings and significant loss of life.

The dimensions of the disaster are still unfolding, but Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead, and leading senator Youri Latortue estimated the number at possibly as high as 500,000, according to the Associated Press.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

American and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure that critical resources are positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

U.S. Southern Command will deploy a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of yesterday's devastating earthquake. The team includes U.S. military engineers, operational planners, and a command and control group and communication specialists, will arrive in Haiti today on two C-130 Hercules aircraft. The team will work with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow on U.S. military support.

Our friends in the international community must also be commended for their efforts. The United Nations is releasing \$10 million from its emergency funds. The European Commission

has approved C3 million (\$4.37 million) with more funds likely. Countless other nations from Germany, to China, to Israel to Mexico have also pledged support. I commend each of these nations for coming to a nation in dire need of assistance.

Many of my constituents ask what they can do to help, or how they can find their loved ones. Those who are interested in helping immediately can text 'HAITI' to '90999' and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill.

The outpouring of support and funding from the American people was both instant and sustained. According to the Washington Post, the text messaging effort raised \$5 million in its first day, breaking the previous one-day record of about \$450,000. Text-message donations continue to play a larger-than-expected role in the push for earthquake relief in Haiti. As of late Sunday, the American Red Cross said that it had collected pledges of about \$103 million, including \$22 million through the text donation program. Another organization, Partners in Health, raised \$25 million in the five days following the Jan. 12 earthquake in Haiti. This is equal to what it budgeted for Haiti in all of 2009. Overall, U.S. charities raised more than \$150 million in the four days after the quake, according to the Chronicle of Philanthropy, which based its tally on proceeds reported by the nation's 22 largest charities. That total surpasses the \$108 million raised in the four days following Hurricane Katrina in 2005 and the \$30 million raised in the three days following the tsunami in Asia in 2004.

Financially, 2009 was not an easy year for many Americans. Although thousands of jobs were created and we are back on the road to economic recovery, Americans lived on tighter budgets than usual. This legislation will allow those Americans who have generously donated money to Haiti to receive their tax break this year instead of next year.

Once again, I am devastated by the immeasurable tragedy that occurred in Haiti. Along with my colleagues, I hope to visit Haiti in the near future to meet with their leaders and see what the United States can do to rebuild the shattered livelihoods.

In January of 2005, Congress enacted this type of relief for individuals that made charitable contributions to victims of the Indian Ocean tsunami that occurred in late December of 2004. That bill (H.R. 241 in the 109th Congress) passed the House of Representatives without objection and subsequently passed the Senate by unanimous consent. I hope that this legislation, like our response to the 2004 tsunami, will encourage Americans to contribute more money to Haiti. As Haiti starts on its long recovery, every dollar is critically important. Once again, I am proud to represent such a compassionate and generous nation.

Mr. RANGEL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 4462, as amended.

The question was taken; and (two-thirds being in the affirmative) the



rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# CELEBRATING 30TH ANNIVERSARY OF SONG TRIBUTE TO DR. MARTIN LUTHER KING, JR.

Mr. CONYERS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1010) celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, "Happy Birthday," and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1010

Whereas the life and work of Dr. Martin Luther King, Jr. was properly captured in Dr. King's most famed speech, "I Have A Dream", on August 28, 1963, when he said, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal'";

Whereas beginning with the Montgomery Bus Boycott on December 1, 1955, Dr. King led protests, demonstrations, rallies, freedom rides, sit-ins, vigils, all in non-violent fashion, to combat hate, inequality, and racial injustice in the United States;

Whereas following the end of the Montgomery Bus Boycott in 1956, Dr. Martin Luther King Jr. and others, including Dr. Ralph Abernathy, formed the Southern Christian Leadership Conference (SCLC) in 1957 to promote civil rights and to bring an absolute and nonviolent end to segregation;

Whereas the efforts of Dr. Martin Luther King, Jr. and those that joined him in the civil rights movement resulted in the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968;

Whereas several U.S. Supreme Court cases decided during the era of the civil rights movement, like *Browder v. Gayle* (352 U.S. 903 (1956)), *Boynton v. Virginia* (364 U.S. 454 (1960)), and *Heart of Atlanta Motel Inc. v. United States* (379 U.S. 241 (1964)) were consistent with the work of Dr. King and others to eradicate segregation and discrimination and deem such practices unconstitutional;

Whereas Dr. Martin Luther King, Jr. received the Spingarn Medal in 1957 and the Nobel Peace Prize in 1964, distinctions that were given to him at the young ages of 28 and 35, respectively, for the selflessness and dedication he exhibited in advancing civil rights;

Whereas the life and work of Dr. King, to advance justice, equality, and peace for the entire human race, ended prematurely, when he was assassinated on April 4, 1968, in Memphis, Tennessee, while challenging the inequitable wages and treatment of Memphis sanitation workers;

Whereas Martin Luther King, Jr., was survived by Coretta Scott King, an activist in her own right, and 4 children, 2 sons and 2 daughters, who would also continue the fight for civil rights and equality;

Whereas 4 days after the assassination of Dr. King, on April 8, 1968, Representative John Conyers, Jr. introduced legislation to recognize Dr. King with a Federal holiday

that coincided with the great civil rights leader's birthday, January 15, 1929;

Whereas the campaign to secure a Federal holiday in honor of Dr. Martin Luther King, Jr. lasted 15 years, with the 1980 Stevie Wonder song tribute to Dr. King, "Happy Birthday", solidifying the campaign's success;

Whereas Stevie Wonder dedicated his album sleeve for "Hotter Than July", an album released on September 29, 1980, and upon which "Happy Birthday" is recorded, to Dr. King, with an inscription that read, "[Martin Luther King, Jr.] showed us, non-violently, a better way of life, a way of mutual respect, helping us to avoid much bitter confrontation and inevitable bloodshed";

Whereas Mr. Wonder also wrote on his album sleeve for "Hotter Than July" the following, "We still have a long road to travel until we reach the world that was [Dr. King's] dream. We in the United States must not forget either his supreme sacrifice or that dream";

Whereas Stevie Wonder encouraged the establishment of a Federal holiday in recognition of Dr. King on his album sleeve for "Hotter Than July" by expressing that, "I and a growing number of people believe that it is time for our country to adopt legislation that will make January 15, Martin Luther King's birthday, a national holiday, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled";

Whereas the song, "Happy Birthday", became a rallying cry, which led to the collection of 6,000,000 signatures in support of a Federal holiday in honor of Dr. Martin Luther King, Jr., which Stevie Wonder and Coretta Scott King presented to Congressional Leadership in 1982;

Whereas ultimate enactment of legislation designating the third Monday of January as a Federal holiday in observance of Dr. Martin Luther King, Jr. was realized on November 3, 1983, when such legislation was signed into law;

Whereas the first Dr. Martin Luther King, Jr. Federal holiday was observed on January 20, 1986, and celebrated with a concert headlined by Stevie Wonder, who has, in the years since, continued his commitment to promoting peace and equality, for which he has been recognized with a Lifetime Achievement Award from the National Civil Rights Museum in Memphis, Tennessee;

Whereas the legacy of Dr. Martin Luther King, Jr. is continued today, as evidenced by the work of organizations like the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference, which is currently led by Dr. King's daughter, Bernice King, and was at one time led by Dr. King's son, Martin Luther King, III;

Whereas today, the very mission of the Southern Christian Leadership Conference states, "In the spirit of Dr. Martin Luther King, Jr., the Southern Christian Leadership Conference (SCLC) is renewing its commitment to bring about the promise of 'one nation, under God, indivisible' together with the commitment to activate the 'strength to love' within the community of humankind"; and

Whereas in addition to organizations, the legacy of Dr. King continues on today with people in the United States and throughout the world, with individual acts of compassion, courage, and peace: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) celebrates the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary

of the Stevie Wonder song tribute to Dr. King, "Happy Birthday";

(2) recognizes that the legacy of Dr. Martin Luther King, Jr. continues on with commitments to freedom, equality, and justice, as exhibited by Stevie Wonder and so many others; and

(3) encourages the people of the United States to commemorate the legacy of Dr. King by renewing pledges to advance those principles and actions that are consistent with Dr. King's belief that "all men are created equal".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

## GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Madam Speaker and Members, I have been doing this for quite a number of years now, and I asked my chief of staff how many years specifically it's been. But we're here again with the ranking member, LAMAR SMITH; with JOHN LEWIS, the last remaining King disciple that worked with Dr. King longer than any of us. Today, we rise to salute not only Dr. Martin Luther King, Jr., but also recalling those days when we were marching for a King holiday. We salute Dr. King and Stevie Wonder for the wonderful inspiration he gave us all with his musical tribute to Dr. King, "Happy Birthday."

On Monday, we observed for the 25th year the Federal Martin Luther King, Jr., holiday bill that started off 3 days after his assassination when I made this proposal. It also coincides with the 30th anniversary of Stevie Wonder's 1980 song tribute to Dr. King. Stevie's song became the rallying cry for those fighting for a holiday for Martin Luther King, Jr. He was one of our great advocates.

I just wanted to recall—I don't know if JOHN LEWIS remembers—the day at that march we got a call from the White House and they wanted Stevie Wonder to come to the White House. Stevie Wonder said, Well, how come they haven't invited you to come to the White House instead of me? I said, Stevie, that doesn't matter. They want you, and this is what we have been marching for. So you come to the White House. He said, No, I'm not going. And we went back and forth. Finally, he didn't come.

But later, shortly thereafter, we began the negotiations with Jack Kemp of New York, with the Republicans in the White House, and this



agreement was struck: That if the House and the Senate could pass a King holiday bill, the President would sign it into law. We felt we could get it through the House, but the other body was another story entirely. Finally, it did happen.

I don't know if you remember the day that Coretta Scott King and all the kids, and Abernathy, Lowery, Julian Bond, we were all over in the other body and the speeches went on and on. Everybody was acclaiming King. You'd have thought he was a native son of all the speakers. It finally ended. They had far more time to consume than we did. A reporter asked me, What took you so long? Everybody seemed to have been for this bill all the time. Of course, I resisted losing my nonviolent disposition to respond to him, because it took 15 years before that bill was finally taken up by the body. But it was because of the people, it was because of the spirit of the people in the public schools and the city councils, the counties. And the States even passed resolutions for us to do that.

□ 1245

Finally, the pressure built up so much throughout the country that we finally had the bill passed in the other body. The President then, true to his word, signed the bill. It was a great moment in history. I am still proud to say that we seriously honor King with this third Monday of every January. I will put the rest of my remarks in the RECORD.

House Resolution 1010 celebrates the work of Dr. Martin Luther King Jr., and salutes Stevie Wonder for his song tribute to Dr. King, "Happy Birthday."

On Monday, we observed, for the 27th year, the Federal Martin Luther King Jr. Holiday. This particular commemoration of the King holiday coincides with the 30th anniversary of Stevie Wonder's 1980 song tribute to Dr. King.

Stevie Wonder's song became the rallying cry for those fighting for a Martin Luther King, Jr. Federal holiday, and he proved to be one of the holiday's greatest advocates.

And so, 30 years later, it is fitting that we consider a resolution both honoring Dr. King and saluting Stevie Wonder.

Today, I would like to touch on three significant points. First, having just observed the King Holiday, we are reminded of the more equal and just society that we live in today as a result of Dr. King's life work.

Dr. King's struggle led to the enactment of the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. From buses to motels, his work brought an end to state-sanctioned segregation and discrimination in public accommodations that were the hallmark of the Jim Crow system.

Personally, and I'm sure like many, I pursue my own life's work in the spirit of Dr. King.

When I first ran to represent the 14th Congressional District of Michigan in 1963, it was with the endorsement of Dr. King that I won.

It was through Dr. King that I got to know Rosa Parks, the mother of the Civil Rights

Movement, who would work in my Detroit office for over 20 years.

On my second point, despite the great contributions Dr. King made, the pursuit of a Federal holiday in Dr. King's honor was long fought.

Significantly, it was Stevie Wonder's song tribute to Dr. King, "Happy Birthday," that played a large role in galvanizing public support for a Federal holiday.

Just four days after the assassination of Dr. King, on April 8, 1968, I introduced legislation to observe the life and work of Dr. King with a Federal holiday. Until it became law in 1983, there was a persistent legislative drive for the King Holiday.

Stevie Wonder was one of the leading advocates at the helm during this fight. On September 29, 1980, he released the album, "Hotter than July," containing a song he wrote in honor of Dr. King "Happy Birthday."

Mr. Wonder dedicated the album sleeve for "Hotter than July" to Dr. King with an inscription, and also encouraged the establishment of a Federal holiday in recognition of Dr. King.

Right on the album cover, he wrote, "I and a growing number of people believe that it is time for our country to adopt King Holiday legislation, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled."

That growing number of people equated to 6 million signatures in support of the King Holiday, which Stevie Wonder and Coretta Scott King presented to Congress in 1982.

On the 15th anniversary of Dr. King's assassination, and the 20th anniversary of the March on Washington, Congress passed King Holiday legislation in 1983, with a vote of 338 to 90 in the House and a vote of 78 to 22 in the Senate. That November, it was signed into law.

At the first King Holiday observance, on January 20, 1986, Stevie Wonder headlined a concert in honor of Dr. King. And his commitment to advance the King legacy did not stop there.

Stevie Wonder has gone on to address such social and racial ills as apartheid in South Africa, hunger in Africa, and HIV/AIDS. In fact, his musical and social contributions are so significant that I feel Stevie Wonder is deserving of a Congressional Gold Medal.

Finally, we must continue the legacy of Dr. King—not just on the third Monday in January each year, but every day. It is each and every day that we should work to advance the "Beloved Community" that Dr. King envisioned.

Dr. King said, "Life's most urgent and persistent question is: What are you doing for others?" Let us ask ourselves this question, and act; and not just today, but every day.

I would like to commend my colleague, the gentleman from Georgia, JOHN LEWIS, for joining me in introducing this bipartisan resolution.

I would also like to acknowledge the many Members of the Judiciary Committee that join us in supporting this resolution—in particular, the gentleman from Texas, our Ranking Member, LAMAR SMITH.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

I support House Resolution 1010. This resolution celebrates the life and work of Dr. Martin Luther King, Jr. It also celebrates the 30th anniversary of the release of Stevie Wonder's song tribute to Dr. King entitled "Happy Birthday." Dr. King was the leading champion of a historic nonviolent revolution in the United States. Throughout his life, he fought for racial harmony and equal justice. While advancing this historic movement, Dr. King endured many forms of hatred and even suffered physical abuse. Despite this violence, Dr. King peacefully continued to pursue justice and equality for all.

As a pastor, Dr. King's religious beliefs were essential to the success of his nonviolent efforts. It is doubtful that such a long and enduring movement could have survived without the power of religious inspiration and conviction behind it. From 1957 to 1968, Dr. King traveled over 6 million miles and spoke thousands of times about justice and equal freedom under the law. During those years, he led large protests that drew the attention of the world.

On August 28, 1963, Dr. King led a peaceful march of 250,000 people through the streets of Washington, D.C.; and it is here in this city where he delivered a speech that spoke for all Americans, regardless of the color of their skin. "I have a dream," he said, "that my four little children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character."

Dr. King opened the door of opportunity for millions of Americans. In his "I Have a Dream" speech, Dr. King called the march the "greatest demonstration for freedom in the history of our Nation." Four days after the assassination of Dr. King, Representative JOHN CONYERS, now our Judiciary Committee chairman and the cosponsor of the resolution we are now considering, introduced legislation to recognize Dr. King's life's work with a Federal holiday that coincided with Dr. King's birthday, January 15.

Madam Speaker, I just want to say today that I think Chairman CONYERS has been too modest about his significant role in establishing that holiday. In 1980, Stevie Wonder released his song tribute to Dr. King called "Happy Birthday" to bring attention to the movement to enact a Federal holiday in honor of Dr. King. Stevie Wonder sang that Dr. King's vision of peace should be celebrated throughout the world and that a holiday would help achieve Dr. King's dreams of integration and love and unity for all of God's children. On November 3, 1983, legislation was signed into law, designating the third Monday of January as a Federal holiday in observance of Dr. King.

Madam Speaker, I urge all my colleagues to support this resolution, and I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I thank my friend LAMAR SMITH for his

significant contribution and his work as a co-leader on the Judiciary Committee for all the other things that we work on as well.

I now yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS), a gentleman whom I knew before he was a Member of Congress, and he knew me before I was a Member of Congress as well.

Mr. LEWIS of Georgia. Madam Speaker, I rise today to celebrate the life of Dr. Martin Luther King, Jr. and to celebrate the 30th anniversary of Stevie Wonder's song "Happy Birthday." That song was such a fitting tribute to Dr. King and a rallying cry to create the Dr. Martin Luther King, Jr. holiday that we celebrated last weekend and on Monday.

Dr. Martin Luther King, Jr. was my friend. He was my big brother. He was a prophet, and he was my hero. And above all, he was a simple human being filled with love, peace, and compassion for all humankind. Madam Speaker, I want to take the opportunity to thank my colleague, the chairman, Mr. CONYERS, for the great and unbelievable role that you have played in making this holiday possible. When the historians pick up that pen and write about this period, they would have to write that you, JOHN CONYERS, paved the way to make it possible for people all over America and around the world to stop and celebrate the work of Martin Luther King, Jr.

We, as a Congress, as a Nation, and as a people are deeply indebted to you; and we will never, ever forget the role that you played. Stevie Wonder's song reminds us that there is a better way: the way of love, the way of non-violence. Mr. Chairman, JOHN CONYERS, you never gave up. You never gave in. You and Stevie Wonder kept the faith, and you kept your eyes on the prize. Out of Detroit, out of that unbelievable city, you had the right stuff, the good stuff.

The King holiday is a day of reflection. We all took time to reflect on the legacy of this man who, through his love and his leadership, made our country a better place. It also becomes a day of service. Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice. Stevie Wonder's song 30 years later still reminds us that we have come a distance, but we still have a long road to travel until we reach the world that was Dr. King's dream.

So it is fitting and appropriate that we pause as a Nation and as a people to remember the life of Dr. Martin Luther King, Jr. And through the music, through the song, "Happy Birthday" by Stevie Wonder, we all continue to be inspired, as Dr. King inspired a Nation and changed America forever.

Madam Speaker, we all spent some time in reflection this weekend and on

Monday, but today we encourage all citizens to try to live the teachings of Dr. King. Our Nation will move us closer to Dr. King's dream of creating the beloved community, a community of justice based on human dignity and at peace with itself.

Again, I thank Chairman CONYERS for his work and for bringing this piece of legislation before us today.

Mr. SMITH of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Madam Speaker, I did not prepare or plan to speak on this resolution, but I saw my friend JOHN LEWIS on the floor. I went 2 days ago, on this year's M.L. King Day, and I was moved beyond measure to stand on the very spot where Dr. King lost his life, the National Civil Rights Museum in Memphis, Tennessee, at the Lorraine Motel, to tour there and spend a couple of hours. It is an extraordinary museum, an extraordinary place. I would encourage all Americans to go see that, to experience it much more than I had ever dreamed. I had not been there. Even though I'm a Tennessean, even though I feel like, as an American who believes in equality and justice, I feel like a sojourner with my friend JOHN LEWIS, as the cosponsor with LACY CLAY of the Civil Rights Trail legislation which is pending before this House; cosponsor with JESSE JACKSON JR. of the naming of Emancipation Hall; cosponsor with JOHN LEWIS of the Green McAdoo legislation in Tennessee, recognizing the Clinton 12 and the bravery on the road that we're on.

But to me, Martin Luther King Day is all about equality and justice, the traits of our great Nation that we hold so dear. That process and that journey is not complete. It is not over. We all know it. But great strides have been made, including the election of our President, a crowning achievement in this movement. But I was so moved by how a single bullet from across the street, and I went there as well, changed history but also how at that moment so many things began to happen.

Now Dr. King even knew somehow in his heart, heading into that moment, that it was going to happen. I never realized the depth of that until I went there for 2 hours. A powerful, powerful way to celebrate this progress, this man and this part of our history is to go there. And of course JOHN LEWIS is all over it. You thank Chairman CONYERS. Man, do I ever want to thank you, brother, for your life, for your courage, for the youth movement, for the freedom rides, for all that you have been involved in, for your book, for your legacy, for your service. JOHN LEWIS, a great American.

Obviously, I don't always agree with you, but I respect you immensely. Thank you for how far you have

brought us and for all the people who invested their lives in the civil rights movement. Thank you from all of us, from everywhere for the progress that has been made. It's so very important that we continue to fight for equality and justice for all. That's what people from around the world look to our country in amazement about. Our national character is not born out of our greatness and our power and our tall buildings and our military might. It's born out of our character which comes from lessons learned and wrongs made right. That's this journey that we're on. And to all that have given blood and have sacrificed mightily, the United States of America honors you in honoring Dr. King in his legacy.

In many ways, he may have had to give his life to see these things happen, and that's why we honor the life of Dr. Martin Luther King, Jr.

Mr. CONYERS. Madam Speaker, I just want to tell our colleague from Tennessee, Mr. ZACH WAMP, that that was the most amazing recapitulation of what happens to people when they go and trace these incredible moments in history that many of us have lived through. I particularly appreciate his recollection and his feelings and how they have impacted on his work here in the Congress. I just wanted to thank him for that myself.

And for all of our colleagues, many of whom are submitting statements, I'm going to put into the RECORD the remarks of President Obama on January 17 as he recalled that day of celebrating the life and legacy of Martin Luther King, Jr., and the article in *Politico* that also recapitulated the history of the struggle that King led, which is not over.

And although the raw violence that accompanied that struggle in those days—remember, the men, women and children who were in the struggle were risking their lives. This wasn't a philosophical discussion or a theoretical examination of where they were in history. This was an unbelievably brutal period of our history.

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We recall that not in bitterness, but in honest reflection. I remember the trilogy written on King. Taylor Branch wrote three volumes on King, and I recommend it strongly to anybody who wants to read it. There have been many, many other records of this part of our history, but to JOHN LEWIS and me, Taylor Branch seemed to capture it with the detail and passion that few others were able to summon up.

[From the White House, Jan. 17, 2010]

REMARKS BY THE PRESIDENT IN REMEMBRANCE OF DR. MARTIN LUTHER KING, JR.

THE PRESIDENT: Good morning. Praise be to God. Let me begin by thanking the entire Vermont Avenue Baptist Church family for welcoming our family here today. It feels like a family. Thank you for making us feel

that way. (Applause.) To Pastor Wheeler, first lady Wheeler, thank you so much for welcoming us here today. Congratulations on Jordan Denice—aka Cornelia. (Laughter.)

Michelle and I have been blessed with a new nephew this year as well—Austin Lucas Robinson. (Applause.) So maybe at the appropriate time we can make introductions. (Laughter.) Now, if Jordan's father is like me, then that will be in about 30 years. (Laughter.) That is a great blessing.

Michelle and Malia and Sasha and I are thrilled to be here today. And I know that sometimes you have to go through a little fuss to have me as a guest speaker. (Laughter.) So let me apologize in advance for all the fuss.

We gather here, on a Sabbath, during a time of profound difficulty for our nation and for our world. In such a time, it soothes the soul to seek out the Divine in a spirit of prayer; to seek solace among a community of believers. But we are not here just to ask the Lord for His blessing. We aren't here just to interpret His Scripture. We're also here to call on the memory of one of His noble servants, the Reverend Dr. Martin Luther King, Jr.

Now, it's fitting that we do so here, within the four walls of Vermont Avenue Baptist Church—here, in a church that rose like the phoenix from the ashes of the civil war; here in a church formed by freed slaves, whose founding pastor had worn the union blue; here in a church from whose pews congregants set out for marches and from whom choir anthems of freedom were heard; from whose sanctuary King himself would sermonize from time to time.

One of those times was Thursday, December 6, 1956. Pastor, you said you were a little older than me, so were you around at that point? (Laughter.) You were three years old—okay. (Laughter.) I wasn't born yet. (Laughter.)

On Thursday, December 6, 1956. And before Dr. King had pointed us to the mountaintop, before he told us about his dream in front of the Lincoln Memorial, King came here, as a 27-year-old preacher, to speak on what he called "The Challenge of a New Age." "The Challenge of a New Age." It was a period of triumph, but also uncertainty, for Dr. King and his followers—because just weeks earlier, the Supreme Court had ordered the desegregation of Montgomery's buses, a hard-wrought, hard-fought victory that would put an end to the 381-day historic boycott down in Montgomery, Alabama.

And yet, as Dr. King rose to take that pulpit, the future still seemed daunting. It wasn't clear what would come next for the movement that Dr. King led. It wasn't clear how we were going to reach the Promised Land. Because segregation was still rife; lynchings still a fact. Yes, the Supreme Court had ruled not only on the Montgomery buses, but also on Brown v. Board of Education. And yet that ruling was defied throughout the South—by schools and by States; they ignored it with impunity. And here in the Nation's capital, the Federal Government had yet to fully align itself with the laws on its books and the ideals of its founding.

So it's not hard for us, then, to imagine that moment. We can imagine folks coming to this church, happy about the boycott being over. We can also imagine them, though, coming here concerned about their future, sometimes second-guessing strategy, maybe fighting off some creeping doubts, perhaps despairing about whether the movement in which they had placed so many of

their hopes—a movement in which they believed so deeply—could actually deliver on its promise.

So here we are, more than half a century later, once again facing the challenges of a new age. Here we are, once more marching toward an unknown future, what I call the Joshua generation to their Moses generation—the great inheritors of progress paid for with sweat and blood, and sometimes life itself.

We've inherited the progress of unjust laws that are now overturned. We take for granted the progress of a ballot being available to anybody who wants to take the time to actually vote. We enjoy the fruits of prejudice and bigotry being lifted—slowly, sometimes in fits and starts, but irrevocably—from human hearts. It's that progress that made it possible for me to be here today; for the good people of this country to elect an African American the 44th President of the United States of America.

Reverend Wheeler mentioned the inauguration, last year's election. You know, on the heels of that victory over a year ago, there were some who suggested that somehow we had entered into a post-racial America, all those problems would be solved. There were those who argued that because I had spoke of a need for unity in this country that our nation was somehow entering into a period of post partisanship. That didn't work out so well. There was a hope shared by many that life would be better from the moment that I swore that oath.

Of course, as we meet here today, one year later, we know the promise of that moment has not yet been fully fulfilled. Because of an era of greed and irresponsibility that sowed the seeds of its own demise, because of persistent economic troubles unaddressed through the generations, because of a banking crisis that brought the financial system to the brink of catastrophe, we are being tested—in our own lives and as a nation—as few have been tested before.

Unemployment is at its highest level in more than a quarter of a century. Nowhere is it higher than the African American community. Poverty is on the rise. Home ownership is slipping. Beyond our shores, our sons and daughters are fighting two wars. Closer to home, our Haitian brothers and sisters are in desperate need. Bruised, battered, many people are legitimately feeling doubt, even despair, about the future. Like those who came to this church on that Thursday in 1956, folks are wondering, where do we go from here?

I understand those feelings. I understand the frustration and sometimes anger that so many folks feel as they struggle to stay afloat. I get letters from folks around the country every day; I read 10 a night out of the 40,000 that we receive. And there are stories of hardship and desperation, in some cases, pleading for help: I need a job. I'm about to lose my home. I don't have health care—it's about to cause my family to be bankrupt. Sometimes you get letters from children: My mama or my daddy have lost their jobs, is there something you can do to help? Ten letters like that a day we read.

So, yes, we're passing through a hard winter. It's the hardest in some time. But let's always remember that, as a people, the American people, we've weathered some hard winters before. This country was founded during some harsh winters. The fishermen, the laborers, the craftsmen who made camp at Valley Forge—they weathered a hard winter. The slaves and the freedmen who rode an underground railroad, seeking the light of

justice under the cover of night—they weathered a hard winter. The seamstress whose feet were tired, the pastor whose voice echoes through the ages—they weathered some hard winters. It was for them, as it is for us, difficult, in the dead of winter, to sometimes see spring coming. They, too, sometimes felt their hopes deflate. And yet, each season, the frost melts, the cold recedes, the sun reappears. So it was for earlier generations and so it will be for us.

What we need to do is to just ask what lessons we can learn from those earlier generations about how they sustained themselves during those hard winters, how they persevered and prevailed. Let us in this Joshua generation learn how that Moses generation overcame.

Let me offer a few thoughts on this. First and foremost, they did so by remaining firm in their resolve. Despite being threatened by sniper fire or planted bombs, by shoving and punching and spitting and angry stares, they adhered to that sweet spirit of resistance, the principles of nonviolence that had accounted for their success.

Second, they understood that as much as our Government and our political parties had betrayed them in the past—as much as our nation itself had betrayed its own ideals—Government, if aligned with the interests of its people, can be—and must be—a force for good. So they stayed on the Justice Department. They went into the courts. They pressured Congress, they pressured their President. They didn't give up on this country. They didn't give up on Government. They didn't somehow say Government was the problem; they said, we're going to change Government, we're going to make it better. Imperfect as it was, they continued to believe in the promise of democracy; in America's constant ability to remake itself, to perfect this union.

Third, our predecessors were never so consumed with theoretical debates that they couldn't see progress when it came. Sometimes I get a little frustrated when folks just don't want to see that even if we don't get everything, we're getting something. (Applause.) King understood that the desegregation of the Armed Forces didn't end the civil rights movement, because black and white soldiers still couldn't sit together at the same lunch counter when they came home. But he still insisted on the rightness of desegregating the Armed Forces. That was a good first step—even as he called for more. He didn't suggest that somehow by the signing of the Civil Rights that somehow all discrimination would end. But he also didn't think that we shouldn't sign the Civil Rights Act because it hasn't solved every problem. Let's take a victory, he said, and then keep on marching. Forward steps, large and small, were recognized for what they were—which was progress.

Fourth, at the core of King's success was an appeal to conscience that touched hearts and opened minds, a commitment to universal ideals—of freedom, of justice, of equality—that spoke to all people, not just some people. For King understood that without broad support, any movement for civil rights could not be sustained. That's why he marched with the white auto worker in Detroit. That's why he linked arm with the Mexican farm worker in California, and united people of all colors in the noble quest for freedom.

Of course, King overcame in other ways as well. He remained strategically focused on gaining ground—his eyes on the prize constantly—understanding that change would

not be easy, understand that change wouldn't come overnight, understanding that there would be setbacks and false starts along the way, but understanding, as he said in 1956, that "we can walk and never get weary, because we know there is a great camp meeting in the promised land of freedom and justice."

And it's because the Moses generation overcame that the trials we face today are very different from the ones that tested us in previous generations. Even after the worst recession in generations, life in America is not even close to being as brutal as it was back then for so many. That's the legacy of Dr. King and his movement. That's our inheritance. Having said that, let there be no doubt the challenges of our new age are serious in their own right, and we must face them as squarely as they faced the challenges they saw.

I know it's been a hard road we've traveled this year to rescue the economy, but the economy is growing again. The job losses have finally slowed, and around the country, there's signs that businesses and families are beginning to rebound. We are making progress.

I know it's been a hard road that we've traveled to reach this point on health reform. I promise you I know. (Laughter.) But under the legislation I will sign into law, insurance companies won't be able to drop you when you get sick, and more than 30 million people—(applause)—our fellow Americans will finally have insurance. More than 30 million men and women and children, mothers and fathers, won't be worried about what might happen to them if they get sick. This will be a victory not for Democrats; this will be a victory for dignity and decency, for our common humanity. This will be a victory for the United States of America.

Let's work to change the political system, as imperfect as it is. I know people can feel down about the way things are going sometimes here in Washington. I know it's tempting to give up on the political process. But we've put in place tougher rules on lobbying and ethics and transparency—tougher rules than any administration in history. It's not enough, but it's progress. Progress is possible. Don't give up on voting. Don't give up on advocacy. Don't give up on activism. There are too many needs to be met, too much work to be done. Like Dr. King said, "We must accept finite disappointment but never lose infinite hope."

Let us broaden our coalition, building a confederation not of liberals or conservatives, not of red states or blue states, but of all Americans who are hurting today, and searching for a better tomorrow. The urgency of the hour demands that we make common cause with all of America's workers—white, black, brown—all of whom are being hammered by this recession, all of whom are yearning for that spring to come. It demands that we reach out to those who've been left out in the cold even when the economy is good, even when we're not in recession—the youth in the inner cities, the youth here in Washington, D.C., people in rural communities who haven't seen prosperity reach them for a very long time. It demands that we fight discrimination, whatever form it may come. That means we fight discrimination against gays and lesbians, and we make common cause to reform our immigration system.

And finally, we have to recognize, as Dr. King did, that progress can't just come from without—it also has to come from within. And over the past year, for example, we've

made meaningful improvements in the field of education. I've got a terrific Secretary of Education, Arne Duncan. He's been working hard with states and working hard with the D.C. school district, and we've insisted on reform, and we've insisted on accountability. We're putting in more money and we've provided more Pell Grants and more tuition tax credits and simpler financial aid forms. We've done all that, but parents still need to parent. (Applause.) Kids still need to own up to their responsibilities. We still have to set high expectations for our young people. Folks can't simply look to government for all the answers without also looking inside themselves, inside their own homes, for some of the answers.

Progress will only come if we're willing to promote that ethic of hard work, a sense of responsibility, in our own lives. I'm not talking, by the way, just to the African American community. Sometimes when I say these things people assume, well, he's just talking to black people about working hard. No, no, no, no. I'm talking to the American community. Because somewhere along the way, we, as a nation, began to lose touch with some of our core values. You know what I'm talking about. We became enraptured with the false prophets who prophesized an easy path to success, paved with credit cards and home equity loans and get-rich-quick schemes, and the most important thing was to be a celebrity; it doesn't matter what you do, as long as you get on TV. That's everybody.

We forgot what made the bus boycott a success; what made the civil rights movement a success; what made the United States of America a success—that, in this country, there's no substitute for hard work, no substitute for a job well done, no substitute for being responsible stewards of God's blessings.

What we're called to do, then, is rebuild America from its foundation on up. To reinvest in the essentials that we've neglected for too long—like health care, like education, like a better energy policy, like basic infrastructure, like scientific research. Our generation is called to buckle down and get back to basics.

We must do so not only for ourselves, but also for our children, and their children. For Jordan and for Austin. That's a sacrifice that falls on us to make. It's a much smaller sacrifice than the Moses generation had to make, but it's still a sacrifice.

Yes, it's hard to transition to a clean energy economy. Sometimes it may be inconvenient, but it's a sacrifice that we have to make. It's hard to be fiscally responsible when we have all these human needs, and we're inheriting enormous deficits and debt, but that's a sacrifice that we're going to have to make. You know, it's easy, after a hard day's work, to just put your kid in front of the TV set—you're tired, don't want to fuss with them—instead of reading to them, but that's a sacrifice we must joyfully accept.

Sometimes it's hard to be a good father and good mother. Sometimes it's hard to be a good neighbor, or a good citizen, to give up time in service of others, to give something of ourselves to a cause that's greater than ourselves—as Michelle and I are urging folks to do tomorrow to honor and celebrate Dr. King. But these are sacrifices that we are called to make. These are sacrifices that our faith calls us to make. Our faith in the future. Our faith in America. Our faith in God.

And on his sermon all those years ago, Dr. King quoted a poet's verse:

Truth forever on the scaffold  
Wrong forever on the throne . . .  
And behind the dim unknown stands God  
Within the shadows keeping watch above his own.

Even as Dr. King stood in this church, a victory in the past and uncertainty in the future, he trusted God. He trusted that God would make a way. A way for prayers to be answered. A way for our union to be perfected. A way for the arc of the moral universe, no matter how long, to slowly bend towards truth and bend towards freedom, to bend towards justice. He had faith that God would make a way out of no way.

You know, folks ask me sometimes why I look so calm. (Laughter.) They say, all this stuff coming at you, how come you just seem calm? And I have a confession to make here. There are times where I'm not so calm. (Laughter.) Reggie Love knows. My wife knows. There are times when progress seems too slow. There are times when the words that are spoken about me hurt. There are times when the barbs sting. There are times when it feels like all these efforts are for naught, and change is so painfully slow in coming, and I have to confront my own doubts.

But let me tell you—during those times it's faith that keeps me calm. (Applause.) It's faith that gives me peace. The same faith that leads a single mother to work two jobs to put a roof over her head when she has doubts. The same faith that keeps an unemployed father to keep on submitting job applications even after he's been rejected a hundred times. The same faith that says to a teacher even if the first nine children she's teaching she can't reach, that that 10th one she's going to be able to reach. The same faith that breaks the silence of an earthquake's wake with the sound of prayers and hymns sung by a Haitian community. A faith in things not seen, in better days ahead, in Him who holds the future in the hollow of His hand. A faith that lets us mount up on wings like eagles; lets us run and not be weary; lets us walk and not faint.

So let us hold fast to that faith, as Joshua held fast to the faith of his fathers, and together, we shall overcome the challenges of a new age. (Applause.) Together, we shall seize the promise of this moment. Together, we shall make a way through winter, and we're going to welcome the spring. Through God all things are possible. (Applause.)

May the memory of Dr. Martin Luther King continue to inspire us and ennoble our world and all who inhabit it. And may God bless the United States of America. Thank you very much, everybody. God bless you. (Applause.)

[From POLITICO, Jan. 15, 2010]

HEED KING: CUT POVERTY FOR ALL

(By Wade Henderson and John Podesta)

The Rev. Martin Luther King Jr. and his Southern Christian Leadership Conference decided in November 1967—less than five months before he was assassinated—to take their civil rights movement in a new direction. King set sail on a voyage to "lead waves of the nation's poor and disinherited to Washington, D.C., in the spring of 1968 to demand redress of their grievances by the United States government and to secure at least jobs or income for all."

As early as 1966, King conveyed his concern, in speeches and private conversations, about the link between poverty and social instability and was reading an effort to expand his movement to include poverty reduction among all races. King had come to understand a reality that continues to plague

American society more than 40 years after his death: that entrenched poverty and joblessness damage our country's social fabric.

These same issues remain an ugly stain on our nation, despite considerable racial progress in many areas over the past 40 years. In 2008, almost 40 million Americans lived beneath the poverty line, and nearly one in four children lived in a household struggling against hunger.

Poverty reduction across all races is critically important, but we must also be brutally honest about the racial disparities that continue to separate black and Hispanic Americans from white Americans. While the poverty rate among whites was 8.6 percent in 2008, 24.7 percent of blacks and 23.2 percent of Latinos lived in poverty.

Unemployment rates are also stubbornly divergent based on race. The unemployment rate for white men over 20 was an unhealthy 9.3 percent in December 2009, but for Latino men it was 12.8 percent, and for black men it was an unconscionable 16.6 percent.

And while some educational achievement gaps have narrowed slightly over time, there remain massive racial disparities, representing a threat to our long-term economic growth. In eighth-grade math, for instance, black students are roughly three grade levels behind their white peers.

Such disparities demand serious, committed and prompt action, starting with a strategy to create good jobs that provide decent wages, benefits and pathways out of poverty in the hardest-hit communities.

Last year's recovery legislation played a critical role in averting disaster and curbing job loss, but we now know that there is a longer-term need than was originally imagined. As Congress moves to address the unemployment crisis, any jobs bill that aims to secure our economy from the bottom up must include three key elements: direct job creation, assistance for struggling families and aid to states and localities.

A plan to directly create jobs must balance the need to put people to work right away with a long-term strategy to create living-wage jobs for low-income and minority communities. The former can be accomplished through strategies such as funding for temporary jobs that meet needs in distressed communities, summer jobs and national service opportunities for unemployed youth. The latter will require investments in job training for high-growth fields and programs that combine work and learning.

In addition, economists tell us that the best way to spur economic growth is to help struggling families through extended unemployment benefits, refundable tax credits and food stamps. Not only do such investments help sustain the most vulnerable workers and families, but those workers' increased spending also ripples through the economy to help all Americans by increasing business income and creating more jobs.

We must also avert additional job losses and service cuts stemming from state and local government deficits. Without federal aid, approximately 900,000 more jobs will be lost in a sector that offers employment opportunities and critical public services to low-income and minority communities.

Finally, we need a commitment from the federal government to cut poverty in half between 2010 and 2020. Our organizations collaborate on the Half in Ten Campaign because we believe that a goal of cutting the poverty rate in half over the next decade provides focus and accountability in the fight to rebuild this country's middle class and ensure that low-income and minority

communities are not left behind during economic recovery. By setting a target, our government can also create a vision for shared prosperity that breaks down silos across government agencies, engages the private sector and inspires innovative solutions.

Any plan to halve poverty must also aim to reduce racial and ethnic economic disparities. America will be a majority-minority country by 2050. We must be vigilant about addressing disparities now, not only because it is the right thing to do but because the fate of communities of color is intertwined with our future as a nation.

King wrote in 1967, "The time has come for us to civilize ourselves by the total, direct and immediate abolition of poverty." Just as King came to advocate, Congress must promptly act to alleviate poverty, create jobs, and eliminate racial disparities.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support the resolve to commemorate Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder tribute to Dr. King, "Happy Birthday". This resolve was introduced by chairman of the House Judiciary Committee, JOHN CONYERS. Like myself, Chairman CONYERS is a longtime musician and music aficionado.

Dr. King worked his entire life to make the world a better place, and to create equality for those who did not have it. We have come a very long way since he began his work. However, we still have a long way to go before we make his "dream" become a reality. It is always important to recognize and remember those who have done great things for our great country, and recognizing Dr. King's accomplishments and dreams during the 30th anniversary of Stevie Wonder's tribute to him would be very fitting. As a member of the Judiciary Committee, and as a musician, I find this resolution to be of special significance, and I urge all of my colleagues to support it.

Although Dr. King's life ended in Memphis Tennessee, it began in Atlanta, Georgia on January 15, 1929. He spent his life working to end racial segregation and racial discrimination through civil disobedience and non-violent protests. On April 28, 1963, he gave one of the most famous civil rights speeches of all time in his "I Have a Dream" speech. The speech painted a picture of a future that we are still trying to achieve where people will be "not judged by the color of their skin, but the content of their character". Dr. King was assassinated on April 4, 1968, in Memphis Tennessee. Dr. King was one of many significant people from Georgia that are remembered in history. It is important that we take time to remember the contributions he made to our society. His contributions have already brought him many accolades. In 1964, he won the Nobel Peace Prize, becoming the youngest person to have been awarded this honor, and in 1965 he was awarded the American Liberties Medallion by the American Jewish Community. In 1963, he was named Time Person of the Year. The list of awards and recognitions he has received is very long and prestigious, and it is only fitting for us to recognize his achievements as well.

Stevie Wonder wrote, produced and performed the song "Happy Birthday" in 1981. It was performed to let the world know how important it was to him that Martin Luther King, Jr.'s birthday be celebrated as a national holi-

day. It is for this reason that the timing of this commemoration of Dr. King is so significant. As a member of the Judiciary and a long time musician, I urge my colleagues to support this resolve.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1010, Celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, "Happy Birthday," introduced by my distinguished colleague from Michigan, Representative CONYERS. The first Dr. Martin Luther King, Jr. Federal holiday was officially observed on January 20, 1986, and was celebrated with a concert headlined by Stevie Wonder, who has, in the years since, continued his commitment to promoting peace and equality, for which he has been recognized with a Lifetime Achievement Award from the National Civil Rights Museum in Memphis, Tennessee.

Stevie Wonder encouraged the establishment of a Federal holiday in recognition of Dr. King on his album sleeve for "Hotter Than July" by expressing that, "I and a growing number of people believe that it is time for our country to adopt legislation that will make January 15, Martin Luther King's birthday, a national holiday, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled." The tribute song "Happy Birthday," became a rallying cry that led to 6,000,000 signatures supporting a Federal holiday in honor of civil rights leader Dr. Martin Luther King, Jr. Legislation designating the third Monday of January as a Federal holiday in observance of Dr. Martin Luther King, Jr. occurred on November 3, 1983, was signed into law. This campaign secured a Federal holiday in honor of Dr. Martin Luther King, Jr. lasted for fifteen years with the 1980 Stevie Wonder song solidified the campaign's success.

The life and work of Dr. King, to advance justice, equality, and peace for an entire human race ended prematurely when he was assassinated in Memphis, Tennessee, on April 4, 1968, while he was challenging the wages and treatment of Memphis sanitation workers. Four days after the assassination of Dr. King, on April 8, 1968, Representative JOHN CONYERS, JR. introduced legislation to recognize civil rights leader Dr. King with a Federal holiday coinciding with his birthday on January 15, 1929.

Stevie Wonder dedicated his album sleeve for "Hotter Than July," an album released on September 29, 1980, and upon which "Happy Birthday" is recorded, to Dr. King, with an inscription that read, "Martin Luther King, Jr. showed us, non-violently, a better way of life, a way of mutual respect, helping us to avoid much bitter confrontation and inevitable bloodshed." On January 17, 2000, for the first time, Dr. Martin Luther King, Jr. Day was officially observed in all fifty states.

Dr. Martin Luther King, Jr. was a dreamer. His dreams were a tool through which he was able to lift his mind beyond the reality of his segregated society, and into a realm where it was possible that white and black, red and brown, and all others live and work alongside each other and prosper.

But Martin Luther King, Jr. was not just an idle daydreamer. He shared his visions

through speeches that motivated others to join in his nonviolent effort to lift themselves from poverty and isolation by creating a new America where equal justice and institutions were facts of life.

It appears that too many of our nation's young people have forgotten how to dream. They have forgotten what Dr. Martin Luther King, Jr. taught us, when he started his journey towards equality—with peace in his heart and the dream of equality in his eyes.

Today, children and young people often ask: "What is a dream?" or "How can it change my life?" We must once again introduce our young people to the life of Dr. King and his enduring dream. His vision is still so pertinent today, our lives continue to be shaped by his efforts.

A young Martin managed to find a dream, one that he pieced together from his readings—in the Bible, and literature, and just about any other book he could get his hands on. And not only did those books help him educate himself, but they also allowed him to work through the destructive and traumatic experiences of blatant discrimination, and the discriminatory abuse inflicted on himself, his family, and his people.

The life and work of Dr. Martin Luther King, Jr. was properly captured in Dr. King's most famed speech, "I Have A Dream," on August 28, 1963, when he said, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'" The legacy of Dr. Martin Luther King, Jr. is continued today, as evidenced by the work of organizations like the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference, which is currently led by Dr. King's daughter, Bernice King, and was at one time led by Dr. King's son, Martin Luther King, III. In addition to organizations, the legacy of Dr. King continues on today with people in the United States and throughout the world, with individual acts of compassion, courage, and peace.

This legislation will benefit the well-being of the public as it celebrates the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder tribute song to Dr. King. It recognizes the legacy left by Dr. Martin Luther King, Jr. with commitments to freedom, equality, and justice, as exhibited by Stevie Wonder and so many others; and finally, encourages the people of the United States to commemorate the legacy of Dr. King by renewing pledges to advance those principles and actions that are consistent with Dr. King's belief that "all men are created equal." As such, I strongly support this legislation and urge my colleagues to join me and do the same.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 1010.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING SEVEN AMERICANS KILLED IN AFGHANISTAN ON DE- CEMBER 30, 2009

Mr. REYES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1009) honoring the seven Americans killed in Khost, Afghanistan, on December 30, 2009, for their service to the United States, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1009

Whereas the men and women of the Central Intelligence Agency are dedicated professionals who work tirelessly to protect the United States;

Whereas many of the individuals serving the Central Intelligence Agency do so under harsh conditions, far from home, and on the front lines of the battle against terrorists;

Whereas these public servants face great risks in the line of duty on a daily basis;

Whereas seven Americans in the service of the Central Intelligence Agency gave their lives for their country in a bombing that took place in Khost, Afghanistan, on December 30, 2009;

Whereas six additional Americans were wounded in the attack, some of them suffering serious injuries;

Whereas the loss of these highly trained counterterrorism experts will be deeply felt throughout the Intelligence Community; and

Whereas the entire Nation owes an enormous debt of gratitude to these proud Americans, their families, and their loved ones for the quiet, dedicated, and vital service they offered to the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the seven Americans who died in the bombing that took place in Khost, Afghanistan, on December 30, 2009, and the families of those patriots for their service and their sacrifice for the United States;

(2) expresses condolences to the families, friends, and loved ones of those killed in the bombing;

(3) offers support and hope for a full recovery for those who were wounded in the bombing; and

(4) shares in the pain and grief felt in the aftermath of such a tragic event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. REYES) and the gentleman from Texas (Mr. THORNBERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

#### GENERAL LEAVE

Mr. REYES. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REYES. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on December 30, while many of us were watching football, traveling back from holiday visits with our families, or preparing to usher in the new year with loved ones, seven members of the Central Intelligence Agency family had their lives cut short in an attack on Forward Operating Base Chapman in Khost, Afghanistan. This was the deadliest day for the CIA since the bombing of the Beirut Embassy in 1983.

The news of this tragic loss was of particular personal sadness and difficulty for me. I had the privilege to meet the Khost team when I last visited Afghanistan on a committee oversight trip. I can attest that these men and women were among the finest America has to offer. They did not shy from the dangers they knew existed, and they believed in the mission they were asked to perform. They worked tirelessly in an environment that is always dangerous. I am proud of the work that they did and the work that their colleagues continue to do today to keep our country safe.

The officers who died in Khost were true professionals. They were savvy officers who relied on years of experience to make judgments and to calculate risk. These men and women were deployed to an area of great danger and hardship, and they did so knowing that the worst could happen. But, they did it anyway, because we as a Nation are relying on them and colleagues like them to make the United States safe from the threat of terrorism.

I realize that many people have a distorted vision of what it means to be part of the CIA family. Movies and books have made the life of a CIA officer seem exciting. It wasn't until I joined the Intelligence Committee that I fully understood the unique sacrifices that the men and women of the CIA and their families are willing to make in service to our Nation. In addition to the inherent dangers of the job, there are long separations from family and loved ones, often without explanation and on very short notice. Birthdays and holidays are spent in foreign corners of the world.

To those who were wounded in the attack, let me just add my personal thanks for your service and wish you a full and speedy recovery.

To the families of those who lost their lives on December 30, you have our deepest appreciation and gratitude. In this time of grief, please know that you are in our prayers and that this tragic loss will never be forgotten. It is my hope that you can find solace in the selfless, quiet devotion that these brave men and women gave for the



safety and protection of our great Nation. They made the ultimate sacrifice on behalf of all of us. And all Americans owe them, and you, a great debt for their commitment and dedication to a job that very rarely receives any kind of public recognition.

Madam Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the chairman's introducing this resolution and bringing it to the floor. It has been cosponsored by all Republican and Democrat members on the Intelligence Committee, and I think it is an appropriate way to honor the sacrifice of those who were killed or wounded in this tragic accident.

Madam Speaker, those in the intelligence community work, serve our Nation, indeed, in dangerous places and in dangerous circumstances. I will never forget an incident shortly after I first joined the Intelligence Committee in this House. I had been on a trip to Iraq where I had gotten to see firsthand more of what our intelligence community members as well as our members of the military do in that conflict, and on my way back home to Texas, I was on a commercial flight where there was a soldier who was on leave going back home. When the plane landed in Amarillo, all of the passengers stayed seated, let the soldier get off first, and applauded him. There were some tears around the plane, all of which was very, very appropriate. But in the back of my mind, I was always thinking about those people who serve our Nation who do not wear a uniform, whose brave acts will never be known and will never get the public recognition that our military sometimes get. It is, in fact, tragic that it is only in death that these individuals are honored in this more public way, but they clearly do a job that is essential to our country's security, and especially to the fight against terrorists to prevent further terrorist acts here.

I think it is also important, Madam Speaker, to point out that these individuals gave their lives doing exactly the kind of intelligence gathering that is absolutely essential to stopping terrorists. They were trying to gather human intelligence, information from human sources. And to gather that kind of information, you often have to deal with some rather unsavory-type characters in dangerous places. But the fact of the matter is that we will not be successful in stopping terrorists unless we gather that sort of information. And so these Americans who were willing to put themselves into dangerous places, dangerous circumstances, were gathering exactly the kind of information we have to have to secure our country.

There has been a lot of talk since the Fort Hood shooting and the attempt at

bombing an airliner in Detroit about connecting the dots. Well, the truth of the matter is the more information we can gather closer to the front lines, closer to the center of where terrorists operate, the easier it is to connect those dots. And gathering that information out on the front lines at the tip of the sword, as it is sometimes said, that is exactly what these officers were doing.

So I think it is important for us all to resolve to support them in that effort. Certainly to try to find ways to encourage and support their efforts, not to appoint special prosecutors to go after people who are getting that kind of information, but to support their efforts.

The other point I would like to make is I think in this situation there is an extra burden placed on families. Because these officers were undercover, there is a lot of media interest and so forth, the families cannot go through the traditional kind of grieving process like other families can. As the chairman mentioned, I hope they know that they are certainly in our prayers even as we honor their loved ones who served our Nation.

I reserve the balance of my time.

Mr. REYES. Madam Speaker, I yield 2 minutes to the Chair of the Select Intelligence Oversight Panel and a member of our Intelligence Committee, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the chairman for bringing this resolution forward, and I rise in support of the resolution and to offer my condolences to the families, friends, and colleagues of the seven clandestine service officers who were killed by a suicide bomber in Khost, Afghanistan, a couple of weeks ago, and to offer support and appreciation and best wishes for those recovering from their injuries.

As Chair of the Select Intelligence Oversight Panel and a member of the Permanent Select Committee on Intelligence, I am well aware, as we all are here, of the risk to forward-deployed clandestine service employees, a risk they face on a daily basis.

These seven employees gave their lives in the line of duty, and our thoughts and prayers remain with their loved ones. May they find comfort in part in the knowledge of the high service these people have given to their country.

Let me also take a moment to express my wishes for a full and speedy recovery to those wounded in the bombing and my appreciation to all Americans, civilian and military, who are serving our Nation in Afghanistan. We look forward to the day when their presence in Afghanistan will no longer be needed and that they will return home safely to their families.

I thank Chairman REYES for offering this resolution, and I urge my colleagues to support it.

Mr. THORNBERRY. Madam Speaker, I yield such time as he may consume to a member of the Intelligence Committee and the ranking member of the Terrorism Subcommittee on the Armed Services Committee, the gentleman from Florida (Mr. MILLER).

□ 1315

Mr. MILLER of Florida. I thank the gentleman for yielding.

As we Members come to the floor from time to time to pass resolutions, to talk about resolutions supporting athletic events or special occasions, it is always difficult for us to come to the floor to talk about people who have given their lives in the defense of this country, who have been injured in the duty that they are performing for this Nation.

Being at a forward operating base for someone within the intelligence community or the CIA is about as far outside the wire as you can get. In some of the most austere conditions, men and women are asked to ascertain intelligence so that we here in the United States of America can remain safe and secure in our homes and our business places. Seven individuals gave that ultimate sacrifice. It is altogether fitting that this House would pause to give honor to those seven individuals and their families, and to the individuals who have been injured. And as my colleagues have already said, I wish them a speedy recovery, but also to say thank you.

Thank you to the men and women of the clandestine services who are willing to do what they do 24 hours a day, 7 days a week, 365 days a year. We in this House, we as Americans, owe them a debt of gratitude that we will never be able to repay.

Mr. REYES. Madam Speaker, it is now my honor to recognize for 1 minute a former ranking member of the Intelligence Committee, and certainly someone that knows and understands the sacrifices that our men and women in the CIA make every day. We are fortunate to have her as the Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding.

I thank him for giving us the privilege to come to the floor to honor the lives, the leadership, the service and sacrifice of the seven CIA officers killed, and those who were wounded in Afghanistan on December 30, 2009.

For those of us who have worked closely with members of the intelligence community, visited them and their stations around the world, some undercover, some not, we know the sacrifice that they make. Like so many of the dedicated men and women in the intelligence community, these officers worked far from home, close to the enemy, and on the front lines of the fight for freedom and security around the world.



They were mothers and fathers, sisters and brothers, sons and daughters, friends and loved ones. They never asked for recognition or credit, for medals or awards. They simply sought to fulfill their duty to protect our Nation, to secure the blessings of a brighter future for our people, to bear any burden, as President Kennedy said, in the name of our safety, our shared values, and our common ideals.

Go back a number of years before terrorism became such an important part of our intelligence gathering, go back a couple of decades, force protection was one of the primary responsibilities of the intelligence community. When they were sent into harm's way or in anticipation of that, the intelligence community was the advance team and the ongoing force protector. And so as we honor on every occasion, and we will later today, our men and women in Iraq and Afghanistan, we know that there are people taking risks to protect them as we talk about honoring them. These are the members of the intelligence community in their various manifestations.

The stories of these intelligence officers, theirs were stories of sacrifice, tales of bravery in the face of danger, and valor in the face of great peril. In carrying out their mission, they gave hope to children, families, and complete strangers. We are the land of the free and the home of the brave because of them. In performing acts of extraordinary courage, they advanced the cause of peace. In answering the calls of service, they became heroes.

These officers knew we live in a time of peril at home and around the world. As the attack on them in Afghanistan, the failed plot on Christmas Day, and the shootings at Fort Hood remind us, intelligence must remain the first line of defense against terrorism and other threats to global security and peace.

We must continue to support those still in the field, the men and women who, taking inspiration from their fallen colleagues, keep pursuing their mission on every front. In the words of this resolution, the entire Nation owes an enormous debt of gratitude to these proud Americans, their families, and their loved ones for the quiet, dedicated, and vital services offered to the United States. May their proud and selfless acts be a source of strength and inspiration to all Americans. May those so painfully touched by this event find comfort in knowing the thoughts and prayers of our entire Nation are with them at this very sad and difficult time.

Mr. THORNBERRY. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING) a member of the Intelligence Committee and the ranking member of the Homeland Security Committee.

Mr. KING of New York. Madam Speaker, I thank the gentleman from Texas for yielding.

I rise in strong support of this resolution.

As the gentleman from Texas indicated earlier, it is unfortunate that it is only at times like this that many of the American people realize just what an outstanding service is performed by the men and women of the Central Intelligence Agency day in and day out, year in and year out. They perform missions and they put themselves at risk in ways that many of us cannot even imagine.

I have only been a member of the Intelligence Committee for less than a year, but during that time I have had the opportunity to visit with members of the CIA at remote outposts, seeing the type of conditions under which they live, seeing the burdens they bear, seeing the risks that they endure. And it should be reminded to all of us that not only do we honor these seven men and women who were murdered in the line of duty, not only do we offer our condolences to the family members of those who were killed, and not only do we pray for those who are recovering from their wounds, but we should also, I think, take an extra moment to express our solidarity for those that are in the field today, those who are doing, as we are standing here on the House floor here today speaking, as we go back to our apartments tonight, as we go back to our districts over the next several days and be with our families, that there are men and women out there who will not be with their families, who will not be living in the comfort we take for granted in this Nation.

And it also should be reminded to us that we should not find ourselves being Monday morning quarterbacks or second-guessing these men and women who were on the field, who have to make literally life and death decisions at any moment. And sometimes looking back on them years later we can say they should have done this, they should have done that. The reality is they are the people on the front lines. They are the people actually, as Congressman MILLER said, almost beyond the front lines. They are as remote as you can be in many instances, and also have to take extraordinary risks, as they did in this situation.

Because if we are going to win the war against terrorism, we have to obtain the intelligence. We have to get that information that is so vital to heading off attacks. And we can't do it just by intercepts. We can't do it always in a neat and easy way. It has to be done by people putting themselves on the line, actually going out and meeting with those who may turn out to be, as in this case, double agents or triple agents.

So let's just again express our heartfelt admiration, our sympathy, our sense of condolence for all these people who, again, died so tragically, these brave men and women. But also keep in

mind that there are many, many more brave men and women out in the field today doing this exact same type of work. And they deserve our support. So it is not only at times like this, in times of tragedy, that we acknowledge them, but we acknowledge them 365 days a year for the work that they do.

With that, again, I am proud to support the resolution.

Mr. REYES. It is now my honor to yield 2 minutes to my colleague on the Intelligence Committee, Mr. SCHIFF from California.

Mr. SCHIFF. Madam Speaker, I join my colleague, the distinguished chairman of the Intelligence Committee, in honoring the seven American intelligence professionals who lost their lives at Forward Operating Base Chapman on December 30, and their six colleagues who were wounded in the attack.

It is the nature of service in the intelligence community that the American public will never know the names of some of the dead and wounded. These patriots served quietly, often undercover, and when they are lost, their families and colleagues must mourn them in private.

It is a blessing, I think, of service on the Intelligence Committee that we get the chance to visit intelligence officials here at home and around the world. We have the chance to get to know them, to see the courage that they exhibit. More than that, we have a chance to thank them. But we also get a chance to see the strain it puts on their lives and on the lives of their families, a sacrifice that is not rewarded with the kind of public attention and public thanks that their colleagues in uniform often receive. But we are here today to express our profound gratitude for their service and to share in the grief that has been suffered and visited upon their families.

In the coming months, seven stars will be etched into the CIA's memorial wall, joining 90 other employees who died in service to the United States. Even today, 35 of the 90 stars honor the sacrifice of officers whose identities still remain classified. I hope that all of our colleagues will join us in expressing our deepest condolences to the families of those who were lost, and friends, and to pay homage to these patriots, whose service and sacrifice has made each one of us more secure.

I yield the floor and thank, again, the chairman for his sponsorship of this resolution.

Mr. THORNBERRY. Madam Speaker, I reserve the balance of my time.

Mr. REYES. I now yield 3 minutes to the former ranking member on the Intelligence Committee and the current Chair of the Homeland Security Subcommittee on Intelligence, a lady that I have had the privilege of traveling with around the world to visit our men and women in the intelligence community, Ms. HARMAN from California.

Ms. HARMAN. I thank Chairman REYES for yielding to me and for the nice things that he says not only about me but surely about the women and men who serve our intelligence community around the world. And I thank him for authoring this resolution.

Madam Speaker, every single time I enter CIA headquarters in Langley, Virginia, the first thing I do is to look at the wall of stars displayed in the lobby, each star, as we just heard, signifying a loss somewhere in the world of an agency employee. Some of those stars have no names attached, underscoring the sensitivity and singular importance of the missions undertaken by CIA women and men. On my most recent visit to Langley, in late December, I asked my host if any new stars had been added to the wall. Yes, he said, simply. Sadly, the next time I or anyone else enters CIA headquarters, seven more stars will be on that wall, stars honoring patriots I probably met on one of my many trips that I made as ranking member of the Intelligence Committee, and more recently as chair of the Homeland Security Subcommittee on Intelligence.

On those trips I always meet with our intelligence officers to hear firsthand about their work and to thank them for their service and sacrifice. When a suicide bomber took those seven lives at Forward Operating Base Chapman, Americans got a rare glimpse of the dangerous reality that our intelligence community faces on a daily basis. There is no question, Madam Speaker, that their work has saved and will continue to save American lives.

So on behalf of a grateful nation, our profound gratitude goes to the families of Harold Brown, Elizabeth Hanson, Dane Paresi, Scott Roberson, and Jeremy Wise, and to those of two others whose names are not disclosed. We also salute those who were wounded in the attack and their families.

Madam Speaker, accurate, actionable, and timely intelligence is America's first line of defense, the so-called tip of the spear.

□ 1330

These intelligence professionals died in an effort to penetrate the top leadership of al Qaeda. I believe that the best way to honor them is by supporting their colleagues, who continue to put their lives on the line in the service of the American people and defense of our Nation. Let us do so this afternoon by supporting this bipartisan resolution.

Mr. THORNBERRY. Madam Speaker, I yield myself such time as I may consume.

Just to emphasize the point made earlier by the gentleman from New York (Mr. KING), as we come today to honor those who sacrifice their lives and their families for their sacrifice, as we come today to honor and express our appreciation for those who are

wounded and wish them a speedy recovery, it is also important that we reaffirm our support to those who are all over the world also in dangerous places, in dangerous circumstances, carrying out the Nation's business in the intelligence community. I think we are uniquely situated in Congress, not only to oversee their activities, but to support and encourage the work that they do that can never be shared with the outside world. So I think it's appropriate to have this resolution, but I think it's also important for all Members of this body to reaffirm our support for those who serve our Nation in this way.

With that, I reserve the balance of my time.

Mr. REYES. Madam Speaker, I now yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank you, Mr. Chairman, for the time and for your leadership.

Madam Speaker, today I rise in support of H. Res. 1009. Today we are honoring the seven members of our intelligence community who were tragically killed on December 30 and their colleagues who were injured by a suicide bomber at our CIA base in Khost, Afghanistan. In honoring these brave men and women, we also seek to express our deep support and appreciation to all the civil servants who dedicate their lives to protecting our Nation. We mourn the loss of all of these seven brave heroes.

Along with the Congresswoman from the 13th District of Ohio, I would like to take a moment to reflect on the loss of Scott Roberson, an Ohio native who was among those killed in this tragic attack. Scott dedicated his life to serving and protecting. He spent many years as a police officer before serving with the U.N. Security Forces in Kosovo. He also served several tours in Iraq as a security officer before his assignment in support of U.S. efforts in Afghanistan.

Members of Scott's family reside in my district. When I had the deep honor of attending his memorial service some days ago, as I sat among his family and friends, I listened to those who knew him best speak of his character and unwavering commitment to protecting the safety and security of all Americans. By all accounts, Scott was an exceptional person who, along with his selfless colleagues, sacrificed beyond measure to protect us.

He left behind a loving wife expecting their first child, a child who will know her father through our hero's family and friends and through this resolution passed in honor of the service and sacrifice that he and his colleagues have given on our behalf and on behalf of our great Nation.

For those families who cannot publicly mourn their loss, please know that our hearts, our thoughts, and our

prayers are with you. And to all of the families, know that the sacrifice of your parent, your child, your sibling or spouse does not go unrecognized and will not be forgotten.

Mr. THORNBERRY. Madam Speaker, I continue to reserve the balance of my time.

Mr. REYES. Madam Speaker, I now yield 2 minutes to a valued member of the Intelligence Committee and the chairman of the Strategic Forces Subcommittee of the Armed Services Committee, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Madam Speaker, I rise today to recognize the bravery and sacrifice of the seven CIA officers and contractors who gave their lives in the line of duty during the December 30 bombing of a CIA base in Khost, Afghanistan. My thoughts and prayers are with them and with their families. I also want to recognize those Americans who were injured in the blast and offer my best wishes for a full and quick recovery.

Madam Speaker, as we have all learned by now, a suicide bomber who was believed to possess valuable information critical to counterterrorism operations entered the U.S. forward operating base in Khost, where he activated explosives that took the lives of seven Americans, including one of our Nation's top counterterrorism experts as well as a Jordanian intelligence officer. Six other Americans standing nearby were also injured in the explosion.

The men and women of our intelligence community do critically important work behind a veil of secrecy, yet as this tragic incident reminds us, they're still exposed to the dangers that come from the difficult and often thankless job of protecting our Nation. Unlike our soldiers in uniform, these public servants must keep their many victories secret while their rare failures and raw grief make headlines.

My thoughts and prayers again are with the families of these brave men and women. They and all the other patriots who serve so honorably in our intelligence community have my unending gratitude and my unwavering support. And I, I know along with all of my colleagues, will continue to do everything in our power to ensure that they have the tools and the resources and the encouragement they need to continue to keep America safe.

May God bless those who lost their lives and those who are injured.

Mr. THORNBERRY. Madam Speaker, I yield back the balance of my time.

Mr. REYES. Madam Speaker, I would like to thank all my colleagues for their great words and condolences and sympathy in honor of those who were killed in Khost.

Again, personally, I extend my condolences to the families and friends who are forever impacted by this tragic

loss. And to those who are recovering today from injuries they received in this attack, I wish you a full and fast recovery.

We, as Members of Congress, recognize that we have a tremendous responsibility to provide our men and women in the intelligence community all the tools that they need to carry out their mission. We are forever grateful. We are blessed to have these men and women serving, protecting our great Nation.

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the Central Intelligence Agency (CIA) women and men who were killed recently in Khost, Afghanistan.

I recently returned from a House Intelligence Committee oversight visit to various locations in Europe and the Middle East. I met with a number of CIA officers, who provided me with exhaustive briefings on the December 30 bombing in Khost, Afghanistan.

That bombing killed seven of their CIA colleagues and wounded a number of others, several grievously.

Many others have offered words of praise for the selfless patriots who gave their lives for their country, and words of condolence to their families and loved ones. In memorial services and private funerals scheduled for the coming weeks, many more will surely do the same. I am honored to add my voice to this chorus.

I have met with hundreds of CIA professionals in my years on the Intelligence Committee. I can tell you that they are invariably brave, committed patriots who have dedicated their lives to the protection of this Nation. Their jobs are difficult and dangerous in the best of times. In others—as the recent tragedy reminds us their missions require the ultimate sacrifice.

We owe the seven Americans killed in Khost our thanks and praise. We owe their families our condolences and our prayers. And we owe their colleagues our respect, admiration, and gratitude.

Mr. JOHNSON of Georgia. Madam Speaker, seven brave Americans were killed in the line of duty on December 30, 2009, in Khost, Afghanistan.

On that day, we lost good and honorable public servants, whose contributions to our national security will be dearly missed. We lost productive citizens—loving parents, siblings, children of Americans who will never see their loved ones again.

We honor their records of service and their sacrifice. We honor their willingness to serve our country during turbulent and dangerous times.

I extend on behalf of my constituents sincerest condolences to the families of those who have died.

Nothing we say here can heal the wounds of those who loved them. But decisions we make here can ensure that their lives were not lost in vain.

Mr. MANZULLO. Madam Speaker, I rise in support of H. Res. 1009. One of those individuals honored today in this resolution spent her formative years in the northern Illinois Congressional district that I am proud to represent. Miss Elizabeth C. Hanson of Rockford, Illinois deployed to Afghanistan as part of America's

war against terrorist extremists. On December 30, 2009, Elizabeth, along with six colleagues from the Central Intelligence Agency and a Jordanian liaison officer, was killed when a suicide bomber attacked the base where they were stationed.

Elizabeth Hanson was born in February 1979 and graduated from Keith Country Day School in 1997. She attended Colby College during the time of the September 11, 2001 terrorist attacks. Elizabeth joined the CIA as a specialist tasked with collecting information on terrorists, and she was part of a team dedicated to defeating America's worst enemies.

Elizabeth Hanson served her country with passion, dedication, and conviction. Elizabeth will be sorely missed by her family, friends, and all who had the privilege of knowing her. I am enclosing for the RECORD a copy of a recent local newspaper editorial that honored her service.

[From the RRStar.com Editorial, Jan. 17, 2010]

BRAVE, REMARKABLE WOMAN WENT FROM  
KEITH TO THE CIA

In the weeks since CIA employee Elizabeth Hanson died in a suicide bombing in Afghanistan, her college placement adviser at Keith Country Day School has reflected on what the loss meant.

Sally Hoff's words should shed new light on the heroism that Hanson exhibited in the dark corners of Afghanistan.

Hanson, 30, was among seven CIA employees who died Dec. 30 when a double agent detonated an explosive device at a remote base near the Pakistan-Afghanistan border.

Hoff worked closely with Hanson for two years at Keith, a private college preparatory school, before Hanson graduated in 1997.

At first, the former counselor's deep sadness was paired with shock that Hanson worked for the CIA. Then it seemed to fit.

She recalled Hanson's courage, energy and resolve—traits unusual for most teenagers.

"Although she was involved in many activities and had a lot of friends, I was aware of a strong sense of independence and self-reliance in her," Hoff wrote in an e-mail to the Editorial Board.

"As we moved through the college selection process, she was clearly the captain of her destiny; she made her own decisions without seeking much input from family and friends.

"There's a marked amount of bravery in that for a 17-year-old," Hoff wrote.

Hanson went on to attend Colby College in Maine, a highly selective liberal arts school where she majored in economics. She graduated in 2001. A professor at Colby told The Associated Press that Hanson didn't study economics as a path to a lucrative job in the financial world. Her concern wasn't so much the raw data, Michael Donihue said, but the behaviors behind it.

"There are some who come into economics because they're interested in making money," he said. "Others want to look at the world in a different way."

At Keith, Hanson was known as Bitsy. She was a vivacious, generous, friendly young woman who seemed to enjoy challenging herself in academics and extracurriculars, according to Hoff.

"I feel honored to have known this remarkable young woman!" Hoff wrote.

This community is honored that Hanson gave her life trying to unlock the secrets of al-Qaida and its terrorist network. Our condolences to her family and friends. May the

pride that her hometown feels in her sacrifice be some comfort.

Mr. SMITH of Washington. Madam Speaker, I rise today to pay tribute to the seven brave Americans who recently lost their lives in Afghanistan.

I was deeply saddened to learn of the seven Americans who died in the December 30th suicide blast at Forward Operating Base Chapman. This tragic bombing was the deadliest single attack on U.S. intelligence personnel in decades.

Over and over again, the men and women who serve the Central Intelligence Agency have shown their dedication to their mission and the protection of the United States.

These seven Americans served with distinction at a facility on the front lines in the Khost province, an area which borders North Waziristan and is believed to be al-Qaeda's home base.

Unfortunately, this terrible event also has a connection to my home State. We've been hit hard in the Northwest. Over 60 service members from Washington State or assigned from Washington military installations have died in Afghanistan. Of that, 32 were killed in the past year from Fort Lewis, a major Army base in my district.

Regrettably this tragic event only adds to that total. One of the victims, Dane Clark Paresi, was a DuPont, Washington resident and former Fort Lewis soldier. Paresi retired from 1st Special Forces Group at Fort Lewis in 2008, concluding 27 years in the Army. He is survived by his wife, two daughters, parents, and five siblings.

I would like to take this opportunity to extend my heartfelt sympathy to his family and the families of the other brave Americans who lost their lives. Their service will not be forgotten.

For the six additional Americans that were injured in the attack, I would like to offer my support and hope for their full recovery.

The men and women of the CIA have done everything their country has asked of them and more. We all should have the utmost respect and admiration for their service and sacrifice. The loss of these highly trained counterterrorism experts will be deeply felt throughout the Intelligence Community.

And with that, Madam Speaker, I would urge my colleagues to support this resolution.

Ms. SCHAKOWSKY. Madam Speaker I rise today in support of H. Res. 1009, honoring the seven Americans killed in Khost, Afghanistan in a suicide attack on December 30, 2009. I extend my sincere condolences to their families and friends, as well as to the entire intelligence community.

The men and women of the clandestine services face great personal danger to protect the United States. Their work is largely done in the shadows and seldom do they receive the credit and recognition they so deeply deserve. We owe them a debt of gratitude for their courageous service.

As a member of the Intelligence Committee, I have seen firsthand the work these men and women are doing to protect Americans on the frontlines of international conflicts. While their names may never be made public, their memory and the impact of their service will not be forgotten.

The loss of seven American men and women in the December 30th attack is a tragedy for both the intelligence community and our country, and my thoughts and prayers are with the families of those who were killed.

Mr. LANGEVIN. Madam Speaker, I rise today to recognize the bravery and sacrifice of the seven CIA officers and contractors who gave their lives in the line of duty during the December 30 bombing of a CIA base in Khost, Afghanistan. I also want to recognize those Americans who were injured in the blast and offer my wishes for a full and quick recovery.

As we have all learned by now, a suicide bomber who was believed to possess information critical to counterterrorism operations entered the U.S. forward operating base in Khost, where he activated explosives that took the lives of seven Americans, including one of our nation's top counterterrorism experts. Six other Americans standing nearby were injured in the explosion.

The men and women of our intelligence community work behind a veil of secrecy, yet as this tragic incident reminds us, they are still exposed to the dangers that come from the difficult and often thankless job of protecting our country. Unlike our soldiers in uniform, these public servants must keep their many victories secret, while their rare failures and raw grief make headlines. My thoughts and prayers are with the families of these brave men and women. They, and all the other patriots who serve so honorably in our intelligence community, have my unending gratitude and my unwavering support. I will continue to do everything in my power to ensure that they have the tools, resources and encouragement they need to keep America safe.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of House Resolution 1009, which honors the seven Americans who died in the bombing that took place in Khost, Afghanistan on December 30, 2009, and the families of those patriots for their service and their sacrifice to our country.

These men and women were on the front lines of the battle against terrorism and worked tirelessly on a daily basis for the safety of the American and Afghanistan people. Their absence will be greatly felt throughout the intelligence community.

In 2008, I had the opportunity to visit Khost with the 101st Airborne Division of the U.S. Army along with a Texas Reserve Unit based in Pasadena, Texas in our district. There, I saw these men and women working under harsh conditions, away from their loved ones, and in the face of great risks. Our entire nation owes a great debt to all the men and women working to protect our country and stabilize Afghanistan.

Again, I would like to express my deepest condolences to the families, friends, and loved ones of those killed in the bombings and also offer my support and hope for a full recovery to the other six Americans who were wounded in this tragic bombing.

Ms. TSONGAS. Madam Speaker, I rise today in support of H. Res. 1009 and to honor the seven Americans who died in the bombing that took place in Khost, Afghanistan, on December 30, 2009. One of the heroes murdered

on that day was Harold E. Brown, Jr., a native of Bolton, Massachusetts.

Our thoughts and prayers are with the families of the seven brave individuals who lost their lives. I extend my condolences to Harold's wife of 16 years, Janet, his three young children, and his parents, Harold and Barbara Brown, who are active and beloved members of the Bolton community.

As the tragic events of December 30, the failed terrorist attack on Christmas Day, and the shootings at Ft. Hood illustrate, there are radicals who wish to do us harm any way and anywhere they can. In this war against extremism, intelligence is our most important asset to prevent future attacks and to keep our country, our freedoms and our ideals secure.

It is the men and women of the intelligence community who sacrifice much to obtain this valuable resource. They are frequently separated from their families and risk life and limb to keep us safe, but they carry out their responsibilities with quiet determination and professionalism.

Rarely do they receive the recognition and thanks that they deserve, and too frequently it only comes in instances of tragedy.

Across the Korean War Veterans Memorial in Washington, DC, is the message, freedom is not free. The freedom we enjoy is the result of the sacrifices of those who serve. We are the beneficiaries of their courage, their sacrifice, and their vigilance; and so are countless people around the world. The seven brave Americans who were murdered on December 30 made the ultimate sacrifice for our country. It is a debt that we can never repay.

Madam Speaker, it is appropriate that we pass this resolution today to recognize and express our gratitude to the brave men and women of our intelligence community; to remember the tragic loss of the seven Americans who died on December 30 and to honor their lives; and to express our condolences to their families and loved ones.

Mr. BOEHNER. Madam Speaker, on December 30, 2009, we were reminded of the dangers and challenges our intelligence community faces every day, working in anonymity to keep our country safe. We were reminded that they often operate under harsh conditions, leaving loved ones behind, and that their service will likely never be publicly recognized. Seven Americans died in service to their country and several others were severely wounded. If we can collectively take anything from this tragedy, I hope it is to re-commit ourselves to be mindful of the toll the our military, intelligence, and civilian personnel persevere under every day to keep this country safe and to do everything in our power to support their mission. I extend my personal condolences to the families, loved ones, friends, and colleagues of our fallen and wounded personnel.

Mr. REYES. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. REYES) that the House suspend the rules and agree to the resolution, H. Res. 1009.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## HOMELAND SECURITY ACT OF 2002 AMENDMENT

Ms. CLARKE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2611) to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.

(a) *IN GENERAL.*—Title XIX of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

#### “SEC. 1908. AUTHORIZATION OF SECURING THE CITIES INITIATIVE.

“(a) *FINDINGS.*—Congress finds the following:

“(1) The Securing the Cities Initiative of the Department uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals.

“(2) The technology used by partners in the Securing the Cities Initiative leverages radiation detection technology used at ports of entry.

“(3) The Securing the Cities Initiative has fostered unprecedented collaboration and coordination among its Federal, State, and local partners.

“(4) The Securing the Cities Initiative is a critical national capability to detect the dangerous introduction of nuclear and radiological material.

“(b) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Director of the Domestic Nuclear Detection Office of the Department for the Securing the Cities Initiative such sums as may be necessary for each fiscal year, including—

“(1) for each city in which it has been implemented by fiscal year 2009—

“(A) \$40,000,000 for fiscal year 2010;

“(B) \$20,000,000 for fiscal year 2011; and

“(C) not less than \$10,000,000 in sustainment assistance for each fiscal year thereafter; and

“(2) for additional Securing the Cities initiatives to be implemented in not fewer than 2 sites participating in the Urban Area Security Initiative, such sums as may be necessary each fiscal year to implement and sustain each additional initiative.”.

(b) *CONFORMING AMENDMENT.*—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1907 the following new item.

“Sec. 1908. Authorization of Securing the Cities Initiative.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from New York (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. CLARKE).

GENERAL LEAVE

Ms. CLARKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. CLARKE. Madam Speaker, I rise in support of H.R. 2611, and I yield myself such time as I may consume.

Madam Speaker, H.R. 2611, a bill authorizing the Securing of the Cities Initiative, was introduced by Representative PETER KING, the ranking member of the House Committee on Homeland Security, on May 21, 2009 and marked up and ordered reported by the committee on November 11, 2009.

The Securing the Cities (STC) Initiative is a unified effort among Federal, State, and local law enforcement in New York, New Jersey, and Connecticut to defend against the threat of a radiological or nuclear device. DHS, the New York Police Department, the Port Authority of New York and New Jersey and officials from three States and 91 localities are involved in this partnership.

The concept behind the STC is to build rings around New York City to provide a layered defense against the smuggling of a nuclear weapon. The more law enforcement officials who have the ability to detect and are on the lookout for nuclear and radiological material in and around New York City, the better chance that law enforcement has to prevent a successful nuclear attack.

The STC has procured thousands of basic handheld radiation detectors which have been distributed to police officers throughout the region. Advanced vehicles, including trucks and boats with radiation detectors capable of distinguishing different radioactive materials, are also in use in Manhattan and the surrounding area.

More than 1,400 local officers have received training in radiation detection operations under STC. STC funding is given to the New York Police Department, which acts as the grant distributor for the funds. State and local entities around New York City are eligible to receive STC funding.

Participants in STC conduct periodic aerial screening in addition to the checkpoints that the NYPD sets up twice a day on Manhattan roadways as a defensive, training, and deterrence measure.

Today, STC is limited to jurisdictions in and around New York City. An amendment offered by Mr. GREEN of Texas and included in the legislation before us today will broaden the scope of the STC program to include at least two additional Urban Area Security Initiative cities in the program. The bill authorizes appropriations of \$40 million per city for the first year, with smaller sums available for sustainment in the following years.

The STC is a great example of a successful Federal, State, and local partnership. We are in the early stages, and much work remains to be done. That said, the positive initial results justify the continuation and gradual expansion of the program directed in this bill.

During the second session of the 110th Congress, the House passed a measure similar to the one before us today. I urge my colleagues to again support this important Homeland Security legislation.

I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

At the outset, let me thank Chairman THOMPSON of the Homeland Security Committee and my good friend from New York, Congresswoman CLARKE, for her strong efforts on this legislation, which is truly bipartisan. The addition of two additional cities makes it truly a national program in scope.

Madam Speaker, when we look at London, when we look at Madrid, it becomes clear that a very likely means of attack by terrorists in the United States would be from suburban areas into urban areas. And certainly in New York, which is the number one terrorist target in the world, enormous steps have been made to protect us against that type of attack, specifically a dirty bomb attack coming from outside the city through the highways, the parkways, the tunnels, the bridges, actually into Manhattan itself, which has already, as we know, devastatingly on September 11, also in 1993, been attacked by Islamic terrorists. But also a number of other plots against New York City have been thwarted.

New York City is definitely the main target in the country, but any number of other cities are as well. That is why I believe the program, which has been implemented in New York, can be a model for other cities throughout the country.

Now, I was very concerned last year when the administration decided to zero out all money for this funding in its budget. This was, I believe, a serious mistake. Fortunately, Congress, by appropriating \$40 million in this House and finally \$20 million when it came back from conference committee, did continue to fund this program, because we need these radiological detectors on the highways, the toll plazas, the bridges and the tunnels.

□ 1345

I have had the privilege of attending a number of these drills and training sessions when they are conducted. As Representative CLARKE said, we're not just talking about New York City. We're talking about a large number of police departments and first responders—flight departments, EMS services—

from not just New York City but from Long Island, from Connecticut, from New Jersey. We're talking about the State police, and we're talking about Federal support as well, seeing them all working together in a cohesive way to stop what would be the absolutely devastating impact of a dirty bomb attack, the human toll that that would take, the devastating economic impact it would have, the fact that it would make parts of the city unlivable for extended periods of time, and the fact that it would, in effect, cut off transportation into New York City.

All of these are reasons that we have to go ahead and continue with this Securing the Cities program. It's no guarantee, but it's another layer of defense that we need to protect ourselves against a terrorist attack.

As we know, the terrorists are constantly adapting, and we have to try to stay one step ahead of them. We have to always be on our guard. Actually, we have to be lucky all the time. They only have to be lucky once. We have to rely on more than luck. We have to have preparation, and we have to have a layered defense.

That's why I am so proud to support this legislation which will, in effect, almost set in stone the importance of the Securing the Cities program. We will expand it beyond New York City because, again, while Congresswoman CLARKE and I feel that those of us in the New York area are the main targets, the fact is that a human life is a human life; an American life is an American life. Whether it's New York City or any other city in this country, any, certainly, major urban area, I believe this program is adaptable and compatible to those areas.

So I thank Congresswoman CLARKE for her effort. I thank the bipartisan support that we have for this legislation, and I, certainly, strongly urge its adoption.

I yield back the balance of my time.

Ms. CLARKE. Madam Speaker, as you have heard, the measure under consideration is important Homeland Security legislation that has previously received and that again deserves the support of the Members of the House of Representatives.

In closing, I encourage my colleagues to vote "aye" on passage of the bill.

Mrs. LOWEY. Madam Speaker, I rise in support of H.R. 2611, permanently authorizing the Securing the Cities initiative. I thank Chairman THOMPSON, Ranking Member KING and my New York colleagues and cosponsors Representatives ISRAEL and CLARKE for their efforts to bring this bill forward.

Securing the Cities was created to design and implement a layered approach for the detection and interdiction of illicit radiological materials in New York. While this program was initially a pilot and significant progress has been made, unfortunately detection technology and systems are not yet fully in place. Given the known threats that New York faces, it is

no surprise that NYPD considers this initiative the most important federal security program. We must continue Securing the Cities until all technology and systems are fully operable.

As a member of the Appropriations Subcommittee on Homeland Security, I have fought to fund this security imperative, and passing this bill will help ensure that funding continues in future years.

I thank my colleagues for their hard work and dedication to ensure our most threatened cities are adequately protected, and I urge a yes vote on H.R. 2611.

Mr. AL GREEN of Texas. Madam Speaker, I would like to express my strong support of H.R. 2611, a bipartisan measure authorizing the Department of Homeland Security's Securing the Cities initiative.

I would like to recognize my colleague, Chairman BENNIE THOMPSON, for his leadership on the House Homeland Security Committee and his commitment to protecting the citizens and homeland of our great nation.

I would also like to acknowledge and thank Ranking Member PETER KING for introducing this important legislation which includes an amendment I offered that would expand the scope of the Securing the Cities program to include at least two additional high-risk urban areas, making it a national program.

Launched in 2006, Securing the Cities is a unified effort among Federal, state and local law enforcement officials in New York, New Jersey, and Connecticut to defend against the threat of a radiological or nuclear attack. Presently, Securing the Cities operates only in New York City and its surrounding areas.

While it appears that New York City remains the prime target for terrorist activity, it is important to ensure that other densely populated areas and those housing critical infrastructure are equally protected from dirty bombs. My amendment would benefit even more high-risk urban areas by providing the necessary resources to detect and intercept illicit radiological material before it is used in a weapon by would-be terrorists.

Through a ring of detectors on highways, bridges, tunnels and on mobile units around the city, Securing the Cities provides a layered defense against the smuggling of a nuclear weapon. The idea behind Securing the Cities is that the more law enforcement officials are on the lookout for nuclear material outside New York City, the better chance law enforcement has to prevent a successful nuclear attack.

Like New York City, Houston is among the highest threat cities in the nation. Our region is extremely dense with critical infrastructure assets, which includes our large energy and petrochemical sectors. By replicating the success of Securing the Cities in more places like Houston, we can bolster law enforcement capabilities to combat potential terrorist activity and protect our communities.

I strongly urge my colleagues to support H.R. 2611.

Ms. RICHARDSON. Madam Speaker, as a member of the Homeland Security Committee, I rise today in strong support of H.R. 2611, which will amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security. This legislation will implement a unified

strategy and provide the technology for defending New York City, Long Island and surrounding areas against radiological and nuclear threats.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman KING, who authored this important legislation.

H.R. 2611 amends the Homeland Security Act of 2002 to authorize appropriations to the Director of the Domestic Nuclear Detection Office of the Department of Homeland Security (DHS) for the Securing the Cities Initiative. The Initiative uses next generation radiation detection technology to detect the transport of nuclear and radiological material in urban areas by terrorists or other unauthorized individuals. As the representative of one of the largest ports in the nation, Long Beach, I so pleased to support this initiative.

In conclusion, Madam Speaker, I support this bill because it is another step to making our cities and ports as safe as we possibly can. The Securing the Cities Initiative is a critical national capability to detect the dangerous introduction of nuclear and radiological material.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 2611.

Ms. CLARKE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and pass the bill, H.R. 2611, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NUCLEAR FORENSICS AND ATTRIBUTION ACT

Ms. CLARKE. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Nuclear Forensics and Attribution Act".*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) *The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little*

*forensic evidence except the radioactive material in the weapon itself.*

(2) *Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.*

(3) *A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.*

(4)(A) *In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.*

(B) *Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.*

(C) *The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.*

(5) *Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.*

(6) *In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.*

##### SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS CO-OPERATION.

*It is the sense of the Congress that the President should—*

(1) *pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or*



weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

#### SEC. 4. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) **ADDITIONAL RESPONSIBILITIES.**—Section 1902 of the Homeland Security Act of 2002 (as redesignated by Public Law 110-53; 6 U.S.C. 592) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking “and” after the semicolon;

(B) by redesignating paragraph (10) as paragraph (14); and

(C) by inserting after paragraph (9) the following:

“(10) lead the development and implementation of the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

“(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics and attribution activities—

“(A) to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks; and

“(B) to coordinate and implement the national strategic five-year plan referred to in paragraph (10);

“(12) establish a National Nuclear Forensics Expertise Development Program, which—

“(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry;

“(B) shall—

“(i) make available for undergraduate study student scholarships, with a duration of up to 4 years per student, which shall include, if possible, at least 1 summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

“(ii) make available for doctoral study student fellowships, with a duration of up to 5 years per student, which shall—

“(I) include, if possible, at least 2 summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

“(II) require each recipient to commit to serve for 2 years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

“(iii) make available to faculty awards, with a duration of 3 to 5 years each, to ensure faculty and their graduate students have a sustained funding stream; and

“(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs while encouraging the participation of under-

graduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, Tribal Colleges and Universities, Asian American and Native American Pacific Islander-serving institutions, Alaska Native-serving institutions, and Hawaiian Native-serving institutions; and

“(C) shall—

“(i) provide for the selection of individuals to receive scholarships or fellowships under this section through a competitive process primarily on the basis of academic merit and the nuclear forensics and attribution needs of the United States Government;

“(ii) provide for the setting aside of up to 10 percent of the scholarships or fellowships awarded under this section for individuals who are Federal employees to enhance the education of such employees in areas of critical nuclear forensics and attribution needs of the United States Government, for doctoral education under the scholarship on a full-time or part-time basis;

“(iii) provide that the Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded;

“(iv) require scholarship recipients to maintain satisfactory academic progress; and

“(v) require that—

“(I) a scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary, who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be liable to the United States for repayment within 1 year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient, provided that the repayment period may be extended by the Secretary if the Secretary determines it necessary, as established by regulation; and

“(II) a scholarship recipient who, for any reason except death or disability, fails to begin or complete the post-doctoral service requirements in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after completion of academic training shall be liable to the United States for an amount equal to—

“(aa) the total amount of the scholarship received by such recipient under this section; and

“(bb) the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate;

“(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and”;

(2) by adding at the end the following new subsection:

“(b) **DEFINITIONS.**—In this section:

“(1) **ALASKA NATIVE-SERVING INSTITUTION.**—The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

“(2) **ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.**—The term ‘Asian American and Native American Pacific Islander-serving institution’ has the meaning given the term in section 320 of the Higher Education Act of 1965 (20 U.S.C. 1059g).

“(3) **HAWAIIAN NATIVE-SERVING INSTITUTION.**—The term ‘Hawaiian native-serving institution’ has the meaning given the term in section 317 of

the Higher Education Act of 1965 (20 U.S.C. 1059d).

“(4) **HISPANIC-SERVING INSTITUTION.**—The term ‘Hispanic-serving institution’ has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

“(5) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

“(6) **TRIBAL COLLEGE OR UNIVERSITY.**—The term ‘Tribal College or University’ has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).”.

(b) **JOINT INTERAGENCY ANNUAL REPORTING REQUIREMENT TO CONGRESS AND THE PRESIDENT.**—

(1) **IN GENERAL.**—Section 1907(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 596a(a)(1)) is amended—

(A) in subparagraph (A)(ii), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B)(iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) the Director of the Domestic Nuclear Detection Office and each of the relevant departments that are partners in the National Technical Forensics Center—

“(i) include, as part of the assessments, evaluations, and reviews required under this paragraph, each office's or department's activities and investments in support of nuclear forensics and attribution activities and specific goals and objectives accomplished during the previous year pursuant to the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

“(ii) attaches, as an appendix to the Joint Interagency Annual Review, the most current version of such strategy and plan; and

“(iii) includes a description of new or amended bilateral and multilateral agreements and efforts in support of nuclear forensics and attribution activities accomplished during the previous year.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. CLARKE) and the gentleman from New York (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Ms. CLARKE).

GENERAL LEAVE

Ms. CLARKE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. CLARKE. I yield myself such time as I may consume.

Madam Speaker, I rise in support of concurring in the Senate amendment to H.R. 730.

H.R. 730, the Nuclear Forensics and Attribution Act, was first introduced in the 110th Congress by the gentleman from California (Mr. SCHIFF).

To strengthen our Nation's ability to prepare for and to respond to a conventional nuclear or dirty bomb threat,



that measure, H.R. 2631, was marked up and adopted unanimously by the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology in October 2007, which is the subcommittee I now chair.

It was unanimously approved by the full Committee on Homeland Security on May 20, 2008, and in the House of Representatives on June 18, 2008. Though the measure was taken up, amended and passed by the Senate in late September, the stars didn't align, and it didn't clear the last hurdle to arrive on the President's desk. In this Congress, we started early and brought the measure directly to the floor where it passed on March 24, 2009. Now the Senate has acted, and it is time to pass this bill into law.

I would like to congratulate Congressman SCHIFF and my colleagues on the committee for recognizing the need to move quickly.

We know that our enemies, both terrorists and rogue nations, are interested in developing and using nuclear or radiological weapons. In the case of an attempted or, heaven forbid, a successful nuclear or radiological attack, rapid attribution is critical. Our government must have the capacity to quickly determine the source of the nuclear material so that key decision-makers have the information needed to respond.

The deterrent effect of a robust nuclear forensics capability should not be underestimated. Certainly, if terrorists know that we have a nuclear forensics capability that can pinpoint their role in creating a bomb, they are bound to have second thoughts. Unfortunately, today, the U.S. must rely on forensic expertise and technology developed during the Cold War to address both nuclear weapons and the emerging threat of a radiological dirty bomb.

The nuclear weapons workforce is aging just as its mission has shifted from traditional deterrent policy to the more complicated challenge of containing the terrorist threat. Our Nation's capabilities in the scientific fields of radiochemistry and geochemistry must be fostered to meet this new threat. That is the purpose of this bill. H.R. 730 expresses the sense of Congress that the President should pursue international agreements and develop protocols to share sensitive information needed to identify the source of a nuclear detonation.

I am heartened that the Obama administration has indicated its willingness to engage in and to reenergize such activities.

It also tasks the Secretary of Homeland Security with the mission of developing methods to attribute nuclear or radiological material both within the Department's Domestic Nuclear Detection Office, DNDO, and in partnership with other Federal agencies.

The legislation emphasizes that the development of a robust nuclear

forensics capability depends chiefly on an expertly trained workforce in this area, and it provides support for education programs relevant to nuclear forensics.

H.R. 730 also authorizes the National Technical Nuclear Forensics Center, NTNFC, to enhance the centralized planning and integration of Federal nuclear forensics activities. It requires the Secretary to report annually to Congress on the Federal Government's efforts to enhance its nuclear forensics capabilities, including the status of workforce development programs; and it authorizes \$30 million per year for the next 3 fiscal years for this effort.

H.R. 730 continues the Homeland Security Committee's practice of authorizing programs and offices within DHS that are of value to the agency's mission in order to assure that the work can continue and that progress can be achieved in the years to come.

I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. I yield myself such time as I may consume.

Madam Speaker, again, let me thank Congresswoman CLARKE for her leadership on this. Let me also thank Ranking Member DAN LUNGREN for his work.

Let me especially thank Mr. SCHIFF for his efforts on this and for so many other efforts on behalf of our national security. I have the privilege of serving with Mr. SCHIFF on the Intelligence Committee, so I have firsthand knowledge of the dedication which he brings to issues such as this.

Madam Speaker, I rise in strong support of H.R. 730. Let me just say that, in many ways, this is the other side of the same coin. We just adopted H.R. 2611, which is to prevent nuclear attacks against our cities. H.R. 730 will enable us to detect where those nuclear devices came from. It's absolutely essential that we deal with the process of determining the source of confiscated nuclear material. This is a grave, grave threat to our homeland, and it must be addressed immediately and robustly. We must have a rigorous attribution program to find the culprits of these crimes and to offer a deterrent to nuclear terrorism.

The one concern I do have is that the bill, as amended, coming back from the Senate does not authorize the appropriation of \$30 million. I believe that is important. It is essential that we have it; but, again, this is a major step forward, so I am pleased to support the legislation even though I wish that the \$30 million had been included in it.

This bill targets an ongoing threat in a unique way. It will reinvigorate the workforce pipeline to guarantee the Nation a resource of technical experts in this vital and critical field, and it will strengthen America's attribution capabilities.

Again, this is a bipartisan effort. It's the Homeland Security Committee working with Mr. SCHIFF and the Intelligence Committee. It is important that we pass this and that we really, again, send a strong signal of how we do believe in layered defenses, of how we realize the need of staying ahead of the terrorist threat and of doing all we can to protect the American people in a way which certainly transcends Republican or Democrat lines or liberal-conservative lines. It is an issue that should galvanize all Americans.

So, with that, I strongly urge support of H.R. 730.

I reserve the balance of my time.

Ms. CLARKE. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. SCHIFF), the author of this bill.

Mr. SCHIFF. Madam Speaker, at the outset, I want to thank and congratulate the Homeland Security Committee and Chairman THOMPSON. The committee has taken an important step forward towards preventing nuclear terrorism by persevering with this legislation, and I appreciate all of the hard work that the chairman and staff have put into it.

I also want to thank other Members who have contributed greatly to the effort, one being the ranking member, PETER KING.

Mr. KING, once again, I thank you for your leadership in this area.

I want to thank the former chairman of the Emerging Threats Subcommittee, an early supporter, JIM LANGEVIN; the current chairwoman of that subcommittee, YVETTE CLARKE; as well as the ranking member of the subcommittee, DAN LUNGREN; and in the last Congress, MICHAEL MCCAUL.

The Nuclear Forensics and Attribution Act will help us fight one of the most important national security threats we face, that of nuclear proliferation. Countries around the world now have access to technology that was once the realm of the few; and dangerous nuclear materials are, unfortunately, sprinkled around the world. This is not a new problem. Illicit nuclear material has been intercepted in transit out of the former Soviet Union many times since the end of the Cold War, and the material we catch is surely only a small fraction of the total amount trafficked.

Last year, Graham Allison wrote in *Newsweek* that the only thing that could keep nuclear bombs out of the hands of terrorists is a brand-new science of nuclear forensics. He continued that the key to a new deterrent is coming up with some way of tracing the nuclear material backward from an explosion in New York City to the reactor that forged the fissile material, even to the mines that yielded the original uranium ore.

The Nuclear Forensics and Attribution Act is designed to do just that. It

is aimed at the decision-makers in North Korea, Pakistan, Iran or elsewhere who could sell nuclear material, as well as the smugglers and corrupt officials around the world who could steal it. Those parts of the nuclear network can be deterred by the knowledge that, if their material is later intercepted, the United States will find out and will hold them responsible.

This bill expands our ability to determine the source of nuclear material by authorizing the National Technical Nuclear Forensics Center in the Department of Homeland Security. This center will coordinate the various agencies, and it will ensure an efficient combined response when nuclear material is intercepted or used, God forbid, in a weapon. It will also advance the science of nuclear forensics, bringing in new radiochemists and physicists to rejuvenate a rapidly aging workforce and funding research on new methods to identify materials. It also takes an important step toward building the nuclear forensic database we will need to effectively track nuclear material.

The bill asks the President to negotiate agreements with other nations to share forensic data on their nuclear materials, both civilian and military.

This effort is vital, and the National Technical Nuclear Forensics Center must play a key role in negotiations to ensure that the data we obtain is the data we need for quick attribution and response.

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Nuclear terrorism is an indistinct threat of devastating consequence and therefore difficult to guard against. But as communications and transportation revolutions bring us ever closer to our allies, they bring our enemies close as well. I believe this bill will help make sure that our ability to prevent a nuclear terror attack keeps up with our enemies' ability to attempt one.

Again, I want to thank the chairman and ranking member for their leadership and urge all Members to support the bill.

Mr. KING of New York. Madam Speaker, I would like to close by stating that all of us realize that a terrorist attack is a nightmare scenario.

The fact that we came so close to the loss of life on Christmas Day reminded us dramatically of the dangerous world in which we live. Those of us from New York will never forget September 11, 2001. But just think of the ultimate nightmare scenario, and that would be a nuclear attack. That is almost beyond our imagination. That is why everything must be done to stop those attacks, and to also have the deterrent, as Congressman SCHIFF said, the deterrent of retaliation against any country, against any entity, against any individual, any organization, which was in any way involved in providing nu-

clear weaponry to be used against the United States.

I strongly urge the adoption of this legislation.

I have no further requests for time, and I yield back the balance of my time.

Ms. CLARKE. Madam Speaker, I yield myself such time as I may consume.

In closing, I would encourage my colleagues to vote "aye" on the pending question. Doing so will allow this important homeland security legislation to be sent to the President's desk for his signature without delay.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 730.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. CLARKE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. RICHARDSON). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

ordering the previous question on House Resolution 1017, by the yeas and nays;

adoption of House Resolution 1017, if ordered;

motion to suspend the rules on H.R. 3726, by the yeas and nays;

motion to suspend the rules on H.R. 3538, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 3254, TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT; FOR CONSIDERATION OF H.R. 3342, AAMODT LITIGATION SETTLEMENT ACT; AND FOR CONSIDERATION OF H.R. 1065, WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1017, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 239, nays 175, not voting 19, as follows:

[Roll No. 9]

YEAS—239

|                |                  |                  |
|----------------|------------------|------------------|
| Ackerman       | Green, Gene      | Oberstar         |
| Adler (NJ)     | Grijalva         | Obey             |
| Andrews        | Gutierrez        | Olver            |
| Arcuri         | Hall (NY)        | Ortiz            |
| Baca           | Halvorson        | Owens            |
| Baird          | Hare             | Pallone          |
| Baldwin        | Harman           | Pascarelli       |
| Barrow         | Hastings (FL)    | Pastor (AZ)      |
| Bean           | Heinrich         | Payne            |
| Becerra        | Herseth Sandlin  | Perlmutter       |
| Berkley        | Higgins          | Perrilliello     |
| Berman         | Himes            | Peters           |
| Berry          | Hinchey          | Peterson         |
| Bishop (GA)    | Hirono           | Pingree (ME)     |
| Bishop (NY)    | Hodes            | Polis (CO)       |
| Blumenauer     | Holden           | Pomeroy          |
| Boccheri       | Holt             | Price (NC)       |
| Boren          | Honda            | Quigley          |
| Boswell        | Hoyer            | Rahall           |
| Boucher        | Inslee           | Rangel           |
| Boyd           | Israel           | Reyes            |
| Brady (PA)     | Jackson (IL)     | Richardson       |
| Braley (IA)    | Jackson Lee      | Rodriguez        |
| Bright         | (TX)             | Ross             |
| Brown, Corrine | Johnson (GA)     | Rothman (NJ)     |
| Butterfield    | Kagen            | Roybal-Allard    |
| Capps          | Kanjorski        | Ruppersberger    |
| Capuano        | Kaptur           | Rush             |
| Cardoza        | Kennedy          | Ryan (OH)        |
| Carnahan       | Kildee           | Salazar          |
| Carney         | Kilpatrick (MI)  | Sánchez, Linda   |
| Carson (IN)    | Kilroy           | T.               |
| Castor (FL)    | Kind             | Sanchez, Loretta |
| Chandler       | Kirkpatrick (AZ) | Sarbanes         |
| Childers       | Kissell          | Schakowsky       |
| Chu            | Klein (FL)       | Schauer          |
| Clarke         | Kosmas           | Schiff           |
| Clay           | Kucinich         | Schrader         |
| Clyburn        | Langevin         | Schwartz         |
| Cohen          | Larsen (WA)      | Scott (GA)       |
| Connolly (VA)  | Larson (CT)      | Scott (VA)       |
| Conyers        | Lee (CA)         | Serrano          |
| Cooper         | Levin            | Sestak           |
| Costa          | Lewis (GA)       | Shea-Porter      |
| Costello       | Lipinski         | Sherman          |
| Courtney       | Loeb sack        | Sires            |
| Crowley        | Lowey            | Skelton          |
| Cuellar        | Lujan            | Slaughter        |
| Cummings       | Lynch            | Smith (WA)       |
| Dahlkemper     | Maffei           | Snyder           |
| Davis (CA)     | Maloney          | Space            |
| Davis (IL)     | Markey (CO)      | Speier           |
| Davis (TN)     | Markey (MA)      | Spratt           |
| DeFazio        | Marshall         | Stupak           |
| DeGette        | Massa            | Sutton           |
| Delahunt       | Matheson         | Tanner           |
| DeLauro        | Matsui           | Teague           |
| Dicks          | McCarthy (NY)    | Thompson (CA)    |
| Dingell        | McCollum         | Thompson (MS)    |
| Doggett        | McDermott        |                  |
| Doyle          | McGovern         |                  |
| Driehaus       | McIntyre         |                  |
| Edwards (MD)   | McMahon          |                  |
| Edwards (TX)   | McNerney         |                  |
| Ellison        | Meek (FL)        |                  |
| Ellsworth      | Meeks (NY)       |                  |
| Engel          | Melancon         |                  |
| Eshoo          | Michaud          |                  |
| Etheridge      | Miller (NC)      |                  |
| Farr           | Miller, George   |                  |
| Fattah         | Mollohan         |                  |
| Filner         | Moore (KS)       |                  |
| Foster         | Moore (WI)       |                  |
| Frank (MA)     | Moran (VA)       |                  |
| Fudge          | Murphy (CT)      |                  |
| Garamendi      | Murphy (NY)      |                  |
| Giffords       | Murtha           |                  |
| Gonzalez       | Nadler (NY)      |                  |
| Gordon (TN)    | Napolitano       |                  |
| Grayson        | Neal (MA)        |                  |
| Green, Al      | Nye              |                  |

## NAYS—175

|                 |                 |               |
|-----------------|-----------------|---------------|
| Aderholt        | Garrett (NJ)    | Murphy, Tim   |
| Akin            | Gerlach         | Myrick        |
| Alexander       | Gingrey (GA)    | Neugebauer    |
| Altmire         | Gohmert         | Nunes         |
| Austria         | Goodlatte       | Olson         |
| Bachmann        | Granger         | Paul          |
| Bachus          | Graves          | Paulsen       |
| Bartlett        | Griffith        | Pence         |
| Barton (TX)     | Guthrie         | Petri         |
| Biggert         | Hall (TX)       | Pitts         |
| Billray         | Harper          | Platts        |
| Bilirakis       | Hastings (WA)   | Poe (TX)      |
| Bishop (UT)     | Heller          | Posey         |
| Blackburn       | Hensarling      | Price (GA)    |
| Blunt           | Herger          | Putnam        |
| Bono Mack       | Hill            | Rehberg       |
| Boozman         | Hunter          | Reichert      |
| Boustany        | Issa            | Roe (TN)      |
| Brady (TX)      | Jenkins         | Rogers (AL)   |
| Broun (GA)      | Johnson (IL)    | Rogers (KY)   |
| Brown (SC)      | Johnson, Sam    | Rogers (MI)   |
| Brown-Waite,    | Jones           | Rohrabacher   |
| Ginny           | Jordan (OH)     | Rooney        |
| Buchanan        | King (IA)       | Roskam        |
| Burgess         | King (NY)       | Royce         |
| Burton (IN)     | Kingston        | Ryan (WI)     |
| Buyer           | Kirk            | Scalise       |
| Calvert         | Kline (MN)      | Schmidt       |
| Camp            | Kratovil        | Schock        |
| Campbell        | Lamborn         | Sensenbrenner |
| Cantor          | Lance           | Sessions      |
| Cao             | Latham          | Shadegg       |
| Capito          | LaTourette      | Shimkus       |
| Carter          | Latta           | Shuler        |
| Cassidy         | Lee (NY)        | Shuster       |
| Castle          | Linder          | Simpson       |
| Chaffetz        | LoBiondo        | Smith (NE)    |
| Coble           | Lucas           | Smith (NJ)    |
| Coffman (CO)    | Luetkemeyer     | Smith (TX)    |
| Cole            | Lummis          | Souder        |
| Conaway         | Lungren, Daniel | Stearns       |
| Davis (KY)      | E.              | Sullivan      |
| Deal (GA)       | Mack            | Taylor        |
| Dent            | Manzullo        | Terry         |
| Diaz-Balart, L. | Marchant        | Thompson (PA) |
| Diaz-Balart, M. | McCarthy (CA)   | Thornberry    |
| Donnelly (IN)   | McCaul          | Tiahrt        |
| Dreier          | McClintock      | McCotter      |
| Duncan          | McCotter        | McHenry       |
| Ehlers          | McHenry         | McKeon        |
| Emerson         | McKeon          | McMorris      |
| Fallin          | McMorris        | Rodgers       |
| Flake           | Mica            | Wamp          |
| Fleming         | Miller (FL)     | Westmoreland  |
| Forbes          | Miller (MI)     | Whitfield     |
| Fortenberry     | Miller, Gary    | Wilson (SC)   |
| Fox             | Minnick         | Wittman       |
| Franks (AZ)     | Mitchell        | Wolf          |
| Frelinghuysen   | Moran (KS)      | Young (FL)    |
| Gallegly        |                 |               |

## NOT VOTING—19

|              |                |                 |
|--------------|----------------|-----------------|
| Abercrombie  | Davis (AL)     | Murphy, Patrick |
| Barrett (SC) | Hinojosa       | Radanovich      |
| Boehner      | Hoekstra       | Ros-Lehtinen    |
| Bonner       | Inglis         | Stark           |
| Cleaver      | Johnson, E. B. | Young (AK)      |
| Crenshaw     | Lewis (CA)     |                 |
| Culberson    | Lofgren, Zoe   |                 |

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Messrs. POSEY, JONES, and SMITH of Texas changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. BOEHNER. Madam Speaker, on rollcall No. 9 I was unavoidably detained. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3726, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3726, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 173, not voting 19, as follows:

[Roll No. 10]

## YEAS—241

|                |                  |                  |
|----------------|------------------|------------------|
| Ackerman       | Engel            | Maloney          |
| Adler (NJ)     | Eshoo            | Markey (CO)      |
| Altmire        | Etheridge        | Markey (MA)      |
| Andrews        | Farr             | Marshall         |
| Arcuri         | Fattah           | Massa            |
| Baca           | Filner           | Matheson         |
| Baird          | Foster           | Matsui           |
| Baldwin        | Frank (MA)       | McCarthy (NY)    |
| Barrow         | Fudge            | McCormack        |
| Bean           | Garamendi        | McDermott        |
| Becerra        | Giffords         | McGovern         |
| Berkley        | Gonzalez         | McIntyre         |
| Berman         | Gordon (TN)      | McMahon          |
| Berry          | Grayson          | McNerney         |
| Bishop (GA)    | Green, Al        | Meek (FL)        |
| Bishop (NY)    | Green, Gene      | Meeks (NY)       |
| Blumenauer     | Grijalva         | Melancon         |
| Boccieri       | Gutierrez        | Michaud          |
| Boren          | Hall (NY)        | Miller (NC)      |
| Boswell        | Halvorson        | Miller, George   |
| Boucher        | Harman           | Minnick          |
| Boyd           | Hastings (FL)    | Mollohan         |
| Brady (PA)     | Heinrich         | Moore (KS)       |
| Braley (IA)    | Herseeth Sandlin | Moore (WI)       |
| Brown, Corrine | Higgins          | Moran (VA)       |
| Butterfield    | Hill             | Murphy (CT)      |
| Capps          | Himes            | Murtha           |
| Capuano        | Hinche           | Nadler (NY)      |
| Hirono         | Hirono           | Napolitano       |
| Carnahan       | Hodes            | Neal (MA)        |
| Carney         | Holden           | Nye              |
| Carson (IN)    | Holt             | Oberstar         |
| Castor (FL)    | Honda            | Obey             |
| Chandler       | Hoyer            | Oliver           |
| Childers       | Insee            | Ortiz            |
| Chu            | Israel           | Pallone          |
| Clarke         | Jackson (IL)     | Pascarelli       |
| Clay           | Jackson Lee      | Pastor (AZ)      |
| Clyburn        | (TX)             | Payne            |
| Cohen          | Johnson (GA)     | Perlmutter       |
| Connolly (VA)  | Kagen            | Perriello        |
| Conyers        | Kanjorski        | Peters           |
| Cooper         | Kaptur           | Peterson         |
| Costa          | Kennedy          | Pingree (ME)     |
| Costello       | Kildee           | Polis (CO)       |
| Courtney       | Kilpatrick (MI)  | Pomeroy          |
| Crowley        | Kilroy           | Price (NC)       |
| Cuellar        | Kind             | Quigley          |
| Cummings       | Kirkpatrick (AZ) | Rahall           |
| Dahlkemper     | Kissell          | Rangel           |
| Davis (CA)     | Klein (FL)       | Reyes            |
| Davis (IL)     | Kosmas           | Richardson       |
| Davis (TN)     | Kratovil         | Rodriguez        |
| DeFazio        | Kucinich         | Ross             |
| DeGette        | Langevin         | Rothman (NJ)     |
| DeLauro        | Larsen (WA)      | Roybal-Allard    |
| Dicks          | Larson (CT)      | Ruppersberger    |
| Dingell        | Lee (CA)         | Rush             |
| Doggett        | Levin            | Ryan (OH)        |
| Donnelly (IN)  | Lewis (GA)       | Salazar          |
| Doyle          | Lipinski         | Sanchez, Linda   |
| Driehaus       | Loeback          | T.               |
| Edwards (MD)   | Lofgren, Zoe     | Sanchez, Loretta |
| Edwards (TX)   | Lowey            | Sarbanes         |
| Ellison        | Lujan            | Schakowsky       |
| Ellsworth      | Lynch            | Schauer          |
|                | Maffei           | Schiff           |

|             |               |           |
|-------------|---------------|-----------|
| Schrader    | Spratt        | Visclosky |
| Schwartz    | Stupak        | Walz      |
| Scott (GA)  | Sutton        | Wasserman |
| Scott (VA)  | Tanner        | Schultz   |
| Serrano     | Taylor        | Waters    |
| Sestak      | Teague        | Watson    |
| Shea-Porter | Thompson (CA) | Watt      |
| Sherman     | Thompson (MS) | Waxman    |
| Shuler      | Tierney       | Weiner    |
| Sires       | Titus         | Welch     |
| Skellton    | Tonko         | Woolsey   |
| Slaughter   | Towns         | Wu        |
| Smith (WA)  | Tsongas       | Yarmuth   |
| Snyder      | Van Hollen    |           |
| Speier      | Velázquez     |           |

## NAYS—173

|                 |                 |               |
|-----------------|-----------------|---------------|
| Aderholt        | Garrett (NJ)    | Murphy, Tim   |
| Alexander       | Gerlach         | Myrick        |
| Austria         | Gingrey (GA)    | Neugebauer    |
| Bachmann        | Gohmert         | Nunes         |
| Bachus          | Goodlatte       | Olson         |
| Bartlett        | Granger         | Owens         |
| Barton (TX)     | Graves          | Paul          |
| Biggert         | Griffith        | Paulsen       |
| Billray         | Guthrie         | Pence         |
| Bilirakis       | Hall (TX)       | Petri         |
| Bishop (UT)     | Harper          | Pitts         |
| Blackburn       | Hastings (WA)   | Platts        |
| Blunt           | Heller          | Poe (TX)      |
| Boehner         | Hensarling      | Posey         |
| Bono Mack       | Herger          | Price (GA)    |
| Boozman         | Hunter          | Putnam        |
| Boustany        | Inglis          | Rehberg       |
| Brady (TX)      | Issa            | Reichert      |
| Bright          | Jenkins         | Roe (TN)      |
| Broun (GA)      | Johnson (IL)    | Rogers (AL)   |
| Brown (SC)      | Johnson, Sam    | Rogers (KY)   |
| Brown-Waite,    | Jones           | Rogers (MI)   |
| Ginny           | Jordan (OH)     | Rohrabacher   |
| Buchanan        | King (IA)       | Rooney        |
| Burgess         | King (NY)       | Ros-Lehtinen  |
| Burton (IN)     | Kingston        | Roskam        |
| Buyer           | Kirk            | Royce         |
| Calvert         | Kline (MN)      | Ryan (WI)     |
| Camp            | Lamborn         | Scalise       |
| Campbell        | Lance           | Schmidt       |
| Cantor          | Latham          | Schock        |
| Cao             | LaTourette      | Sensenbrenner |
| Capito          | Latta           | Sessions      |
| Carter          | Lee (NY)        | Shadegg       |
| Cassidy         | Linder          | Shimkus       |
| Castle          | LoBiondo        | Shuster       |
| Chaffetz        | Lucas           | Simpson       |
| Coble           | Luetkemeyer     | Smith (NE)    |
| Coffman (CO)    | Lummis          | Smith (NJ)    |
| Cole            | Lungren, Daniel | Smith (TX)    |
| Conaway         | E.              | Souder        |
| Davis (KY)      | Mack            | Stearns       |
| Deal (GA)       | Manzullo        | Sullivan      |
| Dent            | Marchant        | Terry         |
| Diaz-Balart, L. | McCarthy (CA)   | Thompson (PA) |
| Diaz-Balart, M. | McCaul          | Thornberry    |
| Dreier          | McClintock      | Tiahrt        |
| Duncan          | McCotter        | Tiberi        |
| Ehlers          | McHenry         | Turner        |
| Emerson         | McKeon          | Upton         |
| Fallin          | McMorris        | Walden        |
| Flake           | Rodgers         | Wamp          |
| Fleming         | Mica            | Westmoreland  |
| Forbes          | Miller (FL)     | Whitfield     |
| Fortenberry     | Miller (MI)     | Wilson (SC)   |
| Fox             | Miller, Gary    | Wittman       |
| Franks (AZ)     | Mitchell        | Wolf          |
| Frelinghuysen   | Moran (KS)      | Young (FL)    |
| Gallegly        | Murphy (NY)     |               |

## NOT VOTING—19

|              |                 |             |
|--------------|-----------------|-------------|
| Abercrombie  | Davis (AL)      | Radanovich  |
| Akin         | Hare            | Space       |
| Barrett (SC) | Hinojosa        | Stark       |
| Bonner       | Hoekstra        | Wilson (OH) |
| Cleaver      | Johnson, E. B.  | Young (AK)  |
| Crenshaw     | Lewis (CA)      |             |
| Culberson    | Murphy, Patrick |             |

□ 1444

Mr. DONNELLY of Indiana changed his vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

# **MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES**

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

## **ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore (Ms. RICHARDSON). Without objection, 5-minute voting will continue.

There was no objection.

## **IDAHO WILDERNESS WATER RESOURCES PROTECTION ACT**

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3538, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3538, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 191, not voting 17, as follows:

[Roll No. 11]

**YEAS—225**

|              |                 |                  |
|--------------|-----------------|------------------|
| Aderholt     | Cao             | Gallegly         |
| Alexander    | Capito          | Garrett (NJ)     |
| Altmire      | Carney          | Gerlach          |
| Arcuri       | Carter          | Giffords         |
| Austria      | Cassidy         | Gingrey (GA)     |
| Bachmann     | Castle          | Gohmert          |
| Bachus       | Chaffetz        | Gonzalez         |
| Bartlett     | Childers        | Goodlatte        |
| Barton (TX)  | Coble           | Granger          |
| Berkley      | Coffman (CO)    | Graves           |
| Biggert      | Cohen           | Griffith         |
| Bilbray      | Cole            | Guthrie          |
| Bilirakis    | Conaway         | Hall (TX)        |
| Bishop (UT)  | Cuellar         | Harper           |
| Blackburn    | Davis (CA)      | Hastings (WA)    |
| Blunt        | Davis (KY)      | Heller           |
| Boccheri     | Deal (GA)       | Hensarling       |
| Boehner      | Dent            | Herger           |
| Bono Mack    | Diaz-Balart, L. | Himes            |
| Boozman      | Diaz-Balart, M. | Hinchey          |
| Boucher      | Dicks           | Hodes            |
| Boustany     | Donnelly (IN)   | Hunter           |
| Boyd         | Dreier          | Inglis           |
| Bright       | Driebehaus      | Issa             |
| Broun (GA)   | Duncan          | Jenkins          |
| Brown (SC)   | Ehlers          | Johnson (IL)     |
| Brown-Waite, | Ellsworth       | Johnson, Sam     |
| Ginny        | Emerson         | Jones            |
| Buchanan     | Fallin          | Jordan (OH)      |
| Burgess      | Flake           | King (IA)        |
| Burton (IN)  | Fleming         | King (NY)        |
| Buyer        | Forbes          | Kingston         |
| Calvert      | Fortenberry     | Kirk             |
| Camp         | Fox             | Kirkpatrick (AZ) |
| Campbell     | Franks (AZ)     | Kissell          |
| Cantor       | Frelinghuysen   | Kline (MN)       |

|                 |                |               |
|-----------------|----------------|---------------|
| Kosmas          | Miller, George | Salazar       |
| Kratovil        | Minnick        | Scalise       |
| Kucinich        | Mitchell       | Schmidt       |
| Lamborn         | Moore (KS)     | Schock        |
| Lance           | Moran (KS)     | Schrader      |
| Larsen (WA)     | Moran (VA)     | Sensenbrenner |
| Latham          | Murphy (CT)    | Sessions      |
| LaTourette      | Murphy (NY)    | Sestak        |
| Latta           | Murphy, Tim    | Shadegg       |
| Lee (NY)        | Murtha         | Shimkus       |
| Lipinski        | Myrick         | Shuler        |
| LoBiondo        | Nadler (NY)    | Shuster       |
| Loeb sack       | Neugebauer     | Simpson       |
| Lowe y          | Nunes          | Smith (NE)    |
| Lucas           | Nye            | Smith (NJ)    |
| Luetkemeyer     | Olson          | Smith (TX)    |
| Lummis          | Pascarell      | Souder        |
| Lungren, Daniel | Paulsen        | Space         |
| E.              | Pence          | Speier        |
| Mack            | Petri          | Stearns       |
| Manzullo        | Pitts          | Sullivan      |
| Marchant        | Platts         | Tanner        |
| Marshall        | Poe (TX)       | Taylor        |
| Massa           | Pomeroy        | Teague        |
| McCarthy (CA)   | Posey          | Terry         |
| McCaul          | Price (GA)     | Thompson (PA) |
| McClintock      | Putnam         | Thornberry    |
| McCotter        | Rehberg        | Tiahrt        |
| McHenry         | Reichert       | Tiberi        |
| McIntyre        | Richardson     | Titus         |
| McKeon          | Roe (TN)       | Turner        |
| McMorris        | Rogers (AL)    | Upton         |
| Rodgers         | Rogers (KY)    | Visclosky     |
| Meeks (NY)      | Rogers (MI)    | Walden        |
| Mica            | Rohrabacher    | Wamp          |
| Michaud         | Rooney         | Whitfield     |
| Miller (FL)     | Ros-Lehtinen   | Wilson (OH)   |
| Miller (MI)     | Roskam         | Wittman       |
| Miller (NC)     | Royce          | Wolf          |
| Miller, Gary    | Ryan (WI)      | Young (FL)    |

**NAYS—191**

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Engel           | Lynch            |
| Adler (NJ)     | Eshoo           | Maffei           |
| Andrews        | Etheridge       | Maloney          |
| Baca           | Farr            | Markey (CO)      |
| Baird          | Fattah          | Markey (MA)      |
| Baldwin        | Filner          | Matheson         |
| Barrow         | Foster          | Matsui           |
| Bean           | Frank (MA)      | McCarthy (NY)    |
| Becerra        | Fudge           | McCollum         |
| Berman         | Garamendi       | McDermott        |
| Berry          | Gordon (TN)     | McGovern         |
| Bishop (GA)    | Grayson         | McMahon          |
| Bishop (NY)    | Green, Al       | McNerney         |
| Blumenauer     | Green, Gene     | Meek (FL)        |
| Boren          | Grijalva        | Melancon         |
| Boswell        | Gutierrez       | Mollohan         |
| Brady (PA)     | Hall (NY)       | Moore (WI)       |
| Brady (TX)     | Halvorson       | Napolitano       |
| Braley (IA)    | Hare            | Neal (MA)        |
| Brown, Corrine | Harman          | Oberstar         |
| Butterfield    | Hastings (FL)   | Obey             |
| Capps          | Heinrich        | Olver            |
| Capuano        | Herseth Sandlin | Ortiz            |
| Cardoza        | Higgins         | Owens            |
| Carnahan       | Hill            | Pallone          |
| Carson (IN)    | Hirono          | Pastor (AZ)      |
| Castor (FL)    | Holden          | Paul             |
| Chandler       | Holt            | Payne            |
| Chu            | Honda           | Perlmutter       |
| Clarke         | Hoyer           | Perriello        |
| Clay           | Inslee          | Peters           |
| Clyburn        | Israel          | Peterson         |
| Connolly (VA)  | Jackson (IL)    | Pingree (ME)     |
| Conyers        | Jackson Lee     | Polis (CO)       |
| Cooper         | (TX)            | Price (NC)       |
| Costa          | Johnson (GA)    | Quigley          |
| Costello       | Kagen           | Rahall           |
| Courtney       | Kanjorski       | Rangel           |
| Crowley        | Kaptur          | Reyes            |
| Cummings       | Kennedy         | Rodriguez        |
| Dahlkemper     | Kildee          | Ross             |
| Davis (IL)     | Kilpatrick (MI) | Rothman (NJ)     |
| Davis (TN)     | Kilroy          | Roybal-Allard    |
| DeFazio        | Kind            | Ruppersberger    |
| DeGette        | Klein (FL)      | Rush             |
| Delahunt       | Langevin        | Ryan (OH)        |
| DeLauro        | Larson (CT)     | Sanchez, Linda   |
| Dingell        | Lee (CA)        | T.               |
| Doggett        | Levin           | Sanchez, Loretta |
| Doyle          | Lewis (GA)      | Sarbanes         |
| Edwards (MD)   | Linder          | Schakowsky       |
| Edwards (TX)   | Lofgren, Zoe    | Schauer          |
| Ellison        | Lujan           | Schiff           |

|             |               |             |
|-------------|---------------|-------------|
| Schwartz    | Stupak        | Wasserman   |
| Scott (GA)  | Sutton        | Schultz     |
| Scott (VA)  | Thompson (CA) | Waters      |
| Serrano     | Thompson (MS) | Watson      |
| Shea-Porter | Tierney       | Watt        |
| Sherman     | Tonko         | Waxman      |
| Sires       | Towns         | Weiner      |
| Skelton     | Tsongas       | Welch       |
| Slaughter   | Van Hollen    | Wilson (SC) |
| Smith (WA)  | Velázquez     | Woolsey     |
| Snyder      | Walz          | Wu          |
| Spratt      |               | Yarmuth     |

**NOT VOTING—17**

|              |                |                 |
|--------------|----------------|-----------------|
| Abercrombie  | Culberson      | Murphy, Patrick |
| Akin         | Davis (AL)     | Radanovich      |
| Barrett (SC) | Hinojosa       | Stark           |
| Bonner       | Hoekstra       | Westmoreland    |
| Cleaver      | Johnson, E. B. | Young (AK)      |
| Crenshaw     | Lewis (CA)     |                 |

□ 1456

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## **REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4191**

Mr. DAVIS of Tennessee. Madam Speaker, I ask unanimous consent to withdraw my name as a sponsor of H.R. 4191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## **ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

□ 1500

## **EXPRESSING CONDOLENCES TO HAITI**

Ms. LEE of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1021) expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

**H. RES. 1021**

Whereas on January 12, 2010, a 7.0 magnitude earthquake struck the country of Haiti;

Whereas according to the United States Geological Survey (USGS) the earthquake epicenter was located approximately 10 miles southwest of the capital, Port-au-Prince;

Whereas the earthquake has been followed by dangerous aftershocks, including two of 5.9 and 5.5 magnitude, and with the most severe to date, at 6.1, coming on January 20, 2010;

Whereas casualty estimates, still being compiled, as well as infrastructure damage, including to roads, ports, hospitals, and residential dwellings, place this earthquake as the worst cataclysm to hit Haiti in over two centuries;

Whereas an estimated 3,000,000 people have been directly affected by the disaster in Haiti, nearly one-third of the country's population, who are currently at risk of long-term displacement and vulnerability;

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) headquarters collapsed with approximately 150 staff members inside, including the head of the mission, Hedi Annabi, causing the largest loss of life in United Nations history;

Whereas an unknown number of individuals remain trapped under collapsed buildings, as rescue teams work around-the-clock to locate and extract survivors;

Whereas the destruction of infrastructure, particularly to the port, airport, roads, and telecommunications, continues to hinder the immediate delivery of humanitarian assistance in Haiti;

Whereas Haiti is the poorest, least developed country in the Western Hemisphere, and prior to the earthquake was ranked 149 out of 182 countries on the United Nations Human Development Index;

Whereas prior to the earthquake, Haiti was still in the process of recovering from a ruinous recent series of hurricanes and tropical storms, food shortages and rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas in addition to the pressure to secure communities and prevent looters from causing further harm to their citizens who are struggling to recover, Haiti's penitentiary collapsed and spilled untold numbers of criminals into an already disturbing security situation;

Whereas a number of children legally confirmed as orphans are eligible for inter-country adoption, and the uncertain welfare of children who are already in the process of being adopted is of urgent concern to their prospective adoptive parents in the United States;

Whereas it is in the interests of these orphans and their prospective adoptive parents to facilitate and expedite legal adoptions of Haitian orphans to the United States;

Whereas President Obama vowed the "unwavering support" of the United States and pledged a "swift, coordinated and aggressive effort to save lives and support the recovery in Haiti";

Whereas the response to the tragedy from the global community has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, has been swift and resolute;

Whereas MINUSTAH peacekeepers, while still trying to rescue their colleagues in their headquarters, have taken a leading role to assist in clearing roads and providing security around Port-au-Prince to facilitate aid into the earthquake disaster zone;

Whereas the United States Department of Homeland Security has temporarily halted the deportation of Haitian nationals to Haiti in response to the devastation caused by the earthquake;

Whereas the United States Department of Homeland Security granted the designation of Temporary Protected Status for Haitian nationals who are in the United States and

unable to return to their country due to the destruction and humanitarian crisis in Haiti;

Whereas individuals, businesses, and philanthropic organizations across the United States and throughout the international community have responded in support of Haiti and its populace during this time of crisis, sometimes in innovative ways such as fundraising through text messaging;

Whereas throughout this terrible calamity, the Haitian people continue to demonstrate unwavering resilience, dignity, and courage; and

Whereas once proper surveys and assessments are conducted, the initial and crucial emergency relief response will likely move to a comprehensive mission requiring sustained assistance from the United States and the international community for reconstruction and development efforts: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses its deepest condolences and sympathy for the horrific loss of life and the physical and psychological damage caused by the earthquake of January 12, 2010;

(2) expresses solidarity with Haitians, Haitian Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy, including United States Embassy personnel, United Nations peacekeepers, and humanitarian workers;

(3) commends the efforts and honors the sacrifice of the men and women of the Government of Haiti, the United States Government, the United Nations, and the international community in their immediate response to those affected by this calamity;

(4) commends the efforts of the American people, including the Haitian-American community, to provide relief to families, friends, and unknown peoples suffering in the country;

(5) supports the efforts of the Administration to provide and coordinate international humanitarian assistance and to provide relief to affected communities;

(6) expresses support for the recovery and long-term reconstruction needs of Haiti;

(7) recognizes that the recovery and long-term needs of Haiti will require a sustained commitment by the United States and international community based on comprehensive assessments of the development needs for Haiti;

(8) urges those who hold debt against Haiti, including the Inter-American Development Bank, the International Monetary Fund, and all other regional and international institutions and countries, to immediately suspend further debt payments, and to develop processes to cancel all remaining debt; and

(9) urges the President—

(A) to continue to make available to United States agencies, nongovernmental organizations, private voluntary organizations, regional institutions, and United Nations agencies the resources necessary to confront the effects and consequences of this natural disaster;

(B) to provide, when the emergency subsides, assistance in partnership with the Government of Haiti and in coordination with other donors to begin the reconstruction of Haiti;

(C) to undertake comprehensive assessments of the long-term needs for recovery and development in Haiti, ensure transparency and accountability, and lead coordination efforts with international actors who share in the goal of a better future for Haiti and are willing to support the costs of meeting those needs; and

(D) to utilize new and innovative thinking in providing long-term assistance to Haiti, including tapping into the insight and immense potential of the Haitian Diaspora, to help Haitians rebuild upon the strongest possible foundation, in order to promote a stable and sustainable future for Haiti.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LEE) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. LEE of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LEE of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this resolution which expresses our deep condolences and solidarity with the people of Haiti, and all of those who have lost loved ones or have otherwise been affected by the tragic earthquake of January 12, 2010.

Let me first thank our Speaker, Chairman BERMAN, Chairman PAYNE and Ranking Member ROSELEHTINEN for helping to bring this resolution to the floor today. Also I want to express my deep gratitude to our staffs for working on this to make sure that the resolution came forward today. I would also like to recognize my colleagues in the Congressional Black Caucus.

The CBC has a long history of working with the Haitian people and the Haitian American community and the Haitian Government. And many of us have traveled to that country many, many times. During the current crisis, the CBC has and will continue to work closely with the Obama administration and outside organizations to provide whatever assistance is needed for ongoing relief and recovery efforts. And I am very proud of the fact that each and every member of the Congressional Black Caucus has signed on as original cosponsors of this resolution.

More than a week has passed since the 7.0 earthquake. Again, many aftershocks, just today another 6.1 aftershock, which has devastated the country of Haiti. We have all seen the horrific images, and our hearts are heavy for the Haitian people and all of those affected by this tragedy. An estimated 3 million people have been directly affected by this catastrophe, leaving over 1 million homeless, and many at risk of long-term displacement and vulnerability.

The latest figures estimate 200,000 people may have been killed as a result

of this disaster. The massive number of casualties, as well as the extensive infrastructure damage, including to roads, ports, hospitals, residential dwellings, marks this earthquake as the worst natural disaster to strike Haiti in over two centuries.

Currently, our government is engaged now in one of our largest humanitarian relief efforts in our history. To date, USAID has provided \$100 million to Haiti for relief efforts, and more is likely on the way. So I have to commend at this time the men and women of the Government of Haiti, of our own government, of our Armed Services, the United Nations, the international community, our NGOs, our neighbors in the Caribbean and Latin America, and throughout the world in their immediate response to assist those affected by this calamity.

We continue to work around the clock to provide as much food, water, and emergency health care as possible under these unimaginable circumstances. So it is important that these emergency supplies be expedited, and not caught up in bureaucratic hurdles. The same goes for many relief and rescue organizations trying to evacuate survivors for emergency care. The red tape must be cut to save as many lives as possible.

Let me applaud the Haitian American community for providing relief to family and friends and the entire country. Also I have to praise the efforts of the American people at large, who have once again demonstrated their compassion by providing aid to people they have never met, never met, but who are suffering nonetheless just miles off our shore.

This resolution summarizes the unfortunate facts that have occurred in Haiti, but also, in addition to supporting the efforts of the Haitian people and being in solidarity with the Haitian Government and the Haitian people at this point during this rescue and recovery phase, this resolution also recognizes, in a bipartisan way, support for the recovery and long-term reconstruction of Haiti, and also recognizes that the recovery and long-term needs of Haiti will require a sustained commitment, mind you a sustained commitment by the United States and the international community, based on a comprehensive strategy based on what the Haitian people and the Government of Haiti have deemed necessary and required for their full recovery and reconstruction.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today proudly as the lead Republican sponsor of House Resolution 1021, expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake on January 12,

2010. Last week Haiti was hit by the largest earthquake to strike that Nation in over two centuries. Today Haiti was affected by a 6.1 magnitude quake or aftershock.

When the original quake hit last week, it was a day like any other. With elections on the horizon, a sense of stability slowly starting to be felt on the island, some believed that things were finally starting to look up for Haiti. And then without a warning tens of thousands were suddenly victims. Millions were left homeless, or hungry, or both. Buildings collapsed, countless disappeared, and the world was left asking how and why. The tremendous loss caused by this tragedy will stay with us long after the roads have been cleared and the physical wounds have healed.

My most sincere prayers and thoughts go to all who have been impacted by this horrible catastrophe. The desolation left in its wake is beyond words. And yet there is one thing that has been made clear. The people of Haiti are not alone in this trouble. Since news of the earthquake reached our shores, the American people have opened their hearts and their wallets to help earthquake-ravaged Haiti. Both through the many donations of money, food and water, volunteer work, and through the U.S. agencies providing disaster relief assistance, our Nation has been working around the clock to provide immediate help to all who have been affected by this horrific tragedy.

U.S. Coast Guard aircraft began arriving almost immediately to transport injured persons and conduct aerial assessments of the situation on the ground. Coast Guard cutters with medical and other humanitarian supplies arrived soon after, followed by our USAID Disaster Assistance Response Team, multiple U.S. urban search and rescue teams, including two from my area of Miami-Dade County, the 82nd Airborne Division and Marine contingency, emergency medical teams and food assistance, and of course the remarkable contributions made by private U.S. citizens and corporations, totaling over \$40 million as of last week and still growing.

In addition, we have seen an outpouring of support from countries and people around the world. Among many steps taken by countries around the world, Israel sent a 220-person medical delegation and set up a much-needed field hospital. The European Union has reportedly pledged 200 million euros to help rebuild Haiti, over and above emergency aid that is already being sent by them. The British Government will triple its aid to Haiti to \$10 million.

Israel quickly set up a full-service field hospital, as I mentioned before. But let me tell you, Madam Speaker, what it was equipped with: operating rooms, an intensive care ward, a ma-

ternity ward, a pediatrics ward, incubator units, a pharmacy, x-ray equipment, 10 tons of medical equipment, 90 beds, 66 intensive care beds, two delivery beds, approximately 250 personnel, including 40 doctors and specialists, 20 nurses, and several paramedics.

The search and rescue teams of the Israeli Defense Forces were also quickly deployed to Haiti, and include about 30 operators, and dozens of operations personnel, comprising logistics, information technology, communications, and even canine units. More IDF delegations are scheduled to depart to Haiti this very week.

As a result, this resolution importantly calls for certain accountability measures to be put into place in order to ensure that the support is delivered in a way that is immediate, that is targeted, that is coordinated, and that is transparent.

Now more than ever it is critical that our assistance go where it is supposed to go, when it is supposed to get there, and how it is supposed to get there. We have a responsibility to the people we represent and to the people we wish to help to ensure that the aid reaches its intended recipients and is used for its intended purposes. This is particularly important moving forward.

Again, I extend my most heartfelt condolences to all of those who are impacted by this series of earthquakes, and I reiterate the pride I feel as I look at how the American people, our constituents, have responded to the cries of anguish and the cries for help of the Haitian people.

Madam Speaker, with that I reserve the balance of my time.

Ms. LEE of California. Madam Speaker, I yield to my friend from Virginia (Mr. CONNOLLY) for the purpose of making a unanimous consent request.

Mr. CONNOLLY of Virginia. I thank my colleague from California.

Madam Speaker, I rise in support of this resolution, expressing my condolences on the situation in Haiti and praising Fairfax County's urban search and rescue team that is in Haiti, 80-strong plus, and having saved a number of lives already.

In the aftermath of the 7.0 magnitude earthquake that struck Haiti, the men and women of these highly skilled teams worked together in a chaotic environment to save fifteen people (as of Tues. Jan 19).

On January 12, 2010—one day after the devastating earthquake that struck Haiti—the men and women of Fairfax County's urban search and rescue team, Virginia Task Force 1, deployed to Haiti.

The task force consisted of 72 personnel, 6 search and rescue canines, and about 48 tons of rescue equipment and supplies. The team rescued a United Nations security guard and assisted a French search and rescue team in removing seven Americans from a hotel.

Two days after the earthquake, a second team of 42 men and women from Fairfax County deployed to Haiti. Both Fairfax County

urban search and rescue teams merged and rescued a 21 year-old female who was trapped in a multi-story building.

I commend the men and women of USAR Team 1 on their heroic effort, mourn for those who lost their lives, and pray for those awaiting aid. To the Fairfax team and all first responders in Haiti, I say "Stay Safe" and "Go with God."

Ms. LEE of California. Madam Speaker, I would now like to yield such time as he may consume to the Chair of the Foreign Affairs Subcommittee on Africa and Global Affairs, also the Chair of the Congressional Black Caucus's International Affairs Task Force, a real leader who has worked on Haiti all of his life, Congressman DONALD PAYNE from New Jersey.

Mr. PAYNE. Thank you very much. And let me thank the Chairperson of the Congressional Black Caucus for the outstanding job that she has done in this whole effort, Chairman BERMAN, Ranking Member ROS-LEHTINEN, and all of those who have come to show their support and what they have been doing up to now and what we intend to do in the future.

Madam Speaker, I rise to extend my deepest condolences to the people of Haiti, Haitian Americans, and all of those who have been affected by the earthquake that hit Port-au-Prince on Tuesday, January 12.

Words certainly cannot describe the pain and psychological trauma of the tragedy and its cause, and there is no way that we can just envision the tragic loss of life from this devastating 7.0 Richter scale earthquake.

The other thing about the earthquake is that it was only 6 miles below the surface, which many earthquakes go as far as 100, 150 miles down. So the trauma of this earthquake was just totally devastating. Actually, we have had several aftershocks, a 5.9 and a 5.5. We had another one today of 6.1 on the Richter scale. So this is far from over.

□ 1515

It has been estimated that over 3 million people have been directly affected by the disaster in Haiti. Nearly one-third of the country's population is at risk for long-term displacement and vulnerability, not to forget the unknown numbers of individuals who remain trapped in collapsed buildings.

I want to thank the rescue teams, the nongovernmental organizations, and other emergency responders who are working around the clock to locate and extract survivors. I certainly commend the efforts of the humanitarian response that is currently underway, particularly the efforts of all persons and relief organizations. Donors so far have contributed over \$220 million to this effort. And by simply texting on phones, \$22 million has been raised at \$5 and \$10 a clip. This is really showing the great heart of the American people. Even today, the Dominican Republic just an-

nounced \$2.5 million that they are donating, and as you know that is a country that struggles financially themselves.

The disaster was a tremendous setback. Haiti was starting to move into a new beginning, and we now will see many of the problems of high food prices and food shortages that have been caused by this natural disaster. We certainly need to really remain very committed to this community at this very difficult time.

Haiti has a longstanding history with the United States. We heard the chargé today talk about Haiti and its relationship to the United States. It fought for the independence of our country. It was responsible for Napoleon selling the Louisiana Territory to the United States because they were cash-poor after the war that they lost. The whole question of Lewis and Clark was able to move forward.

And so we are intertwined with Haiti. We have a great deal of connection with Haiti. Once again, I would like to certainly praise the chairperson of the CBC. And let me correct, the Democratic Republic of Congo was the country that had recently made the contribution; even more spectacular because of the tremendous problems that we have seen there.

We wish to say to President Preval, who is doing everything that he can, and the Haiti Government, that we will work as partners with them. This is just the beginning. We are going to stay involved with them until we see a completion of what they need.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), an esteemed member of the Appropriations Committee.

Mr. KINGSTON. I thank the gentleman.

I wanted to rise in support of this resolution, but I also wanted to commend those who are involved in the rescue effort and the international communities, the governments, and the nongovernmental organizations, as well as the private rescue teams who have been on the ground.

I also want to give high marks to those people who had already been down in Haiti. One of them is Pastor Freddie Hebron from Savannah, Georgia, whose church has an ongoing missionary down there. Pastor Hebron was actually unaccounted for for about 38 hours, and the community was very concerned about him, but he is okay. He is still down there, although communication with him is a little bit spotty.

We also had another group, Pastor Bowman with Islands Church of Christ, who is down there led by Dr. John Rowlett and Dr. Brian Kornblatt, 14 American citizens who were down there and located outside of Port-au-Prince

when the earthquake hit. And yet from their area, they started immediately dispensing medicine to the victims of the earthquake, eventually ran out of medicine, and then were stuck in an area isolated from the American Embassy, about 25 miles. They were able to get let out of there on Saturday at somewhat great danger and peril to them because at that point the street situation was beginning to deteriorate, with gangs and mobs that were out there and a lot of chaos. Richard Towns, who is a former marine, was one in their group and was able to get inside the Embassy. Once they got near it, and after a number of other obstacles, this group was able to return home to Savannah, Georgia, on Saturday with lots of prayer.

However, sadly, we still have two constituents from my area of Georgia who are unaccounted for; one is Courtney Hayes, who is a college student with Lynn University. She is a native of Douglas, Georgia. And another is a businessman named David Apperson, who is from Adel, Georgia. Both of them were staying in the Hotel Montana. Hotel Montana has suffered many losses. The rescue crew has brought out eight people from Hotel Montana, but there are others who are believed to be still trapped inside there.

In a conference call with the families yesterday we were told that the search-and-rescue teams—and some are private, some are international, and some are American; one of them is from Florida, one is from Fairfax County, and one is from Los Angeles—they're doing everything they can with scope cameras and listening devices and dogs and so forth to try to find whatever cavities remain in this rubble and focus on those areas where somebody could be trapped and surviving. The cavity question is actually more important right now than food or water, and so they're focusing on that.

A major concern of the families is what happens when the Government of Haiti, which is what we were told yesterday, the Government of Haiti decides that there is no point in further looking for survivors at the Hotel Montana. What we're concerned about as Americans is that we should make that decision, not the Haitian Government. I have written a letter today to the President, along with Congressman ROONEY and Congressman MICA, who also have constituents in there, to not call off that search because we believe it is very important that the American Government do everything that it can for the Haitians and the other international citizens, but also do everything we can foremost for Americans who are down there who are unaccounted for.

So I would ask that formally of my colleagues—that Hotel Montana we know has some American citizens trapped in there, we do not know their



condition, I hope that other Members of Congress will join me in calling for that search to continue. I also would call on the administration to do that, and commend the good work that they are doing all around and realize the challenge ahead of them. But my concern right now is the Hotel Montana. And I would ask for your prayers for Courtney Hayes, a college student, and David Apperson, who is a businessman from Georgia, who are both down there and still unaccounted for.

With that, I commend you in support of this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Ms. LEE of California. I would like to yield 1 minute now to our majority leader, Representative HOYER from the great State of Maryland.

Mr. HOYER. I thank the gentlewoman for yielding and congratulate her for her leadership of the Congressional Black Caucus and her service on the Appropriations Committee, and for the focus that she brings to making sure that we do not forget those who are less fortunate than we.

We all join together in expressing our sorrow over last week's earthquake, which shattered the lives of so many of the people in Haiti, and as has been mentioned, others who were visiting Haiti. I do so fully knowing that no words we say here can rebuild a collapsed home or heal the wounds of the living or bury the dead.

At times like these, we say words fail; they fail to capture the true scope of devastation and suffering, and they fail to effect any change for the better. Nevertheless, it is still important to express the responsibility we feel to the 3 million Haitians killed, injured or displaced by this disaster, the same responsibility we hope that others would feel toward us in a time of need. That is why America is joining with the international community, NGOs, and the United Nations to provide disaster relief and aid in rebuilding. That is why President Obama has pledged \$100 million in disaster aid, and why American personnel are on the scene saving lives and aiding in the recovery.

The Los Angeles Daily News reported this week on the California firefighters whose backbreaking work gives us all something of which to be proud. I quote from that article: They were bone weary from digging through the rubble for 5 hours Sunday, losing faith fast. When the cheering began, it was like a shot of adrenalin, "USA, USA," the large Haitian crowd standing in the street yelled as Los Angeles County Fire Captain Bill Monahan and his search-dog rescue team finally freed a young woman trapped under her collapsed hotel for 5 days. "Bill said it brought him to tears," said Debra Tosch, who is the executive director of the Search Dog Foundation.

We know that there are stories of grief and loss to go alongside such sto-

ries of hope. We know that Haiti's crisis goes far deeper than the earthquake. But we also know that when our words fail in the face of a tragedy of this scope, it is our responsibility and our honor and our moral duty to act.

I urge the House to pass this resolution. I urge the Obama administration to give its urgent attention to coordinating and overseeing America's part in the relief effort. And then, when some degree of civility and stability has returned to that country, let us not forget that the road ahead will be long and difficult, but it is a necessary one if the Haitian people are to return to a life which will give them the kinds of opportunities and stability that we wish for ourselves.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank and applaud the American people for the generosity and the compassion they have shown in the wake of this horrific tragedy. According to our State Department, the American Red Cross effort has received over 2 million contributors and raised over \$23 million so far. In addition, we continue to see admirable contributions from many American corporations and businesses. My own district of Miami, Florida, has sent two urban search-and-rescue teams to Haiti and has pledged \$60,000 to relief efforts. The Port of Miami and Miami International Airport are waiving certain fees for relief-related efforts. Also, several other assets from south Florida are also being utilized, including U.S. Southern Command, or SOUTHCOM, which is serving as the operation center for the U.S. response in Haiti. Coast Guard Key West and Coast Guard Miami Beach, also Homestead Air Reserve Base, a departure point for the C-130s that are carrying relief, supplies, and personnel to Haiti, are playing an important role in this relief effort.

And just today, the USNS *Comfort* received its first Haitian patients, a 6-year-old boy and a 20-year-old man. They were flown via helicopter to the hospital ship. This is a nearly 900-foot floating hospital. The *Comfort* is reported to be carrying about 550 medical staff and about 60 civilian mariners.

So the American people have opened up their hearts and their wallets to help earthquake-ravaged Haiti. As a people and as a Nation, the United States will continue to move hand in hand with the people of Haiti to swiftly respond to and recover from this tragedy.

Madam Speaker, I reserve the balance of my time.

Ms. LEE of California. I would like to now yield 1 minute to our great Speaker from the State of California, Speaker NANCY PELOSI.

□ 1530

Ms. PELOSI. I thank the gentlewoman, Congresswoman LEE, for her

leadership in bringing this legislation to the floor as Chair of the Congressional Black Caucus and as a leader on this issue as well.

To Congresswoman ROS-LEHTINEN, ranking member on the Foreign Relations Committee, once again, thank you for your leadership.

DONALD PAYNE, our leader—my goodness, what a conscience he is and has been on this subject for a very long time and, really, for the alleviation of poverty and the eradication of disease throughout the world.

Madam Speaker, obviously the thoughts and prayers of this entire Congress are with the people of Haiti, who are suffering from a devastating earthquake that hit their country on January 12. Members of Congress are committed to helping the Haitian people recover from this tragedy and to rebuild their homes, communities and lives in the days, weeks and years to come.

Again, I thank Congresswoman LEE, Congresswoman ROS-LEHTINEN, and Congressman PAYNE for their leadership today and throughout the years in support of the people of Haiti.

It is a source of pride to the Americans that when President Obama spoke about this subject, he said to the Haitian people, "You will not be forsaken. You will not be forgotten."

What a beautiful sentiment reflecting the values of our country, the concern of the President, personally, that he had for the people of Haiti, the leadership he provided as Commander in Chief to deploy the forces necessary to help bring order there, and as President of the United States to speak with heads of state from other countries to coordinate the effort of relief for Haiti.

We are still learning the staggering extent of the devastation. The Government of Haiti estimates the death toll is close to 200,000 souls—200,000 people made in the image and likeness of God, 200,000 people whose families have been devastated by this loss. It's just such a staggering snuffing out of life, and more than 1.5 million people homeless.

Anyone who has ever visited Haiti has seen the extreme poverty there, the poorest country in this hemisphere; but with the poverty that they have economically and with the hope that they have otherwise, anyone who has visited there can testify to the fact that the sparkle in their eyes and their hopes for the future and their love of their children and their love of life is very special. It stands out.

I've been to many countries to visit the poor and to see what our efforts nationally and globally are to alleviate poverty and eradicate disease; and in Haiti you see a sparkle that is so special, and that's why this seems so very, very sad. We know for certain that too many Haitians are suffering right now. Far too many are injured and hungry. Far too many grieve the loss of loved ones.

Again, I am proud of the swift coordinated response that the President had. He extended TPS, at long last, temporary protection status. We've been asking for that for a long time, long before President Obama was President, for Haitians living in the U.S., and it ensures that no one will be sent back against their will to the devastation. I talked earlier about the President's leadership in this regard. At this tragic time, we can take steps right away to ensure a brighter future for Haiti.

I do believe, as one who comes from earthquake country—California, where we've experienced earthquakes; right, Congresswoman?—that there is a possibility that Haiti can leapfrog over all the physical devastation there to an economy and a future that is so very bright that this can create a boom economy for the people there and make a big difference in their lives. This can only happen if we all help.

Already today, the House has passed bipartisan charitable tax deduction legislation to encourage and incentivize assistance from the American people to the people of Haiti. I hope the Senate will soon follow and send this bill to the President's desk.

Next, the International Development Bank should move forward with full debt cancellation for Haiti. International institutions should be removing obstacles to Haiti's enormous long-term reconstruction challenges, including providing the new assistance in the form of grants and not loans.

Third, I will be asking the appropriate committees to work together with the administration and the Haitian Government to see how Congress can support long-term sustainable development plans for Haiti; and aren't we fortunate that Congresswoman LEE serves on one of those appropriate committees, and the chairwoman is here, Congresswoman LOWEY, of the subcommittee that is so important to this.

A compassionate and generous response from the United States is essential to stabilizing Haiti. While there has been a strong initial response to the crisis, there must be an initiative to provide sustainable assistance that empowers Haiti's institutions and the Haitian people to build a future that is better than the past.

We value the strong relationship between Haiti and the United States. Our countries share a long and difficult history in some respects, but that binds us together. Wherever Haiti immigrants have settled, they have thrived, and they have contributed to the welfare and the well-being of their new home country, never forgetting their Haitian legacy.

We know about the artistic genius and entrepreneurial spirit of the Haitian people—Michael Jong, are you listening?—as so many others. They will succeed if they are only given the opportunity. Today, with this resolution,

we are saying to the Haitian people: In your hour of greatest need, America stands with you.

Again, I thank Congresswoman LEE for her leadership on this important issue and Congresswoman ROS-LEHTINEN as well.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Ms. LEE of California. Madam Speaker, I yield 2 minutes to the Chair of the Foreign Affairs Subcommittee on The Western Hemisphere, the gentleman from New York, Chairman ENGEL.

Mr. ENGEL. I thank my friend, the gentlewoman from California (Ms. LEE), for yielding to me.

Madam Speaker, as chairman of The Western Hemisphere Subcommittee of the House Foreign Affairs Committee, I rise in strong support of H. Con. Res. 1021, which expresses condolences to and solidarity with the people of Haiti in the aftermath of the horrific and devastating earthquake of January 12.

It is with great sorrow that we come to the floor today to lament the catastrophic blow to Haiti from last week's natural disaster. Tens, if not hundreds, of thousands of people have died; and hundreds of thousands are homeless in the wake of the earthquake. Our hearts go out to the Haitian people as they cope with the calamity that has befallen their nation.

While we mourn the great loss of life in Haiti, we must resolve to stand with the Haitian people as they rebuild their lives. Due to my long experience with Haiti from hearings in my subcommittee, visiting the country and, most importantly, my relationship with my Haitian American constituents—I have a large Haitian American community in my district in Spring Valley, New York—I know that Haiti will overcome this tremendous adversity.

However, Haiti and its people will need U.S. and international help for the foreseeable future. It is reassuring to see that the Obama administration has quickly marshaled the resources of the U.S. Government in coordination with the international community.

I thank President Obama and Secretary Clinton for their tireless efforts.

It is also important to recognize the generosity of millions of private American citizens who have responded immediately to this crisis, and we must thank the dedicated U.S. military and government personnel and the thousands of NGO volunteers and staff for their truly valiant efforts.

We should also remember that the challenges faced by Haiti will continue past this immediate period and will extend into the long term. The U.S. and global community will need to offer robust assistance to make sure Haiti can rebuild from this shocking disaster.

Madam Speaker, I would also like to praise President Obama's decision to

grant temporary protection status, or TPS, to Haitian nationals living in the U.S. Representative RANGEL and I led the New York congressional delegation in writing to President Obama in support of this TPS designation.

On behalf of my constituents and Haitian Americans around the country, I offer my gratitude to the President, and I urge my colleagues to do the same in supporting this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Ms. LEE of California. Before recognizing the next speaker, I yield to my friend, the gentlewoman from Illinois (Ms. SCHAKOWSKY), for the purpose of making a unanimous consent request.

Ms. SCHAKOWSKY. Madam Speaker, I rise to voice my condolences and pledge to stand in solidarity with Haiti.

Madam Speaker, I rise today to support this resolution and to express my sincere condolences to the Haitian people and to their friends and family around the world, including Haitian-Americans living in my district. Throughout my time in Congress, I have worked with them on ways to improve the lives of Haitians, and I know we will continue that work together.

Last week's 7.0-magnitude earthquake was an almost unimaginable tragedy for Haiti. The capital city was flattened, tens of thousands of people were killed, and countless others lost what few possessions they had as homes, business, and schools crumbled.

I have traveled to Haiti several times, most recently last spring, and I am always struck by the incredible resilience of the Haitian people in the face of extreme poverty and devastating natural disasters. Still, this most recent tragedy is absolutely heartbreaking, particularly at a time when glimmers of light were beginning to appear for Haiti's future.

Emergency assistance in the coming days, weeks, and months will be critical. Earthquake survivors desperately need food, water, and medicine. But that cannot be the end of the story. Even before the earthquake, Haiti was the poorest country in the Western Hemisphere, with 80 percent of the population living on less than \$2 per day. In recent years Haiti has weathered serious food riots after rising prices forced parents to feed mudcakes to their children, as well as a series of devastating storms.

So long as Haiti remains a country without a viable economy, it will remain dependent on assistance. We must continue to work to make sure that food, water, and medicine reach those who desperately need it right now, but, in the months and years ahead, we also need to work to bring real economic development to Haiti.

Madam Speaker, I extend my sincere condolences to the people of Haiti, and I join with my colleagues and the Obama administration in pledging U.S. support in the days, months, and years ahead.

Ms. LEE of California. Madam Speaker, I yield 1 minute to a member of the Foreign Affairs Committee, the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Madam Speaker, I stand proudly with my colleagues in supporting H. Res. 1021, which extends our heartfelt condolences and support for the people of Haiti and for those who are there serving humanitarian relief.

This is an opportunity for us, in the midst of all this tragedy, to address one of the poorest nations in the world, and it is located in the Western Hemisphere. It is time for us not only to meet the emergent needs but to fulfill our commitment to this country from now on in perpetuity.

So I commend the speedy work of the Congressional Black Caucus, of all of the Members of this House, and of those on the other side of the aisle for addressing these needs and for collaborating with the world to bring the kind of relief that is needed for our neighbor to the south. Congratulations.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Ms. LEE of California. Madam Speaker, I yield 1 minute to a member of the House Foreign Affairs Committee, also Chair of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection, the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the chairwoman very much, and I thank her for her leadership on this issue, joined with the chairman of the full committee and the ranking member of the Foreign Affairs Committee, Ms. ROS-LEHTINEN and Chairman BERMAN; the Congressional Black Caucus; and so many Members who have issued their outpouring of support. I thank Chairman PAYNE for his continued efforts, and I thank all of the Members who have sizable populations of Haitians in their districts.

There is a very active Haitian American population in Houston, Texas. We have been working. We have been pouring out our hearts, but we've also rolled up our sleeves. I believe there are several issues, as we support this resolution, that should be focused on.

One, we must have a long-term response, a Marshall Plan, in essence, to help rebuild Haiti. Two, we must deal with the immediate crisis, emergency, loss of life, loss of loved ones, the ability to have medical care, and, yes, protecting our offerings.

So my community met on this past Saturday with the county government, the State government, the city government, Mayor Annise Parker and her representatives, the fire department, and our National and Texas Reserve, committing ourselves the resources and assets to be able to be of assistance. I was delighted to have been able to send from Texas two plane-loads of doctors, nurses and medical supplies, led by Dr. Richard Toussaint, where this past weekend they were able to do 150 surgeries and 600 visits.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. LEE of California. I yield the gentlewoman an additional 10 seconds.

Ms. JACKSON LEE of Texas. Moving forward, we will focus on relief efforts for the children, providing more medical care and, yes, insisting on making sure that we rebuild this great city and this great nation. We can do this. We are standing by their side. We will not leave them alone.

Madam Speaker, I rise in support of H. Res. 1021—"Expressing Condolences to and Solidarity with the People of Haiti in the aftermath of the devastating Earthquake of January 12th, 2010."

As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

Haiti sits on a large fault that has caused catastrophic quakes in the past, but this one was described as among the most powerful to hit the region within the last 200 years. With many poor residents living in tin-roof shacks that sit precariously on steep ravines and with much of the construction in Port-au-Prince and elsewhere in the country of questionable quality, the expectation was that the quake caused major damage to buildings and significant loss of life.

The dimensions of the disaster are still unfolding, but Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead, and leading senator Youri Latortue estimated the number at possibly as high as 500,000, according to the Associated Press.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

America and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Within days of last week's devastating earthquake, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft. Since, there has been a tremendous interagency response with support and partnering with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow-on U.S. military support.

Our friends in the international community must also be commended for their efforts. The United Nations is releasing \$10 million from its emergency funds. The European Commission has approved C3 million (\$4.37 million) with more funds likely. Countless other nations from Germany, to China, to Israel to Mexico to have also pledged support. I commend each of these nations for coming to our neighboring nation in dire need of assistance.

Many of my constituents have asked what they can do to help, or how they can find their loved ones. Those who are interested in helping immediately can text 'HAITI' to '90999' and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill.

The outpouring of support and funding from the American people was both instant and sustained. According to the Washington Post, the text messaging effort raised \$5 million in its first day, breaking the previous one-day record of about \$450,000. Text-message donations continue to play a larger-than-expected role in the push for earthquake relief in Haiti. As of late Sunday, the American Red Cross said that it had collected pledges of about \$103 million, including \$22 million through the text donation program. Each donor should be proud of their contribution to help their brothers and sisters in Haiti.

Financially, 2009 was not an easy year for many Americans. Although thousands of jobs were created and we are back on the road to economic recovery, Americans lived on tighter budgets than usual. This legislation passed today will allow those Americans who have generously donated money to Haiti to receive their tax break this year instead of next year.

In January of 2005, Congress enacted this type of relief for individuals that made charitable contributions to victims of the Indian Ocean tsunami that occurred in late December of 2004. That bill (H.R. 241 in the 109th Congress) passed the House of Representatives without objection and subsequently passed the Senate by unanimous consent. I hope that this legislation, like our response to the 2004 tsunami, will encourage Americans to contribute more money to Haiti. As Haiti starts on its long recovery, every dollar is critically important. Americans have responded in great numbers, and I am proud to represent such a compassionate and generous nation.

Americans are not only giving their money, they are also giving their time and expertise as well. This weekend, I arranged for a team of seven doctors, six nurses, two techs, and two search and rescue volunteers to fly to Haiti and provide immediate humanitarian support. This team led by Dr. Richard Toussaint from Forest Park Medical Center in Dallas Texas arrived in Haiti just after noon on Saturday. From there, the doctors made their way to Hospital Sacre-Coeur where, in roughly two days, they performed about 70 amputations, surgically treated about 150 patients, and saw about 600 patients total. I commend this team of medical personnel for their selfless actions and willingness to spend their own time and money to come to the aid of people they had never met.

Additionally, I hosted a Houston-based Haiti relief effort called "Texans helping Haitians" with city leadership and the Haitian community

in the aftermath of this horrible disaster. Groups included in the effort to provide supplies and medical assistance to Haiti were: Texas Medical Center, Texas Dental Association, Search and Rescue Organizations, the Haitian Multicultural Association, Haitian Caribbean Organization of Texas, Caribbean Impact Foundation, and Haiti Counts.

We also helped coordinate the safe return of six Houston Rotarians that were stranded in the mountains and we are now working with Office of Foreign Disaster Assistance on the transport of orphans to awaiting families here in the U.S.

Throughout my time in Congress, I have been highly involved in strengthening the relationship between the U.S. and Haiti. I have worked to establish positive and productive partnerships with local development officials, non-profit organizations, and the Haitian Diaspora to establish a strong web of support for the nation of Haiti. In collaboration with the Congressional Black Caucus, I have been a continual advocate of providing assistance to Haiti to strengthen their fragile democratic processes, continue to improve security, and promote economic development among other concerns such as the protection of human rights, combating narcotics, arms, and human trafficking, addressing Haitian migration, and alleviating poverty.

Last year, I introduced H.R. 264, the "Save Immigration Comprehensive Act of 2009." Among other things, this act authorizes adjustment of status for certain nationals or citizens of Haiti as well as amends the Haitian Refugee Immigration Fairness Act of 1998 to: (1) waive document fraud as a ground of inadmissibility; and (2) address determinations with respect to children. In the wake of last week's earthquake, I am happy to see that the Obama Administration decided to extend temporary protection status to Haitians facing deportation.

Once again, I am devastated by the immeasurable tragedy that occurred in Haiti. Along with my colleagues, I hope to visit Haiti in the near future to meet with their leaders and see what the United States can do to rebuild the shattered livelihoods.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Ms. LEE of California. Madam Speaker, I yield 1 minute to the Chair of the State and Foreign Operations Subcommittee, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise today in strong support of House Resolution 1021, with appreciation for the leadership of BARBARA LEE, a member of my committee; DONALD PAYNE; and sincere condolences for the victims of last Tuesday's tragic earthquake and continuing aftershocks. Yet another natural disaster has devastated this country and its people. My deep sympathy and prayers are with the people of Haiti and all those who have lost loved ones.

As the resolution notes, the U.S. Government and the American people stand in solidarity with the Haitian people and are committed to helping

them in this great time of need. The intense challenges of delivering humanitarian relief are compounded in Haiti by weak infrastructure and government institutions that cannot provide the necessary support for relief.

I commend the swift response by the Obama administration, especially USAID, the State Department, HHS, the Department of Defense, as well as the international community, to quickly mobilize humanitarian and disaster relief in a complex humanitarian disaster.

I also want to acknowledge the outstanding work of many, many other countries; and I want to particularly commend Israel for its immediate response with search and rescue teams, fully equipped hospitals and doctors, Doctors Without Borders, and thousands of NGOs.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. LEE of California. I yield the gentlewoman an additional 30 seconds.

Mrs. LOWEY. Lastly, in addition to the thousands of NGOs, I want to commend a group started by Danielle Butin in my district that has been collecting medical supplies and shipping containers daily with the help of many, many volunteers. This is a job for all of us, and I am very, very pleased that there are so many governments and individuals who are working to relieve this terrible, terrible effect of the disaster.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Ms. LEE of California. Madam Speaker, before I recognize my next speaker, I yield to my friend, the gentleman from Illinois (Mr. DAVIS), for the purpose of making a unanimous consent request.

Mr. DAVIS of Illinois. Madam Speaker, I rise in strong support of H. Res. 1021, expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

Madam Speaker, Americans are deeply saddened by the tremendous damage and loss of life caused by the earthquake that struck Haiti on January 12th.

The earthquake was truly a devastating natural disaster. There are enormous needs in Haiti. Authorities say that the earthquake may have killed 200,000 people. Three million people in Haiti need food, water, shelter, and medical assistance, according to an estimate given by the United Nations.

Tens of thousands of people sleep in the streets or under plastic sheets in makeshift camps. The spread of disease has become a major concern in Haiti. Tens of thousands of children have been orphaned by the earthquake.

I join with my colleagues in expressing the sympathies of the Congress, recognizing the long-term need for American assistance, and urging the President to adopt multiple approaches to assisting those affected by this tragedy now and in the future.

It is important to have the federal government participate in the broad, international relief effort. Action by the federal government demonstrates leadership from the highest level of government in helping meet the deep need for humanitarian aid.

Booker T. Washington captured well the importance of assisting people in need when he said, "The highest test of the civilization of any race is in its willingness to extend a helping hand to the less fortunate."

I am very proud that the American response to the Haitian tragedy is not limited to our government. Individuals, businesses, and philanthropic organizations have joined with our global colleague to respond to this tragedy.

During this time of extreme difficulty in Haiti, charities have raised more than \$210 million in donations for Haiti earthquake relief. A campaign using text messages brought in over \$21 million for the Red Cross for relief efforts.

In Chicago, I know that many churches, especially the Church of God in Christ, are rising to meet the tremendous needs of the people affected by the Haitian tragedy. The international community has come together to assist Haiti by sending emergency funds, search and rescue teams, food and water, and medical teams.

I want to emphasize that this resolution recognizes that Haiti's needs will be great, both in the short-term and the long-term. I believe that Americans and our government will rise to help meet these immediate and future challenges.

The people of Haiti and the United States have a long and complex relationship dating back to pre-slavery days. Our cultures, and our respective economic histories and destinies, are deeply intertwined. It is natural and just for our nation to take the lead in extending a hand of immediate relief to the people of Haiti in the aftermath of this horrific disaster and ultimately a hand in rebuilding their shattered nation so that the Haitian people can join with the developed nations of the world in a 21st century standard of living and security.

Ms. LEE of California. Madam Speaker, I yield 1 minute to a member of the Committee on Natural Resources, who is the second vice Chair of the Congressional Black Caucus, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

□ 1545

Mrs. CHRISTENSEN. Madam Speaker, in this time of sadness and tragedy for the people of Haiti and all of us who are their friends, I rise in support of Resolution 1021, expressing our condolences and solidarity with the people of Haiti and their families throughout the diaspora, and the people of the U.S. Virgin Islands join me on these sentiments.

On Martin Luther King Day, I joined some of our clergy in leading a prayer vigil for the people of Haiti, and I am proud to report on the funding that has been sent in, to report that the Haiti community support and teams of doctors and nurses from my district began a rotation of medical supplies immediately following the quake.

On Monday, a ship normally stationed at HOVENSA, the oil refinery on St. Croix, was commissioned to Port-au-Prince, and left, carrying supplies from several organizations including Rotary, Hispanos Unidos, and a group led by Haitian American Virgin Islander Andre McBean. We thank them and the Haitian American organization in St. Thomas led by Oskar Lalanne, Hans Oriol, and Gerard Bateau, who have also sent supplies and provided aid on the ground, including the assembling of creole speaking interpreters who are so needed during this disaster.

Today, with this resolution we signal the commitment of this Congress and the people of the United States to standing with Haiti—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. LEE of California. I yield the gentlewoman an additional 15 seconds.

Mrs. CHRISTENSEN. Not just now, during the immediate response, but for what will be a long and difficult recovery.

I thank our chairwoman, BARBARA LEE, for introducing the resolution and all of the Congressional Black Caucus and others for their leadership in support of Haiti, both before and since January 12.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 5 minutes of my time to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I would like to thank the gentlewoman from Florida for yielding and also for her strong support and her assistance with this resolution.

Let me now yield 1½ minutes to the gentlewoman from New York, a member of the Committee on Small Business, who also serves as an officer of the whip of the Congressional Black Caucus, hails from the Caribbean, a leader on so many issues, Congresswoman YVETTE CLARKE.

Ms. CLARKE. Madam Speaker, I would like to thank the Chair of the Congressional Black Caucus and member of the Foreign Affairs Committee, the gentlewoman from California (Ms. LEE) for bringing us together, along with the ranking member, for this resolution.

Madam Speaker, I rise today to express my heartfelt condolences and in support of the Haitian people, the Haitian American community in the United States and the Caribbean island nation of Haiti, and ask my colleagues to support Resolution 1021.

As the representative of the second largest Haitian American population in the United States, this crisis has truly and literally hit home. My office has been inundated and overwhelmed with constituents calling, earnestly trying to find their loved ones. Many of them are hoping family members are still alive and safe, despite the many images of destruction they see in the media.

The situation on the ground remains unstable. Lives still hang in the balance, and a speedy and coordinated action is needed to maximize the recovery effort and to mitigate the loss of life.

With this resolution, we are sending a unified message to the Haitian people that we stand with them as they mourn the loss of their loved ones and prepare to rebuild their nation. This resolution lets the whole world know that Haiti is as much a part of us as we are a part of them.

Over the last week, the American people have been pouring out their hearts to the nation. I would like to commend our people, the U.S. military, Coast Guard, search and rescue teams, humanitarian NGOs, for all of their work. I would like to recognize the swift response from the Obama administration in providing immediate investment and thank them.

Ms. LEE of California. I now yield 2 minutes to the Chair of the Financial Services Subcommittee on Housing and Community Opportunity, a leader on so many issues who has been involved with Haiti since I have known her, and that has been since the 1970s, who has led the charge for debt relief, Congresswoman MAXINE WATERS.

Ms. WATERS. I would like to thank my good friend, the chairperson of the Congressional Black Caucus and a friend of Haiti's who has been working on behalf of Haiti for many years, BARBARA LEE.

I rise to support this resolution, which expresses the condolences of the House of Representatives with the people of Haiti following last week's devastating earthquake. I especially appreciate the fact that this resolution urges multilateral financial institutions to immediately suspend further debt payment from Haiti and to develop processes to cancel all of Haiti's remaining debt.

Haiti cannot begin to recover from the earthquake while continuing to make payments on debts owed to multilateral financial institutions like the IMF, the World Bank, and the Inter-American Development Bank. Even before the earthquake occurred, debt payments were a tremendous burden that interfered with the ability of Haiti's Government to meet the needs of its people.

Haiti worked very hard over the past several years to qualify for debt relief. In order to qualify, the Government of Haiti successfully developed and implemented a comprehensive Poverty Reduction Strategy Paper under the direction of the IMF and the World Bank. As a result, multilateral financial institutions provided Haiti \$1.2 billion in debt relief last June. Nevertheless, Haiti still owes a total of \$664 million in debt to multilateral financial institutions.

The IMF offered Haiti a new \$100 million loan for earthquake recovery ef-

forts. Unfortunately, new loans that will add to Haiti's debt burden are not what Haiti needs at this critical time. I was encouraged to learn that IMF managing director, Dominique Strauss-Kahn, expressed support for canceling all of Haiti's debt, including the new loan, and I look forward to working with him to do so.

On behalf of the Black Caucus, I am introducing legislation to require the United States Secretary of the Treasury to use the voice, vote, and influence of the United States within the multilateral financial institutions to cancel all of Haiti's remaining debt, and I hope all of my colleagues will support it. Canceling Haiti's debts will free up the country's meager resources, allowing it to begin meeting its immediate and long-term needs.

Again, I would like to thank my good friend and leader, BARBARA LEE, for introducing this legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2 minutes to the gentleman from Texas, Judge POE, a member of our House Foreign Affairs Committee.

Mr. POE of Texas. Madam Speaker, I thank the gentlewoman from Florida for yielding.

When this situation occurred in Haiti, when the earthquake came through and devastated the land, the buildings, and the lives of the people, there were over 30,000 Americans in Haiti at the time. Many of these Americans were there as volunteers to help this struggling nation. They were from churches throughout the United States. They were young people, civic organizations already there helping this struggling nation.

One group particularly, from my hometown of Houston, a group of Rotarians, had just gotten there to work in two places. They were going to work in the hospitals, to make the hospitals better and more convenient and more efficient, and they were also there to dig water wells for the Haitian people. And all of these people that were there from America, most of them, were volunteers.

It has been said that government can never replace a volunteer, and that is true. Americans are the most giving people on Earth, and they were helping Haiti. And I suspect Americans will go and help Haiti again, to volunteer, all of these civic religious organizations. And that is a good thing, because that is what we do in America. We help other people. We help our own people, and we help foreign nations and their people as well, because America in the time of crisis responds.

So I commend the Americans that are working, along with the NGOs and the officials of our government and other governments, in this struggling time to help the people of Haiti get their lives back together so that they can once again be a productive nation in the community of countries.

Ms. LEE of California. I yield 1½ minutes to my colleague and friend from California (Mr. SCHIFF), a member of the Appropriations Committee.

Mr. SCHIFF. Madam Speaker, I join my colleague from California (Ms. LEE) in expressing my profound sorrow at the tragedy that has been visited upon the people of Haiti.

Even now, a week after the earthquake that shattered Port-au-Prince and much of the surrounding area, rescuers are still pulling survivors from the rubble, including a 15-day-old baby girl who was pulled from her home, destroyed, yesterday, after 7 days without food and water. Happily, the baby has been reunited with her mother, who told the Wall Street Journal that her daughter's survival was "the mercy of God." Hours later, 69-year-old Anna Zizi was dragged singing from the rubble of the Roman Catholic cathedral of Port-au-Prince, while Hotteline Lozama, age 25, was pulled from the ruins of a shopping center.

But, despite these miracles, the horror is overwhelming. Current estimates place the death toll at 200,000, and more than 1.5 million Haitians have been made homeless as a result of the earthquake. Major aftershocks, including a magnitude 6.1 tremor this morning, have hampered rescue efforts and kept survivors in a state of near panic.

The extent of the damage and totality of the need have overwhelmed the massive international aid effort that is racing to get food and water to more than 3 million people. Even as U.N. reinforcements and additional U.S. military and civilian assets scramble to the stricken island, an estimated 20,000 people a day are dying, most from lack of adequate medical care.

There is an unfortunate familiarity to the images that have been broadcast around the world in the aftermath of this tragedy: the pleading eyes, the fear, and the sorrow mixed with stoicism. We have seen them before in New Orleans after Katrina, in Southeast Asia after the tsunami, in Pakistan after the earthquake there, and the aftermath of countless other disasters.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. LEE of California. I yield the gentleman 20 additional seconds.

Mr. SCHIFF. But even though the scenes are familiar and unsettling, we cannot turn away and we must not shirk our obligation to aid our neighbor in her hour of need. I urge the President to continue to press for faster deployment of aid and reconstruction personnel.

I thank my colleague for her leadership and her support of the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I thank my good friend from California (Ms. LEE) for the bipartisan approach to this terrible, terrible situation.

I have no further requests for time, and I yield back the balance of my time.

Ms. LEE of California. Before I close, I yield 1½ minutes to my friend from New Jersey, Chair of the African Global Health Subcommittee, Chairman PAYNE.

Mr. PAYNE. Let me, once again, express our deep appreciation for the outcry of Members of this legislative body on both sides of the aisle.

We have heard of the great work done by many of the countries mentioned. We have heard about the heroism and the heroic efforts of many of the people. We have seen isolated shots of some violence and disorder, but let me say that this is just a very small sliver of what is happening in Haiti. Most of the people are waiting patiently. Most of the people are orderly.

It is amazing, the resilience of the Haitian people from these overwhelming obstacles, that 99 percent of the people are just trying to make it through. So we need to engage with the government. We need to assist them as they start to recover politically and governmentally.

In addition to restoring the city, we need to take a look at perhaps a new city outside of Port-au-Prince, a city built for 50,000 people that has 2 million people. Can you imagine that? So this may be a way that we can have a planned approach. We have great colleges. Columbia University has the Earth Institute, and we would hope to try to encourage those groups to come in.

With that, let me commend our chairperson once again.

Ms. LEE of California. Madam Speaker, let me thank all of the Members today for coming down to the floor in support of this resolution but, more importantly, in support of the people of Haiti.

I end by calling on all my colleagues to join me in supporting this measure to express our deepest condolences, our steadfast solidarity, and our sustained commitment to the people of Haiti in the wake of this ongoing tragedy.

□ 1600

As we move forward, let us not waiver in saying to the people of Haiti: Your resilience, your dignity, your courage, even during your darkest hour, continues to inspire us. And during your darkest hour, the United States, and the American people, will not abandon you as you continue to struggle for a brighter tomorrow.

I urge my colleagues to support the resolution.

Mr. RANGEL. Madam Speaker, I rise today to address the struggles of the Haitian people in the aftermath of the disastrous earthquake that hit the island nation on January 12, 2010. The images of the aftermath of the earthquake are startling and sobering reminders of the power of nature and of our obligation as

human beings to assist those who are less fortunate.

In the short term, Haiti's emergency needs are overwhelming. Even with the death and casualty toll estimates still coming in, we know that there is an urgent need for food, medicines, water, emergency shelter, and equipment. The immediate response from our citizens has been gratifying. Within 24 hours following the quake, we saw Americans from a cross section of society—from elected officials in Washington to everyday residents all over New York City—reach out and offer assistance.

The Obama Administration, for its part, has pledged its full support for rescue and humanitarian assistance. I applaud President Obama's decision to pledge \$100 million in relief aid. It is clear that there will be an even greater need for a long-term commitment to rebuild the nation's infrastructure, and to provide educational, security, and economic assistance. As the leader in our hemisphere and Haiti's most important political partner, the United States should lead the way in supporting these efforts.

There will come a time when the people of Haiti are no longer headlines in the media; and yet they will still be in desperate need of help from the international community. It is at this time that we must pull together and unite to help the citizens of Haiti rebuild their country. Similar to a national public works program, the building and repairing of roads and bridges, schools, hospitals and health care clinics, and the undertaking of massive reforestation should create much needed jobs for Haitians.

I would also like to thank President Obama and Secretary Napolitano for granting the thousands of Haitian nationals in America with Temporary Protective Status. This humanitarian gesture will allow our Haitian brothers and sisters, neighbors and friends, many of whom have been among us for several years, to remain here, work hard, and contribute to the efforts of rebuilding their homeland while in America.

Haiti has been a long-time friend and ally of the United States, and now it is our turn to exercise our friendship in their time of need.

Madam Speaker, I invite you and my colleagues in joining me to dedicate our efforts, and commit ourselves to supporting, the long-suffering Haitian people, now and into the future.

Mr. LANGEVIN. Madam Speaker, I rise today to join my colleagues and extend my deepest sympathies to the people of Haiti, and to their worried and grieving loved ones around the world, after the tragic earthquake that devastated so much of the nation last Tuesday. It is heartbreaking that a country that has suffered through so much in its history now must endure this unimaginable disaster. My thoughts and prayers also go out to the injured and missing Americans, Haitian-Americans with families impacted by this tragedy, and families and colleagues of the United Nations personnel who lost their lives.

I would also like to applaud President Obama's quick action in sending civilian and military personnel and humanitarian resources to help in rescue and recovery, and am ready to work with my colleagues in Congress to



support the Administration's efforts. I call on all Americans to continue to show their support for the people of Haiti, whether by contributing to the Red Cross or other charitable organizations operating in Haiti, or offering products or services that may be needed.

In times of terrible suffering, the world community comes together to help those in need, and that is what we have seen in the aftermath of the Haiti earthquake. Now, we must ensure that our attention and our efforts do not waver. I thank Congresswoman LEE for her leadership in bringing this resolution to the Floor and urge all my colleagues to support it.

Mrs. MCCARTHY of New York. Madam Speaker, I rise today in support of H. Res. 1021, a resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake there.

My sincerest condolences and prayers are with the citizens of Haiti, their friends and families on Long Island and throughout the United States as well as the many American citizens who live and work in Haiti.

In times of tragedy, it is essential that we come to the aid of our neighbors. have been proud of the response by U.S. Federal, State, and local agencies that have been centrally involved with providing emergency response to Haiti. Local law enforcement and first responders throughout Long Island and New York have pledged to lend their expertise to the relief efforts. After the initial emergency has passed, it is important that we stay committed to helping Haiti onto the path towards a full recovery.

Mr. JOHNSON of Georgia. Madam Speaker, it is difficult to comprehend the depth of tragedy and sorrow that has visited the poor island of Haiti. It is difficult to convey the depth of our sympathy and shock at the catastrophe that has befallen the Haitian people.

Madam Speaker, the extent of the misery, destruction and death is nearly beyond imagination. It surely puts our own national trials and tribulations into perspective.

I am encouraged by the expression of solidarity that has sprung up across the United States. I hope that expression manifests not merely in words but in real action, real contributions, financial and otherwise, to aid our suffering Haitian brothers and sisters.

I encourage the Obama Administration to continue working closely with the United Nations and the international community to ensure that the provision of critical assistance to the most vulnerable, the grievously injured and homeless, is the top priority of aid efforts.

I encourage the American people to look with understanding and not with scorn upon the chaos that inevitably accompanies such disasters, wherever they occur.

And I pledge, on behalf of my constituents, the full power and influence of Georgia's Fourth Congressional District to the effort to relieve Haitian suffering and save Haitian lives as the toll of this disaster continues to rise.

Mrs. CAPPS. Madam Speaker, I rise in strong support of passing both H. Res. 1021 and H.R. 4462. During this time of terrible tragedy in Haiti, it is imperative that we stand with the Haitian people as they work to rescue, recover and eventually rebuild.

Haiti is the poorest, and perhaps most struggling of our neighbors in the Western

Hemisphere. Although there has been much progress with the development of a democratic parliamentary system, there is still a long way to go and this natural disaster is undoubtedly a terrible setback to Haiti's development. Sadly, many casualties of this tragedy have been humanitarian workers and peacekeepers whose work was far from completed. With that in mind, it is imperative that we keep their mission alive by supporting greater resources for further aid workers and peacekeeping forces.

Since the day the earthquake occurred, I have been touched by the outpouring of support from Americans and am pleased that Congress is able to act so swiftly to pass legislation that speeds up the tax deduction for charitable contributions for Haiti. It is yet another way for us to help those who want to help the people of Haiti through this time of tragedy.

I urge my colleagues to pass both H. Res. 1021 and H.R. 4462 and to keep the people of Haiti in our thoughts and prayers.

Ms. HIRONO. Madam Speaker, I rise today to join my colleagues to express my profound condolences to the people of Haiti in the aftermath of the devastating 7.0-magnitude earthquake that struck the nation on January 12, 2010.

I led a congressional delegation to Haiti in May 2009 to support that country's efforts to promote democracy, stability and prosperity. During that visit, I saw the many challenges Haitians face and how they meet those challenges with courage and determination.

Our delegation met with Haitian President Rene Preval at the National Palace and we also met with members of the Haitian Parliament at the Senate building. To now see photos of both of those buildings in ruins and to hear stories of members of the Senate being pulled out of the rubble has strengthened my resolve to continue to support Haiti and its people. The tragic images and on-the-ground news reports cannot but move us to action.

We also visited two Partners in Health, PIH, facilities. PIH brings modern medical care to poor communities around the world and has been working in Haiti for over 20 years. Thankfully, PIH facilities in the central plateau region of Haiti, while experiencing the strong shock of the earthquake, had no major building damage or staff or patient injuries. PIH was able to mobilize their resources and bring medical assistance and supplies to other areas of the island that have been hardest hit. None of this has been easy to do in a country where the infrastructure, subpar to begin with, was virtually destroyed. I thank PIH as well as all the other organizations and individuals for the difficult work they are doing in Haiti in the wake of this devastation.

President Barack Obama acted very quickly and decisively to send vital assistance to Haiti. The Administration's coordination of this international relief effort has been one of the largest in recent history.

Secretary of State Hillary Clinton has said that our efforts to rebuild Haiti will be a long term investment and I stand by her commitment. Our country has a special responsibility to help our neighbor move beyond the poverty, despair, and dysfunction that have plagued Haiti for far too long.

I urge my colleagues to join me in support of continued investment in the people of Haiti.

Mr. RUSH. Madam Speaker, I rise in solidarity with my colleagues in the Congressional Black Caucus in support of the people of Haiti.

Last weekend, in my district, I held a city-wide interfaith prayer service where we sought God's grace and mercy for the lives of those who were lost in last week's earthquake as well as for the survivors, the rescue workers and those who, miraculously, continue to be pulled alive from the rubble.

I strongly support the swift action, last week, by the Obama Administration to grant temporary protected status for Haitian immigrants already living in this country. I urge the Administration to continue to bring the full weight and resources of the Federal Government in support of a nation whose history intersects with that of the founding of the United States.

Haiti is a nation to whom our Nation owes an enormous debt of gratitude. It was the brave people of Haiti who tirelessly fought French aggressors, in the early 1800s, thereby preventing that nation from advancing to the shores of America in the early years after the founding of our republic.

My commitment to Haiti is to do all I can do, in our Nation's Capitol and at home in Chicago, to help restore, rebuild and strengthen Haiti. My hope and prayer is that it will emerge stronger than it was before last week's tragic turn of events.

Mr. DELAHUNT. Madam Speaker, I want to join with the American people in paying tribute to the Haitian people. Who have suffered so much. But who have proven so strong. While the world does all it can to help, it is the Haitian people, first and foremost, who are saving themselves.

I also want to honor those who have rushed to Haiti's aid from across the globe: the diplomats and aid workers, the humanitarians, the volunteers, and the members of the military—particularly the United States Coast Guard.

Last but certainly not least, I want to pay tribute to the men and women of the United Nations peacekeeping mission known as MINUSTAH. They came to a foreign land. To help give a foreign people a better life. Now many of them are dead. Or injured. Or missing.

We must ensure that their sacrifice was not in vain. We must work with the Haitian people and the world to help Haiti recover. Because doing so is not just in line with our interests. It is in keeping with our most basic and cherished values of compassion and common decency.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to support the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

With reports of up to 200,000 deaths and more than 1.5 million people left homeless, this is the worst natural disaster incurred by Haiti in more than 200 years. As the poorest and least developed country in the Western Hemisphere, it is reassuring to see the United States and the international community coming together in solidarity to help this country in its hour of need. The 7.0 earthquake has



caused upheaval for almost one-third of the Haitian population and wrecked the existing infrastructure, making roads impassable, hindering rescue/aid flights, and tainting water supplies.

The earthquake's destruction spared no nationality, no class, no age, no religion. Thousands of American volunteers and missionaries were also lost; however, due to the selflessness and quick action of first-responders, we are able to celebrate each life as survivors are found. The rescue effort has been led by rescue teams from around the world. Teams in Texas eagerly await the opportunity to deploy to Port-au-Prince and various organizations in my district have been holding fundraisers to contribute to the effort. Americans have contributed over \$200 million to major relief groups in just 7 days since this disaster, and their generosity will be important in the coming months as Haiti rebuilds its tangible resources as well as its national consciousness.

Haitian recovery from the tragic events in its capital city will require continued support from the international community, and I urge my fellow colleagues to join me in supporting the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

Mr. CARNAHAN. Madam Speaker, as Chairman of the House Foreign Affairs Subcommittee on International Organizations, Human Rights, and Oversight, I wanted to support the House Resolution which expresses condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12th, 2010.

I would like to praise the work of Meds and Food for Kids (MFK), an internationally renowned non-profit program, based in St. Louis. MFK was designated by the U.S. Agency for International Development as an official distributor of food to the malnourished people of Haiti.

It is also important to recognize and leverage the work of international organizations such as the United Nations and the World Food Program. This earthquake, which destroyed the U.N. Headquarters, has caused the greatest single loss of life in U.N. history. The U.N. Security Council voted on January 19 to send 3,500 more peacekeepers to Haiti.

President Obama announced \$100 million in additional assistance to help Haiti during this time of crisis. I want to help ensure that taxpayer resources, as well as donations given through private charities, are spent efficiently, transparently, and effectively, and are used to help those Haitians most in need.

Rebuilding efforts will take years. It is important that once this story slips from the front pages of newspapers that the international community, including the United States, is still there to lend a lending hand.

Mr. PAUL. Madam Speaker, I rise in reluctant opposition to this resolution. Certainly I am moved by the horrific destruction in Haiti and would without hesitation express condolences to those who have suffered and continue to suffer. As a medical doctor, I have through my career worked to alleviate the pain and suffering of others. Unfortunately, however, this resolution does not simply express

our condolences, but rather it commits the U.S. Government "to begin the reconstruction of Haiti" and affirms that "the recovery and long-term needs of Haiti will require a sustained commitment by the United States. . . ." I do not believe that a resolution expressing our deep regret and sorrow over this tragedy should be used to commit the United States to a "long-term" occupation of Haiti during which time the U.S. Government will provide for the reconstruction of that country.

I am concerned over the possibility of an open-ended U.S. military occupation of Haiti and this legislation does nothing to alleviate my concerns. On the contrary, when this resolution refers to the need for a long-term U.S. plan for Haiti, I see a return to the failed attempts by the Clinton and Bush Administrations to establish Haiti as an American protectorate. Already we are seeing many argue that this kind of humanitarian mission is a perfect fit for the U.S. military. I do not agree.

Certainly I would support and encourage the efforts of the American people to help the people of Haiti at this tragic time. I believe that the American people are very generous on their own and fear that a U.S. Government commitment to reconstruct Haiti may actually discourage private contributions. Madam Speaker, already we see private U.S. citizens and corporations raising millions of dollars for relief and reconstruction of Haiti. I do not believe the U.S. Government should get in the way of these laudable efforts. I do express my condolences but I unfortunately must urge my colleagues to vote against this resolution committing the United States Government to rebuild Haiti.

Mr. AL GREEN of Texas. Madam Speaker, I would like to extend my support to H. Res. 1021, which expresses condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

I would like to thank my colleague, BARBARA LEE, chairwoman of the Congressional Black Caucus, for offering this legislation and express heartfelt condolences and sympathy for the people of Haiti in the wake of this horrific natural disaster.

On January 12, 2010, a 7.0 magnitude earthquake struck the country of Haiti. An estimated 3 million people have been directly affected by the disaster in Haiti, more than 1.5 million people left homeless, and severe damage has been sustained by roads, ports, hospitals, and homes.

The challenges in helping Haiti are immense, and the U.S. and partner countries have made important contributions to the recovery efforts. I commend the Obama administration for granting Temporary Protected Status for Haitian nationals in the United States, many of whom are unable to return home due to the destruction in Haiti.

I applaud the individuals, businesses and philanthropic organizations across the United States and throughout the international community who have responded to the crisis in Haiti with an outpouring of generosity and support.

It is clear that the people of Haiti are now facing a humanitarian crisis that is unimaginable and that will take years to recover from. I support a sustained commitment to people of

Haiti and encourage innovative thinking in providing long-term assistance to the country.

I am committed to helping the Haitian people recover from this tragedy and to rebuild their homes, communities, and lives in the days, weeks and years to come.

Again, thank you to Rep. BARBARA LEE for introducing this resolution and urge all my colleagues to support H. Res. 1021.

Ms. LEE of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LEE) that the House suspend the rules and agree to the resolution, H. Res. 1021.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. LEE of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONDEMNING VIOLENT SUPPRESSION IN GUINEA

Ms. LEE of California. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1013) condemning the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1013

Whereas, on December 23, 2008, a military junta calling itself the National Council for Democracy and Development (CNDD) seized power in the Republic of Guinea hours after the death of longtime President Lansana Conté, suspended the national legislature and the constitution, and committed to hold free and fair national elections as part of a "peaceful transition" to a civilian-led government;

Whereas delays in electoral preparations and statements by CNDD leader Captain Moussa Dadis Camara that he might run for president, in contravention of earlier commitments that neither he nor any other member of the CNDD would run as a candidate in the elections, provoked increasing public discontent with the junta;

Whereas, on September 28, 2009, tens of thousands of unarmed civilians gathered at the national soccer stadium in Conakry to protest against the CNDD;

Whereas security forces responded by surrounding the stadium and opening fire with live ammunition on the crowd, reportedly killing over 150 people and injuring over 1,000;

Whereas prominent opposition leaders were then beaten and arrested by soldiers; demonstrators and opposition party members were detained without charge; and at least 60 women were brutally raped, sexually

molested, or killed by security forces, many of them in public and in full sight of their commanders;

Whereas an investigation by Human Rights Watch indicates that “the [stadium] massacre and widespread rape were organized and premeditated” and that armed forces had attempted to “hide evidence of the crimes by seizing bodies from the stadium and the city’s morgues and burying them in mass graves”;

Whereas the security forces responsible for the violence on September 28, 2009, reportedly included troops from the Presidential Guard and gendarmes working with the State Secretariat for Special Services, both of which answer directly to the presidency;

Whereas, on October 30, 2009, the United Nations Secretary-General announced the appointment of an international commission of inquiry to probe the violence of September 28, 2009;

Whereas the Economic Community of West African States (ECOWAS) has appointed President Blaise Compaoré of Burkina Faso to mediate between the CNDD, opposition parties, and civil society in an effort to break the current political impasse;

Whereas the African Union, ECOWAS, the European Union, and the United States have imposed targeted sanctions, variously including travel restrictions, financial asset freezes, and an arms embargo, on CNDD members in response to the violent crackdown and perceived CNDD resistance to a democratic transition;

Whereas while others were imposing sanctions against the CNDD, it was announced in October that the China International Fund, a Hong Kong-registered company with ties to Chinese state-owned enterprises and government agencies, has signed a \$7 billion deal with the CNDD to develop Guinea’s vast mineral resources;

Whereas the CNDD reportedly has imported millions of dollars worth of weapons since the September 28, 2009, crackdown and junta members reportedly are recruiting militias, adding a troubling and potentially explosive ethnic dimension to the crisis;

Whereas targeted political killings reportedly have been carried out in Conakry since September 2009, opposition members continue to face the threat of arrest and violent assault, and the junta has banned all public protests;

Whereas, on December 3, 2009, Captain Moussa Dadis Camara was shot in the head in an apparent assassination attempt by his aide-de-camp Lt. Aboubakar Diakite (Toumba) and flown to Morocco for treatment, prompting analysts to warn of a potential counter coup and a further deterioration of security in Guinea;

Whereas a further deterioration of the political and security situation in Guinea could have catastrophic consequences not only for Guinea, but also for neighboring Liberia and Sierra Leone, both of which only recently emerged from deadly, protracted conflicts;

Whereas Secretary of State Hillary Clinton has referred to the September 28, 2009, crackdown as “criminality of the greatest degree”, and stated that Guinea’s military leaders must recognize “that they cannot remain in power, that they must turn back to the people the right to choose their own leaders”;

Whereas, on January 6, 2010, interim junta leader General Sekouba Konate invited the opposition in Guinea to select a prime minister in advance of the formation of a transitional government and offered security guarantees to opposition leaders who had fled the country; and

Whereas, on January 15, 2010, the “Declaration Conjointe de Ouagadougou” to end the political crisis in Guinea, mediated by Burkina Faso’s President Blaise Compaoré, was signed by opposition parties and junta leaders, and supported by the International Contact Group on Guinea, provides for the establishment of a government of national unity, led by a consensus Prime Minister, and the holding of presidential elections within six months in order to reestablish the rule of law and bring peace and stability to the people of Guinea: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the violent suppression of legitimate political dissent and gross human rights abuses, including mass murder and extreme sexual violence, perpetrated by forces under the command of the National Council for Democracy and Development (CNDD) in Guinea and demands that the perpetrators of these crimes be brought to justice;

(2) expresses grave concern about the further deterioration of security and rule of law in Guinea, particularly with regard to ongoing reports of—

(A) harassment of opposition figures, members of civil society, and journalists;

(B) rising ethnic tensions;

(C) growing cleavages within the CNDD and the military which raise the potential of a violent counter coup;

(D) recruitment of militias and other irregular forces from within Guinea and neighboring countries;

(E) importation of weapons despite an arms embargo on the region; and

(F) uncertainty about the prospects for restoring civilian rule through free, fair, and transparent elections;

(3) calls on China to cease its material support for the CNDD by publicly announcing the cancellation of the China International Fund’s \$7 billion minerals and infrastructure deal in Guinea;

(4) urges all Member States of the United Nations to join the United States, the European Union (EU), the African Union (AU), and the Economic Community of West African States (ECOWAS) to impose sanctions against the regime until constitutional order and rule of law has been restored in Guinea;

(5) supports the efforts of the ECOWAS and the AU to find a resolution to the current political crisis in Guinea;

(6) urges the leaders of the CNDD, the Force Vives Coalition, and all parties in Guinea to uphold and abide by the provisions included in the “Declaration Conjointe de Ouagadougou” and to facilitate the conduct of free, fair, and transparent elections that meet international standards and reflect the will of the Guinean people; and

(7) expresses solidarity with the people of Guinea during this time of extreme uncertainty and expresses deep regret for the victims of the September 28, 2009, crackdown.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE of California. Madam Speaker, I yield the balance of my time to the Chair of the Africa and Global Health Subcommittee, the gentleman from New Jersey (Mr. PAYNE), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

I want to begin by thanking the ranking member, ILEANA ROS-LEHTINEN, for introducing this important and timely resolution. In December 2008, after the death of President Lansana Conte, a military junta seized power in the West African country of Guinea and suspended the national legislature and the constitution. The coup interrupted plans for upcoming democratic elections and threatened the fragile stability of the entire West African Mano River region, where decade-long wars in Liberia and Sierra Leone have displaced thousands of families, destroying the capacity of their governments to function. Fortunately, the Economic Community of West African States, the African Union, and the United Nations acted immediately to rebuke the coup, demand an immediate end to the violence, and a restoration of the rule of law.

After the horrific killing of 57 peaceful protesters in October, 2009, the U.S. Government, along with the Africa Union, imposed travel and financial sanctions against the junta. The swift and concerted action by the entire international community, including the United Nations, the European Union, and individual states, clearly caught the attention of the coup leader, Captain Moussa Dadis Camara and his junta. Unlike many previous African coups that were allowed to seize governmental control and consolidate military dictatorships, the Guinea coup was isolated by African States. And this is a move that—the Africa Union has decided that, in order to end military coups, they must treat rogue states with isolation.

This past weekend, Guinea’s junta leaders agreed to relinquish power to civilian rule, establish an interim government, and support the restoration of the constitution. The military leaders also agreed to appoint as prime minister the opposition leader, Jean-Marie Dore, and to prepare for new presidential elections in 6 months.

Madam Speaker, we should commend the people of Guinea for standing fast in the face of military violence and demanding a return to the rule of law,

and congratulate the international community for uniting so quickly in order to restore order in Guinea.

I urge my colleagues to support the resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume. First, I want to thank the ranking member, the gentlelady from Florida (Ms. ROS-LEHTINEN) for introducing this resolution, and I rise in strong support of H. Res. 1013, which condemns the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea.

Analysts have been warning that Guinea, an impoverished yet resource-rich country in West Africa, has been teetering on the brink of chaos for years. Throughout the 1990s, Guinea was flanked by brutal civil wars in neighboring countries. This aggravated existing ethnic tensions within Guinea and left the entire subregion awash with small arms and mercenaries for hire.

Demonstrations throughout the years 2006 and 2007 were brutally put down by military security forces, leaving hundreds dead and thousands injured. The ailing longtime president was so corrupt and unpopular that the citizens of Guinea reportedly readily embraced the military junta to replace him when he finally died in December of 2008. Unfortunately, the junta would not usher in peace. Despite initial positive signals, repeated delays in the elections and the timetable provoked increasing public discontent.

On September 28, 2009, tens of thousands of unarmed civilians gathered at the national soccer stadium to protest against the junta. Security forces responded by surrounding the stadium, blocking the exits, and opening fire with live ammunition on the crowds. In the chaos that ensued, over 150 people were killed; more than 1,000 people were injured; at least 60 women were brutally raped, sexually assaulted, or killed by security officials in plain sight of commanding officers; and prominent opposition leaders were beaten and arrested while demonstrators and opposing party members were detained without any formal charge.

Almost immediately, the United States, the European Union, and the Economic Community of West African States imposed targeted sanctions against the junta and called for the return of a civilian government. The junta then reportedly starting importing millions of dollars of weapons and recruiting ethnic militias. This prompted analysts to warn that Guinea had become a tinderbox that could blow at any time, potentially taking neighboring Liberia and Sierra Leone with it.

On December 3, 2009, junta leader Dadis was shot in the head by an aide

and was flown to Morocco, where he remained for nearly 6 weeks. In his absence, the acting junta leader announced that a transitional government would be formed and that the opposition had been invited to select a prime minister. Despite a political agreement between the junta and the opposition being signed this past weekend, the situation in Guinea remains extremely fragile. Details about the formation of a transitional government and eventual return to civilian rule remain unclear. The mere suggestion that Dadis would return to Guinea last week prompted the acting junta leader to threaten his resignation. The junta leadership and the military remain deeply divided. Ethnic militias remain well-armed.

The deterioration of security in Guinea threatens to undermine our massive investment in peace in Liberia, Sierra Leone, and the Ivory Coast. More importantly, a collapse of Guinea would create yet another pocket of opportunity for extremists and narcotraffickers who already exploit West Africa's weak institutions and vast ungoverned areas. To begin to address these issues, the ranking member, ILEANA ROS-LEHTINEN from Florida, has introduced H. Res. 1013. And this is what it does: It expresses grave concern over the deterioration of security and the rule of law in Guinea. It calls on China to cancel its \$7 billion in minerals and infrastructure deal with Guinea. It urges member states of the United Nations to join the United States, the African Union, the Economic Community of West African States, and the European Union, in imposing sanctions against the ruling junta in Guinea until constitutional order is restored. It supports regional efforts to resolve the conflict. It calls on members of the ruling junta to uphold their pledges to organize free and fair and transparent elections to restore civilian rule in Guinea. And it expresses solidarity with the people of Guinea during this time of extreme uncertainty in their lives.

I want to thank the chairman of the House Foreign Affairs Committee, Mr. BERMAN, for supporting this measure and enabling it to come to the floor today. I urge all of my colleagues to support this bipartisan, uncontroversial, and timely resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise in support of House Resolution 1013. This resolution condemns the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea. Over the past year the Republic of Guinea has experienced a complete loss of its human rights and democratic values that we cherish so dearly as Americans, and it is important that we not only condemn some of the horrific actions of the Guinean government, but also provide assistance for the reinstitution

of democratically elected leaders and for the recovery of Guinea and its people. After the death of long-time President Lansana Conte in late 2008, Moussa Dadis Camara, a captain in the Guinean Army illegitimately took over the Guinean presidency in a bloodless coup.

This action was taken unilaterally by Camara without prior consultation or petition from the Guinean people. These undemocratic actions taken by the military junta and Captain Camara are shocking and unacceptable. Shortly after taking power, Captain Camara declared his intentions of instituting free and fair democratic elections under outside pressures from the international community. Over the past several months, however, Captain Camara has consistently delayed and postponed elections.

The situation intensified last September as Guinean security forces opened fire on a group of thousands of peaceful protestors wounding thousands and killing about 150 people. I condemn in the strongest terms this atrocious violence taken against peacefully protesting unarmed civilians.

My heart goes out to the friends, families and loved ones of the victims in this brutal attack. This cruel and unwarranted attack against unarmed and peaceful demonstrators is an attack against humanity as well as the democratic principles we stand for in the U.S. I especially condemn the actions taken by certain members of the security forces and their commanders who brutally raped, molested and killed women and children on the streets of Conakry during the violent confrontation. These are human rights violations of the worst kind and I vehemently oppose both the government of Guinea in addition to the troops and complacent officers who allowed these actions to take place.

I stand behind the people of Guinea in exploring these unjust and undemocratic actions and support a full transition of the country's leadership through future democratic elections. Since the beginning of Camara's illegitimate presidency over a year ago, the economic, social and political situation in Guinea has continually declined until this past December when a former aide to Camara, Lt. Aboubakar Diakite, attempted to assassinate the president and take over the country. After being shot in the head by Diakite, President Camara was evacuated to Senegal for treatment and then to Morocco for surgery.

The tense and unstable political situation in Guinea must be reconciled between opposing forces with a full and complete return to democratic rule through free and fair elections. We must also provide the people of Guinea with the tools and potential for future growth that would change this troubled nation. The United States can assist Guinea in returning to good governance by increasing transparent and accountable trade with Guinea, by providing further humanitarian assistance contingent on government reform in Guinea, and by providing election monitors to the people of Guinea in future elections.

I also call on the international community as a whole to conduct their trade and governmental interaction with the Republic of Guinea in a strategic manner that would take into account the conditions of the Guinean people and the disorder within the Guinean government. President Camara remains in exile, and

is currently recovering in Ouagadougou, Burkina Faso after a failed assassination attempt on his life last December. Earlier this month both the president and the interim president reached an agreement which would institute a transitional government and hold presidential elections within the next six months. Though Camara and his interim president Gen. Sekouba Konate have appealed for peace and reconciliation and have urged their countrymen to put aside ethnic differences, there is still a vital need in the country for increased economic growth, improved standards of living for all people and a more transparent and just system of governance.

I urge my colleagues to support this resolution. I also ask my colleagues for their continued support of the Guinean people and ask for their continued support of a complete return to democratic rule and respect for human rights in Guinea.

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GARAMENDI). The question is on the motion offered by the gentlewoman from California (Ms. LEE) that the House suspend the rules and agree to the resolution, H. Res. 1013, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1615

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### TEAR DOWN THESE WALLS OF SECRECY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, in the deep, dark dungeons of this Capitol, the government trolls are writing bills behind closed doors. Their aim has always been to take away our liberty one step at a time. It's what bureaucrats do. They look for ways to grow and take over more of our lives to justify their existence. So these elite government trolls think they know better how to run our lives than we do, and they keep their bills in secret so we, the people, won't know what's in them until it's too late, until the legislation is forced upon an unwilling, misinformed people.

It has been decades since freedom and liberty faced a full frontal assault from a single piece of legislation, a bill that is so damaging in scope that by its pas-

sage, American freedom and American health will be sacrificed on the altar of more government control. Of course I'm talking about the universal government takeover of health care. This is the most important piece of legislation in modern history, and we were promised—we were promised that we in this House, we would have transparency. We would see what is taking place.

The administration promised us that transparency. In fact, the administration invited interested parties in health care to the White House to discuss health care. Of course, for some reason I wasn't on that invitation list because I'm always willing to discuss my position and the position of the people I represent. We were promised that cameras would film the transparency, cameras like C-SPAN, cameras like the ones here in the House of Representatives, down the hallway in the U.S. Senate so the American people can see what takes place. I believe in cameras so that the American public can see what happens in our Republic.

When I was a judge back in Texas, I was one of the first judges to allow cameras into the courtroom so the American people could see what took place in a criminal trial. I've offered legislation to have cameras in the United States Supreme Court, in their hearings, so the most important, most powerful Court in the United States and in the world, the people can see what takes place over there. Of course, that legislation hasn't gone anywhere.

And C-SPAN, what do they do? Well, they're not a news organization in the sense that they have commentators. They just film what takes place, and the American public decides. C-SPAN wants to film what is taking place somewhere in the dungeons of this Capitol where the trolls are writing yet another health care bill.

You know, Mr. Speaker, health care is more than about just government control of health care. It's about government control of our lives. It's more about government raising taxes, more government spending, more borrowing from the Chinese and from the Japanese and more oppression. A government takeover of health care is unhealthy, and it's not going to make the American health better. It's going to make the individual health of the American people actually worse, given that the government control over health and health care is not compatible with liberty.

Mr. Speaker, if we love the competence of FEMA and the efficiency of the post office and the compassion of the IRS, we're going to love nationalized health care. Allowing our rulers to construct these bills in secret is exactly how they will bring about these liberty-killing laws.

Patrick Henry, one of my heroes, said, "The liberties of a people never were, nor ever will be secure when the

transactions of their rulers may be concealed from them. Let me repeat that: "The liberties of a people never were, nor ever will be secure when the transactions of their rulers may be concealed from them." And that's exactly what's taking place in this third health care bill that is supposedly being written by Members of the Senate and Members of the House somewhere in this Capitol.

When rulers plot against the people in secret, it makes it hard for the people to fight back because they really don't know what's going on. But, Mr. Speaker, the people are fighting back. They are fighting back with ballots and not bullets. That was proven yesterday in Massachusetts. The way things are running in Washington, D.C., these days, the proof is purposely hidden from the people. And the question is why. Why can't the people see through C-SPAN what is taking place behind closed doors? Because it's giving power to government and not to the people. And that's why we're not being allowed to see what's taking place.

It's about changing the phrase "We the People" to "We the Subjects." And that's why We, the People, aren't allowed to see what's taking place behind these closed doors in secret. So much for transparency. Spending, taxing, regulating and borrowing, that's what's taking place. There is nothing more these days that the taxocrats won't try to tax or regulate.

Ronald Reagan once said, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream . . . It must be fought for, protected and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was like once in the United States where men were free."

Legislation, Mr. Speaker, especially the most important in recent years, health care, should be done openly, openly so we can see what's taking place. So I say, open up the steel gates, quit hiding the facts from the citizens. Mr. President, open the gates of transparency and openness. And, Mr. President, tear down these walls of secrecy.

And that's just the way it is.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

#### WALL STREET POLICE LINEUP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the first hearing of the Financial Crisis Inquiry

Commission was held last week, and the four biggest bank chief executive officers were brought in for questioning, from Goldman Sachs, JPMorgan Chase, Bank of America and Morgan Stanley. The American people expect these men to be held accountable for what their banks did to our country. They came away with no sweat on their brow.

The bankers in the photo are, from left to right, Lloyd C. Blankfein of Goldman Sachs who says he's been doing God's work. He has been showering himself just since 2006 with \$157.3 million in compensation. I often ask myself, What do they do with all that money? Jamie Dimon, next to him, of JPMorgan Chase last year officially took home \$19.7 million on top of \$95.7 million he raked in from 2005 to 2007. That brings him in at \$115.4 million. John J. Mack of Morgan Stanley paid himself \$78.9 million over the last 5 years, and Brian T. Moynihan of Bank of America is new to his position at that bank, but he pocketed \$10 million in 2007 when serving as president of the Global Corporate and Investment Banking at the Bank of America. Can you imagine what he'll make now?

As they took America to the cleaners, the average worker in our country hasn't had a real wage increase in over a decade, much less a real increase in buying power. Meanwhile, Americans are being made to feel like they can't enter this debate because lots of fog is being generated by fancy terms that these bankers use, like basis points or collateralized debt obligations or securitization. And I'll tell you what, Americans might not know what those words mean, but they can recognize a lineup when they see one.

The average person often is cowered by the world of finance and turns away in fear and confusion. They can't see a path forward for our country, which they love so very much. And they are very worried. Congress must provide the clarity of that path forward to not only hold these bankers accountable but to get the administration to act to save people's homes and communities. The administration's current plan to fix the foreclosure crisis has been a dud. It is a dud because it has not addressed the root cause of the collapse. It continues. The wrongdoers, they aren't good at risk at all, but they're putting economic recovery at risk across this Nation as more people fall into foreclosure.

According to an analysis done by the Associated Press, almost a year later, only a handful, a fraction, of the 4 million Americans and counting, who have been foreclosed, have been able to complete Treasury's application process to try to rework their mortgage. Some might call that approach "doomed to fail."

With a national unemployment rate of over 10 percent, people are not get-

ting the economic change they want. The current approach to the economy here in Washington is failing millions and millions of our citizens every day. People's financial futures are ruined. Their futures aren't ruined; they're getting rewarded. Our people are getting hurt by unemployment, home foreclosures and personal bankruptcies. They're not going bankrupt. Their banks didn't go bankrupt. We bailed them out. I didn't vote for that, but a majority of people in here did.

RealtyTrac Inc. reported last week that in 2009 a record 2.8 million households were threatened with foreclosure, which is up, not down, more than 20 percent since 2008. The more borrowers who can't be helped, the more foreclosed properties will be on the market across this country. Tragically, RealtyTrac expects another record number of homes to be threatened with foreclosure this year. This is not acceptable in America.

The administration's foreclosure prevention plan says it's going to help borrowers in financial trouble by making their payments more affordable and extending the repayment period. However, out of the millions and millions of people being affected across this country, just 7 percent of those who have signed up have completed the Treasury Department's program to try to rework these loans; and more than 49,000, or just 5 percent, have dropped out of the program entirely. Thousands more remain in limbo. But the biggest bank in the program, Bank of America, has completed modifications for fewer than 2 percent of the 200,000 borrowers they claim to enroll. Its big-bank buddies are in the same boat when it comes to modifying our people's mortgages. The people paying their bills and paying for their salaries aren't having their mortgages reworked. What's just about that?

In fact, it's clear, Wall Street bankers have no interest in modifying mortgages. They are making millions off other people's misery, and that's just fine with them. This Nation needs a national foreclosure prevention program that compels these bankers to act, not nicely request their assistance. As they conspire to avoid the consequences of their actions, here are two key findings by the Center for Public Integrity. At least 21 of the top 25 subprime lenders were financed by these same banks that received the bailout money through direct ownership, credit agreements or huge purchases of loans for securitization. They're all tied together.

And 21 of the top 25 subprime lenders have closed, stopped lending or been sold to avoid bankruptcy. Most were nonbank lenders. They didn't go bankrupt. They're letting the American people go bankrupt. Bailed out, getting bigger and bigger, they now have over 40 percent of the deposits in this coun-

try. These four banks plus one more. Think about that. What's happening to our country? And they're not being held responsible. Say, that's not bad work if you can get it.

Wall Street bankers create these unsavory schemes, reap huge profits from our people and advantage their companies while driving our economy, home prices, and the Nation's housing stock and the American people into the ground.

My colleagues, take a look at this lineup. Isn't it over time for Congress to finally hold Wall Street accountable?

#### DEPARTMENT OF NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, 8 years ago I introduced a bill that would rename the Department of the Navy to be known as the Department of the Navy and Marine Corps. This bill has passed the House for 8 years in what is called the armed services bill. It has been supported by the former Armed Services chairman, Duncan Hunter, and is now being supported by the current chairman of the Armed Services Committee, IKE SKELTON.

For 8 years, the Senate has said "no" to the Marine Corps, that you do not deserve this recognition. Mr. Speaker, I think that's very sad. This year I am pleased to say to the House that with the help of 362 House Members who have joined me in legislation to rename this Department to be known as the Department of Navy and Marine Corps, and with the help of Chairman IKE SKELTON, we are hoping to send this bill to the Senate and let the Senate debate and think about the importance of honoring one fighting team.

Whenever we've held hearings on the Armed Services Committee, the CNO of the Navy, an admiral, and the commandant of the Marine Corps are there together saying, We're one fighting team. Well, if you're one fighting team, why don't you do what the Navy football team does, and that is to say, You both are recognized.

Mr. Speaker, I want to hold up a jersey from the Navy football team that I received, and this is the jersey of this year's team. I want to congratulate the team. They've had an excellent season. They've won a bowl, and I am very proud of them. On the left sleeve of the jersey is the Marine emblem, and on the right sleeve of the jersey is an anchor.

□ 1630

They understand at Annapolis that they are one fighting team, in this case a football team.

Mr. Speaker, a couple of other points I would like to make before closing.

There are many medals that are named Navy and Marine Corps, such as Navy and Marine Corps Medal, Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, Navy and Marine Corps Good Conduct Medal, Navy and Marine Corps Expeditionary Medal, and Navy and Marine Corps Recruiting Service Ribbon.

And, Mr. Speaker, in 1959, the football field at Annapolis went from being known as the Navy Memorial Stadium to the Navy and Marine Corps Memorial Stadium.

Mr. Speaker, on a very serious note why this is so important, it is not only symbolism, but I am showing to my left an actual letter that was sent to the wife of a Marine captain who was killed in Iraq. This is a duplication of the letter. It says: The Secretary of the Navy, Washington, D.C., Navy flag extends its condolences to the marine's wife. If this becomes law, Mr. Speaker, what the condolence letter would then say, the Secretary of the Navy and Marine Corps, Navy flag and Marine flag extends its condolences.

It is time that the Senate follows the House and let's do what is right for the Marine Corps and give them the proper respect. Let's make them part of the family and part of one fighting team, the Navy and Marine Corps.

God bless our men and women in uniform; God bless their families; God bless the families who have lost loved ones in Afghanistan and Iraq; and may God continue to bless America.

#### REMEMBERING DARLA SMALLWOOD-WRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida and myself, I rise today to remember and honor the life of someone very dear to me, my congressional office, and so many people here in the Washington, D.C. area, as well as many, many people of the Third Congressional District of Florida: my scheduler, office manager, and executive assistant, Mrs. Darla Smallwood-Wran, who passed away from breast cancer this morning.

When I came to Washington and hired the scheduler of my predecessor, Congressman Charlie Bennett, I thought at the time she was overpaid. Quickly, however, I began to realize that there was no dollar amount that could be placed on the value of Darla. A scheduler, office manager, I discovered very quickly is the foundation of an effective congressional office. And Darla, with her strong, persistent personality, her organizational skills, dotting every "i" and crossing every "t," she never missed a beat. For 17 years,

Darla was the face of my Washington office.

I want to say to her family, her father who is a police officer here, her mother and sisters and her loving husband, we love her, we can't replace her, and we will deeply, deeply miss her.

As many times as I would have to change my flights, as often as the vote schedule changed, as frequently as meetings had to be coordinated, updated, rearranged, Darla was ever dependable, and always cool-headed, making everyone feel that the situation was always under control, even as my other staffers nervously buzzed in and out of the room.

Everyone who came in knew her, and certainly knew not to lean on her desk, touch the plants on her desk or worse than anything, interrupt her if she was on a call. I think everyone would agree that Darla was loved, and respected, by everyone who came into contact with her.

Her unmistakable smile, witty sense of humor and love of life blew fresh air and positive energy into the office.

My heart and prayers go out to Darla and to her family, in particular her mother and father, her brother, his wife and daughter, sister, and her loving husband Channing.

You are irreplaceable Darla, and you will be deeply missed.

In addition, I want to say that I am in support of the Haitian resolution before the House. I have always said to whom God has given much, much is expected. My thoughts and prayers go out to the people of the island of Haiti and to the Haitian community who live here in the United States and around the world. The loss of life and destruction of property in Haiti is unthinkable.

I want to thank the ministers, the business community, the organizations that have organized in our community, the Third Congressional District. We have seven tractor-trailers that will be going to Haiti filled with water, baby formula, dry cereal, blankets, tents, and sleeping bags. I want to say that the Royal Caribbean cruise line is carrying those goods over free of cost. I am very encouraged how the community is coming together to help the people of Haiti, and I can truly say, if you are interested in being helpful, go to the Web site and see how you can also participate.

In closing, I really do believe to whom God has given much, much is expected.

#### FREE COMPETITION IN CURRENCY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise at this time to talk about a piece of legislation that I have recently introduced. That legislation is H.R. 4248. It is called the Free Competition in Currency Act. I believe long term this is a

piece of legislation that will play an important role in the monetary reform that will be a necessity if we continue to do what we have been doing with our economy and our financial system.

We are in the middle of a financial crisis today. Some people think we have turned a corner, but, quite frankly, I do not believe that has occurred. Recently, though, we have just had the opening bells of an inquiry into what the cause of the crisis has been. It is the Financial Crisis Inquiry Commission. It is a take-off of the Pecora Commission that was established in the 1930s to figure out why the crash occurred then. Of course, that commission met and talked to people. They tried to figure out what was the matter. And from my viewpoint, they came down with all of the wrong conclusions. They said that the Federal Reserve was involved, that the Federal Reserve didn't print enough money fast enough and they didn't have a big enough bailout package and they needed a lot more regulation.

So they did all of those things for the first time in our history, under the two administrations, the Hoover and the Roosevelt administrations, and they prolonged the Depression. They took a 1-year depression/recession and turned it into a 15-year depression.

So I believe what we are going through right now is the same old song and dance. We are doing the same thing again. We have this new inquiry, and the members of the commission are people who didn't see it coming, didn't explain it, and didn't anticipate it. And the people who are coming before the commission, as far as I can see so far, had no anticipation or are acting surprised that the crisis came and that there was a bubble. So I can hardly see any good results coming from this.

My position over the many years has been that the Federal Reserve is a dangerous organization because it creates the bubble. Our country would be better off with a strong central bank like the Federal Reserve. I argue from a moral, economic, and a constitutional viewpoint that it has no right to exist and it is very dangerous to us.

I am very pleased, though, that one of the pieces of legislation I introduced, H.R. 1207, to audit the Federal Reserve, has met with a large amount of support. We have 316 cosponsors of that bill, and I think that is a major step in the right direction, looking to the Federal Reserve for the cause of our problem: the easy money system, the easy credit, the fixing of interest rates too low.

Now, the reason I am addressing this is because I believe the correction has a long way to run and that eventually we will have to have monetary reform. Now, in spite of my position being that we don't need the Federal Reserve, I am not in favor of closing the Federal Reserve down in one day or two. But I



do believe the monetary system will close down this government and the monetary system and the Federal Reserve and a lot of other things if we continue on our profligate ways of spending and borrowing and inflating the currency and regulating the currency, and this will get much worse until we have a total collapse of the system.

So my bill, what it does is it introduces competition, competition in currencies. The Federal Reserve system and the dollar standard is run by a cartel, a monopoly. They don't allow competition because they know that they can't compete. Just as we have competition in the post office with FedEx and UPS, I think that the Federal Reserve deserves a little competition. The public school system has competition with private schools and it has competition with home schooling. There is no reason in the world that we can't enforce the Constitution, legalize the Constitution and say that we can have competitions in currencies, but there are three major things that we must do to do that, and the bill does this. We repeal legal tender laws and remove the monopoly control of the Federal Reserve. We legalize private mints so mints can mint coins, and they will be controlled by fraud laws and anticounterfeit laws.

Today, our government commits fraud and counterfeit by printing money at will. If a private organization did that, they would be imprisoned for the fraud they are causing.

But the other important reform that would have to occur for money to circulate and compete against the monopoly control of the Federal Reserve would be to take taxes off money. The Constitution says only gold and silver can be money, only that can be legal tender, so you can't tax it and allow it to be competitive.

So these things could occur, and if nobody wanted to use it they wouldn't have to and everybody could be happy with the Federal Reserve. But if the conditions get so chaotic and the people are looking for an alternative, they can go and start operating in another currency.

So this to me could provide a smooth transition. It would not be chaotic. It would be legalized in the Constitution. It would be good, sound economics; and, eventually, the most important thing it would do, it would restrain the spending of this Congress, because as long as you have a Federal Reserve over there willing to print up the money any time we spend more money that we don't have and we can't borrow, then the Federal Reserve will accommodate us. Therefore, I argue the case for competition in currency and strictly limit it in government.

#### STUPAK-PITTS AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, last month I wrote Speaker PELOSI and insisted that the Stupak-Pitts amendment be preserved in any final version of health care reform legislation. The Stupak-Pitts amendment would maintain the current policy of preventing Federal funds, taxpayer dollars, from paying for elective abortion. This question is even more crucial after passage of H.R. 3590, the Senate health care bill, which allows Federal funds to subsidize elective abortion. Unfortunately, the Speaker has yet to respond to my inquiry.

So this week, the same week as the annual March for Life in Washington, the gentleman from Oregon (Mr. WALDEN) and I are again sending a request to the Speaker: Madam Speaker, please respond to our request for information regarding your intentions on the Stupak-Pitts amendment in health care reform negotiations. We continue to insist that you keep the exact language of that amendment which passed this House by a wide, bipartisan margin in any final version of health care legislation. Please do not ignore the voice of the American people or their Representatives on this very important issue.

#### DIFFERENT FEDERAL APPROACH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I would like to begin by offering the congratulations of myself and many others to Senator-elect SCOTT BROWN of Massachusetts who had a very exciting victory yesterday. And I know that he will be a good Senator for the people of that State, but his victory means so much more to so many more people, not only the people of Massachusetts who are very excited today, but also people all across the country because they viewed the election of Senator BROWN as an opportunity to send a message to this government, to this Congress, and to say to the Speaker of the House and the majority leader in the Senate and others that we need to take a different approach to health care reform and to the general direction of our Federal Government with regard to the out-of-control spending that we are experiencing here in Washington: last year's Federal deficit of \$1.4 trillion and another \$1.2 trillion projected for this year; in fact, for each year as far as the eye can see, deficits exceeding \$600 billion a year as far out as we project them, 10 years from now.

□ 1645

At no time does this Congress offer a budget to the American people that would give them hope that we are going to get this problem under control. Instead, they have offered health care legislation that costs another, oh, some would say \$800 billion. But the reality is that over 10 years the real cost of this legislation is more like \$2 trillion-plus when you add in the fact that the taxes begin on this legislation sooner than the benefits begin.

And cuts in Medicare are unreal at a time when we are going to see a dramatic increase in the number of people in this country who are eligible for Medicare, as the baby boomers start retiring this year, 2010, those born after World War II start retiring this year, and the number of people who are on Medicare and eligible for Medicare is going to skyrocket.

With all of this going on, the message to this Congress, to the Democratic leadership in this Congress is you need to change course, change direction, and make sure that you are reflecting the will of the American people. But instead, the leadership doesn't get that message. Even today, as Senator-elect BROWN prepares to come down here to be sworn into the United States Senate sometime in the next few days, the White House and Democratic Congressional leaders have once again retreated behind closed doors to make deals and finalize a single version of their government takeover of health care. That is not what the American people want.

Speaker PELOSI said today, in response to the election results, "Clearly the election results last night spell out that we have not been as clear about our deficit reduction measures. And that will change." But the American people want to know what deficit reduction measures is she talking about when she continues, along with the other Democratic leaders here in the House and in the Senate and at the White House, to plot the expenditure of \$2 trillion or more in additional expenditures over the next 10 years for a health care bill that robs Medicare recipients, that increases taxes, and will cost American jobs, that will do a whole host of things to regulate Americans' lives and how they will receive their health insurance, including mandating that they have to purchase health insurance whether or not they feel they want to, and telling them pretty much what that insurance is that they are going to have to purchase because of the fact that this health insurance will be regulated by a Federal Government health insurance commissioner, one of the more than 140 new Federal Government agencies and programs included under consideration in the bill that they are planning to try to move forward.

That is simply not what the American people are looking for. They want



responsible leadership. They want a bipartisan effort to deal with this challenge of rising costs of health insurance and health care. And they want bipartisan, responsible leadership in looking to ways to make health insurance and health care available to more people.

The legislation they are considering doesn't do that. Instead, it busts the budget of our country. Yesterday's election results in Massachusetts calls for a new direction in health care and in that debate. Many believe the election of Senator SCOTT BROWN lessens the likelihood of passage of the current proposal that has been crafted by Democratic leadership. If this is indeed the case, Democrats and Republicans must work together toward health care reform that reduces costs and expands insurance coverage without reducing costs or adding to the national debt, rationing care, or putting the Federal Government between the patient and their doctor.

One such bill to consider is H.R. 3970, the Medical Rights and Reform Act, of which I am a cosponsor. The Medical Rights and Reform Act includes fiscally responsible health care reforms like medical liability reform, small business insurance pooling, and letting families and businesses buy insurance across state lines. These are ideas at that have strong bipartisan support, but have been absent from the bicameral health care negotiations. Most important, the Medical Rights and Reform Act is fiscally responsible. This alternative does not raise taxes, cut Medicare, or add to the deficit. And it lowers health care costs.

This Congress already gave us a \$1.8 trillion debt. America cannot afford to spend another trillion dollars or \$2 trillion as proposed by the majority, and our families cannot afford to put life and death decisions in the hands of bureaucrats.

Mr. Speaker, resetting the health care debate and working together in an open and transparent way would help Washington regain the public's trust.

#### DEFICIT COMMISSION BY EXECUTIVE ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Today the press, Mr. Speaker, is reporting that a backroom deal has been cut with Democratic leadership to create a deficit cutting commission by executive order. I oppose this effort, and so will the American people.

In light of this news, the remarks that Representative LAMAR SMITH of Texas made on the House floor this morning ring truer and more urgent than ever. Representative SMITH offered a series of lessons to be learned

from yesterday's special Senate election in Massachusetts. He said all true reform starts with the voice of the people. The people will not have a choice in a deficit commission established by executive order. He also said common sense trumps partisanship. A commission through executive order negotiated by one party is the height of partisanship. He also said voters can exercise real independence. Where is the voice of the people in a process that will not go beyond the Beltway?

Mr. SMITH correctly noted that one-party control leads to arrogance. We are seeing today an arrogance of power on a party that forecloses the minority from a seat at the table. To be fair, the Republicans in the majority were arrogant at times. And Mr. SMITH concluded that we should be listening to the people, not defying them. The people of Massachusetts spoke yesterday. They proved that when the people get mad enough, anything is possible, even in Massachusetts. Lawmakers in Congress on both sides of the aisle would be wise to hear that message loud and clear, yet the Obama administration doesn't seem to be listening.

There are a number of serious problems being exposed as details of the administration's executive order commission are revealed. Any commission should be authentically bipartisan, passed by the Congress. Press reports indicate that instead of putting every spending program and tax policy on the table, discretionary spending would be exempt. How can we have an honest conversation about the Nation's financial health without looking at discretionary funds that accounted for more than 33 percent of Federal spending in '09?

The \$447 billion omnibus appropriations bill that was considered by Congress and signed into law in December corresponded with the Democrats' budget blueprint that increased non-defense discretionary spending by 12 percent over the previous year. When all appropriations spending is combined, the Democratic majority will have increased nondefense, non-veterans discretionary spending by 85 percent over the last 2 fiscal years. The American household has certainly not seen their income rise by 85 percent in recent years.

Simply put, discretionary spending, with the spending set by annual appropriations levels of Congress, matter. A deficit reduction commission that is barred from looking at one-third of the Federal budget is a fig leaf. The bipartisan commission process I have talked about for nearly 4 years puts everything, entitlements, tax policy, discretionary spending, everything on the table for discussion by the commission members.

Moreover, the American people will be cut out of the process under the President's plan. The SAFE Commis-

sion plan I have advocated for includes legitimate public engagement, mandating public town hall-style meetings. But under President Obama's plan the public voice will be nonexistent. There will be no input from the hardworking taxpayers in our communities. This is not the right way to form public policy.

Perhaps the most glaring sleight of hand, one I believe the American people will recognize and refute, is that the Democratic leadership intends to bring the commission recommendations up for a vote in Congress, but only after the mid-term elections and before the new Congress begins in 2011. It would be a lame duck vote.

Lawmakers who are retiring or get defeated could vote on a set of recommendations with regard to entitlement spending and tax policy, but never be held accountable by the American people. Is it right for outgoing Members of Congress to consider proposals that could affect every single American knowing that days and weeks later they would no longer be answerable to the voters of the district they once represented?

Between the Democrats and Republicans in both chambers, over 30 Members have already announced they are retiring or running for another office, and this number will grow. During the lame duck session, some outgoing Members may already be looking for new jobs, which could well be lobbying special interest groups and other stakeholders that have a vested interest in the outcome of the vote on the commission's recommendations. Yet the Obama administration is setting up a process that would allow these outgoing lawmakers to vote on the commission's recommendations and run the risk of blurring the lines between what is best for the American people and best for their future employer.

Any recommendation put forward should be considered by the newly elected Congress, which would have to publicly stand by their vote on the commission's recommendation. This Congress has run up the country's credit card to a point of no return, and now the administration wants to be able to tout a bipartisan solution to spending for political cover to survive the upcoming elections.

A commission through executive order is political gamesmanship. It is a blatant effort by the administration to find political cover after advocating for the \$787 billion economic stimulus, supporting health care reform being negotiated behind closed doors that could cost a trillion, and pushing other budget breakers that are wildly unpopular in the eyes of the American people.

In closing, the American people understand the depth of our financial problems. They recognize the spending gorge that Congress has embarked on since the Obama administration began,

and they will not be fooled about by a fig leaf commission established by executive order. Just ask the people of Massachusetts.

#### MARCH FOR LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of the March for Life, which will take place this Friday, January 22nd. It marks the 37th anniversary of the Supreme Court decision in *Roe v. Wade*. I will head to the march on Friday with the knowledge that abortions in this country are declining: 1.21 million a year in 2005, the latest reliable figures available show, compared to 1.36 million some 10 years ago.

But hundreds of thousands of pilgrims will be here to deliver one message: There is a right to life. It is an integral part of the Declaration of Independence so painstakingly penned by our Founding Fathers.

Busloads of those marchers of all stripes will be from my district in Pennsylvania. They will be leaving home at very early hours that morning, and actually the night before to get here to stand for that cause, to stand for life. And they will be joining the gathering of pro-life Americans to march down Constitution until they reach the steps of the Supreme Court.

Abortion has been a part of the health care debate, and may still keep current bills from passing. No taxpayer should be forced to pay for abortions in this country. That policy has been reaffirmed many times by this Congress, and should not be changed for the current circumstances. And I ask my colleagues to join in this march on Friday, and to help celebrate the gift of life.

On December 2, 2009, I joined 39 of my House colleagues in sending Speaker PELOSI a letter regarding a prohibition on the government funding of abortion in the final version of the health care legislation.

□ 1700

A significant majority of Americans, both those that identify themselves as pro-life and pro-choice, are opposed to the government funding of abortions.

The Senate-passed health care bill, H.R. 1362, would require Federal funds to subsidize elective abortion. This plan differs greatly from the House version that maintains the current policy of preventing the Federal funding of abortion and for funding of health care benefit packages that include abortion.

Mr. Speaker, any health care reform proposals that this Chamber agrees to must always place a high value on protecting innocent life. These provisions

should include the language found within the Stupak-Pitts amendment, which passed this Chamber by a wide bipartisan margin of 240-194.

Mr. Speaker, as we take up any health care, let us preserve the Founders' dedication to the principle of life.

#### DESECRATING DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, I never thought I would live to see the day when a commentator entrusted by a major broadcast network with the ability to reach millions of listeners would use his influence to incite voter fraud, but I'm afraid this week we passed that unfortunate milestone.

On Friday, January 15, MSNBC commentator Ed Schultz told his nationally syndicated radio audience, I tell you what, if I lived in Massachusetts I'd try to vote 10 times. I don't know if they'd let me or not, but I'd try to. Yeah, that's right. I'd cheat to keep these bastards out. I would.

Now, this could be dismissed as an unfortunate verbal excess brought on by the passion of the moment, except for the fact that when given the opportunity to retract the statement, Mr. Schultz embellished it in a way that makes it crystal clear that his words were deliberate and calculated. He said, I misspoke on Friday. I'm sorry. I'm sorry. I meant to say, if I could vote 20 times, that's what I'd do.

Later he said, Let me be very clear, I'm not advocating voter fraud, I'm just telling you what I would do. Now, Mr. Speaker, exactly how does one not advocate voter fraud when three times on national broadcasts you say that's what you would do?

Mr. Speaker, this can only be interpreted as an incitement to commit voter fraud in a pivotal election in the course of our Nation. As such, it strikes at the very foundation of democratic traditions and our constitutional institutions. In every election, win, lose or draw, it is of utmost importance that the vote be fair, that it be accurate, and that it have the confidence of every citizen, both those in the majority as well as those in the minority. If we cannot trust the sanctity of the vote, we destroy the legitimacy of that vote—and with it the legitimacy of that government.

All of our governing institutions and all of their acts rest about a single foundation—fair and free elections which guarantee that those who exercise authority under our Constitution do so deriving their just powers from the consent of the governed. It is this principle that Mr. Schultz has sought to desecrate and demean. His statements excusing voter fraud weaken the single most important mechanism of

our democracy and undermine our form of government. His words deserve—indeed, they demand—the contempt and condemnation of every American. And they deserve immediate action by those who have accorded him his broadcast platforms and whose silence and inaction thus far can only be described as a disgrace.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Good afternoon. Once again, we find ourselves here on the floor of the U.S. Congress and the subject before us, in spite of various events that have been of great interest to people yesterday—I'm thinking of the election of Massachusetts—still remains the question of health care.

There is discussion with the new political realignments that it may be that the House will take up and just pass the bill that was passed by the Senate. That is one possibility, which then of course would require the bill not to have to go back to the Senate.

And so we come back to this question of health care in America, something that has a lot of people's attention. It's not the top priority I think for many people. I think many people are worried about unemployment, they're worried about the economy, they're worried about excessive government spending, they're worried about terrorism and national security. But underneath those, perhaps, there is still some concern about health care, but particularly a fear that in an attempt to try to solve a problem we may make a bad situation worse. Indeed, when government does too much, we have found that we sometimes get some very bad side effects—inferior quality, inefficient allocation of goods, bureaucratic rationing, and of course excessive expenses.

Now, if health care is expensive now, just wait until it's free, some have said. We were promised by our President, Here's what you need to know: First, I will not sign a plan that adds one dime to our deficits either now or in the future. Sounds pretty definitive. It sounds like he says, hey, I understand about the deficit, I understand about the debt, I understand about excessive spending, and I am not going to add one dime to our deficit.

Well, the bill that's being proposed does not add a dime, so I guess technically this statement is correct. It adds, rather, either one or several trillion dollars. That may be a whole lot worse than the dime. So this particular statement, along with some others that we've heard, is not really precise in terms of what has been proposed,

particularly the Senate and the House versions that we have seen.

In order to try to put a package together, there have been some compromises made, as tends to happen when you're writing large and complex pieces of legislation. This protects insurance companies in kind of an odd way. The legislation that is being considered in the Senate preserves the legal immunity of large insurance companies in the event of negligence or any other wrongful action even if their action results in injury or death of a patient.

Now, this is the language that's in the bill. What does that really mean? What it means is something that I think most Americans consider to be very undesirable, and that is, you walk in and you feel sick and you go see your doctor. You trust your doctor, you've known your doctor for some period of time, and so you have the doctor take a look. He runs some tests and he says, well, now, Congressman AKIN, this is the news: You've got this, this, and this, and I recommend we do this. And you check with him, ask a bunch of questions and say good, that seems like a good course of action.

Now, here's where the train comes off the tracks. Your insurance company says, but we don't really think that's necessary, we're not that concerned about you, Congressman AKIN. And your doctor, well, you know, he's probably being pretty cautious, but he's also being pretty expensive. And so we're going to say you really don't need to go to the hospital for this, we're going to recommend you just stay home for a while and take some aspirin and see what develops. Now, that's what we call something or somebody getting in the way of the doctor-patient relationship.

In this country, we have gotten spoiled. We have enjoyed contact with our doctors. We have enjoyed the process of getting to know the doctors and trusting them and soliciting their opinion. At times, we get multiple opinions from different doctors just to make sure. But we don't want some insurance company coming between the patient and the doctor; that's pretty bad when that happens. What's worse is when the government comes between you and your doctor. That's what a full-born socialized medicine bill will do.

This bill here says that these insurance companies can basically second-guess the doctors, and if things go wrong, guess what? They have no liability. Is that what we want in health care reform? I don't think so. Doctors can be sued if they make a bad diagnosis, but not insurance companies, even when they get in between the patient and the doctor. Is that something we want in a health care bill? I don't think so. And that's one of the reasons why a lot of Americans don't want this

massive government takeover to pass, because it has these little loopholes like this in it. I don't think many of you would have known that that was in the bill, and yet it is.

There are also some other problems. We have a bill, when you start to get thousands of pages of legislation, there is a lot of room for mistakes and an awful lot of creation of bureaucracy. I don't know what the latest version of this is because a lot of this is negotiated behind closed doors, but we're talking about close to a 2,000-page bill passed with I don't know how many hours of public review—72 hours would be nice, I'm not so sure we'll have that. We have not had that on other major pieces of legislation.

This particular bill creates 118 new boards—that sounds like some bureaucracy, doesn't it—commissions and programs full of new mandates. One of the things in legislation that people who are legislators pay attention to is how many "you musts" and "you shalls" and "you've got to's" there are in a bill. This one contains the word "shall" 3,425 times. Obviously somebody has very strong opinions about what other Americans ought to do, and they're going to mandate it. And so you have here quite a large bill, many, many pages, 3,425 "shalls," 118 new boards.

We tried to draw a picture of what that would look like. Now, you know they say a picture is worth a thousand words. I don't know if this picture is worth 1,000 or 2,000 pages, but this is an attempt at drawing a picture of what we've got. And the more you look at it, the more you look at all these colored boxes, which are some of the new agencies and all, it starts to look more and more like some sort of a maze. And you kind of wonder whether what's going on is, the consumers or people who are sick are somehow trying to get across this maze to find their doctor. It's almost like something you would be given at a restaurant with a Crayon, and you're supposed to plot the path, if you're a patient, to somehow get over to see the doctor. But this is the kind of complexity that is being created by what has been proposed over the last 7 or 8 months by the Democrats.

The reason this is so complicated is because of the overall strategic approach that health care started, and that was the idea that we're going to take what we have and pretty much pitch it, and we're going to redesign the whole thing and put the government in charge of it. So we're not going to go in and fix this or that that's broken; we're going to basically scrap it and start over.

Consequently, the result is a very complicated piece of legislation for the government to try to take over what is essentially close to one-fifth of the U.S. economy.

So that's one of the things that people are concerned with and one of the

reasons why, not so much based on political party, but just based on good old American commonsense, there is a concern for the complexity and of course the cost associated with that complexity.

We don't like mandates a whole lot. Americans tend to be a little bit free-wheeling, and they're not too much into following all the dots and titles and all the little nuances of laws and rules. Americans like to have some freedom, a little bit of elbow room, a little flexibility. So when we're talking about the mandate, we're saying, here, there's mandates in this bill. All those "shalls" come into things that restrict your freedom. One of the mandates is that employers must offer a qualified health care plan to full- and part-time employees.

So we're saying to companies, we don't care what you think is good for your employees, and we don't really care what your employees think is good for them; what we're going to do is tell you how it's got to be. And so we are going to write what your health care plan has to look like, and then, Mr. Employer, you have to offer what we're writing up for you to your employees.

□ 1715

That is an interesting approach. We think of it in terms of the idea of a top-down, Big Government solution because the government is going to tell you what you need. Whether you think you know what you need doesn't make any difference. It's going to be a top-down status mandate, and you will pay for 65 to 72 percent of the cost of the plan.

So we're going to tell you what kind of plan you're going to offer. By the way, you're going to pay for it, and if you don't pay for it, we're going to penalize you, and we're going to hit you with a tax of up to 8 percent of your payroll costs. So whoever you are, even fairly small businesses, you know, in terms of what the cutoff is in this, you're going to get hit with 8 percent of your payroll taxes. In fact, if you have 100 employees, if 99 of them want this qualified plan and one does not, the way the bill is written is that you're going to end up paying this 8 percent because everybody has to agree to what the government has mandated.

So there are some mandates in here which, from a small business point of view, are considered fairly onerous. It's another thing which makes the bill offensive and not popular.

Now, one of the concerns is, when the government takes something over, it tends to cost money. The President said it's not going to cost a dime. I suppose that's true. It's supposed to cost over \$1 trillion, but there are a lot of hidden costs. You see, you bury the costs of some things that you don't want to show. Trying to keep it under

\$1 trillion was a tough thing to do; \$1 trillion is a fair amount of money. Even for the U.S. Federal Government, \$1 trillion is a lot of money.

We spent about \$1.4 trillion last year. That was about what our level of debt was, \$1.4 trillion. The highest debt that we'd had before that was under President Bush in 2008. During the Pelosi Congress here in 2008, we had just south of \$500 billion in deficit spending that year. So, if deficit spending of 400 and—whatever it is—50 or 60 billion was a lot, \$1.4 trillion in deficit spending was a considerable amount. So our deficit in '09 tripled from '08, and it was a \$1 trillion-plus, \$1.5 trillion.

Well, here is \$1 trillion for this little plan. This is not small if you're worried about Federal spending. The estimate here is it's going to raise taxes \$729 billion. If we got away with that few in tax increases, we might be doing well. It increases the long-term cost of medical care by \$289 billion. Again, I think those are conservative estimates. It creates shortages, higher costs, more regulations, more patients, and a fixed supply of medical professionals.

This is part of the CMS Report. CMS is a group of staffers who are not connected with a political party. They take a look at legislation, and they try to come up with what the costs are and how it's going to work. Of course, there's a lot of argument about what they count and about what they don't count; but things like creating shortages and also considerable amounts of unemployment are expected to come from this because, if you mandate that businesses spend a lot of money, what happens is it means their employees are going to cost more. If their employees are going to cost more, there's an incentive for them to get rid of some employees and to run the employees they have for longer hours. That reduces their costs, which of course increases unemployment.

So this bill will affect unemployment, which is another reason people are not very pleased with it and are disappointed in the bill. There is an inefficiency and an expense here which is quite considerable.

There is another mandate. This is one on individuals. It says that individuals must buy acceptable health insurance coverage. Now, guess who defines what health insurance coverage is acceptable if you're an individual citizen of the United States?

Is it the individual citizen? Is it the 22-year-old who says, I can't afford health insurance right now, and I'm very healthy and I'm making the decision not to get health insurance? Is he the one who decides what acceptable health insurance coverage is?

Of course, the answer is "no." The answer is that the Federal Government knows what you need better than you do, so the Federal Government is going to mandate that you have this cov-

erage, and they're going to tell you what kind of coverage it is, and you've got to buy it.

Now, this raises kind of an interesting legal point, which is, if the government mandates that you have something or that you buy something, is that not really, essentially, a tax increase? When you mandate that somebody has to buy a particular product, is that something that the Federal Government should be doing in this particular area? Is it even constitutional? When it is a mandate, is it not just essentially a tax increase? Or pay an additional 2.5 of your income in taxes. So now you're going to have a choice. You can either buy the insurance that we know is best for you—Big Brother government—or you can pay a fine or face criminal penalties, including jail time and severe fines if you don't get in line with what we know is best for you.

Who is "we"? Oh, we just saw a picture of the "we," didn't we? Here is the "we." We know what's best for you. All of this matrix of bureaucracy, this matrix run by the Federal Government, really knows what's good for you, and so we're going to tell you what it is that you have to buy. You've got to buy the insurance we tell you you've got to buy. Otherwise, you'll face criminal penalties, including jail time.

How do you think that goes over with a lot of freedom-loving Americans? Well, not very good.

I think some of the election results that we've seen in the last number of months reflect the fact that people are not that comfortable with Washington, D.C.—Big Government—playing God in everybody's lives. That's one of the concerns and why this is not particularly popular.

I notice that we have joining us this evening a doctor, somebody who has spent years in the health care profession and who has really been in the middle of it as to providing that doctor-patient relationship. He knows the subject far better than this poor, old engineer does, and I would like to yield some time to my good friend who has just joined me on this health care topic. I was just running through some of the reasons why people aren't that excited about this Big Government takeover of health care and why you're seeing a lot of people voting, saying, I'm not sure we're on the right track with this.

I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank you for yielding.

As Congressman AKIN has said, I've spent the last 31 years, until a year ago, practicing medicine in Johnson City, Tennessee, and really in a rural area in Appalachia. I've also practiced medicine in Memphis, in the inner-city, while I was in training and in school.

We have to back up, I think, and look at what the problem was, what problem are we trying to solve.

In this country, I just saw a poll recently that showed among likely voters that approximately 90, 91 percent of the folks had some form of health insurance. What we're getting confused with is there are people out there who don't have access to care. There is no question about that, and we need to address that problem.

What we've been hearing in this particular H.R. 3962, aka H.R. 3200 that we began to deal with, is that this is the only solution, which is this very complex health care bill, which I've read—I've read all 2,000 pages of it—and you have very adequately stated some of the problems. What are we trying to fix?

Well, we have 40-plus million people in America who do not have—not access to care, because a law was passed in 1986 called EMTALA, and that afforded every American, whether you're legal or not—you could be an illegal citizen in this country—or whether you could pay or not. If you go to a hospital with an emergency room, you have to be cared for. We have no choice. When I was on call in the emergency room—and believe me—I'm the one who had to get up at 3 a.m. in the morning and go see these patients and care for them. So the care was there. It's just not the most efficient way to provide the care. There is no question about that.

We have a system in this country now where costs are out of control, and I think that's what this bill doesn't do. It doesn't address the fear that most of us have and that I know I had as a doctor and that I have as a consumer of health care, which is the ever-rising cost of the care.

We can do several things. Let me just point out, in the 2,600- or 2,700-page Senate bill, I can cover 20 million people on one page. This is just to show you how simple you can make it. Number one, if you have signed up the people currently who are eligible for the State Children's Health Insurance plan and they've just not signed up for a current plan that's already there in Medicaid, you would cover 10 to 12 million people.

There's one thing in this bill that I do like a lot, and that's to allow adult children, when they graduate from high school or college who don't have health insurance, to stay on their parents' plans, their parents' health care plans. You could cover 7 million young people. You could cover almost 20 million people in this country. I don't think either side, the Democrats or the Republicans, would mind doing that. You've covered two-thirds of what the Senate bill is going to do by doing that one thing, and you can do that on one page.

Mr. AKIN. Could I just reclaim my time for just a minute, Dr. ROE?

The way you're approaching this seems to be a little bit more sane in some ways in that you're saying, look, we're going to define our problem precisely, and we're going to tailor a solution to try to improve what we've got in order to try to make the system work.

Now, you're not proposing—I thought it was 2,000 pages. You're saying it's coming up close to 3,000 now. You're not proposing a 3,000-page or 2,000-page solution. You're talking about one simple thing, and you can take half of the people who don't have health insurance, and you can get them insurance.

Mr. ROE of Tennessee. Yes.

Mr. AKIN. You can do that on one page.

Mr. ROE of Tennessee. On one page.

Mr. AKIN. Now, I think the American public prefers simple and to just fix what's broken instead of scrapping everything and starting over, but I yield to my good friend from Tennessee.

Mr. ROE of Tennessee. Another issue that we deal with all the time—and as a physician, I would deal with this—are patients who would develop, let's say, breast cancer and lose their jobs. Then they would lose their insurance coverage. Now they have chronic conditions, and they don't have insurance coverage. How do you help those patients? How do you help those folks?

Well, this is a very simple problem. Preexisting conditions are a problem but not in the large group market. In other words, if you've worked for a large corporation or let's say—like we get our insurance here through the Federal Employees Health Benefit Plan, the so-called FEHBP. You've got 9 million people who get their insurance through that. If one person has a chronic condition like breast cancer or diabetes, it really doesn't affect our rates because you spread those risks over millions of people. If you would simply get rid of State lines and if you would allow small groups to become big groups, you then solve the preexisting condition problem.

The second thing you can do is to subsidize—

Mr. AKIN. I don't mean to interrupt you, and I don't want to be rude, but I just want you to develop that point a little bit more.

In other words, am I understanding, Doctor, that what you're saying is you could buy insurance across State lines? Is that the point you're making?

Mr. ROE of Tennessee. Reclaiming my time, absolutely.

Look, you can buy any other kind of insurance in the world but health insurance across a State line. Why in the world should it make any difference? If I'm living near the State line—and we're surrounded by multiple States in Tennessee—I should be able to buy that insurance across a State line.

For instance, let's take Realtors. Almost every Realtor's business is a

small business. They have six, eight, ten. Twenty would be a lot in our area. Let them all group together across this Nation, and then you'll have 500,000 or 1 million Realtors who could spread their risks, and you wouldn't have any government involvement. You wouldn't have any subsidies involved. You wouldn't have any complications. You'd simply let the free market system work.

Mr. AKIN. Doctor, reclaiming my time again, what you're saying is you're combining a couple of ideas, but you're saying it fast. I want to make sure people can understand it.

The first thing you're saying is you can buy insurance across State lines. Particularly if you live in a place like, for instance, Kansas City, Missouri—and there's a Kansas City, Kansas, right across the river—you could be buying insurance out of two markets instead of one or even possibly from someplace like all the way up in Massachusetts. So that's one idea.

As to your other idea, though, it sounds like what you're saying is you're allowing the individuals, let's say, who work for some small employer to pool together to create large pools, which then gives you the statistical smoothing so that you could apply for insurance, one, because you have a whole lot of buyers. You're a significant player, so you can buy at a discount price. Second of all, if somebody does get ill, you can smooth that load over a big enough base that it doesn't affect it. Am I understanding you correctly?

I yield.

Mr. ROE of Tennessee. I thank the gentleman for yielding. You're absolutely right, because what you allow it to do is you allow a small business to become a large business.

Like I said, the problem with preexisting conditions is, if you have a small shop of 5, 10, 20 employees, which many businesses have—and 70 percent of our employees in this country work for small businesses. If you have one very expensive condition that hits, it breaks them. They can't afford insurance. That's why it's not affordable.

Some other things we could easily do are preventative care, and you could do that where you have different incentives to keep yourself well.

□ 1730

As a physician, I can tell you all day long how to stay well, but it is up to you as a patient to carry that out. I can give you all the great ideas in the world, but if you don't carry them out, then it doesn't do any good.

Mr. AKIN. It is about that third helping of french fries, I understand.

Mr. ROE of Tennessee. That is correct. So you want to have the incentives built into our health care system.

For instance, a health savings account. I have one, a health savings ac-

count. Let me explain this to our audience today, the people who are watching this.

Before, when you pay a premium in, if you don't use it, who keeps the money? The insurance company does. In my case right here, with a health savings account, you put in X dollars. In our office, it is \$3,000. It can be \$5,000 that your employer puts in that account for you. You pay everything first dollar, so I am highly motivated to take care of myself, because at the end of the year, if I don't spend that money, I get to keep that money, not the insurance company. And you can roll that money over and use it the following year and the following year.

In our group, we have 350 employees in our medical group at home, and for those who get insurance, over 80 percent of them choose a health savings account. They manage their own care, so they are motivated not to smoke and to exercise and to lose weight because they save their own money. You can use that money later in your life if you accumulate many thousands of dollars for long-term care or whatever you want. You are the insurance company.

Mr. AKIN. Doctor, again, I would like to cut in for a minute here. You are talking about a medical savings account. What you are saying makes a whole lot of sense.

In other words, what you do is you put your money aside, and you have some tax benefits from setting it aside, into not something for your retirement but something to help cover your medical needs. Then, as medical expenses come up during the year, you can pay for those out of this pre-tax money which is in your medical savings account.

If you stay healthy and you have a good lifestyle and you didn't have that third helping of french fries, then you may not spend as much money as you put in there and you would be allowed to keep it year in and year out, and it could continue to earn interest to cover in case of a medical problem.

Is that right so far?

Mr. ROE of Tennessee. That is correct. And if something were to happen catastrophically, let's say you have an accident or a heart attack and you spend more than that predetermined amount, you buy catastrophic coverage that covers every bit of it.

For instance, in my particular case, anything over \$5,000 is paid for 100 percent. And you had the \$5,000 to begin with, it was your money, so you got to keep it. I think that is a very simple thing that we are currently doing and we should be encouraging people to do, not discouraging.

Mr. AKIN. Now, my understanding is we put that into law, but there were a lot of limitations on it, and I don't think that is generally available for most people in the public. Is it, Doctor?

Mr. ROE of Tennessee. It is not, and it should be.

Mr. AKIN. Is that a problem that the marketplace hasn't caught up to what the law says? Or, are there roadblocks that make it so that people can't do that?

Mr. ROE of Tennessee. I think probably we haven't educated our public as much as we should have. I was surprised in my own practice about how many chose to do that once they understood it.

When you are faced with paying \$3,000, that is kind of scary to do that when you normally have a small copay or deductible. But once you understand how it works, that you get to keep the money, not the insurance company—and while we are on insurance companies, I have got a problem.

I know one of the things that I did in practice that really frustrated me to no end was to have insurance companies deny needed care for patients, and I think certainly they are culpable. I know I have spent as much time on the phone sometimes getting a case approved for a patient to get needed care as I did actually doing the procedure I was trying to get approved. That is very frustrating. So the insurance company is culpable out there, and we do need some reform.

Mr. AKIN. Doctor, we just talked about that. One of the first slides I brought up was starting, when you want to talk about health insurance, one thing that you want is you want to have that doctor-patient relationship kept—I don't know if you would call it sacred, but you want that to be a primary kind of consideration. And if an insurance company parks itself between the patient and the doctor, we don't like that idea very well.

Mr. ROE of Tennessee. No, we don't.

Mr. AKIN. And with this bill that is being proposed, the insurance company can second-guess the doctor, and if there is a bad result, they can't be sued. That is one more strike why people don't like this bill. But that is a great point.

We have been joined by another colleague of mine, Congressman THOMPSON. G.T. is here, just a stalwart, free-enterprise guy, and somebody with a whole lot of common sense. I would like to yield some time, if you would like to comment.

We are trying to take an overview of what is happening now, after the election yesterday, and where we are in this whole thing of health care and are we still under this model of Big Brother is going to take it all over.

Mr. THOMPSON of Pennsylvania. I thank my good friend from Missouri and my good friend from Tennessee for this Special Order tonight that you are doing.

Yesterday was a landmark day. I think it established a pretty confident trend of what the American people like

and what they dislike. And what they dislike I think is properly captured and framed in that chart that you have on the tripod, the bureaucracy of a government-run, government takeover of health care.

We need to be approaching health care and we need to be approaching everything we do in this Chamber, I believe, from a principled leadership perspective, of leading with principles. And I have to tell you, and I suppose my colleagues on the other side of the aisle would agree with that. It is just their principles are completely 180 degrees from our principles. I have to imagine, what are the principles behind that health care nightmare that is outlined there? I liken it to a train going down a mountain with no brakes—it never ends well.

What they are trying to shove through is just to get anything, get something. I can imagine how the behind-closed-door discussions are going, which happened again today even after the people in Massachusetts spoke.

Mr. AKIN. All the complaints.

Mr. THOMPSON of Pennsylvania. It has to be something like this: "We don't care what it is, let's just pass something, whatever it might be." The goal is just to get something through to be able to say they did something. Well, that is wrong. That is not the approach we do. The American people need and deserve better than that. They want principles.

The health care principles I believe in and the Republican Party and some of my Democratic colleagues, I think we can work together. There are four principles I have always held dear as a health care professional for almost 30 years, and that is—and my belief is that we have a health care system that is pretty good. In fact, I would rate it one of the best in the world, not that it couldn't be improved upon. And the principles that we dedicate ourselves to are decreasing costs, increasing access, improving quality, and preserving that relationship that Dr. ROE talked about, the decisionmaking relationship between the physician and the patient, not allowing a bureaucrat to insert themselves into that relationship. And this certainly, I think, is regressive, regressive in terms of all four of those principles.

My colleague from Tennessee talked about the impact on the relationship of decisionmaking between the patient and the physician, where the bureaucracy, a bureaucrat is inserted between that relationship. But when you look at all of it, when you look at cost, the cost of the Senate bill, which I believe—I don't know, but that is what will be shoved at the American people and will be shoved at this Chamber to work on. The Congressional Budget Office showed those costs going up significantly. I believe the individual costs were at least, on the average, \$300

per year, \$2,100 per family. I thought the idea behind that is to lower costs for everyone, yet we know what is out there.

My colleagues have talked about allowing the purchase of health insurance across State lines. That is greater competition. That is a good thing. That brings costs down.

Certainly the whole issue of tort reform; \$29 billion a year that is spent in this Nation on tort reform premiums, \$29 billion. And we talk about waste and fraud, waste within health care spending. I think that is the biggest waste there is. Those dollars could be going into directly caring for patients. You add on top of that the cost of the practice of defensive medicine, and I understand why that occurs.

A physician comes out of medical school with a quarter million dollars of loans, if they are a specialist, maybe half a million dollars in loans. And at the risk of even a frivolous lawsuit they can lose a practice, lose their family's home. They order extra tests that may not be necessary to treat the illness at hand but does substantiate they followed a standard of practice, a standard of care.

Mr. ROE of Tennessee. If the gentleman will yield, let me just mention a couple of things that my friend from Pennsylvania is talking about.

In 1975, all the malpractice companies left the State of Tennessee. We had nothing. So the physicians there brought together and formed what is called the State Volunteer Mutual Insurance Company. It was a mutual company that anything that wasn't paid out in premiums came back to us. Since the inception of that company in 1975, over half the premium dollars have gone to attorneys. Less than 40 cents on the dollar went to the injured parties, the injured patients, and about 10 cents to run the company.

We have a system that is broken terribly when you can't even compensate injured people. That is the system we have in America now, and that is wrong, because there are events that do occur that need to be compensated. We don't have a system that can even do that.

Mr. AKIN. Reclaiming my time, gentlemen, what you have been outlining here today is, I think, what the American public is eager for. They are eager for people to define specifically what a problem is, and to outline a solution that makes common sense, that isn't going to be that expensive. In fact, the solution should save money. They are going to increase the amount of freedom that consumers have and choices, and improve the quality of health care. That is a way to approach health care. That is to say, we are not going to totally destroy it all; we are going to fix the parts of it that are broken.

That is usually the way we approach most legislative questions. And yet,

now, for to whatever it is, eight months, we have been running down this track trying to reproduce in America what has never worked in foreign countries very well.

I think you could say there are a lot of things we could fix in America. But, on the other hand, if you are the guy that lives in Dubai and you are worth a couple hundred million dollars and you get sick, guess where you want to be treated. You want to come to the good old USA.

So why do we want to scrap something that has many aspects? In fact, I would say if you take a look at the American health care system, if you look at what is being provided in care, we are doing pretty darned well. If you are taking a look at how are we paying for that, we have got some problems.

So our problems tend to be more in the pay for side than in the quality of the care that is coming out. And each of you gentlemen have demonstrated, I think very articulately, tonight the fact that there are some certain specific things that could be fixed, yet we seem to be just on this—you called it a train wreck—just trying to replace the whole thing with a Big Government solution.

And I think it is ironic, almost amusing, and a month or two ago would have been unbelievable, to say that this whole thing may well have been derailed by Massachusetts voting for a Republican for the U.S. Senate. If you said that 2 months ago, people would think you needed to be locked up in a little white straitjacket. They would say there is no chance that something like that could happen.

Yet people are starting to pay attention to what is being proposed here, and this, along with a whole series of other incidents and mismanagement, has created a political anomaly. I mean, there wasn't one Republican Congressman in the State of Massachusetts, and yet the State, looking at this kind of thing, along with the tremendous spending that this represents, said, Time out. We are not solving our problems.

I appreciate your time.

Mr. ROE of Tennessee. I would say, when you look at this—I am just a country doctor from east Tennessee, but if you look at the health care problem in America, it is this: One is we have had escalating costs. There is no question of the costs. And we have got people who don't have health insurance coverage. Those are the two problems. How do you solve those problems?

Let me explain to you why having more government will never work and will end up costing more money. And my good friend from Pennsylvania, Congressman THOMPSON, has hit the nail right on the head.

When you take \$500 billion—and I have dealt with Medicare patients for my entire medical practice. When you

take \$500 billion out of a plan that is already underfunded, that goes upside down in premiums by 2017—and beginning next year the baby boomers hit 3 million to 3.5 million new recipients every year. You take a half trillion dollars out and you add 30 to 35 million people, three things happen: One, you have decreased access; two, because you are not going to get in to see the doctor, number two, you are going to have decreased quality; and three, and seniors get this, their costs are going to go up to get the care that they need.

Mr. AKIN. Doctor, you are so eloquent and you said it so smoothly, but I just think we need to underline what you said.

What you are saying is you are going to take \$500 billion out of Medicare. Now, is this a Republican that is going to raid Medicare?

Mr. ROE of Tennessee. No, sir.

Mr. AKIN. We have always been accused of raiding Medicare, but we are not the ones doing this, right?

Mr. ROE of Tennessee. That is correct. Unless you are in Florida, of course.

Mr. AKIN. So we are going to take \$500 billion out of Medicare. And what do you think is going to happen? If you take \$500 billion out of Medicare, it is going to be harder to provide services for people.

But you are not just doing that alone. You are adding more people and taking money out.

□ 1745

So now you're sort of compounding the problem. And so the result is you're going to get poorer quality care and you're going to have to pay more money on the side, I suppose. Is that right, Doctor?

Mr. ROE of Tennessee. That's correct. What you're going to do is, you're going to create waits. There's no other way around it. And that's my biggest fear as a physician, is that at the bottom line, the end of the day, when you budget so much money for health care and you have more demand for services than you have money to pay for it, you create waits. It happens in England, France, and Germany, unless you are wealthy and can buy your way around the system, which is what happens. But I'm talking about for the bulk of the American people.

Over 90 percent of the people who have insurance in this country like it. And they like what they have. They understand we pass all of this right here. When a patient comes to me, am I going to be able to provide better care for that patient? The answer is, No, I can't. And let's look at some numbers.

Mr. AKIN. One other point, Doctor. You said you're just a country doctor from Tennessee. But if I remember right, there were two States that did the experiment of essentially government-run health care. One was the

great State of Massachusetts, which has now become my fond friend.

Mr. ROE of Tennessee. Mine, too.

Mr. AKIN. And the second one is Tennessee. So you've had personal firsthand of the State government deciding they're going to take over health care. Is that correct?

Mr. ROE of Tennessee. We had the 17-year experiment called TennCare. And to back up to the beginning of Medicare, in 1965 that great program that was passed started as a \$3 billion program. The congressional estimates were at that time that by 1990, 25 years later, it would be a \$15 billion program. The actual number, a \$90 billion program. It's gone from \$90 billion in 1990 to over a \$400 billion program. And we're going to cut this much money out. As our population ages, there's going to be more spending involved. Now that's one plan.

In Tennessee, we started with a managed care plan in 1993 to control costs, because costs were going up and there wasn't enough access for our citizens. It was a \$2.6 billion program in 1993. In 10 budget years it was an \$8 billion program. It took up almost every new dollar that the State of Tennessee brought. And let me go on and fast forward to this Senate bill for a moment, because this is very important for States.

This bill calls for a massive expansion, the Senate bill, a massive expansion of Medicaid. In the State of Tennessee we're looking at three-quarters of a billion dollars of unfunded—unfunded—liability. That's what Nebraska got off the hook for. What you're asking us to do in Tennessee is we, this year, Mr. Speaker, this year we have 50 less highway patrolmen in the State of Tennessee than we had in 1978. And we have 2 million more people. That's the kind of shape that the States are getting in. And we're getting now another unfunded mandate through this health care bill that I don't know where the money is going to come from.

We have no capital projects for our colleges this year in the State of Tennessee. We're not building a new dormitory, a new library, or anything. And yet we're going to get crammed down this massive expansion of government with an unfunded mandate. That's why people are angry.

Mr. AKIN. Doctor, you just made another point. What I'm hearing you say is that the estimate that the CBO has put together of this little treasure here of a trillion dollars, that part of the deal is it's a little more than a trillion, because we're going to do something that's going to make the States pay a chunk of change, too. So we have what's called an unfunded mandate that's going to descend on the States. The trouble is the States don't have the option we do of just busting the



budget, because a lot of them have balanced budget amendments. And that's going to be tough.

I'd like to go back over to Congressman THOMPSON from Pennsylvania. Would you like to join us here?

Mr. THOMPSON of Pennsylvania. Absolutely. I believe, actually, it was the Tennessee Governor, a Democrat, who coined the term that this Senate bill and the Medicaid, the shoving of the increased Medicaid rolls and shifting that over to the State was, "the mother of all unfunded mandates."

Mr. ROE of Tennessee. That's what he said.

Mr. THOMPSON of Pennsylvania. Sounds like a very smart man.

Mr. ROE of Tennessee. He is a very good Governor.

Mr. AKIN. That's a Democrat Governor.

Mr. THOMPSON of Pennsylvania. That is correct.

Mr. AKIN. He says it's the mother of all unfunded mandates. That says that trillion may be a pretty conservative number.

Mr. THOMPSON of Pennsylvania. When we look at the State of Pennsylvania, the conservative estimates are that the Senate bill provision with the huge expansion of the Medicaid rolls, which is truly just shifting it to the States without funding, \$2.4 billion to the State of Pennsylvania. Pennsylvania went 6 months—at least 6 months without a budget this past year, the State government, because they couldn't make it balance. They're required to, but they just couldn't get it done. The economics, the revenue, and the expenses just did not match up.

I think that there are so many problems with the proposals that our Democratic colleagues have been proposing. And I suspect what we will see as a bill comes out of the closed, dark room to the House floor, that it will be very flawed. But let me just say there are solutions. There are solutions that have been defined. There are solutions that have been introduced going back to July of this year, 7 months ago, and there are solutions that have received even some support but are largely Republican solutions.

The Putting Patients First Act, which addresses the issue of tort reform and takes that \$329 billion—minimum of waste, and that would allow the cost of everybody's health care to come down. The Putting Patients First Act, which allows the bidding of health insurance across State lines, which allows the formation of association health plans to give small businesses the opportunity to join together to have a larger voice and more negotiation power. It also addresses key issues, and does it in a good market approach of addressing preexisting conditions.

They allow the States to create high-risk pools. Just because you're born

with a preexisting condition or during the course of your lifetime you experience or develop a disease or disability, say breast cancer or prostate cancer, that should not mean that you shouldn't be able to afford to purchase—I'm not saying anybody give you—but be able to afford to purchase reasonably priced health insurance.

The Republican solution does that. And it doesn't do it with massive taxing. Does it with no taxing, does it with no cuts to Medicare, does it with no shifting of tremendous health care cost to the State. It is a win-win and brings down the cost of health care for everybody.

Mr. AKIN. So we've got some solutions. I was just thinking about the voters in all the different States that are frustrated. They may be listening to us even here on the floor of the Congress, and they're thinking, Do they guys get it or not? Why are they talking about these huge Big Government solutions and spending the money that we don't have. I'm not sure some of them aren't ready to declare independence again.

I was just thinking, if you're going to write a declaration of independence relative to health care, one of the things you say is, it's not going to add a whole lot of money to the big national debt. That's one thing you've got to pay attention to. It's not going to impose mandates on States or employers or individuals. And it's not going to use taxpayer dollars to fund abortions or illegal immigrants.

I think those are all things that have been debated and discussed and people are upset about. It's going to be negotiated, I think, in a free and open format instead of behind closed doors. We're going to reserve that doctor-patient relationship. And we're going to allow freedom, which has worked so well in America for a couple of hundred years, to reign. To actually have some freedom to let people make choices and trust them to make their own choices and then do some of these common-sense solutions that you're talking about to not try to reproduce the failed systems of the Soviet Union or the failed systems of European medicine or Canadian medicine, which are very inefficient and expensive, but rather build on the model of freedom and people's free choices and people making distinctions between what sort of health care they do or don't want and, particularly, allowing doctors to practice medicine without feeling threatened from lawyers or insurance companies or Big Brother looking over their shoulder.

If you go to med school and spend a quarter of a million bucks on education, I think I'd rather have your opinion as to what you ought to do to me. I don't mean to rant here, but it seems like we need some sort of statement or declaration or something

about some basic principles that Americans believe in.

I yield to you, Doctor ROE.

Mr. ROE of Tennessee. I think one of the problems that you've seen with this plan is the complexity of it. I think the bottom line, what you saw in Massachusetts yesterday is that the people there do appreciate their own personal freedom. They want their freedom to choose. Also, Massachusetts was being asked, since they've already been mandated to pay for their own policy, which I might add has added tremendous cost, and I will also tell you that half of the primary care doctors in that State are not accepting patients.

This is one of the things that isn't understood about a lot of the government-run plans: They don't pay the cost of the care. We haven't discussed that much here, but in our own State, Medicaid pays less than 60 percent of the cost to the providers; the hospitals and the doctors. Medicare pays somewhere between 80 and 90 percent of the costs. The rest of those costs are shifted to private health insurers, meaning that people out in private businesses are actually getting taxed again.

What Congressman THOMPSON was talking about, another thing that's left out of this particular plan that's really unfair is that you're not even putting in the so-called "doctor fix." Let me explain that to the viewing public out there. In 1997, there was a bill passed here called "The Sustainable Growth Rate: How Medicare Pays the Physicians." And what happened was, is there was supposed to be cuts every year. This year, there was supposed to be a 21 percent cut to physicians, which if that happens, nobody is going to be able to see a Medicare patient. And that's not even here. It's over a \$200 billion pricetag that's not even listed in this current trillion-dollar pricetag.

Mr. THOMPSON of Pennsylvania. Will the gentleman yield for a question?

Mr. ROE of Tennessee. Yes.

Mr. THOMPSON of Pennsylvania. So the statistic you talked about, Medicare payments, which it has been my experience in Pennsylvania, for every dollar of cost, reimbursement of 80 to 90 cents. So for every dollar of cost, the physicians are already losing significant moneys. That 21 percent cut that you talked about, that's on top of that.

Mr. ROE of Tennessee. That's correct. That's on top of the 80 to 90 percent. So for patients and what they're concerned with now, I believe what's happened, and just to simplify in my own terms, is what happened in Massachusetts, where people saw they were already paying very high taxes, they were already paying for coverage, and then they were going to have to pay for States like Nebraska, who were opted out of this deal.

Congressmen, I was very proud to be sworn in to the U.S. Congress on the

6th of January, 2009. I woke up on the 23rd—

Mr. AKIN. You didn't know what you were in for, did you? It's been a whale of a ride, brother.

Mr. ROE of Tennessee. It has been a whale of a ride. I woke up on the 23rd of December and told my wife that I was actually embarrassed to be in this House because of the deals that were cut. And who ultimately paid for them are the patients and taxpayers. And that's wrong. It really embarrassed me when you saw this deal in Louisiana and the different deal in Florida.

Mr. AKIN. We've just got about a minute or two. We're going to be followed up by another good friend of mine. We may stay on this topic a little bit. I thought it might be appropriate tonight in the last minute or two to make a tribute to Massachusetts. Now who would have thought Congressman AKIN would be making a tribute to Massachusetts? But if you recall our history, Massachusetts used to be the cradle of freedom and innovation in terms of government. It was Massachusetts in 1620 that saw the Pilgrims come. They put together the idea of the first concept of a Republic. A group of free people, under God, selecting their own leadership to preserve their God-given rights. That's a powerful idea that came from Massachusetts. A hundred-fifty years later you had the Massachusetts provincial Congress saying, Resistance to tyranny is your Christian duty.

For the last 50 or 100 years it seems like Massachusetts has been sending us the King's people, always wanting more taxes, more government, more government spending, bigger government, and yesterday the people of Massachusetts reverted back to that great heritage of patriotism and freedom and said, We're finally tired of Big Government. It's time we start to look at solving our problems without thinking every solution means more taxes and more Washington, D.C., control.

I thank you, gentlemen, that your States have stood for freedom and your constituents have elected you to join us here to stand up for just plain, old basic American principles. I think we're going to get the job done. I think that what happened yesterday was about, from a political point of view, quite a stroke of lightning. I think it should get people's attention. I think the public has spoken. And it's time for us to move on with the ideas that you, Doctor ROE, have been making very clear here. It's not like these things are too complicated. And G.T., same thing. You're from Pennsylvania, representing the people with common sense. These things are not complicated. Define the problem, craft a limited solution that fixes it instead of trying to scrap everything and go to the Big-Government-fixes-all kind of model. I think it's really something

that the people of Massachusetts kind of came back to their heritage and to their roots in standing up for the country, as they did so many years ago.

□ 1800

When I was a little kid, I lived in Concord and Lexington—actually in Concord, and I saw the place where the Minutemen had stood against the biggest military power in the world. There is a statue that says: "By the rude bridge that arched the flood, their flag to April's breeze unfurled, here once the embattled farmers stood, and fired the shot heard round the world." They stood for freedom, and they stood for the basic principles that America has always stood on. And I am sure glad they joined us yesterday in making a statement and a statement that's going to affect this chart right here. Hopefully this chart goes in the dust bin before it ever becomes law. Last word, GT?

Mr. THOMPSON of Pennsylvania. Well, I just couldn't agree more. I think yesterday was a statement that the American people—what they want and what they expect from our leadership is that we do our best to provide safety, prosperity and liberty, the freedoms within this country. And that's the type of public policy that they've been getting since last January. That has worked against all three of those.

Mr. AKIN. Dr. ROE.

Mr. ROE of Tennessee. Health care should not be a partisan issue. In 30-plus years, I never saw a Republican or Democrat heart attack. I never operated on a Republican or Democrat cancer, just a people problem. We need to get together in this body and not have a partisan solution. There needs to be a bipartisan solution that is simple and addresses problems that we have laid out here today so that patients, their families and doctors can make health care decisions.

Mr. AKIN. And that's certainly what you've been talking about tonight, both of you gentlemen. I understand that my good friend Congressman KING is going to be here in just a jiff. He is going to be continuing along the same lines, talking about freedom, talking about the principles that made this country and how those principles can be applied to solving these very practical problems with health care.

I will check to see how we are doing on time. Oh, we actually have 2 minutes. So I don't want to cheat anybody. Are there any last comments? Anything that we haven't covered that you want to catch, Dr. ROE or GT?

Here is one. We didn't talk about all of the cool features of this policy; but this wheelchair tax, it was kind of stuck in my craw. The idea that you are going to tax a wheelchair, the mental picture of that just doesn't seem to be what we want to do. So we're looking for places to dig for money to pay

for this Big Government system. So what are we going to do? We're going to pose a 2.5 percent excise tax on medical devices, which includes wheelchairs, to try to raise some money.

Mr. THOMPSON of Pennsylvania. If the gentleman will yield, my background is rehabilitation services. I have seen where these types of medical devices—and it is not just wheelchairs. That is an understatement. It is insulin. It is crutches. It is canes. It is prosthetic limbs. I mean, there are just so many different things that this applies to. And this 2.5 percent excise tax, that is going to get passed right along to the consumers.

Most of the consumers who utilize these types of medical devices are older adults. They're individuals on very fixed incomes. Those who are surviving on maybe \$800 to \$1,200 a month of Social Security, and the very things that maximizes their independence, maximizes their quality of life, we're going to tax that? That's a quality-of-life tax, actually, because the people who use those medical devices, they are medically necessary. They're not luxuries. Those are devices that make their lives possible, that allow them to be able to live in the communities, to be able to live in their own homes, to not live in an institution. That's a quality-of-life tax.

Mr. AKIN. So if it moves, tax it. If it doesn't move, tax it anyway. It might be dead.

Thank you very much, Mr. Speaker, and thank you, gentlemen, for joining me.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### IMPACT OF MASSACHUSETTS ELECTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate being recognized to address you here on the floor of the House of Representatives. I have been listening to the dialogue that has been poured before us from the three gentlemen here, my colleagues, speaking mostly about health care, the National Health Care Act, and what this could mean.

I would like to pick this up from the place where TODD AKIN left off, and that would be the importance of the State of Massachusetts. I do not believe that it can be overstated, the impact of the election returns last night. I listened to Carl Cameron on FOX News who is, I believe, a very well-informed and probably a deeply researched individual. He said that this

was the most important congressional race in 50 years. Well, I can remember that far back, and I would completely agree with him. And I would suspect it may be the most important congressional race in the history of our country, Mr. Speaker.

The situation in Massachusetts where TODD AKIN laid out the poem that said, "and fired the shot heard around the world," well, this in Massachusetts last night was a shot heard around the world. It was the SCOTT heard around the world. He will be here tomorrow, straight down that hallway, swearing into the United States Senate.

So how did we get to this point, and what happened? And what is the significance of what took place in Massachusetts last night, Mr. Speaker? Those are the issues that I think are important to the American people here. I will make the point that we're a Nation that, let's say, we have people who are studying every day to be nationalized American citizens. We're a Nation that has skimmed the vigor off of every donor civilization that has sent immigrants to the United States.

The *Mayflower* landed at Plymouth Rock in 1620, 390 years ago. They disembarked from the *Mayflower* because they came over here for religious liberty, religious freedom. They established those freedoms and liberties right there in the Bay State. Now this Nation was founded on the same principles and the same liberty that came to us with the Pilgrims and were built upon as the years unfolded. And it's rooted back, a long ways back. A Western civilization itself, I would trace it back to the Greeks 3,000 years ago and the Age of Enlightenment, especially the English-speaking division of the Age of Enlightenment, which brought us free enterprise.

And if there is an immigrant in the United States who is studying to take the test to become a naturalized American citizen, there is a whole stack of flashcards that are there that are put out by the United States Citizenship Immigration Services. They are glossy flashcards. The government spent a lot of money to make these things real nice. You look on one side, and it will say, Who is the founder of our country? You flip it over to the other side, George Washington. Who saved the Union? Flip it over, Abraham Lincoln. Who signed the Emancipation Proclamation? Same man. Next question, What is the economic system of the United States of America?

You flip the card over, and if you are going to pass the test to become an American citizen, you have to answer what it says on the back of that card, free enterprise capitalism, Mr. Speaker. The economic system where we don't have the government setting prices. We have the market setting prices. We have supply and demand set-

ting prices, and we let people invest equity, sweat equity and capital to buy, sell, trade, make, gain, invent. We protect the intellectual property through patents and trademarks, and we also encourage people to make money. We know that when you generate that wealth in the legitimate private sector that everyone prospers, that a rising tide does lift all boats.

And that's what people were thinking, I believe, in Massachusetts yesterday. I spent 3 days there. They were an outstanding 3 days. It was a fantastic experience. I went to polling places. I went to campaign headquarters, both sides of the case. I went to union halls, and I talked to as many people across the State of Massachusetts as I possibly could. The center line was this: the Federal Government spent too much money. It's gotten too big. It's gotten too intrusive. They're imposing too many mandates and regulations on the American people. They have their own universal health care in Massachusetts, and they aren't particularly happy with it.

One of the things they have a conscience about is not imposing that version on the entire United States of America. They understood that for them to cast a vote wasn't just, How did their ballot for SCOTT BROWN, how did it affect the destiny of Massachusetts? It wasn't a selfish vote. They understood they have a national responsibility, Mr. Speaker.

It was a national responsibility, and I understand this, I think, as well as most in the country because Iowa is first in the Nation caucus, and we take our jobs seriously, and we're all politics all the time. Generally, every 4 years we very, very often have at least one Presidential candidate from Massachusetts that we host. They go around through Iowa, sit down, have coffee with us and we talk to them. We look them eye to eye. I have done that more than once. We take our retail politics seriously.

But when we go to the first-in-the-Nation Presidential caucus and cast our ballot there, even though it has more impact than probably the single vote of anyone from any other State with regard to who is nominated as the President, Mr. Speaker, it is still only a recommendation to the rest of the country. Iowa gets to go first. We take it seriously. Somebody has to be first. I don't have confidence in anybody else to do a better job. But it's still only a recommendation.

What happened in Massachusetts last night was not a recommendation that affected the rest of the country like Iowa makes when they do the first-of-the-Nation Presidential caucus. What happened in Massachusetts last night was a decision for the rest of the country, a decision that will bind the destiny of America. They understood that, and they stepped up to that cause, and

their conscience and their sense of responsibility kicked in.

So I am very proud of what the citizens of Massachusetts have done. They have mobilized the political effort that many of them hadn't seen ever in their lifetimes. I talked to a lady that said that she has worked in political campaigns for 50 years, 50 years; and she said that when the polls closed, and they counted the ballots, they cried their eyes out, and then they got up, and they went to work again. Well, this time I imagine there were tears among these groups. They probably did cry their eyes out, but they were tears of joy. And a great shout of joy went up all across America that finally, finally somebody heard.

I have asked for reinforcements. I have prayed for the cavalry to come, and at the last minute they came riding over the hill in the person of SCOTT BROWN. Now we have a chance to save, serve and protect our liberty; and this debate now begins on an entirely different field, on an entirely different terrain, and I believe an entirely different outcome. I am completely in awe at how the most improbable sometimes comes along to save us with something that appeared to be inevitable.

The gentleman from Tennessee has been willing to stick around, and I would like to yield as much time as he may consume to the gentleman from Tennessee who happens to be a doctor, who knows what TennCare looks like and knows what America would look like if we adopted TennCare, CanadaCare, United KingdomCare, GermanCare, name your country. But this is America, and take care to protect America. The gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentleman for yielding. Mr. Speaker, I think last night, watching what happened in Massachusetts, was really, in the many years I have watched politics, was really astounding. The people there I think—it was more than just health care. We have a country now that's not in trouble. We're America, and we know how to avoid trouble in this country. But we have a lot of our citizens who are hurting now. They need jobs, and they need employment. Certainly in our district and around our area where unemployment is over 10 percent, that's the talk in the barber shops and the restaurants: What's the economy doing? What business are we going to lose overseas next? What manufacturing job is going to be gone?

I think the people there looked at more than just health care. I think they looked at a stimulus package of almost \$800 billion that I don't believe has worked. It certainly has provided some one-time jobs. But you know and I know as a former mayor that you don't take one-time money and turn that into a long-time job.

How you do that is you incentivize the people who are creating jobs in this country. That is small business. In this country, 70 percent of the businesses are small business that create the jobs. And how do you help them? You make the cost of capital, the cost of money, the cost of creating a job less. How do you do that? Well, you cut capital gains taxes. You can cut individual income tax rates. You can accelerate depreciation for plant equipment that they buy. So we have a country now that has put itself in debt that my great grandchildren will not be able to pay off.

□ 1815

We looked last year, and it is staggering to me how much a trillion dollars is. I get almost overwhelmed, and I made it through calculus in college, and I have a tough time getting my arms around how much money that really is.

We have a budget that went up 8 percent last year. We added 8 percent. In the State of Tennessee where I live, we had to live on less money than the year before. That is what we had to do in our State. That is what California is having to do. That is what every State in this Union is having to do.

I don't know if the people here in Washington get out, as I have, and talk to our Governors and our State legislators, but our States are in trouble. We need our economy to pick up. If our economy was doing well, I don't think that our health care issue would be as big of an issue as it is. As people lose their jobs, they lose their health benefits.

The people of Massachusetts got their arms around the bigger problem, and I think they looked at this entire country and the direction it is going and said, Whoa, wait a minute, we don't like the direction that the country is going. They put the brakes on this. They said let's stop and take a slow, measured look at what we are doing.

Mr. KING of Iowa. I thank the gentleman from Tennessee. He mentioned that he has taken calculus. I would submit that they put me through calculus, too, a couple of years, and they actually never told me at the beginning, middle, or end that there wasn't much purpose of going through all of those calculations. It was more about how to discipline the mind to think rationally, logically, and reasonably. That is also why they send people to law school. Our President went to law school and actually taught in law school. He taught constitutional law, which is a bit of a surprise to me that he can advocate some of the things that he does.

The basic logic that comes isn't rooted in law school and it isn't rooted necessarily in calculus. It isn't rooted in geometry or algebra. It might be two

plus two equals four. But the rationale that was presented to us consistently and repeatedly by Presidential candidate, President-elect, and then President Obama, Mr. Speaker, was health care costs too much money. I have been browbeaten by the Europeans. They would say we spend 9.5 percent of our GDP. You spend 14.5 percent of your GDP. That is way too much money. Well, never mind, we make more money than they do. And never mind, we have better health care than they do. Never mind that we are willing to spend that. We don't like to spend it when we are looking at it in large, but when it comes time to save our lives or our health, we are glad to spend that kind of money.

We don't know what the threshold is, but our GDP, about 14½ percent spending, some say as high as 16 percent, we spend too much money; so, therefore, we should solve the problem by what? This is this two plus two. What the President proposed to us didn't spend less money. Anybody in third grade, if you say you have a problem with spending too much money, what do you do about that, you could hand them a 50-cent allowance, and you spend a quarter, not all 50 cents, and a kid can understand that at age 6 or 7, maybe even less than that.

But we are here listening to, being browbeaten and demagogued because we have a health care policy that spends too much money. It is 9.5 percent in the rest of the industrialized world and 14.5 percent here in the United States. So what does the President propose to do about solving spending too much money? Spend more. Spend at least a trillion more.

If you look at the real costs involved, look at Judd Gregg's numbers, the first real 10 years, it is \$2.5 trillion more. If you look at the contingent liabilities that go along with this and all of the other components, it may be as high as \$6 trillion more. So the problem of spending too much money is solved supposedly in a rational fashion and advocated by the President, the Speaker of the House, the majority leader of the United States Senate, and all of the people that line up to vote for their bills, solve the problem of spending too much money by spending a lot more money.

Now we have kind of forgotten about all of the browbeating that went on about we need more competition in health care insurance. The President made that argument over and over again. Well, he has the bully pulpit, but, you know, they have yet to invent the saw that will cut off the branch of truth. We can go out and stand on the branch of truth and we can say, All right, how many insurance companies do you need in America, Mr. President, to have the extra competition? Funny, a guy that doesn't much believe in the free market system thinks we ought to

inject competition into the health insurance industry. So the President wants one more health insurance company in America and then that is going to fix the problems.

So I ask a simple question: How many companies are there in America? The answer comes back, 1,300; 1,300 health insurance companies, Mr. Speaker. And that is a little bit of a round number. So if you have all of these companies that are competing, 1,300 of them—I have never had that much competition, and I made my living on low bid in the construction business. When I had seven or eight or nine people bidding against me, I already knew somebody was going to make a mistake on the bid and lose money and take the chance for profit away from the rest of us.

So if there are 1,300 companies and they are competing, throwing one more in there doesn't really help that mix. But it wasn't the President's idea to provide more competition anyway; he just thought we would believe that. His idea was to get government in the business of providing that which the people in the private sector could do very well themselves.

And, by the way, these 1,300 companies offer a different variety of policies that individuals could shop and buy, approximately 100,000 different policy varieties, Mr. Speaker. So you can multiply 100,000 policies out there and you can look at 1,300 companies that are brokering them, and imagine how is it the Federal Government getting into the business could legitimately compete with those kinds of entities.

And if you want more competition, the way you provide that is open up the trade from State to State so people can buy health insurance in Tennessee instead of New Jersey. The gentleman from Tennessee knows what that is like. That would make sure that all 1,300 companies competed against each other, and these 100,000 policy varieties would probably get to be less because they wouldn't have to accommodate some of the silly mandates that come down from the States.

So a young man buying health insurance in New Jersey, a healthy 25-year-old might pay \$6,000 a year for a typical policy. Or he could go to Kentucky where there are fewer mandates, and a similar but not identical policy might cost that same individual \$1,000. Now, what kind of a smart, young person usually on a limited budget would write a check for \$6,000 if they could write a check for \$1,000. Wouldn't we then have more people insured if they had more options? That's the answer.

Furthermore, there are things we want to fix. We want to fix lawsuit abuse. The health insurance underwriters produced a number. The one that I trust the most—and I have seen numbers on the cost of lawsuit abuse in America on health care to go as low as

5.5 percent of the overall cost of health care services provided. I have seen it go as high as over 30 percent. The number that I trust is 8.5 percent. So 8.5 percent of the cost of health care in America is \$203 billion a year, and this is included in the additional tests that have to be given because they are done for defensive medicine purposes. Also, the litigation and settlements that don't have a medical reason for them. We want people to be whole. If they have suffered from malpractice, the legitimate system is there, but the abuse has taken this way out of sight. So \$203 billion a year going almost all of it to the trial lawyers, not to the patients but the trial lawyers.

And do you think there is a single Democrat in the House of Representatives or a single Democrat in the Senate who would stand up and say this is completely and totally utterly wrong to be funding trial lawyers on the backs of health care patients and acting like we are reforming health care and protecting the trial lawyers completely, not allowing insurance to be sold across State lines, and denying full deductibility for everybody's health insurance premiums?

Mr. ROE of Tennessee. If the gentleman would yield, let me give a practical example of what you are saying there.

Let's say years ago if I were working in the emergency room and a patient came in with right-sided pain, I might be concerned about whether they had an appendicitis. I would get a blood count. It was at that time probably a \$15, \$20 test. It is probably a \$50 test now. You do a physical examination, take their vital signs, their blood pressure, their pulse and temperature and do a physical exam, and you would say, I don't think there is a chance that you have an appendicitis, but let's let you go home and if you get worse, start to have more pain, come right back and we will reevaluate you.

That is not going to happen anymore because part of the legal system now, you know if you do that and you don't get a CT scan, a very expensive test on that patient and you go out and you happen to have an appendicitis, the one in 500 times that might happen, you will be held liable. So all 499 people are going to come out of the emergency room glowing in the dark, just about, because of all the X-rays that they have had to protect the doctor from a potential lawsuit of the one in 500. That is the problem that you get into with the tests that are not needed basically to protect the physician. And why wouldn't the doctor order those tests? You don't want to put up everything you have earned in your entire life for the risk of that one in a thousand, that jackpot that somebody might have.

The thing you also brought up is people are genuinely injured in the sys-

tem. We don't have any way to adequately compensate the injured parties without the attorneys getting their hands on a significant amount of the settlements.

Mr. KING of Iowa. I had a conversation with an orthopedic surgeon a couple of months ago. He said to me, I have a small practice. He said 95 percent of the MRIs that he orders are completely unnecessary except he has to cover everything because someone might try to hit the jackpot. So he has to order those tests. Everybody in the business orders all of those tests.

If you cut out that 95 percent, his number is that it costs patient's insurance companies, taxpayers, a million dollars a year just to fund the unnecessary tests in one that he calls a small practice. That gives you an implication. You can multiply that \$1 million across the whole country, and what you come up with is \$203 billion in additional costs. We can't get them all out of there. There is a bill that we have introduced that finds about \$54 billion over 10 years. I think it ought to be tougher than that. I think we ought to tighten this thing down more.

The argument again that has been made out of the White House and out of the majority party and from the Speaker's office itself, too, is that Republicans don't have any solutions. Well, they must have sat up some night in one of those formerly smoke-filled rooms to come up with an idea like that. It is completely and utterly false, Mr. Speaker. Republicans have introduced at least 42 separate bills in this 111th Congress that reform health care. And I can tell you exactly how many of them were incorporated into this document that was promised to be a bipartisan document, and that is a complete double aught goose egg. None. No free market solutions, no patient choice solutions, no medical malpractice lawsuit abuse reform, no selling insurance across State lines, no full deductibility, no real transparency, none of the components that give people options and choices have been considered.

And why? Because if you put free market solutions in and you give people the liberty and the freedom to make their own decisions on health care, first, they are going to take a financial responsibility and a personal responsibility. If you help out on the lawsuit abuse, more people are going to say, I don't need that test either, Doctor, and so let's save the money and not do that. But the bottom line is Republicans have always injected free market solutions in place; for example, health savings accounts.

Health saving accounts are just starting to grow the way they need to. That is 2003 legislation, wiped out by this proposal that comes from Speaker PELOSI, the President, and HARRY REID. No more health savings accounts if you read the legislation and figure out how

it is going to come out. Imagine this, Mr. Speaker. If a young couple had engaged in health savings accounts when it was first set up by this Congress in 2003 and they invested \$5,150 as the maximum amount into their health savings account, and if they spent \$2,000 a year out of that health savings account in legitimate expenses and accrued the balance of that account at 4 percent per annum and compounded it, they would reach retirement age, the two of them in reasonably good health with \$950,000 in their health savings account.

And what is the interest that CHARLIE RANGEL has on that: Tax it. They want to tax it. I want to give an incentive to buy a Medicare replacement policy and let them keep the change. That Medicare replacement policy would cost about \$72,000 per person today. That is one of the Republican solutions, but it doesn't fit very well with socialized medicine, you know. That is what happens.

This is an effort to try to mix. They didn't try to mix, but the reason it doesn't mix is because it is oil and water. It is freedom and liberty. It is market solutions and individual responsibility and doctor-patient relationships on this side, and over on this side it is socialized medicine, one size fits all. Big Brother at the top draconianly mashes this down on everybody else in America, and you have to accept the policy that they give you and you have to then get in line.

Mr. ROE of Tennessee. If the gentleman would yield, let's just talk about, for a minute, we have this very complex, over 2,000-page bill which I have read. The Senate bill is over 2,500 pages, which I will admit I have not read. I have seen the synopsis of it. We have 118 new agencies in this very complex schematic that you have down there in front of you. We should, on both sides of the aisle, be able to agree on a few things. One is that we agree that the cost of care is rising too fast and we have the uninsured out there that we need to cover. Those are the two basic premises that spurred this entire debate. How can you best solve those problems? It is not that complicated. You can do several things.

One, as you point out, let's just look at five things that we can do on 25 pages, not a complicated 2,000 pages. You can let people buy insurance just like you do your auto insurance or your life insurance. We see advertisements every night on television with a little gecko running around, those cute ads they have. Let people buy health insurance across State lines.

Let young people who don't have health insurance stay on their parents' plan, if they don't have a job that provides it, until they are 26 or 27 years old. Pick your number. You can cover 7 million people by doing that at zero cost to the Federal Government.

You pointed out very eloquently liability reform. You save billions of dollars doing that.

You simply sign up the people right now who are eligible for government programs without creating another new one. You cover 19 million people by doing that. You are not creating another agency and 118 new bureaucracies.

Expand the health savings account. I will give you personal experience. I have had one for 2 years. I put \$5,000 a year in. Instead of the insurance company keeping my \$10,000, I have spent about \$2,000. My wife and I are both healthy, fortunately. We have \$8,000 in our health savings account that we can use how we choose, not the insurance company.

□ 1830

I think for someone who owned an individual policy, you can treat them like a big corporation. Let them deduct their premiums just like General Motors gets to do, like the big unions do, and so forth.

And then I think the last thing you have to do is you have to put some individual responsibility for each of us, so that everybody, no matter what care they get, needs to pay something for the care. It shouldn't be totally free. We saw that in Tennessee, when our costs just skyrocketed because of the very generous plan we had there where there were no costs to the patients and it was overutilized.

So those are five or six things that every one of us in this room, in this auditorium, ought to be able to agree on and take care of. And it wouldn't be hard to do. It is an easy solution. We should be able to pass that in no time at all. And the President ought to listen to that. He really should. These are simple, real-world solutions.

Mr. KING of Iowa. I thank the gentleman from Tennessee. They are simple, real-world solutions. They are free market solutions. They are common-sense solutions. And there is this other part about human nature. It is helpful when a country has its leaders that believe in the principles that built this as a great Nation, and also understand the human nature part.

There has to be incentives in place. And a nanny state can never be enough of a nanny to take care of people's failings. I think it was Phil Gramm that said this first, that I heard it anyway, and that is you take the safety net out there, that safety net that taught a man to fish, and then you give him the fish instead, and you turn the safety net into a hammock.

So here is the safety net down here, and as Congress keeps cranking that safety net up higher and higher and higher, and it becomes more and more of a cushy hammock. And you know, there is a reason why the most successful civilizations in the world generally

originated someplace in a temperate climate instead of down by the equator. Because there wasn't an incentive. You didn't have to prepare for winter.

Where I live, you by golly got to be ready for winter, which means in that window of time that we have from around the first of April until about the first of December you got to get all the things done you are going to get done outside. That means all the food has got to be put up. That means all the staples have to be put in place to get your work done. We got to get our construction work done then, because in the wintertime it gets cold and it gets dark soon. That means you have industrious people.

Now, I am not drawing a comparison between the Mason-Dixon line. I am drawing a comparison between the equator. And I want to make that point clear for my colleagues here. But the industriousness of people, that was necessary. Squirrels put away for the winter, grasshoppers freeze to death. And if you give people the hammock instead of the safety net, they are not going to take care of themselves, and more than likely they are going to have to require us to do that because we are not allowing them to be tested.

There is a value to adversity. When I think of the things that I have gone through, and I don't wish them upon anybody, the challenges that are there, but every one of them put a little more steel in me, a little more mettle in me, and caused me to be better organized, work harder, be more industrious, prepare more. And if you take away that reward for planning for your future, you will have people that don't plan for their future.

If you pay young women to have babies if there is not a man in the house, they will have babies. If you pay them as long as they don't go to work, they won't go to work. These are simple things that anybody can understand that seem to have completely escaped the President of the United States and the majority party and the troika of leadership we have in this country called Obama, PELOSI, and REID.

Mr. ROE of Tennessee. If the gentleman would yield for just a second, there is a great book out by Milton Friedman, *Free to Choose*. And he makes a statement in that book, if you want more of something, you subsidize it. If you want less, you tax it. And it is a very simple principle you can apply to health care or anything else. If you have government programs that are subsidized by the taxpayers, you will create more people who use those programs. We have seen it over and over and over again.

I will give you a brief example before I yield to my colleague from Georgia. In this country we talk about, and I heard many times about how—and we do have failings in our health care system. It is not perfect. But when Presi-

dent Clinton had a heart attack, he was taken to an emergency room to the hospital, where he had a heart cath and discovered that he had blockages in his arteries and needed a bypass operation for it to save his heart. He got a bypass operation. It was delayed a couple, 3 days I am sure because of a blood thinner they gave him. I don't know that, but I am pretty sure that is what happened or they would have done it immediately.

Let's say you are in small town Johnson City, Tennessee, and you don't have any insurance or anything at all, and you have a heart attack and you come to the emergency room, what is going to happen to you is you are going to get a heart cath and you are going to get a bypass operation, and then we will figure out how to pay for it.

In Canada if you have that heart attack, what they will tell you is there is a list that you get on that you can get a catheterization, where they put the dye in your heart and see if you have a blockage. You will get on a list. And when your name comes up, you will get the cath. And then you will get put on the list to see if you get a bypass operation. That is the difference and the delay in the care. And I have seen it happen. I know people that that has happened to in Canada.

They have wonderful physicians in Canada, I want to point out also. I know many of them, have worked with some that have moved to our community. Well trained, excellent doctors. So when you get the care, I think, in Canada, it is good care. I really believe that. When it is available, I think it is excellent care because of the experience I have had with Canadian-trained physicians. Some of my colleagues I worked with every day were well-trained physicians.

That is the rationing of care that we speak of that we don't want to have happen in our country. And we have enough of that as it is. People will tell you that insurance companies ration care. And they do. And I think certainly they are to be held culpable also.

Mr. KING of Iowa. I thank the gentleman from Tennessee. And I just relate a very quick story that was presented to us by Dr. David Janda, who has written a book. He is out of Michigan. He has practiced in Canada. When he first went up there to work in the emergency room, and he is an orthopedic surgeon now, he had a patient come in, a young man who had torn up his knee playing softball, torn meniscus, ACL, I think, one of the ligaments. And he looked at him and he said you need surgery. I can schedule you in the morning. And he is in a Canadian emergency room. Must have been his first day at work. He found out that he couldn't schedule this young man for surgery the next morning. He couldn't even schedule him for a review to get

the surgery approved under the Canadian health care plan.

So he had to back up and put him on crutches. And 6 months later this young man was allowed to be examined by the doctor who approves the request for surgery, and 6 months later they actually did the surgery. Almost 1 year to the day, the surgery took place in Canada that would have taken place the very next morning in the United States. Meanwhile, this young man can't go to work, his leg atrophies, he is running around on crutches. His life has been altered because different things happen in your life in that fashion. He didn't get back in the groove. What does that cost when you let people come out? That is an example.

And I know that we have experts here tonight. And so watching that clock tick, I am very interested to hear what the gentleman from Georgia has to say, whether it be about the Hawkeyes, the Yellow Jackets, or his field of expertise.

Mr. GINGREY of Georgia. Mr. Speaker, I think that I thank the gentleman from Iowa for yielding. And I am not going to say one word about the Hawkeyes and the Yellow Jackets. Maybe we will come back to that another year. But congratulations, by the way, to the Hawkeyes. They did a great job.

Mr. Speaker, it is an opportunity to come before our colleagues tonight and to join with Representative KING from Iowa and Representative ROE, Dr. ROE from Tennessee, and later on you will hear from MICHELLE BACHMANN, Representative BACHMANN from Minnesota, talking about the health care bill and health care reform in general.

I think we would be remiss if we didn't talk about the election yesterday in the Bay State, Massachusetts. Many of my colleagues have already spoken about that. And there is a lot of political pundits on every channel, cable, broadcast, network, whatever, trying to analyze and say, well, what happened? How did this occur? And, you know, we all have our own opinion, but quite honestly, I think it is a lot about health care.

It was kind of instructive that when people were asked, coming out of a voting booth, what they thought about the health care reform bill in the Bay State that the same percentage that were opposed to it is the percentage that Senator-elect SCOTT BROWN received in the election. It was the same margin. So clearly, health care was a significant issue in that race in my opinion.

I think the people in Massachusetts clearly had about a year-and-a-half, 2 years to look at the commonwealth care that was enacted. And they don't like it, Mr. Speaker. They don't like it because it, instead of lowering the cost of health care, it has driven it up. Although more people are insured and have coverage in the Bay State, they

are, as my colleagues have talked about in regard to other systems, there is a long queue, there is a long wait. It is very difficult to get a physician to see you, particularly if you are one of those who has a subsidized policy.

And basically, the state is going broke. And they have had to make a number of changes. They have had to drop dental care as part of the coverage. They have had to drop many thousands of legal immigrants who were not citizens, but had coverage. They no longer have coverage. And I know my colleague especially, Mr. Speaker, Dr. ROE from Tennessee has probably already talked about TennCare and their experiment 10, 12, 15 years ago, and the miserable failure of that.

So yes indeed, health care had a lot to do with the outcome yesterday in Massachusetts. But it was not just health care. I think that people are so tired, Mr. Speaker, of this Federal Government ignoring them and dissing them, as the expression goes. We had the August recess that lasted 5 weeks, and all of these town hall meetings all across the country, and we come back, and you would think that the majority party and the administration would have listened to those people. And instead, what they did is they simply changed the number on the House bill. They took off H.R. 3200, because the people had railed against it so loudly over that 5-week period of time, instead they just changed the number on the bill.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. GINGREY of Georgia. I gladly yield to my friend from Tennessee.

Mr. ROE of Tennessee. You can call a polecat a skunk, but it is still a polecat or a skunk, whatever you name it. I yield back.

Mr. GINGREY of Georgia. Absolutely, the gentleman is right. And so people are sick and tired of being disrespected. They were very disappointed of course in the economic stimulus package, \$787 billion that was supposed to keep the unemployment rate at 8 percent, no higher than 8 percent. It is 10.2 percent now. 16 million Americans out of work, many of them in the Bay State.

I think it is a message. It is a message to the administration, to President Obama, and the Democratic majority, Speaker PELOSI, Leader HARRY REID in the Senate. Look, you still have an opportunity, my colleagues, you still have an opportunity to come together in a bipartisan way and do things in an incremental fashion that truly will lower the cost of health insurance for everybody and make it better and rein in, yes, the abuses of the health insurance industry as well.

And what is this big rush, anyway? The Democratic majority, Mr. Speaker, insisted on getting it done in 2009.

They didn't want to face this during an election year. Well, look, the American people are saying to us, and especially to the majority and to the President, We don't care about the next election. Get it right. Don't rush to judgment. What is the big hurry? Why not get it done in 2011 if it takes that long? But get it done right.

The people of Massachusetts went to the polls, they knew that their bill was an abject failure, and that is basically what they were saying. If the administration and this majority ignores it, they do it at their own peril.

With that, Mr. Speaker, I yield back to the gentleman from Iowa, because I know there are others that want to speak tonight.

Mr. KING of Iowa. And reclaiming before I yield, I want to pose a question here for consideration. Canadian health care plan, the average length of time to wait for a knee replacement is 340 days, a hip replacement 196 days. Where I come from, we don't stand in line. I went to Moscow a while back, and I watched people hunched over in their shoulders with their big coats and hats walking around looking for a line to stand in. And then when they got to the end of the line, then they went and looked for another line to stand in. I think a lot of times they didn't even know why they were even standing in line.

And it occurred to me, and it may not be universally true, but it occurred to me that free people don't stand in line. And if you are standing in line at Kentucky Fried Chicken, that means that somebody ought to have a free market opportunity to set something up next door. And people will go over there and get their service. But that is what the free market principle does. People don't stand in line when it is a free market principle. I would submit also that people die in line.

I yield to the gentlelady from Minnesota.

□ 1845

Mrs. BACHMANN. I thank the gentleman from Iowa.

I also have so much esteem for my colleague from Tennessee, Dr. ROE, and also my colleague from Georgia, Dr. GINGREY. They are just wonderful examples, and they enlighten all of us who aren't medical professionals. But they've been there, done that. They have skin in the game, and they know what's at stake. They know what's at stake for those who have put so much into becoming physicians, who have put their life on the line to be healers, but also the people they serve. They see the real cost in human health, in terms of misery that is down the road if we embrace this system.

I come at it a little bit differently. My background is that I am a former Federal tax lawyer, and I see how egregious tax costs can destroy businesses,



destroy families, individuals, farms and creativity. And also as a business owner. My husband and I have started two businesses. We're not a big deal; we've employed 50 people, but we do know what it is to take and start a business from scratch using our own equity, our own capital. We have to be disciplined and make a lot of good decisions. We have to get it right every time so that we can make a profit.

My husband told me that he spoke to a number of other small businessmen that have said to him they will have to cut jobs with their small businesses if this health care bill goes through. There are a lot of small business employers that would love to provide health insurance, but they can't because currently health insurance is so expensive.

I think one thing that cannot escape this discussion that we're having tonight among colleagues, whether we're health care professionals or tax lawyers or small business owners, is this; President Obama's Chief Economic Advisor, Christina Romer, said herself that if President Obama's plan would go into effect, that America would see 5.5 million jobs lost if we adopt his plan. Not only would it cost us trillions of dollars that we simply don't have, but it would cost us 5.5 million American jobs. It isn't that those jobs wouldn't be done, but they wouldn't be done in America. It's another 5.5 million jobs that would go offshore.

I yield to the gentleman from Tyler, Texas, LOU GOHMERT.

Mr. GOHMERT. So what you're saying is the President's health care bill really is a jobs bill, but instead of creating them, it eliminates them.

Mrs. BACHMANN. It eliminates them, and I think one can understand why. We saw a chart or a graph that was recently produced several weeks ago. It plotted all of the private-sector experience in the Presidents from the last 100 years. It showed that in President Obama's Cabinet, in his administration he has less private-sector experience in real job creation than any other administration: 7 percent experience. No wonder every answer that comes out of this administration is more spending, higher taxes, more government. But the last seven economic recessions, every blooming one of them we have come out of the recession—from government? No. From small business creation.

We would love, in our small business, to create more jobs, but I will tell you this, from the other small business job creators that I know in Minnesota: Right now they are scared to death. They don't want to add more jobs because they know if they add more jobs, they're stuck with more costs that they may not be able to take. They don't want to hurt the existing people they have now that they hired. They don't want to have to close their doors

and fold up. A great business in our State, Home Value stores, just announced last week that they were closing their doors after over 35 years in business. Why? Because of this job-killing, bone-crushing debt that's coming out of Washington, D.C. Let's reject that.

The American people last night rejected President Obama's decision because if there is one headline that would encapsulate all of 2009 it would have to be this: "The Federal Government takeover of private industry." That's what last year was all about. The American people said no way; we believe in America, we believe in job creation, we believe in prosperity. And that's what last night's poll numbers reflected.

Mr. KING of Iowa. Reclaiming my time, I would propose that it actually goes another step yet, and that is, we talked about the government takeover of the private sector, and we talked about between 30 percent and 33 percent of the private-sector profits nationalized by mostly this President's administration. We've seen the nationalization take place, the government takeover, but the most personal and private property we have is our own bodies. This is a government nationalization, a government takeover of our individual persons and bodies, managing our health care and seeking to tell us what we can eat and what we can't, what we can drink and what we can't, managing our own personal bodies. What could be a more egregious violation of liberty and freedom than that?

I would like to pose a question for a response here and maybe go down through some things in my mind and see if there is dissent among the esteemed Members of Congress that are here on the floor.

First I would ask you, if they impose a centrally controlled system of government-run health care, will it result in a loss of personal and economic liberties? And is it an indisputable violation of the principle of limited government established by the Constitution? Would you agree with that?

Mrs. BACHMANN. Absolutely. Yes, I would. I would agree with that.

Mr. KING of Iowa. I will ask another question. If they impose a government-run health care system, would such system result in increased costs in taxes to individuals, to families, to businesses, as well as to all taxpayers at the Federal, State and local levels?

Mrs. BACHMANN. It would. And that's what I am so worried about as a tax lawyer, that this will mean diminished opportunities for Americans because we will see increased taxes in defiance of President Obama's promise to the American people.

Mr. KING of Iowa. What kind of harm would that do to the American economy and the businesses and jobs and productivity and quality of life?

Mrs. BACHMANN. It would be irreparable harm. It would be very difficult to come back from.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. KING of Iowa. I will yield.

Mr. ROE of Tennessee. What the gentlelady from Minnesota has said is absolutely true. Just in our area, at Vanderbilt University in Nashville, Tennessee, the largest employer in the county, 14,000 people—these are jobs that don't go overseas, they're not exported, these people are doing great work—new innovations, new treatments that may go away with this system—they're afraid to hire anybody. In my local town, our medical center, 9,000 employees in their system. The adjoining city has a medical system of 6,000. That's 15,000 people that work in health care in two cities with a little over 100,000 combined population bringing quality care to the people of Appalachia.

What I am worried about is if that's going to go away. Those jobs will dry up—and those are great jobs that are not exported anywhere, they are jobs for Americans with health insurance, with retirement plans, great benefits, and we may be tanking that also.

I want to just reminisce for a moment when I graduated from medical school and think back as the gentlelady from Minnesota, Congresswoman BACHMANN, was talking about. When I graduated from medical school there were five high blood pressure medications, three of them made you sicker than the high blood pressure did. Now we have over 50 wonderful medications to provide for people. Antibiotics, a plethora of antibiotics; we had one or two at the time I graduated. Ultrasounds, MRIs, PET scans, survival rates of cancer. The research is just astonishing that's going on in America. We are the leader in the world; the world looks to us for medical innovation. With this right here I'm afraid it will stymie that innovation.

I think back—and we were talking about this a moment ago—one of my good friends and a colleague, a medical colleague whose wife is English, his sister-in-law lived in England. She died of chronic lymphocytic leukemia. That's a disease that Americans just don't die of any longer. We live with that disease. It's treatable. She was treated with a blood transfusion. We could have done that 50 years ago. That's all the treatment. And she got that treatment because she was too old to be treated. We don't do that in this country. And I'm afraid we're heading down that path.

I yield back.

Mr. KING of Iowa. Reclaiming my time, the value of life changes.

And another point, a point that I think JOHN SHADEGG made very well, is that this policy here—whatever number they attach to it or whatever they

might try to do—will have mandates in it. And what it will do is it will require certain health insurance policies to have those mandates covered in there, and it mandates that people buy them or employers provide them. And his case is that that's a tax. I would ask the man who is the judge if he could explain why it's a tax when the government makes someone buy a policy and then takes it out of their taxes if they don't and puts them in debtors prison if they hold back. If you have to buy something, why does that make it a tax?

Mr. GOHMERT. If it's mandated by the government, then certainly it's a tax, because that is all that the government is entitled to do. Under our Constitution, you can't force somebody to buy a product.

And I appreciate your directing that question to me because obviously all the prior questions were directed at my friends from Louisiana and Minnesota because you qualified it by saying, This question is for the esteemed Members. So I stayed quiet throughout your answers, but now you have included me as the unesteemed Member.

Mr. KING of Iowa. They're polar opposites, Mr. GOHMERT; they're Tennessee and Minnesota.

Mr. GOHMERT. Yes, exactly, Tennessee, Tennessee and Minnesota.

But that is what has gotten people upset across the country and is what we saw in Massachusetts. They've seen what's going on around here.

There was a promise that C-SPAN would be covering all the negotiations because we're talking about people's lives, the length of their lives, and their loved ones, how long are they going to be able to be living in this world, whether they will get the medication they need, or are they going to be told you're too old? So as the President so ably said before he was elected, those negotiations need to be out there. And all we've seen is the nasty, sordid deals that were cut after being behind closed doors so that you have insurance companies signing onto the President's bill. And then you go through and say, ah, here are the pages where they got their deal cut. Ah, here is the deal that the plaintiffs lawyers got. Ah, here's the deal the pharmaceutical industry got. And they're conflicting. And it is such a mass of mess the way they've cut these deals and they've forged them together. And the ones that are going to suffer are the people in this country when there is no reason to.

Mr. KING of Iowa. Should they be negotiated publicly and free of political favoritism, Mr. GOHMERT?

Mr. GOHMERT. Exactly.

Mrs. BACHMANN. If I could just respond on the tax portion. Government can directly mandate that you must pay a percentage or a fee, which is a direct tax. But if government requires

you to do something or purchase a health insurance policy in conformity with what government says must be the items in that policy, that's just as much a tax as if government says you must pay a percent or an exact amount. The final result is the same because the taxpayers' pockets are picked for what government mandates it must be picked for. It is a tax, pure and simple. That's the point.

Mr. GOHMERT. And along those lines—I appreciate the gentleman yielding—we've heard the President say, well, you know, States require you to buy insurance for your car, so this is nothing new.

Mrs. BACHMANN. It's not the same.

Mr. GOHMERT. It is very new. Of course we've heard the argument that actually, yes, States do require you to buy insurance if you're going to drive a car. You don't have to own a car or drive a car to live in a State, not in any State.

But another thing that's lost in the equation too is there is no mandate by any State in this country to buy insurance to protect your own car and your own person. You are required to buy insurance to protect the other person whom you may harm while you're driving. And all of that is based on the privilege of driving, it is not based on just living.

We are supposed to have, under our Constitution, as was mentioned in the Declaration of Independence, this right to life, liberty, and the pursuit of happiness. Whether you're an unborn child or whether you're an old geezer like some of us, you actually have a right to life. And here the Federal Government is saying we're going to snuff yours out a little early because we just don't find that you're all that productive. Where is that line drawn once they're allowed to say now you buy a product or you don't get to live here?

Mr. KING of Iowa. Reclaiming my time, I have this other thought. It occurs to me, and I believe in H.R. 3200 there was an amendment offered that would have required Members of Congress to live under the same law. That offer for that exemption was voted down by Democrats. So if you had a bad policy, wouldn't you want to exempt yourselves from that?

I would ask the gentleman from Tennessee what he thinks of that.

Mr. ROE of Tennessee. I think you're absolutely right. I mean, it's the "do unto others, except don't do it to me."

Mr. KING of Iowa. Would you support language that would require that Members of Congress stand in the same shoes as the citizens of America?

Mr. ROE of Tennessee. There is not one of us standing here now that wouldn't agree with that 100 percent.

And Congressman GOHMERT makes a good point about the mandate. Let's give some practical experience about what's happening to the mandate. Man-

date means you have to purchase something, and in Massachusetts it's health insurance. It also says that you cannot be denied because of a preexisting condition. So the Harvard Pilgrim health care plan, beginning in March of 2008 until this year, 2009, 1 year, they found this, that almost half the people who got their health insurance through the Harvard Pilgrim plan kept it for an average of 5 months.

□ 1900

You couldn't turn them down, so they waited until they got sick, and when they got well, they dropped it. If you were in that 5-month period of time, that plan spent over \$2,000 a month on those folks. For the other folks, like me, who just bought it for the year, they averaged then about \$300 a month. So people scammed the system. They paid the tax until they got sick because it was cheaper than buying the health insurance. Then they bought the health insurance and kept it until they got well.

It's the same thing as using Congressman GOHMERT's example of a car wreck. Well, you have your car wreck, and then you buy the best car insurance policy you can, and when your car is fixed, you drop it.

Mr. KING of Iowa. I yield to the gentleman from Texas.

Mr. GOHMERT. It is so important also to note that, with all the talk about our friends across the aisle who are concerned about the working poor in America, if you look at the bill that was passed out of this House, it makes it very clear: if you can't afford the great policy that is mandated and if you're just above the poverty line where the government is going to pay for it, you'll have an additional 2½ percent income tax on your income. That is outrageous. Those are the people who, if they could afford to buy the insurance, they would buy the insurance. Now you're going to pop them with another 2½ percent tax. That's not caring about the working poor, about the people who are helping make the engine in this country go.

Mr. KING of Iowa. Reclaiming my time, it's quite likely that this fellow right here, the health choices administration, czarissioner, would probably rule that those high-deductible, high-copayment, low-premium policies wouldn't fit his idea of what health insurance is in America. So the low-income people who can only buy in, according to the way this thing was laid out in negotiations in the Senate, would have about four different tiers of policies.

It's interesting: those who have the lower premiums pay the least amount. Those who have the highest premiums pay the highest amount. The people who can pay the highest premiums are the ones who get the best kind of health insurance out of that, and those

who can afford the least have to have the highest copayment, but they can't do the high deductible because that doesn't fit the socialist model. That's part of what's going on.

Mrs. BACHMANN. If I could add to that, the one thing that doesn't get talked about very much here is the iron ceiling on wages that was contained in this bill.

If you have a double-income couple with no kids and if their combined income is \$64,000 a year or more, at that point they lose all Federal subsidy. So what they have to do is go out, and if their employers pay the 8 percent fine to the government and don't provide health insurance, they have to go with after-tax dollars and purchase health plans, which, in Minnesota, would cost about \$14,000 a year. So you'd have a couple making \$64,000 a year who has to go and buy a plan out-of-pocket; but if the couple made \$63,000 a year, Uncle Sam would pay their way. That's the iron ceiling on wages. There is no incentive to make a dollar more, because you would be so heavily penalized by going out of the subsidy, and that kills the American Dream.

Why would we have a couple of people here in this Chamber make a decision for over 300 million people? Let's free up decision-making for 300 million people to make the cheapest and best choices for themselves.

I yield back.

Mr. KING of Iowa. I thank the gentlelady from Minnesota and the other participants here tonight from across the board, from Tennessee and Texas.

I will just summarize what's going on here.

I think that a government-run health care system takes away our liberty. It nationalizes our bodies. It will result in increased costs and taxes. The taxes come in the form of mandates as well as whether we think we're paying taxes or premiums. It should not add to the crushing national debt or impose mandates. No tax dollars should go for abortions or for illegal aliens. It should be negotiated publicly, out in the daylight. It should apply to all Members of Congress. It should provide equal protection under the law. It should be free market-based, and it should protect the vital doctor-patient relationship.

That's the summary of what we want to do here, and it's what we have the opportunity to do because the cavalry came riding over the hill just in the nick of time in the form of, today, Senator-elect Scott Brown and, tomorrow, Massachusetts Senator Scott Brown.

Thank you, Mr. Speaker.

I yield back the balance of my time.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-88)

The SPEAKER pro tempore (Mr. SCHAUER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2010.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, January 20, 2010.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PAYNE) to revise and extend their remarks and include extraneous material:)

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WOOLSEY for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 27.

Mr. JONES, for 5 minutes, January 27.

Mr. MORAN of Kansas, for 5 minutes, January 27.

Mr. GOODLATTE, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, January 26 and 27.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCCLINTOCK, for 5 minutes, today.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on January 20, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 3788. To designate the facility of the United States Postal Service located in 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

H.R. 3767. To designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

H.R. 3667. To designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

H.R. 3539. To designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

H.R. 3319. To designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3072. To designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

H.R. 2877. To designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

H.R. 1817. To designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

H.R. 1377. To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

#### ADJOURNMENT

Mrs. BACHMANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, January 21, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5606. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-271, "Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2009"; to the Committee on Oversight and Government Reform.

5607. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-270, "Retirement Incentive Temporary Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5608. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-269, "African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Temporary Act of 2009"; to the Committee on Oversight and Government Reform.

5609. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-267, "Disclosure of Information to the Council Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5610. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-268, "Fiscal Year 2010 Limited Grant-Making Authority Clarification Temporary Act of 2009"; to the Committee on Oversight and Government Reform.

5611. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-263, "Public Land Surplus Standards Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5612. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-266, "Prescription Drug Dispensing Practices Reform Act of 2009"; to the Committee on Oversight and Government Reform.

5613. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-265, "Whistle-blower Protection Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5614. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-264, "Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009"; to the Committee on Oversight and Government Reform.

5615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 121 to Mile Marker 122, Above Head of Passes, in the vicinity of the I-310 Bridge, Luling, LA [COTP New Orleans-06-019] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 175 to Mile Marker 176, Above Head of Passes, Donaldsonville, LA [COTP New Orleans-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.4 to Mile Marker 230, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 215 to Mile Marker 217, Above Head of Passes, Longwood, LA [COTP New Orleans-06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 160 to Mile Marker 162, Above Head of Passes, Convent, LA [COTP New Orleans-06-034] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 95.5, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-035] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 89 to Mile Marker 91, Above Head of Passes, Algiers, LA [COTP New Orleans-06-037] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87 to Mile Marker 88, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 97, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-009] (RIN: 1623-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

(RIN: 1623-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87 to Mile Marker 88, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Inner Harbor Navigation Canal, the L & N Bridge at mile marker 2.9 to the Industrial Locks at mile marker 0.0, and the Gulf Intracoastal Waterway from Mile Marker 11.2 to Mile Marker 8.2, East of Harvey Lock, New Orleans, LA [COTP New Orleans-06-012] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 95 to Mile Marker 97, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-013] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 138.5 to Mile Marker 139.5, Above Head of Passes, Reserve, LA [COTP New Orleans-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 303.0 to the Entrance of the Southwest Pass Safety Fairway, LA [COTP New Orleans-06-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 4.0 to Mile Marker 5.0, Above Head of Passes, Harvey, LA [COTP New Orleans-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.3 to Mile Marker 95.3, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 228.8 to Mile Marker 229.8, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

the Committee on Transportation and Infrastructure.

5632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigation Canal, L & N Bridge to the Industrial Locks, and the Gulf Intracoastal Waterway From Mile Marker 11.2 to Mile Marker 8.2, East of the Harvey Lock, New Orleans, LA [COTP New Orleans-06-007] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Gulf Intracoastal Waterway, Mile Marker 1.7 to Mile Marker 1.9, in the vicinity of Houma Industries, New Orleans, LA [COTP New Orleans-05-104] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigation Canal, Mile Marker 2.3 to Mile Marker 2.9, in the vicinity of the L&N Railroad Bridge, New Orleans, LA [COTP New Orleans-05-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Mile Marker 11.9 to Mile Marker 12.1, West of the Harvey Locks, in the vicinity of the Wagner Bridge, New Orleans, LA [COTP New Orleans-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 156.0 to Mile Marker 157.0, extending the entire width of the river, St. James, LA [COTP New Orleans-06-002] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.0 to Mile Marker 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 6 to Mile Marker 7, Above Head of Passes, Pilotown, LA [COTP New Orleans-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.5 to Mile Marker 95.5, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 88 to Mile Marker 90, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-026] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Pier, Ocean Beach, CA [COTP San Diego 07-452] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oceanside Pier, Oceanside, CA [COTP San Diego 07-552] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, 500 yards North and South of the Long-Allen Bridge, Shreveport-Bossier City, LA [COTP New Orleans-05-094] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Quachita River, Mile Marker 168 to Mile Marker 169, in the vicinity of the Forsythe Recreational Boat Launch, Monroe, LA [COTP New Orleans-05-095] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-096] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-098] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.5 to Mile Marker 230.5, Baton Rouge, LA [COTP New Orleans-05-099] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[Omitted from the Record on January 19, 2010]*

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than February 26, 2010.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. HOEKSTRA):

H.R. 4471. A bill to clarify that revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 4472. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHRADER:

H.R. 4473. A bill to amend title XVIII of the Social Security Act to establish an extended special enrollment period for individuals to enroll in part B of Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 4474. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Ms. McCOLLUM (for herself, Mr. BONNER, Mr. BACA, Mr. LUJÁN, Mr. GRIJALVA, Mr. PETERSON, Mr. CHANDLER, Mr. HEINRICH, Mr. COLE, Mr.

SHULER, Mr. KILDEE, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. KENNEDY, Mr. WALZ, Mr. BOREN, and Mr. PALLONE):

H.R. 4475. A bill to amend sections 14006 and 14007 of the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs established under such sections for payments to the Bureau of Indian Education of the Department of the Interior for Indian children; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mrs. BIGGERT, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. NEUGEBAUER, and Mr. PAUL):

H.R. 4476. A bill to suspend the current compensation packages for the senior executives of Fannie Mae and Freddie Mac and establish compensation for such positions in accordance with rates of pay for senior employees in the Executive Branch of the Federal Government, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Ms. SHEA-PORTER):

H.R. 4477. A bill to require the Secretary of Defense to establish a medical surveillance system to identify members of the Armed Forces exposed to chemical hazards resulting from the disposal of waste in Iraq and Afghanistan, to prohibit the disposal of waste by the Armed Forces in a manner that would produce dangerous levels of toxins, and for other purposes; to the Committee on Armed Services.

By Ms. CORRINE BROWN of Florida:

H.R. 4478. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to take actions to address the needs of children and families who are victims of a major disaster, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 4479. A bill to enforce discretionary spending limits to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

By Ms. FUDGE:

H.R. 4480. A bill to amend the Community Services Block Grant Act to authorize appropriations for national or regional instructional programs for low-income youth; to the Committee on Education and Labor.

By Mr. LANCE:

H.R. 4481. A bill to reduce the Federal budget deficit in a responsible manner; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 4482. A bill to apply recaptured taxpayer investments toward reducing the national debt; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 4483. A bill to prohibit compensation for any officer or employee of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, during any conservatorship or receivership of such enterprise, in an amount exceeding the compensation provided to the Chairman of the Joint Chiefs of Staff of the Armed

Forces; to the Committee on Financial Services.

By Mr. CARDOZA:

H. Con. Res. 229. Concurrent resolution supporting the designation of the facility under development by the Stanislaus County Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, and Mr. WOLF):

H. Res. 1019. A resolution recognizing the fifth anniversary of the signing of the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army and calling for urgent and aggressive actions to establish peace in all regions of Sudan; to the Committee on Foreign Affairs.

By Ms. MARKEY of Colorado (for herself, Mr. POLIS, Mr. SALAZAR, Ms. DEGETTE, Mr. PERLMUTTER, Mr. LAMBORN, and Mr. COFFMAN of Colorado):

H. Res. 1020. A resolution honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Mr. PAYNE, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. HOYER, Mr. CLYBURN, Mr. CONYERS, Mr. RANGEL, Mr. TOWNS, Ms. WATERS, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Mr. SABLON, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. WATSON, and Mr. WATT):

H. Res. 1021. A resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. LAMBORN, Mr. MEEKS of New York, Mr. CONYERS, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. SESTAK, Ms. LEE of California, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. CUMMINGS, Ms. WATSON, Mr. BRADY of Pennsylvania, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. GUTIER-

REZ, Mr. MASSA, Mr. AL GREEN of Texas, Ms. NORTON, Mr. CLAY, Mr. RANGEL, Ms. FUDGE, Mr. RUSH, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Ms. CHU, Ms. JACKSON LEE of Texas, Mr. FATTAH, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Ms. KILPATRICK of Michigan, and Ms. WATERS):

H. Res. 1022. A resolution honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H. Res. 1023. A resolution amending the Rules of the House of Representatives to remove the authority of the Committee on Rules to waive clause 5 of rule XVI or clause 9 of rule XXII; to the Committee on Rules.

By Mr. MCDERMOTT:

H. Res. 1024. A resolution expressing support for designation of January as Poverty in America Awareness Month; to the Committee on Ways and Means.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 211: Ms. KAPTUR.

H.R. 213: Mr. BUCHANAN.

H.R. 235: Mr. LUJÁN.

H.R. 273: Mr. SCHRADER.

H.R. 391: Mr. MILLER of Florida.

H.R. 460: Mr. MCGOVERN.

H.R. 537: Mr. SHUSTER.

H.R. 558: Mr. TONKO, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. GERLACH, and Mr. MARSHALL.

H.R. 678: Mr. HOLT and Mr. BARROW.

H.R. 690: Mr. YARMUTH.

H.R. 772: Mr. COHEN.

H.R. 847: Mr. WELCH.

H.R. 1079: Ms. MARKEY of Colorado and Mr. COHEN.

H.R. 1132: Mr. MCCAUL.

H.R. 1351: Mr. PAULSEN.

H.R. 1378: Mr. MCNERNEY, and Mr. GONZALEZ.

H.R. 1392: Mr. STUPAK.

H.R. 1469: Mr. SHULER, Mr. QUIGLEY, and Mr. MCNERNEY.

H.R. 1557: Mr. ROYCE and Mr. BISHOP of New York.

H.R. 1708: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1806: Mr. COSTELLO.

H.R. 1816: Ms. SUTTON.

H.R. 1826: Ms. MATSUI.

H.R. 1855: Mr. SCHAUER.

H.R. 1964: Mr. CLAY and Ms. FUDGE.

H.R. 2043: Mr. PRICE of North Carolina.

H.R. 2067: Mr. MICHAUD.

H.R. 2084: Mr. WEINER.

H.R. 2135: Mr. GERLACH, Mr. THOMPSON of Pennsylvania, and Mr. TIM MURPHY of Pennsylvania.

H.R. 2149: Ms. LEE of California.

H.R. 2243: Mr. ADLER of New Jersey.

H.R. 2254: Mr. LATOURETTE.

H.R. 2296: Mr. HASTINGS of Washington.

H.R. 2305: Mr. GINGREY of Georgia and Mr. BROUN of Georgia.



H.R. 2324: Mr. SCOTT of Virginia, Mr. SESTAK, Mr. JACKSON of Illinois, and Mr. HASTINGS of Florida.

H.R. 2443: Mr. LANGEVIN.

H.R. 2446: Mr. GERLACH, Mr. TONKO, Mrs. BIGGERT, and Mr. PLATTS.

H.R. 2455: Mr. PRICE of North Carolina, Mr. NADLER of New York, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mrs. LOWEY, and Mr. MASSA.

H.R. 2497: Mr. RAHALL.

H.R. 2546: Mr. WOLF.

H.R. 2555: Mr. COSTA.

H.R. 2565: Mr. PLATTS and Mr. ROSS.

H.R. 2730: Mr. TIM MURPHY of Pennsylvania and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2981: Mrs. KIRKPATRICK of Arizona.

H.R. 3019: Mrs. BLACKBURN.

H.R. 3092: Ms. FUDGE.

H.R. 3101: Mr. FILNER.

H.R. 3144: Ms. FUDGE.

H.R. 3264: Mr. DOGGETT, Mr. QUIGLEY, and Mr. KUCINICH.

H.R. 3359: Mr. BUTTERFIELD and Ms. KILPATRICK of Michigan.

H.R. 3381: Ms. LORETTA SANCHEZ of California.

H.R. 3412: Mr. TIAHRT.

H.R. 3458: Mr. CAPUANO.

H.R. 3480: Ms. BALDWIN and Ms. MCCOLLUM.

H.R. 3486: Mr. DELAHUNT and Mr. RUSH.

H.R. 3491: Mr. PETERSON and Mr. MICHAUD.

H.R. 3564: Mr. COSTA, Mr. MORAN of Virginia, and Mr. COHEN.

H.R. 3577: Mr. MCINTYRE.

H.R. 3578: Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3615: Mr. LUJÁN.

H.R. 3652: Mrs. BONO MACK.

H.R. 3695: Ms. WASSERMAN SCHULTZ.

H.R. 3734: Ms. CLARKE, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. ABERCROMBIE, and Mr. HONDA.

H.R. 3757: Mr. BOUCHER.

H.R. 3758: Ms. KILPATRICK of Michigan.

H.R. 3764: Mr. BOUCHER.

H.R. 3790: Ms. CLARKE, Mr. OLVER, Mr. MEEKS of New York, Mr. DEAL of Georgia, and Mr. DONNELLY of Indiana.

H.R. 3885: Mr. ROONEY.

H.R. 3888: Mr. SESTAK.

H.R. 3936: Mr. HINCHEY, Mr. CLEAVER, and Mr. CARNAHAN.

H.R. 3995: Mr. INSLEE.

H.R. 4003: Mr. HALL of New York.

H.R. 4014: Mrs. NAPOLITANO, Mr. GARAMENDI, and Mr. CAMPBELL.

H.R. 4044: Mrs. MALONEY.

H.R. 4065: Mr. MORAN of Virginia.

H.R. 4070: Mr. SCHOCK, Mr. MORAN of Kansas, Mr. PLATTS, Mrs. DAHLKEMPER, Mr. BOSWELL, and Mr. TIM MURPHY of Pennsylvania.

H.R. 4099: Mr. ACKERMAN.

H.R. 4128: Mr. HINCHEY and Mr. STARK.

H.R. 4129: Mr. PETERSON.

H.R. 4140: Mr. COHEN.

H.R. 4186: Mr. BOSWELL and Mr. SESTAK.

H.R. 4188: Mr. LEVIN.

H.R. 4191: Mr. BOSWELL.

H.R. 4192: Ms. WOOLSEY.

H.R. 4196: Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Mr. ELLISON, Mr. WU, and Ms. WOOLSEY.

H.R. 4198: Mr. SMITH of Nebraska.

H.R. 4199: Mr. PERRIELLO, Mr. ELLSWORTH, and Mr. TAYLOR.

H.R. 4227: Mr. DAVIS of Alabama and Mr. GOODLATTE.

H.R. 4233: Mr. DAVIS of Alabama and Mr. GOODLATTE.

H.R. 4239: Mr. MARSHALL.

H.R. 4255: Mr. ROE of Tennessee, Mrs. BACHMANN, Mr. LEE of New York, Mr. WILSON of South Carolina, and Mr. TIAHRT.

H.R. 4260: Ms. SUTTON.

H.R. 4269: Ms. LEE of California, Mr. GEORGE MILLER of California, and Mr. HALL of New York.

H.R. 4278: Mr. GERLACH.

H.R. 4295: Mr. BISHOP of New York.

H.R. 4296: Mr. KAGEN.

H.R. 4302: Ms. RICHARDSON and Ms. SPEIER.

H.R. 4329: Mr. BOUCHER.

H.R. 4330: Ms. CORRINE BROWN of Florida.

H.R. 4332: Mr. SHERMAN.

H.R. 4370: Mr. RANGEL.

H.R. 4386: Ms. LORETTA SANCHEZ of California and Ms. TITUS.

H.R. 4396: Mr. BOREN and Mrs. EMERSON.

H.R. 4400: Mr. LUETKEMEYER, Mr. BOUCHER, Mr. PERRIELLO, and Mr. ROONEY.

H.R. 4403: Mr. MCNERNEY and Mr. MILLER of Florida.

H.R. 4415: Mr. WOLF, Mr. BURTON of Indiana, and Mr. OLSON.

H.R. 4462: Mrs. CHRISTENSEN, Mrs. DAHLKEMPER, Mr. MARIO DIAZ-BALART of Florida, Mr. GERLACH, Mr. OLSON, Mr. PAYNE, Ms. TITUS, and Mr. WAMP.

H.R. 4463: Mr. OLSON and Mr. BOEHNER.

H.R. 4464: Mr. BARRETT of South Carolina, Mr. KINGSTON, Mr. LUETKEMEYER, Mr. ROONEY, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. FRANKS of Arizona, Mr. CONAWAY, Mrs. LUMMIS, Mrs. MYRICK, Mr. LUCAS, Ms. FOXX, Mr. PITTS, Mr. POE of Texas, Mrs. SCHMIDT, Mr. MARCHANT, Mr. LATTA, Mr. DAVIS of Kentucky, Ms. GRANGER, and Ms. FALLIN.

H.J. Res. 1: Mr. BUCHANAN.

H.J. Res. 61: Mr. CONNOLLY of Virginia.

H. Con. Res. 110: Mr. MORAN of Virginia.

H. Con. Res. 137: Ms. SCHAKOWSKY.

H. Con. Res. 169: Mr. TIAHRT.

H. Con. Res. 170: Mr. ARCURI.

H. Res. 22: Mr. SNYDER.

H. Res. 363: Mr. ELLISON.

H. Res. 704: Mrs. DAHLKEMPER, Mrs. MALONEY, Mr. BOREN, Mr. WAMP, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. BILIRAKIS, Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. FLEMING, Ms. WATSON, and Mr. GALLEGLY.

H. Res. 847: Mr. GARY G. MILLER of California, Mr. ROSS, Mr. ROHRBACHER, Mrs. CAPITO, and Mr. BILBRAY.

H. Res. 873: Mr. GOHMERT.

H. Res. 888: Mr. MORAN of Virginia.

H. Res. 925: Mr. MURPHY of New York and Mr. MILLER of Florida.

H. Res. 947: Ms. RICHARDSON, Mr. OLVER, and Ms. WOOLSEY.

H. Res. 960: Mr. MANZULLO, Mr. LATTA, Mrs. SCHMIDT, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. SCALISE, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. LAMBORN, Mr. HENSARLING, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. BROUN of Georgia, Mr. LUCAS, Mr. PENCE, and Mr. PITTS.

H. Res. 967: Mr. FARR.

H. Res. 975: Mr. MASSA.

H. Res. 990: Ms. DELAURO, Mr. WU, Mr. BUCHANAN, Mr. EHLERS, Mr. HARPER, Mr. SCHIFF, Mr. CAPUANO, Mr. GRIJALVA, and Ms. BORDALLO.

H. Res. 997: Mr. FILNER.

H. Res. 1003: Ms. FUDGE, Mr. KILDEE, Mrs. CHRISTENSEN, Ms. ESHOO, Mr. FILNER, Mr. HARE, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. WAXMAN, Mr. OBEY, Mr. WATT, Ms. TITUS, Ms. HARMAN, Mr. McDERMOTT, Mr. DOGGETT, Mrs. CAPPS, Mr. POMEROY, Mr. BAIRD, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. TOWNS, Mr. BECERRA, Mr. SHERMAN, Mr. BARROW, Mrs. HALVORSON, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. ENGEL, Ms. KILROY, Ms. SUTTON, Mr. BUTTERFIELD, Mr. GRAYSON, Mr. FOSTER, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Ms. MATSUI, Ms. SLAUGHTER, Mr. THOMPSON of California, Mr. BERRY, Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, and Mr. GUTIERREZ.

H. Res. 1006: Mr. BISHOP of Utah, Ms. FOXX, and Mr. BARRETT of South Carolina.

H. Res. 1009: Ms. HARMAN, Ms. SUTTON, Mr. MANZULLO, and Mr. BISHOP of Georgia.

H. Res. 1010: Mr. SABLAN.

H. Res. 1011: Mr. PIERLUISI, Mr. BURGESS, Mr. BOCCIERI, Ms. CHU, Mrs. LUMMIS, Ms. BERKLEY, Ms. SHEA-PORTER, Mr. KISSELL, Mr. ADLER of New Jersey, Mr. CARNAHAN, Mr. SIRES, Mr. WILSON of Ohio, Mr. FILNER, Mr. PERLMUTTER, Mr. HODES, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. TONKO, and Mr. WEINER.

H. Res. 1013: Mr. ENGEL.

H. Res. 1018: Mr. WAXMAN.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4191: Mr. DAVIS of Tennessee.



## EXTENSIONS OF REMARKS

### RECOGNIZING OFFICER GREG GORDON FOR RECEIVING THE GOLD MEDAL OF VALOR

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Officer Greg Gordon of the Pensacola Police Department upon receiving the Gold Medal of Valor, the department's highest honor. Officer Gordon is a dedicated public servant, and I am proud to honor his heroism and commitment.

On July 3, 2009, Officer Gordon was en route to police headquarters when he responded to a call regarding a 9-1-1 hang up. Upon arriving at the scene, he saw smoke coming from the house and was told the resident was likely still inside the burning building. When he did not receive a response from the front door, Officer Gordon kicked in the door and crawled under the smoke to find the home's occupant. Officer Gordon pulled the man through the burning house and safely outside. Although Officer Gordon and the resident were treated for injuries, both came out safely.

For this selfless act of heroism, Officer Gordon is being awarded the Pensacola Police Department's highest award, the Gold Medal of Valor. Officer Gordon is only the 10th police officer to receive the medal since the department was formed in 1821. He was first hired as a cadet in 1996 and was promoted to police officer in 1999. A former SWAT member, Officer Gordon is assigned currently to the Uniform Patrol Division. Part of his patrol jurisdiction includes my Pensacola office, and his service to our office has been outstanding.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Officer Greg Gordon for going above and beyond the call of duty. He is a true American hero and an invaluable member of our community. My wife Vicki and I wish Officer Gordon and his family all the best for the future.

### HONORING THE LIFE OF BEN KATZ

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. ALEXANDER. Madam Speaker, I rise today in honor and remembrance of the life and achievements of Ben Katz, who passed away on January 13, 2010.

Ben was a dedicated public servant, and it is his connection and involvement in his community for which he will always be remembered.

Survived by his wife, Louisiana State Representative Kay Katz, Ben took over where

she left off serving Monroe, LA, as City Councilman for District 2 since 2000. In this capacity, he was voted by his peers to serve as City Council vice-chairman from 2007 to 2009.

His commitment to the Monroe community did not end here. Among his impressive list of endeavors, Ben was also a member of the I-20 Economic Development District Board, Ouachita Council of Governments and the City of Monroe Insurance Committee.

Ben was an inspiration to all who knew him. I wish to express my deepest condolences to his family, and may God continue to bless the memory of a man who will truly be missed by his family, his friends and his community.

Madam Speaker, I ask my colleagues to join me in honoring the late Ben Katz.

### TESTIMONY ON DR. JAIRY C. HUNTER'S 25 YEARS OF SERVICE AS PRESIDENT OF CHARLESTON SOUTHERN UNIVERSITY

#### HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Dr. Jairy C. Hunter, Jr. for 25 years of service as President of Charleston Southern University. Dr. Hunter assumed his role as President in 1984 during a difficult time in the school's history, but through strong leadership and a clear vision, the new President led the school towards academic greatness.

25 years later, Dr. Hunter's guidance produced record enrollment numbers, significant budget growth, and new degree and athletic programs, to name a few of his many accomplishments. Working with her husband, Sissy Hunter's dedication to the school has improved university relationships and made scholarship programs possible. Throughout the years, Dr. Hunter never lost sight of the school's Christian background and has kept faith at the forefront of Charleston Southern University's mission.

Dr. Jairy and Sissy Hunter are respected leaders not only within the Charleston Southern University community, but throughout the city of Charleston. Dr. Hunter, thank you for your dedication to Charleston Southern University and your commitment to academic excellence in South Carolina's First District.

### HONORING THE BOY SCOUTS OF AMERICA ON THEIR 100TH ANNIVERSARY

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, today, I rise to honor the Boy Scouts of America on their 100th anniversary.

The Boy Scouts of America has been at the forefront of instilling timeless values in youth since its founding in 1910. Throughout its 100-year history, it has helped millions of youth succeed by providing the support, friendship, and mentoring necessary to live a happy and fulfilling life.

Today, the Boy Scouts of America is the largest youth service organization in America, with nearly 3 million members. These members learn responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs and career-oriented programs in partnership with local community groups.

The Boy Scouts have always held a special place in my heart because in 1951, my father started Boy Scout Troup 108—the first Boy Scout organization in Westminster, South Carolina. As a matter of fact, one of the first service projects of this troop was to raise the American Flag over the Westminster Post Office.

On this momentous anniversary, I would like to thank all of the Scouts for their service to their local communities and to our Nation. I would also like to thank their parents for all of the time and energy they have committed to scouting. It is the values of service, character, and leadership—the core values of scouting—that make our country great.

### H. CON. RES. 226, SUPPORTING THE "SPIRIT OF '45"

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. FILNER. Madam Speaker, I rise in support of a resolution that I have introduced: H. Con. Res. 226 which supports the Spirit of '45, a yearlong national campaign to raise public awareness of the 65th anniversary of the end of World War II, and the Spirit of '45 Day, to be observed each year on the second Sunday in August.

1945 was a defining year in the last century. Even after victory in Europe in World War II, our Nation still faced many hard fought battles in the Pacific and the decision to use the atomic bomb. In August of that year, Japan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

surrendered, the war was over, and America joined the world to begin the work of peace. The United States started with the job of rebuilding allies and former enemies alike, leading the effort to form the United Nations, and helping millions of returning veterans begin their civilian lives with the G.I. Bill.

To raise awareness about this 65th anniversary, the Spirit of '45 is encouraging communities to hold commemorative events on the Spirit of '45 Day, the second Sunday in August, to honor the legacy of the World War II generation whose members are rapidly passing into history. Everyone is asked to collect first-hand memories of those who experienced August 14, 1945, memories that will be preserved on a Web site and shared with schools, libraries, museums, memorials and the public as a permanent reminder of a time when people came together to face common challenges as a united country. Many of the memories can also be forwarded to the Veterans History Project of the Library of Congress.

The 2010 Spirit of '45 activities will officially kick off at a reunion of World War II veterans on the USS *Midway* in San Diego, on Monday January 18, 2010. Invited to participate are World War II legends Ernest Borgnine, Tony Curtis, Kirk Douglas, and Hugh O'Brien. Also invited is Edith Shain, the nurse who was photographed being kissed by a joyous sailor in Times Square on August 14, 1945. A presentation will be made to the family of Bob Hope in honor of his legacy of support of our men and women in uniform.

The next major event of the Spirit of '45 will be right here in Washington, D.C. when hundreds of people will gather at the National World War II Memorial and lead the Memorial Day Parade down Constitution Avenue. Moving toward the weekend of August 14-15, public events are to be held across the country to commemorate the 65th anniversary of the end of World War II, including a major event already being planned in New York City's Times Square. Later events are being discussed for October, the 65th anniversary of the founding of the United Nations, and on Veterans Day in November.

The events will focus on how to assure that our "latest generation" of veterans receives the kind of welcome home as did their forefathers of the World War II generation, through education and training under the newly-passed "Post 9/11 G.I. Bill," employment opportunities, and many other ways of helping in their efforts to reconnect with their communities. I urge my colleagues to join in support of these remembrances of the ending of World War II by co-sponsoring H. Con. Res. 226.

RECOGNIZING CAPTAIN JOSEPH A. IANNITTI—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, January 20, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces

from my home state of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to this country. Scottsdale Healthcare has recognized Captain Joseph A. Iannitti for the month of January.

I commend Scottsdale Healthcare for paying tribute to such an exceptional service member for his bravery and service to our country.

Captain Joseph A. Iannitti has served in the Army for nine years and is currently the Executive Officer for the 286th Signal Company, 11th Air Defense Artillery Brigade at Fort Bliss, Texas. Next month, he will deploy to Kuwait as a communications officer.

During his service Joseph has received numerous awards. He was awarded two commendation medals, an achievement medal, Good Conduct Medal, National Defense Service Medal, Reserve Mobilization Medal and a Global War on Terrorism Service Medal.

Madam Speaker, please join me in recognizing this courageous service member for his outstanding contributions while serving our country.

A TRIBUTE TO AARON AND  
ASHLEY REDING

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, January 20, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor Aaron and Ashley Reding of Howardstown, Kentucky as the recipients of the 2010 American Farm Bureau Federation's Young Farmers and Ranchers Achievement Award.

On January 11, 2010, the couple was announced as the winners of the Young Farmers & Ranchers (YF&R) Achievement Award at the American Farm Bureau Federation's 91st annual meeting in Seattle, Washington. The Redings had gone on to win this national title after being named the Kentucky Farm Bureau's Outstanding Young Farm Family in December of 2009.

The award recognizes young farmers and ranchers that have excelled with their respective operations and that have demonstrated a sense of commitment to promoting the agriculture industry. This honor is a well-deserved recognition of the rapid growth and financial progress of the Reding family's farm as well as a testament to years of hard work and dedication.

The Reding family operates a large-scale row crop operation and this year they grew 1,500 acres of both corn and soybeans in addition to 450 acres of wheat. Aaron bought two farms in the early 2000s and was later granted ownership of his family's farm in 2003. Ashley has also dedicated her life to agriculture, retiring from teaching to stay home and tend to the human resource and technological aspects of the farm, as well as to raise their three children.

The Redings have assumed a leadership role within their community, promoting not just their farm but the agriculture industry as a whole. They regularly host school tours and county leadership groups and often work with

chemical and seed companies in conducting research. Aaron and Ashley have even combined forces with their local press to draft an informative story about GPS and farming.

Among other organizations, both Aaron and Ashley are members of the American Soybean Association. Aaron is president of the Kentucky Soybean Association, a member of the county extension council and is a regional officer for the State Young Farmer Association. He is also currently the vice president and chairman of the policy development committee while Ashley is an active member on the women's committee.

I want to thank Aaron and Ashley, along with their children, for serving as a role model for all Kentucky families, especially those within the rapidly changing farming industry. I hope their success continues for many years to come.

PAYING TRIBUTE TO THE 1270  
FIFTH AVENUE RESIDENTS AS  
THEIR COOPERATIVE MARKS ITS  
50TH ANNIVERSARY

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, January 20, 2010*

Mr. RANGEL. Madam Speaker, this year marks the 50th anniversary of the 1270 Fifth Avenue Cooperative in my Congressional District. 1270 has the distinction of being the first middle-income co-op in my and surrounding Congressional Districts and the only residential co-op in Manhattan that is a cooperative nonprofit corporation.

Incorporated on August 8, 1957, under the New York State Cooperative Corporations Law, the building was constructed with a stream of funding from Section 213 of Title II of the National Housing Act. The \$4.5 million dollar mortgage held by the Federal Housing Administration has since matured in November of 1999.

Despite the neighborhood's initial negative reaction to 1270's construction, there was a tremendous demand for the apartments. At a time when segregated housing in Manhattan was still the norm, 1270, which was unrestricted regardless of race, gender, or creed, and priced for middle-income residents, was seen by minorities and liberal-minded folks as a desirable place to live. By November 1959 when the building first opened for occupancy, 194 of the 201 available units had been sold. The remaining seven apartments were sold and occupied by July 1961.

Making history for 1270 had its difficult moments. A board of directors was quickly elected in order to tackle problems as they surfaced. Throughout the years of struggle to establish and maintain a viable middle-income cooperative in East Harlem, the families and individuals at 1270 held together through a tremendous sense of home and community. Men and women who arrived as young adults lived and raised their children, and grew old here. Neighbors became lifelong friends and took care of each other.

There is no better measure of 1270's success than the fact that people who move

there, stay there. Of the 201 shareholders, 69 percent have been there for more than 10 years; 44 percent for more than 20 years; 35 percent for more than 30 years; and 17 percent for more than 40 years. The average length of residency is 21.6 years.

1270 was and continues to be called home by multiple celebrities and other notables, including: Odetta, internationally celebrated folk singer; James Dumpson, former commissioner of the New York City Department of Health and Welfare; Elaine Jones, former executive director of the NAACP Legal Defense and Education Fund; Verne Oliver, former headmaster of New Lincoln School; Debbie Allen, television and stage actress; Phylicia Rashad, television and stage actress; Charles Henry Alston, internationally acclaimed artist; Ruth Slenczynska, internationally acclaimed concert pianist; Gus Trowbridge, founder of Manhattan Country School; Lois Small, founder of senior dance group, "The Steppers"; the family of Ralph Bunche, Nobel Peace Prize Laureate; the family of Harry Belafonte, singer; and the family of Johnny Mathis, singer.

1270 has not only survived, but it has thrived through the years. Current neighborhood beautification projects have magnificently transformed the setting of the building's home. 1270 faces the Harlem Meer section of New York City's Central Park and the Conservatory Gardens, which have been restored and maintained with an endowment. The on-site Museum of African Art adds a part of the building to New York's Museum Mile. Sightseeing buses now regularly stop in the neighborhood for tours.

Madam Speaker, on the occasion of 1270's 50th anniversary, as we look back on the successes of the National Housing Act, we can all feel a sense of pride. For many long-time residents, the soul of this section 213 building can never be separated from its historic roots.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,319,326,469,724.43.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,680,900,723,430.63 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

#### IN RECOGNITION OF REELTOWN HIGH SCHOOL WINNING THE ALABAMA 2A STATE FOOTBALL CHAMPIONSHIP

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Reeltown High School football team in Notasulga, Alabama, which recently won the 2009 Alabama 2A State Football Championship.

On December 4th, the Reeltown Rebels defeated Clay County High School by a score of 16-8 at Bryant-Denny Stadium in Tuscaloosa, Alabama. The Rebels finished the season with a record of 14-1.

The Reeltown Rebels are coached by Jackie O'Neal, and the school's principal is Tom Cochran. I'd like to congratulate the football team, coaches and high school students and staff on this outstanding achievement. All of us across Tallapoosa County and East Alabama are deeply proud of these talented young Alabamians.

#### PERSONAL EXPLANATION

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, January 19, 2010.

Had I been present I would have voted "Aye" on Rollcall vote No. 6 (on motion to suspend the rules and agree to H. Res. 1004), "Aye" on Rollcall vote No. 7 (on motion to suspend the rules and agree to H. Res. 1015), "Aye" on Rollcall vote No. 8 (on motion to suspend the rules and agree to H. Res. 991).

#### A TRIBUTE TO AN AMERICAN HERO

#### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I rise to pay tribute to Army SPC Bryan C. Florence of Louisville, Kentucky, who nearly lost his life on September 2, 2007 during an IED explosion in Baghdad. Specialist Florence is a true American hero and an exceptional Kentuckian who inspires us all with his strength and sacrifice. I ask that a poem penned by Albert Caswell in honor of Specialist Florence and his family be placed in the CONGRESSIONAL RECORD as follows:

BRYAN'S SONG

Bryan's Song . . .  
Bryan's heart, beating loud! Beating long!  
Beating strong!  
A hero's heart, which to him now so belongs!

Army Tough! Army Strong!

To him, that heart of a hero which so beats on . . .

Belongs, to such a fine young man . . .

Kentucky Strong . . . Bryan's Life . . . Bryan's Song . . .

A Thoroughbred . . .

Finishing first, across that finish line of life . . . let it now be said!

An Army man, who so proudly wears the uniform . . . who so can!

All for God and Country, and Family, he went off to war . . .

Into that the darkest face of death, but were his great burdens bore . . .

Leaving all that he so loved . . .

Ready to die if necessary, is that but not true love . . . and Heaven is for?

All for us, while into the face of death he left!

When, on battlefields of honor seen . . .

Dashing there so in uniform, such a heroic figure convened . . .

As the hand of death would so intervene . . . Reaching down, beckoning him . . .

With one leg gone, somehow he held on . . . All for his fine wife, and future child to be born . . .

As he now must move on, as we so see his courage full . . . courage strong . . .

Within his heart beating so loud, beating strong . . .

Listen and learn, from this sonnet . . . his Bryan's Song . . .

A song of full hope and courage . . . who would not be discouraged . . .

The words, of a hero . . . all of our souls words has nourished . . .

As day by day, while all of that pain and heartache comes his way . . .

As we so glean, what it so takes . . . to be a fine human being . . .

As against all odds, in life and death's . . . in all his heartbreak left . . .

In death and war . . . he writes his score . . . To rebuild . . . to so instill . . . trusting In God's Will!

As his fine heart will not dismay . . .

As he so shows us all the way still . . .

A Florence of Arabia . . .

Who went off to the Mideast . . .

All on his most valiant crusade, to fight for peace . . .

What, words in our lives have we so written? Heard all here in our living!

And, if I ever have a son . . . I but hope and pray!

What songs have we so sung as to this our world so given?

He could but be like this one, this day . . .

As Bryan's sung!

#### TRIBUTE TO DARRELL CORTEZ

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise to honor Darrell Cortez, a 30-year veteran of the San José Police Department on the occasion of his retirement.

Darrell Cortez began his tenure with the SJPd shortly after receiving his degree in Administration of Justice from San José State University in 1978. In his capacity as a Peace Officer, Darrell has worked the Field Training Officer Unit, Narcotics Covert Investigations Unit, and Drug Enforcement Administration Task Force. Darrell also served on the Sexual

Assaults Unit, Sexual Assault Felony Enforcement, SAFE, the Red Car Rapist Task Force, and the School Liaison Unit, and was additionally assigned to State Bureau of Narcotics Enforcement.

Officer Cortez's commitment to serve and protect has remained constant throughout his career. Just last week he responded to a call regarding an apparent suicide. With days left before his retirement, Darrell came upon a woman who had stopped breathing as the result of the suicide attempt. Despite her initial unresponsiveness, Darrell was able to resuscitate the woman, saving her life.

In addition to his official duties, Darrell volunteers for a better world.

Darrell Cortez is the California State Chapter president of the National Latino Peace Officers' Association having served this organization, both in the founding Santa Clara County Chapter and Statewide, in several capacities on the executive board. Either under his leadership or with his involvement, the NLPOA has raised more than \$100,000 to fund their scholarship program. These funds support not only undergraduate students but also graduate students seeking an advanced degree in professional schools. Scholarship recipients have gone on to serve this nation in many capacities. In fact, a member of my staff is a grateful past beneficiary of one such scholarship.

When Darrell was assigned to the Community Services Division of the San José Police Department, he took this opportunity to not only protect and serve the residents of San José, but to protect and serve their future by working closely with youth in local schools. Of particular focus were the children of Horace Mann Elementary School. He had, all too often, seen acts of violence or threats in the schools.

Darrell feels strongly that if some kind of positive intervention is made at an early age during the lives of these children, then they would be able to contribute to the future of our society.

Darrell Cortez's efforts to bridge the divide between law enforcement and communities of color were a natural result of profound pride in both his Mexican heritage and in being a peace officer. He always strives to be the best in both his work and his community service.

In recognition of his good work, Darrell Cortez has received numerous commendations and resolutions. But perhaps most importantly, he has earned the respect and high regard of a grateful community.

Great acts of service often require great sources of inspiration. Fortunately for Silicon Valley, Darrell finds such inspiration in his family. His father, Tomás Cortez, served this Country honorably in the U.S. Armed Forces during World War II. Darrell's mother, the late Aurelia Quihuis Cortez, is remembered by Darrell as a steadfast matriarch and one of the original "Rosie the Riveters."

Darrell is devoted to his wife of almost 30 years, Alicia Cortez, and is the proud father of Ricardo, Emilio, and Lorena.

It is a great honor to thank Officer Darrell Cortez for his service and congratulate him as he begins this new and well deserved chapter in his life. I am proud to call him friend.

## HONORING THE 3RD BRIGADE COMBAT TEAM

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. OWENS. Madam Speaker, I rise today to pay homage to the soldiers, family members, friends, USO supporters and the entire North Country community as they welcome home the 3rd Brigade Combat Team. Tomorrow the Spartans will celebrate their homecoming among those who tirelessly supported them while in Afghanistan. It is that greater community that I tribute today.

No effort by our service men and women is conducted in a vacuum; behind every soldier departing U.S. soil stands a dedicated team of family, friends and civilian volunteers who tirelessly work behind the scenes. Their efforts are seldom recognized for what they really are—absolutely vital to the achievements of soldiers in harm's way and essential to ensure a smooth transition when they return home.

The community surrounding Fort Drum has shown an amazing capacity to support our soldiers in every possible way. From providing shipments of care packages to volunteering at USO events and the support of the Fort Drum Regional Liaison Organization, the North Country has provided outstanding assistance to the 3rd BCT.

One particular event that wouldn't have happened without the community's support is the "Spartan Spectacular." This celebration of the brigade has been driven by the USO, and funded by generous donations from devotees of the 10th Mountain Division like Mr. Alfred Weissman. To Mr. Weissman, the soldiers and families of the 3rd Brigade Combat Team, and the greater Fort Drum community, I express my sincere thank you for all you do in support of the defense of our country.

## RECOGNIZING THE GENEROSITY OF DR. VICTOR GUZMAN

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor Dr. Victor Guzman, whose great generosity in creating a scholarship fund for the Palm Beach Community College Foundation will increase access to higher education for young people in the Belle Glade community.

Dr. Guzman was motivated to establish the Lake Okeechobee Muck Rat Nation Scholarship Fund after reading an article last year in the Palm Beach Post. The article reported on the low graduation rates among black males in Belle Glade and detailed the low wages, high incarceration rates, insufficient job prospects, and lack of hope felt by so many young black men in the western Palm Beach County community. Living in the Glades for almost 60 years, Dr. Guzman realized that there were too many young people who did not have the economic means to go to school.

The Lake Okeechobee Muck Rat Nation Scholarship Fund, named after those people who make their living working in the fields within the Everglades Agricultural Area, will enable more Belle Glade students to enroll in Palm Beach Community College. Dr. Guzman donated \$100,000, most of his life savings, to establish the fund. Two \$500 scholarships will be available for students who are accepted by the school, enrolled for at least 12 credits per term, live in Palm Beach County, attend the Belle Glade campus, and demonstrate financial need.

Education has always been a priority for Dr. Victor Guzman, a 95-year-old retired agricultural research scientist who worked for the University of Florida. A native of Peru, the University of Florida hired him in 1951 to help improve local farmers' crop production. He spent his career developing chemicals for weed control as well as virus-resistant strains of lettuce that thrive in the rich, organic soil surrounding Lake Okeechobee. These contributions have benefited the health and nutrition of the people in his community and around the world.

Madam Speaker, Dr. Victor Guzman is an excellent role model for us all. He has invested in the future of his community by making higher education accessible to more young people. Generations of students in the Glades area will be forever indebted to him for his compassion and concern.

## PERSONAL EXPLANATION

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. WOOLSEY. Madam Speaker, on January 19, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 6. Had I been present I would have voted:

Rollcall No. 6: "yes"—Congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health.

**HONORING CORPORAL  
CHRISTOPHER MILITO**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor one of the finest people I have ever known, Christopher Milito.

Cpl. Milito was tragically taken from us on January 16, 2010. He died in the line of duty protecting civilians as a member of the Delaware River Port Authority Police Department. He joined the department on January 31, 1994, and quickly became one of its most popular and respected officers.

Christopher grew up in my neighborhood, the Overbrook section of Philadelphia. I've known him and his family for years. He was that rare person that everyone loved. He never had a bad thing to say about anyone. He was kind, unselfish, and had a heart as big

as all outdoors. He loved his community, he loved his country, and he loved being a police officer. But more than anything, he loved his family.

Cpl. Milito never took anything for granted and always gave his best at whatever he was doing. Over the course of his career, he received 28 letters of commendation, most notably for his participation in crime prevention presentations to youth. Cpl. Milito wasn't satisfied with only doing a great job; he also pushed to educate himself. A 1988 graduate of Lamberton High School, he attended Community College of Philadelphia and earned a certificate in police training from Camden County College in 1994.

He attended Temple University at night to earn his Bachelor's Degree in criminal justice. And, he was just a few hours away from earning his Master's Degree in criminal justice at West Chester University when he was so tragically taken from us.

Madam Speaker, I know that my colleagues will join me in expressing our deepest condolences to his family, as well as thanking them for letting him brighten all of our lives.

#### HONORING RICHARD E. LINDNER

#### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mrs. SCHMIDT. Madam Speaker, I rise to honor the life of Richard E. Lindner—a Cincinnati business and philanthropic icon. The youngest son of Carl H. Lindner Sr. and Clara Ann Serrin, Richard was born on September 14, 1921 in Dayton, Ohio.

Growing up during the Depression, Richard learned the value of hard work. Together the Lindner Family created a successful chain of dairy stores. They opened their first United Dairy Farmers in 1940. Richard's first job was hauling milk from the surrounding country farms to the family dairy.

Richard left the family business to serve his country in World War II as a Navy non-commissioned officer in the Pacific Theater, where he was decorated for his service to his country.

He married Helen Victoria Gill of Lynn, Massachusetts in 1942. Together they had one son, Richard Jr., and three daughters, Charlene, Suzanne, and Carol.

In 1959, the Lindner family purchased Thriftway, a four-store grocery chain. Richard became Chief Executive Officer and Chairman of Thriftway Inc. Before selling the company in 1995, Thriftway had become the second-largest privately owned company in the Greater Cincinnati region.

Richard Lindner had an untiring passion for the people of Cincinnati. He is fondly remembered for his generosity, charity and for his amazing business acumen. His charitable giving is most notable around the University of Cincinnati, but the list of those that benefited from his generosity reached nearly every corner of our community.

Madam Speaker, Cincinnati will dearly miss Richard Lindner. Fortunately, his legacy will live on through his children and grandchildren and the many institutions he endowed.

Please join me in sending condolences to his family.

#### HONORING PAUL BALES

#### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. DUNCAN. Madam Speaker, I rise today to honor a newspaper legend in my district and recognize his lifelong commitment to one of the greatest communities in the Nation.

Paul Bales recently retired as advertising major accounts executive at The Daily Times in Maryville, Tennessee. For the last 125 years, the people of Maryville and Blount County have turned to The Daily Times for news coverage that focuses on their community. Paul has been a part of this tradition for more than 50 years.

He began at The Daily Times as a paper carrier in the early 1950s, and through his determination, hard work, and devotion, he quickly rose through the ranks. Despite his challenging work, Paul devoted many hours to charity, including the Empty Pantry Fund which he headed. The Daily Times Publisher Max Croster said, "He's probably the most wonderful person I've ever known."

Madam Speaker, I urge my Colleagues and other readers of the RECORD to join me in congratulating Paul Bales on his retirement and contributions to The Daily Times and Blount County, Tennessee, community. I see no better way to honor Paul than to bring attention to a tribute that appeared in the The Daily Times on December 13, 2009, which is reprinted below.

#### BALES TO RETIRE

(By Linda Braden Albert)

Paul Bales, advertising major accounts executive at The Daily Times, has announced that he will retire from the newspaper as of Dec. 31. His duties will then be assumed by Quentin Anthony, who has been with the advertising department for more than 30 years.

Bales will continue to fill the role of Empty Pantry Fund chairman, however, and plans to stay actively involved in other community projects.

Bales began his career at The Daily Times as a paper carrier in the early 1950s when he was a high school student. Even at that young age, the irrepressible Bales showed his work ethic and expertise in sales.

"I started out with 17 customers on my route, and the circulation manager told me he wanted it to grow," Bales recalled recently at his office. "In no time flat, I had 73 customers. I did. I poured it on."

#### SEVERAL JOBS

Soon afterward, Bales was told the newspaper wanted to hire someone to roll papers, do general tasks and "plate the press," which involved attaching 30- to 35-pound plates to the press and clamping them down so they wouldn't come off during the printing process. The circulation manager asked Bales to come in and give it a try.

"At that time, I only weighed about 137 pounds, and I couldn't hardly pick it up much less clamp it down on the press," Bales said. "I started walking out. If I couldn't do what they wanted me to do, they wouldn't hire me, of course. And he said, 'They told

me to hire you regardless of what you could do or couldn't do,' because of all those customers I got, and it was a kind of a reward for that."

Bales might not have been able to plate the press, but he could do other jobs at the newspaper, and did, at the same time attending high school and working several other jobs. His schedule was school from 8:30 to 11 a.m., newspaper from 12 to 5 p.m., Luke's Pool Room from 6 to 12 p.m., bagging groceries on Sundays at a local corner store, and selling concessions at University of Tennessee ball games during home games.

#### LIKES TO DRAW

Bales said he wanted to be a cartoonist, and when he saw an advertisement for an art course through Art Instruction of Minnesota, he saved his money and paid the \$175 to take the mail-in cartoonist course. He was still in high school at that time.

"I could draw the bottom of characters real good, but I could never get the head in perspective the way it ought to be," he said. "There was another course in there in advertising, so I took that course."

When he graduated from that course, the publisher of The Daily Times asked Bales to create an advertisement using several components he would be given.

"I did that and he looked at me and said 'Congratulations. You are now a member of the advertising department,'" Bales said.

He has been in the advertising department ever since.

#### COMPASSION FOR OTHERS

Bales is well-known for his compassion for others. His parents, Fred and Gladys Bales, inspired him, but he always looked to his Grandmother Bales as the example he wanted to follow.

"She lived in Bales 'Holler' in Friendsville, and she was always, always, doing things for people," Bales said. "She had no money but she could do things for other people. She had a heart of gold."

At Christmastime, she would barter chickens and eggs for apples, oranges and nuts from the "rolling store," which brought supplies to the neighborhood, and give them to Bales and his siblings for Christmas.

"To make sure we were all divided equally, she would give us for each year of our age that number of walnuts, and apples and oranges," Bales recalled. "We always looked forward to that, and she also had orange slices. That was our Christmas."

Bales started his community service at the age of 6. He lived in the Alnwick community of Blount County and would take his dog to visit the residents of the Blount County Poor Farm, where William Blount High School stands today.

"I've always had compassion for other people," Bales said. "I wanted them to be able to pet the dog but I also wanted little knickknacks for them. I'd pick strawberries at this man's farm, and what little I got paid, I'd take to the little store there at Alnwick and buy cookies and take them over there to the Poor Farm. They really loved that."

Unfortunately, the strawberry picking didn't last too long. The farmer told Bales he was eating more than he was picking and let him go.

#### MARYVILLE/ALCOA JAYCEES

A turning point in Bales' life came when he was invited to attend a meeting of the Maryville/Alcoa Jaycees by one of the members.

"I told him that I didn't want to join anything," Bales said. "Then I asked him a question, and I'm glad I did—I asked him, 'What do the Jaycees do?' He said, 'Well, they help people.'"

That convinced Bales to attend a meeting, and he was soon taken under the wings of the older men. They watched over Bales and encouraged him.

"They gave me an application to fill out, and all of a sudden I was chairman of the Empty Pantry Fund," Bales said with a laugh. "That was in 1954. I think they found out they had a turkey to take over that project, and I was the one! Those were a bunch of good, nice businesspeople that I needed."

#### COMMUNITY SERVICE

Max Crotser, publisher of The Daily Times, said words can't explain Paul Bales.

He's probably the most wonderful person I've ever known," Crotser said, then related a story that happened several years ago in the dead of winter. "Paul and I were in the car going someplace and saw a man walking down the road with no coat. He was cold, and Paul stopped and bought him a warm coat. He went back and gave the man the coat, and the man went on his way. But that's Paul. He would do anything for a person in need."

Crotser attributes the wide community support for the Empty Pantry Fund to Bales.

"Because of the trust people have in Paul Bales, the Empty Pantry Fund is one of the most successful charities around," he said.

Daily Times Editor Dean Stone has known Bales for a long time: Stone has been with The Daily Times for 62 years and Bales for about 55, he said. Stone also mentioned how valuable Bales has been to the Empty Pantry Fund, which began as a project of the Maryville/Alcoa Jaycees and The Daily Times in 1952.

"We went from that first year having about 120 homes, and now we have over 1,400 a year," Stone said via telephone from his room at Blount Memorial Hospital, where he is recovering from surgery.

He said Bales' reputation is not limited to Blount County. A Louisiana couple has supported the project for several years, and this year, an anonymous donation from a visitor from California was made to the Empty Pantry Fund.

"He said he had been around town and asked everybody he saw what was the best, most worthwhile charity he could give to, and every answer he got was 'Empty Pantry Fund,'" Stone said.

#### 'PURE DETERMINATION'

Larry Aldridge, executive editor at The Daily Times, said he is most impressed with Bales' dedication to the community.

"Since I've been here he's probably been responsible for more community service projects in Blount County than anyone I know," Aldridge said. "I worked with him on several projects, including the new Blount County Library. I have always admired his pure determination to find a way whenever there's a need."

Evelyn Sandlin, advertising director, said she had heard of Bales throughout her career and was pleased to work with someone of his experience and dedication.

"It will be sad and exciting, and I will be calling him," she said of Bales' retirement. "We'll all miss him, not just for his work, but his fun."

Crotser described Bales as a great guy and a great employee.

"There are very few people in this world like Paul Bales," he said. "I have the utmost respect for him and wish him all the best in his retirement. We're going to miss him, but we won't let him go away."

Bales is planning to spend time traveling with his wife, Anita, and visiting his son and

daughter-in-law, Brian and Bridget Bales, who now live in Scottsdale, Ariz., with their daughters, Brooke and Brittany. Bales will continue to be involved in community projects, especially the Empty Pantry Fund.

"I've always been involved knee-deep and overhead in doing for others and I'll continue that forever," Bales said. "There are always people to be helped, and I want to be right in the middle of it."

#### JEWISH CEMETERY IN IOANNINA

##### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. BERKLEY. Madam Speaker, I rise today to call my colleagues' attention to some extraordinary news from Ioannina, Greece. Last month, a group of citizens called the Citizens Initiative for the Defense of the Jewish Cemetery of Ioannina held a public rally against anti-Semitism, bringing Jews and Christians together to combat racism and hatred.

The Jewish cemetery of Ioannina, which was vandalized four times in 2009, is a cultural monument of one of the oldest Jewish communities in the world—dating back almost 3,000 years to the time of the Babylonian exile. The Jewish community of Ioannina believes the cemetery vandals are members of a neo-Nazi group.

Therefore, the Citizens Initiative came together—Jews and Christians alike—to create "a human chain against racism" surrounding the cemetery, showing support for the Jewish community and demonstrating their outrage at the recent desecrations. Additionally, a public exhibition highlighted the historic Jewish community there and the cemetery's significance in that history.

Madam Speaker, I applaud the good citizens of Ioannina who organized and participated in this remarkable event. I hope their good will and unity will compel the political leaders of Ioannina to act against the vandals in their city. This kind of citizen action should also serve as a beacon to people everywhere who seek to put an end to racism and anti-Semitism: it proves Margaret Mead's theory yet again that "a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

#### HONORING THE REPUBLIC OF HAITI DURING ITS 206TH ANNI- VERSARY OF INDEPENDENCE

##### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. RANGEL. Madam Speaker, I rise today to recognize the first Black republic in the New World, as it celebrates its 206th anniversary as a nation, and for serving as an inspiration to all who support democracy.

On January 1, 1804, General Jean-Jacques Dessalines, leader of the Haitian Revolution and the first ruler of an independent Haiti

(Ayiti), declared Haiti's independence after years of war against the French colonizers. This historical rebellion, in which an army of former slaves defeated one of the world's greatest powers, was the only successful slave revolt in the New World and a clear example of the human race's universal thirst for freedom.

Haiti's legacy of courage and triumph over oppression led indirectly to America's western expansion. The defeat of the French Napoleon Army by the Haitians, albeit indirectly, helped America expand its territories towards the West with the Louisiana Purchase. The loss of its most profitable colony forced France to sell others, including what was then called Louisiana, which represents around 23 percent of United States territory today.

As we take this time to honor the second free nation in the history of the Western Hemisphere, second only to the United States, let us recommit our friendship and support to the people of Haiti as it moves toward economic and political stability. Although problems remain, Haiti is on target to recapture its legacy of resilience and valor. It is this same valor that was used when supporting the United States with additional troops during the American Revolution and we thank them for their support and sacrifice.

This past year, Haiti has received unprecedented diplomatic attention which has resulted in political stability, economic growth, greater access to education, and success in the fight against the AIDS/HIV epidemic in the country. These reports bring a sense of pride to all those who know Haiti's history and its significance to all freedom-loving people.

We call to the attention of my colleagues the outstanding direction of President René Préval and Haiti's diplomatic representatives, Ambassador Raymond Joseph and Consul General Felix Augustin. I thank them for their leadership and service to the country of Haiti, even during the most challenging of times. They are champions of democracy, and I salute them for their dedication to fulfilling Haiti's legacy. I would also like to recognize former President Bill Clinton in his capacity as United Nations special envoy to Haiti, for rallying new international and corporate support.

Madam Speaker, I invite you and our colleagues in joining me to celebrate Haiti's independence and committing ourselves to supporting them in the future.

#### PERSONAL EXPLANATION

##### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mrs. MALONEY. Madam Speaker, on January 19, 2010, I missed rollcall votes Nos. 6, 7, and 8.

Had I been present, I would have voted "yea" on rollcall votes No. 6, congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health, No. 7, congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship, and No. 8,

commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

HONORING THE LIFE AND WORK  
OF REV. SAMUEL WESLEY  
DIXON, JR.

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise today to recognize Rev. Samuel Wesley Dixon, Jr., who died tragically last week while on a humanitarian mission in Haiti. Reverend Dixon was deeply dedicated to improving the lives of the people in the greatest need of assistance, and I am proud to honor his lifetime of commitment and service.

Reverend Dixon grew up in North Carolina, the son of Samuel Wesley Dixon, Sr., and Mildred Dixon. He graduated from Statesville High and attended college at the University of North Carolina at Chapel Hill. He earned a doctoral degree in ministry from the Chicago Theological Seminary.

He began his ministry in 1975, serving as pastor of rural, urban, and small town congregations, including churches in Sneads Ferry, Durham, Swepsonville and Swansboro. In 1996, Rev. Dixon became pastor of the First United Methodist Church of Roanoke Rapids.

In 1998, he joined the staff of United Methodist Committee on Relief (UMCOR), a prominent disaster relief and assistance agency which assists people around the globe. He assumed leadership of the organization in 2007.

Writing in New World Outlook, Global Ministries' mission magazine, he described UMCOR as serving "God's creation on behalf of The United Methodist Church" and "providing help and hope to people in serious situations." The work, he said, "hearts and hands with others in building a sustainable future for an amazing multitude of people."

Reverend Dixon and two colleagues were at the Hotel Montana to work with other agencies in developing plans for improving health services in Haiti, the poorest country in the western hemisphere. The three were trapped in the rubble of the hotel following the earthquake. Reverend Clint Rabb and Reverend James Gulley were rescued, but Reverend Rabb later died from his injuries. Reverend Gulley survived and was able to return to his home in Denver.

Reverend Dixon and his wife, Cindy, are the parents of four grown children and grandparents of two children. His mother and three sisters also survive him.

Reverend Dixon was a gifted minister who was known for his selflessness and commitment to ensuring love and care for the sick, hungry and poor around the world. He died doing what he loved, and he will be greatly missed by many people.

Madam Speaker, Reverend Dixon was a tireless and inspirational servant of God, and I ask that you join me in offering our prayers and deepest condolences to the community and his wife and family during these difficult times.

HONORING MR. JAMES REGINALD  
LEWIS, JR.

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. JONES. Madam Speaker, I rise today to honor the life of Mr. James Reginald Lewis, Jr., a U.S. Navy Veteran of World War II.

Born in Clifton Forge, VA, Mr. Lewis served on the U.S.S. *Canfield* in the Pacific theatre. During his service, Mr. Lewis suffered injuries as a result of a bombing on the U.S.S. *Canfield*.

After returning from war, he graduated from Benjamin Franklin University in Washington, DC where he worked for an accounting firm.

In 1949, Mr. Lewis suffered a brain hemorrhage related to his injuries from World War II and became paralyzed. Even with his handicap he lived a full life and raised seven children. He was active in Holy Family Parish in Washington, DC and the Knights of Columbus. Mr. Lewis moved to Morehead City with his family in 1981, where he continued an active life with St. Egbert's Parish and Knights of Columbus Operation Lamb.

In reading of Mr. Lewis' life, he was a truly inspirational man, who even during the last few years when he was confined to a wheelchair, was always cheerful and friendly. Mr. Lewis possessed courage and a strong character that inspired many in Eastern North Carolina.

He died on December 23, 2009 at the age of 84. He is survived by his loving wife, Mrs. Jean Davis Lewis, six children, twelve grandchildren and two great-grandchildren.

Mr. Lewis will be missed every day; however, the bravery and strength he showed during his service to the U.S. Navy and afterwards will forever be remembered.

RECOGNIZING THE SERVICE AND  
ACHIEVEMENTS OF MAJOR WIL-  
LIAM W. MA, UNITED STATES  
MARINE CORPS

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to an outstanding officer who will shortly be leaving active duty. Major William W. Ma will be retiring from the United States Marine Corps on March 31, 2010, after more than 21 years of active military service, culminating as Director, Marine Corps Appropriations Matters in the Secretary of the Navy's Appropriations Matters office.

Major Ma enlisted in the Marine Corps in 1988 and in 1993 was accepted into the Marine Corps Enlisted Commissioning and Education Program. In 1996 he graduated Summa Cum Laude from the University of Arizona and received his commission in the Marine Corps. Throughout his career Major Ma has held numerous high level financial management, leadership and staff positions, including tours with the Force Service Support Group at Camp

Pendleton, California; Company Commander Headquarters Support Battalion at Camp Pendleton, California; Head of the Programs and Resources Congressional Branch at Headquarters Marine Corps Washington, DC; Comptroller, Marine Corps University at Quantico, Virginia; Director, Marine Corps Appropriations Matters at Headquarters Marine Corps Washington, DC. Over his distinguished career he has been awarded two Meritorious Services Medals, two Navy and Marine Corps Achievement Medals, the Navy Unit Commendation, and various campaign and theatre specific awards. Major Ma's civilian education includes an undergraduate degree in finance and Master of Business Administration from the Naval Postgraduate School as a Conrad Scholar Awardee.

It was during his last assignment that I first came to know Major Ma. In this capacity, he has proved to be an invaluable link between the United States Marine Corps and the Appropriations Committee. Major Ma has escorted me, other Members of Congress, and staff on several occasions as the committee conducted inspection trips to review military operations and confirm the health and welfare of our troops.

On every occasion, Major Ma performed his duties in an exacting and precise manner. But far more important to me was his thorough knowledge of the Marine Corps and the appropriations and budget process. He could always be depended on to know the status of funds and the impact they were having on our Marines and their families.

Madam Speaker, I also want to recognize the Ma family: his wife Julie Kay, daughter Alysson, and his son Andrew. We can ill afford to forget that it is the strength of family, and indeed their love and support, that make it possible to honorably serve in uniform.

In closing, I want to express my thanks and appreciation for the special contribution Major Bill Ma has made to the Department of the Navy and the United States Marine Corps. I wish Major Ma and his family continued success. *Semper Fidelis.*

TRIBUTE TO OPERATION BLUE  
RIDGE THUNDER, SAFE SURFIN'  
FOUNDATION, AND MOOSE  
INTERNATIONAL

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. GOODLATTE. Madam Speaker, I am delighted today to recognize two organizations in Virginia's Sixth District and a major international organization for a cooperative effort that is protecting our most innocent citizens—our children. Founded in Bedford County, Virginia Operation Blue Ridge Thunder has been led from its inception by Sheriff Mike Brown. It is recognized around the United States and internationally as an Internet Crimes Against Children Task Force. In 1998, Sheriff Brown started the Safe Surfin' Foundation to focus on Internet safety training for boys and girls through schools, law enforcement agencies, and civic groups. From day one, I have



watched and supported their efforts closely. Today, I wish to extend thanks to Moose International for stepping forward through the Moose Lodge in Bedford to offer assistance in the ongoing battle to protect young people as they use the Internet. Moose International went to its 1.3 million members and explained the need to support the special work of Sheriff Brown and his dedicated assistants. As a result, Moose International has generously donated \$150,000 to enable the Safe Surfin' Foundation to continue its outreach. In addition, Moose International has joined in a Safe Surfin' "train the trainers" program. This assistance is permitting even more children and their parents to learn the benefits of Internet safety. I highly commend Moose International for recognizing the benefits of the Safe Surfin' Foundation. Their generosity will permit the battle to continue nationwide against those who would prey on our children through the use of technology.

HONORING THE LIFE AND SERVICE  
OF KENT MUNDELL, DEPUTY  
SHERIFF, PIERCE COUNTY SHERIFF'S  
DEPARTMENT

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the memory of Deputy Walter Kent Mundell of the Pierce County Sheriff's Department, who was shot in the line of duty on December 21, 2009 and succumbed to his wounds on December 28, 2009. Deputy Mundell was a selfless police officer who dedicated himself to serving his neighbors and community. He will truly be missed by his colleagues and all who he served and protected.

Drawn to law enforcement service as a second career, Deputy Mundell joined the Pierce County Sheriff's Department in early 2000. He worked as a patrol deputy in South Hill and the Mountain detachment, and during his tenure with the Sheriff's Department, was a member of the Clandestine Lab Team, Air Operations, and a Safety Committee Representative.

Sheriff's Deputy Mundell and his partner, Sergeant Nick Hausner, responded to a domestic disturbance call at a home near Eatonville, Washington on the evening of December 21, 2009. Shortly after their arrival at the scene, Deputy Mundell and Sergeant Hausner found themselves ambushed by a suspect who drew a previously-concealed handgun and opened fire on the officers. Mundell and Hausner, who were wounded, were able to return fire, killing the suspect.

Deputy Kent Mundell is survived by his wife Lisa, 16-year-old daughter, and 10-year-old son. I ask my colleagues to join me in affirming our support for the law enforcement community at large, and extending our heartfelt condolences to Deputy Mundell's family and the Pierce County Sheriff's Department, who are grieving this devastating loss.

IN TRIBUTE TO THE INSPIRED  
LIFE OF PUBLIC SERVANT BUD  
HARRISON

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. SPEIER. Madam Speaker, our Nation, and specifically, the San Francisco Peninsula, lost a true leader and dedicated public servant with the passing of A.C. "Bud" Harrison. Bud served his community in many ways. He was an appointed member of the San Mateo County Board of Supervisors and served twelve years on the Burlingame City Council, including three terms as Mayor.

But Bud's greatest influence was as an educator. He was a favorite American Government teacher at both Capuchino and Burlingame High Schools before moving on to teach Political Science at the College of San Mateo. Over his 33-year career in the classroom, he not only taught government, but encouraged his students and fellow faculty to get involved. He even helped run the campaign of fellow Capuchino teacher Leo J. Ryan when he ran for the State Assembly. In fact, I remember then-Congressman Ryan telling the story of how he and Bud were responsible for getting the Capuchino marching band to perform at John F. Kennedy's Presidential Inauguration in Washington, DC in 1961. The story went, the two teachers flipped a coin to see who got to accompany the band and Leo won.

Madam Speaker, Bud is a native son of San Francisco, a graduate of the University of San Francisco and a 48-year resident of Burlingame. With his loving wife of 56 years, Dolores, they raised four children—Chuck, Mary, Terry and Cheri. And anyone who knew Bud was well aware of how proud he was of his six grandchildren and one great-grandson. The entire Harrison family deserves our gratitude for graciously sharing their husband, father, grandfather and great-grandfather with so many others who benefited from his wisdom, good humor and generous spirit.

Bud Harrison was no stranger to awards, having been honored by the Burlingame Lions Club as its 1997 Citizen of the Year, awarded the President's Award by the Burlingame Chamber of Commerce, named San Mateo County Citizen of the Year and received the Outstanding Citizen Award from Shinnyo-en USA.

But awards and personal acclaim were never what Bud Harrison was about. First and foremost, he cared about the betterment of his community for his family, his students, and everyone who chose to make the Peninsula their home.

Madam Speaker, not all of us leave an indelible mark on our community when our time on earth is done. There is no doubt that A.C. "Bud" Harrison did just that. We are all fortunate that Bud Harrison lived here and chose to give back so much to his community. I was privileged to call him a friend and confidant for nearly 30 years.

CONGRESSMAN KILDEE SAYS  
FAREWELL TO THE HOUSE PAGES

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. KILDEE. Madam Speaker, as chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all the pages for all they have done to serve so diligently in the House of Representatives during the 111th Congress. I am joined in this endeavor by my good friend and vice chair of the Board, ROB BISHOP.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate. These groups of young people, who come from all across our Nation, represent what is good about our country.

To become a page, Madam Speaker, these young people have proven themselves to be academically qualified. They have ventured away from the security of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and their energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time, they face a challenging academic schedule of classes in the House Page School.

Madam Speaker, I ask my colleagues to join me and Mr. BISHOP in honoring this group of distinguished young Americans listed below. They certainly will be missed.

FALL 2009 SESSION PAGES

1. Adolfo Abreu
2. Rachel Aguirre
3. Jacquelyn Andrews
4. Paris Bess
5. Zakariya Binshaieg
6. Addison Blair
7. Martin Boyle
8. Alejandro Bunag
9. John Cannafax
10. Allan Cheng
11. Sarah Coyle
12. Raquel Cruz
13. Vanessa Cuppett
14. Spencer Davenport
15. Elizabeth Dixon
16. Rachel Ferguson
17. Jacob Fessler
18. Andrew Franklin
19. Melissa Goitia
20. Blair Gremillion
21. Kristina Griffith
22. Samantha Guarneros
23. Stephanie Henry
24. Abigail Herzberg
25. Daniel Herzstein
26. Brandon Hill
27. Megan Howe
28. Henry Huang
29. Dalayna Jackson
30. Rachel Janik

31. Alejandro Jimenez-Jaramillo
32. Jamal Johnson
33. Ryan Lang
34. Mikita Lee
35. Claire Mars
36. Catherine Martlin
37. Emily Matlak
38. Junia McKenzie
39. Kathleen Morgan
40. Joshua Nawrocki
41. Jake O'Connor
42. Andrew Olson
43. Grace Olson
44. Molly Pace
45. Stephen Pettyjohn
46. Seth Ratcliff
47. Abigail Reese
48. Claire Rengenstein
49. Nicholas Rudnik
50. Charles Steiner
51. Michael Swain
52. Joseph Tantillo
53. Abbey Thiel
54. Elijah Umek
55. Ryan Van Antwerp
56. Jordan Villa
57. Kagan S. Walsh
58. Andrew Warner
59. Daa'iyah White
60. Olivia Wisecup
61. Bethany Woodley
62. Jacob Young
63. Sara Zimmerman

IS THAT ALL THERE IS TO A  
RECESSION?

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. PAUL. Madam Speaker, as we start the new year 2010, the establishment politicians, economists and Wall Street are trying to convince themselves that we have turned the corner and economic growth has once again begun. The predictions that conditions are getting back to normal come from those who never saw the crisis coming and don't have the vaguest notion what caused it. Some of them concede that it could be a jobless recovery. That will establish a new definition for a recovery.

Official unemployment is at 10 percent but even the government knows that if everyone is counted, including those individuals that are too discouraged to even be looking for work, the unemployment rate is 17 percent. Free-market economists claim the actual unemployment rate is closer to 22 percent.

There's reason to believe that the correction is just barely started and has a long way to run. If the financial bubble came from excess credit created by the Federal Reserve, doubling the money supply can hardly be a solution. It wouldn't make much sense for a doctor taking care of a very sick patient from severe infection to deliberately give the patient another infection. Yet that's what the PhD doctors are doing to our very sick economy. It can't work. It will make the economy much sicker. If our leaders don't wake up soon, the economy will be brought to its knees. Great danger lies ahead.

In foreign policy, it's always crucial that the motives of those who would do us harm are understood. Denial of the truth and accepting more politically palatable excuses will guarantee that threats to our safety will continue as we pursue a seriously flawed involvement overseas.

It's the same in economic policy. If there's denial or ignorance of the real cause of financial bubbles and the inevitable corrections that must follow, the economy cannot be reenergized.

We should have learned the lesson from the Depression of the 1930s that it was a predictable result from the Federal Reserves orchestrated excesses of the 1920s. Instead, the new-born Keynesian economists who took charge made certain that the correction would not be a one or two year affair as were the previous corrections in our history. The aggressive intervention by Hoover and Roosevelt, the Republicans and the Democrats, turned a short recession into the Great Depression, which lasted until the end of World War II.

The real tragedy was that the interpretation of the 1930s institutionalized bad economic theories. Unfortunately, and erroneously, the Depression was blamed on the gold standard, free markets and a lack of regulations. Though monetary policy was analyzed, its importance was 100 percent misinterpreted. The low interest rates and excess credit of the 1920s, driven by Federal Reserve policy, was not considered a factor in producing the stock market bubble and the mal-investment.

Instead, the 1930s analysts and even later analysis by Milton Friedman and the monetarists, along with academic "scholars" like Bernanke, came to an opposite conclusion: the Fed was at fault but only because it was too tight, arguing that massive monetary inflation was the only answer to the slumping economy.

And now we are witnessing a grand experiment by the very person who for years claimed special knowledge regarding the Depression. Chairman Bernanke is in the midst of trying to solve the problem of massive monetary inflation and excessively low interest rates instituted by his predecessor, Alan Greenspan, by implementing even more inflation at historic rates. The sad part is the answer to his very risky experiment with the wealth of our country and the health of our economy will take years to analyze. The conclusions will be just as flawed as they were in the aftermath of the Great Depression by an intellectual and political community that had totally rejected commodity money and the principle of free market with the current understanding in Washington.

One hope, though, is that free-market thinking and Austrian economic theories will have greater influence in the next decade or two, since their influence is now on a dramatic upswing. But there are a lot of hurdles to overcome.

In the 1930s, in an effort to find the true cause of the crisis, Congress ordered an official investigation. It became known as the "Pecora Investigation" named after Ferdinand Pecora, the aggressive chief council of the hearings. It received a lot of public attention and brought about many major changes but,

tragically, every conclusion made and new policies implemented caused the depression to worsen and legitimized bad economic theories that continue to haunt us to this day.

The Federal Reserve was not blamed except for not printing enough money fast enough. Artificially low interest rates and mal-investment, the main source of the grossly distorted economy and bubble of the 1920s were exonerated. Not enough regulations were blamed, thus the Glass-Steagall Act and the Securities Act of 1933 were passed and deepened the depression. Separating commercial and investment banking and the newly created SEC were to have solved all future problems—as long as the Fed was free from any restraint in its money creation operation to serve big-government spenders and members of the banking cartel.

Since the flaws in the monetary and economic system were not corrected but made worse after the Depression, it was to be expected that periodic booms and busts would persist. The longer these cycles could be papered over with new money and credit, the greater would be the distortions and debt that would one day have to undergo a major correction.

That correction is now in its early stages. Since the dollar was the reserve currency of the world and totally fiat since 1971, without any linkage to gold, the financial bubble became worldwide. This bubble that burst in 2008 was the largest in history. During the formation of the bubble, the U.S. as the issuer of the world currency received undeserved benefits. We essentially became the counterfeiter of the world and no one called us on it. Even today, the trust in the dollar that persists has buffeted the pain of the correction for us. This unique setup was a prime cause for our balance of payment deficits and the huge foreign debt we owe—the largest in the history of the world. The discord in the world financial system is telling us that it's time for us to pay for our profligate spending and massive foreign indebtedness. We have lived, as a nation, far beyond our means and the message is, for the foreseeable future, that we will be forced to live beneath our means as this debt is paid.

The inflation optimists are excited about current signs of economic growth and have even announced the end of the recession. It is conceivable that a reprieve can be achieved and the penalty that our economy must endure delayed. A reprieve must not be confused with a pardon; one is a temporary delay, the other an exemption. The payback for our excesses is certain to come.

Massively increasing debt and monetary inflation can slow the crash and change some government statistics encouraging the optimists. But real job growth and return of prosperity will remain elusive. The odds of us once again becoming an exporter of manufactured goods, like steel, cars, and textiles, are remote.

Ironically, a reprieve may well restore some confidence and motivate some spending and investment. But instead of restoring long-term growth, it may well act perversely by precipitating price inflation and higher interest rates. Since today's interest rates are artificially set, much of our investing is unproductively misdirected.

Current enthusiasm in the stock market is once again a reflection of the message that low interest rates send. Thus too, the government's stimulus package has helped to sustain the bond bubble, which in time must be deflated in order to get back to sound economic growth. All of this activity poses a threat to the dollar.

Governments are very powerful, and when in partnership with the monetary authorities that can inflate the currency at will, big government thrives. Welfare demands and senseless wars can be financed for long period of time through inflation, as long as trust in the currency lasts. Trust, though ultimately controlled by facts, can be misleading, since currency values can gain benefit from a country that has a strong military and wealth and a reasonably healthy economy. Eventually, markets and reality overwhelm, and illusions about a currency's worth become a reality.

Today, reality is setting in and the first of three major events has begun. The worldwide financial system, built on a foundation of paper, has received the shock waves of an impending collapse.

The wild speculation and the derivatives market, the stock market bubble, the insurmountable debt—public and private—and the massive mal-investments have been shattered.

The only solution so far offered worldwide, but led by the United States has been to "print money" faster, keep interest rates low at practically zero percent, and remove all stops for controlling deficits. These are the very policies that caused the disequilibrium, and doing more of the same, but only faster, can hardly help our economy. The addiction to easy credit and deficit defies a wise political solution. Politicians are incapable of delivering the message of frugality, common sense, and sound money.

We can expect that the course we are on to continue and accelerate, since the first event, the collapse of the financial system, is still in its early stage.

The housing crisis is far from over; the commercial property crisis has not yet gotten much attention, and the financial obligations of the government are growing exponentially. And none of this forces the slightest pause in the expanding of welfare growth. The number of regulations, which are indeed a tax, are exploding though the market was already suffering from regulatory excesses. There's a consensus in Washington that "wise" regulations can compensate for all the mistakes made by the Federal Reserve, the Executive Branch, and Congress. This fallacy has been around a long time and will be difficult to overcome.

The pessimism of the middle class continues to get worse despite the prognostication of Wall Street and the Administration. Most Americans know that the standard of living and real wages have not gone up for the past 10 years. If you're not a shrewd stock trader and instead invested in stocks 10 years ago and held on, in real terms you would have lost 20 percent of your savings. The middle class is poorer also because house prices have crashed and many have lost their homes. On top of this, all we hear about is the trillions of dollars of debt and entitlement obligations that

have been racked up for future taxpayers to pay. When it is revealed that the insider friends of the Fed and Congress get billions of dollars in bailout at the expense of the middle class, it's no wonder the people are taking to the streets and directing their hostilities toward both Republicans and Democrats in Washington. Many would agree it's well-earned anger and properly directed.

This anger and frustration will certainly grow as the consequences of the collapse of the financial system become more severe. The concerted effort to prevent the correction the market demands, guarantees a prolonged agonizing crisis. Every effort to reverse the tide will depend on spending, higher deficits, increased taxes and money creation. This effort is now providing another grand bubble: the dollar/bond bubble.

The next event will be a dollar crisis. A full-blown dollar crisis will be worse than our current financial crisis. The extent of a dollar crisis depends on whether or not the Washington politicians wake up and change their ways—a dubious hope.

More likely, the insanity will continue until some not yet known event will undermine the confidence of the dollar worldwide. Signs of less desire by foreigners to hold our dollars are already present. I'm certain our Treasury and Federal Reserve are pulling out all stops to prevent a massive run on the dollar. At present the "orderly" retreat from the dollar is working. But it won't last.

China is quite active in investing in national resources around the world, and including in Iran. While we live in the dark ages and believe only our military presence and military threats can protect our access to oil, China is actually spending some of their savings investing in their future access to energy and other precious metals and minerals.

But the orderly retreat from the dollar won't last forever. Since 1973, shortly after the breakdown of the Bretton Woods Agreement, the dollar has lost 32 percent of its value against a Federal Reserve basket of currencies. But that doesn't tell the real story, since that is a measurement against all other currencies, and they are fiat currencies as well. This gave the dollar an artificial benefit from its position of power in great wealth and military prowess. The dollar in relationship to gold, however, is down 97 percent since 1971, and 82 percent as measured by the CPI. The dollar, mismanaged by the Fed, has not been a benefit to the savers who sought to responsibly take care of themselves. They've been cheated by a rotten system and are just beginning to understand exactly how the Federal Reserve has been responsible for the swindle.

It is impossible to predict the time when confidence will be lost, but it can come quickly. Resorting to buying other paper currencies will not be of much help. When the dollar crashes, most likely the purchasing power of all currencies—since all countries hold dollars as a reserve—will go down as well.

This means that dollars and other currencies will go into buying consumer items, precious metals and other physical properties. Consumer prices will soar, as well as interest rates. The central bank will lose control; and the more they inflate, the worse the confidence becomes. The interest rates will respond to these efforts by rising sharply.

If the Fed tries to reverse the run on the dollar, interest rates will also soar, and the pain on the American citizens will be of such proportion that political chaos will result. Either scenario leads to political and social chaos—the third event, and the most dangerous.

With no ability of the federal government to fund its commitments, international or domestic, major changes will occur in our system. The social unrest will elicit cries for government to exert unusual force to head off a complete breakdown of law and order. The ultimate trap will be set for a system of government claiming to protect a free society. If more power and police authority are not given to the federal government, it will be argued that only anarchy will result. If more government policing power is given, it will mean a lethal threat to civil liberties. Already we have permitted the notion that a single person, the Attorney General or President, can decide who is an "enemy combatant", thus denying that individual the right to habeas corpus, permitting indefinite detentions without charges made. This attitude toward civil liberties has changed significantly since the fear built around 9/11.

Yes, I know declaring one an "enemy combatant" is reserved for the radical Muslims engaged in terrorism against the United States. To be reassured by this reasoning is quite dangerous and naive. Logic should not lead us to equate suspects with terrorists, and include American citizens, and yet this has already been set by precedent. Under difficult circumstances, our political leaders will not be hesitant to use these powers to maintain order. Tragically, the people may even demand it.

We are rapidly moving toward a dangerous time in our history. Society as we know it is vulnerable to political and social chaos.

This impending crisis comes as a consequence of our flawed foreign and domestic economic policies, a silly notion about money, ignorance about Central Banking, ignoring the onerous power and mischief of our out-of-control intelligence agencies, our unsustainable welfare state, and a willingness to sacrifice privacy and civil liberties in an attempt to achieve safety and security from an inept government. Dangerous times indeed!

What can be done about it? Must we wait for the inevitable and expect to restore our liberties in a street fight against the overwhelming power of the state? Not a good option!

The only way that we can prevent blood from running in the streets is to offer a better idea of the proper role of government in a society that desires first and foremost—liberty.

And that is impossible without a firm commitment by our thought leaders to the ideas of freedom, the source of all creative energy and prosperity. An all-powerful state is the threat to that ideal.

The prevailing attitude of the people—as it once was in early America—must be that of liberty and self reliance, rather than the nanny state and dependency relying on government force to mold all private choices.

If this is understood, a smooth—although not painless—transition to a free society is achievable. Ignoring this option will be very destructive to everything that is dear to the hearts of most Americans.

What is it that we must do? We must immediately embark on:

Balance the budget by reducing spending;  
Change our foreign policy to that of non-intervention;

A full audit and more supervision of the Federal Reserve leading to abolishing the Federal Reserve;

Legalize competition to the Federal Reserve with competing currencies;

Regain respect for civil liberties and privacy while reigning in the CIA;

Wean ourselves off the dependence of wealth transfers by government;

Abolish crony capitalism—no subsidies, no bailouts, no regulatory or tax privileges to protect the powerful elite especially the military industrial complex; and

Eliminate the income tax, inheritance tax and taxes on savings and dividends.

None of this can happen without the restoration of Congress to its dominant position of the three Branches of Government as was originally intended by the Constitution. The Executive and Judicial must be reined in, and Congress must assert its prerogatives over all legislation curtailing all unconstitutional agenda through budgetary controls.

Signs abound that angry Americans are now more ready than ever before for a change in direction that is indeed real. If this program were improvised—even suddenly and dramatically—the adjustment, though significant and to a degree somewhat painful, would be much shorter and of minor consequence compared to the chaos and poverty that will result if we refuse to change our gluttonous appetite for a free lunch.

#### PERSONAL EXPLANATION

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. HIGGINS. Madam Speaker, I missed several rollcall votes on January 19, 2010. Had I been present I would have voted:

On #6, on passage of H. Res. 1004, Congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health, I would have voted "yea."

On #7, on passage of H. Res. 1015, Congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship, I would have voted "yea."

On #8, on passage of H. Res. 991, Commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship, I would have voted "yea."

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 21, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### JANUARY 26

10 a.m.

Homeland Security and Governmental Affairs

To continue hearings to examine intelligence reform, focusing on the lessons and implications of the attack on flight 253 on December 25, 2009.

SD-342

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration, and David T. Matsuda, of the District of Columbia, to be Administrator of the Maritime Administration, both of the Department of Transportation, and Timothy McGee, of Louisiana, to be Assistant Secretary of the National Oceanic and Atmospheric Administration, Department of Commerce.

SR-253

##### JANUARY 27

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider any pending nominations.

Room to be announced

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine cutting the Federal government's energy bill, focusing on an examination of the sustainable Federal government executive order.

SD-342

##### JANUARY 28

9:30 a.m.

Veterans' Affairs

Business meeting to consider the nomination of Raul Perea-Henze, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and any pending calendar business.

SR-418

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine unemployment on Indian reservations

at 50%, focusing on the need to create jobs in Indian Country.

SD-628

#### FEBRUARY 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, of Virginia, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability.

SD-366

#### FEBRUARY 4

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Energy.

SD-366

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers.

SD-226

#### FEBRUARY 10

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

#### FEBRUARY 11

11:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations.

SD-366

#### FEBRUARY 23

9:30 a.m.

Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.

SDG-50

#### MARCH 2

2 p.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

#### MARCH 4

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers

|   |                   |  |                   |  |  |
|---|-------------------|--|-------------------|--|--|
| Association of America, Air Force Sergeants Association, and the Wounded Warrior Project. |                   | MARCH 18   |                   | America, and Iraq and Afghanistan Veterans of America. |  |
| 345, Cannon Building  |                   | 9:30 a.m.  | Veterans' Affairs | SDG-50   |  |
| MARCH 9   |                   | To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of |                   |  |  |
| 9:30 a.m.   | Veterans' Affairs |  |                   |  |  |
| To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.     |                   |  |                   |  |  |
| SDG-50  |                   |  |                   |  |  |

## HOUSE OF REPRESENTATIVES—Thursday, January 21, 2010

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, true humility will not automatically come to us when we choose to bow our heads in prayer or when we acknowledge our sins or shortcomings. More often, we are most humbled when overwhelming circumstances far exceed our control or natural disasters or human events surprise us.

Lord, the horrific tragedy of biblical proportions in Haiti has deeply touched us all. At the same time, this island community has called forth from the contemporary world a flood of compassionate prayer and created a mighty force of coordinating resources, personal generosity and heroic action.

Grant wisdom, prudence, and fortitude to rescue workers, medical teams and caretakers who deliver aid and supplies.

Your mighty presence is known, Lord, when true poverty casts a fresh light on another's wealth, when the weakness of some brings forth greater strength from the rest. Sickness leans on the healthy. The dead are lifted up and buried to protect the living.

How noble is this great sacrifice of the living and the dead. The human proportions of such love cannot be measured. We watch and say, "Amen."

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

### KEEP THE GOVERNMENT OUT OF THE DOCTOR'S OFFICE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, most of the American people oppose the government plan to take over health care. It costs too much; it borrows too much; it taxes too much; it's inefficient; and it gives government bureaucrats the control of our personal medical decisions. We should just fix what's broken.

People should be able to buy health insurance across State lines to get competitive rates. Small businesses should be able to pool together to get better rates through larger risk pools. Businesses that help take care of their employees should get tax breaks rather than tax increases. People should own their own health insurance policies—and that's real portability.

If anybody loses or leaves their jobs, they don't lose their insurance. People should not be cancelled for having pre-existing conditions, and we should figure out a way to provide for catastrophic illness, catastrophic injury and affordability.

These are things that most Members agree on. These things don't cost billions of dollars. These things help keep government out of the doctor's office. We should fix what the American people want us to fix and keep the government from destroying America's health.

And that's just the way it is.

### BOBBY SALCEDO

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, today I am introducing a resolution decrying the shocking violence of the Mexican drug cartels, and I am urging the Mexican Government to bring to justice those responsible for the killing of Bobby Salcedo and of countless innocent bystanders.

This past New Year's Eve, Bobby Salcedo, a young elected official and rising star from my district in El Monte, California, was brutally executed in Gomez Palacio, Durango, Mexico. Despite having no connection to the Mexican drug trade, Mr. Salcedo's death is part of a recent and pervasive surge in violence against innocent bystanders. Bobby's death reminds us that the violence of the Mexican drug cartels is not in some faraway land but that it affects us here in the United States as well.

This violence must be stopped. Bobby's killers must be brought to justice. That is why I encourage my colleagues to support this resolution in urging the United States and Mexico to bring an end to the gruesome violence of the Mexican drug cartels.

□ 1015

### HONORING THE LIFE OF TECHNICAL SERGEANT ANTHONY C. CAMPBELL

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise to honor the life of Technical Sergeant Anthony C. Campbell, an Air Force Reservist and Cincinnati police officer from Florence, Kentucky. Sergeant Campbell made the ultimate sacrifice in service to our Nation on December 15, 2009, in Afghanistan while serving with the 932nd Civil Engineer Squadron.

Tony Campbell was a model citizen and patriot. His dream was to serve in the military and in law enforcement. After graduating from Boone County High School in 1992, he joined the U.S. Air Force. After active duty, he spent 10 years working as a pipefitter and Air Force Reservist before fulfilling his dream to become a Cincinnati police officer. Tony was recalled to active duty and deployed to Afghanistan in October of 2009.

Today, as we honor the service of this exceptional Kentuckian, my heartfelt prayers are with Tony's wife, Emily, their children, Jordan, Ryker and Devin, and his loving parents. We are all indebted to Tony for his bravery, dedication, and willingness to answer the Nation's call to defend freedom.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HUMAN RIGHTS ABUSES IN EGYPT

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, I rise today to share my concerns and outrage over human rights abuses in Egypt.

The Egyptian Government must uphold the rights of all religious communities by ending discrimination and harassment of these groups and prosecuting those that do harm to these groups.

An attack that happened 2 weeks ago starkly illustrates the need for change in Egypt. On January 6, the night before Coptic Christmas, a drive-by shooting killed six Coptic Christians. While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian Government has yet to recognize the full significance of the violent act or the overreaching issue of intolerance in the country.

Violence in the name of religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling. Religion is a fundamental freedom that must be upheld and respected in every nation and in every community. I urge my colleagues and the House to join me in calling for religious freedom and basic rights for all people.

MILITARY TRIBUNALS FOR  
TERRORISTS ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, this week, I introduced legislation that requires terrorists to be tried in military courts. The American people are outraged that foreign terrorists that are waging war against the United States are being treated as common criminals. The al Qaeda-trained Nigerian terrorist accused of trying to blow up Flight 253 on Christmas Day—I was in Detroit that day—is only the latest example of this misguided policy.

The mastermind behind the 9/11 attacks is going on trial in New York City, just blocks from Ground Zero. Even the New York Democratic Governor disagrees with this approach.

Putting terrorists on trial before military tribunals has many benefits, including the fact that sensitive U.S. intelligence sources and methods will be protected. I urge all my colleagues on both sides of the aisle to support and cosponsor the Military Tribunal for Terrorists Act.

EXPRESSING THANKS TO THE  
VOLUNTEERS IN IOWA

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I want to express my sincere appreciation and thanks to the volunteers who have worked and continue to work in the flood-ravaged community of Cedar Rapids and all throughout Iowa.

On Monday, Martin Luther King Day, we observed a national day of service and volunteerism. I had the honor of working alongside a number of volunteers in Cedar Rapids, Iowa. It is the efforts, dedication, and a sense of shared community like I experienced on Monday that is the heart and soul of Iowa, and indeed our great Nation.

While I have been able to work with Congress to provide supplemental disaster assistance toward flood recovery, it is the volunteers from not only Iowa, but all over the country who have offered their hearts and time and made a truly monumental impact in our State. Thank you again, volunteers, for all you do.

INTERNATIONAL CHILD  
ABDUCTION PREVENTION ACT

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, my constituent, Deana Hebert, last saw her then 18-month-old daughter, Bianca Lozano, on April 7, 1995. Bianca's father, Juan Lozano, took her for a scheduled child custody visit and then abducted her to Mexico. That was almost 15 years ago.

I was shocked to learn that there are over 950 open reports of U.S. citizen children being taken into Mexico by a parent. No parent should ever go through Deana's nightmare. That is why I have been working with all levels of government to urge cooperation with Mexico and allow this mother to see her child again.

Congress should pass H.R. 3240, the International Child Abduction Prevention Act of 2009, which would establish an Office on International Child Abductions within the State Department. I am a proud cosponsor of this legislation, which would strengthen the tools we have available to ensure that children like Bianca Lozano know they have a mother who loves them and come home.

THE LONG VIEW ON JOB  
CREATION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, as we consider new job initiatives to create more jobs for unemployed Americans, the Joint Economic Committee will be producing a series of charts over the next few weeks to help us better understand the economic missteps that led and contributed to this great recession.

This chart goes back to 1992, the year that President Clinton was elected. It shows that during his time there was very robust job creation in the private sector, and then during the Bush years it fell dramatically. This dark line is the job creation, going up during the Clinton years, falling dramatically under the Bush administration. It also shows that Democrats have been considerably more effective at creating private-sector jobs.

Economic reality was actually even worse than this chart shows. As Nobel Prize-winning economist Joseph Stiglitz has pointed out, job creation during the Bush administration was fueled by a bubble that inflated housing prices and spurred consumption and hiring, and when that bubble burst, the bottom fell out.

We owe it to the millions of unemployed who fell victim to the failed economic policies of the past to invest in Democratic job creation policies that have actually put people back to work in the private sector.

## EPA POWER GRAB

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, while efforts to tax energy production have failed because of overwhelming public opposition, the Environmental Protection Agency quietly perpetrated one of the largest power grabs ever.

A little-noticed decision last year expanded the definition of "air pollutant" in the Clean Air Act to include greenhouse gases. This means the Federal Government now has the authority to regulate everything from carbon dioxide to water vapor. As a result, every living person is now a source of pollution from exhaling CO<sub>2</sub> and water vapor. Every breath you take, every word you utter is now subject to EPA regulations.

The American people need room to breathe; so I have sponsored H.R. 391 to do just that. I hope my colleagues will join me because the hot air that comes out of this Chamber would qualify us as a Superfund site.

HONORING NGUOI-VIET DAILY  
NEWS FOR ITS 31 YEARS OF  
SERVICE IN LITTLE SAIGON

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Nguoi-Viet Daily News for its 31 years of media service in Orange County, California. Nguoi-Viet Daily News was the first and the largest daily newspaper published in Vietnamese in the United States, and it was founded by Mr. Do Ngoc Yen in 1978.



While its first 4-page issue, dated back on December 15, 1978, was printed in Mr. Do's garage, today he has more than 60 employees and a daily circulation of 18,000, and Nguoi-Viet online edition is among the most widely read services with 1.5 million hits a month.

Nguoi-Viet News has provided the Vietnamese community with appealing editorials and local and international news stories that highlight community service and activism while bringing the community together. I applaud Nguoi-Viet News for those important achievements for 31 years, and I look forward to its contribution in the next 31 years.

#### IN DEFENSE OF OUR WARFIGHTERS

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, soon courts-martial of the three Navy SEALs accused of beating a suspected terrorist will begin. These trials and the outcomes are being followed closely by our servicemembers. There is broad concern that political correctness may be impacting the decision to accuse servicemembers of crimes stemming from the treatment of terrorists and accused terrorists. This is not acceptable. Our soldiers must be able to carry out their missions without considering the sensitivities of the ACLU.

There is another group that is also following these courts-martial, the terrorists. In fact, the al Qaeda handbook specifically directs any operative who is detained to immediately claim he is tortured and mistreated. We cannot stand by and allow our warfighters to be manipulated by the enemy.

When these charges are brought, many of our servicemembers elect to have civilian defense counsel, based on their level of experience and expertise, at their own expense. Even when acquitted or the charges are dropped, these servicemembers are left with significant debt. This is also unacceptable.

The people who so willingly defend this country deserve the very best defense and should be acquitted or the charges dropped. It is the responsibility of our government to pay these costs. Today I am introducing a resolution to address this inequity. I will continue to fight for our soldiers, sailors, airmen, and marines, and I urge all Members of Congress to do the same.

#### AMERICA IS TOO BIG TO FAIL

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, Americans' thirst for real change did not end with the election in 2008. Across this country, people are mad, mad that the

rampant speculation in our financial markets which led to the current economic meltdown and the double-digit unemployment have not yet been addressed.

I want to thank President Obama for his announcement this morning acknowledging what former Fed Chairman Paul Volcker has been saying for months: It's time to reinstate the institutional protections that safeguarded our country for more than half a century, the Glass-Steagall Act, ironically repealed in 1999 at the behest of the financial services industry.

The only thing in America that can ever be deemed too big to fail is America itself. It is time for those of us in Congress to grow a backbone, to have the courage of our convictions and stand up to the big banks. No longer can we allow the greed of a few to put the entire Nation at risk.

Just as we are united in our effort to combat threats from abroad, we must be vigilant to those very real threats from within. We were sent here by the voters to take care of them, the taxpayers and the consumers. The banks can take care of themselves.

#### MR. OBAMA, PULL DOWN THAT HEALTH CARE BILL

(Mr. HALL of Texas asked and was given permission to address the House for 1 minute.)

Mr. HALL of Texas. Mr. Speaker, as we approach President Ronald Reagan's birthday, I remember very well 22 years ago when he thought our country was threatened by Russia and the future of our children and their children was in danger of being imperiled. He stood at the Brandenburg Gate in Germany, shook his fist at Russia and said, "Mr. Gorbachev, tear down this wall."

We honor in a few days in my Fourth Congressional District and all across the land the man who said, Tear down this wall. Today I say to the leader of another country, our country, Mr. Obama, your health bill and your 34 czars: Tear down that wall that separates you from the American people. Pull down your health bill and start over. The people have spoken. We need jobs, not bribes and broken promises. Pull down that bill. Pull down that bill. Pull down that bill. Pull down that broken health bill.

#### HONORING CATHOLIC SCHOOLS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor Catholic schools in my district and across the country for their contributions to their students and communities.

January 31 through February 6, 2010, has been designated as Catholic

Schools Week by the National Catholic Education Association and the United States Conference of Catholic Bishops.

I have a number of Catholic schools in my district, including St. Therese, Our Lady of Fatima—where a number of our neighborhood kids go—Saint Anne's, Saint Bernadette, Saint Joan of Arc, Saint Pius X, and Saints Peter and Paul. Each of these schools is advancing strong academic goals in the classroom, and each is developing well-rounded young adults in our communities.

I congratulate these Catholic schools in the Seventh Congressional District, as well as the students, parents, and teachers for their ongoing dedication to a quality education. Receiving a quality education is key to our children's success, and as a parent of three, I am well aware of this.

In closing, I extend my best wishes to the students who attend the Catholic schools in the Seventh Congressional District and wish every student in Colorado the best of luck in this school year.

□ 1030

#### PRESIDENT'S DEFICIT-CUTTING COMMISSION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. If you are concerned about runaway Federal spending and a rising national debt, you won't find a lot of comfort in today's headlines.

After passing a government takeover of health care costing over \$1 trillion and a budget that will triple the national debt in the next 10 years, Democrat leaders are now talking about actually bringing legislation that will raise our debt limit by \$1.9 trillion. But we are told by the same Democratic leadership that they are going to get serious in 2010 about fiscal discipline.

I guess, along those lines, President Obama is expected to announce a bipartisan commission that will look for ways to reduce deficits in the future. Sounds like an appealing idea, but the devil is always in the details in Washington, D.C.

The President's commission on close examination actually looks like a guard dog with no bite. It looks like fiscal discipline, but it could be easily ignored by Congress.

Remarkably, the President's proposal, as I have heard about it, is prohibited from recommending cuts in any discretionary spending. That will be about \$1.4 trillion. And the bridge to nowhere, that is completely off-limits. And, as many of us know, with the partisan bias and the structure of it, as reported, it is likely this commission will just be an excuse to raise taxes.

The American people don't want more government, more taxes, and

more political posturing about spending. They want this Congress to show the character and the strength to make the hard choices to put our fiscal house in order.

SUPPORT H.R. 2829 and H.R. 3053

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, each year tens of thousands of ex-offenders are released from prison back into our communities. Many of them return to our neighborhoods with few prospects and no way to provide for themselves and their families.

Unfortunately, months of waiting for benefits often push these ex-offenders back into criminal activity. Without an income to purchase health care and food, many see it as the only way to survive.

Today, I believe this Congress has the responsibility to address this clear danger to the public. That is why I introduced two bills last year, H.R. 2829 and H.R. 3053, which will ensure that former inmates have access to TANF, Medicaid, Social Security disability, and other benefits upon their release from prison.

By removing months of waiting, we can help these individuals successfully reenter society and avoid returning to a life of crime. I hope that all of my colleagues will consider cosponsoring these important bills, both for the future of ex-offenders and for the safety of our communities.

#### NATURAL GAS DRILLING

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to talk about an issue that has taken root in my district and across Upstate New York, and that is the concern over natural gas drilling prospects in a procedure called "hydraulic fracturing."

Natural gas is a great natural resource for this country to cultivate to use for heat and energy. However, in Upstate New York we have another natural resource that is critical to our survival and prosperity, and that is our water.

Our water supply is precious, and we are so fortunate in Upstate New York to have an abundance of water resources that I never want to take for granted and will always fight to protect.

Now, I don't want to oppose natural gas drilling in Upstate New York because there is a definite opportunity for gas drilling that has a positive impact, and I think that that's an important thing if we are going to address energy costs and local jobs in the re-

gion. But I don't want to sacrifice the purity of our water resources by rushing to drill before the infrastructure is in place in New York to regulate it in the way that it needs to be regulated.

I will stand with the people in my district who could be affected by natural gas drilling to ensure that their water is protected.

#### HEALTH CARE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, some people just don't get it.

I was reading the Wall Street Journal this morning. And when the Democrat Senators met, one of the aides was asked by a reporter what was going on; and the aide to one of the Democrat Senators said this: "People are hysterical right now."

Hysterical? Because the American people realize that this health care bill is an absolute disgrace and a tragedy, and they didn't want it and they overwhelmingly voted against it in Massachusetts, they are hysterical?

I would just like to say to that young man and any of my colleagues who really haven't gotten the message from Massachusetts and Virginia and New Jersey: the American people don't like the direction this country is heading in. They don't like the big spending. They don't like all these new socialistic programs. And they don't want the government coming between them and their doctor. And I hope my colleagues will get that message so we can work together to solve these problems facing the Nation regarding health care.

#### TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 3254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Taos Pueblo Indian Water Rights Settlement Act".

(b) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purpose.*

*Sec. 3. Definitions.*

*Sec. 4. Pueblo rights.*

*Sec. 5. Pueblo water infrastructure and watershed enhancement.*

*Sec. 6. Taos Pueblo Water Development Fund.*

*Sec. 7. Marketing.*

*Sec. 8. Mutual-Benefit Projects.*

*Sec. 9. San Juan-Chama Project contracts.*

*Sec. 10. Authorizations, ratifications, confirmations, and conditions precedent.*

*Sec. 11. Waivers and releases.*

*Sec. 12. Interpretation and enforcement.*

*Sec. 13. Disclaimer.*

#### SEC. 2. PURPOSE.

*The purposes of this Act are—*

(1) *to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;*

(2) *to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and*

(3) *to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.*

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) *ELIGIBLE NON-PUEBLO ENTITIES.*—The term "Eligible Non-Pueblo Entities" means the Town of Taos, El Prado Water and Sanitation District ("EPWSD"), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) *ENFORCEMENT DATE.*—The term "Enforcement Date" means the date upon which the Secretary publishes the notice required by section 10(f)(1).

(3) *MUTUAL-BENEFIT PROJECTS.*—The term "Mutual-Benefit Projects" means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) *PARTIAL FINAL DECREE.*—The term "Partial Final Decree" means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) *PARTIES.*—The term "Parties" means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) *PUEBLO.*—The term "Pueblo" means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) *PUEBLO LANDS.*—The term "Pueblo lands" means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo's land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) *SAN JUAN-CHAMA PROJECT.*—The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches (“TVAA”);

(E) the Town of Taos;

(F) EPWSD; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations (“MDWCAs”), as amended to conform with this Act.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

#### SEC. 4. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

#### SEC. 5. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

(1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;

(2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and

(3) protect and enhance watershed conditions.

(b) **AVAILABILITY OF GRANTS.**—Upon the Enforcement Date, all amounts appropriated pursuant to section 10(c)(1) or made available from other authorized sources, shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) **PLAN.**—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo's submittal of a plan that identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) **EARLY FUNDS.**—Notwithstanding subsection (b), \$10,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

#### SEC. 6. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (hereinafter, “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo's water rights acquisition program and water management and administration system; and

(5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, “Trust Fund Reform Act”), this Act, and the Settlement Agreement.

(c) **INVESTMENT OF THE FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 10(c)(2) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**—

(1) **TRIBAL MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **FUNDS AVAILABLE UPON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(2)—

(1) shall be available upon appropriation or made available from other authorized sources

for the Pueblo's acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo's water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

#### SEC. 7. MARKETING.

(a) **PUEBLO WATER RIGHTS.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) **PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 9(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary's existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) **LIMITATION.**—

(1) **IN GENERAL.**—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) **EFFECT ON WATER RIGHTS.**—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) **MAXIMUM TERM.**—

(1) **IN GENERAL.**—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) **ALIENATION OF RIGHTS.**—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this Act.

(e) **APPROVAL OF SECRETARY.**—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease with a term of less than 7 years.

(f) **NO FORFEITURE OR ABANDONMENT.**—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) **NO PREEMPTION.**—

(1) *IN GENERAL.*—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) *APPLICABLE LAW.*—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) *NO PREJUDICE.*—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

#### SEC. 8. MUTUAL-BENEFIT PROJECTS.

(a) *IN GENERAL.*—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) *COST-SHARING.*—

(1) *FEDERAL SHARE.*—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) *NON-FEDERAL SHARE.*—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

#### SEC. 9. SAN JUAN-CHAMA PROJECT CONTRACTS.

(a) *IN GENERAL.*—Contracts issued under this section shall be in accordance with this Act and the Settlement Agreement.

(b) *CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.*—

(1) *IN GENERAL.*—The Secretary shall enter into 3 repayment contracts by not later than 180 days after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) *REQUIREMENTS.*—Each such contract shall provide that if the conditions precedent set forth in section 10(f)(2) have not been fulfilled by December 31, 2016, the contract shall expire on that date.

(3) *APPLICABLE LAW.*—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) *WAIVER.*—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

#### SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.

(a) *RATIFICATION.*—

(1) *IN GENERAL.*—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this Act, the Settlement Agreement is authorized, ratified, and confirmed.

(2) *AMENDMENTS.*—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(b) *EXECUTION OF SETTLEMENT AGREEMENT.*—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *TAOS PUEBLO INFRASTRUCTURE AND WATER-SHED FUND.*—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, \$30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(2) *TAOS PUEBLO WATER DEVELOPMENT FUND.*—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 6(a), \$58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) *MUTUAL-BENEFIT PROJECTS FUNDING.*—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 8, a total of \$33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(4) *ADJUSTMENTS TO AMOUNTS AUTHORIZED.*—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) *DEPOSIT IN FUND.*—Except for the funds to be provided to the Pueblo pursuant to section 5(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 5(b) and 8(a).

(d) *AUTHORITY OF THE SECRETARY.*—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this Act.

(e) *ENVIRONMENTAL COMPLIANCE.*—

(1) *EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.*—The Secretary's execution of the

Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) *COMPLIANCE WITH ENVIRONMENTAL LAWS.*—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) *CONDITIONS PRECEDENT AND SECRETARIAL FINDING.*—

(1) *IN GENERAL.*—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) *CONDITIONS.*—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 5 and 6, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this Act and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) *ENFORCEMENT DATE.*—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) *EXPIRATION DATE.*—

(1) *IN GENERAL.*—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2016, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 11 and the sovereign immunity waivers in section 12(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal

funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) **EXCEPTION.**—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 5(d) and 6(f) and title to any property acquired or constructed with expended Federal funds made available under sections 5(d) and 6(f) shall be retained by the Pueblo.

(3) **RIGHT TO SET-OFF.**—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

#### SEC. 11. WAIVERS AND RELEASES.

(a) **CLAIMS BY THE PUEBLO AND THE UNITED STATES.**—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) **CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.**—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in *New Mexico v. Abeyta and New Mex-*

*ico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in *New Mexico v. Abeyta and New Mexico v. Arellano*, Civil Nos. 7896-BB (U.S. 6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this Act;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to

loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) December 31, 2016; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

#### SEC. 12. INTERPRETATION AND ENFORCEMENT.

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

#### SEC. 13. DISCLAIMER.

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify

*or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part A of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3254.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Today, the Committee on Natural Resources is bringing before this body for consideration three bills which would provide for the settlement of the legitimate water claims of several Indian tribes.

Many Americans rarely give a thought to having clean, potable water in their homes. We turn on the taps in our kitchens, and we take it for granted that water will flow forth. But that, unfortunately, is not the case in all places.

There is no scarcity of water in my home State of West Virginia. We are rich in water. It flows freely.

Yet, today we continue to work to ensure that all of our citizens have access to clean, potable water, as well as to be served by sanitary wastewater systems; and I have and will continue to fight this fight every day of my tenure in this body. So it is with understanding and with compassion that I bring these three measures to the floor today.

The pending measure, and I give him full credit for his leadership and bringing it to our attention, sponsored by the gentleman from New Mexico, BEN RAY LUJÁN, would adjudicate the water rights of the Pueblo of Taos and end 40 years of active litigation by ratifying a settlement agreement.

Forty years, my colleagues, 40 years of litigation: that is what the pending legislation would end. And I cannot commend enough Mr. LUJÁN and Mr. HEINRICH, the other gentleman from New Mexico and member of our Committee on Natural Resources, for their efforts in this matter.

Similarly, I commend the chairwoman on the Subcommittee on Water

and Power, the gentlewoman from California, GRACE NAPOLITANO, for the hearings and all of her hard work on the measures that we are considering today.

This legislation implements a settlement agreement that was signed in May of 2006 by the Pueblo of Taos, the State of New Mexico, 55 community ditch associations, the town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations. Collectively, the parties to the agreement represent the majority of water users in the Taos Valley.

Let me emphasize that point. This settlement provides water certainty to both tribal and non-tribal communities.

Under this settlement agreement, funds would be authorized for the Taos Settlement Fund, the Taos Infrastructure and Watershed Fund, and for various projects that are mutually beneficial to the pueblo and non-pueblo parties.

I would note that the Taos Pueblo has settled for a water right that is far less than what the claims asserted in litigation by the United States and the pueblo. This potential value is much more than the amount that is authorized to be appropriated in H.R. 3254, a clear financial benefit to all taxpayers.

Yet we will hear from some on the other side of the aisle that they are just not sure whether or not this settlement agreement is a good deal. They just do not know, they will say.

Well, all the parties which finally came together to settle 40 years of litigation, I remind you, believe that this is a good settlement. The gentleman from New Mexico who represents these people in this body believes it is a good deal. The gentlewoman from California, GRACE NAPOLITANO, who held hearings on this bill and worked with all the concerned parties, believes it is a good settlement. And the Committee on Natural Resources, which approved a pending measure, thought it was a good enough settlement to send to the full House.

Let me be clear: Both the Departments of the Interior and Justice were involved in this settlement agreement. Rather than engage in protracted litigation, both Republican and Democrat administrations for over the last 20 years believe that negotiated Indian water rights settlements are the preferred course of action.

In testimony before the Water and Power Subcommittee, the Commissioner of the Bureau of Reclamation stated: "Settlements improve water management by providing certainty not just as to the quantification of a tribe's water rights but also as to the rights of all water users."

He added further: "Indian water rights settlements are consistent with the Federal trust responsibility to Na-

tive Americans and with a policy of promoting Indian self-determination and economic self-sufficiency."

We do indeed have a trust responsibility to Indian country, and fulfilling that responsibility is at the heart of what we are doing today. The Taos Pueblo has had to fight for its water rights against Spanish settlers, with Mexico, and then as part of the United States. Let us today end this long fight and provide certainty to all the water users in the Taos Valley.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to reluctantly oppose this and the two other claim settlement bills that are being considered on the House floor today.

As a Member from the western part of the United States, I am well aware of how important these settlements can be to tribal and non-tribal communities. In general, Indian water rights settlements are instruments to reduce litigation and bring water supply certainty to communities in the western part of the United States. When done right, they provide not only certainty to all parties, but they also benefit the American taxpayer, who could end up paying much more if the litigation went forward.

It is indeed Congress' statutory role to consider and approve these settlements when these settlements are complete. The Congress should have all the information it needs to conduct a proper review and pass judgment on the merits of approving these settlements. Yet, we do not have all such information on these three bills today. The most critical missing element is a clear, direct answer from the Department of Justice, through the Attorney General, on whether these settlements represent a fair resolution to the taxpayer.

As I mentioned during committee consideration of these bills, it is appropriate that these agreements are largely worked out by the people at the local level, but taxpayers from across the country have to pay for such agreements.

So, Mr. Speaker, in that context, while I applaud the idea that local groups are working it out in their best interests, which I think is a positive statement, these do have to be paid for by the American taxpayers. So we must be able to answer this question: Is this the best deal that can be reached and is it in the interest of the parties to the settlement, as well as to the taxpayers of this country?

The three bills that the House will consider today total over \$500 million in potential Federal expenditure. Before Congress spends over one-half billion dollars, we certainly should know whether the taxpayers are getting fair treatment.



□ 1045

The American people are highly concerned about the spending that's gone on in this Congress. Whether it's the stimulus spending that has failed to create the promised jobs or the government takeover of health care with a price tag of well over a trillion dollars, the spending in this Congress is out of control. Congress needs to get serious about the record debt being run up during President Obama's first year in office. This means not only stopping the megaspending bills, but also taking a hard look at the smaller bills, such as the \$500 million bills that are represented under these three bills. We need the Attorney General to provide us with a clear, direct answer.

The ranking Republican of the Water and Power Subcommittee, Mr. MCCLINTOCK of California, has been working to elicit such answers. Months ago, in September and October of last year, he wrote to the Attorney General asking direct questions. No response was received until 2 days ago, just as these bills were headed to the floor of this House for a vote. Regrettably, this bill does not provide the direct answer to the questions asked. They finally replied at the 11th hour with ambiguity and generalities, but not with a clear answer that this Congress and the American taxpayers deserve.

So, Mr. Speaker, let me repeat again, while I support the concept of the settlement bills because, by definition, these are people, local people on the ground making decisions in their best interest, and the possibility that these three bills merit passage by the House, without a clear answer, as I talked about earlier, from the Department of Justice on whether taxpayers are getting a fair deal, I cannot support this legislation. So, therefore, I urge my colleagues to oppose all three of these bills.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the lead sponsor of this bill, whom I referenced in my opening remarks, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. I rise today in support of H.R. 3254, the Taos Pueblo Water Rights Settlement Act. Before I begin, I would like to thank Chairman RAHALL and Chairwoman NAPOLITANO for the stewardship of all three settlement bills we are considering on the House floor today, which are such an important part in meeting the water needs of the people in my district.

Mr. Speaker, it's taken nearly three decades of work by so many New Mexicans for me to be able to stand here today and address this body about the critical issue of water management and water security in my State. I'd like to thank all the tribal leaders and community members who have repeatedly

traveled from Taos to Washington, across New Mexico, to work on this legislation throughout the years. Generation after generation, Mr. Speaker, people have been coming together to try to find resolution to benefit the community, to save taxpayers money, to prevent costly litigation from moving forward through the Federal court system.

As we consider these water settlements today, we should remember that behind this legislative language, the procedural necessities, and the committee reports, these bills are about the basic human need and water. These settlements are the fulfillment of a promise made by the United States. Let me repeat that, Mr. Speaker. These settlements are the fulfillment of a promise made by the United States to its people, tribal and nontribal alike, that their water needs would be met. The preservation of the ancient culture of the Taos Pueblo as well as the future of the modern Taos community depend upon the passage of this legislation.

Let me give you a little history about this settlement and why it's so important to pass this legislation today. The legal proceedings that led to the Taos Pueblo Indian Water Rights Settlement, also known by my constituents as the Abeyta settlement, began in 1969 by the New Mexico State Engineer. The State Engineer's office in New Mexico is charged with the distribution and management of water resources in our State. The litigation continued until 1989, when the negotiations of the Abeyta settlement began. It has taken until today for these negotiations to reach a point where it could be possible to enact this settlement into law to resolve the water allocation between tribal and nontribal community members in the Taos area.

This legislation will bring to a close decades of litigation and uncertainty with regard to water resources for the people of my district. The passage of this legislation will bring security to water users in Taos by making water available for future generations and ensure that this valuable resource is protected. H.R. 3254 quantifies and protects Taos Pueblo's water and provides further security for water users of the town of Taos and many other non-Indian water users, including existing individual domestic wells. They are all provided safeguards for their use of water under this agreement.

The work that has been done between all the settlement parties and the Federal Government is truly a testament to the necessity of passing this legislation and the willingness of people to come together to protect the water resources that are so valuable to this community. Without this settlement, the future water availability for the people of Taos and Taos Pueblo will be uncertain and possibly disastrous.

Mr. Speaker, as we come today and we hear some of the concerns about

moving this legislation forward, the uncertainty that will exist with Federal litigation and the possible costs and problems that could be passed on to taxpayers is something that this litigation will not only add to, but that this settlement will help resolve. I certainly hope that my colleagues from both sides of the aisle, that Members of this Chamber truly see the importance of us working together and making sure that we support people coming together to prevent costly and expensive litigation from moving forward, to do what is right, especially when it comes to the basic necessity and the valuable resource of water.

I urge you to support this bill, and I ask that we help protect the water resources of the people of the Third Congressional District.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

As has been pointed out, this and the two bills that follow ratify out-of-court settlements that arise from decades-old litigation filed by various Indian tribes against the United States Government. They apportion water rights, among the three of them, to over 110,000 acre feet of water, and they draw more than half a billion dollars from the taxpayers of the United States, mainly for the development of those water resources.

From the outset, I believe that the controlling issue in approving any of these claims is simply this: Is it cheaper to settle out of court or to go to trial? To answer that question, we must turn to the Attorney General.

The Attorney General is presumably involved in these negotiations. He commands the legal expertise to judge the soundness or weakness of the government's case, and he is the official of our government directly responsible for representing the people of the United States in this litigation. Yet, when these bills were brought to us last fall, the Attorney General's office was completely silent on that question. In fact, the administration expressed many reservations about the technical aspects of these bills, which leads me to believe that these are not settlements negotiated by the Attorney General with the tribes and then presented to Congress, but rather they're settlements written by Congress itself, which Congress is neither designed nor is competent to do.

Most importantly, we were absolutely unable to get a straight answer to the most important question at issue, and that is: Do these settlements exceed the likely liability of the government if these claims went to trial? If we were a corporate board of directors making a decision on an out-of-



court settlement and we agreed to that settlement without consulting with our legal counsel, we'd be guilty of breaching our fiduciary responsibility to our stockholders. How can we do any less as the Congress of the United States?

I'm new around here, but I spent 22 years in the California Legislature, many of them on the relevant committees that heard settlement bills. The central testimony in all of these settlements was from the attorney general's office as the State's legal counsel. They'd appear before us and they'd testify that in their professional legal judgment the settlements were justified under current law and that the State's liability and legal costs would likely exceed the settlement if the matter went to trial.

I'm told that's the way it used to work around here. The Attorney General would negotiate the best possible settlement on behalf of the United States and then submit that settlement to Congress. Congress would then approve or reject it. Now it seems to be working in precisely the opposite manner. Congress now does the negotiating and then presents the bill to the Attorney General. Mr. Speaker, that is not going to end well.

I wrote to the Attorney General's office in September and again in October asking for their legal assessment of the cases involved. This is hardly unprecedented. For example, in 1994, the Department of Justice testified before Congress on a similar water settlement in the Colville case. There, Peter Steenland, a Clinton Justice Department official, testified, "The Federal Government is not that well postured for a victory on this claim which has been pending for over 40 years. Absent the settlement, we could well litigate it for another 10 years and the outcome could easily be a significant cost to the taxpayers and the public." Well, if the Clinton administration could give Congress a straight answer on an Indian water settlement bill, then I felt there was no reason why the current one shouldn't also be straight with the Congress.

There's a simple word for this. It's called "transparency." We've been assured that's a guiding principle of this administration. We truly need some transparency in these cases if we're to do our job competently and to do justice to both sides in these claims, yet the administration remained completely untransparent on this issue. That's why I submitted a simple amendment to all three bills. The amendment would require that before the settlements take effect, the Department of Justice has to certify that settling out of court would be preferable to going to court.

I'd like to thank the members of the Rules Committee who granted the rule allowing these amendments to be pre-

sented today. But as the gentleman from Washington has said, a funny thing happened after the Rules Committee voted that rule out on Tuesday night. Two hours after the Rules Committee, 7:45 in the evening, our office received a letter from the administration responding to my requests made way back in September and October of last year, and in it the Departments of Justice and Interior finally are prepared to state, although somewhat ambiguously and circuitously, that "settlement would be preferable to litigation of these claims."

I certainly hope this is not going to be their pattern. We have many more Indian water settlements pending for substantial amounts of money, and the Congress should not have to wait for months to get a straight answer out of the administration for each settlement. The Congress should not be forced to choose a funding amount in the dark and without an informed legal opinion from our Attorney General at the outset. These matters should not have to wait until the eve of a congressional vote.

Mr. Speaker, since the administration has responded to the question raised by the amendments that I'm prepared to offer, I'm not going to introduce them to these bills today. But it is hard to square their assurances of this week with the Department of the Interior's letter to the subcommittee chairman of November 10 with respect to the White Mountain Apache settlement, that says: "Given the benefits being obtained by the tribe under this settlement, the administration would consider the approximately \$109 million of additional funding for a development fund authorized under this bill to be excessive if it were viewed as settlement consideration."

I'd also point to concerns raised by the administration—again, this is unique to the White Mountain Apache settlement upcoming in the same letter—objecting to language "which waives the sovereign immunity of the United States." They warn, "This provision will engender additional litigation—and likely in competing State and Federal forums—rather than resolving the water rights disputes underlying adjudication."

Obviously, this administration has a lot of work to do before future water settlements are considered. I believe Congress needs to demand that the administration be candid and forthcoming in all future water settlements and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, has determined all of the details, has certified that the settlement is within the legal liability of the government, and only then submit that settlement for consideration and approval by the Congress.

□ 1100

We need to make this happen in committee, not the night before a bill is sent to the House floor. And I believe that a growing number of us will have a problem agreeing to the advancement of future water settlements without these reforms. Anything less is breaching the fiduciary responsibility that we hold to the people of the United States. And I want to dwell on that term for just a moment. Congress' fiduciary responsibility, that sounds laughable today, but to the Framers of our Constitution, the term "Congress' fiduciary responsibility" wasn't a punch line. It was a bedrock principle. It's high time we restored and respected that principle.

Mr. RAHALL. Mr. Speaker, it's my honor to now yield such time as he may consume to the gentleman from New Mexico, MARTIN HEINRICH, another cosponsor of this legislation and a valued member of our Committee on Natural Resources.

Mr. HEINRICH. I thank the chairman for yielding.

Mr. Speaker, the Taos Pueblo Indian Water Rights Settlement Act is critically important to the Taos Pueblo and all of northern New Mexico. I want to thank my colleague BEN RAY LUJÁN for his leadership on this important issue. I also want to thank Chairman RAHALL and Chairwoman NAPOLITANO for their support of this bill during the committee process.

This bill is the result of many, many long years of negotiation among the parties to find a fair and equitable resolution to this conflict. Like the other longstanding water rights cases, this case has been in Federal court for 40 years. More than a decade ago, community leaders realized that litigation would not solve this problem but negotiation might. I want to commend the hard work and cooperation of all the stakeholders. This outcome demonstrates a real compromise by all the parties involved.

Taos Pueblo is the only living Native American community registered as a National Historic Landmark, and it has been continuously inhabited for over 1,000 years. Under New Mexico State law, that long history gives Taos Pueblo senior water rights and reinforces our duty to help protect their water resources while providing certainty to both Indian and non-Indian water users in the Taos Valley. This settlement also protects one of the pueblo's most sacred sites, the buffalo pasture. The pueblo has agreed to give up some of its water rights in exchange for protecting the groundwater that feeds the buffalo pasture.

A settlement agreement was signed in May of 2006 by Taos Pueblo, the State of New Mexico, and many affected non-Indian water users and acequia associations in the Taos Valley. But this settlement still needs

ratification and approval by the United States Government, and that's what this bill will do. This settlement will bring much-needed certainty to the Taos Valley and New Mexico water users.

As anyone from a Western State knows, water is the lifeblood of our communities. Whether you live in downtown Albuquerque, on a ranch, or at a pueblo, every New Mexican depends on their community's right to clean, reliable water. This settlement is a historic step in ensuring that New Mexico communities have clear and reliable water rights to the water that they need.

I would urge my colleagues to vote "yes" on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend, the distinguished chairman, if he has any more speakers on this bill?

Mr. RAHALL. I am prepared to close, Mr. Speaker.

Mr. HASTINGS of Washington. If that's the case then, Mr. Speaker, I know that Mr. MCCLINTOCK is not going to offer his amendment. So with that, I yield myself the balance of my time.

Mr. Speaker, hopefully we've made it very clear in this debate that the agreement and the settlement of the claims is preferable to litigation when fair resolutions are met. I think most people would agree with that. We certainly do on this side of the aisle. That it is better for those to be worked out at the local level, rather than resorting to expensive lawyer fees and years of fighting. And these bills have had a long time of years of fighting, we know that.

Yet we, as Representatives, owe it to our constituents to make certain that settlements are not being made that overly compensate or benefit one community or locality while ultimately being paid out of the pockets of the taxpayers. Settlements must be fair to claimants, the effected community and to taxpayers. Despite several months of efforts to get a clear, direct answer from the Attorney General on the question of whether these settlements are in the interest of taxpayers, they responded, unfortunately, at the very last minute with a short and vague letter that leaves the question largely unanswered.

These three bills, as I mentioned, Mr. Speaker, spend over \$500 million. Taxpayers deserve a transparent and straightforward reply. Because that has not been forthcoming, as I mentioned, I must oppose all three bills. But, Mr. Speaker, in the future, I would hope that the Democrat majority would be put on notice that we expect to hear directly from the Justice Department on the merits of the proposed settlements while this is being considered in the Natural Resources Committee. With hundreds of millions of dollars being spent, these settle-

ments need to be fully vetted and explained in a fully transparent manner with clear answers from the Justice Department. Until that happens, these types of bills should not be advanced to the House floor, as these three bills were advanced to the House floor.

So with that, Mr. Speaker, I urge a "no" vote on this bill.

I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself the balance of my time.

Let me conclude by noting that in a letter dated January 19 from the Department of the Interior and the Department of Justice, they noted, "Both rancor and uncertainty can have substantial economic consequences. The existence of unquantified water rights claims casts a shadow over all water users in a water basin, as no other water user in the basin can ever be certain when these rights may be used and how this will impact other users." The pending bill solves this problem. It provides badly needed certainty.

And before finally concluding, I would note to my colleagues, and I did not really want to do this for fear of scaring off support from my side of the aisle, but I will note that a third of these bills have a cosponsorship of the gentleman from Arizona (Mr. FLAKE), not an individual known around here for his prolific spending habits. So I do that, again, with the trepidation of scaring off support from my side of the aisle for the pending measure. I will conclude, Mr. Speaker, by asking all Members to support this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### AAMODT LITIGATION SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio

Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

#### H.R. 3342

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Aamodt Litigation Settlement Act".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### **TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM**

Sec. 101. Authorization of Regional Water System.

Sec. 102. Operating Agreement.

Sec. 103. Acquisition of Pueblo water supply for the Regional Water System.

Sec. 104. Delivery and allocation of Regional Water System capacity and water.

Sec. 105. Aamodt Settlement Pueblos' Fund.

Sec. 106. Environmental compliance.

Sec. 107. Authorization of appropriations.

#### **TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT**

Sec. 201. Settlement Agreement and contract approval.

Sec. 202. Environmental compliance.

Sec. 203. Conditions precedent and enforcement date.

Sec. 204. Waivers and releases.

Sec. 205. Effect.

#### **SEC. 2. DEFINITIONS.**

*In this Act:*

(1) **AAMODT CASE.**—The term "Aamodt Case" means the civil action entitled *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) **ACRE-FEET.**—The term "acre-feet" means acre-feet of water per year.

(3) **AUTHORITY.**—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) **CITY.**—The term "City" means the city of Santa Fe, New Mexico.

(5) **COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.**—The term "Cost-Sharing and System Integration Agreement" means the agreement to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) COUNTY.—The term “County” means Santa Fe County, New Mexico.

(7) COUNTY DISTRIBUTION SYSTEM.—The term “County Distribution System” means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) COUNTY WATER UTILITY.—The term “County Water Utility” means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) ENGINEERING REPORT.—The term “Engineering Report” means the report entitled “Pojoaque Regional Water System Engineering Report” dated September 2008 and any amendments thereto, including any modifications which may be required by section 101(d)(2).

(10) FUND.—The term “Fund” means the Aamodt Settlement Pueblos’ Fund established by section 105(a).

(11) OPERATING AGREEMENT.—The term “Operating Agreement” means the agreement between the Pueblos and the County executed under section 102(a).

(12) OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—The term “operations, maintenance, and replacement costs” means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) EXCLUSION.—The term “operations, maintenance, and replacement costs” does not include construction costs or costs related to construction design and planning.

(13) POJOAQUE BASIN.—

(A) IN GENERAL.—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

(i) the Rio Pojoaque; or

(ii) the 2 unnamed arroyos immediately south; and

(iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) INCLUSION.—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) PUEBLO.—The term “Pueblo” means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) PUEBLOS.—The term “Pueblos” means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) PUEBLO LAND.—The term “Pueblo land” means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) PUEBLO WATER FACILITY.—

(A) IN GENERAL.—The term “Pueblo Water Facility” means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) INCLUSIONS.—The term “Pueblo Water Facility” includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The term “Regional Water System” means the Regional Water System described in section 101(a).

(B) EXCLUSIONS.—The term “Regional Water System” does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) SAN JUAN-CHAMA PROJECT.—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) SAN JUAN-CHAMA PROJECT ACT.—The term “San Juan-Chama Project Act” means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the stipulated and binding agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, and as amended in conformity with this Act.

(23) STATE.—The term “State” means the State of New Mexico.

## TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

### SEC. 101. AUTHORIZATION OF REGIONAL WATER SYSTEM.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System”.

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000

acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) FINAL PROJECT DESIGN.—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 106 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) ACQUISITION OF LAND; WATER RIGHTS.—

(1) ACQUISITION OF LAND.—Upon request, and in exchange for the funding which shall be provided in section 107(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) WATER RIGHTS.—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) CONDITIONS FOR CONSTRUCTION.—

(1) IN GENERAL.—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) MODIFICATIONS TO REGIONAL WATER SYSTEM.—

(A) IN GENERAL.—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribution System as set forth in the Cost-Sharing and System Integration Agreement.

(B) EFFECT.—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 203 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) APPLICABLE LAW.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) CONSTRUCTION COSTS.—

(1) PUEBLO WATER FACILITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) EXCEPTION.—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) COSTS TO PUEBLO.—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) COUNTY DISTRIBUTION SYSTEM.—The costs of constructing the County Distribution System shall be at State and local expense.

(g) **STATE AND LOCAL CAPITAL OBLIGATIONS.**—The State and local capital obligations for the Regional Water System described in the Cost-Sharing and System Integration Agreement shall be satisfied on the payment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) **CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on completion of the construction of the Regional Water System, the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) **CONDITIONS FOR CONVEYANCE.**—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is complete; and

(B) the Operating Agreement is executed in accordance with section 102.

(3) **SUBSEQUENT CONVEYANCE.**—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) **INTEREST OF THE UNITED STATES.**—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) **ADDITIONAL CONSTRUCTION.**—On conveyance of a portion of the Regional Water System under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(7) **EFFECT.**—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water

System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

#### **SEC. 102. OPERATING AGREEMENT.**

(a) **IN GENERAL.**—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 101(b).

(b) **APPROVAL.**—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) **CONTENTS.**—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(E) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the portions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(F) the operation of wellfields located on Pueblo land;

(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 103(a);

(H) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos’ and to the County’s distribution system shall be reduced on a prorata basis, in proportion to each distribution system’s most current annual use; and

(I) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 101(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water

System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) **EFFECT.**—Nothing in this Act precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

#### **SEC. 103. ACQUISITION OF PUEBLO WATER SUPPLY FOR THE REGIONAL WATER SYSTEM.**

(a) **IN GENERAL.**—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambe reserved water described in section 2.6.2 of the Settlement Agreement pursuant to section 107(c)(1)(C); and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as “Top of the World” rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) **FORFEITURE.**—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) **TRUST.**—The Pueblo water supply secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) **APPLICABLE LAW.**—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) **CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.**—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) **WAIVERS.**—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos’ share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos’ share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary’s waiver of each Pueblo’s share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-

Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88-293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) **TERMINATION.**—The contract shall provide that it shall terminate only upon the following conditions—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by December 15, 2012, or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) **LIMITATION.**—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) **FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.**—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) **RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.**—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this Act amends or modifies the quantities of water allocated to the Pueblos thereunder.

#### **SEC. 104. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.**

(a) **ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.**—

(1) **IN GENERAL.**—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) **ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.**—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

(i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) **APPLICABLE LAW.**—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

(A) this title;

(B) the Settlement Agreement; and

(C) the Operating Agreement.

(b) **DELIVERY OF REGIONAL WATER SYSTEM WATER.**—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this title; and

(2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

(A) the Settlement Agreement;

(B) the Operating Agreement; and

(C) this title.

(c) **ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.**—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this Act;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

#### **SEC. 105. AAMODT SETTLEMENT PUEBLOS' FUND.**

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.**—There is established in the Treasury of the United States a fund, to be known as the "Aamodt Settlement Pueblos' Fund," consisting of—

(1) such amounts as are made available to the Fund under section 107(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this Act.

(c) **INVESTMENT OF THE FUND.**—On the date set forth in section 203(a)(1), the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 107(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this title.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

(5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

(7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) **APPROVAL OF SETTLEMENT AGREEMENT.**—Amounts made available under subparagraphs (A) and (C) of section 107(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.**—Amounts made available under section 107(c)(1)(B) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

(C) **FAILURE TO FULFILL CONDITIONS PRECEDENT.**—If the conditions precedent in section 203 have not been fulfilled by September 15, 2017, the United States shall be entitled to set off any funds expended or withdrawn from the amounts appropriated pursuant to section 107(c), together with any interest accrued, against any claims asserted by the Pueblos against the United States relating to the water rights in the Pojoaque Basin.

#### **SEC. 106. ENVIRONMENTAL COMPLIANCE.**

(a) **IN GENERAL.**—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Nothing in this Act affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

(a) **REGIONAL WATER SYSTEM.**—

(1) **IN GENERAL.**—Subject to paragraph (4), there is authorized to be appropriated to the

Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 106 an amount not to exceed \$106,400,000, as adjusted under paragraph (3), for the period of fiscal years 2010 through 2022, to remain available until expended.

(2) **PRIORITY OF FUNDING.**—Of the amounts authorized under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) **ADJUSTMENT.**—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(4) **LIMITATIONS.**—

(A) **IN GENERAL.**—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **RECORD OF DECISION.**—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) **ACQUISITION OF WATER RIGHTS.**—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 103(a)(1)(B)—

(1) in the amount of \$5,400,000.00 if such acquisition is completed by December 31, 2010; and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

(c) **AAMODT SETTLEMENT PUEBLOS' FUND.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2010 through 2022:

(A) \$15,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) \$37,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) \$5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambe for the acquisition of the Nambe reserved water rights in accordance with section 103(a)(1)(A). The amount authorized herein shall be adjusted according to the CPI Urban Index commencing January 1, 2011. The funds provided under this section may be used by the Pueblo of Nambe only for the acquisition of land, other real property interests, or economic development.

(2) **OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.**—

(A) **IN GENERAL.**—Prior to conveyance of the Regional Water System pursuant to section 101,

the Secretary is authorized to and shall pay any operation, maintenance or replacement costs associated with the Pueblo Water Facilities or the Regional Water System up to an amount that does not exceed \$5,000,000, which is authorized to be appropriated to the Secretary.

(B) **OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.**—The amount authorized under subparagraph (A) shall expire after the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the account have been deposited under this section by the Federal Government.

## **TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT**

### **SEC. 201. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.**

(a) **APPROVAL.**—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are authorized, ratified, and confirmed.

(b) **EXECUTION.**—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act).

(c) **AUTHORITIES OF THE PUEBLOS.**—

(1) **IN GENERAL.**—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin in accordance with the other limitations of section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) **EXECUTION.**—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) **APPROVAL BY SECRETARY.**—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) **PROHIBITION ON PERMANENT ALIENATION.**—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) **APPLICABLE LAW.**—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(6) **LEASING OR MARKETING OF WATER SUPPLY.**—The water supply provided on behalf of the Pueblos pursuant to section 103(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 104(c)(2).

(d) **AMENDMENTS TO CONTRACTS.**—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe Falls Dam and Reservoir in accordance with the Settlement Agreement.

### **SEC. 202. ENVIRONMENTAL COMPLIANCE.**

(a) **EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.**—The execution of the Settlement

Agreement under section 201(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

### **SEC. 203. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.**

(a) **CONDITIONS PRECEDENT.**—

(1) **IN GENERAL.**—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of finding that the conditions have been fulfilled.

(2) **REQUIREMENTS.**—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 204, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 107, with the exception of subsection (a)(1) of that section, by December 15, 2016;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 103(a);

(E) for purposes of section 103(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 103(a), including water rights acquired in addition to those described in section 103(a), in accordance with section 103(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico by June 15, 2017.

(b) **EXPIRATION DATE.**—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement and this Act including waivers described in those documents shall no longer be effective; and



(2) any funds that have been appropriated under this Act but not expended shall immediately revert to the general fund of the United States Treasury.

(c) **ENFORCEMENT DATE.**—The Settlement Agreement shall become enforceable as of the date that the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(E) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) **EFFECTIVENESS OF WAIVERS.**—The waivers and releases executed pursuant to section 204 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) **REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.**—

(1) **CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.**—Subject to the provisions in section 101(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) **CONSULTATION.**—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) **WRITTEN DETERMINATION BY SECRETARY.**—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

- (i) the Pueblos;
- (ii) the County; and
- (iii) the State.

(4) **RIGHT TO REVIEW.**—

(A) **IN GENERAL.**—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) **FAILURE TO MAKE TIMELY DETERMINATION.**—

(i) **IN GENERAL.**—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) **DATE.**—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) **EFFECT OF ACT.**—Nothing in this Act gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) **RIGHT TO VOID FINAL DECREE.**—

(A) **IN GENERAL.**—Not later than June 30, 2024, on a determination by the Secretary, after con-

sultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) **EFFECT.**—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) **VOIDING OF WAIVERS.**—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 204 shall no longer be effective; and

(3) any unexpended Federal funds, together with any interest earned on those funds, and title to any property acquired or constructed with expended Federal funds shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress.

#### **SEC. 204. WAIVERS AND RELEASES.**

(a) **CLAIMS BY THE PUEBLOS AND THE UNITED STATES.**—In return for recognition of the Pueblos’ water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this title, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) **CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.**—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos’ water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this Act;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from



such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—  
(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

#### **SEC. 205. EFFECT.**

Nothing in this Act or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part B of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

#### **GENERAL LEAVE**

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3342.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

We are now proceeding with the second of three bills to implement Indian water rights settlement agreements being considered by this body today. The pending measure, like the previous bill, is sponsored by our colleague BEN RAY LUJÁN of New Mexico and cosponsored by MARTIN HEINRICH of that State.

This legislation would settle the water rights of four pueblos in New Mexico under an agreement with the State of New Mexico, Santa Fe County, the city of Santa Fe, and individual water users. It would end 44 years of active litigation involving over 2,500 defendants by ratifying the settlement agreement and funding a regional water system for all water users in the valley.

The previous bill we considered would end 40 years of litigation. The one we are currently considering would end 44 years of litigation. I would say to my colleagues that today we are making history. The American people want certainty. During these tough economic times, we all want to have certainty in our lives. But for many, a long-year certainty with respect to water has not been the case in the Rio Grande watershed. Today we can provide that certainty.

The pending measure would secure water to meet the current and future needs of the pueblos involved, protect water users that make the region unique, preserve irrigation in the area, and provide water for all the region's residents. As in the case of H.R. 3342, water rights settlements improve water management by providing certainty not just to the quantification of a tribe's water rights but also to the water rights of all users. Certainty provides opportunities for economic development, for Indian and non-Indians alike. Where Indian water rights are unquantified, there is often tension and conflict between tribes and their neighbors. The best settlements, like the ones before us today, replace tension with collaboration, mutual interdependence, and trust.

I commend the team of LUJÁN and HEINRICH for their hard work on this matter. I again would acknowledge the

long hours of work that have been put into this measure by the distinguished gentlewoman from California, GRACE NAPOLITANO, in her position as chairwoman for our Subcommittee on Water and Power. She has gone through countless hours of hearings and discussions and meetings on these bills. I thank the four pueblos and their settlement partners for their hard work and dedication.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The arguments that I made on the previous bill are exactly applicable to this bill. So let me simply summarize. To summarize, I believe, and we believe on this side, that settlement agreements are in the best interests for all parties involved. But there is an element that needs to be highlighted because settlement agreements generally at the end cost money, and the missing part of these agreements on these three bills that we are considering today is, What is the cost to the taxpayer?

We need to have transparency when we make that decision, and that decision, unfortunately, was not afforded to us in committee, and at the last minute, it was afforded to us in a very ambiguous way. So it's for that reason, while I support the claims settlements as a general principle, not having all the information, I must oppose this bill, as I did the last bill. And with the next bill coming up, I will say essentially the same thing.

So with that, Mr. Speaker, I reserve the balance of my time.

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Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Mrs. NAPOLITANO), the chairlady of our Water and Power Subcommittee.

Mrs. NAPOLITANO. Thank you, Chairman RAHALL and Ranking Member HASTINGS.

You have heard about the three bills. We are here today on these three pieces of legislation that would settle the water rights of six Native American nations in New Mexico and Arizona. The people on these reservations inhabit the same sacred lands as their fathers, their grandfathers, and many generations before. These three bills would provide them with the water that their ancestors were entitled to but never received.

We often take for granted the most basic of our resources, water. The people of the pueblos and the high country of Arizona never have. They understand the value of water and its importance in their cultures and well-being. Water is the lifeblood of these individuals, and when they were assigned reservations of land, their assumption was

that they would also have access to the water they needed to survive. They were not, and hence for the last 140-plus years, these individual Americans have been fighting for the right to this most basic of resources, water. It is time today for us to do something about this for these six native nations.

Mr. Chairman, you mentioned Charlie Dorame in your statement as an example of the type of dedication that has been made for these water rights settlements and the subsequent legislation. Leaders in each tribe and pueblo have invested many decades in trying to acquire water rights that for generations came without legal restrictions but instead were part of their homeland.

For many years these tribes have been treated as second-class citizens of our great country, America. We have taken their lands. We have taken their resources, and we have even taken their water. But instead of complaining, these pueblos and tribes have worked with the Federal Government and the local governments to legally, and I might add very costly, attempt to acquire access to something that always has been part of their lives, water.

Members of these tribes across the country today continue to work to support their sovereign nations. They work with the States and work with the local partners who see the benefit of the settlement not just for the tribal communities but for the entire region.

Mr. Speaker, I would like to say that I have Colorado River Water Users Association's 2010 resolutions, the Western States Water Council, and the National Congress of American Indians here in support of this legislation, people looking for local and regional solutions, just as we have been directing them to do.

Mr. Speaker, I have brought with me these resolutions so we can understand that they have wide support, not only from the Native American areas but also from their neighbors and their friends within the area. Each of these organizations supports the settlement of Indian reserved water rights by negotiation or agreement. They realize in order to plan for the future and for their economy, we need to provide certainty to a basic human right, water.

These resolutions are consistent with the administration's views of supporting collaborative negotiations as an inherent responsibility to Federal trustees to Indian tribes and their members. Most importantly, we can not, we must not forget that we are talking about Americans, Native Americans, human beings. These tribes and pueblos have done everything that we have asked of them and have taken the long walk to walk with the Federal Government's legal restraints and now are in sight of securing for their people a basic human right, water.

After decades, these people have made huge efforts to play by the government rules to acquire rightful access to water that traditionally came with the land that they lived on. The price for these people has been high, the walk long and filled with many disappointments and many empty promises.

I ask that you support this legislation today. Support it because these Native Americans have followed all of the rules, procedures, and hurdles that our government has laid out. Support the legislation because it is the right thing to do and because it is supported by all local community and regional water managers; and, most importantly, because it is time to provide certainty to the tribes and the pueblos and the people of New Mexico and Arizona that we can do right by them. At the end of the day for this one precious resource, water, we can sit down and appreciate doing the right thing for them.

Water, Mr. Speaker, which you are drinking, is running short in the U.S. We need to preserve it and take care of it, and none other more than our Native Americans love the Earth and what Mother Nature gives us. Help us pass this bill.

2010 RESOLUTIONS ADOPTED BY THE RESOLUTIONS COMMITTEE OF THE COLORADO RIVER WATER USERS ASSOCIATION, DECEMBER 9, 2009

\* \* \* production. The federal government should pay for replacement power due to operational changes for recreation, fishery or the environment.

5. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the economies, the quality of life and the survival of the people who depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water project infrastructure in the Colorado River Basin and across the West.

6. Reclamation should immediately commence and fully implement the measures identified in its Managing for Excellence action plan, issued in response to the National Research Council's Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation report, including transfer of operation and maintenance responsibility to project sponsors when they are capable and willing to take over such responsibility.

#### RESOLUTION NO. 2010-4—COLORADO RIVER SALINITY CONTROL

The CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

#### RESOLUTION NO. 2010-5—SETTLEMENT OF INDIAN RESERVED RIGHTS

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.

2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.

3. Appropriate participation of the Federal, State, local governmental and Tribal entities, and non-Indian water users in the settlement process is required for the success of any negotiated settlement.

4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes. The Federal Government must take advantage of existing funding authorizations, such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds, while continuing to explore and develop new creative solutions to fund Indian water rights settlements.

#### RESOLUTION OF THE WESTERN STATES WATER COUNCIL IN SUPPORT OF INDIAN WATER RIGHTS SETTLEMENTS, OCTOBER 17, 2008

WHEREAS, the Western States Water Council, an organization of eighteen western states, and adjunct to the Western Governors' Association has consistently supported negotiated settlement of Indian water rights disputes; and

WHEREAS, the public interest and sound public policy require the resolution of Indian water rights claims in a manner that is least disruptive to existing uses of water; and

WHEREAS, negotiated quantification of Indian water rights claims is a highly desirable process which can achieve quantifications fairly, efficiently, and with the least cost; and

WHEREAS, the advantages of negotiated settlements include: (i) the ability to be flexible and to tailor solutions to the unique circumstances of each situation; (ii) the ability to promote conservation and sound water management practices; and (iii) the ability to establish the basis for cooperative partnerships between Indian and non-Indian communities; and

WHEREAS, the successful resolution of certain claims may require "physical solutions," such as development of federal water projects and improved water delivery and application techniques; and

WHEREAS, the United States has developed many major water projects that compete for use of waters claimed by Indians and non-Indians, and has a responsibility to both to assist in resolving such conflicts; and

WHEREAS, the settlement of Native American water claims, and land claims, is one of the most important aspects of the United States' trust obligation to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, current budgetary policy makes it difficult for the Administration, the states and the tribes to negotiate settlements knowing that the settlements may not be funded because funding must be offset by a corresponding reduction in some other tribe or essential Interior Department program.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council reiterates its support for the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the Western States; and

BE IT FURTHER RESOLVED, that the Western States Water Council urges the Administration to support its stated policy in favor of Indian land and water settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that Congress should explore opportunities to provide funding for the Bureau of Reclamation to undertake project construction related to settlements from revenues accruing to the Reclamation Fund, recognizing the existence of other legitimate needs that may be financed by these reserves.

BE IT FURTHER RESOLVED, that steps be taken to change current budgetary policy to ensure that any land or water settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential Interior Department program.

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION NO. DEN-07-069—USE OF THE RECLAMATION FUND FOR INDIAN WATER RIGHTS SETTLEMENTS

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the settlement of Indian water rights claims is one of the most important aspects of the United States' trust obligations to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, despite the Department of the Interior's (DOI's) long-standing policy favoring the settlement of Indian water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

WHEREAS, under current budgetary policy of the Administration, funding of Indian water rights settlements must be offset by a corresponding reduction in some other discretionary component of the DOI's budget, putting Indian tribes in the untenable position of having to seek funding of these settlements at the expense of some other tribe or essential DOI program; and

WHEREAS, there are currently three Indian water rights settlements affecting six tribes already signed and completed in New Mexico for which federal funding is necessary, including the Aamodt settlement, to

which the Pueblo of Tesuque is a signatory; and

WHEREAS, nationwide many other tribes are working on water settlements for which federal funding is necessary; and

WHEREAS, under the Reclamation Act of June 17, 1902, the Reclamation Fund was envisioned as the principal source of funds to finance water development in the seventeen western states, with revenues accruing from project water and power sales, project repayments and receipts from public land sales, federal oil and mineral-related royalties, and other related sources; and

WHEREAS, the unobligated balance in the Reclamation Fund has grown annually in recent years and should serve as a source of funding for Indian water rights settlements.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the western states of the United States; and

BE IT FURTHER RESOLVED, that the NCAI urges the Administration to support its stated policy in favor of Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that the NCAI supports changing the current budgetary policy to ensure that any Indian water rights settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential DOI program; and

BE IT FURTHER RESOLVED, that the NCAI supports allocation of sources of revenue for the Reclamation Fund to be used to fund Indian water rights settlements and respectfully requests that Congress and the Administration support allocation of monies from the Reclamation Fund or sources paid into it to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that the NCAI commits to advocate to the Administration, including the Office of Management and Budget, and Congress that the Reclamation Fund be used to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that within four months the NCAI will convene a special water rights meeting with affected tribes and invite key federal agencies to participate. After the initial meeting, NCAI will convene a special water rights meeting at least annually, and report progress to tribal leaders on this resolution at every regular meeting; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, it is my pleasure to yield to the lead sponsor of this legislation, Mr. BEN RAY LUJÁN.

Mr. LUJÁN. Mr. Speaker, I rise today in support of H.R. 3342, the Aamodt Litigation Settlement Act. Before I begin, I would like to thank my colleagues on the Resource Committee: Chairman RAHALL; Chairwoman Napolitano; my colleague from New Mexico, Mr. HEINRICH; and Ranking Member HASTINGS.

I also want to thank the Tesuque Acequia Association; David Ortiz and the Rio Pojoaque Acequia and Well Water Association; D.L. Sanders and the office of the New Mexico State Engineer; Santa Fe County, the city of Santa Fe; and the tribal leaders from Nambe, Pojoaque, Tesuque and San Ildefonso. Thank you for your hard work over the past decade to reach these settlements.

The testimony of the settlement parties and tough negotiations and debate has made the consideration of these bills possible today. The parties to this settlement have worked for a very long time to come up with solutions that are equitable and fair to all water users in the Pojoaque Valley, including tribal and non-tribal residents alike.

Our water resources are precious in New Mexico. Without a reliable water supply, we cannot improve human health, protect our cultures and traditions, or grow our economies. This settlement will protect water resources, advance the implementation of effective water management, and ensure future access to water resources for all residents encompassed by the settlement. That is what makes H.R. 3342, the Aamodt Litigation Settlement Act of 2009, so important.

I would like to submit for the RECORD letters I have received from the State of New Mexico, the County of Santa Fe, the Rio Pojoaque Acequia and Well Water Association, the Tesuque Acequia Association and others who have asked Congress to take a serious look at the importance of approving these settlements because this piece of legislation is so vital to the prolonged existence of culture and agriculture in my district.

It has taken over 40 years, countless court proceedings, congressional hearings and mediations before this bill arrived at this point. The people of the Pojoaque Valley and surrounding communities have debated and negotiated this water settlement since the 1960s. Parties have informed me, Mr. Speaker, if legislative action does not move forward, the Federal Court is prepared to resume legal proceedings on the underlying Aamodt lawsuit. This litigation would have dire effects upon all non-water rights holders in the basin and incur tremendous court costs and legal fees on American taxpayers. The cost to the government of continued litigation would, and probably will, exceed the cost of the settlement itself.

We heard today, Mr. Speaker, that we did hear from the Attorney General's office saying that they did prefer this course of action to litigation. Senators BINGAMAN and UDALL of New Mexico introduced legislation in the 110th Congress to enshrine this settlement and conducted hearings before the House Resources Committee and the Senate Committee on Indian Affairs. In the 111th Congress, New Mexico's Senators and I reintroduced this

bill with my colleague, MARTIN HEINRICH from New Mexico, with improved revisions that took the considerations of the settlement parties into account; and in doing so, we improved the settlement.

In September, additional hearings were held on this bill, and H.R. 3254 was supported at markup in the Natural Resources Committee by unanimous and bipartisan support. This settlement is about people and the quality of life in small rural communities. The future of this community depends on the availability and dependability of a water supply. This settlement ensures just that.

Rather than continuing a course of costly litigation that could tear a community apart, I ask my colleagues to join me in voting to enact these settlements. Thank you again for the leadership to the members of the Subcommittee on Water and Power and the members of the Natural Resources Committee for their support.

You know, Mr. Speaker, as we talk about water settlements going forward, I know that Democrats and Republicans from this side of the aisle and from the other side of the aisle, we all have the honor of representing constituencies that include Native Americans and tribal communities. In New Mexico there was a school project. They asked the kids to draw pictures where they get their water from. Most kids in school districts across New Mexico drew pictures of water faucets going into water bottles, things of that nature. There were children from Native American communities who drew pictures of their mother and fathers, brothers and sisters carrying water jugs to get water into their homes. They drew pictures of their fathers driving pickup trucks with large water containers like you would to provide water to animals out on the range.

I hope we don't lose sight, Mr. Speaker, of the fact that water is a very precious resource and there are still many people across this great Nation of ours who don't have access to it.

COUNTY OF SANTA FE,  
STATE OF NEW MEXICO,

*Santa Fe, NM, January 14, 2010.*

Re Support for Aamodt Litigation Settlement Legislation.

Hon. BEN RAY LUJÁN,  
*Andrew Jones, Legislative Director, Cannon House Office Bldg., House of Representatives, Washington, DC.*

DEAR CONGRESSMAN LUJÁN: On behalf of Santa Fe County, I want to affirm the County's strong support for the Aamodt Litigation Settlement Act (H.R. 3342). Santa Fe County expresses its great appreciation to you for your continued support of the settlement and urges your help in securing passage of this very important legislation.

As I testified this past session before the House Subcommittee on Water and Power, the settlement will achieve a fair and equitable resolution of the difficult and entrenched water disputes that have plagued the Pojoaque Valley for so many years.

Rather than defining winners and losers, the settlement protects existing uses and allows for future growth by careful management of available water resources. At the same time, it recognizes and safeguards time immemorial and senior use priorities of Pueblos and early Spanish acequias. The settlement also creates a reliable supply to more recent domestic and commercial uses, and is flexible enough to account for changing uses in the future. Without settlement, I am certain valley residents will be subjected to intractable and divisive litigation for many years, fostering regional conflict and leaving junior water users at great risk of curtailment.

Also, as I have previously testified, I recognize that some of my non-Pueblo constituents continue to be dissatisfied with the settlement. Consequently, the County will be conducting a series of community outreach and settlement focus meetings in the coming months. We will do this even if the legislation is first enacted into law. The County has contracted with the adjudication ombudsman program at the University of New Mexico to facilitate the community outreach program. The purpose of the meetings will be to hear public concerns and to provide information about the settlement. Ultimately, the settlement must be accepted by the community to succeed.

On behalf of Santa Fe County, I greatly appreciate your help with this matter.

Sincerely,

HARRY B. MONTOYA,  
*Santa Fe County Commissioner.*

RIO DE TESUQUE ACEQUIA ASSOCIATION,  
*Santa Fe, NM, January 18, 2010.*

DEAR CONGRESSMEN LUJÁN, TEAGUE AND HEINRICH: As president of the board of directors of the Rio De Tesuque Acequia Association, I have been asked to reiterate our support for the proposed settlement agreement of the long standing Aamodt water rights litigation, as per H.R. 3342.

We represent 5 acequias and over 150 irrigation users (parciantes). We have worked with our neighbors at the Tesuque Pueblo for several decades now and we all feel that the settlement represents a good solution for both parties.

The settlement assures all parties a good and reliable water supply for both the acequias and the domestic users. As irrigators, we know the importance of this and know that we cannot be serious about agriculture unless we know we have a reliable source of water.

We appreciate your support and look forward to your vote in support of legislation that will enable the settlement.

Sincerely,

MARGO CUTLER,  
*President.*

*Santa Fe, NM, January 18, 2010.*

Re H.R. 3342, The Aamodt Litigation Settlement Act.

Hon. BEN RAY LUJÁN,  
*Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: I write in strong support of H.R. 3342, The Aamodt Litigation Settlement Act. As you know, my Administration has been instrumental in bringing the interested parties together to reach a settlement and potential closure to this matter. I have witnessed the extraordinary effort that all of the parties have exerted to successfully resolve some of the most contentious issues related to the Aamodt litigation. The parties' commitment to resolution is commendable and should be

recognized. Should Congress not pass this Act, it will not only be disappointing to all involved but could also open all of the parties up to more litigation and costly delay.

For its part, New Mexico stands ready to meet its obligations under any settlement. Through legislation that I supported and ultimately signed into law, the State has already committed in statute \$1.0 million in bonding authority as part of the State's share of any settlement. As such, the State is ready to assist in the implementation of any settlement achieved through the passage of H.R. 3342.

Passage of this bill would not only end more than forty years of contentious litigation, but would render a conclusion that is amendable to many. I urge you and your colleagues to pass H.R. 332 and I offer any support that you may need to achieve this worthy goal.

Sincerely,

BILL RICHARDSON,  
*Governor.*

RIO POJOAQUE ACEQUIA  
AND WATER WELL USERS ASSOCIATION,  
*January 14, 2010.*

Hon. BEN RAY LUJÁN,  
*Attention Andrew Jones, Legislative Director, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the Rio Pojoaque Acequia and Water Well Users Association, I am writing to you to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

MEADE P. MARTIN,  
*Vice President, Rio Pojoaque Acequia and Water Well Users Association.*

POJOAQUE VALLEY  
IRRIGATION DISTRICT,

*Santa Fe, NM, January 14, 2010.*

Hon. BEN RAY LUJÁN,  
*Attention Andrew Jones, Legislative Director, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the 18 acequia associations and over 700 water users that comprise the Pojoaque Valley Irrigation District, I am writing to you

to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

DAVID ORTIZ,  
Chairman,  
Pojoaque Valley Irrigation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue that we are debating here is not the settlement claims per se. I think we all in this House agree that if you can get agreement with parties involved in litigation and come to agreement amongst them, that is good policy. That has very well been explained by my friends on the other side of the aisle. But what is at issue here is the third part, and that is: Is this claim going to be beneficial to the taxpayers by not costing the taxpayers more than if they went through litigation? That is what the issue is. It is very clear.

Now, the gentleman from New Mexico just a moment ago said something to the effect that this would save the taxpayers money by not going through litigation. I would like to ask the gentleman, and I will yield to the gentleman if he can provide me documents as to that fact. I would be more than happy to yield to the gentleman if he can provide that to me.

Mr. LUJÁN. I appreciate the ranking member from the Natural Resources Committee yielding to me.

Mr. Speaker, what we have here is clear language on the dockets of the State of New Mexico that has been expressed by many of the parties which encouraged them to go to litigation, that very much do hold—that senior water rights holders in the State of New Mexico, which these tribal com-

munities are, do hold senior water rights.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, the question I asked the gentleman was about a statement that he made that it would be more costly to go through litigation than to settlement. I asked the gentleman very specifically if he has documentation to that effect. And so I hope that the gentleman would respond to me on that point because that is the difference in this debate on this bill and the last bill.

I would be more than happy to yield to the gentleman if he has that documentation.

Mr. LUJÁN. Mr. Speaker, as we are talking about the importance of how we can achieve cost savings to taxpayers across the country, it is important that we understand the laws and the protections that are held to those individuals that are senior water rights users, which clearly is the reason why so many people could be impacted. And as litigation continues, the cost of litigation adds additional cost to the taxpayers of the country.

Mr. HASTINGS of Washington. Mr. Speaker, I want to interrupt.

Do you have documentation to that point? We asked the Department of Justice specifically on that point, and they have not responded. Do you have documentation on that point? Listen, if this saves the taxpayer money, I am totally in favor of it. All we are asking is for that documentation. If the gentleman has it, please provide it. Does the gentleman have it?

I yield to the gentleman from New Mexico.

Mr. LUJÁN. Mr. Speaker, it is clear that I don't have the response that my ranking member colleague may be looking for. But his counsel may inform him as well as our counsel has informed us that some of that documentation is not public record at this time. With that, I tried to answer the question, but I apologize to the ranking member that we are not able to provide the answer that the ranking member may be looking for.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I just want to emphasize, this is the core point. The gentleman just said he doesn't have it, and yet we are being asked here, Members of the U.S. House, representing everybody in this country, taxpayers who may not be involved with this, to pass judgment and support this settlement agreement when we don't know if the cost is beneficial or not. That's the issue.

I would hope, as I said in my closing remarks on the first bill, when we have future settlements coming forward we can have this information, full transparency, Mr. Speaker, in committee so we don't have to go through this drill on the floor and go back and forth and then unfortunately have somebody say we don't have this documentation.

Mr. Speaker, that's the issue here. We are not arguing about the benefits of the claims. I am sure that they are very good. There have been long negotiations.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy once again to yield such time as he may consume to the cosponsor of this litigation, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I am very pleased to stand in solidarity with my colleague, Representative BEN RAY LUJÁN, in bringing this very challenging chapter in New Mexico history to a close. I also want to thank Chairman RAHALL and Chairwoman NAPOLITANO for their support of this settlement.

The Aamodt water rights litigation is literally the oldest active case in our Nation's Federal Court, literally older than myself and my colleague. Since 1966, these communities have waited for a resolution to this case. The bill here before us represents the culmination of decades of hard work and difficult compromise by the effective stakeholders to negotiate an agreement that meets each community's long-term needs.

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During the committee hearings we heard from representatives of local, State, and Pueblo governments. And I want to commend each of them for their enduring efforts to achieve this settlement.

The Aamodt water settlement will enable the Secretary of Interior, through the Bureau of Reclamation, to create a long-awaited regional water system. That system will be jointly operated by Santa Fe County, along with the four northern New Mexico Pueblos, and provide a great deal of certainty to all Rio Grande water users. Sixty percent of its capacity will deliver water to the Pueblos, 40 percent will go to the county water utility.

This legislation has been a generation or more in the making, and I look forward to its long-awaited contribution to the well-being of the Pueblos and the future of the entire State of New Mexico.

I would urge my colleagues' support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the idea of transparency in this and in all things. I think that some observers may not appreciate the issues that are before us when we are dealing with Indian rights, whether it is settlement or something else, because of the unique situation of Native Americans in the United States and how the relationship that we have with the Indian Nations is

as a result directly of the Constitution of the United States.

Often it is good for us to remind ourselves of the first principles involved when we are dealing with these issues. And therefore, Mr. Speaker, I would like to also mention that today, in a blow for freedom, in a tremendous action of a return to first principles under the Constitution, the United States Supreme Court finally got it right. The United States Supreme Court, in the case of *Citizens United v. Federal Election Commission*, finally focused on the first amendment and talked about the essence of the first amendment being political speech.

We have been distracted so often in other decisions by the Court that they have lost in many times their focus on the fact that the first amendment is in essence a protection of our political speech. And today they overruled a previous case where they had wandered from that. They said to us that Congress cannot in fact make choices between preferred speakers and nonpreferred speakers, preferred organizations and nonpreferred organizations.

And here is one of the kernels of truth contained in today's majority opinion. "Political speech is so ingrained in this country's culture that speakers find ways around campaign finance laws." That oftentimes in this body we, in the effort to try and cleanse the political system from the possibility of people who might take undue advantage of it, render political speech to the sidelines. And the Court has said the people are smarter than that. They can get around that, and therefore we ought to attempt to allow the full flowering of political speech.

The Court also said this. "Rapid changes to technology—and the creative dynamic inherent in the concept of free expression—counsel against upholding a law that restricts political speech in certain media or by certain speakers." This is a great day, Mr. Speaker. This is a great day. The Court said, "Differential treatment of media corporations and other corporations cannot be squared with the first amendment, and there is no support for the view that the amendment's original meaning would permit suppressing media corporations' political speech."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. It is said that their previous decision in *Austin* allows "censorship that is vast in its reach, suppressing the speech of both for-profit and non-profit, both small and large, corporations."

Earlier this week the people of Massachusetts reminded us that here the people prevail, that the Constitution starts with the words, "We, the peo-

ple." That despite what the pundits say, despite what special interests say, the people prevail. Today the Supreme Court said the people can speak. It is a great day.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I am prepared to yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, if I understand, the gentleman will be the last speaker. I know my friend Mr. MCCLINTOCK is not going to offer his amendment. So I will close and I will yield myself the balance of the time by simply saying, Mr. Speaker, that the issue here is not the benefits of these settlements. We think those settlements are good. The one element that we have a question on is what is the cost to the taxpayer? I think that is a very, very legitimate issue for us in the U.S. House to consider.

So with that reason, as I mentioned earlier, I have to reluctantly oppose all three of these bills. And I would hope in the future at the committee level we can have this full transparency on future settlements that we will inevitably have in this Congress.

With that, Mr. Speaker, I urge my colleagues to vote "no" on this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, just to conclude and reiterate what I have already said, that 44 years of litigation is far too long, 40 years of litigation is far too long. We all know the tremendous costs involved in litigation to the Federal taxpayer, the amount of salaries paid to judges, lawyers. We could go on and on about the costs that the taxpayer ends up bearing over some 44 years of litigation, longer time period than Moses spent in the desert. So with that, I would say that this bill is certainly economical to the American taxpayers, and I would urge its passage.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part C of House Report 111-399, is adopted.

The text of the bill, as amended, is as follows:

H.R. 1065

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "White Mountain Apache Tribe Water Rights Quantification Act of 2009".*

## SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) proceedings to determine the nature and extent of the water rights of the White Mountain Apache Tribe, members of the Tribe, the United States, and other claimants are pending in—

(A) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled *In re the General Adjudication of All Rights To Use Water In The Gila River System and Source*, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(B) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled *In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source* and numbered CIV-6417;

(2) a final resolution of those proceedings might—

(A) take many years;

(B) entail great expense; and

(C) prolong uncertainty concerning the availability of water supplies;

(3) the Tribe, non-Indian communities located near the reservation of the Tribe, and other Arizona water users have entered into the WMAT Water Rights Quantification Agreement—

(A) to permanently quantify the water rights of the Tribe, members of the Tribe, and the United States in its capacity as trustee for the Tribe and members in accordance with the Agreement; and

(B) to seek funding, in accordance with applicable law, for the implementation of the Agreement;

(4) it is the policy of the United States to quantify and settle Indian water rights claims, and to promote Indian self-determination and economic self-sufficiency, without lengthy and costly litigation, if practicable;

(5) certainty concerning the extent of the water rights of the Tribe will—

(A) provide opportunities for economic development of all parties to the proceeding; and

(B) assist the Tribe to achieve self-determination and self-sufficiency; and

(6) in keeping with the trust responsibility of the United States to Indian tribes, and to promote tribal sovereignty and economic self-sufficiency, it is appropriate that the United States implement the Agreement.



(b) **PURPOSES.**—The purposes of this Act are—  
(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and carry out all obligations of the Secretary under the Agreement;

(3) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States in its capacity as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants in the proceedings referred to in subsection (a)(1).

### SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT.**—The “Agreement” means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that are—

(i) made in accordance with this Act; or

(ii) otherwise approved by the Secretary.

(2) **BUREAU.**—The term “Bureau” means the Bureau of Reclamation.

(3) **CAP.**—The term “CAP” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) **CAP CONTRACTOR.**—The term “CAP contractor” means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) **CAP FIXED OM&R CHARGE.**—The term “CAP fixed OM&R charge” has the meaning given the term in the repayment stipulation.

(6) **CAP M&I PRIORITY WATER.**—The term “CAP M&I priority water” means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) **CAP SUBCONTRACTOR.**—The term “CAP subcontractor” means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) **CAP SYSTEM.**—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) **CAP WATER.**—The term “CAP water” means “Project Water” (as that term is defined in the repayment stipulation).

(10) **CONTRACT.**—The term “Contract” means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) **DISTRICT.**—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) **ENFORCEABILITY DATE.**—The term “enforceability date” means the date described in section 9(d)(1).

(13) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of

the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) **INJURY TO WATER RIGHTS.**—

(A) **IN GENERAL.**—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) **INCLUSIONS.**—The term “injury to water rights” includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) **EXCLUSION.**—The term “injury to water rights” does not include any injury to water quality.

(15) **LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.**—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) **OFF-RESERVATION TRUST LAND.**—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) **OPERATING AGENCY.**—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) **REPAYMENT CONTRACT.**—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) **REPAYMENT STIPULATION.**—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled *Central Arizona Water Conservation District v. United States, et al.*, and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) **RESERVATION.**—

(A) **IN GENERAL.**—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to the Act of June 7, 1897 (30 Stat. 62, chapter 3); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) **NO EFFECT ON DISPUTE OR AS ADMISSION.**—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; and

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(22) **STATE.**—The term “State” means the State of Arizona.

(23) **TRIBAL CAP WATER.**—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) **TRIBAL WATER RIGHTS.**—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) **TRIBE.**—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) **WATER RIGHT.**—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) **WMAT RURAL WATER SYSTEM.**—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 7.

(28) **YEAR.**—The term “year” means a calendar year.

### SEC. 4. APPROVAL OF AGREEMENT.

(a) **APPROVAL.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Agreement consistent with this Act.

(b) **EXECUTION OF AGREEMENT.**—To the extent that the Agreement does not conflict with this Act, the Secretary shall—

(1) execute the Agreement (including signing any exhibit to the Agreement requiring the signature of the Secretary); and

(2) execute any amendment to the Agreement necessary to make the Agreement consistent with this Act.

(c) **NATIONAL ENVIRONMENTAL POLICY ACT.**—

(1) **ENVIRONMENTAL COMPLIANCE.**—In implementing the Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

(2) **EXECUTION OF AGREEMENT.**—

(A) **IN GENERAL.**—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) **ENVIRONMENTAL COMPLIANCE.**—The Secretary shall carry out all necessary environmental compliance required by Federal law in implementing the Agreement.

(3) **LEAD AGENCY.**—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

### SEC. 5. WATER RIGHTS.

(a) **TREATMENT OF TRIBAL WATER RIGHTS.**—The tribal water rights—

(1) shall be held in trust by the United States in perpetuity; and

(2) shall not be subject to forfeiture or abandonment.

(b) **REALLOCATION.**—

(1) **IN GENERAL.**—In accordance with this Act and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an annual entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firmed by the United States for the benefit of the Tribe for



the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firm by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an annual entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) **AUTHORITY OF TRIBE.**—Subject to approval by the Secretary under section 6(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) **WATER SERVICE CAPITAL CHARGES.**—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) **ALLOCATION AND REPAYMENT.**—For the purpose of determining the allocation and repayment of costs of any stages of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) **WATER CODE.**—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

#### SEC. 6. CONTRACT.

(a) **IN GENERAL.**—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) **REQUIREMENTS.**—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

(c) **RATIFICATION.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Contract conflicts with a provision of this Act, the Contract is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Contract consistent with this Act.

(d) **EXECUTION OF CONTRACT.**—To the extent that the Contract does not conflict with this Act, the Secretary shall execute the Contract.

(e) **PAYMENT OF CHARGES.**—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) **PROHIBITIONS.**—

(1) **USE OUTSIDE STATE.**—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) **USE OFF RESERVATION.**—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this Act may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) **AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.**—Nothing in this Act or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority established by section 45-2421 of the Arizona Revised Statutes (or any successor entity), in accordance with State law.

(g) **LEASES.**—

(1) **IN GENERAL.**—To the extent the leases of tribal CAP Water by the Tribe to the District and to any of the cities, attached as exhibits to the Agreement, are not in conflict with the provisions of this Act—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) **AMENDMENTS.**—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this Act, those amendments are authorized, ratified, and confirmed.

#### SEC. 7. AUTHORIZATION OF RURAL WATER SYSTEM.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary, acting through the Bureau, shall plan, design, construct, operate, maintain, replace, and rehabilitate the WMAT rural water system as generally described in the project extension report dated February 2007.

(b) **COMPONENTS.**—The WMAT rural water system under subsection (a) shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork White River near the community of Whiteriver;

(2) pipelines extending from the water treatment plants to existing water distribution systems serving the Whiteriver, Carrizo, and Cibecue areas, together with other communities along the pipeline;

(3) connections to existing distribution facilities, including public and private water systems in existence on the date of enactment of this Act;

(4) appurtenant buildings and access roads;

(5) electrical power transmission and distribution facilities necessary for services to rural water system facilities;

(6) all property and property rights necessary for the facilities described in this subsection; and

(7) such other project components as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the portions of the reservation served by the WMAT rural water system, including water storage tanks, water lines, and other facilities for the Tribe and the villages and towns on the reservation.

(c) **SERVICE AREA.**—The service area of the WMAT rural water system shall be as described in the Project Extension report dated February 2007.

(d) **CONSTRUCTION REQUIREMENTS.**—The components of the WMAT rural water system shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the WMAT rural water system service area during the period beginning on the date of enactment of this Act and ending not earlier than December 31, 2040.

(e) TITLE.—

(1) IN GENERAL.—Title to the WMAT rural water system shall be held in trust by the United States in its capacity as trustee for the Tribe.

(2) CONVEYANCE TO TRIBE.—The Secretary may convey to the Tribe title to the WMAT rural water system after publication by the Secretary in the Federal Register of a statement of findings that—

(A) the designers' operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria are established and in place, and the WMAT rural water system has been declared substantially complete;

(B) the funds authorized to be appropriated under section 12(b)(3)(B) have been appropriated and deposited in the WMAT Maintenance Fund; and

(C) the Tribe has been operating successfully under the established standing operating procedures for a period of 5 calendar years.

(3) ALIENATION AND TAXATION.—Conveyance of title to the Tribe pursuant to paragraph (2) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(f) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Tribe to plan, design, construct, operate, maintain, and replace the WMAT rural water system, including operation and management training.

(g) APPLICABILITY OF ISDEAA.—

(1) AGREEMENT FOR SPECIFIC ACTIVITIES.—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into an agreement with the Tribe to carry out the activities authorized by this section.

(2) CONTRACTS.—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this Act shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(h) CONDITION.—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land, as appropriate, that the Secretary identifies as being necessary for those facilities.

(i) OPERATION AND MAINTENANCE.—Subject to the availability of appropriations as provided for in section 12(e), the Secretary, acting through the Bureau, shall operate and maintain the WMAT rural water system until the date on which title to the WMAT rural water system is conveyed to the Tribe pursuant to subsection (e)(2).

#### SEC. 8. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits realized by the Tribe and its members under this Act shall be in full satisfaction of all claims of the Tribe and its members for water rights and injury to water rights, except as set forth in the Agreement, under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) USES OF WATER.—All uses of water on land outside of the reservation, if and when such land is subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation put into trust and made part of the res-

ervation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) NO RECOGNITION OF WATER RIGHTS.—Notwithstanding subsection (a), nothing in this Act has the effect of recognizing or establishing any right of a member of the Tribe to water on the reservation.

#### SEC. 9. WAIVER AND RELEASE OF CLAIMS.

(a) IN GENERAL.—

(1) CLAIMS AGAINST THE STATE AND OTHERS.—Except as provided in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity of trustee for the Tribe and its members, as part of the performance of their obligations under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe and its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(2) CLAIMS AGAINST TRIBE.—Except as provided in subsection (b)(3), the United States, in all its capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner not in violation of the Agreement; and

(C) past, present, and future claims arising out of or related in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(3) CLAIMS AGAINST UNITED STATES.—Except as provided in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United States, including agencies, officials, or employ-

ees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 authorized by section 12(b)(2)(B);

(F) future claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the full appropriation of funds authorized by section 12(b)(3)(B) and the deposit of those funds in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and the members of the Tribe, and the United States, acting as trustee for the Tribe and members of the Tribe, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members of the Tribe under the Agreement or this Act in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee; and

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities.

(B) **AGREEMENT.**—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.**—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and the members of the Tribe, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the Agreement or this Act, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting

from the drilling of wells or pumping of water from land located within national forest land as of the effective date of the Agreement in the south  $\frac{1}{2}$  of T. 9 N., R. 24 E.; south  $\frac{1}{2}$  of T. 9 N., R. 25 E.; north  $\frac{1}{2}$  of T. 8 N., R. 24 E.; north  $\frac{1}{2}$  of T. 8 N., R. 25 E., if—

(i) title to that land is no longer retained by the United States; or

(ii) water from that land is transported off the land for municipal or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.**—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(c) **EFFECTIVENESS OF WAIVER AND RELEASURES.**—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) **ENFORCEABILITY DATE.**—

(1) **IN GENERAL.**—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent the Agreement conflicts with this Act, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 5 and 6;

(C) the amount authorized by section 12(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 7; and

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

(2) **FAILURE OF ENFORCEABILITY DATE TO OCCUR.**—If, because of the failure of the enforceability date to occur by April 30, 2020, this section does not become effective, the Tribe and its members, and the United States, acting in the capacity of trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) **NO RIGHTS TO WATER.**—On the occurrence of the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting in the capacity of trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) **UNITED STATES ENFORCEMENT AUTHORITY.**—Nothing in this Act or the Agreement affects any right of the United States to take any

action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) **NO EFFECT ON WATER RIGHTS.**—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this Act affects any rights to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) **ENTITLEMENTS.**—Any entitlement to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, members, and the United States by the Agreement and this Act.

(h) **OBJECTION PROHIBITED.**—Except as provided in subsection (b)(2)(F), the Tribe and the United States acting as trustee for the Tribe shall not—

(1) object to the usage of any well located outside the boundaries of the reservation or the off-reservation trust land, as in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

#### **SEC. 10. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.**

(a) **ESTABLISHMENT.**—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts made available under subsection (e);

(2) the amounts appropriated to the subaccount pursuant to subsections (a) and (d) of section 12, as applicable; and

(3) such other amounts as are available including the funds provided in subparagraph 13.3 of the Agreement.

(b) **EXPENDITURES AND WITHDRAWALS.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of the White Mountain Apache Tribe Water Rights Settlement Subaccount on approval by the Secretary pursuant to the terms of an agreement entered into under section 7(g).

(B) **REQUIREMENTS.**—An agreement entered into under section 7(g) shall require that the Tribe shall use the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount only for the planning, design, and construction of the rural water system, including such sums as are necessary—

(i) for the Bureau to carry out oversight of the planning, design, and construction of the rural water system;

(ii) to repay any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191); and

(iii) to carry out all required environmental compliance activities associated with the planning, design, and construction of the rural water system.

(2) **ENFORCEMENT.**—The Secretary may pursue such judicial remedies and carry out such administrative actions as are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(3) **LIABILITY.**—On withdrawal by the Tribe of amounts in the White Mountain Apache Tribe

Water Rights Settlement Subaccount, the Secretary and the Secretary of the Treasury shall not retain liability for the expenditure or investment of those amounts.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the subaccount under this section that the Tribe does not withdraw pursuant to this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, the amounts remaining in the subaccount will be used.

(C) APPROVAL.—The Secretary shall approve an expenditure plan under this paragraph if the Secretary determines that the plan is—

- (i) reasonable; and
- (ii) consistent with this Act.

(5) ANNUAL REPORTS.—The Tribe shall submit to the Secretary an annual report that describes each expenditure from the White Mountain Apache Tribe Water Rights Settlement Subaccount during the year covered by the report.

(c) PROHIBITION ON PER CAPITA DISTRIBUTIONS.—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure or withdrawal by the Tribe until the enforceability date.

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the later of—

- (A) November 1, 2019; and
- (B) the enforceability date.

(e) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

(1) IN GENERAL.—Of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(D)(vi)), an amount equal to the difference between the balance of the White Mountain Apache Tribe Settlement Subaccount (as of November 1, 2019), and the amount authorized to be appropriated under section 12(a)(1), but not to exceed \$100,000,000, shall be deposited, without further appropriation, in the White Mountain Apache Tribe Settlement Subaccount.

(2) AVAILABILITY OF FUNDS.—The funds authorized to be deposited in the White Mountain Apache Tribe Settlement Subaccount pursuant to paragraph (1) shall not be available for expenditure or withdrawal until the later of—

- (A) November 1, 2019; and
- (B) the enforceability date.

**SEC. 11. MISCELLANEOUS PROVISIONS.**

(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY.—

(1) IN GENERAL.—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this Act or the Agreement.

(2) DESCRIPTION OF CIVIL ACTION.—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this Act or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 9 of this Act and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) EFFECT OF ACT.—Nothing in this Act quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) LIMITATION ON LIABILITY OF UNITED STATES.—

(1) IN GENERAL.—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) INDEMNIFICATION.—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) APPLICABILITY OF RECLAMATION REFORM ACT.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

- (1) receipt of any benefit under this Act;
- (2) the execution or performance of the Agreement; or
- (3) the use, storage, delivery, lease, or exchange of CAP water.

(e) SECRETARIAL POWER SITES.—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

- (1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).
- (2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).
- (3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).
- (4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).
- (5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).
- (6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) NO EFFECT ON FUTURE ALLOCATIONS.—Water received under a lease or exchange of tribal CAP water under this Act shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) AFTER-ACQUIRED TRUST LAND.—

(1) REQUIREMENT OF ACT OF CONGRESS.—

(A) LEGAL TITLE.—After the enforceability date, if the Tribe seeks to have legal title to additional land in the State of Arizona located outside the exterior boundaries of the reservation taken into trust by the United States for its benefit, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

- (i) restoration of land to the reservation subsequently and finally determined to be part of

the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) WATER RIGHTS.—

(A) IN GENERAL.—Under this section, after-acquired trust land outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) RESTORED LAND.—Land restored to the reservation as the result of resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that are placed into trust, shall have water rights pursuant to section 8(b).

(3) ACCEPTANCE OF LAND IN TRUST STATUS.—

(A) IN GENERAL.—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land taken or held in trust by the Secretary under paragraph (3), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) CONFORMING AMENDMENT.—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2020”.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

(a) RURAL WATER SYSTEM.—

(1) IN GENERAL.—There is authorized to be appropriated for the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) INCLUSIONS.—The amount authorized to be appropriated under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) WMAT SETTLEMENT AND MAINTENANCE FUNDS.—

(1) DEFINITION OF FUNDS.—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) WMAT SETTLEMENT FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary \$113,500,000 for deposit in the WMAT Settlement Fund, of which not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

- (i) Fish production, including hatcheries.
- (ii) Rehabilitation of recreational lakes and existing irrigation systems.
- (iii) Water-related economic development projects.
- (iv) Protection, restoration, and economic development of forest and watershed health.

(v) Any cost overruns for the completion of the WMAT rural water system, as provided in subsection (f).

(3) WMAT MAINTENANCE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) USE OF FUNDS.—The Tribe or the Secretary, as applicable, shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the rural water system.

(4) ADMINISTRATION.—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date in accordance with subsection (g).

(6) EXPENDITURE AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require that the Tribe shall spend any amounts withdrawn from the Funds in accordance with the purposes described in paragraph (2)(C) or (3)(C).

(iii) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan under this subparagraph to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(iv) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(iv) ANNUAL REPORT.—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Funds shall be dis-

tributed to any member of the Tribe on a per capita basis.

(c) COST INDEXING.—All amounts authorized to be appropriated under subsections (a) and (b) shall be adjusted as may be required to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects authorized under subsection (b)(2)(C).

(d) EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.—

(1) DEFINITION OF EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.—In this subsection, the term “Emergency Fund for Indian Safety and Health” means the Emergency Fund for Indian Safety and Health established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (22 U.S.C. 7601 et seq.).

(2) INITIAL TRANSFER.—Not later than 90 days after the date of enactment of this Act, such amounts as are available, but not to exceed \$50,000,000, in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount.

(3) SUBSEQUENT TRANSFER.—Effective beginning on January 1, 2012, if the Secretary determines that, on an annual basis, the amount authorized to be appropriated under subsection (a) will not be appropriated and deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount by October 31, 2012, not more than \$50,000,000 of the amounts in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount, as necessary to complete the WMAT rural water system project.

(4) LIMITATION.—The total amount transferred from the Emergency Fund for Indian Safety and Health to the White Mountain Apache Tribe Water Rights Settlement Subaccount under paragraphs (2) and (3) shall not exceed \$100,000,000.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in subsection (g) have been met.

(2) SUBSEQUENT FUNDING.—Beginning on November 1, 2019, or the enforceability date, whichever is later, the Tribe or the Secretary, as applicable, may use amounts deposited in the WMAT Maintenance Fund under subsection (b)(3)(B) for operation, maintenance, and replacement costs of the WMAT rural water system.

(f) COST OVERRUNS.—On a determination by the Secretary that the amount authorized to be appropriated under subsection (a) is not sufficient for the completion of the WMAT rural water system, there are authorized to be appropriated such sums as are necessary, but not to exceed an additional \$25,000,000, to complete the WMAT rural water system, to be derived by transfer from the amounts authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund under subsection (b)(2)(B) in such amounts as the Secretary, in concurrence with the Tribe, determines to be appropriate.

(g) CONDITIONS.—The amounts authorized to be appropriated to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued thereon, under subsection

(b)(3), and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the later of—

(1) November 1, 2019; and

(2) the date on which the Secretary determines that the conditions described in section 9(d) have been met.

SEC. 13. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out, subject to appropriations, under this Act (including any such obligation or activity under the Agreement) if adequate appropriations for that purpose are not provided by Congress.

SEC. 14. REPEAL ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary fails to publish in the Federal Register a statement of findings as required under section 9(d) by not later than April 30, 2020—

(1) effective beginning on May 1, 2020—

(A) this Act is repealed; and

(B) any action carried out by the Secretary, and any contract entered into, pursuant to this Act shall be void;

(2) any amounts appropriated under subsections (a), (b), (d), and (e) of section 12, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

(3) any other amounts deposited in the White Mountain Apache Tribe Water Settlement Subaccount (including any amounts paid by the State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds.

SEC. 15. COMPLIANCE WITH ENVIRONMENTAL LAWS.

In carrying out this Act, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall in order be to consider the amendment printed in part D of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK), or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 1065.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House legislation that would adjudicate the water rights of the White Mountain Apache Tribe, and end years of active litigation by ratifying the settlement agreement. This is a bipartisan measure, sponsored by the gentlelady from Arizona, ANN KIRKPATRICK, for whom I extend tremendous applause for the manner in which she has led the House on this issue, brought it before our attention, and secured the cosponsorship of the entire Arizona House delegation.

The waters of the White Mountain Apache Reservation feed to the Salt River of Arizona. The Salt River is a primary water source for the metropolitan area of Phoenix, Arizona, along with thousands of acres of agricultural land. Coming to closure on water rights is imperative to protect the water supply for thousands of people in Arizona. Equally important is the fulfillment of commitments made to the White Mountain Apache people to provide them a clean reliable water supply, and to repair their irrigation system, which has fallen into disrepair.

In this settlement all parties came together with a mutual desire for success. Indeed, the parties to this settlement agreement include the White Mountain Apache, the State of Arizona, the cities of Phoenix, Scottsdale, Tempe, and others, and various water user organizations and entities. As with the two bills we just considered, I want to again acknowledge the administration's position that for over 20 years the Federal Government has stated that negotiated Indian water rights settlements are preferable to protracted and divisive litigation. The pending measure does just this, with a negotiated settlement and an end to decades of litigation.

I thank the gentlelady from Arizona, ANN KIRKPATRICK, and her colleagues in the Arizona delegation for their hard work in bringing this measure forward. I also again would recognize the tireless efforts of our subcommittee chairwoman, the gentlelady from California, GRACE NAPOLITANO, for her countless hours of hearings and staff meetings and other meetings with the affected parties on this issue. And I would thank the White Mountain Apache people for their continued dedication to this settlement and legislation.

Access to water should not be a privilege in this country, but is a basic, fundamental right. These people have clearly earned our respect and support for this legislation. I urge the passage thereof.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, once again this is the third of three settlement bills. The arguments that I had made on the first two bills are applicable to this one. I

will just add one other point. And that is that these three bills have a cost to the taxpayer of a half a billion dollars, \$500 million. And there certainly is an unrest in this country as to what this Congress has done in a fiscal manner. This is small. We are talking about millions, when other programs we are talking about in this Congress unfortunately total trillions. But if we need to get our house in order, this is simply something that we need to have more information on before we pass judgment on it.

With that, Mr. Speaker, I will reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the lead cosponsor of this legislation who has worked so hard on this issue, the gentlewoman from Arizona (Mrs. KIRKPATRICK).

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Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of H.R. 1065, the White Mountain Apache Water Rights Quantification Act.

Water is a precious resource to all of us in the Southwest. In my district, farmers have to fight to keep their crops growing, firefighters are constantly challenged by raging wildfires, and local officials consider the drinking water supply in every discussion of the community's future. We know we need to make each drop count. That is why I am proud to have worked with the White Mountain Apache and other stakeholders to introduce this bill.

The White Mountain Apache Water Rights Quantification Act finalizes a settling agreement that will end a long-running water rights dispute in greater Arizona and provides a path toward a reliable long-term water supply for the White Mountain Apache tribe and areas across the State.

The agreement under consideration continues a long history of settlements of Indian water rights disputes in our State. We have found time and again that these settlements, as opposed to litigation, help the tribes and their neighbors achieve real certainty in their water supply. They are able to better plan for the years to come. The negotiating process also builds working relationships between the parties involved, allowing them to cooperate and more effectively manage their watersheds for the future. With this legislation, folks here will finally begin to see these benefits.

Along with approving the agreement, this bill authorizes construction of the Miner Flat dam and pipeline, which will provide a 100-year municipal drinking water supply to towns on the White Mountain Apache tribal lands. That is critically important because our need for drinking water is both immediate and serious. People in the area are being threatened with water shortages even now, in the winter of what

was a great water year in the rest of the State.

Nearly 15,000 tribal members will be served by the project, and it cannot come a moment too soon for them. Furthermore, it lets us move forward with a number of projects that are crucial economic drivers for the region: fish hatcheries, irrigation projects, and infrastructure improvements to a local ski park. We will be able to create jobs and get folks back to work.

I was born and raised on White Mountain Apache tribal lands, and my hometown is one of those that would gain from this project. I have seen firsthand the challenges that these communities face, and I am confident that this legislation will make a real difference in addressing them.

At this point, I would like to address the cost issue that has been raised by my esteemed colleague from Washington. When I was a kid, we had to boil our water, and if we didn't, we got sick. We got real sick. That was over 50 years ago. We didn't have the convenience of purified water that comes delivered in big jugs that I've seen in most congressional offices here in Washington. That situation, where folks living in the United States today do not have access to running water that they can drink, is not acceptable.

My confidence that this legislation will make a real difference in addressing those critical needs is shared by many in Arizona where the bill has earned widespread support. Every single member of our State's delegation in the House is cosponsoring H.R. 1065, and I want to point out that that includes my esteemed colleague Congressman JEFF FLAKE, who I think is the watchdog of the House on spending in Congress.

I have worked closely with Senator KYL to move forward on this critical project in both Chambers. Folks on both sides of the aisle recognize the importance of securing our water supply. They also recognize the effort and care it has taken to get to this point. The settlement has taken 21 different stakeholder groups years of negotiation and compromise to reach. It is carefully crafted to best fit the needs and demands of all those involved. It is time for folks in my district to get the infrastructure and water supply they have been working toward for so long.

I urge my colleagues to pass this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, we are told over and over that this is an agreement that has been painstakingly and meticulously worked out. That's the sort of agreement that we would have if I were to sue the Federal Government for \$10



million, go to my next-door neighbor and say, can't you agree that the Federal Government should send us at least \$5 million? We reach an agreement, and then present it to Congress as a settlement of an outstanding claim. That's essentially what's going on here.

Let me read to you the testimony of Michael Connor, the Commissioner of the Bureau of Reclamation, to the Subcommittee on Water and Power regarding this bill in July of last year. He said: While we're aware that the settling parties worked closely with the Federal negotiating team in developing the parameters of this settlement, we have also been informed by the team that issues involving the cost of this settlement were not considered. We believe that these costs need to be discussed and negotiated and that the benefits of the settlement must justify the costs.

Those negotiations never took place between the Federal Government and the stakeholders. Those negotiations took place among the stakeholders themselves, and they all agreed that the Federal Government should send them lots and lots of money.

The same Commissioner of the Bureau of Reclamation then sent a letter on November 10, 2009, to the chairwoman of the Subcommittee on Water and Power and warned about these things again. He said: Other than the \$4.95 million provided for rehabilitation of irrigation systems on the reservation, the administration does not believe the money authorized for the development fund is consideration for this settlement.

I would also point out that under the terms of this measure—that again are questioned by the administration—the Federal Government is responsible for handing over that money, and then the tribe, in the provisions of the bill, has the authority to withdraw those funds for purposes unrelated to water development. That's why those of us in the minority, although we are very sympathetic to the history that has brought us to this point and seek an equitable settlement for all sides in this dispute, seriously question why a settlement between the United States Government and the stakeholders involved was not fully negotiated by the United States Government and why this measure written by Congress is being submitted to the administration when it is the administration's responsibility to be involved in the negotiations of all of the details of the ultimate settlement.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will just simply repeat what I said at the outset. I must reluctantly rise to oppose all three of these settlement bills based on the simple

fact that we don't have all the information we need.

While we applaud people on the local level settling tough disputes, especially water issues, and I am especially sensitive to that, Mr. Speaker, because I am from the western part of the United States, it is in the best interests of all of the people in this country to know what the cost to them would be because they're all taxpayers. I think that's self-evident.

So this debate, at least from our side of the aisle, didn't question the merits of those settlement agreements mainly because, at least from this Member's perspective, I know how difficult that is when you have these types of disputes. Our issue is simply the transparency of what the cost will be to the taxpayers of this country. We deserve to have that before these settlement issues come to the floor of the House. We deserve to have this information so we can do due diligence in committee and then make a judgment if the settlement is in fact in the best interests of the taxpayers. That is really all this debate has been about on these three bills.

So with that, Mr. Speaker, I would just simply say that we don't have transparency on this potential half-a-billion-dollar assessment that's going to go to the taxpayer. We should have that and we don't. So it is for that reason, Mr. Speaker, that I rise in opposition to this bill and urge my colleagues to vote "no."

Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, before yielding to the gentleman from Michigan to close on our side, I would just reiterate what has already been said by the gentlewoman from Arizona, that she is joined in her cosponsorship of this legislation by the gentleman considered the watchdog of fiscal spending in this body, Mr. JEFF FLAKE, in cosponsoring this bill.

At this point, I yield the balance of my time to the co-Chair of our Native American Caucus in the Congress and a valued member of our Committee on Natural Resources, the gentleman from Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I support strongly the passage of H.R. 1065 and the other two bills, H.R. 3342 and H.R. 3254.

In the 33 years that I've been in Congress, I've worked hard with Mr. RAHALL—he and I came to Congress together—trying to work out these water rights. I have always tried to make sure that we were fair to everybody, particularly fair to the Native Americans who have been deprived of their water rights in too many instances, and Mr. RAHALL has made this a priority to make sure that we get equity and justice here.

Water is extremely important all over the world. It's extremely impor-

tant, of course, in the Southwest. I just feel that the hard work that went into this bill and the sense of equity and the sense of justice and fairness to all those involved has produced three very good bills, and I strongly urge support of them.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

passage of H.R. 3254,  
passage of H.R. 3342,  
passage of H.R. 1065, and

motions to suspend the rules with regard to H. Res. 1021, and the Senate amendment to H.R. 730, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3254, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 254, nays 158, not voting 21, as follows:

[Roll No. 12]

YEAS—254

Abercrombie  
Ackerman  
Adler (N.J.)  
Andrews

Arcuri  
Baca  
Baird  
Baldwin

Barrow  
Becerra  
Berkley  
Berman



|                 |                  |
|-----------------|------------------|
| Berry           | Hill             |
| Bishop (NY)     | Himes            |
| Blumenauer      | Hinchey          |
| Boccheri        | Hirono           |
| Bono Mack       | Hodes            |
| Boren           | Holden           |
| Boswell         | Holt             |
| Boucher         | Honda            |
| Boyd            | Hoyer            |
| Braley (IA)     | Inslee           |
| Brown, Corrine  | Israel           |
| Calvert         | Jackson (IL)     |
| Capps           | Jackson Lee      |
| Capuano         | (TX)             |
| Cardoza         | Kagen            |
| Carnahan        | Kanjorski        |
| Carson (IN)     | Kaptur           |
| Castor (FL)     | Kennedy          |
| Chandler        | Kildee           |
| Childers        | Kilpatrick (MI)  |
| Chu             | Kilroy           |
| Clarke          | Kind             |
| Clay            | Kirkpatrick (AZ) |
| Clyburn         | Kissell          |
| Cohen           | Klein (FL)       |
| Cole            | Kline (MN)       |
| Connolly (VA)   | Kosmas           |
| Conyers         | Kratovil         |
| Cooper          | Kucinich         |
| Costa           | Langevin         |
| Costello        | Larsen (WA)      |
| Courtney        | Larsen (CT)      |
| Crowley         | LaTourette       |
| Cuellar         | Lee (CA)         |
| Cummings        | Levin            |
| Dahlkemper      | Lewis (GA)       |
| Davis (CA)      | Lipinski         |
| Davis (IL)      | Loebsock         |
| Davis (TN)      | Lofgren, Zoe     |
| DeFazio         | Lowe             |
| DeGette         | Lujan            |
| Delahunt        | Lungren, Daniel  |
| DeLauro         | E.               |
| Diaz-Balart, L. | Lynch            |
| Dicks           | Maffei           |
| Dingell         | Maloney          |
| Doggett         | Markey (CO)      |
| Donnelly (IN)   | Markey (MA)      |
| Doyle           | Marshall         |
| Driehaus        | Massa            |
| Edwards (MD)    | Matheson         |
| Edwards (TX)    | Matsui           |
| Ehlers          | McCarthy (NY)    |
| Ellison         | McCollum         |
| Ellsworth       | McCotter         |
| Engel           | McDermott        |
| Eshoo           | McGovern         |
| Etheridge       | McIntyre         |
| Farr            | McKeon           |
| Fattah          | McMahon          |
| Filner          | McNerney         |
| Flake           | Meek (FL)        |
| Fortenberry     | Meeks (NY)       |
| Foster          | Melancon         |
| Fudge           | Michaud          |
| Garamendi       | Miller (NC)      |
| Giffords        | Minnick          |
| Gonzalez        | Mitchell         |
| Gordon (TN)     | Mollohan         |
| Grayson         | Moore (KS)       |
| Green, Al       | Moore (WI)       |
| Green, Gene     | Moran (VA)       |
| Grijalva        | Murphy (CT)      |
| Gutierrez       | Murphy (NY)      |
| Hall (NE)       | Murphy, Patrick  |
| Halvorson       | Murphy, Tim      |
| Hare            | Murtha           |
| Harman          | Nadler (NY)      |
| Hastings (FL)   | Napolitano       |
| Heinrich        | Neal (MA)        |
| Herseth Sandlin | Nye              |
| Higgins         | Oberstar         |

NAYS—158

|             |             |
|-------------|-------------|
| Aderholt    | Bilbray     |
| Akin        | Billrakis   |
| Alexander   | Bishop (UT) |
| Altmire     | Blackburn   |
| Austria     | Blunt       |
| Bachmann    | Boehner     |
| Bachus      | Boozman     |
| Bartlett    | Brady (TX)  |
| Barton (TX) | Bright      |
| Bean        | Brown (GA)  |
| Biggest     | Brown (SC)  |

Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Camp  
Campbell  
Cantor  
Cao  
Capito

Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Davis (KY)  
Dent  
Diaz-Balart, M.  
Dreier  
Duncan  
Emerson  
Fallin  
Fleming  
Forbes  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam

Barrett (SC)  
Bishop (GA)  
Bonner  
Boustany  
Brady (PA)  
Butterfield  
Cleaver

Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Lamborn  
Lance  
Latham  
Latta  
Lee (NY)  
Linder  
LoBiondo  
Lucas  
Luckemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaull  
McClintock  
McHenry  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)

NOT VOTING—21

Crenshaw  
Culberson  
Davis (AL)  
Deal (GA)  
Frank (MA)  
Hinojosa  
Johnson (GA)

Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

Johnson, E. B.  
Lewis (CA)  
Miller, George  
Radanovich  
Ros-Lehtinen  
Wamp  
Young (AK)

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Bocciari  
Bono Mack  
Boren  
Boswell  
Boucher  
Boyd  
Braley (IA)  
Brown, Corrine  
Calvert  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conaway

Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellsworth  
Eshoo  
Etheridge  
Farr  
Fattah  
Finler  
Flake  
Fortenberry  
Foster  
Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Hall (NY)  
Hare  
Harman

[Roll No. 13]

YEAS—249

Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inseele  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lowey  
Luján  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)  
Minnick  
Mitchell  
Molohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Neal (MA)

Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Payne  
Perlmuter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—153

Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Bean

Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn

□ 1228

Messrs. WITTMAN and POE of Texas changed their vote from "yea" to "nay."

Messrs. CALVERT, DeFAZIO, McKEON, CROWLEY, KLEIN of Florida, and TIM MURPHY of Pennsylvania changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# AAMODT LITIGATION SETTLEMENT ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on passage of H.R. 3342, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

Blunt  
Boehner  
Boozman  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Davis (KY)  
Dent  
Diaz-Balart, M.  
Dreier  
Duncan  
Emerson  
Fleming  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie

Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Ingalls  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kirk  
Lamborn  
Lance  
Latham  
Latta  
Lee (NY)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen

Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

## NOT VOTING—31

Barrett (SC)  
Bishop (GA)  
Bonner  
Boustany  
Brady (PA)  
Butterfield  
Cleaver  
Crenshaw  
Culberson  
Davis (AL)  
Deal (GA)

Ellison  
Napolitano  
Fallin  
Frank (MA)  
Grijalva  
Gutierrez  
Halvorson  
Hinojosa  
Johnson, E. B.  
Kingston  
Lewis (CA)

Miller, George  
Radanovich  
Ros-Lehtinen  
Royce  
Skelton  
Watson  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1235

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. HALVORSON. Madam Speaker, on rollcall 13, I was in the Chamber but unable to record my vote. I intended to vote "yea" on that question.

Stated against:

Ms. FALLIN. Madam Speaker, on rollcall No. 13, I was unavoidably detained. Had I been present, I would have voted "nay."

WHITE MOUNTAIN APACHE TRIBE  
WATER RIGHTS QUANTIFICATION  
ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 1065, on which the yeas and nays were ordered.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. The question is on the passage of the bill.  
This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 147, not voting 24, as follows:

[Roll No. 14]

## YEAS—262

Abercrombie  
Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Becerra  
Berkley  
Berman  
Berry  
Bishop (NY)  
Blumenauer  
Boccieri  
Bono Mack  
Boren  
Boswell  
Boucher  
Boyd  
Braley (IA)  
Brown, Corrine  
Calvert  
Cao  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Flake  
Fortenberry  
Foster  
Frank (MA)  
Franks (AZ)  
Fudge  
Garamendi  
Giffords  
Gonzalez

Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (NC)

Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradner  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Simpson  
Sires  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns

Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz

Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman

Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

## NAYS—147

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Bean  
Biggert  
Billirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Boozman  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Camp  
Campbell  
Cantor  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Dent  
Diaz-Balart, M.  
Dreier  
Emerson  
Fallin  
Fleming  
Forbes  
Foxy  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)

Gohmert  
Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Herger  
Hoekstra  
Hunter  
Ingalls  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Lamborn  
Lance  
Latham  
Latta  
Lee (NY)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson

Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

## NOT VOTING—24

Barrett (SC)  
Bilbray  
Bishop (GA)  
Bonner  
Boustany  
Brady (PA)  
Brady (TX)  
Bright

Butterfield  
Cleaver  
Crenshaw  
Culberson  
Davis (AL)  
Davis (KY)  
Deal (GA)  
Duncan

Hensarling  
Hinojosa  
Johnson, E. B.  
Lewis (CA)  
Radanovich  
Ros-Lehtinen  
Wamp  
Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO  
HAITI

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1021, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LEE) that the House suspend the rules and agree to the resolution, H. Res. 1021.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 21, as follows:

[Roll No. 15]

YEAS—411

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Cooper          | Herger           |
| Aderholt       | Costa           | Herseth Sandlin  |
| Adler (NJ)     | Costello        | Higgins          |
| Akin           | Courtney        | Hill             |
| Alexander      | Crowley         | Himes            |
| Altmire        | Cuellar         | Hinche           |
| Andrews        | Dahlkemper      | Hirono           |
| Arcuri         | Davis (CA)      | Hodes            |
| Austria        | Davis (IL)      | Hoekstra         |
| Baca           | Davis (KY)      | Holden           |
| Bachmann       | Davis (TN)      | Holt             |
| Bachus         | DeFazio         | Honda            |
| Baird          | DeGette         | Hoyer            |
| Baldwin        | Delahunt        | Hunter           |
| Barrow         | DeLauro         | Inglis           |
| Bartlett       | Dent            | Inslee           |
| Barton (TX)    | Diaz-Balart, L. | Israel           |
| Bean           | Diaz-Balart, M. | Issa             |
| Becerra        | Dicks           | Jackson (IL)     |
| Berkley        | Dingell         | Jackson Lee      |
| Berman         | Doggett         | (TX)             |
| Berry          | Donnelly (IN)   | Jenkins          |
| Biggert        | Doyle           | Johnson (GA)     |
| Bilbray        | Dreier          | Johnson (IL)     |
| Bilirakis      | Driebeaus       | Johnson, Sam     |
| Bishop (NY)    | Duncan          | Jones            |
| Bishop (UT)    | Edwards (MD)    | Jordan (OH)      |
| Blackburn      | Edwards (TX)    | Kagen            |
| Blumenauer     | Ehlers          | Kanjorski        |
| Blunt          | Ellison         | Kaptur           |
| Boccieri       | Ellsworth       | Kennedy          |
| Boehner        | Emerson         | Kildee           |
| Bono Mack      | Engel           | Kilpatrick (MI)  |
| Boozman        | Eshoo           | Kilroy           |
| Boren          | Etheridge       | Kind             |
| Boswell        | Fallin          | King (IA)        |
| Boucher        | Farr            | King (NY)        |
| Boyd           | Fattah          | Kingston         |
| Brady (TX)     | Filner          | Kirk             |
| Braley (IA)    | Flake           | Kirkpatrick (AZ) |
| Bright         | Fleming         | Kissell          |
| Broun (GA)     | Forbes          | Klein (FL)       |
| Brown (SC)     | Fortenberry     | Kline (MN)       |
| Brown, Corrine | Foster          | Kosmas           |
| Brown-Waite,   | Fox             | Kratovil         |
| Ginny          | Frank (MA)      | Kucinich         |
| Buchanan       | Franks (AZ)     | Lamborn          |
| Burgess        | Frelinghuysen   | Lance            |
| Burton (IN)    | Fudge           | Langevin         |
| Buyer          | Gallely         | Larsen (WA)      |
| Calvert        | Garamendi       | Larson (CT)      |
| Camp           | Garrett (NJ)    | Latham           |
| Campbell       | Gerlach         | LaTourette       |
| Cantor         | Giffords        | Latta            |
| Cao            | Gingrey (GA)    | Lee (CA)         |
| Capito         | Gohmert         | Lee (NY)         |
| Capps          | Gonzalez        | Levin            |
| Capuano        | Goodlatte       | Lewis (GA)       |
| Cardoza        | Gordon (TN)     | Linder           |
| Carnahan       | Granger         | Lipinski         |
| Carney         | Graves          | LoBiondo         |
| Carson (IN)    | Grayson         | Loebach          |
| Cassidy        | Green, Al       | Lofgren, Zoe     |
| Castle         | Green, Gene     | Lowey            |
| Castor (FL)    | Griffith        | Lucas            |
| Chaffetz       | Grijalva        | Luetkemeyer      |
| Chandler       | Guthrie         | Lujan            |
| Childers       | Gutierrez       | Lummis           |
| Chu            | Hall (NY)       | Lungren, Daniel  |
| Clarke         | Hall (TX)       | E.               |
| Clay           | Halvorson       | Lynch            |
| Clyburn        | Hare            | Mack             |
| Coble          | Harman          | Maffei           |
| Coffman (CO)   | Harper          | Maloney          |
| Cohen          | Hastings (FL)   | Manzullo         |
| Cole           | Hastings (WA)   | Marchant         |
| Conaway        | Heinrich        | Markey (CO)      |
| Connolly (VA)  | Heller          | Markey (MA)      |
| Conyers        | Hensarling      | Marshall         |

|                 |                  |               |
|-----------------|------------------|---------------|
| Massa           | Perriello        | Shuler        |
| Matheson        | Peters           | Shuster       |
| Matsui          | Peterson         | Simpson       |
| McCarthy (CA)   | Petri            | Sires         |
| McCarthy (NY)   | Pingree (ME)     | Skelton       |
| McCaul          | Pitts            | Slaughter     |
| McClintock      | Platts           | Smith (NE)    |
| McCollum        | Poe (TX)         | Smith (NJ)    |
| McCotter        | Polis (CO)       | Smith (TX)    |
| McDermott       | Pomeroy          | Smith (WA)    |
| McGovern        | Posey            | Snyder        |
| McHenry         | Price (GA)       | Souder        |
| McIntyre        | Price (NC)       | Space         |
| McKeon          | Putnam           | Speier        |
| McMahon         | Quigley          | Spratt        |
| McMorris        | Rahall           | Stark         |
| Rodgers         | Rangel           | Stearns       |
| McNerney        | Rehberg          | Stupak        |
| Meek (FL)       | Reichert         | Sullivan      |
| Meeks (NY)      | Reyes            | Sutton        |
| Melancon        | Richardson       | Tanner        |
| Mica            | Rodriguez        | Taylor        |
| Michaud         | Roe (TN)         | Teague        |
| Miller (FL)     | Rogers (AL)      | Terry         |
| Miller (MI)     | Rogers (KY)      | Thompson (CA) |
| Miller (NC)     | Rogers (MI)      | Thompson (MS) |
| Miller, Gary    | Rohrabacher      | Thompson (PA) |
| Miller, George  | Rooney           | Thornberry    |
| Minnick         | Roskam           | Tiahrt        |
| Mitchell        | Ross             | Tiberi        |
| Mollohan        | Rothman (NJ)     | Tierney       |
| Moore (KS)      | Roybal-Allard    | Titus         |
| Moore (WI)      | Royce            | Tonko         |
| Moran (KS)      | Ruppersberger    | Towns         |
| Moran (VA)      | Rush             | Tsongas       |
| Murphy (CT)     | Ryan (OH)        | Turner        |
| Murphy (NY)     | Ryan (WI)        | Upton         |
| Murphy, Patrick | Salazar          | Van Hollen    |
| Murphy, Tim     | Sánchez, Linda   | Velázquez     |
| Murtha          | T.               | Visclosky     |
| Myrick          | Sanchez, Loretta | Walden        |
| Nadler (NY)     | Sarbanes         | Walz          |
| Napolitano      | Scalise          | Wasserman     |
| Neal (MA)       | Schakowsky       | Schultz       |
| Neugebauer      | Schauer          | Waters        |
| Nunes           | Schiff           | Watson        |
| Nye             | Schmidt          | Watt          |
| Oberstar        | Schock           | Waxman        |
| Obey            | Schrader         | Weiner        |
| Olson           | Schwartz         | Welch         |
| Oliver          | Scott (GA)       | Westmoreland  |
| Ortiz           | Scott (VA)       | Whitfield     |
| Owens           | Sensenbrenner    | Wilson (OH)   |
| Pallone         | Serrano          | Wilson (SC)   |
| Pascarell       | Sessions         | Wittman       |
| Pastor (AZ)     | Sestak           | Wolf          |
| Paulsen         | Shadegg          | Woolsey       |
| Payne           | Shea-Porter      | Wu            |
| Pence           | Sherman          | Yarmuth       |
| Perlmutter      | Shinkus          | Young (FL)    |

NAYS—1

Paul

NOT VOTING—21

|              |            |                |
|--------------|------------|----------------|
| Abercrombie  | Carter     | Hinojosa       |
| Barrett (SC) | Cleaver    | Johnson, E. B. |
| Bishop (GA)  | Crenshaw   | Lewis (CA)     |
| Bonner       | Culberson  | Radanovich     |
| Boustany     | Cummings   | Ros-Lehtinen   |
| Brady (PA)   | Davis (AL) | Wamp           |
| Butterfield  | Deal (GA)  | Young (AK)     |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1252

Mr. BRIGHT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## NUCLEAR FORENSICS AND ATTRIBUTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 730, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 730.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 26, as follows:

[Roll No. 16]

YEAS—397

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Chu             | Granger          |
| Aderholt       | Clarke          | Graves           |
| Adler (NJ)     | Clay            | Grayson          |
| Akin           | Clyburn         | Green, Al        |
| Alexander      | Coffman (CO)    | Green, Gene      |
| Altmire        | Cohen           | Griffith         |
| Andrews        | Cole            | Grijalva         |
| Arcuri         | Conaway         | Guthrie          |
| Austria        | Connolly (VA)   | Gutierrez        |
| Baca           | Conyers         | Hall (NY)        |
| Bachmann       | Cooper          | Hall (TX)        |
| Bachus         | Costa           | Halvorson        |
| Baird          | Costello        | Hare             |
| Baldwin        | Courtney        | Harman           |
| Barrow         | Crowley         | Harper           |
| Bartlett       | Cuellar         | Hastings (FL)    |
| Barton (TX)    | Cummings        | Hastings (WA)    |
| Bean           | Dahlkemper      | Heinrich         |
| Becerra        | Davis (CA)      | Heller           |
| Berkley        | Davis (IL)      | Herger           |
| Berman         | Davis (KY)      | Herseth Sandlin  |
| Berry          | Davis (TN)      | Higgins          |
| Biggert        | DeFazio         | Hill             |
| Bilbray        | DeGette         | Himes            |
| Bilirakis      | Delahunt        | Hinche           |
| Bishop (NY)    | DeLauro         | Hirono           |
| Bishop (UT)    | Dent            | Hodes            |
| Blackburn      | Diaz-Balart, L. | Hoekstra         |
| Blumenauer     | Diaz-Balart, M. | Holden           |
| Blunt          | Dicks           | Holt             |
| Boccieri       | Dingell         | Honda            |
| Boehner        | Doggett         | Hoyer            |
| Bono Mack      | Donnelly (IN)   | Hunter           |
| Boozman        | Doyle           | Inglis           |
| Boren          | Dreier          | Inslee           |
| Boswell        | Driebeaus       | Israel           |
| Boucher        | Edwards (MD)    | Issa             |
| Boyd           | Edwards (TX)    | Jackson (IL)     |
| Brady (TX)     | Ehlers          | Jackson Lee      |
| Bright         | Ellison         | (TX)             |
| Brown (SC)     | Ellsworth       | Jenkins          |
| Brown, Corrine | Emerson         | Johnson (GA)     |
| Brown-Waite,   | Engel           | Johnson (IL)     |
| Ginny          | Eshoo           | Johnson, Sam     |
| Buchanan       | Etheridge       | Jones            |
| Burgess        | Fallin          | Jordan (OH)      |
| Burton (IN)    | Farr            | Kagen            |
| Buyer          | Fattah          | Kanjorski        |
| Calvert        | Filner          | Kaptur           |
| Camp           | Fleming         | Kennedy          |
| Campbell       | Forbes          | Kildee           |
| Cantor         | Fortenberry     | Kilpatrick (MI)  |
| Cao            | Foster          | Kilroy           |
| Capito         | Fox             | Kind             |
| Capps          | Frank (MA)      | King (IA)        |
| Capuano        | Franks (AZ)     | King (NY)        |
| Cardoza        | Frelinghuysen   | Kingston         |
| Carnahan       | Fudge           | Kirk             |
| Carney         | Gallely         | Kirkpatrick (AZ) |
| Carson (IN)    | Garamendi       | Kissell          |
| Carter         | Garrett (NJ)    | Klein (FL)       |
| Cassidy        | Gerlach         | Kline (MN)       |
| Castle         | Giffords        | Kosmas           |
| Castor (FL)    | Gingrey (GA)    | Kratovil         |
| Chaffetz       | Gonzalez        | Kucinich         |
| Chandler       | Goodlatte       | Lamborn          |
| Childers       | Gordon (TN)     | Lance            |

|                    |                  |               |
|--------------------|------------------|---------------|
| Langevin           | Murtha           | Schwartz      |
| Larsen (WA)        | Myrick           | Scott (GA)    |
| Larson (CT)        | Nadler (NY)      | Scott (VA)    |
| Latham             | Napolitano       | Sessions      |
| LaTourette         | Neal (MA)        | Sestak        |
| Latta              | Neugebauer       | Shadegg       |
| Lee (CA)           | Nunes            | Shea-Porter   |
| Lee (NY)           | Nye              | Sherman       |
| Levin              | Oberstar         | Shimkus       |
| Lewis (GA)         | Obey             | Shuler        |
| Linder             | Olson            | Shuster       |
| Lipinski           | Olver            | Simpson       |
| LoBiondo           | Ortiz            | Sires         |
| Loeback            | Owens            | Skelton       |
| Lofgren, Zoe       | Pallone          | Slaughter     |
| Lowey              | Pascarella       | Smith (NE)    |
| Lucas              | Pastor (AZ)      | Smith (NJ)    |
| Luetkemeyer        | Paulsen          | Smith (TX)    |
| Lujan              | Payne            | Smith (WA)    |
| Lungren, Daniel E. | Pence            | Snyder        |
|                    | Perlmutter       | Souder        |
| Lynch              | Perriello        | Space         |
| Mack               | Peters           | Speier        |
| Maffei             | Peterson         | Spratt        |
| Maloney            | Pingree (ME)     | Stark         |
| Manzullo           | Pitts            | Stearns       |
| Marchant           | Platts           | Stupak        |
| Markey (CO)        | Poe (TX)         | Sullivan      |
| Markey (MA)        | Polis (CO)       | Sutton        |
| Marshall           | Pomeroy          | Tanner        |
| Massa              | Posey            | Taylor        |
| Matheson           | Price (GA)       | Teague        |
| Matsui             | Price (NC)       | Thompson (CA) |
| McCarthy (CA)      | Putnam           | Thompson (MS) |
| McCarthy (NY)      | Quigley          | Thompson (PA) |
| McClintock         | Rahall           | Thornberry    |
| McCollum           | Rangel           | Tiahrt        |
| McCotter           | Rehberg          | Tiberi        |
| McDermott          | Reichert         | Tierney       |
| McGovern           | Reyes            | Titus         |
| McHenry            | Richardson       | Tonko         |
| McIntyre           | Rodriguez        | Towns         |
| McKeon             | Roe (TN)         | Tsongas       |
| McMorris           | Rogers (AL)      | Turner        |
|                    | Rogers (KY)      | Upton         |
| Rodgers            | Rogers (MI)      | Van Hollen    |
| McNerney           | Rohrabacher      | Velázquez     |
| Meek (FL)          | Rooney           | Visclosky     |
| Meeks (NY)         | Roskam           | Walden        |
| Melancon           | Ross             | Walz          |
| Mica               | Rothman (NJ)     | Wasserman     |
| Michaud            | Roybal-Allard    | Schultz       |
| Miller (FL)        | Royce            | Watson        |
| Miller (MI)        | Ruppersberger    | Watt          |
| Miller (NC)        | Rush             | Waxman        |
| Miller, Gary       | Ryan (OH)        | Weiner        |
| Miller, George     | Ryan (WI)        | Welch         |
| Minnick            | Salazar          | Westmoreland  |
| Mitchell           | Sanchez, Loretta | Whitfield     |
| Mollohan           | Sarbanes         | Wilson (OH)   |
| Moore (KS)         | Scalise          | Wilson (SC)   |
| Moore (WI)         | Schakowsky       | Wittman       |
| Moran (KS)         | Schauer          | Wolf          |
| Moran (VA)         | Schiff           | Woolsey       |
| Murphy (CT)        | Schmitt          | Wu            |
| Murphy (NY)        | Schock           | Yarmuth       |
| Murphy, Patrick    | Schrader         | Young (FL)    |
| Murphy, Tim        |                  |               |

## NAYS—10

|            |         |                |
|------------|---------|----------------|
| Broun (GA) | Gohmert | Sánchez, Linda |
| Coble      | Lummis  | T.             |
| Duncan     | Paul    | Sensenbrenner  |
| Flake      | Petri   |                |

## NOT VOTING—26

|              |                |              |
|--------------|----------------|--------------|
| Abercrombie  | Crenshaw       | McMahon      |
| Barrett (SC) | Culberson      | Radanovich   |
| Bishop (GA)  | Davis (AL)     | Ros-Lehtinen |
| Bonner       | Deal (GA)      | Serrano      |
| Boustany     | Hensarling     | Terry        |
| Brady (PA)   | Hinojosa       | Wamp         |
| Braley (IA)  | Johnson, E. B. | Waters       |
| Butterfield  | Lewis (CA)     | Young (AK)   |
| Cleaver      | McCaul         |              |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute is remaining.

□ 1306

Mrs. BLACKBURN changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3250.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3250.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## EARLY DETECTION MONTH FOR BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 158, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 158, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday the House is not in session.

On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business.

On Wednesday the House will meet at 10 a.m. for legislative business and recess at approximately 5 p.m. to allow a security sweep of the House Chamber

prior to the President's State of the Union address. The House will meet again at approximately 8:35 p.m. in a joint session with the Senate for the purpose of receiving an address from the President of the United States.

On Thursday and Friday the House is not in session to give time for the Republican Issues Conference to occur in Baltimore, Maryland.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by close of business tomorrow.

In addition, Madam Speaker, we will consider H.R. 3726, the Castle Nugent National Historic Site Establishment Act of 2009; and H.R. 4474, the Idaho Wilderness Water Resources Protection Act, introduced by Mr. MINNICK and Mr. SIMPSON.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would ask the gentleman if he can comment on some of the press reports that we have seen this morning about the Speaker's statement that this House and you will not be bringing to this House the Senate health care bill for consideration.

I yield to the gentleman.

Mr. HOYER. Well, I didn't see the Speaker's statement; so I can't comment specifically on it, but I can say this to the gentleman: As the gentleman knows, there are significant, critical differences between the House and Senate bills and we have been working on trying to bridge the differences that exist. We are still in that process.

Mr. CANTOR. I thank the gentleman. I would ask, Madam Speaker, and I would first preface the question by saying that this country saw a pretty extraordinary election in Massachusetts a few nights ago. From all reports, it seems that part of the outcome of that election was due to the health care bill and the difficulties which the gentleman's side has had in passing the bill. We on this side, Madam Speaker, would say there has been no bipartisan effort to pass a health care bill. And so if we are going to see a resolution of the differences that the gentleman refers to, those differences are clearly being on his side of the aisle because, Madam Speaker, we feel that we continue to be left out of the process.

So I would ask the gentleman if he has not decided whether he is bringing up the Senate bill or the House bill again, will we see the process start over? Will we see his side take the message from the Massachusetts election to involve Republicans in discussion over the health care bill and have a transparent process the way we believe ought to happen as well as I believe the American people think should happen?

I yield.

Mr. HOYER. Well, I thank the gentleman for his question and all of the premises he adopts in prefacing his question. I don't want my silence to be

presumed as agreeing to his premises, which I think are inaccurate.

Having said that, first of all, of course, there has been extraordinary exposure of the health care bills, both in the House and Senate, to public discussion, public debate, public information. It has been online for over 4 months, 5 months now, and an extraordinary number of hearings held on it over the last 2 years. As the gentleman well knows, his party's candidate for President and my party's candidate for President, who is now President of the United States, both indicated that they thought health reform was necessary. So it received extensive debate by many other candidates as well during the course of the election.

The gentleman is well aware because Members on his side have talked about it and Members on my side have talked about it, about the number of Americans who don't have insurance and the number of Americans who are being forced out because of cost and the number of small businesses that are being confronted with 10, 15, 25 percent premium increases.

□ 1315

So the gentleman is well aware of the fact that health funding and health coverage is a challenge for our country and for our citizens.

The gentleman mentions the election. The election, obviously, that occurred in Massachusetts, like every election, dealt with many issues. My own view is that Americans are most focused, as we need to be, on the creation of jobs, making sure that Americans get back to work, have a livelihood that they can support themselves and their families. I think they are very concerned about that.

They are also concerned about the fact that we pass a health care bill. I have just read a poll, an exit poll that indicates that the majority of voters who had voted for Obama but voted for the new United States Senator-elect from Massachusetts believed that we ought to pass a health care bill. So, obviously, their vote for the new Senator was based upon something other than that particular issue.

So obviously, there were a number of issues that impacted on this election. But let me say again that almost all the candidates running for President last time, when they articulated a focus on national issues, focused on health care and the need to make sure that health care was available to all of our citizens.

Now, as relates to the gentleman's bipartisanship, the gentleman was quoted apparently just a few days ago about referring to our meeting. Our meeting of course dealt with a one-page recitation of three or four proposals, many of which are in the health care bill that we passed in this House in one fashion or another. Notwith-

standing that, of course, as you know, no Republicans voted for the bill.

I was not surprised at that, frankly, because in February, apparently not based upon the specifics of a proposal, because the specifics of a proposal were not on the table until the summer, your campaign chairman, PETE SESSIONS said, "I told Republicans that they need to get over the idea that we are participating in legislation and ought to start thinking of themselves as an insurgency instead." He was quoted in the Politico, House GOP Bullish at Virginia Retreat, February 2, 2009, as saying that.

Furthermore, Senator JIM INHOFE on the Hugh Hewitt Show, 7/23/09, said, "We can stall it. And that is going to be a huge gain for those of us who want to turn this thing over in the 2010 election." Senator JIM INHOFE, as I said, said that. And then Senator JIM DEMINT said, also in July of '09, "If we are able to stop Obama on this," referring to health care, "it will be his Waterloo. It will break him."

Very frankly, I tell my friend that I have discussed with him and with Mr. BLUNT, my good friend, who was his predecessor, and with whom he worked in the whip organization, and asked him to participate with us. I did that early this year. I did it a little later in the year. Sometime before I met with you as well in trying to discuss was there a way forward to work in a bipartisan fashion? Unfortunately, that did not result in a bipartisan fashion.

I will tell my friend on a smaller, more defined matter, the Children's Health Insurance Program, I spent about a hundred hours trying to work with many on your side of the aisle to try to get—in the last Congress—to try to get bipartisan agreement on moving children's health insurance. And as I am sure you recall, because you weren't with us on that issue, we couldn't get bipartisan agreement.

So the answer to your question is I would like to have bipartisan discussions moving forward on this issue, but I have concluded from my experience over the last year, and not just these—I quote three, but there have been many other statements as well—that indicate that opposition for opposition's sake has been adopted at least by some on your side as a strategy and as a tactic.

I think the losers are not so much Democrats in that context. I think the losers are the American people. They expect us and want us to work together towards resolving the issues that confront them, one of which is health care. They know it is an issue. I read the results in Massachusetts. But I will tell you I have also read the polls which, when asked, not so much about a bill, but whether or not health care reform is needed in this country, a very significant majority of Americans respond they think it is.

They think that when they are denied coverage for preexisting conditions, that is a problem. They think when their child becomes 26 years of age, or now 23 years of age and out of college and doesn't have insurance, they think that is a problem. They think that when they have a very serious illness costing them thousands and thousands of dollars, that an insurance company telling them, sorry, you cost too much, we can no longer insure you, they think that is a problem. When they go deeply into debt for health care costs that aren't covered by their insurance company and have to declare bankruptcy and put their home at risk, they think that is a problem.

So, yes, I tell my friend that these are issues that we would like to work together on, and we hope that can happen.

Mr. CANTOR. I thank the gentleman, and I take the gentleman's comments to heart that he wants to do what is right by his constituents and the people of this country. But the question we have before us, the question that the voters of Massachusetts had before them, just like the voters in Virginia and New Jersey, had a lot to do with the health care bill that this House deliberated upon and passed, and the health care bill that the Senate deliberated upon and passed.

And, Madam Speaker, I would say to the gentleman there is very little disagreement among the pollsters that have tested where the American people are on these health care bills. They are opposed to these health care bills. And you may insinuate that some of the comments that have been made by individuals in this body or the other on our side of the aisle were meant to obstruct.

But I can tell the gentleman, Madam Speaker, that the American people right now want this health care bill defeated. They want health care reform, but not in the way that has been constructed under either one of these bills. And if I recall, and I appreciate the gentleman's willingness to meet with me several months ago, and I don't want to take his comments as being dismissive of our proposal, because I handed him a summary, but I can tell the gentleman right here is the House Republican bill. And there are elements in this bill we can both agree upon. The plan is still before us. And if we take into consideration that, we have got a plan. The public doesn't like the gentleman's plan.

And fast forward to a discussion the gentleman and I had on the floor, I believe, Madam Speaker, that the gentleman told me it was not worth his while to engage in conversation with Republicans because we would not embrace the public option. I would tell the Speaker—

Mr. HOYER. Would the gentleman yield on that point?

Mr. CANTOR. I would tell the gentleman we still don't embrace the public option. We don't embrace it because it is a path to single payer. So I would ask the gentleman again, the Speaker earlier today said, quote, "I don't think it is possible to pass the Senate bill in the House. I don't see the votes for it at this time." I would ask the gentleman, Madam Speaker, if that is an accurate statement that we can then count on.

Mr. HOYER. I don't know about counting on. I don't know what you mean by "counting on." I think the Speaker's comments this morning, you asked me if it was an accurate statement. I think she believes that is an accurate statement in terms of where the votes are today. I responded, as I told the gentleman, there is substantial differences. We are discussing those differences, as we have been for some period of time.

Let me make another comment. The gentleman is very animated and very happy, as I would be in his position, about the results of Massachusetts, as we were very happy about the results in New York 23, where the health care bill was also at issue, as the gentleman knows, in a district that we hadn't won for 150 years just a couple months ago. And as the gentleman knows, we won that district in a district, as I said, unlike Massachusetts, that we had not won in 150 years.

But let me say something. Your candidate who did win supported the Massachusetts plan, which has great similarity to the plan that he now opposes. So it is somewhat ironic that we would take that as a bellwether, because he, as a member of the State senate, actually voted on a plan that, much like our plan, tried to reach the objective of covering all people. So he has already voted for a plan like that. He has indicated he is not going to vote for this plan. I understand that. But it is not like he hasn't got a record of wanting to achieve the objectives that the bills that are under discussion are trying to achieve.

Mr. CANTOR. I thank the gentleman.

I would respond simply by saying most indicators are the voters of that Commonwealth voted for Mr. BROWN because of his stances, and one of those stances was that he would vote against the Senate or the House health care bill as they were constructed. And I agree with the gentleman we need to do something about health care.

I would remind him that it is the CBO who has pointed out that our Republican plan is the plan that actually does reduce health care premiums. That is where we started this whole discussion, was to reduce health care costs for the American people, and continue to reform the system so we can maintain the quality we have.

And, Madam Speaker, I just say that it is time, I think, for this body to fi-

nally listen to the American people and what they are asking us to do, run this body in an open and transparent way, stop the back room deals, the Cornhusker Kickbacks, the Louisiana Purchases, and make it so that this is once again the people's body. And we can all then deliberate out in the open, agree where we can agree to produce the positive reforms that the people expect.

With that, Madam Speaker, I would ask the gentleman what his intentions are or what he thinks we can see in this House as far as an attempt to address the issue that the majority leader said was the number one issue on the minds of voters in Massachusetts, as well as the country, and that is the economy. Before we left for the winter break, we had a bill that came up that was dubbed a jobs bill. There was a lot of difficulty I know on his side in mustering the needed votes to get it passed. And I was wondering is there legislation he has in mind that would be offered to address the situation that Americans confront, which is double digit unemployment? And I yield.

Mr. HOYER. I thank the gentleman for the question. In answer to his question, we passed a jobs bill through this House in December. It is pending in the Senate now. We believe that that would substantially move forward on creating jobs. It is not the answer, but it is one of the answers we think. It focuses, as the gentleman knows, on infrastructure, which we think is a very important initiative that gets people working immediately, jobs here in America. We think that is very important. It also tries to help States so they are not laying off teachers and policemen and firemen. We think that is very important as well.

But let me say something. I get a little confused, and perhaps these facts are not well known to you, but I thought I would remind you of these facts. We pursued an economic program that your party put forward from 2001, 2003 on for 8 years. Now, while the people gave us the majority in the House and the Senate in 2006, obviously President Bush threatened to or did in fact veto any changes that we made in economic policy.

□ 1330

That economic policy, which you were a very strong supporter of and your party was a very strong supporter of, you continue to mention jobs; so I want to make sure you know these statistics.

In the last 3 months of the Bush administration under the economic policies that not only did you pursue then but you still want to pursue, because, in fact, the proposals that you have made essentially mirror the proposals that were made in 2001 and 2003, those proposals were touted by you and others—I'm not going to go through all

these quotes—as going to grow the economy, create jobs, and have a robust growth in our economy. In November and December and January, that policy which you pursued lost 2,019,000 jobs in 3 months, and we confronted the worst recession, the "great recession," if you will, worse than at any time in three quarters of a century. And it somewhat confounds me that you still—your party, not necessarily you personally—presents an economic policy which was the poorest job-creating administration, 8 years, since Herbert Hoover, an average of approximately 4,000 jobs per month. You needed 100,000 just to stay even.

Now, I would tell the gentleman, since the Recovery Act, which you nor your party voted for, since the Recovery Act, let me tell you what the last quarter was. Perhaps you know. We still have not succeeded in growing jobs, so we haven't had success, but we've had great progress. Let me tell you how much progress. Remember I told you that you lost, in the last 3 months under your economic program, 2,019 million jobs. The last quarter we lost 208,000 jobs, a quarter, 3 months. That's way too many jobs. We want to be creating, as the Clinton administration did, on average 220,000-plus jobs per month; 22 million in total over 8 years.

So I tell my friend that when the gentleman says we haven't had progress on this, those figures, in my view, belie that assertion. In fact, we made progress. Not only that, the stock market is up 60 percent. It's had a couple of bad days. It's up 60 percent since we adopted the Recovery and Reinvestment Act. It had a minus growth under your economic policies during the 8 years of the Bush administration, minus to the extent it decreased in value so that the investment I had in 2001 was about 26 percent less valuable in December of 2008. Contrast that to the Clinton administration in its 8 years. The value of your stock portfolio or investments went up 226 percent. That's a 250 percent difference.

So I tell my friend that we have taken very substantial action. We're going to take more action because until we get Americans back on the job, until we get America growing so that it creates the kind of jobs our people need and must have to support themselves and their family, we're not going to be satisfied.

So, yes, we passed a bill last month which you and your party voted against. We think that's unfortunate. If you have ideas, I would love to sit down with you again and discuss your ideas. Very frankly, however, some of the ideas we've discussed to date are some of the same ideas that, in my opinion, led to not such a robust job-creating economy; in fact, as I said, the worst economy we've seen in 75 years. I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

First of all, I know that it is tempting for the gentleman to delve into the past, comparing the Bush policies to the Clinton policies, but I know the gentleman realizes we are in the year 2010. We have new challenges before us. And I would say that the piece of information left out by the gentleman is the fact that it was his party that controlled Congress during some of the period in which he cites the job losses. In fact, there have been 3.6 million jobs lost just since January of 2009.

I would then say to the gentleman, as far as the stimulus bill that you speak of—

Mr. HOYER. Will the gentleman yield just on your assertion that we were in control?

Mr. CANTOR. I will yield at the end of my statement.

My point is that the stimulus bill that passed almost 1 year ago, there is growing consensus here that it was not sufficiently targeted toward job growth. In fact, even the portion of infrastructure spending that the gentleman and his party and this White House decided upon, the design of that spending, the Associated Press has come out with a study indicating it did not grow employment at the local level in the communities which we represent.

So if we understand and know that that is not the way to grow jobs, that is, the design of the stimulus bill, why would we vote for Stimulus II? In fact, I would remind the gentleman, as I know he remembers, the bipartisanship around the Stimulus II vote in December was against the bill, as well over 30 Members on his side of the aisle voted against the bill because, again, I believe it is trying to get it right this time.

And so instead of the gentleman's continuing to refer to years ago, I would remind him that we have presented to him as well as to the President a Republican no-cost jobs plan. The gentleman has dismissed that document and that plan saying there is nothing for free, that we shouldn't be talking about things that we could do together that don't cost anything.

I would say to the gentleman, the President himself has said that within the passage of three trade bills sitting in this body, we could see the creation of 250,000 jobs. We have had discussion on this floor about whether those trade bills are coming forward; 250,000 jobs at no cost. It seems to me we really should go about doing that as well as the other items that we listed in our no-cost jobs plan that the House Republicans have put forward.

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman.

First, let me observe that the gentleman—I don't blame you at all for not wanting to look back at history. I

wouldn't want to stand on that record either, but it's important to look at history so that we don't repeat the same mistakes.

The assertions that were made for the policies that you pursued of great growth and economic expansion—which did not occur. That's why I point it out, because, frankly, your proposals mirror those that have been made in the past, and the premises that you have pursued are the same that you are pursuing now.

It is instructive, I think, for the American people and for us who represent them to look at what worked and what didn't work. Your party unanimously opposed the Clinton economic policies. Mr. Armey, an economist who was your majority leader, said that they would fail miserably. In fact, they succeeded mightily. They created those 22 million jobs that I said. In fact, in the last year when there was a slowdown, they created 1.8 million jobs as opposed to losing 3.8 million jobs under the last year of the Bush administration. I think it is instructive to see what worked and what didn't.

So that is why I refer to it, not because I think that will solve our problems going forward. I agree with the gentleman. What is important is: What are we going to do now? But we would be fools, as the writer said, to continue to do the same thing and expect a different result.

So I say to my friend, when he asserts that we were in charge in 2007 and 2008, he and I both know that economic policy was not changed. Why? Because the President of the United States, who had the veto pen and the votes to sustain a veto, even when we tried to give 4 million children health insurance in America, that veto was sustained. They were not given that insurance until President Obama signed the bill, which was one of our first bills.

So I say to my friend, looking back is useful only to the extent that you ensure that you do not repeat the mistakes of the past. The Clinton economic program worked and the Bush program did not.

I want to tell my friend on his points for recovery, this so-called free recovery, supply-side recovery, if you will, one of the first things you want to do is stop the deluge of rules and regulations. Very frankly, I tell my friend one of the reasons we faced such a crisis was the last administration took the referee off the field. As a result of the referee's being off the field, the players on the field went wild and did irresponsible things and, unfortunately, the taxpayers of this country, in order to prevent a great depression as opposed to a great recession, had to respond. The good news, hopefully, is that we are going to get paid back. The President has made efforts to make sure that happens. I hope, and you

hope, I'm sure, that we do get paid back.

You want to block tax increases and cutting taxes. We cut taxes for 95 percent of Americans, as I'm sure you know, in the Recovery and Reinvestment Act. You want to freeze investment in items like job training, infrastructure, and education to rein in deficits and debt. You want to freeze investments in giving people new skills so they can get the jobs that are being created. We don't think that's good policy. Your program says you want to reform the unemployment system by requiring people to participate in job training. We agree with that, but you have to make sure that the job training is available to them.

Approving the free trade agreements, as the gentleman knows, I am a supporter of the free trade agreements. I don't think it would create those 250,000 jobs tomorrow or the next month or the month after, but I agree with the gentleman that that's a good policy. It's controversial policy, I say to my friend, as he well knows, on both sides of the aisle.

You want to reduce tax barriers that inhibit domestic job creation. The Recovery Act, as you know, had tax cuts for small businesses to do exactly that. Your side didn't support that.

You say address the housing crisis by giving regulators incentives to deal responsibly with banks and their borrowers; however, as I pointed out earlier, in fact, and history shows that, regulation and oversight and the referee's being on the field was a policy that the previous administration thought got in the way. Well, I think that referees that get in the way of the game are not useful, but referees that make sure that people play by the rules are essential.

I yield back.

Mr. CANTOR. I thank the gentleman.

I would simply respond that the Republican no-cost jobs plan is a plan that was fashioned around the principle that we've got to remove the uncertainty gripping the small businesses and job creators in this country. So contrary to the suggestion that the gentleman made about the fact that we just want to get rid of regulation, what the plan actually said, Madam Speaker, was to halt any proposed regulation expected to have an economic cost or result in job loss or have a disparate impact on small business.

In the same way, we call for lowering the deficit now without raising taxes because, as we all know, people don't know where Washington's next move is going. And so we say let's just freeze domestic discretionary spending at last year's level. My goodness, every small business owner, every family in this country is having to go through that exercise and, frankly, is having to cut, not just freeze.

In the same way, the suggestion that perhaps Republicans wouldn't support



transparency and an even playing field and regulations that will control the amount of leverage on Wall Street, that's silly. Of course we support efforts like that. But what we do know is this administration, and, frankly, the majority in Congress, has been very slow at getting the message out to auditors and regulators in the field that they should be reflecting the sentiments that the Secretary of the Treasury and the Chairman of the Federal Reserve have said, which is, we need to return back to some sense of normalcy in the assessment of risk, because we all know this country has been built on entrepreneurialism, on opportunity. It is not that we have seen our prosperity come from this government. That's where, really, Madam Speaker, the differences lie because we don't believe that the way back to economic revival is through more Keynesian economic policy.

□ 1345

The gentleman can go ahead and suggest that the Bush policies failed. Obviously, I disagree. He would probably defend the Carter policies. I would certainly disagree with that and would say that they were an utter failure. He would probably say that the policies of Ronald Reagan were a failure. I would say we disagree on that.

At the end of the day, what's really the problem here is this government, under the majority's rule and the President's, has continued to expand. We haven't put an end to the bailout culture. Every time we expect to see the TARP program end, there is another use that has come up for that money, which is an emergency program. Every time we expect to say to business owners and their working families, let's stop sending signals that we're going to impose costs on you.

So, if it's a cap-and-trade bill, if it's a card check bill, or if it's a tax increase, why can't we just say, "stop"? Let the American people regain their sense of economic security and let the ingenuity in the private sector take hold again.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I've heard that rhetoric for 24 years here, and I've certainly heard it for the last 8 years. The gentleman likes to put words in my mouth about previous administrations of what I might say or did say.

We're talking about policies that you want to replicate which have been pursued. That was my point. It remains my point. I think it's a valid point.

Did your policies work? You can argue all you want and say the Bush administration policies worked. You have not in any way said that the figures I have said on this floor, and not only today, but you've had many opportunities to look to see whether I'm

accurate on those figures, are wrong. In point of fact, they did not produce what you said they were going to produce. We need to adopt policies that do produce.

The reason I compared the Clinton administration and the Bush administration is that, under the Clinton administration, you said the policies wouldn't work. I don't mean you personally. Your party said the policies wouldn't work. In fact, it's the only administration—not the Reagan administration, not the first Bush administration, certainly not the second Bush administration—that produced surpluses. After 8 years, they had a net surplus. No administration in your lifetime has had a net surplus after 8 years other than the Clinton administration under the economic policies we pursued then, not one. So from that perspective, it's not a question of failure.

I will tell you here—and again, these statistics you don't like. You'd prefer that I simply look at the problems that we're confronting now. Why are we confronting these problems? Because your economic program did not work and plunged us into the deepest recession we've had in 75 years. Now, I raise my voice only because you simply ignore that. You say that's just carping. You say, Oh, we don't want to look at what happened. We don't want to look at what our policies produced for 8 years. We want to look into the future. We do, too. What we want to do and what we have been doing, as I pointed out to you, is trying to bring this economy out of the ditch in which we found it, in which the American people feel very stressed, properly so.

So we've got to get them back the jobs. The first thing we had to do was to stop losing so many jobs. Again, I would point out, in the last 3 months of the Bush administration, we lost 2 million jobs. In the last quarter, in the last 3 months, we've lost 200,000. It's way too many, but it's one-tenth of what your policies produced or did not produce in the last 3 months of the Bush administration.

So what? you say.

Let's not repeat those mistakes. Let's invest in our future, which is what we did in the Recovery and Reinvestment Act. Mark Zandi says that we saved over 1 million jobs—1.6 million, I believe is what Mark Zandi says—which we would have lost had we not passed that bill. So did it work perfectly? It worked better than the policies we were pursuing, frankly, that we inherited. That was my point. I think it is a valid point. If the gentleman disagrees with my figures, I'd be glad to be corrected. I think they're accurate.

Mr. CANTOR. I thank the gentleman.

Mr. HOYER. Oh, let me say one additional thing because you talked about certainty.

Mr. CANTOR. I didn't yield, Madam Speaker.

Mr. HOYER. Well, you took back the time. I really didn't yield back, but if you don't want me to continue, I won't.

Mr. CANTOR. I yield.

Mr. HOYER. Thank you. I just wanted to say something about certainty.

I agree with you. We need certainty. We tried to give certainty in the estate tax. Your side voted against that. We tried to give certainty in tax extenders. We tried to extend the tax extenders, and your side didn't vote for that. I don't think you did either, but I agree with your premise and wanted to make that clear. That's one of the reasons we tried to pass making sure that doctors treating Medicare patients knew what they would be getting years out so that Medicare would have the stability that it needs.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

I would say again, somehow, in the gentleman's memory of these past years, there is something that has been left out, which is this body and Congress, because, during the Clinton years, the Clinton years that saw prosperity, there was a Republican-controlled Congress. The Republican-controlled Congress yielded tax policies that we believe could once again get us back on track.

In the same way, referring to all the job losses that the gentleman continues to recite and point fingers at and blame the prior administration for, if we're going to play that game, I would say since his party has taken control of this body, we've lost in this country 6.1 million jobs. As he says, none of the job losses are acceptable.

I would say to the gentleman that there are many ways to look at these figures and who was responsible for what and who could claim credit for such, but at the end of the day, what we are facing right now is a situation where the American people and the small businesses and the working families of this country need to regain some confidence.

So I would ask the gentleman directly: If we're about removing uncertainty, is he willing to say to the small business owners out there and to the people of this country, no card check bill this session, no cap-and-trade this session, no death tax this session, and no hiking taxes in the time of unemployment that we are in? Those are the things from which we could send a message to the entrepreneurs and small businesses to lift this veil of uncertainty.

I yield.

Mr. HOYER. Mr. CANTOR, this is a scheduling colloquy. It has gone on for a long time, and it is a very political colloquy, more political than I was involved in with Mr. DeLay, I think. That's good rhetoric. None of those are scheduled. The gentleman knows none of them are scheduled.

The gentleman doesn't like the figures, and he harks back to the, you know, we were in charge in 2007 and 2008. He knows well what we are not talking about is blame; we are talking about what policies were in force. The gentleman says we changed the economic policies in 2007 and 2008. I'm glad to hear what policies we were able to change and that President Bush signed on to. That's the issue. The gentleman wants to avoid that issue. The question is not blame; the question is what policies worked and which policies did not.

I suggest to the gentleman that of all of the issues to which you referred in your question about the so-called "death tax," the estate tax, which affects approximately half of a percent of the American estates, as the gentleman knows, and which we wanted to, frankly, increase by \$2.5 million permanently from what it will be under your policies of 1 million and 55 percent January 11—it's now at zero, as you know. That was not intended to be the permanent policy, and you simply said you'd revert under the bill that you passed, not you personally. So we want to make that certainty.

So the answer is, yes, we want to make that certain. We think that \$3.5 million per person is a reasonable amount and will cover all but one-tenth of 1 percent of the estates in America or thereabouts.

The other items to which you refer, which animate your party and some in my party as well, are not scheduled, as the gentleman knows. I'm not going to make assertions on what we will or will not schedule at this point in time, but I can tell you we don't have them scheduled.

Mr. CANTOR. I thank the gentleman. I thank him for his indulgence in this lengthy colloquy.

If the scheduling piece of this colloquy has now yielded, the fact that there is an uncertainty as to whether we'll see cap-and-trade or whether we're going to see tax hikes, then that's the message, I think, that is going to be delivered to the small businesses that we are going to count on to create jobs.

In closing, Madam Speaker, I would note that, from Virginia to New Jersey to Massachusetts, the people of those States, and I believe the people of America, have spoken. What the people want is a Congress that will work in a bipartisan fashion to get the American people back to work. Republicans, on our part, will continue to offer solutions just as we have done for the last year, and we hope that—

Mr. HOYER. Will the gentleman yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. Does the gentleman believe that America spoke in November of 2008? Not just a State, not just Virginia, not just New Jersey, not just Massachusetts. Does the gentleman be-

lieve that America spoke in 2008 in voting overwhelmingly for the policies that this President put before to respond to the crisis that confronted our country? Frankly, none of us even at that point in time perceived how deep the crisis was.

We understand about votes. All of America voted handily for this President, who has put policies before this Congress to try to address the issues of bringing our economy back, giving Americans health care they could count on, making sure that we were energy independent.

You know, you talk about votes. This President was elected just approximately a little over a year ago to carry out the policies that he has been presenting, and notwithstanding that election, as I recall, your party has not supported his policies at all.

Mr. CANTOR. I thank the gentleman for that.

I would say, Madam Speaker, in closing, yes, America voted in 2008 for Barack Obama to become President of the United States. It was this November that the people had the opportunity in the two States with the gubernatorial election and then just this week the people of Massachusetts had an opportunity to vote for their Senator based on the policies that have come out of this new administration and the majority in Congress.

It is those policies that were voted on this time, and it is those policies that I believe do not reflect the mainstream of America and where the Republicans stand, ready to work with the gentleman and his party in trying to bring the debate and these policy solutions back towards where most Americans feel we ought to be heading in terms of direction for this country.

I do thank the gentleman.

#### HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### WATCH YOUR HEART AND WHAT IS RIGHT FOR AMERICA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I am reminded of some of the tougher times in this Nation. Maybe it was the Vietnam War, when Members had to vote their consciences. I was not in Congress at that time. It might have

been even further back when LBJ, Lyndon Baines Johnson, had to lead on making a body of people in this Nation equal with the 1964 Civil Rights Act and with the 1965 Voting Rights Act. I imagine it was difficult, and I imagine there were people who said, This is the wrong way to go.

We've often said on this floor, Don't watch polling in politics. Watch your heart and what is right for America. I believe the issues dealing with job creation and good health care for America are good, and the latest polls and elections don't daunt our spirits.

We are working with those on the other side of the aisle. We are working with the American people. We do want transparency, but I, for one, am not going to step away from helping people get the best health care they can. We don't know the timing of it. Maybe tomorrow.

Yet the idea to feel crushed or crumbled because of some actions that deal in politics is not the way to exercise your conscience and to do what is right for America. That's what we will do in this country and in this Congress, and I will stand on that side.

#### HONORING THE LIFE AND SERVICE OF AN AMERICAN HERO, SERGEANT CHRISTOPHER RICHARD HRBEK

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in honor of a recently fallen Marine, Sergeant Christopher Richard Hrbek.

He was a field artillery cannoneer with the 3rd Battalion, 10th Marines, out of Camp Lejeune. He was stationed in Afghanistan. Sergeant Hrbek was an active member of his community back in Westwood, New Jersey. He was a volunteer fireman for 9 years. In 2003, in response to the attacks on September 11, 2001, he enlisted with the United States Marines. He heard the call of duty and he answered it.

As a Marine, he served multiple tours of duty, which included combat in Iraq and Afghanistan. On December 23, 2009, under enemy fire, he saved the life of his sergeant major, who had stepped on an IED. For this, he was to be awarded a Bronze Star with a combat "V." He then set the highest example of someone who was willing to risk his life to save the lives of others.

Sadly, on January 14, 2010, he, himself, stepped on an IED, and died in the service of his country.

He is survived by his wife, Jamie Lynn Wengerter; mother, Cheryl Hodges; stepfather, James Hodges; father, Richard Hrbek; stepmother, Gail Hrbek; two sisters, Amy Dellentash and Lori Hrbek; and two stepbrothers, Jim and Beau Hodges.

His dedication to his country and to his fellow soldiers represents his tremendous sense of loyalty and selflessness. Christopher Hrbek is a true American hero. Chris will never be forgotten by his friends, by his family or by the country he fought for.

#### ECONOMIC INJUSTICE IN AMERICA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, here is something that will grab you. It was reported this month that Goldman Sachs, the favored Wall Street firm that has way too much special access in this city and that got bailed out by the American people to the tune of billions and is now handing those over in bonuses to their executives, has paid a net effective tax rate of 1 percent. You heard me right—1 percent, Goldman Sachs.

When most small businesses and corporations in this country are paying at a 35 percent tax rate, Wall Street's elites still don't carry their fair share. Imagine that secretaries, nurses, firefighters, cleaning crews—the middle class of this country—pay at a higher rate than Goldman Sachs.

Meanwhile, the chief executive officer of Goldman Sachs, Mr. Lloyd Blankfein, harvested over \$140 million in salary as head of that firm. When he was asked, Well, isn't this a bit too much? His answer was that he's doing God's work. I call that blasphemy.

This is fundamental economic injustice in America, and the American people know it. They're voting their frustration. They expect Congress to listen to them, not to continue to reward Wall Street's overprivileged scions at their expense.

BILL MOYERS JOURNAL

(By Bill Moyers)

The ancient Romans had a proverb: "Monday is like sea water. The more you drink, the thirstier you become." That adage finds particular meaning today on Wall Street, which began this New Year riding a tidal wave of bonuses in a surging ocean of greed.

Thanks to taxpayers like you who generously bailed banking from the financial shipwreck it created for itself and for us, by the end of 2009 the industry's compensation pool reached nearly \$200 billion. And despite windfall profits, the banks will claim almost \$80 billion in tax deductions. And nearly \$20 billion of those deductions will go to just three institutions—Morgan Stanley, JP Morgan Chase, and Goldman Sachs.

Ah, yes—Goldman Sachs, that paragon of profit and probity—which bet big on the housing bubble and when it popped—pres-to!—converted itself from an investment firm into a bank so it could get your bailout money. Now consider this: In 2008, Goldman Sachs paid an effective tax rate of just one percent. I'm not making that up—one percent!—while their CEO Lloyd Blankfein pulled down over \$40 million. That's God's work, if you can get it. And, believe me, Wall Street bankers know how to get it.

□ 1400

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### LISTEN TO US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, on Tuesday night the people in Massachusetts reiterated a message too often forgotten in Washington, that message being "listen to us." I have heard this message for quite some time now as I go and travel throughout and across my district.

People are fed up and angry, and they think that Congress and the White House are not listening to them. They think that Washington is moving in the wrong direction and is ignoring them altogether. As we say in Alabama, the Massachusetts election was a bell ringer, and leadership needs to listen to that bell ringing.

The current state of health care reform epitomizes their disgust. We can all agree that health care is a concern and needs to be reformed. But what good is health care reform if people don't have jobs, if they can't feed their children, they can't pay their mortgage, they can't pay their bills? I have heard this message from my constituents, and I know our primary focus must be on the economy and jobs.

I am not alone in my opinions. Elected officials from across the country and across the political spectrum are hearing the same comments: Congress needs to focus on the economy; the health care bill is too massive; I don't like the process, are common refrains as I travel across my district.

Closely rivaling Americans' concerns about the economy is their wariness of Federal spending. Too often in the past, Congress was not held accountable by the people, but trillion-dollar deficits as far as the eye can see have awoken them, and rightfully so. For our children's and grandchildren's sake, we must get our fiscal house in order.

To be sure, these challenges are not easy to solve. Improving the economy in the middle of a budget crisis is a tall task, but we were sent here to Washington by the people to be their voice and tackle these immense challenges.

There is plenty of blame to go around for our current condition. Democrats need to recognize that ambitious plans to address longstanding priorities such as health care, energy, and other spending initiatives must be postponed if the will of the people disagrees with

this agenda. And Republicans must remember that they were in charge when hundreds of billions of dollars in deficits were common even when our economy experienced brighter days. History can't simply be swept under the rug.

Without further blame on the part of either side, there are some simple solutions that will help solve some of these problems.

First, we must reinstate statutory PAYGO. Statutory PAYGO budgeting rules were in place when we experienced record budget surpluses in the late 1990s. PAYGO rules are the only proven way for Congress to keep spending in check.

Second, we should pass a fiscal budget commission, and pass it cleanly. This commission will force Congress to act on legislation to reduce excessive long-term government spending and support for some kind of a fiscal spread across party lines. But, too often, leadership of both parties ignore these commonsense solutions. Let's come together, not as Republicans or Democrats, but as Americans, to do the work of the people.

In the coming months, leadership needs to heed the call of their own constituents and people around the country. They need to listen to the good ideas of people in both parties, and especially from the moderates who are willing to listen to and to work with the other side.

Let's put our heads together and fix the economy while not breaking the bank. Let's find smart and innovative solutions, such as the America Works Act and the Small Business Start-Up Savings Account Act, that will help get our economy back on track. Let's help small businesses and focus on improving Main Street and not just Wall Street. Let's extend the 2001 and 2003 tax cuts to give families continued assurance that the Federal Government won't be asking any more from them in these troubled times.

And while we are addressing these problems, let's get rid of some of the things that have divided us in the past. Let's stop using harsh partisan language and rhetoric that serves little purpose other than to undermine the faith that the American people have in both parties.

Let's sit down and thoroughly debate issues and not rush to pass a bill simply for the sake of doing something. Let's open the doors to the public so the public can see the legislative process.

And, finally, let's stay focused on the issues for which we have a real mandate: improving the economy and creating jobs.

These are lessons we should all take away from what the people, our constituents, are saying. I hope the leadership and the White House are listening today. It is not too late to change course, but we can't continue down our

current path. The people are saying, Listen to us. And I certainly hope our leadership will heed that call before it is too late.

#### ISRAEL'S RIGHT TO EXIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, since the rebirth of the nation of Israel over 60 years ago, radical jihadists have relentlessly tried to destroy this nation.

Funded by Iran, Hezbollah attacks from the north and thousands of unguided rockets have rained down on Israeli villages. That is right: unguided missiles. That means they deliberately go anywhere and hit anybody where the missile is fired. That includes men, women, children. It doesn't matter to Hezbollah. They want to kill in the name of terror.

Hamas does the same thing in the south. Over 12,000 missiles have been launched into Israel from the Gaza Strip alone. I have been to Israel, and it is a small country. It is the size or smaller than the size of New Jersey. But yet from the north they get missiles, from the south they get missiles. But they still exist, and they have the right to exist. Israeli citizens fight these radicals rather than give up and surrender. After all, victory never comes by taking the path of least resistance.

These are unprovoked attacks into this nation. Israel is assured by us, the United States, that she has the right to defend herself, but sometimes we try to interfere with her own national defense. Israel is our strongest ally in the Middle East, and we need to treat her as such.

The whole situation is made even more complicated by Iran's pursuit of nuclear weapons. The Tiny Tyrant in the Desert, Ahmadinejad, has the means to hit Israel with missiles. And not only Israel, but our troops in Iraq and Afghanistan.

Iran is the largest state sponsor of terrorism in the world, and to allow Ahmadinejad to have nuclear weapons is not a nuclear option. The Tiny Tyrant Ahmadinejad uses murder and brutality to try to silence protests in his own country of Iran. Imagine what he will do to the world if he has nuclear weapons.

The best great hope for the world is that the people of Iran change their regime, and we should encourage and support the students, the academics, and others not to give in to their oppressive dictator.

Israel has been fighting radical jihadists for decades, and they have been on the front lines. Terrorist attack after terrorist attack, they have endured. We all remember the massacre of Israeli Olympic athletes in

Munich in 1972. And then there was the slaughter of Israeli teenagers in a pizza parlor in Jerusalem in 2002.

Radical Islam kills people they hate. They kill them in the name of religion, people of different religions, like Jews, Christians, and even moderate Muslims.

The modern State of Israel was founded in the wake of the Holocaust, after 6 million Jewish people were murdered by the Nazis. The reestablishment of Israel reflects the best conscience of a civilized world. And Israel has the absolute right to exist, just as other nations do; and it has the absolute moral right to defend itself against those who want to eliminate her.

Israel is our partner and ally in this fight against terrorists, terrorists who deliberately target civilians. Innocent women and children are considered military combatants to terrorists. Jihadists use women as hostages and hide behind their skirts for their cowardly cover.

Some history is in store here, Mr. Speaker. Back in 1967, Israel was forced into a war by Arab nations. President Nasser of Egypt threatened to "drive Israel into the sea," and the conflict is now called the Six Day War. The armies of Egypt, Syria, Jordan and Lebanon amassed on the Israeli borders, and President Nasser of Egypt ordered the United Nations emergency troops to withdraw from the Sinai Peninsula. So the whole world watched and waited for the destruction of Israel. The United Nations stood by and did nothing.

But to the shock of the world, Israel turned back all of the aggressors in just 6 days and headed to the enemy capitals.

Israel won a defensive war on the West Bank, Gaza, the Sinai Peninsula, and the Golan Heights. A cease-fire was then negotiated.

International law says that countries must return land gained from a defensive war only under a negotiated peace. So Israel and Egypt have since signed a peace treaty. Israel gave back the Sinai. Time and again Israel has traded land for peace, but it still has no peace.

All of the nations of the Middle East must condemn terror as a policy for change. The Palestinians and Israelis must settle their disputes now, some 60 years later, through mutual respect, cooperation, honesty, and understanding. But intimidation, terror, murder is not an acceptable foreign or domestic policy and should be publicly and jointly rejected by all sides.

Make no mistake about it, Israel will not surrender or retreat in the wake of this violence. Israel shall never give in and never give up the right to exist, whether jihadists like it or not. And the United States should make it clear to terrorists that we will stand shoulder to shoulder with our friends and allies.

And that's just the way it is.

□ 1415

#### MARCH FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 60 minutes as the designee of the minority leader.

Mr. PITTS. I rise today on the occasion of the 37th anniversary of the infamous court decision *Roe v. Wade*. I rise on the occasion of the annual March for Life that will occur tomorrow with tens of thousands of citizens who will come to Washington to publicly speak out on this issue of life and the sanctity of life. I just want to say to those who are coming, I want to thank them, the people from all across the country who come, for their dedication to a cause that matters so much, the cause of life.

Every year on this day, people across the country pause to remember the millions of lives that have been lost since *Roe v. Wade* was decided on that fateful day in 1973. In just 37 years, nearly 52 million unborn children have been lost to abortion. Sadly, we can never know what those lives may have been—doctors, teachers, athletes, perhaps even Congressmen and Congresswomen. We mourn the loss of those unborn children.

But I also want to take a moment to rejoice in the millions of lives that have been saved because women have chosen life. Because of the caring people like those who will come and march this week in Washington, because of the pregnancy care centers, so many women have opted not to have abortions but instead carry their babies to term.

Many of us may have heard that this year's Super Bowl will feature a commercial that tells a story of a well-known quarterback, Tim Tebow. Tim's story is a powerful one. His mother, Pam, became pregnant while she was working with her husband in the Philippines as a missionary. While pregnant, Pam contracted amoebic dysentery through contaminated drinking water. She was told that the medications required to treat her illness would cause irreparable damage to her unborn child, and so Pam was encouraged to have an abortion. Thankfully, she refused, and her son, Tim, went on to play starting quarterback for the Florida Gators and in 2007 was awarded the Heisman Trophy.

Let me share one other brief story. As a baby, Patrick Henry Hughes was born with diseases that caused him to be both blind and crippled from birth. By some accounts, his life may have been considered less valuable. But Patrick has a unique gift. He has become an amazing multi-instrumental musician who inspires people across the

country with his music. In 2006, he was recruited to join the marching band at the University of Louisville. He joined the band, playing the trumpet while his father pushed his wheelchair through the marching routines. Patrick is an inspiration to so many around him. And when asked about the challenges they have faced, Patrick's father said he now asks: What did we do to deserve a special young man who's brought us so, so much?

For both of these stories, there are hundreds of others that remain untold; hundreds of lives that may never have been were it not for those who continue to stand on behalf of the unborn.

First, I want to thank those who are coming tomorrow to visit and march for life.

Now, at this time, I would like to yield to my colleague from Ohio, JEAN SCHMIDT, who's chairperson of the Pro-Life Women's Caucus.

Mrs. SCHMIDT. Thank you to my good friend.

Mr. Speaker, I rise to talk about this issue. I'd like to take a few minutes to not only say that this is the 37th anniversary of one of the most dark days in the U.S. history, but to talk about the ramifications of what that act did.

To give you a little history, the pro-life movement actually began in Cincinnati, Ohio, and it began before 1974 in a little place called College Hill by folks by the name of Barbara and Jack Willke. Jack's a doctor. His wife, I believe, is a nurse, but I could be wrong. But they, along with some other folks, were involved in another crusade in Cincinnati, and they became aware that this whole issue of abortion was suddenly creeping up in the State legislatures and they wanted to make sure that Ohio did not allow abortions. So Barbara and Jack formed this little group to fight it in Ohio.

It was Barbara that said to Jack Willke, You know, Jack, under the Constitution, everybody deserves the right to life, including that of the unborn. And he looked at Barbara and he said, That's the name of our movement.

And look at how far that movement has grown. It is a national and an international movement. I'm proud to lay claim that Cincinnati is part of my district, and while College Hill is not technically in my district, it is part of Cincinnati. And I'm very proud of the work that Barbara and Jack have done, but also proud of the work that my parents did. I'm proud of the fact that they educated me on this issue when I was old enough to understand it, because the impact of abortions really hurts all of us. But I truly believe that it hurts women the most.

I want to talk a little bit about the privilege that it is for a woman to be able to have a child. If we didn't have the opportunity to create, none of us would be here. But it is the woman's

privilege to carry that baby inside of her until it is full term. And women, if they pay attention to themselves, know that, yes, they're carrying that baby right from the beginning, because we see some things changing inside of us. But back in 1974, they didn't have all the fancy equipment that they have today. They didn't have all the ultrasounds and the three-dimensional ultrasounds, and so in 1974 maybe it was a little easier to think that baby wasn't a life. But we know that it's a life today, and we know that it's a life immediately.

It's interesting, because the impact of the Supreme Court's decision has been immediate and devastating in the United States. The number of abortions in this country skyrocketed after that horrible, horrible decision. It skyrocketed from about 750,000 in 1973, to more than 1.3 million in 1977. Think about the lives that are lost. Think about the potential doctors, lawyers, football players, race car drivers, politicians, Presidents, Air Force Generals that have been lost; moms, dads, sisters, brothers, aunts, uncles. By 1985, the number has grown to an astonishing 1.6 million abortions performed in a year, and the United States soon became the country with the highest number of abortions. I could go on.

The reasons for abortions were easy to understand. Women thought that it was a way to get out of an unwanted pregnancy. They didn't understand that the consequences of that decision would be more lasting and more far reaching than it would be to have had the child alone. As reasoning for these abortions, one national survey found that a quarter of the women thought that the timing of their pregnancy was wrong. Another 19 percent thought that they could not afford to keep the child at the time, and almost 10 percent thought that they were just too young. Simply put, these answers indicate that the short-term legacy of the Supreme Court's decision in Roe was the enabling of the American woman to terminate the life of a child when it happened to be inconvenient or fitting for their lifestyle. You know, I could go on.

But the tide is changing. Maybe it's changing because of the miracles of modern technology. Maybe it's changing because a woman can find out immediately she's pregnant and immediately pay attention to those signs in her body. Go to the doctor, get that ultrasound and realize that baby is alive, well, and kicking. Those moms know that's a real live human being.

In 2005, the number of abortions performed were actually down to 1.2 million, a modest but welcomed decrease. And these abortions were performed by only 2 percent of this country's OB/GYNs. The reality is abortion is no longer a part of the mainstream medicine, and the vast majority of the hos-

pitals in the United States, religious or secular, now choose not to perform elective abortions.

Yes, the tide is turning, but much has to be done. For example, the last 12 months have tested the pro-life movement here in this House—its initiatives, its resolves—more than ever. During this time, pro-life advocates like me have been forced vigorously to preserve this country's longstanding ban on the Federal funding of abortions, and it was a major success when the bipartisan majority of the House of Representatives voted in favor of including language equivalent to the Hyde amendment in the infamous health care bill. The Stupak amendment prohibited the funding of abortions. But we need to continue that fight on this issue in the upcoming months to ensure that similar language is included in any final bill that may come forth before this Congress, for the vast majority of Americans do not want their Federal tax dollars to pay for elective abortions.

But we also have to fight for our medical establishment. We have to fight to make sure that the conscience protections for our country's faith-based medical providers are in place. These individuals should not have to choose between their morals or their livelihood. They should not have to face discrimination or retribution for refusing to perform procedures that offend their deeply held beliefs. They should not be forced to participate in procedures like abortions that cannot be described as health care. Yet, there are those in Washington who want to abolish these conscience protection clauses for these people and force them to do just that.

We need to work together to ensure that their faith-based belief is held in tact, because when we make the choice to protect our country's medical providers and when we make the choice to preserve our country's laws prohibiting the Federal funding of abortion, we continue to reshape the lasting legacy of Roe v. Wade. This is the best way that we can honor the anniversary of Roe and the millions and millions of lives that have been lost.

I yield back.

Mr. PITTS. I want to thank the gentlelady for her eloquent words.

At this time, I yield to the gentleman from Louisiana, JOSEPH CAO.

Mr. CAO. Thank you very much for yielding.

Mr. Speaker, as America embarks on its 37th anniversary of Roe v. Wade tomorrow, thousands will participate in the March for Life in our Nation's Capitol. But, fundamentally, this year's anniversary of Roe v. Wade should have deeper meaning than previous years. Amid the current debate on health care reform, the abortion issue has once again risen to paramount importance. Unfortunately, the current bill has

made an unsuccessful attempt to address affordable health care by ignoring the controversial issue of abortion.

Abortion is an inhumane perversion in our society. As I have stated previously, it is a distorted emphasis on rights, to the disregard of individual responsibilities. When President Obama addressed a joint session of Congress last September, he said, "under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place."

□ 1430

Why then is the current health reform under the Senate plan being touted as the right plan for America? The health care legislation passed by our friends in the Senate does not reflect the longstanding Federal policies that ban abortion funding, and I will absolutely not support it as it is written.

The fundamental right to life in this country was reinforced and more succinctly elaborated in the first 10 amendments to the U.S. Constitution. These 10 amendments, more commonly known as the Bill of Rights, have served as the heart and soul of our legal tradition and the foundation upon which we have built the most powerful democracy in the history of the world. Yet the balance between rights and responsibilities have served as a basis for an ethical context, but now it is skewed.

Our society has distorted this view of individual rights versus responsibility so that good somehow gets distorted with evil. We have misrepresented the rights to individual freedom, and now we basically have no regard for human life. The result is a social policy devoid of moral coherency. To protect individual rights, we have distorted the continuity of human development to portray the human fetus as something less than human and, therefore, can be disposed of. And there are those who diminish the words of pro-life advocates and aim to demean their passion for life by citing a woman's right to choose or a woman's right to protect her health. But I say that this is a distorted view of protecting a woman that is actually endangering the woman.

An abortion causes mayhem to the psychology of the mother and the future life of the entire family. Her emotional health is never the same, and though anesthesia may provide some physical relief, there is no anesthesia for her mental and spiritual health.

A study in New Zealand, where abortion is legal, showed negative effects in women who had abortions. Researchers for the Christchurch Health and Development Study conducted a 25-year study on the long-term effects of abortion on the mental health of young women between the ages of 15 and 25. These scientists reported to the *Journal of Child Psychology and Psychiatry*

that those having an abortion have elevated rates of mental health problems, including depression, anxiety, suicidal behaviors and drug-use disorders.

Another study conducted by researchers at the University of Oslo in Norway compared 40 women who had had miscarriages with women who chose to have an abortion. Although miscarriage was associated with more mental distress in the 6 months after the loss of the baby, abortion had much longer lasting negative effects. The proportion of women having had a miscarriage who were suffering distress decreased during the study period to 22.5 percent at 6 months and to just 2.6 percent at 2 years and 5 years respectively. But among the abortion group, 25.7 percent were still experiencing distress after 6 months and 20 percent after 5 years. The researchers also said that women who had an abortion had to make an effort to avoid thinking about the event.

Mr. Speaker, I just came back from Southeast Asia on a CODEL to Vietnam, Cambodia, Laos, and Japan. While I was in Cambodia, I had the opportunity to visit the killing fields in Cambodia. And while visiting the killing fields, they showed us a tree where the followers of Pol Pot would hang and would slam innocent little children on the trees. The Pol Pot regime killed approximately 1.6 million of its people between 1976 and, if I remember correctly, 1980, and the world screamed in outrage at the deaths of 1.6 million people. The Holocaust killed 6 million, and we continue to scream in outrage at the 6 million Jews who were killed during World War II by the Nazi regime in the Holocaust.

From 1973 to the present, in the United States alone we have murdered over 40 million children. Just imagine that: If we scream in outrage at the innocent children that were slammed and hung on the tree in the killing fields, yet, after 40 million children killed in this country, we still hold a policy that allows for the legal killing of innocent children. If that is not a skewed sense of ethics, I don't know what is.

I agree that America needs responsible health care reform, and I agree that we all have the right to exercise the freedom of individual liberties but not at the expense of our children and the future of our families. The majority of the American people, including those in my home State of Louisiana, stand firmly on the side of life, and they will not support any measure that seeks to fund abortion with their hard-earned income.

Again, as we arrive at the 37th anniversary of *Roe v. Wade*, I ask America to reflect deeply on the value of all life, born and unborn, and that we not consider any piece of health care legislation unless it includes sufficient language to prohibit this inhumane act.

Mr. PITTS. I thank the gentleman from Louisiana for that very inform-

ative and important statement. He is a great leader here in Congress. At this time I want to turn to another leader in Congress. I yield to the gentleman from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. I also thank the gentleman for his years of standing up and defending life and for his work in the Pro-Life Caucus, along with Congressman SMITH and our newest Member, Mr. CAO, who just spoke, and JEANNIE SCHMIDT and also PARKER GRIFFITH, who is here on the floor with us as well. There are a countless number of Members who over the years have said, Life is sacred, life is precious and should be protected.

You know, although this is the week when we mark that terrible decision of 1973, I love this week. Thousands and thousands of Americans are going to come to the Nation's Capital, and they're going to celebrate life. They know that life is precious. And that in this great country, the greatest nation in history, we should celebrate life. We should understand that life is precious, life is sacred and that it should be protected.

I am reminded—I have been in Congress now 3 years. Three years ago this month is the anniversary of the first State of the Union that I had the privilege of being at. Then President Bush recognized a great American who happened to be sitting right up in the gallery. In the middle of his speech, he pointed to this guy, Wesley Autrey, the subway guy. Not Jared, the one we see on TV, but the subway guy, the guy who risked his life, jumped in front of a subway train to save a fellow human being who was having a seizure on the track. He put his life on the line simply because a fellow human being's life was at risk. That is how precious life is. That captures the sentiment that the vast majority of Americans have in this country. They understand how precious life is and that it should be protected through all stages.

As is so often the case, the American people get it long before the politicians get it. Wesley Autrey was a great example of that understanding. The vast majority of people who will be here this week, the vast majority of people who make up this great country understand what our Founders understood, understand what Wesley Autrey understood. And that is, just like they said in the document that started it all, that started this grand experiment in liberty and freedom we call the United States of America, where the Founders and the Framers wrote these words, which I say next to Scripture are the greatest words ever put on paper: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

What great principles are contained in the statement that started it all. First, they understood a basic fact—there is a Creator. We are made in God's image. We got our rights not from government; we get them from God. And government's fundamental job should be to protect those rights that the Creator gave his creation. An amazing, amazing principle. No other country ever started on that premise. And then the second thing that just jumps right out at you from that statement is the order in which the Founders placed the rights they chose to mention. Life, Liberty, pursuit of Happiness. Can you pursue happiness? Can you go after your goals, your dreams? Can you go after those things that have meaning and significance if you first don't have liberty, if you first don't have freedom? And do you ever experience true liberty, true freedom if government doesn't protect your most fundamental liberty, your most fundamental right, your right to life.

That's what thousands of Americans are coming to town for this week. That is what they want to celebrate. They understand exactly what the Founders understood. They understand what this country is really all about. And someday, as previous speakers have pointed out, someday *Roe v. Wade* will no longer be the law in this country, and we will protect every single human being because that is what the Founders intended, and that is what Americans understand.

With that, I will yield back to my friends and colleagues who have done so much—Representative PITTS, Congressman SMITH and others who have done so much to protect life. I appreciate them taking the time to have this Special Order hour on the preciousness of human life.

Mr. PITTS. I thank the gentleman. I yield to the gentleman from Alabama, PARKER GRIFFITH, another pro-life supporter.

Mr. GRIFFITH. Thank you very much for this opportunity. This is a very, very important day for us, and certainly it will be an even more important day for us tomorrow.

As a lawmaker and a physician for over 40 years, I recognize the importance of continuing to protect the sanctity of life. The 37th anniversary of *Roe v. Wade* tomorrow reminds us all that life is precious and should not be taken for granted. Fortunately, we can be thankful that a majority of the Congress can see that taxpayer-funded abortions is morally abhorrent to most Americans.

So with the current health care legislation before us, I commend my colleagues for supporting the Stupak amendment, which passed the House with an overwhelming majority of 240-196, with one voting present. I fully support protecting the unborn in any and all future bills. The Stupak amend-

ment is clearly a high-water mark for opposition to government funding of abortion and a critical firewall to keep abortion from being mainstreamed as a routine medical procedure.

As the 111th Congress presses forward on the eve of the 37th anniversary of *Roe v. Wade*, I would like to remind Members on both sides of the aisle of the importance of continuing to protect the sanctity of life in all policy.

Mr. PITTS. I thank the gentleman for that statement and his leadership on this issue.

Mr. Chairman, I would like to yield the balance of my time to the gentleman from New Jersey, CHRIS SMITH, our Pro-Life Caucus Chair, a wonderful eloquent voice for life.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for the remainder of the hour.

Mr. SMITH of New Jersey. I want to thank my good friend and colleague Mr. PITTS for his leadership, and for that of all of those who have spoken. DOC, thank you for your eloquent words. Mr. FORTENBERRY, Mr. CAO and JEAN SCHMIDT.

I do want to welcome His Beatitude, Metropolitan Jonah of the Orthodox Church of America, here, and his brother bishops. They are most welcome, and I thank them for their incredible stance in favor of the sanctity and sacredness of all human life, from womb to tomb, and that we all need to act as our brothers' and sisters' keepers.

Matthew 25, where our Lord said, Whatsoever you do to the least of my brethren, you do likewise to me. His Beatitude Jonah lives that, as does his church and as do, God willing, all of us. But they do it in such a superlative way, and I thank them for their example. It is awe inspiring.

Mr. Speaker, I have been in the pro-life movement for 38 years, in the greatest human rights struggle on Earth, the right-to-life movement. What I still don't get is this: How can so many seemingly smart, sane, compassionate, and accomplished people, especially in politics, support, promote and—if President Obama has his way in the pending health care legislation—lavishly fund with public dollars the violent death of unborn children and the wounding of their moms by abortion?

Is it really so hard to understand that abortion is violence against children, a pernicious form of child abuse, falsely and aggressively marketed as choice, a human right or as health care? How long will we permit the pro-choice cover-up and the bogus safety claims to misinform, especially in light of the reams of evidence documenting serious injury to women who abort?

□ 1445

Abortion, safe? What unmitigated nonsense.

Women have been profoundly ill-served by the all-too-familiar pattern of denial and deception so skillfully employed by the abortion industry. Women deserve better. They, at the very least, deserve the truth.

Mr. Speaker, years ago a friend of mine, Dr. Jean Garton, wrote a book which included how her young child unexpectedly walked in the room as she was preparing a lecture on abortion. Her 3-year-old child took one look at the badly bruised and battered body of the aborted baby on the screen and shouted: Mommy, who broke the baby?

That young child saw the brutality of abortion with unclouded comprehension. That child was unencumbered and unaffected by the deceptively clever and preposterously misleading propaganda dished out by the multi-billion-dollar pro-choice industry. That child saw, and knew immediately, that babies are smashed and broken to bits by abortion. And with alarm, that 3-year-old boy wanted to know who did it.

Last fall, like that young child, Abby Johnson, a Planned Parenthood abortion clinic director in Texas, with 8 years at that facility, watched an ultrasound image of an abortion in progress on a 3-month-old unborn child. Like the victimized baby on the ultrasound monitor being dismembered right before her eyes, Ms. Johnson was crushed by what she saw. Self-described as "extremely pro-choice," but now pro-life, she said she watched an unborn child crumple before her very eyes as the infant was dismembered and vacuumed to death by a hideous suction device 20-30 times more powerful than a household vacuum cleaner. She said: I could see the baby try to move away. In a startling moment of truth and clarity, she said, I just thought, What am I doing? Never again. And she walked out the door of that abortion mill.

I will never forget, my wife, Marie, and I, right outside the Supreme Court, met a group of women called the Silent No More Awareness Campaign. These women were telling their stories, very, very powerful stories about how they had been hurt emotionally and physically by abortion.

One woman told the story how as she was actually on the gurney, in the process of getting an abortion, and the doctor, the abortionist said: It is trying to get away. Being only partially sedated, she heard all of that. She shot up quick and she said: Get me out of here. And they said: It is too late; the abortion has already started. But the child instinctively was trying to get away.

We also know from people like Dr. Alveda King, one of the founders and leaders of a group called the Silent No More Awareness Campaign, a courageous woman, who has had two abortions. Dr. King is the niece of Dr. Martin Luther King and she now says, How



can my uncle's dream survive if we murder the children? Dr. Martin Luther King talked about inclusion, the politics of inclusion, not disenfranchising someone by reason of their age or condition of dependency or race or by reason of their sex. She now heads up a group that reaches out to women who have had abortions and have suffered and offers the path through faith, through God, and through friendship to come to a sense of reconciliation and restoration as a result of the trauma of abortion.

As Abby Johnson, the abortion clinic director at Planned Parenthood, said as she walked out, "never again," but never again comes too late for the approximately 52 million babies who have been slaughtered in Planned Parenthood clinics and abortion mills throughout America since the infamous holding of the United States Supreme Court in 1973; 52 million babies lost. It is staggering, stunning, and beyond tragic.

But it doesn't have to come too late for the millions of other children who face extermination today, tomorrow, next week, next month, next year, if we awake from our slumber, from our indifference, from our callous attitude and start to truly combat the cruelty and injustice of abortion.

The longer I am in the pro-life movement, just like the example of Dr. Alveda King, who is like so many other silent-no-more women, speaking out and doing so courageously, there is even more to the pro-choice cover-up than just dead kids.

Abortion hurts women, physically, psychologically, and the data strongly suggests that it even mal-affects children subsequently born to women who abort. Last year the Times of London reported: "Senior obstetricians and psychiatrists say new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems." They found that women who have had abortions have twice the level, twice the level, of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant.

In 2006, a comprehensive New Zealand study found that 78.6 percent, almost 79 percent, of the 15- to 18-year-olds who had abortions displayed symptoms of major depression compared to 31 percent of their peers. And it also found that 27 percent of the 21- to 25-year-old women who had abortions had suicidal ideations compared to 8 percent of those who did not have an abortion.

I say to my colleagues: there are at least 102 studies that comport with those findings of psychological harm to women who abort.

Serious questions also remain concerning the link of abortion to breast cancer. Despite the fact that more than 28 studies from around the world, in-

cluding the United States, have shown that procuring an abortion significantly increases the risk of breast cancer by some 30 to 40 percent, the abortion industry cover-up has largely succeeded in the unconscionable suppression of those facts.

Nevertheless, according to the Breast Cancer Prevention Institute, 2009 was a pivotal year in the debate about the abortion-breast cancer link. Three studies were published from Turkey, China and the United States which matter of factly demonstrate the abortion-breast cancer link as one of many breast cancer factors.

For example, the recent U.S. study by Jessica Dolle of the Fred Hutchinson Cancer Research Center demonstrated that an abortion raises breast cancer risk by 40 percent. Why isn't that emblazoned across the front page of the New York Times or the Washington Post? Forty percent. Study co-authors included Janet Daling and Louise Brinton. Amazingly, Brinton was a chief organizer of a 2003 National Cancer Institute (NCI) workshop denying the link. Now a study that she co-authored reiterates the link and reports it as consistent with earlier studies that found induced abortion to be a risk factor for breast cancer.

And now even Time magazine, among many others, has finally reported on another suppressed fact, suppressed by the pro-abortion industry, that abortion adversely affects the health of subsequent children born to women who abort.

A total of 113 studies demonstrated an association between abortion and preterm birth in subsequent pregnancies. Studies have indicated that the risk of preterm birth goes up 36 percent after just one abortion, and a staggering 93 percent after two or more abortions. Similarly, the risk of subsequent children being born with low birth weight increases by 35 percent after one and 72 percent after two or more abortions. Prematurity and low birth weight, as we all know, are leading causes of disabilities in children. Abortion not only affects the child who is aborted; it affects in a very negative way children born, brothers and sisters born to that same mother in subsequent pregnancies.

All of this begs a very serious question, Mr. Speaker: Why then is the Obama administration expanding this vicious assault on women and children often by massively subsidizing pro-abortion nongovernmental organizations around the world and in the United States to do the dirty work, to do that in the U.S., Africa, Latin America, everywhere?

You know, I said at the opening, How could so many seemingly sane, smart, compassionate politicians buy into the big lie? Well, maybe some politicians aren't so smart or compassionate after all.

Mr. Speaker, I yield to a stalwart in the pro-life movement, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank Mr. SMITH from New Jersey for the recognition and for his passionate understanding and belief of this most fundamental aspect of human rights and the need for justice in our world today around this essential issue, the protection of our most vulnerable. Thank you, sir, for your leadership.

Mr. Speaker, I would like to add that tomorrow thousands of people from across the Nation will gather just steps away from this very Capitol along the National Mall. They will be huddled against the cold, but nonetheless they have come out to speak out against the 37 years of human rights abuses and affronts to our fundamental rights and liberties.

We especially welcome the youth who will come out tomorrow who will take time away from their studies to stand at the feet of our Nation's seat of power and give voice to the voiceless. They faithfully make the trip to D.C. each year to regret the anniversary of the Supreme Court's passage of Roe v. Wade legalizing abortion in this country. Tomorrow these thousands, young and old, will lift their voices in one resounding cry for one fundamental cause of justice, the idea that women deserve better than abortion; the idea that life gives hope and that we are big enough and we should be loving enough as a Nation to care for the lives of every mother and the child nestled within her.

This idea is essential to the well-being of our entire country. A truly good society must stand for the protection of all persons' rights, above all the right to live. To stand for goodness and justice, we must protect all life, particularly that which is most vulnerable. Wherever it takes place, abortion is so often a decision that is brought on by either physical or emotional abandonment. We must not accept a culture that says if you have been abandoned, your only option is to abandon the life within you as well. We cannot let this hopelessness breed hopelessness, nor despair breed more despair.

However, many of our leaders here in Washington, Mr. Speaker, send a much different, less-affirming message to those most in need of encouragement and assistance. Last year, Secretary of State Clinton appeared before the House Foreign Affairs Committee and confirmed that it is this administration's goal of including abortion as an integral element of reproductive health care provided by the United States. President Obama has rescinded the Mexico City Policy, making millions of dollars available to foreign entities that promote and perform abortion.

□ 1500

We now export abortion and project, in turn, our own woundedness in this

country upon others. The National Institute of Health has created the largest Federal incentive to date to destroy human embryos for research, distracting scientific attention away from adult stem cell research, research that is achieving real results and does not cause ethical divides.

Secretary of Health and Human Services Sebelius may soon rescind a regulation protecting from discrimination our health care providers who choose not to participate in the act of abortion. All four of these, and other actions taken by the administration, are a direct and pernicious assault on the sanctity of human life.

And today, when twice as many black children in this country are eliminated through abortion than are born, we also hear repugnant assaults on the dignity of minority populations from our leaders. Supreme Court Justice Ruth Bader Ginsburg last year commented in the *New York Times*, and this is a direct quote, "Frankly, I had thought at the time Roe was decided there was concern about population growth, and particularly growth in populations that we don't want to have too many of. So that Roe was going to be then set up for Medicaid funding for abortion," close quote.

Mr. Speaker, let's reflect on that for a moment. Quote, "populations that we don't want too many of," from a Supreme Court Justice. These statements deserve the strongest public rebuke. Abortion is not health care, no matter how much some leaders in Congress would like it to be. Abortion hurts women. Abortion is decimating urban America. And this cannot stand. But together, we can stand for life. We can win this fight for good.

And Mr. Speaker, those who share this deep concern for the sanctity of life, I would say they are the new abolitionists. They are the inheritors of the great American tradition of seeking justice and uplifting the most vulnerable.

On the eve of the 37th anniversary of *Roe v. Wade*, countless Americans have awoken to this reality. And the civic engagement of thousands who will gather here tomorrow, and the millions more who remain at home, will hopefully hasten the day when the Nation fully recognizes the unborn as persons worthy of protection under the 14th amendment to the United States Constitution.

Mr. SMITH of New Jersey. If I could with my friend and colleague, and I thank him for his eloquent statement, you mentioned the statements made by Justice Ginsburg. Not only did you not take them out of context, because they were very troubling to me and I think many people—who are "those people"—but it also follows a line of thought that predates her.

Margaret Sanger, as you know, the founder of Planned Parenthood, was a

eugenicist. In the twenties and the thirties she wrote extensively against minority populations, against Africans, against Catholics, against people who didn't look just like her. And I have read her books. One of her books is known as *The Pivot of Civilization*. And in that book, chapter five is called *The Cruelty of Charity*. The Cruelty of Charity. And she makes a case that is pathetic and sickening that somehow we ought to not provide maternal health care to indigent women, to poor women who happen to be of color or of some other minority status that she deems to be unacceptable. The Cruelty of Charity.

That organization, Planned Parenthood, kills 305,000 unborn babies in their clinics every year. And I would hope my colleagues, and I really believe it is time to take a second look at Planned Parenthood, Child Abuse, Incorporated. They like to say that the abortion part is only 3 percent of what they do. Of course killing a baby versus handing out a condom hardly are equivalent in terms of actions. And they count just about everything else to get that number low. Three hundred five thousand abortions.

Some people have gone undercover and discovered, to their shock and—maybe not shock, but certainly to their dismay—that there is a racist attitude in those clinics where these undercover individuals have gone. And it is very disturbing. But it is all reminiscent of its founder, who had such a jaundiced and prejudicial view towards minorities. And that was Margaret Sanger.

I would also add that our distinguished Secretary of State got the Margaret Sanger Award last year. I did a floor speech on this and said how can it be that the Secretary of State of the United States of America is in awe of a eugenicist? Because in her speech, and I read it on the State Department Web site, she went on and on about how the work of Margaret Sanger remains undone. Margaret Sanger was a self-proclaimed eugenicist, who felt that certain individuals, and that would include the disabled, their lives are not worth living or protecting. They are throwaway human beings. And I have asked the Secretary of State to give that award back.

I yield to my friend from Ohio.

Mrs. SCHMIDT. I just want to say a couple of things about the Planned Parenthood organization in my district. As of record, there have been two cases of underage children that have received abortions without parental—well, in one case it was a father who raped his daughter under age. That has been prosecuted in Warren County. And in another case it was a teacher that brought a 15-year-old girl—13-, or 14-, or 15-year-old underage girl into Planned Parenthood. That case is now under review in court.

But right now I really want to have my good friend from Missouri, TODD AKIN, address you, Mr. Speaker.

Mr. AKIN. Thank you, lady, and thank you for your leadership here on the floor. Thank you, Congressman SMITH, for your great leadership.

I came here really in a way to say thank you. Also to deliberate a little bit on the unique history of great leaders. Every great leader in history has had this in common: that at some point, by faith, hope, and love, they have hung tenaciously to some great enterprise in spite of the apparent hopelessness of that cause. The pilgrims on the beach. Washington at Valley Forge. And yet these great leaders found that God providentially provided relief and help in their time of need, sometimes from very unique quarters.

I think of the great threat to lives in America that the socialized medicine bill that we were looking at a day or two ago posed to the cause of life, and of the unique quarter through which God provided relief, the State of Massachusetts. Not something that you would expect politically.

And so today I would like to say thank you to the great leaders in America who have had the perseverance to stay with the pro-life cause year in and year out, when times look good and when they looked bad. And so to you I say thank you and God bless you.

Mr. SMITH of New Jersey. Thank you very much.

And these really are growing numbers of people. The polls certainly reflect it. By over a two-thirds margin the American public have said, in virtually every poll, they don't want abortion in health care, in ObamaCare. They absolutely do not want it in there. It is one of the reasons why ObamaCare is on such thin ice, if you will.

I would want to say to my colleagues something else. There is a reappraisal going on in America. I remember when I got elected in 1980, I would go out to the high schools and schools throughout my district, and whenever the issue of abortion came up, it was very hot and it was very often very antagonistic to my pro-life position. I began to see changes in that in the nineties and after the year 2000. There has been a dramatic shift among our young people in favor of life.

Every one of the young people that you and I, JEAN, and others might see in our schools, one out of every three of those children had been killed by abortions. One out of every three. Next time you are in a classroom count desks, one, two, missing child killed by abortion. And for every child that is killed by abortion there is a wounded mother in great need of reconciliation and embrace and love.

And that is the part of the pro-life movement that I have always found so

absolutely appealing. It is a nonjudgmental movement. It loves even the abortionists who are killing the children so maliciously each and every day. We have embraced so many former abortionists, former clinic workers, like Abby Johnson, who left Planned Parenthood last year, walking out the door when she finally saw an abortion on a screen. She watched it and said, "Never again. I can't be a part of this any more."

Probably the biggest change of heart in the entire pro-life, of the last 40 years, was a man by the name of Dr. Bernard Nathanson. Dr. Nathanson founded NARAL. He, Betty Friedan, and Lawrence Lader founded NARAL, one of the biggest pro-abortion groups. We all hear them in our mail and as they lobby Capitol Hill. He founded it. He was a primary abortionist in New York City, ran the largest abortion clinic in all of New York City. In the 1970s, he wrote in the *New England Journal of Medicine*, "I have come to the agonizing conclusion that I have presided over 60,000 deaths." He quit and then he became a pro-life leader. I have met him many times. He is smart, he is articulate, but he was so terribly misguided, somehow believing he was doing right when he was doing so egregiously wrong.

You know what helped bring him to the pro-life side? He began doing microsurgeries. He began working at St. Luke's Hospital in New York. In one room they would be doing everything humanly possible, taking heroic methods and actions to mitigate disease and disability in unborn children, including blood transfusions. And in the other room they were putting in high concentrated salt solutions and other chemicals, poisons, or dismembering the child piece by piece. And he said it is schizophrenic. That child is either a patient, a human being, or he or she is not. And he came down on the side of life.

Add to that the enormous deleterious damage being done to women, which I said earlier in my comments has been documented over and over. Mental health consequences, consequences to subsequent children that are profound and lifelong. The problem of breast cancer. And believe me, the abortion lobby will continue to say it is not true. They will pull out some two or three studies that suggest that it is not true against the huge evidence that suggests otherwise. And if you want to believe that, then believe what the Tobacco Institute used to say in the sixties and seventies, that there was no linkage of tobacco to lung cancer. They got away with that for decades. The abortion lobby and the industry that makes billions of dollars is getting away with that right now. And we wonder why the sad fact that some of those women who are now marching, some of the survivors, thank God of breast can-

cer, thank God, but some of those have been precipitated and caused by that abortion. And again, that is 28 studies and counting that have clearly posited that as a very significant negative outcome.

But Dr. Nathanson, he should be the model for politicians. If he can get it, if he who was right there, the one who said, who came up with the idea that women were dying from illegal abortions in America at the rate of 5,000 to 10,000 per year. And you know what he told us in his book when he wrote it? He said, "I made it up." Dr. Nathanson made up that figure, and was shocked and surprised how easily and how gullible the media was and politicians to just take that bogus number and regurgitate it over and over again as if it had a foundation in fact.

The real number, according to the Center for Disease Control, in 1972, prior to the legalization of abortion on demand, was under 40 women. Forty too many. But women are dying today from legal abortions. And let's not forget that. Maternal mortality, we want to cut that and help women with difficult and crisis pregnancies here and around the world. But you do it with essential obstetrical services, you do it with good birthing practices, especially in the developing world, where maternal mortality is a problem. You don't do it by killing babies and wounding their mothers.

I would like to yield to my friend, Mrs. SCHMIDT, for any final comments.

□ 1515

Mrs. SCHMIDT. Thank you to my good friend from New Jersey.

One of my family member's favorite movies is "It's a Wonderful Life." It is a story about George Bailey, who thinks he's losing the family bank, played by Jimmy Stewart, and Clarence Oddbody, played by Henry Travers, the angel who points out to him how important his life is. And in the end, he realizes it, and, yes, Clarence gets his wings.

I think about that because I think of the family member and the fact that if his mother had had the opportunity in 1964 to have had an abortion, she may have made the fatal decision not to have had that person. That person is a wonderful human being. He is a father. He is a husband. He has two children. He has a wonderful life.

I yield back.

Mr. BOEHNER. Mr. Speaker, tomorrow—January 22, 2010—marks the 37th anniversary of the *Roe v. Wade* Supreme Court decision, a decision overturning the laws of the various States and setting the stage for the termination of tens of millions of unborn children.

Mr. Speaker, I came to Washington to defend all human life. And in my nearly 20 years serving the House, the Congress and Executive branches have made tremendous progress in protecting the life of the unborn.

We have made certain that federal funds could not be used to pay for elective abortions both domestically and abroad. We passed the Partial Birth Abortion Ban. We gave our schools the choice to offer abstinence education and we limited federal funding for embryo destructive stem cell research.

But within the first 100 days of his administration, President Obama overturned the Mexico City Policy permitting federal funds to international family planning organizations that also perform elective abortions. President Obama also insisted that federal taxpayer funds be directed to UNFPA—the family planning agency at the U.N. that has supported China's one child policy. The President also overhauled the country's embryonic stem cell policy, creating more incentives to destroy human embryos in the name of research.

The current Congress has also taken steps to unravel long-standing pro-life policies. Last December, Democrats eliminated long-standing policy—first established in 1989—that has prohibited the District of Columbia from using its Medicaid funds to provide elective abortions. According to the Guttmacher Institute, the abortion rate of women who are enrolled in Medicaid more than doubles if they live in a state where Medicaid is able to pay for elective abortions.

Over the last year, Democrats have attempted to overhaul the current health care system. Their proposals have included policies that would permit public funding of abortion—through federal subsidies and plans that would be managed by the federal government. More than 65 percent of the American people oppose public funding of abortion.

Mr. Speaker, we need to pause and reconsider the direction the majority and President Obama are headed with regard to protecting human life. All human life has value and it is the role of the branches of the federal government to protect it. I call on my colleagues to put an end to passing destructive legislation and instead fight to defend life.

Mr. QUIGLEY. Mr. Speaker, thirty-seven years ago this week, the Supreme Court issued its opinion in *Roe v. Wade*, making abortion legal in the United States.

The Court's decision recognized a fundamental, constitutional right to privacy that protects a woman's personal decisions from governmental interference.

This landmark decision greatly advanced women's rights, but we must never take those rights for granted.

Because as I speak, there are groups bent on taking away those rights.

Opponents of women's rights are attempting to hijack the healthcare reform bill, and use it as a vehicle to curtail access to reproductive healthcare.

We cannot and will not allow women's reproductive rights to be sacrificed for healthcare reform.

Thirty-seven years ago we took a historic step forward for women's reproductive rights.

Now we are on the brink of another historic step.

But we must ensure that a move forward for healthcare does not result in a step backward for choice—a step backward for *Roe v. Wade*.

Mr. ROE of Tennessee. Mr. Speaker, as an obstetrician and gynecologist, I've delivered

close to 5,000 babies and I strongly support the sanctity of life. Using technology like the 3-D ultrasound has given us windows to the womb that show unborn children as living, breathing, feeling human beings. I have looked through that window with my own eyes. I have seen human development occur from the earliest stages of human development all the way through birth, which strengthens my conviction in the right to life.

Life is a precious miracle from God that begins at conception. It's our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life because it is my conviction that we are all unique creations of a God who knows us and loves us before we are even conceived.

Tomorrow, we will mark one of the most tragic, misguided Supreme Court cases in our nation's history, *Roe versus Wade*. Since 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and restore full legal protections to all who are waiting to be born. If government has any legitimate function at all, it is to protect the most innocent among us.

Congress has prevented taxpayer funded abortions for over 30 years, and the healthcare reform bill has reopened the door to change this effort. As we debate the proposed healthcare legislation, we must fight to prevent it from becoming the largest expansion since the pivotal *Roe versus Wade* decision, and work to ensure that the door to taxpayer funded abortions remains closed.

I am glad to be fighting for the rights of the unborn.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### COMMENDING CBS 60 MINUTES SPECIAL FEATURE, "AMERICAN SAMOA—FOOTBALL ISLAND"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to share with you and our colleagues and to commend the CBS "60 Minutes" program that was aired last week on Sunday, January 17 of this year.

As it was narrated by CBS reporter Scott Pelley, the television program was called, "American Samoa—Football Island." It highlighted the fact that from an island of less than 70,000 people, there are more than 30 players of Samoan ancestry currently playing professional football in the National

Football League and estimated more than 200 playing currently in Division I college football.

Indeed, it is estimated that a boy born to Samoan parents is 56 times more likely to get into the NFL than any other kid in the United States, period. This is an exceptional bit of information considering that the six little high schools that we have there in the program do not have locker rooms, no weight rooms for training, no proper equipment or other needed facilities and resources. This is also considering that most of these athletes do not start playing organized football until they're in high school.

For the first time this year, we have organized a Pop Warner football program. What is interesting about this, Mr. Speaker, is that a good number of these young Pop Warner players would be disqualified if they were playing in the U.S. for the simple reason that they were too big. I know this is true in the State of Hawaii where, in the Pop Warner program, many of these young Samoan football players had to organize their own "Big Boys" football program because they would be disqualified to play Pop Warner. I know this is true in the little town of Hauula in Laie in the State of Hawaii.

Now, I don't want to give the impression to my colleagues that Samoans are a lot of muscle and brawn but no brains; no, this is not true. I know from my own given experience when I played high school football in my alma mater, Kahuku High School in Hawaii, it was like a tradition that all Samoans would play the line, the quarterback would be the Japanese, the Filipinos would be the halfbacks, but the fullback would be a Samoan. Now all that has changed, we also play quarterback these days.

In American Samoa, there were no youth or development programs until this year when they started the American Youth Football Samoa program, but still coaches and recruiters crowd our little territory for raw talent. Mr. Speaker, it was important for the whole world to see some of the challenges that the kids of American Samoa have to go through to make it to the collegiate level so that they can afford an education and for most to play in the highest level of professional football.

The fact that a Samoan boy is 56 times more likely to get into the NFL is most interesting and can be attributed not only to the size of the people but to the values of the Samoan culture. From respect to discipline and making sure that there is respect in the process, one can appreciate that the young men and women of Samoan descent hold true these values of humility. I know that these athletes with these values would be welcomed by any coach in any sport.

I want to take this opportunity to recognize the Polynesian players who

were fortunate enough to make it into this year's NFL Conference Championships and will be playing in New Orleans this weekend. They are Aaron Francisco of the Indianapolis Colts; Fili Moala, the Indianapolis Colts; Ropati Pitoitua, the New York Jets; Sione Pouha of the New York Jets; Naufahu Tahi of the Minnesota Vikings. I want to personally congratulate them and their families for their success.

Also, I want to offer special recognition for our first Samoan Polynesian of Tongan ancestry, Mr. Haloti Ngata of the Baltimore Ravens, who is not only headed to his first Pro Bowl in Florida after the Super Bowl, but today is also his 26th birthday. Haloti Ngata is in his fourth year in the NFL, was drafted by the Ravens in the first round of the 2006 NFL draft, and is a graduate of the University of Oregon. At 6 feet, 5 inches and almost 350 pounds, Haloti finished the year with more than 30 tackles, two sacks, and a forced fumble.

The success of this new generation of football players, Mr. Speaker, is a result of the pathway paved by pioneers like Samoan football player Al Lolotai, who played for the Washington Redskins in 1945, Charlie Ane of the Detroit Lions, Jack "The Throwin' Samoan" Thompson, Manu and his son Marques Tuiaosopo, Dan Saleaumua, Wilson Faumuina, Frank and his son Brandon Manumaleuna, Jesse Sapolu, Junior Seau, Troy Polamalu, Lofa Tatupu, Domata Peko, Rey Mauuluga, Jonathan Fanene, Joe Salave'a, Pita Elisara, Esera Tualo, Falaniko and his brother Al Noga, Junior Ah You, and many others.

I am often asked why Samoan men have so much success on the football field. Well, there are many factors. I am reminded of the late Coach Vince Lombardi of the Green Bay Packers when he said that "Football is like life. It requires perseverance, self-denial, hard work, sacrifice, dedication, and respect for authority." This is very much part of the heart and soul of the Samoan culture which centers on the importance of families sharing each other's needs and respect for others.

#### HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, since the earthquake hit Haiti on January 12, we have all watched with sadness as the death toll rose, prayed for those affected, and rejoiced when survivors were found. It is an event that has directly touched the lives of people around the world, including many at home in Kansas.

I have heard some incredibly touching stories about Kansans affected by

the earthquake. Many were in Haiti already serving the people of Haiti and caring for people who are less fortunate than they are.

Thirty-one-year-old Ann Varghese, a graduate of Southeast High School in Wichita and the University of Kansas, was trapped under the rubble of a hotel for 55 hours. In a tiny dark space just 3 feet high and 5 feet long, Ann spent over 2 days with five other people without water and sharing only gum and a lone Tootsie Pop. Though nothing short of a miracle, Ann made it out alive, but sadly for two of her colleagues who were trapped, they did not.

Kim Bentrrott of Belleville, Kansas, and her husband, Patrick, remain in Haiti. They made it out of their third-floor apartment just before the building collapsed. Employed through Global Ministries, they have lost their headquarters, school, offices, and medical clinic, but must stay to complete the process of adopting a son, Solomon. Now 14 months old, Kim and Patrick rescued Solomon from a Haitian orphanage as a newborn, and their dedication to providing a loving family for Solomon is an inspiration.

Six residents of the Dodge City, Kansas, area, including John Maples and Greg Love of Montezuma, Terry and Martha Major and Doug McGraw of Pierceville, and Clayton Stolzhus of Meade, all survived the catastrophic earthquake. Unfortunately, this team from Independent Christian Alliance Ministries is still awaiting word when a possible return to the United States can be accomplished.

On a brighter note, Naomi Streck, a Norton native and Wichita State graduate, is part of a 21-member team from Center for Children International Lifeline that escaped unhurt and has returned to Kansas.

Then there is Scott and Wanda Miller of Hesston, who are now safely home with their newly adopted Haitian son, 16-year-old Junior Oranvil Miller.

Many others, such as Jake and Amy Glover of Hays, Kansas, are among the families currently in the process of adopting children and awaiting news from Haiti. Even today, we put pressure on the Department of State to see that this adoption is completed and that their child can be returned to them in the United States.

I am proud to recognize these great individuals and many other Kansans who have devoted their lives to the betterment of Haiti through many years before the crisis and will do so into the future. It gives me hope to see so many Americans and people around the world putting aside cultural, racial, and political differences to band together in our effort to rebuild the damaged nation.

All who have donated money and supplies, served on search and rescue teams and have prayed for those affected deserve our gratitude. Today it

was announced that the Kansas National Guard will be sending soldiers to Haiti from their current assignment at Guantanamo Bay. We express our appreciation, and we express our support and concern for them and their families.

As for those of us in Congress, we are committed to doing everything in our power to ensure a swift and safe conclusion to this crisis. The people of Haiti and those affected by this tragedy are in my thoughts and our family's prayers.

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Mr. Speaker, I am going to be joined during the course of this hour by Representative THAD MCCOTTER of Michigan and perhaps others who may chime in during the course of the hour.

Mr. Speaker, the big news on Capitol Hill this week and the big news around the country was the Senate race in Massachusetts where, for the first time since the 1970s, a Republican, Senator-elect BROWN, has been elected in the State of Massachusetts. You know, there are a lot of maps around this place, blue States, red States, and Massachusetts is one of those States that they really should come up with their own color of blue. I mean, it is the deepest of blue States.

And so it was certainly a surprising event, and a lot of pundits and a lot of people are scratching their head and saying, Well, what caused this? Is it voter anger? Are they mad at Republicans? Are they mad at Democrats? Are they mad at everybody? Or how about this health care discussion? And some of the exit polling that went on up in Massachusetts indicated that, yeah, people were concerned. People were concerned about the way that both the House and the Senate health care bill were being fashioned, the process that was being used, and then some of the provisions that were in it as well.

And so I thought during the course of this hour we would spend some time talking about at least what in my opinion are some of the difficulties with the way things are going with the health care discussion, and as well as Mr. MCCOTTER's observations as well.

Before coming to the Congress, I was a prosecuting attorney and I tried cases in front of juries, and I always learned that people pay attention a little bit more and they learn a little bit better, Mr. Speaker, with their eyes than they do with their ears. So I brought with me a visual aid to help us during the course of this discussion.

With apologies to Hasbro, when I was a young person growing up, one of our

favorite things to do, if the size D battery was working, was to play the game of Operation. We have modified the Hasbro game a little bit so we can talk about, from head to toe, some of the difficulties with—again, in my opinion and Mr. MCCOTTER's opinion and apparently a good number of the American people's opinion—what's the matter with this discussion.

□ 1530

I want to start with the head up there in the Operation game. It's called a "brain freeze." I've politely taken out "brain freeze." Instead, we've put in "CMS administrator." CMS is basically the organization that runs the Medicare program in the United States of America. It has a budget of about \$700 billion a year. It's bigger than the Pentagon, and it will be tasked over the next little bit with implementing the rules and procedures of this health care legislation, either bill or some modification of the bill, and putting this thing into place.

So you would think, if you're a supporter of this health care reform that is barreling through the Congress, well, I hope we've got a topnotch guy or gal in charge at CMS.

Sadly, the reason that there is a question mark up there is that there is no administrator at CMS. As a matter of fact, the last time there was a confirmed administrator at the Medicare oversight administration was in 2006, October 2006. Of course, people who watch the calendar know that that wasn't all on President Obama's watch. It was in the last couple of years of President George W. Bush's administration. He nominated a fellow by the name of Kerry Weems, who was acting administrator, but the Democrat-controlled Senate refused to confirm Mr. Weems.

The interesting thing about it as you know—because people get accused of playing politics all the time. So you say, What was Mr. Weems? Was Mr. Weems like Rush Limbaugh? Was he like Glenn Beck? Was he some dyed-in-the-wool partisan? Actually, Mr. Weems—and this was written about him by one of the analysts: The nomination of Mr. Weems will be a departure from tradition. Historically, CMS administrators have either been academics or lobbyists. The academics often lack leadership and executive skills. The lobbyists often come across as too Machiavellian.

Since CMS was formed in 1978—it used to be called HCFA—there have been 30 administrators. Mr. Weems would have been the first administrator, if the Senate had chosen to confirm him in 2006, who actually was a career person who had worked his way up within the CMS structure. He was not a political hack; he wasn't a political appointee, but for reasons known only to them, the Democratic majority

in the Senate didn't want to confirm him.

Now fast-forward to a year ago almost exactly, and President Obama is inaugurated. You would think that, if one of the big national priorities that we're going to talk about is health care, one of the first nominations or maybe the second nomination would be to get somebody in charge of this program so that when this rather large restructuring of one-sixth of the Nation's economy is passed that we're going to have our best talent on the ground, whether you agree with it or not. We are now 1 year and 1 day into the Obama administration, and we have yet to have a nominee put forward for that position. Certainly, we have not had anyone confirmed for that position.

Mr. MCCOTTER.

Mr. MCCOTTER. Would the gentleman yield for a question?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. Obviously, the President has had a very eventful first year since his inauguration.

Would it not be fair to say that the rush of events and the focus on getting things done has precluded this position from being filled?

Mr. LATOURETTE. Well, I think there is some of that, but it's interesting that you should bring that up.

Just yesterday—and this isn't unique to the Obama administration. Every administration has a lot of jobs to fill. Just yesterday, the President of the United States sent up 40 nominations to the Senate to consider for confirmation under the Constitution so that they could begin to serve. There were some judges; there were some U.S. attorneys; there were some United States marshals. Interestingly enough, I found that he even had time to name two people to fill vacancies on the Marine Mammal Commission, but not one of those 40 is the new director of CMS.

Quite frankly—and we're not going to talk about national security today—you know, his nominee for the TSA, who are the folks who frisk you at the airport, just withdrew. We don't have any nominee in the pipeline for that either.

Mr. MCCOTTER. Will the gentleman yield again?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. I just want to be clear that, despite the fact that there has been no name forwarded—let alone confirmed—for the position at CMS, we do have two appointees of the Marine Mammal Commission.

Mr. LATOURETTE. We do.

Mr. MCCOTTER. In fairness, as a Detroit, it sounds like a Matt Millen draft.

I yield back.

Mr. LATOURETTE. I thank the gentleman very much.

So, if you begin at the head, clearly we have a problem in that we don't

have anybody in charge should this health care legislation pass and become law.

We next go down to the Adam's Apple. I left the Adam's apple on the chart because the way this thing has gone—and it really epitomizes the entire last year. We were told we had to have an \$800 billion stimulus bill by President's Day. Nobody knows why. It's not because we're going to spend it on Presidential stuff, but we needed to have the stimulus bill, so we got it done. Now, people were embarrassed. It was 1,200-pages long. It was finally written in its final form at midnight on Thursday, and then we voted on it on Friday. I didn't read the 1,200 pages between midnight and about 11 o'clock in the morning when we voted on it, and I don't think a lot of people did. But when you legislate like that—people woke up, and they found out that that legislation specifically authorized Wall Street bonuses to a company called AIG that the President is now complaining about. He says this executive compensation has to stop.

Well, because we had to get the stimulus bill done by President's Day, nobody really read that, and as a result, anybody who voted for that—and the President signed it—authorized these tremendously large bonuses that they're now complaining about.

You then fast-forward, and we were told that we needed to have cap-and-trade legislation, the national carbon tax, in place by the Fourth of July weekend. Again, I don't know why. The Senate has still not acted on that legislation, and that legislation wasn't completed by midnight. Again, we voted on it on a Friday. The last 300 pages of that were not submitted to the Rules Committee, which meets upstairs in this building, until 3 o'clock in the morning on Friday, and we still then voted on it later in the day on Friday.

Just like the AIG bonuses, the Wall Street bonuses that the majority party sanctioned and voted for in those 300 pages, when you legislate like that, funny things happen. In that particular bill, people found out that things were regulated that they didn't know. If you have a water cooler in your home or in your office, it's regulated in these 300 pages. If you have a hot tub or a spa, it's regulated in this cap-and-trade legislation. Probably the most shocking to my constituents was the Christmas lights. If you have Christmas lights, they are regulated under this cap-and-trade legislation, which, thankfully, isn't going anywhere.

You know, I always tell my folks in Ohio not to worry. Christmas lights are only regulated if your display is 48 inches or above. So, if you are a fan of a short Christmas tree, you're okay. The government is not going to regulate your Christmas lights. If you get that wreath for the door, make sure

you get the small one. Don't get the big one.

Well, again, there are people in this Chamber who think we should regulate hot tubs, spas, water coolers, and Christmas lights—I don't happen to be one of them—but again, the American public certainly and at least their representatives here in the Congress should have a chance to read what it is we're passing.

That then brings us to this health care legislation.

I yield to the gentleman.

Mr. MCCOTTER. Yes.

To the Chair, the gentleman from Ohio referenced a stimulus bill, which, as we all know, did, in fact, protect AIG bonuses, and was signed into law.

What is also in the stimulus bill is a provision to set up the comparative effectiveness research advisory board—the positions of which have been filled, by the way.

Now, the point of the comparative effectiveness ideology is to have government determine through this board what is most cost-effective in terms of your health care treatment by a concept known as “life years.” Is the cost worth it to add X number of years to your life or to improve the quality? Many of us consider that inherently inhumane and not the proper function of a limited government. Yet that was approved in the stimulus bill.

So, like the health care bill which has followed it and that the public is having, as you say, shoved down its throat, I think that, as America continues to find out about the comparative effectiveness research council, they are going to find that equally hard to swallow.

I yield back.

Mr. LATOURETTE. I thank the gentleman for his throaty humor.

I would just say, you know, the setting up of that panel led to some of this discussion. People are talking about death panels and so forth and so on. I was never a big subscriber to that rhetoric, but it was strange that, shortly after that, the Department of Health and Human Services appointed a blue ribbon panel, which is what we do around here when we can't figure out what to do, and they came out with a recommendation that women under 45 didn't need to have mammograms as often as had been recommended in the past. Now, some would argue that one way that you could control health care costs is by rationing care or by not providing mammograms, for instance, even though mammograms have proven to really enhance the early detection of cancer and save lives in this country.

So it's that kind of stuff that gives fuel to these theories that there are death panels and all this other business; but if they wouldn't do this stuff, you wouldn't have some of these theories getting legs, if you will.

We went down to the wishbone because, you know, the President is going



to come to this Chamber next week and give his first State of the Union Address, but it actually will be his third speech to a joint session of Congress. The last one was on the matter of health care. I remember that I actually applauded the President because he indicated that—and you know, again, there's a lot of misinformation out there about this health care proposal—if you have health care and if you like your health care, you get to keep it.

Well, the wishbone is we have about 8 million people in this country who wish they could keep their health care under either the House or the Senate proposal. Sadly, one group that cannot is the group of people on Medicare Advantage. I don't know how many folks in the gentleman's district are on Medicare Advantage. I have about 14,000 people. The satisfaction rating is high, but there will be no more Medicare Advantage. So, you know, it's hard to figure out how that statement "if you like it, you get to keep it" fits with the fact that, well, you get to keep it, but there isn't going to be any more of it.

On top of that, health savings accounts will also be eliminated. We've got a lot of people in this country who, in order to sort of take care of their own and to be good consumers of health care, set up health savings accounts as a result of legislation we passed here in 2005, Medicare part D. No more health savings accounts. No more flexible spending accounts.

So the rhetoric—I mean, I think, as a principle, if you like what you've got, you should be able to keep it. Don't mess with me. Let's fix what needs to be fixed, but that's not true, sadly, and that's where the wishbone comes in.

I next want to get to the funny bone because this is one of my favorites. Again, during that speech and during other presentations that the President has made during the course of this discussion, he has—and I think correctly—indicated that the drafting of this legislation should not be done behind closed doors. It should not be done in private. It should not be done by a small group of people. It should be done, you know, certainly with the participation of the 435 Members of Congress and with the 100 Senators and others. I think he even suggested and others suggested that it should be on C-SPAN. So this is funny:

It's not on C-SPAN. Funny. Not only isn't it on C-SPAN, until this thing got derailed by the Massachusetts Senate election, this set of decisions was being made by—I know that our team here in the House was five people. Most of them were from California, strangely enough, and there wasn't a Republican in the bunch. I don't know who the Senate team was, but they met in private, behind closed doors. There were no C-SPAN cameras, and there was certainly no public knowledge of what

was going on in those negotiations. So the funny bone is funny. It's not on C-SPAN.

I yield to the gentleman.

Mr. McCOTTER. I thank the gentleman for yielding.

It's certainly not funny, humorous, when we understand that, recently, we've just heard that the election of Senator BROWN from Massachusetts was due to, in many ways, according to the administration, the public's lack of having adequate information about what was in the bill.

We have heard that this administration and this Congress have been too busy acting to do enough talking so that we can do enough understanding as the American people. It would seem to me that, if one wants to make the argument that the American people haven't had sufficient information regarding what's in the bill and why it's in their best interest, the last place you would wish to hold your meetings regarding that bill would be behind closed doors, out of public sight.

It strikes me that—to use a medical term, actually, a criminal term—do not blame the victim. Do not claim the American people do not understand what's in this bill or that they have not had adequate information when it is you who are, in fact, keeping that information from them, especially because you realize that, when the American people have seen what's in this bill and what you intend to do to have government run their health care and to make some of their most intimate life decisions for them, they've rejected it.

I yield back to the gentleman.

Mr. LATOURETTE. I thank the gentleman.

The gentleman may remember—and I didn't have this experience—that, during the month of August, there were a lot of town hall meetings on YouTube where people were standing up. Basically, they had done some research online, and they had looked at—I think the bill was called H.R. 3200 at that time, or maybe it was 3400. They'd actually read it. I did 18 town hall meetings during that time, and I didn't have any angry mobs or anything like that. What I did have, on more than one occasion, are some senior citizens in the front row with a computer printout. They asked, Well, why is this provision on page 196 in the bill? Why are you doing this?

□ 1545

The greatest concern and what people get, and it is both the House and the Senate bill: when the President was here he said, We agree on 80 percent of this stuff. We do. In America, if you have a preexisting condition, you should have insurance, and you should have the opportunity to be insured. I think if you can't get insurance, we need to find a way to get you covered.

I think that you shouldn't have to stay in a bad job just because you are afraid of losing your health care. So the President was right, 80 percent of that.

But if that is the case, why then, to take care of these identifiable problems that people say, yeah, that is not fair, we should fix that—why then do you have to do the other monkeying around? And the other monkeying around truly, as far as the seniors are concerned, both bills take about \$500 billion out of Medicare. Now, why do you have to short the people that are receiving Medicare by \$500 billion to take care of these other problems? And people understand that, and that came through loud and clear during the month of August.

I yield to the gentleman.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I will point out also, just to continue your point, when you take this \$500 billion out, what is going to happen in 2011 is the first wave of our baby boomers hit at 3 million to 3.5 million people per year. Which means in the next 10 years when you take half a trillion dollars out, you are going to add 30 million to 35 million people. Three things happen when that occurs.

Number one, you decrease access. Seniors get it. Number two, if you can't get in to see your doctor, the quality of your care goes down. And, number three, to get the care you need, you are going to have to pay more money. You are going to have to pay a higher supplemental to get in.

So those three things are absolutely guaranteed. Our seniors understand it very well.

Back to the point that you were making a moment ago and I think is very important for comparative effectiveness research: I practiced medicine for over 30 years, and there is nothing wrong with finding out what the best treatment for something is. We do that and we do research on that.

The problem comes when you make the next move and say: okay, this person is 80 years old. Their life expectancy is three, four years. Am I going to do an expensive knee replacement? People will say that won't happen. It is already happening.

In England right now, they have an acronym called NICE, which is really an ugly word for that. I have a good friend, a physician in my hometown, whose sister-in-law is English. She was recently treated for chronic lymphocytic anemia and her treatment in England was a blood transfusion. People in this country don't die of that disease. Whatever your age is, you are offered treatment and you are treated.

So this is being used already around in England. Many medications are not allowed because it "costs too much." You will get to take the red pill or the blue pill, and it may not be the best pill.



So what you said is absolutely true. If people don't think it will happen in this country, it will. And I could not agree more. I agree with the President. I think the President would have served himself and the country well to sit down with both sides and find the common denominator on the 80 percent of the things that we agree on and then fix them. It is not that hard to do.

An example I will give you: the Senate bill is going to cover 30 million people, I think, at a cost of \$1 trillion. You can do two things, one of which is in this bill which I like. Two things:

One is if your adult-age children graduate from high school or college and don't have insurance, which three of mine didn't when they got their first job, you simply allow them to stay on their parents' health care plan. You can cover 7 million young people by doing that.

Number two, we already have a State Children's Health Insurance Plan and Medicaid. It is already out there, and so that doesn't require another bureaucracy. If you sign the people up who currently are eligible, you will cover another 10 million to 12 million people.

You get to almost two-thirds of what the Senate bill wants to do in one page, not 2,500 pages of incomprehensible gibberish. So I would suggest that we do that now.

We have a great opportunity to get this right. As I have said as a physician for years, first of all, patients and their families and their doctors ought to be making the health care decisions, not insurance companies, not the government. And after looking at this bill—and I have read, as probably you have, this entire 2,032-page bill. And some of it is almost incomprehensible. It takes two or three other manuals, the HHS manual and the IRS manual and so on, to even read it to fully understand what you are getting.

So we need to go back and do something that is simple and fixable so that the American people can understand and a doctor can understand. My physician friends are asking me, Phil, what does all this stuff mean? That is basically what we are dealing with. If the doctors don't understand it, I doubt if the general public does.

Mr. LATOURETTE. I thank the gentleman for his observations and hope he can stay with us for the rest of the hour.

I was just reminded, Mr. McCOTTER and I are both lawyers; the gentleman is a doctor. Back home, when people say, I practiced law for 30 years, they say, When are you going to stop practicing and really do it? But it is another subject.

All right. I want to move down a little lower on our buddy here, and we have pork ribs. In the original game, it is just ribs. I call them pork ribs because, interestingly enough, in the

Senate bill—I am going to talk about the Senate bill for a minute—they have trouble. Go figure, they have trouble even though they had 60 Members, now soon only 59. But 60 Members who were members of the Democratic Party, which is filibuster-proof and everything else, but they were having trouble getting it across the finish line. So there were some pretty highly publicized slabs of pork that were and are in the Senate bill.

The reason it is relevant is that after the Massachusetts Senate race, there was some discussion—and I see today that the Speaker has rejected it—but there was some discussion that, because they have lost their supermajority in the United States Senate, that they just bring the Senate bill over here for an up-or-down vote in the House of Representatives. So it becomes relevant what is in the Senate bill, as well as what is in the House bill.

There was a column in the Washington Post. Now, I have been here for 15 years. The Washington Post is not a real right-wing, right-leaning newspaper. And it was a column written by a guy named Dana Milbank. Aside from reading his column every once in a while, I see him on that show with Keith Olbermann, "The Countdown." He doesn't strike me as a Rush Limbaugh, Glenn Beck type, either. But he was apparently moved to put pen to paper, and he talked about the slabs of pork in the bill.

And you can begin with the Louisiana Purchase. Apparently, in order to get the Senator from Louisiana, Senator LANDRIEU, on board, she received \$100 million in 2011 in extra Medicaid money for Louisiana.

Now, why is that important? Because, as both gentlemen have correctly pointed out, the centerpiece of this bill—how do you take, whatever the number is. Some people say it is \$47 million, some say it is \$30 million, some people say it is \$15 million. How do you cover more people without it costing money? Everybody gets that. And so clearly, when you say that some of that is going to be taken up by the Medicaid systems within the States, it is going to cost those Medicaid systems more money.

So Senator LANDRIEU said, Well, in order to get my vote, okay, it can cost more money in Tennessee or Michigan or Ohio in Medicare expenses, and you all can pay more taxes, but not the folks down at the Mardi Gras. We are not going to pay that.

Probably the most famous one, Mr. Milbank wrote about it; I call it the Corn Husker Kickback. Senator BEN NELSON was much publicized, and Senator NELSON got an additional \$100 million in Medicaid money, and he then became the 60th vote that was necessary to clear the Senate.

You have got Gatorade. There is another Senator down in Florida, and he

got an exemption. I talked before about, I wish I could keep my health care. Well, there are a lot of seniors in Florida, and about 800,000 of them are in Medicare Advantage, which is eliminated under both bills. In order to get Senator BILL NELSON's vote down in Florida, he got to keep all of his Medicare Advantage people in Medicare Advantage. But in our States, if this were to become law, they are out.

I want to go to Montana. The head of the Finance Committee over in the Senate, Senator MAX BAUCUS, of course is from Montana. He secured Medicare coverage for anybody that has been exposed to asbestos. Now, I think that is okay with me; but you have got to read the fine print in all of this business. And it only applies to people who were exposed to asbestos who worked in a mine in Libby, Montana. So again, Ohio, Tennessee, all the other 49 States, if you were exposed to asbestos, you are not covered; but if you are from Montana, you are.

I yield to Mr. McCOTTER.

Mr. McCOTTER. I thank the gentleman. This segues into another point on the chart, the sweetheart deals that were made with big pharmaceutical industries and others to try to get this bill passed. But the converse is the heartless deals that were also made to get this bill passed.

The gentleman has talked about the disparate treatment amongst the States, which helps to explain why the bill is being handled behind closed doors so the public cannot see what Mr. Milbank, thankfully, is able to write under the Constitution.

One of the two heartless deals is the taxpayer funding of abortion which is in the Senate bill. And at this point, I would like to thank our Democratic colleague BART STUPAK for his efforts here to ensure that the House bill carried his provision to prevent the taxpayer funding of abortion. It was a rare moment of bipartisanship and a very difficult issue. He has been a man of strong courage and conviction and held his ground, and hopefully we could still see that provision remain if something is passed.

We have also seen the heartless deal of, as has been mentioned, cutting a half trillion dollars from Medicare. That doesn't sound like a very good deal for the senior citizens.

And in the end, there is also a hidden deal that the American people don't, I think, quite realize the extent to which it is going to hurt them. The deal is this: within these bills is the concept, the quality and continuation of your life and the health care you require to perpetuate it and improve it is tied to the cost to the government.

I want to be clear on this. We discuss this in our Republican House policy pamphlet, "We, the People," which you can see on line at [RepublicanHouse.com](http://RepublicanHouse.com).

The fundamental tenets of the health care bill before us set forward a heartless deal whereby your life and health care will be determinate upon its cost to the government. And that is because the underlying theory is that government can control health care costs by controlling the supply of health care and your decisions. It is absolutely backwards.

A better deal for the American people would be to realize you have an inherent sanctity and dignity and liberty that allows you to pursue your health and wellness and happiness, absent its cost to the government, as long as you don't hurt other people; and to make sure that we go towards a patient-centered wellness that empowers individuals as consumers of health care to be able to make their own decisions, and allow the free market that is born of that to increase the supply of health care to reduce costs. A far better deal for the American people from their servant government.

I yield back.

Mr. LATOURETTE. I thank the gentleman for that observation. And just cueing up on the doctor's comment earlier about NICE and Great Britain, there are a lot of stories. You hear stories of people in Great Britain love their coverage, some people hate their coverage.

One of the stories that I have seen is there is a condition that you probably know, macular degeneration, where the back of the eye degenerates and eventually can lead to blindness. It is tied in many cases to people who are diabetic. There are a number of drugs that can help slow or even move towards a cure for macular degeneration.

The NICE program, the NICE board which we are now modeling this board that Mr. MCCOTTER talked about in the United States, apparently will not approve the best drug, the drug that has the greatest results. And I get that. I mean, there is a big fight between the boutique drugs and generic. But they will only cover one eye. They won't cover both eyes. So it sets up sort of this strange situation.

I haven't been to England lately; but if you go, it is sort of everybody is going to have an eye patch. It is going to be okay on International Pirate Day, but it is probably not going to work out the rest of the year. But those are the choices that you wind up getting in.

Mr. ROE of Tennessee. I will just continue with that thought for a moment. When I began my practice—and, yes, we practiced like it takes us a while to get it all right, and I am still working on it after 30 years trying to get it right—but when I began my practice in medicine, the survival rate of breast cancer in this Nation was about 50 percent for 5 years. If a patient came to me and said, Dr. ROE, I have breast cancer. What are my chances of living? About 50 percent had 5 years.

Fast forward to now. We get a stage I breast cancer now, which we are finding almost all of them at early detection because of early mammograms; it is over 95 percent. It is one of the great stories. You can tell a patient, no matter how ill you get, no matter how sick you are, you are going to make it. You are going to be fine.

In England what they did was they were doing mammograms, and they discovered and there will be a false positive where the test says you have something and you don't. Well, let me tell you, one of the best days you will ever have is calling a patient up and tell them, You don't have cancer. I have never had a problem with that. But what they found out was that the biopsies, it is a fairly sophisticated biopsy. It requires a radiologist and an X-ray and so forth. That was costing more than providing the mammograms. So what they have done is now they don't do routine screening mammograms. They just wait until you get a cancer, until you can feel a lump, and then biopsy it.

The highest survival rate I have been able to find in English literature is 78 percent. I can promise you, if you follow that pathway, it is going to go right back down to 50 because you will find them too late after the disease has already spread.

So this stuff is occurring. This is not fairytale stuff. It is occurring right now.

□ 1600

I will give—and back to your first point a moment ago, I will give Senator NELSON from Nebraska kudos. I have to say, because in our State, in Tennessee, we have a budget shortfall. As a matter of fact, we can't even fund—we have no capital projects at the university this year. We're not building a library, a dormitory, nothing. We have 50 less highway patrolmen than we had 30 years ago and we've got 2 million more people. That's how dire our budget is.

So what happens with this new bill we're talking about, adding Medicaid, is that you're going to add almost a billion dollars to Tennessee's budget that we don't have, and it's a tax on States. In other words, what you're doing when you add all these people, as you pointed out, is somebody's got to pay for it. And there's a State match. Senator NELSON understood that and he just exempted his State from that match.

So that's why it's important for the viewers to understand that you at home will get not only a tax, an individual mandate tax, you're also going to get a tax. And what the government has done is an unfunded mandate. We see that all the time around here, where bills are passed and local municipalities or States are left to pay the bills. So I think it's important that the folks understand that.

I yield back.

Mr. LATOURETTE. Before yielding to the gentleman from Michigan, I just want to finish the pork rib so we can move on to sweetheart deals and the rest of our patient here. We may have to come back and do this again to get through all of the time.

But the last pork rib I want to talk about is two Democratic Senators from the State of North Dakota, Senators DORGAN and CONRAD. They, through their skill, were able to get a provision bringing higher Medicare patients to hospitals and doctors in frontier counties. Now, they weren't as blatant as some of the other ones that say it's coming to Florida, it's coming to Nebraska, but frontier counties.

I guess I'd yield to the gentleman from Michigan for his thoughts. First, I want to just ask him to answer, Do you have any frontier counties in Michigan, because we don't in Ohio.

Mr. MCCOTTER. If we did, they're not in my district.

Mr. LATOURETTE. Does the gentleman have an observation he'd like to make?

I'd yield to him.

Mr. MCCOTTER. I thank the gentleman for yielding.

On the point about the sweetheart deals and the disparate treatment amongst the States, we have to remember that in the haste to pass this bill and in the haste of the backroom dealing and the haste of trying to "incentivize" their own Democratic colleagues' votes in the Senate, you have to remember that the rule of law applies equally to all individuals. As a free Republic composed of 50 sovereign States, it is critical that all States be treated equally under the law, under the Constitution. In their haste to pass this bill, they are endangering one of the fundamental foundations of a constitutionally based free Republic. That is a very grave mistake to make, no matter how much you attempt to reform anything, especially when dealing with the body politic.

I yield back.

Mr. LATOURETTE. It's interesting the gentleman should make that point. Senator REID of Nevada, of course, is the majority leader on the other side of the Capitol in the Senate, and he was asked about these special deals. The gentleman's correct; it takes a bill that I think is flawed and now makes it not fair. It's not fair to Ohio, Tennessee, Michigan, and other States that we're going to pay higher taxes to take in the people that can't get insurance into our Medicaid program, and the people in Louisiana and Nebraska and Florida aren't going to have to do that. But Senator REID was asked about that and his quote was: There are 100 Senators here, and I don't know that there's a Senator that doesn't have something in this bill that isn't important to them.

I think I agree with that. If they don't have, then it doesn't speak well of them.

Now, I've got to tell you, our Senators back in Ohio, nobody likes this stuff. But I've been in places where they asked, How come you didn't get? BEN NELSON got. This guy got. Why didn't you get anything? So the gentleman is absolutely right. It's a flawed bill, but now in the Senate it's been made worse because now it's not fair because people in Nebraska and Iowa and North Dakota and Florida and Louisiana are going to be treated better than the constituents in our State. That's not fair. That's not fair.

I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

The point was made twice that the American people are the fairest people on this Earth, and we live in a place where we have fought a Revolutionary War, established a Constitution that stated that everyone had that right—has a right to be treated equally and under the U.S. Constitution. This does not do that. It absolutely voids those rights for people in certain States and gives more rights to people in other States.

I can tell you, the American people will do a lot of hard things if you're honest with them and you're fair and they feel like the people in California and the people in Ohio and Tennessee and Michigan and Nebraska are all being treated the same. I might add that the people in Nebraska feel the same way. I have seen them and I've seen the people in Florida speak and I've seen the people in other States who got these sweetheart deals. And Louisiana, they're not happy about that either. They're fair people. I want to point that out. It's not the people of those States. They're very fair people.

I yield back.

Mr. LATOURETTE. Well, thank you. The gentleman makes a great point, because you would think that the Governor of Nebraska, who doesn't have to go find \$100 million to put into the Medicaid program and a budget that's strapped, would be doing cartwheels over this deal. He was quoted just like Senator REID was, and he said, Nebraskans did not ask for a special deal, only a fair deal. Under no circumstances did I have anything to do with the compromise. I, along with Governors all across America, have expressed concern about the unfunded Medicaid mandate. I have said all along that this bill is bad news for Nebraska and bad news for America. Additionally, I've criticized Senator REID when he got a special deal for Nevada that didn't apply uniformly to all States. Our Senator negotiated this deal rather than a fair deal for both Nebraska and America.

Again, if you're the chief executive of Nebraska, you think you'd be happy

about this because part of your budget problems have just gone away as a result of this deal. But they recognize the gentleman's point exactly. As Americans, they want everybody to be treated fairly, even if it's at the cost of they could have gotten something extra.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. LATOURETTE. Sure. Happy to.

Mr. ROE of Tennessee. We have a Democratic Governor in the State of Tennessee, and he and the legislature are right now in session beginning on this very difficult process of balancing the budget. Our Governor in the State of Tennessee said this was the mother of all unfunded mandates. He wants no part of it. He feels like it's bad, just as the Governor of Nebraska and other Governors are realizing; that it's just another huge government entitlement that's going to cost the States and local taxpayers.

Like I said a minute ago, what are we supposed to do? Do away with our highway patrol if the Federal Government passes this? Are we supposed to not do anything for education in the State of Tennessee? I don't know what the Federal Government expects us to do, but I guess they expect us not to build colleges, not to add to our schools. I don't know. Right now, the legislature is working very hard not to cut money from education.

We hear and I've heard all the time about how our side, the Republican side, doesn't have any ideas about health care. Well, it would have been nice to share that with somebody. We have 10 physicians in our caucus on the Republican side. Not one of us was asked about this 2,000-page health care bill. I found that astonishing when I've spent my career in health care and not one person asked my opinion about what I thought of this bill. I found that amazing to me. And so when I go home and tell people in Tennessee—as a matter of fact, all over the State of Tennessee—when I go, they can't believe it. It is sort of hard to believe.

I yield back.

Mr. LATOURETTE. I thank the gentleman.

Perhaps it's still because you're still practicing after 30 years they didn't feel that they wanted to solicit your opinion. I would say that I actually introduced a bill, and it wasn't 2,500 pages long. It was 85 pages long. It was written by the American Academy of Physicians. I didn't write it because I'm not smart enough to figure that out. They wrote it. It didn't cost what this cost. It covered everybody, took care of preexisting conditions. Around here, when you want an amendment to a bill, you've got to take 50 copies up to the Rules Committee, and so I got a mule and took 50 copies of this 85-page bill up to the Rules Committee. They didn't even think about it.

Now, what's the danger? Here, back to process, you talk about process and people's eyes sort of glaze over. But the stark reality is on this side of the aisle there are only 178 Republicans. Over here there are 257 Democrats, and the magic number here is 218. You get the simple majority, you're able to pass legislation, unlike in the Senate. So what are they afraid of? If they had made in order for 5 minutes the opportunity for me or you, as a physician, or Representative MCCOTTER, as a representative of about 700,000 people in Michigan, say, "You know what? We don't like your thing but we have an idea to improve it, maybe make it a little bit more bipartisan," what is the danger in letting us talk for 5 or 10 minutes, vote on it, and then move on? They can squish you like a bug. I've said back home, at 178–257, we can't stop a one-car parade. And so this talk out there that somehow Republicans are stymieing this effort—we can't. We just don't have the ability based upon the makeup of this Chamber.

Their problem has been that some Democrats are fighting with other Democrats. And if you look at how this thing is falling apart, some people think it's gone too far. Some people think it's gone not far enough. Not many people think it's just right or else we'd have the legislation on the floor.

I want to just skip past the next two, and I would invite the gentlemen to come back and maybe we'll spend a whole hour on the next two, but one is an arm and a leg. We could talk all day about what it costs. The one thing I do want to mention about the cost is, you look at CBO. CBO scored the first bill, I think it was \$1.6 trillion over the life of the bill. It was going to be an additional cost. The Senate bill is about a trillion, and they pay for it. And that's where the "hard to stomach" comes from, the new taxes and fees that are going to be hard to stomach to pay for this thing.

But the amazing thing to me is that people around here were bragging that it only costs a trillion dollars, but the taxes—the taxes and the fees would start now. If this bill had been passed and signed into law by the President, they would begin taxing all the things we'll talk about another day today, but the benefits that they are proposing to give to people don't come in until 2013.

Now, the three of us I don't think would be in the Congress if we had invented a business that we could come to people and say, You know what? I would like you to pay me a hundred thousand today and for the next 4 years, and in 2013 I'll get around to building you a house or getting you a car, whatever the case may be.

So it's not just a trillion dollars. It's not just a trillion-and-a-half dollars or whatever the figure is. It is a trillion dollars once you start the benefits

after you've been collecting taxes for 4 years.

The gentleman from Michigan.

Mr. MCCOTTER. I appreciate that from the gentleman.

I just want to be clear on this. As we put forward in the Republican House Policy pamphlet, *We the People*, which you can view at [Republicanhousepolicy.com](http://Republicanhousepolicy.com), the government doesn't spend what it makes. It spends what it takes. When the gentleman talked about how, if you started a business, you would have startup costs. You would not be able to go out to people and simply take their money and promise them a product later and talk about what a wonderful profit that you have. What we're seeing here is some of the worst of government accounting, where the government goes out and takes your money on the promise of something later and then it tells you that it isn't as expensive as it's going to be.

I yield back.

Mr. LATOURETTE. I thank you.

I want to get to my favorite one. This is "you've got to be kidney." We talked at the top of the hour about some of the things that were in the stimulus bill, some of the things that were in the cap-and-trade legislation, but when you rush through a 2,000-page bill, it's got a lot of stuff in it. And I have "you got to be kidney," and maybe the two gentlemen have an observation about it. I thought a couple of things came to my mind about "you've got to be kidney."

This is a bill about health care, about taking care of people who are sick, making sure that people get health coverage. There is a provision in the bill that gives veterinary students—people training to be doctors to take care of horses, dogs, and cats—they're able to tap into a \$350 million fund to pay off their student loans. Now, I like veterinarians. I don't want to get in trouble with veterinarians. I think they do a great job. But what in the devil does a veterinarian have to do with a health care bill to provide better health care for people in America?

□ 1615

My second statement, before I yield to the gentleman, is that there is a provision in the bill that somehow—I think some of the drafters of this legislation think the people who we represent are stupid. So it's their proposal that they are going to require—and I'm sure it's not going to be at no cost—every vending machine in America to have a label that tells you whether or not what you're about to buy is good for you and what's in it, what's not in it, and so on and so forth.

Now, I have got to tell you, if you look at me, I'm not such a healthy eater. But I will tell you that I know when I put 80 cents in the vending machine in the Rayburn House Office

Building, and I'm going to get one of those Hostess Cupcakes with the delicious cream filling, it's not good for me. I know that. We don't need to make that Ho Ho \$1.50 because the Hostess people have to put a label on there telling me, you know, that if you eat this, you're probably going to gain weight.

Mr. MCCOTTER. Will the gentleman yield for a point of order?

Mr. LATOURETTE. I would be happy to.

Mr. MCCOTTER. I will ask the Chair, is there a House rule against product endorsement or placement in speeches that are delivered here in the Chamber?

Mr. LATOURETTE. The gentleman is being facetious.

Mr. MCCOTTER. I withdraw the request.

Mr. LATOURETTE. So those are two things that jumped out at me. I don't know if either gentleman would like to add to that before we move on.

Mr. ROE of Tennessee. I would like to add to that. I agree with you 100 percent. If you haven't figured out that eating out of a vending machine is not healthy for you, you are not smart enough to be here in the U.S. Congress.

Mr. LATOURETTE. I do take umbrage with that, Doctor.

Mr. ROE of Tennessee. The other little thing that I thought was fascinating about this health care bill was a mention for carbon credits for black liquor. And most people don't know what black liquor is, but I happen to have a paper factory in my district. It's a paper byproduct. Why in the world was that in there? Why was a sewer system on Indian reservations? Why was the calorie content of a doughnut—I don't even eat doughnuts. I started eating a dozen of them because it's not government's business to be telling you that. I want to mention something about—you talked about how they took the money and then provided the service 3 years later. Well, typically you see those furniture store ads on Saturday morning, what they typically give you is zero interest; you don't pay anything, and you get the product. This is just the opposite. I find it fascinating. Let someone try to sell you a couch doing that.

The cost is another thing I wanted to bring up, the government estimates of cost—I think this, to me, was the most amazing thing in the world. Medicare came online in 1965. It was a \$3 billion program. The estimate from the government was that 25 years later, that program would be a \$15 billion program. In 1990, 25 years later, it was a \$90 billion program. Today it's over \$400 billion. In Tennessee, we started in 1993 a program called TennCare to save money, to manage care and save money. It was a \$2.6 billion program. Ten budget years later, it had tripled to an \$8 billion program. It took up

every new—almost every new dollar the State took in. So when you see these cost estimates of \$1 trillion or \$1.2 trillion, it's a fairy tale. I mean, every single government program that I have ever heard of, with the exception of Medicare Part D, went over budget.

Mr. LATOURETTE. We have about 10 minutes left, and I know the gentleman from Michigan is sort of an expert on this. This goes, again—if you like your plan, you can keep it. We have called it high-quality plans, which of course is high-quality plans. And in the Senate bill, in order to pay for some of this business, the gentleman maybe could enlighten us on what it is they do to people that have—either provided by their employer, their labor union or by whatever—a plan that really takes care of them and their family, a little pricey, but it takes care of them. I would like the gentleman to share his thoughts.

Mr. MCCOTTER. I thank the gentleman for yielding. The sky-thigh, 40 percent surcharge on health plans, in an attempt to capture, "Cadillac" plans, which we from Detroit prefer to call Lexus plans. The government in the Senate passed a bill that would tax these plans. What they did was, they caught up a whole lot of working people who have collective bargaining agreements from employer-provided benefits. You can imagine that coming from a district like mine, an auto-based district of people who still make things for a living such as cars, this was a very unfair tax to them. It went against the express position of many people in the Democratic Party who, like myself—and I believe the gentleman from Ohio—oppose putting a tax on employer-provided health care benefits.

We've recently seen where the unions had to go to the White House to try to stop this unfair tax from affecting people that they represent. I, for one Republican, am glad that the administration has shown a willingness to back off this tax because I wish everybody would not have to pay this tax. I wish they would go back to the drawing board and get it right. But it goes back to the fact that in the rush to pass this, in a haste behind closed doors to do this, they actually hurt the very working people that so many of us on both sides of the aisle have promised should never have their employer-provided health care benefits taxed.

And if I may very quickly in one moment, I wish to answer your question about vending machines. It goes back to our earlier point. The government is tying your health to the cost to the government. They want to control what you eat because if you eat improperly, it costs them "money." Now I will just remind people, if you don't want the government in your bedroom, you sure don't want them in your kitchen either.

Mr. LATOURETTE. I thank the gentleman. Just to get to the last two, and then we will come back for another hour another day. This painful business down here on the foot, that's called a corn. And of course during the last election, a lot of people became familiar with an organization by the name of ACORN. Again, when you talk about what was handed out in the Senate, the Senator from Illinois who was the replacement for Senator Obama when he came President Obama, Senator BURRIS, is claiming a provision in Senator REID's manager's amendment that could funnel money to ACORN through the health care bill. Specifically, for those that care, it's on page 150, and it says that "community and consumer-focused nonprofit groups" may receive grants to "conduct public education activities." So we have ACORN. And again, I'm not going to talk about all the other ACORN stuff. But what does ACORN have to do with lowering the cost of health care and making sure that people are provided?

To wrap up, the last one that we have is a kind of tricky medical, the Achilles' heel. And I put the Achilles' heel on this chart because the Achilles' heel of this entire plan, in my opinion, is the will of the American people. The American people have spoken up. They have spoken up in Virginia and New Jersey and Massachusetts. They're speaking up on the streets. They spoke up in August at town hall meetings, and it's a strange thing. I have seen a couple of articles that say that the Senate has a really tough job after they passed their bill around Christmas because they have to go home and try to convince people that a bill they don't want is good for them. I have been in public life for about 20 years. That's a strange paradigm.

So closing thoughts from the gentleman from Tennessee.

Mr. ROE of Tennessee. Well, I think it brings the point. It is getting harder and harder to pass legislation that people don't want, for sure. And I think, just very quickly, to let people know of a few basic ideas that we have that will help solve this problem. I mentioned to you a moment ago cost and affordability are what people worry about, and preexisting conditions. How do you deal with those things?

One of the things you can do is allow health insurance companies to go across State lines like any other insurance companies. Form association health plans. Preexisting conditions are only a problem for individual markets, if I'm going out to try to buy it, or small businesses, like I ran. But if you are spreading those risks among hundreds of thousands or millions of people, it's not a problem. Number three is tort reform. We haven't touched on that. Certainly malpractice reform is a major cost bender in this.

Mr. LATOURETTE. Well, just taking back my time for a minute. They say

we have 5 minutes left. So we are going to be okay, and we'll get to Mr. MCCOTTER for a closing thought.

But there was a focus group in Massachusetts the night of the election, run by a pollster named Frank Luntz, and there was a physician in the focus group. He mentioned that exact point. He said, Why don't you have malpractice reform? Why don't you stop this needless double testing to make sure that you don't get sued? Actually, when our proposal was put forward, the bean counters indicated that that would save to the system \$56 billion a year.

Now to the gentleman's point about the high-quality plans: Why wouldn't you take that \$56 billion a year out of frivolous lawsuits so that these folks that have negotiated for good-quality health care for their families don't have to pay a 40 percent income surcharge on income that they're not receiving?

Mr. ROE of Tennessee. I could not agree more. And I certainly agree with my colleague from Michigan, Congressman MCCOTTER, about the high plans, the so-called wealthy plans. We don't need to be increasing taxes on—Americans can't stand another tax right now.

The other thing you can do in the State is subsidize at a nominal amount of money high-risk pools so that people who do have preexisting conditions—that's another way you can deal with that very simply. And those four or five things we talked about we could all agree on. We could get this done this 90 days or less, right here in the House in a bipartisan fashion. If the President is ready to work with us, I know our side is. I am. I yield back.

Mr. LATOURETTE. Thank you. And I yield to the gentleman from Michigan for his closing thoughts.

Mr. MCCOTTER. I thank the gentleman. One of the fundamental concepts behind this great Nation is that all power is vested in the sovereign people. It is simply delegated to us, as their servants, to do the work of governance on their behalf. You cannot defy the people who sent you here. You cannot tell your employer who is giving a 2-year, 6-year or a 4-year contract that they don't know what they are talking about, that you know better than they do, and you will take their money to convince them of it over a period in time.

I think that what we have to remember here, the true Achilles' heel is not the American public's lack of understanding about this. It is the Congress' arrogant defiance of the wishes of the American people that have common-sense solutions to problems that affect their daily lives, especially in a very difficult time of economic recession, with high unemployment, such as in States like mine, Michigan.

When we think about this, it is a very fundamental proposition. Lincoln

laid it out a long time ago. Whatever happened in Massachusetts and throughout this country, it's not anger. It's not just frustration. It's not vexation. It's the fact that the American people understand what's happening. They have the information, and they do not give their consent to this radical government-run health care bill that was passed by this House or by the Senate or is threatened to be passed again, because Lincoln was right: Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in this world? The answer remains no, and I would encourage my Democratic colleagues to heed their wisdom.

I yield back.

Mr. LATOURETTE. I thank both the gentlemen for participating. I will just say that in light of this election in Massachusetts, I have hoped that the administration will push the reset button, and we would take the President at his word when he came here to this House. Let's get a bill. Let's get something done on the 80 percent that we can agree about. We can fight for the rest of the couple years on the 20 percent we don't. But let's get something done for the American people.

And not to use percentages, but as our friend here in the Operation game, my folks back home are saying, We need to take care of the things that, Doc, you've talked about. Why though, in order to take care of the 15 percent of the people we have to deal with—that's the estimate—do we have to mess with the other 85 percent? We have to mess with the people who have good quality health care? We have to take \$500 billion out of Medicare? People don't understand it. And I don't blame them for not understanding because I don't understand it either. And I just have to say again, you've got to be kidding.

I thank you both for participating, Mr. Speaker. I thank you and yield back.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 874

Ms. MARKEY of Colorado. Mr. Speaker, I ask for unanimous consent to be removed as a cosponsor from H.R. 874.

The SPEAKER pro tempore (Mr. TEAGUE). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

#### THE SMALL BUSINESS AID ACT

(Ms. MARKEY of Colorado asked and was given permission to address the House for 1 minute.)

Ms. MARKEY of Colorado. Mr. Speaker, obtaining and maintaining credit is a serious issue facing most small businesses in this country. The

lack of credit has caused a cash-flow crunch on many businesses, impacting their ability to grow, purchase new equipment or hire a worker. Approximately \$2.5 billion in commercial loans will come due in the next year, and many banks will not be willing or able to renew them.

On May 20, 2009, I introduced the Small Business AID Act, H.R. 2527. The Small Business AID Act will allow small businesses to utilize the SBA's 504 loan program to refinance existing debt. Low interest rates in conjunction with this bill allow small businesses to reduce their debt while raising their cash flow. This bill is temporary in nature, limiting debt restructuring for 2 years. The bill is also deficit-neutral. Over 94 percent of my colleagues have certified development companies in their districts which provide loans to small businesses. These loans amount to an average of \$1.6 million investment in small businesses in each of our districts, and the average number of loans per year per district is three. That means almost \$5 million invested in businesses, purchases, employees.

Senator LANDRIEU introduced S. 2869 on December 10th, which includes provisions which are similar to The Small Business AID Act. The Senate Committee on Small Business and Entrepreneurship conducted hearings and has reported the bill favorably.

Our economy needs a shot in the arm. The Small Business AID Act is a simple cost-free fix to infuse more cash into our economy. I urge all members to support H.R. 2527.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRIGHT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

#### ADJOURNMENT

Ms. MARKEY of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 22, 2010, at 10 a.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberston, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand\*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez,

John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh\*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNeerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J. J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S. P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Mark Schauer, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr.,



Jose E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis\*, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher\*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler\*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C. W. Bill Young, Don Young.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.0 to Mile Marker 89.0, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-084] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-086] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker Minus 20 to Mile Marker 1.5, Pilottown, LA [COTP New Orleans-05-087] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 229 to Mile Marker 229.8, in the vicinity of U.S.S. KIDD, Baton Rouge, LA [COTP New Orleans-05-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 482.2 to Mile Marker 491, Lake Providence, LA [COTP New Orleans-05-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 297 to Mile Marker 298, Angola, LA [COTP New Orleans-05-090] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 96 to Mile Marker 97, New Orleans, LA [COTP New Orleans-05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 293 to Mile Marker 300, Angola, LA [COTP New Orleans-05-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oachita River, Mile Marker 31 to Mile Marker 33, Jonesville, LA [COTP New Orleans-05-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 406.0 to Mile Marker 363.0, Claiborne County Port, MS to the Natchez Front, Natchez, MS [COTP New Orleans-05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 367.0 to Mile Marker 363.5, in the vicinity of the Natchez Front, Natchez, MS [COTP New Orleans-05-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-082] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Fort Pickens, ICW Mile 180 to Mile 182 [COTP Mobile-07-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Bayou Chico [COTP Mobile-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Harbor, Pascagoula, MS [COTP Mobile-07-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Santa Rosa Sound, Pensacola Beach, FL [COTP Mobile-07-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C.



801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2009-0915; Directorate Identifier 2009-NM-224-AD; Amendment 39-16049; AD 2009-21-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Modles P 68, P 68B, P68C, P 68C-TC, and P 68 "OBSERVER" Airplanes [Docket No.: FAA-2009-0869; Directorate Identifier 2009-CE-043-AD; Amendment 39-16090; AD 2009-24-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0753; Directorate Identifier 2009-NE-31-AD; Amendment 39-16102; AD 2009-24-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira De Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-0870; Directorate Identifier 2009-CE-049-AD; Amendment 39-16108; AD 2009-24-14] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5686. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Morgan City Port Allen Route Intracoastal Waterway Canal, Mile Marker 49 to Mile Marker 51, in the vicinity of Bayou Grosse Tete, Plaquemine, LA [COTP New Orleans-05-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5687. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 base period T-bill rate (Rev. Rul. 2009-36) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ:

H.R. 4484. A bill to preclude individuals who have a pending charge or have been convicted of a crime from serving as enumerators for the collection of census data; to the Committee on Oversight and Government Reform.

By Mr. HALL of Texas:

H.R. 4485. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. MOLLOHAN, Mr. RAHALL, Mr. TIERNEY, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. SUTTON, Mr. OBERSTAR, Mr. WALZ, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MASSA, Mr. PETERSON, Ms. MCCOLLUM, Mr. DEFazio, Mr. KAGEN, and Mr. COSTELLO):

H.R. 4486. A bill to amend the Internal Revenue Code of 1986 to treat distributions of debt securities in a tax free spin-off transaction in the same manner as distributions of cash or other property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4487. A bill to require the approval of a majority of a public company's shareholders for any expenditure by that company to influence public opinion on matters not related to the company's products or serv-

ices; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. FARR, and Mr. GALLEGLY):

H.R. 4488. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified Federal wildland firefighters and to reduce the Government's reliance on the more costly services of non-Federal wildfire resources; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS):

H.R. 4489. A bill to amend chapter 89 of title 5, United States Code, to ensure program integrity, transparency, and cost savings in the pricing and contracting of prescription drug benefits under the Federal Employees Health Benefits Program; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. AKIN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. ROGERS of Alabama, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. PLATTS, Mr. LOBIONDO, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. TURNER, Mr. CONAWAY, Mr. ROONEY, Mr. HUNTER, Ms. FALLIN, Mr. LAMBORN, Mr. THORNBERRY, Mr. JONES, Mr. MILLER of Florida, Mr. FLEMING, Mr. COFFMAN of Colorado, Mr. BOEHNER, Mr. CARTER, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. CANTOR, Mrs. MILLER of Michigan, and Mr. MCCARTHY of California):

H.R. 4490. A bill to require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country; to the Committee on Armed Services.

By Ms. SPEIER (for herself, Mr. CLAY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mr. ABERCROMBIE, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HONDA, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, and Ms. ZOE LOFGREN of California):

H.R. 4491. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early

years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 4492. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, Mrs. CAPPS, and Mr. HONDA):

H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois:

H.R. 4494. A bill to amend the Internal Revenue Code of 1986 to allow a credit for lightweight coal freight cars; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mrs. KIRKPATRICK of Arizona, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mr. MITCHELL, Mr. FRANKS of Arizona, Mr. FLAKE, and Mr. SHADEGG):

H.R. 4495. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself, Mr. BARTLETT, Mr. LUETKEMEYER, Mr. BUCHANAN, Mr. AKIN, and Mr. SCHOCK):

H.R. 4496. A bill to ensure that small businesses have their fair share of Federal procurement opportunities, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. BORDALLO, and Mr. BROWN of South Carolina):

H.R. 4497. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 4498. A bill to permit voters to vote for "None of the Above" in elections for Federal office and to require an additional election if "None of the Above" receives the most votes; to the Committee on House Administration.

By Mr. HOEKSTRA:

H.R. 4499. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on

House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 4500. A bill to rescind unobligated appropriations and repeal certain health care-related provisions in the American Recovery and Reinvestment Act of 2009 for purposes of reducing the national debt; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Energy and Commerce.

By Mr. HALL of Texas:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States prohibiting corporations and labor organizations from using operating funds for advertisements in connection with any campaign for election for Federal office; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 70. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mrs. BLACKBURN, Mr. CARTER, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WOLF, and Mr. MCCAUL):

H. Res. 1025. A resolution expressing the support of the House of Representatives for members of the Armed Forces who fight terrorism and the sense of the House of Representatives that the United States Government should pay for the legal expenses of members of the Armed Forces who are accused of committing crimes related to the treatment of a suspected terrorist, if the member is acquitted or the charges are dropped; to the Committee on Armed Services.

By Mr. CHAFFETZ (for himself, Mr. HUNTER, Mr. KRATOVIL, Mr. NYE, Mr. FLEMING, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. POSEY, Mr. ROE of Tennessee, Mr. HARPER, Ms. JENKINS, Mr. BARROW,

Mr. BRIGHT, Mr. LUETKEMEYER, Mr. OLSON, Mr. TAYLOR, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MCINTYRE, Mr. KAGEN, Mr. SHULER, and Mr. CHILDERS):

H. Res. 1026. A resolution expressing the sense of the House of Representatives that the continued peace, prosperity, liberty, and national security of the United States and its people depend upon the rule of law and credible and effective immigration enforcement policies which both welcome lawful immigrants and non-immigrants and also prevent the unlawful entry or unlawful continuing presence of foreign persons; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr. FARR, and Ms. BORDALLO):

H. Res. 1027. A resolution recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world's oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, Ms. FALLIN, and Mr. COLE):

H. Res. 1028. A resolution honoring the life and achievements of Oral Roberts and recognizing his contributions as a minister to the Christian community; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. EHLERS, Mr. BARTLETT, Mr. BERMAN, Mrs. BIGGETT, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CASTLE, Mr. COURTNEY, Mr. DOYLE, Mrs. EMERSON, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LOEBSACK, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PETRI, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SIREN, Mr. SKELTON, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, and Mr. YARMUTH):

H. Res. 1029. A resolution expressing support for designation of the week of February 1 through February 5, 2010, as "National School Counseling Week"; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1030. A resolution congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOMMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 1031. A resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. CHU:

H. Res. 1032. A resolution expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. BACHUS):

H. Res. 1033. A resolution expressing support for designation of April 2010 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. LEWIS of Georgia, Mr. SESSIONS, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. PLATTS, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. FILNER, Mr. RAHALL, Ms. ROS-LEHTINEN, Mr. BOUSTANY, and Mr. KINGSTON):

H. Res. 1034. A resolution expressing support for designation of July 2010 as "Braille Literacy Month"; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PITTS):

H. Res. 1035. A resolution honoring Villanova University for winning the 2009 National Collegiate Athletic Association championships in Division I women's cross country and Football Championship Subdivision (formerly I-AA) and for other accomplishments; to the Committee on Education and Labor.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 227: Mrs. MYRICK, Mr. DAVIS of Kentucky, Mr. CHAFFETZ, and Ms. FOXX.

H.R. 272: Mr. GARY G. MILLER of California.

H.R. 413: Ms. DELAURO, Mr. YARMUTH, Mr. SIREs, and Mr. GONZALEZ.

H.R. 417: Ms. JACKSON LEE of Texas and Mr. SERRANO.

H.R. 450: Mr. BACHUS.

H.R. 460: Mr. CONNOLLY of Virginia.

H.R. 571: Mr. ORTIZ.

H.R. 706: Mr. CALVERT.

H.R. 775: Mr. SCHAUER, Mr. YARMUTH, Mr. CHANDLER, Mr. HOEKSTRA, and Mr. OWENS.

H.R. 847: Mr. DAVIS of Illinois.

H.R. 881: Mr. BOEHNER.

H.R. 893: Mr. ELLISON.

H.R. 1067: Ms. BORDALLO.

H.R. 1136: Mrs. LUMMIS.

H.R. 1158: Mr. LARSEN of Washington.

H.R. 1165: Mr. CONYERS.

H.R. 1378: Mr. ISRAEL.

H.R. 1413: Mr. FILNER.

H.R. 1526: Mr. CLEAVER, Mr. CARTER, and Mrs. CAPPS.

H.R. 1549: Mr. WU, Mr. CONYERS, Mr. SIREs, and Mr. REYES.

H.R. 1552: Mr. COURTNEY.

H.R. 1557: Ms. SHEA-PORTER.

H.R. 1585: Mr. GERLACH and Mr. TIM MURPHY of Pennsylvania.

H.R. 1619: Ms. TITUS.

H.R. 1646: Mr. PERRIELLO.

H.R. 1677: Mr. COSTA and Mr. KAGEN.

H.R. 1702: Ms. WOOLSEY and Mr. BRALEY of Iowa.

H.R. 1806: Mr. GUTIERREZ.

H.R. 2054: Ms. ESHOO and Ms. SUTTON.

H.R. 2118: Mr. MANZULLO.

H.R. 2138: Mr. LUJÁN and Mr. LATHAM.

H.R. 2324: Mr. CAPUANO and Ms. RICHARDSON.

H.R. 2397: Mr. ROONEY.

H.R. 2429: Mr. CUMMINGS.

H.R. 2478: Mr. HEINRICH, Mr. PERRIELLO, and Mr. QUIGLEY.

H.R. 2492: Ms. TITUS.

H.R. 2520: Mr. ROHRBACHER.

H.R. 2546: Ms. BORDALLO.

H.R. 2567: Mr. CLARKE and Mr. MICHAUD.

H.R. 2584: Mr. GONZALEZ.

H.R. 2608: Mr. WOLF.

H.R. 2672: Ms. BORDALLO.

H.R. 2676: Mr. MANZULLO.

H.R. 2698: Mr. SARBANES.

H.R. 2699: Mr. SARBANES.

H.R. 2849: Mr. COURTNEY.

H.R. 2850: Mrs. MALONEY.

H.R. 2927: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2964: Mr. KISSELL.

H.R. 3024: Mr. BOUCHER.

H.R. 3077: Mr. FATTAH.

H.R. 3190: Ms. JACKSON LEE of Texas.

H.R. 3202: Mr. DELAHUNT.

H.R. 3420: Mr. LUJÁN.

H.R. 3613: Mr. SCALISE.

H.R. 3655: Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. PETERS, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 3662: Mr. DOGGETT.

H.R. 3695: Mr. CONYERS and Ms. WATERS.

H.R. 3701: Mr. WEINER.

H.R. 3721: Mr. FRANK of Massachusetts.

H.R. 3734: Ms. BORDALLO, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina.

H.R. 3764: Ms. ZOE LOFGREN of California.

H.R. 3790: Mr. ROONEY and Mr. BOEHNER.

H.R. 3943: Mr. LOBIONDO, Mr. ROONEY, Mr. WAMP, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. TEAGUE.

H.R. 3995: Mr. FILNER.

H.R. 4051: Mr. PLATTS, Ms. PINGREE of Maine, Mr. BRADY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSS, Mr. ALTMIRE, and Mr. WITTMAN.

H.R. 4088: Mr. LIPINSKI, Mr. SESTAK, Mr. SMITH of Washington, and Mr. MANZULLO.

H.R. 4115: Mr. WATT, Mr. BACA, Mr. SCHAUER, and Ms. BALDWIN.

H.R. 4116: Ms. TITUS, Mr. CARNAHAN, Ms. BALDWIN, Mr. COHEN, Mrs. MALONEY, Mrs. CAPITO, Mrs. EMERSON, Ms. FALLIN, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, and Mr. WELCH.

H.R. 4126: Ms. DELAURO.

H.R. 4138: Mr. YOUNG of Alaska.

H.R. 4144: Mr. ISRAEL.

H.R. 4153: Mr. CAO.

H.R. 4190: Ms. NORTON.

H.R. 4236: Mr. PERRIELLO.

H.R. 4255: Mr. EDWARDS of Texas, Mr. SCHAUER, and Mr. MARSHALL.

H.R. 4260: Mr. KENNEDY.

H.R. 4262: Mr. FORBES.

H.R. 4268: Ms. VELÁZQUEZ, Mr. OLVER, and Mr. SERRANO.

H.R. 4287: Mr. SIREs.

H.R. 4309: Mrs. DAHLKEMPER.

H.R. 4324: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4333: Mr. MCGOVERN, Mr. CARNAHAN, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. DEGETTE, Mr. FILNER, Ms. ROS-LEHTINEN, Ms. KILPATRICK of Michigan, Mr. BRALEY of Iowa, Mr. PLATTS, Mr. KILDEE, and Mr. SEXTAK.

H.R. 4348: Mr. WOLF.

H.R. 4353: Mrs. MALONEY, Mr. JACKSON of Illinois, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, and Mr. BRADY of Texas.

H.R. 4354: Ms. BORDALLO.

H.R. 4371: Mr. RAHALL, Mr. ACKERMAN, Mr. REYES, Mr. FORBES, Mr. YOUNG of Florida, Mr. GOODLATTE, and Mr. DELAHUNT.

H.R. 4393: Mr. LUJÁN and Mr. MICHAUD.

H.R. 4400: Mr. BUTTERFIELD, Mr. EDWARDS of Texas, and Mr. MCINTYRE.

H.R. 4413: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4415: Mr. KINGSTON, Mr. BROUN of Georgia, Mr. GERLACH, Mr. LATTI, and Mr. COLE.

H.R. 4426: Mr. GRIJALVA, Mr. OBEY, Mr. CAPUANO, Mr. BOSWELL, Mr. LOEBSACK, Mr. ELLISON, Mr. MORAN of Virginia, Ms. LEE of California, Ms. WOOLSEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. CASTOR of Florida, Mr. HALL of New York, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mrs. DAVIS of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. FALOMAVAEGA, Mr. DINGELL, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. OLVER, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.

H.R. 4427: Mr. WITTMAN, Mr. MILLER of Florida, and Mr. MICHAUD.

H.R. 4428: Mr. WEINER, Ms. LEE of California, and Mr. GRIJALVA.

H.R. 4459: Mr. SENSENBRENNER.

H.R. 4463: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. COBLE, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. LEE of New York, Mr. GUTHRIE, Mr. HUNTER, Mr. MCHENRY, Mr. GINGREY of Georgia, Mrs. McMORRIS RODGERS, Mr. EHLERS, Mr. DENT, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, Mr. DREIER, Mr. BACHUS, and Mr. PENCE.

H.R. 4464: Mr. WESTMORELAND and Mr. PAULSEN.

H.R. 4466: Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, and Mr. SULLIVAN.

H.R. 4472: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. UPTON.

H.R. 4475: Mr. ELLISON.

H. Res. 704: Mr. COBLE, Mr. CRENSHAW, and Mr. KLEIN of Florida.

H. Res. 747: Ms. TSONGAS, Mr. ANDREWS, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. TONKO, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.

H. Res. 771: Mr. ABERCROMBIE.

H. Res. 847: Mr. PRICE of Georgia.

H. Res. 902: Mr. WHITFIELD, Mr. WATT, Mrs. BLACKBURN, Mr. MCCAUL, Mr. MCCOTTER, Mr. BUCHANAN, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. HUNTER, Mr. CHAFFETZ, Mrs. MYRICK, Mr. LUCAS, Mr. DOYLE, Ms. SUTTON, Mr. RUSH, Mr. GONZALEZ, Mr. POLIS, Mr. HONDA, Mr. DINGELL, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 936: Mr. WILSON of South Carolina, Mr. CONAWAY, and Mr. LANGEVIN.

H. Res. 943: Mr. KAGEN.

H. Res. 959: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 977: Mr. KINGSTON.

H. Res. 990: Mr. HONDA, Mr. HINCHEY, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. HOEKSTRA, Mr. SHERMAN, Mr. LANGEVIN, Mr. LATHAM, Mr. SULLIVAN, Mrs. MILLER of

Michigan, Mr. CAMP, Mr. ELLISON, and Mr. UPTON.

H. Res. 997: Mr. FARR.

H. Res. 1003: Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. LORETTA SANCHEZ of California,

Mr. COURTNEY, Mr. LOEBSACK, Mr. CAPUANO, and Mr. MURTHA.

H. Res. 1021: Mr. BURTON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, and Mr. WEINER.

H. Res. 1022: Mr. CONAWAY, Mr. RYAN of Ohio, Mr. CARNAHAN, and Mr. GRIJALVA.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Ms. MARKEY of Colorado.

**SENATE—Thursday, January 21, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The PRESIDING OFFICER. Today's prayer will be offered by Alan Keiran, the Chaplain's chief of staff.

The guest Chaplain offered the following prayer:

Let us pray.

Most gracious God, the source of all light and wisdom, give to our lawmakers renewed powers to honor You in this national Chamber of deliberation. Help them to find a clear path through the tangled maze of these challenging times. Give them a consuming passion not for their own way but for Your holy will. Lord, empower our Senators to meet the stupendous dimensions of these epic days with courage and faith. Give them receptive minds to follow Your guidance each step of the way. We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. McCONNELL. Madam President, I thank the majority leader for giving

me a chance to make my very brief opening remarks, as I must leave the building shortly.

**SENATOR-ELECT SCOTT BROWN**

Mr. McCONNELL. Mr. President, the Senate's newest Member is coming down from Massachusetts today. We will have a chance to welcome Senator-elect BROWN to the Capitol. Obviously, we are delighted to have him.

Senator-elect BROWN has captured the attention of the entire country, but he has captured the attention of Massachusetts voters first. The people of Massachusetts sent a very strong message. They were looking for someone who would help change the direction in Washington. They put their hope in the candidate whose views reflected the kind of change they were looking for.

So we welcome Senator-elect BROWN to the Senate, and we look forward to working with him to bring about the change that Americans are telling us they want. We need to show them we are listening.

**NATIONAL SECURITY**

Mr. McCONNELL. Madam President, yesterday, several members of the administration's national security team testified before the Senate concerning the attempted Christmas Day attack by the Nigerian terrorist, Umar Farouk Abdulmutallab. This testimony was troubling indeed and left some wondering why the administration is subjecting this terrorist to criminal prosecution instead of gaining the valuable intelligence that is needed in our war on al-Qaida.

Admiral Dennis Blair, the Director of National Intelligence, stated quite frankly that the Christmas Day bomber should have been questioned by the High Value Detainee Interrogation Group. Blair went on to say that neither he nor other important intelligence officials were even consulted on the matter. This raises several troubling questions: First, why were Miranda rights given to the obvious terrorist after only a brief session of questioning, which predictably ended his cooperation?

Second, at what level of authority was this decision taken to treat him as a criminal defendant instead of an unlawful enemy combatant? Who made that decision?

I asked this question last night of John Brennan, the President's senior counterterrorism adviser, three times, and he refused to answer. I think the Senate is entitled to know precisely who authorized this.

A year ago, the President decided to revise the Nation's interrogation policies and to restrict the CIA's ability to question terrorists. The administration created a High Value Detainee Interrogation Group precisely for the purpose of questioning terrorists. Why wasn't this group brought in once this terrorist was taken into custody?

Americans are going to need to know the answers to those questions.

I yield the floor.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SENATOR-ELECT SCOTT BROWN**

Mr. REID. Madam President, I had a good conversation with Senator-elect SCOTT BROWN yesterday. He is coming to Washington today. I look forward to visiting with him. We have a time set for him to come by my office.

In my conversation with him, he seemed very pleasant and excited about coming to Washington, which I am sure he is. We talked about his daughter going to Syracuse and the fact that JOE BIDEN graduated from Syracuse, and he knew that. I look forward to our meeting with him.

**THE NIGERIAN TERRORIST**

Mr. REID. Madam President, I will speak briefly on the statement of my friend, the senior Senator from Kentucky, about the Nigerian terrorist.

The one thing we need not do is politicize the fight against terrorism. John Brennan did testify yesterday in our classified briefing. It was classified. The things that took place there should be classified. People should not be talking about it. The reason that is the case is that we want people who come to classified briefings to be able to speak freely.

We have had a long history in our country of people who commit crimes on our territory in the United States being tried in the United States, including Richard Reid, the shoe bomber. It isn't as if this is the first time something like this happened. Even though they are proceeding under civil courts, they can always drop back and fall into the category of war criminals if, in fact, that choice is made. Just because they are going forward in this manner today doesn't mean they cannot drop back in some other manner at a subsequent time.

Even though I don't like to discuss what went on in a closed briefing, in a classified setting, I was there from the very beginning to the very end of Mr. Brennan's presentation. I never heard him refuse to answer. In fact, he answered the question that was asked in a number of different ways by my friend, the Republican leader, and another Republican Senator. So if there are any questions about anything that Mr. Brennan had to say, I hope that those questions will be asked directly to him. We have had some open hearings.

My point is that there is a war on terror taking place now. I tried to be as supportive of President Bush during his years as President when this was going on after 9/11. I hope my Republican colleagues will be supportive of President Obama. This is not a partisan issue.

#### SCHEDULE

Mr. REID. Madam President, this morning, following leader remarks, the Senate will proceed to a period of morning business for an hour, with Senators allowed to speak therein for up to 10 minutes each. That time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first half; the majority will control the final half. Following morning business, the Senate will resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt. Currently, we have three amendments pending. We hope we can reach short time agreements so we can schedule votes on these amendments.

#### MEASURE PLACED ON CALENDAR—S. 2939

Mr. REID. Madam President, I understand that S. 2939, which was introduced by Senator DEMINT, is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The bill clerk read as follows:

A bill (S. 2939) to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard, and the bill will be placed on the calendar under rule XIV.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

#### HEALTH CARE

Mr. ALEXANDER. Madam President, during our recent health care debate I heard a number of times from our friends on the other side of the aisle this question: What are Republicans for?

Well, they will wait a long time if they are waiting for the Republican leader, Senator MCCONNELL, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill or, for that matter, a 1,200-page climate change bill or a 900-page immigration bill.

If you have been listening carefully to the Senate debate, you will know that on health care, as well as on clean energy, debt reduction, and immigration, for example, Republicans have been offering the following alternative to 1,000-page bills: going step by step in the right direction to solve problems in a way that re-earns the trust of the American people.

Comprehensive immigration, comprehensive climate change, and comprehensive health care bills have been well intended, but the first two fell of their own weight, and health care, if enacted, would be a historic mistake for our country and a political kamikaze mission for Democrats.

What has united most Republicans against these three bills has not only been ideology but also that they were comprehensive. As George Will might write: "The Congress. Does. Not. Do. Comprehensive. Well."

Two recent articles help explain the difference between the Democratic comprehensive approach and the Republican step-by-step approach.

The first, which appeared in the new journal, *National Affairs*, and was written by William Schambra of the Hudson Institute, explains the "sheer ambition" of President Obama's legislative agenda as the approach of what Mr. Schambra calls a "policy President."

Mr. Schambra says the President and most of his advisers have been trained at elite universities to govern by launching "a host of enormous initiatives all at once . . . formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms of functions."

This is governing by taking big bites of several big apples and trying to swallow them all at once. In addition, according to Mr. Schambra, the most prominent organizational feature of the Obama administration is its reliance on "czars"—more than the Romanovs, said one blogger—to manage broad areas of policy. In this view, systemic problems of health care, of energy, of education, and of the environment simply can't be solved in pieces.

Analyzing the article, David Broder of the *Washington Post* wrote this:

Historically, that approach has not worked. The progressives failed to gain more than a brief ascendancy and the Carter and Clinton presidencies were marked by striking policy failures.

The reason for these failures, as Broder paraphrased Schambra, is that "this highly rational comprehensive approach fits uncomfortably with the Constitution, which apportions power among so many different players." Broder then adds this:

Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit.

James Q. Wilson, a scholar, writing in a memorial essay honoring Irving Kristol in the *Wall Street Journal* a few months ago, says the law of unintended consequences is what causes the failure of such comprehensive legislative schemes. Explains Wilson:

Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

Wilson also writes that neoconservatism, as Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative, but "a way of thinking about politics rather than a set of principles and rules. . . . It would have been better if we had been called policy skeptics."

The skepticism of Schambra, Wilson, and Kristol toward grand legislative policy schemes helps to explain how the law of unintended consequences has made being a member of the so-called "party of no" a more responsible choice than being a member of the so-called party of "yes, we can"—if these three recent comprehensive bills on health care, climate change, and immigration are the only choices.

Madam President, it is arrogant to imagine that 100 Senators are wise enough to reform comprehensively a health care system that constitutes 17 percent of the world's largest economy and affects 300 million Americans of disparate backgrounds and circumstances.

How can we be sure, for example, that one unintended consequence of spending \$2.5 trillion more for health care over 10 years will not be higher costs and more debt? Won't new taxes be passed along to consumers, raising health insurance premiums and discouraging job growth? Won't charging

insolvent States \$25 billion over 3 years for a Medicaid expansion raise State taxes and college tuitions? Ask any Governor. And how can a Senator be so sure that some provision stuck in a 2,700-page partisan bill in secret meetings and voted on during a snowstorm at 1 a.m. will not come back around and slap him or her in the face, such as trying to explain why Nebraska got a cornhusker kickback to pay for its Medicaid expansion and my State did not?

James Q. Wilson also wrote in his essay that respect for the law of unintended consequences "is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country," he suggests.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been following Mr. Wilson's advice, proposing a step-by-step approach to confronting our Nation's challenges 173 different times during 2009. May I say that again? During 2009, Republican Senators, 173 different times on the floor of the Senate, have proposed a step-by-step approach toward health care and other of our Nation's challenges.

On health care, for example, we first suggested setting a clear goal; that is, reducing costs. Then we proposed the first six steps toward achieving that goal: No. 1, allowing small businesses to pool their resources to purchase health plans; No. 2, reducing junk lawsuits against doctors; No. 3, allowing the purchase of insurance across State lines; No. 4, expanding health savings accounts; No. 5, promoting wellness and prevention; and No. 6, taking steps to reduce waste, fraud, and abuse. We offered these six proposals in complete legislative text. It totaled 182 pages, all 6. The Democratic majority rejected all six of our proposals and ridiculed the approach, in part because our approach was not comprehensive.

Take another example. In July, all 40 Republican Senators announced agreement on 4 steps to produce low-cost, clean energy and create jobs: No. 1, create 100 new nuclear powerplants or at least the environment in which they could be built; No. 2, electrify half our cars and trucks; No. 3, explore offshore for natural gas and oil; and No. 4, double energy research and development for new forms of energy. This step-by-step Republican clean energy plan is an alternative to the Kerry-Boxer national energy tax which would impose an economy-wide cap-and-trade scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress can play.

Here is another example. In 2005, a bipartisan group of us in Congress asked

the National Academies to identify the first 10 steps Congress should take to preserve America's competitive advantage in the world so we could keep growing jobs. The academies appointed a distinguished panel, including now-Secretary Chu, that recommended 20 such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was far-reaching legislation, but it was fashioned step by step.

Another example. When I was Governor of Tennessee in the 1980s, my goal was to raise family incomes for what was then the third poorest State. As I went along, I found that the best way to move toward that goal was step by step—some steps smaller, some steps larger—such as changing banking laws, defending right-to-work policies, keeping debt and taxes low, recruiting Japanese industry, and then the auto industry, building four-lane highways so suppliers could get to the auto plants, and then a 10-step better schools program, 1 step of which made Tennessee the first State to pay teachers more for teaching well. I did not try to turn our whole State upside down all at once, but working with leaders in both parties, I did help it change and grow step by step. Within a few years, we were the fastest growing State in family incomes.

According to a recent survey by On Message Inc., 61 percent of Independents, 60 percent of ticket splitters, and 77 percent of Republicans answered yes to the following question: I would rather see Congress take a more thoughtful step-by-step approach focusing on commonsense reforms.

Human experience has always taught that enough small steps in the right direction is one good way to get you where you want to go and also a good way along the way to avoid many unexpected and unpleasant consequences.

Tuesday's election in Massachusetts is the latest reminder that the American people are tired of risky, comprehensive schemes featuring taxes, debt, and Washington takeovers, as well as lots of hidden and unexpected surprises. It is time to declare that the era of the 1,000-page bill is over or the era of the 2,000-page bill is over or the era of the 2,700-page bill is over. A wise approach would be to set a clear goal, such as reducing health care costs, take a few steps in that direction and then a few more so that we can start solving the country's problems in a way that reearns the trust of the American people.

Madam President, I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal of Monday, September 21, written by James Q. Wilson, an article by David Broder from the Washington Post of September 24, and an article from the magazine National Affairs written by William Schambra.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 21, 2009]

#### A LIFE IN THE PUBLIC INTEREST

(By James Q. Wilson)

Irving Kristol not only helped change the country, he changed lives. He certainly changed mine.

When I was a young faculty member at Harvard, I learned that he, along with Daniel Bell, had just created The Public Interest. I wrote him to say how enthused I was to find a magazine that published serious but jargon-free essays in which scholars analyzed public policy. Irving called back to invite me to join him and his wife, Gertrude Himmelfarb, for dinner when I was next in New York City.

I was overwhelmed. The founding editor of an important magazine was inviting an unknown young writer to have dinner with him. I went as soon as I could. It was a nice meal, and Irving asked me to "write something" for the journal. "Write what?" I replied. "I will send you a government report you should discuss," he suggested. He did, and I wrote about it for the magazine's second issue. My piece was, at best, pedestrian, but I was hooked.

Reading the magazine became the center of my nonteaching life. I learned what Pat Moynihan, Robert Nisbet, Jacques Barzun, Martin Diamond, Daniel Bell, Nathan Glazer, James Coleman, Peter Drucker and countless others thought about public policy. It was a new world: Thoughtful people with real knowledge were discussing public policy at a time, the mid-1960s, when the federal government was acting as if anything were possible.

These writers were discussants, not pundits. They wrote long essays (happily, free of footnotes) analyzing which policies might work and which would not. They did not utter slogans, they assumed there were intelligent readers out there, and for the most part did not embrace a party line. A magazine that later was said to be the founding document of the neoconservative movement published work by Robert Solow, James Tobin, Christopher Jencks, Charles Reich, Charles Lindblom and many other conspicuous nonconservatives.

It was the right moment. President Lyndon Johnson was trying to create a new political era by asking the government to do things that not even Franklin Roosevelt had endorsed, and to do it in a period of prosperity. The large majorities his party had in Congress as a result of Johnson's decisive defeat of Barry Goldwater in 1964 made it possible to create Medicare and Medicaid and to adopt major federal funding for local school systems. He created the Department of Transportation and the Department of Housing and Urban Development. Johnson himself called what he was doing the creation of a "Great Society."

I was a small part of that world. I chaired a White House task force on crime for the president. It was a distinguished panel but after much effort we made very few useful recommendations. It slowly dawned on me that, important as the rising crime rate was, nobody knew how to make it a lot smaller. We assumed, of course, that the right policy was to eliminate the "root causes" of crime, but scholars disagreed about what many of those causes were and where they did agree they pointed to things, such as abusive families, about which a democratic government can do very little.



The view that we know less than we thought we knew about how to change the human condition came, in time, to be called neoconservatism. Many of the writers, myself included, disliked the term because we did not think we were conservative, neo or paleo. (I voted for John Kennedy, Lyndon Johnson and Hubert Humphrey and worked in the latter's presidential campaign.) It would have been better if we had been called policy skeptics; that is, people who thought it was hard, though not impossible, to make useful and important changes in public policy.

Whatever the authors were called, their best essays reflected one general view: Let us use social science to analyze an existing policy to see if it works at a reasonable cost. This meant that these writings were backward looking in a world when liberals were relentlessly forward looking. If you look carefully at what has been done rather than announce boldly what ought to be done, you will be called, I suppose, a conservative. We were lucky, I imagine, not to be called reactionaries.

Irving Kristol smiled through all of this. He did not care what we were called and he gave to one of his published collections of essays the title, "Neoconservatism: the Autobiography of an Idea." He explained why that tendency differs from traditional conservatism: Neoconservatism is not an ideology, but a "persuasion." That is, it is a way of thinking about politics rather than a set of principles and rules. If neoconservatism does have any principle, it is this one: the law of unintended consequences. Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

This is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country.

I recall when Nathan Glazer and I spoke at a conference on neoconservatism organized by The Partisan Review. Nat and I made all of these points about caution, experimentation and unintended consequences only to be told by one of the Review's editors that this was not enough: To be serious about politics, one had to have an organized ideology. Well, the Review certainly did.

In time I think The Public Interest began to speak more in one voice and the number of liberals who wrote for it declined. Every magazine acquires a character just as every human has a personality. That character was sharpened and reinforced by the cultural revolution of the late 1960s, which required of liberal skeptics that they become not merely critics of ill-advised policies but defenders of the nation to which those policies might apply.

Irving Kristol's talents were remarkable: He did for The Public Interest what he had earlier done for Commentary, the Reporter and Encounter—find good people and induce them to say important things even when it did not improve the revenues of the magazine. The Public Interest always relied on financial support from a few friends and rarely sold more than 12,000 copies. That didn't bother Irving at all: What counts is who reads it, not how many read it. And for 40 years a lot of important people did read it.

I was upset when the magazine ceased being published in the spring of 2005. With others I struggled to find a new home. There were some good possibilities for a new venture, but in time Irving said no, "Forty years is enough." And now for Irving, 89

years is enough—he died Friday of lung cancer. Losing him is like losing your favorite uncle: A wise and cheerful man who knew so much about so many things and would always help you out.

[From the Washington Post, Sept. 24, 2009]

#### MR. POLICY HITS A WALL

(By David S. Broder)

A new publication came across my desk this week containing an essay that offers as good an insight into President Obama's approach to government as anything I have read—and is particularly useful in understanding the struggle over health-care reform.

The publication is called National Affairs, and its advisory board is made up of noted conservative academics from James W. Ceaser to James Q. Wilson. The article that caught my eye, "Obama and the Policy Approach," was written by William Schambra, director of the Hudson Institute's Bradley Center for Philanthropy and Civic Renewal.

Schambra, like many others, was struck by the "sheer ambition" of Obama's legislative agenda and by his penchant for centralizing authority under a strong White House staff replete with many issue "czars."

Schambra sees this as evidence that "Obama is emphatically a 'policy approach' president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole."

He traces the roots of this approach to the progressive movement of the late 19th and early 20th centuries, when rapid social and economic change created a politics dominated by interest-group struggles. The progressives believed that the cure lay in applying the new wisdom of the social sciences to the art of government, an approach in which facts would heal the clash of ideologies and narrow constituencies.

Obama—a highly intelligent product of elite universities—is far from the first Democratic president to subscribe to this approach. Jimmy Carter, and especially Bill Clinton, attempted to govern this way. But Obama has made it even more explicit, regularly proclaiming his determination to rely on rational analysis, rather than narrow decisions, on everything from missile defense to Afghanistan—and all the big issues at home.

"In one policy area after another," Schambra writes, "from transportation to science, urban policy to auto policy, Obama's formulation is virtually identical: Selfishness or ideological rigidity has led us to look at the problem in isolated pieces . . . we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency."

[From National Affairs]

#### OBAMA AND THE POLICY APPROACH

(By William Schambra)

Nine months into his tenure, the patterns of President Barack Obama's style of governing are becoming clear. Obama had no ex-

ecutive experience when he took the presidential oath last winter—but he did come in with a particular idea of what politics and government are for, and how they ought to work. It is a view grounded in Progressive politics, and shared by a number of Democratic chief executives in recent decades. But Obama has articulated it, and his administration has embodied it, more fully than most.

Perhaps the most distinctive political characteristic of the Obama administration thus far is the sheer ambition of its early legislative agenda, which seeks to move a host of enormous initiatives all at once. The administration's most prominent organizational feature, meanwhile, is its reliance on issue "czars" to manage broad areas of policy. By the end of his first summer in office, Obama had named some 35 such policy superintendents—"more czars than the Romans," as one blogger quipped—overseeing matters ranging from health-care reform, energy, and regulation to stimulus accountability, corporate executive compensation, cyber security, and the Great Lakes.

Both his ambition and his unique style of issue management show that Obama is emphatically a "policy approach" president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole, lest the unattended elements react against and undo the carefully orchestrated policy measures.

The "policy approach" Obama seems to be embracing was best articulated by Daniel Patrick Moynihan in his classic essay "Policy vs. Program in the 1970s," published in the Summer 1970 issue of The Public Interest. "A policy approach to government," Moynihan wrote, begins "by seeking to encompass the largest possible range of phenomena and concerns." This means, to begin with, that "everything relates to everything," and therefore that "there are no social interests about which the national government does not have some policy or other." But these policies cannot simply consist of discrete interventions meant to address particular concerns. Public problems, arising in intricate social systems, are just too complex for that. Instead, policy should aim to give the system as a whole the proper shape, and then the elaborate array of programs, rules, incentives, pressures, and intentions will better fall into place.

Writ large, this approach suggests that government exists not to attend to the various problems in the life of a society, but to take up society itself as a problem—and improve it. The consequent expansion of the reach of government, proponents of this view contend, is not driven by anything as crude as presidential ambition or "socialist" ideology. It is simply a realistic and pragmatic response to the inexorable demands of the web of social reality.

To address social problems this way, the policymaker must put himself outside the circle of those whom he governs, and, informed especially by social science, see beyond their narrow clashing interests. This presents a problem in the politics of a democracy, of course, since most citizens (and the self-interested politicians they elect) either are baffled by or deliberately ignore social complexity and interrelatedness. The resulting truncated policies, reflecting

unenlightened popular prejudices or arbitrary ideologies, tend to make a hash of the underlying network of causes and effects. The practitioner of the policy approach must gently chide these citizens and politicians for their short-sightedness. He must insist that they put away their childish things, and get down to the hard and serious work of attending to the complicated causes of society's problems. And he must recruit to his administration a cadre of experts who can detect those causes—experts professionally trained in the natural or social sciences, which alone enable us to fully grasp social complexity and to design appropriate interventions.

Hence policy czars, mandated to follow the causal threads wherever they may lead, passing freely across the anachronistic and arbitrary boundaries of executive departments without undue concern for political turf. Hence Obama's ill-concealed frustration with what he so often calls the "tired old arguments" that compose our day-to-day politics. Hence also the immense ambition of his first-year agenda—and the immense obstacles and complications he will no doubt face as he moves forward.

#### THE SCIENCE OF GOVERNMENT

The ideal of the policy presidency is deeply rooted in the enduring American Progressive movement, and particularly in its understanding of the social sciences. In the late 19th and early 20th centuries, new economic and technological developments—factory production, mass markets, railroads, the telegraph and telephone—shattered the old boundaries of what historian Robert Wiebe aptly called our "island communities." Instead, we seemed to be increasingly intertwined, our existence affected by distant developments whose ramifications arrived unbidden in our lives through steel rail and copper wire.

That growing interdependence, writes Thomas Haskell in *The Emergence of Professional Social Science*, meant that the "effective cause of any event or condition . . . became more contingent and more difficult to trace." Everyday common sense now failed to explain the world, which seemed to be shaped instead by "long chains of causation that stretched off into a murky distance." Human behavior was no longer directed by autonomous moral choice, but rather by "a host of determinants external to the conscious mind." For the early Progressives, this brought into question the ideal of the free, self-governing, and personally responsible human being and citizen. And it led to the elevation of those equipped with sciences of society that promised to trace the chains of causation into the murk—those who appreciated, as sociologist Lester Frank Ward put it, that "every fact and every phenomenon is indissolubly linked to every other."

The professional social scientist—the economist, sociologist, psychologist, and political scientist—now had a critical role to play in society because, as Haskell points out, "it was largely through his explanatory prowess that men might learn to understand their complex situation, and largely through his predictive ability that men might cooperatively control society's future." As the prominent Progressive (and founder of the New Republic) Herbert Croly put it, "in the more complex, the more fluid, and the more highly energized, equipped, and differentiated society of today," the "cohesive element" would be "the completest social record," which could be assembled only by social-science experts "using social knowledge in the interest of valid social purposes."

This conviction became the basis for the Progressive political movement in early 20th-century America. The politics of that era seemed dangerously corrupt and tumultuous, with politicians either despoiling the public for personal and constituent enrichment or roiling public opinion with radically divisive new ideologies like socialism. In tones resembling Obama's rhetoric today, the Progressives condemned such behavior as short-sighted, parochial, and irresponsible. These reckless political practices, they argued, ignored growing social interdependencies that demanded empirically grounded, objective, far-sighted decisions focused on the larger national interest.

Progressivism's solution was to shift the administration of public affairs out of the hands of citizens and politicians still in the thrall of fragmented (and therefore dysfunctional) views of social reality, and into the hands of a new professional class steeped in the social sciences. They alone could formulate coherent intellectual maps of an interrelated world, and interventions sophisticated enough to bend the causal chains in the desired direction. In Croly's words, Progressivism believed that a "better future would derive from the beneficent activities of expert social engineers who would bring to the service of social ideals all the technical resources which research could discover and ingenuity could devise."

Progressive doctrine—particularly as extended and elaborated in President Franklin Roosevelt's New Deal and President Lyndon Johnson's Great Society—thus demanded the centralization of political power in the American presidency and its bureaucratic apparatus, organized according to the rational and orderly doctrines of scientific management and public administration. Progressive reformers throughout the 20th century came to denigrate the wisdom and relevance of the American Constitution, which frustrated centralization and coordination by dispersing governing power across the states and over the branches of government. Once thought essential to American freedom, these institutions now came to be seen as impediments to coherent national government.

The apogee of social science's influence in American public life came with Johnson's Great Society and its vast proliferation of professionally designed programs to address housing, poverty, education, urban affairs, and other public problems. "There was a prevailing faith that social science could diagnose the causes of human problems and develop sound and effective public policy cures," note Calvin Mackenzie and Robert Weisbrot in their history of the 1960s.

This brought on what Moynihan (in the first issue of *The Public Interest*, in 1965) called "the professionalization of reform." The expert class had become persuaded that our supply of social-science knowledge had accreted to the point that we now had reasonable assurance of bending society and economy to our will, he argued. And the project of reform was attracting larger segments of the middle class—who, benefiting from expanding higher education, were introduced to the allure of the "independence of judgment, esoteric knowledge, and immunity to outside criticism that characterize professionals." Public policy now tended to respond not to social movements, but rather to the concerns of the professionals—not only because of their superior expertise, but also because they were reaching a critical mass within the institutions of government and the economy.

Political scientist Samuel Beer summarized the increasingly autonomous role played by experts in the Great Society and subsequent administrations as "the technocratic takeover." As he put it, with all major contemporary policy problems, "it has been, in very great measure, people in government service, or closely associated with it, acting on the basis of their specialized and technical knowledge, who first perceived the problem, conceived the program, initially urged it on the president and Congress, went on to help lobby it through to enactment, and then saw to its administration."

The professionalization of reform and technocratic takeover went beyond government boundaries, however. As Hugh Heclo, Lester Salamon, and other scholars have observed, much of the expansion of federal programs in the Great Society and beyond involved not adding more federal bureaucrats, but rather subsidizing third-party providers at lower levels of government and throughout the non-profit sector. These institutions, too, took on a professional cast, as they recruited experts to design, execute, evaluate, and report on the federal programs for which they were responsible. They also inevitably became advocates for sustained government support for their services. Private charitable foundations, which had previously been mainstays of support for non-profit service providers, now chose instead to join them in pushing for increased government funding of services. Philanthropy was then left free to fund experimental projects that would blaze trails for yet more government programs.

Over time, "issue networks" (to use Heclo's term) began to develop, linking government bureaucrats, congressional staff, non-profit administrators, foundation program officers, and policy advocates around a shared interest in specific policy areas. Though they didn't always agree on policy particulars, Heclo maintains, they shared a "common language for discussing the issues, a shared grammar for identifying the major points of contention, a mutually familiar rhetoric of argumentation." These networks would provide quiet but self-sustaining momentum for federal programs, even in the face of hostile presidents.

Frank Baumgartner and Christine Mahoney have argued that as new government initiatives were established, "the programs and spending associated with them generated new interests themselves, as affected constituencies, service providers, and others entered into long-term relations with the government officials responsible for these new programs." As Michael Greve explains, even the Reagan administration eventually gave up trying to make a dent in federal support for liberal advocacy groups, concluding that "defending was a fight it could not win without mounting an extraordinary effort," and that "government funding of advocacy groups had become too deeply engrained in the structure of American government."

Thus, the policy approach to governing, and especially to the executive branch, came to take hold on the left and in Washington policy circles. It has played a role in the work of every recent administration—whether as implicit *modus operandi* or as exasperating foil—but not until President Obama has it had a genuine, life-long true believer in the Oval Office.

#### THE POLICY PRESIDENT

Obama's early life primed him for this way of thinking about politics. The circumstances of his family and his globally peripatetic youth acquainted him with a variety of strong traditional cultures—Kenyan,

Kansan, Indonesian—that had not yet been entirely pulverized by modern cosmopolitanism. Obama's first book, *Dreams from My Father*, is in part his account of trying on several of the tightly woven cultural garments that his background made accessible to him. As he often puts it himself, this experience endowed him with a remarkable capacity to appreciate the most diverse moral and cultural beliefs, coolly and objectively assessing their strengths and weaknesses. Because he was in but never entirely of several cultures, he was left with a wistful sense that he would always somehow be on the outside looking in.

But his cosmopolitan childhood ensured that Obama would not be burdened by a crippling illusion so common in the traditional community: that its way is the right way, and that it can autonomously shape its common life accordingly, free of the sprawling chains of social causality. From his earliest days—helped by the guidance and example of his mother, who held a Ph.D. in anthropology—Obama understood and easily glided through the network of interdependency that, as the Progressives had predicted, was eroding traditional communities and pulling us all together in vast systems of relationship.

When a Chicago non-profit accepted his application for a job as a community organizer, Obama put on the garment of a Chicagoan. That he was not born and reared in one of the strong and often insular ethnic neighborhoods of the city of broad shoulders was not particularly relevant. He was not there to help a local neighborhood rebuild a coherent sense of community that would enable it to solve its own problems according to its own values. Rather, he was there to help local residents understand the larger networks of power and influence that determined their lives, and which alone could provide the resources and knowledge to alleviate their poverty. What the South Side of Chicago needed was not an illusory sense of community efficacy, but rather the clout to force the importation of professional expertise—in the form of city-paid employment specialists at a new job center, and hazardous waste-removal workers to clean up asbestos at the Altgeld Gardens housing complex.

After his legal education, Obama found his way into the “issue networks” that had come to dominate Chicago politics—the non-profits, advocacy coalitions, and foundations committed to ever more extensive and sophisticated interventions by trained professionals into the lives of Chicago's distressed neighborhoods. In all major American cities today, as the Manhattan Institute's Steven Malanga observes, this constellation of forces—along with the municipal and educational unions—has replaced the traditional urban political machine; it is the new engine driving the perpetual expansion of municipal services and budgets. In addition to ongoing work with local advocacy groups, Obama served on the boards of two major foundations that are leading national proponents for the development and expansion of government services.

The mode of thought inculcated by this sort of work is reflected in the final report of the Chicago Annenberg Challenge—a massive local school-reform project (co-founded by the former Weather Underground radical William Ayers) that Obama chaired. The report suggests that the effort fell well short of expectations precisely because it left too much discretion to the untutored leaders of local schools. It would have been better to “provide guidance for local initiatives in the

form of well-researched and well-thought-out maps for change,” the report maintained, which would “present sound theories and principles that might enhance the effectiveness of local thinking and action.” It was too much to expect everyday citizens to understand the complex forces affecting their schools without substantial, theoretically informed intervention by the professionals.

Obama's chief complaint as a new U.S. senator was that Washington's discourse seemed to be dominated by the bitter, tired, ideologically driven politics that had characterized the pre-Progressive era. Most Americans, he insisted in his second book, *The Audacity of Hope*, exhibited a “pragmatic, non-ideological attitude” and were “weary of the dead zone that politics has become, in which narrow interests vie for advantage and ideological minorities seek to impose their own versions of absolute truth.”

Obama preferred an approach to public policy that would make greater use of objective evidence, scientific facts, and expert counsel. For example, he suggests in the book, we could take on the health-care problem by “having a nonpartisan group like the National Academy of Science's Institute of Medicine determine what a basic, high-quality health-care plan should look like and how much it should cost,” examining “which existing health-care programs deliver the best care in the most cost-effective manner.” In other words, the beginning of reform lies in the formulations of professional expertise.

During Obama's presidential campaign, journalists were clearly impressed by his willingness to consult and rely on the policy professionals. But the candidate's adamancy about seeking out proven experts came as no surprise to Obama advisor Cass Sunstein, who observed that “in his empiricism, his curiosity, his insistence on nuance, and his lack of dogmatism, Obama is indeed a sort of anti-Bush” from whom we will see “a rigorously evidence-based government.”

In January, the *Boston Globe* reported with hometown pride that the newly elected president had turned particularly to Harvard University for key administration officials. It seemed only natural, since Obama was “a preternaturally self-confident product of the meritocracy” and had a “reputation as a seeker of the expertise and intellect that Harvard prides itself on attracting.”

Small wonder, then, that as president, Obama's explanation for today's economic crisis reflects a distinctively Progressive tone, with a call to renounce short-term and selfish private indulgence in the name of empirically based, objective analysis of the long-term, system-wide view. There has “been a tendency to score political points instead of rolling up sleeves to solve real problems,” he suggested in his “New Foundation” speech at Georgetown University in April. The problems we face, he continued, “are all working off each other to feed a vicious economic downturn,” so “we've had no choice but to attack on all fronts of our economic crisis at once.”

To address these challenges, Obama insists, we must come up with comprehensive policies that account for the entire sweep of interconnected social and economic factors contributing to the problem, and whose coordination will contribute to its solution. Echoing Moynihan's understanding of the implications of the policy approach, Obama suggests that tackling only isolated pieces of the problem, or trying to solve only one problem at a time, will merely introduce further distortions into what should be treated as a unified and coordinated system. A com-

prehensive policy approach will enable us to take maximum advantage of natural- and social-science expertise, displacing expensive or ineffective local practices by spreading system-wide those programs that have proven to be more effective and less expensive, as documented by thorough research and experimentation.

Approaching the problems of the health-care system individually and incrementally, Obama insisted in a speech in July, “is precisely [the] kind of small thinking that has led us into the current predicament.” The inefficiencies and shortcomings of health-care financing will be done away with only if an extensive system is built that assigns and regulates roles for all the players, including federal and state health programs, medical personnel, hospitals, insurance companies, and all American citizens. Once this new universal network of relationships is established, science and technology—comparative effectiveness research, electronic medical records—can make their contributions. And once all Americans receive the treatments judged most effective according to rigorously empirical measurement, the nation's health care will be delivered everywhere as it is today at the Mayo Clinic.

Likewise, Obama and his allies insist that our national approach to energy and the environment must be based on the recognition that we are embedded in an intricate system of ecological linkages. In Obama's view, we have recklessly spewed carbon into the atmosphere because of poor decisions about housing, transportation, and electricity use—ignoring the web that ties them all together. Here, too, the answer is a system of energy supply that brings to bear the latest scientific research: A proposed “cap-and-trade” program will establish standards for measuring and regulating the emission of carbon; and a nationally interlinked web for energy transmission will carry renewable energy from wherever it is produced to wherever it is needed, no matter the distance.

Our education system, too, is chaotic and disorganized, according to Obama. Too many states and localities are going in too many different directions, and Washington “has been trapped in the same stale debates that have paralyzed progress and perpetuated our educational decline,” as he put it to the Hispanic Chamber of Commerce. Again, the president argues, the solution is a more uniform application of expert guidance and direction. “It's time to give all Americans a complete and competitive education from the cradle up through a career,” he said in March. And that trajectory should be enabled by one overarching system, because “it's time to move beyond the idea that we need several different programs to address several different problems—we need one comprehensive policy that addresses our comprehensive challenges.”

In one policy area after another—from transportation to science, urban policy to auto policy—Obama's formulation is virtually identical: selfishness or ideological rigidity has led us to look at the problem in isolated pieces rather than as an all-encompassing system; we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency.

And overseeing each of these policy areas will be a “czar,” attuned to the big picture.

This key presidential aide—almost invariably a policy expert rather than a political figure—will coordinate the activities of the various departments through which the intricate policy web is woven, and focus the latest expert advice and counsel on his particular segment of the problem of the whole.

#### POLITICS AND POLICY

How will the Obama policy-approach presidency fare? We can find a clue in the unrest stirred by his growing list of “czars.” Senator Robert Byrd of West Virginia, Obama’s fellow Democrat, objects to this new structure, complaining that the czars “rarely testify before congressional committees and often shield the information and decision-making process behind the assertion of executive privilege.” Indeed, he argues, “the rapid and easy accumulation of power by the White House staff can threaten the constitutional system of checks and balances.” Liberal law professor Bruce Ackerman suggests that “we need to seriously consider requiring Senate approval of senior White House staff positions.”

These cavils are unlikely to prompt serious action, but they do remind us of the persistence of our constitutional system of checks and balances and of a Senate jealous of its prerogatives. And that points to a central vulnerability of the policy-approach presidency. To be successful by its own definition, each of its policies must necessarily be rational, coherent, and all-encompassing, whether the issue is health care, energy, or education. And yet, as the early Progressives knew all too well, critical elements of the constitutional system—the executive cabinet, federal decentralization, the separation of powers, and the extended commercial republic—serve to shred and fragment policy proposals as they make their way from the minds of their expert designers through departmental bureaucracy and legislative committees (not to mention their hearings in the court of public opinion). Once enacted, the execution of policy is similarly trammelled by our political system’s fragmented dispersal of administrative authority. The result is often policy that is irrational, incoherent, and partial. Policies not designed to take account of that reality usually turn to mush in practice.

This failure to heed the realities of our politics often first presents itself in the form of an overly ambitious agenda that ignores the nature of the legislative process. Pressed to take on too much at once in pursuit of holistic reform, the system overheats quickly and easily. President Jimmy Carter discovered the risks of this approach when, as political scientist James Ceaser reminds us, he pursued his own version of a policy presidency. “Imbued with a technocratic perspective toward problem solving,” Ceaser writes, “Carter seemed to view the task of governing in terms of the management of complex and interrelated policies.” Or, as Carter speechwriter James Fallows noted toward the end of Carter’s administration, he “thinks he ‘leads’ by choosing the correct policy,” and so he came to hold “explicit, thorough positions on every issue under the sun.”

The Carter administration therefore generated a flood of elaborate and complex proposals covering energy, housing, welfare reform, income policy, families, neighborhoods, and urban affairs, among other issues. To take urban affairs as an example, Carter’s call for “A New Partnership” insisted that we “must carefully plan the total range of Federal, State, and local actions” in urban areas. To accomplish this, the partnership laid out, as urban planner Charles Orlebeke

put it, an “elaborate edifice” of seven governing principles, four goals, ten policies, and 38 strategies for implementation. Carter promised to “work with, encourage, support and stimulate every other level of government plus the private sector and neighborhood groups—all at the same time with equal fervor.” This is precisely the sort of expansive and encompassing programming demanded by a genuinely comprehensive policy approach.

The administration’s “complex and ambitious program seemed to confuse the public and ultimately to paralyze the operation of government,” Ceaser notes, leaving it little to show for all its technocratic bustle. By contrast, Carter’s successor Ronald Reagan deliberately limited his proposals to Congress to one or two top priority items at a time, having learned precisely this lesson from Carter’s failures.

Obama has taken his stand with the comprehensive approach, noting repeatedly that while there are “some who believe we can only handle one challenge at a time,” in fact “we don’t have the luxury of choosing between getting our economy moving now and rebuilding it over the long term.” Outdoing Carter, Obama doesn’t just view each separate area of public concern as a realm for the development of a comprehensive policy. He insists that, following the intractable interconnectedness of the pieces of his recovery plan, all the areas of concern must be covered immediately, simultaneously, and in a coordinated fashion. The comprehensive policies themselves must all fit into a larger comprehensive policy. Only thereby will they cohere into a uniform and truly comprehensive “new foundation” for the revival of the economy.

But as Obama’s proposals begin their journeys through the requisite institutional hoops, they will inevitably begin to lose their coherence and uniformity. A policy czar may entertain a single, overarching vision, but the various and often conflicting cabinet secretaries under his supervision, along with their vast attendant bureaucracies, may have very different interpretations of that vision and of how it is to be implemented. And congressional bargaining is never kind to fragile policy gems containing numerous carefully interconnected parts that must all be preserved intact in order to work.

The Obama agenda is particularly vulnerable to congressional distortions of executive intentions, owing to what might be an over-corrective reaction to the lessons of President Bill Clinton’s health-care reform proposal—which died without a congressional vote in 1994. The Clinton administration, too, embraced a version of the policy approach, believing that health-care reform could be accomplished only by addressing all the pieces within a coherent and unified system. Clinton, too, argued that the nation’s economic recovery from the recession of the early 1990s depended on it. His Task Force on Health Care Reform brought together more than 500 experts from all relevant federal departments, legislative staffs, governors’ offices, and universities to produce a massive, 1,000-page proposal. It covered every conceivable aspect of health care—down to establishing limits on the number of specialists that medical schools could produce.

In Boomerang, her account of the Clinton reform plan, Harvard sociologist Theda Skocpol suggests that since the task force “made such a gargantuan effort to come up with a truly comprehensive plan for reform—a plan thought at the time to be both tech-

nically and politically workable—there was a natural tendency for administration planners to see their proposal as a logical achievement to be ‘explained.’” That is, the planners could not bring themselves to dicker with Congress over the specifics, because they were convinced that all the pieces had to fit together in order for the policy to succeed. Yet as the New York Times’s Matt Bai has observed, “Ever jealous of its prerogative, Congress took a long look, yawned and kicked the whole plan to the gutter, where it soon washed away for good—along with much of Clinton’s ambition for his presidency.”

On the surface, Obama seems to have absorbed the moral of that failure. He has begun the process of revamping health care and environmental policy by proclaiming general principles that any plan must feature, while leaving the specifics of the programs to Congress. But it remains to be seen whether a Congress reflecting a vast array of contending geographic and economic interests can produce the sort of internally consistent and comprehensive proposal that the policy approach considers essential for success. Obama has articulated criteria for measuring the value of a plan that are out of line with his decision to leave the plan’s construction to Congress.

In reality, the Clinton and Obama models are not all that different. Sooner or later, one way or another, the exquisite workings of policy experts must be subjected to the brute judgment of elected officials, who have not lost their quaint (if inefficient) attachments to the varied desires, needs, and interests of their constituents. The sheer intellectual coherence of a plan does not protect it from the need to justify itself to the American constitutional system. The policy approach has not overcome democratic politics, and so remains a profoundly problematic way to try to govern our democracy.

#### THE PERSISTENCE OF THE POLITICAL

Progressivism was initially attracted to social science precisely because it would permit us to avoid or transcend political conflict grounded in irresolvable economic and moral differences. Meticulous empirical research that assembled all available data about a given problem would, Progressives believed, provide a solid, indisputable, shared ground for subsequent deliberation. Indeed, social-science data would be so compelling that the solution to the problem would likely emerge from its own scientifically rigorous description. It’s not just that facts would be more important than values: Facts would suggest the most plausible values. Or, as the American pragmatists believed, what works best to help us grasp and shape reality becomes the moral good.

We find traces of this thinking in The Audacity of Hope. “I understand that facts alone can’t always settle our political disputes,” Obama concedes, but “the absence of even rough agreement on the facts puts every opinion on equal footing and therefore eliminates the basis for thoughtful compromise.” He insists, however, that “sometimes there are more accurate and less accurate answers; sometimes there are facts that cannot be spun, just as an argument about whether it’s raining can usually be settled by stepping outside.” Clearly, Obama’s heavy reliance on policy expertise is designed not just to produce more accurate answers, though that is surely a critical goal. It also aims to quell the shrill exchange of equal (because equally baseless) opinions that, in his view, has come to characterize American politics. Where available—and

Obama intends to multiply the situations where they are available—pure non-political facts will provide the grounds for the resolution of policy questions, fulfilling Progressivism's faith in the natural and social sciences.

But what then to say about the increasing use of social-science data by conservative scholars, who seem to use it to provoke and sustain, rather than to ameliorate, partisan conflict with Progressive reformers? Some liberals simply insist that what conservative scholars produce is inferior or false social science, because it is produced in service of ideology rather than objective truth. Eric Wanner, former president of the liberal Russell Sage Foundation, insists that "the AEIs and the Heritages of the world represent the inversion of the Progressive faith that social science should shape social policy." In his *Paradox of American Democracy*, John Judis complains that conservative think-tank scholars "did not seek to be above class, party, and ideology" like earlier, disinterested social scientists, but rather "were openly pro-business and conservative." They thereby "rejected the very idea of a dispassionate and disinterested elite that could focus on the national interest."

But the notion that there is true and false social science relies on our ability to locate a fixed and universally accepted standard according to which we can say that some conclusions are beyond dispute because they are empirically true. Certainly that was the initial Progressive vision for social science. Yet the policy and social sciences have come nowhere close to such a standard in assessing society. In 1979, Edward Banfield wrote that the "persistent efforts of reformers to do away with politics and to put social science and other expertise in its place are not to be accounted for by the existence of a body of knowledge about how to solve social problems," because no such body exists. Indeed, he continued, "there are few social science theories or findings that could be of much help to a policy maker."

Ten years later, Ronald Brunner noted in *Policy Sciences* that it was difficult to assess the usefulness of the policy movement, because its "various parts tend to differ in their judgments of the relevant standards, data, and inferences to be drawn from them, whenever their judgments are made explicit"; nonetheless, the policy approach's "results typically have fallen short of the aspirations for rational, objective analysis." Positivist social science had "assumed that if the behavioral equivalents of Newton's laws could be discovered, they would provide a basis for rational and objective policy. Rationality would be served because the consequences of policy alternatives could be predicted with precision and accuracy," while the "valid system of generalizations would reduce controversy in the policy arena." But still, according to Brunner, "after roughly four decades of behavioral research, positivists have not yet discovered universal covering laws that predict human behavior with accuracy and precision."

In short, policy science cannot be depended upon to dampen or eliminate conflicting points of view because it is itself riven by deep divisions over how best to develop, analyze, implement, and evaluate public policy. And these divisions cannot be explained away by a conservative conspiracy to dilute genuine, objective social science with a spurious, ideologically driven imitation. Social science begins from one place or another in society, and can do great good that way. But it cannot step outside the circle of our social life; no human activity can.

The Obama administration will of course insist that its policy plans are rooted in unassailably objective research. But there may well be equally compelling research supporting contrary conclusions, and the debate between them cannot be resolved by insisting that true science supports only one kind of conclusion. Often the origins of the dispute have to do with people's sense of the most important questions to ask, the most critical goals to set, or the highest ends of society. These are generally determined by those outmoded, yet stubborn, values—not social science.

President Obama knows, however, that whatever the state of the policy approach's epistemological foundations, it is vital to making the case for his political project. For example, he can insist that he is undertaking only reluctantly, and certainly without selfish ambition or ulterior motive, a massive and ambitious expansion of government into major segments of the American economy because it has been shown necessary. "I don't want to run GM," Obama told reporters as he initiated a government takeover of the company. The decision was not driven by personal choice, he seemed to suggest. It was simply what a thoroughgoing and effective policy approach demands. As Ceaser points out, "to speak of a policy for any given area of activity already implies that that area is a matter for legitimate superintendence by government." Only an unsophisticated rube would mistake the pristinely objective dictates of the policy approach for "socialism."

But the mention of unsophisticated rubes points to a final possible problem for President Obama's policy approach, this one related to America's commitment to democratic self-government. Obama's technocratic rhetoric is meant to be soothing and reassuring to an American public fed up with intractable ideological division: Many of our problems will resolve themselves once we have collected the facts about them, because facts can ground and shape our political discussions, deflating ideological claims and leaving behind rational and objective answers in place of tired old debates. But in spite of several decades of data production by social science, American politics has proven itself to be remarkably resistant to the pacifying effects of facts. It has continued to be driven, as James Madison predicted, by the proliferation and clash of diverse "opinions, passions and interests."

Indeed, as Madison put it, "as long as the reason of man continues to be fallible, and he is at liberty to exercise it, different opinions will be formed." It may be that, in the end, the proponents of the policy approach disagree with Madison's premise that reason is fallible. But if that is their view, they can hardly claim much empirical evidence for it.

Though Madison believed the most common source of different opinions to be property, he also understood that Americans were likely as well to divide along religious and moral lines, reflecting convictions about ultimate questions of good and evil that cannot be resolved through scientific reason. This does not mean they take in only part of the picture, but that they disagree about what is best for the whole, for reasons that run deep. These disagreements, although they do not always lend themselves to scientific analysis and technical solution, speak to genuine human yearnings and concerns. They are often rooted in many centuries of experience and wisdom, and can hardly be dismissed as irrelevant to the life of a liberal society—let alone as illegitimate subjects for political debate.

This leads to the most troublesome implication of Obama's policy approach, which revealed itself in what might have been the chief blunder of his presidential campaign: his offhand remark that some Americans continue to "cling" to guns and religion in the face of adversity. The comment betrayed Obama's debt to the Progressive view that such parochial values are poor substitutes for a sophisticated understanding of the larger networks of causality that determine the lives of everyday Americans. In light of such an understanding, the old debates that grip American politics may well look rather ridiculous.

The policy approach begins from the assumption that those old disagreements are fundamentally an error, or a function of a temporary lack of information. It begins, in other words, from the contention that democracy is an illegitimate, or at least a highly inadequate, way to govern a society. This is a deeply anti-political way of thinking, grounded in a gross exaggeration of the capacity of human knowledge and reason. American politics as we have known it appreciates the fact that fallible men and women cannot command the whole—and so must somehow manage the interactions and the tensions among parts. Social science—however sophisticated it might now be—has come nowhere near disproving that premise. Unless it does, social science will always best serve politics by helping to address the particular problems that bedevil society as they arise, rather than treating society itself as one large problem to be solved.

This is not because society is not in fact an intricate web as the early Progressives asserted, but precisely because it is—a web far too intricate to be reliably manipulated. We are not capable of weaving our society anew from fresh whole modern cloth—and so we should instead make the most of the great social garment we have inherited, in its rich if always unkempt splendor, mending what is torn and improving what we can.

Our constitutional system is constructed on this understanding of the limits of reason and of the goals of politics. Every effort to impose the policy approach upon it has so far ended in failure and disappointment, and done much lasting harm. President Obama is now attempting the most ambitious such effort in at least 40 years. He brings considerable talent and charm to the attempt—but the obstacles to its success remain as firm and deeply rooted as ever.

Mr. ALEXANDER. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### THE NATIONAL DEBT

Mr. JOHANNES. Madam President, I rise today to speak in support of a pending amendment. This amendment is called the Erasing Our National Debt Through Accountability and Responsibility Plan. I wish to start out today by saying I am very proud to be a cosponsor of what I consider to be a very commonsense amendment.

The Troubled Asset Relief Program, known as TARP, was enacted in the fall of 2008 for the U.S. Treasury to buy toxic assets, primarily mortgage-backed securities. It was sold to Congress as having a sole purpose of getting bad assets out of the market. It

was sold as an idea of stabilizing the economy. At the time this was sold, this was it. This is what we told people this was going to do. Supposedly, it was going to be a one-time, very narrowly focused program during a time of the worst economic crisis we had seen in decades. Lawmakers at that time were warned that if we do not act now, if we do not take this action, the failure to act is going to be devastating. Yet Washington, after it got approval of this plan, almost immediately threw out the original game plan. Money was not used to buy those troubled assets. Instead, it was given to large banks with very few strings attached. The government hoped banks would generate small business loans, and would send the money out to allow people to do auto loans and mortgage loans. That simply did not happen. There is plenty of finger-pointing going on as to why that did not happen, but the bottom line is that consumers were left to battle the credit crunch alone, and they felt abandoned in their fight. What did Washington expect when it gave away practically free money? From the get-go, the TARP rule book was simply tossed out the window. Since then, TARP has morphed in so many ways that most people cannot even remember, cannot even think about its original purpose.

The American people have unquestionably lost faith in the \$700-billion taxpayer-funded boondoggle. They expected it to get the economy up and lending. Now they feel duped, and I do not blame them. Instead of jump-starting lending in the economy, what this has turned into is a revolving slush fund for unrelated spending projects. It just goes on and on.

Let me run through a sample of what TARP has been used to fund:

No. 1, buy General Motors. Who knew that the U.S. Government would spend about \$50 billion of TARP buying not only an ownership interest in General Motors but a controlling interest? Back home in Nebraska, when I have talked to Nebraska citizens about this, I say to them: If I had come out during my campaign and suggested that the President of the United States would literally over a weekend have the ability to buy General Motors without any kind of congressional approval, no one—no one—would have believed me. Yet that is exactly what happened.

No. 2, there is a plan called cash for caulkers. We all know about that plan.

No. 3, the House passed a second stimulus—\$150 billion in TARP to fund more unrelated spending. Let me give a few examples: \$800 million for Amtrak; \$65 million for housing vouchers; \$500 million for summer youth employment; \$300 million for a college work study program.

No. 4, the doc fix—\$¼ trillion in TARP that will never be paid back, an immediate loss to the taxpayers.

No. 5, off-budget highway funding.

I could go on and on. The list just does not end. The projects being funded out of this now new slush fund do not seem to have an ending point. Some of these projects might be quite meritorious. One might look at them and say: Gosh, in the normal budgetary process, I would want to be a part of voting for those projects. I might support some of them in the normal budgeting process but not through some no accountability slush fund.

TARP has spiraled out of control, and it needs to end today—immediately. TARP was never intended to finance a wide array of spending programs where the taxpayer literally was going to be the loser. We must find a way to pay for government spending, not try to disguise it in TARP.

I am asking my colleagues to adopt the Thune amendment and end the no-accountability TARP slush fund. This amendment would immediately stop the Treasury Department from spending more from the TARP funds. It would repeal the administration's ill-advised extension of TARP through October 2010. It would require TARP repayments to reduce our national debt. There would be no clever statutory interpretations to get around the debt reduction requirement. A payment comes in, the debt ceiling goes down. No more reckless spending. No more Russian roulette with taxpayers' money. Not only is this common sense, but it is good fiscal sense, and it is the right thing to do.

One thing is absolutely obvious: Taxpayers are asking us to work together to get deficit spending under control, to find solutions to problems that trouble this great Nation. This amendment, in my judgment, is absolutely the first step, a good start to get a handle on out-of-control spending, to start restoring faith with the American people. If TARP is ended, we show the American people that we are listening and that Congress is, in fact, serious about protecting taxpayers' money.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TARP

Mr. DURBIN. Madam President, a speaker on the floor earlier—Senator JOHANNES of Nebraska—was talking about TARP, and many of us recall this was a program started under the previous administration. President Bush and his Secretary of the Treas-

ury, Henry Paulson, came to us, along with Federal Reserve Chairman Ben Bernanke, and basically told us America's economy and perhaps the global economy was on the edge of an abyss; that we could see what looked like an economic downturn turn into not only a recession but worse if we didn't act and act quickly.

The proposal they made was to go after what they called toxic assets, and so they created a program called the Toxic Assets Relief Program—TARP. They asked for some \$80 billion—an enormous sum of money—in order to go to financial institutions that were teetering on the brink of collapse and save them, in the hopes that in doing so, they could stabilize our economy.

Even though I took a few economics courses in college and have followed the course of American business, at least as a casual observer, it was hard to argue against their request because my fear was that failure to do anything would, in fact, bring this economy down, costing us dramatic numbers of jobs and failures in the business community. So I voted for TARP. It seemed like one of the few things we could do that might have some chance of stabilizing the economy.

Of course, it is not the most popular program in America. The idea of taking hundreds of billions of dollars of taxpayers' money to give to banks and investment operations that have failed—literally to the point of failure—seemed to be a rescue effort for a group that doesn't usually garner much sympathy, in terms of the activities they are engaged in day to day. The money went to a large share of these banks and financial institutions, and the net result is, virtually all of them were saved from collapse—all but Lehman Brothers, which had failed before this request.

So the economy moved forward. Then the bankers repaid the effort of the American taxpayers by announcing—many of them—they now felt times were so good for them they could start declaring bonuses for their officers and their employees—bonuses.

In the real world of 40-hour work weeks and day-to-day grind, most people see a bonus as a reward for good performance or successful performance. Many of these financial institutions were literally the victims of their own greed and their own malice and their own poor planning. Then, after taxpayers rescued them with TARP money, they wanted to turn around and reward themselves for good conduct. It grated on the American people and this Senator as well.

TARP, which was initiated to keep these banks from failing, is one which few of us would step up and say: Well, let's try that again. That was a great idea. I, frankly, think it was probably a necessary thing to do at the moment, but it is not a model I wish to recreate,

certainly when you look at the reaction of the banks after we helped them. But the Senator from Nebraska comes to the floor and basically says: Let's liquidate and end this program. On its face, that sounds like a good idea but for one thing: Now some of these banks and financial institutions are paying us back with interest. We had hoped they all would. Maybe most of them will. The taxpayers deserve that.

Money that is coming back in is not like found money. We anticipated a payback. But it is money which creates an opportunity. Now the Senator from Nebraska would have us basically eliminate that program and the money coming in could not be spent for other purposes. I think that is a mistake. We spent up to \$800 billion to rescue Wall Street. As the cliché goes, it is time for us to consider spending that money to rescue Main Street. For instance, if we took a substantial portion of the TARP money coming back from the big banks, and the interest coming back from the big banks, and redirected it to community banks expressly for the purpose of providing credit for small business, then I think we would be engaged in an effort that most Americans agree will save businesses, save jobs, and even create the opportunity for more jobs. If we do not take the TARP money to do this, we know what is going to happen: banks, large and small, will continue to deny credit to small businesses. As a result, many of them will fail, few of them will expand, and the economy will continue to move forward in a more positive way but at a glacial pace.

I would say to the Senator from Nebraska, if he went back to Omaha as I go back to Chicago and Springfield in my State and meet with small business owners, he would find they are desperate for this credit. Why not take the money that once was directed to the large banks, now paid back to our Government, and redirect it to smaller businesses? That really is the bedrock of our economy. I hope the Senator from Nebraska will reflect on that. His anger about what the big banks did after we rescued them should not be vented on small businesses in Nebraska and Illinois that need credit assistance.

It is also possible to take some of these TARP funds and turn them into a rescue for a lot of victims of the current recession. For one, we should be spending this money to help a lot of projects get underway which will help build the economy.

I just had a meeting in my office with a group of mayors from Illinois. The mayors from across the Nation are here in Washington. The story they bring is common no matter where they are from. They have seen a downturn in revenues—sales tax revenues and property tax revenues—and an increased demand for services. That is being played out at every level of gov-

ernment—local, State, and Federal—so many of them do not have the resources to take care of basic problems, from the repaving of streets to the building and rebuilding of essential infrastructure. What they are asking us for is help so they can meet those basic needs and at the same time create jobs in doing it.

There was a TIGER grant application under this new administration's stimulus bill that gave local units of government a chance to put on the table critical projects they could initiate and create jobs in so doing. The competition was fierce—\$60 billion in applications for \$1.5 billion in funds. It shows you there is a pent-up demand there for these infrastructure projects.

The rate of unemployment in the construction industry in America is much higher than the average—almost twice the average in most States. If we take these TARP funds coming back to our Treasury and redirect them into infrastructure grants such as TIGER grants, we would be creating new opportunities for building infrastructure critical to our economy and creating jobs immediately. That construction worker who goes back to work making certain we have good roads and bridges is going to take that paycheck home and the family is going to spend it. As they spend it, the shopkeepers and others where they do business are going to profit and they will respond it. That is how the economy starts to churn forward, and that is how jobs are saved and created.

We should not let our frustration over the greed and selfishness of the biggest banks in America and financial institutions that literally thumb their noses at taxpayers lead us to close down an opportunity to take these TARP funds and turn them into jobs in America, turn them into a lifeline for small businesses.

Many people look at our economy today and say it is not good enough—and they are right. I have to echo the sentiments of one of my colleagues in our delegation, Congressman PHIL HARE, who says if he hears the phrase "jobless recovery" one more time, he is going to get sick to his stomach. I agree with him. A recovery is a recovery if, in fact, jobs are restored and created. We need to focus on that as well.

Make no mistake, we have made some progress over the course of last year since President Obama took office. I just remind my colleagues and those following in floor comments that last April the Dow Jones index was at about the 6,000 to 7,000 range. Today, it is 10,000. It indicates more confidence in the future of our economy, more investment in our stock market, and I hope an end to the fear and lack of confidence which were part of the worst of our recession.

We have also seen the unemployment figures. Job losses were more than

700,000 a month when President Obama took office. Now they are coming down, and that is good. I will not be satisfied, nor will the President, until they are on the positive side of the ledger. But we have made some progress. I think the latest unemployment monthly figures were in the range of 80,000 to 100,000. That is a long way from 700,000, but it gives us a lot of ground to travel before we catch up.

I would say the administration has us moving in the right direction. We not only have to stick by the stimulus bill which the President proposed and which we supported on the Democratic side of the aisle with a handful of Republican Senators, but we also have to think about the next stimulus, the next jobs program which will create good-paying jobs and help small businesses survive. That is essential. I hope we do not let some amendment come along which literally takes away the source of funds we may need for this next jobs stimulus. Whether you are in a Republican State with Republican Senators or a Democratic State with Democratic Senators, it makes no difference; unemployed people need a fighting chance to get their jobs back.

#### TERRORIST DETENTION

There were comments on the floor by the minority leader, the Republican leader, as well as the majority leader, Senator REID, about the so-called Christmas bomber who was caught in the act trying to detonate some type of explosive or inflammatory device on an airplane. We have had extensive hearings.

The President has gone into quite an extensive investigation in terms of any failure in our security efforts and what happened on that day. I believe the President's candor and honesty have been helpful. He has acknowledged the fact that we could have done a better job. We collected a lot of information, and pieces of it, when they were considered together, really pointed toward a problem—that this man never should have been allowed to get on this airplane. The President has acknowledged that, as well as his national security advisers.

Now a question has arisen as to what to do with this suspected—alleged terrorist from Nigeria. He is currently being held, incarcerated in a Federal prison in Milan, MI, which is 60 miles west of Detroit. That is not unusual. In fact, 350 convicted terrorists are being detained in Federal prisons across America, including in my home State. They are being safely held without any fear in the surrounding community because our professionals at the Federal Bureau of Prisons know how to do their job and do it well.

The question is whether he should be investigated and prosecuted in a military commission or in the courts of the land. Some say that if he is a suspected terrorist and not a citizen of the



United States, then send him to a military commission because terrorism is, in fact, a war against America. That on its surface has some appeal. They also argue that if he goes through the courts of our land, he is going to be given certain privileges we accord to citizens when they are arrested and tried which he might not otherwise have if he goes through a military commission. There is some value to that statement as well.

Here is what we have found. Here is the track record. Since 9/11, we have had over 190 convictions of terrorists in the courts of America, the criminal court system of America, our Federal courts—190. We have had three, literally three who have been prosecuted by military commissions. So those who are trying to push more and more prosecutions into military commissions should look at the scoreboard. The scoreboard tells us we have a strong track record of prosecuting terrorists in our courts, whether it is Richard Reid, the shoe bomber, with a similar mode of operation as the man who was arrested on the Northwest Airlines plane, or a suspect arrested in Peoria, IL, Mr. Al-Marri, who was incarcerated in Marion, IL, the regular prison. They went through the regular court system, successfully prosecuted and put away. Moussaoui, the suspected 19th terrorist on 9/11, has been given a life sentence and is now in a maximum security facility in Florence, CO. We will never hear from him again, nor should we. He went through our regular court system.

Those who want to close off our regular court system to the prosecution of terrorists ignore the obvious: that has been the most successful way to prosecute and to incarcerate and keep those who are accused of terrorism and to keep America safe. Let's not have an automatic, visceral reaction that every time terrorists are somehow arrested, they need to be tried in a military commission. Let's give this administration the option. Let them decide which forum works best to bring justice and to protect America. In some cases, it may be military commissions. We recently had Attorney General Holder testify that he sent five suspected terrorists to be tried through military commissions and five through the courts of our land. Give the Department of Justice and the Department of Defense that latitude to pick the best place to achieve this type of prosecution.

I understand that in this case, the so-called Christmas bomber, there was a fumbling in terms of which direction the case should go. There is no excuse for that. We have to learn from that mistake, and we have to make certain it does not happen again. But to say that automatically every suspected terrorist has to go to a military commission is to send them into a venue, a court venue, with rules that are cur-

rently being developed and tested and are likely to be challenged by courts all over the land. To send them into our regular court system is to bring them into a system with an established set of laws, established precedent, where we have successfully prosecuted over 190 alleged terrorists since 9/11, while in military commissions only 3—190 to 3. The score is overwhelming. I think we ought to take some consolation in the fact that our court systems have worked so well.

Let me make one other point. The administration has asked, in my State of Illinois, if our Governor and general assembly will accept the creation of a new Federal prison in Thomson, IL, which will be used for both Bureau of Prisons regular detainees and those who are incarcerated, as well as a section where fewer than 100 of the remaining Guantanamo detainees will be held under military supervision. Our State has considered it. We recently, in December, had a commission decide that this surplus prison, which is 8 years old—a state-of-the-art, modern, super-max prison—will be sold to the Federal Government. We are now negotiating between the State of Illinois and the Federal Government about the price of that facility. I hope that negotiation is resolved soon. I look forward to its completion.

The critics of opening the Thomson Federal prison in Illinois argue that it is unsafe for us to detain any of the Guantanamo prisoners in the continental United States. Those critics overlook the obvious. As I mentioned earlier, 350 convicted terrorists are being held in Federal prisons across America today, including other prisons in Illinois. Second, this Christmas bomber, who was caught on the Northwest Airlines plane, is being held in Milan, MI, a Federal prison 60 miles west of Detroit, without incident or concern. It is an indication to me that our Federal prison system is fully capable of incarcerating suspected terrorists and those who have been convicted. Those who would spread fear that somehow bringing them to the continental United States is going to compromise our security have yet to point to one single instance where a prisoner detained in a super-max facility has ever escaped.

This Thomson prison, incidentally, is going to build a new perimeter fence which will make it the safest, most secure prison, not only in the United States but perhaps in the world.

The people in this community, with the prospect of 3,000 new jobs in this weak economy, are anxious for this prison to get up and running.

They have come out politically, both political parties, those who have been elected to office at every level, supporting this Thomson prison. I think what has happened to this alleged terrorist from the Northwest Airlines

flight in Milan, MI, is proof positive that we can continue to hold these terrorists. We do not have to stand in awe or fear. We should stand without quaking and trembling and understand that we can look these terrorists in the eye and say: We can put you in this prison, and you are going nowhere, buddy. That is what has happened to this person and will happen to those who are detained in Thomson, IL.

I see my colleague from Louisiana is here. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

#### HAITIAN ADOPTIONS

Ms. LANDRIEU. I thank my colleague from Illinois for his passionate and coherent and convincing arguments about the issue of how to detain terrorists and knowing that we can do that very well in the United States, and also his explanations about the financial situation and some of the things the President is doing to correct that situation.

But I came to the floor this morning in morning business to talk about a different subject, and one that is quite troubling to Americans as we watch the unfolding horror in Haiti. As we stand ready and willing to do everything we can, not only as leaders in the Senate and Congress, our constituents are leaning forward wanting in every corner of this country to do everything they can to help.

It is very frustrating to see, again, some of the similar, almost eerily similar scenes from having lived through Katrina and Rita, Gustav, and Ike along the gulf coast. Whether those scenes were from New Orleans, as we remember, or Plaquemines Parish or St. Bernard or Galveston or Gulfport or Biloxi, those scenes are still quite fresh in the minds of Americans.

I think people are thinking the same way I am, which is, when will we ever get this right? We know sometimes things happen that are unpredictable, but this is not one of those cases either. Just like some parts of the Katrina disaster were quite known and predictable, this too, and that is a story for another day.

But as we struggle through this situation, I want to thank the administration, not only ours but administrations around the world, for what they are trying to do, and say I know we can do better and everybody watching this knows we can do better and one day we will. We are going to do what we can as quickly as we can. I am going to stay focused, with many of my colleagues here, on one aspect of this response and recovery; that is, the aspect of children and particularly orphan children.

I have been very proud to be the leader of the coalition in this Congress of over 220 Members. We are completely united and completely nonpartisan in

our advocacy for orphans in America and around the world. This is a moment where I would like to spend, although my time is short, saying this is a good time for us as a country and as Members of Congress to try to understand the magnitude of the challenge before us.

Let me begin, before I go into the situation, to personally and by name thank the Members of the Senate who have stepped up to date quickly and forcefully to join this effort. Your name, Madam President, is at the top of the list, the junior Senator from New York. We thank you for your extraordinary leadership. I also thank the Senator from Colorado, MARK UDALL; the Senator from Massachusetts, JOHN KERRY; the Senator from Michigan, CARL LEVIN; CHRIS BOND from Missouri; ARLEN SPECTER from Pennsylvania; BOB CASEY from Pennsylvania; HERB KOHL from Wisconsin; MARK WARNER from Virginia; Senator BARRASSO; Senator JOHNSON; Senator BENNETT; Senator STABENOW; Senator BILL NELSON from Florida; Senator LAUTENBERG; Senator THUNE; Senator MCCAIN; Senator MENENDEZ; and Senator HUTCHISON; and my cochair in all of this, obviously, Senator INHOFE.

We are a bipartisan group. Our numbers are growing every day, numbers of Senators who say we want to focus on the welfare of children and particularly orphans and come up with a better plan to respond to this humanitarian disaster as it relates to them. We are committed to the fundamental—almost a concept that I do not know how anyone could argue, but people do, that all of us understand that children actually belong in families. I know this is a difficult concept for some people in our country and the international community to grasp. But children do not do well alone. Children do not do well in orphanages, no matter how well they are run. Children do not want to grow up in group homes of which we have thousands of children in our own country in group homes.

Actually, children want to grow up in families. This may be a startling concept for some but not for us. That is why we advocate for child welfare policies that at its beginning, middle, and end advocate the basic fundamental truth that children are best raised in a family with one responsible parent if not two. We do not think there should be any argument about that. So we are puzzled as to why we have so many difficulties sometimes explaining that in situations like Haiti or in America or in places in Africa or Central America around the world. There are so many barriers to adoption. It breaks our hearts. It just breaks our heart. One barrier after another.

We think this is quite simple. We think these barriers have to come down, and we are determined to pull this out.

I want to give some numbers to you that will be startling to you because they are to me.

In America we have 320 million people approximately. We have 100,000 orphans. There are a lot of orphans in our own country. They are invisible to people. We try to bring their pictures to the Senate floor sometimes and tell people there are 100,000 magnificent children of all races, shapes, and sizes who are in need of a family right here at home. We do our best to promote domestic adoptions and have been doing a much better job.

Americans adopt about 120,000 children a year, mostly from our foster care system, some infant adoptions in America, and, happily, 20,000 international adoptions. But when you hear this number, you would fall down if you were not sitting down. Haiti has 9 million people. Remember, we have 320 million, they have 9 million. They had 380,000 orphans before the earthquake struck.

I am going to repeat that. They have 9 million people. They had 380,000 orphans before the earthquake struck. We cannot begin to estimate how many orphans there are today, but I promise you that number has at least doubled.

Now, I am not going to be part of a system that says, with those numbers and that truth, our job is to find those children, dust them off, fix their broken limbs, heal them physically, try to help them emotionally, and then stick them in orphanages for the rest of their lives. I am not going to support that. I am hoping the Members on this side will not support that either.

That is what we have had for the last 50 and 100 years in terms of policy all around the world, even in Haiti. We cannot have that anymore. The international treaty that we have all been a part of trying to help says this: It says every child should stay in the family to which they were born with the parents who brought them into the world. When they are separated from those parents, through death or disease or famine or war, they are then to be placed, as quickly as possible, with a relative who is willing and able to raise them.

If I passed away, the Presiding Officer knows my sisters or one of my brothers would step in. If my husband and I died, my sisters and brothers would step in to raise our children. That is normally what is done all over the world. It is no surprise. But when there is no family member to take in a child, then the treaty says you shall find a home for that child somewhere in their country, in their community, which makes sense. Culturally, that makes sense.

While I am a big believer in cross-cultural adoption and biracial adoption—I am a huge supporter of that—but I understand we want to try to place children as close to their initial

beginnings as possible. When that becomes impossible, it is our job to find them a home somewhere else in the human family because, after all, we are one human family. If anybody would like to come to the Senate floor to disagree with me, I look forward to debating that with them. I do not think I will find any arguments here among Senators, from the very conservative to the most liberal. It is just a basic moral tenet that we are one human family. So it makes me so angry when I see governments, sometimes even our own, sometimes even our own bureaucracy, sometimes even our own embassy fighting that concept. They throw up their hands and say: We just cannot. It is overwhelming. We cannot find a way to do it. Every excuse in the world to keep these children from the one thing they need most, which is a parent, someone to love them.

If anyone thinks that just feeding children and clothing children is what God is calling us to do, I would beg to differ. Yes, we have to keep them alive. Yes, we have to give them care. But what most importantly little human beings need are bigger human beings to raise them. If they do not get that, they end up not growing up in a strong way. They end up in our prison systems. They end up in homes. They end up sick. Not that every child that is in a family in America, even with the most loving parents ends up always wonderfully, but they most certainly have a better opportunity.

So I am just putting a line in the sand here and saying to my colleagues that I am proud of the 40 Members of Congress, House and Senate Members, who sent a letter to Secretary of State Hillary Clinton, who all of her life has been a leader on this subject. We are so grateful she is there as Secretary of State. We sent this letter to Secretary Napolitano. I am going to put this letter in the RECORD.

I am pleased the letter we just sent 3 days ago has already been responded to. The Departments have issued humanitarian parole for the orphans who were in the process of being adopted, and there were a couple hundred. Parents here have been desperate. They have already been matched with their children. They have pictures of their children. They were in the process of adopting those children. You can imagine how desperate they are. That process is underway.

We are going to continue to press to make sure that not just the green light was held up, but that our government at every level, from Defense to Homeland Security to Transportation, is doing everything they can to execute the swift and safe removal of these children in Haiti to American families who will nurture them and support them.

Then the next step—I see my colleague from Utah here—I am going to

end in just a moment. The next step will be to work with a broad coalition of faith-based communities in our country and around the world, with private sector corporations, large and small, with individual Americans who want to contribute and be a part of this effort.

I intend to lead and set up a framework so that thousands and thousands, hundreds of thousands of orphans in Haiti can find the family to which they were born. We are going to try very hard. If not, a relative in Haiti, if not someplace in Haiti for them to live in the joy and comfort of a supporting and loving family, and then if not here, then somewhere in the world where these hundreds of thousands of orphans—and I hope not to say this, but potentially 1 million; but let's hope that number does not ever reach this—find families.

This is not going to happen in the next 24 hours or 48 hours. But with our concerted help and vision and leadership, it can happen not just in Haiti but around the world, including right here in the United States of America.

So I want to thank my colleague, JIM INHOFE, who is the cochair of the Adoption Caucus. I want to thank the Members of the Senate and the House, particularly JIM COOPER, MICHELE BACHMANN, and others who have stepped up so quickly.

We will be speaking on this floor quite a few times in the future as we get updates about this issue. I thank Americans for the outpouring of support for children in Haiti, for all people of Haiti, but particularly the children and particularly the orphans who need our help.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Thune amendment No. 3301 (to amendment No. 3299), to terminate authority under the Troubled Asset Relief Program.

The PRESIDING OFFICER (Ms. LANDRIEU.) The Senator from Montana is recognized.

Mr. BAUCUS. We are now on the debt limit legislation. In a second I will cease speaking so the Senator from Utah can address the Senate.

I think we are making progress. Three amendments are now pending. The first is the substitute amendment raising the debt limit amount; second, an amendment by the Senator from South Dakota on TARP; and third, an amendment by this Senator to protect Social Security. We anticipate the Senators from North Dakota and New Hampshire will be offering their amendment to create a budget commission sometime midday today. I am hopeful the Senate can schedule votes on my Social Security amendment, the Conrad-Gregg commission amendment, and, perhaps, the pending Thune amendment as well early this afternoon. We are hopeful we can continue to process amendments, with the goal of wrapping up this legislation early next week.

Before I take a few moments to describe the amendment I offered yesterday to protect Social Security, I yield the floor so the Senator from Utah may address the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 3301

Mr. BENNETT. Madam President, I thank the chairman of the Finance Committee for his courtesy. He has always been most accommodating, even to those of us who disagree with him. That contributes to a sense of comity in the Senate. I am grateful to him.

I am in favor of the Thune amendment, which will be voted on sometime this afternoon. I do not come to this brand new. This is an amendment I co-sponsored with Senator THUNE back in October 2009. It has to do with the question of the survival or continuation of TARP. My constituents are often confused as to what TARP is. There is an attempt many times to wrap the whole question of bailout together in any vote that has to do with the expenditure of Federal funds, in the face of the financial crisis we faced last year, as being called a bailout. So I explain to my constituents that there is a significant difference between TARP and stimulus funds or bailout funds that were spent outside TARP and take them back to the definition of what TARP stands for. We use so many acronyms around here that we sometimes confuse voters. Since I was part of the negotiations that produced the bill known as TARP, I wish to lay that predicate for a moment. TARP stands for Troubled Asset Relief Program. We were focusing, at the time that bill was passed, on the impact of troubled assets on the financial system.

Those who were present when Chairman Bernanke and Treasury Secretary Paulson spoke to us will remember that they came to the Congress and said: We are facing a crisis, and we

have 4 days before there is an entire meltdown worldwide. One of my colleagues made the comment: I feel as though I am in a "James Bond" movie with this kind of threat hanging over us.

So a group of us who were members of the Banking Committee met under the leadership of Chairman DODD and began the discussion. I will make it clear, the discussion was completely bipartisan. There was no attempt on the part of anybody, with maybe one or two exceptions, to do any kind of partisan gamesmanship. It was, we are focusing on the problem and what we have to do to deal with it. The proposal was made by the Secretary of the Treasury that he had to be equipped with the authority to stand before the entire world and say: I have authority from the Treasury to spend \$700 billion to deal with this problem of troubled assets.

I called an economist whose judgment I trust before I entered into those activities and said: Tell me if this is going to work.

His first comment was: I am afraid \$700 billion may not be enough. Because the crisis is so serious and the challenge to the confidence of the banking system so deep, we do need something very dramatic, and \$700 billion might not be dramatic enough.

But then he made a comment which I found very useful: But, in fact, Senator, the Treasury Department cannot shovel \$700 billion out the door in any kind of rapid pattern. So this is more of a public relations kind of statement than it is a practical matter.

I said: OK, how fast could the Treasury spend the money in an effort to start acquiring these troubled assets and deal with this problem?

He said: \$50 billion a month is probably the fastest people could spend the money, actually disburse the money.

So when we got into the meeting and started discussing what became TARP, I made the proposal, instead of giving them \$700 billion, since they can only disburse \$50 billion a month, why don't we give them \$250 billion, which is 5 months' worth, and see if it works. The response that came back from Secretary Paulson's office was: \$250 billion will not satisfy the marketplace as a whole that we are serious.

I went back to the comment, again, of my economist friend who said even \$700 billion might not be enough.

Without going into any further details, we went through the situation and came up with a solution that was accepted in a bipartisan fashion. I said: All right. We will give Secretary Paulson his \$700 billion headline. We will allow him to say the Congress has authorized the Treasury Department to spend \$700 billion dealing with this problem of troubled assets. However, the fine print makes it clear, they are only going to have authority for \$350

billion without coming back to Congress to get approval for the second \$350 billion. So the headline was there. Secretary Paulson was able to get on the telephone and call all the central bankers all over the world and say: The Congress is going to approve \$700 billion of authority. But the fine print said: You are going to break it up into two tranches, the first 350 for immediate disbursement—and, again, that will take months to do—and then come back for the second 350 after you see how it works.

In the Senate, we approved that by a large margin and it went forward. I voted for that first tranche of 350 because I was convinced the challenge was there and the crisis was real.

Looking back on it and having testimony from a wide range of economists and observers before the Banking Committee, I am convinced that first vote was the right vote. The crisis was there, and the \$700 billion headline did indeed avert the crisis.

Then, the administration came back and said: We need the authority for the second \$350 billion. At that point, I felt the crisis had passed, and I looked at the way the administration had handled the first 350, which was different than what we were told, and I said: I am not going to vote to approve the second 350. I don't think you can make a case for the second 350, in the face of the facts we have before us, that is, in any way, as compelling as the case for the first 350. So I voted against the second 350.

Then, we saw this start to be used in ways that were never, ever discussed when we adopted that first tranche of 350. We saw it used for the auto bailout after the Congress refused to appropriate money for the auto bailout. We said: OK. These are not necessarily troubled assets of the kind that TARP was supposed to address, but it is something we are going to do. As a result of that, the auto companies got \$25 billion and the U.S. Treasury got stock in two bankrupt companies—not my idea of a good deal for the taxpayers. Then we have seen stimulus packages and other bailout packages and other activities and the TARP money being used in a variety of different ways contrary to what we were told at the time we made the first decision.

One of the issues that was important to understand about that first decision was, we were going to acquire assets and that when the crisis passed, those assets could be liquidated and money would come back into the Treasury. Yes, money would go out to the tune of \$350 billion, but as the crisis passed, money would come back, we hoped, to the tune of \$350 billion and maybe even more because there was interest to be paid on those areas where there were loans. There were warrants that were established on those areas where there were investments. The assets them-

selves were assumed to have more value than they might have when we acquired them. There were economic studies at the time that said the taxpayers will make money off TARP. We will get the money back with interest, with additional revenue.

That has started to come to pass. At least of that first tranche of TARP, the money has started to come back. Over \$100 billion has come back for a variety of reasons. In some cases, because the firms are capable now of paying it back; in some cases, because the firms want to get out from under the control of the Treasury, the control that goes with having a Treasury investment, the money is coming back in.

In that meeting where we decided we would do the 350 rather than the full 700, we made another decision. It was very clear to all Senators in that meeting and who drafted that bill—and I was not one of the ones who drafted it; I am not a lawyer; that was handed over to others—when the money comes back, it can be used for only one purpose. That purpose is to pay down the national debt. If we are going to raise the national debt by \$350 billion, when we get the \$350 billion back, it should go solely to retire the debt that was created when the money went out. Everyone agreed to that. I believed that was written into the bill. So it came as a great surprise to me, as the money started to come back, that Secretary Geithner said: We are going to recycle it. We are going to use it for other kinds of rescues, other kinds of financial circumstances.

Along with many of my colleagues who were privy to the original discussion, I said: Wait a minute. That is not what the law says. The law says, as it comes back, it has to go to pay down the national debt.

No, said Secretary Geithner in the hearing, that is not the way our lawyers interpret it. Our lawyers look at this and say: You in the Congress gave us the authority to recycle this and spend it on other things, in addition to the original crisis.

It is for that reason, among others, that I joined with Senator THUNE in offering an amendment earlier last year, earlier in this Congress, saying, no, we are going to end TARP on December 31, which was the original date we set for this. We were unsuccessful in that amendment. Now we are going to try again. We are going to offer the amendment that says: All right. We feel there has been a bait and switch. We feel this administration has changed the rules from the way we thought we wrote them. There may even, indeed, be a lawsuit here, because if the law says what we believe it said, the administration is breaking the law. But let's deal with this in a congressional way. Let's simply end TARP right now, making it clear that the money, as it comes back, cannot be used for any other purpose.

The underlying resolution to which this amendment is being offered is one to raise the national debt. This amendment is one that will take steps to lower the national debt. I think it is consistent with the history. It is certainly consistent with the history I have had on this issue trying to deal with the TARP problem right from the very beginning. I think it is the right thing to do.

I am grateful to Senator THUNE for offering this amendment. I am happy to be one of the lead cosponsors, as I was previously when we tried to sunset TARP on December 31. I will do everything I can to try to convince my colleagues that while the recession clearly continues, the crisis that spawned TARP is over. There is no international financial crisis of confidence in the banking system anymore. The crisis of the toxic assets that had us worried about having only 4 days to act has passed. Yet the instrument that was created to deal with that crisis lives on under a new heading being used for new purposes. It is, indeed, an example of bait and switch.

For that reason, I urge my colleagues to get behind the Thune amendment, which we will vote on later today, recognize that a promise made to the taxpayers a little more than a year ago is a promise we need to keep. Responsible government says, when we are debating increasing the debt limit, a step that will reduce the national debt is clearly one we ought to take.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank my colleague, Senator BENNETT from Utah, for his statement. He makes some very good points. Although I will not be able to support the amendment, I wish to say his presentation and the points he is making are quite good.

AMENDMENT NO. 3300

Madam President, I have an amendment which I would like to explain. It is very simple. It will protect Social Security from cuts in the fast-track process proposed to be created in the Conrad-Gregg amendment.

It is clear from the public statements of Senators CONRAD and GREGG, they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a big roll of the dice for Social Security and Medicare.

Millions of American seniors rely on Social Security. Social Security is a commitment to America's seniors. I might say, if we did not have Social Security, as to estimates I have seen, about half of American seniors today would be living in poverty. Social Security basically has kept a lot of senior Americans from living in poverty. We should, therefore, prevent a fast-track process from reneging on Social Security's commitment to those people and

putting a lot of people back in poor economic straits.

Numerous groups representing seniors have called for excluding Social Security from this fast-track process.

AARP, for one, recommends that Social Security be excluded from the commission's deliberations. This is what AARP says:

[W]e urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

The National Committee to Protect Social Security and Medicare also focused on Social Security, arguing that it is inappropriate for such a commission. Here is what they wrote:

Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

A consortium of groups from the AFL-CIO to Common Cause, to NOW, once again, focused on the problems with allowing the budget commission to change Social Security. Here is what they wrote:

[A]n American public that only recently rejected privatization of Social Security will undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

The idea of excluding Social Security from fast-track processes is not new. Congress already excludes Social Security from the fast-track reconciliation process.

The text of my amendment is very similar to a provision that appears right now in section 310(g) of the Congressional Budget Act. That Budget Act section prohibits using reconciliation to make cuts to Social Security. That is in the law today. My amendment would do the same for the fast-track procedures in the Conrad-Gregg amendment.

The Senate added the Budget Act section on which my amendment is patterned to the law in 1985. Senator Hawkins of Florida offered the amendment, and the Senate adopted it by voice vote on October 8, 1985. It has been the law for nearly 25 years.

Let me read from some of the debate that occurred that day in 1985. Much of that debate is directly relevant to the amendment I propose today.

Senator Hawkins explained the purpose of her amendment. She said:

This amendment states that changes in Social Security cannot be made in reconciliation.

Senator Hawkins continued:

The whole idea behind removing Social Security from the unified budget is to make changes in the program based on the needs and constraints of the program itself and not for short-term budgetary reasons. Social Security is self-financed and has long-term goals. It should not be subject to the same constraints of programs competing for scarce general revenue funds. If my amendment is . . . adopted, it does not mean that changes in Social Security could never be made. It merely means that if and when changes are made to Social Security, it would not be in the context of the budget.

Senator Heinz of Pennsylvania supported the Hawkins amendment. Here is what Senator Heinz said. This is 1985:

I think we first do agree that the legislation needs language that does what the Senator from Florida suggests this does; namely, to put an extra lock on the door so no one can say that Social Security is going to end up in reconciliation. That is the intent.

Senator Heinz continued:

This language . . . does a very important job by making a point of order in order against any reconciliation bill that comes to the floor with Social Security cuts in it.

Senator Heinz made clear that under the provision the Senate was adding to the Budget Act, Congress could still make changes to Social Security, just not in a fast-track vehicle. Senator Heinz went on to say:

[T]he Finance Committee retains jurisdiction over the programs involving the Social Security Act. And were it required, for reasons having to do with solvency of Social Security, reasons of equity, having to do with either the taxes or the benefits involving Social Security, or any other reason having to do with it that we might see fit, but not having to do with reconciliation and the budget process, we could work our will, as we have in the past, on the Social Security Program. But not as part of the reconciliation.

Senator Rudman of New Hampshire, a cosponsor of the Gramm-Rudman-Hollings budget process, spoke in favor of the amendment. Here is what he said:

[T]he language offered by the Senator from Florida has one single effect. That effect is that any reconciliation taken by the Senate Finance Committee would have to survive a point of order if it dealt with anything that had to do with old age assistance.

Senator Domenici of New Mexico, then the chairman of the Budget Committee, also explained the Hawkins amendment in the same way. This is what Senator Domenici said:

This amendment would with specificity say that any reconciliation bill containing provisions with respect to Social Security would be subject to a point of order. That is what this amendment does.

That is what Senators said when they adopted a prohibition on using the fast-track reconciliation process to make changes in Social Security. That is why all those Senators supported excluding Social Security from the fast-track reconciliation process, and I argue that all the same arguments apply today as well.

Let us prevent Social Security from being cut in a fast-track commission

process. Let us keep America's commitment to our seniors. I urge my colleagues to adopt my amendment to protect Social Security.

I might also say, Social Security is not the cause of our deficit problem. Social Security is running surpluses. For years into the future, Social Security is going to run surpluses. Social Security, thus, reduces the current unified budget deficit. Social Security is not the reason for our fiscal problem.

Furthermore, over the longer term, Social Security is growing with the rate of growth in the economy. Social Security is growing more slowly than health care expenditures. Social Security is not the primary source of long-term fiscal imbalance—all the more reason, I submit, why my amendment should be adopted.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 3301

Mr. VITTER. Madam President, I rise to strongly support an amendment on the floor that I have coauthored. I have joined Senator THUNE, Senator BENNETT, and many others on this amendment to immediately end TARP, the so-called Troubled Asset Relief Program—to end that, to wind it down immediately, once and for all.

Again, the amendment is very simple and straightforward. It terminates TARP immediately when this provision is signed into law. Just as importantly, the amendment ensures that all TARP money that is repaid to the Federal Government goes to debt reduction, as clearly intended under the law, under the original language for TARP.

I have long fought for this termination. First of all, I had grave reservations about TARP from the beginning, and I voted against that proposal. Looking back, I do not think it is at all clear that was necessary to avert some impending disaster. Looking at the last year, I think it is perfectly clear TARP has become a slush fund and has led to all sorts of continuing spending abuses.

Because of those concerns from the very beginning, I have been working to end TARP. On January 5 of last year, I offered the resolution of disapproval to try to block the release of the second half of TARP funds, the second \$350 billion.

On April 2, 2009, I offered an amendment to the budget to rescind unspent TARP funds and to end it then.

On April 30 of last year, I offered an amendment to S. 896 to remove any obstacles to the repayment of TARP funds because, at that time, the bank regulators and the Department of Treasury were forcing, in some cases, financial institutions to actually keep their TARP money and not repay it back to the taxpayer sooner rather than later.

On August 6 of last year, I offered an amendment to H.R. 3435, a bill which provided extra money for the Cash for

Clunkers Program, to end TARP on a date certain; namely, the end of last year.

Unfortunately, those efforts failed. But those efforts picked up steam and support every step of the way and certainly they helped illustrate—and recent discussion and debate and elections, I think, helped illustrate—the American people want to end TARP, want to end too big to fail, and get back to our normal economic rules grounded in the free market.

Why should we end TARP? First of all, in the original bill, the end date to TARP was supposed to be December 31 of last year. That was the normal end date. Last December, the Secretary of the Treasury, under authority he had, on his own, under the language of the bill, extended TARP for almost another year. I believe that was the wrong decision, unjustified, and I believe we should act to stick by the original end date and end TARP immediately.

I do not think there is anyone on this floor or around the country who can argue we need a continuation of TARP because our financial system is in some imminent danger. There is no imminent danger out there. Hopefully, that will not develop. But, clearly, it does not exist now.

Secondly, the right response to future failures is not to pump taxpayer money without limit to individual institutions. The right response is to end too big to fail and to have an orderly resolution regime. That is exactly what I am working on with Democrats, with other Republicans on the Banking Committee, to pass regulatory reform, including an orderly resolution regime to end too big to fail.

Then, the third reason we need to end TARP is it has become, in the last year, a purely political slush fund to spend on whatever the political whim of the moment is. It was never executed to achieve its original purpose. TARP stands for Troubled Asset Relief Program. Yet, ironically, that is about the only thing TARP funds have never been used for, the actual purchase of troubled assets.

From the very beginning, just after it was named the Troubled Asset Relief Program, it has been used for everything else under the Sun—first, pumping money directly into specific mega financial institutions, then pumping money directly into the auto companies. Clearly, the car companies are not banks, are not financial organizations. They were never intended to be included under TARP.

Since then, during 2009, the proposals to use TARP as just a pot of money to spend at everyone's political whim have gone on and on. There have been proposals to use TARP money to fund highway projects. There are proposals right now to use TARP money for a new jobs program. There are proposals, at least on the House side, to start a

brand new housing program funded by the TARP assets.

Perhaps we should do new activity regarding highway construction, job creation, housing, but we should not use TARP as a political grab bag, a slush fund, to pay for that and whatever else is the whim of the majority in Congress. That is a clear abuse of the program, and it is a clear ongoing threat if TARP is allowed to exist.

If we go back to the origination of TARP and discussions and talks made at the time, it is clear that then-Senator Obama, then-Presidential candidate Obama pledged to the American people that TARP would only be used for certain purposes, and every penny would be repaid to the taxpayer. On October 1, 2008, then-Senator Obama, then-Presidential candidate Obama, clearly spelled out his conditions that he required to support TARP. He said:

If the American taxpayers are financing this solution, then they have to be treated like investors. They should get every penny of their tax dollars back once the economy recovers.

I don't think there is any mistake in the law or the President's comments, but because he didn't want to be misunderstood, he didn't want to communicate in any sort of vague way, he reiterated that, and he said in addition, "every penny of which will go directly back to the American people."

The problem is, that is not what is happening. Every month, every week, every day that TARP continues to exist, raids on the slush fund, raids on TARP, bright new ideas to spend the money so that it will never be returned to the taxpayer abound.

Unfortunately, since he explained his initial conditions for supporting TARP, the President has acted in a wholesale different way. He supported TARP money going to the car companies which was never intended under the original bill. He supported these new ideas coming from liberals in the House and Senate to use TARP money for highway construction or a new jobs program or a new housing program, which was never intended under the original bill.

We need to get back to the President's original promise: to treat the American taxpayers like the investors they are, to honor their wishes, to protect their funds, and to get all of that money returned to the American taxpayer.

I find it pretty ironic that during the last few weeks the President has bashed big banks and proposed a big new tax against big financial institutions. Yet, at the same time, he wants to continue TARP, and he wants to continue the ability to give those same big financial institutions taxpayer dollars virtually without limit. Why don't we start on the path to fiscal responsibility by at least not showering those big financial institutions with more

taxpayer dollars? We are out of the crisis. We don't need TARP. Let's end it, end it immediately, wind it down.

So, again, I urge all of my colleagues—Democrats, Republicans—to honor the President's initial words back in the fall of 2008 about what TARP was supposed to be about and how all of the money should be repaid to the taxpayers. Let's honor those words. Let's honor the initial promises about TARP, and let's end it immediately since the crisis has passed and ensure that all of the money, as it is repaid over time, goes back to the American taxpayer by reducing debt. Let's stop this continuing threat that TARP is just used as a political slush fund to fund spending, programs, and ideas at the whim of the majority of Congress as it develops week to week. Let's return that money to the American taxpayer. Let's reduce the debt. Let's reduce the deficit.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I have further correspondence which I wish to read into the RECORD with respect to my amendment which is pending, as well as with respect to statements by organizations that essentially oppose the Conrad-Gregg amendment. The first is from the Leadership Council of Aging Organizations. It is entitled, "Proposed Bipartisan Task Force for Responsible Fiscal Action."

It says:

Dear Representative: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security income, community service and Federal civilian military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising Federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review.

That is very valid. How would this commission know how to make those



cuts? They don't have expertise on the programs. This would be an outfit that just cuts without having any sense as to how these programs operate and what changes might be made.

Continuing to quote from the letter:

Our concern is that their recommendations, nevertheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that Social Security has somehow contributed to the Nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by 2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion.

That is a reserve, a surplus, of \$2.4 trillion.

The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

That is a surplus at least until the year 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression.

Again, I am reading from the letter from the Leadership Council of Aging Organizations. Continuing:

Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and Benenson Strategy Group, nearly nine in ten (88%) Americans say that Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries aged 65 and older received about 64 percent of their income from the program in 2006.

It then gives a reference in parenthesis. The reference is in the letter.

Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate in Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

I am going to read some of the signatures to this letter:

AFL-CIO, AFSCME Retirees, Alliance for Retired Americans, the American Associa-

tion of Homes and Services for the Aging, American Society on Aging, Association of Jewish Aging Services of North America, B'Nai B'Rith International, Center for Medicare Advocacy, Inc., Gray Panthers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America, National Academy of Elder Law Attorneys, National Active and Retired Federal Employees Association, National Alliance for Caregiving, National Asian Pacific Center on Aging, National Association of Area Agencies on Aging, National Association of Professional Geriatric Care Managers, National Caucus and Center on Black Aged, Inc., National Committee to Preserve Social Security and Medicare, National Council on Aging, National Senior Citizens Law Center, National Consumer Voice for Quality Long-Term Care, OWL, The Voice of Midlife and Older Women, Service Employees International Union, the Jewish Federations of North America, Volunteers of America, Wider Opportunities For Women.

I think that letter speaks for itself, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEADERSHIP COUNCIL OF AGING  
ORGANIZATIONS,  
December 8, 2009.

Re: Proposed Bipartisan Task Force for Responsible Fiscal Action

DEAR REPRESENTATIVE: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security Income, community service and federal civilian and military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review. Our concern is that their recommendations, nonetheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that So-

cial Security has somehow contributed to the nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by 2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion. The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression. Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and the Benenson Strategy Group, nearly nine in ten (88%) Americans say Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries age 65 and older received about 64 percent of their income from the program in 2006 (Social Security Administration 2009b: Table 9.A1). Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate from Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

Sincerely,

AFL-CIO; AFSCME Retirees; Alliance for Retired Americans; American Association of Homes and Services for the Aging; American Society on Aging; Association of Jewish Aging Services of North America; B'Nai B'Rith International; Center for Medicare Advocacy, Inc.; Gray Panthers; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America; National Academy of Elder Law Attorneys; National Active and Retired Federal Employees Association; National Alliance for Caregiving; National Asian Pacific Center on Aging; National Association of Area Agencies on Aging; National Association of Professional Geriatric Care Managers; National Caucus and Center on Black Aged, Inc.; National Committee to Preserve Social Security and Medicare; National Council on Aging; National Senior Citizens Law Center; NCCNHR; The National Consumer Voice for Quality Long-Term Care; OWL, The Voice of Midlife and Older Women; Service Employees International Union; The Jewish Federations of North America; Volunteers of America; Wider Opportunities for Women.



Mr. BAUCUS. Madam President, I might also add that there is another letter I have. I have referred to this organization already, but I will read their letter. This is from OWL, the Voice of Midlife and Older Women:

Dear President Obama, Speaker Pelosi, and Senate Majority Leader Reid:

We, the undersigned, urge you to preserve and protect two of the most important and successful government programs in the history of the United States—Social Security and Medicare. We ask that you resist the pressure by Wall Street and conservative members of Congress to form an undemocratic and unaccountable fast-track “deficit commission” that would cut these programs that are so crucial to the well-being of the people of our country.

Social Security is not responsible for any part of the deficit. The 2009 Annual Report from the Board of Trustees stated that Social Security ran a surplus of \$180 billion last year with a reserve of \$2.4 trillion.

That is a reserve of \$2.4 trillion.

The Congressional Budget Office, in its August 2009 forecast, said that full benefits can continue to be paid until 2043. There is ample time to make the necessary adjustments through the usual legislative process.

The best way to get the cost of Medicare under control is by reforming the health care system as you are currently trying to do, not by cutting benefits to the millions of people whose health is at stake.

That is a very important point. Let me just read it again because it is so true:

The best way to get the cost of Medicare under control is by reforming the health care system . . . rather than by cutting benefits to millions of people whose health is at stake.

Continuing in the letter:

There are many ways to cut the deficit—once our economy has recovered. In the meantime, Social Security and Medicare provide a measure of economic stability during a time of financial crisis in our communities. As Frances Perkins said on the 25th anniversary of Social Security, “We will go forward into the future, a stronger nation because of the fact that we have this basic rock of security under all our people.”

In 2010, we’ll celebrate the 75th anniversary of Social Security.

We urge you to stand firm against the proposal for a fast-track commission that would diminish these programs that speak so deeply of America’s values.

Respectfully yours.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 3301

Mrs. HUTCHISON. Madam President, I rise today to speak in support of the Thune amendment, which I cosponsored. It would put the brakes on the TARP train wreck.

TARP was originally conceived to purchase toxic assets from banks in order to clean up their balance sheets and provide them the capability and liquidity to begin lending again. At the time, Federal Reserve Chairman Ben Bernanke said that we were facing the most severe financial crisis in the post-World War II era. President Bush stated that the unprecedented challenges of such a financial crisis required unprecedented response and, without action, the American people would face massive job losses, significant erosion in the value of retirement accounts and home values, and a lack of credit availability. Treasury Secretary Hank Paulson said that unless Congress took action, the financial system of our Nation and the world would collapse in short order.

My constituents said at the time that they could not get loans to keep their businesses up and running. Something needed to be done. Secretary Paulson proposed an emergency plan to authorize as much as \$700 billion to purchase toxic assets, such as devalued mortgage securities, from the financial institutions holding them. It was stated that the plan would restore consumer confidence in the economy as the Treasury would show faith in our financial system by purchasing these assets and managing them while the market stabilized, and selling them later. The proceeds from the sale of these assets would then go to pay down our national debt.

In response, Congress proposed the Emergency Economic Stabilization Act, which created the Troubled Asset Relief Program, called TARP, and authorized \$350 billion not \$700 billion in Federal assistance.

The Republican and Democratic Governors Associations wrote jointly to ask Congress to act immediately on the legislation to provide economic security to the financial system and stabilize the crisis. Congress did act in overwhelming majorities.

Almost immediately, however, the Treasury Department deviated from the intent of the program and design they told Congress they would pursue. It did not purchase toxic assets as planned. Instead, the Treasury used TARP funds to take equity stakes in over 300 of our Nation’s financial institutions. The program was further expanded to nonfinancial companies, pouring billions of dollars into AIG, GM, and Chrysler. When the administration asked for the second tranche of \$350 billion, I said no, and so did many of my colleagues.

We have especially seen the misuse of TARP in capital repayments to the

Treasury. Since the program began, the Treasury has received over \$165 billion in paybacks, with interest. Under the Stabilization Act, proceeds from these paybacks were meant to be used to pay down our national debt. That was a key condition to its approval.

In a hearing last November, before the Banking Committee, of which I am a member, I spoke with the Assistant Secretary of the Treasury, Herb Allison, regarding the State of the TARP program 1 year later. Secretary Allison told us that these repaid funds “go directly into the general account of the U.S. Treasury to reduce the Treasury’s funding need”—to reduce our debt. Yet, when I asked him to confirm that the money repaid was no longer part of the total authorization of \$700 billion, Secretary Allison said that when TARP funds are repaid, headroom is created within the program to provide additional commitments to maintain the \$700 billion funding level. Thus, as the Treasury puts repaid funds back into one pot, it reaches into another for more—basically recycling the \$700 billion. This is not what was promised. It is not what was passed. It is not what was envisioned. I most certainly never voted to authorize a revolving fund to remain in our economy indefinitely. I didn’t even vote for \$350 billion of this \$700 billion that is now becoming a revolving fund.

According to the most recent TARP report from the Office of Financial Stability, approximately \$545 billion in TARP funds has been committed. Repayments through TARP were over \$165 billion. This leaves roughly, with the amount of the \$545 billion which has been committed, about \$374 billion being paid out with roughly \$319 billion of unobligated TARP funds, or TARP authority.

The recent report issued by the Congressional Oversight Panel for TARP stated that although TARP authority ends October 3, 2010, any funds committed by that date but not yet spent can still be spent under TARP past this deadline. This could create an indefinite time period for expenditures through TARP.

The amendment offered by Senator THUNE, me, and many others would allow us to truly put an end to TARP expansions, and it would put an end to it immediately. It would show taxpayers that Congress finally gets it, and that we are serious about reducing our Nation’s skyrocketing debt. This would indeed be the first step in putting our financial house in order.

Today, we can begin the process of lowering this huge debt that our country, which just in the last year, has increased exponentially. We are looking at a bill that would increase our debt to \$14 trillion. If we pass the amendment before us today, we can cut that back instead of adding to the debt. That is what we ought to do.

While we are at it, we need to stop the spending binge we are on. We need to stop the stimulus package, whatever is not authorized, because that, too, will add to our debt. We need to recommit to cut taxes. We need to say our financial house must get in order. It is time to reauthorize the tax cuts that were put into place that caused our financial stability after 9/11. It is the tax cuts that caused our financial stability. It is lowering the capital gains rate, lowering the dividends rate of taxation. This is what would open our markets and open our ability for businesses to hire people. It would restore consumer confidence. What about the death tax that will come back in full force next year? People don't know how to plan their giving to their children or giving to their employees and their businesses because they don't know what Congress is going to do. If there is anything Congress ought to do, it is stabilize our tax system and make the tax cuts permanent. We need to lower the capital gains and dividends rate permanently. These are funds that have already been taxed. They were taxed when they were earned. They should not be taxed for savings—dividends and capital gains are savings. That is how people plan for their future.

We need to recommit today to reorder our financial priorities. We need to get our financial house in order. That means cutting down on the debt, not adding to it. It means cutting spending, and it means making our tax cuts permanent. Capital gains and dividends rates should be lowered permanently so that our stock market would be permanently stabilized. And we should lower the rate for everyone because the people who can hire others will be paying at the highest rates when the rates go up. That includes schedule C corporations. We need to lower capital gains rates. We need to lower the burden on businesses. We need to lower the burden on families. We need to help people, not hurt people, who are trying to plan for their financial retirement.

Today, we have a chance to take the first step by saying that TARP is going to end, that we are not going to expand something that was authorized for an emergency purpose. This emergency purpose should be a commitment of Congress. We should not allow the expansion of TARP. We can take the first step by voting for the Thune amendment of which I am a cosponsor. We need to start the process today, and we can say to the American people that Congress is finally listening.

Many on my side of the aisle have been making these points day after day. We were here almost every day in December, Saturdays and Sundays included, trying to make the point that people don't want a government takeover of their health care system. Now I think we have a clear message from the

people of Massachusetts that they don't like this either. The exit polling showed that 48 percent of them voted to keep this health care bill from going forward. The rest of them voted to say: Stop all of this takeover by government of so much of our lives—whether it is the cap and trade that will raise energy and fuel costs or whether it is letting the tax cuts lapse, which would give us more money for our own families to spend as we wish, not as government wishes; it is to stop the growth of big government; it is to stop the ending of the death tax for all intents and purposes so that we can pass on to our children the fruits of our labor.

Most of all, we have a chance today to say we are not going to raise the cap on our debt limit and we are not going to \$14 trillion, which is now above 17 percent of our gross domestic product. It is our debt burden. This is not healthy.

The people of Massachusetts said: Get your house in order, Congress; get your house in order, Mr. President.

Let's do it. We can take the step today to do it. It is time for Congress to hear the American people and act, to hear their cry that we must get our house in order for the future of every American and every American's child and every American's grandchild. That is what we owe them. I hope we will take the first step with the Thune amendment and then the rejection of the resolution to raise the debt ceiling. Then we can lower taxes permanently, and then we can take to the American people a new agenda that will really create jobs because the jobs will be in the private sector, not the government sector.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we anticipate the Senator from North Dakota will join us momentarily. Pending his arrival, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I have come to the floor to discuss an amendment I am offering with Senator GREGG to create a bipartisan fiscal task force. The task force would be designed to develop a bipartisan legislative package to address the Nation's long-term fiscal imbalances. There would be a requirement that the package come before Congress for a vote.

Under the rules of the Senate, our amendment requires 60 votes to pass. If we do not reach the 60-vote threshold,

I will continue to push for the creation of a special process to deal with our debt, and I will fight to ensure any special process results in legislation that will get a vote in the Senate and in the House. We cannot afford another commission whose recommendations sit on a dusty shelf somewhere at the Library of Congress.

I believe our country is at a critical juncture. We have seen in the previous administration the debt of the United States double. We are on course over the next 8 years for at least another doubling of the debt. And already we are reaching precarious levels, record levels—record levels that have never been seen before in this country.

I believe nothing short of the economic future of the country is at stake. I point to this recent Newsweek cover from December 7 of last year entitled "How Great Powers Fall; Steep Debt, Slow Growth, and High Spending Kill Empires—and America Could Be Next."

Here is what the article went on to say:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy, and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

The process has already begun. As I indicated, in the previous administration the debt doubled. Foreign holdings of U.S. debt more than doubled. We can see the track we are on. From 2001, at the beginning of the Bush administration, the debt skyrocketed, and it continues to grow with the economic downturn and the projections from the Congressional Budget Office for the future. In fact, we now estimate that the gross debt of the United States could reach 114 percent of the gross domestic product of the United States. That has only been equaled in U.S. history after World War II. At that point, the debt came down very rapidly.

There is no forecast that shows this debt coming down and certainly no projection and no forecast that it will come down rapidly. Instead, what we have is a forecast by the Congressional Budget Office that the debt will continue to explode. Instead of being 100 percent of the gross domestic product of the United States, the debt will rise to a level of more than 400 percent of the gross domestic product of the United States.

By any account, that is an unsustainable course. We have had before the Budget Committee the testimony of the head of the Congressional Budget Office saying the course we are on is clearly unsustainable. We have had the testimony of the head of the General Accounting Office saying the current course is clearly unsustainable.

We have had the testimony of the Secretary of the Treasury, both in the previous administration and this one, saying this trajectory is clearly unsustainable, and we have had the testimony, clear and compelling, by the Chairman of the Federal Reserve that this course is absolutely unsustainable.

I have said to my colleagues repeatedly that the debt is the threat. It is something we must face up to. We have been through a very sharp economic downturn. In the midst of a sharp economic downturn, you do not raise taxes or cut spending. That would only deepen the recession. In fact, we could have seen this country plunge into a complete collapse, and we would not have been alone. I think many of us believe we just narrowly averted a global financial collapse. One reason it was averted is because of actions by this administration and the previous administration and this Congress—steps that were taken to provide liquidity to prevent a global collapse. But those steps also added to the deficit and debt. We have to acknowledge that. We have to be very straight with people that those steps were necessary to avert a collapse, but they also contribute to the long-term crisis we confront—a crisis of a debt growing too rapidly and forecasts to reach a level unprecedented in our national history, a debt level that could threaten the economic security of the United States.

Many people have asked me: How does this threaten the economic security of the country? Very simply, this debt is increasingly financed from abroad. In fact, last year 68 percent of the new debt created by the United States was financed by foreign entities—68 percent. China has now become our biggest creditor. They have signaled publicly and privately that they are increasingly concerned with the fiscal policy of the United States. They are increasingly concerned about the security of their loans to the United States. Other countries have expressed concern as well. If those countries decided they would no longer extend loans to the United States, we would then be very quickly in a serious situation. It would mean we would have to either cut spending sharply or raise taxes dramatically or raise interest rates in a significant way to attract new borrowing, new lenders. The consequences of a failure to address these issues goes right to the heart of the economic strength of the country.

As I said, in the article in *Newsweek*, they say:

If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

For those who believe there is no crisis and we can just stay with the status

quo, this is a quote from the National Journal cover story in November. The article was titled "The Debt Problem Is Worse Than You Think." It stated:

Simply put, even alarmists may be underestimating the size of the [debt] problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

I believe the National Journal got it about right. We are on a course that is clearly unsustainable. Virtually every expert says to us that this is so.

The consequences of a failure to deal with the debt are enormous. They could go right to the heart of the economic strength of the country. So Senator GREGG and I have come to the floor with a proposal to have everything on the table, to have a bipartisan commission evaluate various options for dealing with our long-term debt threat and to come back with a proposal. But they can only come back if 14 of the 18 members of that commission agree on a future course, a supermajority, a bipartisan majority. If 14 of the 18 agree, that plan comes to Congress for a vote. Members here will decide. This is not outsourcing the responsibility. This is giving an independent commission the responsibility to come up with a plan, but that plan would have to be voted on by Members of the Senate, Members of the House, and under our formulation it would require a supermajority in both Chambers to pass. Of course, the President would retain his veto powers. He would be able to veto any proposal passed by the Senate and the House. I believe the prerogatives of the Senate and the House are preserved. It will require a vote of supermajority here and in the House and, of course, signature by the President.

The former Chairman of the Federal Reserve has talked about the urgent need to address the long-term debt situation. This is what he said on December 17 of last year in testimony before the Homeland Security and Governmental Affairs Committee:

The challenge to contain this threat is more urgent than at any time in our history. . . . [Our] nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

I believe the former Chairman of the Federal Reserve has it right. We face an unprecedented threat. Never before in our Nation's history have we looked forward and seen the prospect, if we continue current policies, of a debt that would equal 400 percent of the gross domestic product of the United States. That has never, ever faced this country. That is a threat with which we are unfamiliar.

The response Senator GREGG and I have crafted over 2 years of debate and discussion with many of our colleagues is one that is based on the principle of accountability. All of the task force members would be directly accountable

to the American people. There would be 18 members—10 Democrats, 2 from the administration, and 8 Republicans. So in terms of Members of Congress, it would be even: 8 Democrats, 8 Republicans. They would have to be currently serving Members of Congress selected by the Democratic and Republican leaders. The Secretary of the Treasury and one other administration official would serve representing the administration, for a total of 18.

The bipartisan fiscal task force would provide broad coverage. Everything would be on the table—entitlements, revenue, discretionary spending. Spending and revenues all would be before them for a judgment on how we deal with the debt threat.

The work of the fiscal task force would enjoy expedited procedures—procedures we have used before to bring especially difficult issues to both the Senate and the House. The recommendations would only be submitted after the 2010 election. There would be fast-track consideration of the proposal in the Senate and the House. There would be no amendments. It would be an up-or-down vote. The final vote would come before the end of the 111th Congress.

Again, I wish to emphasize I am not proposing that we take action to raise revenue or cut spending in the midst of an economic downturn. That would be counterproductive. But we do need to face up to this long-term debt. The provisions that would come from any commission, I am sure, would be ones that would be put in place over time. They would be phased in. The Commission would be cognizant that our economy remains weak and, in fact, may require even additional debt in the short term.

The bipartisan fiscal task force would ensure a bipartisan outcome. Fourteen of the eighteen task force members would have to agree to the recommendations for it to come to a vote, and final passage would require supermajorities—a three-fifths vote in both the Senate and the House. Also, the President must still sign off. As I indicated earlier, he would retain his full veto powers.

This approach has been criticized by both the left and the right—the left, a group of organizations that have banded together to say this kind of approach could lead to reductions in Social Security and Medicare—cuts in Social Security and Medicare. I would simply say to them: Look at where we are. Look at where we are. Social Security and Medicare are both cash negative today. The trustees of Medicare say Medicare will go broke in 8 years. Social Security will take somewhat longer. But both are on a path to insolvency if we fail to act.

It hasn't just been from the more liberal side of the spectrum that the criticism has come, but also on the right.

The Wall Street Journal ran an editorial calling the debt reduction commission—or the deficit commission—a trap. They say it is a trap that will lead to higher taxes; to more revenue. So on the left and the right we have those complaining that if you move forward to deal with the debt, you are going to make reductions in programs and you are going to increase revenue. I think that is undeniably the case. If you are going to deal with this debt threat, we are going to have to make changes in the spending projections of the United States. We are going to have to make changes in the revenue base of the country.

I would suggest to those who are concerned about tax increases, the first place to get more revenue is not with a tax increase. The first place to get more revenue is to collect what is actually owed. If you examine the revenue streams of the United States, it jumps out at you that we are collecting about 80 percent, or even somewhat less than that, of what is actually owed. If we were collecting the money that is actually owed under the current rates, we would be doing very well. But we have offshore tax havens, abusive tax shelters, a tax gap—the difference between what is owed and what is paid—and we also have a tax system that is completely out of date.

We have a tax system that was designed at a time when we did not have to be worried about the competitive position of the United States. Now we do. The world has changed and our revenue system has not kept pace. Instead, it is hemorrhaging with offshore tax havens costing us, according to the Permanent Subcommittee on Investigations, over \$100 billion a year in lost revenue.

If anybody doubts the proliferation of offshore tax havens, I would urge them to Google offshore tax havens and see what you find. We did that last year and got over 1 million hits, including my favorite: live offshore tax free by putting your funds in offshore tax havens.

The reality is this: We have a dramatic imbalance between spending and revenue. The revenue is the green line, the spending is the red line. Look what has happened with the economic downturn: Revenue is at its lowest point in 50 years as measured as a share of the economy. Revenue is less than 15 percent of the gross domestic product of the country. Spending has skyrocketed to 26 percent of the gross domestic product of the country. You can see that is far higher than it has been going back 30 years.

Of course, we understand why, in the middle of a sharp economic downturn, the automatic stabilizers take effect—unemployment insurance, a whole series of other measures to try to prevent an even steeper downturn. So spending goes up, revenue goes down, the deficits widen, and the debt explodes. That

would not be so troubling if the long-term trend didn't tell us the debt will continue to grow from these already high levels.

The need for tax reform, I think, is clear: We have a tax system that is out of date and hurting U.S. competitiveness. As I mentioned, we are hemorrhaging revenue to tax havens and abusive tax shelters. The alternative minimum tax problem threatens millions of middle-class taxpayers—something that was never intended. That cries out for reform. These long-term imbalances must be addressed. Simplification and reform, we know from experience, can keep rates low and improve the efficiency of the system.

The arguments I have advanced this morning are arguments that have now been endorsed by more and more budget experts as they look at the long-term threat to the country. Alan Greenspan, the former Chairman of the Federal Reserve, said this:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. I hope that you succeed.

Douglas Holtz-Eakin, who was the chief economic adviser to Senator McCain in his Presidential bid, said this in testimony before the Senate Budget Committee just last year:

I am a reluctant convert. I have always felt that this is Congress' job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I have come around to the point where I'm in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the Secretary of the Treasury, said this in testimony before the Budget Committee last year:

It is going to require a different approach if we're going to solve the long-term fiscal imbalance. It's going to require a fundamental change in approach, because I don't see realistically how we're going to get there through the existing mechanisms.

Here is a quote from David Walker, the former head of the General Accounting Office.

I think the regular order is dysfunctional as it relates to these types of issues. And it's, quite frankly, understandable, because you're talking about putting together a package that crosses many different jurisdictions. And the idea that that would end up emerging from the regular order I think is just totally unrealistic.

That was testimony before the Budget Committee in 2007 by the Comptroller General.

Leon Panetta, the former chairman of the House Budget Committee and the former Chief of Staff to President Clinton, now the Director of the CIA, said this in testimony before the Senate Budget Committee in response to the question: Shouldn't we rely on just the regular order; the normal committee process?

It'll never happen. The committees of jurisdiction will never take on the kind of challenges that are involved in this kind of

effort. If you just leave them under their own jurisdictions, that will never happen.

It hasn't happened, and I am chairman of one of the committees. I accept that the normal process is not going to deal with a threat of this magnitude. It is going to take all of us, Democrats, Republicans, Congress, and the administration, working together to fashion a plan that deals with the long-term debt threat; that also deals with the short-term need to restore jobs, to restore economic growth, and to build the economy.

These things are not contradictory. They, in fact, are complementary. We must do both. We must restore economic growth and economic strength and, at the same time, we must deal with the long-term debt threat. That is the proposal Senator GREGG and I bring to the floor. We urge our colleagues to seriously consider what we have offered. It has 35 cosponsors, about evenly divided between Republicans and Democrats. I know it is a tall order to get to 60 votes in the Senate. It is especially hard when organizations on the left are opposing it and organizations on the right are opposing it for very different reasons. But this is a case of the challenge of the middle holding.

That has been the great strength of America—our ability to take on tough challenges and meet them. Whether it was World War I or World War II, the Great Depression or all the other challenges this country has faced, over and over America has proven it is up to the challenge. I believe we are up to this challenge as well, and I believe people working together can come up with solutions that would be credible not only to markets in this country but markets around the world that are beginning to wonder: Does America have the ability to face up to the debt threat that overhangs the future economic strength of the country?

I appreciate this time. I thank the chairman for allowing this time. I know Senator GREGG will be coming to the floor in about an hour for his presentation on the same subject. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota makes a very compelling case for fiscal discipline. He has been making this case for a good number of years. He has been on the forefront in urging us in the Congress and the country to be more disciplined, to get better control of these deficits, and I appreciate the work of the Senator from North Dakota.

I might say we have no disagreement whatsoever that we need to address our fiscal challenge. We totally agree. I think most Members of the body would agree that is not the issue. Whether we must address the fiscal challenge or not is not the issue. So I wish to get that off the table. We all know we have

a huge problem facing us, and it must be dealt with. What we do disagree about, though, is the process; that is, how we address it.

I will have a lot more to say about that later today, but I see the Senator from Arizona on the floor, and he has been waiting patiently.

Mr. CONRAD. May I call up the amendment before we move on?

Mr. BAUCUS. Certainly.

AMENDMENT NO. 3302 TO AMENDMENT NO. 3299

(Purpose: To establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. CONRAD. Mr. President, I call up the Conrad-Gregg amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. GREGG, proposes an amendment numbered 3302 to amendment No. 3299.

Mr. CONRAD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. I thank my colleagues for this opportunity to present our amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3301

Mr. KYL. Mr. President, I will have something to say about the amendment offered by the Senator from North Dakota at a later time, but I wanted an opportunity to be sure to speak to the Thune amendment, which has also been pending and which I understand we may be voting on as early as this afternoon. I wish to make it clear I am in very strong support of the amendment offered by the Senator from South Dakota.

The amendment of the Senator from South Dakota would immediately end the Treasury's authority to spend unobligated TARP funds; that is, those funds that have either been repaid or were never spent in the first place as part of the so-called TARP. The amendment would also use repaid TARP funds to lower the deficit, bring down the debt ceiling—which is, of course, the amount of legal U.S. debt—and is the ultimate issue we are going to be voting on at the end of our exercise, presumably sometime next week.

I initially supported both tranches of the TARP stabilization money because I was told by the Secretary of the Treasury and others, and I believed, that the money would be used to shore

up banking, thus stabilizing the financial system in the United States, and that would permit lending to resume. My State of Arizona was hit particularly hard by the collapse of the housing bubble, so we needed more lending—for small businesses as well as for commercial lending and other things such as auto finance, real estate lending, and so on.

Unfortunately, the promised flow of capital has not materialized. Today people in my State still struggle to refinance their homes and businesses, and businesses in particular are struggling to make payments on their property, rollover commitments that they already have, and even pay for things as basic as their inventories or their payroll. You have to ask how did this happen with all of this TARP money out there.

Partly it is because TARP was perverted into a tool for increasing the scope of government. It has been used for purposes for which it was never intended. Some of the money has been used to bail out political interests such as auto companies and parts suppliers. That was never intended. I would never have supported the second tranche of TARP funding had I believed that was how the money would have been spent.

Now it is becoming a piggy bank for the second stimulus bill recently passed by the House of Representatives, a bill that would cost taxpayers \$260 billion more in deficit spending. By deficit spending, of course, I am referring to the fact that this is all borrowed money. This is not money that we have and are deciding to spend in a certain way. We have to go out and borrow the money in order to give it to these people.

By law, the returned TARP funds are supposed to be used for deficit reduction. That is the way it was written into the bill. The Thune amendment would make sure this happens. Again, this is important because this is not money that we already had that the taxpayers had sent to Washington and we were just waiting to spend on something. We had to go out and borrow this money from folks such as the Chinese, and we have to pay them interest on the money.

When we have to go out and borrow the money in order to provide it for one of these purposes, we have to recognize that when we pay it back, we ought not immediately spend it again. We ought to pay the money back to the government so the money then can repay the lender and get that obligation off our books. Returning the money to the Treasury is equivalent to paying the money back to our lenders. That, in turn, allows us to reduce our Federal debt.

This also has the effect of reducing government borrowing so that the private sector is more able and more easily able to borrow money. That way,

businesses can begin to invest more, and we can begin job creation.

Frankly, that is why groups such as the National Federation of Independent Businesses support the Thune amendment. The whole idea is to repay the money that the Federal Government has borrowed so there is less pressure on the sources of lending so the private sector will be able to more easily borrow for their purpose.

Here is what the NFIB said in a recent letter:

Small business believes it is time to end TARP by passing the Thune amendment. We appreciate Senator Thune's efforts to create an exit strategy for the unprecedented level of government ownership in American businesses. The full \$700 billion that was originally allocated for TARP is no longer needed and should not be used as a bucket of money for the Treasury Department to create new Federal programs.

I would add, or for the House of Representatives to create new Federal programs to the tune of \$260 billion more.

I think the American people could not be more clear in the message they have been sending in election after election: Stop spending so much money so we don't have to borrow so much money so it will be easier for our own families and businesses to borrow money. They have had it with massive spending and the culture of massive debt that has seized Washington. They are watching very closely because it is their money, after all, that will have to be used to pay the interest on the debt when we borrow this money from people such as the Chinese.

Instead of turning right around and deciding we have some great idea on which to spend this money again when it is retired, let's retire the debt instead, thus reducing the amount we have to increase in the debt ceiling. I think this is what our constituents want us to do. It begins with ending TARP, and the Thune amendment puts us on the path to doing exactly that.

I urge its passage.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3302

Mr. BAUCUS. Mr. President, I oppose the Conrad-Gregg amendment. This amendment would set up a new deficit reduction commission and have its recommendations considered and sent to the House under expedited parliamentary procedures. This amendment invites Congress to abdicate its responsibility. This amendment is fundamentally unfair to many of our constituents across the country. This amendment should be defeated.

Under the Conrad-Gregg proposal, 18 people would make recommendations

on how to reduce projected midterm and long-term Federal budget deficits. Of the 18 members, 16 would be Members of Congress, and two would be officials in the administration. I might add, if some think the Congress cannot do this, why is this composed almost entirely of Members of Congress? Recommendations of this 18-member commission would be made the subject of votes in both Chambers with no amendments allowed. Thus, the entire package of recommendations would be given to Congress on a take-it-or-leave-it basis.

If the Conrad-Gregg amendment were enacted, Members of Congress who were not on the commission would have no say in the development of the commission's recommendations. Members of Congress who were not on the commission would have no ability to change the recommendations. We would have to vote on the entire package on a take-it-or-leave-it basis.

If Members of Congress not on the commission found that they favored most of the recommendations but positively abhorred a few of them, they would be given no opportunity to try to change the ones to which they objected. Their choice would be either to vote for no deficit reduction at all or vote for recommendations that they abhor with no way to change them.

Members of Congress should not be put in that position. This amendment would disenfranchise the overwhelming majority of Members of Congress. It would disenfranchise their constituents. This would be fundamentally unfair to their constituents and to them. We should not allow it to happen.

Let me say a few words about the effects of this commission on Social Security and Medicare. If we create this commission, what is to stop it from making further reductions in Medicare spending beyond the changes in the health care reform bill? Although the health care reform bill would reduce some reimbursements to providers, it would not cut Medicare benefits or eligibility one bit, but the commission could recommend cuts in Medicare benefits and eligibility.

I might say, too, the Congressional Budget Office, I remind my colleagues, estimated that the health care reform bill that passed this body would reduce the budget deficit by \$132 billion over 10 years and further reduce the budget deficit by between \$650 billion to \$1.3 trillion in the next 10 years.

What about Social Security? Some people talk as if Social Security is a major factor in the long-run budget deficits, but the nonpartisan Congressional Budget Office's projections of the 75-year growth of spending on Medicare-Medicaid and Social Security tells a different story.

As a share of the economy, the growth of Medicare and Medicaid spending before enactment of health

care reform is more than seven times the growth of Social Security spending. If we are to reduce the projections of interim and long-term projections of deficit, we should use the regular order of Congress to do so, and for a good reason; that is, because the system is already working. The comprehensive health reform bill awaiting final approval by the House and Senate is solid evidence the system is working.

Once again, the Congressional Budget Office projected—I made the point just a few moments ago—the Federal deficits would be reduced by \$132 billion in the first 10 years and by \$650 billion to \$1.3 trillion in the second 10 years. That is a significant reduction.

The deficit reduction will make a substantial dent in the deficits—and it has been accomplished entirely through the regular order. We were able to cut deficits through the regular order. It would thus be ironic to give up on the regular order just when it has such a promising result.

There is more work to be done to reduce deficits in the midterm and long term, but the regular order is up to the job of performing these tasks. We should not give up on it prematurely. We should vote against creating a commission that can take away many of the responsibilities the Constitution gave the Congress.

I urge my colleagues to reject this amendment.

It has also been said on the Senate floor that one way to get revenue is to go after the so-called gap that exists between revenue that is owed the American taxpayers but not collected—the tax gap, it is sometimes called. I might say why not create a tax gap commission? It does not make sense for this outfit, if it does exist—I don't think it will because I think most Members of Congress will not want to do that—to cut Social Security, which is not the problem—Social Security is projected to be in surplus at least to the year 2043—or to make further cuts in Medicare beyond which we have already done in regular order. What is left? Discretionary spending.

If the real effort is a tax gap, let's have a tax gap commission, not one that is going to cut Medicare and Medicaid. I might add, these people, if there were such a commission, are not qualified. They do not understand the health care system. They don't understand where to make cuts and not to make cuts. They don't understand Social Security that much. The committees of jurisdiction do. They don't understand some of the other programs where they might recommend cuts. They can just whack, whack, whack, or raise revenue. They don't understand the Tax Code. That is not their expertise. They are just going to try to find ways to raise, raise, raise taxes.

It is something on the surface that might sort of sound good—let some-

body else do it. I cannot do it, so we will let somebody else do it. I think that is an abdication of responsibility. I think it is like it sounds—too good to be true—that somebody else is going to do it. It is like the grass is greener on the other side of the fence.

Why do we run for these jobs? Each of us ought to be a U.S. Senator because we wanted to take the responsibility to do what we thought was right for our people and our States. It is sometimes not very easy. It is sometimes quite difficult. That is why we ran. That is what goes with the territory: step up and make the right decisions and do what needs to be done in conjunction with the President.

The President of the United States is going to make a budget recommendation to the Congress in just a matter of a few days, almost a week or so away. That is the job of the President, to make a recommendation to the Congress of what he thinks our budget should be, and it is up to the Congress to decide how to deal with that.

We have used the regular order on health care to cut budget deficits by a large amount. As I indicated, it worked. I think we should just be courageous enough as Members of Congress to do what is right, step up and do what we have to do. If we do not do the job properly, our voters will get somebody else to do the job. That is their right, that is their privilege, and that is one of the strengths of the process: that they have an opportunity to get somebody else if we are not doing a good job.

I strongly urge the defeat of the Conrad-Gregg amendment. It is just not a good thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 14 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LIMITS ON BANKS' PROPRIETARY TRADING ACTIVITIES

Mr. KAUFMAN. Mr. President, I rise today in support of President Obama's proposal to limit the proprietary trading activity of banks, ideas that have been developed by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

It has been well over a year now since the bursting of a massive speculative bubble, fueled by Wall Street greed and excess, brought our entire financial system to the brink of disaster.

The resulting economic crisis, the worst since the Great Depression, has had profound effects on regular, working-class Americans in the form of millions of job losses and home foreclosures, to say nothing of the hundreds of billions of taxpayer dollars used to prop up failing institutions deemed "too big to fail."



In the coming weeks, the Senate will begin consideration of landmark financial regulatory reform legislation.

As it does, we owe it to the American people to ensure that never again will the risky behavior of some Wall Street firms pose a mortal threat to our entire financial system. The rest of us simply cannot afford to pay for the mistakes of the financial elite yet another time.

As we look to build a better, more durable, more responsible financial system, we must reflect on the fateful decisions and mistakes made over the past decade that led us to this point.

We can begin with Congress's repeal of the Glass-Steagall Act. Glass-Steagall was adopted during the Great Depression primarily to build a firewall between commercial and investment banking activities.

But the passage of the Gramm-Leach Bliley Act of 1999 tore down that wall, paving the way for a brave new world of financial conglomerates.

These institutions sought to bring traditional banking activities together with securities and insurance businesses, all under the roof of a single "financial supermarket."

This was the end of an era of responsible regulation. It was the beginning of an emerging laissez-faire consensus in Washington and on Wall Street that markets could do no wrong.

Not surprisingly, this zeitgeist of "market fundamentalism" pervaded regulatory decisions and inaction over the past decade.

It allowed derivatives markets to remain unregulated, even after the Federal Reserve had to orchestrate a multibillion dollar bailout of the hedge fund Long Term Capital Management, which had used these contracts to leverage a relatively small amount of capital into trillions of dollars of exposure.

It also provided a justification for the Federal Reserve and other banking regulators to ignore widespread instances of predatory lending and deteriorating mortgage origination standards.

It prompted regulators to rely upon credit ratings and banks' own internal models, instead of their own audits and judgments, when determining how much capital banks needed to hold based upon the riskiness of their assets.

Perhaps most importantly, this era of lax regulation allowed a small cadre of Wall Street firms to grow completely unchecked, without any regard to their size or the risks they took.

In 2004, the Securities and Exchange Commission established a putative regulatory oversight structure of the major broker-dealers, including Goldman Sachs, Morgan Stanley, Lehman Brothers, Merrill Lynch and Bear Stearns, that ultimately allowed these firms to leverage themselves more than 30 times to 1.

Emboldened by the careless neglect of their regulator, these Wall Street institutions constructed an unsustainable model punctuated by increasingly risky behavior.

For example, some firms used trillions of dollars of short-term liabilities to finance illiquid inventories of securities, engage in speculative trading activities and provide loans to hedge funds.

When their toxic assets and investments went south, these highly leveraged institutions could no longer roll over their short-term loans, leading them, and all of us, down a vicious spiral that required a massive government bailout to stop.

Despite this extremely painful experience, Wall Street has resumed business as usual. Only now, the business is even more lucrative.

The financial crisis has led to the consolidation of Wall Street.

The survivors face less competition than ever before, allowing them to charge customers higher fees on transactions, from equities to bonds to derivatives.

In addition, in the wake of the financial crisis, markets remain volatile and choppy. Firms willing and able to step into the breach have generated higher returns.

Until this Congress acts, there is no guarantee that the short-term trading profits being reaped by Wall Street today will not become losses borne by the rest of America down the road.

As many of my colleagues know, I have come to the floor repeatedly to warn about the short-term mindset on Wall Street, embodied by the explosive growth in high frequency trading.

In just a few short years, high-frequency trading has grown from 30 percent of the daily trading volume in stocks to as high as 70 percent.

It has been reported that some high-frequency firms and quantitative-strategy hedge funds have business relationships with major banks, allowing them to use their services, credit lines, and market access to execute high-frequency trading strategies.

Under some of these arrangements, these Wall Street banks are reportedly splitting the profits.

In other cases, the major banks have built their own internal proprietary trading desks.

These divisions often use their own capital to "internalize," or trade against, customer order flow.

Such a practice poses inherent conflicts of interest: brokers are bound by an obligation to seek the best prices for their clients' orders, but, in trading against those orders, firms also have a potential profit-motive to disadvantage their clients.

Both of these arrangements are evidence of a greater problem: Wall Street has become heavily centered on leverage and trading.

Undoubtedly, short-term strategies have paid off for banks. In fact, much of the profits earned by our Nation's largest financial institutions have been posted by their trading divisions.

But an emphasis on short-term trading is cause for concern, particularly if traders are taking leveraged positions in order to maximize their short-term earning potential.

By doing so, such high frequency traders, who execute thousands of trades a second, could pose a systemic risk to the overall marketplace.

In short, Wall Street once again has become fixated on short-term trading profits and has lost sight of its highest and best purposes: to serve the interests of long-term investors and to lend and raise capital for companies, large and small, so they can innovate, grow and create jobs.

As I have spoken about on the Senate floor previously, the downward decline in initial public offerings for small companies over the past 15 years has hurt our economy and its ability to create jobs.

While calculated risk-taking is a fundamental part of finance, markets only work when investors not only benefit from their returns, but also bear the risk and the cost of failure.

What is most troubling about our situation today is that on Wall Street, it is a game of heads I win, tails you bail me out.

The size, scope, complexity and interconnectedness of many financial institutions have made them "too big to fail."

Moreover, the popularity of the "financial supermarket" model further raises the risk that insured deposits of banks can be used to finance speculative proprietary trading operations.

Unfortunately, these risks have only been heightened by recent decisions by the Federal Reserve: the first to grant bank holding company charters to Goldman Sachs and Morgan Stanley; the second to grant temporary exemptions to prudential regulations that limit loans banks can make to their securities affiliates.

There are a number of ways we can address these problems.

The major financial reform proposals being considered in Congress propose some entity for identifying systemically risky firms and subjecting them to heightened regulation and prudential standards, including leverage requirements.

In addition, these proposals also include an orderly mechanism for the prompt corrective action and dissolution of troubled financial institutions of systemic importance that is typically based upon the one already in place for banks.

Although both of these ideas are vital reforms, they are not sufficient ones.

Instead, we must go further, heeding some of the sage advice, as President



Obama has today, provided by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

Chairman Volcker has said: "Commercial banking institutions should not engage in highly risky entrepreneurial activity. That's not their job because it brings into question the stability of the institution . . . It may encourage pursuit of a profit in the short run. But it is not consistent with the stability that those institutions should be about. It's not consistent at all with avoiding conflicts of interest."

I strongly support the ideas Chairman Volcker has recently put forward regarding the need to limit the proprietary trading activities of banks.

Indeed, they get at the root cause of the financial meltdown by ensuring Wall Street's recklessness never again cripples our economy.

We can reduce the moral hazard present in a model that allows banking to mix with securities activities by prohibiting banks from providing their securities affiliates with any loans or other forms of assistance.

While commercial banks should be protected by the government in the form of deposit insurance and emergency lending, Chairman Volcker states, "That protection, to the extent practical, should not be extended to broadly cover risky capital market activities removed from the core commercial banking functions."

Such a reform would completely eliminate the possibility of banks even indirectly using the insured deposits of their customers to finance the speculative trading operations of their securities affiliates.

In addition, we can bar commercial banks from owning or sponsoring "hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets."

As Vice President BIDEN aptly and succinctly put it: "Be a bank or be a hedge fund. But don't be a bank hedge fund."

That is why I am pleased to be a cosponsor of the bill introduced by Senators CANTWELL and MCCAIN to reinstate Glass-Steagall, because I thought it was a start to this very important conversation.

Separating commercial banking from merchant banking and proprietary trading operations is an important step toward addressing banks that are "too big to fail."

Additionally, we need to impose restrictions on size and leverage, particularly on the reliance on short-term liabilities, and give regulators additional powers to break apart firms that pose serious threats to the stability of the financial system or others.

Reducing the size and scope of individual entities will limit risky banking

behavior, minimize the possibility of one institution's failure causing industry-wide panic and decrease the need to again rescue large failing institutions.

Together, all of these reforms will create a financial system that is "safe against failure."

We cannot continue to leave the taxpayers vulnerable to future bailouts simply because some large banking institutions wish to pursue short-term trading profits.

For that reason, as Congress works to pass financial regulatory reform in the coming weeks, reducing systemic risk by eliminating conflicts of interest and addressing banks deemed "too big to fail" should be some of our top priorities.

Separating core banking franchise from speculative activities, imposing tighter leverage requirements and examining the complicated relationships between high-frequency traders and banks constitute critical steps toward ensuring our financial markets are strong and stable.

By adopting these commonsense proposals, we can go a long way toward stabilizing our economy, restoring confidence in our markets and protecting the American people from a future bailout.

America cannot afford another financial meltdown and the American people are looking to Congress to ensure that that does not happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, over the past 5 months, I have repeatedly expressed concerns about the Environmental Protection Agency's decision to issue backdoor climate regulations under the Clean Air Act. I spoke at length about this issue on the Senate floor in September and then again in December. I have also discussed it with dozens of groups from all across the political spectrum and found there is remarkably widespread agreement with my views on this issue. As the EPA moves closer and closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must be given time to develop an appropriate and more responsible solution.

Today, after consultation with the Parliamentarian, I have come to the floor to introduce a resolution of disapproval under the Congressional Review Act that would prevent the EPA from acting on its own. Senator LINCOLN of Arkansas, Senator NELSON of Nebraska, and Senator LANDRIEU of Louisiana have joined me as cosponsors on this bipartisan resolution, along with 35 of my Republican colleagues.

I have also come to reaffirm and reemphasize my previous remarks on this

issue. Given what has been alleged about my intentions, I believe this debate needs to be directed back to its substance and away from the ad hominem attacks and red herrings thrown out in the past few weeks.

There is a legitimate and a substantive debate to be had over whether the EPA should be allowed to issue command and control regulations. I welcome the debate. If there are any Senators who support the unprecedented regulatory intrusion the EPA is pursuing, I hope those Members will come to the floor and explain why. I strongly oppose that approach. I hope my colleagues will listen to my explanation as to why I feel as strongly about this as I do.

Our bipartisan resolution deals with an incredibly important issue; that is, whether Members of this body are comfortable with actions EPA will take under its current interpretation of the Clean Air Act. I am not comfortable with those actions. Neither are the Senators who have already agreed to add their names to this effort. The Clean Air Act was written by Congress to regulate criteria pollutants, not greenhouse gases. Its implementation remains subject to oversight and guidance from elected representatives. We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA's efforts to impose backdoor climate regulations with no input from Congress.

The decision to offer this resolution was brought about by what will happen in the wake of EPA's decision to issue the endangerment finding. It is not merely a finding; it is actually a floodgate. Under the guise of protecting the environment, it is set to unleash a wave of damaging new regulations that will wash over and further submerge our struggling economy. Make no mistake, if Congress allows this to happen, there will be severe consequences to our economy. Businesses will be forced to cut jobs, if not move outside our borders or close their doors for good, perhaps. Domestic energy production will be severely restricted, increasing our dependence on foreign suppliers and threatening our national security. Housing will become less affordable and consumer goods more expensive as the impact of the EPA's regulations are felt in towns, cities, and on farms all across America.

My home State is a perfect example of why we must proceed with utmost caution. If these regulations are allowed, the consequences for Alaska will be devastating. Hundreds of facilities will be subject to much greater regulation, including large hospitals, hotels, fish processors, and mines. Energy-intensive businesses throughout the State will be forced to acquire, install, and operate new equipment and technologies. In many cases, this will prove

impossible because the technologies are either too expensive or they simply do not exist.

Because the EPA's proposed regulations are such a blunt tool, they will hit my State's energy sector particularly hard. The continued operation of existing businesses and future endeavors alike, including Alaska's three refineries, the Trans Alaska Pipeline System, TAPS, and the proposed Alaska natural gas pipeline, will all be jeopardized.

Take for example the Flint Hills refinery. This is located just south of Fairbanks. This refinery purchases royalty oil out of the pipeline at premium rates, which is critically important to the continued operation of TAPS itself. That 800-mile-long pipeline has been challenged by decreasing throughput as lower volumes are taking longer to arrive from the North Slope. Oil is also arriving at the Flint Hills refinery at lower temperatures than it used to, which requires more energy to heat and craft the crude oil into the marketable fuels Alaskans depend upon. The Flint Hills refinery already struggles to keep its jet fuel output at competitive rates in order to maintain Anchorage's status as a major center for global air cargo. It also faces a relatively inelastic market in Alaska for its other fuel products. The EPA will likely be unable and unwilling to address these issues under its command and control climate regulations.

I mentioned the Alaska natural gas pipeline—something we are working very hard to allow to come about. The construction and operation of an Alaska natural gas pipeline would be significantly hobbled by the EPA. The main reason for this relates to compressor stations which maintain a pipeline's pressures and enable movement of the gas. There is no known best available control technology, as would be required under the Clean Air Act, for reducing carbon dioxide emissions from compressors and no good options for compliance.

I cannot overstate how important these facilities and these projects are to Alaska and to America. Our refineries help ensure the State's status as a transportation hub as well as a strategic base for military operations. The Trans Alaska Pipeline System delivers hundreds of thousands of barrels of oil to Americans each day and most of the revenue for Alaska's State budget. The proposed natural gas pipeline is a pillar of our future economy that will bring Americans billions of cubic feet of clean-burning natural gas. Collectively, these projects mean well-paying jobs for thousands of hard-working Alaskans. While the EPA's endangerment finding may be described as an effort to protect our environment, it would actually damage the very foundation of my State's economy.

Alaska isn't the only State that would face dire economic consequences. My colleagues need to consider the ripple effect of this decision and the heavy economic burden it will place on those throughout the lower 48. This was foreshadowed in New Mexico back in September. In December, Kentucky faced the same situation; Arkansas, just last week. The EPA has ordered regulators in each of these States to go back to the drawing board on plans to build new powerplants. These decisions were all the result of this EPA's interpretation of the Clean Air Act and represent a fundamental departure from the permitting process Congress had envisioned for this statute. The implications are clear. The people who live in those States are already feeling the effects. Construction is being delayed. Jobs are not being created or, more importantly, being filled. Commerce is suffering. Depending on what becomes of these proposed plants, local residents may have to brace for a spike in energy prices as well.

Seen in this light, the EPA's regulations will not only add a thick new layer of Federal bureaucracy, but they will also serve to depress economic activity, to slow it down, to make it more expensive, to render it less efficient. If you thought the recession made for good environmental policy, I expect you will love what the EPA has to offer. Obtaining Federal air permits is already an exercise in administrative agony that can take years and cost millions of dollars. That is before the existing system is overwhelmed by millions of new applicants.

Instead of accepting that the Clean Air Act is not appropriate for this task, the EPA has proposed to lift its regulatory thresholds to 25,000 tons per year for greenhouse gases. That represents a clear departure from the statute's explicit requirements and has opened the Agency to litigation—costly, time-consuming, and endlessly frustrating litigation. Lawsuits are already being prepared against the EPA's so-called tailoring proposal. When the final rule is issued, it will be challenged. I expect the courts will then reject it, as it has no legal basis, and then restore the regulatory thresholds to 100 tons and 250 tons per year. Before long, the Agency will find itself mired in the regulatory nightmare it has sought to avoid.

Again, it is hard not to find this both surreal and deeply disturbing. The national unemployment rate has spiked to 10-plus percent. Yet here in Washington Federal bureaucrats are contemplating regulations that will destroy jobs, while millions of Americans are doing everything they can just to find one. Moreover, given the amount of time it has taken us in the Senate to consider health care and the list of many other bills waiting to be consid-

ered, it appears there will not be enough time for Congress to debate energy and climate legislation before the EPA takes action. That means the people of our States have no voice in this process. They will be subject to rules and regulations that affect their lives and their livelihoods without ever having had an opportunity to express their concerns through their representatives in Congress.

Perhaps the most important question that needs to be answered is, Why would the EPA want to pursue these regulations right now when we should be focused on getting our economy back on track? Environmental advocates, senior Democrats, the administrator of the EPA, and even the President have repeatedly said they prefer congressional legislation. So with such widespread and high-level agreement, one would think it would be easy to suspend the Agency's efforts. Unfortunately, that is not the case. Many of those same individuals are somehow convinced that the threat of EPA regulations is somehow useful, somehow necessary. It is no secret that this is the centerpiece of a highly coercive strategy. It is the administration attempting to force the Congress to pass a climate bill more quickly than it otherwise would. For my part, that strategy has failed so far. It will continue to fail in the months ahead because Members of Congress will not enact bad legislation in order to stave off bad regulation. What the administration's strategy has done is to put Congress in a difficult position.

It is apparent to almost all of us that more time is needed to develop a good climate policy that can draw the bipartisan support of a majority in the Senate. We are working on it. My staff is actively working to develop a wide range of approaches for reducing emissions. We know Senator CANTWELL and Senator COLLINS have recently introduced a new approach. Senators GRAM, KERRY, and LIEBERMAN are hard at work on their tripartisan proposal. As the EPA proceeds with its greenhouse gas regulations, Congress remains far from completing its work, and we are left with no choice but to shift at least part of our focus to halting the EPA's efforts.

As I have stated before, my goals here are twofold: to ensure that Congress has sufficient time to work on climate legislation and to ensure that the worst of options, which is a massive expansion of the Clean Air Act, does not occur before that task is finished.

In addition to the Senators who have signed on as cosponsors of our bipartisan resolution, there are a variety of stakeholders who have expressed strong support for slowing or stopping the EPA from issuing its greenhouse gas regulations. Many of these comments have focused on the tailoring

proposal, while others oppose the endangerment finding itself. Some at the outer edges of the environmental community, obviously, disagree. But I think much of the rest of America—including State officials, businesses, farmers, and taxpayer advocates—all share our belief that the Clean Air Act should not be used to regulate emissions.

I would like to give you a few examples.

The Governor of Alaska, Sean Parnell, has written:

The fundamental question posed by the proposed rule is whether greenhouse gases can be effectively regulated under the Clean Air Act. We think not. Attempting to force fit the Clean Air Act to the purpose of regulating greenhouse gases will be ineffective and will negatively impact Alaska. . . . The proposed rule would bury Alaska's businesses, institutions, and the State's environmental agencies in regulatory burden.

The Governor of Mississippi, Haley Barbour, has written:

Regulating greenhouse gas emissions under the Clean Air Act will undoubtedly increase the cost of energy, increase the cost of doing business, increase the cost of consumer products, and jeopardize millions of jobs by putting U.S. manufacturers at a disadvantage against foreign competitors.

The Governor of West Virginia, Joe Manchin, commented:

At a time when our state is fighting to save jobs and stabilize the economy, we cannot afford to act carelessly. EPA has taken a risky and unprecedented step in promulgating this rule. The regulation of greenhouse gas emissions is a matter that should be left to Congress, and EPA would be wise to seek Congressional action instead of attempting to regulate greenhouse gases under the Clean Air Act.

Even the California Energy Commission, based in the State with the strictest environmental standards, felt compelled to weigh in because, as they state, "EPA's proposed PSD tailoring threshold jeopardizes California's renewable energy strategy." So instead of speeding the transition to cleaner energy, California is actually worried that the EPA's proposals will actually slow down their progress.

Dozens of State Governors and attorneys general have submitted comments opposing at least one of the EPA's regulations. But comments from our elected officials are not the half of it.

The National Taxpayers Union has issued a press release that says, in part:

At a time when taxpayers are feeling the biggest squeeze since the Great Depression, it's unconscionable that Congress is responding with regulatory and legislative proposals that will only make matters worse.

Then, in a letter that was delivered to me just yesterday, the American Farm Bureau Federation wrote that its delegates have unanimously adopted a resolution that "strongly supports any legislative action that would suspend EPA's authority to regulate greenhouse gases under the Clean Air Act."

The letter goes on to assert that:

How carbon emissions should be regulated is a matter to be decided by elected officials; that debate is now ongoing on Capitol Hill. It is there that these policy questions should be answered.

Finally, the Small Business Administration's Office of Advocacy has concluded that the EPA's greenhouse gas rules will likely have a "significant economic impact upon a substantial number of small entities. . . . Small businesses, small communities, and small non-profit associations will be affected either immediately or in the near-term."

As public awareness of our bipartisan disapproval resolution grows in the days ahead, I expect there will be many more statements that will be issued in support of its passage. While there is an extremely vocal minority that does not support it, I do hope my Senate colleagues will look at the broad coalition that does and join us to oppose the EPA's regulations.

Before I wrap up, Mr. President, I would also like to address the criticisms and arguments that have been made by those who oppose my efforts. I would like to address four of the latest claims in hopes of putting them to rest.

First of all, I would like to reiterate that our bipartisan disapproval resolution deals with the EPA's current interpretation of the Clean Air Act and has nothing to do with the science of global climate change. I would also remind my critics that I cosponsored a cap-and-trade bill in the last Congress and last year worked with the members of the Senate Energy Committee to craft a bipartisan clean energy bill. That bill, unfortunately, has been languishing on the Senate calendar for nearly 8 months now, just waiting to be called up and considered, which I think is a real shame because it would lead to significant emissions reductions and greater energy security for our country.

I would also like to address a rather creative claim that has been made that somehow I am attempting to "gut" the Clean Air Act or subvert it into a "Dirty Air Act." I have to admit, when I first saw this, it actually made me laugh because it is so wildly inaccurate. Neither my previous amendment nor this resolution would have any effect on pollution standards and controls. Neither would change a single word of the current statute. My resolution would simply prevent the massive, unwarranted expansion of this statute by halting the EPA's efforts to use it to regulate greenhouse gas emissions—a purpose for which it was never intended, and a role that it simply cannot fulfill without serious and detrimental consequences.

It has also been stated that this resolution will somehow—somehow—prevent Congress from working construc-

tively on climate legislation this year. Not the case. My resolution will restrain the EPA's ability to issue greenhouse gas regulations, but it will have absolutely no bearing on Congress's ability to debate climate policy. It is especially ironic that these comments were made by the Senator who has complete control of the Senate calendar. So if climate legislation does not come up this year, it is abundantly clear to me who will have made that decision.

The last claim I would like to address is the allegation about who helped draft my September amendment, which I might remind colleagues was never offered and is no longer on the table. Not only are those allegations categorically false, but they highlight—they highlight—the unwillingness of opponents of this measure to engage in the real policy discussion we should be having. The question so many of the individuals and groups opposed to my efforts have failed entirely to answer is if they honestly think—if they honestly think—that EPA climate regulations under the Clean Air Act would be good or bad for America.

I hope the debate over this resolution will stay rooted in substance. There is plenty of substance for us to debate. There is a legitimate and a substantive debate to be had about whether the EPA should be allowed to issue these regulations before Congress has had an opportunity to fully debate the issue of climate change. In my mind, the answer is no. Congress must be given the time it needs to develop a responsible policy that protects both the environment and the economy.

We are not incapable or even unwilling to legislate on this topic. So far, this Congress has merely failed to develop a balanced measure that draws enough support to be signed into law. We can remedy that shortcoming, and I remain committed to playing a constructive role in that effort.

I believe the looming specter of EPA regulations is actually a big part of the reason we have had difficulty moving forward on climate legislation. Even though we know that some approaches for reducing emissions are greatly inferior to others, there is inexplicable resistance to removing even our worst option from consideration.

I have not heard one Member—one Member—say he or she prefers regulation over legislation. I have not heard one Member say that. Yet that option is not only still around, but it is also closer than ever to becoming reality. As long as it remains out there, it will be plan B for those who wish to address climate change at any cost. If this issue has become so politicized that some Members would support EPA regulation instead of a legislative effort aimed at passing a bipartisan bill, that would not only be a tragedy for our constituents but I believe also a sad day for us in the Senate.

If we are serious about fulfilling our duty to our constituents and giving this issue the full debate it deserves, we should take the EPA regulations off the table. Without a backstop that says “emissions will be reduced, one way or another, no matter how painful,” supports of climate legislation would have to get serious about finding common ground and bipartisan cosponsors.

Major environmental legislation such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act all faced opposition at the outset. That is no secret or surprise. But Members worked together to resolve concerns instead of threatening to take a different and more damaging course.

As Senator Ed Muskie would later write, the Clean Air Act “was passed unanimously after just two days on the floor,” which prompted Senator Eugene McCarthy to remark that he had “finally found an issue better than motherhood—and some people are even against motherhood.” The Clean Water Act passed by a vote of 86 to 0, and the Safe Drinking Water Act did not even require a rollcall vote. It was passed by voice vote.

The Senate has a history of coming together to overwhelmingly support commonsense environmental legislation. But today, however, as we seek the best way to reduce greenhouse gas emissions, we are being presented with a false choice between unacceptable legislation and unacceptable regulations. We are being told—threatened really—to pass a bill now or the economy will suffer. A number of Senators are trying to develop bills that can be signed into law, but even as that work continues, the EPA’s endangerment finding has opened the door to further economic damage.

I believe Congress must take that option off the table, and we can do that by approving the bipartisan disapproval resolution that 39 Senators have now submitted. Allowing the EPA to proceed will endanger jobs, our economy, and our global competitiveness. That should be an outcome we can all agree to avoid.

If you truly believe that EPA climate regulations are good for the country, then you can vote to oppose our resolution. But if you share our concerns and you believe climate policy should be debated in Congress, then vote with us to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what we are about to debate is an unprecedented move by the Senator and her cosponsors to overturn a health finding made by health experts and scientific experts in order to stand with the special interests. Now that is clear to me, regardless of what is said on this floor. I listened to my colleague. I never

heard her say we want to overturn the experts who found that carbon pollution is a danger to the health of our families.

Now, look, it is very reasonable to debate the best way to clean up the air from carbon pollution. I have a way I think is the best that is supported by many in the environmental community, many in the business community. I have a letter signed—which I would ask to be printed in the RECORD—by 80 businesses that just took out an ad and said: Let’s get on with it. They want to set up the type of system that I do, which would give maximum flexibility to business.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR PRESIDENT OBAMA AND MEMBERS OF CONGRESS

As you set the nation’s legislative agenda and policy priorities for the Second Session of the 111th Congress, we, American business leaders from companies of all sizes and sectors of our economy, call on you to move swiftly and boldly to enact comprehensive energy and climate legislation. This legislation will spur a new energy economy and with it create 1.7 million new American jobs, many in struggling communities across the country. At the same time, it will enhance our national security by making America more energy independent while also cutting carbon emissions.

Today, the United States is falling behind in the global race to lead the new energy economy. American businesses recognize this challenge and have already begun to respond and innovate. We are developing new technologies, launching new companies, and introducing new business models that drive economic growth, create new jobs and decrease our carbon footprint. However, today’s uncertainty surrounding energy and climate regulation is hindering the large-scale actions that American businesses are poised to make.

We need strong policies and clear market signals that support the transition to a low-carbon economy and reward companies that innovate. With certainty, clear rules of the road, and a level playing field, US businesses will deploy capital, plan, build, innovate and compete successfully in the global marketplace.

For American business to unleash a new industrial revolution in energy, we need cooperative and coordinated action in the public policy and the business arenas. We are ready to compete and we urge you to act so that we can win the global race. It is time for the Administration and Congress to embrace this policy as the promising economic opportunity that will empower American workers to compete and American entrepreneurship to lead the way. We stand ready to work with you to create and grow this important economic sector.

Now is the time to act. Together we can lead.

Mrs. BOXER. We have many mayors. We had our 1,000th mayor say: Get on with it. Let’s get the job done.

Senator MURKOWSKI laid out various ways that we have people working. She

left out one way. The House-passed bill. The Senate Environment and Public Works had an overwhelming majority in our committee for our approach. We have Senators KERRY, GRAHAM, and LIEBERMAN—and I support what they are doing—trying to find the 60 votes so we can have the kind of bipartisan Senator MURKOWSKI lauds. We have Senators CANTWELL and COLLINS coming together—and I am very excited about that—on a new approach on how to deal with carbon pollution, and that debate is appropriate. Let me tell my colleagues what is not appropriate: to repeal a finding that was made by scientists and health experts that carbon pollution is a danger to the health of our children, to our families, to our communities. That is inappropriate, and it has never, ever been done before.

I wish to say where I stand on this. My No. 1 job as a Senator is to protect the health and safety of the people of my great State of California and the people of America. I believe that is our highest calling. The Murkowski resolution is a direct assault on the health of the American people. Make no mistake about it. You can cover it up with lots of words. You can say a lot of things about how proud you are of all the work that is going on to control carbon pollution. But when you get up here and you offer a resolution—and I have it in my hands—that clearly says overturn the endangerment finding that, simply stated, in accordance with the Supreme Court ruling, carbon is, in fact, a danger to the health of our families, to do this is unprecedented. What would have happened if a Senator came to the floor the year we found out nicotine and cigarettes are addictive and cause cancer—what would have happened if a Senator came down here and said, Oh, no, no. We want to overturn that rule that regulates how much nicotine can go in there. That is something we know better about because we are politicians and, suddenly, we become doctors.

What would have happened if a Senator came down to the floor and said: We don’t like the finding by the EPA that lead is a danger to our children and causes brain development issues and we don’t want them to act on that. We don’t want them to control that. It is OK if they suck it up when they are little babies. Thank God no Senator did that. I don’t recall any Senator coming to the floor of this Senate and saying: Asbestos? Well, maybe it is OK if people breathe it in, so let’s repeal the rule that says we need to protect our workers from asbestos. No Senator ever did that, thank God, so our agencies could move forward and protect our communities and our people.

Black lung disease, that was a long time ago. There was a connection made between the coal dust and our miners. I don’t remember—or I didn’t read about—anybody coming to the floor

and saying we need to repeal the health finding on this. Because we didn't have any Senators who did that, frankly, and because we had enough respect for health officials, public health officials, scientists, doctors, we let them do their job. Yes, we might have fought it out here: Gee, how much should we spend to protect our workers from black lung disease? How much should we spend to protect our workers from asbestos? How much should we spend as a society to take the lead out of paint? We never, ever had a Senator come down to the floor to try and overturn a finding that was made by the health community.

This is a new low, in my humble opinion. The reason I say that is because, to me, I am here for one reason: to make life better for the people I represent. Repealing scientific health expert findings is not what I should be doing. I should be working to make sure, after I know the fact that there is a danger, what is the best way to get the carbon pollution out of the air. That is totally fair. I can tell my colleagues right now, I am not going to get my way on the best way to do it because we don't have 60 votes for that. I understand that. That is why I am supporting all my colleagues who are working so hard to try and come up with the 60 votes so we don't repeal an endangerment finding. What would have happened to our families if we had Senators who did this? We didn't do that in the past. We listened to the science and the health experts. We took action that saved countless lives. This amendment would harm our families.

If I saw someone coming down the street about to attack my family, I would do exactly what my colleague would do. We would fight back. Whatever it took, we would fight back. Well, this is about the public health. This is about the health of the planet. This is about the future of America. This is about jobs in America. There is lots of debate we can have. But, my goodness, talk about picking a battle over a scientific fact. That is what my colleague is doing.

She says she is standing with the American people. Let me tell my colleagues a few of the American people who strongly oppose what she is doing. The American Public Health Association says: "We strongly urge you to oppose any resolution that would repeal the public health findings." The Association of Public Health Laboratories, the National Association of County and City Health Officials, the National Environmental Health Association, the Physicians for Social Responsibility, the Trust for America's Health, the Centers for Disease Control which, under the administration of George W. Bush, started the scientific work that lead to this endangerment finding. Let's be clear. Ninety percent of the

work on this endangerment finding was done by the Bush administration. This is such a radical amendment, it throws out all their work too.

Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family's health would suffer if we don't get this carbon out of the air.

My colleague says she wants to get the carbon out of the air. She is looking forward to working with all the colleagues I mentioned and more. That is great. Believe me, she and I have talked about this, and I hope she comes to the table. It would be wonderful if we got her help and she went on a bill. So far that hasn't happened and that is her choice. Maybe she will write her own bill, and that would be wonderful too. But that doesn't mean because we haven't found the 60 votes that we can afford to come down here and repeal a finding that is very clear about the health of our people.

There are health effects of doing nothing. My colleague says: You know what. It may take us a while to fix this problem, maybe a year. It may take 5 years, by the way. What she wants to do is state that nobody can take action to protect our families from carbon pollution while we dither around here. I am happy we are working. It could take us a long time to get this. Do my colleagues know how long it took to get the Clean Air Act amendments? A long time. It took years. I am not willing to put my family and my State—my families in my State and my State in jeopardy, nor the American people. Because if we take away this endangerment finding and we decide we know better than all the health experts and all the scientific experts, EPA cannot do anything.

My colleague complains about the command and control of the EPA. I wish to talk about that—the command and control of the EPA. These are words that are meant to frighten people. I never heard her come down and say: We want to take away the command and control of the EPA under the Clean Air Act to make sure we don't have smog in the air. I never heard her come down here and say: We don't need to have the command and control of the EPA in making sure that arsenic in the water isn't overwhelming or mercury in the fish. I don't hear her doing that. So all of a sudden, command and control of the EPA is an issue. We have an Environmental Protection Agency to protect our people. If we wind up overturning the health issues that are necessary before they can act, what are we doing here? Playing doctor? That is not why I came here.

We have the EPA every day going out there and controlling hazardous air pollutants: carbon tetrachloride known

to cause cancer. Does my friend want to come down and say: Gee, that is command and control; let's take away the ability of the EPA to protect our families from carbon tetrachloride. Naphthalene, another known toxin that causes cancer. Yes, the EPA is out there, command and control, getting it out of the environment. Vinyl chloride, known to cause cancer; cadmium, known to cause cancer and harm the reproductive system. They are all toxins the EPA is working on to make sure our families are protected.

One day I suppose the Senator could come down here and say: Let's repeal the scientific finding that said these toxins cause cancer and then the EPA will not have the ability to use their command and control to protect our families. This is the type of precedent we are setting today, at a time when we know there are more and more chemicals and toxins that are, in fact, impacting our families. Cyanide is another one. Cyanide. The scientists told us it is extremely toxic to people. It harms the nervous system. It harms the cardiovascular system and the respiratory system. We control it through command and control and the EPA because it is a danger. The Supreme Court said, in very clear language, to the Bush EPA: You wasted 8 years. This is a danger to society. In the Supreme Court decision, this conservative court said to the EPA: You better make this endangerment finding.

Here is what we know about the endangerment finding my colleague wants to overturn. There is evidence—this is what the EPA found—that the number of extremely hot days is increasing. Severe heat waves are projected to intensify, which result in heat-related mortality and sickness. It goes on to talk about air quality, and this is important: Climate change is expected to worsen regional ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. It goes on and talks about the elderly, people in already poor health, the disabled, people living alone, and the extreme events that are anticipated which, by the way, some people feel are already happening: extreme events such as extreme cold, extreme snow, extreme flooding, extreme drought; some of the things that are already happening.

Why on Earth would the Senate get into the business of repealing science, repealing the work of health experts? There is only one answer. There is only one answer, to me: That is what the special interests want to have happen now because they are desperate, because they know the Clean Air Act does, in fact, cover carbon pollution.

The Supreme Court found that. They have nowhere else to turn. The only way to stop the Environmental Protection Agency from protecting our families, the way they protect them from lead and arsenic and smog and naphthalene and vinyl chloride and cyanide and others, is to begin to act.

We know the EPA is very aware we are working on legislation. They have told us, and I think they would tell anyone who would call them, they are not interested in doing some draconian measures now. They are just getting ready. They are just getting started because the science has told us this is a problem. So people can stand here and say: Oh, all we are doing is we are just giving a little time for the Senators to get their 60 votes. Hey, that may not happen in a year or two or three or five or six or eight or ten. Maybe it will happen tomorrow. Believe me, I am working on it.

I am very hopeful that it will work. When you get 80 businesses writing us and telling us in a letter—a new organization called We Can Lead, and these are very, very important businesses all across our Nation—maybe that will help us act.

Until that time, there is only one thing that is available to protect our people, to protect their families and their children and the planet, and that is the Environmental Protection Agency. Maybe if you don't like the Environmental Protection Agency, you can get up here and offer an amendment to do away with the EPA, just do away with it, or try to change the Clean Air Act and say it should not cover carbon—if that is what you want to do. By the way, we would debate that very soundly. It would be a good debate. Don't come here and try to repeal a very important scientific and health finding, because that sets a whole new precedent. Lord knows where it could lead.

We have more letters. My colleague says she stands on the side of the people. OK. That is her judgment. I tell you, if you went out and said to people: Should the Senate repeal a scientific finding that has been signed off on by the Bush administration, the current administration, and health care experts all over the country, they would say: No. What are they doing? Why are they meddling in our health?

That is not how the Senator is explaining her amendment, her resolution. She says: Oh, it is just a little moratorium and it will just stop this for a little while. Not true. It repeals the endangerment finding.

Let me tell you about some other letters we received. There are 195 undersigned endorsers—remember, you heard from my colleague that the people stand with her. We have a letter from 195 signers saying: We urge you to oppose the imminent attack on the Clean Air Act that would undermine public

health and prevent action on global warming. This attack comes in the form of an amendment by Senator MURKOWSKI to the debt bill. They thought it was coming in that form. It is now coming in a different form, which is to reverse the endangerment finding.

They go on to say:

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change.

They go on and they say that their organization has a 40-year track record of protecting the public health.

Mr. GREGG. Will the Senator be willing to yield for a unanimous consent request?

Mrs. BOXER. Yes, as long as I don't lose the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to be recognized after the Senator from California.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to make sure the speaker after that is from our side. With that understanding, I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to put into the RECORD a letter from 195 doctors and scientists who are alarmed at this Murkowski amendment to repeal the endangerment finding. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 19, 2010.

DEAR SENATORS: We—the 195 undersigned endorsers—urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator Murkowski to the debt limit bill (H.J. Res. 45) that would prevent the Environmental Protection Agency (EPA) for acting on its finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this amendment also represents a rejection of that science.

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted and that oceans will absorb less of our future emissions. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling for action to reduce greenhouse gases "if we are to avoid the most severe impacts of climate change." The U.S. National Academy of Sciences and 10 international scientific acad-

emies have also released such statements. Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, we urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senator Murkowski's attack on the Clean Air Act.

Mrs. BOXER. These doctors and scientists are so alarmed at this Murkowski amendment to repeal an endangerment finding that they have written a letter, and here is who they are. I am going to take the time to read all of these people.

#### ALABAMA

David Campbell, Ph.D., Tuscaloosa, AL.

#### ARIZONA

James Gessaman, Ph.D., Tucson, AZ; Trevor Hare, M.S., Tucson, AZ; Helen Unland, M.S., Gilbert, AZ.

#### ARKANSAS

Stephen Manning, Ph.D., Beebe, AR.

#### CALIFORNIA

Richard Ambrose, Ph.D., Los Angeles, CA; Linda Anderson, Ph.D., Felton, CA; Stephen Asztalos, Ph.D., Oakland, CA; Lawrence Badash, Ph.D., Santa Barbara, CA; Holger Brix, Ph.D., Los Angeles, CA; Stephen Brooks, M.S., Carmel, CA; Clifford Bunton, Ph.D., Santa Barbara, CA; Paul Chestnut, Ph.D., Palo Alto, CA; David Cleveland, Ph.D., Santa Barbara, CA; Bernard Cleyet, Ph.D., Salinas, CA; Mary Coker, M.S., Morgan Hill, CA; Alan Cunningham, Ph.D., Carmel Valley, CA; George Ellison, M.D., San Diego, CA; Shannon Fowler, Ph.D., Davis, CA; Jed Fuhrman, Ph.D., Topanga, CA; Daniel Gluesenkamp, Ph.D., San Francisco, CA; Andrew Gunther, Ph.D., Oakland, CA; Karen Holl, Ph.D., Santa Cruz, CA; Jeff Holmquist, Ph.D., Bishop, CA; John Holtzclaw, Ph.D., San Francisco, CA; Joseph Illick, Ph.D., San Francisco, CA; Burton Kallman, Torrance, CA; Richard Kranzdorf, Ph.D., San Luis Obispo, CA; Arielle Levine, Ph.D., Berkeley, CA; William Lidicker, Ph.D., Berkeley, CA; Ics Lindsey, M.S., Santa Cruz, CA; Robert Meese, Ph.D., Davis, CA; Richard Mielbrecht, M.S., Stockton, CA; Susanne Moser, Ph.D., Santa Cruz, CA; Michael Nelson, M.S., candidate, Redwood City, CA; Roger Pierno, M.S., Palo Alto, CA; James Provenzano, Ph.D. candidate, Los Angeles, CA; Paul Rosenberger, B.S., Manhattan Beach, CA; Dale Sartor, M.B.A., Oakland, CA; Robert Siebert, PE, M.S., Orange, CA; David Smernoff, Ph.D., Portola Valley, CA; Raymond Smith, Ph.D., Santa Barbara, CA; Glenn R. Stewart, Ph.D., La Verne, CA; Laszlo J Szijj, Ph.D., Claremont, CA; Mathias van Thiel, Ph.D., Hayward, CA; Ray Weiss, Ph.D., La Jolla, CA; Stephen Weitz, Ph.D., Oakland, CA.

#### COLORADO

Ron Alberty, Ph.D., Boulder, CO; Albert Bartlett, J.D., Boulder, CO; Robert Cifelli, Ph.D., Fort Collins, CO; Eric Hintsa, Ph.D., Boulder, CO; Jose-Luis Jimenez, Ph.D., Boulder, CO; Marni Koopman, Ph.D., Fort Collins, CO; Nan Rosenbloom, Ph.D., Boulder,



CO; Patrick Ryan, Ph.D., Thornton, CO; Thomas Schlatter, Ph.D., Boulder, CO; Len Shepard, M.S., Westminster, CO; Jerry Unruh, Ph.D., Manitou Springs, CO; A. Wyckoff, Ph.D. candidate, Fort Collins, CO.

## CONNECTICUT

Robin Chazdon, Ph.D., Storrs, CT; Chandrasekhar Roychoudhuri, Ph.D., Storrs Mansfield, CT.

## FLORIDA

James Angelo, M.S. candidate, Orlando, FL; Hillary Cherry, M.S., Hobe Sound, FL; Walter R. Courtenay, Jr., Ph.D., Gainesville, FL; Jack Fell, Ph.D., Key Biscayne, FL; Chris Hardy, B.S., Miami, FL; Ross McCluney, Ph.D., Cape Canaveral, FL; John Parker, Ph.D., Miami, FL; Milton Theaman, Ph.D., Sarasota, FL.

## GEORGIA

Shelly Krueger, M.S. candidate, Tybee Island, GA; Andrea Lowrance, M.S., Gainesville, GA; Donald McCormick, Ph.D., Stone Mt., GA.

## HAWAII

William Mokahi Steiner, Ph.D., Hilo, HI.

## ILLINOIS

Evan De Lucia, Ph.D., Urbana, IL; Karen Glennemeier, Ph.D., Glenview, IL; Scott Harper, M.S., Arlington Heights, IL; Caroline Herzenberg, Ph.D., Chicago, IL; Martin Jaffe, J.D., Chicago, IL; Edmond Zaborski, Ph.D., Mahomet, IL.

## INDIANA

Novem Auyeung, Ph.D. candidate, West Lafayette, IN; Edward Bachtta, M.S., Fishers, IN; Mai Kuha, Ph.D., Muncie, IN; Joseph Pachut, Ph.D., Indianapolis, IN; Eliot Smith, Ph.D., Bloomington, IN.

## IOWA

Richard Baker, Ph.D., Atalissa, IA; Margot Tollefson/Conard, Ph.D., Stratford, IA.

## KENTUCKY

Eugene Bruce, Ph.D., Lexington, KY.

## LOUISIANA

Torbjorn Tornqvist, Ph.D., New Orleans, LA.

## MAINE

Frances Perlman, M.A., West Paris, ME.

## MARYLAND

DJ Manalo, Ph.D., Rockville, MD; Judith McGuire, Ph.D., Chevy Chase, MD; Louis Potash, Ph.D., Bethesda, MD; Arthur Tsien, Ph.D., Chevy Chase, MD.

## MASSACHUSETTS

William Dale, Ph.D., East Longmeadow, MA; Eric Davidson, Ph.D., East Falmouth, MA; Allison Dunn, Ph.D., Boston, MA; Robert Gamache, Ph.D., Lowell, MA; Timothy Havel, Ph.D., Boston, MA; Charles Kolb, Ph.D., Bedford, MA; Dianne Rocheleau, Ph.D., Worcester, MA; Daniel Scholten, M.S., Carlisle, MA; Elske Smith, Ph.D., Lenox, MA; Frank Streeter, M.B.A., Lancaster, MA; John Terrell, Ph.D., Lincoln, MA; Nicholas White, Ph.D., Manchester, MA; Frank Wilczek, Ph.D., Cambridge, MA; Jeremy Winick, Ph.D., Acton, MA.

## MICHIGAN

Peter Albers, Ph.D., Traverse City, MI; Norman Andresen, Ph.D., Ypsilanti, MI; Mick DeGraeve, Ph.D., Traverse City, MI; Ray Frodey, M.S., Fremont, MI; Gerald Gardner, Ph.D., Ann Arbor, MI; John Lorand, Ph.D., Mount Pleasant, MI; Stella Papasavva, Ph.D., Royal Oak, MI.

## MINNESOTA

Dragoljub Bilanovic, Ph.D., Bemidji, MN; Jason Dahl, Ph.D., candidate, Bemidji, MN; Evan Hazard, Ph.D., Bemidji, MN.

## MISSISSIPPI

James Lazell, Ph.D., Jackson, MS.

## MISSOURI

David Pollack, M.A., Saint Louis, MO.

## NEW HAMPSHIRE

Patrick Eggleston, Ph.D., Keene, NH; Michael Letendre, B.A., Portsmouth, NH.

## NEW JERSEY

Robert Mason, Ph.D., Lambertville, NJ; Howard Mead, M.S., Cinnaminson, NJ; James Miller, Ph.D., New Brunswick, NJ.

## NEW MEXICO

Siri Atma Khalsa, M.D., Espanola, NM.

## NEW YORK

Caren Cooper, Ph.D., Ithaca, NY; Kurt Gottfried, Ph.D., Ithaca, NY; Karlene Gunter, Ph.D., Rochester, NY; Joel Huberman, Ph.D., Buffalo, NY; Richard Ostfeld, Ph.D., Tivoli, NY; George Profous, M.S. New Paltz, NY; Susan Riblett, Ph.D., Rochester, NY; C.S. Russell, Ph.D., New York, NY; David Straus, Ph.D., Gardiner, NY; James Wang, Ph.D., New York, NY; Ruth Yanai, Ph.D., Syracuse, NY.

## NORTH CAROLINA

Daniel Graham, Ph.D., Chapel Hill, NC; Richard Gray, Ph.D., Boone, NC; Peter Reynolds, Ph.D., Durham, NC; Don Richardson, M.D. Brevard, NC; Brett Taubman, Ph.D., Boone, NC.

## OHIO

James Andrews, Ph.D., Youngstown, OH; Steven Federman, Ph.D., Ottawa Hills, OH; Donald Geiger, Ph.D., Dayton, OH; Ben Lindenberger, B.S., Cincinnati, OH; David Modarelli, Ph.D., Akron, OH; Dan Petersen, Ph.D., Cincinnati, OH; Benjamin Segall, Ph.D., Cleveland Heights, OH; Gerald Sgro, Ph.D., Cleveland Hts., OH; Nicholas Sperelakis, Ph.D., Cincinnati, OH.

## OKLAHOMA

Howard Baer, Ph.D., Norman, OK.

## OREGON

Kenneth Bergman, Ph.D., Ashland, OR; Paul Harcombe, Ph.D., Albany, OR; Marilyn Harlin, Ph.D., Portland, OR; James Moore Jr., M.S., Ashland, OR; Paul Torrence, Ph.D., Williams, OR; Pepper Trail, Ph.D., Ashland, OR.

## PENNSYLVANIA

John Cooper, Ph.D., Lewisburg, PA; James Kasting, Ph.D., University Park, PA; Tim Pearce, Ph.D., Pittsburgh, PA; Fred Wuertele, M.B.A., Allentown, PA.

## RHODE ISLAND

Rainer Lohmann, Ph.D., Narragansett, RI; Dorothy Read, Ph.D., Kingston, RI.

## TENNESSEE

Mark Heald, Ph.D., Pleasant Hill, TN; Dennis Walsh, Ph.D., Murfreesboro, TN.

## TEXAS

Gerald Fowler, Ph.D., Houston, TX; Thomas La Point, Ph.D., Denton, TX; Troy Ladine, Ph.D., Marshall, TX; John Langan, M.S., San Antonio, TX; Rafael Lopez-Mobilia, Ph.D., San Antonio, TX.

## UTAH

Brett Adams, Ph.D., Logan, UT; William Newmark, Ph.D., Salt Lake City, UT; Andrew Schoenberg, Ph.D., Salt Lake City, UT; Jack Sites, Jr., Ph.D., Orem, UT.

## VERMONT

Alan Betts, Ph.D., Pittsford, VT; Becky Herbig, M.S., S Burlington, VT.

## VIRGINIA

Bruce Collette, Ph.D., Casanova, VA; Ken Gigliello, M.S., Centreville, VA; Judith

Lang, Ph.D., Ophelia, VA; Christopher Peloso, J.D., Arlington, VA.

## WASHINGTON

Robert Briggs, M.A., Pullman, WA; Robert Brown, Ph.D., Seattle, WA; Richard Gammon, Ph.D., Shoreline, WA; Vivian Johnston, B.S., Oakville, WA; Conway Leovy, Ph.D., Seattle, WA; Scott Luchessa, M.S., Seattle, WA; Bob Vocke, Ph.D., Husum, WA.

## WEST VIRGINIA

Paula Hunt, M.S., Morgantown, WV; James Kotcon, Ph.D., Morgantown, WV.

## WISCONSIN

James Boulter, Ph.D., Strum, WI; Tracy Feldman, Ph.D., Stevens Point, WI; Larry Reiter, B.S., Sobieski, WI; Peter Sigmann, M.D., Sturgeon Bay, WI; Richard Steeves, Ph.D., Madison, WI; John Stewart, Ph.D., Washburn, WI.

These are doctors and scientists from all over the country who heard about this resolution. Believe me, this is very quick that they got these signatures. So when Senator MURKOWSKI says she stands with the people, I want to point out that I do not believe for one moment that the people of this country want to go against the doctors and scientists who are signing this letter and the health community that says it is important that we note the dangers of carbon pollution to our families.

I think it is important, when a Senator takes to the floor and says the people want to see this endangerment finding overturned, that we make sure we lay out the facts about some very important people who lead us on these health issues, and in the course of a few days they put together 195 doctors and scientists saying: Vote no against the resolution.

Mr. President, I will reiterate why I am down here on the floor. Senator MURKOWSKI is announcing today that she seeks to overturn the scientific finding that carbon pollution is harmful to the health of our families. I think this is radical. I think this has never been done. If Senators had done it in the past, we could not have protected our families from tobacco, arsenic, lead, ozone, smog, or cadmium, and the list goes on. She doesn't want EPA to be able to take any action to protect our families. This is a very radical way to go about it.

We have a letter from the attorneys general of Rhode Island, California, Connecticut, Delaware, New Mexico, Vermont, and the corporation counsel for the city of New York. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



JANUARY 19, 2010.

Re Senator Murkowski's anticipated Amendment to H.J. Res. 45; also, any Congressional Review Act Resolution Relating to EPA's Endangerment Finding.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCHELL MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are writing to urge you to oppose Senator Murkowski's anticipated amendment to the debt limit bill (H.J. Res. 45), which is expected to embody a Congressional limitation on actions by the Environmental Protection Agency (EPA) to begin to regulate carbon dioxide and other global warming pollutants. We refer to Senator Murkowski's widely-reported attempt to introduce a floor amendment to restrict or void the EPA's recent (December 15, 2009) endangerment finding (found at 74 Fed. Reg. 66496) or to block EPA from limiting emissions from power plants or other sources of carbon pollution. That amendment will probably be offered on January 20, or shortly thereafter, as an extraneous addition to the debt limit bill.

We also oppose, whether introduced by this means, at this time, or otherwise, any Congressional Review Act (CRA) resolution relating to the endangerment finding. Thus, this letter also applies to any attempt, in the coming months, at a Congressional veto of the EPA's above-referenced action.

The time is long overdue for the federal government to take action to drastically reduce greenhouse gas emissions and to prevent disruptive climate change. The anticipated Murkowski amendment and/or the CRA resolution would be not only giant steps backwards, but would needlessly delay reductions in greenhouse gas emissions that we can and should begin making today.

EPA's endangerment finding is compelled by the Supreme Court's decision in *Massachusetts v. EPA*, 549 U.S. 497, 528–29 (2007), ruling that the Clean Air Act covers global warming pollutants. The finding is the basis for President Obama's issuance of landmark greenhouse gas emission vehicle standards—with the support of auto companies, auto workers, states, and environmentalists—that will save consumers money at the pump, cut global warming pollution, reduce America's oil dependence and lay the groundwork for the new clean energy economy. This amendment would eviscerate the important progress EPA, partly at the behest of the States, has made in this area.

The amendment also would undermine EPA's important efforts to use the Clean Air Act to ensure that the nation's largest power plants and factories use modern technology to reduce their global warming pollution, as they already must do for other pollutants. EPA has proposed to tailor those rules to exempt small carbon emitters.

In sum, we support EPA's actions as a start towards holding the biggest polluters accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

Mrs. BOXER. Mr. President, they say:

In sum, we support EPA's actions as a start towards holding the biggest polluters

accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat [this resolution].

Communities of faith—I think it is very important when the Senator from Alaska says she stands with the people—let's see where the communities of faith come down. They are saying vote no on the Murkowski amendment. They include the Church World Service; the Coalition on the Environment and Jewish Life; the Episcopal Church; the Evangelical Lutheran Church in America; the Jewish Council for Public Affairs; the Jewish Reconstructionist Federation; the National Council of Churches USA; the Maryknoll Office for Global Concerns; the Presbyterian Church, USA, Washington office; the Missionary Oblates, Justice, Peace/Integrity of Creation Office; the Union for Reform Judaism; the Unitarian Universalist Ministry for Earth; the Unitarian Universalist Association of Congregations; the United Church of Christ, Justice and Witness Ministries; the United Methodist Church General Board of Church and Society; and United Methodist Women.

I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, January 19, 2010.

DEAR SENATOR: As communities and people of faith, we are called to protect and serve God's great Creation and work for justice for all of God's people. We believe that the United States must take all appropriate and available actions to prevent the worst impacts of climate change; we therefore urge you to oppose any efforts to undermine the authority of the Clean Air Act to regulate greenhouse gas emissions. In particular, we urge you to work for the defeat of Senator Murkowski's (AK) proposed amendment to the upcoming debt limit bill (H.J. Res 45) that would prevent the Environmental Protection Agency (EPA) from going forward with greenhouse gas regulations under the Clean Air Act (CAA).

The CAA has a strong history of reducing pollution and protecting God's children and God's Creation, successfully decreasing the prevalence of acid rain, responding to health threatening smog and ozone problems faced in our major urban areas, and generally improving the air quality of our nation in the decades since its passage. It is only appropriate that the CAA continue to oversee any and all air-related challenges that we face. In 2007, the Supreme Court ruled that greenhouse gas emissions, the leading cause of climate change are, in fact, covered under the CAA and could be regulated by the EPA. New CAA regulations limiting greenhouse gas emissions will also ensure that the largest emitters, such as power plants and factories, use the best available technologies to reduce their greenhouse gas emissions and begin to shift to sustainable forms of energy.

The EPA, in its efforts to implement the CAA in an appropriate manner, has already proposed to tailor the CAA to exempt small carbon emitters and apply them only to

large sources that have long been subject to similar standards for other pollutants. However, Senator Murkowski's proposed amendment would prevent these regulations from moving forward, allowing our nation's substantial contribution to global climate change to continue unchecked and exposing vulnerable communities to the impacts of climate change. In addition, this attempt to undermine the authority of the EPA and the CAA to regulate greenhouse gas emissions will interfere with an effective U.S. response to this global crisis.

Senator Murkowski's amendment threatens the well being of at risk communities, undermines efforts to shift to a sustainable energy future, and inevitably will impact the right of all of God's children to live in a healthy world. Congress should instead focus its efforts on passing comprehensive climate legislation, a complementary path to the EPA's regulation of greenhouse gases, as a means to ensure a just and sustainable future for God's Creation.

Mrs. BOXER. Mr. President, we also have another letter opposing the efforts of the Senator from Alaska to overturn the endangerment finding. That letter is signed by many members of the business community. I will name just a few, and then I will ask that this letter be printed in the RECORD. The signers include the CEO of Lucesco Lighting; the president of Cross River Pictures; George Bailey of IBM; physicist Tony Bernhardt from the Lawrence Livermore National Lab; a professor of physics at MIT, Aaron Bernstein. This goes on and on. I am also picking out the Theological Seminary in San Francisco; doctoral students from Stanford; financial adviser, UBS Financial Services; the president of Investment Marketing, Inc. It goes on and on. Seattle University Law School, an assistant professor there. I don't even know, there are so many names. Cofounder of Sybase, New Resource Bank, Environmental Entrepreneurs, Bob Epstein; General Partner of Trinity Ventures; Lakeside Enterprises, Granite Ventures, Tympany; the former vice president of Oracle; the former executive vice president of Oracle. And on and on. The Sexton Company; ClearEdge Power. It goes on and on. Data Robotics, Inc.; a freelance journalist. This is quite a list of people. It shows the breadth of our great Nation. The Green Energy Czar at Google is involved here; Cisco Systems, Jeff Weinberger, the sustainability lead; Amanda Weitman, senior vice president, Wells Fargo private bank; Solar Project Developers, and on and on.

I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL ENTREPRENEURS,  
January 15, 2010.

DEAR SENATOR: As members of Environmental Entrepreneurs (E2), we urge you to oppose Senator Murkowski's amendment to the debt limit bill (H.J. Res. 45). This amendment would diminish incentives to the private sector to invest in low carbon technologies, retarding much needed economic

growth and job creation in the clean energy sector.

E2 represents a national community of 850 business leaders who promote strong environmental policy to grow the economy. We are entrepreneurs, investors and professionals who collectively manage over \$20 billion of venture capital and private equity, and have started well over 800 businesses which in turn have created over 400,000 jobs.

The Clean Air Act is an example of how sensible policy can benefit both our environment and our economy. While improving air quality in our cities, reducing acid rain, and protecting the ozone layer, the law has also driven innovation in pollution control and industrial efficiency, minimizing cost to business. According to the Environmental Protection Agency (EPA), the health benefits of the Clean Air Act outweigh the costs by as much as a 40:1 ratio.

In 2007 the U.S. Supreme Court ruled that global warming pollutants are covered under the Clean Air Act, and President Obama is carrying out the law by issuing clean vehicle standards and taking steps to ensure that large polluters use the best-available technology to reduce their global warming pollution. EPA is already working to ensure that these rules apply only to major emitters.

The growing clean energy sector represents our greatest opportunity to restore a robust economy and create new jobs. Investors and entrepreneurs in this sector are seeking to commercialize the innovations and technologies that will secure America's competitive position in the global economy. The Murkowski amendment sends the wrong market signal at the wrong time, undermining investor confidence in this critical industry.

Instead of blocking the administration's efforts to curb carbon pollution, the Senate should enact strong climate and energy legislation to deploy America's workforce, encourage business innovation, and promote U.S. leadership in 21st century clean technologies. We urge you to oppose Senator Murkowski's amendment.

Sincerely,

(273 E2 members signed this letter)

Mrs. BOXER. Mr. President, it is very clear that Senator MURKOWSKI's amendment is causing a ripple throughout the country. It is causing a firestorm of protests among doctors, scientists, and business leaders who believe it is a bad precedent to overturn science. It is hard for me to believe in this century that is what we would be doing.

I wish to have printed in the RECORD some editorials from various newspapers. One is from the New York Times dated 2 days ago, "Ms. Murkowski's Mischief." They are basically saying, which I thought was interesting:

Senator Lisa Murkowski's home State of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

It is unbelievable. They go on to say if she chooses to overturn this endangerment finding, "rescinding the finding would repudiate years of work by America's scientists and public health experts."

I think this is important. The work that has been done leading up to this

endangerment finding was done by Republican and Democratic administrations alike. To just throw it out with this resolution makes no sense at all. I know Senator BAUCUS is on the Senate floor. He served as chairman of the Environment and Public Works Committee. He took a very important role in framing a letter where we lay out why this is a very bad idea. I thank him for that.

I ask unanimous consent to have printed in the RECORD this letter that Senator BAUCUS worked so hard on with his staff. Here is what we say—I think it is important—and then I will have the letter printed in the RECORD:

The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by science.

Then we go on to say:

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

We urge a "no" vote.

I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, January 11, 2010.

DEAR COLLEAGUE: The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by the science. A "Resolution of Disapproval" using expedited procedures under the Congressional Review Act or other similar amendment is expected to be introduced in the Senate to overturn EPA's global warming endangerment finding.

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

The independent work of scientists and public health experts from both the Bush and Obama administrations should stand on its own. We strongly urge you to vote "no" when a Resolution of Disapproval or a similar amendment comes before the Senate.

Sincerely,

Barbara Boxer, Chairman; Thomas R. Carper; Frank R. Lautenberg; Benjamin L. Cardin; Bernard Sanders; Amy Klobuchar; Sheldon Whitehouse; Tom Udall; Max Baucus; Jeff Merkley; Kirsten Gillibrand; Arlen Specter.

Mrs. BOXER. Mr. President, the Washington Post said about the Mur-

kowski amendment that hobbling the EPA is not the right course. The correct response is to provide a better alternative. Obviously, they are not in favor of overturning an endangerment finding.

The Scranton Times-Tribune—a very important, I think, editorial, says:

There should be little debate on . . . the premise that cleaner air is healthier. . . .

I think that is really what we are saying. The scientists are saying let's clean up the carbon and have healthier air.

The St. Louis Post-Dispatch has a very good editorial. They also come out against this kind of a move by Senator MURKOWSKI and big oil and big coal. They believe this vote is a very important vote.

I ask unanimous consent to have these editorials printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 19, 2010]

MS. MURKOWSKI'S MISCHIEF

Senator Lisa Murkowski's home state of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

As part of an agreement that allowed the Senate to get out of town before Christmas, Democratic leaders gave Ms. Murkowski and several other Republicans the chance to offer amendments to a must-pass bill lifting the debt ceiling. Voting on that bill begins this week. Although she has not showed her hand, Ms. Murkowski has been considering various proposals related to climate change—all mischievous.

One would block for one year any effort by the Environmental Protection Agency to regulate greenhouse gases like carbon dioxide. This would prevent the administration from finalizing its new and much-needed standards for cars and light trucks and prevent it from regulating greenhouse gases from stationary sources.

Ms. Murkowski also is mulling a "resolution of disapproval" that would ask the Senate to overturn the E.P.A.'s recent "endangerment finding" that carbon dioxide and other global warming gases threaten human health and the environment. This finding flowed from a 2007 Supreme Court decision and is an essential precondition to any regulation governing greenhouse gases. Rescinding the finding would repudiate years of work by America's scientists and public health experts.

Ms. Murkowski says she's concerned about global warming but worries even more about what she fears would be a bureaucratic nightmare if the E.P.A. were allowed to regulate greenhouse gases. She says she would prefer a broad legislative solution. So would President Obama. But unlike Ms. Murkowski, he would not unilaterally disarm the E.P.A. before Congress has passed a bill.

Judging by the latest and daffiest idea to waft from Ms. Murkowski's office, she may not want a bill at all. Last fall, the Senate environment committee approved a cap-and-trade scheme that seeks to limit greenhouse gas emissions by putting a price on them.

The Democratic leadership's plan is to combine the bill with other energy-related measures to broaden the base of support; by itself, it cannot pass.

Knowing that the bill is not ripe, Ms. Murkowski may bring it up for a vote anyway as an amendment to the debt bill. Why? To shoot it down. The tactic would give us a "barometric reading" of where the Senate stands on cap-and-trade, one Murkowski staffer said recently. What it really gives us is a reading on how little the senator—or for that matter, her party—has to offer.

[From the Washington Post, Jan. 20, 2010]

#### AVOIDING A TRAP ON CLIMATE CHANGE

Ever since his inauguration a year ago, President Obama has tried to motivate Congress with a strong ultimatum: Pass climate-change legislation, or the Environmental Protection Agency (EPA) will use its authority under the Clean Air Act to curb carbon emissions without your input.

Instead of accepting this as a prod toward useful action, Sen. Lisa Murkowski (R-Alaska) apparently wants to disarm the administration. This week she is set to offer a measure, perhaps as an amendment to a bill raising the federal debt ceiling, that would, one way or another, strip the EPA of its power to regulate carbon emissions as pollutants, perhaps for a year, perhaps forever. We aren't fans of the EPA-only route. The country would be better off if Congress established market-based, economy-wide emissions curbs. But hobbling the agency isn't the right course, either.

If Congress fails to act, carefully administered EPA regulation of carbon emissions could ensure that America makes some real reductions, if not necessarily in an optimally efficient manner. If Congress passes climate legislation, the EPA's role, if any, could be tailored to work with a legislated emissions-reduction regime. So removing the EPA's authority now is at least premature. The correct response to the prospect of large-scale EPA regulation is not to waste lawmakers' energy in a probably futile attempt to weaken the agency. Instead, the Senate should provide a better alternative.

That effort is already fraught. The best policies—a simple carbon tax or cap-and-trade scheme—aren't gaining steam. Instead, the House passed a Leviathan bill, and the Senate is stalled. Majority Leader Harry M. Reid (D-Nev.) indicated last week that he fears Ms. Murkowski's measure will diminish chances of producing a bipartisan climate-change bill. Ms. Murkowski would do better by helping end the Senate's paralysis than by seeking to condemn the rest of government to the same inaction.

[From the Scranton Times-Tribune, Jan. 19, 2010]

#### WIN FIGHT FOR CLEANER AIR

Most of the debate about the human contribution to global warming is about politics and economics rather than science. The vast preponderance of scientific evidence points to a human contribution to global warming. For the most part, the debate truly is about how to bear the costs of remedial action.

There should be little debate on any basis, however, on the premise that cleaner air is healthier air, regardless of the global warming stalemate.

Yet a move is afoot in the Senate, based upon the global warming debate, to thwart use of the Clean Air Act for its intended purpose—to improve air quality and, therefore, public health.

The U.S. Environmental Protection Agency issued a finding last year that greenhouse gas emissions are pollution that endangers public health. The EPA undertook the analysis after the U.S. Supreme Court ruled in 2007 that the emissions were covered by the Clean Air Act.

In the 40 years since the Clean Air Act's passage, it has been responsible for substantial improvements in air quality. Cleaner fuels, higher-mileage vehicles, reduced industrial emissions and related measures have helped to clean the air—and water, since airborne pollution falls into waterways.

The Senate could vote as early as Wednesday on a proposal, by Sen. Lisa Murkowski of Alaska, that in effect would exclude greenhouse gases from EPA regulation.

America's direction since the passage of the Clean Air Act has been toward, rather than away from, cleaner air. Sen. Arlen Specter has committed to voting against the Murkowski gambit; Sen. Bob Casey should join him.

[From the St. Louis Post-Dispatch, Jan. 19, 2010]

#### THE DIRTY AIR ACT OF 2010

(By Melissa K. Hope)

Big Oil and dirty coal are spending hundreds of millions of dollars to stop Congress from passing new clean energy legislation and now they are trying to gut one of our nation's most important environmental laws, the Clean Air Act.

Just last month, the U.S. Environmental Protection Agency moved to enforce the Clean Air Act. The EPA declared that global warming pollution endangers human health and welfare and announced plans to limit emissions from the biggest polluters. Now this plan is under attack in Congress by Sen. Lisa Murkowski, R-Alaska, and other friends of Big Coal and Big Oil, and faces a crucial vote this week.

Sen. Murkowski wants to bail out big polluters by blocking President Barack Obama and the EPA from taking action to limit emissions. She is proposing an amendment to the Senate's national debt ceiling bill. Her amendment would dismantle the Clean Air Act and put the public's health and safety at risk to global warming. Her "Dirty Air Act of 2010" would block the EPA from limiting carbon dioxide emissions.

After years of research, scientific debate, court cases, public hearings and comments, Senator Murkowski is suggesting that we simply choose to "un-learn" that global warming is happening and that it will be dangerous to human health and welfare.

The EPA merely is doing what the Clean Air Act already requires—and what it was ordered to do almost three years ago by the U.S. Supreme Court. And last month, more than 400,000 Americans submitted comments in favor of the EPA's proposal to limit pollution from the biggest global warming polluters, among the highest number of comments ever submitted in favor of any proposal.

The EPA plans to limit the new common sense, economically feasible regulations to the largest polluters only. Suggestions that the EPA plans to regulate farms, schools, hospitals, cows and Dunkin' Donuts are simply false. EPA Administrator Lisa Jackson has said as much on numerous occasions. Such statements, which are an attempt to scare small businesses, merely are misleading smears designed to derail any limits on polluters.

Sen. Murkowski might say her amendment is just a one-year time-out, but we've al-

ready had a nearly decade-long "time-out" as pundits for big oil and coal had their way. The clean-energy economy and action to curb global warming no longer can be held hostage by petty politics and partisan obstructionism. We can't choose to deny that this pollution is harmful any longer.

Instead of looking for ways to delay action, Congress needs to finalize comprehensive clean energy and climate legislation as soon as soon possible. Missouri's senators—Republican Christopher "Kit" Bond and Democrat Claire McCaskill—must say no to this fast-approaching amendment that would block EPA action on climate-changing emissions from the largest polluters. More important, it is time Missouri's senators strongly support clean energy and climate legislation that will mean less pollution, new industries, more jobs and greater security right here at home.

Mrs. BOXER. Mr. President, in summary, I will say this: I do not want the American people to misunderstand what is before us in this resolution that will be coming up for a vote at a time determined by Senator MURKOWSKI, as I understand it, under the rules. She is using the rules to be able to do this.

I do not think the American people should be misled into thinking this is about postponing action on cleaning up carbon pollution. It is about something much deeper than that. If her resolution passes and if it does become the law of the land—and I hope and I do not believe it will at the end of the day—what she is doing is something unprecedented.

That unprecedented move is to overturn a finding made by the scientists and the health experts on the impacts of carbon pollution. This has never been done before. Senators play the role of Senators; they do not play the role of doctors. They do not play the role of scientists. I will tell you, if we start doing that, there is no end to what we could do. We could overturn action on controlling the nicotine in cigarettes. We could overturn action to control the lead allowed in paints. We could overturn the science based on limits for arsenic in water. I could go on and list all the toxins—cadmium, carbon tetrachloride, naphthalene, toluene, and it goes on. That is why this is such a dangerous turn of events.

I am very much up for a debate on the best way to solve this problem of too much carbon pollution in the air. We differ. Some of us have one idea, some have another. That is why I am so hopeful that Senators KERRY, GRAMM, and LIEBERMAN, with all of us working in the background, can come up with the 60 votes necessary. But make no mistake about it, we should not start down the path of overturning a health finding. That is not why we were elected.

I can just speak for my constituents. My constituents sent me here. They want me to protect the health and safety of the people, and that is what I intend to do.

I am very proud of the doctors who have come forward today. I met with one in my office just about an hour ago. They are going to stand with us, and they are going to tell the truth about this. The American people will judge who is on their side. That is up to them. They will make that decision.

Mr. President, I am so grateful for your patience. I have put many things into the RECORD. I have spoken much longer than I normally do, I am sure to the chagrin of a few people on the other side, which I understand how they feel. But I felt it important to lay out how serious I think this is. Not that I think at the end of the day it will become the law but because I love serving in the Senate. I love the work we do. And one of the things we should not do is overturn science and public health experts. That is exactly what the Murkowski resolution does.

Mr. President, I know Senator GREGG will be speaking, and we have a slot reserved for a Democrat after that conclusion.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I rise today to speak against the proposed amendment from the Senator from Alaska.

This resolution of disapproval goes against good public health policy and poses a serious threat to my constituents in New York—and all Americans—undermining our ability to advance efforts to clean our air and water and leave our world a better, healthier place.

This assault on the Clean Air Act would handcuff the Environmental Protection Agency, stripping it of its authority to regulate dangerous greenhouse gases. This amendment would let large scale polluters off the hook by scrapping requirements for electric generation facilities to use modern technology to reduce emissions and produce cleaner energy.

If passed, this amendment would send a message that the United States will remain reliant on outdated and inefficient energy technologies and delay investment in new, clean technologies that would spur innovation and create good-paying, American jobs, all across this great Nation.

For my constituents in New York, this amendment stands for more air pollution in our communities, more acid rain devastating natural treasures like the Adirondacks, ever-increasing asthma rates for our children, and a failure to take action when action is long overdue.

Regulatory uncertainty is undermining our national interests and giving countries like China and India, the ability to eclipse our Nation in developing the next generation of energy technologies—that we, the United States, should be leading the way on.

Supporters of this amendment are essentially saying that they do not be-

lieve the worldwide scientific consensus regarding climate change, and that they don't believe greenhouse gases pose a threat to human health—despite decades of world-class science that predate it, and the clarion call from public health advocates across the country.

A vote for this amendment would be a vote for more pollution and increase protection of those polluters.

It would encourage a regression in the environmental progress that has been made over the last 40 years, and represents a denial of the need to create jobs and revitalize our economy with clean, renewable, American power.

We need to pass comprehensive climate and clean energy legislation that will create jobs by spurring investment and innovation, enhance our national security by moving our Nation forward on a path to energy independence, protect our air and water by reducing pollution, and decrease energy costs for American families.

The science is clear and we cannot afford to wait.

I urge my colleagues to join me in voting against this attempt to undermine action to tackle climate change and urge this body to move forward with comprehensive climate and clean energy legislation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Under the previous order, I believe the Senator from New Hampshire is to have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

#### AMENDMENT NO. 3302

Mr. GREGG. Mr. President, I rise to support the amendment offered by Senator CONRAD, of which I am a primary sponsor, to address what is the second biggest threat our Nation faces. Clearly, the largest threat our Nation faces is the fact that terrorists who wish to do us harm might get their hands on a weapon of mass destruction and use it against us. That is our Nation's greatest threat. But after that, the biggest threat to this country is our fiscal situation and the fact that we are on a path where our Nation will go into bankruptcy because we will not be able to pay the debts we are running up.

You do not have to believe me on that point. This is not exaggeration any longer. This is not hyperbole for the purpose of political events. This is just the way the numbers work.

By the end of this year, our public debt will exceed 60 percent of GDP. That is known as a tipping point, when you owe that much money compared to how much you produce as a nation. Sixty percent is considered the tipping point toward an unsustainable situation.

Within 10 years—I actually think it will occur sooner—our public debt will

cross the 90-percent threshold. When you get into those ranges, you are basically in a situation like a dog chasing its tail. There is no way to catch yourself. There is no way to catch up with the amount of debt you are putting on the books. The cost of bearing that debt eats up your resources as a nation. It takes away from your productivity and your prosperity.

This is not hyperbole, as I said. This is just real, honest projections on numbers which we already know exist. The proposal from the President in the last budget, under which we are now functioning, projects \$1 trillion of deficit every year for the next 10 years.

Today we are taking up a debt ceiling increase which is proposed to be \$1.9 trillion—that is the increase—taking the debt of our Nation up to \$14 trillion. And it is not the end of these requests for debt ceiling increases because we know the debt is going to continue to jump by over \$1 trillion a year every year as we move forward.

This chart reflects the severity of the situation. Historically, the Federal Government has used about 20 percent of the gross national product of what we cost the American people as a government. Just three programs—Medicare, Social Security, and Medicaid—by the year about 2030 will represent spending that exceeds 20 percent of the gross national product. Everything else in the Federal Government, if we were to maintain our usual spending level, could not be done. Our national defense, education, building roads—all those sorts of things could not be done. But that does not stop there. With those three programs, the costs go up astronomically as we go out into the future.

To pay for those costs, we have to run up the debt of the United States at a rate that we have never seen. It will double in 5 years. It will triple in 10 years. Those are hard numbers. Our debt, as I said, will pass the 60-percent threshold.

Why is that considered a tipping point? Because to get into the European Union, which is a group of industrialized states, they have a threshold which a nation cannot have a public debt that exceeds 60 percent of GDP. It cannot have deficits that exceed 3 percent of GDP. Our deficits for the next 10 years will be between 4.5 percent and 5.5 percent of GDP and, as I said, the public debt will be up around 90 percent of GDP by 2019.

We know we are on an unsustainable course. What is the effect of that? What happens when we get our debt up so high? There are only two scenarios for our Nation. One, we devalue the currency. That means inflation. That is a terrible thing to do to a nation. It takes everybody's savings and basically cuts them by whatever the inflation rate is. It means your currency cannot buy as much as it used to. It

means you cannot be as productive as a nation because you have an inflationary problem. Or, alternatively, you have to raise taxes at a rate that you essentially suffocate people's willingness to go out and create jobs, to be productive, take risk. And you take the money that should have been used for the purposes of taking risk and building that local restaurant or that small business and creating jobs and you move it over to pay debt.

Where do you send it? You send it to China because they own most of our debt or you send it to Saudi Arabia because they are the second biggest owner of our debt, instead of investing in the United States to make us more productive. Either scenario—a massive increase in tax burden to pay debt or inflation—leads to a lower standard of living for our children.

So as a very practical matter, what is going to happen to our Nation, under the facts which we know already exist, is that we will, for the first time, pass on to the next generation a nation which is less prosperous, where there is less opportunity for our children, and where the standard of living goes down rather than up. That is not acceptable. It is not fair and it is not right for one generation to do that to another. So we have to get our fiscal house in order.

Many would argue: Well, that is your job. That is why we sent you to Congress. Do your job. Get the fiscal house in order, limit spending. That would be the position of our side. The other side's position would be to raise taxes. But we know that doesn't work. We know regular order does not work. Why? Because we have seen it doesn't work. We know that when you make proposals around here on these big issues of public policy, specifically entitlement programs or tax reform, you are immediately attacked. If you make them on entitlement issues and if you are a Republican, you are attacked from the left as trying to savage senior citizens. If you make a proposal on tax reform, you are attacked from the right as trying to increase taxes on working Americans.

Usually, those attacks are filled with hyperbole and gross misrepresentations, in many instances. People send out these fundraising letters. If you ever say anything about Social Security as a Republican—as to how it should be reformed and made more solvent—immediately, it seems, there is a letter that goes out from this group called Citizens to Protect Social Security—or some other “motherhood” name—that looks like a Social Security check, and it goes to all these Social Security recipients. It says: If you don't send us \$25 today, Senator GREGG is going to savage your Social Security payments. So that little group here in Washington takes in a lot of money. It doesn't do anything to affect Social Security policy, but they sure have a

good time wandering around the city with all that money. In the process, of course, the well gets poisoned and nothing can happen around here. That is what happens. Nothing happens.

Well, that was maybe manageable for a while, but it is not manageable any longer. We are headed toward a wall as a nation. We are headed toward an event where we will essentially be insolvent as a country. We will become a banana republic type of situation, where we simply can't meet the obligations of our debt, or, alternatively, the people who lend us our money—many of them are Americans but a lot of them are Chinese—are going to say: I am not going to lend you any more money, America, or if I do, I am going to charge you an outrageous interest rate because I don't think you can pay it back because you have too much debt.

That is where we are headed, and we know it is there. It used to be over the horizon, so the Congress never worried about it and so nothing ever happened. It is not over the horizon anymore. It is well inside the horizon and it is closing fast. As I said, we passed the 60 percent threshold just this year. We will pass it this year, and we will hit 90 percent within this 10-year budget cycle. So regular order has not worked.

Some may argue: Well, the health care bill was regular order. That sure didn't work. Folks, that didn't work. It sent the cost curve up. It took resources which should have been used to address the Medicare insolvency situation and moved them over to create a new entitlement. It didn't work. Regular order has not worked around here because the politics don't allow it to work. The intensity of the community that defends these various issues will not allow constructive activity to occur under regular order.

So Senator CONRAD and I came to a conclusion that, since regular order doesn't work and since we know we are headed toward this cliff, we should do something. We asked ourselves: Shouldn't we try some other approach, think outside the box? The conclusion Senator CONRAD and I came to, in a bipartisan way—obviously, because he is the chairman of the Budget Committee and I am ranking—was let's set up a procedure which leads to policy, which leads to a vote, and guarantee that procedure is absolutely fair, absolutely bipartisan in its execution so nobody can game the other. I can't game Members of the Democratic side and Democratic Members can't game the Republican side. So the American people will look at the product of this commission and say: That is fair. That is bipartisan. I have some confidence in that.

So this commission, which is proposed in this amendment, does exactly that. It sets up a fair, bipartisan process, requiring supermajorities to produce policy and get a vote on those

policies under fast track. Let me get into a couple specifics.

There are 18 members on this commission. They all have their fingers of responsibility on the buttons around here. There will be 16 people from the Congress and two people from the administration—10 Democrats and 8 Republicans. The Republicans will be appointed by the Republican leadership, the Democrats by the Democratic leadership. So the membership of this commission, everybody knows, will be people who reflect the philosophical views of the leadership of the two parties. That group will meet and have public hearings, and they will have an advisory group that has all the different constituencies who want to be heard on that, and who will give them input, and there will be a lot of public input. Then the group will have to come to a conclusion on the big issues that affect fiscal policy in this country.

The point is, neither side is going to come to the table on this unless everything is on the table. Let's be honest. If I say no taxes on the table, why would anybody on the other side come to the table? If they say no entitlement reform on the table, why would anybody on our side come to the table? So everything is on the table. But, of course, the interests of the different parties on issues such as taxes and entitlements are protected by the way the membership of the commission is appointed. Obviously, the Republican leader isn't going to appoint to this commission people who are going to go off on some tangent on tax policy which would be unacceptable to Republicans, and the same is true of the Democratic leader relative to entitlement reform.

So the commission is made up of a balanced and fair approach, and when it reports, 14 of the 18 people have to vote for it—14 of the 18. So neither side can game the other because the majority of both sides have to be for whatever the report is. Then it comes to the Congress, and 60 percent of the Congress has to vote on it. So neither side can be gamed. It has to be balanced and it is an up-or-down vote on the proposal. No amendments.

Why no amendments? That has been a point of controversy. People say: Well, you have to be able to amend it. No amendments. Because we all know what amendments are for on an issue such as this. They are for hiding in the corners. That is what Members do with amendments. They offer their amendment, and if it doesn't pass, they say: Oh, I can't vote for this; my amendment didn't pass. It is called a hide-in-the-corner approach.

Well, that is why we don't have amendments. It is up or down. The theory, of course, is the membership of this commission is going to be balanced, which it will be. That is not theory, that is reality. It will be balanced and bipartisan players who will understand these issues in a very substantive

way. Two of those Members are on the floor right now, who I am sure will be members of the commission—and I am not one of them.

As a very practical matter, the result will be something that is politically doable. Will it be a magic wand that corrects the whole issue of this pending outyear insolvency of our country? No, absolutely not. But it will be a significant statement by the Congress of the United States that we recognize the seriousness of the situation we are in as a nation; that we recognize it is not fair for one generation to do this to another generation; that we recognize we will be unable to sell our debt as a nation—or sell it at a reasonable price in the fairly near future unless we take action. It will be a message on all those points, and it will be a positive message. The markets will react by saying: They are trying. The American people will react by saying: Thank God, there is finally a bipartisan effort to try to do something around here on this issue. Sure, it will not be the magic wand or the magic bullet that solves everything, but it will be a significant step, I suspect. I have confidence the people who will serve on this commission will be committed to that.

I realize this is a process that affronts many because it is outside the regular order. But the simple fact is, if we stand on regular order around here, we are going to go through a trapdoor as a nation because we are not going to stand up to the issues that are critical to putting us back on the road to solvency. So this is a proposal that is serious, it is bipartisan, and it has a fair amount of support—34 cosponsors. It is very unusual to have that many cosponsors around here on anything, and they are bipartisan. It is about half and half. Well, I think it is 14–20.

So I would hope my colleagues would vote for this. I understand my colleagues are hearing, on our side of the aisle, from a number of very credible people who oppose this because they are concerned or worried about the tax side. I understand the other side of the aisle is hearing from a considerable number of constituency groups of theirs who oppose it because they are concerned about the impact on entitlements. Maybe that means we have it right, that we have all these interest group-driven folks who are opposing it. I think it means we have it right, and I believe this is pretty much coming to be our last clear chance of getting something done; that the course we are on now is coming to the point of being irreversible, unless we do something such as this.

I don't believe it is correct, as I said, for one generation of political leaders to pass on to the next generation a country that will be in total fiscal disarray. We have a responsibility to act, and this is a way to act.

I appreciate the courtesy of the Members on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would say we are expecting the Senator from Connecticut, Mr. DODD, to arrive shortly, and when he does, I will yield to him.

I wish to also respond, briefly, to the Senator from New Hampshire and start by talking about where we agree. I think it is almost always good, when discussing something, for people to look at where there is agreement. Where there is agreement, it builds trust and understanding and, therefore, when possible, there can be even greater agreement. We, clearly, agree it is unhealthy for the government to be running these huge deficits. I think everyone in this body agrees on that point. It is unsustainable, as many have said. But why are we running these big deficits? We are doing so, frankly, because of mistakes made during the financial crisis prompted by the subprime mortgage crisis and also because we have been in a fairly deep recession. That is why these deficits are so large. It doesn't take a rocket scientist to figure that out. It was something, unfortunately, that had to be done.

We had to come up with some money to help provide some economic stability for this country. After that, as we know, when we are in a recession, unemployment payments are higher and Medicaid payments are higher and a lot of other programs are automatically higher because we enact programs on top of that to help the economy. That is why we are facing these huge deficits. They have grown very significantly in the last several years for those reasons.

So there is no disagreement that, A, we have large deficits, and, B, we have to begin to reduce those deficits. I think there is agreement as to why we came to this place and have these deficits, which are for the reasons I suggested. We also very much agree that we have to reduce these deficits in future years. There is tremendous agreement on that point. We also agree it would be better for the government to reduce our annual deficits to below 3 percent of gross domestic product. There is agreement on that.

Most economic observers and experts think that once our deficits reach 3 percent of gross domestic product, that is not so bad. It is going to take a little effort to get there. But, again, we are where we are because of the recession and because of the financial crisis that occurred in the last several years.

Where we disagree, though, is over the way we respond. We disagree over the powers the Senator from New Hampshire wishes to turn over to somebody else—over to a commission. We disagree on that point. I don't think we should turn the power that Senators and House Members have over

to some other body to do something called an entitlements commission.

The Senator from New Hampshire proposes to create such a procedure to protect Senators, frankly, from being attacked for the decisions they make. That is what this is all about, in some respects, to turn this decisionmaking over to somebody else so Senators can say: They did it. They made me do it. He and the Senator from North Dakota proposed a commission, for example, with a fast-track process that would absolve Senators from responsibility for any amendments. Senators could then throw up their hands and say: The commission made me do it.

It sounds as if all of us parents heard something similar from our kids: Daddy, Mommy, something made me do it. I will never forget that many years ago, my son said: Daddy, it just seemed so good. Somebody else suggested the idea, and that made me do it. I couldn't say no.

But on matters as important as Social Security for seniors, on matters as important as Medicare and Medicaid for Americans that have health concerns, on matters as important as the tax rates the government will impose on American families—on those important matters, I think we need an open process where Senators and House Members participate and offer suggestions and offer amendments. On things that important, I do not think we need a procedural shortcut.

Sometimes the most important things are difficult to do. I think most Members of Congress and the Senate who ran for these jobs expected there would be some tough choices, there would be some tough times. I don't think they want procedural shortcuts because with procedural shortcuts, often there are unintended consequences. With procedural shortcuts, often bad things happen, when it is not thought through in advance. Rather, we should have full and open debate. There are fewer surprises with full and open debate when Senators can amend and improve the product, and that is why I believe the Conrad-Gregg commission is a bad idea.

There are alternatives to that proposal. One is that we do it ourselves, we do what we should do, and we do it the right way. But there is also another alternative, an alternative which the President and Vice President—especially the Vice President is working on that sets up an executive commission, not a statutory commission as outlined by the Senators from New Hampshire and North Dakota but, rather, one on which the Vice President has convened a series of discussions, and in that proposal the Vice President has proposed an Executive order where the President would create a commission to consider our fiscal situation. It would also have similar composition, similar powers. It is similar



to the statutory commission offered by Senators CONRAD and GREGG, but there is only one difference, and that difference is in the process. The Vice President's proposal, which I think the President will announce fairly shortly, would preserve the rules of the Senate. The Gregg-Conrad amendment would not. And it is preserving the rules of the Senate that I think makes all the difference.

Under the proposal that I think will be offered by the President, that is, the executive commission, again, I think it is 18 members, all subjects are considered, and they will report back to the Congress, I think after the election. So everything is very similar, if not exactly the same. The only difference is, under the executive commission, if it is proposed—I think it will be—there is no requirement of a fast-track process as required by the statutory commission.

I tell my colleagues there are other alternatives, there are other ways to address our huge budget deficits. I urge my colleagues to join in support for the Vice President's efforts and oppose the Conrad-Gregg amendment.

I understand the Senator from Connecticut is not here. Maybe the Senator wants to proceed? Oh, he is here. Does the Senator from South Dakota wish to proceed?

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 3301

Mr. THUNE. Mr. President, today the Senate will have an opportunity to indicate to the American people whether they are listening to the American people because we are going to have an opportunity to vote on a debt limit bill later, but earlier, before that, on a series of amendments. The first amendment is an amendment I am offering along with Senator VITTER from Louisiana and Senator BENNETT from Utah. They have worked extensively on this. They have already been down here and they spoke on this this morning, as have a number of my colleagues.

What is important about this amendment is it will give an indication to the American people about whether their voices are being heard here in Washington as expressed by the voters of Massachusetts. I think what they were saying in that vote a couple of days ago was: We are frustrated. We are concerned about the level at which Washington is spending and taxing and borrowing. We want the brakes put on that.

I have an amendment that I offer to the debt limit today that will end TARP. It is a very straightforward way in which we can signal to the American people that we are serious about fiscal responsibility.

Just by way of context, if you look at what is being proposed here with this debt limit increase, it is to add \$1.9 trillion to the debt limit of our coun-

try—\$1.9 trillion. Remember, we already raised the debt limit before we left for the Christmas holiday by \$290 billion, so if you add that to the \$1.9 trillion, you are talking about well over \$2 trillion that we will have added to the debt limit in the last 30 days. Bear in mind that the entire Federal budget a decade ago did not exceed that amount of money. We are going to add more to the debt limit in this vote, coupled with the vote we made about 30 days ago, than was spent in the entire Federal budget a decade ago. That is remarkable. It speaks to the whole issue of the amount of spending and the growth of government here in Washington, DC, which I believe has the American taxpayer very concerned—and with good reason.

If you look at what has happened in the last several years, starting in 2008 and up through 2010, this year—if you take the end of 2008, the amount of money spent in the appropriations bills here in Washington, and then go to the 2009 appropriations bills and the 2010 appropriations bills, over that time period the entire government grew by 16.8 percent, over a 2-year period. That is excluding the defense and veterans funding, so that is other nondefense discretionary spending. All these increases outpace both inflation and the growth in our economy.

To put it in perspective, inflation during that same period, 2008 to 2010, was 3.5 percent. We grew government spending by 16.8 percent. That is stunning. How does any American taxpayer out there in this recession, trying to figure out how to make their budget, how to pay their bills, and having to go about the process of tightening their belts, understand how a Federal Government can grow its size here in Washington, DC, by 16.8 percent when inflation in the country over that same time period was 3.5 percent? These are some remarkable and stunning numbers. That is why we are seeing all this angst at the grassroots level around this country about the direction the country is heading and the peril it is putting future generations in if we continue on this path unabated and we don't do something about spending and we don't do something about the massive amount of borrowing and expansion of government.

I also think people are reacting to the process by which Congress conducts its business. The idea that you would have to pass legislation by including special provisions for individual Senators—the so-called cornhusker kickback, the Louisiana purchase, all these other things where individual deals were made in back rooms to get the support of individual Senators to vote in this case for the big health care bill—is something the American people find very objectionable. I think they are reacting to that too. I think what they are voicing is

their disgust with the way Washington operates.

One of the reasons we are here today asking for a \$1.9 trillion increase in the debt limit and the reason we have a debt that next year will exceed 60 percent of our gross domestic product—which, by the way, would keep us from getting into the European Union—is because we continue to spend and spend and borrow and borrow and frankly use a lot of accounting gimmicks here in Washington, DC, to disguise and shield the amount of borrowing and spending that is going on here.

A good example of that was the health care bill which we have been debating now for the last several months. It passed the House of Representatives, it passed the Senate, and it is now in discussions. Negotiations are going on between the leaders in the House and Senate. I am not sure—we have not been privy to those, either—what the state of play is with regard to the health care bill.

I think it is important to know that there were a lot of things in that bill designed to understate its true cost. They said it would only cost \$1 trillion over the first 10 years, but if you look at the fully implemented cost, because it front-end-loaded some of the increases and back-loaded some of the spending, because it used various accounting gimmicks to understate the true cost of it, if you look at the fully implemented cost over 10 years, it was in fact \$2.5 trillion. I think those numbers are starting to sink in with the American people.

One of the things that was done in the health care bill—and I think this is an example of some of the things that happen, processes, procedures that happen here in Washington, DC, that defy logic and are very difficult to explain to the American people—one example of that is the way the Medicare issue was debated and handled with regard to the health care debate. About \$½ trillion in Medicare cuts was proposed, along with a Medicare tax increase of .9 percent, all used to finance this new health care entitlement program, to pay for the new \$2.5 trillion in spending. The argument was made by the other side that this, in fact, extended the lifespan of Medicare because it was—the cuts to Medicare and the revenue increases were somehow going to expand the lifespan of Medicare.

What I thought was interesting about that was the Senator from Alabama asked a question of the Congressional Budget Office toward the end of that debate about, how can you count this as paying for the new entitlement program, the new health care program, and still say you are extending the lifespan of Medicare because obviously you can't use the money twice. In response to that question, the Congressional Budget Office issued a statement and



said that the key point is that the savings to the HI trust fund, the Medicare trust fund, under the health care bill would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and at the same time pay for current spending on other parts of the legislation or on other programs.

They went on to say:

The unified budget accounting showed that the majority of the HI savings [the trust fund savings] would be used to pay for other spending under the health care bill and would not enhance the ability of the government to redeem the bonds credited to the trust fund, the Medicare trust fund, to pay for future Medicare benefits. To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement in the government's fiscal position.

That is just an example of one of the unique accounting mechanisms used by the Federal Government in Washington, DC.

Mr. BAUCUS. Will the Senator yield for a question at that point?

Mr. THUNE. I would say to the chairman, I will yield in a moment after I make some remarks, but I want to speak to the TARP amendment before I do that. I will be happy to yield at the conclusion of my remarks.

I want to say that I know what the chairman is going to say. He is going to say the CBO came back and said it would extend the lifespan of Medicare, and they did, and it would under the mechanisms used in the unified budget when it comes to trust fund accounting.

Mr. BAUCUS. Would the Senator yield on that point since he is raising the subject?

Mr. THUNE. As long as we are not on any time limitation, all right, I will.

Mr. BAUCUS. Didn't that same CBO letter also say the health care bill that passed the Senate would reduce the budget deficit? The Senator is throwing out these huge figures—it is going to cost \$2 trillion and so on and so forth. I don't know where the Senator got that figure because the Congressional Budget Office, in that same letter or a similar letter—either that letter, in an earlier letter, or in a subsequent letter—reaffirmed that the bill passed in the Senate cuts the budget deficit by \$132 billion the first 10 years and cuts the budget deficit by between \$650 billion and \$1.3 trillion in the next 10 years. That is what the letter says. The Actuary said the bill extends the life of the Medicare trust fund I think 5 or 6 more years—maybe more than that.

Isn't it true that CBO letter said that the Senate bill reduces the budget deficit by \$132 billion in the first 10 years and reduces it in the second 10 years by between \$650 billion and \$1.3 trillion? Isn't that true?

Mr. THUNE. The CBO number, as the Senator from Montana knows, has been a moving target because at the end of that debate, they adjusted by about  $\frac{3}{2}$  trillion the amount they considered the deficit would be reduced. But I point out to the Senator from Montana that, yes, the CBO came out and said that because they are using the trust fund accounting conventions we use here in Washington, DC, and that is my whole point. I am not disputing what the CBO has said because legally they are correct because of the way we do it under a unified budget accounting in the trust funds.

But as a practical matter, as an economic matter, what the CBO is saying in the statement they issued is, you cannot double-count the money. It is spending the same money twice. You are creating a new entitlement program, which is, under the CBO's estimate, \$1 trillion over 10 years but when it is fully implemented, \$2.5 trillion.

Mr. BAUCUS. Will the Senator yield? This double-counting, frankly, is a bogus issue. It kind of sounds good on its face, but it is meant to confuse people.

But even subsequent to that statement about the double-counting, even subsequent to that, is it not true that CBO came out with a subsequent letter that said still the budget deficit is reduced by \$132 billion in the first 10 years and \$650 billion to \$1.3 trillion in the next 10 years?

Mr. THUNE. The CBO came out and said that the budget deficit would be reduced by \$132 billion over the first 10 years. But the point I made earlier is that included, of course, a lot of gimmicks that were used, including taxes began immediately, spending that does not occur until 4 years later, counting revenue from—for example, not taking care of the physician fee increase, which we know is a \$250 billion to \$350 billion cost which at some point the government is going to have to deal with, as well as creating a new entitlement program called the CLASS Act, under which the CBO assumed about \$72 billion of savings in the first 10 years, which they also said would generate deficits in the outyears.

So the Senator from Montana may be correct legally under the conventions that are used in trust funds under a unified budget, but as a practical matter, and this is what I think the American people understand and what as an economic matter I understand, you cannot use the same revenue twice. And if you have revenues coming in from Medicare cuts and Medicare payroll tax increases, and you are saying we are going to use those to finance this expansion, this new health care entitlement, and at the same time we are going to use those to preserve and extend the lifespan of Medicare, most people would say you cannot do that.

What the CBO said in this statement is, it is double-counting. It is spending

the same revenue twice. That is the practical implication of this, notwithstanding the weird gimmicks and the way Washington, DC, goes about accounting for revenues in a unified budget that go into trust funds because essentially what is happening is, you are issuing an IOU to the Medicare trust fund and also taking those revenues and saying we are going to spend them to finance the new health care entitlement. You cannot spend the same money twice.

People in South Dakota know that. I think people in Montana know that. But that is why they are so frustrated about this process. They see this dragging on and all of this debate going on and all of these different numbers being thrown out. But the fact is, we are creating a massive new government entitlement program under health care with all kinds of new spending financed with tax increases and Medicare cuts that are supposed to be used to finance the new health care entitlement but are also being credited to the Medicare trust fund, and thereby being used for two purposes. You cannot do that.

But I think that point is one of the reasons that most persons become so cynical about Washington, DC. They get very frustrated with what they see as all of this Washington, DC, talk and accounting gimmicks and budgetary techniques that are used to disguise this amount of spending, which has led us to where we are having to raise the debt limit by \$1.9 trillion.

Face it. That is the reality we are going to face today. We are going to have a vote, if not this week then next week, on this legislation which would increase the amount of the debt limit in this country by \$1.9 trillion.

My amendment to this legislation, as I said before, is fairly straightforward. It would end TARP, the Troubled Asset Relief Program, which was created toward the end of 2008 that was designed specifically to bring financial stability to the country at a time when we were worried about imminent financial collapse. There was a concern at the time that there was great systemic risk to our financial system.

As a consequence of that, action was taken, authority was given to the Treasury to acquire the distressed nonperforming assets on the balance sheets of many of our banks. What has happened since that time, it has morphed into something entirely different. It has been used now to take equity positions, to take ownership stakes in more and more companies in this country, whether they are financial service companies, insurance companies, auto manufacturers. We have gotten very far afield from what the purpose of the TARP was in the first place.

As to where we are today, we have, out of that \$700 billion in authority—I have a pie chart that shows what has been spent and what is left.

The blue represents the amount of the program, \$700 billion, that has been committed or spent already. That is about \$545 billion. That is what the blue represents. The other side of the chart, the line part and the orange part, represent the amount that has not been spent or has been paid back. The amount that has not been spent is about \$155 billion. The amount that has been paid back is about \$165 billion. So you have roughly \$320 billion that to date is unobligated balances in the TARP account.

What my amendment would do is say that amount, that \$320 billion, cannot be spent. It ends. The reason for that is because we are concerned this fund is going to be used for all types of purposes for which it was not intended.

Most recently, the House of Representatives passed the stimulus 2 bill, the second stimulus bill, which is going to use as an offset this authority right here. What we are simply saying is, this is \$320 billion that we can save the taxpayers of this country, that we can keep from piling on debt to future generations, and keep from adding to the total amount of borrowing we are doing.

So let's stop. Let's end this program today and not allow this \$320 billion to be spent and further stipulate that anything here in the blue, the \$545 billion that is currently spent or committed, if paid back, would go to reduce the Federal debt rather than be recycled and respent and reused again.

It is a very straightforward, very simple amendment, but I think it is very important in terms of the message that it sends to the American people about whether we are serious about what this TARP was created for in the first place, its specific statutory purpose, and whether we are going to deviate from that and use it for all other types of spending and ideas that people in Washington, DC, might come up with.

So I hope my colleagues today will support this amendment. I happen to believe the TARP has served its purpose. The Treasury had an opportunity to extend it at the end of last year, the end of December of last year. They chose not to let it expire. They chose to extend it. So now this program runs until October of this year. My fear is that this amount of money, this \$320 billion, is going to get spent, but it is not going to get spent for the purpose it was intended to be spent for under the TARP authority but, rather, for all kinds of other things that people, politicians in Washington, might come up with.

Also, this blue amount here, those funds that are already committed, are spent, when they are paid back, and we hope they will be, although there are some questions now about whether we are going to see a lot of that money being paid back, but assuming it is,

that money not be recycled or respent but it be used to retire the Federal debt. That would reduce the total amount by which we would have to raise the debt limit.

We are serious about getting this debt under control. We are serious about getting spending under control. This is a very straightforward way to do that. So we are going to have this vote, hopefully, later today, sometime this afternoon. We can save the American taxpayers \$320 billion by not spending this amount of money here. We can, hopefully, as these are paid back, save a whole lot more for the American taxpayers.

I would urge my colleagues in the Senate to support this amendment and to restore some sense of fiscal discipline to the way we do business in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Presiding Officer. I have two subject matters I wish to address. One is the amendment of my friend and colleague from South Dakota, Senator THUNE, that he has just addressed in his remarks, and a second set of remarks regarding Haiti that I also want to address.

I chair the subcommittee of the Foreign Relations Committee dealing with the Western Hemisphere and, obviously, includes the nation of Haiti, as well as served as a Peace Corps volunteer some 40 years ago on the island of Hispaniola on the border between Haiti and the Dominican Republic. So aside from the interest we all have in what has happened to the thousands of Haitians as a result of this catastrophic earthquake that has occurred, I have many friends in that country, some of whom I have not heard from in the last week or so, who are lost at this point. I want to address some thoughts on that subject matter as well.

But I want to, first of all, if I can, address the subject matter of the Thune amendment which will be voted on, I gather, at some point either today or tomorrow, whenever that is going to be dealt with here.

Let me begin by, first of all, thanking my colleague from South Dakota. I applaud him for saying that while it was a controversial debate a year ago last fall on whether to have an emergency economic stabilization program, I remember the night that we all gathered here and sat at our desks in this Chamber and voted 75 to 24 on whether to commit as much as potentially \$700 billion in order to stabilize our financial institutions and move forward.

It was a courageous vote that a number of our colleagues took that day, many of whom were up for reelection within a matter of days after that vote, and yet cast ballots in favor of it despite the tremendous outpouring of

anger over the fact that we were in those economic circumstances to begin with, and that, secondly, we might be committing as much of American taxpayer money to stabilize our financial institutions.

I happen to believe, and I think history is proving to be so, that we made the right choice that evening; that even though it was a painful vote, had we not stabilized those financial institutions, I firmly believe we would be looking at a far more catastrophic set of economic problems both here and around the globe had we not acted.

So while those resources have gone to large financial institutions and to major organizations because that is what was needed to be done, there is an understandable degree of anger and frustration being expressed by our fellow citizenry because people on Main Street, average citizens, have suffered terribly during this process.

There was a point not many months ago where 20,000 jobs a day were being lost in our Nation; 14,000 people a day were losing their health care; 10,000 people a day were losing their homes in the United States to foreclosure. So the American people have suffered terribly as a result of this economic crisis.

But we needed to take those steps. As a result, today, while the news is still far from good, in most corners of this country we are stabilizing an economic crisis. We avoided a depression which we were on the brink of falling into had we not taken that action. So I want to commend my colleague from South Dakota for recognizing the value of that decision.

Now he points out with a chart—it is not up here any longer—the fact that there is about \$320 billion which remains unexpended as a result of that decision. The good news is that we crafted that bill that required two separate votes—an initial one for the \$350 billion, and then around January of this year—or last year, excuse me—the additional \$350 billion would be appropriated and spent. As a result of the good news we have avoided having to expend all of those resources. As a result, there is actually money coming back in.

We have now recouped about \$165 billion of the original money that was spent, including over \$13 billion in fees and interest payments that were earned back by the Federal Government as a result of those decisions. We all hope the full amount will be recovered. There will be an opportunity in the coming days for all of us to vote on whether we ought to ask those large financial institutions, which were the beneficiary of taxpayer assistance, whether they are going to vote for a fee or a tax, if you will, over a limited number of years on those recipients of billions of dollars of American taxpayer money, to pay that back through fees and taxes.

I hope my colleagues will be supportive of the initiative offered by President Obama in recent days. But the issue before us is whether we ought to shut all of this program down, the remaining \$320 billion that is there. I want to remind my colleagues what the administration has suggested, and I believe all of us have embraced, is that small businesses and our community banks in this country are struggling. I do not recall a day over the last number of months when I have not heard a speech on the Senate floor of this Chamber where a Member has not gotten up and talked about what is happening in the absence of credit flowing to smaller businesses in their States, or that community banks in their States are failing because the economy has not reached them, the improving economy.

What the administration has suggested, and I strongly support, as I believe most of us do, is that we need to get assistance and support to these smaller businesses and to these community banks in order that they can survive and get on their feet, and credit will flow where it is not flowing today.

The administration has sent a letter committing to limit the use of these dollars to mitigating foreclosures, which is still serious; support for small banks so they can lend to their communities; facilitate small business lending; and address the deepening crisis in the commercial mortgage banks. Those are the four obligations we are talking about. It is not unlimited. It is not all for ideas that may be floating around here that have little or no merit. It is specifically the areas in which we all know we need to provide help.

We can do this one of two ways. We can do it by appropriating additional money, which goes right to the heart of the argument of my colleague and friend from South Dakota. We cannot afford to do that. Again, the deficits are growing larger by the hour, and to appropriate additional money at a time like this would be very difficult if not unwise in many cases. Or we can take resources we have already appropriated that are not being spent, that could be used exactly for the purposes that are needed for our economy to get moving again. In a sense it is a catch-22. Our economy is only going to improve if small business starts hiring again, community banks start flowing credit again, and we minimize the foreclosure problem.

How do you do it? It doesn't happen magically. It happens because we make intelligent decisions. A year and a half ago, when we voted for the economic stabilization bill, the problem in front of us was the stabilization of financial institutions. So the resources were going to be limited for that purpose. We thought we might need \$700 billion.

The good news is, we haven't needed that amount and a substantial amount of the money is coming back in. There remains this pool of \$320 billion in that fund. Wouldn't it make sense if, in fact, we are trying to get this economy moving again, to take some of those resources and make it available to small businesses, to community banks to flow credit so they can actually hire people and grow again, to minimize foreclosures? That is what is needed to be done.

We can do it one way or the other, but we can't do it by just talking about it. I beseech my colleagues at this juncture not to vote in favor of this amendment which would deprive us of resources in order to do the things that all of us agree need to be done. I know my friends, most of them here, are not going to be voting for a program that requires additional appropriations for the very argument the author of the amendment has made. We can't afford to do it. If we are not going to do that—and yet we are simultaneously saying we need to do these things in order to get us out of this hole, where average businesses and workers on Main Street in the country can be the beneficiary of some of this help to get our economy moving—where does it come from? Where are the resources going to come from? Why not take some of these resources and dedicate them to exactly the purposes that have been identified by the administration and recommended by Members of this body, both Republicans and Democrats?

If you support the Thune amendment, you deprive us of that opportunity. That is it. The only alternative left, then, is to go through an appropriations process, which we are being told by our friends over here they will not support. Again, what happens is a lot of rhetoric, a lot of talk. After all the help that has gone to the major Wall Street institutions, at the very hour we ought to be trying to help Main Street institutions, these smaller banks, smaller businesses, we will not have the resources to do it. I urge my colleagues to think long and hard about this. While this program has been terribly unpopular for all the reasons we have heard from others, at this critical moment, at a time when we could make such a difference, when falling back into a recession again could happen very easily, a deeper recession, at this very hour to deprive the administration, the Congress, the people who care so much about community banks and small businesses, I think would be a huge mistake.

I urge colleagues to reject the Thune amendment. Again, the commitments have been made. These resources go to one of four areas, primarily to community banks to get credit flowing and to small business but also to mitigate foreclosures and to address the deep-

ening crisis in commercial mortgage loans which is there. We have a pool of resources to respond to it.

My hope is, all these dollars will be paid back with interest, as I think there is some evidence as we have seen already may, in fact, occur. But we need to continue on this path, if we are going to succeed in our efforts, watching optimism and confidence be restored to Main Street in America. This is one opportunity for us to do it, to get this job done.

I urge my colleagues to vote against the Thune amendment for all the reasons we have in the past. This is not a new amendment. It has been offered in the past. It has been rejected by colleagues for many of the same reasons I have tried to articulate this afternoon. The arguments haven't changed. What has is the dedication of these resources exactly to the areas that so many of us have talked about over the last number of months. I urge rejection of that amendment.

HAITI

Mr. President, I wish to speak to the subject matter of Haiti and the events of the last week that have occurred in that country. My interest in the subject matter is not any different than that of every single person who has watched with horror the photographs and pictures, the stories of the tragedy that has afflicted that poor, desperate country that occupies one-third of the island of Hispaniola. I bring an added personal attention to it because I have many friends, many of them I have known for 40 years, in the island nation of Haiti. I have been there on numerous occasions over the years, in addition to my first introduction to Haiti at 22 years of age as a Peace Corps volunteer, when I was sent to a small village on the border of Haiti and the Dominican Republic, in 1966, some 40 years ago. My interest and my friendships go back a long time. I am deeply concerned and worried about what is occurring there and what steps we might take as a nation, in conjunction with others, to provide some help to a people who are in desperate need.

I rise to discuss the tragic situation, the humanitarian disaster that has occurred in the wake of last week's earthquake, and the U.S.-led response to this crisis. Last Tuesday, as we all know, as the world knows, one of the largest earthquakes recorded in the area hit about 15 miles from the capital city of Port-au-Prince in Haiti. This massive earthquake brought immediate destruction to Port-au-Prince and surrounding areas and communities, instantly crumbling houses and buildings, destroying roads, seaports, cutting power and water lines throughout the country.

Most tragically, the earthquake has killed tens of thousands of Haitians who, at the time the quake struck, were simply going about their daily

lives—desperate lives, I might add, but daily lives. The Government of Haiti has indicated they believe 70,000 of their fellow citizens have been killed in this earthquake. Other officials fear the death toll may be as high or more than 200,000 people as a result of those brief moments that caused that nation state to crumble. These heart-wrenching numbers do not even account for those injured who are homeless, the orphaned without food, water, shelter or any kind of medicine.

The losses extend well beyond Haitians. The United States also lost a dedicated public servant named Victoria DeLong, who was serving as cultural affairs officer at our Embassy in Port-au-Prince. Several more Americans have been killed and many more remain unaccounted for a week later. The United Nations, no stranger to dangerous and difficult missions, has suffered its single greatest loss of life in the history of the United Nations. Over 100 United Nations staffers and peacekeepers remain unaccounted for. The special representative for Haiti, Hedi Annibi, also lost his life.

On behalf of my colleagues in the Senate, I extend our heartfelt condolences to the friends and the families of those who lost their lives in Haiti. They should know they are in our thoughts and prayers every single minute of every day.

This earthquake has been called a disaster of epic proportions. When such a disaster strikes one of our neighbors, a country so close to many of us, our Nation responds, as have others. I applaud President Obama, Secretary Clinton, and Administrator Shah for their immediate, robust, and coordinated efforts, which has truly been a whole-of-government response, utilizing resources, skills, expertise of our State Department, USAID, and the Defense Department. Secretary Gates deserves great commendation. Our forces in uniform that poured into the area on a moment's notice to help out, as they always do, deserve particular recognition in this effort. We have deployed thousands of troops to Haiti who are supporting operations at the Port-au-Prince airport, working to provide logistical support, open the port. The United States has sent an aircraft carrier with numerous helicopters to deliver aid to otherwise hard-to-reach places in and around Port-au-Prince, a hospital ship to provide lifesaving medical care, and urban search and rescue teams and doctors to help rescue those trapped and treat those who are injured.

In addition to manpower, the United States has pledged money and supplies, including water, ready-to-eat meals, and medicine to help those in need. This response has demonstrated the generosity and spirit of the American people, especially when it comes to helping others who are in desperate

need, as clearly Haiti is. The American people have also responded, as we always do. It is a source of great pride to all of us to watch our fellow citizens, people whose names we will never know, the donations which they have given may not sound like much; but for people who have lost a job, lost a home, as I talked about a moment ago, during this economic crisis, to reach deep into these almost empty pockets to send that \$1 or \$5 or \$10 to help out some family they will never know, some child they will never meet in a place they may never go to, may never have known about before is, once again, a demonstration of the spirit and heart of our fellow citizens in the United States.

Aid agencies and NGOs have reported an outpouring of support as our fellow citizens have donated money, clothing, and supplies to hundreds of organizations that operate in Haiti today. These donations are absolutely critical at this time. At a time when we can't seem to decide on a bipartisan basis what day of the week it is, to watch President Bill Clinton and President George W. Bush, two people who have been political opposites, have very different points of view, sitting down together as two former leaders of our Nation to head the effort to provide relief to Haiti is a demonstration of what we ought to be doing together here on occasions that affect our own citizenry. If two former combatants in the Presidential field can sit down and become a team in responding to a crisis in Haiti, it ought to be a lesson about what we need to be doing when it comes to our own crises here at home.

I commend President Clinton and President George W. Bush for their tremendous work. I commend President Bush's father, who joined with President Clinton back when the tsunami crisis hit Southeast Asia. The Bush family has always responded at times such as this. Both father and son deserve our thanks and commendation for what they have done. Of course, Bill Clinton has dedicated his post-Presidency period to a global initiative to help out every single day in places that are not the subject of news stories, as Haiti is. He, of course, deserves our expression of gratitude as well.

The international community has responded. Over 27 international search-and-rescue teams, with some 1,500 rescuers from around the world, are already on the ground in Port-au-Prince and neighboring communities, searching through the rubble to find those who may have survived. I know all of us sit in absolute stunned admiration for those who have survived 6 and 7 days, living in the midst of rubble, to be discovered alive and be extracted by rescue workers. Our only hope in these waning hours, is that we will find additional people who have somehow miraculously have survived this disaster.

It has been unbelievable. Relief workers, doctors, supplies have arrived from China, Israel, Iceland, Brazil, France, more countries than I can enumerate. The European Union has pledged over \$½ billion in assistance already, and I suspect more will be forthcoming. Despite its own tragic losses, the United Nations has come to the rescue of the Haitian people. The United Nations Stabilization Mission in Haiti has responded heroically to this disaster, organizing supply convoys, conducting search-and-rescue missions, and providing security. On Saturday, the World Food Program fed 40,000 people. Within the next week or two, that number will increase to 2 million. Private organizations are also doing heroic and valued work, including the Red Cross, Doctors Without Borders, Save the Children, Partners in Health.

Let me say, particularly on Partners in Health, my great friend, Paul Farmer, who spent years in Haiti as he has in other nations working with HIV/AIDS and other issues, is there, as you might expect, in Haiti. I have spoken to him. He has many needs, as you might imagine. He needs orthopedic surgeons, trauma specialists, skilled nurses, supplies. My hope is, in these coming days, coming hours, we will be able to get those resources to him.

On the ground, the Obama administration and the international community are working as quickly as possible to distribute aid to those in need and to help clear the jam of supplies arriving in Port-au-Prince and Cape Haitian, in some cases, in the northern part of the country. It is critical that aid gets distributed beyond the immediate confines of the airport. Those who survived the quake are now trying to survive, once again, without food and water and medicine and shelter.

At the same time, we must work as quickly as possible to ensure that violence does not break out as people become desperate to survive, as one might expect under these circumstances. The people of Haiti are our neighbors, and it is our duty to help them weather this storm, as others are doing as well.

I strongly agree with Secretary Clinton who, during her trip to Haiti this past Saturday, affirmed to the Haitian people that "we will be here today, tomorrow, and for the time ahead" as well.

I wish to take a few minutes to describe what I believe needs to happen at this "time ahead" of us that Secretary Clinton referred to. These are not all the suggestions. I know many others are coming in, and we need to think about how we can intelligently respond to this. We can't do it all alone. We need help from the international community, obviously. But there are some steps we can take that

I think would make some difference in all this. In order to do that, we must understand where Haiti was the day before the earthquake struck. Despite its location only a few hundred miles from the wealthiest Nation in the history of mankind, Haiti is one of the poorest nations on the face of this Earth. It ranks as the poorest country in the Western Hemisphere, with 80 percent of the population living under the poverty lines of this hemisphere.

While recent years showed some positive trends in economic growth, the 2008 hurricanes devastated that country, causing widespread destruction and severely damaging the agriculture sector, upon which two-thirds of all Haitians depend. Remittances to Haiti represented more than twice the earnings from exports and accounted for one-quarter of the gross domestic product of that nation. Haiti has also one of the lowest life expectancies in the world. The average Haitian income is less than \$1 a day. In terms of income, less than \$1 a day.

Clearly, Haiti had a lot of ground to cover before this earthquake struck, and rebuilding Haiti is not going to be easy for anyone. Many have debated why Haiti remains so poor and what can be done to alleviate poverty, improve public health outcomes, and help that nation develop a sustainable and equitable way forward. This debate is all the more important and necessary as we move forward.

As the chairman of the Subcommittee on the Western Hemisphere and as an American who knows and cares about Haiti, having worked with the people of Haiti and its leaders for much of my career, I am committed to finding the best solutions to these vexing problems and to working in close coordination with the administration, the United Nations, and our neighbors in the region, including Brazil, Mexico, and others who are already there helping to rebuild Haiti.

I might mention, there are 400 physicians from the island of Cuba who are operating in Haiti today, down there trying to make a difference. Whatever thoughts people have about the Government of Cuba, the fact is, there are doctors there now from that nation that is only a few miles from the northern parts of Haiti who are now trying to save lives.

As we begin to transition from a rescue mission to a medium- and long-term recovery mission, we must think creatively and allocate resources to the most effective and efficient methods for sustainable reconstruction and development. We must find ways to make Haitian agriculture better equipped to feed the people of Haiti, and we must work to forgive Haitian debt.

In April of this past year, Haiti was added to the IMF and World Bank's list of what is called the Heavily Indebted Poor Country Initiative making them

eligible for special assistance with debt relief. This is an auspicious start, and one we must build upon.

Public insecurity has long been a systemic problem, hampering economic growth. Therefore, it is critical we work with the Haitian authorities in that nation and others to build and reform the institutions to bolster the rule of law in Haiti that will be necessary to lift Haitians out of poverty, rebuild the country and attract and maintain foreign direct investment to jump-start that nation's economy.

Throughout this process, we must not get bogged down by old formulas and hardened ways of doing business as usual. We must think outside the box, as the expression goes, marshal the necessary resources and creativity of our friends in the region, and the Haitian people must devise and be a part of a medium- and long-term strategy for this effort.

To that end, Senator LUGAR of Indiana, the former chairman of the Foreign Relations Committee, and I will be introducing legislation shortly that will help to speed Haiti's recovery by instructing the Secretary of the Treasury to work with other nations to totally relieve Haiti of their outstanding international debt, including the debt incurred through 2011. That ought to be something every nation agrees to do; in the absence of which, I do not know how you can ever talk about economic recovery if you are willing to require a country that does not even have a fully functioning government today to meet those obligations.

Additionally, our legislation will help to spur economic activity, which is absolutely essential if we are going to have any kind of recovery process. We will do so by promoting trade between the United States and Haiti and lifting restrictions that would be barriers to trade being able to flow between Haiti and the United States, putting people to work.

The Haitian people have endured immeasurable suffering in recent days, but their spirit is indomitable. On Sunday, countless ordinary Haitians came together to observe Mass amid the bleak ruins of Port-au-Prince. Their faith in each other and their future may have been tested, but it is far from broken. I stand committed—as I am sure our colleagues throughout this Chamber are as well—to working with them, our fellow citizens here at home, and the international community, not just today but in the weeks and months and even years ahead, to ensure that our commitment to helping Haiti recover is meaningful, sustainable, and rises to the great challenge we face.

With that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3301

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to a vote in relation to the Thune amendment No. 3301 and that the provisions of the order of December 22 regarding the vote threshold remain in effect and no intervening amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 2 Leg.]

#### YEAS—53

|           |           |             |
|-----------|-----------|-------------|
| Alexander | Ensign    | Murkowski   |
| Barrasso  | Enzi      | Nelson (NE) |
| Bayh      | Feingold  | Nelson (FL) |
| Begich    | Feinstein | Pryor       |
| Bennet    | Graham    | Risch       |
| Bennett   | Grassley  | Roberts     |
| Bond      | Gregg     | Sessions    |
| Brownback | Hatch     | Shelby      |
| Bunning   | Hutchison | Snowe       |
| Burr      | Inhofe    | Tester      |
| Chambliss | Isakson   | Thune       |
| Coburn    | Johanns   | Udall (CO)  |
| Cochran   | Kyl       | Vitter      |
| Collins   | LeMieux   | Voinovich   |
| Corker    | Lincoln   | Webb        |
| Cornyn    | Lugar     | Wicker      |
| Crapo     | McCain    | Wyden       |
| DeMint    | McConnell |             |

#### NAYS—45

|          |            |             |
|----------|------------|-------------|
| Akaka    | Gillibrand | Menendez    |
| Baucus   | Harkin     | Merkley     |
| Bingaman | Inouye     | Mikulski    |
| Boxer    | Johnson    | Murray      |
| Brown    | Kaufman    | Reed        |
| Burris   | Kerry      | Reid        |
| Cantwell | Kirk       | Rockefeller |
| Cardin   | Klobuchar  | Sanders     |
| Carper   | Kohl       | Schumer     |
| Casey    | Landrieu   | Shaheen     |
| Conrad   | Lautenberg | Specter     |
| Dodd     | Leahy      | Stabenow    |
| Dorgan   | Levin      | Udall (NM)  |
| Durbin   | Lieberman  | Warner      |
| Franken  | McCaskill  | Whitehouse  |

#### NOT VOTING—2

Byrd  
Hagan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 3302

Mr. CORKER. Mr. President, I rise to speak about the Gregg-Conrad amendment that I hope we will vote on later this evening or tomorrow. I know everybody in this body is concerned greatly about the long-term issues we have to deal with as relates to our deficits. I think everybody in this body has concerns about that.

I know there has been a lot of discussion, especially by members of the Finance Committee, that we need to deal with the long-term deficits in this body through regular order. The fact is, this is the responsibility of the committee. I respect members of the Finance Committee. Someday, I would like to serve on that committee. They do outstanding work.

I think all of us realize that there is no way we are going to deal with the long-term issues relating to Social Security and Medicare without doing something that causes us to have to take a vote.

A lot of people criticize the Gregg-Conrad amendment, saying that there is a possibility that one of the recommendations that may come forth from this commission that would actually make a report and call us to vote after November of this year is that there may be a tax increase that is recommended in this legislation. The Gregg-Conrad amendment would get Republicans and Democrats to agree on a way to deal with long-term issues. It does not commit people to vote for those recommendations. As a matter of fact, there is nothing in this amendment that speaks to tax increases.

I know on the other side of this issue we have some more liberal groups, if you will, that are saying: We do not want you to deal with entitlements because the only way to make entitlements whole may mean making some reforms, and we do not want any changes.

We have people on both ends of the spectrum who are saying do not support Gregg-Conrad when everybody in this body knows we cannot continue as we are today. We all know that.

The Finance Committee, which I respect greatly, just in this last health care bill—and I am not trying to touch a subject that may be hard for all of us after the last couple of weeks, but the fact is, the Finance Committee proposed taking \$464 billion in savings

from Medicare to use to create a new entitlement. What that means is the Finance Committee has no notion whatsoever of doing things that make Medicare more solvent over the long haul. If we are going to take savings such as that, we ought to make Medicare more solvent. By the way, we can debate those kinds of issues, but the fact is, the Finance Committee has had decades to deal with the long-term entitlement issues. I respect their work.

The fact is, during regular order, it is very difficult for this body to make the tough decisions that call us to make sure we are not pushing huge amounts of debt onto future generations.

I cannot imagine why anybody in this body would oppose setting up a bipartisan group—they do not have to vote for the recommendations—that will spend a year looking at these issues in an intelligent fashion, hopefully, and then come back and report. And you can vote yes or not. You may or may not like it.

I see the Senator from Missouri. Let me say one more thing. The way I understand it is the majority leader would appoint the Democrats and the minority leader is going to appoint the Republicans. That alone ought to give people some sense that they are not going to appoint people who are out in left field, if you will, or out in right field as it relates to fiscal issues. They are going to appoint people who want to look at this generally along the lines of the philosophy of each of the two parties.

I cannot understand how any of us cannot support putting in place a mechanism to deal with the long-term liabilities of this country. Mr. President, I know you join me in those concerns. You have to. The Senator from Missouri has to join me in those concerns.

I hope we will set aside politics and the groups that are calling in and lobbying against this issue because we might have to make a tough decision—which, by the way, would benefit future generations—trying to keep us from doing something that would make sense. Again, if the things they recommend are not good, vote against them. But let's put some process in place to deal appropriately, to make sure seniors down the road are going to have Medicare, that seniors down the road are going to have Social Security, and that those young people we talk about so much and care so much about are not burdened with huge amounts of debt because we do not have the courage in this body to make the decisions we need to make to put this country on a solid footing. We all know that. We see it every day. We do not want to make those tough decisions. This gives us a mechanism to at least consider making some difficult decisions and putting this country on a strong footing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. I will.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I had no intention of speaking today, but this place has been a little strange over the last few months in terms of our ability to come together.

When I heard my friend from Tennessee talking about the Conrad-Gregg amendment, I realized we had a moment of bipartisan agreement. I wanted to stop and recognize that it is not completely gone. There are Republicans and Democrats who agree on issues.

I could not agree more with my friend from Tennessee. I think this statutory commission is our best hope at restoring fiscal sanity in this country. It is important that we adopt it. I am proud to be a cosponsor of the amendment. There are a number of us on this side of the aisle who are cosponsors of the amendment. There are a number of Republicans who are cosponsors. But I am beginning to sense that there may be some political game-playing that is going to occur here, and it worries me.

The leader, with all due respect—in a bipartisan moment, I am going to backtrack a little bit. I remember the Republican Party announcing that this was one of their priorities. Now all of a sudden we are hearing that the leader of the Republican Party is opposed to it. Think about that for a minute. Before the shores got rocky for Democrats politically, this was a great idea.

Everybody here knows we are not going to fix this problem in the regular order. Everybody knows it. It is not going to happen. So we are going to talk deficits, we are going to continue to say deficits matter, and we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

I implore my friend from Tennessee to restore this as one of the priorities of the Republican caucus, to prevail upon his leader to not—I hope this is not the case, but the rumors are floating around that they have backed off this as a priority because if the Democrats do this, it is going to make them look good. We have to quit making the failure of the other guys our success. This place cannot be about that. By the way, it happens on both sides. I am not saying this is just a problem on the Republican side of the aisle. But we really do have a place where the way politics are played today makes it very difficult for us to come together in a bipartisan fashion.

This is a moment in time that this could happen. I implore my friend from Tennessee—and he is my friend. We have been here the same amount of time. We have watched all of this sometimes with our eyes bugging out and our jaws slack as to what goes on around here and how things work. This is a time we can come together and do something that is responsible for this country.

I am going to work very hard on my colleagues on this side of the aisle. I hope my friend from Tennessee does the same thing on his side of the aisle. I think we will have a vote on this amendment sometime in the next week or so. It is very important that we stand up and be counted as people who are more worried about our grandchildren than the next election.

Mr. CORKER. Mr. President, the Senator from Missouri and I have worked on a number of issues together. I so much appreciate her comments.

While I certainly cannot speak to what the position may be of leadership of whatever party on this particular issue, I will tell the Senator that I am absolutely a cosponsor and I absolutely agree that political winds are blowing, I might add, on both sides of the aisle.

The President tried to announce something yesterday that we all know is not as strong as this amendment. It was an attempt, in fairness, to keep this amendment from gaining support because this is, as you mentioned, statutory. So it happens on both sides of the aisle.

I am proud of the fact that the Senator from Missouri is standing up today supporting this legislation. I support it proudly. Again, the winds are blowing on both sides. I know there are liberal groups calling in trying to get folks on the other side not to vote for it. We have conservative groups on our side calling trying to get people not to vote for it.

Again, all we are putting in place is a mechanism to try to solve this problem. People can vote against the recommendations. At the very least, we would benefit from some deep thought and a lot of work on data to see where we sit as it relates to the deficit issues.

One of the things I think the election the other night said to both of us is that regardless of the outcome, regardless of some of the issues we are focused on, the American people would like for us to hit issues head-on. They do not want trickery. They do not want doubletalk. The American people would like for us to address the serious issues of this country as adults and try to come forth with real solutions to everyday problems and long-term problems.

I think this legislation, which, by the way, is bipartisan—and as the Senator from Missouri mentioned, in the past it has had tremendous support. We almost had enough—I am probably exaggerating slightly—we almost had

enough sponsors in the past to pass it in this body.

As the Senator mentioned, the political winds are changing. Maybe one political party has advantage over the other for a day or two. Who knows. Instead of looking at this for the substance that is there and behind it, the Senator from Missouri is right, politics has come into play. I hope, just as the Senator has mentioned, that all of us can rise above that over this next week and support this very commonsense legislation that will at least get the ball rolling toward dealing with the issues that are going to affect these young people who are here helping us. We all know that political leadership at least for years—I am not talking just today—for years we have had the most selfish generation of political leadership this country has seen, kicking the can down the road on serious issues so that we can give people what they want without anybody having to pay for it except these young people.

I am proud to stand with the Senator from Missouri. I thank her for her comments.

Mr. President, thank you for the courtesy of time.

Again, I suggest the absence of a quorum, but possibly the Senator from North Dakota may wish to speak.

The PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. As always, yes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Conrad-Gregg fiscal action task force amendment. I am going to vote for it, and I do so not because I think it is the best solution. The best solution would be for us, year to year, to reconcile that which we spend and the amount of money we have to spend. But we don't do that, and we are now in a position where we have an unsustainable fiscal policy. It just is.

I know people on that side want to blame this administration; people on this side want to blame the last 8 years. Whatever the blame might be, let me say that we are on an unsustainable course, and it is required, in my judgment, by Republicans and Democrats, to come together to find a way to address it. This is not the best way, but it is probably the only way we are ever going to get some control.

I have heard so many people come to the floor of the Senate to say this administration is a socialist administration; it is going to spend this country into the ground. I have heard all of that. It is easy for me to stand here and go all the way back to a time when I stood on this floor—a time when we had the only budget surplus in several decades—and say in response to a President's proposal to spend it before

it even existed, and all we had was 10 years of projections, why not be conservative? These surpluses only exist this year, not for the next 10 years. Let's be a little conservative. And the blowback was: Katey, bar the door. Let's do big tax cuts. Let's do all these things. Then immediately—and I didn't vote for it—but immediately we ran into a recession, then we ran into a terrorist attack, then a war in Afghanistan, and a war in Iraq—which, by the way, we never paid a penny for. We just sent men and women to go to war and said: We won't pay for it except with emergency supplementals every year.

So there is plenty of blame to go around. This current President, President Obama, has been in office just 1 year. There are things with which I disagree with this administration, for sure. But, look, he inherited the biggest mess in the history of a Presidency, in my judgment. So let's try to figure out how we can get the best of what both parties have to offer in this country rather than the worst of each.

I have often quoted Ogden Nash's four lines that I think captures this the best when he was talking about a guy who drinks too much and a woman who scolds.

He drinks because she scolds, he thinks. She scolds because he drinks, she thinks. Neither will admit what's true. He's a drunk and she's a shrew.

So it is perhaps with the political parties. Neither will admit what is really true. Both have some responsibility, and both have a responsibility to lead. We are not leading year to year in the normal budget process and in the normal appropriations process to reconcile the amount of money we have and the needs that exist. We are not reconciling that. We are offering a level of government that exceeds the amount of money we have, exceeds the American people's willingness or ability to pay for it, and that is not sustainable in the long term for this country.

So the question is, What do we do? Some say, Well, you can never increase any taxes. I say: Why not, if you have people who aren't paying their fair share? How about increasing taxes on them? Some of the biggest folks in the country, who are running hedge funds, are paying the lowest tax rates in America. How would you like to make \$3 billion a year?

By the way, when somebody comes home and says: Honey, how are you doing?

That person says: Well, I'm doing pretty well—\$3 billion a year. That is almost \$250 million a month salary. Doing pretty well. By the way, I don't know whether you know it, sweetheart, but I get to pay the lowest taxes in the country. I get to pay, on carried interest, a tax rate of 15 percent.

So if somebody says: What is the solution to this? Cutting spending? Yes, I



think so, in areas where we are spending money we shouldn't—such as beaming television signals into the country of Cuba. We have spent \$¼ billion sending television signals to the Cuban people in TV Marti. Yes, we have spent that, and there are television signals beamed from 3 a.m. to 7 a.m. and blocked by the Cuban Government so nobody can see them. So we have spent \$¼ billion sending television signals no one can see. I guess some people here feel better about that. I have been trying to shut that down for 10 years and can't even shut down that kind of insanity.

So cutting spending, yes. How about asking those who aren't paying their fair share of taxes? Yes. Let's do all of that. Perhaps we are requiring that be done if we set up this mechanism. Perhaps that is what will happen. I wish we didn't have to do this, but with the choice of yes or no, which is a very simple choice on should we do something or should we just continue down this bumpy road that leads to a destination none of us wants and none of our children will like, my answer is let's vote yes on this amendment. Let's decide to do something that maybe can put this country back on track, help us restart this economic engine and give the American people confidence again.

I used to teach a little economics in college, and I used to teach that it didn't matter what the supply and demand curve and all those issues dealt with, with the graphs. What really matters is do people have confidence about the future—about themselves, their family, and their future. If they do, they do the things that expand the economy. They take a trip, buy a suit of clothes, buy a car, buy a home. That is what expands the economy. If they are not confident, they do exactly the opposite, and they contract this economy.

Let's do some things that give people some confidence in the future. Let's give them confidence that finally, at last—at long last—we are going to grab these issues, look them square in the eye, and say: We will fix them. Why? Because our kids and grandkids deserve that, and this country deserves that leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWNBACK. I rise to speak on the budget deficit and a mechanism this body has embraced in two prior budget agreements that I think it is time to put in place now. It is called the CARFA mechanism, the Committee on Accountability and Review of Federal Agencies. It is a BRAC process on spending. We passed it in the budget resolution twice, with votes on both sides of the aisle for it. What it does is it basically says: OK, we have to look at all of the Federal Government. Places that aren't working, we need to eliminate, and the rest, then, we can use to pay down our debt and deficit. If there were ever a time to do this, this is the time. I have argued for a decade that we need to do this, and I put this bill forward for a decade. This is my last year in the Senate, and I hope we can get it done this year. It has received bipartisan votes, as I mentioned, two times before in the budget.

It is a simple mechanism. What it does, it is an eight-member commission, four appointed by each side of the House and the Senate. It has to pass by—six of the members, of the eight have to vote to put forward the recommendations of the commission. It takes a fourth of the Federal Government each year and it recommends spending cuts in that fourth. That is then referred to the appropriate committees, and then within 30 days after the commission reports out, it is subject to a privileged motion, that the actual recommendation of the commission must be voted on by Congress. It then has a limited timeframe for debate without amendment, and you get a vote up or down—very similar to the BRAC process that we have followed for many years on base closing and realignment.

I might remind my colleagues, that BRAC process, while creating consternation across the country, has now saved us \$60 billion. We have had several places in Kansas that have been closed in that BRAC process, but we have also had consolidation of troops and operations at, say, Fort Riley that have gained by that, and we have an economy and we have a better aligned military.

This is the same process. It is only on spending, it isn't on taxes, and it is applied now to the full breadth of the government, discretionary and mandatory spending. So it is everything included within a BRAC process. It is a supermajority within the commission itself. Six of eight members must sign on to it, so you cannot get it just gamed one way or the other. It is a

simple majority once it gets to the body; it is under the privileged motion. It isn't a 60-vote point of order, it is a 50-plus-1 vote to be able to get it on through this body, and a majority in the House.

This is a tried-and-true practice. It doesn't include tax increases, and my other colleagues are putting forward a commission process as well that does include tax increases which a number of people have a great deal of difficulty with and certainly people across the country have difficulty with. This is not the time nor the economy for us to be talking about tax increases. We have been pounding away at that for a long period of time, but clearly people are saying: No new tax increases. I think they certainly would say that prior to us going through our own spending. There is nothing that prevents this body from passing a tax increase. We can pass it at any point in time. But I think, to have any validity, you would have to go through the Federal spending first and say: Let's cut the spending before we even look at the tax increase side of this equation. That is what this does. This looks at the spending piece of the equation, not at the tax piece of the equation. We owe that to the American public. If there is going to be any credibility of saying we need to raise taxes, which I don't think we need to, but if there were to be any credibility, you would have to first go through Federal spending and say: We have cleaned out everything we can.

I, frankly, believe there are a number of Federal agencies that could take a major reduction and that we could end up with better government.

I want to point this chart out to you. This is a report card that the Federal Government does on itself on the effectiveness of its programs given the design they were based on in the Congress. The OMB does this. They do this on an annual basis. They take different agencies each year and rate them for total effectiveness of that program. And you can see we have a couple of agencies here. We have a 100-point scorecard. The best one is the State Department which gets a 79.47 grade average. We have the Education Department at 49.91. We have the Labor Department at 58.14, of an average grade score of the programs reviewed within that agency, within Labor, 35, within Education, 93.

My point in saying that is that my guess is that within the 35 programs, we can find quite a few there that actually should be eliminated, that are not hitting the target, that are not getting the job done.

This is the process we went through with military bases. For instance, in my State, we had a munitions plant that was closed down near Parsons, KS, and we had a munitions plant near the Kansas City area that was closed. These plants were providing services.

They were doing legitimate functions for the military. But the military said: We can consolidate this in one place and save money and close these plants down, and then we will turn the land back over to private and public entities. That is what is taking place. We have done that across the country, creating a more efficient military installation process. It had a negative impact on a couple of my communities, but now we are kind of dealing with those issues and working hard on them. But we have a better structured military. What if we did that in the rest of the Federal Government? And we clearly should do that at this point in time. We are looking at a Federal deficit, a government-run Federal deficit of \$1.472 trillion—116 percent greater than the 12-month period ending December 31, 2008.

I have asked my colleagues to consider this amendment in the Federal debt limit ceiling, for us to go back to this process that has already passed this body in budget votes before, but we have never been able to get a vote that would take it all the way through the system. So my colleagues are very familiar with this process. It has worked. Let me repeat that. It has worked before for us. It will work again. We are not building from scratch. We already have some scorecards. And we have to start taking care of this. This is the legacy we are leaving our grandkids—deficits that are running in huge quantities.

The first thing to do in a deficit is—if you are digging a hole, you have to stop digging—stop spending, stop spending in the wasteful areas. There is nothing that drives my constituents more crazy than wasteful government spending. People look at that, and it is just mind-boggling to them. This is a legitimate process to get at wasteful spending in a process we have approved before, and it is clearly time for us to do it.

With this sea of red ink, anybody in this body who has been a Governor has looked at these sorts of issues and said: OK, first, where can we cut our spending? And you would look at that. This does that process. The CARFA project and the CARFA bill and the CARFA structure go at spending first, and that is the first place you would look, and you would certainly look there before you would look toward any tax increases. I think this is something whose time has come and this is something this body really should support.

I would also point out that the route we are going right now, with massive increases in spending and sharp drops in revenues—you talk about bending cost curves down, let's bend this cost curve down on spending by the Federal Government. That is what CARFA can do in a bipartisan, fair process, not just one side or the other saying, cut here, cut there. It is looking at all of the

Federal Government, and it is then putting it in a process where we make recommendations—the commission makes recommendations on spending first. Address spending first. That is clearly what our constituents want us to do. They want us to look at spending. That is not a partisan statement, that is what the public wants us to do, and to get at the wasteful pieces of it first.

So I would urge my colleagues, in this bill—I hope we are going to be able to get this up as a piece of it, an amendment, the CARFA bill that has been voted on previously, and that we will have a chance for people to say: Yes, let's go at spending, let's go at spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

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ACCELERATING THE INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR THE RELIEF OF VICTIMS OF THE EARTHQUAKE IN HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4462, an act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, received from the House and at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

Mr. BAUCUS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4462) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Madam President, I am glad we passed the bill here now—it already passed the House—to help all of those Americans who find the tragedy in Haiti so wrenching and want to help. Americans are trying to help in lots of ways. Some are taking orphans into their homes.

I have worked, as an example, in the last several days with many churches and organizations, including especially the Catholic Relief Society, to just help in any way we possibly can. But there are other Americans who just want to help with financial contributions. So this bill enables many people—in my home State of Montana, many people have contacted me to say: MAX, what can we do to help? And this

is essentially an effort to help people who want to help, so they can get a deduction on their 2009 tax returns if that deduction is made between basically the date of the earthquake, January 11, and March 1. So any contributions made during this period will be tax-deductible on 2009 income tax returns.

I am happy to work on a bipartisan basis with Senator GRASSLEY, my counterpart on the Finance Committee, and he and I worked to get this put together, as well as the two Senators from Florida—both political parties. They very much care about this, and I know all Senators do. But I give particular thanks to those Senators who have been very helpful to get this put together and get it passed without any rancor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3302

Mr. KYL. Madam President, I wish to talk a little bit this afternoon about the amendment which Senators CONRAD and GREGG have proposed and which we will be voting on next week. Both of these Senators are very well versed, as the chairman and ranking member of the Budget Committee, in fiscal policy and in the types of reforms everyone is looking for to get a handle on the deficit and the debt this country is facing. So it is with some trepidation that I oppose an amendment the two of them would offer.

I hasten to say that both are respected Members of this body who approach problems with principle in mind, and in this particular case, having talked to Senator GREGG, I know the idea that only by working across the aisle with each other and compromising can we hope to deal with the most vexing problem that seems to face this body; that is, how to deal with the problem of deficit and debt.

Having acknowledged their good will, however, I have to respectfully disagree with the approach they take in their commission. I do it for basically three reasons.

First, I have never found either the House or the Senate in a position where they were anxious to cut spending and thereby save taxpayer money. I have, on the other hand, seen an effort to raise taxes every time we seem to get into a deficit situation. It seems it

is always easier to gather in more taxpayer money than it is to stop spending money they have already sent us. The problem with that is, it is no longer money they have sent us, it is money we have borrowed from other people such as China, for example. That borrowing has costs, foreign policy costs as well as interest costs. We eventually have to pay it back. Because we have borrowed so much, the Chinese are saying we better be careful about how much we have borrowed, and they will have to increase interest rates. There is a point at which you cannot be a great nation by being in debt to all the folks around the world.

It is not as if we haven't collected enough taxes. We are now at something akin to 23 or 24 percent of our gross domestic product on Federal spending. It used to be 18.5 percent or so. It is clear, therefore, it is not tax revenues that are the problem. It is spending that has gotten out of control. We know that from all these statistics a lot of us have been talking about relative to the budget last year and the debt ceiling that needs to be raised presumably next week. We wouldn't have to raise the debt ceiling by almost \$2 trillion if we had been more restrained in our spending.

To put it in perspective, before I move on to the next point, the President's budget last year called for more debt in the 5-year period of that budget than all the debt that had been accumulated by every President of the United States from George Washington through George Bush. Think about that for a moment. In 220 years of history, take all the debt, including World War I, World War II, the Civil War, pile it all up, and this one budget included more debt than that. We double the debt in 5 years, triple it in 10 years. That is not responsible. And it is not for a lack of Federal revenues. It is not because we are not taxing the American people enough. It is because we are spending too much. The American people believe that. They understand it. I think it is one of the messages from the Massachusetts election.

When you have a commission that can make recommendations to the Congress that we have to, in effect, abide by, that permit either an increase in taxes or a reduction in spending to solve the problem, it is pretty clear to me which direction we will end up going. We don't have the courage to reduce spending so we increase taxes.

Second, our rules are premised on a fallacy. Unfortunately, I believe it will drive the commission because of this fallacy. The fallacy is, all the money in the country belongs to the U.S. Government and, therefore, if we reduce taxes somewhere, we have to make up that reduction in tax revenues somewhere else, either by raising taxes somewhere else or cutting spending. Of course, we never cut spending. So the

idea is you have to raise taxes somewhere. If I want to give the American people a tax break by reducing their taxes, I should have the right to do that. Congress should be making the rules. We should have the right to say: We are going to reduce your tax burden. But under existing rules, unless you have 60 votes for a permanent change such as that—and even then it is difficult because of our scoring rules—any revenue that is lost because of an action we take in reducing taxes has to be made up somewhere else in some other way. It has to be offset.

What that generally means is, since we don't find ways to cut spending around here very often, you raise taxes over here to make up for the tax revenue lost over here. If I want to reduce the capital gains tax by 5 percent, for example, or to give a real-life example, I want to reduce the estate tax—and Senator LINCOLN and I want to do that—I can't do that without "paying for it." We just want to reduce the estate tax so that people when they die, their heirs will not have to pay as much estate tax. No, you can't do it. You have to make up the revenue that you would lose. It is one of the reasons why we don't cut taxes around here very much. Because it is hard to find offsetting revenue that is acceptable to people.

To carry this a little further, Senator LINCOLN and I would simply like to repeal the estate tax. That is not going to happen. So we have agreed to a compromise in which we would have a \$5 million unified credit; that is to say, that is the amount that is exempt from the tax and that is per spouse in a family. It would be indexed for inflation and then anything that remains above that in the estate would be taxed at the rate of 35 percent. That costs a certain amount of money, according to the budget scorers. I am not sure how much. Let's say \$80 billion. We have to figure out a way to pay for that. So the question is, Is there some other place where we can raise revenue? Ordinarily, raising revenue means raising taxes. We don't want to do that. So we are relegated to the kind of political games, such as maybe phasing it in over time, because it doesn't cost as much if you bring the rates down over time, where you gradually increase the unified credit over time. That is how we got to the crazy situation we are at today, where we had the rate go down over a period of 9 years and then this year it went to zero. But next year it goes right back up to 55 percent. So the rules we have around here create crazy policy. Yet we are stuck with it.

I am afraid a commission that has the ability to both make tax revenue increase recommendations as well as spending reductions will not only focus a lot on the taxing side, because it is very hard for Congress to reduce spending, but also will be bound by the same

rules so we will never get tax cuts anymore. Because every time you want to decrease a particular tax over here, you will have to raise taxes over here. I think we should start from the premise that the money in the country belongs to the people. It is their property. The government should not take it unless it needs to and unless the people acquiesce through their representatives. If Congress decides it wants to take less money from the people, for example, so they will have more money to invest in small businesses to create jobs and put America back to work again, we ought to be able to do that without saying: We are going to give you a tax break here, but we are going to have to raise your taxes over here by an equivalent amount. If the money belongs to the people, we wouldn't have a rule such as that. I think it is very elitist and very wrong to essentially start with the proposition that the money belongs to Washington so you can never give it back to the people without recouping it in some other way. That is the second reason why I think this is not a good idea.

Third, we should be focusing on spending reductions. Everyone talks about not spending as much. Yet we have increased spending dramatically over the years. One of the reasons why is because our constituents want lots of things. If a particular special interest asks for some spending, there tends to be political support for that. The opposition to it being spread over all the people, in effect being everyone's problem, is no one's problem. So you have in spending bills here Members who put earmarks in bills or request certain spending, and there is a constituency for that. By the way, when I talk about special interests, I am not necessarily talking about bad people. Every family in America is represented by some special interest. You have veterans in the family, and you have the veterans groups supporting them. Does anybody think those are bad special interests? If you have farmers, they belong to the Farm Bureau. That is not a bad special interest, but they may be coming to Washington asking for something specific.

I was visited today by the head of the police department and fire department in my city of Phoenix. Both of them are represented by groups in Washington. They are not bad special interests. There are a lot of special interests in the country. Because the government is so big and so powerful, a lot of what they do consists of persuading Washington it should engage in one policy or another because that is where all the power is, that is where the money is, and so they have to hire lobbyists to come back here. We listen to those special interests. Who pays the bill? Our constituents, the taxpayers, who don't have many representatives back here.

There are groups, such as the National Taxpayers Union, for example, that keep track of how much money we spend around here. They rate Senators based on how much they spend.

Citizens Against Government Waste is another one. But they are pretty general, and they are not specific such as a lot of the special interests. What you end up with is a big push to spend money and not much of a push to save it.

When colleagues of mine, such as my friend TOM COBURN or my colleague from Arizona, JOHN MCCAIN, come to the floor and criticize earmarks in bills, spending they don't think is necessary, they are criticized. Why don't you play the game? Why are you creating such a stir? Senator COBURN has an amendment we will be taking up next week that says let's at least get rid of a whole group of programs that a commission in the United States has decided are duplicative and not necessary. I have forgotten how many child nutrition programs we have or special education programs or job training programs. Probably many more than can efficiently spend taxpayer money to do the good things they are set up to do. But we never seem to get around to putting more efficiency into the system.

I think it was Ronald Reagan who said the closest thing to immortality in the United States is a government program. They are easy to create but hard to get rid of.

When you make deals that if you will just say we will solve the deficit problem, we will save money over here if you will raise taxes over here—I mentioned Ronald Reagan; I will mention him again. That was the deal he cut with Tip O'Neill and the Congress at the time. We got the tax increases, but we didn't get the savings. One of the things Ronald Reagan always said he regretted was being so naive as to make a deal assuming that if he agreed to raise taxes over here, Congress would agree to make savings over here. It is hard to do. Congress very rarely does it.

Another problem is, raising taxes for the purpose of raising revenue has two problems with it. No. 1, we don't end up saving money. We just end up spending it on new things. No. 2, it affects behavior from taxpayers in a negative way. If you raise taxes on businesses, for example, they will not hire as many people. They will not be able to invest as much money in their business. They will probably not make as much money. If they don't make as much money, what happens to their tax liability to the government? It goes down, not up.

On the other hand, frequently—and this has been demonstrated especially with taxes that have a direct relationship to revenues such as the capital gains tax—if you reduce the tax, busi-

ness activity increases, producing more revenue for the government to tax, and Federal revenues actually go up. This is not true with all taxes, but it is true with some taxes. I mentioned capital gains.

If you have a high capital gains rate today and businesses are told the rate is going to go down next year, do you think you are going to see a lot of assets sold this year? You will have hardly any economic activity unless it is absolutely necessary. But on January 1 of next year, when the rate goes down, you will see all kinds of activity because the rate at which that activity is taxed is reduced. By the same token, if you have a rate that is low today and you say it is going to go up tomorrow, you will see a lot of activity today but not much tomorrow. That economic activity is what produces revenue, which is what the government taxes. As I said, ironically or paradoxically, a lower rate generates more revenue to the Treasury.

That is what happens when you reduce the capital gains rate.

I believe if the President were to announce tomorrow he is asking Congress to pass legislation to send to him that would fix the marginal income tax rates, the dividends rate, the capital gains rate at exactly where they are right now, for, let's say, a period of 5 years, the certainty that would create—even though some of those rates are too high, in my opinion; let that go—the certainty that would create because the rates would be known for a period of 5 years—and these, by the way, would be the so-called Bush tax cut rates so they would be much lower than they would be if they were allowed to go back up again—if the President were to do that, I think he would see the stock market skyrocket the next day. He would see job creation that would be incredible because businesses would know their taxes are not going up, that they could afford to hire people, and they would do so.

On the other hand, when you leave the tax rates in question or hint they are going to go up or, in fact, ensure they are going to go up—as they did under the health care bill, for example—it is no wonder businesses do not create jobs. In the health care bill, we actually have a couple payroll tax increases. All tax increases hurt business and hurt their ability to invest more and to hire more people, but a payroll tax is a direct tax on jobs. It says: The more people you hire, the more taxes you are going to pay; the more people you keep on your payroll, the higher your tax liability is going to be.

There is one provision that says, if one of your employees leaves and gets a subsidy for the insurance exchange, you have to pay an 8- to 10-percent payroll tax on all the rest of your employees. That is a job killer. Another tax raises, by just under 1 percent, the

Medicare payroll tax. That is a job killer.

So there is a relationship between job creation and taxes, economic activity and, therefore, revenues to the Federal Treasury and tax rates. Tax rates and taxes are not the same thing. You can reduce tax rates and actually collect more taxes. Again, it sounds paradoxical, but it is true. Think of this analogy: When you go to the store just before Christmas and they slash their prices by 40 percent, they are not doing that to go out of business. They are still making money. They make more money on the volume that increases because a lot more people come into the store—even though they have reduced the cost of each of the items—than they would if they increased the cost of the items. I guarantee you, if they raised their prices just before Christmas, their competitors would be reducing their prices, not so they would make less money but so they would get more people in, they would have more volume, and they would end up making more. That is what happens when you reduce certain tax rates when you are the Federal Government. You actually increase your revenue.

So I am very reluctant to support a commission which I believe will undertake to reduce our deficit by raising tax rates. It is not good for job creation. It is not good for the economy. It is not good for families, of course. Ironically, I do not even think it is good for the Federal Government, but I mostly do not think it is because, at the end of the day, we always have the courage to talk big about cutting spending, but we do not do it.

I will close with this. The last budget increased the funding for the departments of government dramatically at a time when we are in a deep recession. Families are having to cut their budgets. Yet you go to the Department of Agriculture, and I think it was a 23-percent increase or 26-percent increase, about the same for the Department of State and so on. I think the average was over 12 percent. Only the Defense Department took a hit.

I think that says something else we need to be very careful of. It is one thing for a commission that is not elected by the people to have the specific goal of reducing the deficit. It is quite another to have the perspective of all the matters Members of Congress have to pay attention to in making decisions that offset each other or that take into account the needs across the entire spectrum of government.

It would be very bad, indeed, if we were not able to factor into our decisions, for example, the need to increase Defense spending next year. Because it got hit last year, it is going to have to be increased. I daresay, I hope and I almost predict the administration will find a way to increase in its budget this year Defense spending because it

cannot be sustained at the level it is. Yet if we were having to cut spending across the board, that would be difficult to do.

That is what we are elected to do as Members of the House and the Senate. As hard as that job is, we should be doing it to adequately represent our constituents. I understand the argument we need some help sometimes, and, frankly, I support some alternatives to what I am talking about. Senator SESSIONS and Senator MCCASKILL, for example, have an amendment which I support because it focuses on spending. It starts with the 2010 budget, which is more than I would like to start with, but at least it says spending has to be constrained relative to that budget.

I think there will be another amendment that relates to spending which focuses on other ways to save money. Senator BROWNBACK, for example, similar to Senator COBURN, has talked about trying to end duplicate programs or Departments or agencies or programs or commissions whose job is finished and we do not need them anymore, for example. Those are the kinds of things I think we need to look at, and we can save big money if we do.

The final point I wish to make is, some say: Well, isn't this a little bit like the health care commission that would reduce Medicare spending? The answer is, there is a similarity at least in concept. The idea in the health care commission, though, is to reduce spending primarily by reducing what we pay doctors and hospitals and other health care providers. That is a tough way to reduce Medicare spending and still provide the services our senior citizens deserve.

The way it should be done is to find the so-called waste, fraud, and abuse—and that is easier said than done. No one denies it is there. But we have had decades to get to the problem, and if we could, we would be doing it right now. I have no doubt if President Obama knew he could save \$100 billion by eliminating waste, fraud, and abuse, he would have gotten about the job by now, and he would not be waiting to see what kind of provisions we put in a health care bill before starting the job.

The private sector cannot afford to waste that much money. Federal bureaucrats, as hard as they work, do not have the responsibility. It is somebody else's money. It is everybody else's problem. It is not my problem. In the private sector, they cannot afford to do that. It is one reason the insurance companies get criticized, because they have people making sure they do not pay claims that should not be paid, and sometimes they are criticized for that kind of activity. Their administrative costs are a little bit higher than the government's because of that. They hire people to make sure they do not have a lot of waste, fraud, and abuse.

So the amount of waste, fraud, and abuse against the insurance companies is pretty low, and they are able to stay in business as a result.

With the Federal Government, you have the sort of "Did you ever wash a rental car?" syndrome, where it is somebody else's money, you do not have to be as careful about protecting it, and, as a result, there is a huge amount of money lost in government programs, such as the Medicare Program, for example.

The amendments Senators SESSIONS and MCCASKILL are presenting and, I believe, Senator BROWNBACK and some others will be presenting are going to focus on how we can actually save money in the way I am talking about, rather than cutting services, because that is the wrong way to save money, if they are essential services, as the Medicare services are. That is the distinction between those two items that I think is important to draw.

So the bottom line: The people who are proposing this commission idea are very well motivated and I respect their position. Reasonable people can differ about the wisdom of what they are proposing. I would prefer to, first, focus on whether we could actually reduce spending with a little help from a commission or some other kind of group, depending upon which of the amendments you want to adopt that actually identifies where we can save the money and force us to act upon that. I would rather do that first than to start out with the proposition that we can do it through tax increases because that is a sure way to hurt economic recovery, prevent job creation, take more property and freedom from the American people and, potentially, in the long run, provide for less revenue to the Federal Government.

A friend of mine always likes to say: There is a rate. Well, there are two rates, he says, at which the government collects exactly no revenue: zero and 100. It is true. If you set a very high tax rate, you are going to get very little of whatever it is you are taxing. If you want economic activity that represents economic growth in this country and a high standard of living and a lot of job creation, you cannot achieve that by imposing a lot of taxes, even if you were not worried about the deficit. The way to solve that problem is to stop spending money rather than trying to take more money from the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TODAY'S CITIZEN UNITED DECISION

Mr. SESSIONS. Madam President, I want to share a few thoughts at this time about the Supreme Court's decision in *Citizens United v. Federal Election Commission*, which was announced today. Some comments were made about the decision in the Judiciary Committee earlier today, and some of those comments were critical of the decision. I just want to say that I think it is a sound decision, a decision that is consistent with our Constitution and the first amendment.

I know sometimes people are irritated by seeing ads on television. I know politicians are not happy when people run ads against them. But this is a free country. We are not immune to criticism and people seeking to promote their point of view throughout our Nation. I think the Supreme Court's opinion today deals with the reality of free speech that simply is not going away.

In *Citizens United*, the Court overruled two recent precedents that had themselves undermined and were inconsistent with this Nation's long tradition of protecting political speech. In doing so, the Court recognized that political speech is protected by the first amendment regardless of whether the speaker is an individual or is acting in corporate form. Over the years, there have been some dubious arguments made under the first amendment, such as arguments that pornography, and even child pornography, are protected under the free speech clause; however, there can be no doubt that the Founding Fathers, when they wrote the Constitution, contemplated the protection of people's right to have robust a political debate. There can also be no doubt that robust political debate includes criticizing political candidates when they are running for office.

The decision today was an interesting matter. It shows how far some congressionally passed laws reach. The decision may indicate that sometimes these bills reach farther than we intended for them to reach when we wrote them. For example, the *Citizens United* case revolved around a film that was critical of one of the main candidates in the 2008 Presidential election. A group called *Citizens United* produced the film, and they wanted to broadcast it; however, under the recent so-called bipartisan Campaign Reform Act, it was illegal for *Citizens United* to broadcast the film during the 30 days before the election because the group had received money from U.S. corporations. *Citizens United* became the plaintiffs in a lawsuit and, eventually, the question of whether Congress could constitutionally prohibit them from broadcasting the film wound up before the Supreme Court.

I think Chief Justice Roberts, correctly summed up the holding of today's opinion in his concurrence. We

will probably talk more about it in detail as we go forward and have a little more time to examine it, but he says:

Congress violates the First Amendment when it decrees that some speakers may not engage in political speech at election time, when it matters most.

Or, as Justice Scalia characterized today's holding in his concurring opinion:

A documentary film, critical of a potential presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporation.

We hear speech that irritates and frustrates us a lot of times, but we have to put up with it because it is a free country in which we live. I would not want anyone putting a film like the one at issue in *Citizens United* out against me, but it is a free country, and I don't think it is justified to say that Americans who come together in some corporate body can no longer speak.

I will just add that the current administration has been a bit insensitive about this matter. We had the incidents earlier in the year when an insurance company published material to people they insured that pointed out criticisms of the health care bill. The administration tried to get a federal agency to threaten them with a loss of business if they didn't stop expressing an opinion. The insurance company was engaged in a business impacted by the bill. The people they were communicating with bought this kind of insurance coverage. I think they had every right as free Americans to send out a notice that said: This is not good for our company or for you, we think.

They are not allowed to do this? They are going to be threatened by the White House with punishment if they communicate to the people with whom they do business? That is no little matter. We have to get our heads straight. The first amendment protects speech—real substantive speech—about important issues, issues like health insurance and who is going to be elected President. And it protects them regardless of whether the speaker is an individual or whether the speaker is acting in corporate form.

Justice Scalia dissented in *McConnell v. FEC*, a 2005 case that was reversed by the court's opinion today, and Justice Scalia has a knack for going straight to the heart of the matter. In that dissent he wrote:

In the modern world, giving the government power to exclude corporations from the political debate enables it effectively to muffle the voices that best represent the most significant segments of the economy and the most passionately held social and political views.

He goes on to say:

People who associate—who pool their financial resources—for purposes of economic enterprise overwhelmingly do so in the corporate form; and with increasing frequency,

incorporation is chosen by those who associate to defend and promote particular ideas—such as the American Civil Liberties Union and the National Rifle Association, parties to these cases.

I agree with Justice Scalia. We cannot allow the government to suppress speech simply because it is near an election time and corporations have given some money to put it on. I think that is not healthy. In fact, I think our whole approach to constricting and limiting people in pooling their money and running ads is clearly in conflict with the first amendment.

I would just say this: The Supreme Court made it clear that all the limits we have placed on corporations giving to political campaigns were not struck down. That is a separate issue, I suppose, but the issue the Supreme Court decided in its opinion today is a very important one. We have had a debate on this issue for a long time. We have roared about it in this Senate for many years, and people have passionately argued about the first amendment and whether some of our laws mean an evisceration of it.

I used to say in my speeches that I just don't think it is right to tell an American, or even a group of Americans who come together in corporate form, that they can't buy an ad, even on the eve of an election, and say that JEFF SESSIONS is bad for our business, bad for our State, bad for our Nation, and ought to be thrown out of office. It can, perhaps, be a problem sometimes—if someone took out an ad like I just described I might think it is a problem—but the balancing test we use is the plain language of the first amendment, and it says that the right to free speech shall not be abridged. That right is important. We incur great danger when we say: Well, you can talk, but we are not going to let you make a political message 30 days before the campaign. You can contribute but only under our rules. A clear case can be made that the law at issue in *Citizens United* favored political incumbents. It gave an advantage to politicians already in office, who have an edge in obtaining individual, "hard money" contributions. I myself am an incumbent—I myself have been fortunate enough to receive many such contributions—but that does not change the clear mandate of our Constitution. I think the Supreme Court's opinion should be respected for the fact that it takes the text of the first amendment very seriously. The opinion addresses very fundamental questions about what power politicians in Washington have to constrict the right of Americans, either individually or corporately, to defend their interest and speak out. That freedom is fundamental to the preservation of our Constitution.

Think about it. The New York Times. What is the New York Times? Is it a corporation? Yes, it is. Can the New

York Times run an editorial every day saying they don't like this party or they don't like this Senator and criticize them repeatedly? Why, sure they can. But can Ford Motor Company defend its interests? Can it run an ad and say: We are getting a little bit tired of the Federal Government giving another \$3 billion to General Motors Acceptance Corporation and we don't get any money from the Federal Government to help Ford Motor Credit. Under the law the Supreme Court was dealing with in *Citizens United* the answer was no. That was wrong, and it threatened our Constitution. Under our constitution people ought to be free to push back and defend their interests, whether they do it individually or through a corporation. Otherwise, I think it allows us in Washington to appropriate power to ourselves—the power to benefit one another and avoid being criticized for it. I think that is the exact opposite of the robust political debate the Founding Fathers intended.

That is my two cents' worth. I think the case is one of significance. It is one we have debated here for so long. I know Senator MCCONNELL, the Republican leader, has been so eloquent and consistent for probably 15 years in debating this issue. In many ways, this opinion validates some of the principal constitutional arguments he made.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, for the past few days I have heard a number of my colleagues come to the floor to discuss whether this Congress should vote to raise the limit on the national debt. As this debate has unfolded, I am beginning to hear a familiar refrain from my friends on the other side of the aisle. Instead of offering constructive criticism or original ideas of their own, my Republican colleagues keep returning to the same irresponsible politics and empty rhetoric that got us into this mess in the first place. They seek to shift the blame and hold Democrats responsible for the failed policies that led us to this point.

The American people remember who really is responsible. In 2001, at the end of the last Democratic administration, our country enjoyed a \$236 billion budget surplus with a projected surplus of \$5.6 trillion over the next decade. But then Republicans took control of the Congress and the White House. Were they good stewards of the surplus left to us by the Clinton administration? Were they? Did they spend only what America could afford? Were they responsible with our pocketbook? After all, the decade is over. I ask, so where is the \$5.6 trillion surplus?

It is nowhere to be found. Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests. They tried to place the blame on President Obama, but the reality is that



this President inherited a massive deficit of \$1.3 trillion on the day he took office last year. Now, as we try to clean up the mess we have inherited, our Republican friends are trying to pass the buck. They seem to be more interested in scoring political points than making sound policy.

Who is going to be hurt if we don't extend this debt? We are all going to be hurt. It is not going to be Democrats who are hurt. It is not going to be Republicans. Every American is going to be hurt.

We need to raise the debt limit so that America can avoid the economic catastrophe that would be created if the United States defaulted on its debt. If we fail to take action now, our Nation's credit would be undermined, our economy would be further weakened, and important programs, such as Social Security and veterans' benefits, would be at grave risk. Raising the debt limit is the only responsible course of action at this time. It would not authorize one penny of new spending, but it would allow us to pay the bills we have already incurred. We ate the meal. We had the dinner. Now we have to pay the check.

I am asking my Republican friends to join us on this measure. I am asking them to take responsibility for the mess they helped create and to be a part of the solution, rather than leaving other people to clean up their mistakes.

During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives. They cut revenues and increased spending. It did not take a financial expert to recognize that this was just plain irresponsible. So when our Republican colleagues talk about fiscal responsibility, they are talking about an issue on which they have absolutely no credibility. Their record simply does not match their rhetoric. This demonstrates yet again that they do not have a plan to solve the economic challenges they helped create.

I believe it is time to move forward. Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I call on my friends across the aisle to join us in passing this measure. This should not be a partisan issue. We all have a responsibility to keep this Nation on the road to economic recovery, and if we do not extend this debt ceiling, what will the consequences to the American people be? It is essential that we get an extension of this debt ceiling and that we pass this legislation and that we be responsible as we go forward in our programs and policies of spending so that we will not have to be back here time and time again talking about raising the debt ceiling. We must get it

under control at this time because if we do not, a catastrophe could be overwhelming and we may not even recover from it.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### GLOBAL WAR ON TERROR

Mr. MCCONNELL. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain as vigilant now as we were in the weeks and months after that terrible day.

This fact was recently brought home to us in a vivid way when a Nigerian-born terrorist attempted to kill nearly 300 innocent people in the skies over Detroit on Christmas Day. What could have been a terrible tragedy became instead an urgent reminder to remain focused—a wake-up call, if you will.

But even before Abdulmutallab boarded the plane, many Americans had already begun to wonder whether we had become too slack over the past year in the fight against terrorism.

And who could blame them? Time and again, the administration has made decisions that suggest a pre-9/11 mindset of prosecution over prevention—decisions which have left most Americans scratching their heads and concluding that some of the administration's priorities are dangerously out of whack. Most Americans did not understand why the administration was in such a rush to close Guantanamo, for example, before it had a plan for dealing with the dangerous detainees who were held there. Most did not see why classified memos detailing interrogation techniques that had saved American lives were made public and thus available to the very people we are trying to keep from harming us. And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potentially rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer. We should have gotten every bit of information we could have about this man's plans, his connections, and his cronies in al-Qaida on the Arabian Peninsula. Instead, the administration placed a higher priority on reading him his Miranda rights and on getting him a lawyer.

Even more outrageous is the administration's plan for getting information out of the Christmas Day bomber, offering him a plea bargain and a hope he will talk. These are just some of the signs that when it comes to prosecuting the war on terror, the administration has caused the pendulum to swing too far in the wrong direction.

No one denies a balance must be struck between preserving civil liberties and protecting the homeland. No one wants to sacrifice one for the other. But in many cases, all that is involved is a simple question of judgment. When a judgment call has to be made, our priorities should be clear: Keeping Americans safe should always—always—win out.

Over the past year, the administration has grappled with these questions. It sought to find the right balance. In some cases, it has gotten it wrong. In others, it has been quite sensible. The President was clear and convincing, for example, when he explained our goals in Afghanistan last December—to deny al-Qaida a safe haven, to reverse the Taliban's momentum and deny it the ability to control population centers, and to strengthen the capacity of Afghanistan's security forces and government so that they can take the lead and take responsibility for Afghanistan's future. The President had it exactly right. But Americans know that in this fight, in the global war on terror, getting the strategy partly right will only lead to partial success. As the attempted Christmas Day bombing showed all too plainly, partial success isn't good enough.

So today I would like to discuss some of my own impressions of how our mission is going in the place where the attacks of September 11, 2001, were launched, and to describe the mission within the broader context of the global war that extends to places such as Yemen and to our own borders because success in one place overseas could easily be undermined by neglect in another, and success in both could still be undermined by neglect at home. We simply cannot prevail in this fight if we treat the various elements of it as separate events or if we fail to restore the proper balance between safety and civil liberties.

As the years wear on, it is easy for some to forget why we are still committing young men and women to fight in far off places such as Afghanistan or why our national security interests demand that we prevail. That is why it is important for us to recall that al-Qaida and other extremists were at war with the United States long before the attacks of 9/11.

The World Trade Center had been attacked 8 full years before the 19 hijackers destroyed it on September 11, 2001. The Khobar Towers bombing in 1996 killed 19 U.S. military personnel and injured hundreds more. Thousands



were injured and hundreds were killed, including a dozen Americans, in the East Africa Embassy bombings in Nairobi and Dar es Salaam in 1998. That same year, Osama bin Laden declared that “the judgment to kill and fight Americans and their allies, whether civilian or military, is an obligation for every Muslim who is able to do so in any country.” A year before 9/11, al-Qaida attacked the USS *Cole*, killing 17 sailors and injuring dozens more.

So 9/11 may have been the day we realized the consequences of inaction, but the pattern of attacks leading up to that day is undeniably clear. From the first days after 9/11, our strategy has been the same: to deny al-Qaida and its affiliates sanctuary and to deny them a staging ground from which they could plan or launch another attack on U.S. soil. This is why we resolved shortly after 9/11 to rid Afghanistan of the Taliban which had harbored al-Qaida and its leader Osama bin Laden.

We had early successes in that effort. By November 2001, the Taliban had been driven from Kabul. Soon after that, an international body met to name an interim government in Afghanistan to be led by its current president, Hamid Karzai.

But despite that early success, al-Qaida’s senior leadership was able to find a safe haven in Pakistan’s tribal areas, and a few years later it had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had re-established its headquarters in Pakistan and gained enough strength as a result of inadequate Afghan security forces and poor governance to return to Afghanistan and to risk success to our mission there.

By last year, the situation had grown so perilous that our then recently appointed top general in Afghanistan, GEN Stanley McChrystal, issued a report stating that our failure to gain the initiative and reverse the momentum of the Taliban within 12 months could make defeating the insurgency impossible. It was largely as a result of that assessment that the President agreed last year to send 30,000 more troops to Afghanistan.

Earlier this month, I and some of my colleagues had the opportunity to visit Afghanistan and Pakistan to assess the situation on the ground firsthand. Among other things, we saw progress in the crucial southern provinces of Helmand and Kandahar. Although still in the early phases, General McChrystal’s plan to clear these areas of Taliban, hold terrain, control the population, build Afghan security forces, and establish a viable government for future and long-term stability shows early signs of success, not unlike the kind of success during the surge in Iraq.

The Taliban continues to put up a fight. As recently as last week, Taliban

leaders accused NATO forces of defiling the Koran, a charge that led to major protests in Garmsir. This Monday, the Taliban demonstrated its lethality when it launched an attack against the heart of the government in Kabul. But the bottom line is this: Our commitment and that of our partners has given Afghanistan and its government a chance to succeed. While ultimate success is far from certain, every member of our delegation was impressed with the quality of the people we have sent to Afghanistan and with the strategy that General McChrystal has put in place.

Pakistan must do its part. The ultimate success of our mission in Afghanistan depends upon the continued efforts of the Government of Pakistan to fight extremist networks in the tribal areas. Over the last year, Pakistan has waged aggressive campaigns in the Swat Valley and in South Waziristan. After meeting with the Pakistani Army’s chief of staff and with Prime Minister Gilani, we concluded they genuinely believe their national interests will be served in defeating the Pakistani Taliban. Still, action against the Quetta Shura, the leadership of the Afghan Taliban harbored just across the border in neighboring Pakistan, isn’t likely to occur until the Pakistanis are convinced—convinced—that the United States has the endurance to remain committed in both Pakistan and Afghanistan and to defeat the Taliban in Afghanistan as well. In this regard, the leaders we spoke to in both countries were clearly troubled by the Obama administration’s announced deadline of July 2011 for the withdrawal of U.S. forces.

We saw firsthand on our trip that the fight in Afghanistan and Pakistan is difficult, and the situation is fragile. But complicating matters even further is the resilience and determination of al-Qaida and its affiliates, and we must not fail to appreciate all the implications of this. In this regard, the administration showed a shocking lack of common sense when it failed to treat the Christmas Day bomber as an enemy combatant, instead reading him his Miranda rights and giving him a lawyer.

As I said earlier, in my view, the administration has on a number of instances struck the wrong balance over the past year between safety and civil liberties. Its preference for prosecuting a terrorist like the Christmas Day bomber in civilian courts shows a dangerous preoccupation with prosecution over prevention, just as its hasty decision to close Guantanamo showed a preoccupation with symbolism over security.

But whether it is Guantanamo, interrogation memos, or prosecuting terrorists in civilian courts, many of the administration’s priorities in this fight appear to be dangerously misplaced.

Take the case of Khalid Shaikh Mohammed. Here is the man who admits to planning the most catastrophic terrorist attack in U.S. history—nearly 3,000 people dead on our own soil in a single day. Yet once in court, he will enjoy all the rights and privileges of an American citizen. Classified information may be compromised, as it has been many times before in such cases. The consequences are easy to imagine.

Trying KSM in a civilian court makes even less sense in light of the fact the administration has decided to prosecute other foreign terrorists in a military commission, creating a baffling scenario in which those who target innocent people in the homeland are treated better than those who attack a military target overseas.

The administration also needs to ensure that our intelligence professionals and men and women in uniform are free to gather intelligence from detainees wherever they are captured. A U.S. marine assigned to a NATO-led security and development mission in Afghanistan shouldn’t have to release or turn over a captured terrorist within 96 hours, as is now the case, nor should the Christmas Day bomber be treated as a common criminal at home when the nation where he met his al-Qaida handlers, Yemen, is actively pursuing al-Qaida in the Arabian Peninsula.

The intelligence community must be able to gather information from detainees in a way that is lawful and which protects American lives. Equilibrium between safety and civil liberties must be restored, and currently it is not, in my view. A plea bargain for a terrorist who tried to blow a plane out of the sky on Christmas Day? It is wrong to think that al-Qaida would not use a civilian courtroom in New York or a long-term detention facility inside the United States for the same recruiting and propaganda purposes for which they have used other courts and Guantanamo in the past. This fact alone eliminates the administration’s only justification for closing Guantanamo—that it was some kind of recruitment tool.

We need a place to send terrorists like the Christmas Day bomber—and that place is not a civilian courtroom or a prison in the Midwest. Once here, these terrorists will enjoy new legal rights, including, quite possibly, the right to be released into our country, as one Federal judge previously ordered with respect to a group of detainees from GTMO.

The war on al-Qaida will continue for years to come. In order to prevail, we must not only remain focused on the threat but also reliant on the reasonable tools that have served us well in the past. For example, now is not the time to experiment with the PATRIOT Act. We should clearly reauthorize its expiring provisions rather than eliminate one of them, sunset another, and

tinker with those that remain, as the administration or some of its congressional allies propose.

As we continue to pursue this global network, we will rely more heavily on intelligence personnel, a point that was recently underscored by the December 30 suicide attack that killed seven CIA employees in Afghanistan. We mourn the loss of these brave Americans. Their sacrifice, along with the attempted Christmas Day bombing and the recent plot to attack the New York subway system, reminds us that the threat from al-Qaida and other extremists to our homeland has not—I repeat, not—diminished.

But in its eagerness to distinguish its own policies from those of the past, the administration has gone way too far. The reaction to the attempted Christmas Day bombing offered conclusive proof. Hoping that terrorists are incompetent is not enough to defeat them; and showing more concern about their Miranda rights than the right of Americans to be safe suggests a fundamental and dangerous shift in the priorities since 9/11.

The good news is this: The administration is doing the right thing in Afghanistan. If it recognizes some of its errors in the broader fight, there is good reason to hope historians will look back on 2010 as the turning point not only in our fight with the Taliban but also as the year in which America achieved a balance in the war against al-Qaida.

Soon we will have an opportunity to make a good first step in the direction of bipartisan balance. Once the Congress receives the war funding request from the Defense Department and the administration, the Senate can demonstrate a new unity of purpose by quickly considering this legislation. This would signal our resolve not only to Americans but to our allies and to our forces in the field. This is not too much to hope for, and it is not too much to expect. Bipartisanship is not always easy to come by in Washington, but in the war on terror it is necessary, and in my view it is achievable.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. CASEY. Mr. President, I rise tonight for two purposes. One is to talk about the state of our economy, the challenges we face but also the obligations we have to address those challenges, and, secondly, to speak for a couple minutes tonight about our brothers and sisters in Haiti and, in particular, children in Haiti.

Let me start with our economy here at home. We got word today in Pennsylvania—this is a newspaper story, an AP story, 3:52 p.m. The headline on this very brief story from the wire services is as follows. I know it cannot be read from that distance. But the headline is: “Pa. Jobless Rate Up, Jobs at Most Scarce in Decade.”

It says:

A new report says that jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

It goes on to talk about the unemployment rate jumping up four-tenths of a percent, to 8.9 percent. That is disturbing in a lot of ways. First of all, not just the rate, because sometimes when we look at the unemployment rate, it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

What it means in real terms, in numerical terms, I should say, real people, it means that in Pennsylvania, there are well more than half a million people out of work. I cannot even imagine what those numbers look like proportionally, when you have States where the unemployment rate is 10 percent, 11 percent, 12 percent, and even higher in some States.

So it is bad enough in a State such as ours when you have 8.9 percent, what that translates into in terms of real life, real families, and the horrific impact of this recession. I cite that number, several of those numbers for a very basic reason. A lot of folks around here are looking for messages from the recent election in Massachusetts or they are looking for messages from the election of this past November.

I do not think you need to go very far or do a lot of election analysis to know one of the central and overarching messages I have heard in Pennsylvania—and I am sure others have as well—and that message is this: The American people want us to focus on job creation right now. They do not want to hear about some long-term plan, a multiyear plan to create jobs. They want us to put on the table, to enact into law, strategic, short-term, effective job creation strategies that will have the effect of incentivizing small businesses to hire more employees.

The idea that I and others in the Senate have is a job creation tax credit. If you are a small business—in this case we drew the line at 100 or less; I know that is not often the dividing line—if they qualify, they get a 20-percent tax credit; higher than 100 employees, a 15-percent tax credit.

That kind of targeted and specific strategy for 1 year—this is a 1-year bill we are about to introduce—will have that effect. It is one of several things we have to do on job creation.

We have to have strategies, for example, that have as their intended target

the positive impact on small business. All across Pennsylvania—and I think this is true across the country—it is not just the question of the unemployment rate going up and joblessness increasing, it is small business owners—I do not care where they are from—coming to us and telling us: Please help us with obtaining access to credit. There is no way a small business can grow if they cannot borrow. Our whole system is predicated on borrowing money so you can invest in a new plant and equipment, borrow money so you can hire another employee or two or three or more.

If they do not have access to credit, this economy cannot create jobs and grow jobs at a fast enough pace. So that has to be our focus. We also have to understand, as best we can from the distance of Washington and the security we feel here, most people in the Federal Government and certainly individual Members of the Senate do not have to worry about health care. They have it. They do not have to worry about a paycheck. They are getting that.

But even in those secure circumstances, we have to do everything we can to understand what real people are up against, what they are up against every day when they wake up in the morning. Even if they have a job, sometimes the costs that are impacting their budget, the costs of paying for health care, the costs of higher education, the costs just to make ends meet in their daily lives have never been more tested, never been more of a severe challenge.

So part of it is enacting job creation strategies, but that is not enough. Part of it is also speaking directly to the needs and the concerns and the anxiety and the sense of insecurity a lot of Americans feel. That is our No. 1 obligation.

I think, in addition to that, we should pass health care legislation. We do not know how that will happen in light of the new political realities here in Washington. But I think we need to do that as well.

But no matter what happened in the elections, no matter what happens on the issue of health care, job creation has to be the No. 1 priority, second to none, in terms of the work we do here in Washington.

I ask unanimous consent to have printed in the RECORD this very brief wire service story about the unemployment situation in Pennsylvania.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PA JOBLESS RATE UP, JOBS AT MOST SCARCE IN DECADE

[From the Associated Press, Jan. 2010]

HARRISBURG, PA. (AP)—A new report says jobs in Pennsylvania were—harder to find in December than they have been in more than a decade.

The state Department of Labor and Industry said Thursday that statewide unemployment jumped to 8.9 percent last month.

The October rate also was 8.9 percent, the highest level in 25 years, before dipping to 8.5 percent in November.

The department says employers eliminated about 8,100 jobs in December, leaving Pennsylvania with fewer than 5.6 million jobs—the lowest level since September 1999.

The state's unemployment rate is below the national average of 10 percent. Among the 10 most populous states, only Texas' rate is lower.

Mr. CASEY. Let me conclude this part of my remarks by speaking for a couple minutes about what we have done in this past year: The Recovery and Reinvestment Act, known by—as many things are here—the acronym AARA, the American Recovery and Reinvestment Act. Those two words in the middle are very important, the word “recovery” and the word “reinvestment” because that is the intended effect of that legislation. It was the right legislation—not perfect but the right legislation—at the right time at the beginning or the early months of 2009.

But there are a lot of Americans who believe it is not being implemented fast enough. The jump-starting effect of the spending, whether it is on infrastructure or energy efficiency or investments in education, investments in health care, tax cuts for 95 percent of the American people, which was in the recovery bill, that all of that is not moving fast enough.

So one of the jobs we have, in addition to new strategies on job creation, is to implement, at a faster pace, at a faster rate, the recovery bill. I also believe we should remind ourselves that the recovery bill was not a 10-month bill. We are in about the 10th month right now.

But the spending that will create the jump-start of a positive economic effect is supposed to take place over 2 and 3 years, depending on the program, depending upon the initiative. So one of the things we have to do is push the recovery bill aggressively to make sure those investments, whether they are recovery, getting our economy out of the ditch, so to speak, and moving down the road or whether they are expenditures that relate to reinvestment, reinvestment in people skills, reinvestment in their opportunities to have higher education, reinvestment or investment, in some cases, in people's ability to recover from this recession, unemployment insurance, COBRA health insurance extensions, food stamps. All those are critically important to our recovery.

For those who say: Well, I do not like when we spend money on unemployment insurance or food stamps—we get that criticism from folks once in a while—they should understand there is no comparison, at least according to the economist Mark Zandi, there is no

comparison between tax cuts for wealthy folks versus unemployment insurance, food stamps, and other strategies in terms of their positive impact on the economy.

By one measurement that Mark Zandi pointed to, bang for the buck, if you spend a buck on unemployment insurance or spend a buck on food stamps, you get a return above \$1.50, you get as high as \$1.60 to \$1.70 in return. You cannot say that, according to his analysis, with regard to some of the tax cut policies we have seen here.

So investments in vulnerable Americans who are trying to recover from the recession—food stamps and unemployment insurance being the two best examples—those investments actually have a return to the taxpayer as well.

So what do we need to do? We have to focus on job creation. When we focus on that legislation, it should have a couple component parts or elements. First of all, stabilizing that safety net for vulnerable Americans which I just spoke of. Secondly, supporting small business in a very direct and targeted way. Investing and investing more in infrastructure, including broadband infrastructure, which is another kind of knowledge infrastructure and, finally, building a clean energy economy. If we continue to do that, we will create jobs, we will keep our environment clean, we will reduce our dependence on foreign oil and literally make us more secure from a national security standpoint.

I think a major part of job creation, in the short term, has to be a job creation tax credit.

#### HAITIAN ORPHANS

Mr. President, over the past week, we have witnessed the immense destruction that the earthquake in Haiti and its subsequent aftershocks have wrought on the Haitian people. Old and young, rich and poor, weak and strong, no matter who you are, this earthquake has brought heartache and sadness to numerous lives.

First, I want to send my condolences to the people of Haiti and their family and friends around the world who lost loved ones in this tragedy. I also want to send my condolences to our brave men and women in the U.S. Embassy who also have lost loved ones, but who are continuing to help the people of Haiti and Americans in Haiti in the midst of this natural disaster. These individuals represent the very best of what America encompasses.

I am proud that as soon as this earthquake struck our southern neighbor, the U.S. Government as well as the American people galvanized their resources to ensure that resources were delivered for people who have lost everything.

Today, I come to the floor to speak about a specific population that has been and will continue to be affected by this disaster, the most vulnerable

population of all, Haitian orphans. Before the earthquake, these children were looking for families, for people to love them and for people to love. This quest has not changed; however, their tenuous situation in life only further deteriorated after the earthquake. While I know that everyone has suffered so much, these children are without the natural protection that parents provide. Therefore, it is our duty to be their voice and to make sure that if they survived the earthquake that they also survive this critical period of time while resources are trying to be delivered and a sense of order is trying to be restored.

This weekend several of my constituents have contacted me about their concern for this most vulnerable population. One constituent wrote:

Senator Casey:

I am writing on behalf of our friends, Michael and Monica Simonsen who have been in the process of adopting their son, Stanley Hermene (DOB: 4/9/2008), from Haiti since August 2008. Stanley was brought to Petit Anges de Chantal orphanage when he was only two months old. He was severely malnourished and covered in scabies. They have visited him in Haiti three times, each time bringing supplies and donations to the orphanage. The resources are scarce under normal circumstances and with the current crisis, there is a genuine concern that the children will not survive.

I am writing to request that you support initiatives created to help expedite the adoption process for children who already have completely committed U.S. approved families waiting at home. Expediting the process will not only secure their safety but will free up already scarce resources for children orphaned by this disaster.

Senator Casey:

After years of personal investment there, Jamie and Ali McMutrie, of Pittsburgh, Pennsylvania, have brought 30 children almost through the entire adoption process to anxiously waiting families here in America. Almost.

The recent earthquake of January 12th has destroyed their orphanage leaving Jamie and Ali to sleep outside on the lawn with all their children. With food and water in short supply and rioters all around, the clock is ticking for you to do something.

I am happy to report that Jamie and Ali McMutrie, who help run the BRESMA orphanage in Haiti, were able to evacuate 53 of their orphans and united them with their American adoptive parents earlier this week. However, Jamie and Ali were not able to bring back all 150 children at their orphanage home. Many people across the nation like Michael and Monica Simonsen are still waiting to know that their child is safe and many orphans like Jamie and Ali's orphans who remain in Haiti still need food, clean water and a safe place to stay until they can complete an adoption process.

This Monday, the Department of Homeland Security announced that they would use their authority to extend humanitarian parole to Haitian orphans already in the adoptive process

with an American family. I commend the Department of Homeland Security and the State Department's Office of Children's Issues for making this policy decision and I fully support their desire to assure that the best interests of these orphans are put first.

However, I am very concerned that when the Department of Homeland Security announced its decision to provide humanitarian parole, there was no plan at that time to ensure a safe and orderly process by which eligible orphans could be processed and evacuated.

I continue to hear reports that orphanage directors in Haiti are going to the U.S. Embassy and while some are being admitted others are being turned away. Some of these orphanages are more than 125 miles away. I am concerned for the safety of the 600-700 orphans that this announcement affects. They may be harmed trying to get to the embassy, and if they are okay on that journey and even succeed in obtaining travel documents, they may be harmed when they are told to wait back at the orphanage until a plane is available. I am also hearing from American families so desperate to ensure their child is safe that they are trying to make their way to Haiti. We don't need more chaos in an already chaotic situation.

I along with some of my colleagues have called on the State Department and USAID to set up safe havens for orphans, which will provide food, water and protection for all orphans as well as time to ensure that those orphans who are eligible for humanitarian parole are processed and evacuated in a timely manner. This is just one idea; however, in the absence of an alternative plan, more and more children will continue to show up at the Embassy's gate.

Therefore, I ask the administration to implement a plan to ensure that these 600-700 orphans are safely and efficiently processed and evacuated to be united with their awaiting adoptive parents, and that we work with the international community and other NGOs on the ground to ensure the safety of all orphans until they can be placed in loving homes. Again, I thank the U.S. governmental officials who have been working around the clock trying to ensure the safety of these orphans and all those affected in Haiti.

"Though he brings grief, he will show compassion, so great is his unfailing love." Lamentations 3:32. In this time of darkness, I believe that Haiti can emerge in a better place. And I am grateful that our country will be a friend with Haiti in this endeavor.

Similar to a lot of Americans, I am not surprised but heartened and proud by the response of the American people, a tremendous outpouring of generosity. People in America from all walks of life recognized immediately

that the people of Haiti, in the depths of an incalculable, an indescribable horror and tragedy, in the depths of that, the American people showed their generosity, they showed that they understand that our Haitian brothers and sisters are just that, they are part of the family, the human family, and they are our brothers and sisters.

The most vulnerable member of that family, in most instances—maybe not in every instance in every family but most of the time—will be a child. We are seeing unforgettable imagery and video of young children being rescued in Haiti, surviving for days at a time in the rubble and the horror they have been living through. Thank goodness so many people have invested in ways to save those children.

But what we still have to do a better job on is making sure that if a Haitian child is in the adoption process, is in the pathway, so to speak, to being adopted, we have to do everything possible, in addition to the obvious safeguarding, to provide that child with security, physical security and food and water and medicine and medical treatment and, in addition to that, that we provide, as expeditiously as possible, a process for their adoption and ways to make it possible for them to be adopted, that the adoptive parent or guardian can have that assurance but also so that child can be well on the way to being adopted.

We do not quite have that yet in terms of what the Federal Government can do and should do. I had a call late this afternoon with Secretary of State Clinton, who should be commended for her work, in a broad way, with regard to the response to the tragedy in Haiti but, in particular, her concern and her actions that she has taken to make sure these young children are taken care of. I will not go into all the details now, but let me cite in summary fashion that a number of my colleagues in the Senate and I have called upon the State Department and USAID to set up safe havens which will provide food, water, and protection for all orphans, as well as time to ensure that these orphans in Haiti who are eligible for what is called humanitarian parole—those who are on the way to being adopted through the process—that those who are eligible for that process, humanitarian parole, are indeed evacuated and processed in a timely manner.

This is just one idea, one way to help. In the absence of an alternative plan, more and more children will continue to show up at the American Embassy. It is vitally important that happen.

I commend the work of our government at various levels in terms of what they have been doing to respond to the challenge posed by these orphans and their circumstances. I know in our home State of Pennsylvania, Governor Rendell and Congressman ALTMIRE worked very hard to bring some of

these children back to Pennsylvania. I commend them for the effort they put forth. For all these reasons, there is plenty of evidence to show that the American people understand that these individuals, these families, and especially these children are God's children. We have to be cognizant of that as we go forward with sound policies in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say to my colleague, Senator CASEY, his comments about the nearly unspeakable tragedy that has occurred in Haiti strike all of us in a very poignant way. I have been to Haiti. It is one of the poorest regions in the world. We have people in Haiti living in unbelievable poverty. Fly to the airport and near the airport is an area called City Soleil. It is a slum of nearly a half million people living in desperate conditions. The entire country of Haiti has suffered such immense difficulties for so long. The people of Haiti are wonderful people. To be visited now by this great tragedy with an unbelievable loss of life that will exceed 200,000 people is heartbreaking to me, and I know to all Americans who watch this tragedy play out on television as volunteers are digging through rubble and, in some cases, finding people still alive and, in most other cases, finding a lot of people who have lost their lives.

The American people are a people full of great generosity, and that expression of generosity in the form of contributions to organizations that are there helping these people is something that is very important. All of us can be proud of the generosity of this country and what is now happening in the outpouring of support.

CHAIRMAN BERNANKE

Mr. President, I rise to briefly explain why I am going to vote against the nomination of Mr. Ben Bernanke as Chairman of the Federal Reserve Board. Mr. Bernanke has been serving as Chairman of the Federal Reserve Board. I will be the first to say I think there are things that Mr. Bernanke has done that are very important to this country. He steered our country in a very difficult circumstance. There was a time when our economy could have completely collapsed, which would have been devastating. It was teetering on the precipice of that. Mr. Bernanke and others made decisions, some of which I thought were good decisions.

It is the case that Mr. Bernanke worked for the previous administration that in many ways created circumstances that took us to that cliff or near the cliff with economic policies. I will talk about that for a moment. But when Mr. Bernanke became Chairman of the Fed, I understood that his background fit fairly well what we were going through, and I think he did

some things that should be commended and supported. I have told him that I supported a number of these actions that were very important.

One of those actions was to open, for the first time in history, the window at the Federal Reserve Board to extend credit directly from the Federal Reserve Board to the biggest investment banks in the country. It has always been the case that FDIC-insured banks, commercial banks, would have a window at the Fed to go get direct loans from the Fed, but it has never been the case that the investment banks were able to do that. During this great crisis, Fed Chairman Bernanke and the Board of Governors opened that window for direct lending from the Federal Reserve Board to the investment banks.

I wasn't critical at that moment. I didn't come to the floor and express criticism. I don't know exactly what they saw that persuaded them to do that. But some months later, I sent, along with nine of my colleagues who signed the letter, a letter, dated July 31, to Chairman Bernanke and said: The Federal Reserve Board took action to allow all of the major investment banks in the United States to effectively access direct lending from the Federal Reserve Board for the first time in history.

Down in the letter I say: We now urge you to release the names of financial institutions that have received the emergency assistance and how much each has received. The American taxpayers' funds were put at risk, and we believe the American people deserve information about the Federal Reserve Board's bailout activities to determine how much and what kind of funds were used, and so on.

We received a letter back from the Chairman of the Fed in which he said: Publicly releasing the information on the names of borrowers and amounts borrowed under the Federal Reserve Board liquidity program could seriously undermine our liquidity programs. He essentially said: I don't intend to tell you, and I don't intend to tell the Congress or the American people.

It is interesting to me that a Federal judge last year ordered the Fed to release the names of the institutions that received the emergency financial assistance from the Federal Reserve Board and the amount of the assistance. A Federal judge said to the Fed: You must release that information to the American people. The judge in this case, which was an FOIA case, found that the Federal Reserve had "improperly withheld agency records." The judge said that the Fed's argument that borrowers would be hurt if their names were released was "conjecture without evidence of imminent harm." But the Fed went ahead to appeal the judge's ruling and, therefore, it has been stayed.

The American people are now in a situation where their Federal Reserve Board said for the first time in history: We will give the biggest investment banking institutions direct access to loan money from the Federal Reserve Board, and we don't intend to tell anybody who got it, how much they got, or what the concessions or prices were. We don't intend to give anybody that information.

I find that completely untenable. I just am not going to vote for the nomination of a Chairman of the Federal Reserve Board who says to Congress and the American people: Yes, we opened that window. We decided to do direct lending to the biggest investment banks, which, by the way, steered this country right into a huge wreck. Take a look at what and who caused this financial wreck that cost this economy \$15 trillion in wealth. American families had lost \$15 trillion in wealth.

The Federal Government had either spent or lent or committed \$12 trillion to bail out particularly Wall Street and the biggest firms on Wall Street. All of those biggest firms on Wall Street, I believe, and even those that are now the healthiest firms that are experiencing record profits and are preparing to pay out record bonuses of somewhere around \$120 to \$140 billion, those firms would not have survived. They would have gone under were it not for the help of the American people through their government.

The question for the Federal Reserve Board from the Congress and the American people is: What did you do? How much did you do? What was the collateral? Under what conditions? We need to know.

The Chairman of the Fed said he supports transparency. If that is the case, show us a little transparency. How is it that someone can possibly argue that telling us now that they gave \$200 billion here or \$1 trillion there to firms that are now showing record profits and preparing to pay the biggest bonuses, how can that possibly injure those firms? In fact, many of them have apparently paid the TARP funds back, let alone the direct loans from the Federal Reserve Board.

My only point is simple. I don't have a beef against Ben Bernanke personally. I kind of like him. I met him a number of times. I think he steered us through some tough times and probably made some good decisions at the right time. I also have some differences with him on economic policy and monetary policy. But I have a very big difference on this question. This question is controlling for me. If the Federal Reserve Board believes it has unlimited capability to decide it will change the rules on everything, open a direct lending window and give it to the biggest investment houses in the country, and they don't intend to ever tell any of us

what they did or why or how; they don't intend to disclose any of it, that is not what I call open government.

That is not something that is written in the Constitution. It is not something that this Congress should tolerate.

This Congress should say to Mr. Bernanke: Your nomination is here in front of the Senate. We will act on it as soon as you provide the information Senators have requested of you—by the way, the information that a Federal judge has already ordered that you disclose. As soon as you comply with that, then your nomination shall have a vote in the Senate.

I wanted to explain in more detail my response to people who had asked me what I was going to do on the nomination. That gives adequate explanation.

I also wanted to comment briefly that the President today said something quite extraordinary, and I want to compliment him for it. I know he is walking into a thicket of trouble because a whole lot of big interests are going to gang up on these proposals. Let me tell you the two proposals the President offered that make a lot of sense.

No. 1, he said big financial institutions that are too big to fail are too big. That is pretty simple. If they are too big to fail, they are just flat out too big. We ought to stop this concentration because too big to fail means no-fault capitalism. If they run themselves into trouble, the taxpayer picks up the tab. The taxpayer bails them out. That is what too big to fail means.

The President says no more. Let's get rid of that too-big-to-fail tag and let's decide that if they are that big, let's stop this concentration.

The President also has indicated that we ought to have financial institutions that are not trading in derivatives on their own proprietary accounts. I wrote a piece in 1994, 15 years ago, that was the cover story for Washington Monthly magazine. The piece I wrote was "Very Risky Business." I believe at the time there was \$16 trillion of notional value of derivatives in our country. I said what is happening is outrageous. We have taxpayer-insured banking institutions that are trading on derivatives in their own proprietary accounts, putting taxpayer money at risk. It is flat out gambling. I said they may just as well have a craps table or a Keno table in their lobby. Oh, they can still call it a bank, but it is a casino.

Fifteen years ago, I wrote that article. The fact is, we have gone through this unbelievable collapse of the economy—\$15 trillion of wealth lost by the American people—and we still have these institutions trading on proprietary accounts. The President says it ought to stop. I agree with him.

The President also says we ought to separate, as Paul Volcker suggests, the FDIC-insured commercial banking institutions from the investment banks over here. They were put back together. I said on the floor of this Senate 10 years ago—five, six, eight times—and gave long speeches predicting that if you do this, if you fuse together commercial banks and investment banks, you are headed for trouble. I said on this floor: Within a decade I think you are going to see massive taxpayer bailouts. People have asked me: How did you find the crystal ball? I just guessed. But I worried that if you put this together, this is a bargain for trouble, this is asking for trouble. Ten years later, we have seen this unbelievable collapse.

The President is right; and it takes courage for him to say it—let's decide to separate investment banking from commercial banking. Paul Volcker has talked a lot about that, and he is right about it. So I know what is happening.

I just saw, in CongressDailyPM: "Banks Kick Off Effort Against Volcker Rule." "A furious lobbying effort among large banks was set off today by President Obama's announcement that he will push a rule forcing them to choose between being a commercial institution or an investment bank that focuses primarily on trading for its own profits." The President dubbed this plan the "Volcker Rule."

I met with Paul Volcker in my office recently. I have talked with him at some length about this. Paul Volcker is dead right, and so is the President. This is going to provoke an unbelievable battle here. I understand that. There is a lot at stake. The big interests—they want to keep doing what they are doing. The big investment banks, at the moment—you take a look at their balance sheet. They are not, by and large, loaning money to the interests in this country that desperately need it. They are trading on proprietary accounts and making a lot of money trading. The fact is, if they are still too big to fail—and they are—that is called no-fault capitalism, and it is our risk, not theirs.

None of them would be around anymore had the U.S. Government not stepped in to provide a safety net. Now they are telling us: Well, these changes the President and others suggest, they are radical changes. No, they are not. They are changes that go back to the future in many ways. They are changes that go back to a period—1999—before a piece of legislation that was passed by the Congress to decide: Let's put together these big old holding companies and put everything into one. One-stop financial shopping, they said. Compete with the Europeans. We will put up firewalls. It turned out they were made of tissue paper and the whole thing collapsed.

I just say I think the President has made the right call. It is gutsy. It is

going to provide a big fight around here. But it is not a secret, perhaps—given my history and what I have said in opposing the kinds of things that were done 10 years ago that set us up for this fall—it is not surprising that I fully intend to support the President's effort. I think it is critically important to get our financial system reformed and done right.

Then, it is important to do one other thing; and that is have regulators who do not brag about being willfully blind. We had a bunch of folks in here for a bunch of the last decade who said: Do you know what? We have decided to take this important government job—in any number of these regulatory areas—and we are proud to say we are probusiness. What does that mean? We are proud to say we are at the SEC, we are at this agency or that agency, and you all do whatever you want. We won't look. We won't watch.

In fact, some of them were so incompetent that even when people—whistleblowers—came and said: Bernie Madoff is running a Ponzi scheme, even when somebody told them what was going on, they did not have the guts or the time or the intelligence to investigate it.

But being willfully blind ought not be something to boast about anymore. Going forward, we want effective regulation. Regulation is not a four-letter word. The lack of regulation caused this crash in many ways and cost trillions of dollars to American families.

I am not suggesting overregulation. I am saying when you have certain areas that are regulatory in this government, to make sure the free market system works, and works well, when people commit fouls in the free market system in this area of competition, you need to have somebody there with a whistle and a striped shirt to blow the whistle and say: That's a foul. If you do not have that, the system does not work and the system gets completely haywire. That is what happened in the last decade. That is not a technical term, that haywire issue. But we have the right and the opportunity to get this right now, and I say to the President, good for you. This proposal is the right proposal.

Then, let's see, in the weeks ahead and the months ahead: Whose side are you on? I say to those in public service on these issues: Whose side are you on? Are you on the side of the big investment bankers who helped steer us into the ditch that involved substantial wagering and gambling here, and then we pick up the tab because it is no-fault capitalism on too-big-to-fail issues? Or are you going to stand up for the American people here and decide you have to put this back in place the right way? I hope we will have enough support to follow the President's lead on this issue.

Let me just make one final comment. I understand the need for a financial

system that works. I admire bankers who do banking the old-fashioned way: take deposits and make loans and do underwriting in between, looking in somebody's eyes to say: You want a loan? What is it for? Let me evaluate that. Can you repay this loan? That is underwriting. That is the way it works. The Presiding Officer, I know, ran a bank and understands that.

We need a good financial system. You even need investment banks. I know one of my colleagues once said: Investment banking is to productive enterprise like mud wrestling is to the performing arts. Well, that was tongue in cheek. But we need investment banks to take the riskier investments out there. But our investment banking system went completely off the map. We need good commercial banks that are capitalized. We need investment banks. All of that is important. We need to get it right. I do not mean to denigrate all finance because finance is very important in this system to help this free enterprise system work, to help people who want to start businesses and hire people. That is very important for our country.

So we will have that debate in a longer fashion in the weeks ahead.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CITIZENS UNITED V. FEC

Mr. KAUFMAN. Mr. President, I wish to discuss today's regrettable Supreme Court decision in *Citizens United v. the Federal Election Commission*.

Despite nearly 100 years of statutes and precedent that establish the authority of Congress to limit the corrupting influence of corporate money in Federal elections, the Court today ruled that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office.

What makes today's decision particularly galling is that it is at odds with the testimony of the most recently confirmed members of the Court's majority, who during their confirmation



hearings claimed to have a deep respect for existing precedent. Although claims of “judicial activism” are often lobbed, as if by rote, at judicial nominees of Democratic Presidents, including Justice Sotomayor, this case is just one in a long line of disturbing cases in which purportedly “conservative” justices have felt free to disregard settled law on a broad range of issues—equal pay, antitrust, age discrimination, corporate liability, and now the corrupting influence of corporate campaign expenditures—all in ways that favor corporate interests over the rights of American citizens.

The majority opinion in *Citizens United* should put the nail in the coffin of claims that “judicial activism” is a sin committed by judges of only one political stripe. Indeed, as I have said before, charges of judicial activism, while persistent, are almost always unhelpful.

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite ‘activist.’ Then ‘activism’ just means Judges Behaving Badly—and each person fills in a different definition of ‘badly’.

In other words, the term “activist,” when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

I don’t mean to say that the term “judicial activism” is necessarily without content. Indeed, legal academics and political scientists are hard at work trying to shape a set of common definitions. If we want to take the term seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than “the law.”

I think it is fair to say that, based on any of these definitions, the Supreme Court’s current conservative majority has been highly “activist.”

Let me give just a few examples. In *U.S. v. Morrison*, decided in 2000, the Rehnquist Court struck down a key provision of the Violence Against Women Act. Congress held extensive hearings, made explicit findings and voted, 95 to 4, in favor of the bill. An activist Court chose to ignore all that and substitute its own constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided *Kimel v. Florida Board of Regents*. The

five-Justice majority concluded that private citizens could not sue States for age discrimination without their consent because of a general principle of sovereign immunity. This is another decision that was, simultaneously, conservative in terms of policy outcome and activist in terms of judging. It was conservative because it expanded States’ rights and contracted anti-discrimination rights. It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in *Kimel*, Justice Stevens said:

The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., the conservative majority of the current Court has continued to be highly activist.

In *Leegin v. PSKS*, the Court discarded 96 years of precedent in ruling that manufacturers may fix the prices that retailers charge. It elevated big manufacturers’ interests over those of the consumer based not on any change in facts or circumstances but, rather, based on the Court’s embrace of a particular economic theory.

Then there is *Parents Involved in Community Schools v. Seattle School District No. 1*, in which the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts’ plurality opinion for the four-person conservative bloc gave scant respect to a long line of desegregation precedents that afforded local communities discretion in this arena. Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to *stare decisis*. If not for the opinion concurring in the judgment by Justice Anthony Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

That brings us back to *Citizens United*. In reviewing what is wrong with the Court’s opinion in this case, it is hard to know where to begin. As with the cases listed above, the Court went out of its way to overturn settled precedent. As Justice Stevens said in his dissent, “The final principle of judicial process that the majority violates is the most transparent: *stare decisis*.”

Beyond ignoring precedent, the Court could have decided this case on far narrower grounds. *Citizens United* is a not-for-profit firm that exists to facilitate political advocacy. Those who contribute to that firm do so with full knowledge of the political ideas and candidates that the group is likely to

support. As a result, when that group speaks it much more closely resembles an act of collective speech by its benefactors than the independent political views of a fictional corporate “person.” During the Supreme Court hearing on this case, the attorney for *Citizens United* recognized this distinction and admitted that its arguments “definitely would not be the same” if his client were a large for-profit enterprise, such as General Motors. But by issuing the broadest possible reading, the majority opinion admits of no differences between *Citizens United* and General Motors.

Even if we accept that purpose-built political advocacy corporations have a right to direct resources to influence elections, how do we apply this to larger corporations that exist to make a profit? Who determines what candidates General Motors supports or opposes? Is it the board of directors? The CEO or other officers? Employees? All of these groups and individuals serve the corporation for the benefit of the shareholders. Even so, how are we to determine what speech the shareholders favor? And do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival to the United States?

These are questions left unresolved by today’s reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that the corporation speaks with the voice of its shareholders, and we must ensure that those who would utilize the corporate form to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Today’s decision does far more than ignore precedent, make bad law, and leave vexing unanswered questions. As noted by Justice Stevens in his dissent, the “Court’s ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.”

I share Justice Stevens’ fear. I am particularly concerned that the decision will erode the public’s confidence in its government at precisely the time when so many challenges—climate change, financial regulatory reform, health care, immigration reform, and the need to stimulate job creation—all call for bold congressional action. Our ability to meet our Nation’s pressing needs depends on our ability to earn and maintain the public’s trust.

Earning that trust will be all the more difficult in a world in which undiluted corporate money is allowed to drown out the voices of individual citizens and corrupt the political process.



## ADDITIONAL STATEMENTS

## TRIBUTE TO JIM BLASINGAME

• Mr. BEGICH. Mr. President, I congratulate a hard-working Alaskan, Mr. Jim Blasingame, on his well-deserved retirement after many years of dedicated service to the Alaska Railroad Corporation, AKRR.

Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he has proven to be an exceptional member of the AKRR family. One of his greatest accomplishments was the pivotal role he performed in assisting with the transference of the AKRR from Federal to State ownership. This greatly assisted in the development of the AKRR into an award-winning, world-class, State-owned corporation. His work has helped the AKRR safely operate and successfully contribute to the economic development of Alaska.

During his time with the AKRR, Mr. Blasingame was a mentor to his fellow railroaders and his leadership abilities resonated through the depots and rail yards. Outside work, Mr. Blasingame is a dedicated member of his community. He volunteers his time on behalf of several nonprofit organizations and in various civic board memberships.

The Alaska Railroad is a truly unique element of Alaska. For many Alaskans, the AKRR signifies a great source of pride. Running from Seward north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame's commitment and enthusiasm towards developing the AKRR, this landmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.●

## TRIBUTE TO BARRY W. JACKSON

• Mr. BEGICH. Mr. President, on the occasion of his 80th birthday, January 27, I recognize the life achievements of a resident of Fairbanks, AK, Mr. Barry W. Jackson.

As a young man, Mr. Jackson served in the Marine Corps during the Korean war and later retired as major. While still working on his law degree from Stanford University in 1957, he travelled to Alaska and obtained a clerkship with Territorial Judge Vernon Forbes.

After being admitted to the Alaska bar in 1959, he was hired as the city attorney for Fairbanks and later opened his own practice, concentrating on estate planning, personal injury, bankruptcy, family and real estate law.

Mr. Jackson also used his legal talents in the Alaska State Legislature.

He served in the State house of representatives in the Fourth and Sixth State legislatures from 1965 to 1966 and 1968 to 1970 respectively, where he was a colleague of my late father, then State Senator Nick Begich. He served on the prestigious House Finance Committee and later in a leadership position as chairman of the House Judiciary Committee.

Mr. Jackson also served the Alaska Democratic Party as a convention chair and later, was chair of the Interior Democrats. Last October, I was privileged to attend a banquet in Fairbanks where the Interior Democrats honored Mr. Jackson for his many contributions to Alaska.

Perhaps his most significant career accomplishment was his work with Alaska tribes. Much of his legal career has been spent on Alaska Native social and justice causes.

In 1967, he was legal counsel to the State-sponsored Alaska Land Claims Task Force. Among task force's finding was a recommendation that legislation be introduced in Congress that would convey land to Native villages, pay a monetary settlement, form corporations organized by villages and regions and form a statewide corporation. Subsequently, a bill was introduced in 1968 by Alaska Senator Ernest Gruening and Mr. Jackson testified before congressional committee hearings throughout the year.

In the time leading to the passage of the Alaska Native Claims Settlement Act, ANCSA, in 1971, funding for attorneys grew short. Recognizing the monumental importance of the matter, Mr. Jackson took upon himself to work pro bono at great personal hardship to himself and his family. This deed typifies Barry's degree of dedication to a worthy cause.

Many have judged the ideas in the 1968 bill to be the foundation for ANCSA. In the book "Take My Land, Take My Life" published in 2001, Mr. Jackson was credited as being the first person who considered the concept of corporations for Alaska Native tribes.

Mr. Jackson is a tireless worker who still engages in his part-time private law practice. I wish Mr. Jackson a happy birthday, thank him for his military and legislative service and applaud him as one of the quiet, selfless contributors to the settlement of Alaska Native land claims.●

## TRIBUTE TO RAYMAN DODSON

• Mr. LEVIN. Mr. President, I speak today in tribute to one of the citizens of my own hometown of Detroit, one of the thousands of decent, hard-working, community-minded Detroiters who make me so proud to call the city my home.

You will not find Rayman Dodson in the history books or the newspapers. But for the last 80 years, since he grad-

uated from Northwestern High School, you would have found him doing what so many other Detroiters have done: working hard, and doing his part, building the lives that make up our city.

As an employee of Ford, Chrysler, the city's street railway, and in the homes of several of Detroit's most prominent citizens, Rayman earned a living sufficient for him and his beloved wife Margaret to buy a home on the city's east side—a place for Margaret to display her crystal collection. For decades, he has contributed to Mayflower Congregational Church of Christ.

Several years ago, Rayman lost his sight but not his interest in the world around him or his ability to delight his friends. Many of those friends are preparing to help him celebrate his 100th birthday. I wish him well on that day, and congratulate him on a century well lived.●

## RECOGNIZING APPLIED THERMAL SCIENCES

• Ms. SNOWE. Mr. President, as our country seeks a sustained recovery, we will be looking to innovative small businesses to jumpstart the Nation's economy. My home State of Maine is home to hundreds of such firms that display the stellar ingenuity and creativity of the American people. Today I recognize one of these businesses, Applied Thermal Sciences of Sanford, which has been at the cutting edge of engineering for over two decades.

Founded as a sole proprietorship in 1989, Applied Thermal Sciences, or ATS, is rooted in the promotion of thermal, structural and fluid sciences. Specifically, ATS, which was later incorporated in 1998, focuses on the research and development of fuel-efficient engines and propulsion systems. The company's high-skilled and diligent employees regularly work on a number of contracts for both government and industry, and their solutions are often recognized as groundbreaking. They fabricate prototypes in-house for testing, using computer modeling and simulations to ensure that these archetypes are of the highest quality.

The research facilities at ATS house critical engineering workstations, high-tech supercomputers, various analytical tools, and significant experimental lab space. Additionally, the fabrication facilities include a machine shop and laser welding equipment, giving them a leg up when competing for contracts and customers.

ATS employs a unique system that combines laser welding with a gas-metal arc weld, thereby enabling customers to manufacture products with improved metallurgical properties at higher speeds and with greater reliability and repeatability than typically possible. Utilizing this distinctive

method, ATS is able to provide its clients the most advanced and state-of-the-art technology available. Indeed, because of this exceptional technology, ATS recently won a major multi-year award from Bath Iron Works to produce hybrid laser welded panels for the Navy's DDG 1000 destroyer, and later earned the 2008 Department of Defense Manufacturing Technology Achievement Award.

One of ATS's most impressive prototypes is the high-performance toroidal engine concept, or HiPerTEC, engine. This inventive technology, which is hundreds of pounds lighter than a traditional engine of similar power, provides an unprecedented power-to-weight ratio in an internal combustion engine. Additionally, HiPerTEC's combustion processes are extraordinarily fuel efficient, a crucial concern for ATS's numerous clients. Another of ATS's ground-breaking projects is its low-cost flight test platform which seeks to acquire knowledge in the operation of ramjet and scramjet engines. Funded by the Office of Naval Research, the platform provides a cost savings of 90 to 95 percent, bridging the gap between ground testing and traditional, high-cost flight testing.

Leading the way in accelerating remarkable technological advances, Applied Thermal Sciences has earned the trust of its public and private clients by consistently providing them with cost-effective and forward-looking solutions. I thank Karl Hoose, the firm's president and owner, ATS's vice president Fred Webber, and everyone at the company for their remarkable work, and wish them continued success in the future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Secur-

ing the Cities Initiative of the Department of Homeland Security, and for other purposes.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

#### ENROLLED BILL SIGNED

At 2:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-243, "Waterfront Park at the Yards Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-244, "F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-245, "Affordable Housing For-

Sale and Rental Distribution Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-242, "Unused Pharmaceutical Safe Disposal Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-246, "Income Tax Joint Filing Clarification Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-247, "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-261, "Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-262, "Private Adoption Fee Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4215. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4216. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4217. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010-2015 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-4218. A communication from the President of the James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4219. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4221. A communication from the Grants Management Officer, Management Directorate, Department of Homeland Security,

transmitting, pursuant to law, the report of a rule entitled "Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4222. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4223. A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4224. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4225. A communication from the Chief Financial Officer of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4226. A communication from the Acting Director of Infrastructure Security Compliance, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Appendix to Chemical Facility Anti-Terrorism Standards" (RIN1601-AA41) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4227. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "State Technical Committees Final Rule" (RIN0578-AA51) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4228. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Compliance with NEPA Interim Final Rule" (RIN0578-AA55) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4229. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea with Regard to Foot-and-Mouth Disease and Rinderpest" (Docket No. APHIS-2008-0147) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4230. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Movement of Fruit From Quarantined Areas" (Docket No. APHIS-2009-0023) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4231. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 09-141, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4232. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 135-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4233. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 130-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4234. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 122-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4235. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 103-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4236. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 142-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4237. A communication from the Assistant Secretary, Bureau of Political-Military

Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 153-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4238. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 117-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4239. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanction Regime Efforts"; to the Committee on Armed Services.

EC-4240. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Lead System Integrators" (DFARS Case 2006-D051) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Armed Services.

EC-4241. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Business Systems—Definition and Administration" (DFARS Case 2009-D038) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Armed Services.

EC-4242. A communication from the Under Secretary of Defense (Policy), transmitting a report relative to cleanup operations due to the use of weapons systems, and munitions containing depleted uranium in a number of countries, including Saudi Arabia, Kuwait, Iraq and Afghanistan; to the Committee on Armed Services.

EC-4243. A communication from the Deputy Assistant Secretary for Import Administration, Foreign Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report on the Activities of the Foreign-Trade Zones Board, for fiscal year 2008; to the Committee on Finance.

EC-4244. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Class 9 Bonded Warehouse Procedures" (RIN1505-AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4245. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources" (RIN0960-AG66) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Finance.

EC-4246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Correcting Failures of Nonqualified Deferred Compensation Plans to Comply with Section 409A" (Notice 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Obligations under section 956(c)" (Notice 2010-12) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC-4248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Total Return Swaps (TRSs) Used to Avoid Dividend Withholding Tax" (LMSB-4-1209-044) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-4" (Rev. Proc. 2010-4) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2010-3, Annual Update of Domestic No-Rule Areas" (Rev. Proc. 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC-4251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-5" (Rev. Proc. 2010-5) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-6" (Rev. Proc. 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4253. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-8" (Rev. Proc. 2010-8) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4254. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Approval of Changes in Funding Method for Takeover Plans and Changes in Pension

Valuation Software" (Announcement 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Finance.

EC-4255. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States and Entry Modified for Clarification" (RIN0694-AE78) as received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4256. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Exception to the Maturity Limit on Second Mortgages" (RIN3133-AD64) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4257. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 740—Accuracy of Advertising and Notice of Insured Status, and 12 CFR Part 745—Share Insurance and Appendix" (RIN3133-AD54; RIN3133-AD55) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4258. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8053)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4259. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System—Amendments" ((RIN2501-AD48) (FR-5351-F-02)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-4261. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the awarding of a sole-source bridge contract to provide property management support for Federal Housing Administration Single Family Homes; to the Committee on Banking, Housing, and Urban Affairs.

EC-4262. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4263. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Banking, Housing, and Urban Affairs.

EC-4264. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-4265. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD29) as received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4266. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4267. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4268. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9100-1) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4269. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9097-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4270. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9096-9) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4271. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Promulgation Designations for the 2008 Ozone National Ambient Air Quality Standards" (FRL No. 9102-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4272. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PM10 Limited Maintenance Plan and Redesignation Request" (FRL No. 9091-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4273. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to the State Implementation Plan" (FRL No. 9102-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4274. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi: Update to Materials Incorporated by Reference" (FRL No. 9088-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4275. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 9097-1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4276. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Update to Include New Jersey State Requirements" (FRL No. 9103-3) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4277. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-9) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4278. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-8) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4279. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Reports of Building Project Survey for Panama City, FL and Clarksburg, WV; to the Committee on Environment and Public Works.

EC-4280. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Changes in the Regulations Governing Falconry" (RIN1018-AW44) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Environment and Public Works.

EC-4281. A communication from the President of the United States, transmitting, pursuant to D.C. Code 1-204.34(d)(1), in accordance with, and to effectuate, the District of Columbia Judicial Nomination Commission's nomination of Milton C. Lee, Jr. to be an Associate Judge of the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

EC-4282. A communication from the Chair of the District of Columbia Judicial Nomination Commission, transmitting, pursuant to D.C. Code 1-204.34(d)(1), the nomination of Milton C. Lee, Jr. to be an Associate Judge for the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 375. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes (Rept. No. 111-118).

S. 313. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (Rept. No. 111-119).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

O. Rogerie Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mrs. HUTCHISON, Mr. VITTER, Mr. CHAMBLISS, Mr. ROBERTS, Mr. LEMIEUX, and Mr. ISAKSON):

S. 2944. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review all visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2945. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW:

S. 2946. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for herself, Mrs. LINCOLN, Mr. BARRASSO, Mr. NELSON of Nebraska, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. THUNE, Mrs. HUTCHISON, Mr. GRAHAM, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BOND, Mr. INHOFE, Mr. BUNNING, Mr. CRAPO, Mr. BROWNBARK, Mr. ROBERTS, Mr. MCCONNELL, Mr. ENZI, Mr. MCCAIN, Mr. WICKER, Mr. LUGAR, Mr. CORKER, Mr. COCHRAN, Mr. KYL, Mr. BENNETT, Mr. RISCH, Mr. JOHANNES, Mr. SESSIONS, Mr. VOINOVICH, Mr. BURR, Mr. SHELBY, Mr. GREGG, Mr. HATCH, Mr. LEMIEUX, and Mr. DEMINT):

S.J. Res. 26. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER):

S. Res. 390. A resolution prohibiting text messaging by employees of the Senate while

driving on official business; to the Committee on Rules and Administration.

By Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER):

S. Res. 391. A resolution recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNET, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID):

S. Res. 392. A resolution expressing the Sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 393. A resolution recognizing the contributions of the American Kennel Club; to the Committee on the Judiciary.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Res. 394. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 694

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 1058

At the request of Mr. UDALL of Colorado, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Florida (Mr. LEMIEUX) were added

as cosponsors of S. 1058, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1329

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1345

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2853

At the request of Mr. CRAPO, his name was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. BROWNBACK, his name was withdrawn as a cosponsor of S. 2853, supra.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S. 2926

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2926, a bill to amend the XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain governmental benefits.

S. 2936

At the request of Mr. BAUCUS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BEGICH), the Senator from Montana (Mr. TESTER), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. ROBERTS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Dakota (Mr. THUNE), the Senator from Colorado (Mr. BENNET) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2936, a bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

S. 2938

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. COLLINS), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. RISCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2938, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota



(Mr. FRANKEN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

AMENDMENT NO. 3301

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. RISCH), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. TESTER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 3301 proposed to H.J. Res. 45.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Safety Act of 2010 which will authorize a program of scientific investigation by the Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Safety Act of 2010 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants

can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place, and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust scientific framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory effectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they ex-

pect a significant increase in the use of nanoscale materials in drugs, devices, biologics, cosmetics, and food. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care.

The early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the in vitro area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale in vitro techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the in vivo area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated "smart" systems for drug delivery still have to be developed that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed



that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. It has established a Nanotechnology Core Facility at the FDA's Jefferson Arkansas Laboratories. Combining the expertise of the National Center for Toxicological Research and the Arkansas Research Laboratory, which is part of the FDA Office of Regulatory Affairs, this new Nanotechnology Core Facility will support nanotechnology toxicity studies, develop analytical tools to quantify nanomaterials in complex matrices, and develop procedures for characterizing nanomaterials in FDA-regulated products.

In conclusion, the Nanotechnology Safety Act of 2010 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st Century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2942

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Safety Act of 2010".

#### SEC. 2. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

##### "SEC. 1011. NANOTECHNOLOGY PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

"(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

"(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

"(2) develop and organize information using databases and models that will enable

the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

"(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

"(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

"(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

"(6) build scientific expertise on nanoscale materials within such Administration;

"(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

"(8) encourage such Administration to participate in international and national consensus standards activities; and

"(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

##### "(c) PROGRAM ADMINISTRATION.—

"(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

"(2) DUTIES.—The program manager shall—

"(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

"(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

"(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

"(d) REPORTS.—Not later than March 1, 2012 and March 1, 2014, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the program carried out under this section. Such report shall include—

"(1) a review of the specific short- and long-term goals of the program;

"(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

"(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$25,000,000 for each of fiscal years 2011 through 2015. Amounts appropriated pursuant to this subsection shall remain available until expended."

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, yesterday the Senate Homeland Security Committee heard testimony from the three top U.S. intelligence officials about the errors that the Federal Government made leading up to the thwarted Christmas Day plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on flight 253 in the skies above Detroit.

But today, Mr. President, I rise to discuss an error that was made after that foreign terrorist had already been detained by American authorities in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of three of our Nation's top intelligence officials at the committee's hearing yesterday. Frankly, Mr. President, I was stunned to learn that the decision to place the captured terrorist into the U.S. civilian criminal court system had been made without any input or the knowledge of the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary of the Department of Homeland Security. That is right, Mr. President, these officials were never consulted by the Department of Justice before the decision was made.

That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of terrorists can provide critical intelligence, but our civil justice system, as opposed to the military detention and tribunal system established by Congress and the President, encourages terrorists to lawyer up and to stop answering questions. Indeed, that was exactly what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials in the hours immediately after his capture, and we surely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Instead, once he was read his Miranda rights, given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decisionmaking may well have prevented us from finding out more of Yemen's role in training terrorists and more about future plots

that are under way in Yemen targeting American citizens in this country or abroad. Good intelligence is clearly critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide important intelligence. To charge Abdulmutallab in the civilian criminal system without even consulting three of our Nation's top intelligence officials simply defies common sense.

To correct this failure and to ensure that our Nation's senior intelligence officials are consulted before making the decision to try future foreign terrorists in civilian court, I am today introducing a bill that would require this crucial consultation. I am very pleased to be joined by the chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this entire area, as well as by three other Senators, Senator BOB BENNETT, Senator JOHN ENSIGN and Senator KIT BOND, who are also concerned about the testimony yesterday.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials, Mr. President, are in the best position to know what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement between the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the Nation's chief law enforcement officer.

To be clear, this legislation would not deprive the President of any investigative or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system or in our civilian criminal justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security and Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodi-

cally reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

While prosecutorial discretion ultimately rests with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

[T]he determination of whether to leave a subject in place should be retained by the host agency.

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant threat facing our Nation, and that is the threat of terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences could be a matter of life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2943

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONSULTATION REQUIREMENT.

(a) IN GENERAL.—Subject to subsection (b), no action shall be taken by the Attorney General, or any officer or employee of the Department of Justice, to—

- (1) initiate a custodial interrogation of; or
- (2) file a civilian criminal complaint, information, or indictment against;

any foreign person detained by the United States Government because they may have engaged in conduct constituting an act of war against the United States, terrorism, or material support to terrorists, or activities in preparation therefor.

(b) CONSULTATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to taking any action identified in subsection (a).

(2) PRESIDENTIAL DIRECTION.—If, following consultation under paragraph (1), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, or the Secretary of Defense believe that any action

identified in subsection (a) and proposed by the Attorney General may prevent the collection of intelligence related to terrorism or threats of violence against the United States or its citizens, the Attorney General may not initiate such action without specific direction from the President.

(c) ANNUAL REPORT.—The Attorney General shall report annually to appropriate committees of jurisdiction regarding the number of occasions on which direction was sought from the President under subsection (b)(2) and the number of times, on those occasions, that the President directed actions identified in section (a) against such foreign person.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF JURISDICTION.—The term “appropriate committees of jurisdiction” shall include—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(E) the Committees on Armed Services and Judiciary of the Senate and the Committees on Armed Services and Judiciary of the House of Representatives.

(2) ACT OF WAR, TERRORISM, MATERIAL SUPPORT TO TERRORISTS.—The terms “act of war”, “terrorism”, and “material support to terrorists” shall have the meanings given such terms in title 18, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prevent the Attorney General, or any officer or employee of the Department of Justice, from apprehending or detaining an individual as authorized by the Constitution or laws of the United States except to the extent that activities incident to such apprehension or detention are specifically identified in subsection (a).

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 390—PROHIBITING TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS

Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 390

*Resolved,*

#### SECTION 1. PROHIBITION ON TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS.

(a) DEFINITIONS.—In this resolution—

(1) the term “employee of the Senate” means any employee whose pay is disbursed by the Secretary of the Senate; and

(2) the term “text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(b) PROHIBITION.—An employee of the Senate may not engage in text messaging when—

(1) driving a Government owned or leased vehicle;

(2) driving a privately owned or leased vehicle while on official business; or

(3) using text messaging equipment provided by any office or committee of the Senate while driving any vehicle at any time.

(C) EFFECTIVE DATE AND APPLICATION.—This resolution shall apply to the 111th Congress and each Congress thereafter.

**SENATE RESOLUTION 391—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984 (42 U.S.C. 10601 ET SEQ.) AND THE SUBSTANTIAL CONTRIBUTIONS TO THE CRIME VICTIMS FUND MADE THROUGH THE CRIMINAL PROSECUTIONS CONDUCTED BY UNITED STATES ATTORNEYS' OFFICES AND OTHER COMPONENTS OF THE DEPARTMENT OF JUSTICE**

Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

*Resolved*, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice.

**SENATE RESOLUTION 392—EXPRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010 EARTHQUAKE IN HAITI**

Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNET, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for

International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dispatched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS *Carl Vinson*, the USS *Bataan*, the United States Navy hospital ship, the USS *Comfort*, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

#### SENATE RESOLUTION 393—RECOGNIZING THE CONTRIBUTIONS OF THE AMERICAN KENNEL CLUB

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine ge-

nome map, and clinical studies, and has donated over \$22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards \$170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

*Resolved*, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

#### SENATE RESOLUTION 394—CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE FOR ITS 150 YEARS OF COMMITMENT TO ADVANCING SCIENCE AND IMPROVING HEALTH

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 394

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a medical school in the United States;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the Department of Medicine for the University;

Whereas in 2002, the Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the pre-eminent medical schools in the Nation, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually in national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on the most pressing medical and research issues: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Feinberg School of Medicine for appropriate display.

Mr. BURRIS. Mr. President, 150 years ago, a group of outstanding doctors assembled to establish a new medical school, which would offer the first graded medical curriculum in the history of the U.S.

This medical college eventually became a part of the world-renowned Northwestern University—located just outside of Chicago, IL—and grew to become one of the most prominent medical schools in the Nation.

Today, it is known as the Feinberg School of Medicine, and it stands at the forefront of education, research, clinical care, and many related fields.

Today I am proud to join the students, faculty and staff of the Feinberg School in celebrating 150 years of excellence.

Thanks to their fine work and their lasting commitment to the highest standards of medical care, thousands of lives have been saved.

Countless patients have received high-quality treatment from some of the most skilled caregivers in the medical profession.

At the same time, the Feinberg School has prepared the next generation of leaders, innovators, and researchers, who will shape the course of healthcare in this country for generations to come.

I would ask my colleagues to join with me in celebrating the hundred and fiftieth anniversary of this outstanding institution, which is located in my home state of Illinois.

Along with my good friend Senator DURBIN, I am proud to offer a Senate Resolution to mark this momentous occasion, and to shine a spotlight on one of the finest medical schools in the United States.

As we are all well aware, health care is one of the most important issues in America today.

But quite apart from the contentious debate that continues to capture so much national attention, it is vital to recognize the exemplary work of institutions such as this one.

I invite my colleagues on both sides of the aisle to come together to recognize the tremendous track record of the Feinberg School of Medicine, and their continuing contributions to health care services.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available.

#### TEXT OF AMENDMENTS

**SA 3302.** Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ BIPARTISAN TASK FORCE FOR RESPONSIBLE FISCAL ACTION ACT OF 2010.

(a) **SHORT TITLE.**—This section may be cited as the “Bipartisan Task Force for Responsible Fiscal Action Act of 2010”.

(b) **ESTABLISHMENT OF TASK FORCE.**—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

#### “ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

“SEC. 316. (a) **DEFINITIONS.**—In this section:

“(1) **TASK FORCE.**—The term ‘Task Force’ means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

“(2) **TASK FORCE BILL.**—The term ‘Task Force bill’ means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

“(3) **FISCAL IMBALANCE.**—The term ‘fiscal imbalance’ means the gap between the projected revenues and expenditures of the Federal Government.

“(b) **ESTABLISHMENT OF TASK FORCE.**—

“(1) **ESTABLISHMENT.**—There is established in the legislative branch a task force to be known as the ‘Bipartisan Task Force for Responsible Fiscal Action’.

“(2) **PURPOSES.**—

“(A) **REVIEW.**—The Task Force shall review the fiscal imbalance of the Federal Government, including—

“(i) analyses of projected Federal expenditures;

“(ii) analyses of projected Federal revenues; and

“(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

“(B) **IDENTIFY FACTORS.**—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

“(C) **ANALYZE POTENTIAL COURSES OF ACTION.**—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

“(D) **PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.**—The Task Force shall provide recommendations and legislative language that will significantly improve the long-term fiscal imbalance of the Federal Government, which—

“(i) may include recommendations addressing—

“(I) Federal expenditures;

“(II) Federal revenues; and

“(III) the current and long-term actuarial financial condition of the Federal Government; and

“(ii) may not make recommendations modifying the Standing Rules of the Senate.

“(3) **DUTIES.**—

“(A) **IN GENERAL.**—The Task Force shall address the Nation’s long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

“(B) **REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.**—

“(i) **IN GENERAL.**—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

“(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;

“(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

“(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

“(ii) **APPROVAL OF REPORT.**—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

“(iii) **ADDITIONAL VIEWS.**—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

“(iv) **TRANSMISSION OF REPORT.**—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the Majority and Minority Leaders of both Houses.

“(v) **REPORT TO BE MADE PUBLIC.**—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

“(4) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

“(B) **DESIGNATION.**—Members of the Task Force shall be designated as follows:

“(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

“(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(C) **CO-CHAIRS.**—

“(i) **IN GENERAL.**—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

“(ii) **STAFF DIRECTOR.**—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

“(D) **DATE.**—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

“(E) **PERIOD OF DESIGNATION.**—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) **COMPENSATION.**—Members of the Task Force shall serve without any additional compensation for their work on the Task Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) **ADMINISTRATION.**—

“(A) **AUTHORITY TO ESTABLISH RULES AND REGULATIONS.**—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) **QUORUM.**—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

“(C) **VOTING.**—

“(i) **PROXY VOTING.**—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) **REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.**—

“(I) **DATES.**—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) **CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.**—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) **MEETINGS.**—

“(i) **INITIAL MEETING.**—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) **MEETINGS.**—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) **AGENDA.**—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the

staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General

Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(c) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force's activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the

daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of such title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force's purpose. Membership of the Advisory Panel, and the scope of the Panel's activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) EXPEDITED CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION.—

“(A) RECONVENING.—

“(i) IN THE HOUSE OF REPRESENTATIVES.—Upon receipt of a report under subsection (b)(3)(B), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than November 23, 2010.

“(ii) IN THE SENATE.—

“(I) CONVENING.—Upon receipt of a report under subsection (b)(3)(B), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than November 23, 2010.



“(II) ADJOURNING.—No concurrent resolution adjourning the Senate for more than 3 days shall be in order until the Senate votes on passage of the Task Force bill under paragraph (2)(B)(iv).

“(B) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced not later than November 23, 2010, in the Senate and in the House of Representatives by the majority leader of each House of Congress, for himself, the minority leader of each House of Congress, for himself, or any member of the House designated by the majority leader or minority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress, then any Member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under subparagraph (C).

“(C) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be jointly referred to the committee or committees of jurisdiction and the Committee on the Budget of that House, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 7 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(2) EXPEDITED PROCEDURES.—

“(A) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

“(i) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader's designee, to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the Task Force bill at any time after the conclusion of such 2-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the Task Force bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(ii) CONSIDERATION.—The Task Force bill shall be considered as read. All points of order against the Task Force bill and against its consideration are waived. The previous question shall be considered as ordered on the Task Force bill to its passage without intervening motion except 100 hours of debate equally divided and controlled by the proponent and an opponent, and any motion to limit debate. A motion to reconsider the vote on passage of the Task Force bill shall not be in order.

“(iii) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a Task Force bill shall be decided without debate.

“(iv) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in para-

graph (2)(A), consideration of a Task Force bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any Task Force bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to Clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

“(v) NO AMENDMENTS.—No amendment to the Task Force bill shall be in order in the House of Representatives.

“(vi) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the Task Force bill, the vote on passage of the Task Force bill shall occur without any intervening action or motion, requiring an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the Task Force bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House. The vote on passage shall occur not later than December 23, 2010.

“(vii) VOTE.—The House Committee on Rules may not report a rule or order that would have the effect of causing the Task Force bill to be approved by a vote of less than three-fifths of the Members, duly chosen and sworn.

“(B) FAST TRACK CONSIDERATION IN SENATE.—

“(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader's designee to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Task Force bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Task Force bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Task Force bill is agreed to, the Task Force bill shall remain the unfinished business until disposed of.

“(ii) DEBATE.—All points of order against the Task Force bill and against consideration of the Task Force bill are waived. Consideration of the Task Force bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 100 hours. Debate shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the Task Force bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the Task Force bill, including time used for quorum calls and voting, shall be counted against the total 100 hours of consideration.

“(iii) NO AMENDMENTS.—An amendment to the Task Force bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Task Force bill, is not in order.

“(iv) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a Task Force bill, and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. The vote on passage shall occur not later than December 23, 2010.

“(v) ADJOURNMENT.—If, by December 23, 2010, either House has failed to adopt a motion to proceed to the Task Force bill, paragraph (1)(A)(ii)(II) shall not apply.

“(vi) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Task Force bill shall be decided without debate.

“(C) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

“(i) REFERRAL.—If, before the passage by 1 House of a Task Force bill of that House, that House receives from the other House a Task Force bill, then the Task Force bill of the other House shall not be referred to a committee and shall immediately be placed on the calendar.

“(ii) PROCEDURE.—If the Senate receives the Task Force bill passed by the House of Representatives before the Senate has voted on passage of the Task Force bill—

“(I) the procedure in the Senate shall be the same as if no Task Force bill had been received from House of Representatives; and  
“(II) the vote on passage in the Senate shall be on the Task Force bill of the House of Representatives.

“(iii) TREATMENT OF TASK FORCE BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a Task Force bill under this section, the Task Force bill of the other House shall be entitled to expedited floor procedures under this section.

“(iv) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the Task Force bill in the Senate, the Senate then receives the Task Force bill from the House of Representatives, the House-passed Task Force bill shall not be debatable. The vote on passage of the Task Force bill in the Senate shall be considered to be the vote on passage of the Task Force bill received from the House of Representatives.

“(v) VETOES.—If the President vetoes the Task Force bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

“(3) SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives.”

(c) FUNDING.—From the amounts appropriated or made available and remaining unobligated under Division A (other than under title X of Division A) of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.



## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO  
MEET

## COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 3 p.m., to hold a hearing entitled "Civilian Strategy for Afghanistan: A Status Report in Advance of the London Conference."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EAST ASIA SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., to hold an East Asia subcommittee hearing entitled "Principles of U.S. Engagement in Asia."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 21, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Mr. DODD, I ask unanimous consent that Deborah Katz, a member of his staff, be granted the privilege of the floor for the duration of the consideration of H.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON METROPOLITAN  
AREA TRANSIT REGULATION  
COMPACT AMENDMENTS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Without objection, the committee is discharged.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

## S.J. RES. 25

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia entered into the Washington Metropolitan Area Transit Regulation Compact in 1960 with the consent of Congress in Public Law No. 86-794, 74 Stat. 1031;

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia amended titles I and II of the Compact in 1962 and 1990 with the consent of Congress in Public Law No. 87-767, 76 Stat. 764, and Public Law No. 101-505, 104 Stat. 1300, respectively;

Whereas legislation enacted by the State of Maryland (2008 Md. Laws c. 32 and 2009 Md. Laws c. 76) the Commonwealth of Virginia (2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17-622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. CONSENT OF CONGRESS TO COM-  
PACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

"(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission."

(2) Section 1 is amended by inserting at the end the following:

"(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment's effective date."

## SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

## SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

## SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language

as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

#### SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

#### RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 391 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

*Resolved*, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice.

#### EXPRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010, EARTHQUAKE IN HAITI

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 392 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 392) expressing the sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening actions or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, includ-

ing an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dispatched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS Carl Vinson, the USS Bataan, the United States Navy hospital ship, the USS Comfort, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United

States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

#### ORDERS FOR FRIDAY, JANUARY 22, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Friday, January 22, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.J. Res. 45, the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DORGAN. Mr. President, for the information of Senators, there will be no rollcall votes during tomorrow's session of the Senate.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Friday, January 22, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be major general

BRIGADIER GENERAL SAMUEL C. HEADY  
BRIGADIER GENERAL WILLIAM E. HUDSON  
BRIGADIER GENERAL GARY T. MAGONIGLE  
BRIGADIER GENERAL JAMES M. MCCORMACK  
BRIGADIER GENERAL ALEX D. ROBERTS  
BRIGADIER GENERAL GREGORY J. SCHWAB

##### To be brigadier general

COLONEL CARL F. BESS, JR.  
COLONEL GREGORY J. BIERNACKI  
COLONEL JAMES C. BLAYDON  
COLONEL FRANCIS X. CARILLO  
COLONEL DEBORAH L. CARTER  
COLONEL ROBERT F. CAYTON  
COLONEL WILLIAM J. CRISLER, JR.  
COLONEL GREGORY L. FERGUSON  
COLONEL JAMES E. FREDREGILL  
COLONEL ANTHONY P. GERMAN  
COLONEL ANN M. GREENLEE  
COLONEL MARK D. HAMMOND  
COLONEL RICHARD N. HARRIS, JR.  
COLONEL MARK E. JANNTITO  
COLONEL LARRY R. KAUFFMAN  
COLONEL JON K. KELK  
COLONEL DAVID T. KELLY  
COLONEL JOHN E. KENT  
COLONEL DONALD M. LAGOR  
COLONEL MICHAEL E. LOH  
COLONEL CONSTANCE C. MCNABB  
COLONEL CLAYTON W. MOUSHON  
COLONEL PHILLIP E. MURDOCK  
COLONEL JOHN E. MURPHY  
COLONEL GERALD E. OTTERBEIN  
COLONEL MARTIN J. PARK  
COLONEL NICHOLAS S. RANTIS  
COLONEL ROBERT L. SHANNON, JR.  
COLONEL CASSIE A. STROM  
COLONEL GREGORY N. STROUD  
COLONEL THOMAS A. THOMAS, JR.  
COLONEL CAROL A. TIMMONS  
COLONEL STEVEN J. VERHELST  
COLONEL TONY L. WEST  
COLONEL ROBERT S. WILLIAMS  
COLONEL MICHAEL A. WOBEMBA

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. WILLIAM D. FRINK, JR.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

ANTHONY N. DILLS  
MICHAEL S. DUNKEL  
BRADFORD S. GREEN  
MICHAEL K. LEE  
MICHAEL D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

MATTHEW A. BAACK  
ANDREW J. BRODER  
NICHOLAS J. SABULA  
NATE A. TERNING  
ROCKY ZACCHEUS

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

##### To be lieutenant colonel

BESS J. PIERCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be major

JANINE G. ALLBRITTON  
SCOTT J. PIECEK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be major

JUAN G. LOPEZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be major

JERI R. REGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

ROBIN T. WORCH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### To be lieutenant colonel

TYLER E. HARRIS

##### To be major

PETER R. PURRINGTON  
ENRIQUE RIVERA  
KELLY A. SUPPLE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### To be lieutenant colonel

SCOTT D. DEBOLT  
GLENN E. DEETMAN  
SHAUNA M. HAUSER  
ERIC A. HOGGARD  
RICKY V. KYLES  
MICHAEL C. MOLONEY  
CHARLES H. NELSON  
LUIS D. SOLANO

##### To be major

YUSHA A. ALI  
MARK L. ALLEN  
ZAH K. BOURJELI  
JOHN A. COFIELD  
KEITH G. HARLEY  
GEORGE B. INABINET  
SCOTT B. JACKSON  
TODD S. REED  
VICTOR H. SUNDQUIST  
OWEN T. WARD  
AUDREY D. WILSON

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

##### To be lieutenant commander

ROLDAN C. MINA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

##### To be lieutenant commander

JACOB R. HILL  
RODNEY J. NORTON  
CARL F. SCHOLLE  
WILLIAM R. WOODFIN

#### WITHDRAWALS

Executive message transmitted by the President to the Senate on January 21, 2010 withdrawing from further Senate consideration the following nominations:

ERROLL G. SOUTHERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 17, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 1, 2009.

## EXTENSIONS OF REMARKS

IN HONOR OF THE 100TH ANNIVERSARY CELEBRATION OF THE UNITED STATES IMMIGRATION STATION, ANGEL ISLAND

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Ms. PELOSI. Madam Speaker, on January 21, 2010, we celebrate the 100th Anniversary of the United States Immigration Station, Angel Island. This national historic landmark, designated as one of America's most endangered historic sites, served as a processing center for immigrants coming across the Pacific from 1910 to 1940. More than one million immigrants, including those from China, Japan, Korea, the Philippines, and Central and South America were processed at the station. This "Ellis Island of the West," also known as "The Guardian of the Western Gate," was designed to control the flow of immigration, especially from China. While many immigrants passed through, many were detained here for lengthy periods of time. Inscribed on the walls of the barracks are their voices of hope, fear and despair.

The facility was used by the U.S. Army during World War II, then abandoned, and became part of the California State Park system in 1963. I was proud to have helped secure federal funding to rebuild the dilapidated barracks which enabled the facility to reopen to the public in February 2009. I will continue my commitment to restoring not just an historic landmark but a symbol of the struggles and courage of people from around the globe who look to America as the land of possibility.

In addition to its unique history, Angel Island is a place of great beauty and breathtaking views. It is imperative that we as San Franciscans and Americans preserve and enhance what Angel Island represents culturally, educationally, recreationally and environmentally for present and future generations.

JOB-KILLING AGENDA CONTINUES

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. WILSON of South Carolina. Madam Speaker, sadly the Labor Department said today that claims for unemployment insurance rose last week. The unemployment rate is still at 10 percent with more seeking jobless benefits each day. When will Congress get the message?

The job-killing agenda pushed by liberals in 2009 needs to be scrapped. A national takeover of health care and a national energy tax will only worsen a stagnant economy. The Na-

tional Federation of Independent Business has sounded the alarm about how the health care takeover scheme will kill 1.6 million jobs.

A national energy tax would be just as devastating, raising gas prices, food prices, and the cost of doing business for millions of Americans. \$3,400 a year is what American families might be forced to pay if this national energy tax passes. American manufacturing would be made non-competitive with foreign manufacturers.

It's time to put these bad ideas to rest and look forward to policies to create jobs and capital. We should heed the counsel of Steve Forbes in his new book, *How Capitalism Will Save Us*.

In conclusion, God bless our troops, and we will never forget September 11 in the Global War on Terrorism.

HONORING TRINITY UNITED METHODIST CHURCH MISSIONS TEAM

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, there is not a member of this body who has not been gripped by the graphic stories and images coming out of Haiti since the tragic earthquake on January 12. The human suffering is on a scale we can scarcely comprehend, and its proximity to our country and the need of its victims have rightly roused the charitable spirit of the American people. In the midst of such tragedy, however, we look to stories of hope from the rubble. I would like to share one of those stories today.

On January 9, fifteen members of the Trinity United Methodist Church in Hackettstown, NJ, departed for an eight-day missions trip to Port-au-Prince and Bon Regos, Haiti. This missions team delivered dozens of suitcases filled with medical equipment and personal hygiene items to orphanages, hospitals, and schools in some of Haiti's most disadvantaged neighborhoods. Thankfully, no one on the trip was seriously injured in the earthquake. In the following days, thanks to the tireless work of the State Department and the kindness of strangers, the entire team was evacuated to the Bahamas and is now safe at home with their families and loved ones.

While it was not their intention when they signed up, the members of this team deserve to be recognized for their selflessness and service. Their names are:

Rev. Frank L. Fowler III, Leslie Williams-Wexler, Virginia G. Mitchell, Erica L. Pattky, Frank Proccaccini, Suzanne P. Buchanan, Melissa J. Deibel, Kim M. Koch, Vicki L. Mueller, Virginia L. Thorp, Taylor S. Thorp, Danielle S. Chamberlain, Kathryn A. Stiner, Linda C. Callahan, and Carmen M. Courter.

I join their family, friends, and parishioners in a prayer of thanksgiving for their safe return. I am especially proud of Erica Pattky and Taylor Thorp, two teenagers from my district who were part of this team. Their commitment to service at such a young age is a model for people of all ages in our community.

In the coming months and years, American churches, non-profits, and relief-aid organizations will play a vital role in stabilizing and rebuilding the Republic of Haiti. I am convinced that Americans will answer the call to "Love thy neighbor," not due to any government mandate or social obligation, but because it's just what Americans do. In crises both small and large, the United States has proven itself the most philanthropic and charitable nation in the world. I thank the members of Trinity Methodist for providing such a courageous example.

HONORING THE LIFE OF REGINALD "JACK" HORACE FINNEY, JR.

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and accomplishments of a man who generously helped shape his state and community. Jack Finney of Greenville, Texas passed away on January 1, 2010, at the age of ninety-three.

Jack was born to Reginald Horace Finney Sr. and Valma Bracken in Commerce, Texas on August 15, 1916. Finney attended Paris High School in Paris, Texas. He later graduated from Texas A&M in College Station with a degree in agricultural administration.

Jack founded Finney's Holsum Bread Company in Greenville shortly after graduation. At age thirty-six, Jack was appointed to the Texas A&M Board of Directors where he recruited the famous "Junction Boys" football coach Paul "Bear" Bryant. President and CEO of the Association of Former Students at Texas A&M University, Porter Garner, called Finney a great Aggie and states, "He was always there when Texas A&M needed him."

Jack was a proud resident of Greenville, stating in a 2006 interview, "I could've left Greenville when I sold the bakery, but I stayed here. This is where I was meant to be." He donated land to the city where a public library and swimming pool now sit. He was also a major contributor to the nearby Texas A&M University at Commerce and Hunt Memorial Hospital District Foundation.

Jack was preceded in death by his wife, Lou House Finney. He will be missed by his large family and the grateful citizens of Greenville.

Madam Speaker, Jack Finney was my good friend for many years. I could always rely on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Jack to give me his honest opinion about any issue—as well as his support. Jack was the heart and soul of Greenville, and he will be greatly missed. As we adjourn today, let us do so in memory of this great American, Jack Finney.

CONGRATULATING NICHOLAS  
YOUNG, MASSACHUSETTS  
SUPERINTENDENT OF THE YEAR

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to extend my personal congratulations to Nicholas Young who was recently named superintendent of the year by the state superintendents' association. I would like to express my gratitude for Mr. Young's hard work, dedication and leadership.

Mr. Young has served with distinction as the superintendent for the Hadley Public Schools for nine years and continues to be an exemplary educational leader.

Nicholas Young is a very active citizen as he serves as president of the state superintendents association and has previously served as president-elect and vice president. He is also the acting chairman of the state Task Force on Small and Rural School Districts and a member of the state Professional Development Committee and the state Legislative Committee.

We join with Mr. Young's family, friends, colleges and students as he is honored next month at the National Conference on Education in Phoenix, Arizona.

NICHOLAS YOUNG NAMED MASS.  
SUPERINTENDENT OF THE YEAR  
(By Diane Lederman)

The program is part of the American Association of School Administrators National Superintendent of the Year awards.

In a statement, Thomas Scott, executive director of the state association, stated that Young "is an exceptional educational leader. In addition to his many accomplishments in the Hadley Public Schools, he has been an exemplary model for his colleagues throughout the state, influencing state policy through active research and providing comprehensive and cutting-edge professional development programs."

Young, who has been superintendent here for nine years, said he was pleased and proud to be recognized.

He said it was good for the community anytime someone is recognized in town—be it he or a teacher or administrator.

"It highlights the town having a top-notch school system," he said.

Young is president of the state superintendents association and had previously been president-elect and vice president.

He is also the chairman of the state Task Force on Small and Rural School Districts and a member of the state Professional Development Committee and the state Legislative Committee.

In 2008, he was one of 158 educators from across the country selected to participate in the Japan Fulbright Memorial Fund Fellowship, spending more than two weeks in that country.

Young and the other state winners will be honored next month at the National Conference on Education in Phoenix, Ariz.

The national winner will also be announced then.

HONORING THEODORA J. KALIKOW  
AND THE UNIVERSITY OF MAINE  
AT FARMINGTON'S SUSTAINABLE  
CAMPUS COALITION

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition.

Earlier this month President Theodora J. Kalikow announced that the University of Maine at Farmington (UMF) had finalized its roadmap to achieve the goal of carbon neutrality by 2035. The "Climate Action Plan", as it is called, was developed through UMF's own Sustainable Campus Coalition, a collaborative group of driven students, faculty, staff and community members. The plan identifies a number of strategies to reduce carbon emissions, including implementing energy efficient behavior and policies, ensuring future campus structures conform to LEED standards and investing in the use of renewable energy.

According to the U.S. Department of Energy, the UMF campus uses approximately 20 percent fewer British thermal units (BTU) per square foot than the national average for colleges of similar size and climate. Despite an 11 percent increase in campus building space, the university managed to reduce campus wide energy costs by 5 percent of the 2005 levels. A new geothermal heating and cooling system is projected to save \$60,000 and 325 metric tons of carbon emissions per year. These astounding feats are made even more impressive by the fact that the university community led the planning process, with little to no cost to the university system.

The leadership of UMF President Theodora Kalikow in guiding the campus towards energy solutions that reduce greenhouse gases and long-term energy costs is an inspiration to institutions everywhere. I applaud the efforts of the Sustainable Campus Coalition, which reminds us that biggest force of change in a community is the drive of its members. Although the nation has a long way to go in moving towards a clean energy future, the people of UMF have shown that progress is possible and that it is happening now.

Madam Speaker, please join me in honoring Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition for their efforts in making a clean energy campus a reality.

HONORING THE LIFE OF DR. JACK  
HOMER HITTSON, JR.

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor a fellow veteran and treasured

citizen of Garland, Jack Hittson, who passed away last year, at the age of eighty-three.

Jack, a fifth generation Texan, was born June 19, 1925 in Palo Pinto, Texas. He graduated from Strawn High School at the age of sixteen and enrolled at the University of Texas at Arlington. Before completing his studies, Jack enlisted in the U.S. Navy as a pilot. Jack returned to college following World War II and graduated from Baylor College of Dentistry at the age of twenty-three.

Jack first practiced in Panama where he met and married his wife, Elizabeth Weltzin. Shortly thereafter, they moved to the Alaskan Territories where Jack began work with the Alaskan Health Service. Jack went on to attend the University of Tennessee at Memphis to specialize in orthodontics.

Following graduation, Jack was re-commissioned during the Korean War and stationed in Orleans, France. He returned to Garland after completion of his commission and started one of the first orthodontic practices in North Texas.

Jack was actively involved in the community where he volunteered his time and resources to the benefit of the YMCA, Boy Scouts, Masons, Garland Dental Club, Texas Dental Association, and the Texas Democrats.

Jack will be missed by his wife and the greater Garland community.

Madam Speaker, I commend Jack Hittson for his service to the North Texas community and his country.

#### PERSONAL EXPLANATION

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. TIAHRT. Madam Speaker, on January 19, I missed three rollcall votes numbered 6, 7, and 8 due to being unavoidably detained.

Rollcall No. 6 was a vote on congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science. Had I been present I would have voted "aye."

Rollcall No. 7 was a vote on congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I National Championship. Had I been present I would have voted "aye."

Rollcall No. 8 was a vote on commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship. Had I been present I would have voted "aye."

RESPECT THE WILL OF THE PEOPLE  
AND SEAT SENATOR SCOTT  
BROWN

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mrs. MILLER of Michigan. Madam Speaker, prior to my service in this body I had the honor for eight years to serve as Michigan's

Secretary of State. In that role I also served as Michigan's chief elections officer.

I am always awed by elections where the people of this nation choose those who they wish to have serve them in government.

Everyone of us who serves in this House is here because of the will of the people.

The people's collective voice must always be honored and respected.

Yesterday we saw another example of the voice of the people when the voters of Massachusetts went to the polls in large numbers to fill the unexpired term of the late Senator Ted Kennedy.

The result of that election is clear. The people of Massachusetts have chosen Senator SCOTT BROWN to be their voice. There is no doubt of the outcome, there is no contest to the election and his opponents have conceded.

When Senator Kennedy was elected in 1962 to fill the unexpired term of his brother President Kennedy, he was seated the very next day, because the people had clearly chosen him to do so.

Senator BROWN and the people of Massachusetts deserve the same consideration.

With all of the important issues facing this nation it is vital that the people's duly elected representatives are able to exercise their important duties.

I respectfully urge the other body to seat Senator BROWN immediately so that the people of Massachusetts can be heard through their elected Senator.

RECOGNIZING THE LIFE OF MR.  
DOUG W. YOUNG

**HON. WALLY HERGER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HERGER. Madam Speaker, it is with sadness that I recognize the loss of a wonderful public servant for northern California, Mr. Doug Young. Doug was born on a small family farm in Sutter County and lived in Yolo County from 1971 until his death on January 3, 2010. He was married to his high school sweetheart, Diane Lee Young, for fifty-two years, and they have four grown children, five grandchildren, four great grandchildren, and one great-great grandchild.

Doug received a Bachelor of Science degree from the University of California, Davis in 1958. After graduating, he worked as a loan processor and real estate appraiser at the Farm Credit Association until 1966. He performed similar tasks as a Regional Director of the United States Department of Agriculture's Farmers Home Administration Loan Program from 1969 until 1977. He later established Douglas W. Young and Associates, where he acted as a consultant for development in rural areas of California, with a special focus on helping low and middle-income families.

Doug also served his nation and community through his efforts to advance the values and principles he believed in. He was a member of the Yolo County Republican Central Committee and volunteered many hours for the cause he was committed to and the like-minded

individuals who sought elected office to uphold his cherished principles. He will be missed greatly by his family, his friends, his colleagues, and the countless people he affected in a positive and enduring way. I was proud to call him a friend, and privileged to watch him serve others with great sincerity and passion.

HONORING THE LIFE OF JANET  
SIMPSON COYLE

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor a lifelong teacher and public servant, Janet Coyle of Rowlett, Texas, who passed away last year at the age of ninety-nine.

Janet was born on April 7, 1910 in Brownwood, Texas to Charles and Janie Simpson. She taught elementary school in Garland, Richardson, and Rowlett for twenty-five years where she followed her personal motto, "There is something to love in every child."

Janet served as President of Classroom Teachers of Garland from 1959 to 1960. She later volunteered her time as the first woman on the Rowlett Planning and Zoning Commission. She was a charter member of the Rowlett Historical Society and was given the Chamber of Commerce Heritage Hall of Fame Award in 2007.

Janet was an active member of her church, First United Methodist of Rowlett, for seventy-seven years. She is preceded in death by her husband of fifty years, William "Bill" Coyle. She will be missed by her three daughters, Nancy Yarnes, Susan Kiby and husband, Larry, Beck Buttram and husband, Will; and son, Billy Coyle and wife, Missy.

Madam Speaker, I commend Janet Coyle for her lifelong devotion to education and public service in her community.

TRIBUTE TO MR. JAMES K.  
STRICKLAND

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. James K. Strickland, on the occasion of his retirement as Executive Support Officer at the Norfolk Naval Shipyard.

As the Senior Leader assigned coordination of VIP visits, he was successful in promoting the Norfolk Naval Shipyard and its accomplishments to all levels of government, from local mayors in the community up to and including State and U.S. Senators. Those visits had a positive impact on the Naval Sea Systems Command as a whole in that they enabled our governmental representatives to see first-hand the special circumstances and challenging work situations we encounter every day in the ship repair community.

As the Executive Support Officer, he directed a staff which encompasses security,

public affairs, congressional affairs, command instructional design, drug free workplace program, internal review, and parking control. His work during this period was complicated by the merger of the Mid-Atlantic Regional Maintenance Center into the Norfolk Naval Shipyard. He not only welcomed new personnel into his organization with proper courtesy and care, his public affairs expertise was helpful in developing and executing a communication strategy for the workforce to accompany such a significant change. That integration was completed in phases, with each phase being executed seamlessly, in accordance with established schedules.

As Executive Support Officer, he developed a relationship of trust and open communication among all levels of the Shipyard, from labor organization representatives up to and including the Shipyard Commander. He brings to the table a well-deserved depth of experience. When emergent or new tasks come about, he continually delivers not only within his assigned responsibilities, but he goes out of his way to help other departments where he can. He has clearly demonstrated excellence through an aggressive pursuit of quality and has shown, not only to the Navy but also to the community, that people with inspiration and dedication can make a difference.

Mr. Strickland's aggressive actions in connection with identified security deficiencies at Norfolk Naval Shipyard resulted in improvements in processes which have crossed over and positively impacted the region as a whole. Similarly, his recent involvement regarding proposed reductions in fire and emergency services at NNSY, Naval Medical Command Portsmouth and Naval Station Norfolk resulted in no reduction in service or adverse impact to mission.

Mr. Strickland was awarded the Purple Heart for injury sustained during his service in the Navy, demonstrating his selfless sacrifice and the full measure of his devotion to the United States.

Madam Speaker, please join me and the employees of Norfolk Naval Shipyard in offering our sincere congratulations to Mr. Strickland on his exemplary service and a retirement well deserved.

HONORING THE LIFE OF WILLIAM  
MATSON BOYD

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and achievements of William Boyd of McKinney, Texas, who passed away last year at the age of seventy-one.

Bill was born August 8, 1938 in McKinney, Texas to Roland and Nanette Boyd. He received both an undergraduate and JD from SMU in Dallas. He was elected Collin County District Attorney even before completing his law degree.

Bill realized his passion for law and gave up his political ambitions to work for the successful law firm his father founded. Over his career, Bill handled many prominent cases. He

was well-known in north Texas area for his work with the Dallas police and firefighters in a back-pay lawsuit.

Bill was a longtime member of the First Baptist Church of McKinney, Texas where he served as Chairman of the Board of Deacons. He was preceded in death by first wife, Betty Boyd.

He will be missed by wife, Barbara White Boyd and a host of friends. Bill and I stayed in touch. I received much advice that I acted on. Bill was a great lawyer and a super friend.

Madam Speaker, I commend Bill Boyd for his commitment to the legal community, and I ask the U.S. House of Representatives to retire at close of House business today in honor of this fine friend.

HONORING THE LIFE OF ZANER  
FAY CULBERSON ROBISON  
BENETIN

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor a respected public servant, Zaner Fay Culberson of Royse City, Texas, who passed away this past June at the age of ninety-five.

Zaner was born to Tom and Hattie May Culberson on March 13, 1914 near Gilmer, Texas. In 1939 Zaner married Robert Robison. They soon moved to Caddo Mills, Texas, where they jointly founded the Caddo Mills Enterprise and purchased the Royse City American in 1942. They started the Tawakoni News in 1963. Robert passed away in 1975, and Zaner continued operation of the newspapers. She went on to found four more local papers in the region.

Zaner served as Mayor of Royse City from 1980 to 1982. She was a longtime member of the Chamber of Commerce of Royse City and the Texas Press Association. In 1979 Zaner married to John Benetin, whom she led into the newspaper industry.

Zaner was an active member of the Royse City United Methodist Church where she taught several classes and served as a member of the administration board. She was later President of the United Methodist Women for the region. She is preceded in death by husbands, Robert Robison and John Benetin. She will be missed by a host of nieces and nephews and the entire Royse City community.

Madam Speaker, as we adjourn today, let us do so in memory of Zaner Fay Culberson, who for many years I could count on for wisdom and support. I commend Zaner for her lasting impact on the newspaper industry and devotion to community service.

HONORING TONY KENNETH  
MEUNIER

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to honor Tony Kenneth Meunier in celebration

of his recent retirement from the U.S. Geological Survey (USGS) after almost 42 years of Federal Government service. He is a remarkable, inquisitive man who, with passion and dedication, has worked tirelessly throughout his career to advance our knowledge of the Earth, Space and social sciences. He has been a soldier, educator, explorer, scientist, writer and devoted family man.

Mr. Meunier, originally from Buffalo, New York, began his federal career by enlisting in the U.S. Air Force (USAF) in 1963, when President John F. Kennedy was Commander-in-Chief. Staff Sergeant (E-5) Meunier served overseas for almost 3 of his 4 years with the USAF Security Service. After military service, he used the GI Bill (Vietnam War Era) to earn a Bachelors and Masters Degree in Geology, Geography, and Earth-Space Sciences from the State University of New York at Geneseo and SUNY Brockport, New York. After teaching math and science in the Rochester, New York area, Mr. Meunier joined the USGS Topographic Division, Office of Research and Technical Standards, in May 1972.

Always interested in cutting edge science and technology, Mr. Meunier became one of the USGS's first Research Digital Cartographers and an early advocate of using Landsat imagery for field research and mapping applications. Also, as a physical scientist/cartographer, Mr. Meunier made significant contributions to the USGS program in Antarctica, an international program that spans more than 60 years. He has been a member of three deep field expeditions to Antarctica, including a 14 month period, serving as a member of one of the first USGS satellite surveying winter-over teams at South Pole Station during 1974. For this expedition, in 1974, Mr. Meunier was awarded the Antarctic Service Medal of the United States of America. During the 1982-83 field season, as a member of Antarctic Search for Meteorites (ANSMET) group, working in a previously unexplored region on the East Antarctic Plateau, he initiated a successful plan for locating blue-ice areas with meteorite concentrations using Landsat satellite imagery and also developed a new satellite surveying positioning method to locate and map the meteorites discovered in field operations. In 1995-96, Mr. Meunier was a member of the first U.S. Absolute Gravity team obtaining measurements in the McMurdo and Dry Valley areas and as a supporting member of the South Pole Overland Traverses' search for a usable over-snow route to resupply the South Pole Station. Finally, during the just completed International Polar Year (IPY), Mr. Meunier published a series of USGS Open-File Reports on the Scientific Accomplishments of the USGS over the past 60 years.

Throughout his career, Mr. Meunier has demonstrated a continuing dedication to the advancement of polar science. His contributions to research and the mapping of Antarctica have provided the Nation an invaluable asset. In 1977, at the recommendation of the Advisory Committee on Antarctic Names, Mount Meunier, a feature on the Walgreen Coast of Marie Byrd Land, Antarctica, was named in his honor by the United States Board on Geographic Names. Also, in recognition of his exemplary scientific and pro-

grammatic contributions to the U.S. Geological Survey's scientific activities in the exploration of Antarctica, the Department of the Interior, in 2009, awarded Tony Kenneth Meunier, its second highest honor, the Meritorious Service Award.

Madam Speaker, I ask my colleagues to join me in saluting Mr. Meunier for his 42 years of public service, for his accomplishments and for all he has done to engender continued interest in the advancement of knowledge among his colleagues and the public at large.

HONORING BUD HUDDLESTON

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Bud Huddleston as a music legend from North Mississippi. Mr. Huddleston has been a working musician in Tippah County and across North Mississippi for over 50 years.

Mr. Huddleston, a lifelong resident of Tippah County, has spent the last half century making music and thrilling local crowds with his beloved wife, Hazel, now sadly deceased. The two met in the mid-1940s when Bud encountered Hazel playing at a dance in a band with her father and brothers. He remembers liking both her looks and her guitar playing. Despite the fact that Hazel's father accompanied them on their first date, they continued to see one another and play together, eventually getting married in 1949.

Both Bud and Hazel Huddleston played music from childhood and learned from family members. The Huddlestons attributes a 1979 encounter with bluegrass musician Clarence Goodrum as having a significant impact upon their career. Although the two played country music, Mr. Huddleston's great love was bluegrass. Having the opportunity to spend time and play with Goodrum convinced Mr. Huddleston to make the change and they have played mountain music ever since.

Despite an excellent reputation as live performers, the couple may be best known for their radio work. Since 1982, the Huddlestons were a fixture on the airwaves on Kudzu 102, a station that covers a large portion of North Mississippi, North West Alabama and South West Tennessee. They performed a bluegrass show on KUDZU 104.9 Saturday mornings and a bluegrass gospel program on Sundays. Mr. Huddleston is the voice of the program and chooses the music. Mrs. Huddleston lost her long battle with cancer on March 29, 2008.

Mr. Huddleston still lives in Ripley, Mississippi where the Huddlestons have sponsored the Tippah Lake bluegrass festival for over 20 years, now with crowds of more than 700. I ask my colleagues to join me today in thanking Mr. Bud Huddleston for the joy his years of performances and broadcasts have brought to his audience. We recognize him today for a life of love and musicianship.



IN HONOR OF BISHOP DR. AUDREY  
F. BRONSON

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SESTAK. Madam Speaker, I would like to honor Bishop Dr. Audrey F. Bronson in recognition of her investiture as President of the Zion Baptist Church in Philadelphia, Pennsylvania on January 24, 2010.

Dr. Bronson is an ordained minister and consecrated bishop. She began preaching at the early age of fourteen and after many years of serving as an evangelist, she established the Sanctuary Church of the Open Door in 1975. Under her leadership, Sanctuary Church grew rapidly. She also founded the Sanctuary Christian Academy in 1978, a private academic school from pre-school to fifth grade; the Sanctuary Bible Institute and the Sanctuary Counseling and Referral Center.

Because of the demands of a growing church, Dr. Bronson retired from Cheyney University in 1984 as Associate Professor of Psychology after seventeen years of teaching. She served as Dean of the Philadelphia Urban Education Institute, a subsidiary of the African American Interdenominational Ministries, Inc. (AAIM, Inc.) of Philadelphia in association with the major seminaries of Philadelphia, Pennsylvania. Dr. Bronson serves as secretary on the board of One Church, One Child, Inc. of Pennsylvania, a statewide organization organized to encourage members of African American Churches to adopt African American children. She also served on the Mayor's Transition Team.

Dr. Bronson is deeply touched by human suffering and her church doors are open seven days a week to minister to people in need of both spiritual and physical help. Dr. Bronson has served as block captain; ministered in prisons; worked to rid the area of drugs surrounding her church and helped to feed homeless people. She has a tremendous desire to bring about changes in the lives of her fellowman and faith in his ability to help himself. Dr. Bronson will continue her good works as President of the Zion Baptist Church.

The Zion Baptist Church began as a missionary prayer meeting in 1882 led by Reverend Horace B. Wayland in the home of Mr. & Mrs. Lewis Simms. Over the years, Zion membership grew to an extraordinary 6,000 congregants. In 1955, Zion moved to its current location at Broad & Venango Streets, where it was transformed into an urban Christian center. To this end, the Church initiated the following programs: a day care center, credit union, community center programs, employment agency, retirement home, adult education courses, reading classes and family counseling.

The Zion Baptist Church and its leadership have consistently placed an emphasis on community development and Christian youth leadership. Community, social, and theological initiatives organized by the Church include the Zion Center for Corresponding Biblical Studies, weekly Bible Study, Transportation Ministry, Puppet and Clown Ministry, spiritual retreats, leadership workshops, Zion Outreach

Support Ministry and the Human Services Center.

Dr. Bronson's selection as President of the Zion Baptist Church is the well earned result of many years of dedicated service to the church and the Philadelphia community at large. On behalf of the Seventh Congressional District, I wish Dr. Bronson continued success in this new endeavor.

**HONORING TEDDY PENDERGRASS  
(1950-2010)**

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FATTAH. Madam Speaker, Teddy Pendergrass lived many remarkable lives—a life of song, rich and sensuous, a life of determination to overcome a difficult childhood in North Philadelphia, and finally a life of perseverance and triumph against the greatest odds imaginable.

When Teddy Pendergrass, at the too-young age of 59, died January 13 in a hospital several miles from where he grew up in North Philadelphia, the tributes flowed from across the nation and the world. But they weren't nostalgic reminiscences for a faded star whose career might have been cut short by a paralyzing automobile accident. The praise and admiration were present-tense, for a man who—by guts and willpower—kept performing, kept filling concert halls, stayed vibrant on the playlists and wherever music is enjoyed.

Even more, Teddy Pendergrass was a man of character and example. He grew in stature with the passage of years. He endured the hard solitary work of rehab so that he could return to the limelight—in a wheelchair, but ever-soulful. The tragedy of March 18, 1982 did not render Teddy bitter or consumed with self-pity. He emphatically made it clear that “there is life after paralysis”.

Offstage, Teddy Pendergrass worked to inspire and encourage others. He established the Teddy Pendergrass Alliance to raise money for other victims of spinal cord injuries. He partnered with the National Spinal Cord Association. He inspired young artists—and youth people with severed spinal cords.

Theodore DeReese Pendergrass, born March 26, 1950, had a strong and special relationship with his mother Ida Burgess Pendergrass—and with the gift of music that she nurtured. Ida would stand young Teddy, at the age of two, on a chair in church and he would sing praises to the Lord. At age ten he was licensed to the Gospel Ministry. Soon he was playing the drums for various local groups including The Cadillacs. It was while drumming for Harold Melvin and the Blue Notes that his vocal gift was discovered.

In 1972, he signed to Gamble & Huff's Philadelphia International Records label. “Teddy Bear” was smoldering hot—in his recordings, on stage, everywhere he went. He recorded 10 platinum (million-selling) albums in a row for Gamble and Huff at Philadelphia International Records. No one who heard them will ever forget hits like “Love TKO”, “Turn Off the Lights”, “Feel The Fire.” And of

course, “If You Don't Know Me By Now.” His “women only” concerts are legendary.

A year after his accident Teddy Pendergrass returned to recording, memorably in a 1984 duet with Whitney Houston, titled “Hold Me.” He rolled that wheelchair onstage at JFK Stadium to perform at the unforgettable “Live Aid” charity concert. He produced a 1998 autobiography, undertook a 2002–2003 concert tour, and all the while serving as an inspiration to many young artists. The milestone of his life was “Teddy 25—A Celebration of Life, Hope and Possibilities” at Philadelphia's Academy of Music. It was a fund raiser for his Alliance, and it marked 25 years since the accident.

Then, at last, came retirement. This past year, Teddy Pendergrass faced a battle with colon cancer that his great heart and courage could not overcome.

Teddy Pendergrass loved life and would light up any room with his million dollar smile. He loved his family and held them close to his heart. This love was evidenced in the way that he encouraged family and friends to share private moments with him. He and his wife Joan enjoyed spending every possible moment together; laughter was a tremendous part of their life. Their love for each other was ordained by God and they became one in marriage. Teddy returned to the Lord Jesus Christ and together they joined the Enon Tabernacle Baptist Church.

Teddy leaves to cherish his memory, his loving wife, Joan Pendergrass, his devoted mother, Ida Pendergrass, his children, Teddy II (daughter-in-law, Felicia), Tishia (son-in-law, Cedric) and LaDonna; stepdaughters Sherilla Lestrade and Jessica Avila; grandchildren, Montaurius Drane, Desaray Drane, Teddy Pendergrass III, Alana Nida Sky Pendergrass, Jasmine Lestrade, Gabriel Gomes and Jeremiah Sanford. In addition to his immediate family, Teddy will be dearly missed by his godchildren, family and friends; especially, his cousins, Jerry and Francina Pendergrass, George Mouzon, Pee Wee Mosley and Neverland Dent; his special family; Joyce Canderlero, Edwin Dereese Canderlero, Antonio Canderlero, Keya Perinchief, Kylied Perinchief, Lori Edmonds, Paya Williams, “second Mom” Louise Hollerway, his manager's Danny Markus, Shep Gordon and Allan Strahi and longtime friend, Henry Evans.

It is at Enon Tabernacle, one of Philadelphia's great churches, that a Celebration of Life will be conducted on Saturday, January 23, at 10 a.m. Teddy Pendergrass lived a life worthy of celebration at every level. His music lives on. His spirit lives on. His fierce determination and zest for life endures. This is how we know him, by now.

**RECOGNIZING DEPUTY CURTIS  
CEPHAS FOR RECEIVING THE  
MEDAL OF VALOR**

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Deputy Curtis Cephas

of the Escambia County Sheriff's Department upon receiving the Medal of Valor, the department's highest honor. Deputy Cephas risked his life in service to the community, and I am proud to recognize his selfless act of heroism.

On July 3, 2009, while off-duty, Deputy Cephas was informed by a local citizen that a nearby house was on fire. Deputy Cephas ran to the house, noticed smoke pouring from inside, and began searching the home to determine if anyone was inside. After discovering that the home's occupant was inside and unable to escape the fire, Deputy Cephas proceeded to enter the burning house and found the resident inside and immobile. He succeeded in pulling the man outside and safely away from the fire.

For his courage and bravery at extreme risk to his own life, Deputy Cephas is being awarded the Medal of Valor, the highest award of the Escambia County Sheriff's Department.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Deputy Curtis Cephas for going above and beyond the call of duty. He is a hero to the community and a true public servant. My wife Vicki and I wish Deputy Cephas and his family all the best for the future.

RECOGNIZING CAPTAIN JOSEPH A. IANNITTI—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home state of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to our country. Scottsdale Healthcare has recognized Captain Joseph A. Iannitti for the month of January.

I commend Scottsdale Healthcare for paying tribute to such an exceptional service member for his bravery and service to our country.

Captain Joseph A. Iannitti is the son of Susan Iannitti who has worked for Scottsdale Healthcare for 23 years and is currently the Supervisor of Registration.

Captain Iannitti has served in the Army for nine years and is currently the Executive Officer for the 286th Signal Company, 11th Air Defense Artillery Brigade at Fort Bliss, Texas. Next month, he will deploy to Kuwait where he will be serving a one year tour of duty as a Communications Officer for the 3rd Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade.

During his service Joseph has received numerous awards, all of which serve as a tribute to his honorable character. He was awarded two commendation medals, an achievement medal, good conduct medal, national defense service medal, reserve mobilization medal and a global war of terrorism service medal.

Madam Speaker, please join me in recognizing this courageous service member for his outstanding contributions and service to our country.

### HIGHPOINT'S GUERRA HONORED WITH STATE LAWN CARE AWARD

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. RYAN of Ohio. Madam Speaker, the Ohio Lawn Care Association recently announced Christopher Guerra, of Highpoint Lawn Service in Stow, as the recipient of its first-ever Ohio Lawn Care Applicator of the Year Award. The new annual award recognized Guerra for his dedication to customer service and 7 years of work experience at Highpoint. He was presented a plaque by OLCA Publicity Committee Chair, Rob Palmer, Weed Pro, Ltd. at the OLCA annual meeting Dec. 8 during the Ohio Turfgrass Conference & Show.

Guerra was selected from five finalists including: Matt Dixon, Buckeye Ecocare; Fred Hoyt, Custom Lawns; Matt Netzley, Fitzwater Tree & Lawn Care; and Dan Paolini, Weed Man Lake County.

Guerra was nominated by Highpoint President John Prusa, who commended Guerra for his productivity and personal, caring service to a loyal customer base while completing his education and earning a degree from the University of Akron. Several complimentary letters from customers accompanied his nomination.

The Ohio Lawn Care Applicator of the Year Award, sponsored by Dow AgroSciences, is a new award to be presented annually by OLCA. To apply, one had to be a member company of the association and could only be nominated by a company owner, manager or supervisor. Nominees were required to have a state of Ohio applicators license with a minimum of two years experience.

OLCA represents nearly 500 professional lawn care companies throughout Ohio, and is committed to promoting and protecting the lawn care industry in Ohio. For more information about OLCA or the Applicator of the Year Award, call 800-510-5296; email info@OhioLawnCare.org; or visit www.OhioLawnCare.org.

### INITIATIVE TO WIPE OUT CREDIT CARD FRAUD

### HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. ROHRBACHER. Madam Speaker, I rise to speak briefly about an initiative by MagTek, a company from California's 46th District, which I represent. This initiative is aimed at eliminating credit card fraud which funds gangs, crime syndicates and global terrorist organizations, including Al Qaeda. I would include in the RECORD a short excerpt from a speech describing the initiative, and I ask all of my colleagues and the American people to join us in wiping out credit card fraud.

### EXCERPT FROM A SPEECH TO THE FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) PAYMENT SECURITY CONFERENCE

(By MagTek Chief Security Officer Tom Patterson)

Billions of dollars are being stolen every year from thousands of banks, hundreds of thousands of merchants, and millions of consumers—and it's being used to fund gang activity, organized crime, and terrorist plots. And it's got to stop.

Our identities and credit card information are being stolen across America, by waiters and waitresses in our restaurants, by clerks at our stores, and even our ATM machines and gas pumps. In fact, every time we hand over our credit or debit card, Americans are taking a risk that our critical information could be stolen. Last year, over \$4 billion dollars was stolen from us with these methods and others like them, and many of these thefts are being perpetrated by people and machines that have been co-opted by criminal gangs.

Gangs in America, like the "Bloods" and the "Crips", have now moved aggressively into the counterfeit card business, providing the devices (called skimmers), and paying out \$20 for every card number stolen. In fact, counterfeit card fraud is now the third largest revenue source for many of our largest gangs, moving ahead of extortion. They make their money by selling blocks of these freshly stolen identities up-stream, to foreign organized crime.

A 2009 United Nations report has identified Russian organized crime as the world's largest source of counterfeit card fraud, just ahead of the Chinese triad gangs. The largest of these, known as the Russian Business Network, is well known for purchasing these aggregated lists of identities and card numbers, combining them with near-perfect looking fake cards and then selling them on under-world-sponsored auction sites to the highest bidder.

One of the largest bidders for these counterfeit cards this past decade has been Al Qaeda, who repeatedly purchases them for use in funding their terror plots around the world. The horrific bombing in the nightclub in Bali, which killed 202 people, was funded in large part by recently skimmed cards. A captured Al Qaeda handbook describes in great detail how to fund their plots, including the transliteration "obtain credit card numbers and use them to fund the struggle."

The security of our citizens should be paramount, especially in light of its negative effects on merchants and banks, and its role in funding of US gang violence, transnational organized crime, and global terrorism. It's time for our financial services industry to put a stop to this, by working together to allow merchants to tell the difference between our real cards, and these fakes that are plaguing our way of life.

It's now possible for banks and merchants to easily and economically completely eliminate counterfeit cards from our world, and they can do it today. By adding a simple "card authentication" check to the credit and debit process, which works with the same 3 billion cards we already have in our wallets and the same "swipe" that we've come to trust over 10 trillion times per year, we will allow our retailers to simply decline counterfeit card charges and thus wipe out counterfeit card fraud around the world.

All it takes to make this a reality is for the banks, processors, and merchants to agree to share the "magnetic fingerprint" inherent in the magnetic stripe of every card we use, and rather than arguing over costs

we can be sharing the savings that come to all of us by saving billions of dollars of fraud every year. Already, we have the initial commitments to register the first 100 million cards, and make this check available to the first 250,000 merchants. But we need the rest of the players to take this step.

I am here today to urge you to join the coalition to wipe out counterfeit card fraud ([www.NoCardFraud.com](http://www.NoCardFraud.com)), and to do your part in protecting the identities of millions of Americans, improving the financial health of millions of retail stores and banks, shutting down a key criminal activity of gangs and organized crime, and disrupting the funding of global terrorists.

#### A TRIBUTE TO GRAYSON COUNTY, KENTUCKY

##### HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a great place in the Commonwealth of Kentucky—Grayson County. On Monday, January 25, 2010, Grayson County will celebrate its 200th birthday.

The county was established in 1810 as the 54th county in Kentucky. It was named after Colonel William Grayson, a Virginian statesman and Revolutionary War aide to General George Washington.

Col. Grayson once owned over 5,000 acres, which included the western end of Grayson County. As the story goes, Washington purchased the land from Henry Lee, the father of Robert E. Lee, by trading his favorite horse.

Grayson County includes many great attractions, offering individuals a great place to visit and live. Grayson County's Twin Lakes and the Rough River State Resort Park offers countless recreational opportunities, including swimming, nature trails, boating, tennis, and go-cart racing as well as campsites and lodging.

I am proud to represent the citizens of Grayson County and they should be celebrated for their contributions to making Kentucky such a wonderful place. Madam Speaker, I ask my colleagues to join me in honoring Grayson County and congratulating them on 200 amazing years.

#### HONORING MS. KRISTEN JARBOE FOR EXCELLENCE IN TEACHING

##### HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. CHANDLER. Madam Speaker, I rise today to recognize an exemplary resident of Kentucky's Sixth Congressional District, Ms. Kristen Jarboe. Ms. Jarboe, a teacher at Elkhorn Elementary School in Frankfort, has been named as a winner of the Presidential Award for Excellence in Mathematics and Science teaching. This prize, awarded on behalf of the White House's Office of Science and Technology Policy, is a very high honor, and I am proud today to recognize the accomplishments

of this exceptional educator in the U.S. Congress.

Her teaching methods emphasize individual attention and small classes so that struggling students are brought up to speed and not left behind. She is recognized as a leader not only among her students, but among the school as a whole, organizing after-school programs such as Family Math Night and creating a school-wide math test for primary through second grades. Her work does not end once students leave her classroom at the end of the year, as she strives to instill a desire to learn in each of her students, and motivates them to become lifelong learners.

Madam Speaker, I believe teaching is one of the most important jobs in our nation and is often underappreciated. Ms. Jarboe's devotion to her work and her students is certainly deserving of this great award and recognition, and with people like her teaching our young people, I am excited for our future generation of leaders.

#### HONORING THE UNBORN

##### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HENSARLING. Madam Speaker, I need not tell you that tomorrow millions of Americans will reflect upon the Supreme Court decision, *Roe v. Wade*. Some Americans will celebrate. Many others will mourn. I will mourn that decision.

I know this question represents one of the great political fault lines in America today and that many of my countrymen and women feel quite differently than I do. But I believe in my heart and in my head that there is no more fundamental right that we have than the right to life. It is enshrined in our founding documents. Our Creator brought us into this world with certain unalienable rights, including the right to life.

I can come to no other conclusion in my heart and in my head that life begins at conception. I cannot understand my countrymen who come to different conclusions. I do not hate these people, nor do I disparage them, but I have great sadness about what has occurred because of their beliefs: that millions of our countrymen are not here today to take that first breath, to take that first walk, to go into that first dance recital, to hit that first baseball, to put together that first "Two plus two equals four. I did it, daddy." Millions and millions of our fellow countrymen will never experience that moment because of what I believe to be a very wrongheaded and a very unconstitutional decision made many, many years ago.

And so, a battle continues in this great body as a battle continues all across our land. It's not just a battle to change laws. It is a battle to change the hearts and minds of our countrymen. It is something that I take as an article of faith. But, if there is any parent in this body who has seen that sonogram when your baby is just weeks old, to see that beating heart, to see those little fingers, to see those little toes, and know that you have this great privilege that God Almighty has entrusted you with this

gift to nurture this life, how you see that and turn your back on it is beyond me, it is absolutely beyond me.

I wish I knew what I could say to reach out to my fellow citizens and try to convince them to treasure human life and to understand how precious it is. And often when we hear in the debate in this institution that we ought to do something for the least of these, truly unborn life is the least of these. Let us recognize it. Let us hold it precious. Let us live up to our constitutional responsibilities and let us live up to our responsibilities from the Creator and grant our fellow citizens that precious right to life.

There is much work to be done. I see a day, which may not be in my life, but maybe in the life of my children and maybe in the life of my grandchildren, should I be blessed with any, that one day all Americans will somehow lock arms and lock hearts and decide that they will protect and defend that unalienable right to life.

#### TESTIMONY ON THE 37TH ANNUAL MARCH FOR LIFE

##### HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. BROWN of South Carolina. Madam Speaker, I rise today in support of the 37th Annual March for Life. On Friday, thousands of people from around the country will gather in Washington, DC to rally against the Supreme Court's 1973 *Roe v. Wade* decision.

I have always been a pro-life advocate and throughout my years in Congress have earned a 100% pro-life voting record. I believe every human being has the right to life and that every life should be preserved and protected.

This year it is even more important to bring attention to the unethical principles of abortion as Democrats in Congress continue to discuss the possibility of taxpayer funded abortions in their attempt to create a government takeover of our healthcare system.

I applaud those who made the trip to Washington to participate in the March for Life and I assure you that I will continue to fight for the rights of the unborn.

#### HONORING BILL JELLISON

##### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. MORAN of Kansas. Madam Speaker, I rise today in memory of Bill Jellison—a lifelong Kansan, a revered educator, and my friend. Bill passed away in April of last year at the age of 82, but he will always be remembered for his nearly three decades of service to Fort Hays State University and for his optimism despite adversity.

A native of Lincoln, Kansas, Bill attended Fort Hays State University and received degrees in 1951 and 1952. Following graduation, he taught high school in southwest Kansas

along with his wife, Margaret. In 1960, Bill returned to Fort Hays for what was to become a 28-year career. Bill would serve as dean of men, dean of students, and vice president of student affairs. He retired in 1988.

Bill had two passions in life: helping others and the outdoors. During his tenure at Fort Hays, Bill enjoyed assisting students, particularly those from small towns and rural areas. He dedicated his career to ensuring that students achieved success, assisting in any way possible.

In his spare time, Bill loved to hunt and fish with his buddies and inspired others to share in this interest. One of the boys he inspired to hunt was Randy Wood, who is now a columnist for the hunting magazine *Horizontal Bowhunter*. Randy's father was Bill's friend and hunting buddy, as was Randy once he became old enough to hunt. After Bill's passing, Randy wrote a heartfelt tribute, describing Bill as a "big man who loved to talk and always had a smile on his face. The sound of his laughter would fill the room."

In 1994, Bill tragically suffered a severe stroke that left him disabled. Though wheelchair bound and no longer able to walk the fields for pheasants, Bill remained optimistic. He kept a bright outlook on life and continued to care about others. After a 15-year struggle, Bill passed away last spring. For those of us blessed to have known him, let us be thankful that God places men like Bill Jellison in our lives. May we always remember and honor him.

#### HONORING CHESTER GRAVES

##### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. DUNCAN. Madam Speaker, I wish today to honor a businessman and beloved community leader in one of my District's most close-knit communities.

Chester Graves recently retired from the pharmaceutical business following a remarkable 60-year career. Chester told his local newspaper, *The Daily Times* in Maryville, Tennessee, that he did not have one bad memory of his years as a pharmacist, and his favorite part of the job was simply helping people.

Like many of his generation, Chester served admirably in World War II. He then returned home to build a business based on the concept of people and personal service.

Chester did not fully retire until recently, instead choosing to continue to work several days a week at the Lowe's Drug Store in Maryville up until his 90th birthday.

Madam Speaker, I would like to congratulate Chester Graves on his well-deserved retirement and bring to the attention of my Colleagues and other readers of the *RECORD* a tribute to Chester that appeared in *The Daily Times* on December 14, 2009, which is reprinted below.

#### MARYVILLE PHARMACIST RETIRES AFTER 60-YEAR CAREER

(By J.J. Kindred)

After more than 60 years in the pharmaceutical business, you would think Chester

Graves would have at least one negative thing that happened in his career.

Not a chance.

Graves retired last month after a career that spanned more than half of a century. Reportedly he is the longest-serving pharmacist in the State of Tennessee.

He has his wife's uncle to thank for jump-starting his career.

"He had a drug store, and he said if I would go into pharmacy, he would let me come into business with him," said Graves, who will turn 90 next month. "They opened up a new Baptist Hospital in Knoxville and he became a chief pharmacist and he sold his drug store."

A McMinn County native, Graves spent more than four years in the military, serving during World War II. He went to pharmacy school at the University of Tennessee at Memphis and worked for the former Cole Drug Store (which became Revco, then bought out by CVS).

He spent several years in Greeneville, working for Ciba, (Chemical Industries Basel) for 37 years in sales before it merged with Novartis, in 1997.

He won the Tennessee Pharmacy Association's Lubin Sales Representative Award in 1984.

For 13 years, Graves worked for Lowe's Drug Store in Maryville in its nursing home division two or more days a week until his retirement.

He originally wanted to attend college to major in chemical engineering until the pharmaceutical opportunity came along.

"I didn't need to be changing (career choices) around all the time," Graves said.

He said with his work at Ciba, which is based in Switzerland, he traveled frequently with the company all over the country.

So what does Graves attribute his long career to?

"I never did drink or smoke," he said with a laugh. "The good Lord has been good to me, and (Lowe's) was exceptionally good to me. I only worked two days a week, but if somebody went on vacation and they needed me, they would call me."

Graves said the best thing about being a pharmacist was that "you help people. A lot of people come in and talk to a pharmacist before they go see a doctor. It's a good profession. What I did over (at Lowe's), they service a lot of nursing homes. We had technicians fill orders and make sure (customers) have the right orders."

The pharmaceutical business has changed frequently over the years, Graves said.

"Pharmacists don't talk much with the patients like they used to," he said. "I didn't talk to customers much—I worked back in the back. The only people back there were the technicians and me. If there was somebody I knew I would go and talk to them."

"I would still be working if I could—I need the money," Graves added with a laugh.

He said he would miss the contact with people he worked with at Lowe's. "They are very nice people," he said.

Graves added that he would want his legacy to state that he helped a lot of people.

"I would hope that I helped a lot of them," he said. "I worked as manufacturer and worked heavily with doctors and druggists. I had a good repertoire. There would be a new drug that would come out and I would tell them what I had been told about the drug."

Steve Myers, co-owner of Lowe's, described Graves as a "professional person. He never became angry and he never met a stranger. He was just very goodhearted, he worked hard, and just a person everybody liked. The

biggest thing I will miss about him is his friendship."

Now that Graves is retired, what will he do now?

"Rake leaves," he said with a laugh.

#### HONORING THE MORRISTOWN CLUB OF MORRIS COUNTY, NEW JERSEY, ON ITS 125TH ANNIVERSARY

##### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor The Morristown Club of Morris County, New Jersey, which is celebrating its 125th Anniversary Year.

The Morristown Club was organized in December 1884, in response to an invitation sent to a list of residents who lived in the area and were deserving of a social meeting place.

From 1889 to 1929, The Morristown Club was located at 126 South Street. Members of the Club were prominent in the community and many members served in World Wars I and II. In 1928, the Club members purchased a new building at 27 Elm Street where the club still resides today.

In September 1983, the Club admitted women to membership and elected as its first women members, Congresswoman Millicent Fenwick and State Assemblywoman Josephine Margetts.

The club continues to provide luncheons and regular dinners with speakers and various programs. The Club has also made considerable investments in interior and exterior restorations in keeping with the historic character of the building and neighborhood.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of The Morristown Club as they celebrate 125 years in our community.

#### HEALTHCARE DEBATE

##### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. DUNCAN. Madam Speaker, I hope that everyone who is concerned about the current healthcare debate will read the following two insertions that I would like to call to the attention of my colleagues and other readers of the *RECORD*.

First, this letter from Dr. Douglas MacKenzie, a surgeon from Santa Barbara, California.

Second, this article from Investor's Business Daily by Tevi Troy, a Fellow at Hudson Institute, and former Deputy Secretary of Health and Human Services, and Jeffery Anderson, a Senior Fellow in healthcare studies at Pacific Research Institute.

#### HOW TO SOLVE HEALTHCARE ACCOUNTABILITY

"Decades of data confirm the simple truth: If we want to lower health costs, we need to put consumers back in charge.

"Many people now feel like second-class citizens when they enter the doctor's office.

That's because everyone in the office knows that the patient isn't really the payer—the patient doesn't hold the purse strings.

"The greater the percentage of medical costs that patients pay to their insurance company in premiums, the more insurers are in charge.

"The greater the percentage that patients instead pay directly to their doctor out-of-pocket, the patients are in charge.

"Whether it's television, computers or Lasik eye surgery, when consumers are in charge, prices stay in check. In 1970, consumers paid for 62% for all privately purchased healthcare out-of-pocket. Today, that percentage is just 26%.

"Consumers are paying less directly to doctors, but they're paying four times as much overall—to insurers or the IRS.

"Only two basic ways exist to cut costs: putting consumers in charge and letting them pursue value; putting the government in charge and letting it ration care.

"So, how do we put consumers back in charge? First, we need to reject the current bills in Congress, which would restrict consumer choice substantially. Then we need to empower consumers in three key ways:

1. End the unfair tax on the uninsured. We should give tax credits to individuals and families that are uninsured or self-insured, thereby putting them on the same ground as those with employer-sponsored insurance.

2. Make it easier for consumers to see prices.

3. Encourage consumer-driven insurance models to give consumers skin in the game.

Intel offers a plan in which it pays all insurance premiums, while its employees pay all health costs up to an annual deductible of about \$2,500 for families—with certain preventive care provided for free.

"Intel employees deposit part of their income into a health savings account tax-free, just like any income that's used to pay for insurance premiums is tax-free.

"These consumers have a stronger incentive to shop for value—as everything they spend up to \$2,500 comes from their own pockets, and everything they save is theirs to keep. Whole Foods offers a comparable plan.

"Across nearly 40 years, the costs of government-run medical care have risen far more, per patient, than the costs of privately purchased care. As consumers' opportunities and incentives to pursue value have diminished, costs have skyrocketed."

Source: Tevi Troy (2007–09 Deputy Secretary of Health and Human Services and now a Fellow at Hudson Institute) and Jeffrey Anderson (Senior Fellow in healthcare studies at Pacific Research Institute), *Investor's Business Daily*.

#### GOVERNMENT IS THE CAUSE OF HEALTHCARE PROBLEMS—NOT THE SOLUTION

"I would submit that we do not have a healthcare problem in this country, but we do most definitely have a government problem in this country."

"Our healthcare system is a mess, but few understand why, and most tacitly accept the notion that government can or must provide the solutions. But it needs to be recognized that government encroachment into healthcare over the decades was the key ingredient in creating the bureaucratic, inefficient morass that is our current system.

"The logical answer, once this is appreciated, is not to allow the government to fix what it broke in the first place! The answer is to strive to do everything possible toward the goal of getting government out of healthcare completely. This means less regu-

lation, not more. This means less government/corporate cooperation (collusion), not more. Lobbying for regulations favorable to one group over another is a toxic concept, based on the immorality of the method itself. Yes, I know that this is the 'way government works' nowadays, and I hear the arguments that we need to have a 'seat at the table,' but that doesn't make it any less wrong"

#### "HEALTHCARE IS NOT A RIGHT"

"We have gotten to the point where we are ready to hand over the last bit of control of our healthcare system to government bureaucrats. . . . Is it really so shocking to ask the question: 'Why is the government involved in my healthcare at all?' Maybe it's shocking to some state 'Healthcare is not a right.' But it's only shocking to someone with no understanding of natural law, rights versus privileges, or why a socialistic system, healthcare or otherwise, is profoundly immoral. The wealthy will always find a way to skirt such a system while the shrinking middle class pays for it, and the poor, the ones the system claims to benefit, suffer the most. . . .

#### ADVICE TO ORGANIZED DOCTORS

Recommend to your members that if they are one of the 17% of American physicians that remain members of the AMA, get out. Let's make it even clearer that the AMA doesn't represent American physicians and exists solely to feed off its lucrative CPT franchise (merely one example of corporate/government collusion which poisons the system and raises costs).

Learn what's really going on with healthcare in America. A good place to start is the Association of American Physicians and Surgeons and its special project website, [www.takebackmedicine.com](http://www.takebackmedicine.com).

Opt out of Medicare immediately. Continue to care for seniors, as most physician who have opted out do, through private contracts with reasonable fees. Refuse to be part of a corrupt and inefficient bureaucracy that threatens its physicians with draconian punishments and fines while paying them a pittance for the privilege. Imagine the signal that would send if a large organization of physicians like yours had the backbone to recommend this. It would force Reid and Pelosi to tender the idea of forced physician labor. That would likely wake up physicians, indeed the whole of the American people, to just how much power the government craves.

It is only a true free market in healthcare which will lower costs for all patients, increase availability of care, and spur innovation. Most, unfortunately, have no idea what a true free market looks like. It's not what we have now, and certainly not what is on the horizon.

Sincerely,

DOUGLAS J. MACKENZIE, M.D., F.A.C.S.

#### HONORING THE MARTIN LUTHER KING OBSERVANCE COMMITTEE OF MORRISTOWN, NEW JERSEY

##### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, New Jersey in my congressional district, which this year is celebrating its 40th anniversary.

Since 1970, the Committee, has been dedicated to promoting the rich legacy of the life and works of the Reverend Dr. Martin Luther King, Jr. with the involvement of the Morris County community in its annual commemorative services.

The observance for 2010 marks the 25th year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to join with the committee in sponsoring services on Monday, January 18, 2010.

This year's theme "King's Dream: America, Fight Hate with Love," is the true embodiment of Dr. King's philosophy and teachings. From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts have broadened to include members of the Morris Area Clergy Council, with representatives from all major faiths. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack" Harris, Reginald and Emanuella Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and the Rev. Charles Marks.

The core planning committee is continuing to carry on the tradition of excellence for this great program and has grown to include many dedicated volunteers. Some of those individuals include Nadine Alston, Dr. Judy L. Banks, Pastor Alfonso Sherald, Reverend Leon Sims, Minister Dr. David Hollowell, Reverend Robert C. Rogers, Deacon Henry Lee, George Lovelless, Leonard Posey, James Mack, Janet Bonar, Patricia Johnson, Esq., Mae Williams, Elie Sims, Rabbi Donald Rossoff, James Vance, Minister Marian Sykes Johnson, and the Reverend Dr. Jerry M. Carter, Jr.

Madam Speaker, I am quite certain that the Martin Luther King Observance Committee will continue in the years ahead to promote the cause of equality and opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown, especially the chairwoman, Dr. Felicia Jamison, as they celebrate 40 dedicated years of serving our community.

#### ESPIONAGE TRIAL AGAINST SEVEN LEADERS OF THE IRANIAN BAHAI COMMUNITY

##### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. WOLF. Madam Speaker, Monday's Washington Post featured a story about seven leaders of the Baha'i community who are facing "trial behind closed doors in Tehran."

The U.S. Commission on International Religious Freedom rightly called the trial a "sham." The U.S. State Department issued a statement strongly condemning the Iranian government's decision to commence the espionage trial against seven leaders of the Iranian Baha'i community: Mrs. Fariba

Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Mahid Tizfahm, and Mrs. Mahvash Sabet.

After 20 months in prison these individuals finally had their first court appearance on January 12. According to the Baha'i International Community, Iranian authorities have notified the lawyers of seven imprisoned Baha'i leaders that the next session of their trial will be held on February 7.

They spent their first year in prison without formal charges or access to lawyers, in violation of Iranian law. And now, the stakes are getting even higher for members of this minority faith.

A recent state-sponsored media campaign levied false accusations against the Baha'is claiming this religious group incited the latest protests in the Iran. This is a regime that is scared of its own people and desperately looking to redirect public discontent.

Sadly, we should not be surprised by these actions. The government of Iran's gross violations of religious freedom are well-documented and long-standing including the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship and the violent arrest and harassment of members of the Baha'i faith.

The U.S. must continue to work with our partners to speak with one voice about inexcusable human rights violations that are occurring in Iran. We must continue to speak out for due process and a fair trial for these seven Baha'i leaders.

The world cannot turn a blind eye to this regime's persecution of its own people.

# INAUGURAL SPEECH OF GOVERNOR ROBERT F. McDONNELL

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. WOLF. Madam Speaker, I rise today to share with our colleagues the speech new Virginia Governor Robert F. McDonnell gave at his inauguration in Richmond on January 16. I was moved by his speech, "A Commonwealth of Opportunity," and believe the message is relevant to all Americans.

I submit for the RECORD the governor's speech:

INAUGURAL ADDRESS OF GOVERNOR ROBERT F. McDONNELL

### "A COMMONWEALTH OF OPPORTUNITY"

Thank you. Mr. Speaker, Lt. Governor Bolling, Attorney General Cuccinelli, members of the General Assembly, distinguished guests from around the world and across the country, family and friends, my fellow Virginians, good afternoon!

We gather today on the steps of our magnificent and newly renovated State Capitol.

From this hill the land rolls gently down to the James River, the waterway of the settlers in 1607.

From this place, the sweep of history has moved us forward to today.

This is the cradle of democracy for Virginia and America.

Governor Thomas Jefferson designed this Capitol building.

Governor Patrick Henry came here for the laying of its cornerstone.

I am humbled today to follow in their historic footsteps.

The General Assembly first convened in this new building during the first term of America's first President, Virginia's George Washington.

Behind me, in the Rotunda, are the busts of the eight Virginians who became President.

It was here that Robert E. Lee, the son of a Virginia Governor, was commissioned as Commander of the Commonwealth's military forces as a young nation split into war.

It was here, just four years later, that President Abraham Lincoln came to begin the process of reuniting our war-torn nation, walking the streets of still smoldering Richmond.

And it was here, 125 years after Lincoln's visit that a grandson of slaves, L. Douglas Wilder, took the Oath of Office as the nation's first African-American Governor.

And it is here, today, that an average middle class kid from Fairfax County, a grandson of Irish immigrants, is given the enormous honor of becoming the 71st Governor of Virginia.

As it turns out, I succeed another descendant of Irish immigrants, Governor Timothy Kaine.

On behalf of the grateful people of Virginia, I thank Governor Kaine for his leadership and service to our Commonwealth.

Today's Virginia is a thriving and diverse home of nearly 8 million people, with one in ten born outside the United States.

A state of rich history and strong people, we do face many challenges together.

We do not face the challenges of forming a new government or securing a young nation, as did Washington, Jefferson and Henry.

We do not encounter the devastation and destruction of Civil War, as did Lincoln and Lee.

We do not struggle with the injustice of slavery and its legacy of segregation as did Governor Wilder as a young man.

We do not march into bullets and artillery shells, as did the Greatest Generation on the beaches of Normandy and the islands of the Pacific. Two members of that generation, who served in World War II, my father Jack McDonnell and my father-in-law Frank Gardner, join us here today.

On behalf of a grateful Commonwealth I thank them, and all military members and veterans, for their incredible sacrifice and service to our nation that continues today.

The actions of those patriots that came before us had a common purpose—to create and expand freedom and opportunity for the generations that came behind them.

The creation of, and desire for, new opportunity has shaped Virginia from its foundation.

It was in seeking the Opportunity of a New World that Captain John Smith and 104 settlers braved the perilous Atlantic to step onto the sands of Cape Henry in April 1607.

It was in securing the Opportunity of a New Nation that Virginia patriots joined together with their fellow colonists in the first fight for freedom and independence, and thus was born a country of ordered liberty that, 234 years later, is the beacon of hope for the world.

It was in seizing the Opportunity of equality and education that a courageous 16 year-old girl named Barbara Johns, memorialized behind this majestic Capitol at the Virginia Civil Rights Memorial, stood up and walked out of Moton High School in Farmville 59 years ago this spring.

New opportunity helped them meet the challenges of their time.

Greater opportunity will help us meet the challenges of ours.

Together we must create jobs and economic opportunities.

Provide new educational opportunities for all Virginians.

And enhance family and community opportunities by easing government burdens on free people.

As Virginians, we believe that government must help foster a society in which all our people can use their God-given talents in liberty to pursue the American Dream.

Where opportunity is absent, we must create it. Where opportunity is limited, we must expand it. Where opportunity is unequal, we must make it open to everyone.

Our Administration will be dedicated to building "A Commonwealth of Opportunity" for all Virginians.

It starts with restoring economic opportunity to Virginians in every corner of our Commonwealth.

Tens of thousands of our family members, friends and neighbors have lost their jobs.

Thousands more worry they could be next.

As we confront the worst economy in generations, the creation of new job opportunities for all our citizens is the obligation of our time, so all Virginians who seek a good job can find meaningful work and the dignity that comes with it.

Virginia has received high rankings over the years for being a business-friendly state.

Those rankings speak well of our past. They do not determine our future.

Competition for jobs is intense among the states, and between nations. States are aggressively positioning themselves to best appeal to job creators and entrepreneurs.

We must make this the best state in which to start and grow a small business.

It is why we will reduce burdensome taxation and regulation that impede job-creation.

And, it is why, even in these tough times, we will have the foresight to invest today in ideas and policies that increase economic prosperity tomorrow.

This economic crisis has touched every Virginian.

Declining home values and diminished retirement accounts have wiped away in just a few months the accumulated savings of many years.

As jobs are lost and consumer confidence remains low, state revenues have declined, and an historic budget shortfall has stretched into the billions. Thus, like so many households and businesses across the Commonwealth, state government needs to devise new ways to operate and find savings.

This austerity won't be easy, but it is necessary. The circumstances of our time demand that we reconsider and restore the proper role of government. Without reform the continued growth of government threatens our very prosperity.

We must properly fund the core priorities of government, but—equally important—we must utilize innovation, privatization, and consolidations to deliver government services more effectively.

And as we enact these reforms we must remember this: that government cannot guarantee individual outcomes, but equality of opportunity must be guaranteed for all.

All Virginians must have the same fundamental opportunities to work hard, live free and succeed.

Access to a quality education is the foundation of future opportunity. My Dad



stressed to me as a child that to get a good job, you need a good education. It was true then and even more true today.

Virginians are blessed with many great schools with dedicated, professional teachers like my sister Nancy in Amherst, who work tirelessly to mold the minds and character of the next generation.

To compete in this global economy every young Virginian must have the opportunity of a world-class education from pre-school to college.

A child's future prospects should be as unlimited as his intelligence, integrity and work ethic can take him. No child in Virginia should have her future determined by her place of birth or zip code.

We will work with President Obama to expand high-quality charter schools and institute performance pay to our great teachers.

More money must go to the classroom and less into administration, and new opportunities in science, technology, engineering, math and healthcare must be created through our schools and colleges.

And let us recognize that a high school degree is no longer the finish line in a global economy. We must create affordable new pathways to earning a college degree and make a commitment to confer 100,000 additional degrees over the next 15 years. We must make our community colleges national leaders in workforce development and career training.

These are investments that will pay individual and societal dividends for many years to come.

Barbara Johns was willing to risk everything for the simple opportunity of a good education. Surely, sixty years later, we can work together to provide that opportunity to all Virginia children.

Our Administration will demand excellence, reward performance, provide choices and celebrate achievement.

God has bestowed upon our Commonwealth an amazing wealth of natural resources. Virginians have the intellectual capital to use these resources to create new jobs, reduce our energy bills, and make our nation more energy independent.

We will make Virginia the "Energy Capital of the East Coast" by growing the natural gas and coal industries, expanding the use of nuclear power, and promoting new energy technologies like wind, solar and biomass.

And we will champion environmentally safe offshore energy exploration and production, bringing with it thousands of new jobs, hundreds of millions in new state revenue and billions in new investment.

We must also seize the opportunity to improve our transportation system by getting long overdue projects underway, and utilizing innovative ideas to build the roads, bridges, rail and ports we need.

A better transportation system will create new opportunities for Virginians across the state.

These are policies focused on addressing the real problems our people face, and delivering results.

I've had people tell me they fear that America may no longer be the land of opportunity it has always been, and that Virginia's history in playing a leading role in the life of our nation may be just that—history. I say: They are wrong.

Working together—Republicans, Democrats and Independents alike—Virginia will continue to blaze the trail of opportunity and prosperity.

And like the mechanic looking to the owner's manual to troubleshoot the automobile,

we should look to the Founders and their writings for wisdom.

The Founders' capstone on the Constitution is the Bill of Rights. No federal mandate nor program crafted by either political party should undermine the central principle of federalism, enshrined in the birth certificate of America by those who pledged their lives, fortunes and sacred honor.

The Founders recognized that the government closest to the people governs best. More often than not, Richmond knows better about the hopes and dreams of the people than Washington. And Galax and Fairfax and Virginia Beach know far better than Richmond.

As we enthusiastically pursue the vision of "A Commonwealth of Opportunity", I ask all Virginians to continue to seek your own opportunities to get involved in the life of our Commonwealth.

Half a century ago President Kennedy challenged the American people to "ask not what your country can do for you—ask what you can do for your country." Today, I ask all Virginians to rise up to meet this timeless challenge.

We live in the most generous nation on Earth. So many Virginians give sacrificially of their time, talents and treasure, and rightly so. The Scriptures say, "To whom much is given, much will be required."

Right now, much is required in the nation of Haiti. And I urge all Virginians to donate to the relief efforts underway.

Here in our Commonwealth, I urge business owners to look for opportunities to sponsor a little league team, help a charity, and promote corporate responsibility in the communities in which you live and work.

I urge all the leaders of our faith communities to expand your selfless work of helping the homeless, feeding the poor, and comforting the broken hearted.

I urge the young people of Virginia to use your talents and energy to fully engage in the future of this Commonwealth.

I urge Virginians who came here from other lands to contribute your culture, your history and your traditions to our rich tapestry of life.

I urge every Virginian to take every opportunity to thank a man or woman in a law enforcement or military uniform for the preservation of our freedoms.

There is so much each one of us can do to leave this Commonwealth a better place than we found it.

No government program can substitute for the incredible good done through voluntary actions performed freely by caring individuals every day.

And while government can help provide opportunities, it is every person's responsibility to take advantage of them.

In recent weeks I've seen people exercising that responsibility, and changing lives at: the Healing Place in Richmond, the Carpenter's Shelter in Alexandria, Food Banks in Abingdon, Norfolk and Richmond, the Boys and Girls Club in Virginia Beach, the USO in Norfolk.

As a Commonwealth, we must do the same . . . and we will.

Standing here today, on the steps of our State Capitol, in the inspiring shadows of the shared history behind us, we embrace the limitless future opportunities stretching out far before us. . . .

And now it is here, in this place, that we pledge to work together to create "A Commonwealth of Opportunity" . . . for all Virginians, and to add our steps to Virginia's journey.

It was George Washington who noted, in his first Inaugural Address, "The propitious smiles of Heaven can never be expected to remain on a nation that disregards the eternal rules of order and right which Heaven itself has ordained."

It is right to help one another.

It is right to work together to get results and solve problems.

It is right to provide opportunities for all.

Let us heed the words of the Father of our Country, employ these eternal rules of order and right, and get to work for the good of the people of Virginia.

Thank you and God Bless the Commonwealth of Virginia.

# THE FEHBP PRESCRIPTION DRUG INTEGRITY, TRANSPARENCY, AND COST SAVINGS ACT

**HON. STEPHEN F. LYNCH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. LYNCH. Madam Speaker, I don't have to remind you that much of the public policy debate in this country has largely focused on healthcare reform and on how best to tackle rising costs, while ensuring access and quality at the same time. These calls for change in the healthcare policy arena have also been coupled with demands for a more fiscally responsible federal government.

Many policymakers look to the FEHBP as a model for providing health care. That's why it's important to ensure the program is providing the best benefits and at the best price for subscribers. Having conducted a Subcommittee on Federal Workforce, Postal Service and the District of Columbia hearing in June, a September policy forum with key stakeholders, and months of additional research and collaboration, I have discovered that when it comes to prescription drugs, our federal employees and retirees are not receiving the best benefit at the best price. Considering that prescription drug costs comprise nearly 30% of the FEHBP's premiums, it is imperative that we do everything in our power to ensure that federal employees and the taxpayer are getting the best value for their dollar.

In short, the FEHBP health plans contract with Pharmacy Benefit Managers (PBMs) to price and to provide the pharmacy benefit to FEHBP members. In contrast with other federal health programs, the FEHBP does not regulate or negotiate drug pricing for its members. Instead it relies on competition among the various carriers and PBMs to keep prices low. However, as we recently affirmed, prices are not low! In fact, when comparing FEHBP drug prices to those of other federal programs, such as the Veterans Administration, the Department of Defense, Medicare, Medicaid and the Public Health Service's 340B Program, the FEHBP is paying substantially more for its drugs. Even more alarming is that some research actually shows that Costco and drug-store.com offer their employees better prices for drugs than the FEHBP does for federal workers and retirees. In these economically challenging times, it is unacceptable to ask federal employees and the American taxpayer to put up with such an irregularity. If the



FEHBP wants to remain a model for providing health benefits, legislative changes that allow for alternative prescription drug benefit contracting and pricing are in order.

For this reason, I am proud to be introducing legislation today that will afford the Office of Personnel Management (OPM) greater oversight authority in the contracting and pricing of the FEHBP prescription drug benefit. Titled "The FEHBP Prescription Drug Integrity, Transparency, and Cost Savings Act", this bill will prohibit certain ownership relationships; require Pharmacy Benefit Managers (PBMs) to return 99% of all monies received from manufacturers for FEHBP business; cap prices paid by the health plan to the Average Manufacturer Price (AMP); restrict drug switching by PBMs; and require enhanced transparency and disclosure of all contract terms and related information. These requirements intend to not only lower costs of prescription drugs in the FEHBP but to also provide our federal employees with a safer, higher quality prescription drug benefit.

In this day and age, when every effort is being made to reduce federal spending and to find money to fund healthcare reform and other domestic policy priorities, the level of ambiguity around costs and drug prices under the FEHBP is appalling and must change. What we have before us is an issue that can save the taxpayer billions of dollars while at the same time reduce premiums for federal workers and their families. All I ask of my colleagues is for their support in passing this important legislation.

#### HONORING THE OUTSTANDING SERVICE OF THE 354TH EXPEDITIONARY FIGHTER SQUADRON

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor the 354th Expeditionary Fighter Squadron on their recent landmark deployment to Afghanistan in support of Operation Enduring Freedom.

During their recent combat deployment, the 354th distinguished itself as the Air Force's premiere Close Air Support unit by flying more sorties per day, per aircraft, than any other ground-attack unit in the Central Command area.

Over the course of their 6-month tour, the unit flew more than 10,000 flight hours and launched more than 2,500 sorties in support of thousands of troops on the ground and all with only half of their full complement of aircraft.

The Bulldogs spearheaded the integration of the SADL communications system or Situational Awareness Data Link. They were also the first A-10 unit to forward deploy to Kandahar Airfield, closer to the action and closer to the enemy.

In order to remain airborne, the maintenance team worked around the clock to ensure a utilization rate of 210% of the usual domestic operational rate. For the 354th that meant 400 sorties a month.

The dedicated service of the airmen of the 354th Expeditionary Fighter Squadron has un-

doubtedly saved the lives of countless American, Coalition and Afghan ground forces and under the brutal conditions of an unrelenting Afghan winter.

As the first A-10 squadron in theater, the 354th has set the bar very high, but I am confident that their follow-on units will meet that standard.

On behalf of the people of Tucson, I am personally very proud to welcome home the 354th to Davis-Monthan Air Force Base.

#### CBS WINS LAP DOG AWARD

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SMITH of Texas. Madam Speaker, for the second time in a row, CBS is the winner of the Media Fairness Caucus' highly uncoveted "Lap Dog Award" for the week's most glaring example of media bias.

During CBS' coverage of the special election in Massachusetts on Tuesday evening, two hours before the polls closed, political analyst John Dickerson claimed that if Republican candidate SCOTT BROWN won the election, it would "get a lot uglier in Washington."

Brown went on to say that Republicans "feel excited and they see glory in attacking the President."

It's no wonder just 2 in 10 Americans say reporters try to offer unbiased coverage of political campaigns, according to a recent Rasmussen poll.

CBS and the national media should give Americans the facts, not tell them what to think.

#### HUMAN RIGHTS VIOLATIONS IN EGYPT

**HON. ALBIO SIRE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SIRE. Madam Speaker, I rise today to share my concern and outrage over human rights abuses in Egypt.

I rise to ask that the Egyptian Government uphold the rights of all religious communities by ending discrimination and harassment of groups such as the Coptic Christians, and prosecuting those that do such groups harm.

An attack that happened just weeks ago starkly illustrates the need for change in Egypt. On January 6th, 2010, a drive-by shooting killed six Coptic Christians in Nag Hammadi. This deadly attack, carried out the night before the Coptic Christmas, is the most recent in a long history of repression and abuse of Coptic Christians in Egypt.

On January 14th, 2009, the U.S. Assistant Secretary for Democracy, Human Rights, and Labor, Michael Posner, spoke out against this attack. He stressed the need for prosecution and justice in the country. Last October, the Department of State released its 2009 International Religious Freedom Report detailing the widespread and ongoing persecution of

this community. The report also highlights increasing violence and the need for improved investigations.

While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian government has yet to recognize the full significance of the violent act or the overarching issue of intolerance in the country. Violence in the name of the religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling.

Religion is a fundamental freedom that must be upheld and respected around the world, in every nation and in every community. I urge my colleagues in the House to join me in calling for religious freedom and basic rights for all people.

#### TRIBUTE TO THE CITY OF OWASSO, OKLAHOMA

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SULLIVAN. Madam Speaker, today, I rise to recognize the city of Owasso, Oklahoma, in the First Congressional District for receiving an A+ rating in government transparency by the online citizen's watchdog group, Sunshine Review. I congratulate the city of Owasso for receiving this prestigious award and becoming the first city in Oklahoma to receive a perfect grade.

The Sunshine Review is an online resource that monitors government transparency at the local, county, and state levels throughout the country. According to the organization, they seek to make government accountability and records accessible for all citizens and taxpayers to read. In order to assess a city's rating, the Sunshine Review compiles a "transparency checklist", consisting of ten basic sections of accountability. Each section must have proper online access for its constituents to review governmental work, including budgets and contractual information for elected and administrative officials.

I am proud that Owasso became the first city in Oklahoma to receive this distinguished honor. As we work towards accountability and transparency in Congress, Owasso remains a shining example to local and state governments and to what our nation must accomplish as a whole. By receiving a perfect grade, the city of Owasso remains a shining example of a local government taking responsibility to its citizens and taxpayers they represent. All citizens deserve an open forum to see how their government spends their hard-earned, taxpayer dollars.

I firmly believe that an open and honest government is the most effective way to give Americans the transparency they deserve. Owasso's focus on this important issue illustrates their steadfast leadership to promote accountable governance at all levels. I am proud of the city for this great accomplishment.

## KOREAN AMERICAN DAY 2010

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, last week, on January 13, we marked the 107th anniversary of the first Korean immigrants to the United States. From those few Korean individuals who came in 1903 to Hawai'i, then a U.S. territory, the Korean American community has grown to nearly two million people.

For the first few decades of the 20th century, Korean immigration was impeded by U.S. law. Regrettably, until the 1960s, U.S. law refused to admit immigrants from East Asia. Fortunately, as attitudes about race and ethnicity changed and matured in the wake of the civil rights movement, these shameful barriers were removed. America became a land of opportunity not just for Europeans seeking refuge and comfort, but for people from Africa, Asia, and Latin America, as well.

Korean Americans have contributed immeasurably to our society and culture. They have raised families and built successful businesses, strong neighborhoods, active civic associations, churches, and charities. Korean Americans have served in the armed forces, been elected to public office, and been appointed to positions of authority in President Obama's administration.

In my capacity as Chairman of the Subcommittee on Asia, the Pacific, and the Global Environment, I have paid close attention to issues of concern to the Korean American community. With many Korean Americans still having family ties to the Korean Peninsula, they care deeply about the continuing resilience of the U.S.-Korea alliance. When I served in the U.S. Army in Vietnam in the 1960s, I met many Korean soldiers who fought side by side with Americans, just as Americans had fought side-by-side with Koreans in the Korean War a decade and a half earlier.

The close alliance between the United States and the Republic of Korea has included South Korea's important contributions to fighting terrorism around the world and promoting democracy and liberal values. The Republic of Korea has remained a steadfast ally of the United States and ought to be considered America's greatest foreign policy success in the post-World War II era.

It is worth noting today that, later this year, we will be commemorating the 60th anniversary of the outbreak of the Korean War. Veterans of that conflict, both Korean and American, have strong feelings about the U.S.-Korea alliance. I have attended many ceremonies at which Korean War veterans pay tribute to their fallen comrades and share their memories of the battlefield. Many of them have returned to Korea in peacetime to visit the friends they made and—in some cases—the families of their spouses.

Korean War veterans and members of the Korean American community are significant stakeholders in the maturation of the U.S.-Korea alliance, whether that means a security alliance in our mutual effort to denuclearize North Korea, whether it means growth in the

number of Korean students who attend American colleges and universities, or whether it means broader and deeper business and trade ties.

The U.S.-Korea Free Trade Agreement (KORUS FTA), which was signed in June 2007 and awaits ratification and implementation, will bring substantial benefits to both of our countries. The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the KORUS FTA would increase the GDP of the United States by over \$10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

Korea's economy is beginning to recover from the worldwide recession, with a special emphasis on creating "green jobs" and encouraging growth in 21st century industries that look to the future. At the same time, Korea remains a major market for American goods and services, for agricultural products, raw materials, and finished goods.

With growing uncertainty about our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The KORUS FTA stands to further increase U.S. exports to Korea and will generate new jobs for Americans. This agreement will be a triple-win—a win for workers, a win for businesses, and a win for consumers.

Beyond trade, the United States and Korea share similar values and goals. Both countries are democratic republics, both desire peace on the Korean Peninsula and work to assure that nuclear weapons do not proliferate in Northeast Asia, and both want to see economic growth and opportunity throughout the world.

It is in this context that Korea will host and chair a meeting of the G-20 in November 2010. It is a remarkable achievement and one that is emblematic of how far Korea has come considering that 60 years ago, it was a war torn nation. I am confident that Korea will set an ambitious agenda for the G-20 to include how nations can turn to "Low Carbon, Green Growth" sectors to spur economic growth in the aftermath of the global financial crisis.

Last August, I had the privilege of visiting Korea to receive an Honorary Doctorate from Chonbuk National University. I had numerous opportunities to engage in meaningful dialogue with our Korean friends on a host of issues. But above all, I was struck by the kind generosity and hospitality of the Korean people. The same has always been true of our Korean American friends as well.

Madam Speaker, this is why it is my honor to recognize January 13 as Korean American Day pursuant to House Resolution 487, which was passed in 2005 and introduced by my good friend Representative Tom Davis of Virginia. I urge my colleagues to offer their own expressions of support in recognizing the Korean American community and their achievements and the importance of a comprehensive U.S.-Korea alliance in diplomacy, business, and culture.

## TRIBUTE TO ANNE MCMAHON

**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mrs. CAPPS. Madam Speaker, I rise to pay tribute to a former member of my staff and my dear friend, Anne McMahon.

Anne recently passed away after a tough battle with cancer. She leaves behind a wonderful loving family, including husband Peter and sons Jono and Ryan, and a host of friends and admirers across the country.

Anne was one of the first Congressional staffers who my late husband, Walter Capps, hired when he was elected in 1996. She was the anchor of Walter's and, later my, congressional office in San Luis Obispo, California. The consummate professional, she was completely plugged in to the local community and there was no issue or constituency that didn't have Anne's ear or attention.

Among her many talents, Anne was a wonderful writer, having worked as a local journalist for several years before moving to politics, where she worked not just with Walter and me but two county Supervisors as well. She was also a tireless advocate for the environment and worked extensively to preserve our beautiful Central Coast, including protecting Santa Margarita Ranch from development. Eventually her unquenchable love for the natural environment led her to other professional opportunities with The Nature Conservancy and most recently with the California Coastal Commission. She excelled in all these endeavors and brought to all of them her relentless commitment to leaving the world a better place than she found it.

Walter and I both loved Anne for her commitment to public service and tireless devotion to her community. But we also reveled in her vibrant personality, her irreverent and irrepressible wit, and her enthusiastic embrace of all life's joys and sorrows. I know that this healthy outlook on life, along with the endless support from her family and friends, brought her strength during the difficult days of the past year.

Anne touched many lives and inspired all of us. She faced her battle with cancer with the same courage, grace, and sense of humor that guided her throughout her life. Everyone who knew Anne thought the world of her and I know that I am not the only one who is heartbroken by her passing.

My thoughts and prayers are with her friends and family during this difficult time.

RECOGNIZING ALAN SPENCER OF  
MONETT, MISSOURI**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. BLUNT. Madam Speaker, I rise today to honor an educator and coach who has helped mold, inspire and motivate young men and women for almost four decades in southwest Missouri. I am proud to recognize Monett High

School coach and educator, Alan Spencer, upon his retirement at the end of the 2010 school year.

For 35 years, Alan has had a number of considerable coaching accomplishments. However, his higher calling is to teach and instill in young men and women the traits of a strong moral character. He has taught that success in any endeavor is marked by hard work, respect, and dedication in working as a team to accomplish a common goal.

In his retirement letter, Alan demonstrated his philosophy of success as a coach and respected mentor. He wrote, "Our coaches and student/athletes have gained more than just skills and knowledge of the activities they compete and coach in. They have learned about loyalty, accountability, responsibility and trust. They understand that a team cannot be successful without pride in your performance, effort to make yourself and the team better, determination to overcome all obstacles, enthusiasm for the game and respect of your opponents and teammates."

Alan has been head football coach, athletic director, women's track coach and teacher for the Monett Cubs sports program for nine years. During that period, the Cubs football teams have gone 58-36 and won or shared championships in the Big 8 Conference in 2004, 2007 and 2008. Under his nine years of leadership, the women's track team captured Big 8 Conference crowns five times.

Alan's career began as a coach at Neosho High School in 1975. His first head coaching job was at Nevada, Missouri in 1980. From there Alan coached at Springfield Parkview High School, Springfield Central High School and at Rogers, Arkansas before going to Monett in 2002.

Alan has been recognized many times for his hard work for students and teams. This year, he will be inducted into Missouri's Football Coaches Hall of Fame. He was named the 2008-2009 Missouri Interscholastic Athletic Administrators Association's Athletic Director of the Year for the Southwest District. In 2004 and 2008, Alan was named Big 8 Coach of the Year.

Alan plans to spend time in his retirement with his family and friends while enjoying fishing and hunting. I know Coach Spencer will continue to find ways to use his talents as a motivator to inspire other young people to the highest standards of service to their school, their community and their country.

#### ON INTRODUCING THE WILDLIFE AND ZOOLOGICAL VETERINARY MEDICINE ENHANCEMENT ACT OF 2010

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Wildlife and Zoological Veterinary Medicine Enhancement Act of 2010. This legislation will develop affordable opportunities for well qualified individuals who are seeking to become wildlife and zoological veterinarians, spur job growth and promote robust public health policy.

Wildlife and zoo veterinarians are the primary source of essential health care for and management of wild animals in their natural habitat and in captivity. Not only do they preserve natural resources and animal lives, but they help protect human health by preventing, detecting, and responding to exotic and dangerous diseases.

With the intensification of globalization and climate change, along with a growing interface between humans, livestock, and wildlife, the threat posed by emerging infectious diseases to humans and wildlife keeps increasing. Controlling pandemic and large-scale outbreaks of disease has become more problematic. However, the United States faces a shortage of positions for wildlife and zoo veterinarians.

On average, veterinarian graduates owe \$130,000 in student loans. Upon graduation, professionals practicing wildlife and zoological veterinary medicine earn relatively low salaries, compared to companion animal medicine. Lower salaries, combined with high educational debt and the small number of positions available discourage students from becoming wildlife and zoo veterinarians. The number of practical trainings and formal educational programs specializing in wildlife and zoological veterinary medicine are also insufficient to allow graduates to make significant contributions.

My bill will directly address these issues which prevent and dissuade veterinarians from practicing wildlife and zoological medicine. It will participate in the national job creation effort by funding new positions for wildlife and zoo veterinarians and will ensure that veterinary students find jobs upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to study and practice wildlife and zoo veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula specializing in wildlife and zoo veterinary medicine and by expanding the number of practical training programs available to students.

Madam Speaker, we have reached a point in our history when we cannot ignore the importance of protecting America's wildlife. Wild animals are a very important part of our commonly held natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, the introduction of invasive non-native species, and more infectious disease threats, wildlife and zoological veterinarians must be placed at the core of our efforts and be given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America's veterinarians by supporting this important piece of legislation.

HONORING THE SERVICE OF HIS EXCELLENCY ABDULAZIZ KAMILOV, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF UZBEKISTAN TO THE UNITED STATES

**HON. ENI F.H. FALEOMAVEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. FALEOMAVEGA. Madam Speaker, I rise today to honor the distinguished service of my friend, His Excellency Abdulaziz Kamilov, Ambassador Extraordinary and Plenipotentiary of the Republic of Uzbekistan to the United States.

With distinction, Ambassador Kamilov has represented Uzbekistan in the United States for the past seven years. Before he accepted his assignment to come to the United States in 2003, he was a State Advisor to the President of his home country.

Some three years after the collapse of the Soviet Union, Mr. Kamilov became the Minister of Foreign Affairs of Uzbekistan, the highest diplomatic position in the newly-formed Republic. He served in this prestigious post for nine years.

Mr. Kamilov holds a Ph.D. in the History of International Relations and Foreign Policy. He was President of the University of World Economy and Diplomacy for almost a decade.

Ambassador Kamilov spent much of his early career in rigorous study of the Middle East. He held numerous positions in the Middle East Department of the Ministry of Foreign Affairs of the USSR. He is fluent in English and Arabic.

His Excellency Kamilov is an experienced diplomat who understands that the U.S. and Uzbekistan have mutual interests, and our relationship has been immeasurably enhanced by his professionalism, intelligence and friendship.

At times when relations between our country and Uzbekistan were uncertain, Ambassador Kamilov remained steadfast, becoming a key figure in strengthening and rebuilding our security and economic alliance.

Ambassador Kamilov is to be commended for his loyalty in discharging his duties to his President, His Excellency Islam Karimov, and the people of Uzbekistan.

As Ambassador Kamilov moves on to new responsibilities and assignments, I extend to him and President Karimov my highest regards and best wishes.

#### EXPRESSING CONDOLENCES FOR GOLDFYE LEVI

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to express condolences and honor the life of my dear friend, political activist, and Dallasite, Goldye Levi.

Mr. Levi, a life-long Democrat, gave so much of his time and energy supporting his

party by serving in national and local leadership positions. He had a front-seat to one of the most intriguing points in American history as the Treasurer of the Democratic National Committee during the 1972 break-in of the Watergate building. He brought his expertise of the political process to Dallas County as a Democratic Precinct Chair, and through the years he encouraged countless Democrats to get out and vote. As a candidate for Dallas County Tax Assessor, he also sought to use his experience as a certified public accountant to serve his community. Mr. Levi demonstrated the ultimate in civic duty and Dallas has lost a great advocate.

Our government, "by the people," rests wholly on the willingness of citizens to actively participate in the political process—citizens like Mr. Levi. I urge my fellow colleagues to join me in expressing condolences and honoring the life of Mr. Goldye Levi.

HONORING SIDNEY SINGER

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the veterans community in southwestern Pennsylvania lost a dear friend last Wednesday with the passing of Sidney Singer. While we often talk in Congress about the veterans who have fought for our country and freedom, Mr. Singer fought for veterans. A veteran himself, having served in the Army Air Forces from 1942 to 1945, Sidney dedicated

his life to helping homeless veterans. Many of who suffered from drug and alcohol addictions.

Because of Mr. Singer's vision and tireless efforts Veterans Place of Washington Boulevard was built for Pittsburgh's veterans. First opened in 1992, it started as a transitional housing project. Due to enormous success was expanded in 2003. The units provide a home for veterans as they recover and transition back into society.

Sydney knew that Veterans Place had to be more than just a place to live, but also a place for veterans to get back on their feet. This is why Veterans Place has a Service Center to give veterans job training, life skills, and alcohol and drug counseling.

Even in his final moments, Sydney's thoughts were with his fellow veterans. On his deathbed, Sydney described his vision to expand Veterans Place right down to the details of the kitchens.

While Sydney is no longer with us, his legacy will live on in Pittsburgh. He will continue to be with every veteran granted a new lease on life at Veterans Place.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,327,380,804,696.82.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,688,955,058,403.02 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING SGT. KIMBERLY  
MUNLEY

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. POE of Texas. Madam Speaker, today we honor one of our nation's bravest women, Sgt. Kimberly Munley. Sgt. Munley responded within three minutes after gunfire was reported at Ft. Hood, Texas. If it was not for her quick and heroic response, many more could have been killed. Sgt. Munley was shot during the exchange, but continued shooting at the gunman even after being wounded herself. Her bravery serves as a stark contrast to the cowardly actions of the shooter. Sgt. Munley portrayed the real courage that all of our men and women in the Armed Forces embody that we are all grateful for.

## HOUSE OF REPRESENTATIVES—Friday, January 22, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 22, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, our light and our salvation, be with all the Members of the legislative branch of government as they work from discussion to decision, from prayer to action.

May the immediate scene of Haiti prove to be a living parable of Your redeeming love, lifting Your people from slavery to freedom, from death to new life.

When the media has tired of its story, Lord, allow the commitment of liberation and justice to grow, that the good news of Your faithful presence will overcome the shadowy image of death and destruction.

So may Your people rejoice, Lord, in finding the treasure of Your kingdom here, even on Earth, for Your gospel story will last forever and ever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 21, 2010.  
Hon. NANCY PELOSI,  
*The Speaker, The Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 21, 2010 at 5:20 p.m.:

That the Senate passed without amendment H.R. 4462.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

### SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 25. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4462. An act to accelerate the income tax benefits for charitable contributions for the relief of victims of the earthquake in Haiti.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday, January 26, 2010, for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 26, 2010, at 12:30 p.m., for morning-hour debate.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5688. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Swine Health Protection; Feeding of Processed Product to Swine [Docket No.: APHIS-2008-0120] (RIN: 0579-AC91) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5689. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vegetable Import Regulations; Modification of Potato Import Regulations [Doc. No.: AMS-FV-08-0018; FV08-980-1 FR] received 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5690. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potato Research and Promotion Plan; Assessment Increase [Doc. No.: AMS-FV-09-0024; FV-09-706FR] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5691. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Participation in Acquisitions in Support of Operations in Afghanistan (DFARS Case 2009-D012) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5692. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items (DFARS Case 2008-D009) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5693. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Cap on Annual Liability (RIN: 1505-AB92) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5694. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Recoupment Provisions (RIN: 1505-AB10) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

5695. A letter from the Director, Office of Environmental Policy and Compliance, Department of the Interior, transmitting the Department's final rule — Implementation of the National Environmental Policy Act (NEPA) of 1969 (RIN: 1090-AA95) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5696. A letter from the Director, US-VISIT Program, Department of Homeland Security, transmitting the Department's final rule — United States Visitor and Immigrant Status Indicator Technology Program ("US-VISIT"); Enrollment of Additional Aliens in US-VISIT; Authority To Collect Biometric Data From Additional Travelers and Expansion to the 50 Most Highly Trafficked Land Boarder Ports of Entry [DHS-2005-0037] (RIN: 1602-AA35; 1600-AA00) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5697. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants and Nonimmigrants — Visa Classification Symbols [Public Notice: 6798] received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5698. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3A, and CF34-3B Series Turbofan Engines [Docket No.: FAA-2009-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16103; AD 2009-24-11] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Ft. Myers Fireworks Display, Vicinity of Caloosahatchee River Bridge, Ft. Myers, Florida [COTP Port Arthur-06-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Arthur Ship Canal, Port Arthur, TX [COTP Port Arthur-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Port Arthur, TX [COTP Port Arthur-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-19-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-18-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5705. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5706. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5707. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW), Sweet Lake, LA [COTP Port Arthur-06-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5708. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-15-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5709. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Dornier) Model 328-100 Airplanes [Docket No.: FAA-2009-1074; Directorate Identifier 2009-NM-177-AD; Amendment 39-16106; AD 2008-17-01 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5710. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico; Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5711. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5712. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-028] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5713. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Gulf of Mexico; Sabine Pass, Texas; Port Arthur, Texas [COTP Port Ar-

thur-06-027] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5714. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5715. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5716. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP Sector St. Petersburg 06-170] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5717. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks display in the vicinity of Bradenton Beach, Florida [COTP Sector St. Petersburg 06-139] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5718. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 4th of July Fireworks Display, Venice Inlet, Florida [COTP St. Petersburg 06-138] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5719. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks display in the vicinity of Marco Island, Florida [COTP Sector St. Petersburg 06-137] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5720. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Calcasieu River, Lake Charles, LA [COTP Port Arthur-016-06] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5721. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ybor Fireworks Display — Ybor Turning Basin, Tampa Bay, Florida [COTP St. Petersburg 06-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5722. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 124.0 to 126.5; Clarksville, TN [Docket No.: COTP Ohio Valley-07-042] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5723. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Tennessee River Mile 206.7 to 209.8, Pickwick Dam, TN [COTP Ohio Valley 07-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5724. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 603.2 to 605.0, Louisville, KY [COTP Ohio Valley 07-009] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5725. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River, Mile 602.0 to Mile 606.0, Louisville, KY [COTP Ohio Valley 07-007] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5726. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 188 to 190, Parkersburg, WV [COTP Ohio Valley 06-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5727. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile 1.8 to 2.8, Kingston, TN [COTP Ohio Valley 06-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5728. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 600.5 to 605.0, Louisville, KY [COTP Ohio Valley 06-053] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5729. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Mile 58 to 59.2, Charleston, WV [COTP Ohio Valley 06-052] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5730. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Automated and Remotely Operated Bridges [Docket No.: USCG-2009-0968] (RIN: 1625-AA09) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5731. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping; Vessel Inspections; Technical and Conforming Amendments [USCG-2008-1107] (RIN: 1625-ZA21) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5732. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0886; Directorate Identifier 2009-CE-045-AD; Amendment 39-16109; AD 2009-24-15] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5733. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes [Docket No.: FAA-2009-1096; Directorate Identifier 2009-CE-056-AD; Amendment 39-16105; AD 2009-24-13] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Models DG-500MB, DG-808C and DG-800B Gliders [Docket No.: FAA-2009-1103; Directorate Identifier 2009-CE-053-AD; Amendment 39-16110; AD 2009-24-16] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5735. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-1092; Directorate Identifier 2009-NM-219; Amendment 39-16068; AD 2009-24-09] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5736. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft and LPT101 Series Turboprop Engines [Docket No.: FAA-2008-1019; Directorate Identifier 2007-NE-49-AD; Amendment 39-16104; AD 2009-24-12] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5737. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No.: FAA-2009-1022; Directorate Identifier 2009-NM-163-AD; Amendment 39-16078; AD 2008-11-02 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5738. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Twin Commander Aircraft LLC Models 690, 690A, and 690B Airplanes [Docket No.: FAA-2009-0778; Directorate Identifier 2009-CE-040-AD; Amendment 39-16119; AD 2009-25-02] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5739. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2009-0719; Directorate Identifier 2009-NM-078-AD; Amendment 39-16116; AD 2009-24-22] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5740. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0436; Directorate Identifier 2009-NM-005-AD; Amendment 39-16114; AD 2009-24-20] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5741. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F and 747SR Series Airplanes [Docket No.: FAA-2009-0553; Directorate Identifier 2008-NM-199-AD; Amendment 39-16111; AD 2009-24-17] (RIN: 2102-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5742. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2A12 (CL-601) and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0565; Directorate Identifier 2008-NM-217-AD; Amendment 39-16112; AD 2009-24-18] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5743. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No.: FAA-2009-0379; Directorate Identifier 2008-NM-220-AD; Amendment 39-16113; AD 2009-24-19] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5744. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ZLT Zeppelin Luftschifftechnik GmbH & Co KG Model LZ N07-100 Airships [Docket No.: FAA-2009-0886; Directorate Identifier 2009-CE-047-AD; Amendment 39-16120; AD 2009-25-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5745. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC9-15, and C9-15F Airplanes; and McDonnell Douglas Model DC-9-20, DC9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No.: FAA-2009-0658; Directorate Identifier 2009-NM-058-AD; Amendment 39-16115; AD 2009-24-21] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5746. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models 58, 58A, 58P, 58PA, 58TC, 58TCA, 95-B55, 95-B55A, A36, A36TC, B36TC, E55, E55A, F33A, and V35B Airplanes [Docket No.: FAA-2009-0797; Directorate Identifier 2009-CE-032-AD; Amendment 39-16118; AD 2009-25-01] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Auction rate Preferred Stock- Extension of Date for Addition of a Liquidity Facility [Notice 2010-3], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:



Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2517. A bill to provide certain benefits to domestic partners of Federal employees; with an amendment (Rept. 111-400, Pt. 1). Ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2517. Referral to the Committees on House Administration and the Judiciary extended for a period ending not later than January 29, 2010.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. GARRETT of New Jersey introduced a resolution (H. Res. 1036) recognizing the contributions of Korean Americans to the United States; which was referred to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 620: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2006: Mr. ABERCROMBIE and Mr. ARCURI.

H.R. 4311: Ms. RICHARDSON.

H. Res. 111: Mr. SESTAK.

H. Res. 898: Mrs. NAPOLITANO.

H. Res. 929: Ms. WATSON, Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. CAO.

H. Res. 1011: Ms. CASTOR of Florida, Mr. TOWNS, Mr. CARNEY, Mr. MANZULLO, Mr. MCGOVERN, Mr. MASSA, Mr. GUTIERREZ, Ms. DEGETTE, Mr. WELCH, Ms. FUDGE, Mr. WALZ, Ms. KILPATRICK of Michigan, Ms. ROYBAL-ALLARD, Mr. CROWLEY, Ms. LEE of California, Mr. GENE GREEN of Texas, Mr. CASSIDY, Ms. SCHWARTZ, Ms. PINGREE of Maine, and Mr. DINGELL.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 9 by Mr. BUCHANAN on House Resolution 847: Charles W. Boustany, Jr., F. James Sensenbrenner, Jr., Mike Rogers (MI), Bill Posey, John Boozman, John R. Carter, Robert J. Wittman, John J. Duncan, Jr., Leonard Lance, Bob Goodlatte, John Shimkus, Adam H. Putnam, Ken Calvert, Ginny Brown-Waite, John L. Mica, Steve Austria, Timothy V. Johnson, Edward R. Royce,

Kevin Brady, Gary G. Miller, Lincoln Diaz-Balart, Ralph M. Hall, Charles W. Dent, Dan Burton, Zach Wamp, Kay Granger, Jeff Flake, Todd Tiahrt, Scott Garrett, Brett Guthrie, Elton Gallegly, Dana Rohrabacher, Steven C. LaTourette, John Campbell, Paul Ryan, Michael K. Simpson, Sue Wilkins Myrick, J. Randy Forbes, Thomas E. Petri, Tom McClintock, John Sullivan, Mac Thornberry, Patrick T. McHenry, Nathan Deal, Tom Price, Harold Rogers, Patrick J. Tiberi, Rodney Alexander, Howard Coble, Vernon J. Ehlers, Mike Rogers (AL), Ed Whitfield, Paul C. Broun, Jack Kingston, Howard P. "Buck" McKeon, Peter T. King, Tom Latham, Mark Steven Kirk, Ileana Ros-Lehtinen, Connie Mack, Aaron Schock, Michael C. Burgess, Gene Taylor, Rodney P. Frelinghuysen, Ted Poe, Mary Fallin, Christopher H. Smith, Fred Upton, Peter Hoekstra, Brian P. Bilbray, Jim Gerlach, Steve Buyer, Michael N. Castle, Louie Gohmert, Bill Schuster, Ron Paul, C.W. Bill Young, and Sam Graves.

## SENATE—Friday, January 22, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who is the light of all we see, make this day luminous with Your presence. Strengthen the Members of this body to do their best, living lives worthy of their high calling. Lord, infuse them with the spirit of kindness, of thoughtfulness, and of fairness. May the tyranny of partisanship and expediency never prompt them to betray high principles. Make them poor in misfortune and rich in blessings. Give them enough challenges to keep them humble, enough failure to keep them dependent on You, and enough success to enable them to fulfill Your purposes for our Nation and world.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will re-

sume consideration of H.J. Res. 45, which is a joint resolution increasing the statutory limit of the public debt. There will be no rollcall votes during today's session of the Senate.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad/Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, today the Senate resumes its third day of consideration of the joint resolution to increase the debt limit. We continue our discussion of whether Congress will allow the government to honor its commitments to pay its bills.

Yesterday, the Senate disposed of the Thune amendment to terminate the Treasury Department's Troubled Asset Relief Program. Today, three amendments remain pending: the substitute amendment raising the amount of the debt limit, this Senator's amendment to protect Social Security, and the Conrad-Gregg amendment to create a fast-track process to consider a budget commission's recommendations. Up to eight other amendments remain in

order to the joint resolution. The Senator from Alaska has the right to offer an amendment on the Environmental Protection Agency's endangerment finding. The Senator from Alaska spoke on this subject yesterday, and although I do not by any means wish to speak for the Senator from Alaska, it appears from a statement yesterday that she seeks to address the subject matter as a freestanding resolution of disapproval rather than an amendment. The majority leader also has the right to offer an amendment reinstituting the statutory pay-as-you-go budget law. We hope we might see that amendment today. The six remaining amendments in order are a Coburn amendment proposing a package of rescissions; a Sessions amendment creating caps on appropriated spending; an amendment by the Republican leader's designee relevant to any on the list; an amendment by the majority leader relevant to any on the list; and two amendments by this Senator regarding the budget commission.

Under the previous order, every amendment to this joint resolution will be subject to an affirmative 60-vote threshold. The Senate will not, however, conduct any rollcall votes today. We expect the next rollcall vote will occur no earlier than Monday afternoon. The Senate is open for business this morning for any of these Senators to offer their amendments, and the Senate is available for the statements, obviously, of all Senators. We will work toward developing an agreement for the offering of all amendments by sometime early next week. We hope to conclude action on this measure shortly thereafter.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### THE NATIONAL DEBT

Mr. WHITEHOUSE. Mr. President, as we continue to debate our Nation's debt limit on the Senate floor, I rise today to review how we came to this point of serious budgetary imbalance and, in particular, how \$9 trillion of it is Bush-Republican debt.

At a time when tens of millions of Americans are out of work and families across the Nation are struggling to heat their homes and pay their bills

and buy their prescriptions and put food on the table, our constituents are rightly frustrated at America's lack of fiscal restraint. They deserve to hear the whole story. The unfortunate truth is that President Bush left us with a budget so warped and imbalanced and an economy in such disarray that President Obama and this Congress have had no choice but to run temporary deficits. The previous administration must bear at least \$9 trillion worth of the blame.

Let's roll back to the time when George Bush took the oath of office as President of the United States. In his first address to the Nation, he pledged to "call for responsibility and try to live it as well." It had been a divisive election, and many Americans now found some comfort and hope in those words. They were to be disappointed. But on the budgetary front, there was good reason for optimism on that January morning in 2001. After decades of deficit spending, President William Jefferson Clinton had set the Nation on its healthiest fiscal path in generations.

After 28 straight years of multibillion-dollar budget deficits, our Nation saw surpluses beginning in 1998 under President Clinton.

In President Clinton's last full year in office, we saw the largest budget surplus in our Nation's history—a budget surplus of \$236 billion under President Clinton—and that good budgetary news looked forward as well.

The month George Bush first moved into 1600 Pennsylvania Avenue, our Congressional Budget Office—the non-partisan accounting arm of Congress—projected that we would continue to see surpluses throughout the following decade.

Those budget surpluses, the product of responsible governing—some might even say fiscally conservative governing—were projected to be enough to completely wipe out our national debt by 2009. That was the picture we looked forward to when George Bush took office in 2001—predictions by the Congressional Budget Office that our national debt would be zero by 2009.

Indeed, there was actually debate in academic circles about whether a debt-free America was a good idea. That discussion seems rather bitter now.

In other words, at that time, the hard work had been done. The Nation was on a strong financial course. If President Bush had stayed that course of fiscal responsibility, he could have been the first President since Andrew Jackson in 1836 to govern a debt-free United States of America. If President Bush had chosen the responsible path, we would be having a very different debate today.

Of course, President Bush and the Republicans who governed Congress did not choose the responsible path. This chart illustrates the difference between

the surpluses that George Bush inherited and the deficits he created. This top line, at the top of the red, shows the CBO budget outlook I have described that was projected by CBO in January of 2001, climbing with increased surpluses over the years to come. The bottom line at the bottom of the red shows what the Bush administration actually did, the budget results under the Bush administration.

The difference between the anticipated path President Clinton left this country on and what President Bush actually did is a mind-boggling \$8.9 trillion. For purposes of rounding, I will call it \$9 trillion. That is a conservative figure that does not include the likely cost of servicing that debt over the years. We have to pay interest and not just pay back our borrowing. It also does not include the spending President Obama had to do to offset fiscal disaster because of the financial meltdown he inherited. That spending by President Obama was not anything President Obama wanted to do. It was not anything he campaigned on. It was not on his agenda. It was an emergency measure necessary to clean up the economic wreckage left by the Bush administration.

Look at one particular contrast. Our current majority leader, HARRY REID, has worked to craft a health care reform bill that would not only achieve near universal coverage but would do so without adding one penny to the national debt. In contrast, when George Bush and his Republican allies in Congress designed a Medicare prescription drug benefit, they did so without offsetting at all the hundreds of billions of dollars in new spending. Indeed, they even larded it up with special deals for the pharmaceutical industry. In other words, the Republicans relied entirely on deficit spending to fund a huge new entitlement program. That was the way they actually did business. The Republicans relied entirely on deficit spending to fund a huge new entitlement program. That is the fact.

Now Republicans inaccurately and, frankly, hypocritically, rail on budgetary grounds against our efforts to extend health care coverage. But unlike their costly prescription drug bill, our health care bill improves our budget baseline.

The baseline we inherited from President Bush desperately needs improvement. This next chart shows the deterioration of annual deficits under the previous administration. The facts are plain. George Bush vastly increased spending while cutting tax revenues. The structural deficit he built in and left to President Obama simply cannot be sustained. But how soon our friends on the other side of the aisle forget.

In fact, as this next chart shows, the national debt limit had to be increased seven times—seven times—while George Bush was President. President

Bush inherited from President Clinton a \$5.95 trillion national debt limit. By the time he left office, his reckless spending and his tax policies favoring the rich at the expense of working Americans necessitated a debt limit almost twice as high, at \$11.52 trillion.

We should not take lightly the borrowing expansion we are now forced to pursue to help recover from the Bush economic meltdown. But we should also not forget how we ended up in this position.

Each borrowed dollar, borrowed under the Bush administration, involves a debt service cost, and the Republican explosion of debt between 2001 and 2009 now makes everything we do, from running the government to stimulating the economy, more expensive.

Balancing our budget is a priority at which Democrats have succeeded in the past. It is one of the legacies of President Clinton. I am confident Democrats will succeed at it again because we believe in responsible governance.

But now is not the time to play games with our Nation's finances and put essential programs on which families depend at risk. In the worst economic recession since the Great Depression, the analogy between family budgets and the Federal budget is a false one. If the Federal Government contracted its spending, shrunk its spending at the time when States, municipalities, companies, and families are all shrinking and constraining their spending, it would further shrink the economy. It would worsen the recession. It would make things worse for American families. Period. Saying anything else is simply false.

Unemployment hovers around 10 percent nationwide and even higher in hard-hit places such as my home State of Rhode Island. Economic recovery must remain our top national priority. Indeed, we need to do even more to put Americans back to work. The increased borrowing power we are now considering will give us the flexibility to enact new job-creating legislation.

Let me make one point very clear. An upfront commitment of resources to creating jobs need not add to our Nation's long-term liabilities. Let me give some examples.

Throughout the Nation, there are bridges condemned or under weight restrictions. We have bridges in Rhode Island that are condemned or under weight restrictions. There are roadways that the U.S. Department of Transportation has deemed unfit for further maintenance. In my State, the Providence viaduct is in that condition. We have, across the country, water treatment facilities that release raw sewage into our waterways after it rains. We have old school buildings that pose demonstrated safety hazards for our students. We have numerous other structures in demonstrable disrepair. We have an infrastructure deficit.

All these projects need repair, and repairing them is going to require our attention sooner or later. Thus, getting that work done now would not add in a meaningful way to our national long-term liabilities. We have to rebuild this failed infrastructure. We are not going to let those bridges fall into the rivers. Why not do it now when we need the jobs? Why not do it now when the old adage "a stitch in time saves nine" prevails?

Every American understands, whether they are working on their car or making repairs on their house, that when you get after maintenance earlier, the cost is always lower. So there is no need to be concerned about the Nation's fiscal liabilities when we are engaged in the repair of decrepit infrastructure.

A vote to increase the debt limit should be taken in proper context. When he was sworn in, President Obama faced the twin evils of a deep recession—a recession that for many American workers is as bad as the Great Depression—and he faced the \$9 trillion Bush debt, run up in a time when things were fine. It was fair-weather spending, fair-weather debt.

Our top priority now must be to continue working on job creation until our economic prosperity is restored, until we have recovered from this great recession. We must not sit still for lectures in fiscal probity from the party that ran up \$9 trillion in fair-weather debt to fund a war that need not have been embarked on, to fund tax cuts for the wealthiest Americans who did not need them, and to pursue economic policies that led to the recession we are trapped in now. Those policies lit the fires President Obama still is fighting to put out.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HAITIAN CHILDREN

Mr. NELSON of Florida. Mr. President, I do not think there was any person who lives on planet Earth, who saw the clip on CNN this morning of dying children in Haiti, who did not have emotion overwhelm them, as my wife Grace and I, having been to Haiti many times. We saw the fact that children are dying in Haiti because they cannot get medicine and/or cannot get medical

supplies. It is an inexcusable and intolerable situation. If you hear emotion in my voice, you will understand that the Nelson office has been working on this crisis for over the past week since the earthquake hit because we have been talking to our doctors and we have so many of our Florida physicians who are down there doing heroic work.

A lot of the work is being done by the University of Miami School of Medicine. A lot of it is being done with the coordinated efforts of Jackson Memorial Hospital in Miami, some of the children's hospitals in Florida. As we have been on the phone with the various agencies trying to cut the redtape so that the supplies can get in or, in the alternative, we can get the critically injured children out, whether it be to a third country, to another part of Haiti, or back to the United States—critically injured—in order to save their lives, we are still having difficulties.

Since we are not going to be voting on this debt ceiling raising that would be a critical vote here, I am taking off at 4 o'clock in the morning with a bunch of doctors from a Tampa charity directly into Port-au-Prince, where I will meet with one of the greatest heroes, Dr. Barth Green, one of the lead physicians, a neurosurgeon from the University of Miami and Miami Jackson Memorial Hospital, who has been down there since the day after the earthquake and has been begging for help.

What I want to do is cut through some of this redtape. I want to give you an example. Here is the latest plea from Dr. Green:

There are 3 critically burned Haitian patients, one in our [University of Miami] Project Medishare Hospital and 2 on the USNS Comfort—

The naval hospital ship—that needed to be medevacced to the Ryder Burn Unit tomorrow [morning].

This is an e-mail plea from last night.

We need ok from the US Embassy [for patient] #1 or #2 or #3 to authorize the US Military to take on C130 aircraft. Please help save their lives. I need immediate [help] to do the right thing.

We are trying to cut through this redtape. If it takes me going down there to try to whack through it myself, that is what I am going to do. Six of us are crowding into a little jet in the morning at 4 a.m., five doctors and me, packed with medical supplies to do that.

I know the State Department, the Defense Department, the Department of Homeland Security—we have been talking to all these folks—have been trying. But bureaucracy gets in the way. Let me share with you an e-mail from the State Department. Get this:

Thank you for your email. We will provide information about your U.S. citizen constituent to the U.S. Embassy in Port au Prince as quickly as possible.

That is a standardized e-mail. That doesn't say anything. It doesn't give specifics. I know they roll these things out, but don't send that kind of e-mail to me to try to placate me because it doesn't. I want action.

I want to give another example. Senator LEVIN is making a plea. He called us when he found out I was going to Haiti. Senator LEVIN's office has a Haitian who is in Michigan, a dad. He is there legally. He is not a naturalized citizen, but he is there legally. His daughter is critically injured. This is addressed to me, and it is about getting this daughter air-vacced out of Haiti because she has critical injuries. This is from the Department of State. This is a little girl, a 17-year-old with a broken back. She is being denied being put on an aircraft.

Mr. NELSON,

Due to the fact that Samantha is neither an American citizen nor a U.S. Lawful Permanent Resident, she would be ineligible to board an aircraft to the United States. Currently, all visa operations at the U.S. Embassy in Port au Prince, including immigrant visas, have been suspended until further notice while our Embassy focuses its resources to assisting American citizens in Haiti.

This little girl can't board an American aircraft because she has a broken back. She needs to be medevacced so that her life can be saved.

We have another child with a collapsed lung. Dr. Green told us about this child. He cannot save that child with a routine procedure to save people with collapsed lungs unless he can get the proper medical attention and maybe they can get him out there onto that hospital ship. But this is the kind of bureaucracy we are running into. The Department of Homeland Security, which handles Customs and Border Patrol—and don't talk to me about people trying to sneak into the States. We live with this problem in Florida. We know what it is trying to make people legal in their immigrations. But the Department of Homeland Security—Customs and Border Patrol is telling me their agents on the ground, when these critically injured children come in, have the authority to give, in essence, what is called a medical waiver for a child who is obviously in extremis, and they assured us that will be the case. Well, I hope so. That is why I have come to the floor of the Senate, because I get these other e-mails and I get these pleas from physicians such as Dr. Green who are saying kids are dying because they can't get them out.

We are not talking about a lot. We are talking about 200 whom I know of right now in order to be able to get them out. I will continue to work this problem all the rest of this day, until I get on that aircraft at 4 o'clock in the morning. Then I will work this problem when I get on the ground in Port-au-Prince.

It is total chaos down there. The American military, the American civilian agencies, the State Department, the Department of Homeland Security, all the agencies, are making heroic efforts. It is mass chaos because of a critically poor nation that has no infrastructure. When a natural disaster such as this huge earthquake hits, it turns into ultimate chaos. Out of that chaos, we are trying to bring some order. I thank all those souls, American and otherwise, who are contributing to try to bring order out of this chaos. But sometimes we lose sight of the goal because we get so wound up in bureaucracy. That is what we need to get through. That is what I am sure we will get through.

At the end of the day, we will find that Haiti will restore itself. Although Haiti's Government is in shambles, Haiti does, in fact, have a President who deeply cares and loves its people. President Preval is clean. You can't say that for all the past leaders of Haiti. I believe President Preval is clean. I don't believe all the people around him are clean, but I think he is. It is time for the industrialized nations of the world to come together and to help these people rebuild.

The real crisis is right now, with the dying and the suffering we see in front of our eyes. That has to be attended to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

AMENDMENT NO. 3302

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of amendment No. 3302, the bipartisan task force for responsible fiscal action, offered by my colleagues Senator CONRAD and Senator GREGG. I was an early sponsor of this amendment from the beginning, from when I first came to the Senate. I wish to thank them for their leadership on this issue.

Under the previous administration, we saw the debt of the United States double. They were handed a budget surplus, and they turned it into an enormous budget deficit. Over the next 8 years, sadly, with no work, if we do nothing, it is projected to double again. Long-term projections vary, but it is clear this course is not the course we wish to take. Despite years of talk from both parties, little progress has been made, which is why I believe that to ensure the Nation's future economic security, we need to establish a budget commission dedicated to examining this problem in detail and coming up with recommendations to address the long-term fiscal challenges of the country.

I don't want to have just a study that sits on a shelf. The American people deserve better than that. That is why I believe it is important to have a statutory commission with an up-or-down vote on the recommendations of the commission. It has worked before for

Social Security. I believe it will work here.

I appreciate the administration's work on this. The proposal they have made to have a Presidential-appointed commission obviously is a viable alternative. But I think the better alternative is this one, and that is why I urge my colleagues to vote for it.

We can no longer afford to hide our heads in the sand, hoping the fiscal outlook will correct itself. We need to make changes, and we need to act now in order to keep our debt from spiraling permanently out of control. Difficult fiscal decisions have been put off for too long. We need to make tough decisions now because we are spending too much, and the path we are on is unsustainable.

This was, of course, made more difficult by the economic crisis we faced last fall. On a bipartisan basis we had to do something to make sure we shored up the credit markets to make sure we ensured financial stability for our country. We had to invest in America and invest in jobs with targeted investments. But now we cannot keep going on this course.

Gross debt is likely to exceed 100 percent of GDP within the next few years, nearing levels not seen since the end of World War II. Each citizen's share of today's debt is more than \$38,000. The prior administration, as I noted, ran up the Federal debt to the point where today we are forced to spend over 8 percent of our budget simply to pay interest on the Federal debt.

In 2008, American taxpayers paid more than \$250 billion to our creditors in interest payments alone. That is money we are sending to other countries instead of spending it in the United States.

The more we spend to service our debts, the less we have for infrastructure investments, health care, energy innovation, and other priorities that are so important to the American people.

The threat our debt poses to the economic security of the United States cannot be ignored. As this economic crisis has shown, credit can dry up overnight. With almost 70 percent of our Nation's debt financed by foreign countries and investors, our government literally could not pay its bills without the help of China, our biggest creditor.

If faith in the American economy were to falter and foreign countries stopped extending credit, we would be faced with a host of bad choices. Even without another crisis, many of these programs are on the path to insolvency, and economic growth cannot make up the difference. These are issues that must be addressed. That is why it is so important we step back and look at the long term, focus on this debt, at the same time knowing we have to have a safety net for the people of this country.

If we look at the health care bill, we will see what we will come up with now as we look at changes to that bill. It actually saved—the Senate bill—\$130 billion on the deficit in the first 10 years, \$1.3 trillion over the next 10 years. That clearly has to be a piece of this reform as we look at the cost to the American people—how we can deliver health care more efficiently.

I believe it is time to change the way Washington works when it comes to our long-term fiscal outlook. It is not about being a Democrat; it is not about being a Republican; it is not about being an Independent; it is about guaranteeing we get something done for the people of this country.

This bipartisan fiscal task force provides a path to restoring our financial stability by creating a bipartisan commission to study our spending and make recommendations to effectively reduce that spending.

When I first heard about this idea, I was at one of our bipartisan breakfasts. I had just arrived in Washington, and I thought: Why would we need a commission to do this? Why can't the people in this body just do this? I have realized a few things over the years. One, we have not seen that kind of improvement. Two, we have not been able to get that kind of bipartisan work going that I have seen. Three, we have this idea of a commission that has worked in the past.

So after being here for about a year, I decided: Do you know what. This is not a bad idea. You can have experts work on this. You can come up with some ideas on a bipartisan basis for reducing spending, for bringing down our deficit, for bringing down the debt. I have decided this is the way to go because right now there is no movement on this matter at all in this body or in the House.

This is how this task force would work. First, it would be comprised of 18 members from both political parties, 10 Democrats and 8 Republicans. Fourteen of the eighteen task force members would have to agree to report the recommendations to ensure that the recommendations the task force makes to Congress have bipartisan support.

In order to fast-track the process, there is a set timeframe under which the task force would make recommendations and a set timeframe for ensuring that Congress would give them an up-or-down vote.

This task force would not be used to force legislation through Congress. It would just force Congress to come to the table and make a decision.

Let me address one final point. Some are arguing that projections for the near term are so bleak that any talk of deficit and debt reduction should be sidelined. I disagree. Everyone knows that when times are good, it becomes much harder to tighten the purse strings. This crisis has brought the

issue of the deficit to the forefront. The people of this country know it. They know they have to watch their own checkbook. They know they have to balance their own checkbook, and they want to see Washington working on this issue.

They understand we have had an economic crisis. They did not cause this crisis. People on Wall Street making bad decisions, people in government allowing some things like subprime mortgages to go through—there are a lot of people who can be blamed. But they understand we not only have to work on the short-term issue of investment in our country, and transportation, and that we had to do something to shore up the financial crisis so that our whole financial system would not go down the tube—it is hard to swallow; when people think about it, they get that—but they also want to know the people who represent them are working on this debt for the long term, that we have a plan, that we are doing something to chisel away at this deficit to bring it down.

That is what they expect from us. They do not want to send all this money in interest to China. They want to be spending it in the United States of America on roads and bridges, on their kids, on their families, on their kids' education, on their houses. That is where they want to be spending this money, not on interest over in China.

So I urge my colleagues to vote for this bill. I understand it will most likely coming up next week. I think it is a very important effort going forward. I commend the White House, the economic team, for the work they have done with the group of us who has been working on this bill and trying to get this through. I think it is very important, not just for this year but for the generations to come. It is time to look past the next election to the next generation.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### BANK INVESTING

Mr. DORGAN. Mr. President, yesterday President Obama made some recommendations that have caused quite a stir, especially on the morning shows on television today. The President suggested something that is called radical by some of the commentators: he suggested that banks—commercial banks, FDIC-insured banks, insured by the American taxpayers—should not be essentially gambling or investing in risky instruments, risky securities on

their own proprietary accounts. It has been going on for a long time. This President said let's stop that. We have seen such a financial wreck, in which our economy was steered right into the ditch, where something like \$15 trillion of value had been lost by American households.

The President said we need to make some fundamental changes. One change, which isn't even, in my judgment, a significant change—at least not in the context of what must be done and should be done—is to limit the ability of FDIC-insured financial institutions to invest in, speculate in, and buy and trade derivatives on their own proprietary accounts. That should not have been going on at all.

Fifteen years ago, I wrote the cover story for the Washington Monthly magazine on this very subject. The title of the article was "Very Risky Business." I talked then about how FDIC-insured banks in this country were trading on their own proprietary accounts in derivatives—\$16 trillion of value in derivatives at that time. They were trading on their own proprietary accounts, which puts taxpayers at risk. They might as well put a Keno table or a craps table in their lobby. It is flatout gambling. The President said yesterday: Let's have legislation that stops that. I agree.

The President said something else that is very important: Let's limit the size of financial organizations that are "too big to fail." We have a category in this capitalistic system of ours called "too big to fail"—a category that is managed by the Federal Reserve Board. They have a list of which institutions are too big to fail. I thought this system of ours—capitalism—is that you succeed or fail based on your own merit. That is not the case. We have now witnessed in the last year and a half which institutions are not allowed to fail.

We have people who go to work every day to a business they started with their own capital. They and their family have invested in a shoe store or a hardware store or gas station, and they open the door in the morning and they are open for business that day and the risk is all theirs. By the way, they are allowed to fail, and many have done so during this economic downturn, but not the biggest financial interests—they are too big to fail. That is called no-fault capitalism. They can gamble in their lobby, and the American taxpayer will pay the bill. That is what has been going on. This President says—and he is right—if you are too big to fail, you are too big. Let's begin limiting the size.

This morning, I listened to some of the commentators have an apoplectic seizure. They said that if we cannot be bigger and bigger, how do we compete with the Europeans? That is exactly what we heard 10½ years ago now—

when the Congress passed legislation that took apart the protections put into place after the Great Depression. This legislation gave free rein to this unbelievable orgy of speculation in high finance that led this country right into the ditch, led this country's economy into a colossal wreck. The result of all of that has been catastrophic for the American people. The result of all of that has been trillions of dollars of lost value for American families and an unbelievable unemployment problem—people by the millions losing their jobs, their homes, and losing hope.

The President made two recommendations yesterday, which I support. You would think he was suggesting somehow that he is going to completely take apart the American free enterprise system. That is absolutely absurd. I decided I wanted to give a little bit of history this morning because it is so easy for people to forget. Let's understand how we got to this place and what caused these recommendations to be made.

Alan Greenspan, former Chairman of the Federal Reserve Board, was involved in all of this. I know he wrote a book later implying he was exploring the surface of the Moon while all this was going on, but he wasn't. He was Chairman of the Federal Reserve Board. He had a responsibility to provide oversight and to rein in these excesses, and he didn't. Here is what he said in testimony before the Congress:

I made a mistake in presuming that the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their equity in the firms.

That notion that people will behave in their own self-interests and protect the shareholders and our country was pretty unbelievable because this occurred at the same time that the Chairman of the Federal Reserve Board and the Federal Reserve Board itself had responsibilities to provide a regulatory oversight to what was going on in our financial system.

At the same time that was the case, and they were doing nothing, we had new people come to Washington, DC, in the aftermath of the passage of the disastrous bill in 1999, the Financial Services Modernization Act, to be regulators at the Securities and Exchange Commission, the CFTC—all of those organizations. People came here to assume those jobs, and they were boasting that they would be willfully blind: Let's take these regulatory jobs, and we promise not to look, we promise to close our eyes, and by the way, we are business friendly, so do what you want. It doesn't matter to us.

In fact, we have circumstances where people came to the Securities and Exchange Commission with Mr. Madoff's issue going on, and they said: This guy is running a Ponzi scheme, a scam. We had people show up to the SEC and say:

Investigate this, it is a massive scam. The SEC couldn't even investigate it when they had people saying, here is what is happening. It is unbelievable. During that entire time period, we had regulators, starting with the Federal Reserve Board and Mr. Greenspan and others, in regulatory capacities who boasted about not being willing to regulate. The result is that big financial firms in this country, and a lot of others, were engaged in an unbelievable orgy of greed.

Let me show a little of what was going on. The Fed should have been attentive to this. It was their responsibility, among others. We all see these kinds of ads when we wake up and brush our teeth in the morning if we have a television set on. Here is one where Countrywide Mortgage said:

Do you have less than perfect credit? Do you have late mortgage payments? Have you ever been denied by other lenders? Call us. We would like to loan you money. If you are a bad credit risk, call us.

How can that work? It didn't work. This company went bankrupt. The owner of the company is now under investigation, at long last. He went away with about \$200 million, I believe. He left the party with a couple hundred million dollars. These advertisements saying: If you have bad credit, come to us—this is the biggest mortgage company, not some fly-by-night company.

This one is an Internet company. It is called [speedybadcreditloans.com](http://speedybadcreditloans.com). Isn't that great? What a country. What a system. Apparently, somebody has a business model to advertise speedy bad credit loans. It says:

Bad credit, no problem. No credit, no problem. Bankruptcy, no problem. Get guaranteed bad credit personal loans now.

Does it surprise anybody, having watched over a decade of this, that this collapses?

I won't go through all of them.

Here is Millennium Mortgage:

Twelve months, no mortgage payments. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Too good to be true? Get a loan from these guys and they will make the payment for you. They didn't tell you that they will put that around the back side of the loan and wrap it around higher interest rates.

This is Zoom Credit:

Credit approval is seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, home loan, or a credit card, even if your credit is in the tank. Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit, who cares?

We have all heard these for a long period of time and wondered: How does

this work? What kind of business model is this? It was not a business model. It was a scam and a scheme that undermined the American economy and went on under the nose of, yes, Mr. Greenspan and so many others who had promised us they were interested in being regulators. The list goes on and on.

Let me go back to 1999. We were told in this Chamber—and I was here then—we were told: America has to modernize its financial system, for if we do not, the Europeans and others are going to win this debate and win the economic competition. So we have to modernize. The things that were put in place after the Great Depression were probably important at some point but no longer necessary. We now have Mr. Greenspan protecting us and others. It is a sophisticated system. We need to be able to compete.

They said: We need to have a financial modernization system to allow very large holding companies to put together all the financial systems—investment banks, commercial banks, real estate, and securities operations. By the way, if we can do all that, we can create one-stop financial shopping for the American people.

I stood on the floor of the Senate at great length in 1999 and opposed this. I know it is a little cheesy probably to quote yourself, but I do want to provide some description of what concerned me prior to the passage of this legislation.

Here are some of the things I said at that point. I said:

I will bet one day somebody is going to look back at this and they are going to say: How on Earth could we have thought it made sense to allow the banking industry to concentrate, through merger and acquisition, to become bigger and bigger and bigger, far more firms in the category of too big to fail? How did we think that was going to help this country?

That was May 6, 1999.

The same day I said:

I say to the people who own banks: If you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you. Do it with your own money. Do not do it through deposits that are guaranteed by the American people and by deposit insurance.

The same day I said:

This bill—

The Financial Services Modernization Act—

will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the bank and financial services industry at the expense of customers, farm businesses, family farmers, and others.

I said:

I think it is a fundamental mistake to decide to repeal Glass-Steagall and allow banks and all of their financial industries to merge into a smorgasbord of financial services. Those who were around to vote to bail out the failed savings and loan industry, \$500 billion of taxpayers' money, are they going

to want to be around 10, 15 years from now when we see bailouts of hedge funds putting banks at risk? Or how about banks not just bailing out hedge funds, but banks having ownership of hedge funds?

I said: We also have another doctrine at the Federal Reserve Board called too big to fail.

Remember that term "too big to fail"? They cannot be allowed to fail because the consequences to the economy are catastrophic and therefore these banks are too big to fail. That is no-fault capitalism. Does the Federal Reserve care about that? Apparently not.

Fusing together the idea of banks which requires not just safety and soundness to be successful but the perception of safety and soundness with other inherently risky speculative activity is, in my judgment, unwise.

Finally—these are about four or five speeches I gave in 1999:

We will, in 10 years' time, look back and say: We should not have done that because we forgot the lessons of the past.

So here we are, trillions and trillions of dollars. There have been, we believe, \$11 trillion or so lent, spent or committed by the Federal Government to try to keep afloat some of the largest financial firms in our country because they did what they wanted to do. They engaged in unbelievable amounts of risk.

I showed the examples of advertising to people who come to get mortgages when they had bad credit. That was not just people who had bad credit. People who had existing loans were enticed by these companies that said: Are you paying 7 percent or 8 or 9 percent interest? Come to us. We want to give you a loan in which you do not have to pay the first 12 months. Come to us. We are going to give you what we call a no-doc loan. You do not even have to document your income to us. Come to us. We will give you a liar's loan. They did not call it a liar's loan, but that is a no-doc loan. Come to us. We will give you a loan where you do not pay any of the interest. We will give a loan where you do not pay any of the interest or any of the principal. All these were entreaties to people to come to these companies and redo their mortgages.

What happened to these mortgages when they were put together? They wrapped them into a security, a mortgage security, and then the mortgage company, Countrywide, for example, would sell it. They would sell it perhaps to a hedge fund or an investment bank. It was rated as a security. By the way, most of them were rated triple A. The ones that went bad were rated triple A.

What happened was those who placed the mortgages no longer had the risk because they sold the risk to others. They sold it to hedge funds, investment banks. All the brokers making money, the people putting out the mortgages at the bottom, they were making \$5,000, \$10,000, \$25,000 in bonuses, brokers' fees. The mortgage companies were awash in cash.



I mentioned Countrywide's CEO left with a couple hundred million dollars, now under investigation, by the way. The hedge funds were making massive amounts of money. They could not count it fast enough. Just before the economy collapsed, the highest earner in the country was a hedge fund manager who earned \$3.6 billion—\$3.6 billion. Think about that person coming home from work and the spouse says: How are you doing? I am doing pretty well; \$300 million a month. By the way, I am only paying 15 percent income tax because I get a special deal. I pay a 15-percent rate. Nobody else does. I get to pay some of the lowest income tax rates in America. These folks do because they have a deal called carried interest. They were all making money, all awash in cash, giant bonuses, bonuses that were unreal—\$15 million, \$20 million a year, some of the folks who were running the security agencies, some of the salespeople, and others in these investment banks.

By the way, all these institutions would have collapsed and failed. Even the ones that this morning are reporting record profits, they were about to collapse were it not for the American people who, through their government, saved them.

Now they are willing to complain about everything, and they are ramping up a huge effort in this town to prevent any effort to change the way things were. This President has said: Let's decide, at least, to stop the pernicious practice of having FDIC-insured banks trading in derivatives and other risky instruments on their own proprietary accounts. I think that is nuts to allow that to continue, and this President is right to try to stop it. They are even now gathering an army to try to oppose it.

This issue of too big to fail, the President is right about that, absolutely right.

This shows the house of cards. We have all seen it. We saw it collapsed or nearly collapsed. Were it not for the Congress, the President, the American people in backstopping these largest investment banks, they would be gone. Now, all of a sudden, they are reporting record profits and are on the edge and verge of providing record bonuses at a time when a whole lot of folks are in lines trying to get to a soup kitchen or in lines trying to find a job.

The President of the Dallas Federal Reserve Board, in an editorial review in the Dallas Morning News, said:

Too big to fail is not a policy. It's a problem. Too big to fail means too big.

I am glad he said that. I say that. I am glad he said that. He is president of the Dallas Federal Reserve Board.

Joseph Stiglitz—I believe he was a Nobel Prize winner—said:

We have much to gain by breaking up these behemoths.

Talking about the large financial institutions.

We need to begin now the admittedly gargantuan task of breaking out their commingled activities.

There has been discussion in the last couple days about Paul Volcker, former Federal Reserve Board Chairman. I had an opportunity to meet with him in the last several weeks. Paul Volcker has spoken very strongly in support of the policy the President has now embraced. Paul Volcker says:

I would exclude from commercial banking institutions ownership or sponsorship of hedge funds and private equity funds. So should, in my view, a heavy volume of proprietary trading with its inherent risks.

It is common sense for us to begin to shut down those kinds of activities.

Let me quickly say, I understand the need for financial institutions. I understand that. It is a very important part of this country's economy. But I also understand, having studied economics and taught economics ever so briefly, that we have in this country, for 200 years, had a contest about who rules the roost—those who produce or those who finance production. I am telling you, in recent decades, those who finance production have had an unbelievable amount of influence in this country. I must say I do not think it contributes one thing to this country's economy to have big financial institutions trading synthetic derivatives.

Does anyone know what a synthetic derivative is? A derivative is something that derives value from something else. Presumably, whatever the value on the front end or something elsewhere has some value, something that is tangible. A synthetic derivative is wagering, gambling, a derivative that is created with nothing on either side of it, except you are making a wager or a bet. That is going on in this country with respect to big financial institutions. It has in the past, aggressively. That is where they made a lot of money. It continues to go on to this day, and it makes no sense.

Does anybody think that contributes very much to this economy? It does not. The fact is, it darn near ruined this economy with that unbelievable amount of speculation, starting right down at the broker placing loans that should not have been placed that created the subprime scandal and all the way up with credit default swaps and CDOs and synthetic derivatives and all these issues.

A former colleague once described investment banks by saying investment banking is to productive enterprise like mud wrestling is to the performing arts. I do not put it quite that way. But his point was a whole lot of what goes on is pretty worthless. A whole lot of what can go on and should go on is very important in investment banking. That is the part of our banking structure that provides loans in riskier categories. You put loans out there to businesses with ideas and so on. That is

very important. Community banks are very important. Commercial FDIC-insured banks are important. Investment banks are important.

My point is not to suggest that our economy can exist without them. That is not the case. But I wish to make a very important point. You look at the heyday of production in this country. I am talking about when our manufacturing plants were humming, when we were turning products out, the best in the world. We were expanding the middle class. We were putting men and women in factories with good jobs that paid well, with benefits.

Look at that period of time in this country and ask yourself: Under what kind of conditions did that exist? It existed before all these changes were made to the financing system of this country that let the finance industries decide to coagulate and combine and create these behemoth organizations with so-called firewalls that turned out to be made of tissue paper.

People suggested somehow we were old-fashioned prior to 1999 and we needed to modernize to compete with somebody else to allow all our financial systems to come together, to merge, to get bigger, to engage in all these activities and create unbelievably exotic instruments, instruments that many of those who trade cannot even explain, thought that was somehow essential to the economic health of this country?

The economic health of this country was much better prior to the enactment of those changes. I did not vote for those changes I just described. I stood on the floor and fought like the devil against them. Eight of us in the Senate voted no on the Financial Services Modernization Act. Eight voted no. The fact is, it set this country up for an unbelievable fall.

So now here we are. The question is, What next? Where do we go from here? I understand, in this country, it is reasonable for every interest group to organize to support their vested interests. I understand that completely. But I also understand there is a higher purpose and a much larger issue for the American people and for our future.

What kind of future do we want? What kinds of activities, what kinds of things can we do to put our country back on track, to restart the economic engine, to put people back on payrolls once again? There is nothing we can do in this Chamber that is much more important, as far as I am concerned, than finding a way to create jobs to put people back to work. There is no social program that is as important as a good job that pays well and allows people to take care of their families. That is just a fact, and we have seen in this country how you expand the middle class—with good jobs that pay well.

I am going to speak later in this next couple of months again about the issue of trade. I have written a book about

that subject, but I am going to speak at greater length about it because, in the middle of an economic downturn, when we talk about jobs, if we are hemorrhaging jobs once again outside of this country in search of 50-cent-an-hour labor, and we have people lining up here looking for work, that doesn't work for me. That is a lot like filling a bathtub with the drain open. So there are a lot of things that are elements in this.

What I wanted to talk about this morning was to say that it is not a coincidence we have ended up at this intersection in deep financial trouble trying to find a way to see if we can rebuild the economy, to start putting people back to work again. It is not a surprise we have wound up here, anybody who watched what happened with the creation of bubbles and unbelievable speculation that was going on, and the massive amount of money ricocheting around and the creation of exotic financial instruments and no regulation at all, with people in regulatory authority who covered their eyes, and the head of the Fed, who actually was a cheerleader for all of it, who said: We don't need to regulate hedge funds or regulate derivatives. I oppose all of that. It isn't a surprise to us that this thing collapsed. It certainly isn't to me. The question is: How do we set it right?

This President—though I don't agree with him on everything—inherited the biggest economic wreck since the Great Depression. That is a plain fact. Had he gone to sleep from January, when he was inaugurated, and done nothing until today, there was going to be a \$1.3 trillion budget deficit. That is what he walked into the White House and assumed. It is not just this financial situation, this is most of it, but we went to war and decided not to pay for a penny of it. We sent young men and women to fight and die and risk their lives day after day after day in Iraq, Afghanistan, and elsewhere, and we decided we weren't going to pay for one penny of it.

Some of us in the Senate, by the way, said we ought to at least find a way to pay for some of this cost. We are going to send kids to fight and risk their lives, and we don't have the courage to begin to pay for it? We went 8 years and didn't pay for a penny. Every bit of it went to the debt. To those of us who said let's pay for some of it, the last President said: If you do, and you pass that bill, I will veto it. I don't intend to allow for that at all. So that is another part of this.

Look, this country knows better. The American people know better. That is not a policy that works.

I talked yesterday about the Chairman of the Federal Reserve Board, Mr. Bernanke. I did not speak ill of him, I mean, despite the fact I think he has some ownership of these issues as well.

He was part of the economic team at the Federal Reserve Board as well. I indicated yesterday, and I just want to make the point, his nomination is coming up, and I indicated I was not going to vote in favor of the nomination. When he decided to open the lending window at the Federal Reserve Board for the first time in the history of our country to investment banks, I didn't criticize him for it. I wasn't sure whether it was necessary, but I didn't criticize. We were in the middle of a very difficult time. But when he decided to do that, he put the American taxpayers' funds at risk.

We waited, and I and a group of nine other Senators wrote him a letter about 6 months ago and said: All right. Now we want to understand who came to that window and how much money did they get and what were the terms. Who did you give the money to? Who has our money?

He wrote back to us and said: I don't intend to tell you that. I don't intend to tell the Congress, and I don't intend to tell the American people, despite the fact that he said transparency is a big issue for him. Apparently not on this issue.

So I don't think the Congress should proceed with his nomination until he tells us what was the consequence of opening the loan window at the Federal Reserve Board to investment banks for the first time in history.

Well, Mr. President, I see my colleague from Kansas is here and would like to speak, perhaps. This is a long and tortured discussion about this country, its finances, and its future. There is plenty of criticism to go around. I have had kind of a belly full of standing in the Senate and hearing about President Obama and socialism and that sort of thing. The fact is, as I said, he inherited the biggest mess since the Great Depression, and had he done nothing, the budget deficit was going to be \$1.3 trillion. So he is trying to do some things that will set this country back on track.

We have gone through almost a lost decade in terms of smart, effective, good public policies that invest in this country's future. It has set us back a lot. What we need to do now, it seems to me, is to try to see if we can't find a way that what both political parties offer to this country can be brought together, to links arms and try to lift up this country.

We see almost every single day people sawing away and ratcheting away about what is wrong with the country. I can spend a lot of time talking about what is wrong with America. But there is a whole lot right about this country, and it deserves, in my judgment, a lot more cooperation than I have seen in the Senate. It deserves the best of what both political parties have to offer America rather than the worst of each. I hope in the next 6 or 8 months we can

find ways to ask people of both political parties to decide to stand up for tough things—for things that are going to require some courage and that will restart this economic engine, put America back on track, and try to make certain what has happened to us in the last couple of years will never happen again.

Most importantly, we need to give people an understanding that their future can be better than the past. We need to restore confidence. It is hard for people to have confidence watching the proceedings in this Senate. I understand that. But confidence is everything. If people are confident about the future, they do the things that manifest that confidence and that expand this country's economy. That is just a fact. If they are not confident about the future, they do things that contract the economy—they defer and delay the kinds of things they would otherwise do to expand the economy.

I hope in the near future we can find a way to create some jobs initiatives to put people back to work more quickly. But there are just a lot of issues that confront us, and I wanted today especially to talk about the two things this President mentioned yesterday, both of which are so right and so important, both of which this town will organize to oppose.

The first is asking or deciding or telling FDIC-insured banks: You can't be investing and trading risky instruments on your own proprietary accounts and putting the American people at risk any longer. You can't do that anymore. That is not radical; it is right and it is long overdue. I wrote the first article about that 15 years ago as a cover story for the Washington monthly magazine titled "Very Risky Business."

Second is the issue of too big to fail. If anybody in this Chamber wonders whether we ought to do something about too big to fail, go to any town cafe in this country and sit around and ask folks whether they think this capitalistic system works well when you say to almost everybody else: You risk your savings to start a business, and if you don't make it, tough luck. You are on your own. But, by the way, we have some big financial interests that can make record profits, pay the highest bonuses in history, and we have decided they can't fail. We have a special class for them. We will open loan windows at the Fed, we will lend or make \$11 trillion available to them if they need it. We will do anything to prevent them from failing because they are too big to fail.

That is no-fault capitalism. That is not what I believe to be the American way. That is something this President wants to change and something I support very strongly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

## PRO-LIFE MOVEMENT

Mr. BROWNBACK. Mr. President, I thank my colleague from North Dakota. I will miss his voice around here. He and I both are leaving this body at the end of this year, and I have appreciated the chance to serve with him and work on many different issues of significance and concern for the country. He has always had a strong voice, done an excellent job in representing his constituency and his point of view, and I will miss serving with him.

Mr. President, right now, at this very minute, hundreds of thousands of people are amassing in this town for the 37th annual Right to Life March—hundreds of thousands. It will be a crowd where 80 percent will be under the age of 25. It is a young movement. It is a movement that believes in human dignity and that life begins at conception and goes to natural death. They are energized, motivated. They are here and they need to be heard. They stand to be a voice for the voiceless; to stand for a cause they believe in, that they believe is right, and I believe they are right. I believe they are winning this cause.

In 1973, the Supreme Court banned most impediments to having an abortion in the United States. Since that tragic decision, many experts estimate that between 40 and 50 million—40 to 50 million—abortions have happened in the United States. It is a number that plagues our government and defies our constitution.

This tragedy is why we continue to call for the end of abortion in the United States. Today, in memory of the 37th anniversary of *Roe v. Wade*, we want to talk about how the pro-life movement should be credited for changing America's attitude on the issue of abortion. The President's campaign theme in 2008 on change is also relevant to the pro-life movement, which has effectively changed millions of hearts and minds by challenging the central tenets of the flawed *Roe* decision.

The *Roe* decision, which took State law and said State laws can no longer cover the issue of abortion and federalized the whole issue, has been the centerpiece issue of this whole debate, saying this should be an issue decided at the State level. These protestors are here en masse to again call for the Supreme Court to overturn *Roe v. Wade*. The decision has been proven to be antithetical to individual liberties and to human dignity.

There will be young people at the march who have learned they have lost siblings because of abortion. They will never know a younger brother, an older sister, and they are profoundly saddened by such a loss. There will be women at the march for life who have had abortions and now regret making that decision; they are still grieving for their lost children, and they will say that which is politically incorrect:

Abortion hurts women. The number of women who have joined this "Silent No More Campaign" represents a fundamental change in attitudes regarding the controversy of the issue of abortion.

I hope Congress will listen to those who mourn and advocate for their government to do something to right this wrong. If they do listen, they will notice that the country is changing in several significant ways. The pro-life movement has transcended beyond my generation into a new movement that is young, passionate, energetic, creative, and resilient. President Obama said during his campaign last year:

A new generation inspires an old generation, and that is how change happens in America. It doesn't just happen in elections and campaigns. We know that young people everywhere are imagining something different than what is.

I believe that this younger generation is inspiring an older generation. Today, there will be hundreds of thousands of Americans—many of them young people, who believe in defending innocent human life—who will march across the National Mall for real change.

We found out earlier this week, with the upset victory by Scott Brown in Massachusetts—one of the bluest of blue States—that politicians have to respect the voters on the issues they care about. The American people are dismayed at our government's radical approach to promoting abortion. The American people don't want government-run health care that includes abortion mandates and Federal subsidies for abortion. They don't want foreign aid going abroad to promote abortion. They don't want to relax commonsense regulations that are proven to reduce the incidence of abortion.

Even for those who are pro-choice, the mantra around here for some period of time was to have abortion be safe, legal, and rare. The policies I just listed are all policies that would expand abortion. The last time the Federal Government paid for elective abortions, we paid for nearly 300,000 a year—a shocking number and certainly not a rarity.

People are realizing that abortion had promised liberty but instead has brought death. Doubters have turned into believers and people are waking up to the reality and the truth about abortion. Our movement is truly changing hearts and minds.

Although it is true the pro-life movement saw many setbacks this past year, we also have much to be thankful for and hopeful for in the future. A Gallup poll earlier this year—for the first time since Gallop started asking this question in 1995—showed our country to be a pro-life majority country. This year, 51 percent of Americans called themselves pro-life on the issue of abortion and 42 percent pro-choice.

In 1995, 56 percent of Americans called themselves pro-choice, and in 2008 that number was 50 percent. I see our movement changing, striving to continue getting a little better each day.

The movement continues to value people over ideology and political parties. Pro-lifers found a hero and strong ally in Democratic Congressman Bart Stupak this year for taking the tough stance in defense of life in the health care reform debate. It was a blow to the abortion advocates when Democratic Congressman STUPAK led the charge and continues to lead the charge in that fight. The pro-life movement is changing because it has rallied new leaders from both major political parties, which is something for which we should be very grateful.

Another way our movement is changing is through new outreach tools. Pro-lifers are sharing the truth about abortion with friends on Facebook, Twitter, YouTube, iPhone, and countless other new technologies. Young people are utilizing these new media tools to uncover and expose an abortion industry. I am excited about this because I know the pro-life movement's focus and energy has never been so devoted or determined.

The movement's message is more expansive. We have changed and attracted a majority of the country to our cause with compassion for all human life—being pro-life and whole life. Our movement has become more consistent and attractive because the pro-life movement speaks to the respect for human life in all places and in all stages—for those who are in the womb, for those who are in prison, for those who are in Africa, for those who are in poverty, for those who have plenty, for those who have experienced natural disasters such as the recent earthquake in Haiti.

The pro-life movement has been successful because it has changed people's views on the issue. We are now seeing more and more studies coming out about the impact on people who have had abortions. Even the evidence has been changing and we now know that 80 to 90 percent of children diagnosed with genetic defects such as Down syndrome are aborted. We are getting that evidence in. We also have evidence now that shows children in the womb feel pain when they are aborted. New science, ultrasound equipment, and other advances in technology are giving new-found hope in spreading the truth about abortion.

Ultimately, the cause for human dignity cannot be silenced and will not stay still. Human liberty and freedom will prevail and I hope this year's March for Life will again inspire a country that longs for change and that many hope will embrace, fully embrace, the culture of life.

I yield the floor.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HAITI

Mr. LEAHY. Mr. President, we have all watched the widespread devastation and loss of life in Haiti caused by last Tuesday's earthquake. It is a tragedy on a scale that words cannot adequately describe. I have talked with a number of people who have been down there. No matter how horrific the photographs we have seen, in reality it is even worse.

Haiti is the hemisphere's poorest country, a history of repeated calamities, some, of course, caused by natural disasters, but some by past corrupt and abusive governments. Now it faces a humanitarian emergency, but also reconstruction needs of daunting proportions: 3 million people affected, hundreds of thousands left homeless, and an estimated 100,000—perhaps twice that many—lives lost, countless children injured and many orphaned.

The Haitian Government, which already has limited capacity, has been severely damaged. The U.N. mission in Haiti, which is doing heroic work, suffered catastrophic losses.

Americans and people around the world have reacted with compassion and generosity. A massive relief effort is underway. Search and rescue teams from the United States and other countries continue to pull survivors from the rubble more than a week after the buildings collapsed. The U.S. Coast Guard, the U.S. Agency for International Development, the Departments of State and Defense, and many other Federal agencies have personnel on the ground.

Our military sent ships and planes and troops. We have responded as America does. We are, after all, the wealthiest, most powerful Nation on Earth. Morality requires us to help those, especially neighbors, so severely damaged.

I have visited Haiti as chairman of the State and Foreign Operations Subcommittee, and each year I have worked to increase United States assistance for Haiti. I can tell you, this earthquake could not have come at a worse time.

There was hope that Haiti, after recovering from three severe hurricanes in 2008 which left most of the country's infrastructure damaged or destroyed, was poised to finally make some real strides toward political stability and economic development. All of us who care for Haiti thought finally things were getting better. Last Tuesday, in a

few terrifying minutes, that hope was buried in rubble. The immediate focus, of course, is saving lives, helping those people who have no place to live and no way to support themselves. I do thank the many humanitarian relief organizations as well as the United Nations, OAS, the Pan-American Health Organization, the International Committee of the Red Cross, other international organizations, and other countries that have sent relief workers to help. They mobilized quickly. We have seen their doctors, nurses and other relief personnel working day and night since shortly after the earthquake hit. They are doing an outstanding job under the worst possible conditions.

I want to express my condolences to the Haitian people, and my admiration for them. They have shown remarkable fortitude and patience in the wake of this catastrophe. Even in the midst of so much misery, there are already glimpses of a recovery.

Some press reports have focused on incidents of looting, and crowds of people surrounding UN vehicles or scrambling for whatever food or water they can find. But in fact those incidents have been the exception. The vast majority of the survivors, in the midst of a destroyed city with little food, water or shelter, have refrained from violence and instead tried to help each other.

To the families of others who died or suffered severe injuries, particularly American citizens who were in Haiti, several of whom were Vermonters or who had relatives in Vermont and who lost their lives when the buildings collapsed, our hearts go out to them. How much we wish we could turn the clock back and bring them home.

A great deal is being done to alleviate the suffering, but I also think there are important lessons from this experience that will enable us to respond even more quickly and more effectively when the next disaster strikes. It is more than a week after the earthquake struck and many people left homeless have yet to receive food or water and they have no shelter.

The Central America-Caribbean region is among the most disaster prone in the world due to the many volcanoes, earthquake fault lines and tropical storms. There are things we can do to be better prepared and to deliver aid more efficiently next time.

This is in no way to detract from the heroic efforts of those not only from the United States but from nongovernmental organizations and from other countries who have worked against almost insurmountable odds to get aid to those who need it.

I am concerned with reports that some humanitarian organizations have been unable to obtain access to the Port-au-Prince airport for several days. Many tons of relief supplies have reportedly been flown instead to the Dominican Republic and then trucked by

land to Port-au-Prince, which is not only expensive but time-consuming, and they are needed now. If you are a child, dehydrated and dying, and food and water are only a few miles away, or you are a parent to that child, you cannot wait.

The outpouring of generosity by Americans of all ages to the people of Haiti has been extraordinary. Millions of dollars have been donated. There have been far more offers to volunteer than the relief organizations can accommodate. I am very proud of the many Vermonters, from nurses to elementary school students, who have sent money or gone to Haiti to help.

While Haiti has suffered this devastating blow, our ties to Haiti and the Haitian people are stronger than ever. We will not only help the Haitian people through this crisis, we will work with them to transform this disaster into an opportunity to rebuild their country better than it was before.

That is what the State, Foreign Operations subcommittee will seek to do when we look at the next budget request for Haiti. We will ask: How can we make it better? How can we make them better prepared if disaster strikes again? How can we help the people of Haiti who want and deserve a better life? That is showing a sense of morality. As Americans, that is what we should do.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KIRK). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF BEN BERNANKE

Mr. MERKLEY. Mr. President, I rise today to talk about the challenge of putting our economy back on track and the type of leadership we need to take us forward. Much of this last year we have been absorbed in addressing the challenge of major financial institutions failing and the importance of preventing them from failing in order to not have the second Great Depression. So that has put a lot of attention on Wall Street.

But to go forward as a nation, we need to turn our attention to Main Street. We need to rebuild the financial foundations for our families. That is why I am rising today to oppose the nomination of Chair Bernanke for a second term as head of the Federal Reserve.

I want to take a moment to explain why, when his nomination was in the Banking Committee, I voted against that nomination. I voted against that nomination because I believe Chair Bernanke is not the right person to take us forward.

I will acknowledge he has been quite handy with the fire hose; that is, he has been quite handy in addressing and putting out the fire that has affected our economy over this last year. We are not in a great depression, but we are in a severe recession. But do you hand the job of rebuilding a house that has been burnt down by a fire to the person who helped set the fire to begin with? And Ben Bernanke helped set the fire.

Ben Bernanke was on the Board of Governors of the Fed from 2002 to 2005. He was chair of the Council of Economic Advisers from 2005 to 2006, and he was Chairman of the Fed from 2006 until now. He has been at the table of economic policymaking in this country for 8 years, when mistake after mistake after mistake has been made.

That is how the house was set on fire. Now that it has burned to the ground, we do not need a fireman to rebuild the house; we need a carpenter. We need somebody who understands that short-term wealth on Wall Street is not the goal of our national economic policy. The goal of our policy is to build the financial foundations for our families, the success of our families.

Let me mention some of the things that happened while Ben Bernanke was sitting at the table making economic policy. First, there was an enormous explosion in derivatives. "Derivatives" is a term that is hard to get your hands around, but let me translate. It is essentially bets on the future aspects of the economy—bets on future interest rates, bets on future bond prices, bets on future stock prices. You can place bets on things you own yourself, and that is akin to an insurance policy, but you can also place bets that are not on assets you own, and then it is pure speculation. Those derivative contracts—those contracts that were essentially speculation on the future—created a web of risk tying one financial institution to the next financial institution, setting them up like dominoes, so if one failed, they endangered the next failing. While this derivatives market exploded—and there was not a clearinghouse, and there was not an exchange—we heard nothing from Ben Bernanke about the need to address that risk.

Then there is the question of leverage, that the Securities and Exchange Commission lifted the leverage requirements on the five largest investment banks, and they proceeded to invest with 30-to-1 leverage ratios. If you have \$1, and with that \$1 you can borrow \$30 and invest those \$30, when things go up in value you are going to make enormous money, enormous profit. But, just as assuredly, when they go down in value, you are going to lose your money instantly—very quickly.

We do not know when the markets will go up and when the markets will go down, but what we do know is they

will go up and down over time, and you need to have a system that is not designed just to reap great benefits on the way up and blow up on the way down. We heard nothing from Ben Bernanke about this risk.

It is during this period that proprietary trading increased dramatically. What is proprietary trading? We think of our banks as organizations that take in deposits and make loans. But they also can trade on their own account, and they can borrow money to trade on their own account. You can think of them as day traders in the financial world, only at levels of extreme size, very large size. The risks that are taken in proprietary trading can produce tremendous profits and, when the markets go down, when the bets go bad, enormous losses. Again, we did not hear from Ben Bernanke about the risk that proprietary trading was placing on our depository, lending, banking institutions.

Let's address consumer protection. The Fed has the mission of consumer protection. But under Mr. Bernanke's leadership, the responsibility for monetary policy was in the penthouse; safety and soundness were on the upper floors; and consumer protection was put deep in the basement, never to be heard from again.

Why was this so important to our financial system? Certain practices grew that completely imperiled our financial system based on consumer protection issues. Specifically, one of those was prepayment penalties in home mortgages and the other was steering payments.

Let me explain those a little bit. A steering payment is a payment that a group that is lending the funds makes to a broker to reward them for steering a client into a very expensive loan.

As an American family buying a home—say, for example, you have come from your real estate broker. Your real estate broker follows a very strict code of conduct and makes sure everything is absolutely disclosed in a straightforward manner and makes sure you understand whether they are representing the seller or the buyer or both of you. You go to your broker. You are paying your broker, and you think that broker is going to do the best by you.

Indeed, your broker might say to you: Home mortgages have become very complicated, and I will serve as your financial adviser. So I will make sure you get the best loan. But what you do not know is that broker is taking a huge fee, a huge steering fee, if you will, to convince you to put your name on a loan that is not in your best interest—a loan that has an exploding interest rate, a loan that has a triple option that will go to a low payment, to a high payment, and a loan that has a prepayment penalty that keeps you locked into that loan and unable to re-

finance it without several pounds of flesh.

Those practices were very valuable to the lender. That is why they paid these payments to the broker, because they could then sell that loan to Wall Street and say: Look how valuable this loan is. The interest rate is going to go way up and the homeowner cannot get out of the loan. That is a valuable asset. Wall Street took those subprime loans and they proceeded to turn them into securities, and they started to sell them to financial institutions throughout the world.

So the failure to protect the homeowner from these abusive practices led to systemic risk, not just here in America but financial institutions throughout the world. That responsibility for consumer protection was the Federal Reserve's responsibility.

I want to note several things. The first is, I have found, in dealing with Chair Bernanke, that he has been very forthcoming in conversations. He has been very professional. He has been very knowledgeable. And he has been very likable. So nothing I am saying right now is based on any sort of personal feelings. Instead, it is about this: How do we put this economy on track for our families, for the financial future of our families?

I have to say, our families have suffered enormously as our national economic house has burned down. They have lost jobs. They have lost their savings. They have often lost their health care that went with their jobs. They have often lost their retirement accounts because the value of the assets they had plunged in that retirement account. Folks who had planned that they were going to have some golden years now are thinking they might have to keep working as long as they are able. Families have lost a great deal. Families are stressed about the future. So these economic mistakes had a huge consequence.

We need to have a Chair of the Federal Reserve who will lean into the wind; that is, when something is unpopular but important to address systemic risk, someone who is willing to say to powerful economic entities: This practice is not acceptable. The lack of reserves is not acceptable. Prepayment penalties and steering payments in mortgages are not acceptable. Undisclosed derivatives that tie financial institutions together in a web of risk is not acceptable. Proprietary trading that can make huge profits for a depository-lending institution in one quarter but bring down that same institution in the next must be regulated. We must have a Chairman of the Federal Reserve who will lean into the wind and say these things are important, these lane markers are important, these traffic signals are important. We can think of it akin to a traffic system. You do not want a stop sign on every corner.

You do not want paralyzed traffic from overregulation. But you also do not want to strip away the traffic signals, strip away the lane markers, and have the sort of chaos that results in all kinds of traffic accidents and wreckage. Yet that is what happened in our financial system over the 8 years Ben Bernanke was at the table of economic policymaking.

You may think that maybe I am overstating the mistakes that were made. I would encourage anyone to look up the Washington Post article written on December 21, 2009, a month and a half ago. This article is an extensive review of decisions the Fed made and their impact in the system. I thought I would give you a sampling from this one article of things you might find interesting and important in this conversation about the economic leadership we had.

The article starts out noting that:

Foreclosures already pocked Chicago's poorer neighborhoods but the downtown still was booming as the Federal Reserve Bank of Chicago convened its annual conference in May 2007.

Quoting further from the article:

The keynote speaker, Federal Reserve Chairman Ben S. Bernanke, assured the bankers and businessmen gathered at the Westin Hotel . . . that their prosperity was not threatened by the plight of borrowers struggling to repay high-cost subprime loans.

I quote from Mr. Bernanke. He said to the audience:

Importantly, we see no serious broad spill-over to banks or thrift institutions from the problems in the subprime market. The troubled lenders, for the most part, have not been institutions with federally insured deposits.

The article goes on to note:

The Fed's failure to foresee the crisis to require adequate safeguards happened in part because it did not understand the risks that banks were taking, according to documents and interviews with more than three dozen current and former government officials, bank executives and regulatory experts.

So that is one example.

A second example is, Bernanke had reached a conclusion that essentially the financial system would self-regulate. Reading from the article now:

Bernanke said the economy had entered an era of smaller and less frequent downturns, which he and others called "the great moderation."

It notes—and I make this as a third point from this article:

The Fed let Citigroup make vast investments without setting aside enough money to cover its eventual losses.

This article goes on to explain the story with Citigroup and that the reserves were tied into a decision by the Fed; specifically, that a decision was made under accounting rules that when they bought into a pool of securities, those securities were viewed as so stable they didn't need to set aside significant reserves. Here is the interesting

point: Even though they had bought those securities and then sold them, they had pledged to cover losses if borrowers defaulted. So they had a significant risk even after these securities had been sold, but that risk was not taken into account when the reserve requirement was set.

We can turn to another piece of this. There was a report done by the Fed called the "Large Financial Institutions' Perspectives on Risk" and it found: "No substantial issues of supervisory concern for large financial institutions."

As you all might recall, many financial institutions were doing regulatory shopping, looking for the regulator who would give them the best deal or the regulator who knew the least about their affairs so they could hardly even ask the right questions. That was certainly a factor in AIG going down. The Fed regulators looked at National City's books and its management and again found nothing amiss.

In reality, the bank was ailing. Its subprime borrowers were starting to default on their loans. Less than two months after the Fed approved the merger, National City reported a net loss of \$19 million. The company never returned to profitability.

I am, again, quoting from that Washington Post analysis:

The Fed's failure to see the rot inside National City resulted from the central bank's reliance on others to identify problems.

They weren't asking the right questions. They didn't have a team who was going out making sure they understood what was going on.

There was another example of this:

In January 2005, National City's chief economist had delivered a prescient warning to the Fed's board of governors: An increasingly overvalued housing market posed a threat to the broader economy.

This message, the article says, was not well received. One board member expressed particular skepticism, and that board member was Ben Bernanke. Bernanke said:

"Where do you think it will be the worst," he asked, according to people attending the meeting. "I'd have to say California," said the economist. Bernanke replied, "They have been saying that about California since I bought my first house in 1979."

Ben Bernanke did not think there was an issue even to be thoroughly explored and wrestled with.

There is additional information in this article about the Fed's power when mergers occur and it notes:

The Fed's power to reject a merger application involving Golden West and Wachovia was a potentially important check on the wave of mergers that created banks so large that their distress would threaten the economy. But from 1999 through last month, the Fed approved 5,670 applications to create or buy a bank and in that time denied only one.

Well, that power of the Fed regarding mergers was not utilized.

Then, finally, let me note an issue regarding Basel II. Again, I quote from the Washington Post Analysis:

Even on the verge of the financial crisis, the Fed continued to push for new international rules that would let many large banks hold less capital. Under the proposed rules, called Basel II after the Swiss city where they were drafted, regulators further increased their reliance on the bank's risk assessments.

Sheila Bair, Chairman of the FDIC, warned as follows. She said the new rules "come uncomfortably close to letting banks set their own capital requirements."

Again, Ben Bernanke, this last year, has done a good job with the firehose, but now we need to rebuild the economic house for the prosperity of our families. The person to rebuild this house is not the person who sat at the table and made mistake after mistake after mistake over an 8-year period that led to this financial house of ours burning down, with catastrophic results for our families across this Nation. This is why I opposed Ben Bernanke's nomination to again be Chairman of the Fed when I was in the Banking Committee last month, and this is why I will oppose this nomination on the floor of this Senate.

Thank you very much.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TERRORISM ON CHRISTMAS DAY

Mr. LEMIEUX. Mr. President, I rise today to speak about the incident that occurred on Christmas Day, when our Nation was targeted by a terrorist who attempted to bring down a plane with 278 passengers and 11 crew members. This attack would have resulted in mass casualties. Thankfully, it did not occur. Much in part due to the vigilance of nearby passengers and for the grace of God, this terrorist was unable to detonate the explosives he carried with him under his clothes.

We should be responding as if the worst happened. What would we be doing today if that plane had exploded over the skies of Michigan and all of its passengers had died?

When the plane landed, the Nigerian terrorist, Umar Farouk Abdulmatallab, was taken into custody and questioned by authorities. But what happened next is very worrisome. Instead of treating Mr. Abdulmatallab like the terrorist and enemy combatant he is, he was afforded all of the protections of the U.S. Constitution, as if he were a U.S. citizen. He was provided his Miranda rights—the right to remain silent, the right to have an attorney, and the information that if he did not remain silent, it could be used against him. Of course, as best we know, once he was provided with these rights, he



stopped talking to those who were questioning him.

What information did we fail to learn? What information about Yemen, the newest breeding ground for al-Qaida and other terrorist groups launching attacks against our country, did we fail to learn? What did we fail to learn about the next attack that is coming, whether it will be again in an airplane or another type of terrorist attack?

Those questions were not asked, and they could not be answered because we treated the terrorist like an American citizen. We gave him all of the constitutional protections. Yet those protections were never meant for people we are fighting against in a war.

That is why I come today to the floor of the Senate because we are treating these terrorists—from the Christmas Day bomber to Khalid Sheikh Mohammed, whom we are going to try in a Federal court, a civil court in New York—as if they are common criminals. In so doing, we are losing ground in the war on terrorism. We cheapen the value of being an American citizen, with all the rights that are afforded to us, when we grant terrorists who seek to end our way of life with those same protections.

Why are we providing Miranda rights and other constitutional protections to terrorists at the expense of the security of the American people? Who in our government is making this decision? Who is saying these terrorists should have these rights? Who made the decision to Mirandize the Christmas Day bomber and treat him as a criminal defendant instead of an unlawful enemy combatant?

Instead of treating this as a criminal law enforcement action, we need to recognize that we are at war. It is not the kind of war that our grandfathers fought in World War II or the one our fathers fought in Vietnam; it is what they call an asymmetrical war. But it is a war nonetheless. The people who are waging this war against us are trying to destroy America as we know it—not unlike the enemies we have had in our past wars.

We lose the edge against these enemies in this war by failing to gain the information that we could gain, and should gain, from lawful and proper interrogation—information that is not gained as soon as Miranda rights are given.

This week the Director of National Intelligence, Dennis Blair, the National Counterterrorism Center Director, Michael Leiter, and the Department of Homeland Security Secretary, Janet Napolitano, all testified before committees of the Congress and the Senate surrounding the incident concerning Umar Farouk Abdulmutallab. Each of them admitted they were not consulted by anybody in the administration, specifically the Department of Justice, on

prosecuting Abdulmutallab in a civilian rather than a military court. These are the people who are supposedly on the frontlines of protecting the homeland and fighting against terrorism.

The Director of National Intelligence, a position created to stand on top of all of the other intelligence-gathering organizations, to break down the silo so we could gain information and connect the dots—which as you hear, of course, did not happen for this event—but the chief intelligence officer of the United States of America was not informed as to why we were prosecuting him as a civilian.

I had the opportunity to question Michael Leiter, the head of the National Counterterrorism Center, who is trying to counter the terrorism that is affecting our country. Although he was careful not to contradict the administration, it is clear to me that he would rather we treat these enemy combatants as what they are and not as common criminals.

So who made this decision? Was it the Attorney General of the United States? Was it the President? Whoever made this decision, we need to know. That information needs to be before the Senate because it is a questionable call at best. In fact, I submit it is the wrong call to treat these non-American citizens as if they had all the rights we do. We are losing the war on terrorism if we do not gain the valuable information to stop terrorist attacks before they start. Someone from this administration needs to come forward and own up to this decision. I call upon the administration to do so. The American people deserve answers. Our policymakers have to come clean. We should be able to ask them questions and ask the right person questions as to why this decision was made.

We should not be trying terrorists in civilian courts. We should not be giving them Miranda rights and other constitutional protections. We should be fighting the war on terrorism as if our very lives depend upon it because they do.

#### HAITI

Mr. President, I wish to speak about the situation in Haiti and the tragic events that occurred last Tuesday around 5 p.m. when a massive earthquake, measuring 7 points on the Richter scale, occurred near Port-au-Prince, the capital of Haiti.

As a Senator from Florida, I have a deep connection to the Haitian people because we have more than 200,000 Haitians in our community in Florida. Watching what happened on television and the graphic pictures we have all seen on the news of the tragedy that has occurred—families have been separated and lost, children have been orphaned—we have also seen encouraging shots, those of people being rescued. We all saw the shot a couple days ago of the 75-year-old lady who was res-

cued, and yesterday a small boy and his sister were pulled out of the rubble, amazingly buried alive for a week and they made it out. It gives us hope. But the projections are grim with perhaps as many as 150,000 Haitians dead. It is a staggering figure. It is a tragic loss of humanity.

Last week, I was in Miami, along with the Governor and other officials, as we met to talk about what our response would be. We worked with the Coast Guard and Southern Command to make sure our rescue teams from Miami that have done work all around the world would have the opportunity to join the other search-and-rescue teams to help bring out the living and to find the dead to return them home. We have been very successful in doing that. We are very thankful for all of those Americans and very proud, as I am, especially of the ones from Florida, who have been doing such great work.

While I was down in Miami, I had the chance to go to Little Haiti, which is our largest Haitian-American community, and visit the students at St. Mary's School. It is the school next to the Catholic cathedral in Miami, Dade County. I visited with Monsignor Terence Hogan and Sister Jane Stoecker, who is the principal of the school. I saw these beautiful Haitian children who were there in their school uniforms. They came to school that morning, the day after the earthquake, crying because they have family and loved ones on the island of Hispaniola. They put their pennies and quarters together to raise \$500 to send to rescue and help the Haitian people. It is a touching story.

The American people have been touched, too, because now we know tens of millions of dollars have been raised. Former President Bush and former President Clinton have come together under the request of President Obama to lead a relief effort so that we all can contribute, and we all must and we all should.

I am thankful to RADM Steve Branham of the 7th District of the U.S. Coast Guard who has been on the ground and instrumental in making sure the relief efforts and the Coast Guard could be there to help these folks. One thing specifically he has been able to help with, which I will talk about in a moment, concerns the students from Lynn University in Boca Raton.

I would like to talk about some of the heroes, some of our Floridians who have been so instrumental in helping the Haitian people.

I wish to talk about a Fort Pierce-based nonprofit organization called Missionary Flights International that began flying food and supplies to Haiti daily. Since the earthquake, the organization has collected donations and gathered volunteers to load food,



water, and supplies on their planes. In 1 day alone, the organization sent more than 400,000 ready meals to be eaten in Haiti.

Another organization, the Big Heart Brigade in Palm Beach, is shipping 140,000 meals ready to eat this week. The Big Heart Brigade provides meals to many in South Florida, but in the wake of the tragedy, they have focused their efforts on Haiti.

I wish to talk about Mr. Hank Asher in Boca Raton, FL, whom I happen to know well, who immediately took his plane and started flying doctors and nurses from Jackson Memorial and needed supplies into Haiti and brought back the wounded and the injured to Florida. We were able to give them some assistance in getting in and out shortly after the disaster.

The good people of Florida and the good people of this country are opening their hearts and wallets and pocketbooks to help the people of Haiti, as they should. I look forward to going to Haiti once the search-and-rescue portion is over to assess the situation myself to see what I can do to help that nation recover.

Also, as I mentioned a moment ago, I wish to talk about Lynn University students. Many folks watching on television today have seen the parents of these students. There were 12 there with faculty members. Some of them were able to get home. They were recovered and returned but alive. Now we know there are four students still missing and two faculty still missing. We remain hopeful that these young ladies and their two faculty members will make it back home to Florida. We have Christine Gianacaci, Stephanie Crispinelli, Courtney Hayes, and Britney Gengel, along with faculty members Patrick Hartwick and Richard Bruno.

I have been talking with Dr. Ross, the president of Lynn University. My office, with other Members of Congress, is trying to assist in the efforts to find these students who were in the Hotel Montana, which fell shortly after the earthquake.

Yesterday, I sent a letter to Secretary Clinton, Administrator Shah, and Secretary Gates. I ask unanimous consent to have printed in the RECORD a copy of this letter dated January 21, 2010, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. LEMIEUX. Mr. President, in that letter we have asked that the search-and-rescue efforts continue. We saw the miraculous discovery of that young boy and young girl yesterday. There are people potentially alive still buried in the rubble. We must continue while there is some hope to look for survivors. But if there are no survivors, we request in this letter that their loved ones be brought home so they

can be here in the United States. It is a request I think we all understand. We have been working with Secretary Clinton's office. We know they share the same view. I wanted to bring that to the attention of the Senate.

As a parent of young children, I cannot imagine the loss and the feeling of loss of these parents from Lynn University and others who are still waiting for the potential recovery, as the days grow longer and the hours go by, of their family members, especially the loss it must be for these parents, the idea of losing a child. There is nothing more tragic one can think of. Our hearts go out to them. They are in our prayers. We look forward to the hopeful return of these students and faculty, but if not their return alive, then at least bringing them home so they can have rest and peace back in the United States of America.

Mr. President, I yield the floor.

#### EXHIBIT 1

U.S. SENATE,

Washington, DC, January 21, 2010.

Re Locating and Returning Americans Missing in Haiti.

Hon. HILLARY CLINTON,  
Secretary, U.S. Department of State,  
Washington, DC.

Hon. ROBERT GATES,  
Secretary, U.S. Department of Defense,  
Washington, DC.

Dr. RAJIV SHAH,  
Administrator, U.S. Agency for International  
Development,  
Washington, DC.

DEAR MADAM SECRETARY CLINTON, MR. SECRETARY GATES, AND ADMINISTRATOR SHAH: Over the past week, the immense scale of the tragedy in Haiti has been revealed. The outpouring of support from Americans for the Haitian people has been significant and heart-warming.

Americans' commitment to the renewal of Haiti existed before last week's devastating earthquake. As a result, thousands of Americans were working, studying, and serving in Haiti when the quake struck. Many of them remain missing. Among the missing are a number of my fellow Floridians.

Because these Americans remain unaccounted for, please urge all relevant U.S. officials to advocate for continuing search and rescue efforts until the possibility of survival no longer exists. Additionally, on behalf of the families of the missing, I request you to do everything within your power to ensure that every American known to be missing in Haiti is located and returned home.

Thank you for your attention to this urgent matter.

Sincerely,

GEORGE S. LEMIEUX,  
United States Senator.

Mr. LEMIEUX. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEAHY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Conrad amendment No. 3302.

AMENDMENT NO. 3305 TO AMENDMENT NO. 3299  
(Purpose: To reimpose statutory pay-as-you-go)

Mr. REID. Mr. President, I ask unanimous consent that it be set aside, and I call up an amendment I have at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3305 to Amendment No. 3299.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF T. ALEXANDER ALEINIKOFF

Mr. LEAHY. Mr. President, at the end of this month, the dean of the Georgetown University Law Center, T. Alexander Aleinikoff, will resign his post to accept the highly distinguished appointment of United Nations Deputy High Commissioner for Refugees. I have come to know Dean Aleinikoff well in the 5 years he has served as the dean at my law school alma mater. I am very proud of the dean's appointment and look forward to working with him in his new position.

Dean Aleinikoff has devoted his entire professional career to public service on behalf of refugees, asylum seekers, and immigrants. After graduating from Yale Law School and serving as a clerk to the Honorable Edward Weinfeld, U.S. district judge for the Southern District of New York, Dean Aleinikoff served as an attorney advisor in the Department of Justice and later as General Counsel and Executive Associate Commissioner for Programs to the Immigration and Nationality Service. Dean Aleinikoff devoted years to teaching refugee and immigration law, both at the University of Michigan and at Georgetown University Law Center, where he was appointed dean in 2004. He also served as the cochair of the Immigration Policy Review Team for President Barack Obama's transition in late 2008 and early 2009.

With 34 million refugees and internally displaced persons of concern to the Office of the High Commissioner, Dean Aleinikoff's expertise and management skills will be required on a daily basis. I have long fought to expand the relief available to refugees around the world and to asylum seekers who turn to the United States for protection. I know that we share these goals, and I am confident that Dean Aleinikoff will ably rise to the challenges he will face, however daunting they may be.

I have worked closely with Dean Aleinikoff on a variety of issues throughout his tenure as dean and greatly admire his intellect and commitment to justice. The quality of the Georgetown legal education is extraordinary, and the institution's role as a national leader in law and policy has never been more prominent. As a graduate of the law school, I am sorry to see Dean Aleinikoff depart, but his work on behalf of refugees could not be more important or more timely.

I thank Dean Aleinikoff for his extraordinary leadership of the Georgetown University Law Center and wish him great success in this challenging but critically important new role.

#### ANNIVERSARY OF ROE v. WADE

Mr. HATCH. Mr. President, today is the 37th anniversary of a double tragedy for our Nation. On January 22, 1973, the Supreme Court of the United States twisted the Constitution to create a right to kill babies before they are born. Since then, nearly 50 million babies have lost their lives. That is more than 40 times the number of Americans who died in all of our Nation's wars. Those babies were living human beings, and they were killed by abortion.

Less than 25 years earlier, inspired by the experience of World War II, the United Nations unanimously adopted the Universal Declaration of Human Rights. The United States voted for it, and it is said to be the most widely translated document in the world. Its very first words declare that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Article 3 of the Declaration states that "everyone has the right to life."

I belong to the human family because I am a living human being. So does every Member of the Senate, every citizen of this country, every human being on this planet. Each of us was no less a living human being, no less a member of the human family, before we were born than we are now.

The facts did not change, but Roe v. Wade represented a radically different set of values. In January 1983, President Ronald Reagan said that the 10th

anniversary of Roe v. Wade was a good time to pause and reflect. He said that the real issue with abortion "is not when human life begins, but, What is the value of human life?" That is still the real issue today. Do human beings still have, in the words of the U.N. Declaration, inherent dignity and inalienable rights? Or do we have, as President Reagan described, "a social ethic where some human lives are valued and others are not"? I will ask to have printed President Reagan's profound essay titled "Abortion and the Conscience of the Nation" in the RECORD following my statement.

We have not done enough to address the reasons that many women feel they have no alternative but abortion. I applaud the thousands of selfless women and men who volunteer and give and work to help women choose life. I understand that today there are more pro-life centers than abortion clinics in America. But abortion is right or wrong not because of why it is done, but because of what it is. Abortion is the killing of living human beings.

A few years ago, Congress considered bills to ban the killing of horses and to promote humane treatment of farm animals. A House member who supported these bills and co-chaired the Congressional Friends of Animals Caucus said: "The way a society treats its animals speaks to the core values and priorities of its citizens."

I believe that the way a society treats babies also speaks to the core values and priorities of its citizens. As President Reagan said, we "cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life."

The result of the Roe v. Wade decision is the first tragedy we should mourn today. The second tragedy is the means the Supreme Court used to achieve that result. The real Constitution, the one that the people established, the one that is the supreme law of the land, the one that protects liberty by limiting government, does not contain a right to abortion. To achieve the result they wanted, the Justices effectively created a different Constitution, and in so doing asserted control over the charter that is supposed to control them. The Justices became masters over the Constitution they had sworn an oath to support and defend.

So the result of Roe v. Wade diminished the value of human life. The means of Roe v. Wade diminished the value of liberty. The Supreme Court attempted to impose upon the people a set of values that they still reject. Most Americans still oppose most abortions, and last year more Americans called themselves "pro-life" than the alternative label for the time in the 15 years Gallup has asked that question. As President Reagan said in 1983, "despite the formidable obstacles before us, we must not lose heart."

Today, we are challenged to reach out and to give of ourselves to help others. I championed the legislation to help make service a national priority. In July 2008, before he was elected President, Senator Obama said that when you serve, "you are connected to that fundamental American ideal that we want life, liberty and the pursuit of happiness not just for ourselves but for all Americans. That's why we call it the American dream." It might even be called the human dream.

Is that still our dream today? What are our core values and priorities? Do we still embrace those universal human values of inherent dignity and inalienable rights for all members of the human family? Today, Roe v. Wade still gives us an opportunity to pause and reflect. That tragic decision, in President Reagan's words, "has become a continuing prod to the conscience of the nation."

Mr. President, I ask unanimous consent to have printed in the RECORD President Reagan's essay titled "Abortion and the Conscience of the Nation" to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review, June 10, 2004]

#### ABORTION AND THE CONSCIENCE OF THE NATION

EDITOR'S NOTE: While president, Ronald Reagan penned this article for The Human Life Review, unsolicited. It ran in the Review's Spring 1983, issue and is reprinted here with permission.

The 10th anniversary of the Supreme Court decision in Roe v. Wade is a good time for us to pause and reflect. Our nationwide policy of abortion-on-demand through all nine months of pregnancy was neither voted for by our people nor enacted by our legislators—not a single state had such unrestricted abortion before the Supreme Court decreed it to be national policy in 1973. But the consequences of this judicial decision are now obvious: since 1973, more than 15 million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number of Americans lost in all our nation's wars.

Make no mistake, abortion-on-demand is not a right granted by the Constitution. No serious scholar, including one disposed to agree with the Court's result, has argued that the framers of the Constitution intended to create such a right. Shortly after the Roe v. Wade decision, Professor John Hart Ely, now Dean of Stanford Law School, wrote that the opinion "is not constitutional law and gives almost no sense of an obligation to try to be." Nowhere do the plain words of the Constitution even hint at a "right" so sweeping as to permit abortion up to the time the child is ready to be born. Yet that is what the Court ruled.

As an act of "raw judicial power" (to use Justice White's biting phrase), the decision by the seven-man majority in Roe v. Wade has so far been made to stick. But the Court's decision has by no means settled the debate. Instead, Roe v. Wade has become a continuing prod to the conscience of the nation.

Abortion concerns not just the unborn child, it concerns every one of us. The English poet, John Donne, wrote: "... any

man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee."

We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life. We saw tragic proof of this truism last year when the Indiana courts allowed the starvation death of "Baby Doe" in Bloomington because the child had Down's Syndrome.

Many of our fellow citizens grieve over the loss of life that has followed *Roe v. Wade*. Margaret Heckler, soon after being nominated to head the largest department of our government, Health and Human Services, told an audience that she believed abortion to be the greatest moral crisis facing our country today. And the revered Mother Teresa, who works in the streets of Calcutta ministering to dying people in her world-famous mission of mercy, has said that "the greatest misery of our time is the generalized abortion of children."

Over the first two years of my Administration I have closely followed and assisted efforts in Congress to reverse the tide of abortion—efforts of Congressmen, Senators and citizens responding to an urgent moral crisis. Regrettably, I have also seen the massive efforts of those who, under the banner of "freedom of choice," have so far blocked every effort to reverse nationwide abortion-on-demand.

Despite the formidable obstacles before us, we must not lose heart. This is not the first time our country has been divided by a Supreme Court decision that denied the value of certain human lives. The *Dred Scott* decision of 1857 was not overturned in a day, or a year, or even a decade. At first, only a minority of Americans recognized and deplored the moral crisis brought about by denying the full humanity of our black brothers and sisters; but that minority persisted in their vision and finally prevailed. They did it by appealing to the hearts and minds of their countrymen, to the truth of human dignity under God. From their example, we know that respect for the sacred value of human life is too deeply engrained in the hearts of our people to remain forever suppressed. But the great majority of the American people have not yet made their voices heard, and we cannot expect them to—any more than the public voice arose against slavery—until the issue is clearly framed and presented.

What, then, is the real issue? I have often said that when we talk about abortion, we are talking about two lives—the life of the mother and the life of the unborn child. Why else do we call a pregnant woman a mother? I have also said that anyone who doesn't feel sure whether we are talking about a second human life should clearly give life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

The case against abortion does not rest here, however, for medical practice confirms at every step the correctness of these moral sensibilities. Modern medicine treats the unborn child as a patient. Medical pioneers have made great breakthroughs in treating the unborn—for genetic problems, vitamin deficiencies, irregular heart rhythms, and other medical conditions. Who can forget George Will's moving account of the little boy who underwent brain surgery six times during the nine weeks before he was born? Who is the patient if not that tiny unborn human being who can feel pain when he or

she is approached by doctors who come to kill rather than to cure?

The real question today is not when human life begins, but, What is the value of human life? The abortionist who reassembles the arms and legs of a tiny baby to make sure all its parts have been torn from its mother's body can hardly doubt whether it is a human being. The real question for him and for all of us is whether that tiny human life has a God-given right to be protected by the law—the same right we have.

What more dramatic confirmation could we have of the real issue than the Baby Doe case in Bloomington, Indiana? The death of that tiny infant tore at the hearts of all Americans because the child was undeniably a live human being—one lying helpless before the eyes of the doctors and the eyes of the nation. The real issue for the courts was not whether Baby Doe was a human being. The real issue was whether to protect the life of a human being who had Down's Syndrome, who would probably be mentally handicapped, but who needed a routine surgical procedure to unblock his esophagus and allow him to eat. A doctor testified to the presiding judge that, even with his physical problem corrected, Baby Doe would have a "non-existent" possibility for "a minimally adequate quality of life"—in other words, that retardation was the equivalent of a crime deserving the death penalty. The judge let Baby Doe starve and die, and the Indiana Supreme Court sanctioned his decision.

Federal law does not allow federally-assisted hospitals to decide that Down's Syndrome infants are not worth treating, much less to decide to starve them to death. Accordingly, I have directed the Departments of Justice and HHS to apply civil rights regulations to protect handicapped newborns. All hospitals receiving federal funds must post notices which will clearly state that failure to feed handicapped babies is prohibited by federal law. The basic issue is whether to value and protect the lives of the handicapped, whether to recognize the sanctity of human life. This is the same basic issue that underlies the question of abortion.

The 1981 Senate hearings on the beginning of human life brought out the basic issue more clearly than ever before. The many medical and scientific witnesses who testified disagreed on many things, but not on the scientific evidence that the unborn child is alive, is a distinct individual, or is a member of the human species. They did disagree over the value question, whether to give value to a human life at its early and most vulnerable stages of existence.

Regrettably, we live at a time when some persons do not value all human life. They want to pick and choose which individuals have value. Some have said that only those individuals with "consciousness of self" are human beings. One such writer has followed this deadly logic and concluded that "shocking as it may seem, a newly born infant is not a human being."

A Nobel Prize winning scientist has suggested that if a handicapped child "were not declared fully human until three days after birth, then all parents could be allowed the choice." In other words, "quality control" to see if newly born human beings are up to snuff.

Obviously, some influential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a "human being."

Events have borne out the editorial in a California medical journal which explained

three years before *Roe v. Wade* that the social acceptance of abortion is a "defiance of the long-held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status."

Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the "quality of life" ethic.

I have no trouble identifying the answer our nation has always given to this basic question, and the answer that I hope and pray it will give in the future. American was founded by men and women who shared a vision of the value of each and every individual. They stated this vision clearly from the very start in the Declaration of Independence, using words that every schoolboy and schoolgirl can recite:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

We fought a terrible war to guarantee that one category of mankind—black people in America—could not be denied the inalienable rights with which their Creator endowed them. The great champion of the sanctity of all human life in that day, Abraham Lincoln, gave us his assessment of the Declaration's purpose. Speaking of the framers of that noble document, he said:

This was their majestic interpretation of the economy of the Universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to His creatures. Yes, gentlemen, to all his creatures, to the whole great family of man. In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages.

He warned also of the danger we would face if we closed our eyes to the value of life in any category of human beings:

I should like to know if taking this old Declaration of Independence, which declares that all men are equal upon principle and making exceptions to it where will it stop. If one man says it does not mean a Negro, why not another say it does not mean some other man?

When Congressman John A. Bingham of Ohio drafted the Fourteenth Amendment to guarantee the rights of life, liberty, and property to all human beings, he explained that all are "entitled to the protection of American law, because its divine spirit of equality declares that all men are created equal." He said the right guaranteed by the amendment would therefore apply to "any human being." Justice William Brennan, writing in another case decided only the year before *Roe v. Wade*, referred to our society as one that "strongly affirms the sanctity of life."

Another William Brennan—not the Justice has reminded us of the terrible consequences that can follow when a nation rejects the sanctity of life ethic:

The cultural environment for a human holocaust is present whenever any society can be misled into defining individuals as less than human and therefore devoid of value and respect.

As a nation today, we have not rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Even the Supreme Court's opinion in *Roe v. Wade* did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged this issue.

The Congress has before it several measures that would enable our people to reaffirm the sanctity of human life, even the smallest and the youngest and the most defenseless. The Human Life Bill expressly recognizes the unborn as human beings and accordingly protects them as persons under our Constitution. This bill, first introduced by Senator Jesse Helms, provided the vehicle for the Senate hearings in 1981 which contributed so much to our understanding of the real issue of abortion.

The Respect Human Life Act, just introduced in the 98th Congress, states in its first section that the policy of the United States is "to protect innocent life, both before and after birth." This bill, sponsored by Congressman Henry Hyde and Senator Roger Jepsen, prohibits the federal government from performing abortions or assisting those who do so, except to save the life of the mother. It also addresses the pressing issue of infanticide which, as we have seen, flows inevitably from permissive abortion as another step in the denial of the inviolability of innocent human life.

I have endorsed each of these measures, as well as the more difficult route of constitutional amendment, and I will give these initiatives my full support. Each of them, in different ways, attempts to reverse the tragic policy of abortion-on-demand imposed by the Supreme Court ten years ago. Each of them is a decisive way to affirm the sanctity of human life.

We must all educate ourselves to the reality of the horrors taking place. Doctors today know that unborn children can feel a touch within the womb and that they respond to pain. But how many Americans are aware that abortion techniques are allowed today, in all 50 states, that burn the skin of a baby with a salt solution, in an agonizing death that can last for hours?

Another example: two years ago, the Philadelphia Inquirer ran a Sunday special supplement on "The Dreaded Complication." The "dreaded complication" referred to in the article—the complication feared by doctors who perform abortions—is the survival of the child despite all the painful attacks during the abortion procedure. Some unborn children do survive the late-term abortions the Supreme Court has made legal. Is there any question that these victims of abortion deserve our attention and protection? Is there any question that those who don't survive were living human beings before they were killed?

Late-term abortions, especially when the baby survives, but is then killed by starvation, neglect, or suffocation, show once again the link between abortion and infanticide. The time to stop both is now. As my Administration acts to stop infanticide, we will be fully aware of the real issue that underlies the death of babies before and soon after birth.

Our society has, fortunately, become sensitive to the rights and special needs of the handicapped, but I am shocked that physical or mental handicaps of newborns are still

used to justify their extinction. This Administration has a Surgeon General, Dr. C. Everett Koop, who has done perhaps more than any other American for handicapped children, by pioneering surgical techniques to help them, by speaking out on the value of their lives, and by working with them in the context of loving families. You will not find his former patients advocating the so-called "quality-of-life" ethic.

I know that when the true issue of infanticide is placed before the American people, with all the facts openly aired, we will have no trouble deciding that a mentally or physically handicapped baby has the same intrinsic worth and right to life as the rest of us. As the New Jersey Supreme Court said two decades ago, in a decision upholding the sanctity of human life, "a child need not be perfect to have a worthwhile life."

Whether we are talking about pain suffered by unborn children, or about late-term abortions, or about infanticide, we inevitably focus on the humanity of the unborn child. Each of these issues is a potential rallying point for the sanctity of life ethic. Once we as a nation rally around any one of these issues to affirm the sanctity of life, we will see the importance of affirming this principle across the board.

Malcolm Muggeridge, the English writer, goes right to the heart of the matter: "Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one, and in some the other." The sanctity of innocent human life is a principle that Congress should proclaim at every opportunity.

It is possible that the Supreme Court itself may overturn its abortion rulings. We need only recall that in *Brown v. Board of Education* the court reversed its own earlier "separate-but-equal" decision. I believe if the Supreme Court took another look at *Roe v. Wade*, and considered the real issue between the sanctity of life ethic and the quality of life ethic, it would change its mind once again.

As we continue to work to overturn *Roe v. Wade*, we must also continue to lay the groundwork for a society in which abortion is not the accepted answer to unwanted pregnancy. Pro-life people have already taken heroic steps, often at great personal sacrifice, to provide for unwed mothers. I recently spoke about a young pregnant woman named Victoria, who said, "In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet, everyone wanted me to throw away my baby." She has been helped by Save-a-Life, a group in Dallas, which provides a way for unwed mothers to preserve the human life within them when they might otherwise be tempted to resort to abortion. I think also of House of His Creation in Catesville, Pennsylvania, where a loving couple has taken in almost 200 young women in the past ten years. They have seen, as a fact of life, that the girls are not better off having abortions than saving their babies. I am also reminded of the remarkable Rossow family of Ellington, Connecticut, who have opened their hearts and their home to nine handicapped adopted and foster children.

The Adolescent Family Life Program, adopted by Congress at the request of Senator Jeremiah Denton, has opened new opportunities for unwed mothers to give their children life. We should not rest until our entire society echoes the tone of John Powell in the dedication of his book, *Abortion: The Silent Holocaust*, a dedication to every

woman carrying an unwanted child: "Please believe that you are not alone. There are many of us that truly love you, who want to stand at your side, and help in any way we can." And we can echo the always-practical woman of faith, Mother Teresa, when she says, "If you don't want the little child, that unborn child, give him to me." We have so many families in America seeking to adopt children that the slogan "every child a wanted child" is now the emptiest of all reasons to tolerate abortion.

I have often said we need to join in prayer to bring protection to the unborn. Prayer and action are needed to uphold the sanctity of human life. I believe it will not be possible to accomplish our work, the work of saving lives, "without being a soul of prayer." The famous British Member of Parliament, William Wilberforce, prayed with his small group of influential friends, the "Clapham Sect," for decades to see an end to slavery in the British empire. Wilberforce led that struggle in Parliament, unflaggingly, because he believed in the sanctity of human life. He saw the fulfillment of his impossible dream when Parliament outlawed slavery just before his death.

Let his faith and perseverance be our guide. We will never recognize the true value of our own lives until we affirm the value in the life of others, a value of which Malcolm Muggeridge says: "... however low it flickers or fiercely burns, it is still a Divine flame which no man dare presume to put out, be his motives ever so humane and enlightened."

Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

#### IMPROVEMENTS IN MINE SAFETY

Mr. ISAKSON. Mr. President, I come before this Chamber to speak about good news. The Mine Safety and Health Administration confirmed that 2009 was the safest year in the history of American mining.

As many of us have learned in the course of our lives, sometimes good can come from tragedy. Indeed, this is true of American mining after the 2006 disasters at the Sago, Aracoma, and Darby mines. Overall that year, 73 miners perished in American mines. Last year, that number decreased by more than half as a result of efforts made throughout the industry. Thirty-four American miners perished, a new record low.

Also in 2009, nearly 85 percent of all U.S. mines recorded no lost-time injuries. According to the Bureau of Labor Statistics, the 2009 incident rate of nonfatal occupational injuries for mining was 3.5. For comparison, the incident rate for all of private industry was 3.9 and manufacturing and construction were 5.0 and 4.7, respectively.

Four years ago, after a decade of steady improvement in mine safety, the Nation was riveted to the unfolding mine tragedies in Appalachia that claimed the lives of more than a dozen miners. And as some of you in this Chamber will recall, those accidents prompted us and the mining industry to revisit mine safety.

Several of us, including Senators BYRD, ENZI, Kennedy, MURRAY, and ROCKEFELLER, spent long hours and conducted extensive hearings on how we could make our mines safer.

We delved into the safety challenges and how the industry and the Federal and State regulators were meeting them. We consulted professional safety experts inside and outside the mining community—including academicians and technology experts.

The result was the MINER Act that Congress passed in the summer of 2006.

At the same time Congress was responding to these tragedies, so was the entire mining industry—employers and employees alike. Complacency about safety was no longer acceptable for 21st century mining. Employees and employers set out to put the industry on course to drive serious mine accidents down to zero.

Among their first actions was to go outside the mining community for other perspectives on how best to meet the mine safety challenge. The result was the Mine Safety Technology and Training Commission—a panel of independent experts from public, private and academia established by the National Mining Association, the industry's trade group.

Among the recommendations of the Commission, perhaps none was more far-reaching than the recommendation to better manage risks. The Commission advised the industry to focus particular attention on areas of the mine where incidents were more likely to occur, then manage those risks aggressively with programs specifically designed to raise awareness of them. The idea was not just to respond to accidents better, but to prevent accidents from happening in the first place.

U.S. mining is acting on these recommendations, and has taken steps far and wide with more sophisticated technology and enhanced training to further improve mine safety. A third component of this effort is raising safety awareness among everyone who works at our mines, and one example is a series of initiatives launched by the industry to reduce accidents by drawing attention to the risks in three high-incident areas: proximity to mobile underground equipment, slips and falls, and driving safety. At the same time, U.S. mining has been investing almost a billion dollars in communications technologies; increased oxygen supplies underground, enhanced rescue capabilities and other safety measures under the MINER Act and to meet the rec-

ommendations of the independent safety commission.

Every time we discuss mine safety, I cannot help but remember George “Junior” Hamner. Junior Hamner died in the January 2, 2006 disaster at the Sago Mine in Tallmansville, WV. His loving daughter gave me a picture of him and asked that in my capacity as chairman of the Employment and Workplace Safety Subcommittee, I would work to see that future generations of miners would not suffer as her father did. I promised her I would.

It is in light of that promise that I will continue working with the industry, the Obama administration, and my colleagues on both sides of the aisle to ensure that American mining is unquestionably the safest mining industry in the world.

We know the 34 lives lost last year in American mines were 34 too many and remain committed to seeing zero fatalities and injuries in U.S. mining. That is a goal worth striving for, and it is a goal that increasingly appears to be in reach.

#### HONORING OUR ARMED FORCES

SPECIALIST BRIAN R. BOWMAN

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Army Specialist Brian R. Bowman. Specialist Bowman, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on January 3, 2010. Specialist Bowman was serving in support of Operation Enduring Freedom in Ashoq, Afghanistan, and sustained injuries when insurgents attacked his patrol using improvised explosive devices and small weapons. He was 24 years old.

A native of Crawfordsville, IN, Specialist Bowman moved to Fort Carson in 2007 when he was assigned to the 2nd Infantry Regiment. Specialist Bowman joined the Army in August 2006. He was deployed to Afghanistan in May 2009, where he worked as a health care specialist, or combat medic.

During over 3 years of service, Specialist Bowman distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Specialist Bowman numerous awards and medals, including the Army Good Conduct Medal, the National Defense Service Medal, and the Afghanistan Campaign Medal with Bronze Service Star.

As a combat medic, Specialist Bowman worked on the front lines of battle, providing emergency first aid and care to his fellow servicemembers. He is remembered by those who knew him as a consummate professional and friend who they could turn to in times of need. Most of all, they remember his devotion to his wife and his country.

Mark Twain once said, “The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.” Specialist Bowman’s service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America’s citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Bowman will forever be remembered as one of our country’s bravest.

To Specialist Bowman’s mother Paula, his father Robert, his wife Casie, and all his friends and family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brian’s service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

#### ADDITIONAL STATEMENTS

##### REMEMBERING SMITH BAGLEY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring Smith Bagley, a beloved philanthropist and entrepreneur with an unwavering dedication to improving the lives of others. Mr. Bagley passed away on January 2 due to complications from a stroke. He was 74 years old. Smith will be deeply missed by all he touched, and he touched many.

Smith Bagley was born in Manhattan on April 1, 1935, to Nancy Reynolds Bagley and Henry Walker Bagley. He graduated from Washington and Lee University and served as a captain in the U.S. Army Reserves.

Smith was a successful businessman and chief executive of the cellular telephone company SBI. Passionate about progressive causes, Smith dedicated much of his life to fighting for social justice, human rights, education, and environmental preservation.

Smith served as president of the Arca Foundation, a grant-making trust dedicated to transparency in government and enterprise, diplomacy, and raising the standard of living here and in the developing world.

A champion of education, Smith founded the precursor to Communities in Schools, the Nation’s largest dropout prevention program. He was a former trustee of the John F. Kennedy Center Performing Arts. Smith founded a public policy research institute, the Brenn Foundation, and was a board member of the Sapelo Island Research Foundation, a center for environmental research.

Due to his tireless efforts on behalf of the Catholic University of America,

Smith was honored with the title of chairman emeritus and presented with the university's highest honor, the President's Medal.

He is survived by his wife of 26 years, former Ambassador to Portugal Elizabeth Frawley Bagley; his six children, Walker Bagley, Nancy Reynolds Bagley, Nicole Ladmer Bagley, Brett Dylan Bagley, Vaughan Elizabeth Bagley, and Conor Reynolds Bagley; a sister, Susan Bagley Bloom; and five grandchildren. My heart goes out to them during this time of grief.

In the words of former President William Jefferson Clinton, who delivered Smith's closing eulogy, "This man, notwithstanding the circumstances in which he was born or the wealth he generated for himself, always found a way to give more than he took."

Smith will be sorely missed, not only by the friends and family who knew him well but also by those whose lives were made better by his unwavering commitment to equality and justice.●

#### REPORT RELATIVE TO THE INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

Consistent with the authorities related to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107-108, 22 U.S.C. 2291-4), as amended, and in order to keep the Congress fully informed, I am providing a report by my Administration. This report includes matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

BARACK OBAMA.  
THE WHITE HOUSE, January 22, 2010.

#### MESSAGES FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

##### ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

At 10:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1065. An act to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3254. An act to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

H.R. 3342. An act to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 158. A concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

At 4:59 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced the House having proceeded to reconsider the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes, returned by the President of the United States with his objections, to the House, in which it originated, it was resolved that the said joint resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 158. Concurrent resolution expressing support for the designation of an

Early Detection Month for breast cancer and all forms of cancer; to the Committee on Health, Education, Labor, and Pensions.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 22, 2010, she had presented to the President of the United States the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4283. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Requirements for Subsurface Safety Valve Equipment" (RIN1010-AD45) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Energy and Natural Resources.

EC-4284. A communication from the Acting Assistant Director of Directives and Regulations, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land and Resource Management Planning" (RIN0596-AB86) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC-4285. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment" (RIN1904-AA95; RIN1904-AB53) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC-4286. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act, Final Rule" ((Docket No. RM09-21-000)(Order No. 731)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC-4287. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of October 15, 2009, through December 15, 2009; to the Committee on Foreign Relations.

EC-4288. A communication from the Assistant Secretary, Bureau of Legislative Affairs,



Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC-4289. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-4290. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled "Contingency Contracting: DOD, State and USAID Continue to Face Challenges in Tracking Contractor Personnel and Contracts in Iraq and Afghanistan"; to the Committee on Foreign Relations.

EC-4291. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "School Improvement Grants; American Recovery and Reinvestment Act of 2009 (ARRA); Title I of the Elementary and Secondary Education Act of 1965, as Amended" (RIN1810-AB06) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4292. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-2094); to the Committee on the Judiciary.

EC-4293. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-2097); to the Committee on the Judiciary.

EC-4294. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0016); to the Committee on the Judiciary.

EC-4295. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0018); to the Committee on the Judiciary.

EC-4296. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-0046); to the Committee on the Judiciary.

EC-4297. A communication from the Policy Editor, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Clarification; Final Regulatory Flexibility Analysis" (RIN1653-AA50) received during recess of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on the Judiciary.

EC-4298. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2008, through December 31, 2008; to the Committee on the Judiciary.

EC-4299. A communication from the Clerk of Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2009; to the Committee on the Judiciary.

EC-4300. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayments for Medications" (RIN2900-AN50) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Veterans' Affairs.

EC-4301. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Periods of Eligibility" (RIN2900-AM84) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC-4302. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Basic Entitlement; Effective Date of Induction into a Rehabilitation Program; Cooperation in Initial Evaluation" (RIN2900-AN13) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC-4303. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Self-Employment" (RIN2900-AN31) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC-4304. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Commerce, Science, and Transportation.

EC-4305. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the accuracy and impact of the Do-Not-Call Registry; to the Committee on Commerce, Science, and Transportation.

EC-4306. A communication from the Secretary of Transportation, transmitting proposed legislation relative to rail transit safety; to the Committee on Commerce, Science, and Transportation.

EC-4307. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Government Accountability Office report entitled "Information Security: NASA Needs to Remedy Vulnerabilities in Key Networks"; to the Committee on Commerce, Science, and Transportation.

EC-4308. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Annual Report on Transportation Security"; to the Committee on Commerce, Science, and Transportation.

EC-4309. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Other Transaction Authority Fiscal Year 2009 Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC-4310. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "2008 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance"; to the Committee on Commerce, Science, and Transportation.

EC-4311. A communication from the Senior Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Equipment Safety Standards; Front End Strength of Cab Cars and Multiple-Unit Locomotives" (RIN2130-AB80) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 110-21 Hague Convention on International Recovery of Child Support and Family Maintenance with two reservations and three declarations (Ex. Rept. 111-2)]

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION:

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to two reservations and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the "Convention"), adopted at The Hague on November 23, 2007 (Treaty Doc. 110-21), subject to the reservations of section 2, the declaration of section 3, and the declarations of section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of



America the Convention shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

#### Section 4. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2947. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Finance.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. Res. 395. A resolution commemorating the 150th anniversary of the founding of the Colorado National Guard; to the Committee on Armed Services.

### ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 705

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explo-

sives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1282

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1282, a bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

S. 1343

At the request of Mr. BROWN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy

Secretary for Health Care Fraud Prevention.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2853

At the request of Mrs. HUTCHISON, her name was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. ENSIGN, his name was withdrawn as a cosponsor of S. 2853, supra.

S. 2871

At the request of Mr. INOUE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2871, a bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes.

S. 2935

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2935, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 2938

At the request of Mr. THUNE, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 2938, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

AMENDMENT NO. 3302

At the request of Mr. CONRAD, the names of the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Florida (Mr. NELSON), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45.

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. CORKER), the Senator from Ohio (Mr. VOINOVICH), the Senator from South Carolina (Mr. GRAHAM), and the

Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45, *supra*.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 395—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE COLORADO NATIONAL GUARD

Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 395

Whereas on January 23, 1860, the history of the Colorado National Guard began when the first General Assembly of the Jefferson Territory authorized the formation of 2 independent militia companies, the Jefferson Rangers and the Denver Guards, both of which were disbanded after the Colorado Volunteers were established as the official Colorado Territorial Militia;

Whereas after Colorado became a State in 1876, the Colorado State Militia was activated on dozens of occasions to protect public rights, safety, and property;

Whereas during World War I, nearly all units of the Colorado National Guard were called into service, serving as replacements on the front lines as well as carrying out crucial artillery support roles in most of the major campaigns near the end of the war;

Whereas during World War II, Colorado National Guard units served in both the European and Pacific theaters, providing crucial indirect fire support throughout the Pacific, significantly contributing to the invasion of Italy and southern France, and partaking in the liberation of the Dachau concentration camp in April 1945;

Whereas a year prior to the establishment of the United States Air Force in September 1947, the 120th Tactical Reconnaissance Squadron (Fighter) was federally recognized and redesignated as the 120th Fighter Squadron (Single-Engine), thus becoming the first federally recognized unit of the Air National Guard;

Whereas the Colorado National Guard was called into Federal service in 1950 during the Korean War and in 1961 during the Berlin Crisis;

Whereas in 1968 the 120th Tactical Fighter Squadron of the Colorado Air National Guard became one of the first Air National Guard units to be mobilized and the first of 4 fighter units to be deployed for combat operations in the Vietnam War;

Whereas in 1990 and 1991, the Colorado National Guard was called into Federal service to support Operation Desert Shield/Storm in the Persian Gulf and enforce the United Nations-mandated no-fly zone over Iraq during Operations Northern and Southern Watch;

Whereas the Colorado National Guard was called into Federal service in 1994 to help provide stability in Haiti and in 1999 as part of Operation Joint Forge in the Balkans;

Whereas in recent years, the Colorado National Guard has supported various anti-drug and search-and-rescue missions and assisted the citizens of Colorado during numerous natural disasters and State emergencies;

Whereas hours after the attack on the World Trade Center and the Pentagon on September 11, 2001, the Colorado National

Guard was activated to bolster airport security at 14 major airports across the State and the Pueblo Chemical Depot, with Colorado Guardsmen, as part of Operation Noble Eagle, launching the first defensive aircraft over the city of Denver within minutes of the terrorist attacks and initiating the Air Sovereignty Alert mission, which continues today with airmen and aircraft on alert 24 hours a day, 365 days a year, to protect our Nation from aerial threats;

Whereas since September 11, 2001, more than 6,500 Colorado National Guard members have served in Iraq and Afghanistan in support of Operations Iraqi Freedom and Enduring Freedom, with more than 550 Colorado National Guard members currently deployed in support of both missions and another 160 members preparing for mobilization;

Whereas the 3rd Battalion of the 157th Field Artillery Regiment, which traces its lineage back to the Civil War, is currently deployed in support of Operation Iraqi Freedom and is the largest Colorado Army National Guard unit to deploy since World War II;

Whereas in 1985, the Colorado National Guard established the High-Altitude Army Aviation Training Site (HAATS) to instruct rotary wing aviators on how to better operate in hostile, high-altitude, and power-limited environments;

Whereas HAATS is the only United States military school teaching such specialized techniques and has provided critical training to helicopter aviators in Iraq and Afghanistan;

Whereas in 1993, the Colorado National Guard was among the first to form a partnership under the auspices of the State Partnership Program with the Republic of Slovenia, and in 2002, formed a second partnership with the Hashemite Kingdom of Jordan;

Whereas the more than 3,700 citizen soldiers of the Colorado Army National Guard are based in 20 communities across Colorado, and the more than 1,500 citizen airmen of the Colorado Air National Guard are based at Buckley Air Force Base in Aurora, Colorado, as well as in Greeley and Colorado Springs, Colorado;

Whereas the citizen soldiers and airmen of the Colorado National Guard have served with courage and selflessness and have earned the respect and gratitude of Coloradans and all Americans; and

Whereas the Colorado National Guard continues to build on its heritage as a ready, reliable, and relevant community-based force that is always ready and always there, whether to protect our homeland against attacks, to support civil authorities, or to defend freedom overseas: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 150th anniversary of the founding of the Colorado National Guard and its exemplary service to the State of Colorado and the Nation;

(2) thanks the members of the Colorado National Guard and their families for their service and their sacrifice on behalf of the State of Colorado and the Nation;

(3) pledges its continued support in providing the Colorado National Guard with the resources necessary to ensure its readiness to perform State and Federal missions;

(4) expresses condolences to the families of those members of the Colorado National Guard who made the ultimate sacrifice and gave their lives while serving in the Colorado National Guard; and

(5) honors the dedication of the members of the Colorado National Guard who play a central role in protecting the United States and the freedoms and liberties of its citizens.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3303. Mr. COBURN (for himself, Mr. MCCAIN, Mr. ENZI, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; which was ordered to lie on the table.

SA 3304. Mr. SESSIONS (for himself, Mrs. MCCASKILL, and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, *supra*; which was ordered to lie on the table.

SA 3305. Mr. REID proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, *supra*.

## TEXT OF AMENDMENTS

**SA 3303.** Mr. COBURN (for himself, Mr. MCCAIN, Mr. ENZI, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### TITLE —ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING SEC. 1. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

### SEC. 2. REPEAL OF INCREASE OF THE OFFICE BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111-68 for the legislative branch, \$245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

### SEC. 3. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.

Of the funds made available under Public Law 111-80 for the Department of Agriculture, \$1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the \$6,000,000,000 in low interest loan programs offered by the USDA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's

August 2009 Budget Options document, which states that the program “merely replaces private spending with public spending”, no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agriculture Service’s Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservation efforts, including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy’s Biomass Program, the Department of Agriculture’s Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy’s Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture’s Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the USAID Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 4. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.**

Of the funds made available under Public Law 111-117 for the Department of Commerce, \$697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA’s grants to rural public broadcasting stations, as proposed by the President’s FY 2010 budget, which duplicates the Department of Commerce’s Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the

Small Business Administration’s Small Business Development Centers and which has been found by the Office of Management and Budget to “only serve a small percentage of small manufacturers each year”: *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 5. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.**

Of the funds made available under Public Law 111-117 for the Department of Education, \$3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the Health Resources Administration: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, in-

cluding the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department’s Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the National Science Foundation’s Office of International Science and Engineering.

**SEC. 6. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.**

Of the funds made available under Public Law 111-85 for the Department of Energy, \$1,321,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy’s Energy Conservation and Weatherization grants, as well as the Department of Energy’s building Technologies Program, the LIHEAP weatherization efforts, the National Park Service’s Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development’s Energy Innovation Fund: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department’s Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

**SEC. 7. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Of the funds made available under Public Law 111-117 for the Department of Health and Human Services, \$4,116,950,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further*, That the Secretary shall work with Secretaries

from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

**SEC. 8. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.**

Of the funds made available under Public Law 111–83 for the Department of Homeland Security, \$2,205,000,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that “a total of 31 agency budgets include Federal homeland security funding in 2010”.

**SEC. 9. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

Of the funds made available under Public Law 111–117 for the Department of Housing and Urban Development, \$2,302,450,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

**SEC. 10. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.**

Of the funds made available under Public Law 111–88 for the Department of Interior, \$606,200,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America’s Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey’s National Climate Change and Wildlife Science Center, the US Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further*, That the Sec-

retary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the US Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

**SEC. 11. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.**

Of the funds made available under Public Law 111–117 for the Department of Justice, \$1,385,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further*, That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further*, That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further*, That the Attorney General shall eliminate the National Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence centers and reassign any essential duties performed by NDIC.

**SEC. 12. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.**

Of the funds made available under Public Law 111–117 for the Department of Labor, \$679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

**SEC. 13. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.**

Of the funds made available under Public Law 111–117 for the Department of State, \$1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President’s FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Foundation, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 14. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.**

Of the funds made available under Public Law 111–117 for the Department of Transportation, \$1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109–59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

**SEC. 15. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.**

Of the funds made available under Public Law 111–117 for the Department of Treasury, \$677,650,000 in unobligated balances are permanently rescinded.

**SEC. 16. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.**

Notwithstanding any other provision of law, of the \$657,000,000,000 in Federal funds unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

**SEC. 17. IMPLEMENTATION OF RESCISSIONS.**

All rescissions required by this title—  
(1) shall come from discretionary amounts appropriated; and  
(2) should be rescinded not later 14 days after the date of enactment of this title.

**SEC. 18. NULLIFICATION OF INCREASE IN THE STATUTORY LIMIT ON THE PUBLIC DEBT.**

Notwithstanding any other provision of this Act, any increase in the statutory limit on the public debt shall be null and void.

**SA 3304.** Mr. SESSIONS (for himself, Mrs. McCASKILL, and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory

limit on the public debt; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. 01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

##### “DISCRETIONARY SPENDING LIMITS

“SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

“(b) LIMITS.—In this section, the term ‘discretionary spending limits’ has the following meaning subject to adjustments in subsection (c):

“(1) For fiscal year 2010—

“(A) for the defense category (budget function 050), \$556,128,000,000 in budget authority; and

“(B) for the nondefense category, \$526,122,000,000 in budget authority.

“(2) For fiscal year 2011—

“(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

“(B) for the nondefense category, \$529,662,000,000 in budget authority.

“(3) For fiscal year 2012—

“(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

“(B) for the nondefense category, \$533,232,000,000 in budget authority.

“(4) For fiscal year 2013—

“(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

“(B) for the nondefense category, \$540,834,000,000 in budget authority.

“(5) For fiscal year 2014—

“(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

“(B) for the nondefense category, \$550,509,000,000 in budget authority.

“(6) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

“(c) ADJUSTMENTS.—

“(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

“(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

“(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

“(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

“(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year

2010, 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

“(i) with respect to fiscal year 2010, \$130,000,000,000 in new budget authority;

“(ii) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

“(iii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority;

“(iv) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority; and

“(v) with respect to fiscal year 2014, \$50,000,000,000 in new budget authority.

“(B) EMERGENCY SPENDING.—For fiscal year 2010, 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary accounts designated as emergency requirements, but not to exceed \$10,350,000,000 for fiscal year 2010, \$10,454,000,000 for 2011, \$10,558,000,000 for 2012, \$10,664,000,000 for 2013, and \$10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

“(C) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$7,100,000,000, for fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, for fiscal year 2013, \$7,315,000,000, and for fiscal year 2014, \$7,461,000,000.

“(II) For fiscal year 2010, \$890,000,000, for fiscal year 2011, \$899,000,000, for fiscal year 2012, \$908,000,000, for fiscal year 2013, \$917,000,000, and for fiscal year 2014, \$935,000,000.

“(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$273,000,000; for fiscal year 2011, \$276,000,000; for fiscal year 2012, \$278,000,000; for fiscal year 2013, \$281,000,000; for fiscal year 2014, \$287,000,000.

“(II) For fiscal year 2010, \$485,000,000; for fiscal year 2011, \$490,000,000; for fiscal year 2012, \$495,000,000; for fiscal year 2013, \$500,000,000; for fiscal year 2014, \$510,000,000.

“(iii) ASSET VERIFICATION.—

“(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may

also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(II) AMOUNTS.—For fiscal year 2010, \$34,000,000, for fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, for fiscal year 2013, \$35,030,000 and for fiscal year 2014, \$35,731,000.

“(E) HEALTH CARE FRAUD AND ABUSE.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2010, \$311,000,000, for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, for fiscal year 2013, \$320,000,000, and for fiscal year 2014, \$327,000,000.

“(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2010, \$50,000,000 in new budget authority;

“(ii) with respect to fiscal year 2011, \$51,000,000 in new budget authority; and

“(iii) with respect to fiscal year 2012, \$51,000,000 in new budget authority.

“(iv) with respect to fiscal year 2013, \$52,000,000 in new budget authority; and

“(v) with respect to fiscal year 2014, \$53,000,000 in new budget authority.

“(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in

any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to this section.

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

“(4) DEFINITIONS.—In this subsection, the terms ‘direct spending’, ‘receipts’, and ‘appropriations for discretionary accounts’ mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(5) POINT OF ORDER.—

“(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

“(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment

shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.

“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”.

**SA 3305.** Mr. REID proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place insert the following:

#### **TITLE —STATUTORY PAY-AS-YOU-GO ACT OF 2010**

##### **SEC. 1. SHORT TITLE.**

This title may be cited as the “Statutory Pay-As-You-Go Act of 2010”.

##### **SEC. 2. PURPOSE.**

The purpose of this title is to reestablish a statutory procedure to enforce a rule of

budget neutrality on new revenue and direct spending legislation.

#### **SEC. 3. DEFINITIONS AND APPLICATIONS.**

As used in this title—

(1) The term “BBEDCA” means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term “outyear” means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term “AMT” means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term “EGTRRA” means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term “JGTRRA” means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term “budgetary effects” means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed “costs” and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed “savings”. Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, “modifications to substantive law” refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term “debit” refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term “entitlement law” refers to a section of law which provides entitlement authority.

(7) The term “PAYGO legislation” or a “PAYGO Act” refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term “timing shift” refers to a delay of the date on which outlays flowing



from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

#### SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

##### (a) PAYGO ESTIMATES.—

##### (1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: “The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.”.

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: “The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.”.

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Committees, the conference report or amendment between the Houses shall include the following statement: “The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ‘Budgetary Effects of PAYGO Legislation’ for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.”.

##### (2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

##### (A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled “Budgetary Effects of PAYGO Legislation” which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

##### (iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

##### (B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled “Budgetary Effects of PAYGO Legislation” which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled “Budgetary Effects of PAYGO Legislation” by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

##### (b) CBO PAYGO ESTIMATES.—

##### (1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

##### “(3) CBO PAYGO ESTIMATES.—

“(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

“(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation.”.

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking “Reports on”

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(d) SCOREKEEPING GUIDELINES.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

##### (c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

##### (2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

##### (3) LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.—

(A) PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.—For provisions eligible for a current policy adjustment under



subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) INCLUSION OF STATEMENT.—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled “Budgetary Effects of PAYGO Legislation”, submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) OMB PAYGO ESTIMATES.—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a), OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.—Neither scorecard maintained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled “Community Living Assistance Services and Supports Act”, which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of

a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) EMERGENCY LEGISLATION.—

(1) DESIGNATION IN STATUTE.—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—When the Senate is considering a PAYGO Act, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313 (e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a PAYGO Act, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any

case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) EFFECT OF DESIGNATION ON SCORING.—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

## SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

## SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to the exemptions set forth in section 11, OMB shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

#### SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as “Payment for Physicians’ Services”);

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109-280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than \$200,000 for a single filer and \$250,000 for joint filers.

(b) DURATION.—This section shall remain in effect through December 31, 2011.

(c) MEDICARE PAYMENTS TO PHYSICIANS.—

(1) CRITERIA.—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Secu-

rity Act (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(d) ESTATE AND GIFT TAX.—

(1) CRITERIA.—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(e) AMT RELIEF.—

(1) CRITERIA.—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits

that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(f) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.—

(1) CRITERIA.—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 or less for

joint filers in tax year 2010, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) **INDEXING FOR INFLATION.**—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting “calendar year 2008” for “calendar year 1992” in subparagraph (B) of such section.

(h) **GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.**—

(1) **MIDDLE CLASS TAX CUTS.**—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legisla-

tion, those provisions shall be estimated in the order in which they appear.

(2) **AMT.**—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

#### **SEC. 8. APPLICATION OF BBEDCA.**

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to “this part” or “this title” shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to “section 254” shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to “section 251, 252, or 253” shall be interpreted as referencing section 4 of this title.

#### **SEC. 9. TECHNICAL CORRECTIONS.**

(a) Section 250(c)(18) of BBEDCA is amended by striking “the expenses the Federal deposit insurance agencies” and inserting “the expenses of the Federal deposit insurance agencies”.

(b) Section 256(k)(1) of BBEDCA is amended by striking “in paragraph (5)” and inserting “in paragraph (6)”.

#### **SEC. 10. CONFORMING AMENDMENTS.**

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking “origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.” and inserting in lieu thereof “origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.”.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and

(4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

“(1) **CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.**—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

“(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

“(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period; such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.”.

(3) by inserting after paragraph (1) the following:

“(2) **UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.**—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.”;

(4) by inserting after paragraph (3), as redesignated, the following:

“(4) **TIMING OF SUBSEQUENT SEQUESTRATION ORDER.**—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).”;

(5) in paragraph (6), as redesignated, to read as follows:

“(6) **SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.**—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

“(A) the part C growth percentage under section 1853(c)(6);

“(B) the part D annual growth rate under section 1860D-2(b)(6); and

“(C) application of risk corridors to part D payment rates under section 1860D-15(e).”;

and

(6) by adding after paragraph (6), as redesignated, the following:

“(7) **EXEMPTIONS FROM SEQUESTRATION.**—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

“(A) **PART D LOW-INCOME SUBSIDIES.**—Premium and cost-sharing subsidies under section 1860D-14 of the Social Security Act.

“(B) **PART D CATASTROPHIC SUBSIDY.**—Payments under section 1860D-15(b) and (e)(2)(B) of the Social Security Act.

“(C) **QUALIFIED INDIVIDUAL (QI) PREMIUMS.**—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.”.

#### **SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.**

(a) **DESIGNATIONS.**—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking “1998” and inserting in lieu thereof “2010”.

(b) **SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.**—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

“(a) **SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.**—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of

title 45 United States Code, shall be exempt from reduction under any order issued under this part.

“(b) VETERANS PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

“All programs administered by the Department of Veterans Affairs.

“Special Benefits for Certain World War II Veterans (28-0401-0-1-701).

“(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

“(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.”.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

“(g) OTHER PROGRAMS AND ACTIVITIES.—

“(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

“Activities resulting from private donations, bequests, or voluntary contributions to the Government.

“Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

“Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-808).

“Advances to the Unemployment Trust Fund and Other Funds (16-0327-0-1-600).

“Black Lung Disability Trust Fund Refinancing (16-0329-0-1-601).

“Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271).

“Claims, Judgments, and Relief Acts (20-1895-0-1-808).

“Compact of Free Association (14-0415-0-1-808).

“Compensation of the President (11-0209-01-1-802).

“Comptroller of the Currency, Assessment Funds (20-8413-0-8-373).

“Continuing Fund, Southeastern Power Administration (89-5653-0-2-271).

“Continuing Fund, Southwestern Power Administration (89-5649-0-2-271).

“Dual Benefits Payments Account (60-0111-0-1-601).

“Emergency Fund, Western Area Power Administration (89-5069-0-2-271).

“Exchange Stabilization Fund (20-4444-0-3-155).

“Farm Credit Administration Operating Expenses Fund (78-4131-0-3-351).

“Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78-4171-0-3-351).

“Federal Deposit Insurance Corporation, Deposit Insurance Fund (51-4596-0-4-373).

“Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373).

“Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51-4458-0-3-373).

“Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51-4457-0-3-373).

“Federal Home Loan Mortgage Corporation (Freddie Mac).

“Federal Housing Finance Agency, Administrative Expenses (95-5532-0-2-371).

“Federal National Mortgage Corporation (Fannie Mae).

“Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20-1713-0-1-752).

“Federal Payment to the District of Columbia Pension Fund (20-1714-0-1-601).

“Federal Payments to the Railroad Retirement Accounts (60-0113-0-1-601).

“Federal Reserve Bank Reimbursement Fund (20-1884-0-1-803).

“Financial Agent Services (20-1802-0-1-803).

“Foreign Military Sales Trust Fund (11-8242-0-7-155).

“Hazardous Waste Management, Conservation Reserve Program (12-4336-0-3-999).

“Host Nation Support Fund for Relocation (97-8337-0-7-051).

“Internal Revenue Collections for Puerto Rico (20-5737-0-2-806).

“Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

“Medical Facilities Guarantee and Loan Fund (75-9931-0-3-551).

“National Credit Union Administration, Central Liquidity Facility (25-4470-0-3-373).

“National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25-4476-0-3-376).

“National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25-4473-0-3-371).

“National Credit Union Administration, Credit Union Share Insurance Fund (25-4468-0-3-373).

“National Credit Union Administration, Credit Union System Investment Program (25-4474-0-3-376).

“National Credit Union Administration, Operating fund (25-4056-0-3-373).

“National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25-4469-0-3-376).

“National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25-4475-0-3-376).

“Office of Thrift Supervision (20-4108-0-3-373).

“Panama Canal Commission Compensation Fund (16-5155-0-2-602).

“Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15-0100-0-1-153).

“Payment to Civil Service Retirement and Disability Fund (24-0200-0-1-805).

“Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97-0850-0-1-054).

“Payment to Judiciary Trust Funds (10-0941-0-1-752).

“Payment to Military Retirement Fund (97-0040-0-1-054).

“Payment to the Foreign Service Retirement and Disability Fund (19-0540-0-1-153).

“Payments to Copyright Owners (03-5175-0-2-376).

“Payments to Health Care Trust Funds (75-0580-0-1-571).

“Payment to Radiation Exposure Compensation Trust Fund (15-0333-0-1-054).

“Payments to Social Security Trust Funds (28-0404-0-1-651).

“Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806).

“Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

“Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801).

“Postal Service Fund (18-4020-0-3-372).

“Radiation Exposure Compensation Trust Fund (15-8116-0-1-054).

“Reimbursement to Federal Reserve Banks (20-0562-0-1-803).

“Salaries of Article III judges.

“Soldiers and Airmen’s Home, payment of claims (84-8930-0-7-705).

“Tennessee Valley Authority Fund, except nonpower programs and activities (64-4110-0-3-999).

“Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14-5265-0-2-452), Tribal Trust Fund (14-8030-0-7-452), White Earth Settlement (14-2204-0-1-452), and Indian Water Rights and Habitat Acquisition (14-5505-0-2-303).

“United Mine Workers of America 1992 Benefit Plan (95-8260-0-7-551).

“United Mine Workers of America 1993 Benefit Plan (95-8535-0-7-551).

“United Mine Workers of America Combined Benefit Fund (95-8295-0-7-551).

“United States Enrichment Corporation Fund (95-4054-0-3-271).

“Universal Service Fund (27-5183-0-2-376).

“Vaccine Injury Compensation (75-0320-0-1-551).

“Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551).

“(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

“Black Lung Disability Trust Fund (20-8144-0-7-601).

“Central Intelligence Agency Retirement and Disability System Fund (56-3400-0-1-054).

“Civil Service Retirement and Disability Fund (24-8135-0-7-602).

“Comptrollers general retirement system (05-0107-0-1-801).

“Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14-9924-0-2-303).

“Court of Appeals for Veterans Claims Retirement Fund (95-8290-0-7-705).

“Department of Defense Medicare-Eligible Retiree Health Care Fund (97-5472-0-2-551).

“District of Columbia Federal Pension Fund (20-5511-0-2-601).

“District of Columbia Judicial Retirement and Survivors Annuity Fund (20-8212-0-7-602).

“Energy Employees Occupational Illness Compensation Fund (16-1523-0-1-053).

“Foreign National Employees Separation Pay (97-8165-0-7-051).

“Foreign Service National Defined Contributions Retirement Fund (19-5497-0-2-602).

“Foreign Service National Separation Liability Trust Fund (19-8340-0-7-602).

“Foreign Service Retirement and Disability Fund (19-8186-0-7-602).

“Government Payment for Annuitants, Employees Health Benefits (24-0206-0-1-551).

“Government Payment for Annuitants, Employee Life Insurance (24-0500-0-1-602).

“Judicial Officers’ Retirement Fund (10-8122-0-7-602).

“Judicial Survivors’ Annuities Fund (10-8110-0-7-602).

“Military Retirement Fund (97-8097-0-7-602).

“National Railroad Retirement Investment Trust (60-8118-0-7-601).

“National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306).

“Pensions for former Presidents (47-0105-0-1-802).

"Postal Service Retiree Health Benefits Fund (24-5391-0-2-551).

"Public Safety Officer Benefits (15-0403-0-1-754).

"Rail Industry Pension Fund (60-8011-0-7-601).

"Retired Pay, Coast Guard (70-0602-0-1-403).

"Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75-0379-0-1-551).

"Special Benefits for Disabled Coal Miners (16-0169-0-1-601).

"Special Benefits, Federal Employees' Compensation Act (16-1521-0-1-600).

"Special Workers Compensation Expenses (16-9971-0-7-601).

"Tax Court Judges Survivors Annuity Fund (23-8115-0-7-602).

"United States Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602).

"United States Secret Service, DC Annuity (70-0400-0-1-751).

"Voluntary Separation Incentive Fund (97-8335-0-7-051).

"(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

"Biomass Energy Development (20-0114-0-1-271).

"Check Forgery Insurance Fund (20-4109-0-3-803).

"Credit liquidating accounts.

"Credit reestimates.

"Employees Life Insurance Fund (24-8424-0-8-602).

"Federal Aviation Insurance Revolving Fund (69-4120-0-3-402).

"Federal Crop Insurance Corporation Fund (12-4085-0-3-351).

"Federal Emergency Management Agency, National Flood Insurance Fund (58-4236-0-3-453).

"Geothermal resources development fund (89-0206-0-1-271).

"Low-Rent Public Housing—Loans and Other Expenses (86-4098-0-3-604).

"Maritime Administration, War Risk Insurance Revolving Fund (69-4302-0-3-403).

"Natural Resource Damage Assessment Fund (14-1618-0-1-302).

"Overseas Private Investment Corporation, Noncredit Account (71-4184-0-3-151).

"Pension Benefit Guaranty Corporation Fund (16-4204-0-3-601).

"San Joaquin Restoration Fund (14-5537-0-2-301).

"Servicemembers' Group Life Insurance Fund (36-4009-0-3-701).

"Terrorism Insurance Program (20-0123-0-1-376).

"(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"Academic Competitiveness/Smart Grant Program (91-0205-0-1-502).

"Child Care Entitlement to States (75-1550-0-1-609).

"Child Enrollment Contingency Fund (75-5551-0-2-551).

"Child Nutrition Programs (with the exception of special milk programs) (12-3539-0-1-605).

"Children's Health Insurance Fund (75-0515-0-1-551).

"Commodity Supplemental Food Program (12-3507-0-1-605).

"Contingency Fund (75-1522-0-1-609).

"Family Support Programs (75-1501-0-1-609).

"Federal Pell Grants under section 401 Title IV of the Higher Education Act.

"Grants to States for Medicaid (75-0512-0-1-551).

"Payments for Foster Care and Permanency (75-1545-0-1-609).

"Supplemental Nutrition Assistance Program (12-3505-0-1-605).

"Supplemental Security Income Program (28-0406-0-1-609).

"Temporary Assistance for Needy Families (75-1552-0-1-609).".

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

"(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"GSE Preferred Stock Purchase Agreements (20-0125-0-1-371).

"Office of Financial Stability (20-0128-0-1-376).

"Special Inspector General for the Troubled Asset Relief Program (20-0133-0-1-376).

"(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

"Federal-Aid Highways (69-8083-0-7-401).

"Highway Traffic Safety Grants (69-8020-0-7-401).

"Operations and Research NHTSA and National Driver Register (69-8016-0-7-401).

"Motor Carrier Safety Operations and Programs (69-8159-0-7-401).

"Motor Carrier Safety Grants (69-8158-0-7-401).

"Formula and Bus Grants (69-8350-0-7-401).

"Grants-In-Aid for Airports (69-8106-0-7-402).".

## SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 28, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Lillian A. Sparks to be Commissioner of the Administration for Native Americans, U.S. Department of Health and Human Services, to be followed immediately by an oversight hearing entitled on "Unemployment on Indian Reservations at 50 percent: the urgent need to create jobs in Indian Country."

Those wishing additional information may contact the Indian Affairs Committee.

### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2010, at

2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to

Gina.Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo or Gina Weinstock.

## DESIGNATING FEBRUARY 1 THROUGH FEBRUARY 5, 2010, AS NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 381, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 381) designating the week of February 1 through February 5, 2010, as "National School Counseling Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 381

Whereas the American School Counselor Association has declared the week of February 1 through February 5, 2010, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face a myriad of challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 475-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 1 through February 5, 2010, as “National School Counseling Week”; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HAITI

Mr. REID. Mr. President, we have all been working to help the people of

Haiti and the American citizens who have been caught up in this tragedy. That is why we are committed to work with Senator BAUCUS, Senator NELSON, Senator MENENDEZ, and Republican colleagues to make sure we pass legislation next week so the Department of Health and Human Services will continue to have the funding they need to help American citizens who are repatriated from Haiti.

#### UNANIMOUS CONSENT AGREEMENT—H.J. RES. 45 AND EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 26, when the Senate resumes consideration of H.J. Res. 45, the time until 11:30 a.m. be equally divided and controlled between the leaders or their designees, with the time to be divided to run concurrently on the Baucus amendment No. 3300 and the Conrad-Gregg amendment No. 3302; that at 11:30 a.m., the Senate proceed to vote in relation to the Baucus amendment, to be followed by a vote on the Conrad-Gregg amendment, with 2 minutes of debate equally divided prior to the second vote in this sequence, with the provisions of the December 22 order in effect.

Further, as in executive session, I ask unanimous consent that on Monday, January 25, at 5:30 p.m., the Senate proceed to executive session to consider Executive Calendar No. 608, the nomination of Rosanna Peterson to be a U.S. district judge for the Eastern District of Washington, with the time until 6 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 6 p.m., the Senate then proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motion be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Before the Chair rules on my request, let me indicate for the record that with respect to the judicial nomination, the majority was in a position to agree to a vote on the nomination of Joseph Greenaway to be a U.S. circuit judge for the Third Circuit. However, I was advised the Republicans would not

agree to such request. Therefore, we have substituted the nomination of Rosanna Peterson as noted above.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask the pardon of everyone here. It is a shame sometimes that things take so long. I have been working this afternoon for 3½ hours, or maybe longer, trying to get to this point—numerous conversations with a few Senators—and we are now at a point where we can move on to the next day's business.

#### ORDERS FOR MONDAY, JANUARY 25, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, January 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, at 6 p.m. on Monday, the Senate will proceed to a vote on confirmation of the nomination of Rosanna Malouf Peterson, of Washington, to be a Federal District Judge for the Eastern District of Washington.

#### ADJOURNMENT UNTIL MONDAY, JANUARY 25, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Monday, January 25, 2010, at 2 p.m.

## EXTENSIONS OF REMARKS

HONORING ROGER L. JOHNSON  
FOR HIS OUTSTANDING PUBLIC  
SERVICE

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 22, 2010*

Ms. DELAURO. Madam Speaker, it is with both great pleasure and appreciation that I rise today on behalf of the entire Connecticut Congressional Delegation to pay tribute to an exceptional public servant, Roger L. Johnson. Appointed in 2002 as the Director of the Veterans Affairs Connecticut Healthcare System, Roger has recently decided to take a position with the Northampton Veterans Administration to be closer to his home and family. To say that he will be missed understates the sentiment by all of those gathered this evening to wish him well.

Roger has dedicated a lifetime to public service. Upon graduating from George Washington University's Hospital Administration Masters Degree program, he began his career with the United States Department of Veterans Affairs. Over the course of his career he has held positions at the Veterans Administration offices in Bronx, New York, Sheridan, Wyoming, as well as Boston and Northampton, Massachusetts. His commitment to ensuring the best quality care for our nations' veterans has been the driving force behind his many years with the Department.

Appointed Director in 2002, it is not an overstatement to say that Roger has been one of the strongest leaders the Connecticut VA Healthcare System has had. I can speak for the entire Connecticut Congressional Delegation when I say that Roger has been an invaluable resource for both Members and their staffs. He has been both responsive to our inquiries on behalf of our constituents as well as proactive in ensuring that our offices were aware of any issues the VA Connecticut Healthcare System was facing. It has been that kind of open communication that has allowed us to provide unique services and outstanding quality care to Connecticut's veterans.

In addition to his work at the VA, Roger has long been involved with the Federal Executive Boards and Associations—established by Presidential Directive in 1961, this organization is a forum for communication and collaboration among Federal agencies outside of Washington, DC. For nearly five years, Roger has led the Connecticut Federal Executive Association. Upon his election as Chair, Roger immediately took steps to raise the bar on accomplishments and to increase involvement. During his tenure he made the Annual Federal Awards Luncheon/Breakfast a stellar event with ever increasing attendance which necessitated venue changes to accommodate more participants. He also initiated educational

events/agency tours to help broaden the awareness of Connecticut's federal employees as to what federal agencies are in Connecticut and what they do, retirement seminars to assist employees with what they needed to know and do as they neared retirement, as well as the development of a Connecticut federal agencies communications list in the event of a federal emergency.

Throughout the course of his career, Roger has been recognized with numerous awards and commendations. Given his dedication not only to civil service but to community service has left an indelible mark wherever he has served. I am proud to stand today on behalf of the entire Connecticut Congressional Delegation to extend our deepest thanks and appreciation to Roger L. Johnson for his lifetime of outstanding public service. We wish him all the best in all of his future endeavors.

HONORING THE LIFE OF STEPHEN  
K. HALL

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 22, 2010*

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a truly exceptional man whose life, passions and labors exemplify the meaning of true servant leadership. On January 19, 2010, Stephen K. Hall, a well respected water leader who played a central role in some of the biggest achievements in recent California water policy history, passed away after bravely battling Lou Gehrig's disease. He was only 58.

For years, I had the good fortune of working closely with Steve in Sacramento, California, and more recently in Washington, DC, seeking to address and solve the complicated water problems besetting the people of California. During his 30-year career in water, Steve worked diligently to bring diverse interests together and advance rational policies to address the State's water supply challenges. I can say without reservation that Steve was listened to and respected by all policy makers and stakeholders that he interacted with.

Steve Hall served as executive director of the Association of California Water Agencies, ACWA, from 1993 until his retirement in 2007 due to Gehrig's disease. Steve brought a unique brand of leadership to water discussions when it was needed most. He forged relationships that transcended political and ideological circles. Known as a consensus builder, Steve's ability to bring people together was a determining factor in some of the key water successes of our time. Tim Quinn, current head of ACWA recently credited Steve's contributions with helping set the stage for the historic water legislation enacted last fall.

Steve Hall fought for solutions that work for farms, cities and the environment. He is cred-

ited with breaking a long-running gridlock and helping forge agreements that laid the groundwork for the landmark Bay-Delta Accord signed in 2004. He played a primary role in the so-called "three-way" negotiations that led to creation of the CALFED Bay-Delta Program and paved the way for passage of Proposition 204 of 1996 and Proposition 13 of 2002, which provided funding for water management projects and programs statewide.

Steve Hall was always a strong advocate for science-based regulations that protect public health in a cost-effective manner. Steve was a leading advocate for strategies to address invasive species, reform the federal Endangered Species Act, and resolve water supply and ecosystem problems in the Delta. More recently, Steve led a year-long effort to develop ACWA's recent water policy document, "No Time to Waste: A Blueprint for California Water." Among his numerous pursuits, Steve served on the boards of directors of the California Water Institute and the California Infrastructure Coalition. He also served on the State Reclamation Board, the UC Davis Land, Air and Water Advisory Committee and the California Bay-Delta Public Advisory Committee.

After retirement, Steve's motto became, "As much as I can for as long as I can." Beyond his dedication to water issues, Steve cared deeply about his family, friends, his Lord and the people of California. Steve leaves behind his wife Pamela, two grown children, Jennifer and Adam, three grandchildren, his parents and a brother and sister. For all of us who knew him, he was an exceptional role model for how we should live; a life lived to its fullest. Steve will truly be missed by all. Here's to a truly great servant of the people.

HISTORY OF THE TULE RIVER  
TRIBE INDIAN RESERVATION

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 22, 2010*

Mr. NUNES. Madam Speaker, I rise today on behalf of the Tule River Indians, who I am privileged and proud to represent. The Tules have asked me to share a brief summary of their history, which was prepared by Gelya Frank, Ph.D., with my colleagues and the American people. As someone who is proud of his own heritage and understands its importance, I can well appreciate the pride the Tule River Indians have in their culture and their desire to make it known and am pleased to extend this courtesy to them.

The Tule River Reservation was established in 1856 and farming operations were immediately started with Indians working the land. Initially known as the Tule River Indian Farm, the reservation was set up and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



administered as part of the Tejon Reservation, the first reservation in California. An Act of Congress of March 3, 1853 authorized the creation of five reservations in California, but they were not all fully established at once. As in the case of Tule River, pieces of agricultural land were located and added piecemeal because of the pressing need to locate Indians in their homelands. This was especially a problem in Tulare County, in the southern part of California's Great Central Valley, or San Joaquin Valley, where a large and stable Indian population remained relatively untouched by the Gold Rush beginning in 1848.

The establishment of the reservations in California followed a failed process of treaty-making, with the Senate abruptly refusing in 1852 to ratify any of the 18 treaties that it had authorized three commissioners to negotiate with the California tribes the previous year. In fact, the Senate voted to seal all records of its deliberations related to rejection of the treaties for 50 years. According to the unratified Treaty of Paint Creek, of June 3, 1851, a large tract of land in the Tule River region was reserved as a permanent homeland for the local tribes, including the Koyeti and Yowlumne. In 1856, stepping in to conclude a war between settlers and the Tule River Indians, the government established the Tule River Reservation on an existing traditional village site of the Koyeti Tribe.

In 1863, the government closed the Tejon Reservation because of crop failures and the loss of its title to the land to a private party. It relocated the Tejon Indians to the Tule River Reservation, increasing the population at the Tule River Reservation to about 800 Indians. The goal of federal Indian policy in California was to establish reservations as permanent homelands for local tribes where the Indians could support themselves by farming. The reservations were intended to provide land suitable for agriculture and plenty of water for year-round irrigation, as well as access to traditional hunting territories and timber in the mountains. This goal was initially well met with the establishment of the Tule River Reservation but then upended when an employee of the Tejon Reservation, Thomas P. Madden, gained title to 1,280 acres of the land.

Thomas Madden applied for the 1,280 acres in 1857 under a California State program permitting individuals to withdraw public lands for the purpose of locating schools upon them. Madden's activities were officially investigated and documented by the U.S. Treasury Department in 1858 and again by Congress in 1865, but the government did nothing to halt his acquisition of the land or to assert its trust status on behalf of the Tule River Indians. In 1860, when Madden perfected his title, the government was obliged to begin paying an exorbitant rental in order to continue the Tule River Indians' use of the reservation. Although government agents and inspectors recommended purchasing the 1,280 acre "Madden Farm," the government declined to secure the Indians' homeland but continued the rental for sixteen years. The reservation included at least 800 more acres of government land that were fenced and cultivated.

An Executive Order of January 9, 1873 established a new reservation in a remote location, far from the settlers who were taking up lands in region. The new Executive Order reservation, with an estimated 48,000 acres, was much larger than the old. But it was located in a steep rocky canyon on land not nearly as well suited to agricultural development of that era. The government agent and

the Indians expressed their dissatisfaction with it and resisted relocating. For many years, the "Madden Farm" had been agriculturally the most reliable and productive reservation in California. A full generation of Tule River Indians was born on that site. They had made major improvements including tilling the soil, constructing government buildings and houses, digging a 5-mile-long ditch, clearing a 25-mile-long road into the timber and fencing some 2,000 acres. Most of the Indians refused to leave the old reservation. In 1876, the last families were finally forced by soldiers to move to the new location in the foothills.

In the decade after relocation on the Executive Order reservation, the Tule River Indian census steadily declined by attrition to a mere third of the number that had been removed. The diminished agricultural capacity of the Executive Order reservation was evident to early inspectors, but the government ignored their reports, which indicated that only about 250 acres of relatively flat, irrigable land were available for farming. Furthermore, this acreage along the South Fork of the Tule River was not contiguous but located in scattered patches. A second Executive Order was issued on October 3, 1873 to augment the land base by including the drainage of the Middle Fork of the Tule River, about doubling the reservation to include 91,837 acres. The additional lands were withdrawn five years later, however, by an Executive Order of August 2, 1878.

The Indian Service tried to entice the Tule River Indians to settle on the new reservation by promising them new irrigation ditches and help to reestablish themselves as successful farmers. The extent to which the Indian Service lived up to its promise to help the Tule River Indians with the difficult task of irrigating the soil on the steep rocky Executive Order reservation is detailed in a separate report. In 1919 conflicts with the South Tule River Independent Ditch Company, a group comprised of downstream non-Indian users, threatened the reservation's water rights. Consequently, the government undertook its most extensive project, that of lining the existing ditches with cement and adding several smaller modifications to the irrigation system.

The irrigation work undertaken by the federal government, while making an important starting contribution, was not adequate to fulfill the promise of replacing the agriculturally productive "Madden Farm" with a permanent homeland of comparable value for the Tule River Indians. Although they received insufficient help with irrigation, the Indians persisted in maintaining their ditches as best they could. Some tribal members continued to farm the land through the mid-20th century. The Tribe's farming efforts were disadvantaged by the great distance from flour mills for its grain and from markets. The demands of a cash economy eventually overtook the ability of most of the Tribe to support itself on the poorly irrigated land. Money was increasingly needed for food and clothing, medical bills, building materials, household goods and other supplies. Cattle-raising became a viable industry on the Tule River Reservation by the 1930s for a few fortunate families. For most Tule River Indians, however, agriculture was replaced mainly by seasonal wage labor as fruit pickers, ranch hands, workers in the timber industry, and various kinds of unskilled labor. Despite persistent poverty and lack of infrastructure on the reservation, a stable population began to rebuild itself through the latter half of the 20th century.

PAYING TRIBUTE TO A DOMINICAN-AMERICAN SUCCESS STORY  
MUSICAL GROUP AVENTURA ON  
THE EVE OF DOMINICAN HERITAGE MONTH

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 22, 2010

Mr. RANGEL. Madam Speaker, Dominican Heritage Month gives us the opportunity to acknowledge and applaud the economic, cultural, and social contributions Dominican Americans have made to this great nation. Dominicans living in our shores have been motivated by the value of hard work and the bonds of family—the same pillars of our society that has built this great nation for over 230 years.

It also gives us an opportunity to consider the many Dominican American achievements, on the island and in the United States. Many of our hemisphere's firsts were established on the shores of Quisqueya. One of those firsts was the sound of Bachata, a guitar-based evolution of the Bolero often compared to the Blues with prevalent tales of heartbreak, sadness, and bitter-sweet romance. The genre began in the countryside and rural neighborhoods of the Dominican Republic and slowly made its way on to small venues. The musical group Aventura, with its unique style of Bachata, hip hop, and R&B fusion, finally brought the genre onto the world stage.

The group, which formed in 1996, includes lead singer and featured composer and producer Anthony "Romeo" Santos, guitarist and producer Lenny Santos, bassist Max Santos, and composer Henry Santos Jeter. As of today, Aventura is one of the most unique artists on the music scene. Since its humble beginnings, the group has sold over 1 million albums worldwide. After well over a decade of sparring in the music business, these four young, dynamic Dominican Americans with a seldom-seen chemistry continue to auto-produce soulful, original music that gleams with excellence. In the past year alone, the Bronx-based Bachata band has had the most successful Latin album, spending over five months at No. 1 and spawning four No. 1 singles.

Aventura has not only contributed significantly to the history of the world community, they have also contributed substantially to many of our world's poor and less fortunate communities. From benefit concerts to toy drives, they reach out to help those in need. Even as we pray for those devastated by the earthquake in Haiti, the group has pledged to donate to the relief efforts and will also allow Red Cross volunteers to accept donations on-site at four of their Madison Square Garden concerts, deemed the last tour, later this month.

Since the initial wave of Dominican migration to the most recent arrivals of today, Dominicans have worked hard to contribute to our national identity, educating us all on their culture and traditions and enriching the quality of our shared futures. Aventura solidifies that sentiment in every way. This award-winning group is not just a sense of pride for all

Dominicans in our nation and abroad but for all Americans.

Madam Speaker, for this, I ask that you and my distinguished colleagues in the Congress join me in paying tribute to not only the triumphs of Aventura, but also the invaluable impact that this quartet has had on our country and the world.

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SHILOH BAPTIST MISSIONARY  
CHURCH AS THEY CELEBRATE  
THE 40TH ANNUAL DR. MARTIN  
LUTHER KING, JR., LOVE MARCH

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 22, 2010*

Ms. DELAURO. Madam Speaker, it is my great privilege to rise today to join all of those gathered in honoring the life and legacy of Dr. Martin Luther King, Jr. Across Connecticut there will be a multitude of events paying tribute to Dr. King, but the longest-running will take place in my hometown of New Haven at the Shiloh Baptist Missionary Church. It is there that community leaders, families, friends,

and neighbors will gather to participate in the 40th Annual Dr. Martin Luther King, Jr., Love March.

Founded by the late Pastor George W. Hampton and today carried on by his son, Pastor Kennedy Hampton, Sr., for 40 years on January 15th at eleven o'clock in the morning, the Greater New Haven community has gathered to participate in the Martin Luther King, Jr., Love March. The Love March has never been cancelled or postponed—wind, rain, snow, nor freezing temperatures have determined the number of participants but has never influenced the commencement of the march.

The late Pastor Hampton began the Love March as a means to remind our community of the important lessons of Dr. King and the Civil Rights Movement. I once heard Pastor Hampton tell the story of his meeting with Dr. King. As I recall, the Pastor told him about his work in the civil rights movement and Dr. King responded, "That's part of the dream—keep it up." Pastor Hampton has certainly followed that charge.

Each time I join in the March, I am inspired by the uplifting spirit of the crowd as we sing and move through the neighborhoods of New Haven. For those of us who remember those

difficult times, it seems obvious why we continue these strong traditions. In some ways we should be proud that the younger generations of today ask why we continue, why is it relevant? We, as a nation, have certainly made great strides in our efforts to ensure equality among all of our citizens. However, we still have a long way to go and that is why the Love March and other events like it are so important to our communities. They remind us of how far we have come and renew our commitment to the ideals of justice and full equality for all.

I am proud to stand today to congratulate the Shiloh Baptist Missionary Church on the 40th anniversary of the Love March. I cannot thank them enough for their commitment to ensuring that we always remember the sacrifices that were made by Dr. King to change the very character of our Nation—to open the doors of opportunity to all, right long-standing wrongs and bring justice to those so long denied full partnership in American society. For New Haven, the annual Love March is a cornerstone in the celebration of the life and spirit of Dr. King and remains a stirring reminder of a troubled time and a peaceful soul.

**SENATE—Monday, January 25, 2010**

The Senate met at 2 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Lord and our God, savior of humanity, thank You for commanding light out of darkness, for creating our world and calling it good. Great and wonderful are Your works, Lord God Almighty.

Today, bless our lawmakers. Give them the courage to hold on to what is good and to return no one evil for evil. Use them to strengthen the faint-hearted, support the weak, and help the suffering. Lord, empower them to love and serve with exemplary faithfulness. Help them to be as kind to others as You have been to them, and empower them to transform their struggles into stepping stones.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**THE CHAPLAIN**

Mr. REID. Mr. President, on Saturday on public radio, there was a very nice piece on our Chaplain. It was a long interview; it must have taken 10 or 15 minutes. The woman doing the interview on public radio came to his office here. She was at various places with him. It was a very good piece historically about the history of the Chaplain in the Senate, and it spoke very well of our Chaplain—the first African American to become an admiral in the Navy, our first African-American Chaplain. He is a person who is very accomplished.

I appreciate the work he does for each of us individually and the work he does with various groups. He has a number of study groups here that he works with on a weekly basis. In the Senate, we are very proud of our Senate Chaplain, ADM Dr. Barry Black.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

I ask unanimous consent that the first speaker during morning business be the Senator from California, Mrs. FEINSTEIN, and that she be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will resume consideration of the resolution increasing the statutory limit on the public debt. At 5:30 p.m., the Senate will turn to executive session to consider the nomination of Rosanna Peterson to be a U.S. district judge for the Eastern District of Washington. At 6 p.m., the Senate will vote on her confirmation.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from California.

**CONRAD-GREGG AMENDMENT**

Mrs. FEINSTEIN. Mr. President, I wish to say a few words in favor of the Conrad-Gregg amendment which will shortly be before us and in opposition to the Baucus amendment.

I have worked for some time to try to produce legislation that would create a commission which could be like a BRAC commission and deal with what I consider to be the most formidable problem facing this government.

Every Wednesday during the summer and spring, I have a constituent breakfast. One of the things I do at that breakfast is show what debt and deficit really means. One of the best ways—you learn this when you do a budget, and I learned it when I was mayor of San Francisco and for 9 years put together a budget—is to look at what is actually spent, total numbers. That gives you the real clue. It is called outlays, Federal outlays.

What have Federal outlays been? In 2009, 50 percent of everything the Federal Government paid out went to entitlements. What are entitlements? Medicare, Social Security, veterans' benefits—things that cannot be controlled—if you are entitled to them, you get them. Look at interest on the debt, which is 5 percent. If you look at discretionary defense, it is 18 percent. And if you look at everything else the Federal Government does that everybody talks about—education, agriculture, justice, the 22 agencies in Homeland Security—it is just 16 percent of what is spent. If you add together the 50 percent and the 5 percent of interest, we see 55 percent of everything the Federal Government spends this year cannot be controlled. We have to spend it. All the rest that is discretionary is rather small in comparison. If we project that out 10 years—and I must say that new numbers are coming out tomorrow, so this is the latest number I have—entitlements go up to 56 percent and interest on the debt to 14 percent; that is, 70 percent of everything that will be spent in the year 2019 if things are projected forward cannot be controlled. Discretionary defense is 16 percent, and nondiscretionary—again, everything else—is 14 percent. If you wanted to balance out, you could eliminate everything in discretionary spending and you could not solve the problem.

That is what is happening. Entitlements are expanding to an inordinate amount of what the Federal Government pays out every year. It does not matter whether something is in the budget or not in the budget; if you

have to pay for it and spend it, it contributes to the deficit and that translates into debt. It is a very major problem.

That is why I rise today in support of the amendment offered by Senators CONRAD and GREGG to establish a bipartisan commission to tackle this issue and look at these programs—namely, Social Security and Medicare—and make some recommendations as to how they can be changed, amended, melded to essentially be able to maintain themselves over time. We know both these programs are the third rail of American politics. Past Congresses and past Presidents have failed to take the steps necessary to ensure their long-term viability. Social Security will start running out of money in 2037, and Medicare will start to run out of money before the end of this decade. In 7 years, in 2017, Medicare will begin to run out of money.

This is an opportunity to take a concept which has worked before—namely, the Greenspan Commission, which in 1983 added years to Social Security solvency—and have a 1-year commission, which is the Conrad-Gregg commission, to deal with this debt. It would be an opportunity to get our Nation's finances back on track. If we could have done it, we would have done it. If we could have done it, why didn't we? Why year after year do we refuse to face the issues? The Greenspan recommendations, including a change to the trust fund revenue structure, actually won bipartisan support. Those recommendations were adopted, and they were credited with saving Social Security at the time.

More recently, the base realignment and closure process, known as BRAC, and the Homeland Security commission following 9/11 made recommendations. Many of those recommendations were accepted. The BRAC Commission had a process which all of us sort of derided and did not like, but it got the job done. They presented recommendations to the Congress; the Congress could vote them down. That decided the question. That is what the Conrad-Gregg amendment would do.

We all see the gravity of what is happening. As we vote to increase the debt limit for the ninth time in 8 years, we are not able to do anything about the biggest consumers of debt—entitlements—because they are such valuable programs to people and no one wants them touched.

This commission would be bipartisan. It would be composed of 18 members—10 Democrats, 8 Republicans; specifically, 16 Members of Congress split evenly between each party and 2 administration officials. Their charge would be to come to grips with this situation and make a series of recommendations on an expedited procedure that would come to the Congress, and we would either vote it up or vote

it down. Everything would be on the table. The scope of the commission is broad enough to include all possibilities for improving our budgetary outlook. The commission would issue this report before the end of the year. Mr. President, 14 of the 18 Members must approve the report before it could be presented to us, and Congress would be required to vote on the report, as I said, with expedited consideration before the end of this year. So for the first time, in a matter of months, we would have before us some recommendations. How do we tweak Social Security to enable it to go past its doomsday? How do we handle Medicare to see that it is viable throughout the next three, four, five decades? It does not circumvent congressional procedures, nor does it exclude elected officials from shaping the final report.

The Social Security trust fund runs out of money in 2037. If we do not do anything, it is going to happen sooner. Today, 50 million people depend on Social Security. By 2050, 82 million people—another 32 million people—will receive Social Security.

Most people do not realize that one-half of American workers today have no retirement or pension benefit from their company. I did not know this. One-half of all retiring workers have no retirement or pension benefit from their company. Social Security is what they will have. With the problems in the workplace today, with the increase in bankruptcies, we can be sure that Social Security is only going to become more important as the decades go on.

In 2007, Social Security alone kept 35 percent of older Americans out of poverty. That is how important it is. Thirty-five percent of our seniors would be living in poverty if it were not for Social Security. And for almost two-thirds of people, Social Security makes up more than half their income. So Social Security is really the breadbasket, it is the opportunity for many seniors and pensioners and retirees to continue to live and stay out of poverty.

Medicare is in even worse shape. By 2017, the hospital insurance trust fund will be depleted. In last year's Trustees report, insolvency was projected in 2019. Medicare is unsustainable over time.

That is something that none of us wants to admit, none of us wants to face. The record is clear: None of us has faced it. None of us has done anything about it, and yet the time is ratcheted sooner and sooner.

So once the hospital trust fund is exhausted, it will be necessary to reduce the amount of benefits payable. What does that mean? That means after 2017, only 81 percent of benefits will actually be paid. Think of that. Is it all right to let that happen? Is it all right to do nothing? Is it all right to say: OK, we know that come 2017 only 81 percent of

the benefit an individual should get will be paid, and it is because we are not willing to do anything about it? That is what we are saying if we vote no on the Conrad-Gregg resolution.

Medicare Part B and Part D prescription drug coverage will increasingly outpace beneficiary income over time. So funds won't be there to pay for prescription drug benefits. That is the simple result. Without finding an adequate way to fund these obligations, those funds will have to be borrowed or will be nonexistent, and this further adds to the debt we see coming down the pike. All of it adds together to the financial insolvency of both Social Security and Medicare.

That is why a commission is needed—because we haven't done what we should have done. We haven't made the tweaks, the changes, the adjustments. We haven't looked at means testing. These programs were founded on the belief that no matter how wealthy you are, you should get these benefits. My own view is that should change. They should be looked at more as insurance programs. If you don't need them, if you are a millionaire, why should you have these benefits? If you need them, if you are part of the half of America that has no pension or retirement benefit, if you earn under, let's say, \$250,000 a year as a retiree, maybe you should still get them. But if you earn more than \$250,000, with this picture facing us, maybe you should pay your own way.

These are some of the decisions that have got to be made, and we can't keep putting them off because they are unpleasant, because the more we put them off, the bigger the troubles get. That has been the case in the 17 years I have been here. I have watched this, and it keeps going up and up and up. So the problem is apparent, but it has been ignored. It has been shoved under the rug. It has never been addressed, and that is why we need a commission.

I cosponsored a bill two Congresses ago with Senator Domenici and I cosponsored a bill this Congress with Senator CORNYN to create a Social Security-Medicare commission. Mine was not composed of Members of Congress, but there was opposition. People felt, well, if this body is going to have the ability to make a recommendation that may result in having to put more money into the system, either by increasing the payroll tax or any other way, then it ought to be the Members of the Congress or the Senate who make that recommendation. Senator CONRAD and Senator GREGG took that as a kind of mandate and said: All right, we will do that, and here is what we propose.

I am very glad the Senator from Florida is on the floor. We have worked as part of this group together, come to several meetings. I guess it would be

fair to say there are about 16 or 17 of us who have worked together with Senator CONRAD on the Democratic side on this, and we do so because we recognize doing nothing doesn't save Medicare and doing nothing doesn't save Social Security. But doing something may, so that is why we need a commission. This will never get done if we follow regular order in the Congress. For 17 years, I have watched that regular order year in and year out, and nothing has happened. I remember Fritz Hollings standing right there on the floor talking about keeping money from going out of the trust funds. As you know, now it is an accounting judgment. Everything goes into one fund, but there is just an accounting judgment. He advocated separating it out so it couldn't be used to balance the budget. Right now the trust funds are used to balance the budget. They are not set aside for a special fund to see that Social Security remains secure. It is the good faith and credit of the government that does that. Well, I say that isn't enough. We have to face the consequences, bite the bullet. We have to find a way to see that our national credit card is fiscally responsible.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. FEINSTEIN. I know my time is up, but I want to indicate my very sincere support and my thanks to both Senator CONRAD and Senator GREGG for their work, for their leadership, and for their strong advocacy. They have friends. We will support them. And I very much hope this body will as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am speaking today in favor of the Conrad-Gregg amendment, of which I am a cosponsor also.

While the Senator from California is here, I want to go back 27 years ago to one of the times in which government came together and worked best on a crisis. It was 1983. I had come to Congress a few years before, and we were suddenly at the point at which Social Security was going to run out of money within 6 months. Obviously, something had to be done. The good news was there were two wily old Irishmen who were leading the government. One was in the White House—his name was Reagan—and the other one was the Speaker of the House—and his name was O'Neill. Those two were great examples. They could fight like cats and dogs during the day, but when they walked out the door, they were personal friends. They had a personal relationship. When it came time to cutting a deal to get the performance of the government, they could do it.

Realizing that Social Security was about to be in financial cardiac arrest, they said: We are going to do this. They appointed a blue ribbon panel,

much like what we are talking about here in this Conrad-Gregg amendment. The difference between then and now is that we had leaders of both parties who were committed to making it work. I am not sure what we are going to see out here on the landscape today, unless the American people rise up and say: A pox on both your Houses. You guys better get together.

That is what we are trying to do with this bipartisan amendment. The good news is that because of the deliberations of that panel and because those two Irishmen, President Reagan and Speaker O'Neill, said: We are going to take this off the table at the next election as a club, a bludgeon, to hit our opponents over the head with, that blue ribbon panel came forth, was presented to the Congress, passed overwhelmingly in the Congress, and it made Social Security solvent from 1983 well into this century.

That is the kind of example we need here, of our coming together in a bipartisan way, with commonsense solutions. That is what I rise to talk about today. I thank the Senator from California for being not only erudite but eloquent in her presentation.

Mrs. FEINSTEIN. I thank the Senator.

Mr. NELSON of Florida. Mr. President, there is a reason for this, and it is our Nation's budget is on a path toward crisis. We have to do something extraordinary, just as we did back in 1983. Over the last decade, we have spent billions to wage two wars, but we still proceeded with a tax cut for the wealthy and a prescription drug benefit that gave too much to the pharmaceutical industry as well as the health insurance industry, and what happened was the debt doubled.

The Obama administration had to stem the bleeding, putting a tourniquet on the pending nationwide economic collapse, so it pumped money into the economy. That was primarily for infrastructure spending, teachers' salaries, targeted tax relief for small business, and targeted tax relief for the middle class.

That same economic collapse did what one expects recessions, near depressions to do: It lowered the tax receipts, and thus put us in an even tighter spot. So now we have to face the realities of this fiscal situation. Due to the economic downturn, tax revenue, as a share of the economy, is at its lowest point in 50 years. It is less than 15 percent of GDP, whereas spending is now above. It is at 26 percent of GDP. You know when you take in less revenues but you spend more, that difference, which we call the annual deficit, means you are headed for trouble. The analysts are telling us that by 2019, the debt could be 114 percent of the GDP.

We saw in the charts of the Senator from California how the interest rate

in 2019 would balloon up to three-fourths of \$1 trillion. The rising trend continues at an alarming rate even after 2019. Former Fed Chairman Alan Greenspan said:

The challenge to contain this threat is more urgent than at any time in our history. Our Nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

This is not to mention this also affects our national security. Guess who is the biggest holder of our foreign debt. It is China. What happens if they suddenly want us to pay off all of those bonds they hold? Do you think China is an adversary? Well, if you don't, do you think they are an economic adversary? Do you think they would like to be a military adversary? Do you realize what they are doing in space in order to become a world power?

I came to Congress a long time ago, and I have been talking about balanced budgets, but now this problem is so massive it can't be solved, as the Senator from California said, by regular order. We are going to have to take a good look at the whole picture. We need some commonsense folks who will work together, who will respect each other—did you hear what I said, respect each other—and who will recommend the tough decisions that must be made in order to get this Nation's fiscal policy back on track.

I realize on the one side you have folks saying: Does that cut Social Security? Does that cut Medicare? Then on the other side you have folks who say: Does that mean you worry about raising taxes? Those are legitimate concerns. Every one of us, every family member in America has to deal with these kinds of questions in their own family's budget. When we spend more than we bring in, we have to make choices. We have to make adjustments. It is the responsible thing to do.

It will not be easy. It will not be easy politically, especially with people holding that club of the next election over their heads saying: I am going to beat you into the ground and beat you politically to death if you make these tough choices. But in the end I trust, because of the understanding of the American people of their government and their understanding of their own family budgets, they will trust a bipartisan group of lawmakers accountable to the American people who will have examined the budget, hashed out their differences, and agreed to a plan that will make us solvent again.

Without drastic measures we risk saddling our children with debt that can never be repaid and credit that cannot be restored. We have the opportunity right now to try to fix it. I urge our colleagues to support this amendment, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

## STATE OF THE UNION

Mr. ALEXANDER. Mr. President, I look forward to the President's State of the Union Address on Wednesday, as I know most Americans do. There is a lot of talk about how the President might reconnect with the American people. The President himself said a couple of days ago, after Massachusetts elected a Republican Senator, that perhaps he had not been talking to the American people directly about core values. If I may do this in a respectful way, I would like to make a suggestion about what the President might say on Wednesday evening.

To reconnect with the American people, I suggest in his State of the Union Address the President talk first about creating jobs; second, about reining in the national debt; and make terrorism his third subject. Then it would not hurt my feelings one bit if he stopped his speech right there and focused his unswerving attention on jobs, debt and terrorism until he has them all headed in a better direction. After all, in my view, the President struggled in his first year not only because his agenda veered too far to the left but because he took too many big bites out of too many apples and tried to swallow them all at once.

Years ago, I learned that a Governor who throws himself into a single issue with everything he has for as long as it takes can usually wear out everybody else. I think that is true for Presidents, too. In 1952, President Dwight D. Eisenhower said, "I shall go to Korea." Then he focused on that one problem, ended the conflict, and Americans thanked him for it.

I hope President Obama would focus with Eisenhower-like intensity on jobs. In the 1980s, I found the best way to do that was not to try to turn my State, Tennessee, upside-down all at once. We were then the third poorest State in the Union. My goal was raising family incomes. I didn't try to turn it upside-down all at once, but I went step by step—sometimes learning as I went—amending banking laws, defending right-to-work, keeping debt and taxes low, recruiting Japanese industry and then the auto industry, building four-lane highways so the auto suppliers could get to the auto plants, and finally a 10-step "Better Schools" plan which included centers and chairs of excellence for higher education.

In my view, a step-by-step job strategy for the country should include tax cuts, less regulation, certainty so people can make their plans, free trade, a balanced labor climate, good educational opportunities, and clean but cheap energy. Unfortunately, the President has too often proposed higher taxes, more regulation, uncertainty, protectionism, expensive labor policy, higher college tuitions (as Medicare costs are passed on to States), a national energy tax, and new costs for

the businesses that we count on to create jobs.

As for debt, Democrats in Congress are trying this week to raise the national debt limit by \$1.9 trillion, an amount that is more than the total Federal budget in 1999. To be sure, President Obama inherited some of this, but he has run up a \$1.5 trillion debt in just one year and it took President Bush 8 years to accumulate a \$2 trillion debt. The solution for a boat sinking because it has a hole in it is not to put more holes in it.

Finally, the President deserves credit for his decisions on Iraq and Afghanistan but bringing terrorists from Guantanamo to Illinois, trying the 9/11 mastermind in New York City, and failing to interrogate the Christmas Eve "underwear bomber" in Detroit shows dangerous confusion about how to deal with terrorists.

When I became Governor, Ned McWherter, then the Democratic house speaker, said, "I want to help because if the Governor succeeds the State succeeds." In the same way, I want President Obama to succeed. The best way for him to do that, I respectfully suggest, is to declare an end to the era of the 2,700-page bills and to work with both political parties, step by step, on jobs, debt, and terrorism to help Washington re-earn the trust of the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

## CONRAD-GREGG AMENDMENT

Mr. CONRAD. Mr. President, tomorrow we are going to vote on the question of whether we establish a bipartisan debt commission, a commission empowered to come up with a plan, a plan if 14 of the 18 Members would agree, would come to the Senate for a vote.

This story ran recently in Newsweek. This was actually the cover of Newsweek:

How Great Powers Fall; Steep Debt, Slow Growth, and High Spending Kill Empires—And America Could Be Next.

Inside, the story reported:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

It is not hard to see how that could happen. Since 2000, the debt has exploded. In the previous administration the debt doubled. It has increased again with the economic downturn, and we are now on a course to have a gross debt that will be 114 percent of the gross domestic product of the United States.

That is the short term. We can handle a debt of 114 percent of the gross domestic product. We have done it before. We did it after World War II. Japan has a debt right now of 189 percent of their gross domestic product.

The real challenge confronting America is that, according to the Congressional Budget Office, we are on course to have a debt that will reach 400 percent of our gross domestic product over the next 50 years. Nobody believes that is a sustainable situation—not the head of the Congressional Budget Office, not the head of the Office of Management and Budget, not the former head of the General Accounting Office, not the head of the Federal Reserve, not the Secretary of Treasury—all of them have said a debt of that magnitude poses a systemic threat to the economic security of the United States.

The National Journal, in a recent article, on November 7, 2009, reported this:

Simply put, even alarmists may be underestimating the size of the (debt) problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

That is not just the view of the National Journal or the view of Newsweek magazine in their cover story piece. This is the considered judgment of some of the budget experts in the country from both the Republican and Democratic side of the aisle.

Alan Greenspan, the former Federal Reserve Chairman, said:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. . . . I hope that you succeed.

Douglas Holtz-Eakin, who was the key economic adviser to Senator McCain in the last election said:

I am a reluctant convert. I have always felt that this is Congress' job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I've come around to the point where I'm in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the current Secretary of Treasury, said this before the Senate Budget Committee on February 11 of last year:

. . . [I]t is going to require a different approach if we're going to solve the [long-term fiscal imbalance]. . . . It's going to require a fundamental change in approach, because I don't see realistically how we're going to get there through the existing mechanisms.

Mr. Walker, the former head of the General Accounting Office, said:

I think the regular order is dysfunctional as it relates to these types of issues. And it's, quite frankly, understandable, because you're talking about putting together a package that crosses many different jurisdictions. . . . And the idea that that would end up emerging from the regular order I think is just totally unrealistic.

Leon Panetta, former chairman of the House Budget Committee, former

Chief of Staff of President Clinton, said:

It'll never happen. The committees of jurisdiction will never take on the kind of challenges that are involved in this kind of effort. . . . If you just leave them under their own jurisdictions, that will never happen.

Senator GREGG, the ranking Republican on the committee, and I came to the same conclusion. Two years ago we started an effort to come up with a process that could assure a vote on a series of recommendations to meet the debt threat. All task force members are directly accountable to the American people. They are all elected Members of the Congress or, in the case of the Secretary of the Treasury, the representative of the administration. There are 18 Members: 10 Democrats—2 from the administration—and 8 Republicans. They are all currently serving Members of Congress selected by Democratic and Republican leaders and the Treasury Secretary and one other administration official who, I assume, would be the head of the Office of Management and Budget.

The bipartisan fiscal task force has broad coverage. Everything is on the table—spending and revenues. I hear some on the left saying spending should not be considered and some on the right saying revenues should not be considered. Both have to be considered. I do not know what could be more clear.

The green line shows revenues as a share of GDP since 1950. That is over the last 60 years. Revenue, the last 2 years, is the lowest it has been in 60 years. Let me repeat that: Revenue as a share of the gross domestic product is the lowest it has been in 60 years—a precipitous decline in revenue.

Look at expenditures. Expenditures are the highest they have been as a share of the gross domestic product in 60 years.

Whoever says: “Well, you did not include revenue” or “you did not include spending,” well, guess what, if you did not deal with spending and did not deal with revenue, you did not deal with the problem. Let's get serious. Let's get honest with the American people.

The current status of Social Security and Medicare trust funds are as follows: Social Security will be permanently cash negative in 2016. It is already cash negative today. Let me repeat that. Social Security is cash negative today. It will be permanently cash negative in 2016. That is 6 years away. It will be completely insolvent in 2037.

Medicare went cash negative in 2008. It will be insolvent, according to the trustees, in 8 years. Anybody who says we do not have to do anything, we can just keep on doing what we are doing, has their head in the sand. Social Security and Medicare are both cash negative today. They are both headed for insolvency. Those who say we do not have to do anything, they are guaran-

teeing a disaster. Some say: Well, the health care reform bill shows we can do this through the regular order. No, that is not what it showed. It shows the opposite. It shows we will not do this through the regular order because here is the long-term debt trajectory we are on. While the bill that passed the Senate will help a little bit, it is only a little bit. It does not fundamentally change the trajectory we are on. That is the reality. That is the fact.

A bipartisan fiscal task force promises an expedited process, with recommendations to be submitted after the 2010 election, with fast-track consideration in the Senate and the House, no amendments, with a final vote before the 111th Congress adjourns and a requirement, before you ever get to that point, of a supermajority necessary of the 18 members to even report a plan.

It would require 14 of the 18 members to even report a plan. If the plan is reported, then it takes 60 votes in the Senate, it takes 60 percent of the House of Representatives, and the President reserves and preserves his ability to veto. So anybody who says this is somehow unconstitutional, it is fully constitutional. Anybody who says we are farming out the responsibility to come up with a plan, that is what we always do. We always have committees come up with plans that then come to a vote of the Congress.

If you look at fiscal crises, such as the one we are in today and the one that is rapidly approaching that will be far more serious than the one we are in today, we have always had a special process, whether it was Andrews Air Force Base in the 1990s or whether it was the Greenspan Commission in the 1980s. We have repeatedly, when we faced a fiscal crisis, resorted to a special procedure.

The Bipartisan Fiscal Task Force, as I have indicated, requires a bipartisan outcome: 14 of the 18 task force members must agree to the recommendations. The final passage requires supermajorities in both the Senate and the House.

This weekend, the President endorsed this, the plan we will vote on tomorrow. This weekend, the President released this statement.

The serious fiscal situation that our country faces reflects not only the severe economic downturn we inherited, but also years of failing to pay for new policies, including a new entitlement program and large tax cuts that most benefited the well-off and well-connected. The result was that the surpluses projected at the beginning of the last administration were transformed into trillions of dollars in deficits that threaten future job creation and economic growth.

These deficits did not happen overnight and they won't be solved overnight. We not only need to change how we pay for policies, but we also need to change how Washington works. The only way to solve our long-term fiscal challenge is to solve it together, Democrats and Republicans.

That's why I [the President] strongly support legislation currently under consideration to create a bipartisan, fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges, and call on Senators from both parties to vote for the creation of a statutory, bipartisan fiscal commission.

With tough choices made together, a commitment to pay for what we spend, and responsible stewardship of our economy, we will be able to lay the foundation for sustainable job creation and economic growth while restoring fiscal sustainability to our nation.

The President got it right. He is also representing the views of the American people. When asked: Would you favor or oppose creating a bipartisan commission as a way of reviewing and addressing our Federal budget problems, 70 percent of the American people said they would. Twenty-five percent were in opposition. Five percent were not certain.

This is a poll taken by Peter D. Hart Research, a well-known pollster, a well-regarded pollster, taken November 16 to November 18 of 2009. There is no doubt in my mind that if this poll were taken today, these numbers would be even stronger with respect to the need for a bipartisan fiscal commission.

Let me close, in the time remaining to me, to thank my colleague, Senator GREGG, the ranking Republican on the committee. We have a group of cosponsors for this bill, about 30 in number, about equally divided between Republicans and Democrats.

Senator GREGG and I have not always agreed on every fiscal issue, and we have debated those issues sometimes in a way that is animated, full of energy. But this is one place we are in absolute agreement. I have served here now 23 years. I am absolutely persuaded that if we do not adopt a special procedure such as the one we have proposed, the chances of facing up to this debt threat in a timely way is remote.

This is our chance. Tomorrow will be a defining vote. Are we going to take on this question of the looming debt, the threat it imposes to the economic security of the country? Let me be quick to say, that does not mean I believe we should raise taxes or cut spending in the midst of an economic downturn. That would be unwise. But it would also be unwise, once recovery has presented itself and is firmly rooted, for us to fail to face up to the greatest economic threat this country faces, a runaway debt, one increasingly financed from abroad.

Last year, a substantial portion of our new debt was financed by foreign entities: China, Japan, the oil-exporting nations. They have told us, publicly and privately, we are on an unsustainable course and they will not long continue to extend trillions of dollars of credit to us, absent our taking action. The warning is clear. The time is now. I urge my colleagues to support our effort tomorrow.



I wish to, again, thank my colleague, Senator GREGG, the ranking Republican on the committee, for his leadership in this matter. He has spent 2 years on this effort. We could not have a better partner.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, let me congratulate the Senator from North Dakota. First, he was a "voice in the wilderness," as we say in New Hampshire. That is the motto of one of our colleges. Then he moved from being in the wilderness to being on the side of the wilderness, and people were starting to listen. Now he has become the clarion call.

The simple fact is, his statement, which summarized it all, presents the problem as it is. The debt is the threat. He, in his statement he just made, outlined the implications of the debt. You cannot deny it. It is there. It is coming. It exists. It is being added to. The numbers simply cannot be ignored any longer. We are, as a nation, on a path where, if we continue to spend and run deficits as we have and as are projected, our Nation will not be able to maintain its standard of living. We will not be able to finance our debt. The value of our currency will come under acute threat.

The burden of taxes to pay for the cost of government will overwhelm the ability of people to live productive lifestyles. Inevitably—and this is not hyperbole, unfortunately—inevitably, we as a nation will go into insolvency of some form. Either we will have to inflate our economy radically or we will have to bear a burden that simply stifles the capacity of our children to have a high quality of life because of the cost of the government and the cost of the debt.

The Senator from North Dakota has cited the figures. We go to a public debt that is 100 percent of gross national product within the next budget window cycle. We crossed the 60-percent threshold, which is the tipping point, where, similar to a dog, we have trouble catching our tail because we have so much debt on the books, potentially, this year but certainly by next year.

These numbers are staggering. They are hard to understand—trillions and trillions of dollars in debt. As the Senator from North Dakota has also pointed out, the debt is owned not by Americans but by foreign nations. Today, China owns almost \$1 trillion of our debt. Oil-exporting nations own, as a group, almost \$1 trillion of our debt. We are shipping overseas the dollars which we should be reinvesting in the United States to create a more productive and vibrant economy and a better lifestyle for our Nation.

By the year 2017 or 2018, the interest on the debt alone will exceed every

other account in the Federal Government. It will be approximately \$900 billion a year, almost \$1 trillion a year, more than what we spend on national defense, massively more than what we spend on education, on building roads, on doing the things a government is supposed to do.

Where does that interest go? It does not stay in the United States to benefit America and make us a stronger nation. It is going to go to countries such as China—not that I have anything against China—countries that have bought our debt.

So we are on an intolerable path, a path of unsustainability, a path which leads us down the road to a nation which is less prosperous and has a lower standard of living than what we received from our parents. That is simply not acceptable. So how do we address this? Well, for years we have said: Let's do it by regular order. Let's come up with ideas and run them through the committee process, run them up the political flagpole, let the community of interest that wants to speak out on issues speak out on it. Then we will evolve solutions that work on these very difficult problems.

Most of the issue, by the way, is driven by the cost of the entitlement programs and, for years, nothing has happened. Nothing has happened. There is a reason for that. Our political system is inherently prejudiced against doing substantive activity on issues as big as entitlement reform. We have a system where, whenever anybody puts a policy on the table, a substantive, thoughtful policy or even a policy that is not thoughtful, as a presentation of the way you should address the cost and the burden of our government, it is immediately attacked either from the left or from the right.

They almost never even make it to the starting line. We have instance after instance of seeing this. So Senator CONRAD and I decided you cannot do this by putting policy on the table. There are too many interest groups in this town that make their living off poisoning the will either from the right or the left because that is how they generate their income. They send out these letters to their constituent groups. If it is a Social Security group, they send it out in a Social Security-type envelope and say: if you do not send this money soon, tomorrow, somebody is going to ruin Social Security for you or, if they are a tax group, they send out the same type of letter that looks similar to an IRS form letter: If you do not send this money tomorrow, your taxes are going to go up radically.

So as a very practical matter, nothing ever gets past the starting line around here. Regular order does not, has not, and will not work on those issues.

We decided, rather than using that process, which we know leads nowhere,

let's set up a process that does lead somewhere. We came up with what is basically, to thumbnail it, a procedure which is totally and absolutely bipartisan and fair, where neither side may game the other, which leads to a policy position, which then leads to a vote on that policy. That is the task force we have. The key components are that it is totally and absolutely bipartisan. Neither side can game the other. It takes 14 of 18 people to report out the proposals. They don't have to be proposals for everything, but the proposals that are agreed to have to have a supermajority; that is, 78 percent of the people on this task force have to vote for it. Since the membership of this task force is appointed by the leadership of the two parties, a majority of the party membership of both parties on this task force has to vote for the final proposal.

One presumes that whoever goes on this task force, if chosen by the leaders of their party in the Senate, whether Senator REID or Senator MCCONNELL, or leaders of the party in the House, Ms. PELOSI or Mr. BOEHNER, is going to reflect fairly aggressively the viewpoints and the philosophies of the different parts. It will be a bipartisan report or it won't be a report at all. Then it comes to the Congress, and it has to be voted up or down on a supermajority vote. Once again, it basically moots the ability to game it. One side can't game the other. The proposal must be bipartisan and fair.

Why did we choose that path? Because the American people have shown very definitively that they will not accept proposals in these very big areas, especially Social Security and Medicare, that are not reached on a bipartisan agreement. They want fairness. They want to make sure nobody is gaming anybody around here. That is why we have these supermajorities. Then, it is on fast track, so the proposal has to be voted up or down and it cannot be amended. Why is that? Because, as we all know around here, amendments are for hiding in the corners. Amendments are offered not for the purposes of accomplishing anything but for the purposes of giving political cover. In fact, we are going to see a couple of amendments just like that on this issue, one from our side and one from the other side, so that people will have political cover if they vote against this task force approach.

The simple fact is, if you really want to do something here, you have to have an up-or-down vote on a fast track, and everything has to be on the table, all entitlement and tax reform issues. Why is that? Because this has to be bipartisan. It is that simple. I would be happy to have a commission that focused only on spending reductions or adjustments to Medicaid and Medicare and Social Security programs, but there isn't anybody on that side of the

aisle who will agree to that. They would be happy to have a proposal that addresses tax reform, such as has been proposed on occasion by the Senator from North Dakota, which is to try to collect the \$300 billion of taxes owed and not paid every year. Nobody on this side is going to accept that. Everything has to be on the table. The key to protecting both sides' interests in this exercise, so that Social Security isn't treated inappropriately and so the tax increases aren't done inappropriately, if there are tax increases, is to make sure that the product has to be bipartisan and it has to be reported on supermajorities, which this does. That issue is addressed.

We are here again. I don't know that we will get the 60 votes needed to pass this. It has obviously been attacked from the right and from the left, which usually means you are on a pretty good course. Regrettably, the President put out his Executive order proposal which I think undermined it, but then he has come to support it. But it may be a little late to the dinner here. On our side of the aisle, some of our major interest groups have come out against it.

I know this much: We are getting to the point where we don't have too many alternatives around here. If we don't do something like this fairly soon, I genuinely believe that somewhere between 5 to 10 years from now, probably between 7 and 10 years, we as a nation will find it very hard to sell our debt. Countries will look at us and say: You cannot sustain your situation. You have run up a debt that you cannot pay back, and I am not going to lend you money or, if they do, it will be at a very high price. At that point, the options for us will be very few. They will all be horrific options for our children because they will all lead to a lower standard of living for us as a nation. They will all make our country less competitive in the world economically, competition which is very aggressive and totally global now.

We can wait. We can punt this thing one more time, as we have done year-in and year-out. We can say there is not a problem out there or if there is a problem, if you don't address it the way we want to on our side or the way you want to on your side, then we won't vote for it. In the end, we will not have been responsible as people who have been given the mantle of government. We will not be fulfilling our responsibility to govern. Instead, the postwar baby-boom generation will be the first generation in history to pass on to our children a country with less prosperity than we received from our parents. That will not be a very good testament to our responsibility as people in charge of governance.

This is a chance. This is the closest we have ever gotten to this opportunity. I don't believe we will get this close again at any time in the future.

We can either take it or we can allow it to pass. I have often said that Congresses are good at handling the next election but they are terrible at handling the next generation. Unfortunately, for years this issue used to be over the horizon. It is not any longer. It is not only on the horizon, it is closing fast. The red flags are everywhere. We have even seen Moody's, the rating agency, put the United States in a special category with England, not on a watch list, but they have given us a new definition compared to the rest of the industrialized countries. There is no question but the clock is ticking and the hour is late. If we don't proceed to action that leads to actual activity, that leads to actual policy, in my opinion we will not be fulfilling our responsibility as people who are elected to govern and to pass on to the next generation a stronger America rather than a weaker one.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

#### THE ECONOMY

Mr. KYL. Mr. President, it is time for the people of the U.S. Congress to be sure we are listening to what our constituents, the American people, are telling us. If it was unclear before, the Massachusetts Senate race should put to rest any doubts about what is really frustrating Americans. Americans have had it with the soaring level of spending and debt. They know that enormous spending and skyrocketing deficits take a bite out of the economy, dragging down our gross domestic product, our standard of living, and making investors and job creators very nervous. They are concerned about the unfathomable amounts of money now being spent.

For the first year of the Obama administration, the numbers are eye-popping. Consider, one, a wasteful \$1.2 trillion stimulus that was a failure, according to the administration's own yardstick; two, a \$410 billion omnibus Federal spending bill that increased nondefense spending by 10 percent; three, a \$2.5 trillion government takeover of health care that this Senate passed on Christmas Eve. Hopefully, this will never actually become law. We have had two huge increases in the debt ceiling, with a third being debated now, and a massive budget that doubles the deficit in 5 years and triples it in 10. It is not necessary. It is not inevitable. We can and should prevent it. Remember, we have to borrow most of this money. Americans are very concerned about the amount of money we are borrowing from other nations such as China to help finance the exploding debt.

The administration and its defenders are still blaming President Bush for out-of-control deficits and debt, even

though the other party has been in control of the Congress now for 3 years and the President has been out of office for over a year. Here are some important facts. President Bush's deficits ran an average of 3.2 percent of GDP, while President Obama's spending plans call for deficits that will average 4.2 percent of GDP over the next decade—in other words, an entire percentage point higher. From the day President Obama took office until the last day of fiscal year 2010, debt held by the public will grow by \$2.3 trillion, according to the Office of Management and Budget. You can't blame that on President Bush. President Bush added less than that—about \$3 trillion—to the debt during the entire 8 years he was in office. So in just 20 months, President Obama will add as much debt as President Bush ran up in 8 years.

This administration needs to take responsibility for its actions, start listening to what Americans are saying, and stop talking about the mess they inherited. Americans want Congress and the administration to stop their grand spending plans and focus on what is really needed for an economic recovery.

December saw another 85,000 jobs lost. Unemployment has not gone down; it is holding steady at about 10 percent. In my State, it is over 11 percent.

Mort Zuckerman wrote Friday in the Wall Street Journal:

The problem in the job market going forward is not so much layoffs in the private sector, which are abating, but a lack of hiring.

That brings me to concerns over tax policy. Americans look ahead and they see new taxes on the horizon. Unless Congress takes action this year, taxes are set to go up by \$2 trillion over the next decade, starting in 2011. The child tax credit would be cut in half. Marginal tax rates will go up. Dividends and capital gains taxes will increase. It is no wonder that businesses are timid about hiring and investing and consumers are more cautious than ever about their own spending. Even if economists say we are technically out of the recession, dollars have not begun to flow because people and businesses are uncertain about what their burden will be in the coming years. They are very nervous that it will be higher.

We can eliminate some of that uncertainty and instill some much needed confidence in the economy by extending current tax law. Again, unless Congress acts, taxes will increase automatically. If the President is looking for a job stimulator, I suggest this is where to start. If he were to announce on Wednesday night that he is calling on Congress to keep taxes right where they are—in fact, if we can cut them in some areas, that would be even better—I think he would see businesses react immediately and positively to

the news. But instead of increasing taxes, we need, as Zuckerman says, to draw up credible plans to bring down bloated deficits without triggering another downturn.

Let's keep something in mind about the American people: They know you can't spend what you don't have. The message this Congress and the administration have been sending to Americans is that even though they are bound by limits, Washington is not. As I said, it is time to start listening to our constituents and then act on their instructions. Stop spending, keep taxes where they are, reduce them where we can, and stop running up deficits.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

#### CONRAD-GREGG AMENDMENT

Mr. BAUCUS. Mr. President, Dr. Laurence Peter, the educator who came up with the Peter Principle, once said:

Democracy is a process by which the people are free to choose the [person] who will get the blame.

In a democracy, that is the people's right. In a democracy, the people elect us to represent them. And in a democracy, the people elect us to be accountable.

But the chairman and ranking Republican member of the Budget Committee have come up with a process to shift the blame. They have come up with a process for Congress to punt our accountability away. They have come up with a process to outsource Congress's central fiscal responsibilities to a new budget commission.

I can see that a commission may be attractive to some. It is the easy way out. Senators can blame everything on the commission. Senators can say: The commission made me do it.

But we should not shirk our responsibility. Rather, we should do the job our constituents sent us here to do. We already have a process for doing so. It is called the budget process.

The chairman and ranking Republican member of the Budget Committee have proposed a new budget process. No one has shown greater zeal in taking on the budget deficit than the chairman and ranking Republican member of the Budget Committee. I commend them for their good intentions. But we should reject their new process—not their intentions but their new process.

Senators CONRAD and GREGG have said: Everything needs to be on the table, including spending and revenues. But why stop there? If Congress is going to outsource its central fiscal responsibilities, why stop there? Why not cede to this commission all of our responsibilities? Why don't we outsource all of this year's work and then adjourn for the year?

Come to think of it, if we do cede all of our powers to this commission, what

is to stop them from inserting anything and everything they choose into the commission's one, nonamendable, omnibus vehicle? They can insert anything they want—anything.

That is the catch with this commission. If we were to cede all of our responsibilities to this commission, and we were to tie our hands so we could not amend its recommendations, then we would risk setting in motion some truly terrible policy.

Under the proposed fast-track procedures, we would not be able to amend the proposal. But what if we did not like the committee's recommendations? We would not be able to replace the commission's recommendations with our own.

It is clear from the statements of Senators CONRAD and GREGG that they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a threat to Social Security and Medicare.

That is why the first amendment this Senator offered is to protect Social Security. Senators CONRAD and GREGG have proposed a system that will not allow Senators to offer amendments to protect Social Security later, after the commission has come up with its recommendations. That is why we have to vote to protect Social Security now, while we still can offer amendments.

We already have a process to address the budget. It is called the congressional budget process. Anytime we wanted to, we could use the budget process to address the budget deficit. Since the creation of the budget process, it has been the process that Congress has usually used to address fiscal challenges.

The chairman and ranking Republican member of the Budget Committee should skip the commission. They should go straight to their recommendation. They should bring it up in their committee. That is exactly why Congress created the Budget Committee, the budget resolution, and the reconciliation bill in the first place. That was the purpose.

We do not need a commission to do our work. We do not need a new process to shift the blame. Rather, to address our fiscal challenges, let us get to work on it now. Let us do the job the people sent us here to do. Let us reject this commission.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the pending business?

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad/Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

Reid amendment No. 3305 (to amendment No. 3299), to reimpose statutory pay-as-you-go.

AMENDMENT NO. 3305 TO AMENDMENT NO. 3299

Mr. REID. Mr. President, is amendment No. 3305 the pending amendment?

The ACTING PRESIDENT pro tempore. It is.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk with respect to that amendment.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 3305 to the Baucus for Reid substitute amendment No. 3299 to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

Harry Reid, Max Baucus, Patrick J. Leahy, Christopher J. Dodd, Edward E. Kaufman, Mark R. Warner, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Richard Durbin.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the substitute amendment at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus for Reid substitute amendment No. 3299 to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

Harry Reid, Max Baucus, Patrick J. Leahy, Edward E. Kaufman, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Christopher J. Dodd, Charles E. Schumer, Richard Durbin.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the joint resolution, which is at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

Harry Reid, Max Baucus, Christopher J. Dodd, Patrick J. Leahy, Edward E. Kaufman, Paul G. Kirk, Jr., Tom Udall, Daniel K. Inouye, Jeff Merkley, Robert Menendez, Byron L. Dorgan, Jack Reed, Debbie Stabenow, Tom Harkin, Roland W. Burris, John D. Rockefeller IV, Charles E. Schumer, Richard Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums with respect to each cloture motion be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, today is the Senate's fourth day of consideration of the joint resolution to increase the debt limit. I remind my colleagues this is the legislation that allows the government to honor its commitments to pay its bills.

Four amendments remain pending: The substitute amendment raising the amount of the debt limit; this Senator's amendment to protect Social Security; the Conrad-Gregg amendment to create a fast-track process to consider the budget commission's recommendations; and the majority leader's amendment reinstituting the statutory pay-as-you-go budget law. Up to seven other amendments remain in order to the joint resolution.

The Senator from Alaska has the right to offer an amendment on the Environmental Protection Agency's endangerment finding. We expect she will seek to address this matter through a freestanding resolution of disapproval rather than an amendment.

The remaining six amendments in order are a Coburn amendment proposing a package of rescissions; a Ses-

sions amendment creating caps on appropriated spending; an amendment by the Republican leader's designee relevant to any on the list; an amendment by the majority leader relevant to any on the list; and two amendments by this Senator regarding the budget commission.

Under the previous order, every amendment to this joint resolution will be subject to a 60-vote threshold. The Senate will not, however, conduct any rollcall votes on the debt limit today. We are hopeful Senators with amendments on the list will offer some of those amendments today.

Under the previous order, at 5:30 this afternoon, the Senate will return to the nomination of Rosanna Peterson to be district judge for the Eastern District of Washington. At 6 o'clock this evening the Senate will conduct a rollcall vote on the confirmation of the Peterson nomination.

Under the previous order, at 11:30 tomorrow morning, the Senate will proceed to a vote in relation to the following two amendments to the debt limit: First, this Senator's amendment to protect Social Security; and second, the Conrad-Gregg amendment to create a fast-track process to consider a budget commission's recommendations.

So the Senate is open for business this afternoon for Senators to offer their amendments. We will work toward developing an agreement for the offering of all amendments by a time certain, perhaps as soon as tomorrow, and we hope to conclude action on this measure as soon as possible thereafter.

I thank all Senators.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BERNANKE NOMINATION

Mr. DORGAN. Mr. President, this weekend there was some discussion and writing in the papers and elsewhere in journals about the nomination of Mr. Bernanke, the Chairman of the Federal Reserve Board, for another term as chair on that Board. The Washington Post had an editorial entitled "Scapegoat at the Fed." I don't normally come to the floor of the Senate to respond to the Washington Post editorials, but I do wish to respond to a portion of this editorial, and then in a broader way describe why I think this is an important moment for the Senate.

"Scapegoat at the Fed." The editorial begins:

There are many ways to interpret the election results in Massachusetts last week . . .

But one thing Massachusetts did not represent was a mandate to make a national scapegoat out of Ben Bernanke, the Federal Reserve Board chairman.

Yet two Democratic Senators seeking reelection in November . . . plus another planning to retire . . . appear to read it that way. They took the occasion of last week's political upheaval to announce their opposition to another four-year term for Mr. Bernanke, whose current one expires January 31. These senators' attempt to burnish their populist credentials by making Mr. Bernanke the fall guy for all the sins, real and perceived, of Wall Street fuels the right-left anti-Fed chorus in Congress that has already produced troubling attempts to subject the Fed to intrusive and counterproductive audits of its monetary policy.

Well, that is a partial recitation of the editorial.

I can just condense the editorial by saying the editorial board at the Washington Post, as is always the case, has taken the position that if anybody wants to know anything about what the Federal Reserve Board is doing, it is none of their business. It is none of Congress's business; it is none of the American people's business. Stay out of it. Keep your nose out of the Federal Reserve Board. That is kind of the position of the Washington Post.

It is not since the Massachusetts election, however, that I have expressed reservations about the Federal Reserve Board. In fact, on six occasions I have given speeches on the floor of the Senate just since December 10, 2008. That day, plus on five additional occasions, I came to the floor to talk about the issues that persuaded me to say, as I did last week, that I don't even believe we should vote on Mr. Bernanke's nomination until he has decided to provide the Senate and the American people with information that he is now withholding. Let me describe what that is.

This is a Bloomberg report. It says:

The U.S. has lent, spent, or guaranteed \$11.6 trillion to bolster banks and to fight the longest recession in 70 years.

I have not come to the floor of the Senate critical of the Fed's policies by which they have lent, spent, or guaranteed \$11.6 trillion; although it is fair to say the \$11.6 trillion is not theirs. That represents the risks of the American people. That is the full faith and credit of this great country of ours.

The Federal Reserve Board has taken a number of actions to try to address this economic crisis. However, I would suggest this economic crisis was caused, at least in significant part, by the malfeasance of the Federal Reserve Board and its previous Chairman, and, in some respects, this Chairman, who were content to take a long slumber, a very long nap, while the predatory lending was going on, the housing bubble was growing, and a massive amount of bad securities were finding their way—along with the payment of a lot of generous bonuses and fees—into the financial background of a lot of financial institutions in this country.

It says:

The Federal last year began extending credit directly to companies that aren't banks for the first time since it was created in 1913 . . . it has refused to divulge the details about the companies participating in the 10 lending programs.

For the first time in the history of this country, during this response to the economic crisis, the Federal Reserve Board did this, which previously has only lent money directly to FDIC-insured commercial banks. That is the only group of interests that can come to the Fed and get direct money from them. For the first time in history, the Fed said, during this crisis, we will open that window to allow investment banks to come and get money directly from us.

So I began coming to the floor of the Senate, and I didn't come criticizing the Fed at that point because I don't know if what they did was necessary, but they did it. I wasn't critical. We were in the middle of a crisis. Then I began coming to the floor and saying: All right. Now that we have some amount of stability, let's at least make certain the Federal Reserve Board tells the American people who got the money, who ended up with the money, and what were the terms of its being made available to these investment banks.

Well, a Federal court, as a result of a FOIA request and a lawsuit said this, and it was reported in Bloomberg:

The Federal Reserve must, for the first time, identify the companies in its emergency lending programs after losing a Freedom of Information Act lawsuit.

The judge said the central bank improperly withheld agency records. He said you have to disclose who got the money.

The Federal Reserve Board said we are going to appeal the judge's ruling. We don't intend to comply with that. We are going to appeal it and get a stay. The Federal Reserve is refusing to identify the recipients of almost \$2 trillion in emergency loans from the American taxpayers or the troubled assets the central bank is accepting as collateral.

The Federal court says you have to do it, and they appealed the court ruling and got a stay and they are saying we don't intend to do it. In the meantime, I and Senator GRASSLEY authored a letter with eight of our colleagues to the Federal Reserve Board last July and said: We want you to disclose to the Congress and the American people who got the money and how much and what the terms were.

We got a letter back from the Federal Reserve Board, dated September 16. It has a lot of paragraphs in it, but you can summarize it this way: No.

It is interesting to me that the Chairman of the Federal Reserve Board has said: We believe one of the hallmarks of what we are doing is transparency. I don't understand, if transparency means you are going to dis-

close things and give people the opportunity to understand what happened, why is there no transparency? Even after a Federal court said you improperly withheld records, even after Members of the Senate said make this information available, even after the American people said we deserve to know who got our money, the Federal Reserve Board said: We don't intend to tell you a thing.

There are a couple trillion dollars out there that the Fed has made available. It was a risk to the American taxpayer, and \$2 trillion is not a small amount; it is a very large amount. The Fed said: That is our business, not yours. That is the business of the Federal Reserve Board. We, in effect, have a right to operate in secret and we intend to continue to do that.

My problem with Mr. Bernanke—as I have said last week, I don't think his nomination should be voted on in the Senate until and unless he discloses to us and the American people the details about this \$2 trillion and who got it. What were the terms? We now see some of the investment banks reporting the largest profits in their history, and they are preparing now to provide bonuses, we are told, of \$120 billion to \$140 billion. These are firms, by the way, that would no longer exist were it not for the Federal Government. These are firms perched on the edge of a financial cliff, ready to go under, except for the guarantee of the Federal Government in all kinds of ways. Of course, they are the first to get well. No, it is not a company back on Main Street, not a company back in my hometown. The first to get well in this new economy are the investment banks.

Did they get well because they were able to get a couple trillion dollars from the Federal Reserve Board, probably at zero interest rate—I don't know—and invest back into Treasury securities and get paid interest on it? Were they arbitraging money? I don't know. I think we ought to know. We have a right to know.

Mr. President, the issue, from my standpoint especially, is, we have a right to know, and the chairman of the Federal Reserve Board has a responsibility to tell us and the American people. I noticed last weekend, when these writers, including editorial writers and others, were having an apoplectic seizure over this issue: Oh, My God, somebody might vote against Bernanke. Then they say: You know what. More than that being what they call Fed bashing—it is not—it is also the case that this Congress is thinking of tightening the rules on financial regulations to prevent those who were doing what they did to create this crisis from ever doing it again. Shame on them. That is antibusiness.

Isn't it interesting how this has morphed into a situation where, if we

want to close the gate and create rules that prevent the kind of nonsense that happened from ever happening again, which drove this country into the ditch, somehow that is antibusiness. I don't think so. I think what is antibusiness is this notion of Alan Greenspan—and I will put up his quote—came to Congress after the fact, after the collapse, and he said:

I made a mistake in presuming that the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their own equity in the firms.

His point was, we don't need to regulate or oversee anything. Self-regulation will work best. They will be fine. Leave them alone and they will come home. What an unbelievable, tragic mistake by the Chairman of the Federal Reserve Board.

I made a mistake in presuming that the self-interests . . . were best capable—

It is a suggestion that somehow capitalism works and you don't need any regulatory oversight at all because the free market is best left to its own devices. The free market is the best allocator of goods and services I know of by far, and I support the free market. I also understand that, such as in any other area of competition, you need a referee, somebody with a striped shirt who blows the whistle when there is a foul. There are plenty of fouls in the free market system. That is why you need a referee. You need regulation. That is not a 4-letter word. It is called regulation. You need effective regulation to make sure the free market system works the way it was supposed to work.

There are a lot of interests in this free market system that want to clog the arteries of the free market and cause some sort of substantial problem in the free market, as long as it exists in their self-interests to do so. There are plenty of interests wanting to do it. That is why effective regulation is important. I am not talking about overregulation or underregulation; I am talking about effective regulation that is anticipated and which, for about 8 years, took a vacation by the hiring of regulators who actually boasted they were going to be willfully blind and say: You all do what you want to do in this system because we will not look.

I brought, again—and I know it is repeating—some of the things nobody looked at. The biggest mortgage company in the country that helped set up the subprime scandal that fed itself into the balance sheets of banks—commercial banks and investment banks—and caused a massive collapse and about \$15 trillion of lost value to the American people. We all have seen Countrywide's advertisements:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. . . .

That is unbelievable. You may think: How on Earth can that be a business

model? They were advertising to say: Are you a bad credit risk? We want to do business with you. If you have missed payments or been bankrupt, come see us.

This is Zoom Credit. Here is their advertisement. We saw these on television and heard them on the radio and saw them in newspapers. We thought: How did this work? They said this:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, a home loan, or a credit card. Even if your credit's in the tank. Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit—who cares?

Can you imagine that? This is an advertisement from a mortgage company saying if you have been bankrupt or have slow or no credit, who cares.

Finally, this is Millennia Mortgage:

12 months, no mortgage payment. That's right. We will give you the money to make your first 12 payments if you call within the next 2 days. We pay it for you. Our loan program may reduce your current monthly payments by 50 percent and allow you no payments for the first 12 months.

We saw all these things as they were creating the rot at the bottom of this system from which the house of cards collapsed. By the way, all this put mortgages out there in the country and the result was those mortgages were wrapped into securities and those securities were then sold from mortgage companies to hedge funds and investment banks, selling the risk north so they didn't have the risk anymore. There is no underwriting at the bottom because you don't have to underwrite if you sell the risk ahead.

Then we saw the spectacle of very large commercial banks with their financial belly loaded with this rot—CDOs, credit default swaps, you name it. There were securities rated AAA that were worthless. Then we all stood around scratching our heads wondering: How did this happen? It was unbelievable, unprecedented greed. A lot of people at the top made massive amounts of money. The guy who ran Countrywide got away with about \$200 million, I believe. That is now under investigation. A lot of them got away with a lot of money. Then this country and the American people got stuck with about a \$15 trillion bill and an economy that has been limping ever since.

One asks the questions: Is it Fed bashing? Is it antibusiness? Is it Fed bashing to say the Fed owes the American people information about who got the \$2 trillion and what the terms were? Is it antibusiness for those of us who are trying to put together rules and regulations that say this cannot happen again, we will not allow that?

I wish to close with one additional quote. This one is from me. It was almost 10½ years ago on the floor of the

Senate when we passed legislation at the request of all those big financial institutions, the investment banks, you name it. They wanted to strip away protections that were put into place after the Great Depression, saying it was old-fashioned; let's compete with the Japanese and Asians and others in commercial finance—one-stop financial service centers, create big holding companies and put it together, commercial and investment and securities, all in one big tub and put up firewalls and we guarantee you will never be hurt and we will be able to better compete.

On the floor of the Senate I said this:

This bill will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers and others.

It certainly did that. For those of us who decide: You know what, let's begin to put some of these pieces back together, let's begin to provide some protection for this country's economy, let's get rid of this orgy of speculation, that unbelievable greed, this bubble of incompetence of people who were supposed to be regulating but didn't—yes, that includes the Federal Reserve Board. Let's do this right and put it back together. That is not antibusiness; that is probusiness. The businesspeople in this country who go to work in the morning and put a key in the door and open are going to work all day, risking everything they have. They want an economy that is working, not in collapse but one that is providing opportunity. That certainly cannot happen, and it doesn't happen, when you allow this kind of unbelievable speculation and the rancid behavior and the things that happened at the bottom with the predatory lending and exotic things such as CDOs and credit default swaps, so complicated that those on both ends of them, in many cases, didn't understand them. Will Rogers once described, a long time ago, people who bought things they will never get from people who never had them and both smiled because both made money.

That is the sort of thing that was going on in this country, and that does not work. The real economic health and the real wealth of this country is what we produce, not trading paper and especially not trading paper as a matter of speculation to try to build the bubbles we saw in the last decade or so.

We have a lot to do to fix what is wrong. I say to those who wrote the Washington Post editorial, the smallest amount of effort could have avoided that mistake in terms of the six speeches I have given on the floor of the Senate on this subject. This is not a revelation since the Massachusetts election. I have been coming to the Senate floor for a long time to talk about these problems.

Let me finally say, I think as we move from here to the issue of financial reform, aside from the Bernanke nomination, the question is: Are we going to do that right? Are we going to allow the kind of pressures that have built on the outside to influence what we do?

We should certainly know by now that if you are too big to fail in the financial industry, then you are too big and we ought to do something about it. We ought to know by now that putting together commercial banks that are insured by the taxpayers with investment banks is a recipe for disaster, and there is a way to separate them. That ought to be our business as we turn to financial reform in the years ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me say to my good friend Senator DORGAN, first of all, we all know he has served his State for 40 years. Many of us will be talking about that service and applauding him. It has been a real pleasure to have him chairman of the Senate Indian Affairs Committee while I have served on that committee. There will be many more things I will say about him and his fine public service. I thank him because I think what he has said about the Fed and transparency is something that needs to be said. I look forward to debating that with him. I thank Senator DORGAN.

(The remarks of Mr. UDALL of New Mexico pertaining to the submission of S. Res. 396 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of New Mexico. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 3302

Ms. COLLINS. Mr. President, I rise today in support of the amendment offered by Senators CONRAD and GREGG to create a bipartisan budget commission to address our Nation's long-term fiscal crisis.

The Conrad-Gregg amendment would create an 18-member bipartisan commission which would be charged with developing a specific plan to correct our government's long-term fiscal imbalance. All options would be on the table. The commission's legislative recommendations would require expedited consideration by the Congress, a supermajority vote in both Chambers, and Presidential approval.

While I would prefer that Members of Congress have the ability to offer revenue-neutral amendments to the commission's legislative recommendations, it is imperative that we move forward on this proposal. For this reason, I am pleased to be a cosponsor of the legislation.



I would note that I have not always thought the creation of an independent commission was the right approach. I was hopeful that Congress could tackle the issue of the looming fiscal catastrophe confronting us. But I have concluded that the only way we are going to achieve urgent action on the very serious fiscal problems we face is through the creation of this independent commission.

The fact is, America's out-of-control debt is a grave threat to our future prosperity. Just last month, the Senate voted to increase the debt limit to an astonishing \$12.4 trillion, and yet here we are again today considering another increase in the debt limit—this time by \$1.9 trillion, to \$14.3 trillion. Last year, this body approved the President's budget which will double our debt in 5 years and triple it in 10 years. In other words, we are facing an explosion in the Federal debt.

As bad as that sounds, our Nation's debt problem is actually far worse. America has nearly \$60 trillion in unfunded liabilities for programs such as Social Security and Medicare. These unfunded liabilities amount to \$184,000 per person living in our country, or \$483,000 per household. By contrast, median household income is just over \$50,000.

As David Walker, the former Comptroller General and now president of the Peterson Foundation, put it in recent testimony before our Senate Homeland Security and Governmental Affairs Committee:

It doesn't take an economist or a mathematician to realize that this is unsustainable.

We are talking about debt levels that are unsustainable and threaten the very future economy of our country. Our problem, in a nutshell, is that government has promised more than our citizens can afford to pay.

One columnist described this as the collision between the high and rising demand for government services and the capacity of the economy to produce the tax revenues to meet those demands. Historically, Americans have paid about 18 percent of gross domestic product in Federal taxes. But with the explosion in entitlement spending tied to the retirement of the baby boom generation, plus interest on the national debt, Americans would need to pay taxes equal to 34 percent of GDP to keep pace with spending 25 years from now. That is right, the tax burden would have to soar to 34 percent of our gross domestic product.

I am looking at the young pages who are on the floor right now. It is their future we are talking about. They are the ones who are going to be faced with this enormous debt.

Even if it were possible to raise taxes in order to finance this rate of spending, that remedy would do tremendous damage to our economy. It would crush

job creation, devastate our already battered small businesses and dash the aspirations and can-do spirit of our people. Thus, our decisionmaking must begin by reconsidering spending that, although popular, simply cannot be justified during this fiscal crisis. It is wishful thinking to hope we can simply grow our way out of this problem. Economic growth helps, there is no doubt about that, but it is itself endangered by this enormous debt.

Becoming more efficient and productive helps reduce our long-term financial challenges, but economic growth alone will not rescue us from the predicament we face. If we fail to stop this approaching tsunami of red ink, then the futures of our children and our grandchildren will be swamped by our negligence. The American dream as we know it, where each succeeding generation can achieve a higher standard of living and quality of life than the previous generation, will be over. It will not be easy, even with this commission, but we must confront the conflict between what we want and what we can afford. It is time to reassess our priorities, to make the hard decisions and to set a new fiscally responsible course for our country.

The budget reform commission proposed by Senator GREGG and Senator CONRAD would begin to move us forward as a nation in facing these serious financial challenges. I know it is not easy for many of my colleagues to give away some authority to this commission. I remind them that the commission's recommendations would still come back to us and could not become law without our voting for them and without the President deciding to sign the recommendations into law. But I have concluded that the only way to jump-start the process, to do what needs to be done, to right the fiscal boat, to help us face these challenges, to help us move forward as a nation, is to enact the Conrad-Gregg amendment. I urge all my colleagues to support their effort.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I notice other speakers who wish to speak are on the floor now. I will make a very short statement here and defer to those Senators.

I ask unanimous consent the pending amendments be temporarily set aside so I can call up one of my amendments under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3306 TO AMENDMENT NO. 3299  
(Purpose: To establish a bipartisan task force for responsible fiscal action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. BAUCUS. Pursuant to the previous order, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:  
The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3306 to amendment No. 3299.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, I will briefly explain my amendment. This amendment would achieve all of the same objectives of the Conrad-Gregg amendment but with one exception, and this is an important exception. In the amendment I just offered, there are no fast-track procedures for consideration of the commission's recommendation. Thus, for Senators who want to have a commission consider our fiscal situation and report back to us, this is your alternative. But this alternative would protect the rules of the Senate and the prerogatives of the Senators. I urge my colleagues to support this alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

RENOMINATION OF CHAIRMAN BERNANKE

Mr. BINGAMAN. Mr. President, I want to speak for a few minutes about the upcoming confirmation vote on Chairman Bernanke of the Federal Reserve Board. I should begin by stating very clearly that there is no way to overestimate the severity of the economic downturn that began in this country in 2007. To date, our Nation has lost 7.2 million jobs. In my home State of New Mexico, unemployment is now 7.8 percent. That is more than twice the rate it was 2 years ago. But even at that it is considerably lower than the unemployment rate in many States—in fact, in a majority of States. American households have lost \$12.6 trillion in wealth; more than 5 million American families have seen their homes foreclosed, many have lost their businesses, and many have lost their farms. In short, there are millions of families across our country who are and have been experiencing severe economic pain and dislocation. While indicators suggest the recession has officially ended, our economy is hardly out of the woods.

In the face of such pain, it is tempting to grasp for ways to demonstrate disapproval of the economic downturn or to put distance between ourselves as elected officials and the policies involved with the economic downturn. It is tempting, particularly in this political climate, to want to seize on a particular individual to take the brunt of the criticism.

I rise today to urge my colleagues not to use Federal Reserve Chairman



Ben Bernanke's renomination for any such exercise. I rise to offer my strong support for his reconfirmation. With the benefit of hindsight, it now seems the Fed might have done more to prevent the economic downturn. Some have pointed to financial institution bailouts and have argued that the Fed should not have provided financial support or guarantees to vulnerable financial institutions. Some have argued that the Fed's support should have been structured differently. Historians, with 20/20 hindsight, will be able to argue those issues for years to come. But hindsight also tells us that without the bold and aggressive actions Chairman Bernanke in fact took, the outcome of this economic downturn could have been considerably worse. I can imagine no Fed Chairman since the Great Depression who has faced such a Herculean task. If ever there were praise for averting a disaster, then in my view Chairman Bernanke deserves that praise. He deserves praise for working effectively with other domestic and foreign agencies to ensure the continuity of our global banking system, for taking significant steps to boost banks' access to funding, and for establishing targeted lending programs to restart the flow of credit in critical markets.

It is because of this skillfulness and aptitude that Chairman Bernanke demonstrated he has had the strong support of President Obama for reconfirmation to his position. President Obama said the Chairman's "bold, persistent experimentation, has brought our economy back from the brink."

Similarly, in nominating Chairman Bernanke to his first term, President George W. Bush said he was choosing Chairman Bernanke for his "reputation for intellectual rigor and integrity" and the "deep respect he enjoyed in the global financial community."

It would be shortsighted for this Congress to second-guess the judgment of our current and our former Presidents in this regard. President Obama's call for the reappointment of Chairman Bernanke is echoed by some of our Nation's most distinguished economic thinkers. Former Chairmen Alan Greenspan and Paul Volcker have both said it would be irresponsible not to extend Chairman Bernanke's term. Douglas Holtz-Eakin, who was Senator McCain's chief economic adviser in the 2008 election campaign, says "it would be a disaster not to confirm" Bernanke.

Warren Buffett has said if he could vote for Mr. Bernanke's confirmation he would—twice. As Mr. Buffett explained:

We talked about [the economic downturn] being an economic Pearl Harbor, and he did what should have been done in response to that Pearl Harbor.

These respected economic thinkers know that emerging from our Nation's

deepest and most protracted economic downturn since the Great Depression will require continuity of policy. Financial conditions might now suggest that our economy is in fact turning around, but a complete turnaround will require that families and businesses, investors and financial markets see consistent policy actions. Central to that consistency and that continuity is leadership at the helm of the Federal Reserve Board. If we were to change chairmen now, we would add considerable uncertainty to our already fragile business and financial markets and almost certainly trigger a sell-off of the dollar and a sell-off of equities. This could have the unfortunate effect of prolonging the economic downturn we are now experiencing.

Finally, while I rise to support Chairman Bernanke's reconfirmation, I also renew my call for policymakers in all positions, ourselves included, to make job creation the centerpiece of any economic recovery agenda. We in the Congress must also press forward with the urgent task of reforming our financial regulatory infrastructure, the cracks and holes of which have been exposed by this recession.

Our Nation faces considerable and urgent challenges. In my view, that is why it is essential that Ben Bernanke be confirmed for another term as Chairman of the Federal Reserve Board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3302

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to support the Conrad-Gregg amendment. I believe the issues this amendment is designed to address—our national debt and deficits as far as the eye can see—are two of the most important issues Congress and our Nation face. Our failure to address these issues will damage our economy, our Nation's security, peace in the world, and the kind of future we leave to our children and grandchildren.

The greatness of the issue has resulted in the chairman and ranking member of the Senate Budget Committee, Senators CONRAD and GREGG, coming together and introducing the Bipartisan Task Force for Responsible Fiscal Action Act, which is supported by 29 Senators—14 Democrats and 15 Republicans. I am pleased to say I am one of those 15 Republicans.

I think those who followed the recent operations of the Senate will appreciate that in this Balkanized Senate, where nothing seems to get done on a bipartisan basis, this commission has significant bipartisan support. The Conrad-Gregg proposal would create a statutorily based commission of 18 members, 16 of them Members of Congress, who would study the long-term fiscal imbalance of the Federal Govern-

ment and submit recommendations as a legislative proposal that would receive expedited consideration by Congress resulting in an up-or-down vote. The commission would consider all options on both sides of the ledger and would require the approval of 14 of its 18 members, ensuring a bipartisan product.

I want to emphasize to my Republican colleagues who may be skeptical of this bipartisan commission, half of the congressionally appointed members will be appointed by the Senate minority leader and the House minority leader, which guarantees that the Conrad-Gregg commission will protect the concerns of my colleagues.

For example, large tax increases are unlikely, given the makeup and procedures of the commission. And, finally, three-fifths of the Senate and three-fifths of the House must vote for passage of the recommendations, ensuring strong bipartisan support from both Chambers.

The bipartisanship is the key to success because this is not a Democratic or Republican problem. It affects everyone. I believe this special process is the most practical and effective method to deal with the looming debt crisis that endangers the economic future of all of us.

A commission to address our Nation's fiscal issues has been recommended by outside budget experts from across the political spectrum. These experts have declared that the regular process is incapable of dealing with long-term fiscal issues. Just ask me. This is my 12th year in the Senate. The regular process does not work.

In February 2009, groups including Brookings, the Urban Institute, the Peter G. Peterson Foundation, the Concord Coalition, AEI, Progressive Policy Institute, and the Heritage Foundation issued a statement calling for the establishment of a commission to address our fiscal issues.

I ask unanimous consent to have this letter printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. Recently, on PBS's nightly business program, Maya MacGuineas, president of the Committee for a Responsible Federal Budget, who has been working on this problem for a dozen years, made a strong statement in support of a commission. I ask unanimous consent to have printed her full statement in the RECORD at the conclusion of my remarks, and I would highlight that in her statement Ms. MacGuineas notes her early opposition to such a commission, but she has changed her mind based on the urgency of our Nation's fiscal situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. VOINOVICH. David Walker, President and CEO of the Peter G. Peterson Foundation, former Comptroller General of the United States, has long advocated a special process to get our Nation's fiscal house in order. Mr. Walker has testified:

Clearly escalating Federal deficits and debt levels, combined with our growing dependency on foreign lenders and the deepening Federal financial hole, represents challenges that must be addressed. A commission could make recommendations in connection with needed statutory budget control, social insurance program reforms, tax reform, additional health care reforms, and other appropriate areas.

Importantly—

This is the most important thing—everything must be on the table with the commission to be credible and to have a real chance of success.

Recently, Mr. Walker released a book entitled "Comeback America: Turning the Country Around and Restoring Fiscal Responsibility." In his book, Mr. Walker explains the nature of the crisis and why we must act now. Rather than describe all of the frightening statistics myself, and many people have heard those statistics, I would recommend this book to my colleagues if they have any doubts about the seriousness of this fiscal crisis facing our Nation.

Of course, throughout the debate on their amendment, Senators—and I heard them earlier today—CONRAD and GREGG have described the dire fiscal future our Nation faces without action. We just heard another presentation from my distinguished colleague from the State of Maine. I have, in my prior floor speeches on this topic, which probably are dozens, described the significance of this fiscal crisis our Nation faces. For any of my colleagues or members of the public, you can access these speeches on my Web site.

I would note that the American people agree. This is important. The American people agree with Senators CONRAD and GREGG. In fact, the latest bipartisan public opinion poll commissioned by the Peter G. Peterson Foundation this past November indicates that 80 percent—80 percent—of American voters are concerned about escalating debt and deficits.

Voter concern about debt and deficits exceeded concern about health care access and affordability by 24 percent—by 24 percent—and 70 percent of Americans believe the regular order in Washington is broken. They think the regular order is broken, and it is time for a fiscal reform commission to become a reality.

I was pleased last year that the distinguished minority leader, the senior Senator from Kentucky, spoke eloquently about the merits of the bipartisan Conrad-Gregg Commission. In a July statement on the Senate floor, Senator MCCONNELL said:

This means that in order to face our problem head on, we will have to address the

problem of entitlement spending. And the only serious option on the table is the Conrad-Gregg proposal which would provide a clear pathway for fixing these long-term challenges by forcing us to get debt and spending under control.

He goes on to say:

I have had a number of good conversations about this proposal with the President. Based on those conversations, I am hopeful it will be given serious attention. For the safety and security of our Nation, the Conrad-Gregg proposal deserves broad bipartisan support.

That was the minority leader of the Senate. Senator REID has been silent on his support, but based on conversations I have had with him, I believe he also appreciates the dire financial situation our Nation faces. Still I want to say that I have been disappointed there has not been more of a recent effort by leaders of both parties embracing the Conrad-Gregg Commission, which is one of the most bipartisan pieces of legislation we have seen in the Senate during this Congress—in fact, I believe the most bipartisan legislation that has come before this session of Congress.

My question to Senators REID and MCCONNELL is, If you are not in favor of the Conrad-Gregg Commission, what bipartisan proposal are you for? In other words, if you do not like the commission, then what bipartisan proposal are you for?

I was also disappointed that the President initially threw in the towel on the Conrad-Gregg Commission on the grounds that he understood the votes to pass this proposal were not there. Instead the President proposed issuing an Executive order establishing a debt commission. An Executive order commission, I believe, will be looked upon by many on my side of the aisle as nothing more than an exercise in political messaging. But I say to my colleagues on this side of the aisle: If you are not for the Conrad-Gregg proposal, what are you for? What are you for?

Thus, I am grateful that this Saturday the President has changed his position and stated:

The only way to solve our long-term fiscal challenge is to solve it together, Democrats and Republicans. That's why I strongly support legislation under consideration to create a bipartisan fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges, and call on Senators from both parties to vote for the creation of a statutory, bipartisan fiscal commission.

The President of the United States made it clear. He wants this bipartisan statutory commission to pass the Senate. The beauty of creating the commission through legislation is it would force Congress to deal with the Nation's looming fiscal catastrophe, rewarding the work of the commission's members by ensuring that if their proposal gets 14 out of 18 votes, the bill will not be placed on a shelf to gather dust.

I can tell you, as I watched this Senate during the last 11 years, if someone would ask me to sit on a commission and spend the time I would have to spend to deal with the problems that would be confronting the commission, I would want a guarantee. I would want a guarantee that if the majority, 14 out of 18 members were for it, it would get expedited procedure; that I would get a vote, up or down, on that labor of work in which I had participated.

I think the President understands if we are going to respond to the fiscal crisis facing our Nation, it has to be bipartisan. I am prayerful he will use his political capital with Senator REID and Senator MCCONNELL to secure the 60 votes needed for this landmark legislation and then urge our House colleagues to do the same.

Some of my colleagues have other proposals. Many of them are worthy of consideration. However, none of these proposals is bipartisan. In the end, such proposals might result in great messaging. Boy, we do a lot of messaging around here. For some it would provide a way to cover their behinds or, more tactfully, to provide a fig leaf to cover their unwillingness to support something that is bipartisan and ultimately good for the country. Moreover, of course, these folks would save themselves from heartburn, heartburn that they might suffer when special interests complain, and perhaps give ammunition to someone who might be running against them in a Republican or Democratic primary for the Senate.

Since the possible passage of this commission has become a reality, it is interesting how this starts to work. Special interest groups on both sides of the aisle have assailed it as terrible. The taxpayer organizations on the right warn that the commission will increase taxes. The liberal groups on the left warn it will result in cuts to Social Security, Medicare, and other government programs.

You know something. If the left and the right are so unhappy with this, this has to be good legislation. Others, frankly, want to use the debt limit issue to embarrass our friends on the other side of the aisle because of the large increases we have approved, particularly as a result of the recession and the collapse of our financial markets. Other members continue to blame President Bush and earlier Congresses.

The truth is, none of us, Republicans or Democrats, has clean hands. Since 2002 there have been nine votes, nine votes to increase the debt limit. They have occurred both under Democrats and Republicans when they controlled Congress. In that time, our debt has gone from \$6.4 trillion to roughly \$12.4 trillion. All of us, all of us have done it.

The American people know the chickens have come home to roost, and we better understand that. That is

what I hear when I go back to Ohio. If one thing came out of Massachusetts, the people are tired of the—to put it in the vernacular—BS coming out of Congress. Congress's numbers continue to be among the worst they have ever been because the folks back home think we are more interested in protecting our political hide and who is going to control the next Congress than working in a bipartisan way to solve our Nation's problems.

They know when their elected representatives are scrapping, their interests are scraps falling off the table. They also know, as I know, that even when we work together, it is often difficult to get things done because many of us have sincere differences of opinion. I learned both of those lessons as mayor of the city of Cleveland and Governor of Ohio.

The eyes of the American people are focused on what we are doing. The American people will be watching to see if we got the wake-up call from Massachusetts. They are telling us they are mad as hell with business as usual and they are not going to take it anymore. The American people want us to work together. They do. They want us to work together. They do not want messaging and back-room deals that favor one group or another.

Americans always hear from politicians about how they will work for bipartisan solutions to America's problems that will strengthen our future. How many times have they heard that on the floor of this Senate? Well, here is the opportunity for Members of the Senate, the House, and President Obama to show when they make such statements they are serious.

I came here in 1999, and one of the major reasons I came here was to deal with paying down our Nation's debt and balance budgets. I can remember back in 2000, I was the only Republican that voted against the Republican legislation to reduce taxes because I said that money should be used to pay down debt.

I am leaving the Senate at the end of this year, as is the Presiding Officer. I have three children and seven grandchildren. The wife of my youngest son Peter is expecting their first child. I have always believed it is my responsibility to try to leave this world and particularly our Nation in better shape than how I found it. It was something that was ingrained in my first-generation parents: George, you have a responsibility to leave this country a better place than that which you found. I am running out of time to do something. So is the country. On too many occasions, Congress has been unwilling to experience short-term pain to achieve long-term gain. We have been unwilling to do without or pay for things that many folks have wanted us to do.

Our Nation has put the financial costs of the two wars on the credit

card, even while the soldiers and their families continue to bear the human cost of these wars. To me, this lack of effective action is absolutely immoral. It is absolutely immoral. I recently talked with my oldest son George, the father of four beautiful girls, who genuinely feels there will be no Social Security for him, that Medicare may not be there either. He understands the global competition facing his generation and his daughters' generation is greater than at any other time in our Nation's history, that global competition is greater than at any other time in this Nation's history. The burden we have created because of our fiscal irresponsibility brings into question whether his children will enjoy the same opportunity for a standard of living that we have had.

I said in the beginning of my speech, I believe the issues this amendment is designed to address, our national debt and deficits as far as the eye can see, are two of the most important issues Congress and our Nation face. Our failure to address these issues will damage our economy, our Nation's security, peace in the world, and the kind of future we leave to our children and grandchildren.

The future of our Nation is in our hands. The future of our Nation is in the hands of these 100 Senators. I pray the Holy Spirit will come down and inspire us to make the right decision. My two mottos have been over the years: "Together we can do it" and, Ohio's motto, "With God all things are possible." Working together on a bipartisan basis and with God's help, I am positive we can solve our problems, meet our challenges, and take advantage of the opportunities before us.

I yield the floor.

#### EXHIBIT 1

#### STATEMENT ON THE FISCAL RESPONSIBILITY SUMMIT

FEBRUARY 19, 2009.

President Obama's intention to convene a fiscal responsibility summit is a very welcome development. It offers a valuable opportunity to focus public attention on our nation's unsustainable budget outlook and to highlight various approaches to meaningful action.

As a group of budget analysts and former senior budget officials, we view this summit as the first step to addressing the enormous long-term fiscal problem facing the United States. Without decisive action this problem will lead to serious harm to our economy and a huge financial burden on our children and grandchildren.

Tackling these problems will require a degree of sacrifice impossible under the existing policy process, which discourages bipartisan compromise and encourages procrastination and obstructionism. Unless those procedures are modified, and the American people are engaged in the process, future legislative attempts to address the looming fiscal crisis will almost certainly fail.

In our view, the American people are ready to confront the challenge. For the last three years several of us have traveled around the country as a group, discussing these issues

with thousands of Americans in dozens of cities, in a bipartisan effort known as the Fiscal Wake-Up Tour. We have found that when Americans are given the facts and options in a neutral and bipartisan way, they want action and are willing to make difficult trade-offs.

We therefore urge the President to lead a major public engagement effort—beyond a one-day summit—to inform Americans of the scale and nature of the long-term fiscal crisis, explain the consequences of inaction and discuss the options for solving the problem. This should be bipartisan, and involve a serious conversation with Americans to help guide action in Washington. As a group with some experience in this domain, we stand ready to assist if needed.

We also believe that for this policy commitment to produce tangible results, the President and others who share the goal of fiscal responsibility must address the fact that the regular political process has been incapable of dealing with long-term fiscal issues. We see no alternative but to create an independent and truly bipartisan commission or other mechanism capable of bringing about decisive action that has broad public support. We therefore urge the President to support such a commission. For this commission or some other mechanism to break through the legislative logjam it will need four key elements:

It must be truly bipartisan and develop solutions that command wide support.

It must have a broad mandate to address all aspects of the fiscal problem while fostering strong economic growth.

There must be no preconditions to the deliberations. All options must be on the table for discussion. Nobody should be required to agree in advance to any option.

Recommendations must go before Congress for an up-or-down vote with few if any amendments. Such a game-changing process is not without precedents; controversial military base closings or the ratification of international trade agreements, for example, have long been governed by special rules along these lines, not by business as usual.

We are deeply worried about the long-term fiscal imbalance and the dangers it carries for the economy and for our children and grandchildren. We know the President is concerned as well, as are many Members of Congress in both political parties. We are ready to help in building public understanding of the problem and the options, and in crafting an approach that will enable the legislative process to deal with the problem.

This statement is offered by members of the Brookings-Heritage Fiscal Seminar. The views expressed are those of the individuals involved and should not be interpreted as representing the views of their respective institutions. For purposes of identification, the affiliation of each signatory is listed.

#### Signatories:

Joe Antos, American Enterprise Institute; Robert Bixby, Concord Coalition; Stuart Butler, Heritage Foundation; Alison Fraser, Heritage Foundation; William Galston, Brookings Institution; Ron Haskins, Brookings Institution; Julia Isaacs, Brookings Institution; Will Marshall, Progressive Policy Institute; Pietro Nivola, Brookings Institution; Rudolph Penner, Urban Institute; Robert Reischauer, Urban Institute; Alice M. Rivlin, Brookings Institution; Isabel Sawhill, Brookings Institution; C. Eugene Steuerle, Peter G. Peterson Foundation.

## EXHIBIT 2

[PBS Nightly Business Report, Jan. 12, 2010]

## "COMMENTARY"—BUDGET COMMISSION

SUSIE GHARIB: Tonight's commentator says with a budget deep in red ink and a Congress that hasn't cut spending, she's taking a fresh look at things. She's Maya MacGuineas, president of the Committee for a Responsible Federal Budget.

MAYA MACGUINEAS, PRES., COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET: For years there has been a push to create a budget commission and even though many of my fellow fiscal worry warts liked the idea, I just didn't. I couldn't avoid the nagging feeling that coming up with a workable plan to fund our national priorities is supposed to be the core work of Congress and that Congress should just do its job. Well enough time has gone by without that job getting done and the recent deterioration in the country's fiscal health has caused me to change my tune and so I say bring on the commission. We no longer have the luxury of time. For every year we wait, we dig the deficit hole billions of dollars deeper. Recently a heated fight over creating a commission has broken out with those who oppose it on the left arguing it is a secret, well-funded plot to cut entitlements and those on the right arguing it is a devious strategy to raise taxes. Well, yeah, we are going to have to do both. Creating a commission won't make those policy choices much easier, but at least it will lend an important layer of political cover. I will say that the need to create a commission is a poor reflection on politicians more generally. So as a reluctant budget commission supporter and an avid congressional reform supporter, I'd suggest that once a budget commission comes up with a plan, Congress turn the mirror on itself and ask what it is doing there if it can't perform its most basic job. Perhaps the next commission policymakers create should be one to reform Congress. I'm Maya MacGuineas.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent for 5 minutes to speak on the judicial nomination coming before us at 6 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. MURRAY are printed in today's RECORD under "Executive Session.")

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I ask unanimous consent to speak as in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNFUNDED MANDATES

Mr. NELSON of Nebraska. Mr. President, I rise to discuss a serious problem with the way Washington has done business for years. The problem is passing unfunded Federal mandates on to the States that throw State budgets into disarray. Everyone in Congress has to decide how to best look out for their State. A little over a month ago, I decided to look out for all their States and mine too. But the efforts I made to protect my State and all other States should not be the issue. The issue should be, why wasn't everyone

taking steps to protect their States and why weren't the critics reacting to the real issue rather than coining names to describe this effort to protect State budgets from the effects of yet another unfunded Federal mandate?

The reason is, all along they wanted to derail health reform. Misrepresenting this issue would help that goal. So it was too easy, too convenient to come up with a catchy name and to impugn motives. It was too easy, too convenient to ignore the problem facing Nebraska and every other State—another mandate without money.

Unfunded Federal mandates are not just bad for Nebraska; they are bad for all States, from sea to shining sea. They are a fiscal injustice that I fought for two decades during my tenure as a Senator and through two terms as Governor. They are a burden on the States that I will keep fighting to eliminate as long as they continue.

Unfunded Federal mandates are pretty simple, but they appear in many unexpected and unwanted ways. They are orders that arrive from Washington on State Capitol doorsteps with too little or no money to carry them out. Unfunded Federal mandates force States all across the country into no-win choices: cut spending on State priorities or raise revenue with tax hikes. They are a fiscal injustice States have no option to avoid. Unfunded Federal mandates are both bad Federal policy and bad fiscal policy.

As a Senator, I have said I will put Nebraska first, Nebraska always but not Nebraska only. That remains the case with questions about how the Senate health care bill dealt with an underfunded mandate for expanding Medicaid. First, my goal has always been to draw attention to and fix, with one approach or another, any unfunded Federal mandate that would be passed on to every State through the Senate's health care bill. The bill sought to expand Medicaid to provide health insurance to millions of Americans who do not have it today. The Federal Government would pay 100 percent of the cost for the first 3 years through 2016. In 2017 and thereafter, States would have to pick up a portion of the cost. In other words, they would pay for a new unfunded Federal mandate.

I sought an opt-in or opt-out for all States to ease the Federal unfunded mandate. But because there was no Congressional Budget Office analysis for that approach, a provision was placed into the bill for Nebraska. It is not something I sought. It is something I accepted to launch the larger battle against the unfunded mandate affecting all States. I have taken criticism over this issue. If I have received it because I drew attention to unfunded Federal mandates, fine. But the larger question is: How do we in Congress eliminate this practice of passing these mandates on to the States? Rather

than criticize me, others should join in fighting the war to stop all these burdens on the States. It is an effort I welcome the Governors to join in, too, for they have a direct interest in the success of this battle.

The Nebraska provision was a victory in the battle against unfunded mandates necessary to win the war. What otherwise had gone completely unaddressed is now part of the debate, not only in the Nation's Capital but in State capitals across America.

We only have to look back a few years to see what trouble unfunded mandates cause for States. When Congress passed the No Child Left Behind Act, it was hailed as a landmark that would improve education nationwide. It established new standards to measure educational achievement in our schools and required States to develop assessments in basic skills to be given to all students in certain grades. States had to make sure that happened for their schools to receive Federal aid. But the law provided far too little money to meet its requirements. This was a fact acknowledged by its chief sponsor, the late Senator Kennedy.

He said:

The tragedy is that these long overdue reforms are finally in place, but the funds are not.

Was that ever a true statement. States have paid and paid and are still paying for that whopper of an unfunded mandate. In fact, No Child Left Behind, which I opposed largely because of its being an unfunded Federal mandate, has cost my State of Nebraska at least \$382.7 million. Nationwide, it has cost all States a total of \$70.9 billion from 2002 through 2008, according to U.S. Department of Education data. Those costs have kept piling up ever since, and that is not right.

I fought another unfunded Federal mandate in the 2003 major tax cut bill. At the time, cutting Federal taxes would also have forced cuts in State taxes. That, in turn, would have blown holes in State budgets. So I teamed up on a bipartisan basis with my colleagues, Senator COLLINS from Maine and Senator ROCKEFELLER from West Virginia, to help the States. We won a provision that provided \$20 billion in Federal funding to the States to make up for the lost money they needed to pay their ongoing Medicaid costs.

Today, here we are again hearing from financially strapped States across the country asking for additional Federal money to pay for other previous unfunded Medicaid mandates. I do not blame them for asking. The government tells them they have to pay a share of certain social services and medical expenses, and in tough economic times such as these they just do not have the money. Unfortunately, neither does Washington. Then, while States are currently seeking aid from Congress, we are busy creating this

new unfunded mandate set to hit States beginning in 2017. When would that one be addressed? In 2018, 2019, sometime later? Talk about the left hand not knowing what the right hand is doing.

I have been asking: Why not deal with that now in this health care reform legislation and change the paradigm from unfunded mandates and do it in a different way? Just last week, we learned how big this unfunded mandate would be. The Congressional Budget Office estimated that covering the Medicaid expansion costs for all States would cost the Federal Government \$35 billion. That means Congress was about to pass a \$35 billion unfunded Federal mandate on to the States—until I got wind of it. Let me say that again. Congress was about to send a \$35 billion bill to the States, until I blew the whistle.

We need to stop this madness of passing these fiscal timebombs on to the States. I would hope my colleagues, on a bipartisan and a bicameral basis, would work with me to make sure Congress stops passing unfunded mandates of any kind on to the States and that the Governors would join in also. They certainly do not like Washington telling them how to spend State money.

I hope people put aside the spin, the partisan talking points, and misrepresentation they have heard on this issue, including the media. I hope people stop citing the inaccurate interpretation of it as an excuse to avoid working for health care reform that provides coverage to millions of Americans who today do not have insurance and lower costs to all other Americans who pay ever-rising costs for health care. I hope we can also stop the practice of Washington burdening the States with unfunded Federal mandates which are truly bad for every single State—not just mine but every State—from sea to shining sea.

Mr. President, with that, I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

NOMINATION OF ROSANNA  
MALOUF PETERSON TO BE  
UNITED STATES DISTRICT  
JUDGE FOR THE EASTERN DIS-  
TRICT OF WASHINGTON

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Rosanna Malouf Peterson, of Washington, to be United States District Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, the time until 6 o'clock shall be equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we are about to vote on the nomination of Rosanna Malouf Peterson to the District Court for the Eastern District of Washington.

I am pleased to be able to support the nomination, as I have most of the nominations President Obama has submitted. I think we are moving in a rather expeditious way in the process to confirm Federal judges. Less than a week ago, we confirmed Judge Beverly Martin to serve on the Eleventh Circuit Court of Appeals. Frankly, we failed to confirm her before Christmas because the Democratic leadership, for some reason, would not bring her nomination up. I cleared it on our side on several different occasions and made sure there were no objections. At any rate, she was confirmed and she is now on that bench.

Before the recess, we confirmed two judges, seven U.S. attorneys, and five U.S. marshals.

We are moving faster than we have previously—at least in comparison to President Bush's tenure. This chart shows the average number of days to confirm President Bush's circuit court nominations. We waited an average of 350 days for confirmation. President Obama's nominees are being confirmed about 4½ months faster, which is a good bit faster. In addition, the Judiciary Committee has held hearings for every single circuit court nominee.

This chart shows that during President Bush's tenure, it was 350 days, and for President Obama, it is a little over 200 days. For President Clinton, it was under 250. The others in the past were quicker. But these are lifetime appointments. We have had some more intense scrutiny of nominees, which I think is appropriate. But most of the nominees are coming through well and should move on to confirmation at a reasonable pace.

I will note that if a judge who is about to obtain a lifetime appointment fails to convince Members of the Senate that they are committed to faithfully following the law, being a neutral umpire, not favoring one side in the "ball game" over the other—if they are not committed to that, then they should not be confirmed. Or if they have other weaknesses, such as lack of

skill, or a demonstrated bias, or a lack of background and ability, then I think they should be examined closely and not confirmed.

On the district court nominees, you can see that President Obama's district court nominees are being confirmed, on average, a little over 100 days after being nominated. Whereas, President Bush's were at 180. Under President Clinton, it was about 130. So President Obama is doing well there as well—pretty close to President Bush 1—for nominations moving forward.

I am pleased with this nominee. I think she has the skills and gifts necessary to be a good Federal judge. I hope so. She has the support of her Senators. She has been moved through committee, and I believe she will be confirmed when we vote. I urge my colleagues to support her nomination.

I yield the floor.

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Rosanna M. Peterson to fill a judicial vacancy in the Eastern District of Washington. While I am pleased that we will consider, and I am confident the Senate will confirm, this nominee, I remain disappointed by the Republican delays and obstruction.

This is only the 14th Federal circuit or district court nominee considered since President Obama was inaugurated over 1 year ago. By this date during President Bush's second year in office, the Senate had confirmed more than double that number, having confirmed 30 of his judicial nominees to lifetime appointments on the Federal courts.

Last Friday the majority leader tried to secure an agreement to take up the next judicial nominee on the Senate Executive Calendar, but Republican objection continued to stall consideration of Judge Joseph Greenaway's nomination to the Third Circuit. That is a shame. He is a good judge. His nomination was reported unanimously by the Senate Judiciary Committee almost 4 months ago, on October 1 last year. Senator SESSIONS praised him at his confirmation hearing. I do not know why he is being stalled, and no one has explained. His is one of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should have been confirmed last year, and would have been, but for Republican objection. When considered they will be confirmed, but not before being needlessly delayed for months.

I saw last week's statement by the Judiciary Committee's ranking Republican member, when the Senate finally considered the long-delayed nomination of Beverly Martin to the Eleventh Circuit. He was misinformed about that nomination, as he was about the history of other nominations. In fact, I

expedited consideration of Judge Martin's nomination. The Senate Democratic leadership sought an agreement for prompt consideration of Judge Martin's nomination but was rebuffed by Republicans who were in no hurry to consider it. Indeed, we have been seeking time agreements for the consideration of both Judge Martin and Judge Greenaway for weeks and months. Republicans finally agreed at the end of last year to consider Judge Martin's nomination after the recess. I had pressed for Judge Martin and the many other judicial nominees who had been reported unanimously by the Senate Judiciary Committee to be considered and confirmed before Christmas last year. Republicans would not agree. I asked repeatedly that we act on all the judicial nominees on the Senate Executive Calendar in December. The reason the Senate did not was not because any Democratic Senator objected. It is solely because Republicans would not agree.

The efforts of the Democratic leadership to seek a time agreement for prompt consideration of Judge Martin's nomination were rebuffed by Republicans, just as they are now refusing to consider the nomination of Judge Greenaway.

The Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. As the Senate Democratic leadership was forced to work through a number of nominations denied consent for prompt consideration, the last Federal circuit court nominations considered before Judge Martin was Judge Hamilton in November. It is true that Judge Davis and Judge Hamilton were considered and confirmed by the Senate before Judge Martin, but they were also considered three months earlier by the Senate Judiciary Committee than Judge Martin. They had been on the Senate Executive Calendar since before she was even nominated. I do not fault the Senate Democratic leadership for following that order of consideration.

What the ranking Republican member of Judiciary does not acknowledge, and perhaps is unaware of, is that it was his own Republican leadership that slowed consideration of Judge Martin. Even the ranking Republican member has no excuse for the delay after November 19, when both Judge Davis and Judge Hamilton had been confirmed. For the last 2 months, Judge Martin's nomination was stalled because Republicans would not agree to consider it before January 20.

Judge Martin's nomination offers a troubling example, as well, of the con-

sequences of the Republican strategy of obstruction and delay. Even though Judge Martin was a well-respected district court judge with the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary, it took over 4 months to reach agreement with the Republican leadership for the Senate to consider her nomination.

Regrettably, the nomination of Judge Greenaway of New Jersey to the Third Circuit is another example of these tactics. The Judiciary Committee favorably reported his nomination by unanimous consent last October 1, and he is now the longest pending judicial nomination on the Senate Executive Calendar. The Democratic leadership sought to build on our belated progress last week when we were allowed finally to consider and confirm Judge Martin. We asked for agreement to consider the nomination of Judge Greenaway. As the majority leader indicated last Friday: "[The Democratic] majority was in a position to agree to a vote on the nomination of Joseph Greenaway to be a U.S. circuit judge for the Third Circuit. However, I was advised the Republicans would not agree to such request." See CONGRESSIONAL RECORD, S166, January 22, 2010, daily ed. Again, Senate Republicans have withheld consent and have objected to consideration of a nominee. Instead, they would consent only to consideration of a district court nominee, Professor Peterson. While it is appropriate that the Senate considers Professor Peterson's nomination today, we should also be able, in regular order, to consider other nominations without months of delay.

None of the eight remaining judicial nominations currently pending on the Senate Executive Calendar should be controversial. Many, like Professor Peterson and Judge Greenaway, were reported by the Senate Judiciary Committee without a single dissenting vote. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered.

These obstructionist tactics from Republicans last year led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year. The 12 Federal circuit and district court nominees confirmed last year was less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, the Democratic majority in the Senate proceeded to con-

firm 28 judges. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

The Judiciary Committee's ranking Republican member was also mistaken last week when he stated that Democrats sent 40 of President Bush's judicial nominations back to the White House in August 2001. It was the objections of the Republican minority, in fact objection by the Republican leader, Senator Lott, that resulted in the Senate returning over 40 of President Bush's nominations before the August recess to the White House.

Just before the Senate recessed in early August 2001, the Senate's Democratic leadership requested all pending judicial nominations be retained through the August recess. That is right; the Democrats in the Senate were asking that the judicial nominations not be returned but be allowed to continue in place. I know; I was the Chairman of the Senate Judiciary Committee at the time. In fact, the only two nominations the Democratic leadership sought to return to the President were two controversial executive nominees: Mary Sheila Gall, nominated to be Chairman of the Consumer Product Safety Commission, and Otto J. Reich to be an Assistant Secretary of State. The Commerce Committee had voted not to report the Gall nomination. The Reich nomination had become highly controversial and the Assistant Majority Leader sought to give the President an opportunity to reconsider the nomination. The proposal by the Democratic leadership would have continued in place every other nomination including every judicial nomination notwithstanding the Senate rule that nominations should be returned to the President when the Senate recesses for a period of more than 30 days.

At that time it was the Republican leader, Senator Lott, who objected to the Democratic consent request and insisted on returning all nominations, including all judicial nominations, to President Bush in early August. See CONGRESSIONAL RECORD Vol. 147, No. 112, S8888 (Aug. 3, 2001). That Republican objection resulted in a strict application of the Senate rules which required needless paperwork and occasioned more unnecessary delay in early September 2001.

I remember it well. In fact, in order to continue making progress on judicial nominations despite the action by the Senate Republican leader, I convened two unprecedented confirmation hearings during the August recess in 2001 for President Bush's nominees whose nominations were not technically pending before the Senate. They had been returned to the White House in accordance with Senator Lott's objection and were not renominated until the Senate reconvened in



September. As Chairman, I convened those hearings as yet another indication of my commitment to filling vacancies on the Federal courts. We had already at that time been delayed for a month in reorganizing the Senate, as well as by President Bush's decision to turn away from a 50-year-old precedent to delay the American Bar Association's evaluation of a judicial nominee's qualifications until the nomination is made public. Even with the subsequent September 11 attacks, and the anthrax attacks in the Senate, we continued our work and ultimately confirmed 28 judicial nominees that year, including 10 confirmations in December 2001. By contrast, in December 2009, Senate Republicans would only allow consideration of three judicial nominations, returned two to the White House and carried over eight, including Judge Martin's, without final action.

There are currently more than 100 vacancies on the Federal courts around the country. Professor Peterson will fill one of those vacancies but we must do better. The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts.

I am pleased that today we will confirm Professor Peterson. When confirmed, Professor Peterson will be the first woman to serve on the U.S. District Court for the Eastern District of Washington. She earned her B.A. and her M.A. from the University of North Dakota and her J.D., with distinction, from the University of North Dakota School of Law, where she served as editor-in-chief of the law review and was chosen by her professors as the "Outstanding Graduate."

After graduation, Professor Peterson clerked for U.S. District Court Judge Fred Van Sickle, whom she would now replace on the district court. Over the course of her 18-year legal career, Professor Peterson has been a law professor and a lawyer with a diverse private practice. Professor Peterson has the strong support of both home state Senators, Senator MURRAY and Senator CANTWELL.

I congratulate Professor Peterson and her family on her confirmation today.

Mrs. MURRAY. Mr. President, I rise this evening in support of Professor Rosanna Malour Peterson. She is a distinguished law professor and attorney. She is a woman who enjoys broad bipartisan support, and she deserves a seat on the Federal bench.

I was very pleased to introduce Professor Peterson before the Judiciary Committee last November and meet her and her family. I thought it was telling of the type of nominee she is that so many of her current and former students were there to support her confirmation. Tonight I am honored to recommend that the Senate confirm Professor Peterson as a district court

judge for the Eastern District of my home State.

Professor Peterson has strong bipartisan support with good reason. She has devoted her career to serving the interests of justice and to instilling those values in a future generation of leaders.

Professor Peterson is a graduate of the University of North Dakota, where she earned her bachelor's, master's and law degrees. After law school, she started her legal career in the chambers of Judge Fred Van Sickle in Spokane. This is the very same seat she has now been nominated to fill.

During her distinguished career, Professor Peterson has worked as an attorney in Spokane area law firms, for corporate and individual clients. She has worked in private practice, often representing teachers, and she has worked as a court-appointed representative for criminal defendants in State and Federal court. Since 1999, Professor Peterson has been a law professor at the Gonzaga Law School in Spokane, where she is assistant professor of law and director of the law school's externship program. At the same time, Professor Peterson has maintained her private practice, where she has continued to work with Federal defendants on a pro bono or reduced-fee basis.

Professor Peterson has also played a leadership role in the Washington legal community, including serving as president of the Federal Bar Association of the Eastern District of Washington, president of the Washington Women Lawyers Bar Association, and on the judicial selection committee that helped recommend a magistrate judge in 2003. In recognition of her service in 2006, she was awarded the Smithmoore P. Myers Professionalism Award, the Spokane County Bar Association's highest honor.

Professor Peterson's accomplishments stand for themselves, but I have also received numerous letters and e-mails testifying to her toughness, her work ethic, her understanding of the law, and her advocacy on behalf of her clients. I have also received many letters from her former students and the people she has mentored, taught, and befriended over the years, letters that all say she has made a difference in the lives of so many in my State.

She clearly meets the standards of fairness, of evenhandedness, and adherence to the law that we expect of our Federal judges.

Outside of her many professional credentials, I have been impressed by her professionalism and decency. I know I speak on behalf of a large number in the Washington State legal community in supporting the nomination of Rosanna Peterson to be the next district judge for the Eastern District of Washington.

I do think it is also important to note, for all my colleagues, that Pro-

fessor Peterson's nomination was the product of a bipartisan selection committee that we use in my State of Washington to get to where we are with this confirmation vote. The commission was formed and did much of its work on Professor Peterson under the previous administration. It has proven that it works, even as we have moved from one administration to the next. I am proud to have created that selection commission and believe it is something that has served our State and our Federal judiciary well.

Therefore, it is my pleasure to recommend my colleagues confirm a great lawyer, a teacher, and a mentor who I believe will make an exceptional Federal judge. I urge my colleagues, this evening, to vote for the confirmation of Professor Rosanna Peterson as the next district judge for the Eastern District of Washington.

Ms. CANTWELL. Mr. President, I rise today along with my colleagues, Senator LEAHY and Senator MURRAY, to express support for the confirmation of Professor Rosanna Peterson.

Professor Peterson has been nominated to be a U.S. District Judge for the Eastern District of Washington. I have no doubt that she will be an excellent Federal judge.

It is important to ensure that all branches of our government, including the judiciary, reflect diversity. If confirmed, Professor Peterson would be the first woman to serve on the U.S. District Court for the Eastern District of Washington.

Rosanna Peterson is currently an Assistant Professor of Law at Gonzaga University. She teaches Evidence, Federal Jurisdiction, and Trial Advocacy. She also runs the law school's externship program. Previously, she worked as an attorney in private practice at a number of Spokane law firms. She also clerked for U.S. District Court Judge Fred Van Sickle, whom she will now replace.

Professor Peterson has long been recognized by her peers for her intellect, dedication to the law, and commitment to equal justice.

She has been an active member of Washington State's legal community, having served as President of the Federal Bar Association for Eastern Washington, President of Washington Women Lawyers State Bar Association and President of the Spokane County Washington Women Lawyers Bar Association.

I urge the Senate to confirm Professor Peterson this afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.



Mr. REID. Madam President, I ask unanimous consent that we go out of executive session and that I be allowed to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATOR ARLEN SPECTER ON HIS  
10,000TH VOTE

Mr. REID. Madam President, in just a few minutes, as soon as I finish my remarks, we will move to vote on a judge. This will be the 10,000th vote of ARLEN SPECTER. I congratulate our distinguished colleague, Senator SPECTER, as he is about to cast his 10,000th vote as a Senator. He is only the 30th Senator to reach this number of five digits.

I have known Senator SPECTER for more than a quarter of a century. I have read his book. The book on his life is a remarkably impressive travel through his political career. He was a crime fighter as a district attorney. As far as lawyers go, the Specter genes are pretty good. The largest judgment in the history of the State of Nevada was a judgment his son received. His son is a prominent trial lawyer. Nevada knows the Specter name from more than Arlen.

Arlen has always been a man of honor and integrity and a tremendous public servant. The State of Pennsylvania, of course, is home to some of our Nation's most significant political history—the Declaration of Independence and the Constitution were drafted in Senator SPECTER's hometown of Philadelphia. No one has served that State longer than Senator SPECTER.

I congratulate my friend ARLEN SPECTER on making this historic milestone. It will make Pennsylvania proud. No one with whom I have served in the Senate has a better legal mind than ARLEN SPECTER. We always look to him when there is a complex legal issue to give one of his renown statements.

I am sorry to hold up everybody, but I wanted this night not to go forward without saying something about our friend, ARLEN SPECTER.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Rosanna Malouf Peterson, of Washington, to be United States District Judge for the Eastern District of Washington?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 3 Ex.]

YEAS—89

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Enzi       | Menendez    |
| Alexander | Feingold   | Merkley     |
| Barrasso  | Feinstein  | Mikulski    |
| Baucus    | Franken    | Murray      |
| Bayh      | Gillibrand | Nelson (NE) |
| Begich    | Graham     | Nelson (FL) |
| Bennet    | Grassley   | Pryor       |
| Bingaman  | Gregg      | Reed        |
| Bond      | Hagan      | Reid        |
| Boxer     | Harkin     | Risch       |
| Brown     | Hatch      | Rockefeller |
| Bunning   | Isakson    | Sanders     |
| Burr      | Johanns    | Schumer     |
| Cantwell  | Johnson    | Sessions    |
| Cardin    | Kaufman    | Shaheen     |
| Carper    | Kerry      | Shelby      |
| Casey     | Kirk       | Snowe       |
| Chambliss | Kohl       | Specter     |
| Coburn    | Kyl        | Stabenow    |
| Cochran   | Landrieu   | Tester      |
| Collins   | Lautenberg | Thune       |
| Conrad    | Leahy      | Udall (CO)  |
| Corker    | LeMieux    | Udall (NM)  |
| Cornyn    | Levin      | Vitter      |
| Crapo     | Lieberman  | Voinovich   |
| DeMint    | Lincoln    | Webb        |
| Dodd      | Lugar      | Whitehouse  |
| Dorgan    | McCain     | Wicker      |
| Durbin    | McCaskill  | Wyden       |
| Ensign    | McConnell  |             |

NOT VOTING—11

|           |           |           |
|-----------|-----------|-----------|
| Bennett   | Hutchison | Murkowski |
| Brownback | Inhofe    | Roberts   |
| Burr      | Inouye    | Warner    |
| Byrd      | Klobuchar |           |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Pennsylvania.

SENATOR ARLEN SPECTER CASTS  
HIS 10,000TH VOTE

Mr. CASEY. Mr. President, I rise tonight to speak of my colleague, Senator ARLEN SPECTER, who tonight cast his 10,000th vote as a Member of the Senate. We watched history tonight. Sometimes we have a chance to witness history. Of course, we look forward to his many more votes, but we also look behind us at some of his own personal political history as well his service here in the Senate.

I will offer a few remarks tonight about his service. I can say, after

knowing him for many years, and especially after serving with him for now more than 3 years, if you go down that list of votes—all those rollcall votes over many years, serving the people of Pennsylvania—he has had one priority with those votes: Those votes were cast on behalf of the people of Pennsylvania.

He has always been an independent voice for the people of our State. He has fought a lot of battles for the people of Pennsylvania. I know the people of our Commonwealth are proud of his service.

His public service began after he became a lawyer. He went to the University of Pennsylvania, and then to Yale Law School, and then eventually he joined the District Attorney's Office in Philadelphia. He rose through that office and became the District Attorney of Philadelphia. He was elected twice to that office and served 8 years.

He was elected to the Senate in 1980 and was reelected four times after that. He was reelected in 1986, 1992, 1998, and 2004. So he has performed those years of service as a Senator. Of course, it is more than about years and about votes. It certainly is about the substance of those votes, fighting those battles, such as on behalf of the veterans of Pennsylvania.

We have had a million or more veterans, for many years, in our State. Those who fought our wars, those who worked in our factories, those who went on to build Pennsylvania gave their first measure of devotion to the country fighting on battlefields. He has always fought for them. He chaired the Veterans' Affairs Committee here in the Senate. He continues those battles on behalf of the veterans of Pennsylvania.

On health care, we could talk for a long time about the battles he has fought over and over again; not only the battles he fought in the last year or two as the issue was being debated in the Senate, but especially the battles he fought over many years, battles on behalf of children and women, battles for health care for the vulnerable, those who were poor and may not have a strong advocate other than their Senators or Members of Congress. So he has fought battles on health care.

You could isolate a lot of different issues under that general heading, but one that comes to mind for me is the National Institutes of Health. No one I know of in the Senate has fought more battles for the National Institutes of Health and all of the research that comes from the great work done there, and all the cures, all the ways people are saved because of that research at NIH.

He has fought battles on job creation, not only to preserve and protect and create more jobs at a time of recession—such as the horrific recession we have been living through and our workers and families have been suffering

through—but battles over many years, battles to protect the rights of workers to organize and collectively bargain, battles to make sure jobs are kept in Pennsylvania instead of going overseas or somewhere else. He has fought those battles to protect our workers and our jobs.

He has fought battles on national defense, making sure we are doing everything possible to keep the people of our Commonwealth and our country safe from foreign enemies, safe from terrorists, and safe from those who seek to do us harm. Over many years, ARLEN SPECTER has cast those votes as well, keeping us safe and keeping us strong.

His independence is something that is critically important to any State, but especially a State such as Pennsylvania. We have a State of over 12 million people. We have a lot of different regions in our State, a lot of different constituencies, and a lot of different challenges all across the State.

What the people of Pennsylvania expect their Senators to do is to try their best to fight their battles, to try to remain an independent voice for them, not for some special interests in Washington. ARLEN SPECTER has done that for years, being that strong, consistent, independent voice for the people of our State.

He has had a strong sense of justice from the time he was a young lawyer, through his service as a prosecutor making sure our streets were safe in Philadelphia, and through what he has done here in the Senate, fighting battles for justice every day in his service in the Senate.

Finally, in a very broad sense, but a very important sense, not only when times are tough, as they are now economically, but even when times seem good, even when the budgets are better and people do not seem to be as concerned about what the Federal Government can do to help them through a difficult period—even in those times of prosperity, he has always fought for our workers and our families.

It is very easy for me to stand here, as someone who has watched him over the years in his service in this Senate—and I know as someone who has served with him for more than 3 years—it is very easy for me to say, without any effort at all, that those 10,000 votes he has cast have been votes on behalf of the people of Pennsylvania, and I believe for the best interests of the people of the United States of America.

I commend ARLEN on that tremendous vote total. I commend him also for his public service, his enduring public service for the people of Pennsylvania. I also commend his wife Joan and his family who I know have supported him for many years to make sure he could help us serve the people of Pennsylvania.

Congratulations, ARLEN.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague Senator CASEY for those very generous remarks. He and I have worked together for the past 3 years plus, but beyond that we have worked during his tenure as a statewide officeholder, as Auditor General and Treasurer of the Commonwealth of Pennsylvania.

I have not only worked with ROBERT CASEY, JR., but I have worked with Robert Casey, Sr., his distinguished father who was Governor of the State.

While we were waiting for the train to arrive—this is an unusual evening in the Senate because the Acela was late, and it had a number of Senators coming from New York and points north. The train was about an hour late, so the vote was kept open for their arrival, and we had a chance to reminisce about some of our experiences in the past, such as when I first met his father, who was a young State senator and a candidate for Governor, when I was District Attorney of Philadelphia, and reminiscing about the controversial report his father, as Auditor General, made in 1970 on welfare problems, and it was very controversial. Although we were of different parties at that time, I backed up Auditor General Casey because I was the DA and I knew he was right. When his father was Governor, I was a frequent recipient of calls on the need for some assistance for Pennsylvania, and the answer was always yes.

I am delighted to be his colleague in the Senate, and I thank him for those remarks.

While waiting for the past hour, I have been reflecting on the 10,000 votes I have cast. I said to Senator CASEY, it gave me a unique time where I had nothing else to do except to wait for some Senators to arrive on the late train to vote, and I made some notes about those reflections.

Senator MENENDEZ arrived on the train and has some comments to make, and I told him I would yield to him. When he has finished his statement, in the absence of any other Senator seeking recognition, I intend to reflect on those 10,000 votes. So I say to people who think C-SPAN is about to go off, if you are interested, wait.

I again thank Senator CASEY and defer to my colleague, the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me first of all thank my distinguished colleague from Pennsylvania for yielding before he reflects on the history of his 10,000 votes. I am sure there are many of great consequence he cast that he is going to reflect upon.

I want to echo my colleague from Pennsylvania as well, Senator CASEY's comments about Senator SPECTER. I will only focus on two points of the many he mentioned. One is the Na-

tional Institutes of Health. The reality is, ARLEN SPECTER's advocacy and passion—partly from his own personal experience when he has had to overcome some of his own personal health challenges—has given him a real understanding of what the National Institutes of Health is all about and what it means. His advocacy and work there has made a huge difference in the lives of literally millions of people across this country based on the research that is done there that ultimately can save a life or can enhance a life. That is a legacy that any one of us in the United States would want to give.

Secondly, the other thing I respect about Senator SPECTER is that when he has had to cross the aisle in order to make sure he has stood on behalf of the people of Pennsylvania and in the Nation's best interests, he has done that. Nowadays, that is a lot more difficult to find. Senator SPECTER has a history of crossing the aisle when it is necessary on behalf of the people of Pennsylvania to stand by their side. That did not impede him from moving to whomever he could with whomever he could in this body and with administrations, both present and past, in order to achieve those goals. I salute him in that respect.

I appreciate Senator SPECTER letting me have a few minutes on an incredibly important issue.

#### NOMINATION OF JUDGE JOSEPH A. GREENAWAY, JR.

Mr. MENENDEZ. Mr. President, I rise in support of the nomination to the United States Court of Appeals for the Third Circuit of a distinguished jurist from New Jersey, Judge Joseph A. Greenaway, Jr., which seems to be blocked by some people in this Chamber yet unknown. I know it is not from my side of the aisle because I have checked. So it is on the Republican side of the aisle. Yet Judge Greenaway fully embodies the respect for justice and the rule of law that we demand of all of our judges. He has strong bipartisan support, and his nomination could easily have been taken care of this evening but for a few Republicans blocking the vote.

I say to my friends on the other side of the aisle: End the obstructionism. Do what is right. Let us have a vote on this eminently qualified, noncontroversial nominee. It is clear the obstruction of this nomination is not about this nominee. He is eminently qualified. I will talk about that in a moment. And it is not about what is right for this Nation. It certainly is not about acting in the best interests of a badly overburdened Federal judicial system. In fact, oddly enough, it is not about ideology. It is not even about Judge Greenaway or the other seven nominees whom our friends are delaying. It is about the politics of having

this President and this Congress fail, the politics of no, the politics of obstruction, of stopping any progress on any issue and almost every nominee. Our friends on the other side came to the floor in the last administration, the administration of President Bush, on countless occasions to argue for an up-or-down vote. I heard that many times: "Give us an up-or-down vote," demanding that a simple majority of the President's nominees is all that is needed—a simple majority of this Chamber. That is a position diametrically opposed to their position today. In fact, they went so far at that time to proclaim that filibusters of the President's nominations were unconstitutional, and they threatened what became known then as the nuclear option—to undo the right of Senators to filibuster a nominee. Well, which is it? What do my friends on the other side believe is right or is the question: What do they believe will work? Where is the call for an up-or-down vote now from our Republican colleagues? Where is the argument on the unconstitutionality of filibusters now? You can't have it both ways.

We can agree to disagree on some nominees on principle, and we have over the years. But the numbers this year belie any notion that the obstruction of Judge Greenaway and all the pending nominees is purely a matter of principle. In this past year, our Republican colleagues have obstructed virtually all the President's nominees, confirming only 12 Federal circuit and district court nominees, the lowest number in a half century. Let me repeat that: the lowest number in a half century. Contrast that to the 100 judicial nominees confirmed in the 17 months Chairman LEAHY chaired the Judiciary Committee during the Bush administration.

As Chairman LEAHY has pointed out on this floor, in December of 2001, the first year of George W. Bush's administration, Senate Democrats confirmed 10 of President Bush's nominees in December alone, leaving only 4 nominations on the calendar—in the first year. All four of those nominees were confirmed soon after the Senate returned the following year, in 2002. In stark contrast, this past December, our Republican colleagues left 10 judicial nominees without Senate action and insisted on returning 2 of them to the President for renomination.

So I urge my colleagues to reconsider, to end this obstructionism, and allow this body to exercise its constitutional authority of advice and consent and confirm the nomination of Joseph A. Greenaway to the U.S. Court of Appeals for the Third Circuit. He is eminently qualified and deserves consideration.

Let me close on that. At the age of 40, Justice Greenaway was appointed by then-President Clinton to the Fed-

eral bench, where he served for over a dozen years with distinction. By the way, he got put through by unanimous consent. It wasn't even—it was by unanimous consent of the Chamber when he was put on the Federal bench. He went through unanimously, out of the Judiciary Committee, for this position on the appellate division—unanimously out of the committee.

Joe Greenaway earned a Bachelor of Arts from Columbia University, where he was honored in 1997 with the Columbia University Medal of Excellence and with the John Jay Award in 2003. He was an Earl Warren Legal Scholar at Harvard University. He clerked for the late Honorable Vincent L. Broderick in the U.S. District Court for the Southern District of New York. He became an assistant U.S. attorney in Newark and later received a promotion to become chief of the Narcotics Bureau. In the private sector, he was an associate with the firm of Kramer, Levin, Nessen, Kamin, and Frankel and served at Johnson & Johnson as in-house counsel. He has an incredible background. He is chair emeritus of the Columbia College Black Alumni Council and has been an adjunct professor at Rutgers Law School.

Currently, he is an adjunct professor at the Cordozo School of Law and at Columbia College, where he teaches courses on trial practice and a seminar on the Supreme Court.

But this is merely Judge Greenaway's impressive resume in one way—a distinguished resume to say the least—but it does not do justice to the man. There is an inscription over the 10th Street entrance to the Department of Justice a few blocks from here. It reads: "Justice in the life and conduct of the State is possible only as it first resides in the hearts and souls of men."

The two qualities of justice do indeed reside in the heart and soul of Joe Greenaway, and he deserves a vote.

He grew up in Harlem in the northeast Bronx. He is accomplished and successful, but he has always given much back. He has been instrumental in mentoring students and graduates, often taking them under his wing as law clerks or fellows. He once said:

I tell my students to work hard and work smart. Our profession requires a drive to search for perfection; without that goal mediocrity becomes the norm.

He has always strived for excellence. He has always taught young lawyers to do the same.

So Judge Joseph Greenaway respects the law. For all that Judge Greenaway stands for—for justice served; for honor and decency; for the qualities and qualifications that have brought him to this place in his career; for his years of service and his judicial temperament; for his respect for the Constitution and precedent; for the fact that justice does, indeed, reside in the heart

and soul of this man; for the fact that, in fact, he was unanimously passed out of the Judiciary Committee and previously, to become a district court judge, had the unanimous consent of this body—somehow, despite all that history and all that qualification, there are colleagues on the Republican side of the aisle holding up this nominee.

I urge my colleagues to end the obstructionism and to give us a vote up or down. I know when we get that vote, Judge Joseph A. Greenaway will be confirmed to the U.S. Court of Appeals for the Third Circuit. I will continue to come to the floor to dramatize this challenge. We cannot have a set of circumstances under which the judiciary labors, especially with eminently qualified, bipartisan candidates, because there are those who want to see this President or this Congress fail. It is about the Nation not failing. It is about our judicial system not failing. It is not about the politics of obstructionism.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, as I commented a few moments ago, I thanked Senator CASEY for the comments he made about my 10,000th vote and said that I would be speaking at the conclusion. But I yielded to the Senator from New Jersey because my speech will be somewhat longer, and Senator LAUTENBERG has now come to the floor. I don't want to keep him for a lengthy speech, so I would be glad to yield—if I may inquire as to how long the Senator from New Jersey will take.

Mr. LAUTENBERG. Mr. President, I would say about 10 minutes. Ten minutes would be more than adequate.

Mr. SPECTER. I yield to the Senator from New Jersey. I had called some family, to be very personal about it—my wife, sister, aunt—and I don't want them to think I am not going to speak, but for 10 minutes I will yield.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Pennsylvania, and I congratulate him for having cast 10,000 votes. We all know Senator SPECTER so well, and we know that 10,000 votes cast by him represents 10,000 thoughtful decisions. He is a lawyer of distinction. He came to the Senate and was accorded respect for his views. We have often listened to debates where Senator SPECTER participated and his views were always respected by others and carried much weight. He and I have gotten along over the years very well. I was pleased to see him have the courage to switch parties because of his beliefs in how this body ought to function, and we congratulate him for that as well. The only disagreement we have is whether the Philadelphia football team, the Eagles, is more loved by people in the

southern part of our State, New Jersey, or whether their loyalty is better appreciated by those from Pennsylvania. It depends, with me, on what their record is. I am sorry, excuse me.

But it is a pleasure to serve with Senator SPECTER. I am somewhat behind him for the number of votes cast, but it is easy and particularly when I am asked: Well, what was the vote 8,003 that you cast? I say: Well, I will have to check the RECORD. Thousands of votes are a lot of votes. They require a lot of decisionmaking. Once again, I congratulate Senator SPECTER for his good decisionmaking.

#### GREENAWAY NOMINATION

Mr. LAUTENBERG. Mr. President, tonight I wish to highlight what my colleague, Senator MENENDEZ, talked about in getting on with the business of the Senate and defining what takes place in this body, this place of the people, where some say we shouldn't move quickly—we shouldn't move, period—on decisions that matter because, politically, our colleagues on the other side are determined to do whatever they can to bring down this administration's ability to function, including the majority's ability to function.

I rise to talk about a target that our Republican friends have in their sight and that is Judge Joseph A. Greenaway, Jr., of New Jersey. He exemplifies the dreams so many have about what can be accomplished in life. He is the son of a nurse and a carpenter. He rose from humble beginnings to attend Columbia University and Harvard Law School.

Joseph Greenaway is a well-qualified judge. He served on our district court for over a decade with distinction. His credentials and qualifications are beyond reproach, and there is no opposition to his nomination to the Third Circuit Court. Yet the Republicans blocked a vote—not cast a vote but blocked a vote—on his confirmation tonight. It is unconscionable. Let the Senate make its decision. Those on the other side who don't want to vote for him, let them say so. Let them say it with a vote. But, no, they insist on tying things up, which has been the manner of things here for some time now, since President Obama has taken office. This man and our country deserve better than what we are seeing.

Some of us in this Chamber came to Congress to move the country forward because we are so grateful to this Nation of ours that we want to make sure—and I speak for myself, but I am sure I speak for others—that we are so grateful for the opportunities that befell us and our families. I speak from personal experience. I come from parents who were brought here as immigrants when they were infants and had the opportunity to do well in business for a number of years after coming and being here for 25 years.

I want to do this job because I wish to help people. I know what it is like to be deprived of resources. It is painful. I saw it through my entire childhood. My father died when he was 43, without any insurance, without any help from the government to help my mother carry on while I was in the Army.

Unfortunately, our Republican colleagues have a different agenda. They are focused on bringing this Chamber to a standstill. They are focused on delay and stopping progress on nearly every issue. The filibuster used to be reserved for only the most controversial issues and was meant to allow enough time for debate. Now it is being abused, hijacked by Republicans who are more interested in political and procedural games than in legislating. We have seen it in the health care bill, when one of our colleagues on the other side said that if they can defeat the health care bill President Obama produced with the Congress, they will have presented the Waterloo to President Obama's career.

It is terrible to have that kind of an attitude. Serve the people. Forget about stopping things. Talk about them and come out here on the floor and say why don't you want to help people. That is what we are talking about. Today we see an example in the simplest form.

Republicans have used the filibuster over 100 times since the start of this Congress. They have used it to block health care reform, funding for our troops, and even help for our veterans. They are using it to block well-qualified judges from serving on the Federal bench.

Republican obstructionism last year led to the lowest number of judicial confirmations in more than 50 years. Republicans sit on their hands and block the Senate from considering qualified nominees for months on end.

Last week, we finally had a vote on the confirmation of Beverly Martin to serve on the Eleventh Circuit Court of Appeals. She was unanimously supported in the Judiciary Committee and then forced to wait over 4 months on the Senate calendar for no good reason, except to chalk up another victory over progress. What was the final vote on her confirmation? It was 97 to 0. They would not let us vote, but there was a willingness to have everyone in the Chamber vote for her. No opposition, not a single dissenter.

Once again, we are witnessing a judge being caught in the crosshairs of the party of no.

Judge Greenaway was nominated to serve on the Third Circuit and voted unanimously out of the Judiciary Committee. Yet his nomination has languished for nearly 4 months. This is unreasonable. Judge Greenaway is an exceptional public servant and will be an excellent addition to the bench. Judge Greenaway started in public

service as an assistant U.S. attorney in Newark in 1985. He distinguished himself prosecuting bank fraud and white-collar crime cases before being picked to head the narcotics division in the U.S. Attorney's office.

Since 1996, he has served on the U.S. District Court in Newark. In his tenure, he has demonstrated his firm commitment to the values we want to see in our judges—fairness, equity, and justice. These are the same values that will make him a success on the Third Circuit Court of Appeals.

Judge Greenaway has spent his career protecting New Jerseyans and their rights. That is why the American Bar Association—his peers—rated him “unanimously well qualified” for this position. That is why it is so incomprehensible to understand why they insist on not permitting us a vote. Let us vote. Maybe he won't be accepted by the Senate. Let us vote, by gosh. We ought to confirm him without further delay.

The Third Circuit Court has a vacancy that needs to be filled. This is a noncontroversial, well-qualified judge waiting and anxious to serve.

I call on my colleagues on the other side of the aisle, stop your obstructionism and let this vote move forward.

I thank the Chair and I yield the floor.

THE PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, as I had said earlier, I intended to make some comments following the speech by Senator CASEY on my 10,000th vote. I have since deferred to Senators MENENDEZ and LAUTENBERG. I intend to get to that speech.

I will make some unanimous consent requests before I speak instead of after so that the clerks can go about their business and go home.

As I mentioned, I have told family members that I was going to speak—my wife, my sister, and aunt. So it is coming. First, I will do some other business of the Senate.

#### MORNING BUSINESS

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO PAMELA GAVIN

Mr. REID. Mr. President, I rise today to pay tribute to Pamela Gavin, who will retire from Office of the Secretary of the Senate on February 1, 2010, after more than 24 years of service as the Superintendent of Public Records. During that time, she and her staff have shepherded and safeguarded the filing of

thousands of Senate public documents, including financial disclosure reports, Federal Election Commission campaign reports and lobby disclosure documents.

Ms. Gavin has seen numerous milestones in Senate history, including passage of the Lobby Disclosure Act of 1995 and the Honest Leadership and Open Government Act of 2007. She successfully led her team in implementing new laws and providing guidance to those endeavoring to follow the law. She has been a dependable, thoughtful public servant throughout her career, known by her colleagues for her cheerful nature and clever insight. A mentor to many Senate staffers, Ms. Gavin is a tremendous resource to the entire Senate community.

During these 24 years of service, Ms. Gavin has met unusual challenges and upheld her responsibilities even under the most trying circumstances. During the anthrax attacks of 2001, in which Senate staff were forced to vacate the Hart building for several months, she kept the Office of Public Records in business every day, using a small corner of the Senate Library to maintain her responsibilities to the Senate community and to the public.

I am pleased to offer congratulations on such an outstanding and accomplished career. We are all grateful for Pam Gavin's years of dedicated public service. While I know that her friends and colleagues will miss her greatly, I join my colleagues today in wishing her the very best in the years to come.

#### FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, pursuant to section 301(a) of S. Con. Res. 13, I previously filed revisions to S. Con. Res. 13, the 2010 budget resolution. Those revisions were made for the Patient Protection and Affordable Care Act, an amendment in the nature of a substitute to H.R. 3590, as well as for two amendments to that substitute.

The Senate passed H.R. 3590 on December 24, 2009. To preserve the adjustment for legislation transforming and modernizing America's health care system, I am further revising the 2010 budget resolution and reversing the adjustments previously made pursuant to section 301(a) to the budgetary aggregates and the allocation provided to the Senate Finance Committee. Assuming it meets the conditions of the deficit-neutral reserve fund specified in section 301(a), I will again adjust the aggregates and the Senate Finance Committee's allocation for final health care legislation.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANS- FORM AND MODERNIZE AMERICA'S HEALTH CARE SYS- TEM

(In billions of dollars)

| Section 101                        |           |
|------------------------------------|-----------|
| (1)(A) Federal Revenues:           |           |
| FY 2009 .....                      | 1,532,579 |
| FY 2010 .....                      | 1,614,788 |
| FY 2011 .....                      | 1,935,431 |
| FY 2012 .....                      | 2,137,235 |
| FY 2013 .....                      | 2,298,817 |
| FY 2014 .....                      | 2,520,688 |
| (1)(B) Change in Federal Revenues: |           |
| FY 2009 .....                      | 0,008     |
| FY 2010 .....                      | -51,198   |
| FY 2011 .....                      | -153,200  |
| FY 2012 .....                      | -223,158  |
| FY 2013 .....                      | -216,520  |
| FY 2014 .....                      | -112,970  |
| (2) New Budget Authority:          |           |
| FY 2009 .....                      | 3,675,736 |
| FY 2010 .....                      | 2,898,207 |
| FY 2011 .....                      | 2,845,866 |
| FY 2012 .....                      | 2,848,108 |
| FY 2013 .....                      | 3,012,328 |
| FY 2014 .....                      | 3,188,867 |
| (3) Budget Outlays:                |           |
| FY 2009 .....                      | 3,358,952 |
| FY 2010 .....                      | 3,012,191 |
| FY 2011 .....                      | 2,971,521 |
| FY 2012 .....                      | 2,883,055 |
| FY 2013 .....                      | 3,019,952 |
| FY 2014 .....                      | 3,175,217 |

#### CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301(a) DEFICIT-NEUTRAL RESERVE FUND TO TRANS- FORM AND MODERNIZE AMERICA'S HEALTH CARE SYS- TEM

(In millions of dollars)

|   |           |
|---|-----------|
| Current Allocation to Senate Finance Committee: |           |
| FY 2009 Budget Authority .....                  | 1,178,757 |
| FY 2009 Outlays .....                           | 1,166,970 |
| FY 2010 Budget Authority .....                  | 1,244,616 |
| FY 2010 Outlays .....                           | 1,242,672 |
| FY 2010-2014 Budget Authority .....             | 6,845,767 |
| FY 2010-2014 Outlays .....                      | 6,822,645 |
| Adjustments:                                    |           |
| FY 2009 Budget Authority .....                  | 0         |
| FY 2009 Outlays .....                           | 0         |
| FY 2010 Budget Authority .....                  | -7,280    |
| FY 2010 Outlays .....                           | -4,830    |
| FY 2010-2014 Budget Authority .....             | 12,130    |
| FY 2010-2014 Outlays .....                      | 34,660    |
| Revised Allocation to Senate Finance Committee: |           |
| FY 2009 Budget Authority .....                  | 1,178,757 |
| FY 2009 Outlays .....                           | 1,166,970 |
| FY 2010 Budget Authority .....                  | 1,237,336 |
| FY 2010 Outlays .....                           | 1,237,842 |
| FY 2010-2014 Budget Authority .....             | 6,857,897 |
| FY 2010-2014 Outlays .....                      | 6,857,305 |

#### HAITI

Mr. KAUFMAN. Mr. President, the world has been overwhelmed by the immeasurable scale of human suffering and devastation in Haiti. My thoughts and prayers are with the people of Haiti, the courageous humanitarian and peacekeeping workers, the countless victims, and their families in the wake of this horrific tragedy.

The U.S. Government has responded with determination and resolve to help the people of Haiti. I am especially pleased with the rapid deployment of U.S. military, civilian, and medical personnel to Haiti, the pledge of \$100

million in aid, and the work of the search and rescue teams. I am grateful for the role of U.S. Southern Command in leading the military efforts, and the vast coordinating responsibilities taken on by the U.S. Agency for International Development in conjunction with the Department of State. I was especially heartened earlier this week by the images of a U.S. rescue team surrounded by Haitians chanting "U.S.A.!"

While these and other courageous efforts of countless Americans are highly publicized, many Americans may not be aware of the role of U.S. international broadcasting, under the leadership of the Broadcasting Board of Governors, in assisting the people of Haiti. Shortly after the earthquake, Voice of America began Creole broadcasts on multiple frequencies in Haiti from Commando Solo, a C-130 aircraft operated by the 193rd Special Operations Wing. Since then, VOA Creole service has broadcast news and information on the relief efforts, utilizing reporters on the scene in Port-au-Prince and the surrounding areas, 24 hours a day.

The VOA Creole broadcasts include public service announcements with information and statements from U.S. Government agencies, including USAID and the Department of Defense, aimed at helping Haitians find immediate shelter, medical assistance, and aid. There are hourly public safety and relief supply updates, as well as a call-in line to broadcast messages from families and friends of the injured and missing. Ronald Cesar is running this program, with a small but very dedicated staff, and I thank all of them for their commitment to the disaster relief.

Online, VOA has updated Twitter and Facebook feeds around the clock with the latest news and information about Haiti. All this coverage is making a difference. If you searched "Haiti" on Google News the weekend after the earthquake, the first hit was of a VOA news story, thanks to the presence of numerous VOA stringers reporting around the clock from Haiti.

This response by VOA in Haiti is not new. It is indicative of the critical role of U.S. international broadcasting has played in similar situations throughout history. In 2008, when Kenya erupted into violence, VOA provided one of the sole sources of credible news and information worldwide. When the 2004 tsunami devastated Indonesia, Thailand, and countries across the Indian Ocean, VOA helped millions stay up to date with the international relief effort, providing news and valuable information on where to find assistance. The same was true in the 1990s in Somalia, the Balkans, and Rwanda, where VOA broadcasts played a critical role reuniting families torn apart by war and strife.

The free flow of information is essential to managing any crisis situation,

and U.S. international broadcasting has historically played, and continues to play, a critical role in disaster relief. It is in this regard that I wish to recognize the Broadcasting Board of Governors, and VOA in particular, as well as all U.S. civilian, military, and volunteer response teams for their invaluable service in Haiti. Their efforts demonstrate the best of America's generous spirit, and their compassion and dedication is making a difference to the millions of people in Haiti affected by this terrible tragedy.

#### TRIBUTE TO JO ANNE GOODNIGHT

Ms. SNOWE. Mr. President, today I recognize Jo Anne Goodnight, an extraordinary member of my staff who will shortly be leaving the Hill to return to her position as division of special programs director and SBIR/STTR program manager at the National Institutes of Health, or NIH. Jo Anne has brought tremendous enthusiasm, insight, and expertise to her position as a detailee for the Senate Committee on Small Business and Entrepreneurship, and I am sad to see her leave.

Jo Anne joined my committee staff in June 2009 to help me shepherd the reauthorization of the Small Business Innovation Research, or SBIR, and Small Business Technology Transfer, or STTR, programs through the Senate. These critical initiatives help move innovative ideas from mind to marketplace, and there is probably no one who understands the details of these programs better than Jo Anne. A recognized expert in her field, she began her present position at NIH in 1999, where she manages and coordinates the SBIR and STTR programs for the Department of Health and Human Services' public health agencies, such as NIH, the Food and Drug Administration, or FDA, and the Centers for Disease Control and Prevention. In her capacity as program manager, Jo Anne has appeared as a witness before many congressional committees, which is why I had the utmost confidence that she would hit the ground running upon her arrival at the committee—and she did!

From her first moment here, Jo Anne established a reputation as a hard-working, intelligent, and dedicated staff member. She dedicated countless hours preparing me to work towards a consensus to reauthorize the SBIR and STTR programs with my colleagues, and she was a vocal leader at staff-driven meetings. She had no shortage of ideas on how best to advance our interests, and was open and honest about the best approach to take in forging a compromise. While our work is not complete regarding a long-term reauthorization of these initiatives, Jo Anne has laid a tremendous foundation for our future negotiations.

As time went on, Jo Anne demonstrated a strong capacity for devel-

oping new ideas, and she began aiding me with other issue areas, such as innovation and technology. Her assistance was essential in helping to move a critical bill I introduced with Senator MARK PRYOR on science parks through the Commerce Committee. Additionally, Jo Anne helped me add language to the bill encouraging the development of science and research parks on bases closed by the Base Realignment and Closure process. I am hopeful that this language, if passed by the full Senate, will help communities like Brunswick, ME, redevelop quickly.

Jo Anne has had a remarkable career in and out of government. In addition to her most recent service at NIH, she worked for several years at the National Cancer Institute, or NCI, as its SBIR/STTR program coordinator and the special assistant to the director of the division of cancer biology. She also has extensive research experience at the NIH, the FDA, the University of Southern California, and, as an undergraduate cooperative education student from Virginia Tech, at the Department of Agriculture's Animal Parasitology Institute in Maryland.

Throughout her lengthy career, Jo Anne has been the recipient of numerous awards, including three NIH Director's Awards and five more NIH Merit Awards for dedication, initiative, and exemplary contributions to various projects. Jo Anne has also won the 1996 Outstanding Performance Award from the NCI's division of cancer biology, and the 2007 Federal Executive Institute's Certificate of Achievement.

What is most striking about Jo Anne—aside from her remarkable intelligence and passion for her work—is her easygoing and humorous nature. A true joke teller, Jo Anne loves to laugh and make others laugh with her. She is a kind and generous person who is constantly willing to help her coworkers in any way possible. Jo Anne always has a smile on her face, and her upbeat personality makes her a pleasure to work with.

Additionally, Jo Anne and her husband Will have a home in Lamoine, a small coastal town near Maine's beautiful Acadia National Park. They find themselves driving to Maine at least once a month, and Jo Anne hopes to relocate there in the coming years. It is wonderful talking with her about all of the great and unique places to visit in the area, and I am thrilled that she has fallen so deeply in love with my home State.

Jo Anne also enjoys spending time with her colleagues off the Hill. In October, she organized an office chili cook-off, where members of my staff brought pots of their homemade chili to Jo Anne's home. There, they enjoyed a wonderful afternoon dedicated to getting to know one another better while consuming numerous varieties of chili. Jo Anne was a gracious hostess,

and everyone greatly enjoyed the experience.

I am honored to have had someone as talented and passionate as Jo Anne Goodnight on my staff. Jo Anne brings a visible sense of dedication and professionalism to the job every day, and her commendable work ethic and incredible creativity are sources of pride. I wish Jo Anne and her family the best of luck as she transitions back to the NIH, and look forward to seeing her in Maine.

#### 2010 CENSUS

Mr. BEGICH. Mr. President, I commemorate the launch of the 2010 Decennial Census in Noorvik, AK, and thank the U.S. Census bureau for the honor of kicking off this decade's census. Our State is honored to once again have this privilege. I am proud our country is acknowledging the contributions of all its citizens by beginning this historic count in a small, rural village in Alaska.

Noorvik is a rural community in the Northwest Arctic Borough of Alaska with a population of 642 residents. Because there are no roads linking the community to the rest of the State, it is only accessible by plane or shallow-draft vessel. The majority of the population consists of Inupiaq Eskimo residents primarily working as miners, construction workers, teachers, and public administrators. Noorvik may be a small town, but its residents contribute a great deal to Alaska's infrastructure and industry. Therefore, it is important the decennial count begin in this small yet significant community. The Census will also provide several thousand jobs for Alaskans, who will be travelling to remote areas to collect accurate data from our most remote regions.

The U.S. Census is a valuable and time-honored tradition. Its roots can be traced back to article 1, section 2 of the U.S. Constitution, where the founders of our democracy stated, "The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years." When our Nation was founded, the Census was a way to determine the number of each State's delegation in the House of Representatives. Since then, the Census has become more than a mechanism for allotting congressional seats, but also provides policymakers with the data they need to better serve Americans.

I thank the U.S. Census Bureau for launching the 2010 Decennial Census in Noorvik, AK. This is a great opportunity to reach out to rural Alaska and honor our State's rich cultural heritage.

## ADDITIONAL STATEMENTS

## IDAHO WHEAT COMMISSION 50TH ANNIVERSARY

• Mr. CRAPO. Mr. President, it is an honor for me to recognize the Idaho Wheat Commission, which celebrated its 50th anniversary recently. The Idaho Wheat Commission was founded in 1959 and has been a leader in the wheat industry, working on behalf of Idaho's wheat growers and providing them with an invaluable service. Wheat is one of Idaho's top five commodities; it is grown in nearly every county; and Idaho is ranked 10th in national production of wheat. The Idaho Wheat Commission engages in research, market development, consumer education and much more on behalf of Idaho wheat growers.

The Idaho Wheat Commission funds research and provides science-based information to Idaho wheat growers concerning topics such as improved wheat variety, pest management and best practices. Research and information on these and many other topics help Idaho Wheat growers remain competitive and profitable. The Idaho Wheat Commission also aids growers by playing an important role in the development of markets at home and overseas, which helps Idaho growers find new and emerging markets for their wheat. More than 50 percent of Idaho's wheat crop is exported to over 90 other countries around the world.

The Idaho Wheat Commission, along with the University of Idaho Extension, the Idaho Grain Producer Association, sponsors Cereal Schools in many different Idaho counties. These schools educate and update growers on various issues, such as results from new studies and trials or current legislative issues. They also conduct Wheat Quality Workshops twice a year where growers get a hands-on education on the importance of growing quality wheat.

Because of their many excellent educational and informational programs, the Idaho Wheat Commission has had, and will continue to have, a positive influence on the Idaho wheat industry. The Idaho Wheat Commission has been working for Idaho's wheat growers for 50 years, helping to fund research and education and to develop new markets for growers. In their first 50 years, they have succeeded at this and much more. Congratulations to the Idaho Wheat Commission for 50 years of supporting the growers of one of Idaho's most important crops. I look forward to its next 50.●

## TRIBUTE TO GEORGE FRAZIER

• Mrs. LINCOLN. Mr. President, I wish to recognize a man who I am proud to call a fellow Arkansan. Hope native George Frazier, 91, embodies Arkansas

and the values we hold so close to our hearts: community, family, and faith. Earlier this month, George was honored by his fellow Kiwanis Club members in Hope for 62 years of service in the organization.

Known by some as "Mr. Hope, Arkansas," George and his wife Effie have touched countless members of the Hope community, including former President Bill Clinton, who telephoned George on his 75th birthday to thank him for the positive impact he had on his life. George is such an integral part of his community that the local newspaper, *The Hope Star*, recently penned a series of articles in his honor.

I salute George Frazier and all residents of Hope for their strong sense of Arkansas values and community pride. Renowned for its annual watermelon festival, Hope is often said to be "a slice of the good life." I couldn't agree more.●

## TRIBUTE TO MAJOR STEVEN HALL AND CHIEF WARRANT OFFICER RICKY BULLINGER

• Mrs. LINCOLN. Mr. President, today I honor two brave Arkansas Guardsmen who risked their lives to rescue a citizen in need. Maumelle resident Major Steven Hall, a native of Rector, and Chief Warrant Officer Ricky Bullinger of North Crossett recently received the Soldier's Medal, the highest award for heroism not involving combat, for risking their lives to rescue a woman who was being electrocuted underneath a hotel dock on Lake Hamilton in Arkansas.

On August 23, 2008, Hall and Bullinger had spent the day at a training workshop, later joining their families to boat on Lake Hamilton. Before long, they heard cries for help from two families nearby on the water and immediately went to their aid.

Both Hall and Bullinger jumped into the water, quickly finding it to be full of electricity from a nearby streetlight. The pair spent 15 minutes diving for a woman trapped in the water. Eventually, their efforts were successful as they pulled her from the lake. Not everyone was saved, however. A 14-year-old girl lost her life that day.

I salute these two brave servicemen. My father and both grandfathers served our Nation in uniform and taught me from an early age about the sacrifices our troops and their families make to keep our Nation free. All of our service men and women from the Greatest Generation to Vietnam war veterans to the new generation of servicemembers in the Middle East and across the globe have sacrificed greatly on behalf of our country and local communities.

It is the responsibility of our Nation to provide the tools necessary to care for our country's servicemembers and honor the commitment our Nation has made to them. During these tough eco-

nomic times, it is even more important that we don't shortchange our veterans. It is the least we can do for those whom we owe so much.●

## RECOGNIZING BOONE AND NEWTON COUNTIES

• Mrs. LINCOLN. Mr. President, today I recognize Boone and Newton Counties, in my home State of Arkansas, for their efforts to create communities where children and their families have access to healthy, affordable foods and safe places to play and exercise. These counties, through the North Arkansas Partnership for Health Education, NAPHE, recently received a \$360,000 grant from the Robert Wood Johnson Foundation's "Healthy Kids: Healthy Communities" program.

The funding will help local officials and organizations create policies that encourage active lifestyles for children and healthier eating habits for all residents in Boone and Newton Counties. The project will create a walking path to connect the south side of Lake Harrison to the schools and grocery stores to the north and will develop a system to deliver healthy foods to underserved neighborhoods and more remote parts of the counties.

According to Rick Hinterthuer, NAPHE executive director, "our community model is extremely efficient and effective. If we can do it in Harrison, it can be done in other places. We reach our community best through the Home Town Health Coalitions of Boone and Newton Counties."

I have had the pleasure of visiting the Boone County Hometown Health Improvement Coalition. The program is a model for the rest of the country and illustrates how a community can leverage its resources to address community health issues through local, State, regional and national partnerships.

As chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I have fought to include funding to provide meals to needy children during summer months, to secure grants for States to modernize their school lunch delivery systems, to improve health outcomes for infants participating in the WIC Program, and to promote the health of young children in early childhood settings.

I salute the good work going on in Harrison and North Arkansas to help keep our youngest citizens healthy.●

## TRIBUTE TO JAMES WILSON

• Mr. SANDERS. Mr. President, I would like to take a moment today to recognize an armchair explorer who never left the Northeast but brought the world to the United States. In 1809-1810 in the town of Bradford, VT, Mr. James Wilson fashioned the first terrestrial and celestial globes made in



the United States. In doing so Mr. Wilson gave to all Americans an invaluable tool that would be used for centuries to come.

A self-taught and passionate cartographer, James Wilson started the first geographic globe factory in Bradford. He achieved such great success that soon after he and his sons opened a second factory in Albany, NY. Wilson Globes set the standard by which all other globes were measured, achieving such perfection that in 1827 he argued to Congress there was no longer a need to import them from abroad.

The accomplishments of James Wilson and his sons are treasured in the picturesque town of Bradford. So much so that the Bradford Historical Society commissioned the Williamstown Art Conservator to repair the historical society's Wilson globe—one of the few remaining in the world. Funds for this project were received from across the Nation. Understandably, the town takes great pride in this small piece of history that they can call their own. Although Mr. Wilson only ever saw a few hundred miles of this great country, he was responsible for bringing the world to most Americans. We applaud James Wilson for the legacy he left us. Furthermore, we applaud the Historical Society and town of Bradford for recognizing Mr. Wilson's remarkable gift and their dedication to preserving the past for our future.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4312. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Cap on High-Cost Support for Competitive Eligible Telecommunications Carriers" (FCC08-122) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4313. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping; Vessel Inspections; Technical and Conforming Amendments" ((RIN1625-ZA21) (Docket No. USG-2008-1107)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4314. A communication from the Senior Trial Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Enhancing Airline Passenger Protections" (RIN2105-AD72) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4315. A communication from the Trial Attorney, Federal Railroad Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Positive Train Control Systems" (RIN2130-AC03) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4316. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of Entry from the Entity List: Person Removed Based on Removal Request" (RIN0694-AE75) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4317. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Closed Captioning of Video Programming, Order, CG Docket No. 05-231" (FCC 09-109) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4318. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Bangor, Maine" (MB Docket No. 09-122) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4319. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Bridge Inspection Standards" (RIN2125-AF33) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4320. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Discontinuance of Form FHWA-47" (RIN2125-AF31) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4321. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Suspension of the Population Estimates and Income Estimates Challenge Programs" (RIN0607-AA49) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4322. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5GHz Band" ((ET Docket No. 03-122) (FCC06-12)) received in the Office of the President of the Senate on December 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4323. A communication from the Director, Bureau of Economic Analysis, Depart-

ment of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-605, Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent" (RIN0691-AA70) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4324. A communication from the Attorney, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalties" (RIN2137-AE48) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4325. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Correction" (RIN2137-AE54) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4326. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vehicle Identification Number Requirements; Technical Amendment" (RIN2127-AK63) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4327. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Designated Seating Positions" (RIN2127-AK65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4328. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment" (RIN2127-AK66) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4329. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standard; Air Brake Systems; Interim Final Rule" (RIN2127-AK44) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4330. A communication from the Program Analyst, National Highway Traffic

Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standard; Air Brake Systems" (RIN2127-AK62) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4331. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions" (RIN2130-AB95) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Technology Innovation Program" (RIN0693-AB59) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4333. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "FY2010 Management, Science and Engineering Research Grants Programs; Availability of Funds" (RIN0693-ZA91) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4334. A communication from the Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds" (RIN0693-ZA92) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4335. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska" (RIN0648-AW92) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4336. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Red Snapper Closure" (RIN0648-AX75) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4337. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limits in Longline Fisheries in 2009, 2010, and 2011" (RIN0648-AX59) received in the Office of the President of the Senate

on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4338. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts" (RIN0648-XT52) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4339. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States" (RIN0648-AY19) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4340. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2010 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2010 Quota Adjustments; 2010 Summer Flounder Quota for Delaware" (RIN0648-XR08) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4341. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation; Pacific Whiting Seasons" (RIN0648-XT30) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4342. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XT31) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4343. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Longline Fishery Closure" (RIN0648-XT01) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4344. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota

Transfer" (RIN0648-XT39) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4345. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount" (RIN0648-XT41) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4346. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea Pollock Total Allowable Catch Amount" (RIN0648-XT40) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4347. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA" ((RIN1625-AA00) (Docket No. USG-2009-0989)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4348. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway, Sunset Beach, NC" ((RIN1625-AA00) (Docket No. USG-2009-0985)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4349. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Training December 2009 and January 2010; San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0920)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4350. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Clemente Island Northwest Harbor December and January Training; Northwest Harbor, San Clemente Island, CA" ((RIN1625-AA00) (Docket No. USG-2009-0921)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4351. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Automated and Remotely Operated Bridges" ((RIN1625-AA09) (Docket No. USG-2009-0968)) received during adjournment of the Senate in the Office of the President of the Senate

on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4352. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, WA" (Docket No. USG-2009-0331) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4353. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security and Safety Zone; Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA11) (Docket No. USG-2009-1004)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Point Thomson, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0457)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Elim, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0200)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Spencer, WV" ((RIN2120-AA66)(Docket No. FAA-2009-0602)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Riverside/Rubidous Flabob Airport, Riverside, CA" ((RIN2120-AA66)(Docket No. FAA-2009-0690)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Albany, TX" ((RIN2120-AA66)(Docket No. FAA-2009-0631)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clarks Point, AK" ((RIN2120-AA66)(Docket

No. FAA-2009-0197)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Manokotak, AK" ((RIN2120-AA66)(Docket No. FAA-2009-0694)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Burnet, TX" ((RIN2120-AA66)(Docket No. FAA-2009-0859)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Myrtle Beach, SC" ((RIN2120-AA66)(Docket No. FAA-2009-0650)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Riverton, WY" ((RIN2120-AA66)(Docket No. FAA-2009-0704)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Gadsden, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Altus, OK" ((RIN2120-AA66)(Docket No. FAA-2009-0540)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; West Branch, MI" ((RIN2120-AA66)(Docket No. FAA-2009-0696)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Amendment of Class E Airspace; Road Oak, IA" ((RIN2120-AA66)(Docket No. FAA-2009-0801)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace; State College, PA" ((RIN2120-AA66)(Docket No. FAA-2009-0750)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Uncertain Portable Oxygen Concentrator Devices Onboard Aircraft" ((RIN2120-AJ55)(Docket No. FAA-2009-0767)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Modification of Class E Airspace; Bishop, CA" ((RIN2120-AA66)(Docket No. FAA-2009-0695)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sarasota, FL" ((RIN2120-AA66)(Docket No. FAA-2009-0652)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Albemarle, NC" ((RIN2120-AA66)(Docket No. FAA-2009-0203)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Gadsden, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components, Inc. (ECI) Reciprocating Engine Cylinder Assemblies" ((RIN2120-AA64)(Docket No. FAA-2008-0052)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0686)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft" ((RIN2120-AA64)(Docket No. FAA-2009-1225)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502 Series and LF507 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0096)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1211)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0637)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1114)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-243 Airplanes and Model A330-341, -342, and -343" ((RIN2120-AA64)(Docket No. FAA-2009-1109)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 and Model 427 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1123)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Special Air Traffic Rule in the Vicinity of Luke Air Force Base (AFB), AZ" ((RIN2120-AJ29)(Docket No. FAA-2008-1087)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1252)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1230)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0699)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Area Navigation (RNAV) Route Q-108; Florida" ((RIN2120-AA66)(Docket No. FAA-2009-0885)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Colored Federal Airways; Alaska" ((RIN2120-AA66)(Docket No. FAA-2009-0824)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Modification of Jet Route J-20; Florida" ((RIN2120-AA66)(Docket No. FAA-2009-0888)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; St. Louis, MO" ((RIN2120-AA66)(Docket No. FAA-2009-0543)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0669)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0788)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0938)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1226)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0655)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747SR, and 747SP Series

Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-0682)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 747-400, -400D, and -400F Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1222)) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1210)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 707 Airplanes, and Model 720 and 720B Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1209)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-300, -400, -500, -600, -700, -700C, -800, and -900, and 747-400 Series Airplanes; and Model 757, 767, and 777 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-0911)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2007-29087)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO” ((RIN2120-AA64)(Docket No. FAA-2009-0521)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled “Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1195)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 727 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1104)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2008-0328)) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company GE90-110B1, GE90-113B, and GE90-115B Series Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2009-0143)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines; Correction” ((RIN2120-AA64)(Docket No. FAA-2009-0018)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4408. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A2, -3B, and -3B1 Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2007-27687)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4409. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines; Delay of Effective Date” ((RIN2120-AA64)(Docket No. FAA-2009-0328)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4410. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled “Standard Instrument Approach Procedures (9); Amdt. No. 3351” ((RIN2120-AA65) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4411. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (71); Amdt. No. 3352” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (24); Amdt. No. 3353” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (99); Amdt. No. 3354” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (2); Amdt. No. 3355” ((RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by de Havilland, Inc.) Model DHC-8-400 Series Airplanes” ((RIN2120-AA64) received in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA” ((RIN2120-AA66)(Docket No. FAA-2009-0959)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes” ((RIN2120-AA64)(Docket No. FAA-2009-1113)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1112)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1196)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4420. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1008)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4421. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1124)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4422. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC120B Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1118)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4423. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC225LP Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1089)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4424. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0186)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4425. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0987)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4426. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1A1, 1A2, 1B, 1C, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0544)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4427. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1162)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC-4428. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0412)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4429. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0083)) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2948. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. NELSON of Florida, Mr. MENENDEZ, and Mr. LEMIEUX):

S. 2949. A bill to amend section 1113 of the Social Security Act to provide authority for

increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes; considered and passed.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 2950. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of New Mexico:

S. Res. 396. A resolution to enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 714

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1154

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1154, a bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans.

S. 1438

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1438, a bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1672

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977



to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2935

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2935, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. RES. 164

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 164, a resolution amending Senate Resolution 400, 94th Congress, and Senate Resolution 445, 108th Congress, to improve congressional oversight of the intelligence activities of the United States, to provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support, and leadership, and to implement a key recommendation of the National Commission on Terrorist Attacks Upon the United States.

AMENDMENT NO. 3302

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45.

AMENDMENT NO. 3304

At the request of Mr. SESSIONS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3304 intended to be proposed to H.J. Res. 45.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 396—TO ENABLE EACH NEWLY CONSTITUTED SENATE TO CARRY OUT ITS RESPONSIBILITY TO DETERMINE THE RULES OF ITS PROCEEDINGS AT THE BEGINNING OF EACH CONGRESS

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 396

Whereas article I, section 5 of the United States Constitution provides that "Each House may determine the Rules of its Proceedings";

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures;

Whereas rule V of the Standing Rules of the Senate states that "the Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules";

Whereas rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules; and

Whereas rule V and rule XXII of the Standing Rules of the Senate, taken together, can effectively deny the Senate the opportunity to exercise its constitutional right to determine the Rules of its Proceedings under article I, section 5, thus allowing one Congress to bind its successors; Now, therefore, be it

*Resolved*, That upon the expiration of the Standing Rules of the Senate at the Sine Die Adjournment of the 111th Congress, the Senate shall proceed in accordance with article I, section 5 of the Constitution to determine the Rules of its Proceedings by a simple majority vote.

Mr. UDALL of New Mexico. Mr. President, it is with great humility and respect for the institution of the Senate, reverence for the many great men and women who have served here, and affection for my colleagues that I rise today to discuss what I believe is an issue of great importance.

Reflecting on my first year as a Member of this body, I have come to believe that we are failing to represent the best interests of the American people. We as elected representatives have a duty to our constituents. But partisan rancor and the Senate's own incapacitating rules often prevent us from fulfilling that duty.

While I am convinced that our inability to function is our own fault, we have the authority within the Constitution to act. Article I, section 5, of our Constitution states in clear language that "Each House may determine the rules of its proceedings. . . ."

Yet at the beginning of the 111th Congress, we implicitly acquiesced to the rules adopted decades and sometimes more than a century ago, rules that most Members of this Senate have never voted to adopt.

Today these rules put in place generations ago make effective legislating

nearly impossible. Specifically, under rule XXII, it is not possible to limit debate, end a filibuster, invoke cloture without 60 votes. Such cloture votes used to occur perhaps seven or eight times during a congressional session. But in the 110th Congress alone, there were 112 cloture votes, and most of these were occasioned simply by the threat of a filibuster.

The American people spoke loudly in the 2008 election. They clearly desired a President and a Congress that would set a new direction. It was not necessarily an endorsement of one ideology over another but instead a call for us to put partisanship aside and to take care of the country's business.

Although this Chamber was able to pass historic health care legislation last year, we are far from finished. More than anything, what the health care debate has demonstrated is how difficult the rules have made our legislative process. And it is not just health care. Other important pieces of legislation still languish, Federal judicial vacancies remain unfilled, and many of the President's appointees to key positions are still not confirmed. The American people deserve better.

I applaud Leader REID for what he has been able to accomplish, given the way this Chamber's rules have been used to impede progress. Senate rules are designed to allow for substantive debate and to protect the views of the minority, as our Founders intended. But they have been used instead to prevent the Senate from beginning to even debate critical legislation.

Protecting the views of the minority makes sense, but not at the expense of the will of the majority. Indeed, as the rules are being used today, a single Senator can hold a bill hostage until his or her demands are met. This is not the spirit of compromise and collegiality our Founders envisioned for this body.

Even worse, the rules as they exist today make any effort to change them a daunting process. Under the current Standing Rules of the Senate, rule V states:

The Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules.

As adopted in 1775, rule XXII requires two-thirds of Senators present and voting to agree to end debate on a change to the Senate rules, in most cases 67 votes. Taken together, these two rules effectively deny the Senate the opportunity to exercise its constitutional right to determine the rules of its proceedings and serve to bind this body to rules adopted by its predecessors.

Many of my colleagues will argue that the Senate is not designed to be efficient, that the use of filibusters and delay tactics was what the Founders intended. They will quote George Washington's comment to Thomas Jefferson that the Framers created the



Senate to cool House legislation, just as a saucer was used to cool hot tea. While I understand their argument, I do not believe that the Framers envisioned the Senate as the graveyard for good ideas. We can have lengthy debate about the merits of legislation, but there should come a time when we actually vote on the bill. We can discuss the qualifications of a judicial nominee, but each nominee deserves an up-or-down vote. To quote one of this body's most esteemed Members, Senator Henry Cabot Lodge:

To vote without debating is perilous, but to debate and never vote is imbecile.

This is a bipartisan issue. I express my opinions today as a member of the majority. But they will not change if I become a member of the minority party.

We are all too aware of the power of rule XXII, the filibuster rule, adopted in 1975. Yet except for the distinguished Senators BYRD, INOUE, and LEAHY, none of us—Republicans or Democrats alike—has ever voted to adopt this rule.

Opponents of rules reform argue that the Senate is a continuing body and, therefore, the rules must remain in effect from one Congress to the next. I disagree with this assertion. Even if the Senate is deemed to have continued because two-thirds of its Members remain in office, there is no reason that the rules must remain in effect.

Many things change with a new Congress. It is given a new number. All of the pending bills and nominations from the previous Congress are dead, and each party may choose its leadership. If the party in the majority changes, the new Senate becomes substantially different from the last.

Senators of both parties have argued that the rules may change with a new Congress, as my esteemed colleague from Utah, Senator HATCH, stated in a *National Review* article in 2005:

The Senate has been called a "continuing body." Yet language reflecting this observation was included in Senate rules only in 1959. The more important, and much older, sense in which the Senate is a continuing body is its ongoing constitutional authority to determine its rules. Rulings by vice presidents of both parties, sitting as the President of the Senate, confirm that each Senate may make that decision for itself, either implicitly by acquiescence or explicitly by amendment. Both conservative and liberal legal scholars, including those who see no constitutional problems with the current filibuster campaign, agree that a simple majority can change Senate rules at the beginning of a new Congress.

I agree with Senator HATCH. And I agree with our good friend Senator Ted Kennedy who said:

The notion that a filibuster can be used to defeat an attempt to change the filibuster rule cannot withstand analysis. It would impose an unconstitutional prior restraint on the parliamentary procedure in the Senate. It would turn rule XXII into a Catch-XXII.

The early history of this body suggests that the use of unlimited debate

as a tool of obstruction was not an issue.

The original Senate rules adopted under article I, section 5, of the Constitution included a provision allowing a Senator to make a motion "for the previous question." If passed, the motion allowed a simple majority of Senators to halt debate on a pending issue. This simple rule for limiting debate was inadvertently dropped in 1806—perhaps for lack of need—and the Senate entered a period with no means to limit debate. It was not until the 1830s that the Senate saw the first filibusters, as Members recognized that the lack of any rule to limit debate could be used to effectively block legislation opposed by even a minority of the minority. It was not, however, until 1917 that the Senate adopted a formal cloture rule.

Woodrow Wilson's armed ships bill had just been filibustered by 11 Senators. The President was furious, demanding a change in Senate procedural rules. In response, Montana Senator Thomas Walsh, citing article I, section 5, of the Constitution introduced the constitutional option.

Walsh argued that a newly convened Senate was not bound by the rules of the previous Senate and could adopt its own rules, including a rule to limit debate. He reasoned that every new Senate had the right to adopt rules, saying that "it is preposterous to assume that [the Senate] may deny future majorities the right to change" the rules. In response to Walsh's proposal, the Senate reached a compromise and amended rule XXII. The compromise permitted cloture on any pending measure at the will of two-thirds of all Senators present and voting.

Back then, the toxic partisanship we face today had not yet poisoned the system, but the manipulative use of the filibuster had already taken hold. It was used to block some of the most important legislation of that time—anti-lynching bills in 1922, 1935, and 1938, and anti-race discrimination bills were blocked almost a dozen times starting in 1946.

By the 1950s, a bipartisan group of Senators had had enough. On behalf of himself and 18 other Senators, New Mexico's Clinton Anderson, my predecessor, attempted to limit debate and control the use of a filibuster by adopting the 1917 strategy of Thomas Walsh. Just as Senator Walsh did almost four decades earlier, Senator Anderson argued that each new Congress brings with it a new Senate entitled to consider and adopt its own rules. On January 3, 1953, Anderson moved that the Senate immediately consider the adoption of rules for the Senate of the 83rd Congress.

Anderson's motion was tabled, but he introduced it again at the beginning of the 85th Congress. In the course of that debate, Senator Hubert Humphrey pre-

sented a parliamentary inquiry to Vice President Nixon, who was presiding over the Senate. Nixon understood the inquiry to address the basic question, "Do the rules of the Senate continue from one Congress to another?" Noting that there had never been a direct ruling on this question from the Chair, Nixon stated that:

While the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress. Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying the majority of the Senate in a new Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional.

Nixon's opinion was consistent with the longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures.

Nixon went on to explain that under the Constitution, a new Senate had three options to deal with the rules at the beginning of a new Congress: No. 1, proceed under the rules of the previous Congress and "thereby indicate by acquiescence that those rules continue in effect"; No. 2, vote down a motion to adopt new rules and thereby "indicate approval of the previous rules"; and No. 3, "vote affirmatively to proceed with the adoption of new rules."

Despite Nixon's opinion from the chair, Anderson's motion was tabled. In 1959, Anderson raised the constitutional option again at the start of the 86th Congress, with the support of some 30 other Senators. This time, he raised the ire of then-Majority Leader Johnson, who realized that a majority of Senators might join Anderson's cause. To prevent Anderson's motion from receiving a vote, Johnson came forward with his own compromise—changing rule XXII to reduce the required vote for cloture to "two-thirds of Senators present and voting." And to appease a small group of Senators, Johnson also included new language that stated that the rules continued from one Congress to the next unless they were changed under the rules. It was a move that would effectively bind all future Senates.

Throughout his career, Clinton Anderson relied on the constitutional option as the basis to ease or at least reconsider the cloture requirements laid out in rule XXII. As he said in 1959:

My motion does not prejudice the nature of the rules which the Senate in its wisdom may adopt, but it does declare in effect that the Senate of the 85th Congress is responsible for and must bear the responsibility for the rules under which the Senate will operate. That responsibility cannot be shifted back upon the Senate of past Congresses.

In 1975, 2 years after Anderson left office, the Senate adopted the rule we operate under today: It takes the vote of "three-fifths of all Senators duly chosen and sworn" to cut off debate or the threat of unlimited debate.

As the junior Senator from New Mexico, I have the honor of serving in Senator Clinton Anderson's former seat, and I have the desire to take up his commitment to the Senate and his dedication to the principle that in each new Congress, the Senate should exercise its constitutional power to determine its own rules. Let me be very clear. I am not arguing for or against any specific changes to the rules, but I do believe each Senate has the right, according to the Constitution, to determine all of its rules by a simple majority vote.

As my distinguished colleague Senator BYRD, the longest serving Member in the history of Congress, once said:

The Constitution in article 1, section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

It is time for reform. There are many great traditions in this body that should be kept and respected, but stubbornly clinging to ineffective and unproductive procedures should not be one of them. There is another way.

The resolution I am introducing today is simple. It would enable the 112th Congress to carry out its responsibility to determine the rules of its proceedings in accordance with the Constitution. This is not to say that between now and the beginning of the 112th Congress we cannot use our political will to find a way to avoid the gridlock of 2009. It is to say that at the beginning of the 112th Congress, the Senate can exercise its constitutional right to adopt its rules of procedure by a simple majority vote. The Senate may choose to adopt new rules or it may choose to continue with some or all of the rules of the previous Congress. The point is, it is our choice. It is our responsibility.

As Clinton Anderson said:

It is a responsibility that cannot be shifted back upon the Senate of past Congresses.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3306. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3307. Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

#### TEXT OF AMENDMENTS

SA 3306. Mr. BAUCUS proposed an amendment to amendment SA 3299 pro-

posed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. 1. SHORT TITLE.—This Act may be cited as the "Bipartisan Task Force for Responsible Fiscal Action Act of 2009."

SEC. 2. ESTABLISHMENT OF TASK FORCE.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

#### "ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

"SEC. 316. (a) DEFINITIONS.—In this section:

"(1) TASK FORCE.—The term "Task Force" means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

"(2) TASK FORCE BILL.—The term "Task Force bill" means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

"(3) FISCAL IMBALANCE.—The term "fiscal imbalance" means the gap between the projected revenues and expenditures of the Federal Government.

"(b) ESTABLISHMENT OF TASK FORCE.—

"(1) ESTABLISHMENT.—There is established in the legislative branch a task force to be known as the "Bipartisan Task Force for Responsible Fiscal Action".

"(2) PURPOSES.—

"(A) REVIEW.—The Task Force shall review the fiscal imbalance of the Federal Government, including—

"(i) analyses of projected Federal expenditures;

"(ii) analyses of projected Federal revenues; and

"(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

"(B) IDENTIFY FACTORS.—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

"(C) ANALYZE POTENTIAL COURSES OF ACTION.—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

"(D) PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—The Task Force shall provide recommendations and legislative language that will significantly improve the long-term fiscal imbalance of the Federal Government, including recommendations addressing—

"(i) Federal expenditures;

"(ii) Federal revenues; and

"(iii) the current and long-term actuarial financial condition of the Federal Government.

"(E) PRIORITY TO ELIMINATING WASTE.—The Task Force shall give priority to reducing or eliminating waste, fraud, abuse, and the non-payment of taxes already owed.

"(3) DUTIES.—

"(A) IN GENERAL.—The Task Force shall address the Nation's long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

"(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

"(i) IN GENERAL.—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

"(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;

"(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

"(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

"(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

"(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

"(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the majority and minority leaders of both Houses.

"(v) REPORT TO BE MADE PUBLIC.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

"(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

"(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

"(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

"(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

"(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

"(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

"(C) CO-CHAIRS.—

"(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

"(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

"(D) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

"(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall

not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) ADMINISTRATION.—

“(A) AUTHORITY TO ESTABLISH RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) QUORUM.—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(C) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—

“(I) DATES.—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a

written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement en-

tered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(C) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force's activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of such title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force's purpose. Membership of the Advisory Panel, and the scope of the Panel's activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced in the Senate and in the House of Representatives by the majority leader of each House of Congress (by request), or by any member or members of that House designated by the majority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 days on which that House is in session after receipt, then any member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under paragraph (2).

“(2) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be referred to the appropriate committee or committees of jurisdiction under the rules of that House.

“(3) PROCEDURES.—

“(A) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Rules of the House of Representatives, and no expedited procedures shall apply.

“(B) CONSIDERATION IN SENATE.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Standing Rules of the Senate, and no expedited procedures shall apply.”

### SEC. 3. FUNDING.

From the amounts appropriated or made available and remaining unobligated under division A (other than under title X of division A) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount

shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.

**SA 3307.** Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”, as follows:

In the sixteenth whereas clause of the preamble, strike “haven” and insert “have”.

### EMERGENCY AID TO AMERICAN SURVIVORS OF THE HAITI EARTHQUAKE ACT

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the consideration of S. 2949, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2949) to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I join in today with my colleagues Senators BILL NELSON, BOB MENENDEZ, GEORGE LEMIEUX, and CHUCK GRASSLEY in support of the Emergency Aid to American Survivors of the Haiti Earthquake Act. This bill will provide much-needed resources to the United States Repatriation Program, which is currently assisting U.S. citizens who are returning home from Haiti.

The United States Repatriation Program was established by title XI, section 1113 of the Social Security Act to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis.

The Department of Health and Human Services works with State and local governments to administer the Repatriation Program and provide vital services such as immediate medical care, temporary lodging and travel, and food assistance to returning Americans in need. The Federal Government reimburses States for the full

cost of providing these services and individuals who receive aid are expected to repay it except in the case of extreme hardship.

The Repatriation Program is currently being used by the Department of Health and Human Services to provide assistance to citizens returning from Haiti as a result of last week's devastating earthquake.

But, funding for this important program is capped at \$1 million per year, which will not cover the cost states have already incurred to provide support for the more than 14,000 Americans who have already returned from Haiti. And the State Department expects between 600 and 2,000 more Americans will continue to return from Haiti each day in the coming months. They too will need the vital services this program provides.

As a result, we have been asked by the Department of Health and Human Services to increase the cap for this fiscal year so that the program can continue to provide these vital services to Americans returning home from Haiti.

This bill will answer the Department's call for help by raising the cap for fiscal year 2010 to \$25 million.

In the past Congress has passed similar measures to aid Americans returning home from abroad during times of crisis. In 2006, for example, Congress raised the \$1 million annual limit to accommodate Americans returning home from the devastation in Lebanon. During the gulf war, the annual limit was waived entirely. These measures proved to be simple and successful solutions to help bring Americans home safely and give them the support they need to get back on their feet.

This bill is modeled closely off those measures and we have worked with the Department of Health and Human Services and other government agencies in creating this bill.

Additionally, this legislation will provide additional funding for the Qualified Individual Program, which pays the Medicare Part B premium costs for low-income seniors here at home.

Like the Repatriation Program, the Qualified Individual Program is also subject to annual spending caps. Without additional funding for 2010, this program will see shortfalls in approximately two dozen States.

This legislation will provide \$65 million in additional funding for the Qualified Individual Program to ensure all States are able to provide this critical assistance to seniors this year.

The entire cost of this legislation, \$60 million, is fully paid for through the Medicaid improvement fund.

This legislation is a reasonable and fiscally responsible solution that will allow these programs to meet their obligations to Americans in need. We urge the Senate to pass this bill and send it to the House for immediate consideration.

We should not allow these important resources to be denied or needlessly delayed.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2949) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2949

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Aid to American Survivors of the Haiti Earthquake Act”.

#### SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2010 FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking “September, 30, 2003” and all that follows and inserting “September 30, 2009, except that, in the case of fiscal year 2010, the total amount of such assistance provided during that fiscal year shall not exceed \$25,000,000.”.

#### SEC. 3. QI PROGRAM FUNDING.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u-3(g)(2)) is amended—

(1) in subparagraph (M), by striking “\$412,500,000” and inserting “\$462,500,000”; and

(2) in subparagraph (N), by striking “\$150,000,000” and inserting “\$165,000,000”.

#### SEC. 4. APPLICATION OF MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1)(A) of the Social Security Act (42 U.S.C. 1396w-1(b)(1)(A)) is amended by striking “\$100,000,000” and inserting “\$10,000,000”.

#### CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2009

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the consideration of S. 2950.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks.

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Criminal History Background Checks Pilot Extension Act of 2009”.

#### SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking “a 78-month” and inserting “a 92-month”.

#### NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 373.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 373) designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 373) was agreed to.

The amendment (No. 3307) was agreed to, as follows:

In the sixteenth whereas clause of the preamble, strike “haven” and insert “have”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 373

Whereas dating, domestic, and sexual violence affect women regardless of their age, and teens and young women are especially vulnerable;

Whereas, approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas nationwide, 1 in 10 high school students (9.9 percent) has been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend;

Whereas more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas 20 percent of teen girls exposed to physical dating violence did not attend school because the teen girls felt unsafe either at school, or on the way to or from school, on 1 or more occasions in a 30-day period;

Whereas violent relationships in adolescence can have serious ramifications for victims by putting the victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas being physically and sexually abused leaves teen girls up to 6 times more likely to become pregnant and more than 2 times as likely to report a sexually transmitted disease;

Whereas nearly 3 in 4 children ages 11 to 14 (referred to in this preamble as “tweens”), say that dating relationships usually begin at age 14 or younger and about 72 percent of eighth and ninth graders report “dating”;

Whereas 1 in 5 tweens say their friends are victims of dating violence and nearly ½ of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of 1 of the partners;

Whereas a majority of parents surveyed believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the past year;

Whereas digital abuse and “sexting” is becoming a new frontier for teen dating abuse;

Whereas 1 in 4 teens in a relationship say they have been called names, harassed, or put down by their partner through cellphones and texting;

Whereas 3 in 10 young people have sent or received nude pictures of other young people on their cell or online, and 61 percent who have “sexted” report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times as likely to contemplate suicide as those who have not encountered such abuse (8 percent vs. 3 percent), and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence and many successful community examples include education, community outreach, and social marketing campaigns that also understand the cultural appropriateness of programs;

Whereas skilled assessment and intervention programs are also necessary for youth victims and abusers; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month will benefit schools, communities, and families regardless of socioeconomic status, race, or sex: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of February 2010, as “National Teen Dating Violence Awareness and Prevention Month”;

(2) supports communities to empower teens to develop healthier relationships; and

(3) calls upon the people of the United States, including youth and parents, schools, law enforcement, State and local officials, and interested groups to observe National Teen Dating Violence Awareness and Prevention Month with appropriate programs and

activities that promote awareness and prevention of the crime of teen dating violence in their communities.

# 150TH ANNIVERSARY OF THE FOUNDING OF THE COLORADO NATIONAL GUARD

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. Res. 395 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 395) commemorating the 150th anniversary of the founding of the Colorado National Guard.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPECTER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 395

Whereas, on January 23, 1860, the history of the Colorado National Guard began when the first General Assembly of the Jefferson Territory authorized the formation of 2 independent militia companies, the Jefferson Rangers and the Denver Guards, both of which were disbanded after the Colorado Volunteers were established as the official Colorado Territorial Militia;

Whereas after Colorado became a State in 1876, the Colorado State Militia was activated on dozens of occasions to protect public rights, safety, and property;

Whereas during World War I, nearly all units of the Colorado National Guard were called into service, serving as replacements on the front lines as well as carrying out crucial artillery support roles in most of the major campaigns near the end of the war;

Whereas during World War II, Colorado National Guard units served in both the European and Pacific theaters, providing crucial indirect fire support throughout the Pacific, significantly contributing to the invasion of Italy and southern France, and partaking in the liberation of the Dachau concentration camp in April 1945;

Whereas a year prior to the establishment of the United States Air Force in September 1947, the 120th Tactical Reconnaissance Squadron (Fighter) was federally recognized and redesignated as the 120th Fighter Squadron (Single-Engine), thus becoming the first federally recognized unit of the Air National Guard;

Whereas the Colorado National Guard was called into Federal service in 1950 during the Korean War and in 1961 during the Berlin Crisis;

Whereas in 1968, the 120th Tactical Fighter Squadron of the Colorado Air National Guard became one of the first Air National Guard units to be mobilized and the first of 4 fighter units to be deployed for combat operations in the Vietnam War;

Whereas in 1990 and 1991, the Colorado National Guard was called into Federal service to support Operation Desert Shield/Storm in the Persian Gulf and enforce the United Nations-mandated no-fly zone over Iraq during Operations Northern and Southern Watch;

Whereas the Colorado National Guard was called into Federal service in 1994 to help provide stability in Haiti and in 1999 as part of Operation Joint Forge in the Balkans;

Whereas in recent years, the Colorado National Guard has supported various anti-drug and search-and-rescue missions and assisted the citizens of Colorado during numerous natural disasters and State emergencies;

Whereas hours after the attack on the World Trade Center and the Pentagon on September 11, 2001, the Colorado National Guard was activated to bolster airport security at 14 major airports across the State and the Pueblo Chemical Depot, with Colorado Guardsmen, as part of Operation Noble Eagle, launching the first defensive aircraft over the city of Denver within minutes of the terrorist attacks and initiating the Air Sovereignty Alert mission, which continues today with airmen and aircraft on alert 24 hours a day, 365 days a year, to protect our Nation from aerial threats;

Whereas since September 11, 2001, more than 6,500 Colorado National Guard members have served in Iraq and Afghanistan in support of Operations Iraqi Freedom and Enduring Freedom, with more than 550 Colorado National Guard members currently deployed in support of both missions and another 160 members preparing for mobilization;

Whereas the 3rd Battalion of the 157th Field Artillery Regiment, which traces its lineage back to the Civil War, is currently deployed in support of Operation Iraqi Freedom and is the largest Colorado Army National Guard unit to deploy since World War II;

Whereas in 1985, the Colorado National Guard established the High-Altitude Army Aviation Training Site (HAATS) to instruct rotary wing aviators on how to better operate in hostile, high-altitude, and power-limited environments;

Whereas HAATS is the only United States military school teaching such specialized techniques and has provided critical training to helicopter aviators in Iraq and Afghanistan;

Whereas in 1993, the Colorado National Guard was among the first to form a partnership under the auspices of the State Partnership Program with the Republic of Slovenia, and in 2002, formed a second partnership with the Hashemite Kingdom of Jordan;

Whereas the more than 3,700 citizen soldiers of the Colorado Army National Guard are based in 20 communities across Colorado, and the more than 1,500 citizen airmen of the Colorado Air National Guard are based at Buckley Air Force Base in Aurora, Colorado, as well as in Greeley and Colorado Springs, Colorado;

Whereas the citizen soldiers and airmen of the Colorado National Guard have served with courage and selflessness and have earned the respect and gratitude of Coloradans and all Americans; and

Whereas the Colorado National Guard continues to build on its heritage as a ready, reliable, and relevant community-based force that is always ready and always there,

whether to protect our homeland against attacks, to support civil authorities, or to defend freedom overseas: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 150th anniversary of the founding of the Colorado National Guard and its exemplary service to the State of Colorado and the Nation;

(2) thanks the members of the Colorado National Guard and their families for their service and their sacrifice on behalf of the State of Colorado and the Nation;

(3) pledges its continued support in providing the Colorado National Guard with the resources necessary to ensure its readiness to perform State and Federal missions;

(4) expresses condolences to the families of those members of the Colorado National Guard who made the ultimate sacrifice and gave their lives while serving in the Colorado National Guard; and

(5) honors the dedication of the members of the Colorado National Guard who play a central role in protecting the United States and the freedoms and liberties of its citizens.

## APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110-315, the appointment of the following to be members of the National Advisory Committee on Institutional Quality and Integrity: Bruce Cole of Indiana, Anne Neal of Wisconsin, and Michael Poliakov of Colorado.

## CONGRATULATING SENATOR SPECTER

Mr. DURBIN. Will the Senator yield?  
Mr. SPECTER. I will yield.

Mr. DURBIN. Mr. President, I just wanted to say a few words to the Senator from Pennsylvania.

I would like to congratulate my colleague on the occasion of his 10,000th vote in the Senate. He has been a colleague of mine now for the 13 years I have served in the Senate, and I have enjoyed working with him. Occasionally, we have been on opposite sides of an issue, and at times we have been on the same side. I much prefer the latter. He is an able attorney and a thoughtful and reflective Member of the Senate. I have enjoyed my service with him, and I congratulate him on his 10,000th vote.

I am particularly pleased that he cast that vote from this side of the Senate. I look forward to working with Senator SPECTER and thank the people of Pennsylvania for giving us an opportunity to work with him and to share his public service these many years. I congratulate the Senator.

Mr. SPECTER. I thank the distinguished Senator from Illinois for those kind remarks. We have worked together very harmoniously. On occasions where we voted differently, it was always in the spirit of collegiality. One personal note. He and I are frequenters of the Senate gym. I arrive about 6:30 a.m., and he has already been there for



awhile. He is a robust athlete in addition to being a great assistant majority leader.

Mr. DURBIN. If the Senator from Pennsylvania will yield, I tell people I go to the Senate gym for no apparent reason. But I thank him for his kind words.

#### CASTING 10,000 VOTES

Mr. SPECTER. Mr. President, I come to the point where no other Senator is seeking recognition, and we are through expediting the work of the clerks, so I am going to make a statement reflecting on my 10,000th vote.

The circumstances are somewhat unusual. I cast the vote and expected to depart the Chamber, but I found my distinguished colleague, Senator CASEY, prepared to make some comments about my 10,000th vote. He could not make those comments for about an hour because the train was late and some Senators hadn't arrived and the vote was kept open. So a very unusual situation for me personally. I had nothing to do but to sit and think, and I was reflecting upon the 10,000 votes. That is what I am going to talk about now.

I would not expect the Senator from Illinois to stay to listen to this because it might delay his arrival at the gym, which is very early tomorrow morning. I will be there at about 6:30 a.m. I don't know how long he will have been there, but for quite awhile. I thank Senator DURBIN once again for his kind remarks.

The occasion of reflecting on 10,000 votes in the Senate is something I have been thinking about for the past hour plus, as we awaited Senators to arrive to a vote, and then having yielded to two other Senators. I thought about why I got into public life, why I decided to run for office, and that is hard to say. But I believe it was at the inspiration of my parents.

My story is a common one: immigrant parents, father served in World War I, was wounded in action in the Argonne Forest, carried shrapnel in his legs until the day he died, and was one of the veterans who was promised a \$500 bonus. The government reneged on the promise—did not pay the veterans a bonus—as the government reneges on so many promises to the veterans. So there was a famous march on Washington during the Hoover administration when I was a child.

President Hoover called out the Army, and they fired on veterans and killed veterans—one of the blackest days in American history. I think that event, as a young child, was emblazoned in my mind. I saw the deep anguish of my father, and mother too. This was during the Depression.

My father had always had a very deep concern about government because he lived under the tyranny of the czar.

The czar wanted to send him to Siberia when he was 18 years old, in 1911, when he emigrated to the United States. I think that experience motivated me to want to go into public life.

I had always had a very deep concern about civil liberties, as a member of a minority group myself, to be able to deal with that issue in a governmental capacity. The 10,000 votes have come and gone in a hurry, and I was reflecting on the Reagan years. I was elected in 1980, the same day President Reagan was elected. There are many highlights of the tenure during his 8 years, but I think especially about September 17, 1987. That is an easy date to remember because it marked the 200th anniversary of the signing of the Constitution of the United States.

To commemorate the 200th anniversary there was a ceremony in Philadelphia, and President Reagan went to Philadelphia to participate in the ceremony. He invited me to go with him. He invited Senator Heinz as well, but Senator Heinz had other commitments that day and did not go.

It was a fascinating experience to travel alone with the President, to talk to him on Air Force One and in the Presidential limousine. When we arrived at Independence Hall, they had a great wheel, and the wheel started with George Washington, the first President, and then John Adams, and all the way around until it came to Ronald Reagan right next to George Washington. He and I talked about the drama he experienced on the wheel right next to President Washington.

On that particular week, we had the confirmation hearings of Judge Bork for the Supreme Court of the United States. On September 17, when I traveled to Philadelphia with the President, it was a Thursday, and I missed my opportunity to question Judge Bork. I got that opportunity on Saturday morning. There were only a few people there, and I had an opportunity to question Judge Bork for an hour and a half and ultimately played a key role in the rejection of the nomination of Judge Bork, who believed in original intent and had a very different view of the Constitution. He did not believe in due process of law. That was not part of the Constitution. And he disagreed with the incorporation of the 10 amendments to the due process clause to apply to the States. That was a momentous Supreme Court hearing.

During the years of President George H.W. Bush, there were many matters of note. One that stands out was the affirmation proceeding as to Justice Souter. When Justice Souter was up for confirmation, I participated in that as a member of the Judiciary Committee, as I had participated in the confirmation hearing of Judge Bork. The pro-choice groups were apprehensive about Judge Souter becoming Justice Souter. I examined his record very carefully

and thought that he would read the precedents of *Roe v. Wade* in a favorable light and supported his confirmation. Then he became a stalwart for a woman's right to choose and a stalwart for constitutional principles involving civil rights and individual freedom.

During the years with President Clinton, I chaired the Appropriations Subcommittee on Labor, Health, Human Services and Education, and at that time had an opportunity to take the lead in increasing education funding very substantially. Pell grants were raised very materially. They had been at \$2,400, and the committee then moved them up, and now they are in excess of \$5,000.

I also took the lead in helping the working men and women through funding for the Department of Labor and for the National Labor Relations Board and for mine safety, OSHA, and MENSHA.

Then on the funding for health, as has already been noted, I took the lead with the concurrence of Senator HARKIN, who was then minority ranking member, to increase funding for the National Institutes of Health from \$12 billion to \$30 billion. During the decade I chaired the committee, that enormously increased the availability of grants. Some years as much as \$3.5 billion was added to the funding of the National Institutes of Health. Then when the stimulus package came up, I offered the amendment and led the battle to add an additional \$10 billion. NIH had slipped back because of across-the-board cuts and failure to have cost-of-living adjustments, but the \$10 billion in the stimulus package has provided 15,000 grants and has stimulated the interest in a whole generation of sciences.

Senator MENENDEZ commented a few moments ago—in talking about my 10,000 votes—how those research grants have led to enormous savings and in the prolonging of lives and saving of lives on many strains of cancer and with enormous strides being made in research into heart disease and autism and Parkinson's and Alzheimer's.

During the administration of George W. Bush, again there were many momentous events. To mention one, because time is running, I led the fight for embryonic stem cell research, the Specter-Harkin bill, to use Federal funds to use stem cells, which had enormous potential for curing the maladies of the world—a veritable fountain of youth—by injecting stem cells into diseased cells.

President Bush vetoed the Specter-Harkin bill. He vetoed it twice. But now with President Obama there has been an Executive order, and Senator HARKIN and I are continuing to push for legislation because legislation has more permanency than an Executive order. An Executive order can be changed by the next President.



Then the administration of President Obama. I got to know Senator Barack Obama. He had his office down the corridor from me on the seventh floor of the Hart Senate Office building. When he came forward with his proposal for a stimulus and I took a look at what was happening in the economy, I was concerned that we would slip back into a 1929 depression if we did not pass the stimulus bill. I voted for the stimulus bill on this floor and commented about the political peril. It has had a profound effect on my political life, which I will not discuss here. But had the stimulus package not been passed I think we would not have been in the great recession which we are in, but we would have been in another Great Depression. My own State, Pennsylvania, has received \$16 billion. Without that funding from the stimulus package there would not be unemployment compensation paid today; there wouldn't be Medicaid paid today. It has the potential for 143,000 new jobs. It is only halfway through the cycle of 2 years. It passed in mid-February, not even a year old, and we see the financial problems of California. Where would California be without the stimulus? Where would any of the States be without the stimulus?

The stimulus package and other proposed Federal expenditures have caused quite a public reaction so that there is great concern in America today with what is going on in Washington. People are very concerned, as am I, about the deficit and about the national debt. We are going to be called upon to raise the national debt again.

When I was elected in the Senate, the national debt was \$1 trillion. During the tenure of President Reagan, those 8 years, it increased to \$3 trillion. President Reagan was the great economizer on his fiscal policies, but we have no choice when it comes to raising debt because if we do not raise the national debt we will be in default. The debt is being used to pay for many obligations, including the support of our troops in Afghanistan, which I will comment about in a few moments.

In the spring of this year—April, May, June, July—there was tremendous worry about what the Federal Government was talking about spending: \$1 trillion on health care reform; \$1 trillion on cap and trade, on climate control. There was great public opposition that arose to what was happening in Washington. It was promoted by the gridlock which is present in this Chamber, spoken about by Senator MENENDEZ and Senator LAUTENBERG a few moments ago; by the filibusters which are being carried on by Republicans.

A few years ago filibusters were being carried on by Democrats and President Bush's judicial nominees were the subject of filibusters. The business about filibusters and about

gridlock is a problem on both parties. It is a matter for bipartisan blame. It is my hope we will find more Senators—Senator MENENDEZ commented on my willingness to reach across the aisle. I did that on the other side of the aisle and I do that on this side of the aisle. When I came to the Senate in 1980 there were many moderate Republican Senators who reached across the aisle. We had Senator Hatfield from Oregon—we were just discussing that the distinguished Presiding Officer brought me greetings from Senator Hatfield, the Senator from Oregon—and Senator Packwood, also a moderate from Oregon; Senator Danforth from Missouri; Senator Weicker from Connecticut; Senator Chafee from Rhode Island; Senator Stafford from Vermont; Senator Warner from Virginia; Senator Heinz from Pennsylvania; Senator Mathias from Maryland. I could go on and on. Today the moderates on the other side of the aisle, with my departure, can fit in a telephone booth. It is not good for the Senate and it is not good for the country.

When I undertook the town meetings this year—I made it a practice, in my tenure in the Senate, 30 years, to visit almost every county almost every year. At the first county I went to in August, the first day I had an opportunity to travel when the Senate was not in session—usually when I got to Lebanon County there were 85 or 100 people. On this occasion there were 1,200 people. They had live television transmission units from MSNBC and FOX and CNN. There was enormous anger about what was happening in America with the spending, what was happening with the deficit, what was happening with the national debt.

Those are problems which we yet have to face. I get the question in my candidacy for reelection. I am seeking a sixth term. I want to follow Senator Biden, the most recent six-term Senator.

People say: Why run now? Why, after serving for 30 years, being the longest serving Pennsylvania Senator? People notice I have a big birthday coming up. I was born on February 12, the same day as Lincoln's birthday. I was born 121 years after Abraham Lincoln was born. That is as close as I will come to talking about age.

I believe with Satchel Paige, the great baseball pitcher, who was ageless. Satchel Paige made many famous statements. One of his most famous statements was: If you didn't know your age, how old would you think you were? I choose 37. I choose 37 because nobody would believe 17. That was a happy year in my life. I think there is a psychological term called "arrested development." That may have occurred to me at 17.

But why run now? Because there are so many things to be done. There are so many important problems. The ex-

perience and seniority and the knowledge I think can be put to good use for the 12 million constituents I have.

There is a great facet on term limits—it is called losing at the polls. The people can say yes or no to a candidacy for reelection, but I am full of vim, vigor, and vitality, and there are a lot of things I want to do. My four granddaughters are very much on my mind, as will their children and their grandchildren be.

We have health care reform which is still pending in the Congress of the United States. It has been a very difficult matter which has consumed this body and the House of Representatives for months. The House can pass it more quickly than can the Senate. We worked on it for the better part of 6 months and we passed it here. It is well documented that it took 60 votes because there was not a single Republican who would support cloture. There had to be 60 Democrats who would agree. That led to a lot of concessions being made to get the 60 votes.

Some Senators insisted on special consideration for their States. I think that was wrong. Why did I vote for the package? Because the good vastly outweighed the bad.

I was asked, in Pennsylvania, why didn't I get some special consideration for Pennsylvania? I didn't because I thought it was the wrong thing to do. I was on a radio program last week, a critical radio program, for what is going on in Washington. But I got a compliment for not asking for special consideration.

We have a new Senator-elect in Massachusetts and we ought not to do anything in the interim until he is seated. Then there will be 59, so not enough to shut off a filibuster by the Republicans. So the question is: Where do we go from here?

President Obama has talked about a number of alternatives. A week ago last Wednesday, after the Massachusetts election, he was talking about a pared-down bill. I doubt that could pass the Senate. It would be unfortunate if all the work that has been done on the historic health care reform were to be nullified. The health care bill ran into great problems because of misrepresentations. There are no death panels in the health care bill. In my town meetings people were talking about death panels. I told them authoritatively and accurately, there were no death panels.

There was a worry about a government takeover of health care. That was not the bill. There was a government option. I was for a robust government option, leaving the private sector in place but taking steps to give a choice to people who wanted to buy insurance. But to get insurance reform to eliminate preexisting conditions as a way for insurance companies to maneuver and decline to pay claims, or the cancellation of insurance when somebody got sick, or not covering children.

I think it would be unfortunate if all we did were nullified. One way to approach it would be for the House to pass the Senate bill—that would be my recommendation—and then to have immediate corrective legislation on a number of the points which went too far—on the special favors for certain States. I believe there would be support on the other side of the aisle and we could correct the abusive practices if the House were to adopt the Senate bill.

But I respect the House. I read what the Speaker had to say about the disinclination to adopt the Senate bill. It has been a long time in coming to get reform. Legislation which is enacted is subject to modification. It has to move in steps. We could only get to the 1965 Voting Right Act because we had the 1957 legislation and the 1964 legislation. There are opportunities for changes and the abusive facets and the wrongful provisions in the Senate bill, if taken by the House, could be corrected. I think there would be support on both sides of the aisle for that.

There are a great many items on my agenda. One of the concerns I have is the issue of imports, illustratively from China, where they are subsidized and take unfair advantage of the trade laws. I have appeared many times before the International Trade Commission—something I had done in private practice as a lawyer on appellate arguments in court. I won a big case preserving a lot of jobs several months ago on the tire industry, stopping China from sending tires into the United States which were subsidized.

I won a big case in the ITC, that I was the lead advocate on, on the steel industry, to stop China from selling steel in the United States.

I have been working on a project to deepen the Port of Philadelphia from 40 to 45 feet. Senator Heinz and I got authorizing legislation in 1983. It took until 1992 to get the Corps of Engineers to say it was economically sustainable. Then I worked on the Appropriations Committee, with my seniority, to get more than \$77 million appropriated. It has been contested by the State of Delaware on environmental concerns which have been answered totally by environmental impact studies. Recently, we were successful in getting the Secretary of the Army to invoke the supremacy clause.

But there is still more work to be done on that. I am working hard for the University of Pittsburgh Medical Center, working on manufacturing of vaccines. We have been short of vaccines and we cannot rely upon foreign sources. That is a multimillion dollar project working and has the promise of thousands of jobs for that area.

I am working on northeast Pennsylvania to get a train from Scranton to Hoboken, "Wall Street West"; working for the farmers on milk dairy prices; with General Electric to keep the GE plant open and jobs there; working, in my position on the Environment and Public Works Committee, on climate control; working on immigration reform.

As chairman, I managed the bill through the Senate in the 2006. I am working on the issue of campaign finance reform. The Supreme Court, last week, came down with a decision to allow corporations to engage in political advertising to elect or defeat candidates which will, as Justice Stevens in dissent pointed out, open the door for widespread corruption and am considering the issue of a Constitutional amendment which would reverse that decision and allow Congress and States to set limits on campaign finance. I have been working for a decade to try to get the Supreme Court televised for transparency. They make all the cutting-edge decisions.

I have been very active on foreign policy. There are many things I am working on at the present time. Within the last month, I made a trip to Afghanistan and Syria and India. My study of the situation in Afghanistan leads me to oppose the President's plan to send 30,000 additional troops. I think we have to do whatever it takes to fight al-Qaida because they are out to annihilate us. But why fight them in Afghanistan when they can just as easily organize in Yemen or Somalia or elsewhere?

On the efforts to get help from the Pakistanis, not being very successful. In India, our Congressional delegation met with Prime Minister Singh. I put the question to him, would he be willing to have a limitation with Pakistan on the number of troops on the border, which would liberate Pakistani troops to help us fight al-Qaida in Pakistan.

Prime Minister Singh said he would, if the terrorists would be stopped from coming into India, as they blew up the hotel in Mumbai more than a year ago. So there are many things to be done. Our Congressional delegation visited Syria. I have visited the Mideast, almost every area, during my tenure in the Senate. I am very much concerned about the security of Israel.

In the visits I have had with Syria, I have gotten to know Bashar al-Assad, the Prime Minister of Syria, and his father, Hafiz al-Assad, because I believe Syria is the key to the peace process there.

Syria wants a return of the Golan. Only Israel can decide whether Israel wants to give back the Golan. But it is a different era today than it was in

1967, when the Golan was so important strategically. Today, rockets obviate the defensive posture of the Golan Heights. But only Israel can decide that for itself. But if Israel could get concessions for Syria to stop destabilizing Lebanon or stop supporting Hamas, that is an issue which ought to be considered.

Well, the hour is growing late. We are keeping staff here. But I thought this occasion, on the 10,000th vote, as I said, I sat here for about 1 hour waiting for the vote to end before Senator CASEY could make his comments, gave me a few moments to reflect on why I was interested in running for public office originally, what those 10,000 votes meant to me with a very brief statement as to some of those votes during the administrations of President Reagan, the first President Bush, President Clinton, the second President Bush, President Obama, and what I would like to see done in the future.

There is much to be done on so many lines. I have said to Senator CASEY, who has been here only 3 years, I would like to be here to speak to him on his 10,000th vote. I do not entertain that seriously. But the issues I have talked about are ones that are very important to me and I think to the future of my State and I think to the future of my Nation.

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#### ORDERS FOR TUESDAY, JANUARY 26, 2010

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, January 26; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 45, the debt limit bill, as provided for under the previous order. Finally, I ask that the Senate recess from 12:30 to 2:15 for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. SPECTER. Mr. President, Senators should expect a series of two roll-call votes to begin at 11:30 a.m. tomorrow. Those votes will be in relation to the Baucus amendment No. 3300, regarding Social Security exemption, to be followed by a vote in relation to the Conrad-Gregg amendment regarding a fiscal task force.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:28 p.m., adjourned until Tuesday, January 26, 2010, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Monday, January 25, 2010:

THE JUDICIARY

ROSANNA MALOUF PETERSON, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 26, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JANUARY 27

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider any pending nominations.

Room to be announced

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine cutting the Federal government's energy bill, focusing on an examination of the sustainable Federal government executive order.

SD-342

3 p.m.

Armed Services

To receive a closed briefing on cyber security.

SVC-217

## JANUARY 28

9:30 a.m.

Foreign Relations

To hold hearings to examine Haiti, focusing on rescue, recovery and reconstruction.

SD-419

Veterans' Affairs

Business meeting to consider the nomination of Raul Perea-Henze, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and any pending calendar business.

SR-418

10 a.m.

Budget

To hold hearings to examine the budget and economic outlook, focusing on fiscal years 2011-2020.

SD-608

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold an oversight hearing to examine the Department of Commerce's Broadband Technology Opportunities Program funded by the American Recovery and Reinvestment Act of 2009.

SD-192

Environment and Public Works

Green Jobs and the New Economy Subcommittee

To hold joint hearings to examine solar energy technology and clean energy jobs.

SD-406

Judiciary

Business meeting to consider S. 2924, to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, S. 1789, to restore fairness to Federal cocaine sentencing, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1749, to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, and the nominations of James A. Wynn, Jr., of North Carolina, and Albert Diaz, of North Carolina, both to be United States Circuit Judge for the Fourth Circuit, Edward Milton Chen, to be United States District Judge for the Northern District of California, and Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, and Willie Lee Richardson, Jr., to be United States Marshal for the Middle District of Georgia, André, Birotte, Jr., to be United States Attorney for the Central District of California, Richard S. Hartunian, to be United States Attorney for the Northern District of New

York, Ronald C. Machen, Jr., to be United States Attorney for the District of Columbia, and Christopher H. Schroeder, of North Carolina, Mary L. Smith, of Illinois, and Dawn Elizabeth Johnsen, of Indiana, all to be an Assistant Attorney General, all of the Department of Justice.

SD-226

2:15 p.m.

Indian Affairs

To hold hearings to examine the nomination of Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services; to be immediately followed by an oversight hearing to examine unemployment on Indian reservations at 50%, focusing on the need to create jobs in Indian Country.

SD-628

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Ian Huddy Solomon, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development, Walter Crawford Jones, of Maryland, to be United States Director of the African Development Bank, Douglas A. Rediker, of Massachusetts, to be United States Alternate Executive Director of the International Monetary Fund, and Leocadia Irine Zak, of the District of Columbia, to be Director of the Trade and Development Agency.

SD-419

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

## FEBRUARY 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, of Virginia, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability.

SD-366

Commission on Security and Cooperation in Europe

To hold hearings to examine Kazakhstan's leadership of the Organization for Security and Cooperation in Europe (OSCE).

SR-485

## FEBRUARY 4

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Energy.

SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers.

SD-226

## FEBRUARY 9

9:30 a.m.

Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for Defense Authorization and the Future Years Defense Program.

SDG-50

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program.

SD-366

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

## FEBRUARY 10

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fis-

cal year 2011 for the Department of the Interior.

SD-366

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

## FEBRUARY 11

11:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations.

SD-366

## FEBRUARY 23

9:30 a.m.

Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.

SDG-50

## MARCH 2

2 p.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

MARCH 4

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

MARCH 9

9:30 a.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

MARCH 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

**SENATE—Tuesday, January 26, 2010**

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the Author and Giver of all good things, nourish our Senators with Your goodness that they may produce the fruits of exemplary works that honor Your Name. Lead them by their setbacks and victories into a deeper knowledge of Your plans and purposes for this land we love. Give them light for their darkness and strength for every aspiration that seeks to glorify Your Name. May the knowledge of Your redeeming providence be a lamp illuminating the way ahead. Lord, strengthen them by Your spirit, using them as channels for Your coming kingdom. Make them positive people who are expectant of Your best for our Nation and world.

We pray in Your powerful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 26, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the debt. The time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a series of two roll-call votes. Those votes will be in relation to the Baucus amendment No. 3300 regarding a Social Security exemption, to be followed by a vote on the Conrad amendment No. 3302 regarding a fiscal task force. The Senate will recess from 12:30 p.m. to 2:15 p.m. today for the weekly caucus luncheons.

We are operating under an agreement that limits amendments to the debt limit resolution, and only a few amendments remain in order. I encourage Senators with amendments on the list to come to the floor to offer their amendments if they would like their amendments to be considered.

**ORDER OF PROCEDURE**

Madam President, with respect to the time under my control for debate with respect to the Baucus and Conrad amendments to H.J. Res. 45, I ask unanimous consent that the time be provided to Senators BAUCUS and CONRAD and that they equally divide and control this time that was under my designation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**IRAN SANCTIONS ACT**

Mr. REID. Madam President, at the end of last December, I made a commitment to bring S. 2799, the Comprehensive Iran Sanctions Accountability and Divestment Act, to the Senate floor. This critical legislation would impose new sanctions on Iran's refined petroleum sector and tighten existing U.N. sanctions. The act will create pressure on the Iranian regime and help stop Iran from acquiring a nuclear weapon. I thank Senator DODD, Senator KERRY, and many other Senators for their hard work.

I have had conversations with the distinguished Republican leader. We are committed to finding a time to do this legislation. This is going to be a piece of legislation dealing with just this narrow issue. We cannot get into foreign aid and all those other things. I am reaching out to my Republican colleagues to help me find a path to get that done in the next few weeks. We started this session by working on im-

portant legislation to prevent the Federal Government from defaulting on its obligations, including my amendment to put in place strict statutory requirements that will ensure the cost of any new spending or tax cuts will not increase our deficit. But everyone should know that I am looking forward to moving on the Iran Sanctions Act, as I have indicated, but we are going to need some cooperation to get this legislation done. I had a conversation with the Republican leader yesterday, and it is our goal to finish the legislation on the debt limit quickly. Hopefully, we can do that and maybe the Bernanke nomination by Thursday or Friday.

The Republicans have scheduled a retreat. We are going to have one next week. When this was scheduled, no one knew when the President was going to give his State of the Union Message. But it happens it is on tomorrow. So we have the State of the Union tomorrow night. We have the retreat tomorrow. We are not going to have any legislative issues here unless the Republicans have agreed. We are not going to interfere in any way with their retreat. These are extremely important. The two caucuses can move alone and not be bothered by other things. It is very important. We are going to do the same next week. I think what we have done in the last year or so has been important. We used to do these retreats on Fridays, but with schedules such as they are, not many people showed up, or not as many as we wanted. With the new schedule of having votes on Tuesday and Thursday, in fact, it causes people to want to be here on Wednesday.

I look forward to working with the Republican leader and others in coming up with a glidepath to finishing these matters as quickly as we can. By virtue of some cloture motions I filed, we are scheduled for votes in the morning. I want to do everything I can to avoid that and will maybe put those over until Thursday or maybe try to get rid of those votes today would be the best thing we could do.

I am happy to yield to my friend the Republican leader.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## THE ECONOMY

Mr. McCONNELL. Madam President, a year ago this week, millions of Americans were looking to Washington with the hope that always comes with a new beginning. In the midst of a terrible economic downturn, a new President was vowing to meet our problems head-on. Americans hoped for every success, but in the 12 months that have passed since then, Americans have not seen the improvements they were hoping for. Far from it. Since last January, nearly 3.5 million Americans have lost their jobs and nearly 3 million have lost their homes. Americans are still struggling, and they are looking to Washington for the policies that will right our economic ship.

To their credit, the President and his allies in Congress tried to do something about our economic situation. Unfortunately, their policies missed the mark, and 2009 was another very difficult year. Americans waited patiently for the administration and Congress to implement policies that would create the conditions for creating jobs, growing businesses, and helping struggling middle-class families weather the recession. Instead, they got policies that vastly increased government spending and put a crushing amount of debt onto the Federal credit card. Then Americans looked on in disbelief as the administration spent almost an entire year—an entire year—pursuing a closed-door, partisan health care plan that would have raised their taxes and their health insurance premiums and slashed Medicare for seniors in the middle of a recession.

By the time November came around, Americans had clearly run out of patience—not with the President, whom they like, but with the administration's policies. They rejected a trillion-dollar stimulus bill that was supposed to stop unemployment at 8 percent but did not. They rejected a budget that will double the national debt in 5 years and triple it in 10. And they rejected a health care plan that would have led to higher costs, lower quality, and massive new government spending. The American people have spoken clearly. They want a new policy direction.

This is why some of the comments we have been hearing in the administration about its plans for the year ahead are so distressing. The lesson of the last year should be crystal clear: Americans are not happy with the administration's approach. They are tired of the spending, debt, and government takeovers. They want a step-by-step approach to our problems, not grand government experiments and schemes. Yet some in the administration seem to believe that the message of Virginia, New Jersey, and Massachusetts is something entirely different. They seem to think the voters are frustrated at nothing in particular, that they are just angry in general. The proper re-

sponse to these elections, the administration seems to think, is to retool its message to make people believe it is finding new ways to help the economy, even as it continues to pursue the exact same policies as before. One of the President's top advisers insisted over the weekend, for example, that the administration will continue to pursue its plan for health care even as it works to retool its message on the economy. This is a clear sign that the administration has not gotten the message; that it has become too attached to its own pet goals; that it is stuck in neutral when the American people are asking it to change direction. And then the administration said over the weekend that Americans will not know what is in the Democratic plan for health care unless and until it is passed. That is precisely the problem. Americans do not want to have to learn about what politicians in Washington are doing to their health care after the fact. They want to know the details before the changes are approved, not later.

Americans are not frustrated in general; they are frustrated with an administration that insists on taking them in a direction they do not want to go and which does not seem to be interested in acknowledging the direction in which Americans actually want to go.

These are some of the signs that the administration has not gotten the message. But it is not too late. Tomorrow night, the President will deliver his State of the Union Address. It is my hope that he deals not in a retooled message but in a changed direction and that he advances it with the same kind of enthusiasm and intensity that he attempted to advance his health care plan.

Here are some of the things the President could do tomorrow night:

First, put the 2,700-page Democratic health care bill on the shelf and leave it there. The best first step we could take in righting our economic ship is to take this job-killing and tax-increasing monstrosity off the table once and for all and move toward the kind of step-by-step approach Americans really want.

Second, declare that taxes will not go up at the end of the year as scheduled for millions of American families and businesses. Even some Democrats are calling on the President to do this. Struggling small businesses are asking themselves whether they can hire new workers. The prospect of a massive tax hike makes it far less likely that they will.

Third, return unused TARP money and put it toward paying down the deficit. Taxpayers who bailed out the banks last year are wondering why their money is still laying around unspent. Money that has come back to the Treasury should be used to pay

down the deficit, not used on new spending programs.

Fourth, job programs. The stimulus was sold to the public on the promise that it would hold unemployment at 8 percent. A year later, unemployment is at 10 percent, its highest level in a quarter century. At a time of trillion-dollar deficits, the President should direct unspent stimulus funds to pay down our debts right now, rather than have the money spent on questionable projects 9 years down the road.

Fifth, no more debt. Later this week, the administration, with an assist from Democrats in Congress, plans to increase the amount of money available on the Federal credit card by nearly \$2 trillion. In other words, they want to increase the amount of money we can borrow by an amount equivalent to what it cost to pay for the entire Federal budget 10 years ago.

Sixth, explain to the American people how the Federal Government will end its ownership of auto companies, insurance companies, and banks. Americans do not think the U.S. Government should be one of the largest shareholders of GM, Chrysler, and AIG.

Seventh, energy. Nuclear power is one of the cleanest, most efficient sources of energy. The President should commit to expanding it. Until these clean green sites are up and running, he should allow the States to drill for oil and natural gas off their shores, if they want to.

These are just a few concrete things the President could do to show the American people he is committed to working with both parties to address the problems Americans are most concerned about, such as doing whatever it takes to create jobs and get people who have lost their jobs back to work.

Americans aren't looking for cosmetic proposals. They do not want the administration to push sweeping changes it wants but to nibble around the edges when it comes to changes the American people want. It is time for the White House to show it is listening to the American people. If the President opts for solutions that reflect the real concerns of the American people, if he moves to the middle with commonsense bipartisan ideas on job creation, then he can expect the support of Republicans.

It is not too late. It is not too late to deliver the kind of commonsense reforms Americans want.

Madam President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the



Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad-Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

Reid amendment No. 3305 (to amendment No. 3299), to reimpose statutory pay-as-you-go.

Baucus amendment No. 3306 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 shall be equally divided between the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, I understand there has been a time allocation amongst several of us, but I would like to yield 5 minutes of the time reserved to me to the Senator from Illinois.

Mr. GREGG. Madam President, if the Senator will yield, I ask unanimous consent that I be recognized to manage the time on our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. After the Senator from Illinois, I will yield up to 10 minutes to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### THE ECONOMY

Mr. DURBIN. Madam President, I thank the chairman of the Senate Finance Committee, the Senator from Montana, for yielding 5 minutes.

I have listened carefully to the statement made by the Republican minority leader on the floor, and I think he has characterized the last year leaving out some very important facts, some glaring omissions in his statement.

What the Republican leader failed to mention is, when this President came to the White House, he inherited the worst economic mess in the history of this country since the Great Depression. The President turned to both parties—Democrats and Republicans—and said: We need to turn this economy around and do it quickly. He, personally, appealed to the Republican Members of the Senate and the House to join him in a bipartisan effort to turn

this economy around. At the end of the day, the President put forward a plan to reinvest in America and recover this economy that didn't draw one single Republican vote of support in the House and only three Republican Senate votes. It was, in fact, largely a Democratic effort but not because the President didn't try to include the Republicans in this effort.

What has been the net impact? The Senator from Kentucky comes to the floor and is very critical of the state of the economy. It is easy to be critical. But let us understand from where we came. When the President took office, we were losing in the range of 800,000 jobs a month in America—800,000 a month. It was awful. Now we are down to about 10 percent of that total per month that we are losing. It is still too high. We want to start gaining jobs. But understand, in 1 year, we have reduced by 90 percent the monthly loss in unemployment. It is a trend line which is positive, moving us toward a growing economy and growing employment. That is because the President took leadership, took control, and—largely with Democratic votes—passed a stimulus package.

Also, remember that in April of last year—2009—the Dow Jones industrial index was at 6,500. This morning it is at 10,000. That index, which at least is a reliable index of some economic growth, showed almost a 60-percent increase in value over this 1-year period of time.

To be totally dismissive of this effort by the administration is to ignore the obvious: We have come a long way. We have stared down at the abyss and we have drawn back and we are starting to regain our stride, as we should. But to dismiss this and say it is just a vain effort that had no impact is to ignore the obvious.

Let me also say about the health care bill that we know—and the Senator from Montana, as our leader in the Finance Committee, knows this personally—of the efforts the Senator from Montana made to reach out to the Republican side of the aisle. He had 61 personal meetings with Republican Senators—Senators GRASSLEY and ENZI and SNOWE—in an effort to make this a bipartisan bill. Sadly, it didn't result in a bipartisan bill but not for lack of effort on our side, not for lack of effort in the Senate HELP Committee or the Senate Finance Committee, where 170 Republican amendments were adopted. Yet, at the end of the day, only one Republican Senator—Senator SNOWE of Maine—would cast a favorable vote for the committee effort. To argue this has been a partisan effort, well, it has been, to some extent, but not for lack of effort on the Democratic side to engage the Republicans.

What if the Republicans had their way on health care? What if we literally walked away from this chal-

lenge? I tell you what will happen: In 7 years, the Medicare Trust Fund will be exhausted. Under the bill we had before the Senate, we added 9 years of life to that Medicare Trust Fund. If we do nothing, as many Republicans would have us do, that Medicare Trust Fund will start to fail in 7 years.

Let me also add, if we do nothing, the number of uninsured will grow from 47 million today in America to 57 million and continue to grow. People will lose their insurance, and those insured will have little protection as this market becomes even more ruthless.

Finally, let me add, the cost of health insurance, if we do nothing, is going to grow dramatically. We expect it to more than double in 10 years. Think about that—what it means to individual wage earners, businesses, and families if more and more money has to be plowed into health insurance costs with no increase in coverage. That is the reality of the Republican approach. Do nothing or do little but go slowly. Take tiny, little pieces of this instead of looking at the challenge we face. That may be the political reality, but I don't applaud it.

Our effort at comprehensive health care reform took on an issue which is central to our economy's growth. If we don't deal with the cost of health care, unfortunately, we are going to find ourselves in a very difficult competitive position in the world.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DURBIN. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

#### BERNANKE REAPPOINTMENT

Mr. SESSIONS. Madam President, I wish to share a few remarks on the reappointment of Mr. Bernanke as Chairman of the Federal Reserve Board. I do believe we should state our views about it. I stand in opposition to his nomination; I intend to vote against it.

First, I believe the financial debacle this Nation is desperately attempting to work its way through did not have to happen. That free economies have a tendency to boom and bust, there can be no doubt. But sound Federal economic and fiscal policy that promotes stability and a sound dollar can mitigate against the excesses of market cycles and keep them from ratcheting out of control, as we have seen here.

What role did Mr. Bernanke play before the bubble burst? For 3 years, he served on the Federal Reserve Board, where much of our Nation's financial policy is set and, in 2006, he followed Mr. Greenspan as Chairman. The American people have a right to ask: How did he perform during that period? Did he see this crisis coming, did he give warning, and did he take any actions that could have ameliorated or avoided the catastrophe that has befallen us? The minutes of the Federal Reserve

Board during the critical 2003 time period show he was what the Wall Street Journal called “the intellectual architect” of the loose money policies that, as the Journal notes, kept:

... monetary policy exceptionally easy for far too long as the economy grew rapidly from 2003–2005. He imagined a “deflation” that never occurred, ignored the asset bubbles in commodities and housing, dismissed concerns about dollar weakness, and in the process stoked the credit mania that led to the financial panic.

That is what the Wall Street Journal said about it, and I think that has to be considered an accurate and fair comment. Only responsible actions, perhaps painful to us now in the short run, founded on mature understanding of the forces that actually control world economies will do today. The time for artificial government policies and spending and stimulus is past. Nothing comes from nothing. Reducing deficits significantly will be necessary and will be painful, but only such a policy, resolutely executed, will inspire real confidence that we are on the right track.

Transferring massive private debt to massive government debt, as we have done, tripling our total national debt in 10 years—as we are on the path to do under the President’s own budget—is wrong and unacceptable. Experts and the normal person know such policies will only end poorly. We need the kind of responsible policies the bipartisan team of Fed Chairman Paul Volcker and President Reagan executed, policies that led eventually to 20 years of sound growth. But, for sure, stabilizing an economy in turmoil was difficult for them and for the American people at the time, for a while. But the people understood sound policy was needed in the early 1980s, and they stayed with their strong leaders through the tough times. The people knew then we had acted irresponsibly—as we have today—and they knew a steep hill had to be climbed to get us on sound footing. They met the challenge.

I am not seeing that kind of leadership today. President Reagan knew he would be criticized, but he knew this great Nation would rebound. He had confidence in our people and in free markets. He did not, for one moment, believe expanding government would lead to economic growth.

During this time of economic turmoil, I don’t think we are hearing that kind of economic straight, honest talk. We are told not to worry; that we are going to spend our way out of debt. We will have the government stimulate the economy. Well, if that is so easy, why don’t we do it every day—just spend, spend, spend forever? If that doesn’t work, we can have another stimulus package, they tell us. Deficits don’t matter. Debt doesn’t matter. We will worry about the consequences of that later. The President of the European Union said this strategy was the economic “road to hell.” And I think

that is an embarrassment to the United States. The Chinese are aghast. But this is the plan of the President and Mr. Bernanke—spend it now, worry later.

Mr. Bernanke’s nomination is before us today. He was the prime architect of the policies that got us into this mess. He did not see it coming. He supported the disastrous \$800 billion stimulus package, every penny of which was mainly social spending—had to be borrowed, and it has not produced the kind of jobs and growth we needed because it was not focused sufficiently on job creation.

Mr. Bernanke also supported the \$182 billion bailout of AIG, and now we know most of that money was used to compensate AIG’s counterparties, such as Goldman Sachs and Deutsche Bank at 100 cents on the dollar, which I think is unthinkable. Last November, the TARP inspector general, Neil Barofsky, reported that the Federal Reserve did not believe AIG’s counterparties posed a systemic risk to the economy, which frankly calls into question the entire justification for the bailout.

Amazingly, Chairman Bernanke has learned little from these errors, and that worries me. Tragically, he is supporting or acquiescing in policies that I think have proven not to work and are contrary to sound common sense. If there is any dispute about his leadership, I call my colleagues’ attention to his speech on January 3. There he plainly refused to acknowledge his loose money policies were a significant factor in creating the bubble and the inevitable bust. Incredibly, he relied on half-truths to justify his abandonment of the Taylor rule, a formula that has proven to work to contain the temptation for excessively low interest rates.

While anyone can make a mistake, becoming too insulated, too arrogant, too political, and coming to believe tried and true principles no longer apply in the new world of today, is especially dangerous. He has not admitted his mistakes nor is he calling us to the tried and true. Sound money, low taxes, solid, steady growth, and increased productivity based on the historic principles of a free economy—principles that are as immutable as the law of gravity—are the foundation of economic growth, not government spending and Fed maneuvering.

At one of my townhall meetings, a man offered that his daddy always said, “You can’t borrow your way out of debt.” How true. Shouldn’t we be hearing such common sense from the Fed? You can’t produce something from nothing. There is no free lunch. Somebody will pay. Our “masters of the universe” think these rules don’t apply to them—a most dangerous arrogance indeed.

Right now, the American people, our constituents, are the ones paying. It is

time for the “masters of the universe” who are responsible to pay—those who rejected the tried and true; those who believe that since we are blessed with their leadership, with their brilliance, America doesn’t have to move forward steadily and soundly; that the old verities do not apply and, if things get a bit dicey, why by exercising their skill and exceptional knowledge they can fix it before anything bad happens. Did that happen before, in 2007? They were not so smart then.

I think these are the most dangerous leaders—the ones who know the rules but believe they are so brilliant that they may ignore them.

Mr. Taylor, the one of the rule, laid it out in the Wall Street Journal on January 11, 2010. I don’t see how anyone can seriously argue that keeping interest rates so low, maintaining easy money, during the 2002–2005 period did not play a significant role in the bubble and the resulting bust. Not only was Chairman Bernanke intimately involved in the creation of these disastrous policies, as was President Obama’s Secretary of Treasury Geithner, but he maintains today his violation of the Taylor rule was no harm no foul.

Chairman Bernanke should be rejected for his grievous previous mistakes that helped cause this economic debacle, and he should be rejected, even more emphatically, for his failure to learn from his mistakes.

In December, former Chairman Alan Greenspan testified before the Senate Committee on Homeland Security and Government Affairs, saying:

The challenge to contain this threat is more urgent than at any time in our history. Our nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

That is a real warning.

We need a courageous Chairman of the Fed, of the quality and firmness of Chairman Volcker, one who average Americans, and importantly, our top corporate leaders, will recognize as being a consistent voice and force for sound financial policy—one who knows he is not so brilliant that he can cease to be bound by the iron laws of economics and markets.

We need a courageous Fed Chairman who has the firmness of Mr. Volcker to lead us through this period. I have not seen that in Mr. Bernanke and will oppose his nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

AMENDMENT NO. 3302

Mr. BENNET. Madam President, I would like to express my strong support for the Conrad-Gregg fiscal task

force amendment. I thank Chairman CONRAD and Senator GREGG for crafting a proposal that rises above petty Washington partisan bickering.

When my oldest daughter Caroline was born in 1999, our Nation's debt stood at about \$5.6 trillion. Our country welcomed her with an unpaid bill totaling \$20,000—the amount every American would have to pay up in order to balance the budget.

But there was reason for hope. A President was working with Congress, using pay-go and discretionary spending limits—and reducing our annual deficit down to virtually zero, even running a surplus in a much stronger economy than today's.

Two years later, we welcomed Caroline's younger sister Halina into our family. Our debt had jumped to about \$5.8 trillion. She also owed about \$20,000. We had a new administration with new priorities—tax cuts that were not paid for, a prescription drug plan that was piled on the deficit, and unfunded mandates like No Child Left Behind, and the war in Iraq.

In 2004, we welcomed our youngest daughter Anne. The debt had skyrocketed to over \$7.3 trillion. Anne's share of the national debt stood at \$25,000.

By Caroline's 10th birthday last year, the national debt stood at about \$11 trillion—double what it was when she was born. She owed about \$36,000 at this point. I would have to say that is a lousy birthday present for any 10-year-old.

Now we have had to deal with the worst recession since the Great Depression, and the necessary steps we have taken to provide middle class and small business tax cuts and preserve jobs for police officers and teachers have contributed to the red ink.

Today, our debt stands at just over \$12 trillion. Each person owes about \$40,000. By 2019, the White House projects that it will double yet again. If we do not come to our senses soon, we may pass the point of no return with this unfair and vast mortgage on our children's future.

The other day I was at a house party in Denver and I was talking about how we were passing this debt on to our kids and they were going to have to pay it back. Caroline was with me. We walked outside the party and she said: Daddy? I said: What? She said: Just to be clear, I am not paying that back. Which I think is the right attitude we should have. We need to take care of it now.

No Member of this body wants my three daughters or any child to inherit the fiscal mess we have caused. Yet partisan stalemate prevents reform from even getting off the ground.

For my part, I introduced the Deficit Reduction Act, which would reinstitute discretionary spending limits and cap our deficit to 3 percent of the GDP, and

I cosponsored pay-go. Yet even ideas as basic as these have faced stiff opposition.

We need the Conrad-Gregg amendment. Their commission would enable Congress to reduce the deficit without the usual backroom deals, appeasing of special interest groups, and engaging in partisan blamesmanship.

It is a shame that a commission is necessary. But it is. We have to take the partisanship out of reducing the deficit or nothing will get done. The commission can do this. Sadly, Congress, left to its own devices, has proven that it will not.

Conrad-Gregg is a chance to make Congress live by fiscal rules. I commend the President for expressing his strong support for this amendment.

And to my Republican and Democratic colleagues, now is our chance to show that you are serious about real reform—serious about reducing our deficit.

I urge my colleagues to follow JUDD GREGG's lead, and to follow KENT CONRAD's lead. They designed this commission to allow for everyone's point of view.

When I think about extending the debt limit, I cannot help but return to my daughters and all the children across this country. They have their entire lives in front of them.

Most of us in this body are parents or grandparents or aunts or uncles. One way or another, we are in public service to help our kids. Let's view the Conrad-Gregg proposal through their eyes. They are depending on us to plan for their future—to pay for our tax cuts and to restrain our spending impulses to only the most important priorities.

I urge support for the deficit commission proposal. We need 60 Senators to stand for fiscal responsibility. Let's not allow this chance for bipartisan breakthrough to pass us by. Vote yes on Conrad-Gregg. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Senator from Colorado for his very powerful and persuasive remarks this morning. I hope colleagues are listening. This is a time that will define part of our economic future. This vote this morning will be a vote that will be recorded in history.

Senator BEGICH is seeking time.

Mr. BEGICH. Madam President, I am seeking to speak on this issue.

Mr. CONRAD. I yield 5 minutes to the Senator from Alaska, Senator BEGICH.

Mr. BEGICH. Madam President, I rise today to support the Conrad-Gregg amendment. Our economic recovery and our Nation's long-term economic health are at risk. Americans are watching and waiting for Congress and the administration to do the right thing and not accept the status quo.

Deficit and debt will rise to an unprecedented level in the coming decades without major changes in our fiscal policies. As of today, our national debt has reached a staggering \$12.3 trillion. It has continued to climb at an average of \$3.89 billion per day since the fall of 2007.

I am not complaining. Like you, we are freshmen here. But we were dealt the cards and we have the responsibility to take care of it and handle it. If we do not address this, the Federal debt will go skyrocketing from 53 percent of our gross domestic product at the end of fiscal 2009 to more than 300 percent of GDP in 2050. If we take no action, that will be almost three times the existing record which was set back when the debt had reached 122 percent of GDP at the end of World War II. That would leave the economy vulnerable to significant harm.

Since 2001 we have acted as though debts and deficits did not matter. The national debt has nearly doubled since then because of the way we have paid for things such as wars in Iraq and Afghanistan and the Bush tax schemes. Congresses of the past dealt with these by not paying for them and that has made the recession worse. We are on track to double it yet again. Our economic future is on the line and we must work together to fight for stability and a solution.

The fiscal situation is wreaking havoc in my own State of Alaska. Alaska's unemployment rate is at a record level of 8.4 percent. Our economic security clearly is at risk. China is our No. 1 creditor and has put us on notice regarding their concerns about American economic decisions. What would happen if China and other foreign nations decided they would no longer engage in financial relationships with the United States? The answer is frightening: higher taxes and interest rates.

To my friends across the aisle, let's put aside partisan politics and do what is right for the American people. Many of you are preparing to vote against raising the debt limit as well as the Conrad-Gregg amendment and others. In fact, six of my Republican friends withdrew their support for this amendment this past Friday, just 24 hours before the Obama administration endorsed it. What does that say to the American people? What does it say to the American families trying to balance their family budgets? It says politics as usual.

I know my own constituents expect me to play by the same rules they do, to be responsible and pay the bills. I remind all of you that increasing the debt limit does not authorize a single cent of new spending. It simply enables the Government to pay the bills and prevents the truly dire consequence that would cripple us if the Nation were ever in a position of being in a default.

You have a unique opportunity to show Americans that you are willing to put aside your political differences for economic security and the future of this country. I call upon my six colleagues to reconsider and join me in doing the right thing.

Americans are frustrated by the political games that are played here in Washington. I stand here before you wondering if some of my friends across the aisle are suffering from amnesia. How is it that so many of my Republican colleagues voted seven times to raise the debt limit when they were in the majority and voted at least that many times for policies and spending that were not paid for, but today they stand prepared to vote against America simply paying the bills? I call upon my colleagues on both sides of the aisle to support the Conrad-Gregg amendment or, if that fails, other options that I know will be prepared by Senator BAUCUS and others. It is critical that we deal with this deficit.

Again, I am not complaining. I got elected. I ran for this office. We were dealt the cards and it is the responsibility of this Congress to step up, pay the bills, and look at the long-term future. As Senator BENNET laid out, speaking about his family, his child doesn't want to pay the bill in the future. We have a responsibility and it is a painful responsibility because the bills have mounted and there has been a lack of that responsibility over the last decade plus. But it is incumbent upon us to reach across the aisle and figure out the right solution for the long term.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank the Senator from Alaska, Mr. BEGICH, for his strong statement. I also thank him for his attention to the deficit and debt. In meeting after meeting, the Senator from Alaska has been one of the leaders, along with Senator BENNET of Colorado and Senator UDALL of Colorado.

Over and over, they have emphasized the need to our colleagues to face up to the debt threat. I very much appreciate their leadership.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I also wish to express my appreciation to the Senator from Alaska and the Senator from Colorado, Senator BENNET, for supporting this effort by myself and Senator CONRAD.

It is important to note what we are trying to do is address what is coming at us as a fiscal crisis of inordinate proportions which will probably leave this Nation in a situation where it will either be fiscally bankrupt or confronting a massive reduction in the standard of living for our children.

It is a serious issue. I am glad there is a coming together on both sides on the need to address it. At this time I yield 5 minutes to the Senator from Colorado, Mr. UDALL.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I want to start out by acknowledging the tremendous leadership of Senator GREGG and Senator CONRAD. Their work together is a breath of fresh air in a town that, unfortunately, has become polarized over these last months. But the amendment today before us is a chance to start anew.

In that spirit, I rise today in support of the Conrad-Gregg amendment of which I am an original cosponsor. As we have heard, the amendment would create a bipartisan task force to comb through the Federal budget and then make recommendations for reining in our annual exploding deficits.

In this light, I also applaud President Obama's call yesterday for a 3-year freeze in Federal discretionary spending. This is a bold announcement. The President has made clear he has heard the American people, including those from Colorado who have asked that the Federal Government get control over its ever-increasing deficits and debt.

Deficit spending, kept as a manageable percentage of our economic output, is one thing, but a deficit of the magnitude that we now face is not sustainable. The trajectory we are on makes our current annual deficit look like peanuts. We are at, in sum, a critical point in our Nation's economic history. If we fail to address this issue now, the Federal deficit will have significant economic ramifications in the short run, as Senator GREGG has pointed out, and it will severely undermine the prospects for our children and our grandchildren in the long run.

Our exploding debt could drive disastrous inflation and leave future generations with fewer resources to invest in, among other things, infrastructure and education. My colleague from Colorado, Senator BENNET, put it in perspective when he said: Each and every Coloradan today owes \$40,000 to our national debt. In addition, American taxpayers last year put forward \$250 billion to our creditors just for interest payments on our debt. Think what that \$250 billion could have done if it was not directed to those interest payments.

If we do nothing, by the year 2019 the American taxpayers will owe over \$700 billion in annual interest alone. That is more than we spent last year to fund two wars and finance all of our other defense responsibilities.

So we have a daunting challenge. We need to spur job creation, spend wisely, and also chart a course for a balanced Federal budget. Our government, as Senator BENNET pointed out, should

live by the same budgeting rules hard-working Colorado families live by every day. It makes no difference what your political party is, commonsense budgeting is just good policy.

In the coming days I look forward to hearing more about President Obama's proposals to put a freeze in place. I want to study the budget the White House will send us too. I am going to keep fighting for other solutions, practical solutions, to restoring fiscal responsibility, such as tough statutory pay-go rules, earmark reform, a line-item veto authority for the President, and offering the Conrad-Gregg fiscal task force that is before us today.

Unfortunately, as is often the case, partisan politics continues to get in the way of pragmatic solutions, and there has been more interest in casting blame for deficit spending than breaking the mold and trying a new approach. Well, I have something to say today. Both parties are responsible for the present situation. So let's quit pointing fingers and let's go to work and bridge our political divides. We can do that by putting in place this bipartisan fiscal task force to review the entire budget and then force us to take a vote on those recommendations.

It will be a hard pill to swallow, but it is medicine that we need to take. In today's political atmosphere, it is unfortunate that the Democrats and Republicans have a hard time finding common ground. But this Gregg-Conrad Commission provides a strong example of how we indeed can and must work together on bipartisan solutions to meet our Nation's most pressing problems.

Coloradans, I know, expect no less from me or from Senator BENNET. The fact that President Obama has signaled his strong support for this amendment underlines the critical importance of this effort.

Back in Colorado, back in New Hampshire, back in North Dakota, and throughout the rest of the United States, families are tightening their belts, living within their means, and paying down their own personal debt. When they look at Washington, all they see is partisan bickering and exploding national debt, and no efforts to find viable solutions.

So, in my opinion, and the opinion of many Senators, the best and perhaps the only way to effectively address this potential calamity of a tsunami of debt is through a special process such as that being proposed by Senators CONRAD and GREGG.

I urge my fellow Senators to support this amendment. We can move ahead in a responsible and important way.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the Senator from Colorado, Mr. UDALL. Over and over, he has emphasized the need for fiscal responsibility

in dealing with the long-term debt. I very much appreciate his words this morning.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I do not think there is any disagreement among Senators that it is important to reduce our deficit and debt. That is not the issue at all. So that should be off the table. The question is how.

Madam President, the journalist Brooks Atkinson once said:

The perfect bureaucrat . . . is the [person] who manages to make no decisions and escape all responsibility.

The Senators from North Dakota and New Hampshire have come up with the perfect process to transform all Senators into bureaucrats. They have come up with a process that saves all Senators from making decisions.

They have come up with a process to escape Congress's central responsibility.

At the core of the Conrad-Gregg proposal is the idea that Senators could not amend this new commission's recommendations. Senators could not change the commission's product. Senators could not exercise their central responsibility as legislators.

Two things most define a Senator. Senators can amend legislation, even with different subjects. And Senators can debate legislation, sometimes at length. The Conrad-Gregg proposal curtails both of those defining powers.

The Conrad-Gregg proposal completely eliminates the ability to amend. And the Conrad-Gregg proposal sharply limits the ability to debate.

And that is why the first amendment that this Senator offered would protect Social Security. The Conrad-Gregg proposal would not allow Senators to offer amendments to protect Social Security later. So that is why we have to vote to protect Social Security now, while we still can.

The Conrad-Gregg proposal would allow Senators to escape responsibility for cutting Social Security later. So that is why we have to vote now, while we still can, to ensure that this new commission cannot cut Social Security later.

Social Security is a solemn contract that we as a Nation made with our seniors. They were the Greatest Generation. They fought World War II. They fought in Korea. They worked a lifetime. They paid their taxes. And now, we owe them the benefits that they earned.

Social Security is one of the greatest poverty-fighting machines ever invented. If Social Security did not exist, 44 percent of America's seniors would live in poverty today. Social Security lifts 13 million American seniors out of poverty.

America's seniors rely on Social Security. For two-thirds of America's

seniors, Social Security provides most of their income. For one-third of America's seniors, Social Security provides almost all of their income.

The chairman and ranking Republican member of the Budget Committee have painted a big red bull's-eye on Social Security. Their commission is a Social Security-cutting machine.

This morning, we will put that proposition to the test. If Senators want to put Social Security on the cutting table, then they should vote against my amendment. But if they truly want to protect Social Security, if they do not want this new commission to cut Social Security, then they should vote for my amendment.

At least with regard to Social Security, let us not stand by like bureaucrats. Let us take responsibility. And let us protect this vital lifeline.

I regret that I have only one other amendment slot available to me. Because I also want to offer an amendment to protect veterans programs. We owe a solemn duty to America's veterans, as well.

I also want to offer an amendment to protect America's ranchers and farmers from this commission's cuts.

I also want to offer an amendment to protect America's poorest citizens from this commission's cuts to Medicaid.

The point is: We don't know where this commission will cut. All we know is that if we adopt this new Conrad-Gregg commission, we will not be able to offer amendments to stop it from cutting Social Security, Medicare, veterans programs, farm price supports, or the safety net for the poorest among us.

Yes, we should address the fiscal challenges before us.

But that does not mean that we have to become bureaucrats. That does not mean that we have to stop making decisions for ourselves. That does not mean that we have to give up all responsibility.

For those who favor creating a fiscal commission, there is an alternative. Pending before the Senate, in addition to the Conrad-Gregg commission, is this Senator's amendment to create a fiscal commission.

My amendment would create the exact same commission as the Conrad-Gregg amendment. But my amendment would not create new fast-track procedures for the commission's product.

Thus, my amendment would allow Members of Congress from both parties to come together to formulate policies to address our fiscal challenges.

But my amendment would protect the rights of Senators to offer amendments to the commission's recommendations. My alternative would allow Senators the best of both worlds—a bipartisan statutory commission, without the damage to the Senate's process.

Some who advocate the Conrad-Gregg amendment have asserted that

we have employed special procedures like the Andrews Air Force Base summit to enact prior budget agreements. They cite these budget agreements as a reason to adopt the Conrad-Gregg amendment.

But let's look at two recent budget agreements, those of 1990 and 1997. Both of these agreements led to substantial deficit reduction.

Congress enacted both of these budget agreements using the existing budget process. Both in 1990 and in 1997, Congress employed the budget reconciliation process to enact these agreements.

And as a result, the Senate considered numerous amendments to each of these amendments.

The 1990 budget agreement had the support of the first President Bush as well as the Democratic leadership of Congress. Even so, the Senate considered 23 amendments. The Senate voted on 21 amendments to that legislation. That was a broad, bipartisan agreement. But the Senate still allowed amendment. And then, the Senate passed that landmark legislation, using the existing budget process.

Again, in 1997, the President and the congressional leadership came together in a bipartisan budget agreement. That time, in 1997, it was President Clinton and the Republican leadership in Congress. And even though it was a bipartisan agreement, the Senate considered 77 amendments. And the Senate voted on 47 amendments to that legislation. And then, the Senate enacted that landmark legislation.

Thus, in the two most successful recent bipartisan efforts to enact substantial deficit reduction, the Senate employed the existing budget process. And the Senate allowed Senators to amend those agreements.

That is the process that Congress employed in 1990 and 1997. And that is the process that Congress should employ to implement any bipartisan agreement today.

This Senator knows something about bipartisan agreements. This Senator knows something about legislating.

Moving major legislation is not easy. But it is not impossible, either.

This Senate has, in recent memory, passed legislation to reform health care. We have enacted legislation to expand coverage for children. We have enacted legislation to provide life-saving prescription drugs to America's seniors. We have enacted legislation to cut taxes broadly for middle-income Americans.

And this Senate has, within the memory of this Senator and many of our colleagues, enacted major deficit reduction legislation in 1990, in 1993, and again in 1997.

None of those efforts came easily. But then, few good things in life do.

That does not mean that they were impossible. That means that they took

skill. That means that they took effort. That means that they took courage.

Bureaucrats do not enact great legislation. Senators do.

I call upon my colleagues. The people of our States elected us to do this work. Let us not shirk our responsibility.

Let us make decisions for ourselves. Let us accept the responsibility that our constituents gave us. And let us reject this commission.

AMENDMENT NO. 3300, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent that my amendment No. 3300 be modified with the modification I send to the desk.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

The amendment (No. 3300), as modified, is as follows:

At the appropriate place, insert the following:

( ) (a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BAUCUS. This modification, which I make on behalf of Senator GRASSLEY and myself, would make clear that changes to Social Security taxes would be off the table, as well.

The Parliamentarian's Office has advised us that this is how the Chair would have interpreted my original language. This modification makes that entirely clear.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, would the Chair advise us as to the status of the time?

The PRESIDING OFFICER. The Senator from New Hampshire has 19 minutes, 13 seconds remaining. The Senator from Montana has 4 minutes remaining. The Senator from North Dakota has 6 minutes remaining.

Mr. GREGG. I yield 5 minutes of my time to the Senator from North Dakota.

Mr. CONRAD. I thank the Senator from New Hampshire and the Chair.

Mr. President, this debate is about the economic future of the country. This is the headline in Newsweek magazine from December 7, 2009: "How great powers fall. Steep debt, slow growth, and high spending kill empires—and America could be next."

If you go to the inside of the story, it reads:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the federal budget to balance over the next five to 10 years, the danger is very real that the debt crisis could lead to a major weakening of American power.

That is what this debate is about. We are on a course that is totally unsustainable. We are headed for a debt of 400 percent of the gross domestic product in 50 years. That is the estimate of the Congressional Budget Office and others who have looked at it, including the Government Accountability Office and the Office of Management and Budget. All of them have warned that we are on an utterly unsustainable course.

The National Journal, in an article on November 7 last year, said:

The debt problem is worse than you think.

In the article, they said:

Simply put, even alarmists may be underestimating the size of the (debt) problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

Senator GREGG and I, after several years of effort and consultation with our colleagues, have come up with a proposal we will be voting on in just minutes. It provides that all task force members are directly accountable to the American people. There are 18 members of the task force—16 Members of Congress evenly divided between Democrats and Republicans and 2 representatives of the administration, with the Secretary of the Treasury being specifically named.

For those who have asserted that this is an outsourcing of our responsibility, no, this is an outsourcing to ourselves. Sixteen of the 18 members of the commission are Members of Congress. Two are representatives of the administration. It is currently-serving Members of Congress selected by the Democratic and Republican leaders, with the Treasury Secretary and one other official representing the administration. These are people who are accountable to the American people. This is not an abdication of responsibility; this is an acceptance of responsibility, an acknowledgment that what we have been doing has not worked. What could be more clear?

The record is there for everyone to see—a doubling of the debt in the previous administration, a scheduled doubling of the debt in the current administration if we fail to act. The fiscal

task force we have proposed has everything on the table, spending and revenues.

The proposal we have made provides for an expedited process, with recommendations to be received after the 2010 election, with fast-track consideration in the Senate and the House. It is true, we have a proposal that does not permit amendments. Why? Because all of us know the game that is played. If we permit amendments, there will be a Democratic amendment and there will be a Republican amendment. There will be a dozen other amendments that will suggest they have a way of doing what needs to be done, and that will then permit them to actually vote against the final resolution. That is what has happened year after year, as the debt has mounted and mounted.

What we are proposing leaves no place to hide. Let's give 18 Members and representatives of the administration the responsibility to come up with a plan, and then let's vote on the plan, with the final vote before the 111th Congress adjourns. Every Member of this Senate will have a chance to vote. When they say this is outsourcing, it is outsourcing to Members of Congress and the administration to come up with a plan. There is no outsourcing of the vote. The vote is going to occur right here and in the House.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. GREGG. I yield the Senator an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. In addition, we have done everything we can, Senator GREGG and I, to ensure a bipartisan outcome. Fourteen of the 18 task force members must agree to the recommendations. Final passage requires supermajorities in both the House and Senate. The President still retains his veto power. Make no mistake, Congress makes this decision and the President must agree.

The President has issued this week-end a very strong endorsement of the proposal. He said:

That's why I strongly support legislation currently under consideration to create a bipartisan, fiscal commission to come up with a set of solutions to tackle our nation's fiscal challenges.

The American people support this effort. In a recent poll by Peter Hart, 70 percent favor the creation of a bipartisan commission.

On the question of what is included, we have said everything should be included. Why? Look at where we are. The red line is the spending line. Spending as a share of our national income is the highest it has been since 1950. Spending is the highest it has been in 60 years, and revenue is the lowest it has been in 60 years. Of course, the task force has to look at both.



The assertion has been made that the task force would put the bull's-eye on Social Security and Medicare. We have just learned from the Congressional Budget Office that Social Security is cash-negative today, and the report just released 1 hour ago by the CBO says that Social Security is going to be cash-negative every year but two until 2016 and then it is going to be permanently cash-negative. Those who want to defend Social Security are going to have to change Social Security because Social Security is headed for insolvency. The same is true of Medicare. Medicare is cash-negative today. The trustees tell us it will be bankrupt in 2017, 7 years from today.

Let me conclude by saying that over and over we have heard people come to the floor and say: We know we have a problem. How do we deal with it? I suggest to my colleagues, trying what we have been doing is a proven failure. It is time for something different. It is time for an attempt that brings both sides together, Republicans and Democrats, with an assurance that the recommendations of the commission come to a vote to face up to this debt threat. Make no mistake, this country confronts one of the greatest economic challenges in our Nation's history. The question before us today is, Do we have the courage to stand up to it?

I know groups on the right and the left are right now calling our colleagues asking them to vote no. Groups on the right are saying: Well, this could lead to more revenue. Groups on the left are saying: This could lead to reductions in entitlement programs.

Everything must be on the table. America must take charge of its economic destiny. Now is the time. Now is the opportunity. This is a bipartisan proposal to take the debt threat on in a bipartisan way. I urge my colleagues' support.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire has 9½ minutes. The Senator from Montana has 4 minutes. The Senator from North Dakota has 6 minutes.

Mr. GREGG. Did the Senator from Montana wish to speak?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3300

Mr. GREGG. Mr. President, let me first address to my colleagues the issue of the Baucus amendment, as modified now by the Grassley language. I think it is an important amendment.

A lot of my colleagues on our side of the aisle have come up to me and said: We are concerned about the tax issue. I know a lot of people on the other side and our side of the aisle said: We are concerned about the Social Security issue. As I understand the Baucus-Grassley amendment, it essentially says: There is a 60-vote point of order now on Social Security benefits and taxes, so that before you can proceed to the commission's up-or-down vote, you will get two more votes—one on Social Security benefits and one on payroll taxes. So there can be no question but that those two extraordinarily sensitive issues are raised and are aggressively handled in a bipartisan way because you would have to waive it with 60 votes.

That is an important point. The reason I raise it is because I don't think there is a real issue here with Social Security benefits or taxes. I know the interest groups out there are ginning up the issue. That is what they do. That is how they make their money. That is how they get to drive around town in limousines. They send out fundraising letters and say: Conrad-Gregg is going to destroy Social Security or it is going to raise taxes. But that is not going to happen. Who is on the commission? There are eight people appointed by our leadership, Senator MCCONNELL and Congressman BOEHNER, and there are eight people appointed by your leadership, Senator REID and Speaker PELOSI.

So we are giving them a gun. Do you think they are going to put the gun to their head and pull the trigger on taxes or on Social Security? Of course not. They are going to act responsibly. The proposal they come back with is going to be bipartisan. That is the whole purpose. It is fair, it is balanced, and it will make progress. It will not completely resolve the problem, but it will make progress, and it will say to the world: We are making progress on this absolutely critical problem; which is the fiscal insolvency of our Nation that we are headed toward.

We know, without question, our country goes into what amounts to fiscal bankruptcy probably within 7, maybe 10 years. We will be unable to catch up with the debt we have put on the books. We will be unable to pay for that debt in a reasonable way because, basically, people are going to start saying: I am not going to lend you guys any more money, except at outrageous interest rates.

So we have to take action. We can wait until the time happens. We can wait until we hit this wall. We can wait until we go off this cliff, where our debt goes to 100 percent of GDP, which we know will happen. Today it was reported our deficit this year is going to be at least \$1.34 trillion, and for as far as the eye can see it is going to be \$1 trillion-a-year deficits and the debt

will have doubled in 5 years and tripled in 10 years.

The practical implication of that is our Nation is on a path that is absolutely unsustainable, where our children will get a country where they cannot afford to pay down that debt or, if they do pay it down, it is going to basically take away the resources they would have used—our kids would have used—to buy a house, send their kids to college or get a new car.

Something should be done now. Why wait until we hit the wall? Isn't it our job, as responsible people, as the people who have been entrusted with the governance of this Nation, to do something? If you want to look at the scene of the crime where this has happened, it has happened in the Congress. We are the ones who have put on the books the policies which have led to this crisis, this looming crisis. So it should be our job to straighten it out. That is what this commission, this task force does. It is balanced, it is fair, and it is structured in a way that will be bipartisan because it requires a supermajority—14 of the 18 people—just to report the proposal. Then it requires a supermajority to pass it in both Houses. Then the President has to sign it or it comes back for a 67-vote veto override vote, which is a true supermajority.

So this proposal will be absolutely bipartisan, it will be balanced, it will be fair, it will address the outyear fiscal insolvency of this Nation, and it is the only game in town. There are a lot of other proposals floating around this place, but they are all political cover. That is all they are. They are all political cover. They are structured basically to give people a vote so they can go back and run a campaign ad and say: I was acting responsibly. I voted for the XYZ proposal. But none of those proposals work. We know they do not work. We have been here before. We have seen this before. We have seen this story before. Regular order does not work around here.

So unless you have fast-track approval, unless you have an up-or-down vote, unless you have no amendments—for the reasons the Senator from North Dakota has outlined—unless you have a balanced commission with a supermajority to report, you do not get bipartisanship, you do not get fairness, and you do not get action. So what we propose leads to action.

I wish to say, again, especially to people on my side, if you are concerned about this tax issue—which I think is a straw dog because I know MITCH MCCONNELL is not going to appoint four Senators to this group who are for some sort of massive expansion in taxes, and certainly Congressman BOEHNER is in the same camp, so I think it is a straw-dog argument being ginnyed up by people who basically have other agendas, in my opinion—but if you believe it is a serious argument,



then the Baucus amendment takes it away. It essentially takes it away, the Baucus-Grassley amendment.

So I would hope people would look at that amendment and agree with the chairman of the Finance Committee, the Senator from Montana, Mr. BAUCUS, that this is an appropriate amendment because it redresses the concerns around here on the issue of taxes and on the issue of Social Security and it makes this whole process even stronger.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Thank you, Mr. President.

I thank the Senator from New Hampshire, Mr. GREGG.

There is a real reason why it is important to protect Social Security. Social Security is probably the most successful social program this Congress, this country, has ever adopted. Look how many people it has helped. If we did not have Social Security today, 44-some percent of American seniors would be living in poverty—that many. At one time, it was 50 percent. It is close to 50 percent of America's seniors who would be living in poverty today without Social Security.

These are mostly people who have worked hard during their lives: the World War II generation, the product of the Great Depression, the Korean war. These are hard-working Americans, the real soul of America, by and large, and they deserve Social Security.

About one-third of America's seniors today get almost all their income from Social Security. About one-third get almost all their income from Social Security. So why in the world would we even contemplate cutting Social Security? It makes no sense. That is why I offer this amendment, to make it clear we do not cut Social Security.

Social Security, also, is not a big problem in our American fiscal situation. Social Security does not go “belly up” until about the year 2043. It is not a big problem in our fiscal situation. It is not. There are also reasons why we protect Social Security. Other reasons are recognized by this Congress. In 1985, for example, Senator Hawkins from Florida offered an amendment that passed that Social Security be exempt from the reconciliation process. That is in the law today. In 1990, we took Social Security out of the unified budget. That is in the law today.

This body, this Congress, over the years, has recognized the importance—not the importance, the critical importance—of Social Security. It is so important that it should not be part of reconciliation, and it should not be part of the unified budget. We should protect Social Security. So I say to my colleagues, vote for this amendment I am offering to protect Social Security.

Show to American seniors we hear their needs, we are taking action to protect them.

I hope very much this amendment passes because then it will take one item off this budget commission, if it passes; and it should not pass, in my judgment. I will have more to say about that later because the regular order has worked here. We have cut the budget three times in the regular order since 1990. It works. That is what we, as Senators, should do. We should use the regular order to make sure we do get our fiscal situation back in order. But first let's vote for the amendment to protect Social Security.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I have no problem with the amendment offered by Senator BAUCUS. Basically, what it does is creates another 60-vote hurdle to any work the commission would do, and this underlying proposal requires 60 votes. So I do not see the Baucus amendment as a problem for the vote that will follow. So I would say to Members, Senator BAUCUS has made a strong argument for his amendment and to have another 60-vote hurdle does not change what would be required to get a commission recommendation because we would require 60 votes.

The far larger question is whether we have an alternative approach to what we are currently doing. What we are currently doing I do not think is poised to deal with the challenge of the debt threat confronting the United States. I do not think it is possible for it to cope effectively with what we confront.

Is the Senator from Minnesota seeking time?

Mrs. KLOBUCHAR. No, I am not. Thank you.

Mr. CONRAD. I do not see that the Baucus amendment does fundamental damage to the amendment that follows, and to put up another 60-vote hurdle to protect Social Security is not an unreasonable request by the Senator from Montana, the chairman of the Finance Committee.

On the second vote, I think it is absolutely critical we continue the momentum that has been building to sending a message to the American people and the markets all across the world that the United States is prepared to stand and deal with this debt threat.

Mr. LIEBERMAN. Mr. President, the Senate is at its best when we tackle challenges together, Democrats, Republicans, and Independents working together to solve the big problems that confront this country.

Today we face a monumental problem—our fiscal crisis. Consider the measure before us now; legislation to increase the statutory limit on public debt to over \$14 trillion—a staggering

number. Many of us are loathe to approve this measure to allow the Federal Government to add nearly \$2 trillion to our national debt.

Yet the alternative is also not acceptable; namely, that the United States default on its obligations. If we fail to increase the national debt limit, the United States would have to suspend payments for Active-Duty military salaries, for Social Security benefits, for veterans' compensation and pension payments, and for unemployment benefit and Medicare payments to States.

Still, we should not approve this dramatic expansion of public debt without taking steps here and now to reverse course and get control over this economic crisis. We can do that in a bipartisan manner by approving the Conrad-Gregg amendment. This amendment, which I have cosponsored and which has the support of President Obama, would put in place a commission to make recommendations on how to reduce the deficit. These recommendations would be considered by the House and Senate under fast-track procedures and would not be amendable.

Like so many Americans I have become increasingly alarmed by the magnitude of mounting debt our country carries and the potential impact of our unfunded liabilities. I believe that if we fail to act, we will be confronted with an economic tsunami that will far surpass the current crisis. The adoption of this amendment to authorize a fiscal commission will be the first step toward preventing the economic disaster that is looming on the horizon. And, adoption of this amendment will send a message to the American people that Democrats, Republicans, and Independents are ready to work together to put our country first and address the critical issues of the day.

Earlier this year I joined my colleague, Senator VOINOVICH, in introducing a similar bipartisan proposal, the SAFE Commission Act, and last month I joined the chairman of the Senate Budget Committee, Senator CONRAD, and the ranking member, Senator GREGG, in introducing the Bipartisan Task Force for Responsible Fiscal Action Act of 2009, a bill which is reflected in the amendment before us. Both bills call for a fiscal commission to make recommendations on how to restore fiscal sanity and balance. And both bills require that the recommendations be considered under fast-track procedures under which amendments are not allowed. My committee, the Senate Homeland Security and Governmental Affairs Committee, held a hearing on fiscal commissions last year and heard testimony from Senators CONRAD and GREGG as well as former Federal Reserve Chairman Greenspan and former Comptroller General David Walker in support of this concept.

As our long-term economic challenges mount, the need for this type of commission is ever more evident. I have no doubt that all my colleagues are aware of the daunting numbers:

Our national debt is about \$12 trillion and rising.

Nearly half of the \$7 trillion in publicly held debt is held by foreign governments.

Interest on Treasury debt securities this year is \$382 billion. Consider now many worthwhile programs we could fund with \$382 billion.

Our current national debt pales in comparison to our unfunded promises and commitments.

Current unfunded liabilities considered together total \$56.4 trillion, according to information published by the Peter G. Peterson Foundation.

Mr. President, \$36.3 trillion of this is Medicare benefits not covered by taxes and other contributions, and \$6.6 trillion of this amount is Social Security benefits not covered by taxes and other contributions.

This unfunded liability comes to \$483,000 for each American household.

Total spending for this current year is around \$3.7 trillion, and only \$1.2 trillion of this is discretionary, or subject to appropriations. Simply put, we have very little control over most of our spending. And this pattern only gets worse as the 77 million baby boomers retire in ever larger numbers further straining the balance sheets for Medicare and Social Security. My great concern in the context of health care reform has always been that we not do anything to exacerbate the uncontrollable costs on our national ledger.

Our children and grandchildren must pay these bills and face the economic perils that large deficits can induce, including reduced national savings, pressure on interest rates, and dependence on foreign governments to finance our debt. Recently, a lead Moody's analyst, when commenting on our current and projected deficits, stated that the AAA rating of the United States is not guaranteed.

The solutions to addressing our staggering fiscal imbalances revolve around implementing unpopular measures like cutting spending or raising revenues, and controlling health care costs. Yet Congress as an institution has proven itself incapable of enacting such bitter medicine. Our constituents don't want their taxes raised, their benefits cuts, or their Federal services pared back. The very structure of Congress makes it difficult to advance the kinds of legislative proposals that are necessary to achieve substantial and long-term fiscal balance in the face of constituent opposition. And the partisanship that has become pervasive makes a difficult task impossible.

This is why I am convinced that the only way to enact real fiscal reforms is

by a special process such as that contained in this proposal to establish a fiscal commission. I commend President Obama for coming out in support of this amendment and urge all Members of this body to vote for this amendment and in doing so vote for the future vitality of our economy and strength as a nation.

Mr. KERRY. Mr. President, this vote is a difficult one for procedural and process reasons. Many of us worry about the precedent of circumventing key Senate committees on such vital issues where Congress's responsibility is clear and compelling.

Still, a larger and looming reality is staring us in the face. This is no ordinary moment. We cannot continue our current fiscal path and rely on China to finance our debts for decades. With the Federal budget deficit at \$1.4 trillion this year alone and the Federal debt at above \$12 trillion, it is undeniable that we must together address soaring Federal spending and revenue issues, and we must also find real answers that preserve critical programs like Social Security and Medicare for future generations.

We have been in difficult fiscal circumstances before. When I first came to the Senate, we were saddled with then-record deficits and I broke with many in our caucus to support the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act of 1985. That initiative wasn't perfect but it was a start—and it marked a break with an attitude that the sky was the limit for spending. During the 1990s, I supported spending cuts and fiscal restraint that helped lead to budget surpluses. Unfortunately, in 2001 we began an 8-year period where the Vice President of the United States himself famously advised that "deficits don't matter." Run-away spending coupled with massive tax cuts for those at the top helped turn projected surpluses into all too real record deficits. Two wars, and a near-financial collapse, bail-out, and a needed stimulus have all added to the situation we face today. We need to put aside partisan differences and work together to control the deficit.

That is why I have voted in favor of the Conrad/Gregg amendment which creates a bipartisan fiscal task force. These issues cannot be ignored. There are many ways we must tackle them in the years ahead—and this commission should be just one of them, and I also believe Congress should have the opportunity to amend the task force recommendations. I will continue to work with Senate Budget Committee Chairman CONRAD and President Obama to develop a task force that will put our Federal budget on a sustainable path.

In the past, I have introduced line-item veto legislation and cosponsored legislation to address corporate subsidies. These ideas need to be revisited.

We should be open to all ideas that will reign in looming deficits. The bottom line is undeniable: these questions cannot be deferred or denied, they must be addressed, and that will require more—much more—than this single vote by the Senate.

Ms. MIKULSKI. Mr. President, people are angry and they are anxious. They are worried their middle class way of life is slipping by. During the last several months as I listened to people they had very clear messages.

First, ensure the solvency and stability of Medicare and, they said, no Medicare rationing.

Second, they said to get the government's fiscal house in order. They said to be as frugal as they have to be in their own homes.

I absolutely agree the government has to get its fiscal house in order. And I am unrelenting in making sure that Medicare is there when people need it, and is there in the way their doctor says they need to have it.

I fear this commission is a back door to rationing Medicare. I pledged during health care reform, and I pledge now, I will not ration Medicare.

I agree that Congress needs a gut check on spending, but we don't need a gutless vote. I worry that this commission will be a fast track process to ration Medicare run by a group with limited accountability selected by the very same politicians who were incapable of making the tough decisions. I will not vote for a commission to ration Medicare.

Social Security is not the real cause of the debt crisis. It has never added to the debt. It can be fixed through regular order with small tweaks that don't cut benefits.

I believe tough decisions on the budget and revenue should be made in the full light of day and through regular order with full accountability, and without subcontracting responsibility to a commission.

I support the goal of fiscal responsibility. We need urgent action. We must clean up the mess of many years of failed economic policies while ensuring the long-term health and economic security of Americans through the protection of Medicare and Social Security and at the same time, be aware that we must deal with job creation and the wrenching problem of home foreclosures.

I have made tough budget decisions in the past. I opposed tax cuts that went to the lavishly wealthy and cuts that let hedge fund managers pay lower taxes than their secretaries. I opposed tax cuts for corporations that shipped jobs overseas. I have used the powers of both my office and of other institutions to fight waste, fraud and abuse.

In the late 1990s, I was one of nine votes against repealing the Glass-Steagall Act which allowed banks to make risky bets with families' checking accounts with little regulation and

no accountability, leaving taxpayers to clean up the mess with TARP. And it created the go-go permissiveness that got our economy into a ditch with a big recession that is part of the debt problem.

During the prescription drug debate I voted against the bill because Bush and the Republican Congress refused to allow the government to negotiate with drug companies for lower prices. It was just one more give away for drug and insurance companies so they could charge seniors and the government more for prescription drugs.

I have stood for strong and independent inspectors general at Federal agencies so they have power to ensure fairness and accountability. I asked the Department of Justice IG to investigate when political appointees were awarding grants to their friends. And IG made recommendations to reform the grant process.

I asked the Government Accountability Office to recommend reforms for the Chesapeake Bay Program to focus the bay program on results because the bay program was fudging its data to overstate progress in cleaning up the bay.

I have fought on my own committee against botched government boondoggles—lavish conferences with \$4 meatballs at the Department of Justice, satellite construction contracts that have run billions over budget and years behind schedule, and Enron-like accounting in the AmeriCorps Program.

And I have supported strong protections for whistleblowers, so talented civil servants can come forward about wrongdoing without fear of retribution when they uncovered corrupt practices. I believe some commissions can work, like the Bipartisan Policy Center's Debt Reduction Task Force headed by Pete Domenici and Alice Rivlin that will issue tough recommendations on revenue and spending.

I look forward to their findings and I want to hear recommendations from others. I would support a commission like the one proposed by Senator BAUCUS where there could be amendments and full debate so we could vote to stop the rationing of Medicare and raising taxes on the middle class.

I support the goal of fiscal responsibility. I don't support this process with its fast-tracking, muffling of amendments and limited debate. This is not the way to address programs touching every American family. I don't support shifting the burden and risks to seniors and their families.

I will not support this commission or rationing Medicare, raiding Social Security or any backdoor way of raising taxes on the middle class.

Mr. SPECTER. Mr. President, I agree with strong comprehensive efforts to eliminate the annual Federal deficit and reduce the national debt. Regret-

tably, the events of the past several decades demonstrate that Congress has failed to demonstrate the political will to deal with the deficit and debt.

However, I am concerned about legislation to delegate to a commission Congress's core constitutional responsibilities on matters like Social Security, Medicare, and revenue.

I was deeply involved in a related issue when I was the lead party-plaintiff and personally argued against the closing of the Philadelphia Navy Yard in the case of *Dalton v. Specter*. In a similar context, the Congress created a military base closing commission which decided which bases to close with only a yes-or-no vote by Congress on the entire package. I argued the case personally in the Supreme Court of the United States in 1994 and the Court upheld the closing of the Philadelphia Navy Yard in the context that the Court would have had to overturn closures of some 300 other bases involved in the same commission report.

It is a tough vote to again vote to raise the debt ceiling, but it is indispensable if the U.S. Government is to function and retain its credit standing in the world commercial markets. I will continue to work and to press my colleagues to exercise the political will to eliminate the deficit and reduce the national debt.

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes.

Mr. CONRAD. How much time does Senator BAUCUS and Senator GREGG retain?

The PRESIDING OFFICER. The Senator from Montana has 1 minute. The Senator from New Hampshire has 20 seconds.

Mr. CONRAD. All right.

Mr. GREGG. Mr. President, I am sorry, what is the time again?

The PRESIDING OFFICER. The Senator from New Hampshire has 20 seconds.

Mr. CONRAD. Mr. President, would the Senator like me to yield half my time to him?

Mr. GREGG. No. I will yield my 20 seconds to the Senator from North Dakota to complete our presentation.

Mr. CONRAD. I thank the Senator.

Let me go back to where I began.

What is this about? This is fundamentally about the economic future of the United States. Newsweek magazine, cover story, December 7: "How Great Powers Fall." "Steep debt, slow growth, and high spending kill empires."

Colleagues, is there any doubt we are on a collision course with economic reality? The Congressional Budget Office, 1½ hours ago, issued a new report saying the deficit for this year will be \$1.350 trillion—\$1.350 trillion—and, in coming years, staggering deficits for as far as the eye can see. The debt—which

swelled to more than double its 2001 level during the previous administration's 8 years—the debt is expected to rise by a similar magnitude over the next 5 years and then again in 10 years.

There is, to me, no question that doing things the same old way that has led to this crisis is unlikely to lead to a different result. Senator GREGG and I have a special responsibility to our colleagues with respect to the budget. The budget process—if you look at it—we have done 35 budgets since the Budget Act; 29 of the 35 have been for budgets of 5 years or less. This is not a 5-year issue; this is a long-term issue. In the short term, we have had to take on more deficits and debt to prevent a global economic collapse. But now we must pivot and put in place a long-term plan to deal with the crisis confronting this Nation.

That crisis is a debt threat of unprecedented proportion. Never before in American history have we faced the prospect of a debt that would reach 400 percent of the gross domestic product of the country; increasingly, that debt is financed by borrowing from abroad. Last year, a substantial portion of the debt was financed by foreign entities.

This is the time. This is the moment. This is the chance for us to put in place a process to deal with the debt. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana has 1 minute remaining.

Who yields time?

The Senator from Montana is recognized.

AMENDMENT NO. 3300

Mr. BAUCUS. Mr. President, I am happy to learn from the Senator from North Dakota he favors my amendment or at least he says it would not cause any injustice to his central mission.

My main point is, the regular order does work here. In 1990, 1993, 1997, Congress passed reconciliation budget resolutions that worked, and I believe, frankly, we have it within ourselves as Senators to do the same again, to pass a budget resolution through reconciliation to get the deficit under control, working with the President. I very much hope the President, in his State of the Union Message and his budget that is placed in the Congress, starts to get the budget under control. Very much of this depends upon the President and working with the Congress. It is not just Congress. I urge all of us to remember the regular order has worked in the past. It has worked several times.

The Andrews Air Force Base agreement was put through regular order. Regular order does work, and that is what we as Senators should do. We are not bureaucrats. We are Senators.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Baucus amendment No. 3300, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 4 Leg.]

#### YEAS—97

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Ensign     | McCaskill   |
| Alexander | Enzi       | McConnell   |
| Barrasso  | Feingold   | Menendez    |
| Baucus    | Feinstein  | Merkley     |
| Bayh      | Franken    | Mikulski    |
| Begich    | Gillibrand | Murray      |
| Bennet    | Graham     | Nelson (NE) |
| Bennett   | Grassley   | Nelson (FL) |
| Bingaman  | Gregg      | Pryor       |
| Bond      | Hagan      | Reed        |
| Boxer     | Harkin     | Reid        |
| Brown     | Hatch      | Risch       |
| Brownback | Hutchison  | Roberts     |
| Bunning   | Inhofe     | Rockefeller |
| Burr      | Inouye     | Sanders     |
| Burr      | Isakson    | Schumer     |
| Byrd      | Johanns    | Sessions    |
| Cantwell  | Johnson    | Shaheen     |
| Cardin    | Kaufman    | Shelby      |
| Carper    | Kerry      | Snowe       |
| Casey     | Kirk       | Specter     |
| Chambliss | Klobuchar  | Stabenow    |
| Coburn    | Kohl       | Tester      |
| Cochran   | Kyl        | Thune       |
| Collins   | Landrieu   | Udall (CO)  |
| Conrad    | Lautenberg | Udall (NM)  |
| Corker    | Leahy      | Vitter      |
| Cornyn    | LeMieux    | Voinovich   |
| Crapo     | Levin      | Whitehouse  |
| DeMint    | Lieberman  | Wicker      |
| Dodd      | Lincoln    | Wyden       |
| Dorgan    | Lugar      |             |
| Durbin    | McCain     |             |

#### NOT VOTING—3

|           |        |      |
|-----------|--------|------|
| Murkowski | Warner | Webb |
|-----------|--------|------|

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is agreed to.

#### AMENDMENT NO. 3302

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3302, offered by the Senator from North Dakota, Mr. CONRAD.

Mr. CONRAD. Mr. President, how much time is available?

The PRESIDING OFFICER. There is 1 minute on each side.

Mr. CONRAD. Mr. President, I will take 30 seconds.

I believe this is a defining moment for this Chamber and for this Congress.

The question before the body is will we adopt a special process to face up to the debt threat looming over this Nation. We are headed, I say to my colleagues, for a debt 400 percent of the gross domestic product of this country.

Senator GREGG and I have proposed, in a bipartisan way, with bipartisan co-sponsorship, a plan to look at spending and revenues. The revenues are the lowest they have been in 60 years. The spending is the highest it has been in 60 years. It is time for us to take on this challenge, to do it together, to strengthen our Nation.

I urge our colleagues to vote aye.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, there is no doubt that we have to get our fiscal house in order. That is not an issue before us right now. So let's take that off the table. All Senators agree we have to address our fiscal situation.

Second is the question of what is the best way to do it. I remind our colleagues that we have used the regular order to cut budget deficits in 1990, 1993, and 1997. The Andrews Air Force Base summit agreement was passed through regular order, through reconciliation. We have done it. We have used reconciliation, regular order to get budget deficits under control.

In addition, I have an alternative commission amendment. It is the same as the Conrad commission but with one exception, and that is it is amendable on the floor of the Senate. So if you want to have some sense of Senators—we are not going to be bureaucrats, we are going to be Senators—my amendment allows a commission where we as Senators can amend the commission's recommendations.

Regular order has worked in this body—new Members do not know that—in 1990, 1993, and 1997.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3302.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 5 Leg.]

#### YEAS—53

|           |           |        |
|-----------|-----------|--------|
| Alexander | Bond      | Conrad |
| Bayh      | Boxer     | Corker |
| Begich    | Carper    | Cornyn |
| Bennet    | Chambliss | Dorgan |
| Bingaman  | Collins   | Durbin |

|            |             |            |
|------------|-------------|------------|
| Enzi       | Klobuchar   | Pryor      |
| Feingold   | Kohl        | Reid       |
| Feinstein  | Landrieu    | Schumer    |
| Franken    | Leahy       | Shaheen    |
| Gillibrand | LeMieux     | Tester     |
| Graham     | Levin       | Udall (CO) |
| Gregg      | Lieberman   | Vitter     |
| Hagan      | Lincoln     | Voinovich  |
| Isakson    | Lugar       | Warner     |
| Johanns    | McCaskill   | Webb       |
| Johnson    | Menendez    | Wicker     |
| Kaufman    | Nelson (NE) | Wyden      |
| Kerry      | Nelson (FL) |            |

#### NAYS—46

|           |            |             |
|-----------|------------|-------------|
| Akaka     | DeMint     | Murray      |
| Barrasso  | Dodd       | Reed        |
| Baucus    | Ensign     | Risch       |
| Bennett   | Grassley   | Roberts     |
| Brown     | Harkin     | Rockefeller |
| Brownback | Hatch      | Sanders     |
| Bunning   | Hutchison  | Sessions    |
| Burr      | Inhofe     | Shelby      |
| Burr      | Inouye     | Snowe       |
| Byrd      | Kirk       | Specter     |
| Cantwell  | Kyl        | Stabenow    |
| Cardin    | Lautenberg | Thune       |
| Casey     | McCain     | Udall (NM)  |
| Coburn    | McConnell  | Whitehouse  |
| Cochran   | Merkley    |             |
| Crapo     | Mikulski   |             |

#### NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask Senator LEMIEUX be recognized to speak for 10 minutes, and immediately following his remarks the Senate stand in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I rise again to talk about the unsustainable spending of this country and the debt that we cannot afford. Just a moment ago a proposal by Senator CONRAD and Senator GREGG to put together a commission to tackle the spending of this country was defeated in this Chamber. I supported the proposal. It was not a perfect proposal. It was a proposal that some Republicans did not like because of the opportunity it might promote to have a tax increase. It was a proposal some Democrats did not like because they thought the spending might be too tough on entitlement programs such as Social Security and Medicare. But it was a proposal that both Democrats and Republicans, I hoped, would like enough to move forward.

The spending problem we have is like a cancer. This Chamber refuses to seek any treatment. While I did not like the proposal completely, I at least supported it because I knew we needed to do something. Our spending is out of control. We have a \$12 trillion debt. The deficit of last year was \$1.4 trillion, more than the past 4 years in the Bush administration combined.

I am new to this Chamber so the bizarre still seems bizarre to me; and perhaps the longer you are here, bizarre

starts to seem normal. But we cannot spend more than we take in. We cannot continue to amass debt for which our children will have to pay. Right now we have to borrow money from countries such as China because we can no longer raid Social Security and Medicare because those programs now need those dollars to be paid out.

At some point this country is going to have to pay the piper. At some point we are going to have to dramatically cut spending or dramatically increase taxes. At some point investors from around the world will not invest in this country anymore because we will not be a good investment. That is already starting to happen. We are already seeing folks from around the world investing in countries such as Brazil because they see it as a superior opportunity to this country.

At some point we will not be a first-rate economic power unless the people in this Chamber and the Chamber down the hall have the courage to do something about it.

What we should be doing is balancing the budget. We should be proposing a balanced budget amendment and a line-item veto for the President. I put forward this measure. The majority of the States do it, the majority of the Governors have that line-item veto, but it is tilting at windmills. I know it is unrealistic because this Chamber will not even do what Senator CONRAD and Senator GREGG tried to do just a few moments ago. I will continue to stand up and speak on this because if we do not sound the alarm, the future of this country is in peril.

Now we are about to embark upon raising the debt limit.

This time, \$1.9 trillion. I have talked about this before, and for those who have heard it, it is going to seem like old news. But I feel as if I have to continue to stress how much money this is. If you take \$1 million and lay it edge to edge, it will cover two football fields; \$1 billion will cover the city of Key West, FL, 3.4 square miles; and \$1 trillion will cover the State of Rhode Island twice. If you stack \$1 trillion from the ground up to the sky, it would go more than 600 miles. This is an enormous amount of money. We throw these amounts around, trillions and billions. It is hard to grasp how much it is. Now our interest payment has become one of the largest payments we make every year, nearly \$200 billion alone on interest. We cannot put band-aids over this. We cannot say we are going to freeze spending; we have to cut spending.

In the State of the Union Address on Wednesday, apparently the President of the United States is going to offer the idea that we are going to cut spending in some discretionary spending items, about 17 percent of the budget. Leader BOEHNER over in the House said it is like going to a pie-eating con-

test and deciding you are going to go on a diet. It is like that family sitting around the table and trying to decide how they are going to cut their spending. Instead of making meaningful cuts, it is like saying: OK, we will cut our spending on beer and pizza. It is not enough. It is not enough. We are spending much more than we can afford to. And my three kids—soon to be four—are not going to want to live in this country because they are not going to have the same opportunities as they could in other places in the world. Shame on us if we fail our children in that way.

So I stand with my colleagues—Senator COBURN, Senator MCCAIN, and Senator ENZI—in support of amendment No. 3303, which is an alternative to increasing the debt ceiling. Instead of increasing the debt ceiling and borrowing more money when we cannot afford to, we are going to cut spending by \$120 billion, which is a good start. How do we do it? We go across all of the agencies and say they have to cut 5 percent. Right now, American families are cutting more than 5 percent from their household budgets. Small businesses in places such as Florida and around the country have to cut more than 5 percent. These are difficult times. When is the last time a government agency cut anything? I bet you could cut 20 or 30 percent out of these agencies and not have a meaningful impact on the services they render. And this asks for 5 percent, a 5-percent cut across the board.

It also directs that agencies consolidate more than 640 duplicative programs that have been found. We know there are more than that. That is just the 640 that have been found. This requires the Government Accountability Office to identify other duplicative programs that can be cut and rescinds unobligated funds—the money sitting out there in the budget for these agencies that they have not spent. Let's take that money back and put that against the deficit. We are borrowing money now. We should not have money sitting around when we are borrowing money and paying interest on it.

So it is a good proposal, and I hope it passes. But the truth is, it probably will not because there are folks in this Chamber, Democrats and Republicans alike, who will not stand up and face the hard truth that we have to cut spending. If we do not make the hard choices and stand up as leaders in this country, our future is in peril. When we look back 10, 20 years from now and it is too far gone, the only folks whom we are going to have to blame are ourselves. This is not a Democratic problem, not a Republican program, it is a problem of this Congress.

Go back to March 2006. The President of the United States, then a Senator, said:

The fact that we are here today to debate raising America's debt limit is a sign of lead-

ership failure, is a sign that the U.S. Government cannot pay its own bills.

Do not take it from me, take it from the President of the United States. We have to do more. I am disappointed that Gregg-Conrad failed. It was not perfect, but it was something. I hope Senator COBURN's measure prevails, but I am skeptical.

The American people get it. The American people understand this is a problem, and that is why we have these big swings in these elections. The same passion that propelled President Obama into office is the same passion that propelled our new Senator from Massachusetts into office, from two opposite parties, because the American people are frustrated that this body does not work. And if we do not change the rules and start to get serious and if we keep muddling along the path of disaster, we are going to fail our country.

We may not get it done while I am here in the Senate. I only have this year. But I am going to keep coming to the floor and I am going to keep speaking out about it because somebody has to sound the alarm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. I ask unanimous consent to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

Mr. BROWN. Tomorrow night, the President of the United States will come down the hall and speak in the House of Representatives, addressing a joint session of Congress, for the State of the Union, the address Presidents have been giving for decades in this country. He will speak directly to the American people, to people in this country who work so hard, play by the rules, but simply can't get ahead. They feel they can't get ahead, and in so many cases they can't get ahead no matter how hard they work. He will speak to Ohioans who understand that it takes more than 1 year to turn around 8 years of failed economic policy.

I listened with some amusement to some of the other speakers before me and am a bit incredulous about the hypocrisy, not of the Senator from Florida, who was not here during the first part of this last decade, but when, with such enthusiasm, so many of my colleagues here voted for a war that probably will cost \$1 trillion before it is over but did not want to pay for it so didn't find a way to cut spending or raise taxes to pay for it, voted for a giveaway to the drug companies, the insurance companies, all in the name of privatizing Medicare—hundreds of billions of dollars that we are paying for, that our children and grandchildren are paying for. Again, though,

they did not cut spending or raise taxes; they added it to the bill, to the debt for our children and grandchildren. And in 2001, 2003, 2005, they voted for tax cuts for the wealthy, who pay much less in taxes than they have historically in this country—again, no spending cuts, no comparable tax increases to make up for that. No wonder we went from a budget surplus a decade ago, when President Clinton took office, to huge budget deficits today.

President Obama made a decision, as he had to in January—a year ago, we lost 700,000 jobs, the month Barack Obama became President. And you have to spend. You have to spend to stimulate the economy. All reputable economists—literally, all reputable economists say that if we had not given the tax cuts, done the help for the States that kept the States from laying off literally hundreds of thousands of police officers, firefighters, mental health counselors, librarians, teachers, people who serve us as a country, they would have lost their jobs. It would have been much worse. And the stimulus spending that is going to help companies such as BASF in Elyria, OH, where the President visited last Friday, that helped create jobs with new lithium battery technology.

The President, as I said, was in my home county, in Elyria, OH, Lorain County Community College, this past Friday. This was the first Presidential visit since 1948 when Harry Truman came to Lorain County, OH, and spoke about how Congress was not doing any of the things that mattered to fight the problems of that day. And the President was not partisan, but the President made it clear that Republicans' reluctance to help get this economy back on track, help with job creation, is really what set us back. That is why the President was in Lorain County to talk about job creation, talk about helping small businesses, talk about helping with exports, talk about helping unfreeze credit because so many companies cannot get credit.

The President also, though, has thrown his support behind what many of us in Ohio are seeing as our State becoming the Silicone Valley of alternative energy. Toledo, OH, has more solar energy manufacturing jobs than any city in America. I was in Cincinnati this week—just yesterday, in fact—and in Cincinnati there is a steel company that was making steel drums for oil fields, and it is now making steel components for wind turbines. I could take you around my State and show you what they are doing in Cleveland, in Mansfield, in Youngstown, and in Akron and Dayton and Columbus, all kinds of job creation with alternative energy.

But we need a better national economy. That is why yesterday in Cincinnati the President and Chairman of

the Export-Import Bank, Fred Hochberg, came to that city at my request and did a roundtable with community bankers on how we can help them help their customers to export more and met with a group of entrepreneurs, a group of businesspeople in Cincinnati who were there in order to learn how to get help so they can export.

The big companies, such as Procter & Gamble and GE, both major, important citizens in Cincinnati, don't need all that much help to figure out how they are going to export products, but smaller companies of 5, 10, 50, 100, and 200 employees need some assistance. When they try to export, when they are working in another country trying to find customers and trying to export their products, sell their products, so often other companies with which they are competing usually have their government standing right side by side with them in partnership.

That is what we need to do for our small businesses, especially our small manufacturers that are trying to sell more products abroad, creating jobs in this country. We know that for \$1 billion we export, it creates—whether it is in Albuquerque or whether it is in Ashland, OH, whether it is in Santa Fe or whether it is in Sidney, OH, we know that \$1 billion in exports creates about 15,000 jobs.

Right now, we have a huge trade deficit, hundreds of billions of dollars in trade deficit. We know that costs us jobs. That is why what happened in Cincinnati yesterday is so important, so the Export-Import Bank can help these smaller companies that want to export, help them find financing, help them figure out how you license products if you want to sell them in Hungary or you want to sell them in Bangladesh or Nigeria or France, help them figure out how to get through the rules and deal with language barriers and deal with all kinds of problems that larger companies have a staff to do. Smaller companies need some assistance, need a partnership with their government. That is what that meeting was all about yesterday. That is what the President understands.

We need to help small business, we need to unfreeze credit, we need to do direct spending for infrastructure to prepare for the future, and we need to export more. Those are some of the keys to job creation. The President, when he speaks down the hall in the joint session of Congress tomorrow night for the State of the Union, will address a lot of those issues. It is time that the obstruction in this Chamber stops, and we can move forward and begin to do those kind of things we need to do.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

## INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 2952 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRANKEN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3308 TO AMENDMENT NO. 3299  
(Purpose: To reduce the deficit by establishing 5-year discretionary spending caps)

Mr. SESSIONS. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SESSIONS. The amendment is proposed by myself and Senators MCCASKILL and KYL.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself, Mrs. MCCASKILL, and Mr. KYL, proposes an amendment numbered 3308 to amendment No. 3299.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. Mr. President, our fathers and forefathers made heroic sacrifices so that we one day might enjoy the blessings of liberty and prosperity. Indeed, we have had prosperity through much of our country's history. Their courage during World War II changed the world, making possible the greatest run of economic growth in history. The character and courage they displayed remains an inspiration to us. And there are important lessons to be learned from the way this "greatest generation" faced adversity.

We have recently been put to the test ourselves. We were—and in many ways

continue to be—faced with a national crisis in the form of a historic and severe recession. So what did we do? We could have learned from President Reagan and Paul Volcker, a Democrat who was then Federal Reserve Chairman and is now working with President Obama. They took the political heat in the short run so the free market could correct itself and emerge stronger on the other side.

Instead, I think we flinched. We tried to limit the immediate pain by mortgaging our children's future. We borrowed hundreds of billions of dollars to finance our standard of living today. We took money from the future so we can spend it today. We tried desperately to mitigate the downturn of a huge economy, even when we know economies are cyclical and do have booms and busts.

Every penny we spent on the stimulus package—\$800 billion—and other special spending was borrowed and must be paid back. In truth though, there is no plan to pay the debt back—only to pay the soaring interest for as far in the future as we can see. So this is not an academic problem, nor is it just a question of public financing and governmental roles.

As former Federal Reserve Chairman Alan Greenspan said about our debt in December—and I think it is a stunning statement—

The challenge to contain this threat is more urgent than at any time in our history. Our Nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

The policies adopted by Congress and the President have set the Nation now on a dangerous course of spending and borrowing. The budget crisis we face is so severe, the mountain of debt so high, that it threatens to undermine the foundation, as Mr. Greenspan said, of our economic strength and our prosperity. This is reality.

For the first time in our Nation's history, our generation stands to bequeath to our children a nation that is less economically sound, less fundamentally strong, and less secure than that which we inherited. And it is not necessary. We can do better if we act today.

It would be an unthinkable tragedy and really a moral failure for us to pass on a less strong country. We have responsibilities not just to our own people today but to those who will follow us in the years to come, and we would have no one else to blame but ourselves.

The numbers tell a grim story. In fiscal year 2009, our government spent \$1.4 trillion more than it took in through revenues. That is the largest deficit in our Nation's history, dwarfing those of previous years. Scaled to the budget of a typical family, the government operated like a household making \$50,000 but spending \$83,000.

That is how much more spending we carried out than we had revenues.

Common sense tells us this is unsustainable, and almost every expert you ask would use that very word: "unsustainable." Yet we expect to run deficits over the next decade that average nearly \$1 trillion annually—averaging that and not going down. According to the Congressional Budget Office, in the 8th, 9th, and 10th year, the deficit continues to increase.

By 2019, we will owe our creditors, including nations such as China and Japan, more than \$15 trillion—three times the total debt of America that existed last year. In 2019, the interest payments we will make on the debt we owe outside the government—the public debt to foreign countries and individuals—will be \$799 billion, almost \$800 billion in one year. That will be up from \$202 billion in interest payments last year. \$800 billion is about \$200 billion more than we spend on defense, and 20 times more than we spend on roads or education. We currently spend about \$40 billion a year on roads, and this interest on the debt will cost us \$800 billion a year in 10 years—a basis of a tripling of our debt.

That growing interest payment will crowd out our ability to fund other important government services, and it will crowd out private borrowers who will need to borrow to create jobs.

Given that we have embarked on such a spending spree, is it any surprise that the first item on the Senate agenda this year is the necessary bill, they say, to raise the debt limit to allow us to borrow more money? We have hit the limit. The government has a limit on the amount of debt it can hold by statute, such as a maximum amount on a credit card. America's credit card has a \$12.4 trillion limit on internal and external debt and, incredibly we have maxed it out again. It should be a dramatic thing to boost that debt limit, but, interestingly, it has become routine.

This will be the seventh time we have done so in 5 years, and it is troubling Americans. The public is rightly angry with Washington's cavalier attitude toward spending. They know "buy now; pay later" catches up with you eventually. They know nothing comes from nothing. The American people know that what Stanford University economist Michael Boskin wrote in the Wall Street Journal is true. He said:

The explosion of spending, deficits, and debt foreshadows even higher prospective taxes on work, savings, investment and employment. That not only will damage our economic future but is harming jobs and growth now.

The American people know that taxes are going to go up, a fact confirmed by David Walker, former Comptroller General and GAO head. He testified recently that taxes would need to double by 2040 to keep up with our current commitments.

The American people have made it clear they reject the philosophy of ever increasing debt. They reject taking on such a burden. Why? Because they know it threatens the strength of the American economy. They know it is a cloud over our efforts to rebound economically, and they want us to stop. They want us to stop.

To my colleagues, I ask: How much clearer does that message have to be? I do not think anyone doubts it. The good news is, many Senators are worried on both sides of the aisle. They are concerned about what we are doing, and they know we need to do better, and they are listening to their constituents. They will have an opportunity this week to do that by supporting this bipartisan legislation I have offered.

I see my colleague Senator CLAIRE McCASKILL from Missouri in the Chamber, who is a cosponsor of this legislation that will limit the growth of spending. So it is a simple amendment. There are no strings attached. It is a rare opportunity to impose budget discipline on a Congress that is notorious for not having any.

That is what makes people angry. Politicians talk a good game but nothing seems to change. But when it comes down to it, the politicians always seem to find a way to spend more, and the taxpayers end up holding the bill. So this amendment would help change that. It would impose, first, binding limits on the 40 percent of Federal spending we control each year, discretionary spending. The amendment would put into law the spending levels approved in the fiscal year 2010 congressional budget, which a majority of the Senate supported. It is basically the Democratic Congress's budget. It had certain limits over 5 years.

What we are saying is if you exceed those limits, then you would be violating this amendment, which seeks to control and avoid that. Those spending levels include only our budget increases that are averaging about 2 percent a year annually over 5 years. Contrast that with the 12-percent increases we saw last year in nondefense discretionary appropriations, and the 10 percent the year before.

Factoring in the stimulus, government spending on nondefense accounts actually soared by 57 percent, while State and local governments were tightening their belts, some cutting expenses.

Each year we increase spending it gets built into the baseline of our budget for the next year, and when we have an increase in the next year, it is an increase on a higher baseline, and it goes up exponentially.

For example, last year, on one bill, the defense bill, there was tacked on an \$18 billion expenditure for various projects that were not paid for within the budget. It was added, paid for with



debt—money we had to borrow. If we do that each year, if we add another \$18 billion through that kind of budget-busting activity, it would cost the taxpayers an extra \$1 trillion over a decade. It is hard to believe, but that is true. Mr. President, \$18 billion one year goes into the baseline; the next year you add another \$18 billion, and it is not \$18 billion, it is \$36 billion more than you would have spent had the first one not been spent.

I am convinced we can do better. This amendment is an important step.

Second, the amendment would require 67 votes—two-thirds of the Senate—to waive the binding caps. In other words, if we set these caps, we can waive them if there is an emergency. But it takes two-thirds to do so. Two-thirds of the Senate is a strong threshold that will keep these caps in place except in times of true emergency.

Finally, this amendment complements efforts to rein in mandatory spending programs that are expected to be insolvent in coming years. Social Security runs a surplus now. Medicare did so until the last few years. Those surpluses are being spent in our discretionary accounts. So these programs have little to do with our record deficits. It is discretionary spending, up until recently, that has driven the entirety of our debt.

Deficits for the most part come from discretionary spending, and this statutory caps idea I have proposed is tested and proven. The Budget Enforcement Act of 1990 included similar provisions that kept the growth of Federal spending low for 12 years. Its provisions were extended in 1997 because people found they were working. Congress felt they were working.

All in all, these budget rules helped to achieve four balanced budgets for 4 consecutive years, from 1998 to 2001. The key component of that, I truly believe, was these statutory caps on spending that were passed during that period.

Many currently serving Senators were in this Chamber in the 1990s and recognized the necessity. In 1997, 28 currently serving Democrats, for example, voted for these provisions, including many of the Democratic leaders in the Senate today. I submit that those budget rules are even more needed today.

As Mr. Greenspan said, we have never faced such a fiscal crisis looming just over the horizon.

I am pleased a number of organizations known for their knowledge and concern about deficits have recognized the merit of this proposal, including the National Taxpayers Union, Committee for a Responsible Federal Budget, the Heritage Foundation, and the Concord Coalition.

Budget experts Douglas Holtz-Eakin, who served under a Republican admin-

istration; Alice Rivlin, who served under the Clinton administration at CBO; and Alan Viard also back the plan. President Obama, we learned today is now talking about a 3-year freeze on some discretionary spending. This legislation would only help him achieve that goal because he can make a speech and he can propose it to Congress, but it doesn't necessarily become law. If he supports this and works to support the statement that we understand he will make in the State of the Union Address, this legislation would be a firewall to make sure his promise isn't broken.

I say this to my colleagues: We have a budget crisis. It is a calamity so profound that it threatens our economic security. Americans across the country—in red States and blue States—get it. They are deeply concerned about the direction in which we are headed. They know the crushing debt we are incurring will weaken our country, and it will restrict the opportunities our children will have. They are making their voices heard.

A vote against this amendment would be a suggestion that a Senator is not serious about maintaining our budget caps but is looking for ways to bust the budget, get around the budget, and spend more.

I urge my colleagues to support the legislation as a strong act of fiscal responsibility that will have a good impact. In fact, I am confident it would send a message to the financial community that we are beginning to get our house in order.

While I would like to go further and be more frugal in some of our behavior around here—and I do believe we are going to have to go further than this—this amendment will ensure that the limits on spending made last year in the budget passed by this Congress will not be exceeded. It will be a firewall that will save us from our excesses. It will begin to restore financial responsibility to our Nation, a commodity of which we are in desperately short supply.

I see Senator MCCASKILL. She has cast a number of tough votes to question reckless spending since I have observed her in the Senate. I appreciate her leadership and courage in speaking out on this issue. If we do this, it will not solve all our problems, but I think it will make a positive difference for us. It will allow increases as the budget allows for some increases before the firewall kicks in. But it also would make it very difficult to break the budget in any significant way, unless we face a true emergency.

I yield the floor and I thank my colleague for her leadership on this legislation.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I acknowledge my colleague, Senator

SESSIONS from Alabama, and welcome the opportunity to join him in an attempt to restore some sanity in Congress about spending.

I come from a State where there is a requirement of a balanced budget, although, over the last couple years, I am not sure how they would have done that without incredible pain if it hadn't been for the help the Federal Government sent them. There is no question that the fact that we don't have to balance the budget in Washington has led to some very bad habits.

I was thinking about spending over the weekend, as this week there are a number of provisions we will debate that I have sponsored or am a big supporter of, including the fiscal task force amendment which went down this morning by a narrow vote, and obviously pay-go, which I have been the lead Senate sponsor on over the last several months. These are all things with which we are trying to fight something that you encounter all the time as a parent. How much easier it is to say yes than no. My kids hate when I give them that lecture because they are always wanting me to say yes. I always say the easiest thing to do is to say yes—yes, you can have that outfit; yes, you can take my car; yes, you can go see your friends, even though I am not sure you finished whatever chores you had around the house. It is always easier to say I will go along with it, it is a good cause.

That is what happens around here. It is not like we are spending on evil stuff. We are spending on stuff we believe in—education, highways, our parks, our military—and we are spending on things that make it even harder to say no.

The time has come that we all have to feel the pain of saying no. We all have to be willing to suffer the political consequences of saying no. That is why this amendment is such an important step in the right direction.

I want to be honest about this because we have a tendency to make things bigger than they are. This isn't going to make a dramatic change in the deficit or the debt. I am not sure how many Americans have focused on the difference between the two, but they are two different things, and it will not make a huge difference. People need to remember that if we took out all discretionary spending and decided we were not going to spend another dime on education, highways or any of the things we decide on spending every year, we will still have a massive deficit problem. We don't fix the deficit by passing this amendment. We don't fix the deficit by saying we are not going to even do discretionary domestic spending anymore. So this is not a fix-all. Do you know what it does? It begins to get us well. It is a little like earmarking. Is earmarking the huge problem? No. But it is similar to a

fever; it is a symptom of a disease. This will help us get well.

It will be a step toward recovery if we can pass this amendment to freeze our discretionary spending. I am so pleased the White House has called for a freeze. I think this is a wonderful bipartisan moment. I think we are all hankering for a good bipartisan moment right now. I hope we are all hankering for a good bipartisan moment. I got worried this morning on the vote on the fiscal task force because it seemed like there might have been some political games being played. I don't know about anybody else, but I am hankering for a good bipartisan moment. This ought to be one, where Republicans and Democrats set aside who looks good and who looks bad, who gets credit and who gets the blame, and do something we need to do.

We used to have a freeze and we used to have pay-go. They were both allowed to expire in 2002. I wasn't here. I am not sure why they were allowed to expire. Did Congress all of a sudden think we don't need pay-go anymore or we don't need limits on discretionary spending anymore because we are out of the woods when it comes to the deficit or debt? I am not sure why that happened. I know most of the folks who let those things expire wish they could take it back. I bet most of the folks who did voting for major entitlement programs without paying for them during that time—I bet they wish they could take it back because now we are in a real mess.

The first and most important step to get out of this mess is to vote to control our spending. I am hopeful this will be passed by a wide margin. Some of my friends on the left have said the last thing in the world we should do now is limit spending, that government is the answer in this difficult recession. I voted for the stimulus, and I think the tax cuts in the stimulus, which don't get talked about enough, and the help to the States, which doesn't get talked about enough, and the jobs that will be created this year are very important to the progress we have made in terms of climbing out of the economic hole we found ourselves in a year ago.

But we will not get out of this recession on the back of government spending. If we decide it is just about government spending during this recession, we are dealing a very bad hand to our grandchildren.

I hope this amendment passes. I hope it is not even controversial. I am so pleased the President is on board, and I am pleased that so many members of the Republican party are on board. Let's take this important step, and then let's live up to it during the appropriations process. Let's realize that pet project at home that we know we can get because we can get an earmark—maybe this is the year to say no

and push back from the table and say all those pet projects, those earmarks, are not the right signal we need to send to the American people this year.

I thank my colleague from Alabama and Senator KYL, who were cosponsors on this. I look forward to wide bipartisan support. I look forward to enthusiastic applause tomorrow night in the President's State of the Union Address, when he lays out his freeze on spending. We are all on board now. Let's make it happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator JUDD GREGG, former chairman of the Budget Committee and ranking member, be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleague for her fine remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3303 TO AMENDMENT NO. 3299

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amended be set aside and I send up amendment No. 3303.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3303 to Amendment No. 3299.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Monday, January 25, 2010, under "Text of Amendments.")

Mr. COBURN. Mr. President, I ask that the amendment be divided in the form which I now send to the desk.

I ask at this time that division I of the original amendment be made the pending amendment.

Mrs. McCASKILL. Madam President, I suggest the absence of a quorum.

Mr. COBURN. I have the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Oklahoma still has the floor.

Mr. COBURN. Madam President, while the Parliamentarian is doing the work that is necessary at this time, I thought I would spend a few minutes talking about this amendment in the interest of saving some time.

We have a significant problem in front of us as a Nation. We have before us an underlying bill that raises the debt that nobody in this room, save the pages, will ever pay a penny toward reducing—nobody except the pages and their generation will pay a penny toward reducing.

This request for increasing the debt limit of \$1.9 trillion, I remind my colleagues, is \$200 billion more than the entire Federal Government spent in the year 1999, 10 years ago. So we, in one fell swoop, in 1 year, we are going to increase the debt by \$200 billion more than what the entire Federal Government spent 10 years ago.

The whole purpose behind this amendment is a wake-up call to say: Wait a minute, the Congress, in the last 2 years, under its leadership, has increased spending 11.4 percent in 2009 and 11.4 percent this year, not counting a stimulus bill and not counting omnibus bills that were not paid for because they were declared an emergency.

If we add all that up, excluding the stimulus bill, we had a 28-percent increase in the size of the Federal Government in the last 2 years—just in the last 2 years. At that rate, the size of the Federal Government doubles over a 5-year period.

What these amendments are designed to do is to get us doing what every American family is doing today; that is, starting to make some of the hard choices about where we have excess, where we have inefficiency, where we have duplication, and eliminate it because we should not ask the American people to take on more debt when we know we have at least \$387 billion worth of waste, fraud, and duplication every year in the Federal Government. Yet that is exactly what we are doing with the underlying bill. We are taking on more debt and not doing anything about the excessive spending or the waste, fraud, or duplication.

The whole purpose behind coming to the floor is to say: Can we not, in light of a 28-percent increase, cut 5 percent in terms of discretionary spending that we just jacked up five times that amount over the last 2 years? Can we not find 5 percent worth of waste? We have identified specifically 640 programs that are duplicative of one another in the Federal Government. We have identified waste. When we go to find out, when we ask the GAO or the Congressional Research Service to help us with this, do you know what they tell us? We cannot; it is too big. We cannot tell you where all the duplication is. That is our own research bodies saying they cannot tell us where it is too big.

This amendment puts a stop to that. It mandates that we in the future, every year, will get a report from the

GAO on every program within the Federal Government that duplicates another program and what their recommendations are to streamline or change it.

The reason it is easy to borrow or easy to raise taxes is because we fail to do the hard work of eliminating the spending waste. We just had the Senator from Alabama wanting to put on some caps. That is not going to be adopted. We know it.

The reason I divided this amendment is because my colleagues will take one segment of it and say: Oh, I was for cutting 5 percent out of the Federal budget, but I just did not agree with this one segment, whether it be education or somewhere else, that we should not cut, and, therefore, I voted against the whole amendment.

This puts the American people in the driver's seat, as far as their Senators are concerned. We are going to get to see whether they agree that we ought to continue to waste money; that we ought to steal it from these pages and their generation and not do the hard work of making a choice and putting things in terms of priority like every American family is doing.

Every American family is doing that right now. They do not have an unlimited credit card. They do not have the privilege of going to the bank when they are tapped out and say: Just give me more money, like we are getting ready to do on extending the debt limit.

The other thing that is in this is leading by example. The Senators increased their budget by 5.8 percent this year. We reverse that. Most of us can easily live within the budget we had last year—easily. So we reverse the increase for the Senate back down to what it was last year.

We should not ask the rest of this government to make a sacrifice that we are not willing to demonstrate by leading on the same issue.

This bill can be the first step in a reality check of getting the Congress back aligned with where the American people are, as far as spending.

Just a year ago, in January of 2009, the national debt was \$10.6 trillion. Today the national debt is \$12.2994 trillion. Forty-three cents of every dollar we spent last year we borrowed, and we are going to do exactly that or worse this next year unless we wake up, unless we come to our senses.

You can have all the arguments you want, but nobody in America believes the Federal Government is not wasteful. Nobody believes it is good enough to just freeze a small portion of discretionary spending. What Americans believe is we need to cut spending. We need to cut out the waste, cut out the duplication, and cut out the fraud. We need efficiency where we can generate efficiency. We need to eliminate duplication where there is duplication.

My friend, President Obama, when he was campaigning said: I promise to spend taxpayer money wisely and to eliminate wasteful redundancy. We are going to help him with that. That is what this amendment does. In 640 programs where there is duplication, we are going to allow an incentive for each department to get rid of it. We are not mandating they have to get rid of it. We are saying: You should do the review. You should take this money, and you should eliminate the duplications. What you need from us to do that, we will give you. But we are giving you the authority to do that with these amendments.

Let me quote from President Obama:

Too often Federal departments take on functions or services that are already being done or could be done elsewhere within the Federal Government more effectively. The result is unnecessary redundancy and the inability of the Federal Government to benefit from economies of scale and integrated streamlined operations.

He is right. So now we are going to give the Senators a chance to support his statement and his position.

Nothing has been done in the last year to accomplish that. As a matter of fact, the President sent program after program that he wanted to get rid of. He said they are not effective, they do not work, they are duplicative, and they are not efficient. What did we do? We did not eliminate a one of them. We just kept funding them. So we cannot claim that the problems lie with the President. The problems do not lie with the President. The problems lie with the elected body of Congress in not making the hard, difficult choices of putting a priority on what is most important and taking the time to do the oversight and explain to the American people why we ought to have the programs consolidated. We may have a goal we want to accomplish and help the American people with, but we certainly ought to do it in the most efficient and effective manner we can.

The other reason to consider this amendment is to think about what is getting ready to happen to us. What is getting ready to happen to us over the next 10 years is we are going to accrue another \$9 trillion in debt if we do not start this process with this amendment today. We are going to accrue another \$9 trillion. Of that \$9 trillion, \$4.8 trillion of it is going to be interest. It is going to be interest costs on the debt. We are going to borrow money to pay the interest on the money that we borrow. It does not have to be that way.

My colleagues will come down and say: The big problem is the entitlement programs. There is no question that is two-thirds of our problem. But the easy thing to fix now and saves billions, if not trillions, of dollars on is the discretionary portion of the budget that we do have control over.

We always hear the excuse: That is not the big problem. The reason it is

not the big problem is because politicians enamor themselves with people at home by spending money we do not have on things we do not need that are not truly a legitimate role of the Federal Government.

The family budget is getting smaller, and the Federal Government is getting bigger. That is just exactly the opposite of what ought to be happening in this country today. Inflation is near zero, but yet we are increasing spending, like I said, 11.7 percent last year. That does not include the supplemental emergency spending and does not have any connection at all with the stimulus bill. That is what we did with the individual budgets across the Federal Government.

When I come down and make the case for cutting back 5 percent of that, which ends up being \$120 billion, nobody should be opining: My goodness, we are going to tear things up. But we are going to hear that. We are going to hear all the reasons we cannot do what I am proposing to do.

America is not going to buy that anymore. They are not buying it anymore, and they should not buy it.

The other thing this amendment will do is it will give us 30 days to come back and assess other areas where we can cut more spending. People in this body think that is hard. It is not hard. Let me give an example of where we can save \$80 billion a year in one program.

At a minimum, there is \$100 billion of fraud in Medicare a year. We do not have an effective strategy, like any other organization outside of government, to limit the defrauding that goes on in Medicare. We pay, and then we try to chase people we should not have paid.

Senator LEMIEUX from Florida and others have multiple ideas on how we could take that \$100 billion and over the next 6 months save \$30 billion or \$40 billion of that. That is \$30 billion or \$40 billion each year over the next 10 years. That comes out to \$½ trillion, which cuts down that \$9 trillion in additional debt we are going to be encumbering upon our children. Last year, this country's debt grew \$4.2 billion a day. We didn't do anything about that except spend more money, so this year it is going to accrue at \$4.3 billion a day. That is how much we are going to spend that we don't have.

Isn't it time that we start facing the situation as it is rather than the way we would like it to be? The cold hard facts are that we have a short timeframe—4 to 5 years at most—to get our house back in order. Now is the time to start. It is not next year, it is not next month; it is right now—right now, when the American people may or may not be focused on the fact that we are going to authorize an additional \$1.9 trillion worth of borrowing. You can't even write that many zeros down and

have a comprehension of how much it is. At the same time, we don't do anything about solving the problem.

Quite frankly, Congress has a dependency issue. We are addicted. We are addicted to spending. We are addicted to the age-old adage that if I spend enough money, I can go home and tell people how great I am, not ever telling them I am spending their money and their kids' money but claiming I am looking out for them.

The only way you really look out for America is to secure America into the future, and we have not been doing that. It hasn't been done under the Republican watch, hasn't been done under the Democratic watch. What has happened is the same old same old of continuing to ignore the problem and not taking the heat for making the tough choices that will put our country back on the track on which it belongs—a track that will secure a future for our children and grandchildren, that will embrace the heritage that made this country great. What was that heritage? That heritage was sacrifice. In this country, all of us—many—are sacrificing now, and many in the future are going to have to sacrifice.

Others will come down to the floor and they will say: Well, COBURN, all you want to do is cut spending; you don't really want to solve the problem. Well, the first part of solving the problem is cutting the spending and recognizing that the walls don't fall down if you cut 5 percent out of the discretionary spending in our budget. As a matter of fact, very few people will ever notice \$120 billion coming out of the Federal Government on these discretionary programs because they will just go to a different grant program that does the same thing and get it there.

Let me go into some of the facts because many of us don't understand. Here are some examples:

There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunity for students to study abroad. There is nothing wrong inherently with wanting our students to study abroad, to gain that perspective and to gain that education, but why 14 different programs? Why not one? Why not 1 program and save all the administrative costs of the other 13? Why not do that? Because somebody may not have their name on a program? The fact is, nobody knew that until we discovered it in the last 4 weeks.

There are more than 44 job-training programs administered by 9 different Federal agencies across the bureaucracy, costing \$30 billion a year. Forty-four Federal job-training programs? Tell me why we need 44. Maybe 4 to hit different areas in different situations but not 44 and not through 9 different Federal agencies that are all trying to

do the same thing and competing to throw out money.

What about 69 early education programs administered by 9 different Federal agencies. Sixty-nine, why would we tolerate that? Why would we continue with the status quo? Now is the time to make changes.

One of my favorites is that we have 105 Federal programs supporting science, technology, engineering, and math—105 different programs where we support that—funding over \$3 billion a year. I agree we ought to encourage it, we ought to stimulate it, we ought to support it because we know we have to be competitive in the future, but do we really need 105 different Federal Government programs? The answer is, absolutely not. We don't. But because we don't know what is there, we continue to do the same.

As a matter of fact, there is going to be a Judiciary markup on Thursday that has a new program in it—supposedly new—and the authors of the bill have no idea that we already have a Federal program that does the same thing. That is why the important key component of this global amendment is to make sure the GAO tells us what is out there, what we need to do, and how we need to go about it. We may need some redundancy, but we don't need 105 times redundancy, we don't need 30 times redundancy, we don't need 44 times redundancy, and we don't need 69 times redundancy. As a matter of fact, when we have all these programs, the States have to hire all these different people to understand all the different programs so they can make sure they get their fair share. We could actually save the States a ton of money if they only had one-stop shopping—if, in fact, it is a truly legitimate government function.

The amendment also rescinds unobligated discretionary funds that have been available for more than 2 consecutive fiscal years. So it doesn't hurt the agencies if the money has been there and they haven't spent it. As a matter of fact, we are giving them so much money, they can't spend it all. We have seen unobligated balances go up because they can't get it out the door. And when we are pushing them to get it out the door, guess what happens to efficiency and accuracy and effectiveness of those programs. It goes way down.

According to the Office of Management and Budget, at year end 2009, that is, September 30, there was \$657 billion sitting in unobligated funds. Some of that is military, some of that is war funds, some of that is VA. We exempt war funds and we exempt VA. We exempt DOD, but we shouldn't because there is \$50 billion a year in waste in the Pentagon that can easily be demonstrated.

So we direct the GAO to identify those duplicative programs and report to Congress on the findings.

Madam President, may I make an inquiry of the Chair? Has the status of our division been decided?

The PRESIDING OFFICER. The Senator's amendment is not divisible as a matter of right because the Senate has entered into a unanimous consent agreement limiting the universe of amendments on this measure.

Mr. COBURN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, the Senators from Alabama and Oklahoma have offered that amendment to the debt limit resolution. As these amendments address matters primarily for the jurisdiction of the Appropriations Committee, I will defer to the chairman of the Appropriations Committee to address those amendments momentarily.

#### NOMINATION OF BEN BERNANKE

Madam President, in the meantime, on another matter, I wish to say I strongly support the nomination of Chairman Ben Bernanke to his second term as Chairman of the Federal Reserve.

Last August, President Obama announced his intention to renominate Chairman Bernanke for a second term. There is little debate that our financial system has been through one of the most tumultuous times since the Great Depression. I strongly support President Obama's decision to renominate Ben Bernanke and believe he has the expertise to continue to lead this country out of one of the worst economic downturns in history.

Chairman Bernanke graduated summa cum laude from Harvard University, earning a bachelor's degree in economics. He continued his studies at the Massachusetts Institute of Technology, where he received a Ph.D. in economics. He then had the good sense to head to Stanford, my alma mater, where he taught economics for several years at the Graduate School of Business. After heading back to Princeton University, he quickly rose through the academic ranks to become chairman of the Princeton Economics Department. His groundbreaking economic work on the Great Depression helped increase our understanding of that calamity and prepared him well to tackle our recent disaster. He has a strong record of public service, including work as a visiting scholar at several Federal Reserve banks.

In 2002, President George W. Bush appointed him to serve on the Board of Governors of the Federal Reserve System. In 2005, President Bush appointed

him Chairman of the President's Council of Economic Advisers. In 2006, President Bush appointed him Chairman of the Federal Reserve. The Senate confirmed his nomination by voice vote. After his appointment to three posts by President Bush, Ben Bernanke was renominated as Federal Reserve Chairman in 2009 by President Obama.

At this point, I might point out that if any Senator had any problems with the reappointment of Chairman Bernanke, they certainly knew when his term expired and they should have conveyed those views to President Obama, and conveyed them strongly if that was their view, so that President Obama would have had an opportunity to appoint somebody else if that was his choice. It is my understanding that virtually no Senator complained to President Obama about the renomination of Chairman Bernanke before the nomination was sent to the Senate.

In his nearly 4 years as Federal Reserve Chairman, Ben Bernanke has demonstrated he is worthy of another term. Facing the worst financial calamity in nearly 70 years and relying on his keen insight into the origins of financial panics, he successfully worked with the previous and current administrations to ensure that the economy of the United States and the world survived the crisis of 2008.

Again, his dissertation was on the Great Depression. This is a man who understands the Great Depression and probably had some pretty good ideas of how to prevent that from occurring. Averting disaster is not something that usually earns you accolades or parades. "It could have been worse" is not your typical commendation. But there is no doubt that without Chairman Bernanke's leadership, our economy would have been much worse off.

Time will tell how the history of this crisis is written, but economists and experts believed then and still today that the Federal Government could not stand by and let the financial system collapse. Liquidity in the markets evaporated. Small businesses could not obtain the day-to-day cash to buy inventory or make payroll. Foreclosures increased from hundreds to hundreds of thousands. Americans across the country witnessed their retirement savings dwindling before their eyes. Confidence in the system as a whole vanished.

Beginning in 2008, Chairman Bernanke began to take a series of steps to walk us back from the brink of disaster. The Federal Reserve cut interest rates early and aggressively in an attempt to inject liquidity into the markets. I might point out that there were some who counseled the opposite action; that is, those most concerned about inflation. Perhaps Bernanke went too far in trying to inject liquidity back into the markets, but that is what he believed was necessary in order to get the economy back on

track. The Fed established lending facilities to provide much needed funding. Last year, the Fed, in conjunction with the Department of Treasury, established the Term Asset-Backed Securities Loan Facility, TALF, to finance more than 4 million consumer and small business loans. That is sometimes forgotten, but that is something he did. At a time when conditions were changing daily and sometimes hourly, Chairman Bernanke did not hesitate to take bold and necessary steps to avoid total collapse of our economy.

Madam President, 20/20 hindsight will always reveal things we would have done differently. With such aggressive and unprecedented action comes criticism and judgment.

Without a doubt, the Federal Reserve System deserves a share of the blame for fostering the conditions that led us to the precipice, but as this crisis was systemic, so, too, were its flaws.

On that point, I might say there are a lot of agencies that probably should be blamed or held accountable for some of the missteps or failure to foresee the crisis occurring. One that comes to my mind is the Securities and Exchange Commission. The Securities and Exchange Commission either did not have jurisdiction or didn't ask for jurisdiction or did not exercise jurisdiction over a lot of the nonbanks that were creating a lot of these fancy derivatives and other instruments. I can name many of them. I think we all know who they are. It was a lack of effort by the SEC. I think the SEC was derelict in not being much more aggressive at that time.

There are a lot of areas where fingers can be pointed. One can be the Congress. Where were the oversight committees at that time? What were the questions they were asking? What were they doing?

I think, frankly, that mistakes were made, many of them, beginning with the subprime mortgage crisis and working all the way up to mortgage brokers packaging and reselling loans and securitizing those loans and then all the other instruments that were developed at the time, and very high leverage. That was a big mistake made before Ben Bernanke was head of the Fed.

It is more apparent than ever that we must pass strong and comprehensive regulatory reform, to crack down on risky financial derivatives, properly regulate the shadow banking system, and ensure consumers are adequately protected. In his confirmation hearing, Chairman Bernanke stated that such a crisis "must prompt financial institutions and regulators alike to undertake unsparing self-assessments of their past performance."

Chairman Bernanke is doing just that. The Federal Reserve has already undergone significant regulatory changes, and he is committed to work-

ing with me and my colleagues in Congress to put in place proper oversight and transparency to see that we are never again faced with the peril we have witnessed over the past 2 years.

But as Emerson once said, "[b]lame is safer than praise." I commend Chairman Bernanke and his team at the Federal Reserve for acting in a time of such uncertainty. There is still much that must be done to get our economy back on track and Americans back to work. I believe that Chairman Bernanke and the Federal Reserve will continue efforts to create jobs and help middle class families. I urge my colleagues to join me in supporting Chairman Bernanke's nomination for his second term, as he works to restore confidence and prosperity in our economy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### AMENDMENT NO. 3303

Mr. MCCAIN. Mr. President, I rise to speak in support of the Coburn amendment to eliminate wasteful and duplicative spending. Before my colleague from Oklahoma leaves the floor, I know he has to go, but I have to pose a question for the Senator from Oklahoma. We have a listing in the Senator's amendment of the many duplicative programs.

Have we had a study that would indicate how many government employees are engaged in administering these duplicative programs?

Mr. COBURN. No. To answer the Senator's question, we do not even know how many duplicative programs there are out there. These are the 640 we found looking over a 4-week period.

But when we asked GAO or the Congressional Research Service about this, what they say is the task is too big. They do not even know if they can accomplish the task, which goes to the enormity of the problem we face.

I mentioned on the Senate floor earlier, we have a markup tomorrow in the Judiciary Committee for a new program, and it is duplicative of an existing program. But those offering the amendment do not even know it. So it shows we have to stop and reassess. Part of this amendment is creating a mandate that the GAO has to advise us on that.

Mr. MCCAIN. I do believe that at least we ought to, over time, make an attempt to ascertain the numbers of employees who are in these duplicative government programs. It is really startling—if the American people knew of

the fact that there are so many duplicative efforts and different agencies of the government trying to accomplish the same mission.

Before I go much further, I would like to mention, I have the information that tomorrow night the President will propose a spending freeze for discretionary spending with the exception of defense, veterans affairs, and homeland security. I applaud that move on the part of the President.

I think, from the conclusions I have reached so far, it would save some \$15 billion next year and perhaps \$200 billion over time. We are trying to ascertain exactly what that is.

But I do not see how the President, at the same time that he is recommending a spending freeze that would save some \$12 or \$15 or \$20 billion next year, at the same time to be proposing a stimulus package, another one, that could be \$80 or \$100 billion. That is not fiscal discipline.

The House, the other body, passed, before we went out of session, a jobs bill that was somewhere around \$100 billion, as I understand it. I understand the other side of the aisle is working on a package of about \$80 billion. Well, look, let's stop the spending now. Let's stop the spending now.

So if we want to be sincere about stopping the spending that is unnecessary and unneeded, then we certainly should discard the idea that we need another massive stimulus, particularly in light of the fact that by any estimation, including the prediction of the President's economic advisers that if we passed the last stimulus package, unemployment would be at 8 percent.

So this proposal about a spending freeze would have a lot more credibility with me if we said we are going to stop additional spending this year that would also add to the burgeoning national debt.

The Coburn amendment is an important one. The Coburn amendment is best appreciated by the fiscal situation in which we find ourselves. In a recent editorial in the *Houston Chronicle*, they noted:

Our spending excesses, as most every American knows, are increasingly financed by foreign sources led by China. In all, about \$4.5 trillion in U.S. debt is held by foreigners and nearly \$800 billion of that is held by the Beijing government.

So we will increase the debt limit, and who is going to buy that debt? Apparently, the Chinese are buying a lot of it since they own, according to the *Houston Chronicle*, about \$800 billion, and foreign countries own about \$3.5 trillion.

On December 16, the *Wall Street Journal* wrote:

Our view is there is good and bad public borrowing. In the 1980s, Federal deficits financed a military build-up that ended the Cold War leading to an actual peace dividend in the 1990s of 3 percent of GDP, as well as tax cuts that ended the stagflation of the

1970s, and began 25 years of prosperity. Those were high-return investments. Today's debt is financing what exactly? The TARP money did undergird the financial system for a time, and is now being repaid. But most of the rest has been spent on a political wish list of public programs ranging from unemployment insurance to wind turbines to tax credits for golf carts. Borrowing for such low-return purposes makes America poor in the long run.

So if we are increasing the debt limit, and the Chinese and other countries are going to buy that debt, and we are spending money in the stimulus package that has shown very little return on the massive \$787 billion investment, then should we not try Dr. COBURN's method and support his amendment which would basically prevent us from having to increase the debt limit?

This amendment of Dr. COBURN's would rescind \$120 billion in spending, 5 percent from each agency of government, other than the Department of Defense and Veterans Affairs; directing the agencies to consolidate more than 650 duplicative government programs; rescind unobligated discretionary funds available for more than 2 consecutive fiscal years. Most Americans would be astonished to know that there are still tax dollars sitting out there which have been appropriated and not been spent for more than 2 years, sometimes several years.

Directing GAO to identify duplicative government programs and report the findings to Congress would render the debt limit increase in the underlying bill null and void. It is \$1.9 trillion.

Let's just look at a few of the duplicative Federal programs that are out there. A 2004 report by a nonprofit research group listed 21 Federal programs across multiple agencies, many at Health and Human Services that funded childhood obesity programs either as the main focus or as one component of the Federal program.

Child obesity is a serious issue in America. Do we need 21 separate programs to address the issue? Would not we be more efficient if we had a single program instead of spreading them out amongst different Federal agencies?

There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase the opportunities for study abroad, 14 programs. According to a 2003 GAO report, the Federal Government funds more than 44 job training programs administered by nine different Federal agencies across the Federal bureaucracy at a cost of \$30 billion.

According to data from the Catalog of Federal Domestic Assistance, 14 departments within the Federal Government and 49 independent agencies operate exchanges and study abroad programs.

A 2009 GAO report found 69 early education programs administered by nine

different agencies. There are over 30 Federal programs that provide financial assistance to students to support postsecondary education at a cost to the taxpayer of over \$30 billion every year.

According to a May 2007 report in the Academic Competitiveness Council, there are 105 Federal programs supporting STEM education with aggregate funding of \$3.2 billion in 2006. You will note that I am not even talking about millions or hundreds of millions; we are talking about billions.

Here is one. There are at least 17 offender reentry programs across five Federal agencies, different Federal agencies, costing the taxpayers over \$250 million annually.

A 2005 GAO study found there are a total of 23 Federal housing programs targeted or have special features for the elderly, 23 Federal housing programs that target or have special features for the elderly.

There are at least nine programs at the USDA tasked with researching and developing biofuels, costing taxpayers nearly \$300 million annually. Over \$800 million was included in the stimulus bill for these initiatives.

The Federal Government oversees at least 15 different preservation programs costing taxpayers nearly \$100 million annually.

There are at least 28 Federal programs totaling over \$5 billion that support job training and employment.

Here we are, with an outstanding public debt well over \$12.3 trillion. The estimate for this year is the largest in history. The estimated population of the United States is over 307.6 million people. Therefore, each U.S. citizen's share of this debt is approximately \$40,100. That is \$40,000 for every man, woman, and child in this country. That is shameful, shameful spending that has laid this debt on future generations of Americans. The greatness of America is based on the tradition that one generation has passed off to the next generation a nation that is better off than the one they inherited. What kind of a nation are we going to hand off to the next generation of Americans with a debt to the Chinese of \$800 billion, a debt of over \$3.5 trillion held by foreigners, and the debt goes on and on and on with no end in sight.

Why should we not try Dr. COBURN's method? Why should we not attempt to do something different rather than raising the debt limit every time we have spent so much we have to raise it again?

Let's look at what we spent last year alone: \$787 billion on the so-called stimulus bill which amounts to \$1.1 trillion, if you calculate the interest; \$700 billion in TARP to bail out the banks and other ailing financial institutions; \$410 billion for the Omnibus appropriations bill, a package of 9 appropriations bills rolled together,



which contained over 9,000 unrequested, unnecessary, run-of-the-mill pork-barrel earmarks; \$450 billion for the 2010 Omnibus appropriations bill, a package of 6 bills rolled together, containing 5,000 unrequested earmarks. Let's put them together. In two bills last year, one for 2009, the other for 2010, were at least 14,000 earmarks. The Democratic leadership worked with the President to ram through a \$3.5 trillion budget resolution. We have spent \$83 billion to bail out the auto companies. There is still a chance that a \$2.5 trillion health reform bill may be passed by the other side.

Overall, domestic spending has increased by 14 percent over the last fiscal year. Inflation has been practically zero for all intents and purposes. But the spending has increased by 14 percent. Don't we get it? Don't we see what we are doing to future generations of Americans? Don't we see that a debt for \$40,100 for every man, woman, and child in America is unconscionable? Why don't we try the Coburn amendment before we willy-nilly increase the debt limit by another \$1.4 trillion? Why? Why can't we at least make an effort?

One thing I know about Dr. COBURN, he researches his information carefully. He has shown us we don't need to raise the debt limit and give ourselves a green light to spend even more. We have before us an opportunity. We can turn things around today. We can pass this amendment and begin the hard work and make the tough decisions necessary to put us on the path to fiscal solvency and national prosperity.

Here we are with a bill before us to increase the debt limit which would increase, then, the debt that every man, woman, and child in America has, as we continue this almost unrestrained spending spree.

I have said to my colleagues for a long time—and I think it was authenticated in Massachusetts recently—the American people are mad. They are angry at the spending. They do not want to lay a huge debt on future generations of Americans. They do not believe there is a shred of fiscal responsibility in the Congress or the administration. I will fairly note that this out-of-control spending was not invented with this administration. Republicans, when they were in charge, let spending get completely out of control. We betrayed our fiscal base. We paid a heavy price for it, but we deserved to pay that price. Now is the time to say stop, stop borrowing against our children and grandchildren's futures. Stop putting ourselves in a precarious situation, where the Chinese own so much of our national debt that they have their hand on the throttle of the American economy.

I hasten to add, it is not in China's interest to hurt the American econ-

omy. But it certainly can't be in our interest, in any way, to be in that kind of fiscal jeopardy. We cannot do that—not to mention the \$3.5 trillion in debt held by foreigners.

I say to my colleagues, let's look at the Coburn amendment. It is well thought out, well researched. Let's put the brakes on the mortgaging of America's future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHRISTMAS DAY TERRORIST ATTACK

Mr. ENSIGN. Mr. President, I had the benefit last week of attending two different hearings on the attempted terrorist attack that took place on Christmas Day. The first was in the Homeland Security Committee and the second was in the Commerce Committee. One thing became clear: There is a definite disconnect in this administration about how to handle terrorists once they are captured. Over this last weekend, Osama bin Laden claimed responsibility for the foiled Christmas Day bomber terror attack. He has, once again, inserted himself into the national security dialog in the United States.

I fear al-Qaida will have another opportunity to attack the United States because of the fumbling of intelligence information that could have been gathered on the Christmas Day bomber before his attempted attack and subsequently from this terrorist after he was captured. But this administration clearly dropped the ball. We know the Director of National Intelligence, Dennis Blair; FBI Director Mueller; National Counterterrorism Center Director Michael Leiter; and the Homeland Security Secretary, Janet Napolitano, were not consulted about the decision to read Abdulmutallab his Miranda rights and try him in civilian courts. We know that as soon as this terrorist was told of his right to remain silent, that is what he did. He stopped talking.

It is unfathomable that these individuals were not even consulted before this hugely important decision was made. After the hearings conducted last week and interviews over the weekend, it appears it was ultimately the Attorney General who made the decision to read the Miranda rights and place Abdulmutallab in the civilian court system. However, there is a lot of ambiguity to show how this decision came to be made. Were there any deliberations or meetings that occurred prior to this decision? Was the President brought into this discussion? All these ambiguities need to be cleared up so we do not make the same mistakes again.

As a member of one of the committees charged with oversight of home-

land security, I will be asking for a written response from the administration on this issue.

Additionally, because the heads of government agencies charged with making the decisions do not seem to be talking, I have joined with several of my Senate colleagues to cosponsor legislation authored by Senator COLLINS and Senator LIEBERMAN, the distinguished ranking member and chairman of the Homeland Security Committee. This legislation would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to the initiation of giving any terrorist Miranda rights or the initiation of civilian criminal charges against a foreign person detained by the U.S. Government on suspicion of any terrorist activities. The legislation would also require, in the event of a disagreement amongst these folks on whether such action should be initiated in civilian criminal court, that the Attorney General not initiate such action unless specifically directed by the President. I ask my other Senate colleagues to join me in cosponsoring this vital legislation.

A second thing we learned from last week's hearings was there is confusion about when the high-value interrogation group or the HIG should be convened to decide on whether to interrogate terrorists such as Abdulmutallab or to interview them with their lawyers present. Director of National Intelligence Dennis Blair told the Homeland Security Committee:

This unit was created exactly for this purpose—to make a decision on whether a certain person who is detained should be treated as a case for Federal prosecution or for some other means.

The intelligence chief said the interrogation group was created by the White House last year to handle overseas cases but will now be expanded for domestic cases.

He said:

We did not invoke the HIG in this case. We should have.

Subsequently, we heard from the administration that this HIG unit isn't even up and running yet.

My question is, How does the individual who is in charge of our intelligence infrastructure not know the policy and procedures for interrogating terrorists? Based on the testimony given last week, it would seem we do not have a fully integrated and comprehensive method for interrogating terrorists, whether they are captured abroad or here at home. The capture and subsequent handling of terrorist Abdulmutallab was bungled from the get-go. It is continuing to be bungled.

A week ago, I signed a letter to President Obama with a number of my colleagues indicating that the decision



to prosecute this terrorist in civilian court has resulted in a missed opportunity to collect timely intelligence. In order for the U.S. Government to fully understand where we failed on Christmas Day, it is imperative we examine the methods and means Abdulmutallab used to avoid detection.

As many of my colleagues have pointed out, our ability to gather this information has been severely hampered by the decision to put this terrorist almost immediately into the civilian court system. He now has all the rights, protections, and privileges of American citizens. Make no mistake about it, this decision to try Abdulmutallab as a U.S. citizen, which he is not, as opposed to an enemy combatant will be a detrimental impact on our ability to learn more about this failed terrorist attack. Taking it a step further, this decision may very well weaken our national security. Last week, the Republican leader mentioned that a year ago the President, immediately after taking office, decided to revise the Nation's interrogation policies and to restrict the CIA's ability to question terrorists.

This was done by Executive order. While questioning the Director of National Intelligence, I specifically asked if the Director believed the classified interrogation methods used previously by our own government were more effective than the current methods found in the Army Field Manual that is publicly available for the terrorist to train to.

One statement the DNI, the Director of National Intelligence, made during the Q-and-A portion of the hearing particularly caught my attention. In response to a question from Senator BURRIS regarding al-Qaida's ability to exploit open source intelligence, Admiral Blair stated this—I am quoting, once again:

[T]he public discussion of the specifics of the defensive measures we take are making it that much easier for people to evade our defenses and come in . . . I think they are just making the job of those who are working hard to try to defend us that much harder. It costs the taxpayer that much more money. And I wish people would just shut the hell up.

That is what he said.

So if keeping some of our airport security measures a secret makes it harder for terrorists to evade them, shouldn't that same logic also hold that keeping some of our interrogation measures classified also makes it harder for the terrorists to beat those interrogation techniques? But this administration does not seem to be on the same page.

As I am sure you can imagine, those who wish to do us harm can simply train to the methods that are publicized in this public document. By limiting our intelligence community to only those techniques in the Army Field Manual, we have removed one

important tool the intelligence community has to use against al-Qaida; that is, fear of the unknown.

Terrorists now know exactly what our interrogation methods and limitations are, and based on that knowledge they can train and prepare themselves to successfully resist our interrogation efforts.

I am also concerned that the administration may begin to bargain or propose a plea deal to this terrorist, Abdulmutallab, in order to obtain additional information. I believe this would set a very dangerous precedent for would-be terrorists in order to potentially have their jail time reduced. It is my understanding the policy of the United States is not to negotiate with terrorists.

We should comprehensively and effectively interrogate terrorists to gain the information we need, not to negotiate with them for it. The only true way to gather this information is through an extensive interrogation of the terrorist by highly trained intelligence personnel. The definition of an "extensive and comprehensive interrogation" is not a 50-minute questioning while the terrorist is being prepped for surgery, as was the case with Abdulmutallab.

Extensive interrogations are conducted over a sustained amount of time, with members of various government agencies included. They incorporate individuals from defense intelligence and have elements of uncertainty and surprise. This means those conducting the interrogations are not limited to a set of interrogations which the terrorist has trained against. In short, a proper and extensive interrogation should not solely consist of the interrogation methods listed in the Army Field Manual.

We have in our custody an individual who has been trained by al-Qaida. He has met with some of its most senior leaders and has not been properly and comprehensively interrogated. How is this possible? He could give us information on the al-Qaida command-and-control structure. It is possible he could give us information on funding mechanisms, ongoing operations, safe houses, personnel and leadership profiles, al-Qaida's governmental connections in Yemen and maybe other Middle East nations, and what the enemy views as weaknesses in our airport security.

What happens if, say, new information comes to light; say, Osama bin Laden releases a new tape like he just did, or if we intercept some communication coming out of Yemen? As it stands now, we have lost the ability to interrogate Abdulmutallab on those issues.

Over the weekend, we heard a preposterous statement from the President's spokesman when he said the FBI got all the information they could get out of him. That is a preposterous state-

ment. I do not believe that to be the case, and I do not believe most Nevadans or other Americans believe it either.

It is for these reasons we must transfer Umar Farouk Abdulmutallab to the military and remove the Executive order restrictions that requires our intelligence community to follow only the Army Field Manual when interrogating a terrorist. It is in the best interests of the security of the United States to do so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 3303

Mr. INOUE. Mr. President, I rise to speak in opposition to an amendment offered by the Senator from Oklahoma. Once again, we find ourselves debating an amendment that at first blush sounds like a good thing. But when Members take the time to actually read the amendment and understand the programs it impacts, they will discover this amendment causes harm to our national and international security and to our economy.

Let me begin by discussing the last section of the amendment, section 16. Section 16 of the Coburn amendment is based on assumptions that reflect a lack of understanding about both what constitutes discretionary unobligated balances as well as about Federal funding and oversight for certain critical procurement programs.

The Senator from Oklahoma claims that \$100 billion would be rescinded from an estimated \$657 billion in unobligated balances. First, this amendment assumes a rescission amount based on erroneous assumptions. Specifically, the majority of the \$657 billion in unobligated balances would not be eligible for rescission under criteria outlined in the amendment because they are either mandatory funds or they are not older than 2 years.

Second, because of the small amount of unobligated funding eligible for rescission, this amendment indiscriminately rescinds prior year unobligated funding from certain critical programs, jeopardizing our national defense, our homeland security, our economy, and the well-being of our citizens.

For example, we require the Department of Defense to budget up front for all the costs required to procure military equipment, such as ships or aircraft. But I think all of us are aware it takes several years to complete construction.

For shipbuilding specifically, funds provided to the Department of Defense are available for obligation for 5 years. Rescinding unobligated funds would now require the Navy to cancel contracts for ships under construction and lay off thousands of workers across the Nation's shipyards.

In terms of our veterans who have returned from war or have fought bravely

in past wars, section 16 also severely impacts the construction of new hospitals by the Veterans' Administration.

Like for defense procurement, the VA requests full funding for the construction project in the first year. As a result, the Veterans' Administration has 43 active major construction projects at various stages of completion, totaling over \$1.6 billion in unobligated balances. Over 49,000 construction jobs would be terminated with the loss of this funding, further delaying critical services to our brave men and women who have served us.

Rescinding unobligated balances in the Department of Homeland Security would stop the construction of the Coast Guard National Security Cutter and would rescind funding for the purchase of explosive detection systems.

Rescinding unobligated balances in NOAA would create a minimum 6-month gap in coverage for the geostationary weather satellite system, which focuses directly over the United States, and constantly and accurately monitors storm conditions. Over 200 employees would lose their jobs.

The reasoning for the amendment of the Senator from Oklahoma is a catch-22 for those of us on the Appropriations Committee with responsibility for overseeing our taxpayers' dollars. We are criticized for having funding that is unobligated for more than 1 year. Well, a ship is not built in a year, a hospital is not built and equipped in a year, and the next generation satellite is not built in 1 year.

The Coburn amendment proposes to rescind an additional \$20 billion from programs he perceives to be redundant. We can go around and around about what is redundant and what is not because one's perception of what is or is not a duplicative program is based on subjectivity. It is that simple, and this amendment reflects what the Senator from Oklahoma alone believes is redundant. But what is clear is that this amendment proposes to cut \$20 billion in funding that the Congress voted on and agreed to provide just months ago.

The impact of these cuts has significant consequences for many critical services. For example, the Senator's amendment proposes that the intent is to consolidate duplicative programs serving the homeless. However, in reality, this language simply calls on the Department of Housing and Urban Development to implement a 5-percent reduction across the Department's programs. The bulk of the funding increase recently provided by Congress to HUD covers the increasing cost of providing affordable housing to our Nation's low-income citizens. According to HUD's Annual Homeless Assessment Report, on any given night there are over 650,000 people who are homeless. However, HUD's resources fund 183,000 beds. During this difficult economic time, it is not the time to cut housing for the Nation's poorest individuals.

This amendment also takes aim at nursing education programs, claiming they are duplicative, when in fact they are not. While there are several programs that promote nursing education, each of these programs addresses different needs in our Nation's effort to address a profound nursing shortage. We have a loan repayment program to get nurses to rural areas, a program to incentivize nurses to teach, and a program to expand nurse training in geriatric care.

The amendment instructs the Secretary of the Interior to consolidate programs for dealing with the impacts of climate change. The truth is, each of the three agencies named by the Senator deal with a different aspect of climate change, and each brings a special expertise to the problem. They are not duplicative; they are complementary based on specific expertise.

For the Department of Energy, the Building Technologies Program is not a grant program to weatherize existing residential and commercial buildings in the same fashion as the weatherization program does for residential homes. There is a difference between a residence and a building. It is a research and development program aimed at new technologies. There is simply not overlap or duplication in these programs.

The amendment proposes to rescind funding for the 2010 census. Any reduction in funding for the constitutionally mandated 2010 census at this critical time would jeopardize the completion of a timely and accurate count, which is necessary, sir.

The amendment proposes to cut \$2.2 billion from critical Department of Homeland Security programs.

The attempted destruction last month of Northwest flight 253 near Detroit is our most recent reminder that terrorists continue to threaten our homeland and the security of all Americans. This amendment would reduce funding for the purchase of explosive detection equipment at the very time the Department of Homeland Security Secretary has asked us to address the need for further increases in airport security.

In closing, the author of this amendment arbitrarily rescinds funding with no true justification. The rescission of \$100 billion from the \$657 billion in unobligated balances, as we know, would wreak havoc on ongoing procurement. The rescission of \$20 billion is based on the claim of redundancy in programs where no redundancy exists.

This is a bad amendment with bad consequences. It is time for Members to act responsibly. We have a well-established process for funding the Federal Government. It involves a Budget Committee that sets our allocations and involves the consideration and approval by the Senate of every appropriations bill. It is not passed in the dark of night.

I can assure my colleagues in this Chamber that the Appropriations Committee takes its responsibilities seriously, and every agency budget is reviewed and oversight is provided throughout the year. Each year, the Appropriations Committee recommends rescissions of funds that are not needed. But those rescissions are based on detailed oversight and understanding of the programs, not indiscriminate action.

This amendment is not based on careful review and would harm many worthwhile programs, and it fails to meet the test of proper oversight. I urge my colleagues to oppose this amendment.

#### AMENDMENT NO. 3308

I will also speak on another amendment. I will speak in opposition to the amendment offered by the Senator from Alabama, Senator SESSIONS.

We are all concerned with the growth of the deficit and the need to control the debt of the United States. I support that goal, as I imagine all of us in this Chamber support the goal. None of us disputes the ultimate threat to the standard of living of our citizens posed by long-term deficit spending.

However, the amendment offered by the Senator from Alabama is not the appropriate way to attack the issue, for several reasons. As I understand the amendment, it would have the effect of freezing any increases in nondefense discretionary spending for the next 5 years.

In addition, the amendment would impose caps on emergency spending that could potentially cripple our ability to respond to emergencies, such as hurricanes, earthquakes, or terrorist attacks.

The amendment also contains unrealistic spending caps that would restrict funding needed to support our forces in Iraq and Afghanistan.

Let's start with the facts. For fiscal year 2010, the government spent \$2.9 trillion, of which about \$1.2 trillion was discretionary. The remaining \$1.7 trillion we declare as being mandatory. Of the \$1.2 trillion that was discretionary, approximately \$526 billion, or less than half, was for nondefense purposes. Therefore, this amendment attempts to reduce the deficit of the United States by constraining 18 percent of total government spending. If the goal is to reduce government spending, I am unclear on how constraining growth on just 18 percent of that spending will be at all effective.

In addition, if we examine the actual numbers involved here, it becomes even clearer that this amendment will simply not achieve its stated goal. From fiscal years 2006 to 2009, the Federal debt was increased by approximately \$4.4 trillion. During that time, the total increase in nondefense discretionary spending was approximately \$93 billion, as compared to \$4.4 trillion.

Doing the math, for the past 4 years, the increase in nondefense discretionary spending has accounted for 2 percent of the increase in the national debt—just 2 percent.

What do we get for this 2-percent savings? Aside from the obvious challenge of funding vital government programs without even an adjustment for inflation, we also put our country and our citizens at risk.

Arbitrary spending caps would impede the delivery of resources needed to keep Americans safe from terrorist attacks and violent crime. Such subjective across-the-board restrictions would hinder our ability to protect our homeland and secure our borders. As more and more of our service men and women are returning from the battlefield, this measure would restrict our ability to provide our military personnel and veterans with the medical care and support they need.

These are only a few examples of the damage that would be done to vital programs, all for a projected savings of 2 percent.

Even more troubling, this amendment would impose a roughly \$10 billion annual cap on emergency spending. Emergency spending is, by its very nature and definition, impossible to predict. To deliberately impede the government's ability to respond to natural disaster or major terrorist attack I say is deeply irresponsible.

Recent history clearly demonstrates the folly of attempting to affix a set price to future emergencies. More than 4 years later, the gulf coast is still recovering from destruction wrought by Hurricane Katrina. Over \$100 billion in Federal resources has been needed to respond to this one disaster alone.

We have all seen the horrible suffering that has resulted from the devastating earthquake in Haiti. What if a city in California were to experience a similar disaster? This reckless amendment could delay or block the timely delivery of resources needed for an appropriate Federal response.

The recent Christmas Eve airline bombing attempt serves as a stark reminder of the grave threats that continue to face our Nation. In the event of a major terrorist attack on our soil, the Federal Government must not be constrained by an emergency spending cap.

Remarkably, this amendment would also restrict funding needed to support our men and women in uniform fighting overseas. Based on earlier budget projections that no longer reflect fiscal reality, this amendment provides \$130 billion for the current fiscal year and \$50 billion per year thereafter for "overseas deployments and other contingencies." The President's recent decision to increase troop levels in Afghanistan will almost certainly require additional resources from Congress.

I find it very difficult to imagine that the Senator from Alabama genu-

inely believes that \$50 billion would suffice to cover the cost of the wars in Iraq and Afghanistan.

If this amendment were adopted, with defense and overseas caps, in statute, are we expecting Congress to cut defense to pay for these operations? That is what this amendment authorizes.

Spending restraints that would deny funding needed to support our troops are not fiscally prudent; they are deeply irresponsible.

Finally, I remind my colleagues that we already have a 60-vote threshold to overcome budget points of order to appropriations bills. As we all know, 60 votes is not a minor hurdle to overcome. By increasing that threshold to 67 votes, we turn over decisionmaking to a small portion of the Senate. We should not let those who represent only one third of this body exercise control over bona fide emergency spending.

This country must face the challenge of reducing our deficit. We all agree to that. But we must do so in a meaningful and effective way. I do not believe this amendment does either.

I urge my colleagues to join me in voting against the Sessions amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UGANDA

Mr. INHOFE. Mr. President, a lot of times attention is drawn to terrible things going on around the world. We hear a lot about Sudan, and we hear about Zimbabwe, with a president who has taken that country from the breadbasket of the world to one of the most impoverished nations around.

But there is one area nobody talks about. I have been trying for quite some time to get attention drawn to this area. We have a bill that is introduced by Senator FEINGOLD, myself, and others, which is called the LRA Disarmament in Northern Uganda Recovery Act. This essentially does one thing. It directs the administration to develop a research strategy to apprehend a guy named Joseph Kony and the top LRA commanders throughout the country and protect the civilians.

The reason this is important—and I have been dealing with this issue for 10 years, or perhaps more. I have had occasion to spend time with President Museveni of Uganda, President Kagame of Rwanda, and President Kabila of Congo, and others in that area. Twenty-five years ago, Joseph Kony—he is kind of a spiritual leader in that eastern African area. He is a deranged person. He decided to start a thing that some people have heard of, called the "child's military" or the "children's

army," where he goes out and abducts little kids. For more than 20 years, he has led this Lord's Resistance Army. He has done it primarily in the area of northern Uganda.

I have been there several times to Gulu, which is the headquarters area. Many of the kids who have survived him are up there now in hospitals. His way of doing things is to go into villages and abduct children, young children—I am talking about 11, 12, 13-year-old children—and teach them to be soldiers, with AK-47s, the whole thing. Then they have to go back to their villages and murder their parents and all their siblings. If they do not do that, they cut their ears off and cut their noses off and cut their lips off, as we can see in this picture. Here are these young, little guys. That little boy is about 10 years old with an AK-47.

The tribes in that part of Africa, Hutus and Tutsis, have been fighting forever. We are all familiar with the genocide that took place in Rwanda and the millions of people who lost their lives and the torturing that went on. The things that have happened are just mind-boggling. Yet all the time that was happening, nobody realized what was going on in that area.

Millions of people have fled their homes over time and have been in displacement camps in the areas I just described. A vast nation in the heart of Africa, the DRC—the Democratic Republic of Congo—has strived to recover from lengthy civil wars. It goes back to many years ago, back when Congo got its independence from King Leopold II. Anyone with an interest in Africa at all should read a book. It is called "King Leopold's Ghost." When you read this book, you will find out what really happened, what the true story is not just of the Congo but all of Africa.

This area was in the Congo. The wars started back in 1960 and then the most recent started in 1990. Joseph Kony would go into these areas of displaced people and capture the young people. We made an effort, as we tracked him from one area to another just about 6 months ago, to Goma—that is a fairly large city in Eastern Congo. That is where he was last seen. He left before we got there. As he went north up toward the Sudan, he mutilated 900 people, most of them young people, on that route.

One might ask the question, Why is it these countries are not able to eradicate this person, to do something about him? The problem is that we have a very fine President in Uganda, President Museveni. Museveni used to be a warrior. I think there is a reluctance of the warriors who become Presidents of African nations to want to say: We cannot handle the security ourselves; we are going to have to depend on other countries, the United States or other countries, to do it for us. He has been somewhat resistant.

President Kagame from Rwanda is—I think everyone agrees—one of the greatest leaders in Africa. He is the one, in the genocide of 1994 that wiped out most of his population, who was able to go back. As you go down from the airport to the capital area of Rwanda, you would think you are in an American city. In fact, it is much cleaner than many American cities. He has been able to bring it back up. He also came from the bush as a warrior. Again, he is a great person. As I said the same thing about President Museveni, there is a reluctance to admit they cannot handle these problems themselves.

President Kabila is President of Congo. Congo used to be called Zaire. It is a gigantic area. We remember the stories of explorers who went over there and were able to get all the way across the Congo, taking months and months to do so, many of them losing their lives. Back when the Congo was having serious problems, President Kabila, Sr., was there. He was actually killed, and his son Joe Kabila took the reins of the country. Joe Kabila also has a military background.

So we have three Presidents. They respect each other. They are not at war with each other. They all have one thing in common; that is, they want to eradicate this monster called Joseph Kony. They have not been able to successfully get that done.

What we are doing with this legislation is recognizing, because we never hear anyone talking about it, that there is this serious problem that is taking place. We all want to do things to help people who are downtrodden, but this is one that has been overlooked.

Finally, this bill would give everybody throughout the world an understanding that this is now a U.S. priority and that we are going to finally do something to get rid of this Joseph Kony.

It is easy to say that is another part of the world until you get over there and see. These are kids from 10 to 12 years old being forced to murder people in their own village. They brutally torture these children and maim them for life. That is what this guy has been doing for 25 years.

We have an opportunity to do something. We never had an opportunity before. We tried to introduce it. This bill is one that is out of the Foreign Relations Committee now. It is sponsored primarily by Senator FEINGOLD. I did not support it at first because it does require about \$30 million to \$35 million. He had it offset by taking money out of the Air Force. I did not like that. I think this President is going to go down as the most anti-defense, anti-military President in history. We punished the military enough, and I am not going to take any more money out of that budget. They agreed to pull

that out in committee. The money should come from USAID, from existing State Department funds. We do not know that yet, but we do know this is going to come to the floor. We want it to come to the floor. There is a hold on it now. In fact, the hold is by my junior Senator. I hope we are able to get this bill.

When we look at how many years something like this has been going on, this unspeakable type of behavior—we don't know of anyplace else in the world. It is a very small price to pay, a small effort to let us take the lead with other nations. I can assure my colleagues that other nations will follow. I have given talks in Canada and some of the other places about the problems we have with Joseph Kony.

People say we just need to have somebody come in and say: If you can get together the Presidents of these countries of Rwanda, Uganda, Congo, Sudan, and the Central African Republic, these five countries, then we will come in if you lead the way. That is what we want to do.

There are so many things going on right now. We have people who, when we had the PEPFAR bill—that was a bill to send money to countries, primarily African countries. That bill was on the floor of the Senate. It had been funded previously at \$15 billion. Just 6 months ago, that bill was down here. They raised it from \$15 billion to \$50 billion. They raised it \$35 billion. That is going to go to Africa with very few controls on it. We do not know where the money is going to go. This is less than one-thousandth of that amount to defend these kids.

There is a group I ran into up in Gulu in northern Uganda. It was about 3 years ago. I wish I could remember their names. Young college kids recognized this was going on. They went up there with camera crews and took pictures. They have been here and rallied the support of literally thousands of college kids who have become familiar with these atrocities that are taking place. I applaud them for doing it. They wonder why we cannot do something.

If you can increase your PEPFAR funding for Africa by \$35 billion and you don't want to spend one-thousandth of that amount, \$35 million, to save those kids—30,000 kids over the years have been mutilated like this—then there is something wrong with this country.

We are going to make every effort—Senator FEINGOLD is one of the more liberal Democrats, and I am one of the most conservative Republicans. This crosses all these concepts.

I know my time has expired, but I only want to say I want to do everything I can to get this legislation through. I am going to ask our conservative friends to listen and do something that is right on this legislation.

I believe, with the 51 cosponsors we have right now, we ought to be able to get the bill passed if we can get it to the floor.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### THE ECONOMY

Mr. BURRIS. Mr. President, a little over a year ago this country stood on the brink of economic disaster. Banks and financial institutions wavered on the verge of collapse. The foundation of our economy was shaken to its core. But that is when this Congress took bold action. In the face of public discontent, many of my colleagues summoned the courage to cast a difficult vote—a vote that set aside hundreds of billions of dollars to prop up our failing financial institutions, a vote that was not popular with the American people but that I feel history will judge as the right thing to have done.

These are the moments that define us—as individuals, as public servants, and as a nation. The American people called upon their representatives to make tough choices, to exercise their best judgment, and rise to every occasion that may impact the quality of life of the people of this country.

I applaud my colleagues on both sides of the aisle who lived up to these expectations and made the decision to do what was right, not what was popular. As a result of their courage and their ability to reach for something larger than the small politics of the moment, our economic foundation has been stabilized. That vote brought us back from the brink of disaster and restored confidence in the financial institutions that threatened to undermine our entire system. It did what was necessary to prevent a complete economic meltdown.

But make no mistake, this emergency legislation did not solve every problem. It was not a cure-all. And as many hard-working Americans will tell you, we are not out of the woods yet. There are still miles to go. Our country remains on the road to recovery. If we want to continue down this road, this Congress needs to take the next step. So at this point, we must turn our attention to the ordinary Americans who are still suffering. It is time to help Main Street. It is time to take bold action to create jobs, help small businesses, and stabilize community banks.

It is time to shift our focus to the innovators, entrepreneurs, and local institutions that drive our economy on a daily basis. In some places, things have already started to turn around and we need to continue that progress, but especially among poor and minority communities, these groups are falling further and further behind. As a former banker, I understand the vital roles these institutions play in local communities and our economy as a whole, and I understand the challenges they face in tough times such as these.

That is why we need to embrace a new economic program which will encourage banks to start lending, make capital available for small businesses, and mitigate the foreclosures. Let's stop shutting down people's homes and putting them out in the streets. If we work together to tackle these priorities, we can have regular Americans get back on their feet without spending another dime on Wall Street.

Let us come together right now to send a strong message to Main Street: Help is on the way. The cavalry is coming to help them. We can do this right now. We can do it without passing a new round of emergency appropriations. We can do it without increasing the deficit or the national debt and without writing another 100-page bill.

When the original economic stimulus was passed more than a year ago, this Chamber set aside roughly \$700 billion to aid in the recovery effort. These efforts have been effective and, as we speak, there is still \$320 billion that has not been spent. So rather than begin the process again, as some have suggested, let us simply change the focus of the existing program. Let us draw from the money we have already set aside to help small businesses, local banks, and ordinary folks. At the moment, we don't have the resources or the time to start over with a new round of stimulus legislation, so let us seize this opportunity to direct funds we have already designated for this purpose.

Every Member of this body has seen the devastating effects of the economic crisis in their home States. Everyone in this Chamber knows we need to act with urgency. We can't wait another moment. Thankfully, if we decide to embrace these priorities, there is no reason to wait. We can restore hope and optimism to Main Street, we can help the minority communities, small businesses, and local banks that are still in grave need of our assistance. We can do this, and I believe we must do it. The resources, the funds are there, and the commitment should be there. Let us use those resources now to put them into Main Street and help ordinary folks. Constituents come up to me all the time wondering: Where is my piece of the stimulus package? Well, it could be in Main Street. It could be in our local banks. So let's do it.

I call upon my colleagues to use those dollars that are now in the stimulus package to put them into Main Street, into the local banks, and start helping the local communities.

Thank you. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3308

Mr. SESSIONS. Mr. President, I want to share some thoughts on an amendment that Senator MCCASKILL and I offered earlier today. I note that a number of people are anxious to vote and finish up. If and when that time comes, I will be pleased to yield the floor. The amendment we offered, which would place statutory caps on spending—and that cap level that we picked was in our budget. It is what the Senate passed in the budget last year. It represents an increase each year, which is 1 to 2 percent annually. This is a budget number basically passed by our Democratic colleagues.

So what we are saying is, let's adhere to that. If we adhere to that level of spending, then we can begin to make progress.

A similar type of statutory cap was placed in 1990, renewed in 1997, helped lead us to the only 4 years of budget surpluses in recent memory, from 1998 through 2001. After that, the statutory caps were allowed to expire. We find this was something that actually worked to help us contain excessive spending. This amendment would say that number that is in the budget for the next 5 years would be firm. We would put it in statutory language, but, of course, it can be exceeded by a two-thirds vote of the Senate, and the statute itself can be reversed by 60 votes of the Senate. It is not something that constitutionally would be firm over managing our system. It is consistent with previous actions of the Congress. It worked, and I believe it will work again.

It has been contended today, I understand, that these caps would impose limits on emergency spending that could potentially cripple our ability to respond to emergencies, such as hurricanes, earthquakes, and terrorist attacks.

Well, I just want to say that hurricanes and earthquakes and things of that nature have had huge bipartisan votes for emergency spending. For example, after Katrina, there were two supplemental emergency bills passed. The first was passed by unanimous consent. Nobody objected to it. It was unanimous. The second was passed on a rollcall vote, 97 to 0. There is no doubt

in my mind that if we have a serious emergency, we will have a lot of support for responding to that emergency.

Also, one week after September 11, the Senate unanimously passed supplemental appropriations in response to that terrorist attack. So the allegation that somehow this would cripple the ability of Congress to respond to emergencies is inaccurate.

Second, it was contended earlier today that the amendment contains unrealistic spending caps that would restrict funding needed to support our forces in Iraq and Afghanistan.

That is not accurate. The amendment includes specific provisions that prevent the caps from restricting funding for our troops in a time of war. It would not block us from doing that. We are in a time of war. It just would not apply in a time of war.

We hear it said that everybody is concerned with the growth of the deficit and the need to control debt in the United States, but this amendment—the McCaskill-Sessions amendment—is not the appropriate way to attack this issue.

Let me respond to that. For fiscal year 2010, the government spent \$2.9 trillion, of which about \$1.2 trillion was for discretionary spending. The remaining \$1.7 trillion was mandatory spending. That is what we call entitlements. That is when you get 65 and you are entitled to Medicare, and the government has to pay it whether it has any money or not. You are entitled to Social Security payments, and the government has to come up with the money. We don't vote on it again. We already voted on Social Security to set up how much money you are entitled to get. We have to have that money. That is why it is called an entitlement.

Now entitlements—Medicare and Social Security—exceed the discretionary account, which includes defense. So of the \$1.2 trillion that is in the discretionary account that we actually vote on each year, approximately \$526 billion, or a little less than half, is for nondefense purposes.

This amendment attempts to reduce the deficit by constraining just 18 percent of total government spending. It can make a much larger difference than many people realize. Five-year discretionary spending caps were passed—what we are proposing today—in 1990 and 1997 with strong bipartisan support. In 1997, 44 currently serving Senators supported the caps, and 26 of them were Democrats. It made a difference. We balanced the budget in 1998 through 2001—4 years. The current majority leader and chairman of the Appropriations Committee both voted, in 1990 and in 1997, for the 5-year caps, which restricted annual discretionary spending to approximately 1 to 2 percent increases. That is basically what our legislation would do. It would contain this discretionary spending to 1 to 2 percent.

We know we are out of control. We know that last year discretionary spending increased by 10 percent, and this year it will increase by 12 percent. That is unsustainable. At 7 percent growth, your money will double in 10 years. At 12 percent growth, the amount of money we would be spending in our discretionary account would double in 6 years—double. We are on an unsustainable growth here. Some say: Where do you come up with this money, SESSIONS? This limit of 1 to 2 percent is too tough.

It is not too tough. It is the budget we voted on. Actually, I didn't vote for it, our Democratic colleagues voted for it. It was their budget, and it passed with almost unanimous Democratic support. It calls for a 1- to 2-percent increase in spending over the next 5 years. That is all Senator MCCASKILL and I are suggesting we should do. We would make that harder to bust, harder to break it. We put in a firmer cap. If we stay on that level, and if we have an emergency, we will have to meet it. But if we stay at that level, we could end up surprising ourselves how much good we can do in the years to come.

From fiscal year 2006 to 2009, the Federal debt was increased by approximately \$4.4 trillion. That is a lot. That is almost the total debt of America. We had about \$4 trillion in debt in 2006, and we added, in those 3 years, \$4.4 trillion. During that time, the total increase in nondefense discretionary spending was approximately \$93 billion. This means the increase in nondefense discretionary spending has accounted for 2 percent of the increase in the national debt, our critics say. So it doesn't make much difference, they would say. They are correct about the surging debt, but not that this would make no difference. If it made little difference, then why are they worrying about passing it?

Restraining discretionary spending, like we did in the nineties, is the bear minimum Congress can do to be fiscally responsible, in my view. For fiscal year 2010, nondefense, nonveteran discretionary spending increased by 12 percent and in 2009 by 10 percent. Those are huge increases, not including the stimulus package. If we included the stimulus package, nondefense discretionary spending has increased 57 percent since 2008, in 2 years.

That is a stunning number. We actually increased discretionary spending by 57 percent in 2 years. The Sessions-McCaskill amendment is similar to the proposal offered by President Obama or what we are hearing he is going to offer—to freeze nondefense discretionary spending for 3 years. This would place a cap on excess. If we break through the President's suggestion and don't freeze and go above that, we hit this cap, and it would take a two-thirds vote to go above that.

Apparently, President Obama's suggestion is less spending than this bill

would cap. But that is fine, we can always do less. The danger, from my experience, is that we get carried away and do more.

Some have said the arbitrary spending caps would impede the delivery of resources needed to keep Americans safe from terrorist attacks and violent crime. Such subjective across-the-board restrictions would hinder our ability to protect our homeland and secure our borders.

Well, it does allow for an increase, first and foremost. Second, our congressional process and appropriations process and authorization process should have helped us set priorities within that. It would be unthinkable if this Congress were to somehow take all that money that we need from areas to keep us safe from attack. Surely, we can make judgment decisions about that.

Another allegation is that more and more of our service men and women are returning from the battlefield, and this would restrict our ability to provide them the medical care and support they need.

This measure provides all the funding in the 2010 budget resolution. It would allow that. If additional resources are needed to care for our returning service men and women, and that has bipartisan support, and certainly if we need to be able to take care of injured and wounded, we could get 67 votes. We can do like most people do when they have a necessary expense. They trim spending somewhere else and fund the more necessary item.

Some have said it would impose a roughly \$10 billion annual cap on emergency spending. Emergency spending is, by its very nature, impossible to predict. The critics say, to deliberately impede the government's ability to respond to a natural disaster or major terrorist attack is deeply irresponsible. But that is not what we do. In the legislation we proposed as an amendment, Senator MCCASKILL and I set up a \$10 billion a year emergency fund—every year. That would be incorporated in the budget resolution, it would be contained in our amendment, and it would be restricted only by the normal 60-vote requirement on a budget point of order for emergency spending. That money would not be subject to a higher point of order, and it would not change up to the first \$10 billion—which is a lot of money.

Alabama's budget, including education, is about \$7 billion. So we are setting aside \$10 billion for emergency funds every year, and if we went above that, we would have to have a supermajority for the kind of emergency that would justify that.

I do not think that criticism is valid. Also, some have said that recent history clearly demonstrates the folly of attempting to fix a set price for future emergencies.

More than 4 years later, the Gulf Coast is still recovering from Hurricane Katrina. Over \$100 billion in Federal resources has been needed to respond to this disaster alone.

Our amendment would have no effect on Hurricane Katrina. The fact is, as I have said before, we have had virtually unanimous votes supporting funding for Katrina. I do not think that is a valid criticism. If we have an emergency, I am confident this Congress will meet it.

The recent Christmas Day airline bombing—I see my friend, Senator LEAHY. Is he seeking the floor to speak? If so, I will try to wrap up.

Mr. LEAHY. Mr. President, I am going to speak for just 3 or 4 minutes, but I do not want to interrupt my friend from Alabama.

Mr. SESSIONS. I will wrap up. I do not want to delay the vote. It will be perfectly appropriate for him to make his remarks at this time.

But first, I will point out this chart. Why do we need to contain the reckless growth in spending? This chart shows how much interest we pay on the debt. When we passed a stimulus package of almost \$800 billion, we did not have that money. Where did we get it? We borrowed it, and we have to pay interest on it.

When we have an emergency, such as Hurricane Katrina—by definition, an emergency is an expenditure for which we do not have the money and it is above our budget. Our budget puts us in deficit. Emergency spending is always deficit funded, funded with borrowed money.

In 2009, the interest we paid on our debt was \$200 billion. That is the public debt. We have more debt than that. We have internal debt. Under the 10-year proposal President Obama gave us early last year, the Congressional Budget Office concludes that our deficits will surge and that in 10 years, the interest for 1 year would be \$799 billion. That is why everybody says we are on an unsustainable path. How do we get off it? Basically, we have to contain our spending. We cannot have \$800 billion stimulus packages every year or two. We cannot have spending increases of 10 percent and 12 percent in basic discretionary accounts.

If we start taking firm action now, this will not happen. The debt tends to compound. Our deficits tend to compound. They go into the baseline, and then we have an increase over that the next year and the next year, and it compounds a lot more than some of our Members realize. That is why we are getting into the area that threatens the very financial viability of this Nation, as Mr. Greenspan said in December with a statement so strong about the danger we face that it would curl your hair.

That is why Senator MCCASKILL and I think we need to take some action.

This is a proven way to do so with statutory caps. I encourage my colleagues to see it for what it is: a bipartisan attempt to be sure we do not rise above the budgetary caps that are in our budget. This amendment would make it hard to go above those levels in our spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, first, I thank my friend from Alabama for yielding time.

AMENDMENT NO. 3303

Among the \$120 billion in funding cuts that would be required by the Coburn amendment is a \$1.3 billion rescission from the State Department. Section 13 of the amendment specifically directs the Secretary of State to eliminate two programs—the East-West Center and the Asia Foundation—saying this would produce savings.

Even if it made sense to eliminate these programs which have a long history of achievement for our Nation and strong bipartisan, bicameral support, to do so would produce savings of only \$42 million—a long way from the \$120 billion about which he spoke. The Senator's amendment does not say where the balance of the \$1.3 billion cut would come from.

The Senator's Web site mentions two other small programs within the State and Foreign Operations budget that he believes should be cut which total \$25 million, and \$20 million of that, incidentally, is for the Tropical Forest Conservation Act, something that gets us praise around the world and actually protects the well-being of everybody in this country. It has long been supported by the senior Republican on the Foreign Relations Committee.

The explanation of the Senator from Oklahoma for eliminating these funds is that other nations should be responsible for the conservation of their own tropical forests. Would that it were so. But when they get cut down, they affect those of us in Vermont, Colorado, Oklahoma, or anywhere else. In fact, it is like saying to other nations, no matter how impoverished—for example, Haiti—that they should take care of their own health needs. That ignores the fact that deadly viruses, such as HIV and TB, are as oblivious to national boundaries as are carbon emissions from the destruction of tropical forests. It is a shortsighted and unworkable approach to global problems that affect the American people directly.

In defense of his proposal to rescind \$1.3 billion from the State Department, Senator COBURN cites more than \$13 billion in funding for Iraq reconstruction that has been wasted, stolen, or lost. I see my good friend from Oklahoma on the floor. I say in that regard, there is no doubt there was deplorable waste, fraud, and abuse of U.S. tax-

payer funds by contractors, such as Halliburton, that received no-bid, sweetheart contracts under the last Republican administration. It was probably the most poorly implemented nation-building program in history. At that time, the Republican Congress rubber-stamped those funds that were wasted—probably not wasted if you were a shareholder of Halliburton; you thought it was a good idea because they walked off with so much of it. The White House even opposed efforts by some of us, including Republicans, to create the Office of the Special Inspector General for Iraq Reconstruction that discovered the misuse of funds.

I also remind everybody that it was the Republican Congress, with a Republican President, that inherited the largest surplus in America's history, created by a Democratic administration, that of President Clinton's, that left a surplus that was paying down the national debt, left a huge surplus to the incoming Republican President. The Republican Congress not only voted to use that surplus to pay for an unnecessary war in Iraq but even cut taxes when we were fighting what ended up being two wars. It is the only time in our Nation's history we have done that—spend the surplus, cut taxes, and somehow these wars that have been going on now for 8 years would pay for themselves.

I think to use the last Republican administration's waste of taxpayer dollars in Iraq as a rationale to rescind funds today that have bipartisan support for the security of our embassies and our diplomats overseas and for programs in Afghanistan, Pakistan, Yemen, the Middle East, Indonesia, Mexico, Central Asia, Israel, and Egypt, where the threats to U.S. national security interests are beyond dispute, would be foolhardy.

Every one of us should agree that not every Federal program deserves to be funded and certainly not because it was funded in the past. I have voted to cut programs in the Appropriations Committee and on this floor because they have gone beyond their useful life span or were ineffective. Some programs are effective. Those that are not should be eliminated.

But the Appropriations Subcommittee on State and Foreign Operations, with leadership between myself and the senior Senator from New Hampshire, Mr. GREGG—we spent the better part of last year making difficult choices of what to fund and what to cut. The Appropriations Committee approved those choices, Republicans and Democrats, all 29 members, with one dissenting vote, and that was on another issue involving abortion. This amendment would cut funding to combat HIV, TB. Countries receive help from us, from Colombia, to Israel, to Egypt, to Mexico. The Senator from Oklahoma, with one strike of the pen,

would arbitrarily slash 5 percent of that funding. Should we look for places where we can save money, where programs are not meeting their goals? Of course. But to do it this way, willy-nilly, picking a percentage out of the air with no concern for the consequences, does not protect the security of the American people.

There is another section of the amendment about which I would like to speak. Section 5 of the amendment directs the Secretary of Education to work with the Secretaries of other relevant agencies to consolidate and reduce the cost of administering the student foreign exchange and international education programs. These exchanges are some of the most strongly supported programs by both Democrats and Republicans in the foreign aid budget.

This amendment takes aim at the Benjamin Gilman International Scholarship Program, as well as several Department of Education international education and research programs, some of which are administered by the State Department, and a National Science Foundation program.

The Benjamin Gilman Program, created by Congress, provides scholarships to American undergraduates to study abroad, including students in nontraditional destinations, or to study critical languages, such as Arabic, Persian, and Chinese. Our military, and our intelligence agencies, say there is an unmet need for Americans who can speak these languages. Senator COBURN would cut funding for it.

The Department of Education's Foreign Language and Area Studies Fellowship Program provides funding for foreign language study at U.S. universities, and several of these programs focus on strengthening study in international business and education, at a time when we are becoming more and more aware we cannot compete just within our borders. Our businesses have to be able to compete with other countries around the world or we lose jobs in America. We should be strengthening our study of international business and education, not cutting these programs.

The amendment would cut other successful exchanges, such as the Fulbright-Hayes programs for teachers, high school students, graduate students, and business professionals. These exchanges bring foreigners with a range of economic, cultural, and ethnic backgrounds to the United States and they send Americans overseas. At a time when America should be reaching out around the world for our security, for our businesses, we should not be cutting these programs which have been woefully underfunded as both Republicans and Democrats have pointed out.

The Institute for International Education is one example of an organization that effectively administers these



programs. It provides citizens of other countries with a chance to learn firsthand about American culture, our values, our government, and our way of life. These are among the most effective ways of countering the misrepresentation and false stereotypes about the United States that we see perpetrated by extremists. Some of these programs and their predecessors I saw during the Cold War period. I remember one of the early meetings I had, along with several others, with President Ronald Reagan. He had spoken about the evil empire, and he said: What would you suggest we do? Of the suggestions that several of us made, I said this: Why don't you visit the Soviet Union and invite their leader to come to the United States next year and visit here?

He said: Why?

I said: Because you really don't know much about them. I pressed him a little on that, but he heard me out, and I said: But they do not know much about you either, and it would force them to learn about you and your staff, and it would force us to learn about them and their staff.

Later, in his second term, President Reagan told me that was some of the best advice he ever got. We know how triumphant his visit was to the Soviet Union and how triumphant it was when Mr. Gorbachev came here, and the two of them learned about each other and worked together to lower the threat of nuclear war.

That is just one example.

Mr. COBURN. Would the Senator yield for a question?

Mr. LEAHY. Without losing my right to the floor.

Mr. COBURN. No problem there.

Is the Senator aware that the foreign ops appropriation increased by 11 percent in 2009 and 33 percent last year? Yet the Senator is saying we can't trim 5 percent from that budget? Am I hearing the Senator correctly? We increased it 46 percent in 2 years, and we can't cut 5 percent?

Mr. LEAHY. I would tell the Senator from Oklahoma that if you look over the last 10 years, there have been significant shortfalls in many of these programs, and in personnel. The increases began first at the request of former President George W. Bush, and then followed by President Obama because they realized the need for us to have these programs for our own security.

My response would be: Where do we make cuts? Your amendment does not say. Do we start with individual countries—Israel, Egypt, and so on? Do we start with programs to combat HIV, or malaria, or programs to eliminate childhood diseases in Africa? These exchanges enable Americans and foreigners to conduct scientific research to increase understanding and cooperation.

Rather than cut funding, Senators on both sides of the aisle have consistently urged the Appropriations Committee to increase funding to expand our efforts to promote better understanding of the United States. If we had funded all the requests for increases, it would be considerably more than it was. Senator GREGG and I stayed within our allocation. Also, I think it was the only appropriations subcommittee that reported a bill with no earmarks.

If there are ways of consolidating to reduce some administrative costs without harming the effectiveness or reducing opportunities to participate in these exchange programs, I am for it. But rather than by amendment to the debt ceiling bill, rather than giving carte blanche to the administration—or any administration—let's consider this in the normal appropriations process in a deliberative way.

Mr. President, we actually work hard on these bills. We make difficult choices. Some things get funded, others do not. We vote up or down. We have to stay within our budget, and we did, and we did it without earmarks. So I believe the amendment should be rejected.

It sounds nice we should just eliminate \$2 billion in waste. Who would not want that? Let us be specific. Let us make the hard choices and say where the cuts are going to come from. The Senator's amendment does not do that. I recall a Republican President who gave great speeches about a constitutional amendment to balance the budget, and then during his administration tripled the national debt. I have heard great speeches by people who have voted to cut taxes during two wars, by people who instead of using the surplus left by the last Democratic President squandered it in a year's time.

Mr. President, I see the distinguished majority leader on the Senate floor, so I yield the floor.

Mr. REID. I thank the Senator from Vermont, the chairman of the Judiciary Committee.

Mr. President, I ask unanimous consent that it be in order for the Coburn amendment, No. 3303, to be divided into four divisions, as follows, and modified to strike sections 17 and 18: section 1, division I; section 2, division II; sections 3 to 5, division III; and section 16, division IV; further, that once the Republican leader or his designee has offered his amendment, a copy of which is at the desk, no further amendments or motions be in order; that Senator COBURN be recognized for up to 15 minutes; that upon the use or yielding back of that time, the Senate proceed to vote with respect to the following amendments in the following order; and that prior to each vote, there be 6 minutes of debate equally divided and controlled in the usual form—that is, there be 3 minutes on each side: Coburn

division I, Coburn division II, Coburn division III, Coburn division IV; that on Thursday, January 28, after any leader time, the Senate then resume consideration of H.J. Res. 45; that no further debate be in order except as provided for in this agreement; that prior to each of the following votes with respect to H.J. Res. 45, there be 4 minutes of debate, equally divided and controlled in the usual form: Brownback amendment regarding commissions, which is at the desk; Sessions-McCaskill amendment No. 3308; Reid amendment No. 3305; Baucus, for Reid, substitute amendment No. 3299; passage, H.J. Res. 45; further, that the cloture motions filed with respect to H.J. Res. 45 be withdrawn; with the vote threshold requirement still in effect as provided in the order of December 22, and that the Baucus amendment No. 3306 be withdrawn; further, that upon disposition of H.J. Res. 45, the Senate then proceed to executive session, and there be 60 minutes of debate prior to the cloture vote on Executive Calendar No. 641, the nomination of Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve System, with the time equally divided and controlled between the leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I wish to modify my consent request. I said sections 3 to 5, but it is sections 3 to 15 be division III.

Mr. COBURN. Mr. President, reserving the right to object, and I will not object, but I want to convey my appreciation to the leader and his staff for allowing division in the four areas on my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3303), as modified, is as follows:

At the appropriate place, insert the following:

**TITLE —ELIMINATION OF  
DUPLICATIVE AND WASTEFUL SPENDING**  
**SEC. 1. IDENTIFICATION, CONSOLIDATION, AND  
ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.**

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

**SEC. 2. REPEAL OF INCREASE OF THE OFFICE  
BUDGETS OF MEMBERS OF CONGRESS.**

Of the funds made available under Public Law 111-68 for the legislative branch, \$245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by

Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

**SEC. 3. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.**

Of the funds made available under Public Law 111-80 for the Department of Agriculture, \$1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the \$6,000,000,000 in low interest loan programs offered by the USDA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's August 2009 Budget Options document, which states that the program "merely replaces private spending with public spending", no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agriculture Service's Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservation efforts, including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy's Biomass Program, the Department of Agriculture's Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy's Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture's Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the USAID Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects; *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall

assign to an existing program for which funding is not prohibited in this section.

**SEC. 4. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.**

Of the funds made available under Public Law 111-117 for the Department of Commerce, \$697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA's grants to rural public broadcasting stations, as proposed by the President's FY 2010 budget, which duplicates the Department of Commerce's Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the Small Business Administration's Small Business Development Centers and which has been found by the Office of Management and Budget to "only serve a small percentage of small manufacturers each year": *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 5. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.**

Of the funds made available under Public Law 111-117 for the Department of Education, \$3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the

Health Resources Administration: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, including the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department's Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the National Science Foundation's Office of International Science and Engineering.

**SEC. 6. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.**

Of the funds made available under Public Law 111-85 for the Department of Energy, \$1,321,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy's Energy Conservation and Weatherization grants, as well as the Department of Energy's building Technologies Program, the LIHEAP weatherization efforts, the National Park Service's Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development's Energy Innovation Fund: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department's Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

**SEC. 7. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Of the funds made available under Public Law 111-117 for the Department of Health and Human Services, \$4,116,950,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

**SEC. 8. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.**

Of the funds made available under Public Law 111-83 for the Department of Homeland Security, \$2,205,000,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that "a total of 31 agency budgets include Federal homeland security funding in 2010".

**SEC. 9. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

Of the funds made available under Public Law 111-117 for the Department of Housing and Urban Development, \$2,302,450,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

**SEC. 10. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.**

Of the funds made available under Public Law 111-88 for the Department of Interior, \$606,200,000 in unobligated balances are per-

manently rescinded: *Provided*, That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America's Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey's National Climate Change and Wildlife Science Center, the US Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the US Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

**SEC. 11. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.**

Of the funds made available under Public Law 111-117 for the Department of Justice, \$1,385,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further*, That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further*, That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further*, That the Attorney General shall eliminate the National

Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence centers and reassign any essential duties performed by NDIC.

**SEC. 12. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.**

Of the funds made available under Public Law 111-117 for the Department of Labor, \$679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

**SEC. 13. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.**

Of the funds made available under Public Law 111-117 for the Department of State, \$1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President's FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Foundation, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

**SEC. 14. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.**

Of the funds made available under Public Law 111-117 for the Department of Transportation, \$1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109-59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

**SEC. 15. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.**

Of the funds made available under Public Law 111-117 for the Department of Treasury, \$677,650,000 in unobligated balances are permanently rescinded.

**SEC. 16. RESCISSION OF UNSPENT AND UNCOMMITTED FUNDS FEDERAL FUNDS.**

Notwithstanding any other provision of law, of the \$657,000,000,000 in Federal funds

unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we just heard the chairman of the Judiciary Committee, who is also chairman of the appropriations subcommittee, give the typical Washington talk on why we can't cut spending. In light of the fact there has been a 45-percent increase in his area of appropriations, we now can't come back and give 5 percent of that back to the American people.

Forty-five percent growth in 2 years, and we are picking winners and losers? We are not picking winners. The only winners we are picking are the American people.

The fact is, there hasn't been a major program eliminated by the appropriations subcommittee in 5 years. What they do is, once they are there, they are there forever, and nobody is willing to make the hard choices. That is typical of all the talk we will hear about why we can't cut \$120 billion from the expenditures for this year—\$120 billion out of \$3.4 trillion, and we can't come up with 5 percent. We can't find it.

We are giving you a way to do that. Everybody is going to get to vote, and we are going to send a message to the American people. At the rate we are growing the government, it will double in the next 5 years, and we can't find 5 percent, when they are having to make 10, 15, 20, and 25 percent cuts in their own budgets.

What we heard was the typical appropriations response: We work hard, let's save this for appropriations. The problem is it never happens because every bill, somewhere, has a small constituency—every program. We listed 640 programs that have duplication, redundancy, and inefficiency. Yet we hear an appropriations subcommittee chairman say: Oh, no, we can't.

Well, the American people don't get that. We ought to be about trimming the waste out of this government, and at a conservative estimate there is at least \$387 billion in waste, fraud, or duplication this year.

So we have the tremendous opportunity to come down here and deny the truth the American people know: This government is wasteful, it is not efficient, and most of the time it is not effective. When we try to make a commonsense, small cut after a tremendous growth over the last 2 years, we hear: No, we can't. No, we can't. We hear a sob story. We can't do it.

The fact is, we don't have a future unless we start cutting spending. The President even asked his staff to give him an option on the budget of a 5-percent across-the-board cut. We will hear tomorrow night about freezing discretionary spending. It is easy to freeze

discretionary spending. We have just jumped it 27 percent across the board. But the freezing doesn't start until 2011. We are not going to freeze it until 2011. Our problem is today. The problem that our children are going to face is being manifested and made significantly harder because we are fearful to make commonsense cuts.

Mr. President, \$100 billion out of this \$120 billion comes from \$660 billion that is sitting in agencies that haven't expended it over the last 2 years—the \$660-some billion. We are saying, of those that haven't been spent, that hasn't been rolled out over the last 2 years, send \$100 billion back. It is easy. We are spending money so fast that the agencies can't even get it out the door. When they do get it out the door, it is ineffective and highly inefficient and loaded with fraud.

Why in the world would we reject making commonsense efforts just like everybody else in this country is having to make today? Why would we put in the perspective: Oh, we can't do these little things, from the Foreign Operations Subcommittee, when in fact our country is drowning in debt and the future for our children is in doubt? We cry crocodile tears over some little program somewhere that in the whole realm of things is either duplicated or highly ineffective. We want to keep every last one of them.

We just heard the chairman of the foreign ops subcommittee say we can't do any of this. They are way too valuable; we can't do it.

Well, what is more valuable, taking care of the next generation, embracing our heritage of sacrifice to create opportunity or satisfying a small interest group that is dependent on a government program that is both ineffective and inefficient and also has three or four other programs that do exactly the same thing?

The first component that we are going to vote on is a mandatory request of the GAO to tell us the duplication; tell us across agency lines where we are failing. What do we need to know? Nobody can tell us that today. When we asked the GAO—personally asked the GAO—they said the task is too big. Well, that ought to be our first signal that something is really wrong, when the Government Accounting Agency says the government is so big and convoluted that they can't tell us where we have duplication. They cannot give us recommendations on what to eliminate.

That ought to be our first signal to say time out, stop, cut some spending and let's see who squeals, and we will put back if we have made a mistake.

The American people understand, more than we do, what is at risk in the future. They want a secure future. They want the ability to plan for their children and their grandchildren. They do not want a fiat currency, which is

what is coming if we do not rein in spending.

Most of my colleagues know that is the problem before us. The question is, will we have the courage to go after it. It would be different had we not had significant increases over the last 4 or 5 years in this country, in terms of the budget of the Federal Government. But it has doubled. We are going to have an increase in the debt limit for 1 year that is \$200 billion more than the entire government spent in 1999. In 10 years we are going to borrow \$200 billion more than we spent—just to operate 1 year—than we spent in the entire budget in fiscal year 1999. Of every penny we spend this next year, 44 cents of it is going to be borrowed—\$4.4 billion a day.

What this amendment says is let's not make that so. It does not have to be so. Let's cut it to \$3 billion or \$3.3 billion of that. Let's save the future for our children.

I am reminded that hard things are hard. Habits are hard to break. The habit of Washington is to never have to make a hard choice. We heard a stellar representation by the Senator from Vermont about why things cannot change here—because everybody has a special little project, they want to protect. While they are protecting their special little project, they are forgetting about the country as a whole. That should not be the legacy we want to embrace. The legacy we ought to embrace is that we had the courage to make the hard, tough decisions at a time when it was called for. Now is that time. It is not 2011, it is not next month, it is not when the appropriations bills come, it is now.

Just think what would happen to the dollar tomorrow if the Senate cuts \$120 billion of discretionary spending that is wasteful and duplicated and is not going to make a difference in nary an American life. The signal it will send to the world is we are back on track. The value of the dollar will rise, the cost of oil will go down, the standard of living of consumers will go up, and every family this year will benefit to the tune of \$794, if we agree to this amendment.

I think the citizens of America are worth that. I know their children and grandchildren are worth it. The question is, will we curry up the courage? Will we meet the challenge that faces this country or will we continue the status quo because we have always done it this way? Doing it this way is exactly what put us \$12.4 trillion in debt; by this time next year \$14.2 trillion in debt. It is mortgaging and stealing the future of our children.

I look forward to seeing the outcome of the votes, and I know the American people do. This is the first time in a long time we have had a true vote on the floor to make a difference in what is going to happen in the finances of

this country. My hope is we will not disappoint, again, the American people. I yield the floor.

Mr. COCHRAN. Mr. President, I agree with the Senator from Oklahoma that there is waste within government, that there is duplication or overlap of programs across some government agencies, and that the amount of spending approved for fiscal year 2010 was higher than it should have been given our Nation's fiscal situation. That is part of the reason why I opposed the fiscal year 2010 budget resolution.

But, I am not enamored of the approach that Senator COBURN has taken in this amendment. It is an abdication of our constitutional duties as elected Members of Congress to cede such vast decisionmaking power to the executive branch. If there is \$120 billion to be cut from the budget, we should identify those cuts and vote on them. We should not let the President, a commission, or some other entity make those decisions for us.

Throughout the past year the Senator from Oklahoma and other Members offered amendments to cut spending from the budget resolution, appropriations bills, and other measures. Some of these amendments were adopted and some were not. I supported some of the amendments and opposed others. In each case, however, Senators knew what they were voting on and had some idea what the effect of the amendment would be. With this amendment we have no idea what its effect will be. The sponsor of the amendment says the impacts will be negligible but offers virtually no specifics. Perhaps he is correct. It is also possible that the President—whose priorities in many respects differ significantly from most Senators on my side of the aisle—will take the reductions mandated by this amendment from programs that my colleagues and I feel to be high priorities. It is possible that the President will fail to take the reductions from those programs we feel are most duplicative or wasteful.

We will likely never know the answers to these questions. This amendment will not be enacted. I agree that Federal spending must be constrained. As we go forward, however, I hope the Senate will take a more transparent approach to deficit reduction so that Senators, consistent with their constitutional responsibilities, can make informed decisions about the operations of the Federal Government.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coburn amendment, Division I.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—94

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Ensign     | McCain      |
| Alexander | Enzi       | McCaskill   |
| Barrasso  | Feingold   | McConnell   |
| Baucus    | Feinstein  | Menendez    |
| Bayh      | Franken    | Merkley     |
| Begich    | Gillibrand | Murkowski   |
| Bennet    | Graham     | Murray      |
| Bennett   | Grassley   | Nelson (NE) |
| Bingaman  | Gregg      | Nelson (FL) |
| Bond      | Hagan      | Pryor       |
| Boxer     | Harkin     | Reed        |
| Brown     | Hatch      | Reid        |
| Brownback | Hutchison  | Risch       |
| Bunning   | Inhofe     | Rockefeller |
| Burr      | Inouye     | Sanders     |
| Burriss   | Isakson    | Schumer     |
| Cantwell  | Johanns    | Sessions    |
| Cardin    | Johnson    | Shaheen     |
| Carper    | Kaufman    | Shelby      |
| Casey     | Kerry      | Snowe       |
| Chambliss | Kirk       | Specter     |
| Coburn    | Klobuchar  | Stabenow    |
| Cochran   | Kohl       | Tester      |
| Collins   | Kyl        | Thune       |
| Conrad    | Landrieu   | Udall (CO)  |
| Corker    | Lautenberg | Udall (NM)  |
| Cornyn    | Leahy      | Vitter      |
| Crapo     | LeMieux    | Whitehouse  |
| DeMint    | Levin      | Wicker      |
| Dodd      | Lieberman  | Wyden       |
| Dorgan    | Lincoln    |             |
| Durbin    | Lugar      |             |

NOT VOTING—6

|          |           |        |
|----------|-----------|--------|
| Byrd     | Roberts   | Warner |
| Mikulski | Voinovich | Webb   |

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 0. Under the previous order requiring 60 votes for the adoption of this division, the division is agreed to.

The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent that the next three votes be 10-minute rollcalls.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3303, DIVISION II

The PRESIDING OFFICER. There will now be 6 minutes of debate, equally divided, on Coburn division No. II. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment rescinds our increase for our operations. We increased our budget 5.8 percent at a time when there was

no inflation last year, zero. The year before that, we had increased our budget in excess of 10.9 percent, which means we effectively increased our own budgets to run our own operations 17 percent in the last 2 years, with less than 1 percent inflation over that period. If, in fact, we can't lead by example to cut our own budgets to help the country move out of the problem it is having, it is probably because we are not very good managers of our own budgets, which belies the problem we now face. I appreciate support on this amendment. The American people would sincerely appreciate support on this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the amendment being offered by the Senator from Oklahoma affects the legislative branch. It is true it affects Members of Congress in their offices, but it affects much more. We just had an overwhelming vote to give new responsibilities to the Government Accountability Office. The next amendment up calls for cutting their budget. I would say to the Senator from Oklahoma, you can't have it both ways. You give new responsibilities to these agencies and then say: We will give you less money to do it.

Let me suggest something else. When you start to leave this evening to go home and you drive by the gate out here and you see, in the dark, men and women in uniform risking their lives for us and for the visitors to the Capitol, remember this vote. This vote cuts funds for the Capitol Police and security in the Capitol. When the Senator from Oklahoma was asked earlier, are you asking for too much in cuts, he said: I want to keep cutting until they squeal. What will be the squeal we hear when it comes to security from the Capitol? I am sorry to say it might be an incident that none of us wants to see.

We want this to be a safe place. The Capitol Visitor Center has more and more people coming in. Cutting security for the Capitol at this point in time with the threats facing our Nation and the fact that we work in one of the biggest targets in America is very shortsighted. That is what happens when you cut across the board and you don't take a look at the individual agencies involved. Please, for the security of the Capitol and for the security of the people who visit it, vote no on this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, it is remarkable what length we will go to defend our budgets. The fact is, the assumption Senator DURBIN made is that we are efficient. The fact is, we are not. Everybody in here could turn back at least 10 percent of their budget if they

ran their office efficiently. We know that. Nothing in Washington is run efficiently. So to say we can't do it without putting ourselves at risk is poppycock. It is time for us to lead. Now is the time.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. One thing I forgot to mention. Members of Congress voluntarily forgo every cost-of-living adjustment each year. We decided not to ask for a cost-of-living adjustment because we are in hard times. To suggest that sacrifices are not being made is not accurate. I urge my colleagues, vote against this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Coburn Amendment, Division No. II.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 7 Leg.]

#### YEAS—46

|           |           |            |
|-----------|-----------|------------|
| Alexander | Ensign    | Lincoln    |
| Barrasso  | Enzi      | Lugar      |
| Bayh      | Feingold  | McCain     |
| Bennet    | Graham    | McCaskill  |
| Bennett   | Grassley  | McConnell  |
| Brownback | Gregg     | Murkowski  |
| Bunning   | Hagan     | Risch      |
| Burr      | Hatch     | Sessions   |
| Chambliss | Hutchison | Shelby     |
| Coburn    | Inhofe    | Snowe      |
| Cochran   | Isakson   | Thune      |
| Collins   | Johanns   | Udall (CO) |
| Corker    | Klobuchar | Vitter     |
| Cornyn    | Kohl      | Wicker     |
| Crapo     | Kyl       |            |
| DeMint    | LeMieux   |            |

#### NAYS—48

|          |            |             |
|----------|------------|-------------|
| Akaka    | Dorgan     | Levin       |
| Baucus   | Durbin     | Lieberman   |
| Begich   | Feinstein  | Menendez    |
| Bingaman | Franken    | Merkley     |
| Bond     | Gillibrand | Murray      |
| Boxer    | Harkin     | Nelson (NE) |
| Brown    | Inouye     | Nelson (FL) |
| Burr     | Johnson    | Pryor       |
| Cantwell | Kaufman    | Reed        |
| Cardin   | Kerry      | Reid        |
| Carper   | Kirk       | Rockefeller |
| Casey    | Landrieu   | Sanders     |
| Conrad   | Lautenberg | Schumer     |
| Dodd     | Leahy      | Shaheen     |

|          |            |            |
|----------|------------|------------|
| Specter  | Tester     | Whitehouse |
| Stabenow | Udall (NM) | Wyden      |

#### NOT VOTING—6

|          |           |        |
|----------|-----------|--------|
| Byrd     | Roberts   | Warner |
| Mikulski | Voinovich | Webb   |

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 48. Under the previous order requiring 60 votes for the adoption of this division, the division is withdrawn.

#### AMENDMENT NO. 3303, DIVISION III

There will now be 6 minutes of debate equally divided on Coburn division III. Who yields time?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we are going to hear why we cannot do this, kind of along with the debate we just heard from the majority whip. But here are some examples for you. This is what the GAO found.

In 2005, 13 different Federal agencies spent \$3 billion to fund 207 programs to encourage students to enter the field of math and science. Mr. President, 207 different programs, and we are going to vote against eliminating them here in just a minute.

In 2003, \$30 billion was spent on 44 job-training programs administered by 9 different Federal agencies. Fourteen departments within the Federal Government, 49 independent agencies operate exchange and study abroad programs. So 14 departments, 49 independent agencies operate exchange and study abroad programs; 69 early education programs administered by 9 different agencies; 23 Federal housing programs that target or have special features for the elderly operated by 6 different agencies.

That is just a minimal number.

We are going to hear why we cannot do this. The American people are wanting to know when we are going to do what is right, what is possible, and what is best for the long term, not the short term.

With that, Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the Senator from Oklahoma proposes to cut \$20 billion from programs which he describes as being redundant. Well, take, for example, nursing. There are three different programs. They are not redundant. One is for education; another is to train women and men to go to rural areas, rural America, to serve; and the third is for research. Yes, three different agencies handle that. It is for three different purposes.

Then you have HUD. One of the sad facts of life is that tonight 658,000 American men, women, and children are going to go to bed homeless, some of them with empty stomachs, some without blankets, and we are going to cut 5 percent from housing for the homeless? This amendment does that.

Then you have cuts for foreign operations. Senator LEAHY spent some time this afternoon explaining why this is foolish. We had an accounting change because now we cover State Department activities in Afghanistan and Iraq.

I think it is ill-advised to do what the Senator proposes because these are not redundant. These are not wasteful. I think we could be spending more for the homeless, but yet we are cutting this by this amendment. I hope we reject this amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what the American people are asking is, Why aren't the three nursing programs combined so you have one set of overhead to administer all three programs? That is what they are asking. This does not cut any money for the homeless. What it says is, put all the homeless programs under one set of administration where we save money and are much more effective at what we are doing because we are concentrating it within one area. We can have all sorts of reasons why we cannot do it. Let's find the courage to do it for the American people and the kids who follow.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the Coburn amendment, Division III.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 8 Leg.]

#### YEAS—33

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Crapo     | Kyl       |
| Barrasso  | DeMint    | LeMieux   |
| Bayh      | Ensign    | McCain    |
| Bennett   | Enzi      | McCaskill |
| Brownback | Graham    | McConnell |
| Bunning   | Gregg     | Risch     |
| Burr      | Hatch     | Sessions  |
| Chambliss | Hutchison | Shelby    |
| Coburn    | Inhofe    | Thune     |
| Corker    | Isakson   | Vitter    |
| Cornyn    | Johanns   | Wicker    |

## NAYS—61

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Murkowski   |
| Baucus    | Gillibrand | Murray      |
| Begich    | Grassley   | Nelson (NE) |
| Bennet    | Hagan      | Nelson (FL) |
| Bingaman  | Harkin     | Pryor       |
| Bond      | Inouye     | Reed        |
| Boxer     | Johnson    | Reid        |
| Brown     | Kaufman    | Rockefeller |
| Burris    | Kerry      | Sanders     |
| Cantwell  | Kirk       | Schumer     |
| Cardin    | Klobuchar  | Shaheen     |
| Carper    | Kohl       | Snowe       |
| Casey     | Landrieu   | Specter     |
| Cochran   | Lautenberg | Stabenow    |
| Collins   | Leahy      | Tester      |
| Conrad    | Levin      | Udall (CO)  |
| Dodd      | Lieberman  | Udall (NM)  |
| Dorgan    | Lincoln    | Whitehouse  |
| Durbin    | Lugar      | Wyden       |
| Feingold  | Menendez   |             |
| Feinstein | Merkley    |             |

## NOT VOTING—6

|          |           |        |
|----------|-----------|--------|
| Byrd     | Roberts   | Warner |
| Mikulski | Voinovich | Webb   |

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 61. Under the previous order requiring 60 votes for the adoption of this division, the division is withdrawn.

## AMENDMENT NO. 3303, DIVISION IV

There will now be 6 minutes for debate equally divided on Coburn Division No. IV.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, last year Federal agencies ended the fiscal year with \$657 billion in unobligated balances. There is no question a great deal of that is associated with the war efforts and other things, but according to OMB and CBO, approximately \$100 billion of that has been sitting for 2 years or longer, never having been obligated for what we have directed it to. So we have \$100 billion sitting out there that the agencies have not been able to spend. Obviously, if they haven't been able to spend it in the last 2 years, it is not a priority. If, in fact, we rescind that money to the Treasury, we will cut our deficit \$100 billion, and then we can reappropriate what is necessary for this year. The rule in the Federal Government is after 2 years it is supposed to go back to the Treasury anyway, which is not being enforced for everybody except the Treasury Department. They are under that obligation.

So here is an opportunity—it doesn't affect anything because the money hasn't been obligated—to put it back in and start over and reprioritize. That is all it is about. It will actually move \$100 billion back and then our appropriators can decide whether they want to put that back this year.

I appreciate your consideration on this amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields?

The Senator from Hawaii.

Mr. INOUE. Mr. President, this is a very serious amendment. Potentially it could be damaging. It says, very simply, if the funds are not obligated for 2 years, then it is rescinded. It sounds

reasonable, but I think it is no secret it takes longer than 2 years to build a battleship. It takes more than 2 years to build an aircraft carrier. It takes more than 2 years to build a hospital. Right now, there are 43 VA hospitals being built. Are we going to cut them out? What about the shipbuilding industry? Are we going to rescind that?

This amendment has potentially very dangerous consequences. I hope my colleagues will vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the dangerous consequences facing this Nation aren't as outlined by the chairman of the Appropriations Committee. The dangerous consequences facing this Nation are continued spending and borrowing from the next generation and a creditworthiness that is not going to even be BBB. There is no question there is danger before us. It is not this amendment. It is the continuing efforts on the part of those who are in Washington to not recognize the fact that we are wasting money hand over fist and, in fact, we appropriate yearly on many of these projects. So it will not eliminate any as outlined by the chairman. It will give us a chance to reprioritize, which every family in America is doing today.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is such a second.

All time is yielded back.

The question is on agreeing to the Coburn amendment, Division IV.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 57, as follows:

## [Rollcall Vote No. 9 Leg.]

## YEAS—37

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Ensign    | Lugar     |
| Barrasso  | Enzi      | McCain    |
| Bayh      | Feingold  | McConnell |
| Bennett   | Graham    | Murkowski |
| Brownback | Grassley  | Risch     |
| Bunning   | Gregg     | Sessions  |
| Burr      | Hatch     | Shelby    |
| Chambliss | Hutchison | Snowe     |
| Coburn    | Inhofe    | Thune     |
| Corker    | Isakson   | Vitter    |
| Cornyn    | Johanns   | Wicker    |
| Crapo     | Kyl       |           |
| DeMint    | LeMieux   |           |

## NAYS—57

|          |            |             |
|----------|------------|-------------|
| Akaka    | Feinstein  | Menendez    |
| Baucus   | Franken    | Merkley     |
| Begich   | Gillibrand | Murray      |
| Bennet   | Hagan      | Nelson (NE) |
| Bingaman | Harkin     | Nelson (FL) |
| Bond     | Inouye     | Pryor       |
| Boxer    | Johnson    | Reed        |
| Brown    | Kaufman    | Reid        |
| Burris   | Kerry      | Rockefeller |
| Cantwell | Kirk       | Sanders     |
| Cardin   | Klobuchar  | Schumer     |
| Carper   | Kohl       | Shaheen     |
| Casey    | Landrieu   | Specter     |
| Cochran  | Lautenberg | Stabenow    |
| Collins  | Leahy      | Tester      |
| Conrad   | Levin      | Udall (CO)  |
| Dodd     | Lieberman  | Udall (NM)  |
| Dorgan   | Lincoln    | Whitehouse  |
| Durbin   | McCaskill  | Wyden       |

## NOT VOTING—6

|          |           |        |
|----------|-----------|--------|
| Byrd     | Roberts   | Warner |
| Mikulski | Voinovich | Webb   |

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 57. Under the previous order, requiring 60 votes for the adoption of the division, the division is withdrawn.

The Senator from Kansas is recognized.

## AMENDMENT NO. 3309 TO AMENDMENT NO. 3299

Mr. BROWNBACK. I think under a previous agreement I was to call up an amendment. I ask that my amendment be called up, No. 3309, which is at the desk.

The PRESIDING OFFICER. The pending amendments are set aside and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3309 to amendment No. 3299.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BROWNBACK. Mr. President, I ask unanimous consent to add the following members as cosponsors to the amendment: Senators CHAMBLISS, ENSIGN, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, as I understand, there are no further votes this evening, and there will not be votes tomorrow. We will have this up Thursday, and we will debate it then and vote on it. I will put in somewhat of a statement tonight and then talk about it further on Thursday.

This is a commission that has been in front of this body several times. We voted on it. It passed this body twice before in the budget debates. It is CARFA, the Commission on the Accountability and Review of Federal Agencies.

It is modeled exactly after the Base Realignment and Closure Commission, the BRAC, that has been so successful on closing military bases and consolidating assets and put the military in a



better position. This is the same thing. It is to all of government. It has been voted on by this body twice before. It has passed this body. It is done in the budget agreement. It is time it became the law of the land.

That is the process whereby we can actually cut government spending. It is a simple process—eight members on the Commission, four appointed by this body, four appointed by the House. For any recommendation to move forward, it has to pass by six of eight members, so either party cannot dominate or determine it. It has to be six of eight. It will take one-fourth of the government each year for 4 years and review that fourth of the Federal Government and make recommendations for closure during that year's period of time.

The report for that year then is submitted to the appropriate committees of jurisdiction for a period of 30 days. They can review the report. They can hold hearings on the CARFA commission recommendations for a period of 30 days. They can look it over and see which ones they like, which ones they do not like, but they cannot amend it.

At the end of that 30 days, it is then subject to a privileged motion to come in front of this body so it has to be voted on by this body with a limit of 10 hours of debate prior to going to the motion, 10 hours of debate on the bill itself. It cannot be amended. Then it is an up-or-down vote, with a 50-vote threshold of passage. It is a privileged motion that comes in front of this body, with a majority vote for it to pass through this body.

This is the way we will get spending under control and done. This is an agreeable way. It is a way that has proven itself in the past. Now is the time we have to do this.

I wish to show one chart that is new out today. It is no new news, unfortunately. This one is new out today. This is the projection of our Federal debt as a percentage of GDP. That is the one to watch, the projection of the Federal debt as a percentage of GDP.

We can see what the January 2008 estimate of the Federal debt as a percentage of our economy was supposed to be. Here is the percent of the economy. We are pushing up 38 percent or so at this point in time. In January 2008, this starts bending back down and moves to 20 percent by 2020. Then we had the January 2009 estimate come in. We see there we were getting up to mid-50 percent, and then it was going to bow back down to 41 percent. That was last year's 2009 estimate.

This year, just out today—this is the estimate—2010 as a percent of the economy, we are looking at our Federal debt as being midsixties, 67 percent, and staying at that level for the debt as a percentage of the economy. These are terrible numbers. They are way too high. They are stifling the economy. It is a nonsustainable position, and it is something we have to fix.

Earlier today, we considered a commission that had both spending and taxes in it. The American public is not for more taxes. They think they are taxed out, and I believe they are too taxed. They should not be taxed more. They do want us to cut spending. There is no question about that. They want us to cut it prudently. They want us to cut in wasteful, duplicative areas. That is what they want to get at. They want core programs clearly taken care of. That is why we put it to a bipartisan commission of individuals to look at. The recommendation has to clear six of eight members so no party can control—four appointed by Republicans, four appointed by Democrats—examined by the committees and then put forward for a vote. This can work. This is what the public wants us to do. It is time to do it.

We have to start bending this down, the debt to GDP. This is dangerously high. It has not been this high since World War II. We cannot sustain it. We have to pull it back down. I would love us to start to cut spending and go through the committees and say we are going to cut here, we are going to cut there. We have not been able to do that under Republican or Democratic control of either branch of government. We have not been able to go at that on an individual basis.

This is a system that has worked in the past. This is a system that this body has approved in the past. It has been in budget agreements. We have not made it all the way through in the budget agreement, but Members in this body have voted on this system for controlling spending.

If people want to come back later and say: We want to look at other provisions or we want to add something back, they can do that in future conferences. But this gets that culling process going.

I wish to point out one issue to my colleagues about the problem of running high debt and its impact on the economy. If the Federal Government runs a high debt level, it has a drag on the economy. There is a recent study just released at an American Economics Association meeting. The title of the study is "Growth in a Time of Debt." It said, according to the study, that the sharp runup in public sector debt will likely prove one of the endearing legacies of the 2009 financial crisis in the United States and elsewhere. The study looked at debt levels of 44 countries and included data over the last 200 years in order to get the most comprehensive picture possible, the picture of debt on economic growth.

What does this big lug do to the overall economy? Does it have an impact? They said, clearly, yes.

The conclusion is clear: Very high government debt, classified as 90 percent or more of gross domestic product,

results in average growth rates a full 4 percent below countries with lower debt levels. Since annual growth rate and GDP is averaged considerably less than 4 percent over the last 10 years in the United States, carrying high national debt can mean the difference between a growing economy and a contracting economy.

After the recent binge of Federal spending, our Nation's gross debt could well surpass the 90 percent of GDP mark and go even above that, to the point that could be the lug on the economy that keeps us from growing and actually puts us in a contracting economy.

I urge my colleagues or members of the Senate staff to look at these studies and look at the impact of debt on economic growth. This could end up being the real lug of what happens during this period of time.

CARFA is a bipartisan mechanism that can work us out of this situation. It pushes at the places we actually can cut and need to cut. Everybody in this body believes, and I believe, there are clear places in the Federal Government we can cut. For one reason or another, they have become sacred cows and we have not been able to cut them. This is a process that has worked on military bases before.

I will talk more about this amendment when we vote on it on Thursday. I ask my colleagues, in the interim day, when we have a chance to look at some of these things, to examine this process. It is one they have seen before. I have proposed this bill for 10 years. They voted on it before, as I stated earlier. I urge them to look at this and think: Now is the time to do this. Maybe they had reservations about it in the past or thought: I don't think we want to go into that sort of mechanism now. But there is not another mechanism that works. This changes the mechanism for spending in a way that has worked in the past and, clearly, with these sort of debt numbers, the time has come to do it.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, we are now debating a resolution that would raise the Federal debt ceiling, allowing the Federal Government to borrow enough money to meet its obligations. I doubt anyone in this Chamber is happy at the prospect of approving another such increase. I know I am not. Yet we must approve it. Failure to pass this resolution would do incalculable harm to our government's standing with financial markets and endanger nearly every activity the government undertakes. It would throttle the faint, fragile signs of recovery from the deepest financial crisis in 75 years. Refusal to pass this resolution is not an option. It would be irresponsible and dangerous to the jobs and income of every American.

Yet the magnitude of this action is staggering. If successful in this necessary endeavor, we will authorize the Treasury to carry more than \$13 trillion dollars in debt. That is more than \$42,000 for every man, woman, and child in the United States.

While the debt itself is enormous, the rate to which we have been adding to it in recent years is equally staggering. The year President Clinton left office, the government ran a \$236 billion surplus. Yet, after 8 years of Republican leadership, that surplus evaporated into a mind-boggling \$1.3 trillion deficit the day President Obama took office.

The message of these numbers is simple: We cannot go on as we are. If we do not change our budget policies, and change them a great deal, we will plunge our economy into deep depression.

Discretionary spending and nondiscretionary spending alike must be addressed. While some have successfully politicized earmark spending and discretionary spending programs, good and bad alike, the simple fact is that merely addressing these issues will not balance our budgets.

In addition to meaningful spending reforms, we must also engage in meaningful revenue reforms. The Bush-era tax cuts have already added trillions to our debt. Most should not be renewed. We also should end loopholes that allow corporations to hide income in offshore entities and people to hide their assets and income overseas.

But the fact is that most of our budget choices are not easy. And it is precisely because these choices are so difficult that we find ourselves where we are now. So it is worth considering how we got into this situation and how we might get out of it and whether the amendment to this resolution to be offered by Senators CONRAD and GREGG presents a possible solution.

First, let me respond to those who seem to have just recently discovered the importance of the Federal debt. Many of the people bemoaning budget deficits today are the same people who advocated a series of policies under the previous administration that added greatly to our deficits, including enormous tax cuts mainly for the wealthiest. No effort was made to pay for that policy or the two wars. They were financed by debt.

In fact, to the extent that our budget outlook is significantly worse at the end of this decade than it was in the beginning, decisions by the previous administration are by far the biggest contributor to the problem. In parceling out the blame for our massive deficit, one expert said, the Obama administration "is like a relief pitcher who enters a game in the fourth inning trailing 19-0 and allows another run to score. The extra run is nothing to cheer about, of course, but fans should

be far angrier with the starting pitcher."

However we reached this point, it is our responsibility now to address the consequences of failing to act. That is why I believe the amendment offered by Senators CONRAD and GREGG is worthy of consideration.

Briefly, they propose to establish a task force to recommend changes to our budget policies to address our long-term fiscal crisis. The task force would consist of 18 members: 16 Members of Congress, equally divided between House and Senate and majority and minority, and 2 administration officials, the Treasury Secretary and another Presidential appointee. Recommendations would require approval of 14 of the commission's 18 members. Those recommendations would be referred to the Budget Committee and other committees of jurisdiction in each Chamber and then move automatically to floor votes in each Chamber, where passage would require a three-fifths vote.

There is much to recommend this approach. Our fiscal problem is so large partly because it is so politically difficult to address. Repairing our finances will require some combination of spending cuts and tax increases, and spending cuts and tax increases are rarely politically popular. The use of a task force to recommend difficult but necessary choices for the common good has been successful in the past, in several rounds of military base closings and with the Greenspan Commission on Social Security reform in 1983.

But this approach is not without flaw. One is the structure of the task force, which would include two executive branch appointees.

Some have argued that the legislative commission must include members from the executive branch to achieve Presidential buy-in on the commission's proposal. And I agree that gaining the support of the administration is vital in this effort. But in seeking that buy-in, I do not believe it is either necessary or proper to give executive branch officials votes, which are potentially decisive votes, on recommendations that would bypass the Senate's rules and procedures. The proper way to achieve Presidential buy-in is through Presidential communication and consultation and the threat of an actual Presidential veto of a task force proposal, if passed by the Congress, if it is objectionable to the President. The appropriate buy-in before Congress acts could also be advanced with ex officio membership for the two executive appointees.

I was pleased that the task force proposal we are voting on today no longer gives the task force power to recommend changes to the Standing Rules of the Senate. That is a welcome change from its prior iterations. Successfully tackling our fiscal crisis will

require far-reaching legislation, and procedural hurdles in both chambers make passing any far-reaching legislation extraordinarily difficult. But any permanent procedural changes in our rules should be made by the Members themselves in each Chamber and not through this process.

Despite my reservations, particularly about voting membership for executive branch officials on a congressional commission that has the power to bypass the normal rules of our body for consideration of its recommendations, I believe Senators CONRAD and GREGG have offered a way forward. Their 60-vote requirement for positive congressional approval of the task force's recommendations does significantly protect congressional prerogatives. It also is clear that our current political climate and ways of doing business have been unequal to the task. Addressing our deficit requires bold action. The consequences of failure to act are too severe for us to miss this chance to act. I will vote for the Conrad-Gregg proposal.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 641, the nomination of Ben Bernanke.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF BEN S. BERNANKE TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

#### CLOTURE MOTION

Mr. DURBIN. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System.

Christopher J. Dodd, Tom Udall, Edward E. Kaufman, Mark R. Warner, Patty Murray, Robert P. Casey, Jr., Paul G. Kirk, Jr., Daniel K. Inouye, Robert Menendez, Tim Johnson, Jack Reed, Debbie Stabenow, Tom Harkin, Max Baucus, Jon Tester, Joseph I. Lieberman, John D. Rockefeller IV.

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING DELIA MARTINEZ

Mr. REID. Mr. President, I rise today to honor Ms. Delia Martinez of Henderson, NV, who on January 19, 2010, passed away at the age of 61. Ms. Martinez was a dedicated public servant who volunteered countless hours of service to communities around the State of Nevada.

Ms. Martinez was born in Mexico City to U.S. Foreign Service officer Charles Coop and his wife Concepcion Martinez. When Delia was 7 years old her family moved to Nevada, where she would spend the rest of her life. After graduating with honors from Rancho High School in Las Vegas, Ms. Martinez went on to receive a degree in business management from the University of Nevada Reno in 1972.

From an early age, Delia was attracted to the ideals of justice and equality for all. As a high school student, she became actively involved in the civil rights movement, and worked diligently to this end all throughout her life. Ms. Martinez later enjoyed the opportunity to act on the passion for equality she had obtained earlier in life, when she became the first Hispanic female executive director of the Nevada Equal Rights Commission. In this position, which she held for over 10 years, Ms. Martinez honorably served the citizens of Nevada by overseeing the State's pursuit to ensure equal employment opportunities.

After her retirement from the professional world Ms. Martinez began serving in several organizations including the Henderson Democratic Club, *Sí Se Puede*, the Clark County Hispanic

Democratic Caucus, Clark County By-Laws Committee and the Clark County Democratic Black Caucus. Ms. Martinez understood the necessity of improving her community through public service and advocacy. For this reason, it is no surprise that she went on to serve in various leadership positions in many community-based groups. At the time of her passing, Ms. Martinez was serving as the president of the Henderson Democratic Club, treasurer of the Clark County Democratic Hispanic Caucus, and corresponding secretary for *Sí Se Puede*.

Along with her dedication to serving her community, Ms. Martinez will also be remembered for the overwhelming love she had for her family. Ms. Martinez was married to Glenn Phillips with whom she raised their beloved son Benjamin. Prior to the birth of her child, she mentored four nieces and nephews, inspiring them to become active community leaders in Nevada. Ms. Martinez is preceded in death by her parents and is survived by her husband, son, sister, and a large extended family throughout southern Nevada and across several States.

I am humbled today to offer my profound gratitude to Ms. Martinez for her life of service to the citizens of the great State of Nevada, and with equal humility offer my deepest condolences to Ms. Martinez's family.

#### RECOGNIZING THE EFFORTS OF PROJECT C.U.R.E.

Mr. JOHNSON. Mr. President, today I wish to speak in recognition of PROJECT C.U.R.E. and its efforts to improve health care infrastructure in developing countries. PROJECT C.U.R.E. has been bringing customized medical relief to those in the developing world since its inception in 1987. In 2008 alone, PROJECT C.U.R.E. delivered nearly \$40 million worth of supplies to more than 100 health care facilities throughout the world.

PROJECT C.U.R.E. representatives conduct needs assessments at prospective sites to determine unique, appropriate medical supply and equipment needs. Follow-up accountability assessments provide necessary training and ensure that donated medical supplies and equipment are operating and being used properly. The organization focuses more than 98 percent of funds on program delivery. For every nickel given to PROJECT C.U.R.E., they provide a dollar's worth of services; that is an impressive 20-to-1 return on investment.

PROJECT C.U.R.E. would not be successful if it were not for the grassroots efforts of volunteers throughout the United States, including participants in my home State of South Dakota. Doctors, medical professionals, housewives, businessmen, and average citizens in the Black Hills have come to-

gether to donate supplies and used medical equipment to be reprocessed, re-sterilized, and sent to where there is the greatest need. The local Wal-Mart facilitated these efforts by donating the transportation of the goods from Rapid City, SD, to the PROJECT C.U.R.E. warehouse in Centennial, CO.

In 2004, the Rapid City Regional Hospital had an ultrasound machine that was 1 year past meeting U.S. standards but was still perfectly functioning. The hospital was weeks away from sending it to the landfill when they heard about PROJECT C.U.R.E. Rather than waste away in the landfill, this \$75,000 machine was sent to Malawi where it is still being used today. There are many similar success stories and countless individuals that have benefited from these efforts.

Once again, I commend the volunteers and staff of PROJECT C.U.R.E. for their generosity, dedication, and hard work. I wish them well as they continue their mission "to identify, solicit, collect, sort and deliver medical supplies and services according to the imperative needs of the world."

#### VISION REHABILITATION

Mr. BROWN. I rise today to recognize the importance of vision rehabilitation services for vision-impaired Americans.

There are more than 25 million Americans who have trouble seeing—even when aided by glasses or contact lenses. Over 1 million are legally blind and over 3 million have low vision or partial sight.

This disability strikes Americans from all walks of life: the young and old, the poor and rich, urbanites and rural-dwellers.

Among Ohioans over the age of 40, there are more than 40,000 blind people, more than 90,000 suffering from age-related macular degeneration, more than 170,000 suffering from diabetic retinopathy, and nearly 100,000 with glaucoma.

Vision rehabilitation services help vision-impaired Americans restore function and live independent lives.

Whether it is learning to read Braille or use assistive computer technology, travel safely or take care of the home, meet career objectives or enjoy leisure activities, vision rehabilitation services help vision-impaired people cope with and overcome their disability.

These critical services are provided by occupational therapists—who can earn a specialty certificate in low vision—and vision rehabilitation professionals—who include low vision therapists, orientation and mobility specialists, and vision rehabilitation therapists.

These health care providers are uniquely qualified to serve the vision-impaired and have made a profound difference in millions of lives.

Take, for example, Laurine, an 84-year-old from the Cleveland area in my State of Ohio.

Laurine went blind 5 years ago due to macular degeneration. After decades of living independently, Laurine suddenly needed help with basic activities of daily living and had to go into an assisted living facility.

Laurine wanted to regain her independence, so she took advantage of services from the Cleveland Sight Center, a nonprofit organization providing vision rehabilitation.

She had orientation and mobility training, and relied on Susie Meles, a vision rehabilitation specialist, to learn how to cook her own meals, do her laundry, and even sew.

Today, Laurine is living happily and independently in Strongsville, OH.

There is also the story of Nicole, a 32-year-old from Ohio.

Nicole has been totally blind since she was 2 years old.

Like Laurine, she came to rely on the orientation and mobility specialists and vision rehabilitation therapists at the Cleveland Sight Center for help learning how to travel to school and later to work, how to read Braille, and how to use special computer software and adaptive aids.

Today, Nicole is a self-employed music therapist living with her husband in South Euclid, OH.

These are two of the many success stories produced every year at the Cleveland Sight Center.

However, the work of the Cleveland Sight Center and other vision rehabilitation organizations across the country is hindered by a lack of reliable funding.

Clients are often unable to pay for the services themselves. And while some disability and workers' compensation insurance policies cover the costs, very few health insurance policies do.

Public insurers like Medicare and Medicaid do not reimburse for vision rehabilitation services when they are performed by a vision rehabilitation specialist, despite the fact that they are accredited by the Academy for Certification of Vision Rehabilitation and Education Professionals, a national body.

Medicare is currently testing a low-vision demonstration project in four States and two cities that allows vision rehabilitation professionals to be reimbursed for their services when supervised by a physician.

I am hopeful that this demo will illuminate the importance of making vision rehabilitation services—and the diagnostic evaluations by optometrists and ophthalmologists that prompt it—a guaranteed Medicare benefit.

I am also supportive of including vision rehabilitation services in the health plans that will be offered in the new exchange set up by the health reform bill.

These are long-term goals. As an original member of the Congressional

Vision Caucus, I realize that we will not achieve all of these objectives overnight. But I know supporting the work of vision rehabilitation practitioners and providers like the Cleveland Sight Center is the right thing to do. And I am confident that we will succeed.

#### NEGRO LEAGUES BASEBALL MUSEUM'S 20TH ANNIVERSARY

Mrs. McCASKILL. Mr. President, I ask the Senate to join me in honoring the 20th anniversary of the Negro Leagues Baseball Museum in Kansas City, MO.

This Friday's Legacy Awards, honoring Major League Baseball's brightest stars, kicks off what promises to be a season's worth of events marking the 90th year of the establishment of the Negro Leagues, and the 20th anniversary of the Negro Leagues Baseball Museum. As a Missourian, I am proud that Kansas City is home to what is not only a local jewel but a National treasure which honors the Negro Leagues, its legendary players, and its place in the American civil rights movement.

In 1920, Andrew "Rube" Foster established the Negro Leagues at the Paseo YMCA in Kansas City. The Leagues flourished from 1920 through well into the 1950s. Once forward-thinking baseball executives signed such standout African-American players as Jackie Robinson and Roy Campanella, interest in the Negro Leagues began to wane. By 1960, as the civil rights movement gained momentum and the best players found their rightful place in the Major Leagues, the Negro Leagues finally folded.

In its heyday, the Negro Leagues was a firmly entrenched and beloved part of African-American culture in Kansas City and throughout the upper Midwest, Northeast, and Southern regions of the United States. The museum's Bob Kendrick tells us that many ministers would start church services early on Sundays when the Kansas City Monarchs had a home game on the calendar. Men, women, and children would leave right after church just in time to get to the ballpark, dressed in their Sunday finest, to watch the game. It was the highest level of competition, and players like "Cool Papa" Bell, "Satchel" Paige, and Josh Gibson always made the game exciting.

Kansas City's beloved Buck O'Neil, a former Negro Leagues player, Monarchs' manager and Major League Baseball's first African-American coach, helped establish the Negro Leagues Baseball Museum in 1990. Back then it was a tiny one-room office in the historic 18th & Vine District in Kansas City. Its mission—the same as it is today—was to preserve and celebrate the history of African-American baseball.

As chairman of the board, Buck O'Neil and his crew took the job seri-

ously, working hard to raise money, acquire what curator Dr. Raymond Doswell has turned into an amazing collection of original memorabilia, and bring worldwide attention to the museum. By 1997, the museum was robust enough to move into its current 10,000 square foot home at 18th & Vine, where today the story of the Negro Leagues comes to life through its exhibits.

Over time, the museum has had the privilege of welcoming visitors from around the world, and such dignitaries as U.S. Presidents Bill Clinton and George W. Bush. The museum's National Advisory Board is flush with prominent individuals from the worlds of sports, politics, and the media, all of whom have come to recognize the important role the Museum plays in telling the story of civil rights, sports, and culture in 20th century America. George Will, Ernie Banks, Colin Powell, Lou Brock, former U.S. Senator Alan Simpson, and noted documentary producer Ken Burns are all members of this amazing group of supporters.

In many ways this museum is Buck O'Neil's legacy. Buck, 94 years young at the time of his death in 2006, left a permanent inspirational mark on the game of baseball and all who were fortunate enough to have crossed his trailblazing path. Kansas City—and America—are fortunate to call him our own.

On this the 20th anniversary of the Negro Leagues Baseball Museum, I ask that we pause for a moment to pay tribute not only to Buck O'Neil, but to the many unsung African-American baseball heroes who helped the Negro Leagues flourish until the better instincts of baseball executives ultimately made the need for such a league obsolete. This remarkable chapter of American history will be preserved forever thanks to the Negro Leagues Baseball Museum.

Mr. President, I ask that the Senate join me in recognizing the 20th anniversary of the Negro Leagues Baseball Museum, a truly American treasure.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:26 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4430. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations; Subpart X—Interpretations of Statutory and Regulatory Provisions" (7 CFR Part 400) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4431. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Daily Economic Loss Assistance Payment Program" (RIN0560-A107) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4432. A communication from the President of the United States, transmitting, pursuant to law, an Executive Order issued on January 16, 2010 relative to the augmentation of the active Armed Forces for the effective conduct of operational missions, including those involving humanitarian assistance, related to relief efforts in Haiti necessitated by the earthquake on January 12, 2010; to the Committee on Armed Services.

EC-4433. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure" (Docket No. 1379) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4434. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Custody of Funds or Securities of Clients by Investment Advisers" (RIN3235-AK32) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4435. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235-AJ96) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4436. A communication from the Secretary of the Treasury, transmitting, pursuant

to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-4437. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "National Credit Union Share Insurance Fund Premium and One Percent Deposit" (RIN3133-AD63) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4438. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Organization and Operations of Federal Credit Unions; Underserved Areas (IRPS 08-2)" (RIN3133-AD48) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4439. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Amended Definition of Post-Merger Net Worth" (RIN3133-AD43) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4440. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues" (Docket No. R-1368) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4441. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Shareholder Approval of Executive Compensation of TARP Recipients" (RIN3235-AK31) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4442. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments to Adopt Recently Enacted Statutory Charges" (RIN2502-A176) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4443. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-8107)) received in the Office of the

President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4444. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-8103)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4445. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4446. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4447. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4448. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act" ((44 CFR Part 206)(Docket No. FEMA-2009-0007)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4449. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's 2010 Report on Foreign Policy-Based Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-4450. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Israel; to the Committee on Banking, Housing, and Urban Affairs.

EC-4451. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to final cost and performance goals for coal-based technologies; to the Committee on Energy and Natural Resources.

EC-4452. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "The Effect of Private Wire Laws on Development of Combined Heat and Power Facilities"; to the Committee on Energy and Natural Resources.

EC-4453. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electric Reliability Organization Revised Mandatory Reliability Standards for Interchange Scheduling and Coordination" (Docket No. RM09-

8-000) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4454. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Yellowstone National Park, Winter Use" (RIN1024-AD73) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4455. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System; Grand Teton National Park, John D. Rockefeller, Jr. Memorial Parkway, Winter Use" (RIN1024-AD82) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Energy and Natural Resources.

EC-4456. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report related to the Colorado River System Reservoirs for calendar year 2010; to the Committee on Energy and Natural Resources.

EC-4457. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican (*Pelecanus occidentalis*) From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AV28) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Environment and Public Works.

EC-4458. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events" (RIN3150-AI01) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Environment and Public Works.

EC-4459. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due, Legally Enforceable Nontax Debt" (RIN1510-AB20) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4460. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Debt Collection Authorities under the Debt Collection Improvement Act of 1996" (RIN1510-AB19) received in the Office of the President of the Senate on December 23, 2009; to the Committee on Finance.

EC-4461. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's processing of continuing disability reviews for fiscal year 2008; to the Committee on Finance.

EC-4462. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2010 Section 1274A CPI Adjustments" (Rev. Rul. 2010-2) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4463. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Rules Allowing Issuers to Purchase and Hold Their Own Tax-Exempt Bonds" (Rev. Rul. 2010-7) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4464. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LIFFE 1256(g)(7)(C) Qualified Board or Exchange" (Rev. Rul. 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4465. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2010" (Rev. Rul. 2010-1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4466. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 305 Treatment of a Stock Distribution by a Publicly Traded Regulated Investment Company or Real Estate Investment Trust in Which the Shareholders have an Election to Receive Money or Stock. Subject to an Aggregate Limitation on the Amount of Money to be Distributed" (Revenue Procedure 2010-12) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4467. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Delaying the Effective Date of Revenue Ruling 2006-57" (Notice 2009-95) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4468. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Temporary Suspension of AHYDO Rules" (Notice 2010-11) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4469. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Controlled Corporations to Avoid the Application of Section 304" ((RIN1545-BI14)(TD9477)) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4470. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Notice 2008-55" (Notice 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4471. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Apportionment of Tax Items among the Members of a Controlled Group of Corporations" (TD9476) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

EC-4472. A communication from the Writer/Editor, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Rescission" (RIN1653-AA59) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4473. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to loan guarantees to Israel; to the Committee on Foreign Relations.

EC-4474. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0001—2010-0014); to the Committee on Foreign Relations.

EC-4475. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0224—2010-0232); to the Committee on Foreign Relations.

EC-4476. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Interim Final Requirements for School Improvement Grants" (RIN1810-AB06) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4477. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4478. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Definition of 'Plan Assets'—Participant Contributions" (RIN1210-AB02) received during adjournment of the Senate in the Office of the President of the Senate on



January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4479. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-4480. A communication from the Office Manager, Office of the National Coordinator for HIT, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification, Criteria for Electronic Health Record Technology" (RIN0991-AB58) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4481. A communication from the Secretary, Health and Human Services, transmitting, pursuant to law, a performance report to the President and the Congress for the Prescription Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC-4482. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Head Start Impact Study Final Report—January 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-4483. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Remote Location Filing" (RIN1505-AB20) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-255, "Fiscal Year 2010 Budget Support Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-263, "Public Land Surplus Standards Amendment"; to the Committee on Homeland Security and Governmental Affairs.

EC-4486. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-264, "Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-265, "Whistleblower Protection Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-266, "Prescription Drug Dispensing Practices Reform Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4489. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-267, "Disclosure of Information to the Council Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4490. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-268, "Fiscal Year 2010 Limited Grant-Making Authority Clarification Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4491. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-269, "African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4492. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-270, "Retirement Incentive Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4493. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-271, "Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4494. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "District's Earmark Process Needs Improvement"; to the Committee on Homeland Security and Governmental Affairs.

EC-4495. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, a report relative to the number of federal agencies that did not fully implement a recommendation made by the Office in response to a bid protest during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4496. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled "2009 Report to Congress on Data Mining Technology and Policy"; to the Committee on Homeland Security and Governmental Affairs.

EC-4497. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4498. A communication from the President's Pay Agent, transmitting, pursuant to law, a report on locality-based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-4499. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Naturalization for Certain Persons in the U.S. Armed Forces" (RIN1615-AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on the Judiciary.

EC-4500. A communication from the Assistant Attorney General, Office of Legislative

Affairs, Department of Justice, transmitting, pursuant to law an annual report relative to military and overseas voters; to the Committee on the Judiciary.

EC-4501. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "'Imported Directly' Requirement Under the United States-Bahrain Free Trade Agreement" (RIN1505-AC13) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Finance.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself, Mrs. HAGAN, Mr. WARNER, and Mr. WEBB):

S. 2951. A bill to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN:

S. 2952. A bill to establish funds to rapidly create new jobs in the private and public sector; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WEBB (for himself and Mr. WARNER):

S. 2953. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 2954. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporation which are owned or controlled by foreign principals; to the Committee on Rules and Administration.

By Mr. FEINGOLD:

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2956. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEMIEUX:

S. 2957. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce payroll taxes of employees and employers by one-half, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Ms. MIKULSKI, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARBARASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr.



COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 397. A resolution relative to the death of Charles McCurdy ("Mac") Mathias, Jr., former United States Senator for the State of Maryland; considered and agreed to. By Mr. REID:

S. Res. 398. A resolution to authorize representation by the Senate Legal Counsel in the case of Schonberg, et al. v. Sanders, et al; considered and agreed to.

By Mr. ENSIGN (for himself and Mr. REID):

S. Res. 399. A resolution honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010; considered and agreed to.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Con. Res. 49. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the life of Elijah Parish Lovejoy; to the Committee on Homeland Security and Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 259

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 619

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 694

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S.

694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1179

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1179, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 2727

At the request of Mr. BYRD, his name was added as a cosponsor of S. 2727, a bill to provide for continued application of arrangements under the Protocol on Inspections and Continuous Monitoring Activities Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms in the period following the Protocol's termination on December 5, 2009.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S.J. RES. 26

At the request of Ms. MURKOWSKI, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S.J. Res. 26, a joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

S. RES. 373

At the request of Mr. CRAPO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN:

S. 2952. A bill to establish funds to rapidly create new jobs in the private and public sector; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FRANKEN. Mr. President, today I want to talk about jobs. Lately it seems that everyone says they want to talk about jobs and that we will get around to tackling jobs next week or the week after. I would like to kick off the discussion today, right now, and

follow it up with what I plan to do about jobs. I would not be the first to observe that times are tough right now. Our Nation is still reeling from the most disastrous economic collapse in a generation. Failed regulatory policies—or really, just deregulation—bad lending practices, and Wall Street recklessness all contributed to the current crisis, double-digit unemployment for the first time in 25 years. Millions of American families are relying on their unemployment benefits to put food on the table and to pay their rent. Some are looking down at their final unemployment check, wondering what they are going to do next. For every single job opening, there are six unemployed workers. Too many people are left without options or hope in this dismal job market.

In the fall of 2008, when Wall Street's financial institutions started falling like dominos, our regulators told us: Congress has to pass TARP now or we face total economic ruin. This seemed to get Congress moving. It passed legislation in a matter of days. My feeling is that the American people, especially those folks out of work, need their advocates to say: We have to do this now. Every Senator who has heard from their constituents about the depressing job market, about the day-to-day struggles of being unemployed, should be on the floor insisting that we act now; that if we don't act now and act boldly and broadly, Main Street will continue to suffer, and that this unemployment crisis we are in will drag on and on.

The House has already acted. They passed a robust jobs package last December that provided needed funds to States and localities to keep teachers, firefighters, and police officers on the job. It provided funds for public infrastructure projects. These are all vital elements to a successful jobs creation package.

In addition to these fundamentals, the Senate has the opportunity to put forward new ideas for job creation. Today I am introducing my proposal, the SEED Act, Strengthening our Economy through Employment Development, SEED. We have seen Cash for Clunkers. We have talked about Cash for Caulkers. Now I am proposing cash for jobs. The SEED Act is modeled after a program we used for several years in Minnesota during the recession of the 1980s. By all accounts, it was extremely successful. Minnesota's program got over 7,400 people back to work in its first 6 months and created nearly 15,000 permanent, long-term jobs. It did that at a much lower cost per job than the stimulus package this body passed last year.

The SEED Act will incentivize rapid job creation by offering small and medium-size companies and nonprofits a direct wage subsidy to hire new workers and expand their operations. Small

businesses are the driving force behind our economy. We all know that. They want to grow. But many of them need an added infusion of capital since TARP hasn't trickled down to them. Administered on a first-come-first-serve basis, these subsidies will provide 50 percent of wages of newly hired workers and will be disbursed through the already existing Workforce Investment Act system. Using this existing system will minimize the bureaucracy that plagues so many new initiatives. Additionally, employers who hire recently returned Iraq and Afghanistan vets would be eligible for a 60-percent subsidy. The subsidy would be available for a 12-month period, and the employer would commit to keeping the worker on for an additional 3 months after the subsidized year.

This model proved highly effective and efficient in Minnesota. Jim Glowacki is one of my constituents. He used Minnesota's program in the 1980s. After he lost his job, he decided to start his own business. He had few resources and little ability to borrow money. He used Minnesota's program, which was called MEED, to hire his first two employees. Now his company, the JPG Group, employs 17 full-time workers and has an annual payroll of over \$800,000. His story epitomizes the incredible potential for this approach to spur job creation.

The second component of the SEED Act is to direct grants to States, localities, and tribes to fund green jobs; Providing funds to retrofit public buildings. In addition to creating green jobs, these retrofits will increase energy efficiency, decreasing our dependence on foreign oil and saving taxpayers money. These are public buildings. Too many of our public buildings, public housing, libraries, and schools are becoming outdated and don't utilize the green technologies available today. There are many skilled workers currently on the bench who already have the training they need to immediately get to work on these projects. These new projects will increase demand for energy-efficient windows and doors and heating systems and insulation, providing a boost to our Nation's stalled manufacturing sector. Some of you may not know this, but Minnesota is the Silicon Valley of windows. We are home to the Nation's leaders in energy-efficient windows which makes some sense given our winters. Retrofitting public buildings is a win for everyone—for workers, localities, taxpayers, manufacturing, and the environment. This is a win-win-win-win, I think. Windows, too. If we re-allocate \$10 billion from the TARP program and pass this proposal into law, we have the potential of creating up to 500,000 jobs, and quickly.

Getting people back to work will ease the burden on public benefit programs like such as employment and COBRA

subsidies. Many employers will convert their participating workers into permanent employees, setting them up for a long-term career. Minnesotans have stressed to me how efficiently this program worked in our State and that it provides an excellent return on investment. They have worked tirelessly to demonstrate the benefits of this type of bold proposal. I thank them for collaborating with me on this important piece of legislation. More than 50 Minnesota organizations, companies, and chambers of commerce have come out in support.

I ask unanimous consent to have printed in the RECORD a list of these organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The following Minnesota organizations support the SEED Act:

Northwest Private Industry Council; Rural Minnesota CEP Workforce Council; Northeast MN Workforce Council; Duluth Workforce Council; Central MN Workforce Council; Southwest MN Workforce Council; South Central Workforce Council; Southeast Minnesota Workforce Development Board; Hennepin-Carver Workforce Council; Minneapolis Private Industry/Workforce Council; Anoka County Workforce Council; Dakota-Scott County Workforce Council; Ramsey County Workforce Solutions; Washington County Workforce Investment Board; Stearns-Benton Employment & Training Council; Winona County Workforce Council; Minnesota Hmong Chamber of Commerce; Minnesota Black Chamber of Commerce; JPG Group; VAST Enterprises, LLC.

A Minnesota Without Poverty; Accessibility, Inc.; Anoka County Human Services Job Training Center; Anne Marie's Alliance, St. Cloud; Anoka County Community Action Program; Arrowhead Economic Opportunity Agency; Children's Defense Fund-MN; CLASP; Department of Social Work, Augsburg College; Employment Action Center; Joint Religious Legislative Coalition; Heartland Community Action Agency; HIRED; Kootasca Community Action; Lifetrack Resources; L.I.F.T. To End Poverty; Minnesota Community Action Partnership; NASW-Minnesota (National Association of Social Workers); Northwest Community Action; Otter Tail-Wadena Community Action Council.

Project for Pride in Living; Sabathani Community Center; Southwestern Minnesota Opportunity Council; The Arc of Minnesota; Three Rivers Community Action; Twin Cities Community VoiceMail; Goodwill EasterSeals of Minnesota; YWCA Saint Paul; Greater Minneapolis Council of Churches; Minnesota FoodShare; JOBS NOW Coalition.

Mr. FRANKEN. I urge my colleagues to join me in quickly moving forward on a bill to put Americans back to work. I urge them to join me in support of the SEED Act, Strengthening our Economy through Employment and Development.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2952

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Our Economy Through Employment and Development Act”.

# SEC. 2. USE OF UNEXPENDED AND REPAID FUNDS OF THE TROUBLED ASSET RELIEF PROGRAM.

Of the amounts made available to the Secretary of the Treasury under section 115 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) that are unobligated as of the date of enactment of this Act and of all assistance received under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) that is repaid on or after the date of enactment of this Act, \$10,000,000,000 shall be made available to carry out the Private Sector Wage Subsidy Fund under section 3 and the Public Sector Energy Efficiency Promotion Fund under section 4.

# SEC. 3. PRIVATE SECTOR WAGE SUBSIDY FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “Private Sector Wage Subsidy Fund” (referred to in this section as the “Fund”), consisting of \$5,000,000,000 made available to the Fund under section 2, to enable small and medium sized businesses and nonprofit organizations to hire eligible workers who will receive wage subsidies pursuant to this section.

(b) **ALLOCATION TO LOCAL AREAS AND ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary of Labor shall allocate to each local area, to carry out this section, an amount that bears the same relationship to the funds made available under this section for a fiscal year, as the sum of the amounts received under paragraph (2)(A) or (3) of section 133(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2863(b)) and under paragraph (2)(B) of that section by the local area for that fiscal year bears to the total of such sums received by all local areas for that fiscal year.

(2) **LOCAL AREA.**—In this section, the term “local area” has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(3) **ADMINISTRATION BY LOCAL AREAS.**—

(A) **IN GENERAL.**—Each local area that receives an amount under this section shall provide allocations to businesses and nonprofit organizations in the same manner as the local area provides allocations for on-the-job training subsidies under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), to the extent consistent with this section.

(B) **ALLOCATIONS TO EMPLOYERS.**—Each local area that receives an amount under this section shall provide allocations to businesses and nonprofit organizations through twice-monthly or monthly subsidy checks for the first 9 months. The allocation for months 10, 11, and 12 shall be withheld until the end of the 15th month, at which point the business or nonprofit organization shall verify that the eligible worker is still on the payroll and shall then receive a lump-sum reimbursement for months 10, 11, and 12.

(C) **FLEXIBILITY.**—A local area that receives an amount under this section may offer customized or variant subsidy arrangements with businesses and nonprofit organizations if 30 percent of the allocated funds have not been obligated by the local area within 6 months.

(c) **AVAILABILITY OF FUNDS.**—Allocation of amounts from the Fund to businesses and nonprofit organizations shall be—

(1) made available not later than 90 days after the date of enactment of this Act; and

(2) administered on a first-come, first-serve basis to incentivize rapid job creation.

(d) **ELIGIBILITY.**—A business or nonprofit organization is eligible to receive an allocation from the Fund for wage subsidies if such business or organization employs fewer than 500 individuals.

(e) **WAGE SUBSIDY.**—

(1) **IN GENERAL.**—Wage subsidies allocated under this section to businesses and nonprofit organizations to hire eligible workers shall be consistent with the following:

(A) **1-YEAR PERIOD.**—A wage subsidy shall be provided for a 1-year period.

(B) **AMOUNT.**—

(i) **IN GENERAL.**—Except as provided in clauses (ii) and (iii), a wage subsidy shall be—

(I) 50 percent of total wages; or

(II) \$12 per hour,

whichever amount is less.

(ii) **IRAQ AND AFGHANISTAN VETERANS.**—Except as provided in clause (iii), in the case of an individual who is a veteran of military service in Iraq or Afghanistan after September 11, 2001, a wage subsidy shall be—

(I) 60 percent of total wages; or

(II) \$14.40 per hour,

whichever amount is less.

(iii) **ADDITIONAL AMOUNT FOR EMPLOYERS THAT OFFER HEALTH INSURANCE.**—Notwithstanding the subsidy maximum amounts provided under clauses (i) and (ii), a business or nonprofit organization that receives an allocation from the Fund for wage subsidies under this section and contributes to the cost of health insurance coverage for its employees shall receive an additional \$1 per hour for each eligible worker hired pursuant to this section to help defray the cost of contributing to such coverage.

(C) **JOB WAGE MINIMUM.**—Except as provided in subparagraph (D), a job for which a wage subsidy is allocated under this section shall—

(i) pay not less than \$10 per hour; or

(ii) start at \$9 per hour with a certification from the business or nonprofit organization that the wage will be increased to not less than \$10 per hour by the end of the subsidy period.

(D) **MINIMUM WAGE REQUIREMENT.**—If the locality in which a job for which a wage subsidy is allocated under this section is located has a minimum wage requirement that is more than \$10 per hour, then such job shall pay not less than such minimum wage requirement.

(2) **CERTIFICATION BY EMPLOYER.**—A business or nonprofit organization that receives an allocation from the Fund for wage subsidies under this section shall provide to the local area a certification that includes each of the following:

(A) The business or organization will hire the employees hired under the wage subsidy program for newly created positions not for vacancies in already existing positions.

(B) The business or organization will retain the employees hired under the wage subsidy program for not less than 15 months.

(C) The business or organization will not displace existing workers, or reduce the hours of existing workers, with the employees hired under the wage subsidy program.

(D) The business or organization will offer comparable wages and the same benefits to subsidized workers as comparable, existing workers.

(E) The business or organization will hire the worker for a minimum of 30 hours per week.

(F) If the business or nonprofit organization employs individuals represented by a labor organization, the business or nonprofit organization will obtain sign-off by the labor organization in coordination with the existing collective bargaining agreement.

(3) **FAILURE TO COMPLY WITH CERTIFICATION.**—The Secretary of Labor shall promulgate regulations regarding waivers of a business or nonprofit organization's obligation to retain an employee hired under the wage subsidy program for not less than 15 months.

(4) **ELIGIBLE WORKERS.**—

(A) **IN GENERAL.**—A business or nonprofit organization that receives an allocation from the Fund for wage subsidies under this section shall hire only eligible workers to receive such wage subsidies.

(B) **ELIGIBLE WORKERS DEFINED.**—In this section, the term “eligible worker” means an individual who—

(i) has exhausted the individual's State-funded unemployment insurance benefits (as verified by the State or local department of labor or similar entity); or

(ii) has been unemployed for not less than 6 months.

(f) **ADMINISTRATIVE COSTS.**—Of the funds allocated to each local area under this section, not more than 10 percent may be used by the local areas for costs and expenses for administration, marketing, job placement, and program support services.

# SEC. 4. PUBLIC SECTOR ENERGY EFFICIENCY PROMOTION FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund, to be known as the “Public Sector Energy Efficiency Promotion Fund” (referred to in this section as the “Fund”), consisting of such amounts as are made available to the Fund under section 2.

(b) **GRANTS.**—

(1) **IN GENERAL.**—On request by the Secretary of Energy (referred to in this section as the “Secretary”), the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to distribute grants to States to provide funds to retrofit public buildings to increase energy efficiency.

(2) **RESERVATION FOR INDIAN TRIBES.**—The Secretary shall reserve 1 percent of amounts transferred under paragraph (1) to award grants to Indian tribes to carry out activities described in this section.

(c) **ALLOCATION TO STATES.**—Grants made available under this section shall be allocated to States in accordance with section 543(c) of the Energy Security and Independence Act of 2007 (42 U.S.C. 17153(c)).

(d) **DISTRIBUTION TO POLITICAL SUBDIVISIONS.**—A State that receives a grant under this section—

(1) may retain not more than 30 percent of the amount of the grant; and

(2) shall distribute the remainder of the grant to political subdivisions of the State through an application process.

(e) **UNOBLIGATED FUNDS.**—Any grant amounts not obligated by the date that is 1 year after the date of the receipt of the grant by the State or Indian tribe shall be—

(1) returned to the Treasury of the United States; and

(2) transferred to the Private Sector Wage Subsidy Fund established under section 3.

(f) **USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), funds made available under this section may be used only—

(A) to retrofit public housing for increased energy efficiency;

(B) to retrofit public buildings, libraries, and schools for increased energy efficiency;

(C) to retrofit vacant or foreclosed homes for increased energy efficiency; or

(D) if there are not sufficient projects to carry out energy efficiency retrofits described in subparagraphs (A) through (C), to restore and refurbish public buildings.

(2) **PRIORITY.**—In using funds made available under this section, a State, political subdivision of a State, or Indian tribe shall give priority to projects that were identified by the State or Indian tribe before the date of enactment of this Act.

(3) **ENERGY EFFICIENCY.**—

(A) **IN GENERAL.**—The Secretary of Energy, in coordination with the Secretary of Housing and Urban Development, shall create standards for measurement and verification of energy efficiency in residential buildings, commercial buildings, and federally-funded housing facilities.

(B) **ADMINISTRATION.**—In creating the standards described in subparagraph (A), the Secretary of Energy shall include the following—

(i) the 2009 International Energy Conservation Code (IECC) or equivalent for residential buildings or the ASHRAE 90.1-2007 standard or equivalent for commercial buildings;

(ii) a maximum window U-factor of .30 and a maximum solar heat gain factor of .30 for both residential and commercial buildings;

(iii) certification of building energy and environment auditors, inspectors, and raters by the Residential Energy Services Network or an equivalent certification system, as determined by the Secretary;

(iv) certification or licensing of building energy and environmental retrofit contractors by the Building Performance Institute or an equivalent certification or licensing system, as determined by the Secretary;

(v) use of equipment and procedures of the Building Performance Institute, the Residential Energy Services Network, or other appropriate equipment and procedures (such as infrared photography and pressurized testing and tests for water use and indoor air quality), as determined by the Secretary, to test the energy and environmental efficiency of buildings effectively;

(vi) determination of energy savings in a performance-based building retrofit program through—

(I) in the case of residential buildings, comparison of before and after retrofit scores on the Home Energy Rating System Index, if the final score is produced by an objective third party, or compliance with 2009 IECC, as well as a maximum window U-factor of .30 and a maximum solar heat gain factor of .30;

(II) in the case of commercial buildings, benchmarks set by the Environmental Protection Agency, or compliance with the ASHRAE 90.1 2007 standard or equivalent, as well as a maximum window U-factor of .30 and a maximum solar heat gain factor of .30; and

(III) in the case of residential and commercial buildings, use of a program that is approved by the Administrator of the Environmental Protection Agency and subject to appropriate software standards and verification of at least 15 percent of all work completed;

(vii) suggested guidelines for using—

(I) the Energy Star portfolio manager;

(II) the Home Energy Rating System rating system;

(III) home performance improvements approved under the Energy Star program; and

(IV) any other tools associated with applicable retrofit programs; and

(viii) requirements, energy building codes, standards, or guidelines for renovation and postretrofit inspection and confirmation of work and energy savings.

(g) **COMPETITIVE BIDDING.**—Any project carried out under this section that requires an outside contractor shall be subject to a competitive bidding process.

(h) **DAVIS-BACON COMPLIANCE.**—

(1) **IN GENERAL.**—All laborers and mechanics employed on projects funded directly by or assisted in whole or in part by this section, under any contractor or subcontractor, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(2) **AUTHORITY.**—With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(i) **ADMINISTRATIVE COSTS.**—Of the funds made available to carry out this section, not more than—

(1) 1 percent may be used by the Secretary of Energy for administrative costs; and

(2) 4 percent of funds may be used by States and Indian tribes that receive grants under this section for administrative costs.

#### SEC. 5. EVALUATION.

After the termination date described in section 6(a), the Secretary of Labor shall conduct an evaluation of job creation effectiveness of programs carried out with funds made available under this Act.

#### SEC. 6. SUNSET.

(a) **IN GENERAL.**—The Private Sector Wage Subsidy Fund established under section 3, the Public Sector Energy Efficiency Promotion Fund established under section 4, and the authorization of amounts made available to carry out such Funds shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) **AMOUNTS RETURNED TO TREASURY.**—Any amounts that are in the Funds described in subsection (a) on the date of termination described in subsection (a) shall be returned to the Treasury of the United States.

By Mr. FEINGOLD:

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation establishing a temporary jobs tax credit to help businesses expand their payroll here in the U.S. by hiring more employees, expanding work hours, or raising pay. The measure is modeled on a proposal by the Economic Policy Institute that would create an estimated 5 million jobs over the next two years. As we should not undermine the long-term prospects of our economy for the sake of a short-term problem, the legislation is fully offset to ensure that over the next 10 years it will not increase the deficit.

Briefly, the legislation provides firms a tax credit of 15 percent of the increase in their eligible payroll in 2010, and 10 percent in 2011. Eligible payroll

includes that portion of a firm's wages subject to Social Security taxes. For 2010 those are wages of \$106,800 or less. Thus, pay hikes for very highly salaried workers would not be eligible for the tax credit.

The jobs tax credit is designed to avoid seasonal employment spikes by calculating it on a quarter-over-year basis. For example, wages for the first quarter of 2010 are compared with wages for the first quarter of 2009; wages for the third quarter of 2010 are compared with wages for the third quarter of 2009. To limit possible gaming of the credit the last quarter of 2010 would be measured against the last quarter of 2008, rather than 2009.

Only increased wages for employees here in the U.S. would be eligible for the credit.

President Obama was handed the worst economy since the Great Depression. While he has taken significant steps to turn the economy around, employment continues to be a problem.

The official unemployment rate is a tragically high 10 percent. But even that high level understates the true employment picture, for if one adds in the millions of people working part-time who want full-time employment, and the millions more who are discouraged and have given up looking for work, the rate is 17.3 percent, one of the highest levels since 1994.

We must take steps to help businesses put people back to work and this bill will do that.

No tax credit can be perfectly targeted. Any tax incentive we provide firms will provide some businesses with a windfall for behaving in ways they would have anyway, but a recent report by the Congressional Budget Office on various policy options to spur employment found that a tax break similar to this proposal would be among the most efficient and effective policies we could enact. The CBO report estimated a similar jobs tax credit would boost Gross Domestic Product by as much as \$1.30 for every dollar spent, and would increase employment by as much as 18 net full-time equivalent jobs for every million dollars invested through the credit. In laying out the jobs tax credit proposal on which this measure is based, the Economic Policy Institute projected an increase of more than 5 million jobs over the next 2 years.

As I noted earlier, it is essential that we not aggravate the long-term problems facing our economy, and for that reason my legislation includes provisions that will offset the estimated cost of the jobs tax credit, which the Economic Policy Institute estimates to be \$27 billion. Specifically, the proposal includes provisions originally proposed by the Senator from Michigan, Mr. LEVIN, in S. 506, the Stop Tax Haven Abuse Act.

Under the leadership of Senator LEVIN, the Homeland Security Committee's Permanent Subcommittee on Investigations found that offshore tax evasion costs the taxpayers of this country an estimated one hundred billion dollars every year. Because of this abuse, ordinary taxpayers are bearing more than their fair share of the cost of their government, and our children and grandchildren will be paying an even bigger bill for the increased deficits and debt that result from this practice.

The legislation Senator LEVIN developed as a result of his subcommittee's work would go a long way to shutting down this abuse, and I am pleased to include it in a measure to help firms put people back to work.

The economic pain caused by the current recession is real. More than fifteen million people are considered officially unemployed today, and if we include those who want to work more hours and those who have given up looking for work, that number rises to over 26 million. As we know, losing one's job means more than losing income. It is one of the most traumatic events we can experience, and can be devastating for the millions of families that have been affected.

We must take action to address this employment crisis. As the Senate begins to debate possible responses, a jobs tax credit should be at the top of the proposals we consider. While the precise terms of such a credit can be debated, the need for it is clear.

I urge my colleagues to support this approach.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2956. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Indian Affairs.

Mrs. BOXER. Mr. President, I am pleased to introduce the Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act. This legislation will implement a settlement concerning the water rights of the Pechanga Band of Luiseno Mission Indians, who have been engaged for several decades in a struggle for recognition and protection of their federally reserved groundwater rights.

Since 1951, the Pechanga have been involved in litigation initiated by the U.S. concerning water rights in the Santa Margarita watershed. The Pechanga's interest has been in protecting their groundwater supplies, which are shared with municipal developments in the San Diego region. Beginning in 2006, the Pechanga worked with local water districts to negotiate a cooperative solution and put an end to their dispute.

The Pechanga Settlement Agreement is a comprehensive agreement nego-

tiated among the Pechanga, the U.S. on their behalf, and several California water districts, including the Rancho California Water District and Eastern Municipal Water District. The settlement recognizes the Pechanga's tribal water right to 4994 acre-feet of water per year and outlines a series of measures to guarantee this amount. It is a win-win solution that protects the rights of the Pechanga while ensuring that other communities in southern California will also have sufficient water supplies.

I am pleased to be joined by Senator FEINSTEIN in introducing this legislation. We have worked with our colleagues in the House, including Representatives BONO MACK, GRIJALVA, RICHARDSON, CALVERT, BACA, and ISSA, to craft this legislation. Our bill not only provides the Pechanga with long-overdue assurances of their water rights, but also exemplifies all the good that can be accomplished when parties put aside their differences and come to the table to negotiate a reasonable solution.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 397—RELATIVE TO THE DEATH OF CHARLES MCCURDY ("MAC") MATHIAS, JR., FORMER UNITED STATES SENATOR FOR THE STATE OF MARYLAND

Mr. REID (for himself, Mr. MCCONNELL, Ms. MIKULSKI, Mr. CARDIN, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH,

Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

##### S. RES. 397

Whereas Mac Mathias served in the United States Navy during World War II from 1942-1946 and was a captain in the Naval Reserve;

Whereas Mac Mathias served the state of Maryland as an assistant attorney general, a city attorney, a member of the Maryland House of Delegates, and as a member of the United States House of Representatives;

Whereas Mac Mathias was called the "conscience of the Senate" by Majority Leader Mike Mansfield;

Whereas Mac Mathias served the Senate as Chairman of the Committee on Rules and Administration in the Ninety-seventh through Ninety-ninth Congresses and co-chairman of the Joint Committee on Printing in the Ninety-seventh and Ninety-ninth Congresses; and

Whereas Mac Mathias served the people of Maryland with distinction for 18 years in the United States Senate; Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles McC. Mathias, Jr., former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles McC. Mathias, Jr.

##### SENATE RESOLUTION 398—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF SCHONBERG, ET AL. v. SANDERS, ET AL.

Mr. REID submitted the following resolution; which was considered and agreed to:

##### S. RES. 398

Whereas, in the case of *Schonberg, et al. v. Sanders, et al.*, Case No. 5:09-CV-534, pending in the United States District Court for the Middle District of Florida, plaintiffs have named as defendants five Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 1A288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senators Lieberman, Lincoln, McConnell, McCain, and Sanders in the case of *Schonberg, et al. v. Sanders, et al.*

SENATE RESOLUTION 399—HONORING THE HEROIC ACTIONS OF COURT SECURITY OFFICER STANLEY COOPER, DEPUTY UNITED STATES MARSHAL RICHARD J. "JOE" GARDNER, THE LAW ENFORCEMENT OFFICERS OF THE UNITED STATES MARSHALS SERVICE AND LAS VEGAS METROPOLITAN POLICE DEPARTMENT, AND THE COURT SECURITY OFFICERS IN RESPONDING TO THE ARMED ASSAULT AT THE LLOYD D. GEORGE FEDERAL COURTHOUSE ON JANUARY 4, 2010

Mr. ENSIGN (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. "Joe" Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse on January 4, 2010;

(2) offers its deepest condolences to the family and friends of Court Security Officer Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. "Joe" Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. "Joe" Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

SENATE CONCURRENT RESOLUTION 49—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR THE LIFE OF ELIJAH PARISH LOVEJOY

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following con-

current resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 49

Whereas Elijah Parish Lovejoy was an advocate for the abolition of slavery and, as editor of the St. Louis Observer, wrote a series of editorials in which he strongly condemned the practice of slavery and supported efforts toward emancipation;

Whereas after being forced to move his printing press across the Mississippi River to Alton, Illinois, Lovejoy became the Stated Clerk of the Presbytery in 1837 and the first pastor of the present-day College Avenue Presbyterian Church;

Whereas on the night of November 7, 1837, Lovejoy was killed by a pro-slavery mob while he attempted to defend his press, a machine that came to serve as a symbol for the abolition of slavery;

Whereas the murder of Lovejoy resulted in a great strengthening of abolitionist sentiment and is recognized as one of the key events that led to the Civil War;

Whereas Lovejoy gave his life in defense of freedom and equality, two traits that define America;

Whereas the Elijah P. Lovejoy Memorial asks that a postage stamp be issued to honor the life of Elijah Parish Lovejoy and to commemorate the 175th anniversary of his death: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States Postal Service should issue a postage stamp honoring the life of Elijah Parish Lovejoy and commemorating the 175th anniversary of his death; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3308. Mr. SESSIONS (for himself, Mrs. MCCASKILL, Mr. KYL, and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3309. Mr. BROWNBACK (for himself, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, *supra*.

TEXT OF AMENDMENTS

SA 3308. Mr. SESSIONS (for himself, Mrs. MCCASKILL, Mr. KYL, and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. 01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"DISCRETIONARY SPENDING LIMITS

"SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider

any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

"(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

"(1) For fiscal year 2010—

"(A) for the defense category (budget function 050), \$556,128,000,000 in budget authority; and

"(B) for the nondefense category, \$526,122,000,000 in budget authority.

"(2) For fiscal year 2011—

"(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

"(B) for the nondefense category, \$529,662,000,000 in budget authority.

"(3) For fiscal year 2012—

"(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

"(B) for the nondefense category, \$533,232,000,000 in budget authority.

"(4) For fiscal year 2013—

"(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

"(B) for the nondefense category, \$540,834,000,000 in budget authority.

"(5) For fiscal year 2014—

"(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

"(B) for the nondefense category, \$550,509,000,000 in budget authority.

"(6) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

"(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

"(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

"(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

"(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

"(i) with respect to fiscal year 2010, \$130,000,000,000 in new budget authority;

"(ii) with respect to fiscal year 2011, \$50,000,000,000 in new budget authority;

"(iii) with respect to fiscal year 2012, \$50,000,000,000 in new budget authority;

"(iv) with respect to fiscal year 2013, \$50,000,000,000 in new budget authority; and



“(v) with respect to fiscal year 2014, \$50,000,000,000 in new budget authority.

“(B) EMERGENCY SPENDING.—For fiscal year 2010, 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary accounts designated as emergency requirements, but not to exceed \$10,350,000,000 for fiscal year 2010, \$10,454,000,000 for 2011, \$10,558,000,000 for 2012, \$10,664,000,000 for 2013, and \$10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

“(C) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$7,100,000,000, for fiscal year 2011, \$7,171,000,000, for fiscal year 2012, \$7,243,000,000, for fiscal year 2013, \$7,315,000,000, and for fiscal year 2014, \$7,461,000,000.

“(II) For fiscal year 2010, \$890,000,000, for fiscal year 2011, \$899,000,000, for fiscal year 2012, \$908,000,000, for fiscal year 2013, \$917,000,000, and for fiscal year 2014, \$935,000,000.

“(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

“(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

“(I) For fiscal year 2010, \$273,000,000; for fiscal year 2011, \$276,000,000; for fiscal year 2012, \$278,000,000; for fiscal year 2013, \$281,000,000; for fiscal year 2014, \$287,000,000.

“(II) For fiscal year 2010, \$485,000,000; for fiscal year 2011, \$490,000,000; for fiscal year 2012, \$495,000,000; for fiscal year 2013, \$500,000,000; for fiscal year 2014, \$510,000,000.

“(iii) ASSET VERIFICATION.—

“(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

“(II) AMOUNTS.—For fiscal year 2010, \$34,000,000, for fiscal year 2011, \$34,340,000, for fiscal year 2012, \$34,683,000, for fiscal year 2013, \$35,030,000 and for fiscal year 2014, \$35,731,000.

“(E) HEALTH CARE FRAUD AND ABUSE.—

“(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

“(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2010, \$311,000,000, for fiscal year 2011, \$314,000,000, for fiscal year 2012, \$317,000,000, for fiscal year 2013, \$320,000,000, and for fiscal year 2014, \$327,000,000.

“(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

“(i) with respect to fiscal year 2010, \$50,000,000 in new budget authority;

“(ii) with respect to fiscal year 2011, \$51,000,000 in new budget authority; and

“(iii) with respect to fiscal year 2012, \$51,000,000 in new budget authority.

“(iv) with respect to fiscal year 2013, \$52,000,000 in new budget authority; and

“(v) with respect to fiscal year 2014, \$53,000,000 in new budget authority.

“(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes \$3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to \$1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed \$1,900,000,000.

“(d) EMERGENCY SPENDING.—

“(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

“(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

“(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

“(4) DEFINITIONS.—In this subsection, the terms ‘direct spending’, ‘receipts’, and ‘appropriations for discretionary accounts’ mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(5) POINT OF ORDER.—

“(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(B) SUPERMAJORITY WAIVER AND APPEALS.—

“(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

“(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

“(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(6) CRITERIA.—

“(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

“(i) necessary, essential, or vital (not merely useful or beneficial);

“(ii) sudden, quickly coming into being, and not building up over time;

“(iii) an urgent, pressing, and compelling need requiring immediate action;

“(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

“(v) not permanent, temporary in nature.



“(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

“(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

“(f) POINT OF ORDER IN THE SENATE.—

“(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

“(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

“(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

“(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.”

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

“Sec. 316. Discretionary spending limits.”

**SA 3309.** Mr. BROWNBACK (for himself, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the end, add the following:

## **TITLE II—COMMISSION ON CONGRESSIONAL BUDGETARY ACCOUNTABILITY AND REVIEW OF FEDERAL AGENCIES**

### **SEC. 201. DEFINITIONS.**

In this title:

(1) AGENCY.—The term “agency” means—

(A) an Executive agency, as defined under section 105 of title 5, United States Code; and

(B) the Executive Office of the President.

(2) CALENDAR DAY.—The term “calendar day” means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION BILL.—The term “Commission bill” means only a bill which is introduced as provided under section 206, and contains the proposed legislation included in the report submitted to Congress under section 203(b)(1), without modification.

(4) PROGRAM.—The term “program” means any activity or function of an agency.

### **SEC. 202. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established the Commission on Congressional Budgetary Accountability and Review of Federal Agencies (referred to in this title as the “Commission”).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of 8 members, of which, not later than 30 days after the date of enactment of this title—

(A) 2 shall be appointed by the majority leader of the Senate;

(B) 2 shall be appointed by the minority leader of the Senate;

(C) 2 shall be appointed by the Speaker of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the House of Representatives.

(2) COCHAIRPERSONS.—The majority leader of the Senate and the Speaker of the House of Representatives shall each designate a Cochairperson from among the members of the Commission.

(c) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this title.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Cochairpersons or a majority of its members.

(f) QUORUM.—Five members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

### **SEC. 203. DUTIES OF THE COMMISSION.**

(a) SYSTEMATIC ASSESSMENT OF PROGRAMS BY THE COMMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Commission shall establish a systematic method for assessing the effectiveness and accountability of agency programs in accordance with paragraph (2) and divide the programs into 4 approximately equal budgetary parts based on the size of the budget and number of personnel of the agency program.

(2) METHOD OBJECTIVES.—The method established under paragraph (1) shall—

(A) recognize different types of Federal programs;

(B) assess programs based on the achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code);

(C) assess programs based in part on the adequacy of the program’s performance measures, financial management, and other factors;

(D) assess programs based in part on whether the program has fulfilled the legislative intent surrounding the creation of the program, taking into account any change in legislative intent during the program’s existence; and

(E) assess programs based in part on collaborative analysis, with the program or agency, of program policy and goals which may not fit into easily measurable performance goals.

(b) EVALUATION, PLAN, AND LEGISLATION.—

(1) IN GENERAL.—The Commission shall—

(A) evaluate all agencies and programs within those agencies in each unit identified in the systemic assessment under subsection (a) (1 each year over the next 4 years), using the criteria under paragraph (4); and

(B) submit to Congress each of the next 4 years beginning January 1, 2011, with respect to each evaluation under subparagraph (A)—

(i) a plan with recommendations of the agencies and programs that should be realigned or eliminated within each part; and

(ii) proposed legislation to implement the plan described under clause (i).

(2) APPROVAL OF PLAN.—Any plan submitted under paragraph (1) shall be approved by an affirmative vote of at least 6 members of the Commission.

(3) RELOCATION OF FEDERAL EMPLOYEES.—The proposed legislation under paragraph (1) shall provide that if the position of an employee of an agency is eliminated as a result of the implementation of the plan under paragraph (1)(A), the affected agency shall make reasonable efforts to relocate such employee to another position within the agency or within another Federal agency.

(4) CRITERIA.—

(A) DUPLICATIVE.—If 2 or more agencies or programs are performing the same essential function and the function can be consolidated or streamlined into a single agency or program, the Commission shall recommend that the agencies or programs be realigned.

(B) WASTEFUL OR INEFFICIENT.—The Commission may recommend the realignment or elimination of any agency or program that has wasted Federal funds by—

(i) egregious spending;

(ii) mismanagement of resources and personnel; or

(iii) use of such funds for personal benefit or the benefit of a special interest group.

(C) OUTDATED, IRRELEVANT, OR FAILED.—The Commission shall recommend the elimination of any agency or program that—

(i) has completed its intended purpose;

(ii) has become irrelevant; or

(iii) has failed to meet its objectives.

### **SEC. 204. POWERS OF THE COMMISSION.**

(a) HEARINGS.—Subject to subsection (d), the Cochairpersons of the Commission may, for the purpose of carrying out this title—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Chairperson of the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as the Chairperson of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this section only by the affirmative vote of 5 members of the Commission.

(B) SIGNATURES.—Subpoenas issued under this section may be—

(i) issued under the signatures of any 2 members of the Commission who are not members of the same political party; and

(ii) served by any person designated by the Cochairpersons or by a member designated by a majority of the Commission.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(c) **TECHNICAL ASSISTANCE.**—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(d) **INFORMATION.**—

(1) **IN GENERAL.**—The Commission shall have reasonable access to budgetary, performance or programmatic materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. Members of the Commission shall make requests for such access in writing when necessary.

(2) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.**—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(3) **LIMITATION OF ACCESS TO PERSONAL TAX INFORMATION.**—Information requested, subpoenaed, or otherwise accessed under this title shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(e) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

#### **SEC. 205. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—

(1) **NON-FEDERAL MEMBERS.**—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) **FEDERAL OFFICERS OR EMPLOYEES.**—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—With the approval of the majority of the Commission, the Cochairpersons of the Commission may, appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) **COMPENSATION.**—Upon the approval of the Cochairpersons, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS-15 of the General Schedule under section 5332 of such title.

(3) **PERSONNEL AS FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for

purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) **MEMBERS OF COMMISSION.**—Subparagraph (A) shall not be construed to apply to members of the Commission.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—With the approval of the majority of the Commission, the Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### **SEC. 206. EXPEDITED CONSIDERATION OF REFORM PROPOSALS.**

(a) **INTRODUCTION AND COMMITTEE CONSIDERATION.**—

(1) **INTRODUCTION.**—The Commission bill language provisions submitted pursuant to section 203(b)(1) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) **COMMITTEE CONSIDERATION.**—

(A) **REFERRAL.**—A Commission bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives. A committee to which a Commission bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) **REPORTING.**—Not later than 30 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill.

(C) **DISCHARGE OF COMMITTEE.**—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission bill, and such Commission bill shall be placed on the appropriate calendar of the House involved.

(b) **EXPEDITED PROCEDURE.**—

(1) **CONSIDERATION.**—

(A) **IN GENERAL.**—Not later than 5 calendar days after the date on which a committee has reported a Commission bill or been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the

consideration of the Commission bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission bill at any time after the conclusion of such 5-day period.

(B) **MOTION TO PROCEED.**—A motion to proceed to the consideration of a Commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Commission bill. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission bill without intervening motion, order, or other business, and the Commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) **LIMITED DEBATE.**—Debate on the Commission bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission bill. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall count from the 10 hours of debate.

(D) **AMENDMENTS.**—No amendment to the Commission bill shall be in order in the Senate and the House of Representatives.

(E) **VOTE ON FINAL PASSAGE.**—Immediately following the conclusion of the debate on the Commission bill, the vote on final passage of the Commission bill shall occur.

(F) **OTHER MOTIONS NOT IN ORDER.**—A motion to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) **CONSIDERATION BY OTHER HOUSE.**—If, before the passage by one House of the Commission bill that was introduced in such House, such House receives from the other House a Commission bill as passed by such other House—

(A) the Commission bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission bill of the other House, shall be the same as if no Commission bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission bill of the other House.

(3) Upon disposition of a Commission bill that is received by one House from the other House, it shall no longer be in order to consider the Commission bill that was introduced in the receiving House.

(c) **RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.**—This section is enacted—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

#### SEC. 207. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the final evaluation and plan report under section 203.

#### SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for carrying out this title for each of the fiscal years 2010 through 2014.

### NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting scheduled before the Committee on Energy and Natural Resources, previously announced for February 11th, has been rescheduled and will now be held on Wednesday, February 10, 2010, at 9:30 a.m., immediately preceding the full committee hearing, in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations.

For further information, please contact Sam Fowler or Amanda Kelly.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on January 26, 2010 at 10 a.m. to conduct a hearing entitled "Intelligence Reform: The Lessons and Implications of the Christmas Day Attack, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following

staff of mine be granted the privileges of the floor during consideration of the debt limit legislation: Christopher Goble, Dustin Stevens, Lucas Hamilton, Tsveta Polhemus.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Paula Haurilesko, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IN MEMORY OF FORMER SENATOR CHARLES MCCURDY ("MAC") MATHIAS, JR.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 397 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 397) relative to the death of Charles McCurdy ("Mac") Mathias, Jr., former United States Senator for the State of Maryland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 397

Whereas Mac Mathias served in the United States Navy during World War II from 1942-1946 and was a captain in the Naval Reserve;

Whereas Mac Mathias served the state of Maryland as an assistant attorney general, a city attorney, a member of the Maryland House of Delegates, and as a member of the United States House of Representatives;

Whereas Mac Mathias was called the "conscience of the Senate" by Majority Leader Mike Mansfield;

Whereas Mac Mathias served the Senate as Chairman of the Committee on Rules and Administration in the Ninety-seventh through Ninety-ninth Congresses and co-chairman of the Joint Committee on Printing in the Ninety-seventh and Ninety-ninth Congresses; and

Whereas Mac Mathias served the people of Maryland with distinction for 18 years in the United States Senate; Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Charles McC. Mathias, Jr., former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Charles McC. Mathias, Jr.

### AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 398 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 398) to authorize representation by the Senate Legal Counsel in the case of *Schönberg, et al. v. Sanders, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a civil action filed by two individuals against five Senators, two Representatives, and the Federal Election Commission. Plaintiffs' challenge rests on their claim to a right that Congress pass health care legislation that would benefit them. Plaintiffs' legal claim is that the Federal Election Campaign Act's designation of Members of Congress as agents of their campaign committees violates the Constitution's prohibition on Members of Congress holding any other office under the United States while serving in the Congress.

Plaintiffs' complaint over the legislative actions of Senators is not cognizable before the courts. In addition, Senators' involvement with their campaign committees does not constitute holding an office of the United States and does not violate the Constitution.

This resolution authorizes the Senate Legal Counsel to represent the Senators named as defendants in this case and to move for its dismissal.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 398

Whereas, in the case of *Schönberg, et al. v. Sanders, et al.*, Case No. 5:09-CV-534, pending in the United States District Court for the Middle District of Florida, plaintiffs have named as defendants five Senators; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of

1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senators Lieberman, Lincoln, McConnell, McCain, and Sanders in the case of *Schonberg, et al. v. Sanders, et al.*

#### HONORING LAW ENFORCEMENT OFFICERS IN LAS VEGAS, NEVADA

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 399, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 399) honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 399) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 399

Whereas on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. "Joe" Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse on January 4, 2010;

(2) offers its deepest condolences to the family and friends of Court Security Officer

Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. "Joe" Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. "Joe" Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR JANUARY 27 AND 28, 2010

Mr. DURBIN. I ask unanimous consent when the Senate completes its business today, it adjourn until 8:20 p.m. on Wednesday, January 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and at 8:30 p.m. the Senate proceed as a body to the Hall of the House to hear an address from the President of the United States; that upon conclusion of the Joint Session, the Senate adjourn until 9:30 a.m. on Thursday, January 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 45, the debt limit, as provided for under the previous order; further, I ask that when the Senate resumes consideration of H.J. Res. 45, there be 1 hour for debate equally divided and controlled between the two leaders or their designees, with Senator SANDERS controlling 15 minutes of majority time prior to the first vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, the Senate will not be in session until 8:20 p.m. tomorrow because of the Republicans' 1-day issues conference.

Tomorrow is the State of the Union Address and Senators are encouraged to gather in the Senate Chamber at 8:20 p.m. so that we may proceed to the Hall of the House at 8:30 p.m. to hear President Obama's address.

Senators should expect a series of five rollcall votes to begin as early as 10:30 a.m. on Thursday. Those votes will be in relation to the debt limit resolution.

Also, under a previous order, following the series of votes Thursday morning, there will be 1 hour for debate prior to a cloture vote on the Bernanke nomination.

Mr. President, I would like to clarify my unanimous consent request, and that is that there be 1 hour of morning business before the 1 hour of debate closing.

The PRESIDING OFFICER. Duly noted. Without objection, it is so ordered.

Mr. DURBIN. And the acknowledgment of Mr. SANDERS' right to control 15 minutes be part of that.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 8:20 P.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate adjourn under the provisions of S. Res. 397, as a further mark of respect for the late Senator Mathias of Maryland.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, January 27, at 8:20 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF AGRICULTURE

ELISABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE RICHARD A. RAYMOND, RESIGNED.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

KAREN L. ZENS, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

DAVID W. FULTON, OF VIRGINIA

THOMAS E. MOORE, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

MARIA J. ANDREWS, OF MISSOURI

MICHAEL A. LALLY, OF NEW YORK

JOHN M. MCCASLIN, OF OHIO

REGINALD A. MILLER, OF VIRGINIA

RICHARD STEFFENS, OF NEW JERSEY

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. BYRON C. HEPBURN

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL JEFFREY N. COLT

COLONEL PETER A. DELUCA

COLONEL ROBERT M. DYESS, JR.

COLONEL DONALD M. MACWILLIE

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

DAVID A. NORDSTRAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

HELEN K. CROUCH  
MICKRA H. KING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

RANDALL B. DELL  
EDDIE P. SANCHEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

CHARLES T. HUGUELET  
ROBERT LEE  
KENNETH B. MCKAY  
MICHAEL E. SAVAGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

GLENDA K. M. GRONES  
TERESA W. RYAN  
SANDRA G. STEBLIN  
MONA P. TERNUS  
NANCY A. WESTBROOK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

FRANK J. ARCHER  
DAVID B. CARMACK  
MATTHEW J. CAZAN  
JAMES W. DICKEY  
LEE H. DIEHL  
SHARON H. EVERS  
APRIL S. FITZGERALD  
DOUGLAS E. HEMLER  
KRISTINE H. HENDERSON  
KARL M. LARSEN  
GEZA V. LORANTH  
GUY R. MOISE  
DEBORAH L. MUELLER  
BONNIE J. NOWACZYK  
EDUARDO SAN MIGUEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

THOMAS J. PIZZOLO  
MICHAEL K. SAVAGE  
CLIFFORD ZDANOWICZ, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

TARN M. ABELL  
JOSEPH ALMODOVAR  
ROSS R. ANDERSON  
COURTNEY J. ARNOLD  
LAEN D. AUGUST  
THOMAS L. AYERS  
JAMES R. BARKLEY  
SAMUEL A. BELLIA

HELEN K. BIRCHENOUGH  
LISA A. BOYCE  
DONALD R. BUCKLEY  
JOHN H. BURLING  
CHRISTINE M. CARTAYA  
RICHARD M. COCKLEY  
DAVID E. DAVIS  
THOMAS B. DAVIS  
STEPHEN R. DAY  
GARY W. DICKINSON  
TED A. DOEDERLEIN  
BRIAN M. DWYER  
SAMUEL L. ELKINS  
KEVIN R. FESLER  
JAMES B. FINNEY  
DALE A. FORMAN  
YVES T. FUHRMANN  
SCOTT D. GAHRING  
TERENCE J. GIBSON  
ERNEST M. GOODMAN  
ANNE B. GUNTER  
MICHAEL P. HAMES  
DOUGLAS L. HARRISON  
KATHY S. HASH  
CATHLEEN A. HAVERSTOCK  
HUBERT C. HEGTVEDT  
ROBERT W. HEHEMANN  
JOHN M. HILLYER  
DANA M. HOWARD  
ERIC A. JORGENSEN  
KENNETH L. KEMPER  
CATHERINE K. KLEMAN  
KEITH A. KNUDSON  
TRACI L. KUEKERMURPHY  
CRAIG L. LAFAVE  
BRENDAN P. LEWIS  
STEVEN T. LIDDY  
TEDDY A. LUKE  
JAMES T. MAIN  
MARTHA J. MANN  
TODD A. MANNING  
JENNIFER A. MARRS  
TIMOTHY J. MCCOY  
JOHN D. MCKAYE  
TONY H. MCKENZIE  
PATRICE A. MELANCON  
MARK D. METZ  
MICHAEL E. MICHNO  
DENISE M. MINNICK  
JOSE R. MONTEAGUDO  
BRADFORD G. MONTGOMERY  
ELLEN M. MOORE  
JEFFREY S. MULLEN  
MYLES P. MURPHY  
CHARLENE N. NELSON  
ROBERT S. OATES  
RICHARD W. PARKINSON  
CRAIG C. PETERS  
JAMES M. PHILLIPS  
TERESA M. PITTS  
DAVID L. POND  
CARL E. PRICE  
PAUL R. PRYOR  
BRYAN P. RADLIFF  
WESLEY C. REED  
RUSSELL P. REIMER  
MARK J. ROBERTS  
ELWIN A. ROZYSKIE  
BARRY A. RUTLEDGE  
SCOTT A. SAUTER  
LANE A. SEAHOLM  
HOUSTON A. SEWELL  
PATRICK A. SHOPE  
ROBERT J. SIANI  
MARK E. SIGLER  
PATRICK G. SLATTERY  
TAMMY L. SMEEKS  
RONALD J. STAUFFER  
MATHIAS J. SUTTON  
ELIZABETH A. SYDOW  
LLOYD I. TERRY  
PAUL T. THEISEN  
KIMBERLY A. THOMPSON  
MARYBETH P. ULRICH

CONSTANCE M. VONHOFFMAN  
EDWIN O. WALLER  
ROBERT S. WEAVER  
PATRICK W. WEBB  
JOHN B. WILLIAMS

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

LOUIS GEVIRTZMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C. SECTION 12203:

*To be colonel*

BRENDA M. ARZU  
JOHN W. HUSTLEBY  
CLAUDE L. LOVELL III  
TONY P. MEYER  
JOHN R. MILLS

## IN THE NAVY

*To be captain*

DAVID W. TERHUNE

*To be commander*

PETER G. MAYER  
CESAR C. SANTOS

*To be lieutenant commander*

LEO C. ALTAMIRANO  
LISA E. BERGER  
VIRGILIO A. CANTU  
JOHN D. HARRAH, JR.  
DAREN R. MEALER  
CORY L. RUSSELL  
OMAR SAEED  
DET R. SMITH

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

ERIC R. AKINS  
MARK B. ALLEN  
LARRY J. ARBUCKLE  
LARRION D. CASSIDY  
BRIAN L. COCHRAN  
JOSHUA P. CORBIN  
JANUARY J. CRIVELLO  
JOHN M. CYCYK  
TIMOTHY J. DEBELAK  
DANIEL R. FULTON  
PRESTON W. GILMORE  
LEONARDO GIOVANNELLI  
PATRICK A. GRIFFIN  
JOHN W. HAMILTON  
KARL D. HOERSTER  
DAVID A. JOHNS  
DAVID J. LATTA  
JASON E. MUCH  
BRIAN T. MURPHY  
LEWIS J. PATTERSON  
REGINALD N. PRESTON  
PATRICK K. PRUITT  
CRAIG M. REPLOGLE  
DARIN R. RIGGS  
GREGORY K. RING  
MATTHEW R. SHELLOCK  
MATTHEW F. THOMPSON  
ADAM B. WEINER  
MICHELLE D. WEISSINGER  
SCOTT T. WILBUR

## HOUSE OF REPRESENTATIVES—Tuesday, January 26, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 26, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### U.S. AND WORLD RESPONDS TO HAITI'S EARTHQUAKE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, it has now been 2 weeks since a 7.0 earthquake struck Haiti on the afternoon of January 12. Over these past 14 days, we have seen pictures of the devastation of Port-au-Prince and the surrounding communities. Estimates of the number of dead continue to rise. And the injured in the capital alone is already in the tens of thousands, many needing sophisticated medical care. People live in the streets and open spaces, fearful of the daily aftershocks. The very basics of life, water, food, and shelter are absent or in short supply.

We watch in anguish as we learn about the potential number of newly orphaned children in a country that already had around 400,000 orphans. The Washington Post ran a story on Saturday about how 75 percent of the schools have been destroyed and the deaths of so many teachers and students. Nearly every Haitian family in the affected areas suffered the loss of at least one loved one, and nearly every UN, inter-

national agency, and NGO operating in the area suffered devastating losses among their Haitian and international staff.

And while our own U.S. Embassy staff and aid agencies worked around the clock to respond to the crisis, each and every one of them are also dealing with their own shock and grief over lost family members and Haitian and U.S. colleagues.

In my congressional district, Mr. Speaker, Britney Gengel, the daughter of Len and Cherylann Gengel from Rutland, Massachusetts, remains missing. She is among the approximately 200 Haitian and foreign nationals who were in the Hotel Montana when the earthquake struck. She was part of a student team from Florida's Lynn University in Haiti working with Food for the Poor. In the few days that she was in Haiti, she had already emailed her parents to tell them that she felt that she had found her life's calling.

Hundreds of search and rescue workers have been active day and night at the Hotel Montana, including U.S. teams from Fairfax, Virginia; Miami-Dade; and Los Angeles counties. One rescue worker, talking with Britney's father, spoke movingly about how this was one of the worst sites he had ever worked on, and if his daughter were trapped here, he wouldn't give up on finding her either. The compassion and empathy of the rescue workers and every member of our U.S. Embassy team are palpable, and their commitment to all victims' families is total.

We see on our television and read in the papers and online of the generosity and resilience of the human spirit: people helping people, comforting one another, sacrificing for the well-being of one another. We often forget how much the Haitian people are helping one another as we struggle to provide and get aid to them.

Governments, international agencies, NGOs, corporations, and individuals have responded and mobilized as never before. On Friday evening, I was in my hometown of Worcester, Massachusetts, at an event entitled Worcester Cares for Haiti, to mobilize donations from our local community. And I am sure that many Members of this House have been at similar events in their own districts.

Aid is pouring into Haiti to reach the more than 3 million people directly affected by the earthquake. It is flying in to Santo Domingo and Barahona airports in the Dominican Republic and being trucked overland in vast con-

voys. It is landing at the Port-au-Prince airport, which now receives over 100 flights day and night. And thanks to our Navy and Coast Guard, the destroyed Port-au-Prince docks are now 30 percent operational.

I want to thank all the nations of the world that have responded so generously. I especially want to thank our hemispheric neighbors, many of whom annually suffer from natural disasters and still struggle to overcome centuries of poverty. They have been particularly generous, from Argentina, Brazil, and Chile to Colombia, Cuba, Mexico, and so many others. And a very special thank you to the Government and people of the Dominican Republic.

To my own government, Secretary Clinton, Secretary Gates, Administrator Raj Shah, Secretary Napolitano, and all of the agencies, officers, and staff here in Washington and on the ground in Haiti, who, when faced with a Herculean task, have more than risen to the occasion. And I want to say how grateful I am for all that you have done, are doing, and will be doing in the days, weeks, and months to come. I have seen firsthand your commitment, compassion, expertise, and professionalism. I am sure that mistakes have been made, but no one wants the aid to arrive more quickly and get to those who need it more than the U.S. personnel on the ground in Haiti.

For myself, I have never been more proud of my government or more grateful for the people who serve in it.

Mr. Speaker, I will insert into the RECORD a story that appeared in The Washington Post entitled, "Death toll growing at Port-au-Prince's Hotel Montana, once a symbol of stability."

[From the Washington Post, Jan. 24, 2010]

DEATH TOLL GROWING AT PORT-AU-PRINCE'S HOTEL MONTANA, ONCE A SYMBOL OF STABILITY

(By William Booth)

Before the earthquake, the Hotel Montana was the place to be in Haiti. During coups and crises, it provided air-conditioned shelter from the political storms for the diplomats, spies and aid workers—and a few heavy-duty criminals—who gathered nightly at the News Bar under a towering mahogany tree to sip rum sours concocted by Monsieur Lauren, known as the best barman in the country.

To many foreigners, as well as the Haitian elite, the Montana stood for security and stability in a country that often lacked both. Now the Port-au-Prince landmark lies in ruins, as families of missing American, Canadian and French citizens press their embassies for any news of life at the scene of the most concentrated international search-

and-rescue effort mounted since the Jan. 12 quake.

It does not look good. As body identification teams proceed with their grim assignment, the list of the dead is growing—posted on a tree in the hotel's circular drive because the reception desk is buried under rubble. Most reporters are being kept away as workers in white biohazard suits pull bodies out and then stumble off to vomit in the bushes.

"Except for miracles, hope is unfortunately fading," Elisabeth Byrs, a spokeswoman for the United Nations' Office for the Coordination of Humanitarian Affairs, said Saturday.

Some rescue workers have said privately that too many resources have been deployed at the Montana, at the expense of searches elsewhere, and that the U.S. and other governments have focused more attention on those missing at the hotel than on Haitian survivors.

A Facebook page, Haiti Earthquake Hotel Montana, had more than 13,000 members as of Saturday evening and is filled with news, prayers, frustration—and photos of those probably lost in the quake. The posts are poignant: "Diane Cave, Room 220, may have been on way to gym" or "David Apperson last seen in lobby."

Some people post messages of support not only for the families but also for the missing. It is not as strange as it might seem. Cellphone service, disrupted at first, has improved. Someone in the rubble could have received e-mail.

The affiliations of the missing tell part of the story. Many guests at the Montana were working for organizations such as Food for the Poor, Compassion International and the United Methodist Committee on Relief.

A dozen students from Lynn University in Boca Raton, Fla., were here volunteering with Food for the Poor. Four of them, all women, are missing, along with two faculty members who accompanied them.

Angel Aloma, executive director of Food for the Poor, stood in the driveway in the gathering darkness, hugging Gerthe Cardoso, one of the hotel's owners. The two were going through names of staff members, with Aloma asking whether they were alive and Cardoso answering—yes, no, yes.

"These were not employees, they were family," Cardoso said. "Our accountant. Our waiters. Some had been with us for 15 or 20 years. They came to weddings, birthdays, funerals."

Aloma asked after the famous bartender. "He is gone," Cardoso said, her eyes filling with tears. "Oh, Lauren!"

"Our staff member LeAnn Chong, they saved her after 17 hours of digging," Aloma said. "They had to cut off her hair to get her out."

Many survivors lost far more. Rescue teams describe the work at the Montana as "highly technical" and "medically extreme." Some rescues took 24 hours. Buried survivors subsisted on a trickle of their own urine until rescuers could get an intravenous needle into dehydrated veins. One survivor spent four days in a painful crouch. Some heard other people's last words, their last breaths.

The Rev. Clinton Rabb, in Haiti for a meeting with Methodist aid workers, was freed Jan. 15 after a French surgeon sawed through one leg at the knee and the other at the ankle. Still conscious, Rabb emerged from a tunnel dug into the rubble, like a miner being pulled from a collapsed shaft, and was whisked away in a Navy helicopter. He died last Sunday in a Florida hospital.

#### HELP FROM AN IPHONE APP

For nine days, an intense rescue effort took place at the Montana, with teams from Fairfax County, France, Chile, Brazil, Colombia and elsewhere working sections. Throughout Haiti, more than 50 teams had rescued 132 people by Saturday. U.S. teams took part in 47 rescues. Some of the most dramatic were at the Montana.

Dan Woolley was in Haiti with Compassion International making a video about poor children. He had just returned to the hotel that Tuesday afternoon when the 7.0-magnitude quake brought the 145-room hotel crashing down. Woolley was trapped in a space by an elevator shaft. It was pitch black, but he used his iPhone first-aid app to treat his leg fracture. He lost his glasses but used his digital single-lens reflex camera to focus and both devices to create a weak glow.

"He used the little light he had to write letters to his wife and his kids," said Raul Perla of the Fairfax team that helped French rescuers pull him out 60 hours later. "Can you imagine?"

Other people, just a few feet away, have not been rescued. A colleague of Woolley's, David Hames, was last seen 20 feet from the elevator shaft where Woolley was found. "David is an amazing family man, the host and creator of the kids' show 'Cranium's Ark,' much loved by hundreds, maybe thousands," a friend, Melanie Dobson, said by e-mail.

The family-owned Montana, built in 1946 in the hills of Port-au-Prince with just 12 rooms, had grown into a sprawling compound with shops, a swimming pool and conference facilities.

Now rescue workers store oxygen tanks in the half-empty pool. On the lawn is a makeshift shower. Piles of rotting meal rations sit by the fabled News Bar. Beside the conference room stairs, a man in a light-blue shirt, pressed flat by the roof, lies like a flower between the pages of a book.

The place reeks.

#### 'IT'S A LITTLE MIRACLE'

The president of Lynn University, Kevin M. Ross, pressed this week for the return of remains, including those of the four Lynn students missing in the Montana. "This is needed for every grieving father, son, mother, daughter, friend and neighbor who is aching at this very moment for a phone call," Ross said. "A missing family member, whether alive or dead, must be returned to his or her loved ones."

Last week, rumors spread in Port-au-Prince that a popular Montana co-owner, Nadine Cardoso-Riedl, had been killed in her office. Then, just as suddenly, word spread that she was alive.

"We had a little dog, a beagle, that was up on the roof by the terrace, and he alerted, he picked up a scent, but when we brought other dogs to confirm, they couldn't smell her," said Camilo Monroy of the Colombian Civil Defense rescue squad. "We went back the next day, and the same beagle smelled her, and we called, and someone answered. We brought over her son, and he said, 'I think that is my mother down there.'"

The Colombians and other teams dug one tunnel, then a second. Cardoso-Riedl responded, saying two other people were near her. One was perhaps a boy. Sometimes she was lucid, sometimes she appeared to lose consciousness and could not assist the rescuers when they asked: "Are we close? Can you hear us?"

More than 100 hours after her hotel fell down on her, she was pulled out. "It's a little

miracle," her husband, Reinhard Riedl, told reporters. "She's one tough cookie. She is indestructible."

Her sister, Gerthe, said Nadine had been kidnapped in Haiti a few years ago and held captive for 15 days. "You have no idea what it takes to survive here," she said.

#### AN APPEAL TO THE COMMON SENSE OF THE SENATE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. I rise today in the hopes of appealing to the common sense of my colleagues in the United States Senate. In a few days, they will vote on whether or not Ben Bernanke will serve a second term as Federal Reserve Chairman. For the good of American taxpayers and the greater economy, his nomination should be rejected.

As Chairman of the Federal Reserve, Mr. Bernanke has intervened in the financial marketplace in an unprecedented way. He has instituted un-American policies that have distorted our free market economy, such as picking winners and losers, and the creation of "too big to fail." Both Republicans and Democrats alike have argued that the Fed itself was a significant factor in creating the worst economic and financial crisis our Nation has faced in a generation.

Where is the justification in reconfirming Ben Bernanke? Under him, interest rates were kept too low for too long, as the Fed simultaneously increased the money supply and economic bubbles were created. In 2006, financial experts throughout the Nation pointed out that the housing bubble was collapsing, yet the Fed took no action until it was too late, and tens of thousands of families found themselves in foreclosure.

Another major factor in the economic meltdown was the questionable financial transactions by the holding companies of the largest banks and Wall Street firms, which are regulated by the Federal Reserve. It is clear now that the Fed abdicated its role as a regulator of these entities. Just last month, Mr. Bernanke admitted in front of the Senate Banking Committee that, "In the area where we had responsibility, the bank holding companies, we should have done more."

The irony of his comments are that the Fed has plenty of power and authority to deal with the kinds of abuses we have seen in the financial industry and within the housing market, but they refused to act. Under the leadership of Mr. Bernanke, the Fed chose to ignore the abuses going on in the mortgage industry, particularly with subprime loans.

The Fed also chose to ignore Wall Street's risky off-balance-sheet transactions that created a domino effect that rippled through our economy.



Bloomberg reported that the Fed itself entered into trillions in off-balance-sheet transactions last year, but the Fed's own Inspector General has not even attempted to audit or to investigate these transactions. Astoundingly, Mr. Bernanke is now advocating that Congress grant the Fed even greater regulatory power. We need to audit the Federal Reserve now.

In discussing Mr. Bernanke's failings as Fed Chairman, it is important to point out that he served on the Board of Governors of the Federal Reserve from 2002 to 2005 before becoming Chairman. He is no novice, yet he ignored distress calls about our imminent financial meltdown.

And Mr. Bernanke has not been forthcoming in explaining to Congress and the American people who in the private sector the Fed has chosen to subsidize with American taxpayers' dollars and for what reason and for what amounts. Mr. Bernanke has also been unable to fully explain and account for the \$500 billion the Fed has lent to central banks in Europe. Instead, he continues to hide behind the longstanding premise that monetary policy should be free from political pressure, coupled with the convenience of the Fed not being a public agency and, thus, not being obligated to publicly account for its actions.

Mr. Speaker, it is not his money. It belongs to the American taxpayers. Under Mr. Bernanke's leadership, the Fed even strove to keep the details of AIG's overpayments to its counterparties secret, as recently revealed by a newly disclosed e-mail from a New York Fed official. The e-mail clearly demonstrates the kind of culture that Bernanke oversaw at the Fed, one of secrecy and willingness to stifle important public disclosure pertaining to the financial crisis. But again, it is not his money.

After the difficult financial year we have had, common sense dictates a change in leadership at the Federal Reserve. Reconfirming Mr. Bernanke to a second term is like putting a stamp of approval on the health of our unstable economy while guaranteeing more of the same failed policies. More of the same is not the solution to our economic downturn and crisis in the financial markets. We need a complete departure from the failed policies of the past.

Mr. Bernanke steered our financial system directly onto the rocks. Should we really put him at the helm again? No.

#### BANK BAILOUTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Arizona (Mrs. KIRKPATRICK) for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today to express out-

rage, outrage at the information that has recently come to light about the AIG bailout. Though it may not be clear yet who should be held accountable, one thing is clear: The American people will not tolerate the use of taxpayer dollars for use in backdoor bailouts where the details are treated as classified, using methods typically reserved for matters of national security.

Though some financial matters may require protection as a matter of national security, it does not appear that the AIG bailout rises to that standard. At a time when our Nation is actively engaged in wars on two fronts, and terrorists and traffickers are always looking for means to breach our defenses, such treatment should be reserved for documents pertaining to actual security threats.

I opposed the Troubled Asset Relief Program from the very beginning because it focused too much on Wall Street and its executives and not enough on the problems that face working Arizona families. It does too little to hold accountable the banks and corporations that have benefited from billions in taxpayer dollars. The House Oversight Committee and the GAO are now investigating the entire AIG bailout. They should complete their work as quickly as possible so the results can be released to the American taxpayers.

□ 1245

#### BREAKING THE UNEMPLOYMENT BARRIER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to ask how we can break the national 10 percent unemployment barrier which has now hit my home State of Florida hard with a totally unacceptable 11.8 percent unemployment rate.

The congressional leadership has created a cloud of uncertainty over the economy, with support for more oppressive regulations, skyrocketing deficits, tax increases, and trade barriers. The administration's spending policies, including the nearly \$1 trillion stimulus bill, have drastically increased the national debt by 23 percent, while unemployment has increased by more than 3 million. And today the CBO announced that the U.S. deficit for the current fiscal year will come in at \$1.3 trillion, which means that in the 1 year in which the party controlling the White House and Congress has been entrenched, the annual deficit has increased by over 300 percent.

We need to do everything we can to encourage entrepreneurs and small businesses to once again create jobs through sensible regulation, through

reduced government spending, lower taxes and greater investment in education.

I am looking forward to the President's State of the Union message to see what course he has set for this year and will look forward to working with Members in a bipartisan manner to help bring our economy to full employment as soon as possible.

#### NATIONAL SCHOOL COUNSELING WEEK

Ms. ROS-LEHTINEN. Later on, Mr. Speaker, we will be discussing an important resolution which designates the week of February 1 as National School Counseling Week on behalf of each and every child that these counselors have helped. As a mother, as a grandmother, and as a former Florida certified teacher, I recognize just how important it is to fully support our children at every turn. School counselors across the Nation share the same commendable goal to meet the needs of every child. They work each and every day to offer our children their expert guidance and compassionate care. Whether at home or in school, every child will face new and sometimes difficult situations as they develop into young adults. Through a strong family, many children are able to navigate potentially difficult situations, emotions and decisions from a positive base. But even with the most cohesive and supportive of families, there are times when a growing child needs outside counsel.

Our school counselors can offer children this vital resource: trusted and impartial guides in times of uncertainty as well as thoughtful friends for uncomfortable questions. And they willingly work with all children, regardless of their background or history, and are often the last lifeline for our troubled children.

We all recognize that children go through tremendous social, personal and emotional development, all while being tasked with achieving academic success. Ensuring that our children are prepared to be tomorrow's adults requires that each of these components come together seamlessly. Our children are being forced to grow up faster than any generation before them. Today's children live in an interconnected world that is vastly different from the one that our parents, or even we, knew. In this sea of rapid and radical change, it is reassuring to know that our school counselors will be there to support those children that need it most. They offer each child an indispensable link between the classroom and the real world. School counselors are without a doubt a vital link in our children's emotional and academic educations.

Always willing to lend their sympathetic ear and advice, school counselors are never far at hand when a child needs to express his or her fears, hopes and aspirations. School counselors are helping our children to develop into wonderful young adults each

and every day. We should all welcome the opportunity to say congratulations to these unsung protectors of our children.

Mr. Speaker, I encourage all of my colleagues later on today as we take up this bill to honor school counselors across the United States to vote in favor of this resolution, for it is a fine tribute to people whose life's mission is to turn today's children into tomorrow's leaders.

Thank you very much for the time, Mr. Speaker.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 2 p.m.

#### PRAYER

Monsignor Stephen J. Rossetti, Washington, D.C., The Catholic University of America, offered the following prayer:

Good and gracious God, in these times of difficulty and confusion, our hearts remind us to turn back to You. You are the light; You are the truth. We trust that You will guide our paths during these troubled times; You keep us safe from all evil; and one day, You will lead us safely home. May we open our eyes, now, to see You in our lives; may we open our ears, this day, to hear Your voice. And thus may we follow You with steadfastness and courage. We ask this in the power of Your Spirit and in Your Word present and among us. Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. DINGELL) come forward and lead the House in the Pledge of Allegiance.

Mr. DINGELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

S. 2950. An act to extend the pilot program for volunteer groups to obtain criminal history background checks.

The message also announced that pursuant to Public Law 110-315, the Chair, on behalf of the President pro tempore, announces the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity:

Bruce Cole of Indiana, Anne Neal of Wisconsin, and Michael Pokiakoff of Colorado.

#### INTRODUCING THE FINANCIAL SERVICES INDUSTRY STABILITY ACT OF 2010

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Madam Speaker, it is not long since a bunch of avaricious, grasping New York bankers caused a replay of 1929 and a major collapse of the American economy. They were too big to fail, and as a result, this Nation has spent hundreds of billions of dollars bailing them out for their wrongdoing. This is intolerable. If we cannot regulate these people, the least we can do is see that they are properly sized.

I urge my colleagues to join me in sponsoring the Financial Services Industry Stability Act of 2010, which I am introducing today. As Paul Volcker, former chairman of the Federal Reserve, said, the institutions too big to fail would be that they would "be sheltered by access to a Federal safety net in time of crisis." Another former Fed Chair, my dear friend Alan Greenspan, said, "If they're too big to fail, they're too big." Similarly, Mervyn King, governor of the Bank of England, opines, "If some banks are thought to be too big to fail, then, in the words of a distinguished economist, they are too big." I urge my colleagues to help me cut down these avaricious scoundrels to proper size.

#### THREE OUT OF FOUR AMERICANS THINK STIMULUS MONEY HAS BEEN WASTED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, where are the jobs? This is the question I continue to ask the liberal majority, since they persist pushing legislation killing jobs. Families are hurting, particularly in South Carolina, where the unemployment rate recently jumped to a gruesome 12.6 percent. The stimulus bill isn't living up to its name, and Americans realize it. According to a CNN poll released yesterday, nearly three out of four Americans think that at least half of the money spent in the Federal stimulus plan has been wasted. Moreover, 63 percent believe projects in the plan were included for political reasons and will have no economic benefit.

I have introduced the National Commission on American Recovery and Reinvestment Act so taxpayers receive adequate answers as to the whereabouts of stimulus funds. I urge Speaker PELOSI to consider this legislation to ensure full accountability of every stimulus dollar spent.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### TRIBUTE TO OUR REMARKABLE TROOPS

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Madam Speaker, I rise today to pay tribute to our remarkable troops. Our men and women in uniform represent the best of America. Never is that more apparent than when our forces are mobilized to help people in need, most recently in the wake of the devastating earthquake in Haiti. As of last week, approximately 13,000 military personnel are part of the Haiti relief effort, about 10,000 aboard ship, and 3,000 ashore.

The United States' response to the Haiti earthquake is a whole-of-government effort, with the U.S. Agency for International Development in the lead, but our military personnel are truly indispensable to the humanitarian response. U.S. military professionals have the logistical, medical, and engineering skills that are desperately needed in a disaster zone.

This critical contribution to the Haiti relief effort comes at a time when the men and women of our military are already being stretched by two wars. But crises rarely happen on a planned timetable, and our troops have demonstrated, once again, their capability to respond admirably whenever disaster strikes.

As any American who has been helped by the National Guard or other U.S. forces during

a flood, hurricane, fire, tornado, or other emergency, there is no limit to the compassion, commitment, and dedication of those wearing the American service uniform.

U.S. military servicemembers and their families make tremendous sacrifices, both for our Nation and in working to help people in times of need all over the world. I am so proud of the contribution our heroes in uniform are making to help the people of Haiti, in cooperation with all of the other people in government and non-governmental organizations, and international organizations who are working as partners in the Haiti relief effort.

#### NATIONAL HEALTH CARE AND THE CONSTITUTION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the United States Constitution is a document to limit the Federal Government. Thomas Jefferson said, "Free government is founded in jealousy, and not in confidence, which (requires) limited constitutions to bind down those whom we are obliged to trust with power."

As the all-seeing eye of the government tries to take care of us, and since it believes we are subjects incapable of taking care of our own health, nowhere in the Constitution is the Federal Government given the enumerated privilege to make a power grab and control the Nation's health. The Constitution sets limits on what dictates of pain the Federal Government is allowed to inflict on the rest of us. George Washington didn't fight the Redcoats so people would be the subjects of a new oppressive, untrustworthy Federal bureaucracy, and the Colonists didn't die in the War of Independence so a health care czar could have the rule over us. It is an unconstitutional abuse of power to nationalize American health care and trust the government with our health.

And that's just the way it is.

#### PUT AMERICANS BACK TO WORK

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, the American people are hurting, and Washington is not listening. Over the past year, the policies of more taxes, runaway spending and record debt have had a chilling effect on job creation across this country. The stock market is languishing, home sales have declined, and unemployment is in double-digits, reaching its highest level in decades.

Last year, President Obama and congressional Democrats promised that the trillion-dollar stimulus plan would create jobs immediately, and unemployment would not rise above 8 percent. Sadly, the only thing the waste-

ful stimulus bill created was bigger government, with nearly 2.7 million American jobs lost since that promise was made.

The Republican plan provides targeted tax relief for working families and small businesses and will create real jobs, not an illusion of jobs saved, as the administration suggests. It's past time that the President and the Democratic majority get serious about putting Americans back to work.

#### KEEP TERRORISTS LOCKED UP IN CUBA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, President Obama says that closing the terrorist detention center in Cuba will help America's image abroad and make America safer. This idea is contrary to common sense, nonsensical, irrational, counterintuitive, and dangerous. Since the President has announced his intention to close the military prison, there have been more attempted terrorist attacks, not fewer. The terrorists sense weakness, not strength.

Keeping terrorists locked up in Cuba, rather than transferring them to the U.S. or other countries, is the only way to protect Americans. If they go to other countries, they can be released. If they go to the U.S., they can get constitutional rights, like citizens, which they certainly don't deserve. The administration should treat terrorists like terrorists and leave them in Cuba.

#### THREE PENDING TRADE AGREEMENTS THAT WILL CREATE JOBS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, as we all know, there will be a great deal of excitement around the Capitol tomorrow evening. The President of the United States will be delivering his first State of the Union message. Early indications are that he will be talking about the issue that Democrats and Republicans alike and people around this country are talking about, and that is job creation.

We have got an unemployment rate in excess of 10 percent, much higher in my State of California, and we think—Democrat and Republican alike—that it's a very good idea for the President to be focusing on job creation and economic growth.

Well, Madam Speaker, he has a wonderful opportunity to take what I believe would be the strongest, boldest, most dynamic step towards economic growth, and that is to send to Capitol

Hill three pending trade agreements: Panama, Colombia and South Korea. We could create jobs in the manufacturing sector, in the service sector, in the farming sector of our economy if we were to break down the barriers that right now prevent U.S. workers and service providers from being able to have access to that consumer market.

So as we work together in a bipartisan way to create jobs, I encourage the President, Madam Speaker, to send those three trade agreements so that we can create jobs.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 22, 2010.

Hon. NANCY PELOSI,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, January 22, 2010 at 2:53 p.m., and said to contain a message from the President whereby he transmits consistent with Public law 107-108 a report on matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### UNITED STATES ASSISTANCE FOR THE INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-89)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Consistent with the authorities related to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107-108, 22 U.S.C. 2291-4), as amended, and in order to keep the Congress fully informed, I am providing a report by my Administration. This report includes matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

BARACK OBAMA.  
THE WHITE HOUSE, January 22, 2010.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1415

## HONORING LESTER FLATT

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 583) expressing the sense of the House of Representatives that Lester Flatt has made an invaluable contribution to American art as both a songwriter and a performer, leaving an indelible legacy in bluegrass music, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 583

Whereas Lester Flatt was born on June 19, 1914, and was raised in the region of Sparta, Tennessee;

Whereas Lester Flatt began playing guitar and singing in local churches at a young age;

Whereas Lester Flatt began his career with Charlie Monroe and the Kentucky Pardners in North Carolina in the early 1940s;

Whereas in 1945, Lester Flatt was invited by Bill Monroe to play rhythm guitar and sing with Monroe's band on the Grand Ole Opry;

Whereas Lester Flatt, Earl Scruggs, Chubby Wise, Howard Watts, and Bill Monroe are widely credited with the creation of bluegrass music through their band, Bill Monroe and the Bluegrass Boys;

Whereas Lester Flatt later joined with Earl Scruggs to create the band Flatt and Scruggs and the Foggy Mountain Boys, which remains one of the most influential bands in bluegrass music;

Whereas in 1969, Lester Flatt parted with Scruggs to form the band Nashville Grass, with whom he performed until shortly before his death on May 11, 1979;

Whereas in 1991, Lester Flatt, along with Bill Monroe and Earl Scruggs, became an inaugural member of the International Bluegrass Music Hall of Fame; and

Whereas Lester Flatt is widely regarded as one of the greatest bluegrass musicians and singers of all time, writing dozens of songs that are considered bluegrass classics: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that Lester Flatt has made an invaluable contribution to American art as both a songwriter and a performer, leaving an indelible legacy in bluegrass music.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

## GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 583 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself as much time as I may consume.

I rise today to support House Resolution 583, which recognizes Lester Flatt's invaluable contributions to American art as both a songwriter and a performer. One of nine children, Lester Flatt was born on June 19, 1914, and raised in Sparta, Tennessee. As a singer and a guitarist, Lester Flatt is widely considered one of the founding fathers of bluegrass music.

He learned to sing and to play the guitar in local churches. As a member of the legendary Flatt and Scruggs and the Foggy Mountain Boys, Flatt not only popularized bluegrass music, he transformed the music genre from regional to national. Bluegrass music itself, Madam Speaker, originated in the early 1600s as an American art form of immigrants as they came to America. Irish, Scottish, English and African American cultures have played a major part in developing bluegrass music.

The music started in rural areas and in small towns describing life in the hills or on the farms. Eventually this sound became popularized and Lester Flatt emerged from Tennessee as our Nation's premiere bluegrass artist.

With Bill Monroe's Bluegrass Boys in the mid-1940s, Lester helped bring national acclaim to bluegrass music with the Original Bluegrass Band. Later in Flatt's career he teamed up with Earl Scruggs to create the Foggy Mountain Boys in 1948. This group went on to achieve longstanding success and prestige unprecedented in the bluegrass music world. Parting with Earl in 1969, Lester continued successfully with his own "Nashville Grass" until shortly before his death in 1979.

Though he reached tremendous heights across the Nation, Flatt preferred to perform in small towns. He, along with two others, became inaugural members of the International Bluegrass Music Hall of Fame.

Madam Speaker, I want to once again congratulate Lester Flatt on his artistic accomplishments and honor his extraordinary life. I thank Congressman LINCOLN DAVIS from Tennessee for bringing this resolution forward today.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 583, expressing the sense of the House of Representatives that Lester

Flatt has made an invaluable contribution to the American art as both a songwriter and a performer, and has left an indelible legacy on bluegrass music.

Born in Overton County, Tennessee, in 1914, by age seven he had learned to play the guitar and sang in his church choir. He began entertaining locally and began to pursue a music career when rheumatoid arthritis forced him to quit his job in a local silk mill. As has been stated, he started in 1945 with the Blue Grass Boys, then later with the Foggy Mountain Boys and then finally with the Nashville Grass.

He passed away, but his voice and unique bluegrass style will always be remembered. Lester Flatt and the Bluegrass Boys are credited with the introduction of bluegrass music to this Nation. Bluegrass music is a unique form of American roots music and is considered a sub-genre of the country music scene.

Bluegrass was especially popular in the rural areas of this country, and it's often referred to as the Kentucky bluegrass after Bill Monroe, who was from Kentucky and a member of the Bluegrass Boys. Bluegrass music is a uniquely American art form and Lester Flatt helped to introduce this music to the Nation. Lester Flatt left an indelible legacy in bluegrass music and in the American art, and I ask my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I'm pleased to recognize the gentleman from Tennessee (Mr. DAVIS), the sponsor of this legislation, for as much time as he may consume.

Mr. DAVIS of Tennessee. I thank the gentlelady for yielding time, and I will make some very brief comments.

As we look across America, we look at our rivers, our streams, our oceans and our lakes, the scenic mountains of Tennessee, the scenic mountains, obviously the Rocky Mountains and the Appalachians. Our artists that will paint portraits and paintings on canvas, our literature, through great authors of our time, our character, as a Nation, our heritage, our family traditions, our family values, and, yes, our music are part of this great American heritage.

Our music, music of those like Flatt and Scruggs that, when I was a child growing up, listening to a radio operated by a battery on a Saturday night was one of the special times when the family got together. But certainly for this particular occasion, for that hour-long session, the "Grand Ole Opry," we would hear such performers as Bashful Oswald and Stringbean and, yes, Flatt and Scruggs, that became an entity in the mid-forties.

Lester Flatt was born in Sparta, Tennessee, in a district that I now represent in White County. And from that, he basically learned his art in church

by singing with the choir. He learned his art by self-teaching and by instructions from others in the community of how to play different instruments. And he became someone that those of us who loved mountain music, who loved the mountain music, loved to hear him. The songs that he sang, the songs that he composed—most he sang himself, and some were sung by others. But he gave us, all of us who live in America and all of those of us who love bluegrass music on a Saturday night, or Monday, Tuesday, Wednesday, Thursday, Friday and gospel music on Sunday night that's bluegrass style, kind of have a great deal of respect and reverence for Lester Flatt.

It is my honor as a Member of Congress and it is my honor as the Congressman who represents the area where he was born and later moved to North Carolina and Kentucky to perform to audiences that were blessed with his voice, which was unique and his music, which was unique and the three-finger roll that was brought by the banjo to make that music even better. So it's my honor today to recognize this giant who was one of the first three that became a member of the Hall of Fame in 1991, and it's fitting that he did. So it's fitting that we here today honor this giant of bluegrass music.

Mr. BISHOP of Utah. After hearing the eloquence of the gentleman from Tennessee, I'm embarrassed to admit that the only thing I think of, when I hear Lester Flatt's name, I have to think of "The Beverly Hillbillies."

But with that, I'd like to yield as much time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank the gentleman from Utah for yielding. I appreciate that. And you're on the money: "The Beverly Hillbillies," indeed, were a very significant role that they played: Lester Flatt, Earl Scruggs and the Foggy Mountain Boys brought to you by Martha White. Those introductory words were disseminated, Madam Speaker, across the airwaves throughout Tennessee, southeastern United States and beyond, introducing what, in my opinion, was the world's premiere bluegrass aggregation during that era, specifically the fifties and the sixties.

I realize that the distinguished gentleman from Tennessee can claim, and rightly so, that Lester Flatt was his constituent, but I would be remiss if I didn't remind him again that Earl Scruggs, the world's premiere 5-string banjoist is a native Carolinian, although not a resident in the district I represent.

In addition to Lester and Earl, Paul, Josh and Jake completed the starting five. But when Lester Flatt, Earl Scruggs and the Foggy Mountain Boys performed, whether on radio, television

or in live concert, Americana was on parade because bluegrass music, after all, is America's music. These men, all superb musicians, were celebrities in their own right, but they did not conduct themselves as celebrities. They were not unlike our next-door neighbor or the guy down the street.

Finally, I think it's fitting and appropriate that this House of Representatives recognizes today that Lester Flatt has made an invaluable contribution to American art as both a songwriter and a performer, leaving an indelible legacy in bluegrass music.

Ms. WOOLSEY. I reserve the balance of my time.

Mr. BISHOP of Utah. We have no more speakers, so I urge my colleagues to vote favorably on this particular resolution.

I yield back the balance of my time.

Mr. RAHALL. Madam Speaker, I fully support recognizing legendary bluegrass singer and songwriter Lester Flatt for his many contributions to American music.

Music is a tradition that most of us in West Virginia have enjoyed our entire lives. Lester Flatt is a great example of the amazing collection of musical talent in Appalachia. This resolution supports the history and traditions of our region and brings awareness to the talents of Bluegrass Musicians.

Lester Flatt was an acclaimed guitarist, lead singer and a leader in making Blue Grass music what it is today. Most famous for his long career with Bill Monroe, Earl Scruggs and the Blue Grass Boys; Lester Flatt and his legendary sounds and strong rhythm and guitar playing helped to create the unique and memorable sound of modern Bluegrass.

A southern West Virginia Bluegrass legend Everett Lilly, originally from Clear Creek near Beckley, had the opportunity to tour with Lester Flatt in the early 1950s, and participated in classic duet recordings with Lester Flatt.

In southern West Virginia we celebrate not only famous Bluegrass Musicians like Lester Flatt and Everett Lilly, but all of our talented musicians through efforts led by the West Virginia Humanities Council and the Music Hall of Fame exhibit at Tamarack. The permanent exhibit at Tamarack in Beckley, WV houses memorabilia and recorded works of Mountain State musicians of the last 50 years and is accompanied by a concert series and a variety of educational programs.

Another exciting initiative is The WV Music Hall of Fame's Traveling Museum which is a collaborated effort between the Humanities Council and the WV Department of Education. The exhibits showcase the variety of music that has come from the Mountain State, from opera and jazz to gospel, traditional, country, bluegrass, blues and rock 'n' roll. While visiting the Traveling Museum, you can view an interactive county by county map of West Virginia's musical history, listen to a variety of music and even make your own CD.

I fully encouraged this partnership and commend The Hall of Fame on a remarkable job in its first few years.

Music was the missing link to West Virginia's premiere arts venue, Tamarack. The Hall of Fame and Tamarack are natural part-

ners. I encourage my fellow West Virginians to support our State and our regions' great musicians and organizations—all working to keep our arts and humanities heritage alive and well in our communities, schools, and lives.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H. Res. 583, which recognizes Lester Flatt's invaluable contributions to American art as both a songwriter and a performer, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 583, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### NATIONAL MENTORING MONTH

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 990) expressing support for designation of January 2010 as "National Mentoring Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 990

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate a young person's social, emotional, and cognitive development;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for those serving as mentors;

Whereas more than 4,700 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas approximately 3,000,000 young people in the United States are in solid mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the Nation;

Whereas in spite of the progress made to increase mentoring, the United States has a serious "mentoring gap", with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States;

Whereas the designation of January 2010 as "National Mentoring Month" will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas National Mentoring Month will, most significantly, build awareness of mentoring and encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "National Mentoring Month";

(2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors and encourages more adults and students to volunteer as mentors; and

(3) encourages the people of the United States to observe National Mentoring Month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 990 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 990, which recognizes January as National Mentoring Month. Today we acknowledge and thank the millions of caring adults and students who volunteer as mentors, and we commend their efforts. National Mentoring Month serves as a great opportunity to encourage others to get involved mentoring and volunteering their time. Mentors directly improve the lives of those who are in need of guidance by providing support, care, and encouragement to facilitate a younger person's development in life.

Research consistently proves, Madam Speaker, that mentors bolster academic achievement, self-esteem, social skills, and career development. In addition to these positive outcomes, mentoring reduces delinquency, substance abuse, and academic failure. Mentoring, whether it is for school work or life in general, helps young people realize that a better life is attainable, and it helps them to obtain the tools they need to succeed.

Today, there are over 4,700 mentoring programs in communities all across the

United States serving approximately 3 million young people. This country, however, is in need of more mentors to help fill the gap and reach the nearly 15 million young people who would benefit from a positive, solid mentoring relationship. As a Nation, we must continue to encourage volunteers to invest their human capital in our youth. Through nonprofit government and private sector partnerships, we can expand mentoring.

□ 1430

The National Mentoring Month is a reminder to reinvest our energy towards mentoring relationships. By building awareness on this issue, we can encourage more people to serve as mentors.

Madam Speaker, once again, I express my support, and I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

I rise today in support of House Resolution 990, expressing support for the designation of January 2010 as National Mentoring Month, and I am glad we are doing it before it's over.

National Mentoring Month celebrates mentors who are positively impacting the lives of people and highlights the need for additional mentors to make themselves available for America's youth.

Mentoring is a structured and trusting relationship that brings young people together with caring individuals who offer guidance, support, and encouragement, all aimed at developing the confidence and character of the mentee.

A mentor is an adult who, along with parents, provides a young person with support, counsel, friendship, and positive reinforcement.

By all estimates, almost 18 million young people—nearly half of the population of young people between the ages of 10 and 18—live in situations that put them at risk of not living up to their potential. Without immediate intervention by caring adults, they can make choices that not only undermine their futures but, ultimately, the economic and social well-being of our Nation.

Research shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes such as improved academic achievement, self-esteem, career development, and social skills. By honoring mentors and mentoring programs, we recognize the importance of mentoring programs implemented in our local schools and communities. We also draw attention to the components of a quality program, including appropriate screening of potential mentors and careful matching of youth with adults who have a genuine interest in providing guidance and being exemplary role models.

Today, thanks to the commitment and dedication of mentoring advocates, 3 million young people are now enjoying mentoring's many benefits through school-based, faith-based, and community organizations. It's a six-fold increase in formal mentoring relationships since the early 1990s.

Today we recognize the contribution mentors make to the lives of the Nation's youth. The time adults take to serve as a mentor provides children and young adults with a positive adult example and support system. Adult mentors should be recognized for their contributions and efforts, and, therefore, I urge Members to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the sponsor of this legislation, the gentlewoman from Minnesota (Congresswoman MCCOLLUM).

Ms. MCCOLLUM. Madam Speaker, as co-chair of the Congressional Mentoring Caucus, I rise today in strong support for designating January 2010 as National Mentoring Month. Thank you to Chairman MILLER and Chairwoman WOOLSEY for bringing this legislation to the floor. I would also like to thank the other chairs in the Mentoring Caucus, Mrs. DAVIS of California and Mr. ROGERS of Michigan, who are original cosponsors of this legislation.

We all have an important role to play in the lives of young people around us. Our entire community needs to be part of the process in shaping young lives to become responsible citizens. When caring adults make connections and provide guidance to our youth, it makes a positive impact on their lives.

A local newspaper in Minnesota recently ran an article about the enormous difference mentoring makes in someone's life. All of us have experienced that personally. For far too many young people and children, they just might not have a strong adult presence in their lives. Mentors encourage the development of strong characters and healthy identities. That's a fact. We have the data to back that up.

Studies show that young adults who have mentors are less likely to experiment with drugs, skip school, or become involved in criminal activity; and at the same time, students are more likely to be confident, make good grades and graduate from high school and improve their self-esteem when they have a mentor. When these students grow up, they are more likely to be better parents, better neighbors, in general, better citizens.

Nationally, there is an estimated mentoring gap of 15 million at-risk young people who need and who would benefit greatly from a mentor. In Minnesota alone, there are more than 250,000 students who fall into this gap.

I sponsored this resolution to help raise awareness of this gap and of the



many benefits of mentoring for both the mentee and the mentor and to encourage more people to volunteer their time and to invest in a child's well-being and their future.

Mentorship does not end with childhood. Whether you're asking a neighbor to assist you after you've had your first child or you're seeking a person at work or your place of worship to guide you through these tough decisions, mentoring benefits people of all ages.

My life has personally been filled with many mentors from my childhood right up until today. Congressman Bruce Vento—whose seat I now hold—mentored me from my early days in politics until I decided to run for Congress. And you never know where you might find a mentor. Many in this Chamber might have been surprised that one of my closest mentors was Congressman Henry Hyde from Illinois. He helped me understand the history and the greatness of this institution, and he taught me by example that elected officials should always, always respect one another in debate and always respect one another especially when we disagree.

I encourage all of my colleagues to look for opportunities to mentor our youth, and they can start by doing that today by voting "yes" on this resolution.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 990, "Expressing support for designation of January 2010 as "National Mentoring Month" and for other purposes, introduced by my distinguished colleague from Minnesota, Representative MCCOLLUM. "National Mentoring Month," since January 2002, has been a national initiative and an annual campaign focusing attention on the need of mentors to mentees, and to promote youth mentoring with the message that, "If we—individuals, businesses, government agencies, schools, faith communities, and nonprofits—can work together to increase the number of mentors, we assure brighter futures for our young people." This annual initiative and campaign is spearheaded by the Harvard School of Public Health, MENTOR, and the Corporation for National and Community Service.

President Barack Obama, former Secretary of State General Colin Powell, former Presidents Bill Clinton and George W. Bush, Arizona Senator JOHN MCCAIN, music producer Quincy Jones, poet Maya Angelou, music recording artist Usher, and actor Clint Eastwood, have all endorsed the campaigns for National Mentoring Month. A highlight of the campaign is the "Thank You Mentor Day," in which mentees thank and honor their mentors for their mentorship. Mentees are encouraged to reach out to their mentors to express their appreciation. Mentees also have the options of posting a tribute to their mentor or mentors on WhoMentoredYou.org, to become a mentor in their local communities, and/or make a financial contribution to a mentoring program.

Dr. Jay A. Winsten, as associate dean at the Harvard School of Public Health stated that, "Youth mentoring is a highly effective

public health intervention. Research has shown that programs that rely on volunteer mentors can play a powerful role in reducing drug abuse and youth violence, while greatly enhancing a young person's prospects for leading a healthy and productive life." Mentoring is a long-standing tradition where mentors provide guidance, support, encouragement and aid in promoting positive outcomes, in the areas of career and social development in helping young people realize and reach their full potential.

I agree with Ms. Nicola Goren, the Director of the Corporation, in the regard that, "Our nation's success depends on helping every child succeed and reach their full potential in life and that mentoring strengthens our nation's economic and social well-being by influencing the life choices of young people with a caring adult."

More than 4,700 mentoring programs in communities of all sizes across the United States focus on building strong relationships and 3,000,000 young people are in mentoring programs throughout the United States. In making January a month-long celebration of mentoring, it will call action to the important role and responsibility that all mentors play in the shaping of the young people of America, and will encourage more individuals and organizations to become engaged in this nationwide effort across this great Nation in building awareness of this national initiative and campaign for mentorship for our youth. I would like to personally encourage all the members of Congress to either become a mentor or to encourage a friend or family member today to become a mentor, not only for our youth, but for this country.

Mr. BISHOP of Utah. Madam Speaker, I urge adoption of this resolution, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support House Resolution 990, which recognizes January as National Mentoring Month.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 990.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CONGRATULATING MESSIAH COLLEGE

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1030) congratulating Messiah College men's and wom-

en's soccer teams on winning the 2009 NCAA Division III national championships.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1030

Whereas Messiah College men's and women's soccer teams won the 2009 NCAA Division III championships on December 5, 2009, against Calvin College and Washington University-St. Louis;

Whereas the 2009 championship was the seventh national championship for Messiah College men's soccer team since 2000 and the third national championship for the women's team since 2000;

Whereas Messiah College is the only college in the NCAA to win both the men's and women's soccer national championship in the same year;

Whereas Messiah College is a Christian liberal arts college that was founded in 1909 and is located in Grantham, Pennsylvania;

Whereas Messiah College has 22 intercollegiate athletic teams that have won 11 NCAA national championships; and

Whereas Messiah College encourages athletes to develop their athletic excellence and to develop character: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; and

(2) recognizes Messiah College for excellence in academics, athletics, and character.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1030 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to congratulate Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championship against Calvin College and Washington State University-St. Louis, respectively.

Messiah is the only NCAA institution to claim men's and women's soccer national championships in the same season. Messiah College men's team won their national championship game 2-0 and provided the men's team with its seventh national title in the last 10 seasons—an NCAA Division III all-time best, to say the least.

Messiah College women's team collected its third national championship and second championship in a row capping a 3-year run in which the Falcons'



only loss was to Wheaton College in the 2007 title match. After outscoring their opponents by a 20-1 margin in last year's NCAA tournament, the Messiah College women posted just seven goals in their final five games this year winning four contests 1-0, one in double overtime.

Congratulations are in order for head coaches Brad McCarty and Scott Frey. McCarty was recently named head coach of the Messiah men's soccer program and became the seventh head coach in the program's storied 42-year history. Before becoming head coach, McCarty helped Messiah to five of its six national championships as an assistant coach.

As for the women's coach, Scott Frey has compiled a record of 156 wins, 12 losses, and 8 ties in his 8 seasons with the women's soccer program. Winning over 90 percent of his games, he was placed on the Winningest Active Coaches list.

The success of both the men's and women's soccer teams is a testament to Messiah College's commitment to excellence. They have won 10 national soccer championships combined in the past 10 years.

Not only does Messiah College excel athletically, but they are also a premier academic institution. The school is a nationally ranked private Christian college with a socially, denominationally, and politically diverse student body of 2,800 undergraduate students. Located in Grantham, Pennsylvania, Messiah College awards bachelor of arts and bachelor of science degrees in more than 55 majors.

Madam Speaker, once again, I congratulate the Messiah College soccer program for their success, and I thank Representative PLATTS for bringing this bill forward.

I urge my colleagues to support House Resolution 1030, and I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1030 congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships.

Messiah College is a private Christian college that was founded in 1909 and is located in Grantham, Pennsylvania. Messiah's mission is "to educate men and women toward maturity of intellect, character, and Christian faith in preparation for lives of service, leadership, and reconciliation in church and society." The college's mission reflects its dedication to developing students' character, as well as their intellect.

Messiah College offers 60 majors in five different schools and has been ranked as one of the top 10 best colleges for comprehensive bachelor's degrees in the north by U.S. News and

World Report. Messiah College obviously boasts an excellent athletic program. Of the 22 intercollegiate athletic teams at Messiah, the men's and women's soccer teams are the college's two most winning teams. The Messiah College Falcons, both their men's and women's soccer teams, won the 2009 NCAA Division III national championship on December 5. This victory was the seventh national championship since 2000 for the men and the third since 2000 for the women. Messiah claimed the third and only men's and women's dual national championships in NCAA history.

In the championship games, head coaches Brad McCarty and Scott Frey led the men's and women's soccer teams to a 2-0 victory against Calvin College and a 1-0 victory against Washington University of St. Louis. Jared Clugston was voted the most valuable defense player, and Geoff Pezon won the most valuable offensive title at the tournament.

So I congratulate Messiah College, the men's and women's teams, and I urge my colleagues to join me in supporting this resolution.

I yield back the balance of my time.

Mr. PLATTS. Madam Speaker, I rise today in support of House Resolution 1030—Congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships.

Messiah College, located in my home district, is a private four-year Christian college of the liberal and applied arts and sciences in Grantham, Pennsylvania. With a population of 2,744 full-time undergraduate students and a student to faculty ratio of 13 to 1, each of these students are encouraged to grow through their education, faith and community involvement. Recently, Messiah was distinguished as one of only seven colleges in Pennsylvania to be placed on the President's Higher Education Community Service Honor Roll for its service to disadvantaged youth. Additionally, Messiah received the 2009 Carnegie Foundation Community Engagement Classification for its outreach to the local community.

For the men's and women's soccer teams at Messiah College, 2009 proved to be a remarkable and historic year. On December 5th 2009, both teams won the Division III national soccer championships, remaining the only men's and women's soccer teams at any level in the NCAA to do so in the same year. The women's team garnered their third national title since 2005 and the men's team won their seventh national championship in the last ten seasons.

The Messiah women's team defeated Washington University-St. Louis by a score of 1-0. The lone goal was scored early in the game by senior Amanda Naeher, who was later named the offensive player of the tournament. She was joined on the all-star team by her fellow teammates Katie Hoffsmith, Amy Horst, and Katlyn Musser. Musser was named defensive player of the tournament.

Remaining players on the women's team include: Seniors Emily Cope and Carey Cortese; Juniors Molly Bletz, Shalisa Brubaker, Joanna

Haqq, Erin Hensch, Sarah Henningsen, Katie Hoffsmith, Marla Sensi and Meagan Wademan; Sophomores Kelsey Gorman, Rachel Loya, Autumn Reilly, Olivia Scott, Jessica Shirk, Leah Sipe and Lisa Wingard; and Freshmen Stephanie Andrews, Tannia Nieto, Elizabeth Phillips, Anne Trapp and Corinne Wulf. Assistant coaches and athletic trainers include: Todd Balsbaugh, Maggie Futato, Bethany Sauer, Sandy Bush and Jason Besse.

Later that same evening, the men's team defeated Calvin College in a 2-0 victory, making them an unprecedented 7-0 in national championship game appearances. Senior goalkeeper Jared Clugston was named defensive player of the tournament, while junior Geoff Pezon was named the offensive player. Trey Overholt and Derek Black both joined them on the all-star team.

Remaining players on the men's team include: Seniors Brett Faro, Jevon Gondwe, Josh Mull and Calvin Todd; Juniors Jon Burke, Sean Cunningham, Kyle Fulks, Mark Jeschke, Keaton Kasiguran and Nick Thompson; Sophomores Trevor Lee, Kent Ramirez, Tom Renko, Jordan Sands, Danny Thompson and Sam Woodworth; and Freshmen Jake Berry, JP Fulton, Luke Helmuth, Dan Squire, Logan Thompson and Joshua Wood. Assistant coaches, managers and athletic training staff include: Aaron Faro, Troy Sauer, Dustin Shambach, Ken Heck, Gerard Marrone, and Beau Herndon.

It is with great pride that I congratulate these two outstanding teams, led by head coaches Scott Frey and Brad McCarthy. The teams, coaches, faculty and students at Messiah College have much to be proud of with both their commitment to academics and this remarkable display of athletic excellence.

I urge my colleagues to support House Resolution 1030.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support House Resolution 1030 congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1030.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1445

#### NATIONAL SCHOOL COUNSELING WEEK

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1029) expressing support for designation of the week of February 1 through February 5, 2010, as "National School Counseling Week".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1029

Whereas the American School Counselor Association has declared the week of February 1 through February 5, 2010, as "National School Counseling Week";

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors provide support for students whose family members have been deployed to conflicts overseas;

Whereas school counselors help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when local budgets are cut, especially in tough economic times;

Whereas the average student-to-counselor ratio in America's public schools, 475-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations;

Whereas the celebration of "National School Counseling Week" would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 1 through February 5, 2010, would be an appropriate week to designate as "National School Counseling Week": Now, therefore, be it

*Resolved*, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe "National School Counseling Week" with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

California (Ms. WOOLSEY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1029 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1029, which recognizes the impact that school counselors have in students' lives throughout the country. It encourages the observance of February 1 through 5 as National School Counseling Week.

School counselors play an essential role in students', teachers', and families' lives. National data show that school counselors improve teacher quality, bolster student achievement, and lower dropout rates. Additionally, research demonstrates that students who receive social and emotional support and other services carried out by school counselors achieve higher academic results.

Our education system employs school counselors at all levels, in elementary, middle, and high school, as well as in district supervisory positions. The educational backgrounds of school counselors qualify them to work with students to address their academic, personal, social, and career development needs. Through the implementation of a school counseling program, counselors offer a range of services to students. They also offer these services to parents, guardians, other school staff, and the community at large. School counselors assist with curriculum design and implementation, offer individual guidance and counseling, and other intervention activities that meet immediate student needs. Examples include education on mental health issues, school violence prevention, social and career skills training, college guidance and preparation, as well as conflict resolution.

Day in and day out, Madam Speaker, school counselors work tirelessly to provide academic, college preparatory, career, and emotional support to our children. Through their leadership and advocacy, school counselors strive to foster healthy school environments that promote equity and access to quality educational experiences for every student.

I thank the American School Counselor Association and the National Education Association for supporting this important resolution and the work of counselors in our schools. National

School Counseling Week reminds us that the crucial role counselors play is absolutely important in every student's life.

Madam Speaker, again, I support this resolution and thank Congresswoman LINDA SÁNCHEZ for bringing this resolution forward. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, again, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1029 that expresses support for the designation of the week of February 1 through February 5 2010 as National School Counseling Week, even though that is only 5 days. But I guess that is a school week.

School counselors serve as a valuable resource to students across the Nation. School counselors assist students with the transition from secondary education to higher education or the workforce. They help students cope with trauma and difficult family issues, assist students and teachers in dealing with behavioral problems, and they serve as a resource for students dealing with the challenges of becoming adults.

School counselors also serve as a resource for parents and educators. They assist parents in communicating with their kids, and provide parents with important information to help their kids transition to higher education or the workforce. They work with teachers and parents to help students explore their potential and set realistic education and career goals. They often serve as a third party to mediate between parent-teacher or student-teacher or parent-student relationships.

National School Counseling Week highlights the importance of school counselors and the valuable assistance that they provide students, parents, and teachers. This year's theme is "Celebrate School Counseling." The theme aims to focus public attention on the unique contributions of professional school counselors.

I spent far many too years of my life teaching in the public school system. I have known many counselors, and I have appreciated their efforts and have respected their efforts and their goals even as I have harassed them on their particular jobs.

With that, I express my sincere gratitude to all school counselors. I recognize their contribution to our Nation's youth. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, I am pleased to recognize the gentlewoman from California (Congresswoman LINDA T. SÁNCHEZ), the sponsor of the legislation, for as much time as she may consume.

Ms. LINDA T. SÁNCHEZ of California. I want to thank my colleague from California (Ms. WOOLSEY).

Madam Speaker, I rise in strong support of House Resolution 1029 and support the goals of National School Counseling Week. I want to thank Chairman GEORGE MILLER and Ranking Member JOHN KLINE, as well as Representative VERN EHLERS, for their support of this resolution.

I introduced this resolution to recognize the tireless efforts of a group of professionals who have dedicated themselves to children and to their education: school counselors.

I wish to take this opportunity to recognize a few of the diligent and hardworking school counselors from California's 39th District. Angela Castellanos of Santa Fe High School in Whittier, California, and Alex Paredes of Southeast High School in South Gate, California, are just two examples of counselors who do exceptional work every single day to help our students reach their highest potential. It is because of their unending dedication and the dedication of counselors like Angela and Alex that children across our country succeed in becoming engineers, doctors and, yes, even Members of Congress.

School counselors play a vital role in the development of our students, not just on academic, but on social and personal levels as well. Unfortunately, there simply aren't enough of them. Counselors often find themselves the casualty of budget cuts. In California, for example, the student-to-counselor ratio is a dismal 945 students to one counselor. That's 945 students to one counselor, almost four times the recommended ratio.

Our secondary school counselors work vigorously to increase graduation rates, identify problems in our schools, and improve morale by inspiring students to challenge themselves and explore new opportunities.

Primary counselors often help identify students with health problems or disabilities that interfere with learning. They also help youngsters to cope with traumatic events, from moving to a new school to the death of a parent.

Our counselors do amazing and often unrecognized work. Our communities are strengthened by the students who are championed by their school counselors. I urge my colleagues to support this effort to recognize the outstanding work that counselors do to ensure that our children's future is full of promise. I thank again my colleague.

Mr. BISHOP of Utah. I have no other speakers. Is the gentlelady from California ready to yield back?

Ms. WOOLSEY. I am ready to yield back.

Mr. BISHOP of Utah. Then with that, I urge adoption of this resolution, and I yield back the balance of my time.

Ms. WOOLSEY. Madam Speaker, I urge my colleagues to support H. Res. 1029, which recognizes the impact that school counselors have in students'

lives and encourages the observation of February 1 through February 5 as National School Counseling Week.

Ms. JACKSON LEE of Texas. Madam Speaker, today I rise in support of House Resolution 1029. This resolution designates the week of February 1 through February 5 as "National School Counseling Week." It is extremely vital that we recognize those very people who mentor and motivate our youth to do their very best. Our Nation's school counselors work everyday to ensure every child has opportunities for personal and educational growth. With very little resources, they help some kids stay in school and help others cope with personal tragedies. They help our children dream big and prepare for careers from manufacturing to medicine to becoming tomorrow's future leaders. Thus it is vital we support and honor those who play key roles in our children's success and life.

The national "drop out" rate has increased to 6.2 million students in the United States ranging in age from 16 and 24. This pressing issue is of utter importance and should be addressed with urgency as it pertains to our youth. These statistics are hard to believe. Only half of the high school students in the Nation's 50 largest cities are graduating in four years. Marguerite Kondracke, president and CEO of America's Promise, says that each year dropouts represent \$320 billion in lost lifetime earning potential. The difference in lifetime salary for a dropout and a high school graduate is about \$300,000. This is why it is really important for students to have counselors who are instrumental in encouraging students to stay in school and motivate them to succeed.

This subject is near and dear to my heart. In Houston, we have one of the highest drop out rates in the country. Houston Independent School District's, HISD's, dropout rate is at least 18 percent. It is one of the biggest challenges we are having. Many students need the extra push to truly value education and to stay in school. In the current global economy, having at least a high school diploma is a critical step for avoiding poverty, and a college degree is a prerequisite for a well-paying job. The costs of dropping out of high school today are substantial and have risen over time, especially for young men, who find it almost impossible to earn an adequate income to take care of themselves and their families.

By contrast, adults with high school diplomas contribute major fiscal benefits to the country over their lifetime. The combined lifetime fiscal benefits—including the payment of payroll, Federal, and State income taxes—could amount to more than \$250,000 per graduated student. Such a public fiscal benefit more than outweighs the estimated cost of enrolling a student who has dropped out.

The average counselor-to-student ratio in America's public schools is a mere one 1 to 475, a ratio that means school counselors must work extremely hard to meet the individual educational needs of students. Yet, despite their limited supply, counselors are always there in a pinch: counselors are instrumental in helping children and their families cope with trauma, whether a natural disaster or a family death.

As many of you know, professional secondary school counselors are also an integral

part of the effort to increase graduation rates. School counselors identify potential problems early in a student's academic career and make sure that they are addressed before students become overwhelmed and drop out. School counselors also inspire children to achieve better futures for themselves and their communities through education.

Once again, I urge my colleagues to support this resolution in honoring our school counselors who do so much and rarely get recognition for their hard work.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 1029.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CERVICAL HEALTH AWARENESS MONTH

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1011) recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1011

Whereas approximately 11,270 women were diagnosed with, and approximately 4,070 women died from cervical cancer in the United States in 2009;

Whereas cervical cancer occurs most often in Hispanic women, at a rate that is more than twice what is seen in non-Hispanic White women;

Whereas African-American women develop cervical cancer about 50 percent more often than non-Hispanic White women;

Whereas half of the women diagnosed with the disease are between 35 and 55 years of age, and approximately 20 percent of diagnoses are made in women older than 65;

Whereas cervical cancer is usually a slow-growing cancer that may not have symptoms, and is primarily caused by the human papillomavirus (HPV), but can be detected by Papanicolaou tests (Pap tests) or other early detection tests;

Whereas the earlier cervical cancer is detected the better chance a woman has of surviving cervical cancer;

Whereas cervical cancer patients and survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Cervical Health Awareness Month;

(2) recognizes the importance of good cervical health and of detecting cervical cancer during its earliest stages;

(3) urges healthcare advocates to continue to raise public awareness about cervical cancer and the importance of early detection;

(4) urges the people of the United States to learn about cervical cancer and its causes, most notably human papillomavirus (HPV), and the importance of early detection; and

(5) recognizes the patients and survivors of cervical cancer and their families for their tremendous courage and determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield to myself such time as I may consume.

I rise in support of H. Res. 1011, supporting the goals and ideals of Cervical Health Awareness Month.

According to the American Cancer Society, over 11,000 American women will receive the news that they have cervical cancer this year, and over 4,000 women will die due to this disease.

The earlier cervical cancer is detected, the better chance a woman has of surviving. Cellular changes that precede cervical cancer can be detected by Pap tests or other early detection methods. With early detection, women can get treatment that prevents the disease from progressing to a later stage.

As a result of the increase in prevention, we are beginning to see a decrease in the number of women who get and die from cervical cancer. But we still have more work to do, especially in the minority populations. African American women and Hispanic women, for example, are 50 percent more likely to develop cervical cancer than non-Hispanic white women and are also more likely to die from the disease.

And that is why this resolution, Madam Speaker, before us today is so important. We must increase awareness of cervical cancer and promote testing to ensure early detection so that we can further reduce the numbers of women who succumb to cervical cancer every year.

The resolution before us today supports the goals and ideals of Cervical Health Awareness Month. It acknowledges the importance of early detection as a crucial tool in treating and surviving the disease, and supports heightened awareness about prevention of cervical cancer.

I want to thank my colleague, the sponsor of the legislation, Representa-

tive DEBBIE HALVORSON from Illinois, for her work in raising this important issue. I urge my colleagues to pass this resolution, Madam Speaker.

I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I wish to thank the chairman of the Subcommittee on Health of the Energy and Commerce Committee for bringing this important piece of legislation to the floor. And I am a cosponsor of H. Res. 1011, sponsored by Representative DEBORAH HALVORSON from the State of Illinois.

This month, January, is national Cervical Health Awareness Month, and it is important, it is fitting that we highlight the educational efforts that have been made to increase early detection of cervical cancer. Almost half of the women that are diagnosed with this life-threatening disease are between the ages of 35 and 55. They actually fall into two populations. In one population, the disease is relatively slow to evolve. Obviously, in this group, the detection of precancerous and pre-invasive changes allows for treatment of this disease to be relatively straightforward. But there is a second population, fortunately a much smaller population, where the disease behaves with sometimes frightening speed. The disease can be so aggressive as to go from a normal test to an actual invasive cancer within a year's time, and it is this group of individuals where these tests may, in fact, be life-saving.

That is why it is so important that we highlight the awareness of cervical health. The month of January is more than half over. But the need for cervical cancer awareness and education should continue throughout the entire year.

Awareness is the leading cause in the annual decline in deaths from cervical disease. The survival rate of individuals who have cervical cancer is 96 to 99 percent when detected in the early stages versus only a 15 to 20 percent survival rate when cervical cancer is diagnosed after it has spread beyond the confines of the cervix. It is because of successful programs that encourage early diagnosis, such as national Cervical Health Awareness Month, that Americans can lead full and active lives.

By supporting the observance of national Cervical Health Awareness Month, we have the opportunity to encourage women to educate themselves about this disease and about the screening methods that are available to them.

Madam Speaker, I urge all Members to support this resolution.

I reserve the balance of my time.

□ 1500

Mr. PALLONE. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs.

HALVORSON), who is the sponsor of the legislation.

Mrs. HALVORSON. I want to thank Congressman PALLONE. I would also like to thank my colleagues for recognizing me on behalf of this very important and timely resolution.

Madam Speaker, I rise today in support of H.R. 1011, commemorating the goals and ideals of Cervical Health Awareness Month, and I urge my colleagues to support its passage. January has long been recognized as Cervical Health Awareness Month, particularly throughout the public health, women's health, and cervical health advocacy communities.

Today we commemorate the hard work and sacrifice that has been made by these patients, their families, and those who have been confronted by this disease. We also honor the health care providers and advocates that tirelessly work to treat this disease and work to educate the general public on its causes and treatments.

Madam Speaker, cervical cancer is usually a very slow-growing cancer that may not present any symptoms. And it is primarily caused by the human papillomavirus, HPV, but can be detected by early detection tests. It is estimated that 4,000 women in the United States die of cervical cancer every year, and approximately 11,000 new cases will be detected just this year. Half of those women diagnosed with the disease are, as has been said, between 35 and 55 years of age. And approximately 20 percent of all those diagnoses are made in women who are older than 55 years of age. In the vast majority of cases, these deaths could be prevented with early detection, and by being educated and aware of causes, screenings, and medical treatments.

According to data from the Centers for Disease Control, cervical cancer is the easiest female cancer to prevent, and yet it was the number one cause of death from cancer in women. But for the first time in history, we have the potential for significantly reducing, if not eliminating, the number of victims of this cancer through advancements in treatments and procedures that aid in prevention.

So in keeping with the goals and the ideals of Cervical Health Awareness Month, I encourage the people of the United States to learn about cervical cancer, its causes and its treatments, and I encourage health care advocates to continue to raise public awareness about cervical cancer and the importance of early detection, because the earlier cervical cancer is detected, the better the chance a woman has in surviving cervical cancer.

Once again, I would like to thank you all for allowing H. Res. 1011 to come to the floor today, and I urge my colleagues to vote in favor of its passage.

Mr. BURGESS. As a fellow in the American College of Obstetricians and

Gynecologists before I came to Congress, I recognize the importance of Cervical Health Awareness Month. And yes, while we are focusing on testing today, the gentlelady is quite correct in that newer tests, newer methods, newer abilities to prevent this disease from happening are occurring even as we speak.

Certainly to the health care community out there that has done such a great job at providing information to their patients, providing early detection and treatment to their patients, we owe a debt of gratitude. The work is not yet done, and I again encourage passage of this legislation.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H. Res. 1011, to recognize the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month, introduced by my distinguished colleague Representative DEBORAH L. HALVORSON, from Illinois. This legislation will solidify that we, the United States Congress: (1) support all the initiatives of Cervical Health Awareness Month; (2) Recognize the importance of earlier detection; and (3) advocate and encourage education on the subject.

Madam Speaker, the origin of Cervical Health Awareness Month was established to enhance awareness of the prevention of cervical cancer, particularly the importance of screening for this malignancy. It is my hope that Congress continues to support these current and future efforts to make our constituents more knowledgeable.

According to the American College of Obstetricians and Gynecologists, in 2009, an estimated 11,270 new cases of cervical cancer were diagnosed in the U.S., and the disease caused over 4,000 deaths. The Pap test is a highly effective tool in detecting cervical cancer at its earliest and most treatable stages. In fact, regular cervical screening tests can actually find precancerous changes before they become dangerous and turn into cancer.

I support any enterprise which cultivates organized successful health promotion events and campaigns. Getting new ideas, information and resources on Cervical Cancer and the prevention of it, is something that this Congress must emphasize.

By passing this resolution, we are making a monumental statement that we care. We care about the patients and survivors of this cancer; we care about the families of the ones who were taken by this disease; and most of all we care about the life and life more abundantly. By passing this legislation, we are also reaffirming that Congress is not an ambiguous body of unsympathetic individuals with no grasp of the world outside these walls. We have families; we have mothers, daughters and sisters, that can be affected by this cancer and we will not stand for lives perishing because of a lack of knowledge and available prevention and treatment!

Mr. BURGESS. I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1011.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### NATIONAL INFLUENZA VACCINATION WEEK

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1003) expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1003

Whereas National Influenza Vaccination Week may provide an important opportunity to encourage seasonal flu and H1N1 vaccination at a time when demand for flu vaccines usually drops significantly but the risk for infection remains;

Whereas each year 5 to 20 percent of the population in the United States gets the flu, an average of more than 200,000 people are hospitalized from flu-related complications, and about 36,000 people die from flu-related causes;

Whereas between April and mid-November, the United States saw approximately 47,000,000 cases of the 2009 H1N1 flu, more than 200,000 hospitalizations, and nearly 10,000 deaths;

Whereas the United States is fortunate that the flu activity has declined in recent weeks, but flu experts warn that the public is still at risk of infection and we should also prepare for a possible third wave of H1N1 flu;

Whereas people in the United States have a window of opportunity to get the H1N1 vaccine and lessen the impact of, or even prevent, another wave of illness;

Whereas getting vaccinated is a shared responsibility to protect families and communities that is safe and effective, and it is the best defense against all types of flu;

Whereas seasonal flu vaccines have been safely used for more than 60 years and data compiled for H1N1 vaccines indicate a similarly excellent safety profile;

Whereas information on seasonal flu vaccine distribution and availability is available at the Centers for Disease Control and Prevention's (CDC) [www.Flu.gov](http://www.Flu.gov) Web site;

Whereas over 135,000,000 doses of the H1N1 vaccine are now available, with more coming every day;

Whereas Congress recognizes the hard work of public health officials in responding to the 2009 H1N1 flu;

Whereas one of the goals, in addition to fostering continuing influenza vaccination,

of National Influenza Vaccination Week is to engage H1N1 at-risk audiences who are not yet vaccinated;

Whereas when the vaccine was first made available, the CDC's Advisory Committee on Immunization Practices (ACIP) recommended that vaccination efforts should focus first on people in five target groups who are at higher risk for the 2009 H1N1 influenza or related complications;

Whereas the five target groups for H1N1 are pregnant women, people who live with or provide care for infants younger than 6 months, health care and emergency medical services personnel, people 6 months through 24 years of age, and people 25 years through 64 years of age who have certain medical conditions that put them at higher risk for influenza-related complications;

Whereas Monica Rodriguez, a pregnant mother from El Monte, California, could likely have prevented her death if she was able to get vaccinated;

Whereas January 13 is Families Flu Vaccination Day and will highlight the importance of the 2009 H1N1 vaccination for pregnant women, children, and caregivers of children less than 6 months of age;

Whereas H1N1 flu shots are widely available and everyone, even those not in the high-risk groups are urged to get vaccinated;

Whereas the U.S. Department of Health and Human Services as well as State and local public health departments and other partners, such as Families Fighting Flu, are planning National Influenza Vaccination Week events around the country and have additional information available at [www.cdc.gov/flu/NIVW/](http://www.cdc.gov/flu/NIVW/);

Whereas the American Public Health Association, the Association of State and Territorial Health Officials, Families Fighting Flu, the Infectious Diseases Society of America, the American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the National Environmental Health Association, the National Association of Nurse Practitioners in Women's Health, the American Association of Colleges of Nursing, the Society for Healthcare Epidemiology of America, the American Osteopathic Association, the National Association of Community Health Centers, the National Association of Pediatric Nurse Practitioners, the American Red Cross, the American Academy of Physician Assistants, the National Hispanic Medical Association, the American College of Emergency Physicians, the American College of Preventive Medicine, the National Alliance for Hispanic Health, the International Association of Firefighters, the American Academy of Family Physicians, the Association for Profession in Infection Control and Epidemiology, the American Pharmacists Association, the American College Health Association, the American College of Physicians, the National Family Planning and Reproductive Health Association, the National Association of School Nurses, the Association of Maternal and Child Health Programs, the National Association of Children's Hospitals and Related Institutions, the National Community Pharmacists Association, the American Hospital Association, the Federation of American Hospitals, Epocrates, the American Academy of Neurology, the National Association of County and City Health Officials, and the Association of Occupational Health Professionals in Healthcare support the H1N1 flu vaccine; and

Whereas people can find seasonal and H1N1 vaccine distribution information by checking the [www.Flu.gov](http://www.Flu.gov) Web site that identifies

clinics that have influenza vaccine available: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of National Influenza Vaccination Week, including raising public awareness that vaccination is the best defense against the flu; and

(2) encourages people in the United States to get vaccinated, especially those with underlying health conditions, pregnant women, children, young adults, caretakers of infants, and healthcare workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield to myself such time as I may consume.

I rise in support of H. Res. 1003, expressing support for the designation of January 10 through January 16, 2010, as National Influenza Vaccination Week. In the 6 months between April and mid-November, there were approximately 47 million cases of the 2009 H1N1 flu in the United States. More than 200,000 individuals were hospitalized, and tragically, nearly 10,000 people lost their lives to this illness. One of those individuals was Monica Rodriguez, who died in October 2009, before the H1N1 vaccine was available.

Ms. Rodriguez, a constituent of Representative JUDY CHU's, was the mother of three children, and was 5 months pregnant at the time she died. As a pregnant woman, Monica was considered a high risk, and would have been on the priority list to get the vaccine as soon as it was ready. Vaccines save lives. And had the vaccine been available, it could have saved her life.

Though flu activity has declined in recent weeks, experts warn that the risk for contracting the flu is still great. We must prepare for a possible third wave of H1N1 flu, and Americans must remain vigilant about preventing infection of the H1N1 virus and the seasonal flu. In both instances, the vaccines can help protect against these illnesses.

Now the resolution before us today shows our support for National Influenza Vaccination Week, which is sponsored by the Centers for Disease Control. By supporting this resolution, Congress will help urge all Americans to take advantage of the supply of vaccine available to prevent further need-

less deaths from the H1N1 virus or seasonal flu.

I want to thank my colleague, Representative CHU, for her work on this important issue. I urge my colleagues to pass this resolution.

I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1003, supporting the designation of January 10 through January 16 as National Influenza Vaccination Week. I would like to thank the numerous associations and health professionals for their work in this regard. The National Influenza Vaccination Week is an important opportunity to encourage those vulnerable to seasonal flu and those vulnerable to H1N1 to avail themselves of a vaccination.

Although there has been a major decrease in the number of cases of H1N1, those who have not been vaccinated should consider how important it is to protect not only themselves, but the health of their family, their community, and of course their own well-being.

Currently, there are well over 130,000 doses of the H1N1 vaccine available, and we are told that there is more coming every day. For those wondering where they can get more information about the seasonal flu vaccines and the H1N1, they can visit the Centers for Disease Control and Prevention's [www.flu.gov](http://www.flu.gov) Web site.

Again, I want to thank all of the health professionals for their efforts to lower the impact of the illness this flu season. I stand in support of this legislation, and urge my colleagues to join me.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I would like to recognize now the sponsor of the legislation, the gentlewoman from California, Representative CHU, for as much time as she may consume.

Ms. CHU. Thank you, Chairman PALLONE and Chairman WAXMAN, for your assistance in getting this resolution presented to the House floor.

It is January 26, and several months of flu season are still before us. Many people are still at risk of contracting H1N1 but have not gotten the vaccination that would save their lives. Months before cold and flu season began, the media and health professionals warned us about the potential complications from this new strain of flu, H1N1. And indeed, this virus killed over 10,000 people last year.

The purpose of this resolution is to remind people that the threat is not over, and that it is imperative that they get their H1N1 vaccination. Such a vaccination would have helped one of my constituents, Monica Rodriguez. Monica was a wife, mother of three children, and 5 months pregnant. After experiencing severe flu symptoms, in-

cluding fever, congestion, and cough, Monica went twice in 24 hours to a hospital in El Monte, but she was turned away with only cough syrup to numb the pain, which did little to help the underlying illness.

Days later, after only getting worse, Monica returned to the hospital, where she was immediately admitted into intensive care, but it was too late. On October 25, 2009, Monica and her unborn child passed away from complications of the H1N1 virus. Monica's husband, Jorge Gonzalez, wants others to know his wife's story so that they can receive proper care. Many may believe that the risk of death from H1N1 no longer exists, but flu experts warn that we should prepare for a possible third wave of H1N1.

Americans definitely have a window of opportunity of getting this vaccine and lessening the impact, or even preventing, another wave of illness. And Monica's husband Jorge would tell you that he wished a vaccine was available to save his wife's life.

The threat of H1N1 is clearly not over. Getting vaccinated is the most important step to preventing the spread of influenza. That is why I have authored this resolution, which recognizes National Influenza Vaccination Week. In contrast to last year, the H1N1 vaccine is now widely available. The risk of contracting flu is still high, and we have several months of flu season before us. Today with this resolution we have another opportunity to get the word out and to remind the public that it is the time to protect yourself.

Many public health departments, hospitals, doctors and nurses are doing a good job of preventing and treating the 22 million cases of H1N1 across the country. However, we must not be complacent and let patients like Monica slip through the cracks. In fact, we must remind everyone to get the H1N1 vaccine.

Today you can easily find the shot, such as online at [flu.gov](http://flu.gov). And of course, we must not forget those who are still at greatest risk, pregnant women like Monica, people who care for infants, health care and emergency medical services personnel, those under the age of 24, and people with medical conditions that put them at higher risk for influenza-related complications.

Please join me and the 22 health organizations that have endorsed this resolution in showing support for National Influenza Vaccination Week and spreading the message that getting vaccinated is the first step towards preventing the flu. Its passage will not only avert another wave of H1N1 but will honor Monica Rodriguez and all those who have suffered or died from the virus.

List of Healthcare Organizations that Support H. Res. 1003: American Academy of Neurology, American Academy of Pediatrics,



American Academy of Physician Assistants, American Association of Colleges of Nursing, American College Health Association, American College of Preventative Medicine, American Nurses Association, American Pharmacists Association, American Public Health Association, American Society of Health-System Pharmacists, Association for Professionals in Infection Control and Epidemiology, Inc., Association of State and Territorial Health Officials, Families Fighting Flu, National Association of Children's Hospitals and Related Institutions, National Association of County and City Health Officials, National Association of Nurse Practitioners in Women's Health, National Community Pharmacists Association, National Environmental Health Association, National Family Planning and Reproductive Health Association, National Foundation for Infectious Diseases, The Society for Healthcare Epidemiology of America, Trust for America's Health.

Mr. BURGESS. You know, it is just about 10 months ago that we first began to hear about this novel strain of flu that was coming across the border from Mexico. My home State of Texas was affected severely early on. And it is amazing that within such a short period of time the virus was identified, isolated, the genetic sequence was known, and then a vaccination was developed, tested, found to be safe, and delivered into the hands of Americans shortly after the commencement of the school year this year.

We did lose many individuals to this illness, and for that we are sorry. But I would also stress that because of the efforts of the men and women who worked at the CDC, the National Institutes of Health, all the practitioners across this country who provided information and timely vaccination, the effect of this epidemic was significantly blunted over what it might have been. Those early telephone calls, those early conference calls in March and April of last year were nothing short of startling and alarming.

□ 1515

I do urge people to avail themselves of this vaccine before this flu season is over.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of House Resolution 1003; a resolution entitled "Expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week," and which also expresses the sentiments of the House of Representatives that preventing the spread of influenza and other infectious diseases should be a priority of all American citizens.

It is important that we recognize the important role that immunizations have in protecting Americans from influenza outbreaks. Seasonal influenza causes more than 200,000 hospitalizations and 36,000 deaths in the U.S. every year, and is the seventh leading cause of death in the U.S.

It is important that we mitigate this great threat to our citizens and equip all Americans with the necessary preventative measures to effectively combat both the seasonal flu as well as the H1N1 Influenza strain.

The flu can be very disruptive to business and trade as well. The economic and financial costs of seasonal influenza in the United States can be devastating due to employee absence from work, the high cost associated with medical care and the draw down in the financial activity of persons infected with the flu. In addition, lost earnings due to illness and loss of life amounted to over \$15 billion annually and the total economic burden of annual influenza epidemics amounts to over \$80 billion.

Again, it is important for us to alleviate this growing stress on our nation's economic and financial systems by equipping our citizens with the necessary tools to fight the flu.

Furthermore, both the seasonal flu and the H1N1 Influenza strain can be disruptive to important American pastimes such as cultural events as well as sporting events. In the event of a highly contagious infectious outbreak it would be likely that large gatherings of people could be cancelled in order to prevent the unnecessary spread of disease.

By informing American citizens of the benefits of influenza vaccines however, we can attempt to prohibit the influenza bug from spreading.

In addition it is important that American citizens remain vigilant in the fight against the H1N1 Influenza strain. There are currently over 135 million doses of the H1N1 vaccine available to Americans. It is important that citizens weigh the costs and benefits of such a shot before receiving it, but it is important for citizens to remain informed. For the very young and the elderly it can be very helpful in preventing disease but may also prevent unnecessary death.

That is why it is important for Americans to understand both the necessity and benefit that seasonal flu shots provide for its citizens.

This is also the reason I ask for your support of this resolution. The increased awareness that would come from designating the week of January 10, 2010 through January 16, 2010 as "National Influenza Vaccination Week" would serve to provide American citizens with the important information needed to prevent a larger-than-normal influenza outbreak as well as provide the necessary preventative measures to those who are at a higher risk for influenza-related complications.

I would also like to take this opportunity to encourage all Americans as well as those from my home town of Houston, Texas to get vaccinated against both the seasonal flu as well as the H1N1 Influenza strain. I would especially encourage people with underlying health conditions, pregnant women, children, young adults, caretakers of infants, and healthcare workers to get vaccinated in preparation for a possible third wave of H1N1 flu.

Officially establishing the week of January 10, 2010, through January 16, 2010 as "National Influenza Vaccination Week," would seek to improve the lives of our citizens as well as increase our citizens' awareness of the importance of both seasonal as well as H1N1 Influenza vaccinations.

I urge my colleagues to support this resolution. I also ask my colleagues for their continued support in the fight against infectious and contagious diseases.

Mr. PAUL. Madam Speaker, I oppose H. Res. 1003, designating January 10, 2010

through January 16, 2010 as National Influenza Vaccination Week. While I believe the American people should be made aware of infectious diseases and commonsense preventative measures, I am concerned that this resolution continues the hysterical reaction from government officials to the swine flu outbreak.

As a physician, I have yet to see any evidence that justifies the current level of alarm. Influenza typically kills around 36,000 people every year in this country and hospitalizes a couple hundred thousand. In the almost a year since swine flu made its first appearance in the U.S., there have been only a handful of confirmed deaths attributable to this strain, and most of those sickened have or will fully recover. Every death is tragic, but I see no reason to deal with this flu outbreak any differently than we typically deal with any other flu season. Instead, the federal government has responded with invasive screening at airports, closing down schools and sporting events, and causing general panic.

There have also been discussions of mandating that certain populations be forced to receive the swine flu vaccine. I would remind my colleagues that during the 1976 outbreak of swine flu only 1 America died from the flu, but mandatory vaccinations killed at least 25 before the program was abandoned.

Madam Speaker, the panicked reaction to swine flu outbreak demonstrates why the Federal Government should not become involved in health care. Instead, decisions as to how best to deal with infectious disease should be left to local communities, health care providers, and, most importantly of all, individual citizens. Patients should always have the right to make their own decision about whether or not to receive a vaccine after getting full information on both the risks and the benefits of vaccines from their health care provider.

Mr. BURGESS. I have no other speakers on my side, and I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I have no additional speakers. I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1003, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### EMERGENCY AID TO AMERICAN SURVIVORS OF THE HAITI EARTHQUAKE ACT

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (S. 2949) to amend section 1113 of



the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2949

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Aid to American Survivors of the Haiti Earthquake Act".

#### SEC. 2. INCREASE IN AGGREGATE PAYMENTS FOR FISCAL YEAR 2010 FOR TEMPORARY ASSISTANCE TO UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES.

Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)) is amended by striking "September, 30, 2003" and all that follows and inserting "September 30, 2009, except that, in the case of fiscal year 2010, the total amount of such assistance provided during that fiscal year shall not exceed \$25,000,000."

#### SEC. 3. QI PROGRAM FUNDING.

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u-3(g)(2)) is amended—

(1) in subparagraph (M), by striking "\$412,500,000" and inserting "\$462,500,000"; and

(2) in subparagraph (N), by striking "\$150,000,000" and inserting "\$165,000,000".

#### SEC. 4. APPLICATION OF MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1)(A) of the Social Security Act (42 U.S.C. 1396w-1(b)(1)(A)) is amended by striking "\$100,000,000" and inserting "\$10,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. PALLONE) be allowed to control 10 minutes of the time for debate on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2949.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Madam Speaker, 2 weeks ago, the largest earthquake ever recorded in Haiti wreaked havoc throughout the country.

Some of those affected by the devastation in Haiti are U.S. citizens who

are now being evacuated back to the United States. We need to act today to continue a program that helps these Americans get back home.

The Repatriation Program provides assistance to U.S. citizens evacuating foreign countries due to a crisis by helping them secure and pay for connecting flights, temporary lodging, food, and medical assistance. Recipients of this assistance are expected to reimburse the government for such aid, unless repayment poses a significant hardship.

This program has an annual funding cap of only \$1 million, which is far short of the funding needed to help all the U.S. citizens returning home. There were roughly 45,000 Americans living in Haiti when the earthquake hit, and over 14,000 have already been evacuated.

The bill before us increases the program's funding cap to \$25 million for this year so that it can continue to serve U.S. citizens returning from Haiti.

It is worth noting that we have raised this program's annual funding cap in response to past international crises. Most recently, in 2006, Congress responded to a request from the Bush administration to increase the program's funding to help Americans evacuating Lebanon.

As sent over by the Senate, this bill also continues funding for another group of needy Americans, low-income senior citizens. A program known as QI that now helps Medicare beneficiaries with their part B premiums if their income is only slightly above the poverty line requires additional funding in order to continue to provide assistance to every State throughout the rest of the year. This legislation provides the necessary funding to address this shortfall and to ensure the program continues to operate.

The Congressional Budget Office reports that the cost of both of these provisions is fully offset by a reduction in the Medicaid Improvement Fund, which provides additional funding to HHS for program management.

In short, this bill helps people in great need of assistance without raising the deficit.

Madam Speaker, I urge my colleagues to support this effort to help Americans evacuating from Haiti and to continue assistance to Medicare beneficiaries.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this Senate bill, S. 2949. As Representative McDERMOTT described, it will provide assistance to thousands of Americans returning from Haiti following the devastating January 12 earthquake there.

Let me reiterate that we are helping American citizens with this legislation.

The bill, entitled Emergency Aid to American Survivors of the Haiti Earthquake Act, will ensure that State and local governments and charitable agencies on the ground in Florida, for example, and elsewhere have the resources to do exactly that.

Funding for those local efforts is provided through the Repatriation Program administered by the U.S. Department of Health and Human Services. Each year, that program provides temporary assistance in the form of loans to U.S. citizens and their dependents arriving in the U.S. following an emergency. By law, currently the program is capped at \$1 million per year.

This bill, which passed the Senate last night, temporarily increases that cap for 2010. As the legislation makes clear, and the Congressional Budget Office score confirms, this increase is entirely paid for by reducing spending in other areas. It does not raise the national debt.

This is similar to how Congress responded when demand for repatriation assistance swelled following the American evacuation of Lebanon in 2006. Congress stepped in to provide for the additional funds that were needed and paid for that additional funding through savings. That is the right approach. And, frankly, my constituents would like to see this balanced budget approach applied across the board, not just to the smallest items.

For my part, I wish we were cutting funds in the bloated State Department budget to pay for this emergency. As I am sure my colleagues would agree, Congress should be looking for ways to save taxpayer dollars all the time, not just when new spending emergency needs come up. Unfortunately, since we are acting on a Senate bill, these concerns will have to wait for another day.

Before I yield, I would like to note the special importance this bill has for the State of Florida. Since so many of our returning citizens are arriving through my home State, I truly appreciate my colleagues supporting this bill and making sure that State and local agencies have the resources that they need to respond to this emergency.

The State Department suggests that there were approximately 45,000 U.S. citizens in Haiti and that they were there when the earthquake hit. As of yesterday, some 14,000 had already returned to the United States. I commend all the workers in Florida and across the country, whether with State or local government agencies, the Red Cross, our Armed Forces, or other agencies who are helping fellow citizens as they travel to their final destinations in the United States.

The House and Senate are to be commended for acting very quickly on this legislation. Passing the Emergency Aid to American Survivors of the Haiti Earthquake Act today is important to

thousands of Americans who have been displaced and who need a helping hand to return home. I encourage support for this bill.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of the Emergency Aid to American Survivors of the Haiti Earthquake Act, or S. 2949, which passed the Senate last night with bipartisan support.

As my colleagues on the Ways and Means Committee have explained, this bill provides \$25 million to enable the Secretary of HHS to reimburse States for the costs of providing temporary assistance to U.S. citizens who have returned from the catastrophe in Haiti without available resources.

I want to focus on the portion of the bill that provides temporary assistance for low-income Medicare beneficiaries under what is known as the Medicaid QI program.

Currently, Medicaid pays the Medicare part B premiums for low-income Medicare beneficiaries with incomes between 120 percent and 135 percent of the Federal poverty level. That translates to an income of between \$13,000 and \$14,600 per year.

Now, the monthly part B premium is \$96.40 per month, or \$1,157 per year. And this is 8 percent to 9 percent of the income of these low-income, elderly, and disabled Medicare beneficiaries. Obviously, having Medicaid pay this premium makes Medicare much more affordable for these people and eases their financial struggles.

This Medicaid payment comes from a fixed amount of funding for the QIs that is allocated among the States. According to the Centers for Medicare and Medicaid Services, that fund is about \$65 million short for this calendar year 2010. When the fund runs out, States have the option of continuing to pay the part B premiums for this population with their own funds or simply stopping new enrollment.

One State, Arizona, has already announced that it is capping its QI program this week in response to an estimated \$2.8 million shortfall in its allotment. The State is going to give public notice and then deny all new Arizona applications. This will affect approximately 175 Medicare beneficiaries in Arizona each month.

While no other State has yet to stop enrollment, there are 21 States in addition to Arizona that have projected shortfalls in their QI funding. That includes Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Mississippi, Nevada, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, and Vermont.

By filling this \$65 million national QI funding shortfall for this calendar

year, this bill will allow Arizona to uncap its QI program and help the other 21 States avoid capping theirs. Tens of thousands of low-income Medicare beneficiaries all over the country will be able to receive assistance with their part B premiums.

Madam Speaker, let me stress that this bill is fully paid for. It withdraws \$90 million from the Medicaid Improvement Fund to offset both the cost of the temporary assistance for U.S. citizens returning from Haiti and the cost of funding the QI program shortfall. In fact, CBO estimates that the legislation will actually reduce the deficit by \$14 million. So I think overall this is very good legislation, very helpful to the States, and certainly significant for those who are returning from Haiti. And I would urge my colleagues to suspend the rules and pass S. 2949.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. This legislation will ensure that American citizens returning from the devastation in Haiti in the days ahead will receive the same help and support as those who have already arrived and gotten their way home. It also will ensure that the many individuals hard at work assisting their fellow citizens will get the resources they need to continue these important efforts. I would ask my colleagues to join me in supporting this bill.

Mr. McDERMOTT. I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I want to thank my colleagues, and especially Dr. McDERMOTT, for bringing this piece of legislation to the floor to give some assistance to American citizens who found themselves in Haiti during this tragedy. This comes under the Social Security system, and I'm glad that Dr. McDERMOTT was able to bring it to the floor.

I have never been more proud of the Congress, my country, and, indeed, citizens throughout the world for rallying to the cause of these young people.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of S. 2949: The "Emergency Aid to American Survivors of the Haiti Earthquake Act." This bill would provide up to \$25 million in Fiscal Year 2010 for a Department of Health and Human Services program which repatriates U.S. citizens from foreign countries. This assistance is vital to Americans who were living in Haiti when the earthquake struck as well as the families of those displaced who are now faced with the unexpected responsibility of supporting their repatriating relatives.

This repatriation assistance provides temporary assistance to citizens and their dependents who are identified by the Department of State as needing to return from a foreign country to the U.S. but who do not have the resources to do so.

As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck

Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

The full dimensions of the disaster are still unfolding, but Haiti's Prime Minister Jean-Max Bellerive told CNN that he believes there are well over 100,000 dead, and leading senator Youri Latortue estimated the number at possibly as high as 500,000, according to the Associated Press.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States' responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

America and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Within days of last week's devastating earthquake, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft. Since, there has been a tremendous interagency response with support and partnering with U.S. Embassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow-on U.S. military support.

Our friends in the international community must also be commended for their efforts. The United Nations is releasing \$10 million from its emergency funds. The European Commission has approved €3 million (\$4.37 million) with more funds likely. Countless other nations, from Germany to China to Israel to Mexico have also pledged support. I commend each of these nations for coming to our neighboring nation in dire need of assistance.

Many of my constituents have asked what they can do to help, or how they can find their loved ones. Those who are interested in helping immediately can text 'HAITI' to '90999' and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill.

The outpouring of support and funding from the American people was both instant and sustained. According to the Washington Post, the text messaging effort raised \$5 million in its first day, breaking the previous one-day record of about \$450,000. Text-message donations continue to play a larger-than-expected role in the push for earthquake relief in Haiti. As of late Sunday, the American Red Cross said that it had collected pledges of about \$103 million, including \$22 million through the text donation program. Each

donor should be proud of their contribution to help their brothers and sisters in Haiti.

Financially, 2009 was not an easy year for many Americans. Although thousands of jobs were created and we are back on the road to economic recovery, Americans lived on tighter budgets than usual. This legislation passed today will allow those Americans who have generously donated money to Haiti to receive their tax break this year instead of next year.

In January of 2005, Congress enacted this type of relief for individuals that made charitable contributions to victims of the Indian Ocean tsunami that occurred in late December of 2004. That bill (H.R. 241 in the 109th Congress) passed the House of Representatives without objection and subsequently passed the Senate by unanimous consent. I hope that this legislation, like our response to the 2004 tsunami, will encourage Americans to contribute more money to Haiti. As Haiti starts on its long recovery, every dollar is critically important. Americans have responded in great numbers, and I am proud to represent such a compassionate and generous nation.

Americans are not only giving their money, they are also giving their time and expertise as well. This weekend, I arranged for a team of seven doctors, six nurses, two techs, and two search and rescue volunteers to fly to Haiti and provide immediate humanitarian support. This team led by Dr. Richard Toussaint from Forest Park Medical Center in Dallas Texas arrived in Haiti just after noon on Saturday. From there, the doctors made their way to Hospital Sacre-Coeur where, in roughly two days, they performed about 70 amputations, surgically treated about 150 patients, and saw about 600 patients total. I commend this team of medical personnel for their selfless actions and willingness to spend their own time and money to come to the aid of people they had never met.

Additionally, I hosted a Houston-based Haiti relief effort called "Texans helping Haitians" with city leadership and the Haitian community in the aftermath of this horrible disaster. Groups included in the effort to provide supplies and medical assistance to Haiti were: Texas Medical Center, Texas Dental Association, Search and Rescue Organizations, the Haitian Multicultural Association, Haitian Caribbean Organization of Texas, Caribbean Impact Foundation, and Haiti Counts.

We also helped coordinate the safe return of six Houston Rotarians that were stranded in the mountains and we are now working with Office of Foreign Disaster Assistance on the transport of orphans to awaiting families here in the U.S. Our paramount duty is to protect Americans, and this bill will do exactly that.

In addition to providing temporary assistance directly to repatriates, the program also provides funds to States and other vendors to cover the administrative costs of providing temporary assistance to these individuals. This financial assistance is repayable to the U.S. government, unless waived by the Secretary of Health and Human Services.

Additionally, this legislation provides an additional \$60 million in funding for the Qualifying Individual (QI) program, which allows States to fund the Medicare Part B premiums of near-poor seniors not eligible for Medicaid.

The bill's Haiti funding and the increased QI funds are paid for through transfers from the

Medicaid Improvement Fund. The Medicaid Improvement Fund is a program intended to improve the management of the Medicaid program. The legislation cuts \$90 million from that fund.

Medicare is a lifeline for Houston's seniors and this bill takes crucial steps toward strengthening it and providing the highest quality of care and benefits for our elderly.

In my home state of Texas, the need for a more efficient healthcare is more prevalent now than ever. One in four Texans, about 5.7 million people, or 24.5 percent of the state's population, has no health insurance coverage. An estimated 1,339,550 Texas children—20.2 percent of Texas children—are uninsured. According to the U.S. Census Bureau, Texas has the nation's highest percentage of uninsured residents. This poses consequences for every person, business and local government in the state who bear extra costs to pay for uncompensated care. If Medicare funding is allowed to be cut or capped, the number of uninsured will grow dramatically.

Once again, I am devastated by the immeasurable tragedy that occurred in Haiti. Along with my colleagues, I hope to visit Haiti in the near future to meet with their leaders and see what the United States can do to rebuild the shattered livelihoods. This bill will help two categories of Americans with no cost to the taxpayers. I strongly support this bill and urge my colleagues to join me in voting in favor of it.

Mr. JOHNSON of Georgia. Madam Speaker, it is difficult to comprehend the depth of tragedy and sorrow that has visited the poor island of Haiti. It is difficult to convey the depth of our sympathy and shock at the catastrophe that has befallen the Haitian people.

Madam Speaker, the extent of the misery, destruction and death is nearly beyond imagination. It surely puts our own national trials and tribulations into perspective.

Our national unity in pursuing efforts to relieve the suffering of the Haitian people has been tremendously encouraging, particularly as this unity has sprung up amid the division and vitriol that have plagued our national politics in recent months and years.

And while our efforts to bring aid to the Haitians must continue, and will continue, our first priority, our first obligation, our first solemn duty as Americans and members of the United States Congress is to rescue and provide immediate relief to the American citizens in Haiti who are victims of this tragic natural disaster.

I applaud Chairman RANGEL in the House and Chairman BAUCUS in the Senate for their swift and focused action. On short notice and in an environment of uncertainty they have crafted a bill that will ensure the U.S. government has the resources and authority it needs to provide emergency aid to American survivors of this earthquake.

Ms. ROS-LEHTINEN. Madam Speaker, I rise today in support of S. 2949.

Two weeks ago today, Haiti was devastated by its largest earthquake in over two centuries.

The United States has been unparalleled in its efforts to assist Haiti in the wake of this catastrophe and it only makes sense that we would show the same compassion and generosity to the many Americans who were victims of this tragic disaster.

As my colleagues have shared, this bill will provide important temporary assistance to help U.S. citizens on a need basis as they return from Haiti and re-establish themselves here in the U.S.

When the earthquake struck, there were an estimated 45,000 Americans living in Haiti.

Since then, nearly 12,000 Americans have been evacuated.

This bill will help to cover the costs related to these repatriations.

Again, I rise in support of this important measure and if I may, would also like to take a moment to acknowledge the many Americans whose lives were lost as well in the earthquake.

My most sincere thoughts and prayers go out to all of the family and friends who lost loved ones that day.

Mr. AL GREEN of Texas. Madam Speaker, I offer my strong support to S. 2949, a bipartisan measure to extend temporary aid to help the thousands of Americans who are evacuating Haiti in the aftermath of the devastating earthquake that occurred on January 12, 2010.

This is the worst disaster to hit Haiti in over two centuries, with an estimated 150,000 deaths, three million adversely affected, and severe damage to roads, ports, hospitals, and homes.

Nearly 14,000 American citizens have been evacuated from Haiti, with 40 percent of them receiving temporary repatriation assistance.

The Department of Health and Human Services Repatriation program provides assistance, such as travel expenses, medical care, temporary lodging and food assistance, to U.S. citizens repatriating to the United States in the wake of a natural disaster or other hardship. Americans receiving this assistance must reimburse the government costs incurred on their behalf, unless repayment is deemed to be infeasible due to the recipient's overall lack of financial resources.

This important legislation would raise the annual funding limit on the U.S. Repatriation Program, from \$1 million to \$25 million, for Fiscal 2010.

Thank you to my colleagues for acting swiftly to move this bill and provide assistance to all Americans in need of help returning to their homes from Haiti.

Ms. TSONGAS. Madam Speaker, I rise today in support of S. 2949, the Emergency Aid to American Survivors of the Haiti Earthquake Act. The true scope and magnitude of the heartbreaking tragedy in Haiti continue to unfold. Hundreds of thousands of Haitians are still without reliable access to water, food, shelter, and other basic essentials. Children of all ages find themselves without family, relatives, or loved ones. While remarkable humanitarian efforts continue to reach more of those in need every day, the rebuilding effort in Haiti is one that will take more than a decade.

Americans across the country have been moved by the terrible disaster and have generously given support in any way that they can. In the Merrimack Valley and the Fifth District of Massachusetts which I represent, concerned residents have volunteered their time, donated money, organized fundraising efforts, and provided needed supplies. For example,

this weekend, a restaurant in Lawrence, Massachusetts is providing free lunch to all those making a donation to the Haiti relief fund.

Our military has also done incredible work in reaching survivors, opening airports in order to facilitate the distribution of aid, and helping to maintain order.

I am pleased that the House of Representatives will pass bipartisan legislation to extend temporary aid to help the thousands of Americans who are evacuating Haiti in the aftermath of the devastating earthquake.

As of Monday, 14,000 American citizens have been evacuated from Haiti, with 40 percent of them receiving temporary repatriation assistance. The Emergency Aid to American Survivors of the Haiti Earthquake Act will provide these individuals with help in securing and paying for connecting flights, temporary lodging, food, and medical assistance.

Last week, Congress passed and the President signed bipartisan legislation, which I cosponsored, speeding up the tax deduction for charitable contributions for Haiti so that individuals making contributions by the end of February can claim these charitable contributions on their 2009 tax return.

The need in Haiti will be great for many years to come. Support from U.S. foreign aid agencies and the international community will be essential, along with efforts from ordinary citizens, like the one taking place in Lawrence this weekend.

Ms. GINNY BROWN-WAITE of Florida. I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I have no additional speakers. I urge passage of the legislation, and I yield back the balance of my time.

Mr. McDERMOTT. I urge the passage of S. 2949, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the bill, S. 2949.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1530

#### POVERTY IN AMERICA AWARENESS MONTH

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1024) expressing support for designation of January as Poverty in America Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1024

Whereas, in 2008, the Census Bureau found that the number of people living in poverty has jumped by nearly 2,600,000 to 39,800,000, the highest number since 1960;

Whereas that same report found that the percentage of people living in poverty, 13.2 percent, rose to the highest level since 1997;

Whereas, in 2008, the number of children who lived in poverty increased by 744,000 to 14,000,000;

Whereas the share of people in the United States who have incomes that fall below half of the Federal poverty line reached 5.7 percent, or 17,100,000 people, its highest level since 1994;

Whereas the next Census report on poverty will likely illustrate higher levels of poverty as the report will reflect data from 2009, a year in which the economy experienced substantial job loss and historic levels of long-term unemployment, leading some experts to project that the overall poverty rate may increase by 1.5 percentage points and the percentage of children living in poverty may increase by 6 percentage points in the next report;

Whereas, between 1989 and 2000, the overall poverty rate declined by 1.5 percentage points and child poverty decreased by 3.4 percentage points, those achievements have been nearly reversed as the overall poverty rate increased by 1.9 percentage points and child poverty increased by 2.8 percentage points from 2000 to 2008;

Whereas there is broad consensus among researchers and policy experts that the Federal poverty measure is outdated and inadequate in determining the depth and extent of poverty in the United States;

Whereas rising levels of poverty and economic hardship have a severe impact on the overall well-being of children in the Nation;

Whereas the U.S. Census Bureau and other organizations have highlighted the unmet needs that existed for some of the most vulnerable families prior to the recession;

Whereas while the Federal Government has provided critical assistance to needy individuals and families in their time of need, more can and should be done to strengthen the Nation's safety-net programs, and other programs investing in communities and families to ensure that all needy people in the United States have access to the support services for which they are eligible;

Whereas, during the present economic downturn, Congress should do more to help individuals and families rise out of poverty and maintain economic stability through the use of a variety of programs promoting education and training, childcare assistance, housing security, and related services; and

Whereas it would be appropriate to designate the month of January 2010 as Poverty in America Awareness Month: Now, therefore, be it

*Resolved, That—*

(1) the House of Representatives—

(A) supports the designation of Poverty in America Awareness Month; and

(B) recognizes the important contributions of those individuals and organizations that have made a commitment to providing critical support and services to needy individuals and families; and

(2) it is the sense of the House of Representatives that—

(A) eradicating poverty in the United States should be the goal for all people in the United States, including all levels of government;

(B) the severe economic downturn has highlighted the need to ensure that the Nation's most vulnerable individuals and families are able to meet their most fundamental needs during a time of financial crisis; and

(C) Congress should recommit itself to helping individuals and families facing economic hardship receive the assistance they need and deserve in moving towards greater economic security through programs under

Title IV of the Social Security Act and other related programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1024.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of recognizing the designation of January as "Poverty in America Awareness Month."

In 2008, there were nearly 40 million Americans living in poverty, including one in every five children. There were also more than 49 million Americans living in households that the USDA calls "food insecure," which is really just a technical way to say that those 49 million Americans—nearly one out of every four children—had experienced hunger. While poverty affects every segment of our population, these figures are drastically higher for children in single-parent families and in black and Latino households.

At the same time, a recent report showed that the top 1 percent of the richest Americans now hold the greatest proportion of our Nation's wealth since 1928. For the wealthiest Nation in the world, this is completely unacceptable, and we must readjust our priorities. In fact, the way we measure poverty is badly outdated.

The current poverty threshold is calculated by taking the cost of a minimal diet in 1955 and multiplying that number by 3 and then adjusting this amount for inflation. That method may have made some sense when the measure was created in the 1960s because the cost of food actually made up about one-third of a family's average expenditure, but today, families only spend about one-seventh of their income on food, and our current measure fails to capture the costs of basic necessities such as clothing, utilities, and shelter.

What we define as poverty no longer reflects at all what it really means to be poor in this country. Using our current method of measuring poverty, we don't even consider a family of four making just \$23,000 poor. There's something wrong with our formula, and a majority of Americans agree with a higher threshold.

Senator Daniel Patrick Moynihan famously said, “You can’t solve a problem until you first learn how to measure it.” We are making great progress in moving toward the publication of a new measure of poverty that reflects the economic and social realities in this country. An accurate measurement is essential in determining how to best tackle this problem. If the moral cause of helping the poor doesn’t serve as motivation to help struggling Americans rise out of poverty, maybe the economic argument will.

Economists estimate that persistent child poverty alone costs our society an estimated \$500 million a year in lost productivity and increased spending on health care and the criminal justice system. More and more Americans are slipping through the mesh of our badly tattered safety net, and we are at risk of losing an entire generation.

As Congress discusses PAYGO and the deficit reduction agenda, I often hear the rhetoric that we can’t drive up the deficit on the backs of our children. But we cannot abandon the needs of vulnerable groups with little political voice and certainly few lobbyists on K Street. Because the voices of the least among us are too often drowned out, we must take opportunities like this to draw attention to the realities facing poor Americans. Awareness is a critical step in finding solutions to improve the well-being of those living in poverty, so let us affirm the recognition of January as Poverty in America Awareness Month.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I yield myself such time as I may consume.

I rise today in support of House Resolution 1024, which expresses support for designating January as Poverty in America Awareness Month.

As I’m sure my colleagues would agree, awareness of poverty is something that Congress should never lose sight of, not for one single day. But it also should be noted that poverty can only be eliminated in this country when there are jobs available for every able-bodied man and woman. I know this firsthand because I grew up in poverty. I know that the only way that my mother helped get my brother and me out of poverty was by having a great work ethic and working her way out of poverty.

The government does not create jobs; small businesses do. The American people know this even if the majority in Congress does not. That is why CNN is reporting that 75 percent of Americans polled believe that at least half of the stimulus has been wasted, and a third of those believe that it actually has made the economy worse.

In a perfect world, the President could hold a jobs summit and everyone would breathe a sigh of relief as they went off to new jobs created. But in the

real world, sitting around and talking about jobs does not magically make them appear. In a perfect world, the money to pay for the stimulus and the endless unemployment extensions would come from a magic tree growing on the South Lawn of the White House. But we know that unemployment benefits are no real substitute for a paycheck. We know that the stimulus didn’t work. And we know that the closest thing the government has to a money tree is the money that it takes out of taxpayers’ pockets.

The bottom line is, if they are serious about reducing poverty, the President and my Democrat colleagues need to stop talking about jobs and start working with Republicans to support and facilitate an economy that will create them. Specifically, the Democrats, who control the progress of legislation in this town, should do three things:

First, they need to end their obsession with the trillion-dollar takeover of health care, because this single-minded approach is coming at the expense of everything else that matters to the American public.

Second, the tax code should be reformed to protect workers’ wages, to encourage investment and entrepreneurship, to reward saving, and to provide the American people with the confidence and certainty about their financial future.

And third, my Democrat colleagues need to take a long, hard look at their failed trillion-dollar stimulus plan and fix it. Don’t just borrow another hundred billion dollars here and there and hope that it works better this time.

Raising awareness about poverty is important, and I support this legislation. But before we spend too much time patting ourselves on the back for this feel-good resolution, let us get down to business in a bipartisan manner and really do the hard work of making this economy great again.

With that, Madam Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 2 minutes to the gentlelady from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM. In the wealthiest country in the world, far too many of our citizens live in poverty, and the number is growing. Mr. McDERMOTT and Chairman RANGEL, thank you for bringing this important resolution to the floor.

Families in Minnesota and across our country are hurting. The economy may be improving on Wall Street, but on Main Street people are hurting and they’re afraid. Unemployed workers are worried about where and how they will find a job and whether they can survive after their unemployment insurance runs out. Our neighbors with jobs are facing hours being cut, facing pay cuts, and they’re in fear of also losing their jobs.

The housing crisis has driven families from their homes, and the homeless shelters are filled. Families are sleeping in their cars. Access to basic health care and putting food on the table are now a struggle for far too many Americans. More families are falling below the poverty line and they need our help.

In 2008, one in eight residents of Minnesota’s Fourth Congressional District, which I represent, was living in poverty—over 68,000 men, women, children, and seniors. The number is certainly growing with the economic recession, and that means children are going hungry, parents lack day care and reliable transportation to get a job, seniors struggle to pay rent. And yes, many illnesses are left unattended.

Yesterday, I visited a Head Start site in St. Paul, and the staff members there are worried about food insecurity for the children in their classrooms. It is unacceptable that children would go hungry.

The role of the Federal Government is to keep our country safe and to provide an opportunity for people to improve their lives. We have much work to do. But because of the Democrats in Congress passing the Recovery Act, an estimated 60.1 million Americans did not fall below the poverty line, including 66,000 Minnesotans.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McDERMOTT. Madam Speaker, I yield 1 additional minute to the gentlewoman.

Ms. McCOLLUM. I urge my colleagues to support this resolution, because if we’re going to defeat poverty and create jobs and economic opportunity for all Americans, we need to reach out to get to know those Americans who need our help the most, those in poverty.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, in closing, I want to reiterate that there still is much work to be done—and undone—to breathe new life into this economy. The Democrats told Americans that if their stimulus passed, unemployment would stay below 8 percent and millions of Americans would continue receiving paychecks. Instead, the stimulus passed and a record 12 million Americans are now collecting unemployment checks. As predicted, that is triggering massive State tax hikes that will continue for years to come.

Frankly, Madam Speaker, that is why the stimulus isn’t working. Every dollar spent by government is a dollar that first must be taken out of the economy. That dollar of government spending is a dollar that a business owner can use to hire a new worker and it’s a dollar that a mother can use to feed her child.

My colleagues will say that this is what the stimulus was supposed to do, but what they won’t tell you is that

the government wastes 50 cents collecting that dollar and fumbling around trying to put it back into the economy. As part of our awareness of poverty, let us also be aware of that.

Ms. JACKSON LEE of Texas. Madam Speaker, today I rise in support of House Resolution 1024 "Expressing support for designation of January as poverty in America awareness month." This resolution seeks to designate the month of January as an official "Poverty in America Awareness Month," and also expresses the sentiments of the House of Representatives that eradicating poverty in the United States should be the goal of all American citizens—especially those in government positions.

Over the last several decades the numbers of people living in poverty in the United States has steadily increased to a high point in 2008 of over 39 million Americans living below the Federal poverty line.

This is a particularly important issue for the people living in my home district in Houston, Texas where the number of residents with income below the poverty level in 2007 was 20.7 percent, which is several percentage points higher than the Texas State average of 16.3 percent.

These problems have been further exacerbated by the recent economic downturn which has pushed many American families to a financial breaking point. Over the past 10 years much of the progress that was made during the 1990s was reversed as the overall poverty rate increased by 1.9 percent.

As the Chairwoman of the Congressional Children's Caucus I also understand the severe impact that poverty can have on children in the United States. In fact, 14 million of the 39 million Americans currently living below the poverty line are children. For children, growing up in poverty can have numerous negative effects on development ranging from malnutrition to poor education.

As Americans we can not allow underprivileged children in our Nation to be overlooked and ignored. We must ensure that all children of all income levels in this country are provided with quality education, proper nutrition and access to support services.

Furthermore, we can not allow hard-working American citizens to continue to fall below the Federal poverty line. That is why it is important that we support this resolution as it would bring further attention to this important matter and provide an opportunity to reverse the growing trend of poverty in the United States.

Officially establishing the month of January as "Poverty in America Awareness Month," would seek to improve the lives of our citizens as well as increase advocacy for some of the most vulnerable families in our Nation.

I urge my colleagues to support this resolution. I also ask my colleagues for their continued support for the 39 million Americans currently living in poverty.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in addressing poverty in America and designating January as Poverty in America Awareness Month. I strongly support H. Res. 1024 and urge my colleagues to support this piece of legislation.

The Census Bureau's poverty statistics are alarming. In 2008, 13.2 percent of people

were living in poverty. This statistic was even worse for children under 18 years old. In 2008, 19 percent of children under 18 years old were living in poverty. In my state, Georgia, 14.3 percent of people were living below the poverty level in 2007.

Poverty has many adverse effects on society. Poor Americans are less likely to eat healthy, which leads to poor health. Poor health can make study and work difficult. Poor education and the inability to work can adversely affect individual income, and the American economy as a whole.

This resolution expresses the sense of the House that eradicating poverty in the United States should be the goal for all people in the United States. Further, this resolution recognizes that the severe economic downturn, and double-digit unemployment rate, increases the need for Congress to commit itself to helping individuals and families facing economic hardship.

I join the chairman in urging my colleagues to support this important piece of legislation.

Ms. GINNY BROWN-WAITE of Florida. I yield back the balance of my time.

Mr. McDERMOTT. Madam Speaker, I urge the adoption of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1024.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McDERMOTT. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COSTA) at 6 o'clock and 33 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3726, CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010; AND FOR CONSIDERATION OF H.R. 4474, IDAHO WILDERNESS WATER FACILITIES ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-401) on the resolution (H. Res. 1038) providing for consideration of the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; and for consideration of the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 990, by the yeas and nays;

H. Res. 1011, by the yeas and nays;

H. Res. 1003, by the yeas and nays.

Proceedings on H. Res. 1024 will resume later this week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## NATIONAL MENTORING MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 990, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 990.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 35, as follows:

[Roll No. 17]

YEAS—398

|             |             |             |
|-------------|-------------|-------------|
| Abercrombie | Bachus      | Berman      |
| Ackerman    | Baird       | Berry       |
| Aderholt    | Baldwin     | Biggert     |
| Adler (NJ)  | Barrow      | Bilbray     |
| Altmire     | Bartlett    | Bilirakis   |
| Andrews     | Barton (TX) | Bishop (NY) |
| Arcuri      | Bean        | Bishop (UT) |
| Austria     | Becerra     | Blackburn   |
| Baca        | Berkley     | Blumenauer  |

|                 |                  |                 |                   |                |              |                 |                  |                 |
|-----------------|------------------|-----------------|-------------------|----------------|--------------|-----------------|------------------|-----------------|
| Blunt           | Fortenberry      | Luetkemeyer     | Rohrabacher       | Shadegg        | Thornberry   | Blackburn       | Flake            | Lofgren, Zoe    |
| Boehner         | Foster           | Lujan           | Rooney            | Shea-Porter    | Tiahrt       | Blumenauer      | Fleming          | Lowey           |
| Bonner          | Fox              | Lummis          | Ros-Lehtinen      | Sherman        | Tiberi       | Blunt           | Forbes           | Lucas           |
| Bono Mack       | Franks (AZ)      | Lungren, Daniel | Roskam            | Shimkus        | Tierney      | Boehner         | Fortenberry      | Luetkemeyer     |
| Boozman         | Frelinghuysen    | E.              | Ross              | Shuler         | Titus        | Bonner          | Foster           | Lujan           |
| Boren           | Fudge            | Lynch           | Rothman (NJ)      | Shuster        | Tonko        | Bono Mack       | Fox              | Lummis          |
| Boswell         | Galegley         | Mack            | Roybal-Allard     | Simpson        | Tsongas      | Boozman         | Franks (AZ)      | Lungren, Daniel |
| Boucher         | Garamendi        | Maffei          | Royce             | Sires          | Upton        | Boren           | Frelinghuysen    | E.              |
| Boustany        | Giffords         | Maloney         | Ruppersberger     | Skelton        | Van Hollen   | Boswell         | Fudge            | Lynch           |
| Boyd            | Gingrey (GA)     | Manzullo        | Rush              | Slaughter      | Velázquez    | Boucher         | Galegley         | Mack            |
| Brady (PA)      | Gohmert          | Marchant        | Ryan (WI)         | Smith (NE)     | Visclosky    | Boustany        | Garamendi        | Maffei          |
| Brady (TX)      | Gonzalez         | Markey (CO)     | Salazar           | Smith (NJ)     | Walden       | Boyd            | Garrett (NJ)     | Maloney         |
| Braley (IA)     | Goodlatte        | Markey (MA)     | Sánchez, Linda T. | Smith (TX)     | Wasserman    | Brady (PA)      | Giffords         | Manzullo        |
| Bright          | Gordon (TN)      | Marshall        | Sanchez, Loretta  | Smith (WA)     | Schultz      | Brady (TX)      | Gingrey (GA)     | Marchant        |
| Broun (GA)      | Granger          | Massa           | Sarbanes          | Snyder         | Watson       | Braley (IA)     | Gohmert          | Markey (CO)     |
| Brown (SC)      | Graves           | Matheson        | Scalise           | Souder         | Watt         | Bright          | Gonzalez         | Markey (MA)     |
| Brown, Corrine  | Grayson          | Matsui          | Schakowsky        | Space          | Waxman       | Broun (GA)      | Goodlatte        | Marshall        |
| Brown-Waite,    | Green, Al        | McCarthy (CA)   | Schauer           | Spratt         | Weiner       | Brown (SC)      | Gordon (TN)      | Massa           |
| Ginny           | Green, Gene      | McCarthy (NY)   | Schiff            | Stark          | Welch        | Brown, Corrine  | Granger          | Matheson        |
| Buchanan        | Griffith         | McCauley        | Schmidt           | Stearns        | Westmoreland | Brown-Waite,    | Graves           | Matsui          |
| Burgess         | Guthrie          | McClintock      | Schock            | Stupak         | Whitfield    | Ginny           | Grayson          | McCarthy (CA)   |
| Burton (IN)     | Hall (NY)        | McCollum        | Schrader          | Sullivan       | Wilson (OH)  | Buchanan        | Green, Al        | McCarthy (NY)   |
| Butterfield     | Hall (TX)        | McCotter        | Schwartz          | Sutton         | Wilson (SC)  | Burgess         | Green, Gene      | McCauley        |
| Buyer           | Halvorson        | McDermott       | Scott (GA)        | Tanner         | Wittman      | Burton (IN)     | Griffith         | McClintock      |
| Calvert         | Hare             | McGovern        | Scott (VA)        | Taylor         | Wolf         | Butterfield     | Guthrie          | McCollum        |
| Camp            | Harman           | McHenry         | Sensenbrenner     | Teague         | Woolsey      | Buyer           | Hall (NY)        | McCotter        |
| Campbell        | Harper           | McIntyre        | Serrano           | Terry          | Wu           | Calvert         | Hall (TX)        | McDermott       |
| Cantor          | Hastings (FL)    | McKeon          | Sessions          | Thompson (CA)  | Young (AK)   | Camp            | Halvorson        | McGovern        |
| Cao             | Hastings (WA)    | McMahon         | Sestak            | Thompson (MS)  | Young (FL)   | Campbell        | Hare             | McHenry         |
| Capito          | Heinrich         | McMorris        |                   | Thompson (PA)  |              | Cantor          | Harman           | McIntyre        |
| Capps           | Heller           | Rodgers         |                   |                |              | Cao             | Harper           | McKeon          |
| Capuano         | Hensarling       | McNerney        |                   |                |              | Capito          | Hastings (FL)    | McMahon         |
| Cardoza         | Herger           | Meek (FL)       | Akin              | Frank (MA)     | Paulsen      | Capps           | Hastings (WA)    | McMorris        |
| Carnahan        | Hersth Sandlin   | Meeks (NY)      | Alexander         | Garrett (NJ)   | Putnam       | Capuano         | Heinrich         | Rodgers         |
| Carney          | Higgins          | Melancon        | Bachmann          | Gerlach        | Rehberg      | Cardoza         | Heller           | McNerney        |
| Carson (IN)     | Hill             | Mica            | Barrett (SC)      | Grijalva       | Ryan (OH)    | Carnahan        | Hensarling       | Meek (FL)       |
| Carter          | Himes            | Michaud         | Bishop (GA)       | Gutierrez      | Speier       | Carney          | Herger           | Meeks (NY)      |
| Cassidy         | Hinchee          | Miller (MI)     | Bocciari          | Hoekstra       | Towns        | Carson (IN)     | Hersth Sandlin   | Melancon        |
| Castle          | Hinojosa         | Miller (NC)     | Conyers           | Johnson, E. B. | Turner       | Carter          | Higgins          | Mica            |
| Castor (FL)     | Hirono           | Miller, George  | Crenshaw          | Kind           | Walz         | Cassidy         | Hill             | Michaud         |
| Chaffetz        | Hodes            | Miller, Gary    | Davis (AL)        | King (IA)      | Wamp         | Castle          | Himes            | Miller (MI)     |
| Chandler        | Holden           | Minnick         | Deal (GA)         | Miller (FL)    | Waters       | Castor (FL)     | Hinchee          | Miller (NC)     |
| Childers        | Holt             | Mitchell        | Delahunt          | Moran (VA)     | Yarmuth      | Chaffetz        | Hinojosa         | Miller, Gary    |
| Chu             | Honda            | Mollohan        | Ellison           | Ortiz          |              | Chandler        | Hirono           | Miller, George  |
| Clarke          | Hoyer            | Moore (KS)      |                   |                |              | Childers        | Hodes            | Minnick         |
| Clay            | Hunter           | Moore (WI)      |                   |                |              | Chu             | Holden           | Mitchell        |
| Cleaver         | Inglis           | Moran (KS)      |                   |                |              | Clarke          | Holt             | Mollohan        |
| Clyburn         | Inslee           | Murphy (CT)     |                   |                |              | Clay            | Honda            | Moore (KS)      |
| Coble           | Israel           | Murphy (NY)     |                   |                |              | Cleaver         | Hoyer            | Moore (WI)      |
| Coffman (CO)    | Issa             | Murphy, Patrick |                   |                |              | Clyburn         | Hunter           | Moran (KS)      |
| Cohen           | Jackson (IL)     | Murphy, Tim     |                   |                |              | Coble           | Inglis           | Murphy (CT)     |
| Cole            | Jackson Lee      | Murtha          |                   |                |              | Coffman (CO)    | Inslee           | Murphy (NY)     |
| Conaway         | (TX)             | Myrick          |                   |                |              | Cohen           | Israel           | Murphy, Patrick |
| Connolly (VA)   | Jenkins          | Nadler (NY)     |                   |                |              | Cole            | Issa             | Murphy, Tim     |
| Cooper          | Johnson (GA)     | Napolitano      |                   |                |              | Conaway         | Jackson (IL)     | Murtha          |
| Costa           | Johnson (IL)     | Neal (MA)       |                   |                |              | Connolly (VA)   | Jackson Lee      | Myrick          |
| Costello        | Johnson, Sam     | Neugebauer      |                   |                |              | Conyers         | (TX)             | Nadler (NY)     |
| Courtney        | Jones            | Nunes           |                   |                |              | Cooper          | Jenkins          | Napolitano      |
| Crowley         | Jordan (OH)      | Nye             |                   |                |              | Costa           | Johnson (GA)     | Neal (MA)       |
| Cuellar         | Kagen            | Oberstar        |                   |                |              | Costello        | Johnson (IL)     | Neugebauer      |
| Culberson       | Kanjorski        | Obey            |                   |                |              | Courtney        | Johnson, Sam     | Nunes           |
| Cummings        | Kaptur           | Olson           |                   |                |              | Crowley         | Jones            | Nye             |
| Dahlkemper      | Kennedy          | Oliver          |                   |                |              | Cuellar         | Jordan (OH)      | Oberstar        |
| Davis (CA)      | Kildee           | Owens           |                   |                |              | Culberson       | Kagen            | Obey            |
| Davis (IL)      | Kilpatrick (MI)  | Pallone         |                   |                |              | Cummings        | Kanjorski        | Olson           |
| Davis (KY)      | Kilroy           | Pascrell        |                   |                |              | Dahlkemper      | Kaptur           | Oliver          |
| Davis (TN)      | King (NY)        | Pastor (AZ)     |                   |                |              | Davis (CA)      | Kennedy          | Owens           |
| DeFazio         | Kingston         | Paul            |                   |                |              | Davis (IL)      | Kildee           | Pallone         |
| DeGette         | Kirk             | Payne           |                   |                |              | Davis (KY)      | Kilpatrick (MI)  | Pascrell        |
| DeLauro         | Kirkpatrick (AZ) | Pence           |                   |                |              | Davis (TN)      | Kilroy           | Pastor (AZ)     |
| Dent            | Kissell          | Perlmutter      |                   |                |              | DeFazio         | King (NY)        | Paul            |
| Diaz-Balart, L. | Klein (FL)       | Perriello       |                   |                |              | DeGette         | Kingston         | Payne           |
| Diaz-Balart, M. | Kline (MN)       | Peters          |                   |                |              | DeLauro         | Kirk             | Pence           |
| Dicks           | Kosmas           | Peterson        |                   |                |              | Dent            | Kirkpatrick (AZ) | Perlmutter      |
| Dingell         | Kratovil         | Petri           |                   |                |              | Diaz-Balart, L. | Kissell          | Perriello       |
| Doggett         | Kucinich         | Pingree (ME)    |                   |                |              | Diaz-Balart, M. | Klein (FL)       | Peters          |
| Donnelly (IN)   | Lamborn          | Pitts           |                   |                |              | Dicks           | Kline (MN)       | Peterson        |
| Doyle           | Lance            | Platts          |                   |                |              | Dingell         | Kosmas           | Petri           |
| Dreier          | Langevin         | Poe (TX)        |                   |                |              | Doggett         | Kratovil         | Pingree (ME)    |
| Driehtaus       | Larsen (WA)      | Polis (CO)      |                   |                |              | Donnelly (IN)   | Kucinich         | Pitts           |
| Duncan          | Larson (CT)      | Pomeroy         |                   |                |              | Doyle           | Lamborn          | Platts          |
| Edwards (MD)    | Latham           | Posey           |                   |                |              | Dreier          | Lance            | Poe (TX)        |
| Edwards (TX)    | LaTourette       | Price (GA)      |                   |                |              | Driehtaus       | Langevin         | Polis (CO)      |
| Ehlers          | Latta            | Price (NC)      |                   |                |              | Duncan          | Larsen (WA)      | Pomeroy         |
| Ellsworth       | Lee (CA)         | Quigley         |                   |                |              | Edwards (MD)    | Larson (CT)      | Posey           |
| Emerson         | Lee (NY)         | Radanovich      |                   |                |              | Edwards (TX)    | Latham           | Price (GA)      |
| Engel           | Levin            | Rahall          |                   |                |              | Ehlers          | Latta            | Price (NC)      |
| Eshoo           | Lewis (CA)       | Rangel          |                   |                |              | Ellsworth       | Lee (CA)         | Quigley         |
| Etheridge       | Lewis (GA)       | Reichert        |                   |                |              | Emerson         | Lee (NY)         | Radanovich      |
| Fallin          | Linder           | Reyes           |                   |                |              | Engel           | Levin            | Rahall          |
| Farr            | Lipinski         | Richardson      |                   |                |              | Eshoo           | Lewis (CA)       | Rangel          |
| Fattah          | LoBiondo         | Rodriguez       |                   |                |              | Etheridge       | Lewis (GA)       | Reichert        |
| Filner          | Loeback          | Roe (TN)        |                   |                |              | Fallin          | Linder           | Reyes           |
| Flake           | Lofgren, Zoe     | Rogers (AL)     |                   |                |              | Farr            | Lipinski         | Richardson      |
| Fleming         | Lowey            | Rogers (KY)     |                   |                |              | Fattah          | LoBiondo         | Rodriguez       |
| Forbes          | Lucas            | Rogers (MI)     |                   |                |              | Filner          | Loeback          | Roe (TN)        |

NOT VOTING—35

|              |                |           |
|--------------|----------------|-----------|
| Akin         | Frank (MA)     | Paulsen   |
| Alexander    | Garrett (NJ)   | Putnam    |
| Bachmann     | Gerlach        | Rehberg   |
| Barrett (SC) | Grijalva       | Ryan (OH) |
| Bishop (GA)  | Gutierrez      | Speier    |
| Bocciari     | Hoekstra       | Towns     |
| Conyers      | Johnson, E. B. | Turner    |
| Crenshaw     | Kind           | Walz      |
| Davis (AL)   | King (IA)      | Wamp      |
| Deal (GA)    | Miller (FL)    | Waters    |
| Delahunt     | Moran (VA)     | Yarmuth   |
| Ellison      | Ortiz          |           |

□ 1859

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### CERVICAL HEALTH AWARENESS MONTH

The SPEAKER pro tempore (Mr. TEAGUE). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1011, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1011.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 18]

YEAS—400

|             |          |             |
|-------------|----------|-------------|
| Abercrombie | Baca     | Berkley     |
| Ackerman    | Bachus   | Berman      |
| Aderholt    | Baird    | Berry       |
| Adler (NJ)  | Baldwin  | Bigert      |
| Altmire     | Barrow   | Bilbray     |
| Andrews     | Bartlett | Bilirakis   |
| Arcuri      | Bean     | Bishop (NY) |
| Austria     | Becerra  | Bishop (UT) |



Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions

## NOT VOTING—33

Akin  
Alexander  
Bachmann  
Barrett (SC)  
Barton (TX)  
Bishop (GA)  
Bocieri  
Crenshaw  
Davis (AL)  
Deal (GA)  
Delahunt  
Ellison  
Frank (MA)  
Gerlach  
Grijalva  
Gutierrez  
Hoekstra  
Johnson, E.B.  
Kind  
King (IA)  
LaTourette  
Miller (FL)  
Moran (VA)  
Ortiz  
Paulsen  
Putnam  
Rehberg  
Ryan (OH)  
Speier  
Turner  
Walz  
Wamp  
Waters

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

## □ 1907

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL INFLUENZA  
VACCINATION WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1003, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1003, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 2, not voting 33, as follows:

Tiaht  
Tiberi  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)  
Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
[Roll No. 19]  
YEAS—398  
Davis (TN)  
DeFazio  
Ackerman  
DeGette  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ehlers  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett (NJ)  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar

Obeys  
Olson  
Olver  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberti  
Tierney  
Titus  
Tonko  
Townes  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—2

Paul  
Polis (CO)

## NOT VOTING—33

Akin  
Alexander  
Bachmann  
Barrett (SC)  
Barton (TX)  
Bishop (GA)  
Bocieri  
Boehner  
Crenshaw  
Davis (AL)  
Deal (GA)  
Delahunt  
Ellison  
Frank (MA)  
Gerlach  
Grijalva  
Gutierrez  
Hoekstra  
Johnson, E.B.  
Kennedy  
Kind  
King (IA)  
Miller (FL)  
Moran (VA)  
Ortiz  
Paulsen  
Putnam  
Rehberg  
Ryan (OH)  
Speier  
Turner  
Walz  
Wamp  
Waters

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the 5-minute vote.

## □ 1915

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. WALZ. Madam Speaker, due to unforeseen circumstances, I was not able to make it to the floor for votes. Had I been in attendance, I would have voted as following:

On passage of H. Res. 990 under suspension of the rules. "yea"; on passage of H. Res. 1011 under suspension of the rules, "yea"; on passage of H. Res. 1003 under suspension of the rules, "yea."

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from the Chamber this

evening. Had I been present, I would have voted "yea" on rollcall votes, 17, 18 and 19.

#### HOLOCAUST REMEMBRANCE DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. This year marks the 65th anniversary of the liberation of Auschwitz, the largest of the Nazi extermination camps. Over 1 million people were systematically murdered at Auschwitz in gas chambers or shot or tortured or starved to death or any cruel combination. Most of those who perished were Jews, but others that Nazis perceived as enemies were also murdered there.

As we honor the victims of the Holocaust and those who helped to defeat the Nazis, we must also reaffirm our commitment to enhancing Holocaust education programs in our schools and urge all countries to bolster their efforts in fighting bigotry, racism and anti-Semitism.

In the words of Elie Wiesel, who is an Auschwitz survivor, "There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest." Let our voices be heard loudly and clearly. Never again. Tomorrow is Holocaust Remembrance Day. Let's honor their struggles every day.

#### HELP FOR AMERICA'S UNINSURED

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, there has been a great deal of controversy that has arisen over what I think is not only good policy but good for America, and that is real health care reform. Today I listened to the story of a mother who lost her son, whose name was Mike. Because he could not get a colonoscopy to determine whether or not he had colon cancer, he is not living today. He could not get it because he did not have insurance.

We need health care reform that allows Americans to have the dignity of health care and, as well, the respect of treatment. I met a man today who is blind because he could not get the treatment while he was going blind to reverse that terrible disability. It could have occurred with good health care, and we must stop allowing 45,000 Americans to die every year because they do not have good health care.

We can do it by putting the bill together, House and Senate, reconciliation, protecting physician-owned hospitals, preventing individuals from being denied insurance because of pre-existing disease, insuring 36 million to 40 million. I ask my colleagues to join for what is best for America.

#### HONORING COACH DAVE LOOS, AUSTIN PEAY UNIVERSITY

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. Mr. Speaker, today I rise to commend Coach Dave Loos, the head basketball coach at my alma mater, Austin Peay University. He has dedicated the majority of his life to coaching basketball.

The year 2009 marked Coach Loos' 20th season as head coach at Austin Peay, where he is also athletic director. During this time, he welcomed his 400th overall head-coaching victory on December 3, 2009. Austin Peay is a member of the Ohio Valley Conference, and this year, Coach Loos became the winningest coach in OVC history.

It has been a privilege to watch Coach Loos interact with his young athletes, recruiting and encouraging them, both as a mentor and as a coach. As Rick Pitino once said, "The key to coaching is not what you do, but the way you do it. The intangibles, the motivational parts of the game are the most important facets of it." A successful coach not only prepares his team for victory but motivates them along the way. Coach Loos accomplishes this each time he sets a foot on the court and has great concern and appreciation for each of his players, and that is an invaluable trait as a successful coach.

However, his proudest accomplishment is being a dedicated husband to Phyllis, a father, and grandfather. I encourage my colleagues to join me in commending Coach Loos for his service to Austin Peay University.

#### HONORING COACH DAVE LOOS, UNIVERSITY OF MEMPHIS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I just heard my colleague from east Tennessee make those remarks, and I had to add something because it's typical of what happens up here. The people from east Tennessee forget about the fact that Memphis exists in Tennessee, and Dave Loos started his career and played basketball at the University of Memphis, started his coaching career at the University of Memphis, and is a Memphian as well as a graduate of Austin Peay. And while he attended your school, he coached and attended my law school. He is a class act and wonderful gentleman. I wanted to set the record straight.

#### HONORING FIRE CHIEF HAROLD WATKINS, LITTLE MARSH, PENNSYLVANIA

(Mr. THOMPSON of Pennsylvania asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to honor a man who has been a dedicated volunteer firefighter since 1980, Harold Watkins of Little Marsh, Pennsylvania. Harold has served the Chatham Township Volunteer Fire Company and his community in many capacities. He has held the positions of president, vice president, second assistant chief, and first assistant chief. For the past 15 years, he has been fire chief, and in 2004, he was named Firefighter of the Year. In other words, Harold has done it all in his 29 years of protecting and saving lives. But he has decided it is time to step down.

Firefighting is a family affair for the Watkins family. Harold's wife, Vivian, serves as secretary for the company and helps organize fundraisers. The chief calls Vivian his personal hero for all her hard work. His son, Matthew, was Firefighter of the Year in 2008 and serves as the vice president and was recently elected as second assistant chief, following in his father's footsteps.

I commend Chief Harold Watkins for his years of dedication and service saving lives and property in Chatham Township. And I know the community joins me in wishing him all the best in retirement.

#### RECOGNIZING RUTH MOYER ELEMENTARY SCHOOL IN FORT THOMAS, KENTUCKY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize the students, faculty, and staff at Ruth Moyer Elementary School in Fort Thomas, Kentucky. Last fall, Ruth Moyer was named a 2009 Blue Ribbon School. The Blue Ribbon Schools program honors schools that are academically superior or demonstrate dramatic gains in student achievement at all levels. These schools are models for others throughout the Nation.

I had the opportunity to meet students and faculty at Ruth Moyer and speak with them about their efforts to improve their school. The students and staff were unable to be here today in Washington to receive our congratulations because they are working hard in the classroom to uphold their high standards. However, the students in Mrs. Greene's class sent a distinguished ambassador to represent them in Washington.

Mr. Speaker, I ask my colleagues to join me in welcoming Flat Stanley from Fort Thomas, Kentucky, to the House of Representatives and extending our congratulations to the community at Ruth Moyer Elementary for their outstanding achievement.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## BOOKS, NOT BOMBS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I want to call the House's attention to the work of Greg Mortenson, who has built schools in Pakistan and Afghanistan and written two bestsellers about it. Mr. Mortenson has a lot to say about the power of education to dramatically improve the lives of people, especially girls and women, and how education can bring peace to the world.

Mr. Mortenson began his work in Pakistan, where he originally went to climb K2, the world's second-tallest mountain. After the climb, he was very ill, and he was helped by the people of an impoverished village. To thank them, Mr. Mortenson built the town's first school. He wrote a widely acclaimed book about the project called "Three Cups of Tea: One Man's Mission to Promote Peace . . . One School at a Time." Mr. Mortenson then went on to build schools in Afghanistan.

So far, he has built 131 schools, educating 58,000 children with a special emphasis on education for girls. He has written a second book about his remarkable work entitled, "Stones Into Schools: Promoting Peace With Books, Not Bombs, in Afghanistan and Pakistan."

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Mr. Speaker, in a recent interview with Bill Moyers, Mortenson explains how the education of girls can transform lives and whole countries. He said, and I quote, "The education of girls has very powerful impacts on society. Number one, infant mortality is reduced. Number two, the population is reduced. And, number three, the quality of health improves."

Mr. Speaker, he also explained how the education of girls can be a powerful weapon against terrorism. He said, "Culturally, when someone goes on jihad they should get permission from their mother first. If they don't, it's very shameful. But when women are educated, they are less likely to encourage their sons to get into violence. I've seen that happen over the last decade in rural areas of Afghanistan and Pakistan."

Mr. Speaker, in fact, Mortenson said that when men leave the Taliban, it's often because their mothers said what you're doing is not a good thing. It's not in the name of Islam. He went on to say, "I ask widows and women in rural areas in Pakistan and Afghani-

stan, what do you want? They say, we don't want our babies to die, and we want our children to go to school." Mr. Speaker, he said, "we need to listen to those women. It doesn't mean we just go around the world holding hands and drinking tea and having peace." Actually, I would say, as an aside, why not.

But he continued that he really did "believe that there's a lot of power behind love and compassion and resisting and listening to people." Now, some people might call Mr. Mortenson a fuzzy-brained peacenik, but he isn't. Far from it. He opposes the Taliban and he believes that there's a place for American troops in Afghanistan. His books have even influenced our military commanders, including General McChrystal and General Petraeus.

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, has made Mr. Mortenson an adviser. So Mr. Mortenson isn't saying let's pick up and leave Afghanistan and sing "Kumbaya." But he does want to change our mission there, as I do. He wants to see much more emphasis on diplomacy, economic development, better policing, a better legal system to protect women's rights and of course, more schools.

These are some of the cornerstones of SMART security, which I've been advocating because, Mr. Speaker, President Obama is sending 30,000 more troops to Afghanistan. It will cost \$1 million per year to support each of those soldiers. Greg Mortenson says that we could build 30 to 40 schools with \$1 million and educate up to 30,000 young people for the cost of one soldier. I think that's a far better way to win the hearts and minds of the Afghan people and defeat violent terrorism.

Mr. Mortenson is really on to something. I think we should all listen to what he has to say. There has to be a smarter way.

## THE AMERICANS WHO DRIVE TRUCKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, freedom and liberty have always been the American ideal. Core American values have not changed over the centuries. Take a look at the Declaration of Independence and the Bill of Rights, and America's values are written down for us. The Declaration acknowledges that our rights come from God, not from government. Life, liberty, and the pursuit of happiness are manifested in the Constitution, not granted by the Constitution.

The government doesn't give us our rights, and they can't take them away. Government has no rights. People have rights. Government has power. Government gets power when we give up our

rights to government. The American people have made it plain they don't want the government taking over health care. That's not compatible with liberty. America does believe in freedom, that includes freedom of religion and the freedom to exercise our religion. They believe in freedom of the press and the right to peaceably assemble and speak their minds to a government that is not allowed to stop them, especially if the government doesn't like what the people are saying. Americans believe in the God-given right to defend themselves, their families, their homes and their property. We have a right to be free from illegal search and seizure. And the American people believe in fair trials, fair courts, and fair play. These are all core American values. They are in the Constitution. Most Americans believe these rights don't change with time. And most of the Americans I represent in Texas believe all these values are fairly well set in stone.

Now, some of these Americans drive trucks, or pickups as we call them. Recently, there have been some derogatory, disrespectful statements made by those who arrogantly dismiss truck owners. However, there are a lot of vocal truck owners in America. The Ford F-150 pickup is the most popular vehicle sold in the United States for the last 28 years; 25 percent of all vehicles sold in America are pickups. And if you add SUVs to the mix, 40 percent of all truck sales, including pickups, are sold to women. Over 40 percent consider their truck more important than their home. As one truck owner told me, "You can sleep in your truck, but you can't drive your house."

Not surprisingly, Texas is America's biggest pickup market, and you don't see too many Volvo station wagons where I come from. These Americans who drive trucks, in my opinion, are fiercely independent, outspoken and will tell you they don't belong to a party but they vote for the person. These drivers are of every race and age, and 64 percent say their truck is a manifestation of their character, their personality, and their politics.

Truck owners are one voice in America that government would do well to listen to. Contrary to current Washington wisdom, the Americans I know and represent, like truck drivers and others, do not look forward to a day when government, in the name of progressive politics, makes all our decisions for us. This is not a country of weak, timid souls who think government is the answer to every problem and has a better solution than the individuals it rules over. This is not a people of sheep who are afraid to control their own lives and believe government knows best. This is a country of high-spirited individuals that want to be left alone.

Many people I represent believe government is a wolf seeking what liberties it can devour from the people. Americans don't believe our health should be turned over to the Federal Government and made a budget item. We don't want some government bureaucrat deciding we can't have the pacemaker surgery, just take pain killers. That will not work for America. After all, we're not some nanny state, European-style.

Truck owners and other Americans believe in transparent government, not smoky back-room deals that have an odor of corruption, payoffs, and paybacks. The Americans I know believe in hard work and a private economy that rewards hard work with jobs open to every citizen. They believe in enjoying the fruits of their own labor, and they know how better to spend their money than Big Government. Americans believe in giving people a helping hand when they need it, but don't believe in creating a dependent class of people.

Truck owners don't believe in an elite ruling class of D.C. insiders making decisions for the rest of us. Mr. Speaker, I think most Americans believe in the American Dream which is simply this: freedom. This Nation was founded on freedom, and we don't want the government micromanaging our lives. The Americans I know, especially those that drive trucks, want government to remember the beginning of the Constitution, which says, "We, the people." After all, it doesn't say, we the subjects. And as one bumper sticker on a pickup stated, "I love America. It's government I continue to worry about."

And that's just the way it is.

#### UNDERSTANDING THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee, which I chair, has just released a report entitled "Understanding the Economy, State by State." The report provides quick and easy access to the major economic indicators for all 50 States in the areas of jobs, unemployment, personal earnings, and housing. It paints a by-the-numbers picture of the current economic reality in each of our 50 States. Every picture tells a story that is at once both informative and sobering.

The report captures the enormity of the economic damage caused by the Great Recession that began in December of 2007, while making clear that the United States economy has improved and begun to grow since the Bush administration left office. And this shows that the last month the Bush administration was in office this country lost

over 750,000 jobs. Nationally, there has been a substantial decrease in the rate of job losses. The economy started losing jobs in January of 2008, increasing at a rapid rate throughout the year. The average quarterly job loss has now declined from a staggering 691,000 jobs lost per month in the first quarter of 2009 to 69,000 jobs in the most recent quarter, yet even that number is unacceptable.

And as you delve into the report, it provides a more localized and precise picture for each State. A chart like this is available for all 50 States. This chart, for example, is for my home State of New York. It shows at a glance the monthly change in private payrolls from January of 2008 to December of 2009. You can see that the unemployment rate in New York was 9 percent in December of 2009. That's up 4.4 percentage points from December of 2007. It has been a bumpy road, but you can see clearly that the trend is now in the right direction.

A scatter chart is also included in the report, and for New York State it reveals at a glance that the unemployment rate is below the national rate, and that total job losses have been smaller than U.S. averages. The economies of the States vary enormously. New York's economy depends heavily on information technology and financial services. Some States that are more dependent on construction and manufacturing have been hit much harder by job losses.

An economic overview and outlook accompanies each State chart. The one for New York provides an estimate from the President's Council of Economic Advisers that employment in New York was boosted by a total of 141,000 jobs through the fourth quarter of 2009 by the investments we made through the Recovery Act. It also shows that real per capita personal income in New York was 43,000 in the third quarter of 2009, down from 45,000 in the third quarter of 2007.

There is also useful information on housing for each State, and it too varies enormously. For instance, the median price for single family homes in New York was \$290,000 in 2008, compared to \$250,000 nationwide. And in New York in November, housing starts increased by 52 percent over October to a total of 18,000 units at a seasonally adjusted annual rate.

You can review the report online at [www.jec.senate.gov](http://www.jec.senate.gov). The majority staff will continue to update the data throughout the year in order to track the progress our economy will be making month by month. But from this first edition, it is abundantly clear why this Congress is so focused on job growth. Americans are demanding, and rightly so, that we must do all we can to grow the economy and help create new private sector jobs. The hard facts and real-life consequences of the eco-

nomie policies of the prior administration don't make for a very pretty picture right now.

Mr. Speaker, stay tuned. The American spirit of innovation is on the way and individual resilience are ready and raring to go.

□ 1945

#### DON'T LET DEBT DEFEAT A GREAT NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, soon the Congress will be asked to raise the debt limit of this Nation. This actually happened under the previous administration, and now it's happening under the new administration.

I have not voted, from the time I have been in Congress, to raise this debt ceiling because all this really does is permit our government to borrow more money from foreign governments. I think we all know that we are what is called a debtor nation. We don't pay our bills anymore. We have to go to the Japanese, the Chinese, the UAE, and to many other countries to buy our debt so we can spend more. That is the reason I wanted to come to the floor tonight.

Before we broke for Christmas, FRANK WOLF had sent out to each Member of the House a little pamphlet that says, "Don't Let Debt Defeat a Great Nation." He and JIM COOPER, in a bipartisan way—FRANK WOLF being a Republican; JIM COOPER a Democrat—have introduced H.R. 1557, the SAFE Commission Act, and I want to talk about that in the little bit of time I have.

And I am reading from his publication, Mr. WOLF's publication. "We have amassed massive unfunded 'promises' to guarantee future entitlement benefits that when added with liabilities like the debt, total nearly \$57 trillion. That means every man, woman and child in America owes \$184,000."

I have used this back in my district, and I like to say it this way, Mr. Speaker. When that beautiful baby is born, the first cry out of his or her mouth is a cry of, "Do I owe \$184,000?" Yes, baby, you do owe \$184,000. Every American does.

This could, according to the information from FRANK WOLF, skyrocket to \$21 trillion by the year 2020. How do FRANK WOLF and JIM COOPER, in a bipartisan effort, try to deal with this out-of-control spending? They have introduced, again, H.R. 1557, the SAFE Commission Act. And the actual title on it is the Securing America's Future Economy—SAFE Act.

How does this function? This would create a SAFE Commission. This would be made up of 16 bipartisan appointed

people to be on this SAFE Commission Act, and it would be their responsibility to go through how government spends its money, from the entitlements to the spending on education, transportation, health care, national defense, tax policy, and other items. This commission would come back to Congress, if this should become the law, and then Congress would be required to vote up or down on the panels's proposal.

Now, how this panel would come up with this proposal is they would go around this country and they would hold hearings and listen to the American people—something we have not been doing, either party, quite frankly. We are not listening to the American people. Yes, we are now, and after what happened in Massachusetts a couple weeks ago, the American people are being heard and they've been heard by many of us when we go back home and do our own town meetings. But this commission would have the authority, should this become the law, to say to the Congress, You can't duck these votes. You're going to have to vote up or down. I think this is critical.

I would love to hear the President tomorrow night—I hope somebody has made him aware of this bipartisan effort known as the SAFE Commission, and I hope he would say tomorrow night that he would endorse this legislation and encourage the Democratic leadership in the House and the Republican leadership in the House to get behind this bill.

At this present time, Mr. Speaker, we have 109 Members of Congress who have cosponsored this legislation. I hope my other colleagues will look seriously at what Mr. COOPER and Mr. WOLF have done to try to bring to the American people hope that we can meet our obligations based on the Constitution and deal with this out-of-control spending here in Washington, D.C. that both parties are responsible for.

With that, Mr. Speaker, before I leave, as I do every night on the floor, I ask God to please bless our men and women in uniform, to please bless their families, and I ask God to hold in his arms the families who've given a child dying for freedom in Afghanistan and Iraq.

And, Mr. Speaker, three times, I ask God to please, please God, please God, please God, continue to bless America.

#### CONGRESSIONAL JOBS NOW CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the single most important concern for Americans throughout our Nation is the vast and growing rate of joblessness. This is not difficult to understand. Bob Her-

bert asked in a recent New York Times column, "How loud do alarm bells have to ring?"

More than 15 million Americans—more than 1 in 10 people—are out of work. Another 15 million people are underemployed or have quit looking. That means that over 30 million Americans want to work but cannot find the job they want. More people join their ranks every single day. Worse, 4 in 10 unemployed workers have been jobless for 27 weeks or longer.

Yes, we have a jobs crisis in our country, and it's everybody's number one issue. That's why I joined with colleagues on both sides of the aisle to form the Congressional Jobs Now Caucus, to keep the focus where it needs to be. That's why I sponsored bills to create jobs in America to stem our rising trade deficits and to bring justice to Wall Street, which has shut down normal lending across this country, contributing to the jobs crisis.

Job creation is not a Republican issue or a Democratic issue. We are all in this together. Last month, Toledo, a city I represent, lost an additional 1,200 jobs. Added to the yearly tally, more than 38,600 individuals, or 11.8 percent of the city's population, are without work.

The unemployment rate in the adjoining rural Ottawa County, also in our district, is now over 17 percent. Again, these are official numbers which did not include those who have part-time jobs and need more hours or those who have simply given up because there are no jobs to be had.

Job creation is not just an urban issue. The damage has spread to the suburbs of our country, and no one is safe from the jobs hemorrhage. In fact, a recent study by the Brookings Institute, as examined by Mr. Herbert in his article, found that the largest and fastest-growing population of poor people in the United States are in the suburbs.

The number of poor people in our country grew by 5.2 million when President Bush was President between 2002 and 2008, and more than 90 million Americans—90 million; that's a third of our country—are living on less than \$21,834 for a family of four. The alarm bells are roaring.

At the same time, the basic goodness and generosity of the American people remains one of our greatest strengths. Through it all, the American people remain compassionate and caring. Last weekend, a local television station in our region organized a telethon for relief to Haiti. Even with double-digit unemployment and great economic uncertainty, the people of our community opened their hearts to the people they've never seen in a country most of them have never visited and donated tens of thousands of dollars to that end.

For our community and our country, the first alarm bells started ringing

with the empty promises and rapid failure of NAFTA as it outsourced jobs everywhere, certainly to Mexico. The next alarm bell rang every time another trade deal came down the pike that took more of our jobs that used to exist in this country and doled them out to every undemocratic place in the world.

You can't make televisions in our country anymore—not a single one is made here—or clothing, or cars, or electrical parts, or even toys. More and more, even our food is being imported. You mean we are falling behind in even that?

There was plenty of warning, but big business and big money insisted on the right to seek out the lowest common denominator in the most undemocratic places, and they found it in China, in Mexico, in Bangladesh, in Pakistan, in Guatemala and every poor, undemocratic place where penny-wage workers are treated like the expendable pieces of equipment that they work with.

In our country, now we need those jobs because people without jobs can't pay mortgages. They can't pay their health insurance. They can't buy cars. They can't plan for their children's future or even get enough food and clothing to meet their families' needs.

Unemployment also means our Federal deficits rise as people can't pay their way forward. Unemployment and COBRA benefits are running out. State funds are depleted. Our private charities are overwhelmed. The American people need work and they need good jobs. It's really that simple. We simply can't rest until we get our economy back on track and create jobs for everyone who wants to work. I hope it is to this subject—the economy and job creation—that President Obama will direct his address tomorrow night.

We know that under President Bush we were hemorrhaging 734,000 jobs when he left at the end of his term, and though we haven't been losing as many jobs, now is the time during this fiscal year where we need to do more for our people to put them back to work, to use that productive energy to help pull our country forward rather than allow her to continue to fall behind, and that begins with work for every single American who needs a job.

#### PRESIDENT OBAMA'S BUDGET FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I listened to my colleagues, and I think we are all of one accord when we say we want to see jobs created in this country and we want to see the unemployment rate go down. But the way you do that is the way Ronald Reagan did it when he was President. And he

came in when we had 12 percent unemployment and 14 percent inflation. He came in and he cut taxes across the board. What are we doing instead?

Well, since January when the President took office, we have spent \$73.3 billion that we didn't have on one program. We spent \$1.6 trillion, including interest, on the stimulus bill; the omnibus spending bill, \$410 billion. If you add interest, that's \$625 billion. In June, we spent \$106 billion, with a lot of pork in it, on the defense supplemental; and then on the consolidated appropriation bill, the mini-omnibus bill we passed in December, it was \$3.5 trillion.

And then you include the things that we passed in this House which have not been enacted into law like cap-and-trade. That's \$846 billion in new taxes. And the proposed government-run health care program, if it were to pass, it would cost between \$1 trillion and \$3 trillion.

Now, since the opposition party, under Speaker PELOSI, took control of this body, the Federal deficit has increased from \$162 billion the first year she was Speaker in 2007 to \$459 billion in 2008. And then it went up by a huge amount to \$1.42 trillion in 2009. This is just an unsustainable growth rate.

And over the last 3 years, we have increased the debt ceiling five times since she took office as Speaker. This is something that's unbelievable. It went from \$8.97 trillion in January of 2007 to \$12.39 trillion today, which is an increase of \$3.4 trillion, or 38 percent, in just 3 years. Now you're talking about spending \$3 trillion a year—more than half of that borrowed money—and we are talking about how we are going to get control of it.

Tomorrow night the President is going to be speaking from right there just below the Speaker's lectern, and the President is going to try to address our economic problems. And as I understand it from some of the reports that have come out, he is going to talk about freezing spending, or a partial freeze, over the next 3 years that would reduce the budget by less than 1 percent, or \$15 billion, in the first year.

Now, don't get me wrong. I am for freezing spending. But when you look at what has happened in the last year or two, especially during the last year, it's unbelievable. We had an 8 percent boost in spending in the omnibus bill the President signed into law in March and a 12 percent boost that he signed in right at the end of last year in December. We're spending money like it's going out of style.

Now, what is the answer? The answer is that we get together and realize the way to create jobs is to stimulate the private sector, and that is by cutting taxes, cutting personal income taxes, cutting corporate taxes, cutting capital gains taxes. That will give business, industry, and individuals more

disposable income for investment and to buy products. If the government continues to spend like we're doing right now, we're digging ourselves into a deeper and deeper hole, and it is not going to solve the unemployment problem.

I heard some of my colleagues down there talking about how things are getting better. We just had 10½ percent unemployment. Now it's at least 10 percent unemployment. And when you add in those who are working part-time who want a full-time job, it's probably more like 17 or 18 percent of the people that are either out of work or have given up.

□ 2000

It's just terrible. So what do we do? We ought to do what has been done by John F. Kennedy in the past and what Ronald Reagan did when he was President. And that is to say, let's cut taxes. Let's give a shot in the arm to the private sector. They create jobs. Government cannot and will not create jobs by spending, spending, spending.

Tomorrow night when the President speaks, he will get a lot of applause from probably both sides of the aisle when he says some of the things he is going to say. But the thing that concerns me the most is the "spending freeze" he is talking about. It's not really anything but a drop in the bucket. It's not even a drop in the bucket when you talk about a 1 percent spending freeze over the next 3 years, when you're talking about a multitrillion-dollar deficit that goes on and on and on, and you're talking about a spending freeze that is going to save maybe \$4 billion or \$5 billion. It's just nothing.

So I would admonish the President, or suggest to the President, that he start moving toward cutting taxes, stimulate the private sector and cut the huge deficit spending we are facing.

#### A PACT WITH THE DEVIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Mr. Speaker, now that help to Haiti is on the way and that we are doing the best we can to save lives and to reconstruct lives in that torn country, I think this is a good time to look back and to give some thought to people's reaction to what happened in Haiti, to do sort of a post-mortem of the post-mortem. And particularly I want to revisit one comment that was made after that time, the comment by Pat Robertson. He claimed that the earthquake in Haiti was the result of a pact with the devil that the people of Haiti had made to achieve an end to slavery and independence at the beginning of the 1800s.

I thought that was an interesting comment to make. It turns out that

there were two devastating earthquakes in Haiti before their independence, before their so-called pact with the devil, before their end to slavery. And in the 200 years plus since their so-called pact with the devil, Haiti has actually been pretty much earthquake-free.

Now you compare that to the neighboring country, the Dominican Republic. In 1946, the Dominican Republic had a devastating earthquake, actually, it's hard to believe, ten times more powerful than the earthquake that Haiti experienced 2 weeks ago. The Dominican Republic had no pact with the devil, and therefore, if I can use the word "therefore" in this context, was laid low. So under Pat Robertson's logic, one would have to conclude that, in fact, Haiti has benefited tremendously by what he would depict as a pact with the devil.

And I wonder, in contrast, how well Pat Robertson's followers have made out with their own pact with the devil. And what I mean is this: Pat Robertson ran for President in 1988. He did something in that year that nobody has done before or since. He brought 3 million volunteers to his campaign. He got millions of people involved in the Republican Party all across the country. In the end, he came in third. But he activated the Christian right. And all those people joined the Republican Party with something in mind, a couple of things in mind. One thing they wanted was an end to gay marriage. And for years, when the Republican Party was in charge of this country, the House, the Senate, the Supreme Court, the Presidency, the Republican Party did nothing to accomplish that for Pat Robertson's followers.

Similarly, these people wanted an end to abortion in America. And I'm not going to say whether that was right or wrong, whether they are right or wrong, but I will point out to you that when the Republicans were in charge, the Senate, the House, the White House and the Supreme Court, once again, they did nothing to help Pat Robertson's followers accomplish what they wanted.

So tonight I ask those people, the Christian right: What about your own pact with the devil? How has that worked out for you?

#### NEW ORLEANS SAINTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Orleans (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Mr. Speaker, the New Orleans Saints are going to the Super Bowl for the first time in franchise history. As their representative to Congress, I want to congratulate them in an official manner by acknowledging words of encouragement from constituents on the House floor.

Sunday's thrilling and historic win was an inspiration to the residents of Orleans and Jefferson Parishes, who continue to struggle to rebuild their lives 4 years after Hurricane Katrina. I'm proud to be their Congressman, and I look forward to an exciting Super Bowl in which they will defeat the Indianapolis Colts.

Tonight, I will read several statements from my district in their honor. The first statement is from Kay Higginbotham, a teacher at the Academy of the Sacred Heart in New Orleans. Kay writes, Do the Saints have an impact on education? As a school administrator, I believe the impact is immeasurable and far exceeds economics. The value lessons are much greater than an awareness of team colors. Students certainly enjoy spirit days or completing math problems with a Saints bent, but they also spend time discussing the job of a professional athlete, what it means to stay focused, eat healthy food, get plenty of exercise and sleep, follow rules, work as a team, and be a good sport, win or lose.

Teachers help students understand the importance of following parent and teacher directives, and when talking about the Saints, they link it to the attention each player must pay to the coaches' play-calling. They discuss the pride one feels in the hard work of a job well done, the discipline it takes to make a wise choice, both on and off the field, and the consequences that ensue if one doesn't.

Is the job of a student so different from the job of a New Orleans Saint? When interviewed, Saints players speak about having faith in their team and giving back to the community. They talk about developing self-confidence and leadership and overcoming adversity, values important in a game, but even more important in life. And parents report something incredible: dinner conversations that include the whole family. Brothers are amazed at how much their sisters understand about first-downs and touchdowns. And sisters actually want to hear what their brothers know about Drew Brees and Reggie Bush.

Do the Saints have an impact on education? Yes, indeed. They give us lessons worth teaching and learning.

The second statement is from Cindy Hilbrink of New Orleans. Cindy writes, While city accountants calculate the financial impact of the Saints football team to New Orleans, citizens know, as one writer to the local paper said, that despite failures of Federal, State, and local governments after Katrina, and suggestions that we don't merit help, we are, nevertheless, deserving—deserving of a winning team, of good schools, the best health care, safe roads, bridges and reliable levees.

When the population was only trickling back into New Orleans that summer of 2006 after Hurricane Katrina,

when politicians and pundits urged that the city be abandoned, the sign on the dominant building in New Orleans, the Superdome, with its patched roof and iconic status as the symbol of suffering, said, 'Our team, our home.'

Bumper stickers in the Saints' black font read, 'Faith.' Drew Brees, the new quarterback who took a chance on the team and the city, printed T-shirts to benefit children that implored, 'Believe, New Orleans!' A popular Saints song contends 'This is the way we live,' meaning we are enabled to survive by clinging to our faith in this team. Our devotion to the New Orleans Saints, win or lose, keeps our battered spirits alive.

Finally, I want to close tonight with a prayer for the Saints delivered by Archbishop Philip Hannan at the first Saints and Sinners banquet in 1968.

Our heavenly Father, who has instructed us that the Saints by faith conquered kingdoms and overcame lions, grant our Saints an increase of faith and strength so that they will not only overcome the Lions, but also the Bears, the Rams, the Giants and even those awesome people in Green Bay. May they continue to tame the Redskins and fetter the Falcons as well as the Eagles. Give to our owners and coaches the continued ability to be as wise as serpents and simple as doves, so that no good talent will dodge our draft. Grant to our fans perseverance in their devotion and unlimited lung power, tempered with a sense of charity to all, including the referees.

May our beloved Bedlam Bowl be a source of good fellowship, and may "The Saints Come Marching In" be a victory march for all, now and in eternity.

#### THE AGONY OF THE CENTRAL VALLEY

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, for many months, the Republicans on the Water and Power Subcommittee of the Natural Resources Committee have implored the majority Democrats to hold a hearing in the Central Valley of California to see and hear for themselves the damage that the Federal Government has caused by diverting 200 billion gallons of water from Central Valley farms in order to indulge the environmental left's pet cause, the delta smelt.

After our pleas were met with continued stonewalling, we decided to hold a forum under our own auspices and to invite all members of the California congressional delegation, all members of the Natural Resources Committee and representatives of the Obama administration to come to Fresno to see

firsthand what these policies have wrought.

Instead, after we had announced the forum, the Water and Power Subcommittee chairwoman decided to meet on the same day in southern California to extol the virtues of water conservation. Congress has thus made clear its intention to sacrifice the people of the San Joaquin Valley upon the altar of environmental extremism.

Despite heavy rains over the past month, the administration continues to blame a relatively mild drought for the fact that Valley farmers will receive only 5 percent of the water that they are entitled to. This does not explain how, in far more severe droughts than this, Valley farmers have received far greater allocations. Nor does it explain how these massive water diversions can be justified to support the delta smelt if indeed supplies were constrained.

Had the Democrats in the subcommittee come to Fresno, they would have heard and seen the anguish of the people of the Central Valley of California. These water diversions have destroyed a half-million acres of the most productive farmland in America, and they have thrown 30,000 Central Valley farm families into unemployment.

They would have heard the stories of food lines in communities that once prided themselves on being the breadbasket of the Western United States. They would have heard about the frustration of seeing produce imported from China being handed out in these food lines to the very same American farmers who once supplied the very same produce to the entire world.

And they would have seen the anger as the absent Interior Secretary's testimony to the Natural Resources Committee last year was played back, in which Mr. SALAZAR admitted that the Obama administration has the authority to turn the pumps back on, but that it chooses not to do so because that would be "like admitting failure."

There is some good news. This afternoon, the day after our forum in Fresno, the Interior Secretary relented to the extent of releasing 350,000 to 400,000 acre-feet of already allocated water to the Central Valley. Having demonstrated his authority to release the water that Central Valley farmers already own, he now needs to follow through and release the water that is being held hostage to the delta smelt.

Meanwhile, Mr. NUNES of California has introduced H.R. 3105, the Turn on the Pumps Act, which does exactly the same thing that Congress did under far less severe circumstances several years ago for the farmers of New Mexico. Mr. NUNES has filed a discharge petition to bypass that subcommittee and bring the bill directly to the House for a vote. It needs 218 signatures. So far, it has 105, 104 Republicans and one Democrat.



Madam Speaker, I assure you that it is not only the Central Valley that is suffering. The willful destruction of 500,000 acres of American farmland by these massive water diversions, all for the enjoyment and amusement of the 3-inch long delta smelt, is reflected in the rising prices for produce that families are feeling far beyond the congressionally created dust bowl of California's Central Valley.

Nor is the delta smelt doing any better. Despite these massive water diversions, the delta smelt population fell back to the historic low in 2005 and is now well below the high points recorded in the late 1970s. Given these findings, how can anybody argue that the delta pumping restrictions are benefiting the delta smelt?

Madam Speaker, I promised to carry the plea from the many Americans who poured out their hearts to us in Fresno on Monday for Congress to come to the Central Valley and see what their policies have caused. I place their invitation before you.

#### REBUILDING THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. PERRIELLO) is recognized for 60 minutes as the designee of the majority leader.

Mr. PERRIELLO. Madam Speaker, I rise today as one of many freshmen who will be speaking during this hour because a little over a year ago, we came in on a wave of change. Many of us came into politics for the first time, certainly to the Federal Government for the first time, because we believed this country needed a new kind of politics, not just a politics of right or left, but a politics of right and wrong. For too long, both parties had failed to rise to the challenges of our time. Energy independence, redefining our competitive advantage—there were so many challenges to take on. And a year later, we are not satisfied.

Tomorrow night, the President of the United States will come and join us here in this body to speak and give us a report on the state of the Nation. Well, the Nation is in pain. Working and middle class families are in pain, and we haven't done nearly enough to show people the results of standing up for the working and middle class.

□ 2015

There are many things that the change was about, but certainly at the heart of it was a desire for a new era of accountability, accountability for the private sector, accountability for government, and even accountability for consumers and bad decisions that had been made.

But most importantly to this was a need to shift our economic policies from speculation on Wall Street to job

creation on Main Street. Changing the name plate on the door from Hank Paulson to Tim Geithner does not represent a change of economic policy. We need to understand what it will take to have actual economic accountability and job growth in this country.

We believe in this House, the people's House, we have taken dramatic steps to put working class and middle class people ahead of the most powerful among us. But the pain continues. In my district over the last 5 years we have seen people's utility rates go up 93 percent by Appalachian Power and others. We get calls every day, 20 percent increases in their health insurance premiums, bank fees, credit card fees, Comcast fees, all going through the roof while the working and middle class pay the price.

We have taken steps here to stand up and say someone is going to stand up for Main Street, demand that accountability and that economic relief that we thought was part of the change. We hope tomorrow night to hear more about your willingness to lead in these areas.

But we also must switch this focus to Main Street because we are in a jobs crisis. We need a wartime-like mentality of how serious this job crisis is. And we took dramatic efforts a year ago that have helped to stop the bleeding, to help turn from some of the most dramatic job losses in American history, certainly modern American history under the last administration, to stopping that bleeding so that we could begin the recovery. But we know much more needs to be done. We are not satisfied.

I hear time and time again the banks are still not lending. If we need to do direct lending, if we need to do more to get the lending going to small and medium-sized businesses, we have to understand that in America's economy today two-thirds of job creation comes from small- and medium-sized business. They may not have the political power and control over both parties in this town, but small- and medium-sized businesses create that job growth. We need to get job creation on Main Street through direct lending. We also need to see the kind of investment in our infrastructure not only because it puts people to work today, but because it rebuilds America's competitive advantage.

The hardworking, proud people of my district would rather collect a paycheck for building something than an unemployment check for sitting home. People want to work. They don't want those holes in their resume. And we know we are being outcompeted. So this is a jobs crisis. But it also goes to the heart of restoring the capitalistic innovation in this country.

We saw a policy under the last administration of rewarding failure with bailouts. Many of us wanted a change

in that policy. We are not satisfied with what we have seen. We cannot have the strength of our private sector when we continue to reward failure instead of innovation. The people's House has taken bold moves to ensure the kind of accountability that will restore the very heart of our capitalism.

We know that the other side put in place many of the policies that created this problem, but it is not enough to point the finger. Let us be judged not by what the other side did to get us here, but by what we did to get us out of this economic mess. Many of us came here, we are working a double shift every day and will not rest until we see the kind of job creation and rewards for innovation that the American people deserve. That is why many of us came here. And we are not satisfied. We want to continue being that change, demanding that kind of shift from speculation on Wall Street to job creation on Main Street.

With that, I yield to the gentleman from Ohio.

Mr. DRIEHAUS. I would thank, Madam Chair, the gentleman from Virginia for leading this hour on our recovery. We talk so much about the job loss that has been created by this Great Recession. But far too often we don't discuss the causes of that job loss, and we don't discuss the direction we are heading in. And so I think it is important to remind the viewers and remind all Americans just where we are.

I was at a luncheon today in Cincinnati, Ohio, with Johnson Investment Counsel. They refer to this as the Great Recession. And they refer to it as the Great Recession because it is the most significant recession that has taken place since the 1930s in the United States.

This recession has lasted for 18 months, longer than any other recession since the Great Depression. This recession has caused a loss of 3.8 percent of the gross domestic product here in the United States, a greater loss than any recession since the Great Depression. This recession has caused the loss of 7.2 million jobs. 7.2 million jobs. The greatest job loss since the Great Depression.

But I think it is important to understand when this recession started. This recession started in 2007, under the policies of the Bush administration. And I know the other side doesn't like us to go back. They want to believe that the world began, that this recession began, in January of 2009. But the facts just don't bear that out.

So I brought this chart. And I brought this chart to explain the job loss that has occurred during this recession. And you can see that in the last 3 months of the Bush administration, this economy lost nearly 2 million jobs. In the last 3 months of the Bush administration alone. As a matter of fact, it is after President Obama

took the oath of office that we started turning things around. We are still losing jobs. And I think we all hope that next quarter we will turn this around and see positive growth. We saw growth last quarter. But we are heading in the right direction. And that is the important thing.

Also at the luncheon today, I was struck by the analysis given. And I will just mention the first few points. First of all, the Great Recession is over. The recovery has begun. And I think this is important. Near-term growth has been bolstered by the stimulus and inventory building. There is no question in the minds of economists around the country that the stimulus is working.

I would point you, Mr. PERRIELLO, to just one comment made in the Cincinnati Enquirer this week. It was by the Realtors of Cincinnati. And the Realtors of Cincinnati were praising the stimulus. The headline reads this: "Realtors, Builders Laud Tax Credit." They are praising the tax credit that we passed as a part of the stimulus. Because oftentimes when we talk about the stimulus, this \$800 billion package, we forget that \$300 billion of it was tax credits. It was tax credits and tax breaks for moderate-income families. And an important credit was to stimulate first-time homebuyers and to help people get back in the housing market. We have achieved that. Realtors understand that, people around the country understand it, because homes are starting to sell. And it is thanks to the efforts of this Democratic Caucus.

Mr. PERRIELLO. Let me yield to the gentleman from California.

Mr. GARAMENDI. Thank you.

Madam Speaker, it is a great honor to be here with the other freshmen. We are new to this system, but we are not new to the problems in our districts or in our Nation. We often go home on weekends to spend time in our districts. And what I have found in the district that I represent and the East Bay of California is a lot of pain, a lot of people that are suffering, but are filled with hope with the possibility that things are indeed turning around.

I met a carpenter 2 weekends ago. He is a member of the carpenters union, and he had been out of work for about 8 months. The housing industry had literally shut down, and he had been thrown aside. And he said to me, "Why can't those bankers make loans to my company? Why can't they do that? They have been given hundreds of billions of dollars, and yet they cannot make a loan." One of the things that we have been working on here is to force those bankers to make loans, to use our tax money not for the great bonuses that they are giving themselves this month, but rather to use that tax money to put people to work with loans to this home construction company that this carpenter was once employed by.

Another person that I met in the City of Antioch about 8 months ago was protesting the fact that the loan modification program that had been put through was stalled once again by the bankers. We all know the statistics. A lot of talk, but very few loan modifications. This person had worked as a painter painting houses, had two jobs to support their family, and yet was unable to continue their mortgage when the Great Recession began.

A third person just this last weekend was a heavy equipment operator at a groundbreaking ceremony for the Caldecott Tunnel in Contra Costa County. The heavy equipment operator said, "Thank God the stimulus is working for me." In that project alone, over a \$300 million project, the State of California was unable to pay its share because of the downturn in the California economy. So it was the action of my colleagues here, the freshman class plus the other Democrats in this House that voted to pass the stimulus bill, and \$197 million of direct stimulus money went into that project, and 6,000 men and women will be employed, and a major commuting backlog will cease.

It is working. The statistics we saw just a moment ago clearly show that with the new administration coming into place, with the stimulus money that was put in place last January, the first vote, supported unanimously by our caucus and opposed unanimously by the other side, that is working. The statistics are clear. We are seeing job declines slowing down, and we will soon see it turn around.

Tomorrow the President will be here speaking to all of us about what we need to do in the months ahead. We need that Jobs for Main Street bill that passed here in December. Get it out there, get it passed, get people to work. We also need to make sure that Wall Street is properly disciplined. If they are going to get those big fat bonuses using our tax money, then we ought to tax those bonuses and put that money back to work with small businesses.

We can do these things. And much has been done. We have seen the turnaround. We have seen the statistics showing that we are on the right track. We will continue that. And for all of us, we have a choice. We can do nothing, and people will be on welfare, people will get the unemployment checks, people will lose their insurance, and we will try to keep them going with COBRA support. Or we can do the jobs program, the stimulus programs, the Jobs for Main Street program. And in doing that, we will put people to work. They will not be tax takers, they will become taxpayers.

I yield my time.

Mr. PERRIELLO. Thank you very much.

I think it is important to remember we have got to rebuild jobs in this

country that are between \$6 an hour and six figures. There still has to be a middle class, a working class in this country. We have to respect those jobs, remember that we have lost jobs in construction, we have lost jobs in places where people want to go back to work.

The jobs bill we passed here was a good start. We need to be bold in our willingness to both put people to work and recreate our competitive advantage. Even before the Great Recession, even before some of the horrible fiscal decisions of the last administration we had been getting outcompeted around the world. We have got to make the investments in our infrastructure, in our small- and medium-sized businesses, and education and workforce development so that we can outcompete any country.

We are more innovative than any country on earth. We will continue to do that. But we cannot do it when we have a corporate capture of this body that means we reward failure instead of rewarding innovation. That must be the key.

With that, I yield to the gentleman from Vermont.

Mr. WELCH. I thank my colleagues, and appreciate the opportunity to participate with you in the freshman hour.

I want to speak about two things. One is how do we get lending going for small businesses. And two, what is a practical thing we can do to create 600,000 to 850,000 jobs. You have recited very well how we got here, why we needed the stimulus. But on lending, let's address that. What happened? Wall Street went on strike. After they made record profits and record bonuses by making record bets with taxpayer money, they put a gun to the head of the American economy and lost billions and billions of dollars. And it was so threatening to the American economy.

Henry Paulson, then the Treasury Secretary under a conservative President, George Bush, came to Congress hat in hand, acknowledged that he was embarrassed, and asked for a \$750 billion bailout.

□ 2030

Now, I was on that conference call with Mr. Paulson, and many of us were shocked that this former Goldman Sachs head was acknowledging failure but saying, "If you don't help us out on the bets we made, we will have an implosion that will have collateral consequences that are absolutely catastrophic for Main Street."

Congress gave him the money, but it was after an assurance on his part that Wall Street had learned its ways and they wouldn't do the same thing. It is 15 months later, and what has happened? Wall Street is back to its old ways. In this past year, Wall Street has made so much money that they have

set aside a bonus pool of \$140 billion to \$160 billion.

Now, how did they make that money? They had the TARP money, the taxpayer bailout money, number one. Number two, they had zero interest rate money from the Federal open window, and they did what they did before to get us there: they went and started trading in currencies, derivatives, and commodities.

Now, with those profits they had three options. One, they could have lent that money out to our small businesses. And they need it. By the way, I have a lot of folks in Vermont, I am sure this is true in California, saying, If they are making so much money, how come they won't give me a loan?

Number two, they could have added it to their bottom line to have a stronger balance sheet in the event of a downturn later. Or, three, they could have put it in their pocket. And that is what they did. Fifteen months after they stuck a gun to the head of the American economy, they went back to their old ways and made a ton of money. They are very good at what they do. But what they do is not good for America, it is not good for building an economy and sustainable jobs, and they are going to rake that in.

So we have legislation, many of us are on it, that would say to Wall Street: look, if you are not going to lend that money out, we are going to tax those bonuses. Anything above \$50,000, we are going to tax at 50 percent, and we are going to put it into lending for small businesses.

Second, we can create 600,000 to 850,000 jobs by engaging in energy home retrofit programs. In every single community, we have got carpenters, plumbers, masons, electricians out of work because we have got a stagnant home industry. But we have got homeowners who need to save money and need a little help doing it.

If we put \$20 billion into that, we can create 600,000 to 850,000 jobs, all local. We can use materials that have to be made in the United States. Ninety percent of all the retrofit materials are manufactured right here. We can save \$3.3 billion for homeowners by lowering their energy bills. And we can take 3 million cars, the equivalent of 3 million cars, off the road. These are the things we can do, get lending going, and get jobs created. Thank you.

Mr. PERRIELLO. One thing I just want to add on that before I move to the gentleman from Colorado is to say anyone who has run a business or a household knows the difference between an expenditure and an investment. Going out to the movies is different than investing in a solar panel or retrofitting your home.

Now is the time where we need to be investing. We can do that through some of the retrofitting of both our commercial and residential stock. We

can do that by investing in our workforce development and by getting that lending, again, to small and medium-size business.

There has been a thought among some of the elites in this country that we can continue to prosper without building anything, without growing anything. At some point, we have to be creating value in the system. Our financial sector is extremely important, and it will be strong if there are good rules in place that allow for predictability.

But we also must remember the industrial and agricultural sectors. These are not things of a bygone past, though sometimes in this city and on Wall Street that is forgotten. These remain major drivers of economic growth, major drivers of employment; and we must have an economic development strategy in addition to a financial sector strategy.

Some of the things that continue to change and set us back, I believe the gentleman from Colorado wants to address, are not just in this building but perhaps across the street. With that, I yield.

Mr. POLIS. I thank the gentleman from Virginia.

Following on the gentleman from Vermont, as well as the gentleman from Ohio, taking us back to where we were before I was in this body, my colleague from Vermont was here, when President Bush, Secretary Paulson said we need a blank check for a whole lot of money, \$700 billion.

Well, what are you going to do with it? Well, we are going to buy toxic assets. We are going to take some of the bad debt off the books of banks and we are going to then relieve them of that, and that will improve their balance sheets, and they will be able to loan again. Well, okay.

At that point the Congress said, well, not one dollar of that TARP money has gone to buying bad debt. Instead, the Bush administration started nationalizing companies left and right. They bought up banks. They are now owned by the government. They bought up automobile companies now owned by the government. They bought insurance companies. They went on a shopping spree and nationalized the means of production in this country.

Now we are at a place where you have Big Government in league with Big Business, the worst of both worlds for the people of this country. This is made worse by a recent Supreme Court decision that opened the channels for unregulated use of corporate funds to influence political elections. That is right. Congress, in its wisdom, had previously established regulations around this that they advertised, they could say call so and so to lobby them but not vote for, vote against, not within 30 days of an election. The Supreme Court threw that all out.

What you now have is a very, very dangerous situation where, let's say that the Bush administration nationalized a big bank, and let's say there was a Member of Congress didn't think they should. Well, now you have that bank can spend an enormous amount of money trying to stop the reelection of people they don't like and trying to elect people they like. You have Big Government and Big Business working together in the Bush socialist economy to the detriment of the American people.

We will be looking at solutions of campaign finance reform in Congress. A lot of it needs to start with that, for Congress to take action and be willing to take on this nexus where Big Business and Big Government operated in unholy alliance. We need to make sure that the system is influenced by the people of the country, rather than the corporations with their dollars, using them to confuse and trick people with their massive and misleading public relations attacks. I am hopeful.

I am a sponsor of the fair elections bill, a campaign finance reform bill; many of my colleagues are as well. We also need to look at disclosure requirements, shareholder approval requirements. We need to make it more difficult, not easier, for corporations to influence the United States Congress.

I yield back to the gentleman from Virginia.

Mr. PERRIELLO. I thank you for those comments. We can't say enough about how disastrous this decision is, not just for the political system in terms of corruption of the political system, but really a threat to the private sector itself, when the biggest corporations are able to capture government, as we have seen in the years past.

What they do is they try to lock in the status quo that is the very antithesis of capitalism, which is about innovation and competition. When you are able to buy the referees on the field, you no longer have a decent game. We will outcompete and win on that fair battlefield, on that fair sports field, but you cannot do it when they are buying the referees. And anyone who thinks that money has no influence in politics may need to have a little wake-up call.

This is a disastrous decision that goes against decades of precedent. Many out there who decry judicial activism, this is not only overthrowing decades of precedent but a decision just 6 years earlier that had come down the opposite way which looks dangerous in terms of what it means for our Supreme Court. But, again, I think you do a good job of pointing out exactly what it means for the private sector.

I will go to the gentleman from New York and then the gentleman from California.

Mr. TONKO. Thank you, Representative PERRIELLO, for bringing us together this evening for conversation

and dialogue on what is an important part of the work we are doing right now. There can be no more important issue than jobs, job creation, job retention, and dealing with the Nation's economy.

I am glad that we are talking about a bit of a reality check this evening, too, to review history, what brought us here.

There is no mistaking that this administration and we in Congress this year have inherited, as freshmen, a very difficult task because some irresponsible behavior guided the decision-making; and where we found that we grew a deficit to record proportions, historically largest deficit, handed to this administration. That was just a year ago.

So when we look at some of the stats that the stimulus package was responsible for, minimally, 2 million jobs, looking at a number of projections and assessments that have been done out there, I think it is reassuring to know that we have been able to speak to that gross number of at least, minimally, 2 million jobs that came about through sound stewardship and through investment at a time when our recession was bleeding this economy. And all telltale indicators suggest that that bleeding has stopped. But we have only placed a downpayment upon the economy with the stimulus package.

In the pipeline are tremendous investments to come, areas that deal with communications, with broadband, opportunities for our neighborhoods, for our communities dealing with transportation projects that are coming, with the smart grid, investment in smart meters, and all of the delivery system that brings the energy supplies to our doorstep, be it a workplace or a home place.

So these are sound investments, so much so that the news we received just recently last month about the third quarter showed 2.2 percent growth. That came about because of a change in thinking, a change of behavior. As witnessed over the last several months and years, we were dealing with what was a draining situation. In fact, I have to look at the fact that we provided within the stimulus package a middle class tax cut, largest in its nature, in its history. And what benefited our communities was that 95 percent of working families in this country realized the benefit that amounted to some \$37 billion in tax relief that came through their paychecks during the calendar year of 2009. That was important work. That was a way to help stretch the budgets for our American households.

Contrast that with the fact that tax cuts under the Bush administration were provided by borrowing from China. Now, isn't it interesting that China was made strong with our kind of irresponsible behavior. We look now

at the fact that China's clean energy budget surpasses her defense budget. And we, in this Nation, have an opportunity to enter into that clean energy global race in a sound and practical manner, to prepare ourselves and to invest in the American economy and in the American race in that global measure that will find us a leader, an innovator, one that will become the ultimate go-to nation for energy intellect. And that is the juncture we find ourselves in today.

Representative PERRIELLO, I would suggest that this clean energy economy that we try to create, and Representative WELCH touched upon it just a moment ago, there is an awful lot of opportunity for us to invest.

The banking community has shied away from energy efficiency, from some of the retrofits we can do for businesses and residents. We know that in this economy it is much easier for them to grant a 20-year plan for a coal plant or a 30-year plan for a nuclear plant, but we can't get the investment in energy efficiency seen as our fuel of choice.

It has been stated that we are writing annually about a \$900 billion check to our competitors simply because of our energy, our gluttonous energy behavior and the price tag on our energy bills. If we could move forward and provide for ESCOs, energy service companies, to go out into this company and retrofit our residential parcels and allow for us to reduce that demand that is worldwide gluttonous in nature, if we could invest in the infrastructure, the human infrastructure, the workforce, it is said that for every billion dollars of investment in retrofitting our residential parcels, some 8,000 jobs are created. That is how we bring back this economy. And it has been happening.

We have been doing installments. We have been great stewards of that stimulus package. We have made certain they go to vital projects. I can see it happening. I can see the pipeline activities coming in the next few months with high-speed rail, with communications opportunities. I think we are on the right course. We need to invest heavily now in a green energy, clean energy economy. That is our way in one sector of activity that can really produce a multitude of wins, with reducing energy demand, enhancing job creation, and reducing the carbon footprint of this Nation and the globe.

Mr. PERRIELLO. What the gentleman talks about here is so important. We have to have the courage at this moment not just to think about how we survive the next quarter, but how do we thrive in the next quarter of a century. How do we compete again. And spending \$1 billion every day on oil that goes overseas to some of the countries that hate us the most is one of the dumbest strategies imaginable, \$1 billion every day out of this country.

Let me brag on Southside, Virginia for a moment before I go on, because we are at the cutting edge of the new energy economy. Just last week, we worked with one of the biggest dairy farmers in the State, and we are going to turn cow manure into power. So instead of having all the effluence go off into the Chesapeake Bay and annoy neighbors with the smell and be a costly thing that makes milk more expensive, we are going to invest in an anaerobic digester that is going to turn that into power, not only fuel the entire farm, but also much of the town around it.

□ 2045

I say to farmers who say, How are my kids going to make it with the utility bills that these monopoly utilities are jacking up on us—a 93 percent increase in my area in the last 5 years—I'd say, I don't want you to have a power bill at all. In 5 years, I hope you're selling power in the same way that you're selling milk today.

We have a truck stop owner in my district who's figured out a way. After 9/11, he said, You know, I'm nothing but a front man for al Qaeda. I'm selling their product. Instead, I want to sell an American product. He's worked with farmers in our area to use canola oil to sell a premium diesel fuel—a premium fuel, not a low-grade fuel—and instead of 3 cents on every dollar staying in the county, which is what happens in a normal truck stop, 93 cents on every dollar is staying in our community supporting farmers, supporting the refining.

One of the poorest communities in Virginia, highest unemployment, we're working in their landfill to capture the methane, turn it into power so we can reduce power bills for low-income residents and make it more attractive to business. This is what other countries are daring to do, and we've always been better at it. We've got to dare to be better at it if we're going to be ahead.

With that, I yield to the gentleman from California.

Mr. GARAMENDI. Well, the gentleman from Virginia couldn't be more correct. I'm a cattle rancher, so you're getting very close to home with the discussion about methane and cow power. It's a reality. It actually is happening in large parts of California. Keep in mind that methane is a greenhouse gas that's over 20 times more powerful than carbon dioxide, so you're getting a twofer here. You're getting an energy source. And methane actually is very similar in chemistry to natural gas, so it is a very, very important thing. It has all of the win-win that you just talked about and it takes care of a small environmental problem when you do this methane production.

So this is another example of the way in which this Congress last year in the American Recovery Act instituted public policies that are a win-win for

America. These are long-term investments. More than a hundred, almost \$200 million of that stimulus money goes into energy research. We're talking about jobs, researchers in laboratories and the university campuses that are figuring out how to do these things in an efficient and an effective way. In California, we have major research underway in laboratories at the universities that are figuring out how can you use algae to produce fuel. And it's actually happening. Some of that fuel is now being used in jet airplanes, and the Department of Defense is testing the use of that fuel, biofuels of all kinds.

The other thing that's happening here is the notion that energy is a fundamental national security issue. My colleagues, you've already talked about the enormous expense that the energy consumption is bringing to us and the risk that it puts us in when we get the energy from the most dangerous places in the world. Every step we take to conserve and every step we take to use alternate and renewable energy is a step that enhances our national security.

I want us all to keep in mind who was it that voted in the stimulus bill of last year, the American Recovery Act, for these critical investments. It was our side, the Democratic side, that voted for it. And who voted against it, voted no? It was our colleagues on the other side of the aisle. There is a very clear dichotomy here on philosophy on how to deal with this. Yes, there is a deficit. More than half of that deficit actually occurred during the George W. Bush era in which this Congress was controlled by the other party. I'm being a bit partisan here, but these are the facts.

Now, what was left to us to clean up when President Obama came in? The greatest recession since the Great Depression. The statistics are clear. Look at the job losses, the way they accelerated during the Bush era. And look what happened when Obama and the stimulus package came into place. We saw a reversal of that. We're now building the American economy once again.

One final point, and this was brought up by our colleagues here, and that is the investment in education. This is a long-term investment. Before I took this job, I was a regent at the University of California, and I watched the enormous decline in support to that university. Forty thousand students are not at the State University and the University of California this year. Those are the people that will lead us in the future. They're not there. They will not be available to us. The stimulus package also put a lot of money into the education system and kept the schools open, kept the teachers working.

Thank you so very, very much. I yield my time.

Mr. PERRIELLO. Thank you.

And before I go to the gentleman from Ohio, I think it is important to note how serious fiscal responsibility is and how serious it is for those of us, frankly, who are some of the younger Members of this body who understand that this threat of fiscal irresponsibility is not coming due for our children or our grandchildren. It's not that far off. It's going to be within our lifetime that we see this. And in order to fix a problem, sometimes you have to understand the root cause of that problem.

With that, I yield to the gentleman from Ohio.

Mr. DRIEHAUS. I want to thank the gentleman from Virginia.

Madam Speaker, I think it's important to look back and to determine where this deficit started. And when you look back, it's back in the Clinton administration when we began to turn around the budget here in the United States, where we began to go from deficits to surpluses and we were actually paying down on the debt.

At the beginning of the Bush administration, they had a choice. They had a choice: Should we continue paying off that debt, should we continue paying down the debt in order to support future generations, or, do we want to gain short-term political gain? I think Republicans in Congress and the Bush administration chose that short-term political gain, because we know what they did. They decided to pursue tax cuts for the wealthiest Americans, we engaged in two different wars that were not paid for, and we engaged in reckless spending. And that led to what? The greatest deficits that we have ever seen in the United States.

When we came in the numbers were off the charts, literally off the charts. Americans had never seen deficits like this. They could have chosen a different course. They could have said it's not the fiscally responsible thing to do right now, to pursue these massive tax cuts for the wealthy. They could have said if we're going to engage in war, we're actually going to pay for it as we go. But they decided not to, and they engaged in reckless spending.

So where has that left us? It required us to make an investment and to continue to spend in order to end this recession, because if we didn't make expenditures in the stimulus, the recession would have gone longer and the recession would have been deeper. I already mentioned that this was the longest recession that we have experienced since the Great Depression. It would have been significantly longer were it not for the stimulus. We know this to be true.

I gave an example earlier of the Realtors. Just this weekend, the Realtors and homebuilders were praising the tax credits in the stimulus for finally getting first-time home buyers back into

the market. But we spent a lot of time here tonight talking about new energy technology and how we're going to build this economy in the future, and it is through investment in energy and manufacturing and clean technologies that we're going to move forward.

Just today, Ted Strickland, the Governor of the State of Ohio, gave his State of the State address. In that, the Governor said, I believe in Ohio because Ohio will power the future.

So I want to challenge the gentleman from Virginia, because Ohio is poised. Ohio is poised to lead this Nation in manufacturing, in clean energy technology.

And I'll just give you one more story because it's a good one. Several months ago, I went out to a business in my district called XTech. Now this was a business that was really reliant upon the steel industry. They make steel rollers for the steel industry. They're made from steel. They sell to the steel industry. I went there thinking, Wow, they're not going to particularly like the investments that we're making in the stimulus in new energy technology. They're not going to like the direction that we're heading in terms of greenhouse gasses. Instead, when I walked in, they said, Thanks. Thanks for your support and thanks for the Congress. Because we get it. You get it. They realized that they were one of the few manufacturers in all of the United States that has the ability to make the steel gears for windmills, windmills that are being built and going up across the country.

Now, we could allow European countries to build these parts. We could allow European countries to sell into the United States. But because of the investments we're making in new energy technology, because of the investments this Congress is making to get us out of this recession, businesses like XTech see a future where there was no future before. That's what the stimulus has meant. Has it required additional spending? Yes. But that additional spending has allowed us to reduce the size of the recession, the duration of the recession, and put Americans back to work.

With that, I yield back.

Mr. PERRIELLO. I will take the challenge from the gentleman from Ohio and remind him of the recent NCAA soccer championship in which I believe the University of Virginia beat a team from your State, a very good team from your State.

Mr. DRIEHAUS. It was a good team.

Mr. PERRIELLO. I do just want you to be warned that that challenge may not work out well for your State. I think what we're talking about here is this issue: We cannot speculate our way to economic recovery.

Sometimes when I'm meeting with the folks in my district—just a couple of days ago I was down in a town that

has seen several plants close. The big plants closed back in the nineties after NAFTA. A recent set have closed that had managed to cling on a lot longer. They turned to me and said, Do people up there know we exist, those of us that are making 15, 20, 25 bucks an hour? Do they know we're out there?

And they know that I'm fighting through the Jobs Caucus, through the jobs bill, by being a broken record about jobs, jobs, jobs. But there's a sense that sometimes those on Wall Street and, as Mr. POE mentioned, that Wall Street-Washington collusion, only think about the folks that are already doing really well in the economy and forget about that working middle class, forget about advanced manufacturing, forget about the next generation of farming and ag products and forestry, forget about the fact that two-thirds of job growth in this country comes from small and medium-sized businesses. They may not get the same headlines as the Goldman Sachs, but they employ America. They treat their workers well. They're accountable, and they produce real value in our community. Those are the folks we have to remember. Those are the people that are taking it on the chin from getting nickel-and-dimed by credit card companies and bank fees and utility rate increases and everything across the board. Those working- and middle-class folks need a voice. We need to be that voice.

I've given the President a little grief tonight and certainly his Secretary of the Treasury, Mr. Geithner, for not being the change that I expected to see and not doing enough for Main Street, but when the President last came here, he did say something that's so important for us to remember. He was talking about how big the challenges are that we face, whether it's health reform or energy independence or the great recession. And he said, We're going to step up and face this because that's what Americans do. We don't back down. We don't back away from a challenge.

Every generation of Americans are faced with a challenge. Some have to storm the beaches of Normandy, some have had to fight great wars. We are being asked to figure out how to compete again in the 21st century and have a strong middle class. And part of that is being willing to do the tough decisions on energy independence and other areas that are going to be the job creators. When we worry about something like the Supreme Court decision saying that if corporations can spend unlimited money, that means the corporations that are competitive today will be able to lock in their monopolies through the Washington-Wall Street collusion. What we have to have is the innovation, even the creative destruction, to create the jobs and the competitive advantage of the future.

The President asked us to have that courage that every generation of Amer-

icans has, to not back down from the challenge. This is our challenge, whether it's how to get the budget balanced, how to shore up the middle class, how to be economically competitive in a global economy, how to create competitiveness in energy and health care and other sectors. This is our time, and we will step up and we will try to be worthy of the American people. We will not forget those working- and middle-class folks.

With that, I yield the gentleman from New York.

Mr. TONKO. Thank you, Representative PERRIELLO. Thank you again for bringing us together this evening.

The gentleman from Ohio charted for us the recession, and to use his phrase, it went off the charts, literally. I think what is important to recognize is that we stopped the bleeding. We stopped that drop off the charts with this stimulus package. And the experts, economists are suggesting that perhaps it would have been another one or two points higher, percentage-wise, the unemployment rate.

□ 2100

Well, that translates into millions of people, millions of people who would have lost a job had it not been for this stimulus and stopping the bleeding. So I think this investment is wise. And it also tells us—we've heard here this evening—that we're investing in a way that allows America's business community and the manufacturing base to do it smarter. We give them the tools to do it smarter. I believe that that's how we sharpen the competitive edge for our business community. They compete in the global marketplace. If we give them a smarter outcome, we will be victorious at that global marketplace. We may not even do it cheaper, but we'll do it smarter. And that will be a thumbs up for the American worker.

So this evening, it was a pleasure to join with you to talk about what we can do with the clean energy economy, what we are doing with the stimulus, the investment in the future of this country in a way that uses cutting-edge tools, which is the important strategy here. And I am proud of the opportunities to be able to think outside the barrel when it comes to energy policy so that we can lift this Nation to a new era of accomplishment and competitiveness. It starts with the stimulus, and it will continue with legislation on jobs, job reform, health care reform, and certainly with energy independence. We need to multitask. Every American worker I know multitasks. We, here in this Chamber, need to multitask and get a host of legislative pieces done. These bills are essential to the rise of the American worker.

Mr. DRIEHAUS. I thank the gentleman from New York. Picking up on the point about multitasking and get-

ting a host of things done. We haven't talked much tonight, and I think it's important. I have the honor of serving on the Financial Services Committee, and I think one of the most important things that we have done for the American people since we have been here is to make sure that we don't go back from where we came. And that is, we don't re-create what created this recession in the first place.

Recently we passed regulatory reform here in the House. The Senate now has that bill in front of them, in front of Senator DODD's committee, and I hope they take it up. And I hope they take it up in short order because what we were able to do in the House version of regulatory reform was to say, you know, these mortgage-backed securities, these credit default swaps, these crazy derivative products that no one was paying any attention to, that the Republicans in Congress said we didn't need to regulate but we know led to the great recession, what we did for the first time, we actually addressed it. And we said, We're not going to allow the systemic risk in the system any longer. We're going to protect the American people because it's the folks in our neighborhoods, it's the folks in our communities that we represent that continue to pay the price.

So while the Wall Street barons are doling out bonuses left and right on Wall Street, the folks back in my neighborhood are still dealing with the foreclosure crisis. We still have hundreds, if not thousands, of homes in Cincinnati that have been foreclosed on. It's the neighborhoods that are paying the price. I haven't seen the investment banks step up and say that they're creating a community fund for communities across the United States to help alleviate some of the damage that was caused. Instead, they're patting themselves on the back. They're doling out bonuses.

Well, the school systems in our urban core, the small businesses in our urban core, the neighborhoods themselves and families still continue to struggle. They continue to struggle because of the unregulated activity of Wall Street. So we stepped up, and we took responsibility. We passed regulatory reform, and we're going to hold them accountable so that this doesn't happen again in the future.

With that, I'll pass it back to the gentleman from Virginia.

Mr. PERRIELLO. Well, it is interesting that you mention the importance of this because really, again, what we're doing is voting referees back on the field. We shouldn't be choosing sides as a government, but we should make sure the rules are there. Now no one ever leaves the ball game and says, Wow, I really liked the referees in that game. No one ever says, Oh, the referees did a good job. You notice the referees when things go wrong

and when a bad call is made. Government certainly makes errors. But what is important is that we have referees on the field.

I talk to friends of mine all the time who are investors and business leaders, and they say, We want predictability and accountability in the market so we can then adjust to that. It's frustrating not just, I think, for many working and middle class folks who have been asked to pay for the mistakes that were made on Wall Street, in part because of mistakes that were made in Washington, to ask hardworking people in my district making \$30,000 a year to pay for people that were making millions every year. But it has also been frustrating for some investors to say, Look, I made the smart investment. I didn't go for the crazy, exotic mortgage-backed securities and derivatives. I made smart, reasonable hedged risks, and it was fine. Yet the people who did make those high-risk, high-return investments not only got to see the upsides in the good years but then got bailed out in the bad years. I mean, if you go to Vegas, and you bet 13 on the roulette wheel, it's a sucker's bet. But if you know that every time you lose on 13, someone is going to make you money to make the next bet, and when you win, you're going to get to keep it all, of course you are going to keep betting on 13.

So with this, we must understand that the rules must be clear on the field. That's what this is. It's not about being anti-Wall Street. It's about being pro-accountability and having rules that are there. So let's get down to some brass tacks on Main Street job creation, that moves us from speculation on Wall Street to job creation on Main Street, and these are some good, commonsense ideas that should be able to be pursued on a bipartisan basis. We need to figure out a way to get lending going to small- and medium-sized business. If we need to do it through incentives, we can do it through incentives. If we need to do direct lending because the banks just won't do it, we need to do that.

We need to get creative. That is what I hear in my district. People want to expand. They want to hire. They can't get the lending. Consider a capital gains freeze for 2 years for small business. Infrastructure investment, particularly smart grid technology, water infrastructure, broadband infrastructure that we know creates competitive advantage. We've talked about retrofits that already make win-win sense in the economy. We can do this in the commercial sector, the industrial sector. Not at the scale of 100 homes here and 100 homes there. The market incentives are there to do this more broadly than that and put hundreds and hundreds of thousands of people to work in retrofits.

These are concrete areas that will not only help us in these dramatic

downtimes in our economy, but do it in a way that creates value on the upside because we know that the cheapest electricity is the electricity you never have to buy in the first place. These are ways to invest in our competitiveness. And with that, I yield to another member of our class.

Mrs. DAHLKEMPER. Thank you very much. I appreciate the gentleman from Virginia bringing us together tonight. I just wanted to come and join you in the sentiments that you have expressed.

As we look at our country and look where we have been and how we got to where we are not just today but in the 200-plus years, it's our ingenuity, it's our resourcefulness, and it's our strong work ethic that really has always propelled the United States to success. Our prosperity, as we know, is built on the American dream and the belief that we can achieve extraordinary things in the future, regardless of all the challenges of the present. And this is the vision of Main Street Americans. Work hard, set high goals, and be optimistic about the future.

In the face of this economic crisis, it's all too easy I think to choose cynicism, but I think if we abandon the optimism, and the American dream, we'll do nothing but delay our return to prosperity. I have certainly seen small businesses on my Main Streets throughout my district who have really taken these difficult times and really made changes in their business, and we need to be here in Washington supporting those businesses.

I have had people like John Hall, who lost his job in the textile industry, but then that didn't deter him from a new path to success. In fact, he invented a new piece of fishing equipment. With the help of Penn State Behrend and the Northwest Pennsylvania Industrial Resource Center, he has brought his invention to the marketplace. In Butler County, BeamOne, a company which produces electric beam medical sterilization equipment, has announced plans to build a service center in a local industrial park that is going to create at least 20 new jobs.

I find great hope in all of these success stories around my district, and it kind of ties into what everyone's been saying. We cannot listen to the skeptics. The proof is back with the Americans, the Americans on Main Street. They have not lost their optimism. Many of them drive to really define our Nation's character.

It was mentioned earlier on that our decisions need not be about next week, next month or even next year, or even the election this year. The decisions that we make have to be about our future, the future for our children, the future for our grandchildren. We need to invest in that future, and I think we were doing that last year. We are going to continue to do that this year. It's

the innovation that's going to take us to the future to make things I think more positive. We've got to be here in Washington, helping them along with that investment. Innovation, innovation, innovation which will lead to jobs, jobs, jobs. So I thank the gentleman.

Mr. DRIEHAUS. I want to thank the gentlelady from Pennsylvania for her comments. And I think tomorrow we're going to hear from the President, and the President is going to challenge us. Because while we know we've seen a 60 percent increase in the stock market over the last year, we also know that we're not to the point yet where we're creating jobs. I think all of us are very worried that while we are entering into a recovery, we're fearful that it's going to be a jobless recovery. We need to focus on creating jobs.

The President is going to challenge us tomorrow night to control spending while at the same time making strategic investments in jobs and job growth across the United States. That's what we're trying to do in infrastructure. That's what we're doing in clean-energy technology. That's what we're doing through our access to education, higher education, in the bills that we've passed earlier in the year. That's the challenge before us.

I think the American people are really sick and tired, quite frankly, of seeing Democrats and Republicans fight against each other because they feel that they are the ones that pay the price for that, and I think they're right. We need to come together. We need to come together, accept the President's challenge, and move forward to create jobs in the United States. So with that, I'll hand it back to the gentleman from Virginia.

Mr. PERRIELLO. We stand here in the midst of a tremendous economic crisis. What we hear when we go home every weekend is the pain of people who have lost their jobs, the fear of those who think they might be next, the confusion and frustration of having seen one administration seem to wreck the economy and the next not doing enough to fix it.

Well, like many Americans, I am not satisfied. We can sit here tonight and blame the other side for letting the deficit go off the rails or helping to wreck the economy. I am not satisfied being judged by what the other side did. I want us to be judged by whether we get this economy back on track. I want us to be judged by whether we have stepped up to the generational challenges that both parties have failed to address in the decades past.

It's too easy in this town to focus on winning a debate or a legislative fight or a campaign by convincing people that the other side is even worse. That's not a politics worthy of the American people. We've done a lot to stop the bleeding in the economy in the



last year, but I'm not satisfied with us merely stopping the bleeding. We must have the healing and the rehabilitation, not just to get us back to where we were, but to an even stronger working and middle class that we've seen in the last few years, a more competitive American economy. A politics that doesn't just reward and lock in the status quo through corporate campaign contributions and ads, but rewards innovation and dares to think of what the next big thing can be, that can unleash again the American competitiveness that is being choked out by so much of the Washington-Wall Street collusion that seems to reward what has been, instead of what needs to be in this country.

It's good to see that Wall Street has recovered and is above 10,000, but I am not satisfied until we see that growth on Main Street, we see the job creation, we see jobs that are somewhere between \$6 an hour and six figures for that vibrant middle class that's always been at the heart of this country. I'm a big believer in this President, and I am a big believer in hope, but hope doesn't pay the mortgage. We have to deal with the banking crisis, the housing crisis. We have to look at the construction sector, education, and workforce development. I am not satisfied with solutions that simply stabilize where we are or offer something a little bit better than what came before. We promised something better than that.

I believe tomorrow night the President has an opportunity to give an address to this Nation that gives an honest reading of the state of this Union, both its unbelievable strengths, its unprecedented hunger for innovation, but also the reality of its economic suffering, particularly with our middle class and working class families who continue to suffer under monopolies of electric utilities, of the credit card companies, of the joblessness; that we will see a President who steps up and continues to say, We are not going to shirk away from the challenges of our time because that's not what Americans do. We step up. We figure out a way to innovate, to out-compete, and to give the American people a kind of politics that they deserve.

That's what brought many of us into politics for the first time, like many of the freshmen who have been speaking tonight. And we are not satisfied yet with the change, but we still believe it is possible. We are looking for everyone to come together, Congress and White House, Republican and Democrat, and all the American people throughout this country, to dare to believe that that hunger we have for change and for hope can translate into real results, including a reinvention of America's competitive advantage that helps restore the strength of that middle class, that understands that two-thirds of our job growth comes from small- and me-

dium-sized business, that gets lending going again, that gets job creation going again and moves us from rewarding speculation on Wall Street to job creation on Main Street.

I thank my colleagues tonight for joining with us on the eve of the State of the Union address.

□ 2115

#### GOVERNMENT SPENDING

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOODLATTE. Mr. Speaker, Thomas Jefferson once wrote, To preserve the independence of the people we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty or profusion and servitude.

Unfortunately, it increasingly appears this Congress has chosen the latter path of profuse spending and the servitude to Big Government that results therefrom. For the next 60 minutes, I and my colleagues are going to talk about the problem our country faces from a very different perspective than you have heard during the last 60 minutes.

I want to start by pointing out the nature of this problem in terms of government spending. This chart shows the deficit each year, starting in 2000. In 2000 and 2001 under a Republican Congress and first a Democratic President and a Republican President we had a balanced budget and therefore we generated surpluses and, in fact, the two previous years before that we generated a total of \$500 billion in surpluses that were paid down against the national debt.

Then came the recession and September 11, 2001, and spending increases. Many have, I think fairly, criticized the previous President and Congress for spending too much money during this period of time when deficits rose as high as \$400 billion. In fact, this deficit in 2004 was the highest deficit in American history until we got to the very end of the Republican majority, when it went to \$450 billion. Staggering sums of money; too much money spent.

But look what happened when the Democrats took the majority in the Congress in 2007. It skyrocketed to deficits that last year and this year are over \$1 trillion; last year, \$1.4 trillion; this year projected to be close to \$1.5 trillion. To give you an idea how much money we're talking about, this year's budget is projected to spend about \$3.6 trillion with revenues coming in of \$2.2 trillion. So we're going to spend 50 percent more than we take in in revenues. And what are we going to do? We're going to borrow every penny of that

money against our children and grandchildren's future.

Now, if this were going to resolve the problem, and some have argued on the other side of the aisle that the so-called stimulus, which contributed almost all of this deficit in this Congress, if they were going to argue that that was going to solve the problem and we would get back to balanced budgets and we wouldn't be borrowing against our children and grandchildren's future for as far as the eye could see, I would listen to their argument. I still wouldn't agree with them.

But their own budget belies what they claim about what they're doing with this so-called economic stimulus package because this is the projected budget for each year until 2019. For the next 9 years, it never goes below \$700 billion and is around \$800 billion, ending at close to 900, over \$900 billion in 2019. Never does it go down, never does it even approach these numbers, which I and my colleagues who will speak with you tonight, all agree were excessive.

But they're nothing compared to what is being done right now, since the Democratic Party became the majority party in this Congress, and Speaker PELOSI has pushed these budget deficits that are absolutely staggering. What does it mean? It means that in 1990, the total national debt, the accumulation of those deficits was \$2.86 trillion. And in 2007, when the Democratic majority took over, it was \$8.45 trillion. In just two more years, it's now \$12.18 trillion, rising by the end of the term of our current President, 6 years into the Democrats' control of the Congress, to \$16.36 trillion, nearly doubling, and then continuing at that upward arc even more dramatically after that.

This is the public debt outlook. This is the projection that says what the outlook was first in January of 2009 and then, after the stimulus had taken effect, after they had begun spending nearly \$1 trillion that was allegedly going to stimulate the economy and create jobs for the American people, they came back and revisited it in August.

And while they were projecting this gradual but still very serious increase, it skyrocketed instead. Why? Because they have done nothing to control spending. They have done exactly the opposite. So now the President is going to come to the Congress tomorrow night and, as the President of the United States, we are all anxious to hear what he has to say about what we should be doing to address the problems of our country. And we are told by those who are in the know that the President will call for a spending freeze for 3 years. But what is he doing with the spending freeze but locking in those higher spending increases that have been passed through all the appropriations bills this year, some with 12,

14, 16 percent increases over the previous year, locking in those higher levels of spending when we all know that what really has to take place is to cut government spending.

What has been the effect of the President's efforts? Well, this is a chart showing job losses since the stimulus took effect in March of last year: 2.74 million more jobs have been lost in this country over the ensuing 10 months, notwithstanding the claim that this would create jobs and would halt the unemployment rate at 8 percent. Instead, it is now over 10 percent, and we've lost 2.74 million more jobs.

Well, what is the solution to this? A big part of it is something that 49 out of our 50 State governments have got to do, and the Congress should be required to do as well, and that is to balance the budget each year except in times of war or national emergency. In the last 40 years, those 4 years, in the late 1990s and into the early 2000s were the only 4 years in which the Federal Government balanced its budget. The other 36 years they ran a deficit. And you can see how that deficit is adding and mounting each year now, adding to that national debt. It should be the reverse.

In the last 40 years there have been economic crises like the one that we are in now, and there have been times of war when we might not balance that budget. But instead of four times out of 40 balancing it, it should be four times out of 40 not balancing the budget.

And that is why we need a balanced budget amendment in the United States Constitution; 49 out of 50 States have it. This Congress came very close to passing it as a part of the Contract with America in 1995. It passed the House of Representatives with a strong bipartisan majority, and was sent over to the United States Senate, and it failed in the Senate by one vote to get the two-thirds majority. It requires a two-thirds majority in the House, a two-thirds majority in the Senate, and then three-quarters of our State legislatures to ratify it.

Well, we got all but one vote that we needed in the Senate. Had that vote been provided to give us two-thirds, it would have been sent to the States. The President does not have any say in an amendment to the Constitution. So it would have been sent directly to the States. And I believe by now three-quarters of those States long ago would have ratified that balanced budget amendment, and we would be in a much different situation in this country today if we had done that.

Well, the American people have never abandoned this idea, even though the Democratic Congress long ago abandoned this idea, and that's unfortunate. But the American people, poll after poll shows that 75, 80 percent or more of the American people believe that the Federal Government should be

required to balance its budget each and every year, except in times of war or economic emergency. And this would require a supermajority vote of the Congress to declare that they would not balance the budget in any particular year.

How popular is this? Well, here's what our current majority leader had to say about a balanced budget when we had that debate in 1995: the issue of balancing the budget is not a conservative or a liberal one, nor is it an easy one, but it is an essential one for us in this House, for the American people, and, most assuredly, for future generations.

Representative STENY HOYER, a member of the minority in 1995, voted for a balanced budget amendment; but we have not heard about a balanced budget amendment from this majority in this Congress at all. And we're here tonight to urge the Congress to bring up the balanced budget amendment that I introduced on the first day of this Congress, House Joint Resolution 1, a balanced budget amendment to the United States Constitution. And we will keep pushing for this until we have leadership in this Congress that will bring this bill to the floor for a vote so we can send it to the Senate again and challenge them again to provide those two-thirds votes needed and then send it to the States for ratification.

It is never too late for the Congress to do the responsible thing. But we have dug a much, much deeper hole as a result of the irresponsible budgets that have been passed by this Democratic majority in each of the last three Congresses and projected, as I pointed out, projected for the next decade, huge deficits as far as the eye can see, far greater than anything we have seen previously in the history of our country.

I'm joined by several of our colleagues, and I want to recognize the gentleman from Colorado (Mr. COFFMAN), who has been a real leader on this issue and has been working to organize support in the Congress for the balanced budget amendment to the Constitution. I'm pleased to yield to the gentleman.

Mr. COFFMAN of Colorado. I thank the gentleman from Virginia for all your work as the prime sponsor of that resolution for a balanced budget amendment and certainly want to work with you to do everything I can to get that passed. You know, when we look at, I think as you mentioned, discretionary spending, nondefense discretionary spending now stands, I think, about \$536 billion, up nearly 24 percent since the Bush Administration's last full budget in fiscal year 2008, which was \$433.6 billion.

So we have a \$1.4 trillion deficit right now. And the President is expected to address a joint session of Congress tomorrow night, and I think he's going to

present two plans, from what I understand, to bring down the deficit. The first is he's going to freeze one-sixth of the budget that will be domestic discretionary nondefense spending, but only one-sixth of the budget; and over 10 years, the estimated savings, should that section of the budget not be allowed to increase, would be about—is estimated to be, by the administration, \$250 billion. But when we look at the extraordinary increases that this administration's done, I think we're looking at nondefense discretionary spending went up 10.3 percent in fiscal year 2009, 12.3 percent as projected this year, when inflation is at an all-time low.

And I think that the other program that I believe that he's going to be presenting to the Congress is some sort of a Presidential bipartisan commission, controlled by his party, to lower the deficit. And first of all, I think if we look at the first plan, it's far too low. He needs to get spending down to where it was before he certainly got in office. But the second one, I think, is just going to be cover for a tax increase to have some kind of bipartisan increase for a tax increase without really reducing spending.

And I really want to rise in support of what I think the most important thing is that the United States can do, and that is the balanced budget amendment. And having been a former State legislator from one of those 49 States that requires a balanced budget, you have to make the hard decisions. And you rise in debate where you're debating tradeoffs, where you can't have everything, where you can't simply run a deficit for your operating budget. You can certainly go to the people or float bonds for certain capital improvement projects like roads and bridges and things like that, but you cannot simply increase spending that is out of balance with revenues that are coming in, unlike the Federal Government.

□ 2130

This is my first year in the Congress, and I see that as the most significant problem facing the Congress, that you're in a situation where there are no tradeoffs, that an administration can come in and really try and have it all in terms of spending and put it at such an extraordinary burden, not simply on the economy in terms of inflation and high interest rates that could choke off this recovery, but to put a crushing debt on future generations yet unborn I think is extraordinarily unconscionable.

So with that, I rise in support with the gentleman from Virginia and look forward to working with you on what I think is absolutely the most critical thing. If there is one thing that we can do in the Congress of the United States to save this country from financial ruin—and without a strong economy we cannot have a strong defense to protect our national security interests—a

balanced budget is the most critical thing that we can do for the future of this country in this Congress.

Mr. GOODLATTE. I thank the gentleman. I hope he remains. There may be other things we may want to discuss about this.

But before we get back to him, I'd like to recognize the gentleman from Texas (Mr. CONAWAY) who is a very outspoken Member of Congress on this issue of fiscally responsible budgets and that we balance the budget of our country. And I will yield to the gentleman from Texas, and shortly we will get to the gentleman from Florida who I know wants to say a few words and then needs to leave, but I hope the gentleman from Texas can also remain and we will continue this dialogue.

Mr. CONAWAY. I thank the gentleman from Virginia, and I look forward also to working with you on the balanced budget amendment.

As our colleague from Colorado said, the single most important constitutional amendment that is bandied about these days, and there are several that are important, but there is none more important than a balanced budget. If we only could do one constitutional amendment in the next 10 years, let's do this one.

Think back. I wonder who those 35 Senators were in 1995 who all voted "no" on the balanced budget amendment, if any of them are still in Congress, if we could point to one of them and say, Had you voted "yes" in 1995, then surely during the surplus years we experienced in the late 1990s, it's easy to pass a balanced budget at that point in time because nobody's pig's getting stuck.

We would have avoided trillions and trillions of dollars in debt had one Senator moved over in 1995. It would be interesting to see if any of those 35 who voted "no" are still in the Congress right now and would fess up to having a good slug of this problem.

My colleagues all know that anybody can start a diet tomorrow. The easiest diet is the diet you start tomorrow. Wait until you start a diet today.

The single greatest threat to our way of life is not al Qaeda. It is not the Islamist jihadists, as bad as they are. They will get some of us, but they will not get all of us. The single biggest threat to our way of life in my view is the growth in this Federal Government as demonstrated by the growth in spending.

If you look at the chart, the more insidious two things about that chart are that, one, the 2010 deficit is estimated to be \$1.4 trillion, which I think is not on that chart yet; two, the out-years, which are the least accurate, the out-years are all increasing. The deficit goes up. They can't even put together a set of numbers and facts that at least give the facade of showing they are going to drop spending in the out-years.

Mr. GOODLATTE. If the gentleman will yield, that is very similar to the fact over the weekend three different representatives of the administration got on television and claimed that the stimulus—which we've seen has not resulted in job creation but, rather, 2¾ million jobs lost—claimed, well, there would have been more jobs lost had we not had the stimulus, but they can come nowhere near agreeing with each other on what those jobs saved are.

I think the only really accurate figure is what is reported by the Bureau of Labor Statistics, which points out that we've lost 2.7 million jobs.

Mr. CONAWAY. Even over the weekend they were saying that yes, we've lost 7 million jobs but we've created X number of million jobs. The real issue is the net job loss, because those are folks that are out of work. That is kind of a hollow thing to brag about.

Another thing about the chart. It assumes that the Bush tax cuts from 2001 and 2003 expire. Hundreds of billions of dollars in new taxes are in those numbers, and those numbers are still as bad as they look and with the trillions of dollars of deficit that are accumulating.

Now, the bad news about this is that we're not going to pay that debt off. I had a fifth grade student in Fredericksburg, Texas. I was doing a town hall meeting for a school that was K-12. A little fellow raised his hand and said, Mr. Congressman, what's the plan to pay off the national debt? And I looked at him. I said, What? This is a technique you use to try to gain time to try to think of what your answer might be. He said, Yes, sir. What's the plan to pay off the national debt? I said, Young man, that's the single best question I've ever been asked. There is no plan to pay off the national debt.

So what we are doing is we're putting a floor under future generations' tax rates, because this cumulative debt, America will constantly pay the interest on this debt from now until eternity. So what we've done to future generations is you're going to have to tax yourselves enough to pay the interest on the debt from now on. That's before you get to start thinking about national security. That's before you get to start thinking about homeland security or anything else you might want to do with the world you inherit from us. You're going to have to pay the debt because your parents and grandparents didn't have the fiscal discipline to just say "no."

So I would love to stay around and visit with you this afternoon for some other comments, but I know our colleague from Florida wants to talk as well.

I couldn't agree with my colleague from Virginia any more. This is House Joint Resolution 1. It should be number one in our hearts and number one in the docket for this Congress. It

should have been that a year ago in January, and it ought to be tomorrow on the ballot to be talking about because there is nothing more important to our way of life than gaining control of our profligate spending ways.

So I thank the gentleman for having this hour tonight.

Mr. GOODLATTE. I thank the gentleman for his comments about House Joint Resolution Number 1. It is, by the way, the same balanced budget amendment that passed the House as a part of the Contract with America, missed by one vote in the Senate. Same language entirely. And it has over 170 cosponsors in the House right now, including many Democrats. It's bipartisan, and it needs to be bipartisan to get that two-thirds majority of the House to vote for it and pass it and be able to send it on to the Senate.

I would now like to recognize the gentleman from Florida (Mr. BUCHANAN) who has also been a leader on this issue and has, in fact, introduced a balanced budget amendment on his own. And we are proud to work together in promoting fiscal responsibility here in the Congress.

Mr. BUCHANAN. I would like to thank the gentleman from Virginia for his enormous leadership.

As I agree with all of my colleagues, everybody has a different reason why they run for Congress. I have been in business for 30 years. Your first term, my second term. But that was my number one issue by far is these runaway deficits. And since I came in 2006, we've got \$1.4 trillion. We've picked up another \$2 trillion. Another 20 percent we've added to the deficit in the last 3 years. It's crazy.

The numbers today were over \$12 trillion in debt. And with the budget the Democrats have presented in terms of going forward, they're talking about close to \$20 trillion in the next 6, 7, 8 years. If you took the number of 5 percent cost of money on \$20 trillion, it's a trillion dollars a year before you pay \$1 for Social Security, Medicare, or anything. It's unbelievable.

This past year, the deficit was \$1.4 trillion. As bad as it's been in the past, if you look at \$300 billion, \$400 billion is way too much. We should have been balancing those budgets. But \$1.4 trillion, that is three times larger, plus, than any other deficit from that standpoint.

The last 50 years—and what really motivated me is why this has to be a bipartisan effort. In the last 50 years, I think—and you might know exactly the number, but I think it's only been about four or five or six times we balanced the budget. Forty-four times we haven't. We're incapable of balancing this budget, with the exception of getting a constitutional balanced budget amendment.

Forty-nine out of fifty Governors have to balance their budgets. Our city

in Sarasota, Florida, or Manatee County, they've got to balance their budgets. Families have to balance their budgets. Businesses can't continue to spend.

I grew up in Detroit down the street from General Motors. If you look at the most powerful, successful corporation in the world, made a lot of commitments to a lot of folks who used to be 30 and out for the blue collar worker. My brother was there when he was 18. Many of them looked at 30 and out. But now they've reneged on all of the benefits and everything else. We've got to stop it. It's crazy, and we've got to bring some common sense to this whole process.

That is why we've got to have a constitutional balanced budget amendment. As my colleague mentioned, we were one vote short in '94, and we've got to go back in that effort. It defies logic why we don't do that.

The other thing, I came here and I want to be the best I can, bipartisan. The Democrats talked about PAYGO. That's a joke. PAYGO, it sounded good. You know, it's better than nothing, I thought. But we ran our largest deficit ever—\$1.4 trillion with PAYGO. You look at now we want to have a commission and talk about that on a bipartisan basis. Again, they won't get it done. I have absolutely no confidence that that is going to get done.

We need a constitutional balanced budget amendment that says if you take in \$3 trillion—that is what we took in my first year in Congress—you don't spend more than that, \$3 trillion. As we said, 49 out of 50 Governors can't spend more than they take in. In the State of Florida, our budget was \$72 trillion a few years ago. It's down to \$62 trillion. They've had to make the adjustments. They've had to find the efficiencies. And we've got to do the same thing here.

I tell people—I think it was roughly a year ago you might remember we had a bill here, Aid to Africa. We were giving them \$15 billion a year. And the thought was in this environment, same environment we're in now, tough year, families are making cuts, businesses are making cuts, you think they might cut it 10 percent or maybe add 2 percent. We're a very generous Nation. They went from \$15 billion to \$50 billion. And I think every Democrat voted for it and half the Republicans.

So my thought was, Okay, here we go. We're going to go borrow the money from China. Taxpayers are going to pay interest on that for a long time, and our children and grandchildren. And it's going to go to Africa, and God only knows where it goes when it gets to Africa. I thought to myself, Why don't we have China give it to Africa? Why do we have to be the middleman in that process?

But the bottom line is we've got to recommit ourselves. I think what hap-

pened on Tuesday a week ago in Massachusetts, spending and runaway spending has got so many people in my district and I think across the country, they realize that we defy common sense up here. That's why they're so angry and mad. There are a lot of other issues, but I think the top of this is they're concerned about what we leave our children and grandchildren.

I was in Bradenton, Florida, at a town hall meeting. A gentleman stood up, 63 years old. He said, Congressman, I have never been to one of these. I don't get involved politically in this. But he said, I have five children and I think 13 grandchildren. It's the first time in my life—I've been a small business man all my life. I am very, very concerned about where we're at and where we're going. I feel like we're heading towards bankruptcy, what I see, what I sense, my business background. He said, We can't continue to keep spending.

And I share that feeling. I know that my colleagues all share that feeling today, and this is the most important issue. It's the reason I came in 2006. I have two children in their mid-twenties. Every generation has left it better for the next generation. I don't want our generation to be the first generation that doesn't do this. And we need to come together in a bipartisan basis and do what's best, in the best interest of not only Americans but America.

Mr. GOODLATTE. I thank the gentleman for his comments.

I'd like to talk a little bit about what those economic consequences are, not just for our children and grandchildren, which should be our greatest concern, but not too far down. And in a moment I will turn to the gentlemen from Texas and Colorado and ask them, to get the benefit of their thoughts about what the consequences are of these deficits running as far as the eye can see if we don't pass a balanced budget amendment to the Constitution and start living within our means like every family, every business, large and small, every local government, and yes, even every State government, some of which are not managed very well. But they have to come to terms with the consequences of their actions a lot more quickly than the Federal Government ever has because of the fact they don't have this requirement to balance the budget, and every year they kick the can down the road. They say, We can have it all, and we'll just borrow more money to pay for it.

Well, I've asked high school students when they have come to see me or when I've had an opportunity to speak to them in their classes, I said, Who do you think is going to bear the burden of this debt that we're piling up? And they know the answer to that. They know that it's falling on their shoulders, but they don't have an apprecia-

tion of how serious it is, how large a debt it is and how dramatically it can affect the future of our country in the long term and also in the not-too-distant future as well.

□ 2145

So I said, let me give you a starting point to think about that. I said, how much is \$1 trillion? The economic stimulus package, \$1 trillion, cha ching. The budget deficit, the \$3.6 trillion spending at the beginning of the year—they projected \$2.4 trillion in revenue, \$1.2 trillion deficit. We now know that we are several months into that year, and lo and behold, it's even greater than \$1.2 trillion. Over \$1 trillion, the health care bill, the monstrosity that brought people out to the polls in Massachusetts last week, \$1.1 trillion, according to the Speaker's budget projections; in the Senate, \$800 billion.

But we all know that when you have a bill that has 10 years worth of taxes to pay for it and only 6 years worth of benefits that you are using smoke and mirrors and it costs way more than \$800 billion over a full 10 years of benefits. Most economists say it will be over \$2 trillion over 10 years to pay for either the House or the Senate health care reform bill.

So how much is \$1 trillion? I said, let me give you a starting point. If you had a stack of \$1,000 bills, nice, freshly printed, tightly packed \$1,000 bills, just 4 inches high, you would have \$1 million. These students were pretty impressed with that. Most of them had never seen a \$1,000 bill, and to think that just 4 inches would be \$1 million. I said, how high would that stack of \$1,000 bills, not \$1 bills, \$1,000 bills, have to be to reach \$1 trillion?

Well, one young lady said, would it be about 12 inches? And a fellow in the back of the room raised his hand. He laughed. He said, oh, no. It would be a lot more than that. It would be about 20 feet. I said, well, think about it this way. One billion is 1,000 times 1 million. And 1 trillion is 1,000 times 1 billion, or 1 million times 1 million. And so that stack of \$1,000 bills that is 4 inches high, to be \$1 million, would have to be 4 million inches high to be \$1 trillion. Four million inches is 63 miles high. It reaches up into outer space. And that's just \$1 trillion.

That's just for the stimulus, or just for the deficit for the coming year, or double that for the new health care bill that they want to add in terms of overall spending that will cost either the taxpayers of this country or borrowed against the future of our country.

When you're talking about trillions of dollars, you're talking about a staggering amount of money. Back in the 1960s, there was a very famous Senator who was widely quoted as having said, \$1 billion here, \$1 billion there, pretty soon you're talking about real money. But do you know what? That is not

what he said. Everett Dirksen, the Senator who said that, actually said, \$1 million here, \$1 million there, pretty soon you're talking about real money. And that was just 45 years ago that he said that. And we've moved from millions to billions to trillions because this Congress doesn't have the fiscal responsibility that would be required by a balanced budget.

There are consequences, serious consequences for every American family and every job holder in this country. And that's why I want to turn to the gentleman from Texas and the gentleman from Colorado to get their perspective on just what happens if we don't get this problem under control.

Mr. CONAWAY. I thank the gentleman for yielding.

It is stunning to think that a stack of \$1,000 bills, 1,000 of those, which would equal 1 million bucks would be 4 inches tall. Another way to look at \$1 trillion, if you were to try to spend \$1 trillion in 1 year, to do that, you would have to spend \$32,000 per second every second of the year in order to get, to fight your way through \$1 trillion. It's a staggering amount of money.

The number that doesn't show on your charts there is the unfunded promises that we've made. There is about \$62 trillion in unfunded promises that we've made. To pay off that \$62 trillion—that is the present value of those unfunded promises, this Federal Government over the next 75 years would have to run a \$62 trillion surplus. I don't know who thinks that is even remotely possible to make that happen. The 4 years out of the last 40, I think, that cumulative \$17 billion in surpluses over that 40-plus year period, and now we've added another 10 years to that 40 of deficits.

The first-quarter deficit for fiscal year 2010 is the fourth-largest, and would have been the fourth largest annual deficit ever, just to show you how fast we are running through this money.

The doctor fix, I mentioned that—starting the diet tomorrow. I hope the President comes in tomorrow night and says, we have a looming problem with our doctors and the Medicare reimbursement issue. The Congress gave it a 2-month extension back in December. The fix he referred to is that doctors on Medicare get a 21 percent cut in their reimbursement rates. None of us want to let that happen, period, to our seniors and to our physicians. But by the same token, we don't want to take the fix and simply add that burden to future generations. Let's start tomorrow night with the first doctor fix, which will expire February 28, and have that paid for by cuts in other spending so that we don't, in fact, take a difficult problem—but it's the most, it's the most near-term difficult problem—and show the world that we can fix it.

The other thing I would like to make a point of before I hear from the gen-

tleman from Colorado in terms of what would happen, the Democrats are talking about the economy this and jobs that, all those kinds of things, I don't think there is a single thing we could do more important to incentivizing American jobs than it would be to seriously address this looming financial crisis of the Federal Government. If we were to say, yes, we are serious about balancing a budget, I think the confidence that that would instill in the market, in small businesses and large businesses all over this country, would do more than any \$787 billion stimulus, any \$150 billion stimulus that the House passed over that one Republican vote in December, the \$80 billion stimulus that's being contemplated in the Senate, nothing of that sort will have a dramatic impact the way that balancing this budget, or at least telling the American people we are serious about balancing this budget, with an amendment that requires it; not good faith efforts, but requires a balanced budget.

I don't think there's anything we could do that would stimulate jobs and this economy any better than doing that. The confidence it would instill in this country would be palpable, I would think, if we were to do that.

Mr. GOODLATTE. I thank the gentleman. And I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. I thank the gentleman from Virginia and appreciate the comments of the gentleman from Texas on this very critical issue about a constitutional amendment for a balanced budget to the U.S. Constitution.

Let me just say about what is the impact as a former small business owner and actually as a former State treasurer for the State of Colorado, what is the impact of this deficit spending on the economy as a whole?

First of all, it's interesting that you hear rumblings around the world from other countries about given the U.S., given their fiscal policies, given their lack of fiscal discipline and how that will impact the dollar in terms of the strength of the dollar, should the dollar still be used as the international reserve currency? But I think the immediate effect that we are going to see certainly is a weakened dollar. And a weakened dollar is going to lead to higher inflation rates. Particularly as the economy tries to expand, you will have private borrowing competing with public borrowing, and that will create a higher demand and higher interest rates. But certainly the perception of a prolonged weakening of the dollar is going to cost us more as borrowers. It will drive up interest rates.

Then also look at just the extraordinary inflationary impacts the chronic deficit spending will have on that economy. I think that those things are shorter. And I believe that those things

in concert will choke off the ability for this economy to fully recover. If we do not control spending soon, it will choke off the ability for this economy to ever fully recover. We will never see, we will never see the prosperity that Americans have experienced up until now. And it has always has been the next generation always had it better than the last. And I believe that we are at a turning point now where unless this Congress changes its ways fairly dramatically fairly soon, this next generation will not have it better than the previous generation.

I yield back.

Mr. GOODLATTE. I agree with the gentleman entirely. We are at great risk.

And let's start with the stimulus. The group speaking just before us were touting the great benefits of this economic stimulus package. We've already seen that during the time that we have been in the process of spending this nearly \$1 trillion, all of which, by the way, is borrowed against our children and grandchildren's future, every penny of it is added to the national debt, but before we mention that we've lost 2.74 million jobs since the stimulus program began, the stimulus is founded on an economic theory, and that is called Keynesian economic theory. This says that if there is an economic downturn, the government will borrow money and use that money to spend on various projects and programs to employ people, and they will then generate economic activity. They will spend the money they earn with other people. That will cause people to manufacture goods in response to that demand, and the economy will start growing.

And this is the last part. This is the part that is always left out when they talk about the economic stimulus package in Keynesian economic theory. The last part of Keynes' theory was that when that economic activity took place, and the result was a growing economy, and there would be increased revenues coming into the Federal Government, that they would use those revenues to pay back the money they borrowed to get the process going.

And every time there is one of these so-called economic stimulus programs, do they pay the money back at the end? No. And it's very clear that there's no such intention here when you have \$800 billion-plus deficits as far as the eye can see, to say nothing of the unfunded liability, the promises that the gentleman from Texas referred to, that is even far, far greater than what we are seeing here on this chart.

And so, that is what really puts the lie to the idea that this stimulus is going to have any long-term good effect.

The first concern I have is that at some point in time the amount of

money we've borrowed, when the economy does start to grow, not just in this country but elsewhere in the world, and in some economies, they are already growing, and, in fact, they are growing at a pretty healthy pace in countries like China and Brazil. They're going to have increased demand to borrow money. And our government is going to have increased demand to borrow money. And that means that at some point, not right now because people are saving money at a higher rate than they ever had, and interest rates are very low, and banks are afraid to lend that money to a lot of people, therefore there is a lot of money in the bank that is not being lent. And therefore interest rates are low. But in the not too distant future, whether it's 1 or 2 years, we are going to see demand for that money rise. And then the point made by the gentleman from Florida, that you will have \$14 trillion, \$18 trillion \$20 trillion accumulated debt and interest rates go up to 5, 6, 7, 8 percent.

I can remember back during the Carter administration in the late 1970s when the prime interest rate got over 20 percent. If we face those kind of interest rates with this amount of debt, the burden on our government is going to be staggering, and therefore the burden on our economy and our people. And it's going to result in very near-term staggering problems in terms of high interest rates, perhaps hyperinflation related to the very weak dollar compared to other currencies around the world. And then we are going to have what it seems like we are already getting into right now, and that is some evidence of some growth in our economy, but continuing to lose jobs. And then, behind that, you have inflation set in. You're going to have the stagflation that people remember from the 1970s and early 1980s.

This is not a prescription for the future of our children and grandchildren. This is a prescription for an economy that will go downhill and have a very, very different future for this country and the people of this country. And it's not too distant when that kind of impact could take place.

I yield to the gentleman from Texas. Mr. CONAWAY. I thank the gentleman. I would just like to add to what you're talking about. U.S. taxpayers have benefited from artificially low interest rates because when the world's economy went bad, a bunch of the money that was out there fled. It was a flight to safety. That money fled into U.S. Treasuries. And we have basically been warehousing that money for folks all over the world at pretty near zero interest rates because they knew they would get it back from the American taxpayer.

What's happening now, with these increased deficits, is not only are we having to issue debt to pay off maturing

debt, but we also have to issue new debt to fund these trillion-dollar deficits out there every year. Normally, you would expect that an increasing demand would cause the price of whatever it is you are demanding to get more of to go up. And that hasn't happened because the rest of the world, like I said, has fled into U.S. Treasuries.

Now, as the gentleman said, economies around the world are beginning to rebound. People are having opportunities to invest their money at higher interest rates or higher expected rates of return. And so we will very soon, one of the first indicators that things are going awry is as you begin to watch the weekly auctions of debt, our interest rates begin to inch up because we have to pay higher interest rates in order to attract lenders to our debt versus the opportunities they have got in other currencies.

□ 2200

This fallacy that the stimulus bill worked is based on the premise that government spending will solve the economic problems of this country.

If that is the case, then this government has spent more money in 2009, 2010, 2011 than has ever been spent in the history of man. So if runaway government of spending were the solution to a vibrant economy, why aren't we in the most vibrant economy ever known? Because we have spent more money out of the Federal Government than has ever been spent before.

It makes no sense that you can continue to borrow greater and greater levels of debt and continue to spend that on programs that, quite frankly, aren't in and of themselves stimulus programs. They are just basically money transfers or transfers of wealth between one group of people and the others. It doesn't create any additional wealth. That cannot sustain itself. But our colleagues across the aisle seem to ignore just the hard common sense that you cannot spend your way out of this problem.

I think it was Ben Franklin who said, You can't stand in a bucket and grab the handles and try to lift yourself off the ground, which is equivalent to trying to tax and spend your way out of a problem. And that is what we have been trying to do with this thing, which is a giant bucket with all of us standing in it.

Mr. GOODLATTE. If the gentleman would yield, I am curious what the gentleman thinks about the speculation the President tomorrow night will call for a spending freeze on discretionary spending.

Obviously, we are pleased that he would want to stop the dramatic trajectory upward in spending that we have seen from this Congress in each of the last 3 years since they have been in the majority. But is that enough? Is

that going to solve this problem if we lock in at these higher spending rates that we are experiencing right now?

Mr. CONAWAY. If the gentleman would yield, I would feel a lot better about our President tomorrow night if he would say not only are we going to freeze spending, but we are going to freeze it at 2008 levels.

I go back a couple years. What has happened with the \$787 billion stimulus, much of that money went into already-existing programs and elevated the floor of current spending. And then, on top of that, the 2010 appropriations bill, as our colleague from Colorado said, double-digit increases on that. So we are spending a significant amount of money more in 2010 than we did in 2008.

So if the President would say, All right, let's reset the clock back to 2008, when he first got here, at those levels and then freeze it there, I would feel a lot better about what he is trying to propose tomorrow night.

I do want to point out that it seems as if over the weekend he was going to freeze spending except for defense, homeland security, VA, and foreign affairs. Then I heard today or yesterday that, well, even within the discretionary spending that is going to be frozen, if programs create new jobs, then they are not going to be frozen. So it will be interesting to see what the fine details are tomorrow night on what the President has to say.

Mr. GOODLATTE. And I would add to that that it would be wonderful if this President of the United States, or any leader of our country, would step forward and say what we really need is the kind of discipline that requiring each and every year that we balance the budget would impose upon this Congress. Because we make tough decisions; but, most of the time, when the going gets really tough, they spend money on both.

We talked about PAYGO. The gentleman from Florida mentioned that as well and pointed out that it is really meaningless. If you look at it, they imposed these new rules after the adoption of this new health care bill and the enormous cost of that and claimed that it is being paid for, but do so with smoke and mirrors by taxing for 10 years but only providing benefits for 6 years, and claiming they are going to cut \$500 billion out of Medicare at a time when the number of people eligible for Medicare is going to skyrocket.

Starting this year, 2010, those who turn 65 were born after World War II; and for the next 15 years, the number of people who are eligible for the Medicare program is going to increase dramatically.

During that time, I think we are going to see a need to have significant reform of the Medicare program. But the money saved is going to have to be made available to have more people



covered under the program, not to divert it to set up a whole new government spending scheme.

We have been joined by the gentleman from Iowa, and I would like to yield to Mr. KING for his comments about the balanced budget amendment.

Mr. KING of Iowa. I thank the gentleman from Virginia (Mr. GOODLATTE) for leading on this Special Order tonight and for leading on fiscal responsibility here in the United States Congress.

This balanced budget amendment is something that I am proud to be an original cosponsor of. I have done so every time that this has been offered since I have been here in Congress. And the dialogue that is here tonight adds so much to something that has been missing completely, I think, from the administration and from the White House.

We went from a point of Republicans pushing towards a balanced budget and listening to the PAYGO arguments of the Blue Dog Democrats demagoging on the issue. I don't know where they are today. It seems to me that they have gone underground. Maybe they are the Ground Hogs rather than the Blue Dogs at this point.

I don't hear anything from them about balancing the budget any more, because they understand that in order to fund this kind of profligate spending that we have, this \$1.4-plus trillion deficit created by this Obama budget, that, by their method, we would have to raise taxes dramatically.

What I wanted to do is keep the taxes low, slow the growth in government; and for years I said, slow the growth in government so that the economy can catch up. I am now to this point where I would say the other way is that I don't believe the economy can catch up with the spending that we have. I think we actually have to shrink government in order to get it back in line.

This is going to be a very big task. It isn't going to happen under Speaker PELOSI's watch. It isn't going to happen if President Obama has a veto pen to control our spending in this Congress. But we do have an obligation to advance, as much as we can, this constitutional amendment. We have an obligation to offer a balanced budget, which we did this year. The Republican study committee balanced budget, that is something that I had pushed for for some time, and we will have a balanced budget offered this year.

So I just encourage all of my colleagues, Madam Speaker, and everybody in the United States of America to step up to this level of responsibility. If we can do it with our family checkbook, we must do it with our government checkbook. If we fail to do so, our economy will continue in this downward spiral.

We have got to get our capital, our money, our spending back underneath

us and realize that government cannot grow us out of this economic problem that we are in. It has got to be the private sector. And the private sector cannot continue to pay the taxes to service the interest and the debt of a deficit that we have been spending under this administration.

I would point out, also, that Speaker PELOSI took the gavel at the end of November elections in 2006, January of 2007. At that time, we saw capital investment in industry go significantly downward. And I watched the members here and the freshmen from the other side tonight talk about how this was all Bush's problem. Well, if they are taking responsibility for anything that turns good, they have to accept the responsibility for what has happened since Speaker PELOSI took the gavel. All spending starts in the House of Representatives.

I thank the gentleman from Virginia, and I yield back.

Mr. GOODLATTE. I thank the gentleman. And the gentleman raised a very interesting point about how we grow this economy and what this does to it, because he correctly points out that we are going to grow this economy in the private sector, people who will go out and take the risk of creating a new business or expanding the business they have and creating new jobs as a result of that by offering a product or a service that people want and are willing to pay for and can afford to pay for it.

But if the government is out there borrowing \$1.3 trillion, \$1.5 trillion, \$900 billion, and then \$800 billion-plus every year thereafter as far as the eye can see, what is that going to do to the amount of capital that is available in the private sector? Especially if interest rates go up, and the government is absorbing so much of the credit that may be available around the country and other countries, and their growing economies are also competing for those same limited resources, we are going to find it very, very hard for free enterprise to survive if our government keeps spending more than it takes in and keeps growing in the enormous size.

It is projected that if you continue this rate of spending, we are going to have government spending 28 percent of our gross domestic product. The Federal Government, not even counting State and local governments, historically, it has ranged between 18 and 20, 21 percent, which is pretty high, in my mind, and many others as well. But it is nothing compared to having that shoot up to 28 percent. That is a huge additional amount of spending, more than \$1 trillion each and every year.

And as you can see from this chart, almost all of it borrowed, borrowed against the future not only of our children and grandchildren but of the jobs that people hold today and the jobs

that 15 million Americans who are out there looking for work hope to get if some employers will take the chance and can get the credit to allow them to start or expand their business.

We have been joined by another Member. I want to point out the gentleman from Iowa (Mr. KING) and the gentleman from Texas (Mr. GOHMERT) are members of the House Judiciary Committee, as am I. This is the committee that has jurisdiction over all constitutional amendments, and it is the place where we are pushing the hardest to try to get the Democratic chairman of the committee to examine this legislation, just as it was not that many years ago and passed the House of Representatives on more than one occasion, and on one occasion came within one vote of passing the United States Senate. Think of what a different country we would have today if we had been living under balanced budgets for the last decade instead of what we have seen.

I would now like to yield to my good friend, the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I sure thank my friend from Virginia for yielding.

And, yes, we need a balanced budget amendment, and that will do great things. It will strengthen the dollar. It will show the world that we are responsible when it comes to spending for a change. And also, of course, we know that takes ratification of the States and passing both Houses, and we just flat need to do that.

In the meantime, we understand the President may come into this very Chamber and stand right up there and actually suggest that perhaps we ought to freeze the budget of three Departments.

□ 2210

Well, I am so glad that our President is coming around and getting on board with some Republican proposals. This is H.R. 4408. But rather than three departments, this is—and I will read from the bill. It was filed last year. Got lots of Republicans on as cosponsors. No Democrats yet. Hope they will come on board once the President starts talking about this. But it says, to amend the Balanced Budget and Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and other purposes. It will end the automatic increase in every discretionary budget in the Federal Government.

Now we're talking about being responsible with our spending. No automatic increases every year. Nobody I know of in America gets that kind of thing. If they're working, if they produce, perhaps they'll get an increase. Well, the government shouldn't get automatic increases every year. If you're going to get an increase, it has



to be justified. And that has been lacking for so long.

I will just read here. It says, This act may be cited as the Within Our Means Budget—WOMB—Act of 2009; whereas, from passage of this bill will come a new birth of freedom for American taxpayers and an end to the automatic increases for each department that has been bankrupting America.

There are all kinds of good solutions. So I'm proud the President's coming around. Perhaps if we can push him a little further, we can make him even a little more responsible so we start reining in the greatest budget deficit in a 1-year history that has just gone on under this President's watch.

So I appreciate my friend from Virginia yielding, and I look forward to starting to get Democrats, now that the President is talking about some good Republican ideas.

Mr. GOODLATTE. Well, I thank the gentleman for his comments. You know, Washington, D.C., has a spending addiction, and it has proven to be an addiction that the Congress cannot control without a balanced budget amendment requiring that it make the difficult decisions to balance it each and every year. We have gone in a few short years from a deficit of billions of dollars to a deficit of trillions of dollars and we're printing money at an unprecedented pace, which presents risks of inflation, the likes of which we have never seen. Our debt is mounting rapidly and so is the waste associated with paying the interest on that debt, yet Congress has so far refused to address these unsettling problems.

This is not a partisan addiction. It reaches across the aisle and afflicts both parties, which is why neither party has been able to master it. We need outside help. We need pressure from outside Congress to force us to rein in this out-of-control behavior. We need a balanced budget amendment to the United States Constitution. Families across our country understand what it means to make tough decisions each day about what they can and cannot afford. According to a recent Zogby Interactive survey, approximately 70 percent of Americans said they have reduced spending on entertainment in the past year; 40 percent have limited or canceled vacation plans due to the economic environment; 40 percent have decreased spending on food or groceries; almost 10 percent have either changed their education plans or have chosen not to pursue education plans at all. Most troubling, 16 percent have foregone medical treatment or prescription drugs.

These numbers show how sobering our economic recession is, but they also show something more. They demonstrate a basic principle that honest, hardworking American citizens understand: When your income drops, your spending must drop, one way or the

other. Yet, far too frequently this fundamental principle has been lost on a Congress that is too busy spending to pay attention to the bottom line. If Americans must exercise restraint with their own funds, then government officials must be required to exercise an even higher standard when spending other people's hard-earned income.

I urge my colleagues to support the balanced budget amendment to the United States Constitution, House Joint Resolution 1, and I yield back my time.

#### HEALTH CARE

The SPEAKER pro tempore (Ms. CHU). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I appreciate the honor to be recognized to address you here on the floor of the House. I appreciate the previous hour, the gentleman from Virginia leading it, talking about the responsibility that we all have to provide a balanced budget here in this Congress and recognizing that the political forces that are at play here, let's say in Congress and across the country, everybody wants their measure. It has been something where Federal dollars have been distributed on down through the chain from the Federal Government to the State to the counties to the cities, other political subdivisions, parishes. Other examples of that, individual organizations get appropriations.

It has been very, very difficult for this Congress to find the discipline to produce a balanced budget. So that's one of the reasons why I believe strongly that we have got to amend the Constitution so that we have real strict constraints, because Congress hasn't shown the discipline to balance the budget.

That would not be the case for the individuals that are here on the floor tonight that are pushing so hard for this constitutional amendment. Every one of us that are cosponsors of the resolution led by Mr. GOODLATTE would vote for a balanced budget, of course, and we would also and have supported a constitutional amendment.

I wanted to transition the discussion just a little bit tonight, Madam Speaker, from this fiscal responsibility on over to the health care responsibility. First, I'd take us back to the President's statements and throughout the campaign and into his Presidency and after he was inaugurated as President over here on the west portico of the Capitol building, and that was January 20th of last year. That first anniversary just rolled around last Wednesday, Madam Speaker.

The President of the United States, President Obama, said that we are in an economic problem—I don't want to

overstate the language he used, but we couldn't fix the economy without first fixing health care, that health care is apparently a contributor. Too much health care spending is a contributor to the economic problems that we are in. So it didn't make sense to me and it didn't connect that when you have what was described as an economic meltdown, a chance that we might be losing the fiscal structure of currency and trade between the countries and the global financial structure, if we're risking a meltdown of the global financial structure, I don't know how we could think the problem of spending too much money on health care, solving that is going to solve the economic potential meltdown. But that was the position that the President took, Madam Speaker, when he said over and over again we can't fix the economy without first fixing health care.

So, even though it didn't make sense, that was the position that President Obama took, and here we are. The average industrialized country spends about 9.5 percent of their GDP on health care. Our numbers are about 14.5 percent of our GDP. Some will say a little over 16 percent of our gross domestic product on health care. So the President's proposal is we spend too much on health care, but his proposed solution is spend more on health care. In fact, spend a lot more on health care, even to the point where he drew a line and said, I won't sign a bill that costs more than \$900 billion.

So the House went through a lot of logical contortionism and contrived a bill that tried to stay underneath that level and then sent it over to the Senate, where they went through a few more, let me say, accounting contortionist activities to try to be able to proscribe their bill from going over \$900 billion, why? Because the President said he didn't want to sign a bill that costs more than \$900 billion.

□ 2220

Well, it turns out that the accounting gimmicks were so stark that anybody else would have been laughed out of the Econ 101 classroom if they had proposed such a thing as, let's say, 10 years of revenue and 5½ to 6 years of cost to get down to a number that's just slightly under \$900 billion. When you look at the first real 10 years, according to Senator JUDD GREGG from down this hallway in the Senate, the first real 10 years is \$2.5 trillion. We have some other numbers out of the House side that shows around \$2.1 trillion in cost for the first 10 years. And when you look at what JOHN SHADEGG has put together, you really see some numbers that escalate all the way up to \$6 trillion.

So the President's problem is, we have an economic problem that he wants to solve by, first, fixing health care because we spend too much

money, and we're going to fix it by spending a lot more money, trillions of dollars more, \$1 trillion to \$2 trillion to \$3 trillion to maybe as much as \$6 trillion more. Illogical? As I said, you'd be laughed out of an Econ 101 classroom to come up with an argument that you could do an accounting that showed 5½ years of cost and 10 years of revenue and then claim that it only costs \$900 billion under that.

So we know that's, number one, a flawed premise, a flawed result. The American people understood that, even though the people in the echo chamber in the White House and the leadership chambers here in the House and in the Senate didn't seem to understand that. The second thing, the President of the United States consistently said that we need more competition in health insurance, that the insurance companies aren't competing, they don't have competition. So in order to do that, he proposed that we create a Federal health insurance program. A Federal health insurance program, that the Federal Government get in the business of competing against the private sector health insurance industry.

Now I wonder if the President was briefed on how many health insurance companies we have in the United States. That number is 1,300. There are 1,300 health insurance companies in the United States. Now that would seem to be a lot of competition to me, to have 1,300 companies and have the Federal Government get into this and create one more company—the Federal Government, as big as it is, as much advantage as it would have. Then we would have, though, 1,301 companies in the United States selling health insurance. How many policy varieties do we have? Well, Madam Speaker, that number falls in the area of 100,000 possible policy varieties out there in the marketplace.

So 1,300 companies, 100,000 policy varieties that one could choose from if they could buy insurance across State lines. The President wouldn't go for allowing people to buy insurance across State lines. That would be a little bit too much liberty for an American to have. So instead, he would want to impose a single-payer—he said he was for single-payer many times during the campaign—a single-payer plan, which would be a Federal health insurance plan to supplant or replace all 1,300 companies and 100,000 policies with the beautiful, wonderful Federal Government offerings that would surely be adequate for anybody in America and satisfy all of us, unless we just weren't quite enlightened yet. That seems to be the message I'm hearing from the White House.

So we find out that we had two flawed premises. One was, if we spend too much money on health care, spending more doesn't solve that problem. The second premise was, if health in-

surance companies need more competition, the way to get it is not to put the Federal Government in the business and try to replace them and drive them out of business. The way to get it is to open up sales across State lines so that that young man that is paying \$6,000 a year for health insurance in New Jersey can buy his health insurance from Kentucky, where a similar policy would cost him \$1,000 a year, not \$6,000. That would be an example of what's going on. If we took the House version of the health care bill, a young man in Indiana, would see his health insurance premiums go up 300 percent. His \$84 a month would be \$252 a month, almost exactly a 300 percent greater health insurance premium because of the mandates and the language that is in the House bill or in the Senate bill.

So the American people watched this, Madam Speaker. They watched it all across America. We watched the reaction, the rejection of the American people of this irresponsible spending. It was discussed pretty deeply in the previous hour. The nationalization of these huge entities, which was discussed by the Democrats in the hour before. It sounded to me like George Bush had nationalized all of these companies and had taken over the private sector, and now here we are, President Obama is stuck with all of that, and that they don't really have any choice, except to go do a lot more of what it was that they said that George Bush did that was wrong.

Well, I'm not here to make a statement into the RECORD that George Bush got it all right, Madam Speaker. He got a lot of it right. A few of the things history will judge that he didn't get quite as right. But what we have seen in the last 16 or 17 months—and at least 12 of them have been under the Obama presidency—we have seen the nationalization of eight huge formerly private-sector entities, entities that are making a profit and competing in the private sector. That's three large investment banks, AIG the insurance company, Fannie Mae, Freddie Mac, General Motors, Chrysler. And throughout all of that, put on one end the \$700 billion worth of TARP and on the other end the \$787 billion worth of economic stimulus plan that looks like maybe only about a third of that has been spent at this point, but they still want another \$150 billion or more dollars in Son of Stimulus, or Stim II, some call it.

This is Keynesian economics on steroids, and I have heard the President say—and I doubt if he will make this statement from this Well, Madam Speaker, tomorrow night—I have heard him say that Franklin Delano Roosevelt's New Deal actually did work, but the problem that he had was in the second half of the decade of the 1930s. He failed to spend enough money. If he would have just spent a lot more

money, then the New Deal would have actually been a good deal, but FDR got a little nervous about spending too much money, so he pulled back. Those were the words the President used, "pulled back." And then what we had, according to his description, was a recession within a depression, and it was brought about by the Federal Government not spending enough money. Well, this wild program, these Keynesian economics on steroids have been driven by this presidency—not driven by George Bush—driven by President Obama.

And by the way, every nickel and dime, every nationalization, every single move that was taken in the last months of the Presidential campaign and in the last months of the Bush presidency, were all things that were approved by and supported by President Obama. He voted for TARP. He spoke for TARP. He sat at the table in the White House and spoke in favor of TARP. That's \$700 billion, and you can't hardly say that it was not President Obama's responsibility when he spoke for, went to the White House and negotiated for it, voted for it and took it over—and by the way, that TARP was only—and I say only, Madam Speaker. The original TARP was \$350 billion. That's half of what Henry Paulson asked for. The other \$350 billion had to be approved and authorized by a President to be elected later, by a Congress to be elected later. That's this Congress, this 111th Congress. That's this President, President Obama. It's the Pelosi Congress, the Reid Senate, and the Obama presidency, all of this except \$350 billion in spending.

So it brings us to this point where the American people have seen that they thought that they had elected people that were responsible, that understood high finance and the whole big picture that a government has to do so well—that is this constitutional Republic, this representative form of government, Madam Speaker. And so when we saw the TARP plan come through and the nationalizations of a couple large banks and then AIG, and we watched how some of those insider deals worked out pretty good in the long run for those people that were inside, as we marched down this line—Fannie Mae and Freddie Mac—the American people were getting ever more nervous at the spending and the nationalization, the government takeover of private business.

But when they got to the takeover of the car companies, Madam Speaker, that, for sure, wasn't George Bush. That was all President Obama. When that happened, the American people's lightbulbs came on because they know cars. And when the car czar turned out to be a 31-year-old fellow that had never sold or made a car—we don't know if he actually ever fixed one or

what he drove—but in any case, he was not qualified to be the car czar, and I think that that was a universal opinion or he wouldn't have been gone.

But the American people saw with that example that the Federal Government, that they really didn't know what they were doing inside the White House echo chamber, and they got ever more uneasy, ever closer to the civil type of a revolt that took place. We saw it happen in Virginia, and then we saw it happen again in New Jersey, and then in Massachusetts a little over a week ago when SCOTT BROWN was elected to the United States Senate—the most improbable place. And when the exit polling was tabulated, and they asked people, Why did you go vote for SCOTT BROWN? Over 70 percent said, I did so because I want to kill the bill.

□ 2230

I want to kill the socialized medicine bill. Madam Speaker, that bill may be dead. On the other hand, it might be a—I know it's a monster. It might be a cold-blooded monster. And on a cold day, and it is a cold day here, you can't tell if a cold-blooded monster is alive or dead. But I want to make sure that it's dead and that bill stays dead and that the American people are glad that it is dead, and they don't want to see it resurrected by the White House, by the Speaker of the House, by the majority leader of the United States Senate or anybody else.

They breathed a big sigh of relief and a shout of joy went up all over America when Massachusetts elected SCOTT BROWN, because people are going to be allowed to keep their liberty. And we want to make sure they're allowed to keep their liberty. And for that reason, some of us, and my colleague from Texas certainly in the middle of this, worked to put together a declaration of health care independence. We want to put a marker down that we all adhere to, that we can keep our word on because there remain people in government, I mean, at least in Congress, that do give their word and keep their word.

As cavalier as it's been dealt with here in the last few months coming out of the White House, those of us that'll sign on this declaration of health care independence, we intend to lay our word down and keep our word. And I say that here, and I haven't backed up on mine. Neither has the gentleman from Texas. I think I'd get along pretty good in east Texas. There's some times I'd like to go down there and visit those folks because it's quite interesting the people that they send up here from that territory. And I'd like to yield so much time as he may consume to my friend, the gentleman from Texas, Judge GOHMERT.

Mr. GOHMERT. Well, I thank my friend from Iowa (Mr. KING). And I know from having visited Iowa, it's

composed of extraordinary people as well. And I tell you, just in the last month we have seen extraordinary things across the country, from Massachusetts, for one, for, we saw when we had a Senator take—basically hold up the health care bill, many of us hoped it was going to be on good principle, but it turned out it was just for money to take back to his State.

But here, again, you had to love the people in America's heartland. I think the gentleman from Iowa knows where Nebraska is. And here the Senator comes back and says, you know, gee, I negotiated hundreds of millions of dollars for you here in this State at the expense of the whole rest of the country. And what did Nebraskans say? The vast majority said, we don't want that dirty money. That's not ours. We don't want extorted money. We don't want dirty money. We just want fairness. And you've just got to love folks that have that sense of equity and fairness and justice and understand where the country came from.

And so it's that spirit, that same spirit that started a revolution back in—going back to 1775 and 1776, with the production, as we know, in July, of the Declaration of Independence. And what a historic time that was. What a powerful time that was. And we know, going back to those days, that now we have the letter that John Adams wrote Abigail after the signing of the Declaration of Independence. In the last part of the letter he says, talking about the celebration and the incredible event that had occurred, the coming together, the first draft of course that Jefferson did, and of course the first person he showed it to was then John Adams.

They politically were at odds, but they were friends at that time, very close friends, even though they fussed and argued over political issues. And then Adams was just taken aback with how fantastic the document was. He may or may not have made some minor changes. And then second to see it was Benjamin Franklin. Now, Benjamin Franklin made more changes, the editor and publisher that he was. And then that was brought to the body, and they debated and they fussed and they came up with this, the final declaration. And after they had come together, they signed it.

The last part of John Adams' letter to his wife, Abigail, was this, his words: I'm apt to believe that it, the day of the signing of the declaration, will be celebrated by succeeding generations as the great anniversary festival. We call it July 4, Independence Day. It ought to be commemorated as the day of deliverance by solemn acts of devotion to God Almighty. John Adams' words. It ought to be solemnized with pomp and parade, with shows, games, sports, guns—of course we use fireworks instead of guns quite

so much now—bells, bonfires, illumination from one end of this continent to the other from this time forward forever more.

Then he goes on very seriously to Abigail, and he says, You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure that it will cost us to maintain this declaration and to support and defend these States. Yet, through all the gloom, I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means, and that posterity will triumph in that day's transaction which I trust in God we will not rue.

So that's basically the gist of the end of the letter, and that was quite an occasion. In other correspondence he had said, you know, we have within our grasp the opportunity to govern ourselves that people have only dreamed about, that theologians have written and talked about, but it's within our grasp to govern ourselves. But then we also know that one of Thomas Jefferson's great lines was, The normal course of things is for liberty to yield and government to gain. And that's what we've been seeing, particularly for the last year or so.

Liberty has been yielding and government has been gaining. We know that government is where the jobs have been gained, not in the private sector, not liberty jobs, not jobs of freedom, but government taking more and more away from the private sector. And then we see this health care monstrosity, 2,000 pages, not about health care. You know, we've heard people say, it's about the government taking over one-sixth of the economy. But I like the way our friend, TOM PRICE, put it. It's not about taking over one-sixth of the economy. It's about taking over 100 percent of every individual. That's what it's about.

And so, as my friend from Iowa knows, we've spent many, many hours with friends like MICHELLE BACHMANN and others, so many others up here on Capitol Hill, putting our heads together and working, giving and take, to come up with a document that really declares what we believe about health care. And I imagine my friend from Iowa is as sick as I am of hearing people, even here on the floor, come in and say, well, Republicans, they don't want reform. They're the party of no, no, no. We have over 40 bills that are good solutions to health care problems.

And I know that my friend from Iowa agrees: we need reform. We want reform to health care. We cannot have the costs continue to skyrocket like nothing else in this country. We can't have that. We need reform, but we don't need more government. We need health care reform. And it was in that spirit of coming together, not with something as dramatic as John Adams and Thomas Jefferson and Ben Franklin and those incredible intellects came

up with with the original Declaration of Independence, but really with that, just a modicum of that great spirit of independence that they had and not wanting government to gain and liberty to yield, but wanting liberty to triumph and yet everyone have the opportunity for life, liberty and pursuit of happiness.

□ 2240

So in that spirit, the Declaration of Health Care Independence was put together. No one got shot. No one lost their fortunes, as did so many of those 56 signers of the original Declaration. We owe them so much. But we also owe them not to continue to allow liberty to yield and government to gain. They told us what would happen. Read their writings. Read their quotes. We owe them better than that.

And that is why it's going to be so great to have so many people coming together and say, I am making this declaration. I am pledging that we are going to adhere to those principles of liberty and yet providing a better chance for health care with affordable health care under patient control where the relationship between a doctor and patient doesn't have a government intermediary, doesn't have an insurance company getting in between the patient and doctor.

It gets us back to something that has been missing for so long, and that is a regular doctor-patient relationship. And to think in that 2,000 pages, one of the biggest parts of it is we're going to bring all of the health care records to Washington and we're going to store them here for you because that way we will know all of your deepest, darkest, private secrets. There is nothing your government won't know once we get hold of every one of your most private medical records. That was a big deal.

You hear them say, well, we'll cut this out, we'll cut that out, because they know when they have every person's medical records in Washington, D.C.—and under both the Senate and the House bill you make the Internal Revenue Service the enforcement arm for a health care bill, the worst of all world's—the government knowing all of your most private secrets about your own body and the Internal Revenue Service having access to them and to your finances to bring about, as TOM PRICE says, a hundred percent control over your body, that is something that should be intolerable. That is why we need a Declaration of Health Care Independence.

And I know there are friends across the aisle who believe abortion is just fine; it's just tearing the tissue out. I know we have other friends like BART STUPAK who know what abortion is, that it's taking a life. But surely, surely we can get the vast majority in this body to agree that taxpayers should be

protected from being forced to pay for abortion when they know and believe in their hearts it is taking the life of our most vulnerable people.

There is just so much that needs to be done to drive a stake through the heart of this terrible monstrosity called the health care reform bill.

With that, I yield back to my friend from Iowa.

Mr. KING of Iowa. Reclaiming my time, listening to the gentleman from Texas recount the circumstances by which the Declaration of Independence was written, and I recall reading through a fair amount of that history and watching a movie or two, some of the frustration that Thomas Jefferson felt with John Adams' scrutiny of his language and later on Ben Franklin's and then the broader Congress, I've never been in a position where I could so sympathize with Thomas Jefferson as I do. But also I so much more appreciate the artful work of the Declaration of Independence because it was a product of a lot of fruitful minds that had to come together and to be able to take all of the ideas and patch them together and then turn it into something that is beautifully eloquent at the same time. It's pretty hard to do. It's like a piece of sheet music and trying to patch in different stanzas here and there and have it come out and have it actually play right before the orchestra.

And the Declaration of Independence has stood up under the tests of time as one of the most beautifully written documents anywhere. But part of the reason is not just its eloquence but because it speaks to the heart of humanity. We know we hold these truths to be self-evident, that we are endowed by our Creator with certain unalienable rights.

I wonder what Thomas Jefferson would think if he could go down do to the Jefferson Memorial and realize that of the four panels inside of the memorial, three of them—the quotes of Jefferson—three of them referenced his belief in God. It's hard for the people on this side to argue that Jefferson was a Deist when three of his quotes referenced God.

And, by the way, there are two typos in there, Madam Speaker, that I would challenge the historians to go down there and check on them. One of them comes to mind right away. The other one I'll think of when I go back down there to read it.

I wanted to take up this issue of our Declaration of Health Care Independence which will be rolled out tomorrow, and we will lay it out in more of a clear, concise form. But it's laid out on these principles that you've heard Mr. GOHMERT talk about and the prediction of what would happen—let me say what would have happened if that horrible socialized medicine bill would have been sent to the President's desk

where, if he could sign his name at all, he certainly would have signed the bill. He had no reservations about what was coming out of the Pelosi House and Reid Senate. The people of Massachusetts did; the President did not. And the American people line up against this in any form, any of these forms that have been proposed, at least 70 percent in opposition.

And so here's why first the American people lined up against this socialized medicine proposal, either the House or Senate version or the ObamaCare as it's sometimes described, because we know that a Washington takeover—and the American people know, Madam Speaker, that a Washington takeover of American health care would deny fundamental personal and economic liberties, and it would devalue our individual liberties, and it would reduce the principle of limited government as established by the Constitution. That's number one.

It would have increased costs and taxes upon every entity that we could possibly mention, and it would have crippled our American economy, and it would have created inescapable new taxes, mandates. If the Federal Government were for the first time in the history of the United States to produce or approve a product and then require every American to purchase that product—the people that couldn't afford it, send them a check and then say, Use this voucher to buy yourself some health insurance, or, by the way, If your employer has 50 or more employees, they have to provide your health insurance for you. Unless you're in the construction business, then it's five or more employees because of the exemption that was written in by the construction labor union. So all of these little construction companies that are sitting here with five and maybe tomorrow are going to have six employees, they're only going to have five—those that have six through 49 would be treated differently than every other employer because they were in the construction business, because somebody in the construction business had unions that were strong enough to leverage a piece of favoritism into the legislation.

But if there is a mandate there, it is a tax. Whether it is a tax that is levied and you have to pay the tax to the IRS and they go out and buy your insurance for you or if the Federal Government mandates you go out and buy that insurance, the only difference is who actually handles the transaction. You handle it yourself to avoid the IRS levy against you, which would be the fine. The punishment for not paying it, the same thing. A mandate to buy insurance, to compel people to buy a product produced or approved by the Federal Government for the first time in history that that has ever been done is a tax, a new tax, and it's a new tax

on everybody that has to participate that wasn't otherwise or wouldn't otherwise have been participating.

That is one of the other bad things about this. It would institutionalize, Madam Speaker, a massive, ever-expanding Federal bureaucracy that is impersonal and impractical. And that bureaucracy would devise new ways to grow and get more power and diminish the liberties of the American people. That's the nature of bureaucracies. They've always done that. And we've put people in white shirts and ties and sent them off in an expensive Federal building, and then they set about building empire. And they'll come back here and say, We need a little more empire, and they'll write rules that we'll never see. And those rules will have the full force and effect of law, because this Congress has abdicated a lot of our responsibility when it comes to rules.

So the bureaucracy grows. The huge administration state grows.

And it also would have—and I say “have” because I believe this bill is dead and I want to make sure it stays dead—it would have empowered bureaucrats to interfere with a doctor-patient relationship and that the process of doing so would have undermined quality, would have limited choice, would have increased the costs.

These were the downsides that were coming at the American people that caused them to rise up and express themselves in two Governor races. Those were nationalized races in Virginia and in New Jersey. And when they had the opportunity to have a national election for a United States Senator in Massachusetts, they took it.

□ 2250

The American people appealed to the decency of the elected majorities. And their leaders here in this Congress did not respond, except to do more force-feeding of liberal, social engineering policies, expensive policies and things that people don't want. The level of elitism and arrogance is breathtaking. And I don't think it has ever reached this high in the history of America. That cavalier disregard for the Constitution, when someone would ask Speaker PELOSI, where in the Constitution do you see the constitutional authority to pass a national health care act such as you have done here out on the floor of the House of Representatives? A cavalier attitude, Madam Speaker.

We take an oath to this Constitution. And people will take the oath. They will do so with their hand on a Bible, and they will walk out with no other thought to it at all. There is a whole movement over on this side of this Congress that believes the Constitution doesn't mean what it says. They will make that argument. I sit on the Constitution Subcommittee. I have heard the argument over and over again, a

living, breathing Constitution. Some time back in the 1930s, the Supreme Court had some language threaded into a decision that says that the Constitution is living and breathing.

If the Constitution is living and breathing, if it doesn't mean what it says, then, Madam Speaker, I would ask the question, what is it for? Who is protected by a Constitution that is living and breathing and changing and can be amended by the whim of any judge in any Federal courtroom anywhere in America? I had an attorney tell me once, if you give me a favorable judge and a favorable jury, I will amend the Constitution in any courtroom in the land. And that happens by precedents that find their way up to the Supreme Court.

I take this stand, Madam Speaker. That's this: This Constitution does mean what it says. The text of it means what it says. And it means what it was understood to mean at the time of the ratification, either the base document, or the amendments if things flowed through. And if it's something else, then the Constitution is no guarantee whatsoever. It simply is an artifact of history, or else it can serve as a shield for someone in a black robe to hold up and make the argument that you're a layperson, so you can't begin to understand what this Constitution means. Leave it to us. We're the professionals in the black robes. We dropped the powdered wigs; we still have the black robes.

I don't think putting a robe on makes a person exclusive when it comes to understanding the English language. I think we have a lot of people—and I'm a ditchdigger by trade. A lot of people digging ditches can read this Constitution and understand what it means. I think we have a lot of TEA party patriots that do read the Constitution and understand what it means. We see a lot of people standing under American flags and yellow “Don't Tread on Me” flags with a Constitution in their pocket. They understand what it means better than some of the people who have taken an oath of the Constitution in this House of Representatives, Madam Speaker.

This Constitution is threatened by socialized medicine, the bill that has to stay dead.

We also offer solutions and a framework to go forward, a solution and framework to go forward, and we say, we the people and representatives of the United States, make this declaration, that as a matter of principle, we want to protect the doctor-patient relationship which the gentleman from Texas talked about. And we want to reject this national debt that gets heaped up on us over and over again that was the subject of the previous hour. And we want to improve quality of care, and we want transparency in the negotiations. And we want to treat every

American citizen in this same fashion that we treat our public officials, and vice versa. If it's good enough for an American citizen, it ought to be good enough for an elected public official, wherever they might be serving.

And I appreciate the discussion about the funding for abortion. When there's a policy that is seeking to be advanced by this side of the aisle in the United States Congress that would compel the taxpayers to fund abortions, something that is abhorrent to the value system of America, the majority value system of America, that is about as egregious as it can get, to be roped into being a citizen, held down to pay your taxes and have that money extracted out of your pocket to go to the Planned Parenthood or the abortion clinic.

When you think of conscientious objecting taxpayers, that is about as close as you can get to having a complete revolt on your hands. And when I looked out last Friday at the March for Life, the numbers in the Mall here and standing on that stage, people as far as the eye could see. It was reported to be in the neighborhood of 200,000 pro-life people bussed from all over this country, and some flew in to come and stand up and march, pray and speak for life, as they do every year, as they do every day in these United States. That is the largest continuing demonstration in the history of this country. There's no movement that has brought those numbers of people here to Washington, D.C., year after year after year for 37 years. And to think what they would have had to say and do if there had been a socialized medicine bill passed that compels people to fund abortions or brokers policies that pay for abortions. Those people that came, I among them, would have been in even greater numbers than 200,000. And at some point they aren't going to be as polite as this good group of people are when they see that happening.

So I'm glad that marker has been put down. The new mandates that are being proposed on patients, employers, on States—we've heard from the States. In fact, that is the Corn Husker Kickback. “Exempt me from the cost of the new mandates” is what that statement was. But in reality, there was a moral portion that was negotiated in that, too, and it was language that didn't hold up to the standard of the Stupak amendment, which wasn't good enough for me. I supported it, but I would have liked to have done more and better.

It was an eroded standard that was offered in the United States Senate. And it was rejected by the pro-life organizations in the country. That moral position appeared to have been traded off for a monetary one, which is an exemption from paying the increases in Medicaid that would come about because of the socialized medicine bill in the Senate that brought about these

special deals. Special deals, Madam Speaker, for—let's see, let's go to Maine. Was that \$11 billion for community health clinics in Maine? Eleven billion dollars. Well, there's a kickback there. That didn't get a lot of publicity. But that is part of the deal.

The exemption from the—say the elimination of the Medicare Advantage programs in Florida for that Senator NELSON, the Corn Husker Kickback in Nebraska, the Louisiana Purchase in Louisiana, the list goes on. We don't know what all is in the bill. Those we do know about. Those are all special deals. All those special deals are completely rejected by this declaration.

Another one of those mandates that came would be setting up health insurance policies in the country that are funded by the taxpayer and that compel employers to insure their employees or individuals to buy the insurance if they are not working or if they have an employer that is not mandated to buy. And within all of that we would fund illegals, give them their own health insurance policies so we could put another, bigger magnet out here, a jobs magnet, a welfare magnet, and now your own private health insurance policy magnet, argued and defended for by LUIS GUTIERREZ, for example, and Mr. HONDA of California. Many others believe that it's a matter of social justice that American people would owe a health insurance policy, an individual health insurance policy, to people that break into the United States illegally.

What a reach that is from a justice standpoint.

We cannot be expanding any further benefits, health care benefits to illegals in America. We provide emergency services by law. And a lot of times, we don't backfill the bank accounts of the health care providers. For example, if you go down to Arizona, in Arizona the most southerly trauma center is the University of Tucson Hospital. That is at least 70 miles north of the Mexican border because the rest of those hospitals have closed. They can't afford to provide free health care services to the illegals. And the American taxpayers can't afford to pay them either. So those are some of the things that are on the list here and things that are important for us to talk about.

I'm happy to yield to the gentleman from Texas to pick up where I left off.

Mr. GOHMERT. I appreciate the gentleman from Iowa pointing these things out. And I do recall in the President's address here in this very Chamber back in September, I believe he said in that speech that there would be no funding abortion. Now the trouble for us was that some people in this body actually read and had been reading the House bill. And there was one section there, and I don't have the bill with me, I have got a copy all tabbed that I have gone through because I was

reading the bill. And shockingly, even though, the President said there won't be a penny going for abortions, you turn right there, and there's a section title that says "abortions," for which Federal funding can be spent or approved. And you go, whoa, I guess the President didn't know about that.

□ 2300

We heard the President say there is no money in this health care bill that is going to go for illegal aliens, and I think one of our friends hollered out about that time. When the fact is, as we know, when the House health care bill passed, one of the things that had been written up in the local papers were there were Members across the aisle that said: if you put a requirement in this bill that people show identification to show that they are legally here, they are legal residents and therefore legally getting the health care insurance benefits, then we are voting against the bill.

Some of us think that should have been the motion to recommit, and that would have of course either gotten the bill pulled or it would have gone down in defeat if our friends across the aisle who said they would vote "no" if that was in there had been voted for and approved.

But the way it stood, I think most everybody in here knew, except for the President—we know he wouldn't lie because the Parliamentarians told us that—but when he said that there would be no funding for illegal aliens, he didn't know, apparently, because if he did, it would have been a lie. So, obviously he didn't know that unless there was a requirement for identification in order to get the proceeds, then they are entitled to get the proceeds, illegally here or not. And obviously he didn't know that, or he wouldn't have said it.

I have a dream that one day the President's promises are going to be kept. I have a dream it is going to happen. And I know when the President told America eight different times on television that we are going to have all these negotiations on C-SPAN, I know some day we are going to have all these negotiations on C-SPAN. It hasn't happened yet, because I have been trying to find out where the negotiations are going on so we could have true transparency.

It was a great idea when the President said it, so that people all over the country can see who is negotiating for them, who is negotiating for the pharmaceuticals, who is negotiating for the insurance companies, who is negotiating for the plaintiffs' lawyers, who is negotiating for AARP, and who is really standing on the side of the retired folks. We would be able to see all that and it would be transparent.

When I heard him saying that over and over on television throughout the

Presidential campaign, I have to say, I thought, now, that is not a bad idea. That is a good idea. We will make this totally transparent. And even though I am a Republican, I have to say, the President had a good idea.

Now, the trouble is we have got to get him to follow through. Once he won the election based on things he promised, we need to get him to follow through, because he did have some good ideas and the American people liked those ideas.

If you go back and look at the exit polling data from 2008, November, when the President won, indications are two-thirds of the people in America said they voted for President Obama, and jobs and the economy was the number one issue. I believe it was about 10 percent who said that health care was a big deal to them, health care reform. So I think he misread the results.

People wanted job assistance, get jobs going. We know that 70 percent of the jobs come from small business; yet his stimulus bill provided less than 1 percent in loans and assistance for small business.

He told America, well, this is going to create infrastructure. Might as well do that. And it turns out less than about 7 percent of that bill went for infrastructure.

So I think it is important that when the President has a good idea, this body follow through, whether the President wants to follow through or not. And these things should be transparent. It should be open.

The 40 bills that we have as solutions and great ideas to helping reform health care, because we want reform, we need reform, they ought to be listened to. There are some great ideas. And one of them would be complete transparency, and that is one of the things we want people to pledge, that you need transparency.

The President was right when he was a candidate. He hasn't been right on that point since he has been President, but he was sure right as a candidate. And you look at the Declaration of Health Care Independence that we hope that lots of folks will sign tomorrow, transparency is a critical issue.

Now, when you have a health care system where the big insurance companies, whether it is Blue Cross or Aetna or any of them, where they get one really, really cheap price and the government pays a small amount, but if you come in and pay cash because you are a hardworking, lower-middle class person that is struggling to make every dime and to make every dime stretch, and then you come in and you pay several times what the insurance company or the government pays when you are paying cash, the system is upside down. It needs reform.

And we do need to say, as candidate, now President, said, you have got to have transparency. You have got to see

who is selling out whom. And so if there were a group that said, We are for retired persons, and yet they didn't care what their members said, and they were losing members right and left who were dropping their dues, but you found out they make a lot more money from selling insurance than they do from people paying dues and they are getting a special deal and have millions more buying their insurance, then you would have some idea.

And they also maybe negotiate that their executives will not be under the same pay cap that most other executives under the Federal insurance exchange part of it, people would notice that if they are watching it on C-SPAN, and they might get upset at anybody who says, I am representing retired persons, publicly, but in negotiations they cut deals for their executives and not for their retired people.

Those are the things that need to be brought out. Those are the kinds of things that I know folks tomorrow, when they sign the Declaration of Health Care Independence, will be thinking about. You need transparency. You need accountability and oversight.

One of the things we saw with the Madoff scandal, with the credit default swaps scandal, with AIG overextending on selling those, Goldman Sachs selling themselves in with AIG, and then their former chairman getting them the massive bailouts so that they could have the biggest, most healthy profiting year in history this last year, all these kinds of things going on, you need transparency and you need somebody standing up for the people. You need reform. And the government should be about oversight. It should be about making sure there is a fair, level playing field.

And then the government doesn't play. They are referees. We don't need them as players. We need them as referees. That is an obligation this body has fallen down on badly in the preceding years, and it is time we got back to it.

Those are things that need to be part of reform. The government should be about making sure people play fair, not being the bully player on the field that muscles everybody else off of it. Those are the kinds of things we need to be about.

And when you think of the things that have been represented and what turned out to be true, people were told, well, this group came out with a study that said if you are between 40 and 50 and you are a woman, you shouldn't get a mammogram. And then they are told, well, that wouldn't have the power of law. Then they get to finding out, well, gee, if this bill passes, what that body just said is going to be part of the law. And if you are 40 to 50, you don't get a mammogram.

How many women have had their lives saved because they were able to

get a mammogram between 40 and 50, and they found that little tumor early while it was still localized, at a time where they were allowed in the United States to have a 98 percent chance of success and no cancer at 5 years; whereas, in England, where they have the socialized medicine that some of our friends across the aisle are trying to drive us to, they have about 20 percent less success, and about 20 percent more die of cancer. They don't need to if you let them have the mammogram when they need it.

And those are the kinds of things that need to come out. People need to know those. I yield back.

Mr. KING of Iowa. Reclaiming my time, I thank the judge from Texas.

On the transparency side of this discussion, too, to broaden that out, Madam Speaker, when I address transparency, I am speaking of two things. One is transparency in the negotiations, so everything is out there in sunlight. And the other is transparency in billing, so people know what is being paid for health care services.

The part about the negotiations that is so important, if they took place on C-SPAN out in the open, out in the light of day, if it is a big negotiating table that is there and in comes Big Pharma and here comes AARP, here is the health insurance companies, here is a doctor sitting over here. The patients, I would like to think they have a place at the table, but I am not sure just what entity speaks up so well for them.

□ 2310

But here's how a piece of legislation gets passed in this Congress today. This is what happens. Think of the scales of justice, blindfolded. Justice is blind, and here they are balancing these scales of justice. That's what I see. There's an image in that; that image of justice and equity. I'm reluctant to use the word "fair."

But in legislation, it works out this way. It's kind of a scale, and somebody comes up with a bad idea. Let's just say it's cap-and-trade or it's socialized medicine. They put all their ideas over here and, clink, here's the way the scale sits. All the bad ideas weigh it down. And then people start to say, Well, wait a minute. I've got a couple of ideas that are pretty bad. Let's take them off the table and put an idea over here you think is a good idea. And then it starts to weigh a little bit. You don't see that scale move. It's still sitting there.

Then one large entity after another starts to come to a conclusion that passage of this bad bill is inevitable. So they take away their opposition to a bad bill and they begin to negotiate for their own carve-outs and exemptions in a bad bill so it damages everybody but them. When they get their carve-out, the political capital over here that is

on the "no" side either goes to neutral or over here on the plus side because they've agreed to support a bill now because they've got their exemptions so they're not affected by the bill. That might be the Cornhusker Kickback. That might be the Florida exemption for Medicare Advantage or the \$11 billion in clinics in Maine or the Louisiana Purchase or it might be exemptions from executive pay controls in Big Pharma. It could be anything. They will add and add and add over on this side until all of this "no" political capital that knew it was a bad idea when it began, enough that has moved over to the plus side or moved to neutral to where if you put that final little weight on the scales—I like to call it the straw that breaks the camel's back—clink, it goes over this way.

Now there's enough support to pass a bill. And that's when they ram it through and they don't let you up for air because they're afraid they will lose votes. When that little moment comes when they think they've got the votes, it comes through. That's why the United States Senate was doing business for 3 constant weeks without a break and that's why they were doing business on Christmas Eve, to pass socialized medicine with a 60-40 majority on December 24, Christmas Eve, because they finally stacked the scales to the point where, clink, it would go over on the side where they could barely pass the bill. That's what they did.

If those kind of negotiations are taking place out in the open where the American people understand it, they would be revolted by the concept of how this is business, how very little of it is a discussion about what is the best policy for America and how much of it is a discussion about how you get the support of this group or that group or how you leverage to get the vote of a Member of Congress or United States Senator. Instead of evaluating the policy and stepping back and looking at it objectively and coming up with new ways to make something right for the American people, it becomes a political equation.

If we could get it out in the sunlight, we could get rid of some of those political equations and come a lot closer to getting the right policy for the American people. That's why transparency matters so much. That's why C-SPAN in those negotiation rooms would matter so much. That is actually a very big part of this Declaration of Health Care Independence. And I am proud to be part of it, and I'm looking forward to our press conference tomorrow.

I'd be happy to yield just a moment to the gentleman from Texas.

Mr. GOHMERT. I understand we just have 1 minute left, but I appreciate so much Mr. KING from Iowa taking this time to point out what we need in the way of health care reform. It isn't the massive 2,000-page monstrosity. It's



true transparency. It's true accountability. And I appreciate this discussion with my friend from Iowa tonight.

Mr. KING of Iowa. Reclaiming my time, I thank my friend from Texas for being up late at night and coming down here. When you have a friend that will stand with you like Judge GOHMERT, in the end we can, I think, together, do some good things for the American people, Madam Speaker. So we'll be working to get to that point.

We want to empower rather than limit an open and accessible marketplace of health care choice and opportunity. And if we're going to do business now, the rules have changed. There are new rules for the road. These are the new rules for road, and we're going to find out when people are serious. If they're ready to address lawsuit abuse, the people that are advocating for socialized medicine, if they're ready to address lawsuit abuse, we're ready to do business. If not, there's a new sheriff in town.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ELLISON (at the request of Mr. HOYER) for today on account of travel problems.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of health reasons.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for January 19 through 27 on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. FORTENBERRY, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, February 2.

Mr. MORAN of Kansas, for 5 minutes, February 2.

Mr. DREIER, for 5 minutes, today.

Mr. JONES, for 5 minutes, February 2.

Mr. CAO, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2950. An act to extend the pilot program for volunteer groups to obtain criminal history background checks, to the Committee on the Judiciary.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on January 22, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4462. To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

#### ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 27, 2010, at 10 a.m.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the fourth quarter of 2009, pursuant to Public Law 95-384 are as follows:

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PANAMA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 11 AND DEC. 14, 2009

| Name of Member or employee     | Date    |           | Country      | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--------------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                | Arrival | Departure |              | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. John A. Boehner .....     | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. Dan Boren .....           | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. Kevin Brady .....         | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. David Dreier .....        | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. Devin Nunes .....         | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. Peter Roskam .....        | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Hon. Ileana Ros-Lehtinen ..... | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Paula Nowakowski .....         | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Michael Sommers .....          | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Jennifer Stewart .....         | 12/11   | 12/14     | Panama ..... |                       | 906.00   |                  | (3)  |                  |  |                  | 906.00   |
| Committee total .....          |         |           |              |                       |  |                  |  |                  |  |                  | 9,060.00   |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. JOHN A. BOEHNER, Jan. 11, 2010.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

#### HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, Jan. 8, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date    |           | Country      | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |              | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Raul Grijalva .....   | 10/8    | 10/11     | Spain .....  |                       | 799.00   |                  | 6,338.00   |                  |  |                  | 7,137.00   |
| Julia Hathaway .....       | 11/8    | 11/15     | Brazil ..... |                       | 2,236.32   |                  | 5,487.70   |                  | 58.16  |                  | 7,782.18   |
| Committee total .....      |         |           |              |                       | 3,035.32   |                  | 11,825.70  |                  | 58.16  |                  | 14,919.18  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. NICK J. RAHALL II, Chairman, Jan. 5, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK, EXPENDED BETWEEN DEC. 7 AND DEC. 22, 2009

| Name of Member or employee            | Date    |           | Country       | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|---------------------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                       | Arrival | Departure |               | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Stacee Bako .....                     | 12/07   | 12/09     | Denmark ..... |                       | 2,426.00   |                  | 8,371.00   |                  |  |                  | 10,797.00  |
| Don Kellaher .....                    | 12/07   | 12/09     | Denmark ..... |                       | 2,426.00   |                  | 8,371.00   |                  |  |                  | 10,797.00  |
| Hon. Nancy Pelosi .....               | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Steny H. Hoyer .....             | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. F. James Sensenbrenner, Jr. .... | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Charles B. Rangel .....          | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. George Miller .....              | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Henry A. Waxman .....            | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Edward J. Markey .....           | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Joe Barton .....                 | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Earl Blumenauer .....            | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Jay Inslee .....                 | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Shelley Moore Capito .....       | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. John Sullivan .....              | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Marsha Blackburn .....           | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Emanuel Cleaver .....            | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Gabrielle Giffords .....         | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Bart Gordon .....                | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Fred Upton .....                 | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Diana DeGette .....              | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. G.K. Butterfield .....           | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Tim Ryan .....                   | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Sander M. Levin .....            | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Wilson Livingood .....           | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Hon. Brian Monahan .....              | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| John Lawrence .....                   | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Karen Wayland .....                   | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Stacee Bako .....                     | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Andrew Hammill .....                  | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Kate Knudson .....                    | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Bridget Fallon .....                  | 12/15   | 12/19     | Denmark ..... |                       | 5,075.00   |                  | 6,358.00   |                  |  |                  | 11,443.00  |
| Bina Surgeon .....                    | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Mary Frances Repko .....              | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Don Kellaher .....                    | 12/16   | 12/19     | Denmark ..... |                       | 5,075.00   |                  | 4,163.00   |                  |  |                  | 9,238.00   |
| Nona Darrell .....                    | 12/13   | 12/19     | Denmark ..... |                       | 9,481.00   |                  | 4,163.00   |                  |  |                  | 13,644.00  |
| Tony Jackson .....                    | 12/13   | 12/19     | Denmark ..... |                       | 9,481.00   |                  | 4,163.00   |                  |  |                  | 13,644.00  |
| Josh Mathis .....                     | 12/14   | 12/19     | Denmark ..... |                       | 5,298.00   |                  | 6,719.00   |                  |  |                  | 12,017.00  |
| Phil Barnett .....                    | 12/14   | 12/19     | Denmark ..... |                       | 4,629.00   |                  | 5,712.00   |                  |  |                  | 10,341.00  |
| David Cavicce .....                   | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Lisa Miller .....                     | 12/13   | 12/21     | Denmark ..... |                       | 11,619.00  |                  | 8,962.00   |                  |  |                  | 20,581.00  |
| Peter Spencer .....                   | 12/13   | 12/19     | Denmark ..... |                       | 9,481.00   |                  | 6,719.00   |                  |  |                  | 16,200.00  |
| Andrea Spring .....                   | 12/13   | 12/21     | Denmark ..... |                       | 10,995.00  |                  | 6,720.00   |                  |  |                  | 17,715.00  |
| Lorie Schmitt .....                   | 12/10   | 12/21     | Denmark ..... |                       | 11,174.00  |                  | 8,333.00   |                  |  |                  | 19,507.00  |
| Greg Dotson .....                     | 12/12   | 12/21     | Denmark ..... |                       | 10,728.00  |                  | 7,963.00   |                  |  |                  | 18,691.00  |
| Alex Barron .....                     | 12/10   | 12/21     | Denmark ..... |                       | 11,174.00  |                  | 8,333.00   |                  |  |                  | 19,507.00  |
| Christopher King .....                | 12/15   | 12/19     | Denmark ..... |                       | 6,990.00   |                  | 6,719.00   |                  |  |                  | 13,709.00  |
| Shimere Williams .....                | 12/15   | 12/21     | Denmark ..... |                       | 6,990.00   |                  | 6,719.00   |                  |  |                  | 13,709.00  |
| Tara Rothschild .....                 | 12/14   | 12/21     | Denmark ..... |                       | 7,213.00   |                  | 6,719.00   |                  |  |                  | 13,932.00  |
| Margaret Caravelli .....              | 12/14   | 12/21     | Denmark ..... |                       | 7,213.00   |                  | 6,719.00   |                  |  |                  | 13,932.00  |
| Gerry Waldron .....                   | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Ana Unruh-Cohen .....                 | 12/14   | 12/19     | Denmark ..... |                       | 5,298.00   |                  | 4,163.00   |                  |  |                  | 9,461.00   |
| Jeff Duncan .....                     | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Eben Burnham-Snyder .....             | 12/16   | 12/21     | Denmark ..... |                       | 6,767.00   |                  | 10,038.00  |                  |  |                  | 16,805.00  |
| Joel Beauvais .....                   | 12/10   | 12/20     | Denmark ..... |                       | 11,264.00  |                  | 8,983.00   |                  |  |                  | 20,247.00  |
| Michael Goo .....                     | 12/09   | 12/19     | Denmark ..... |                       | 10,150.00  |                  | 7,268.00   |                  |  |                  | 17,418.00  |
| Tom Schreiber .....                   | 12/13   | 12/19     | Denmark ..... |                       | 9,481.00   |                  | 7,983.00   |                  |  |                  | 17,464.00  |
| Harlan Watson .....                   | 12/06   | 12/21     | Denmark ..... |                       | 14,277.00  |                  | 6,719.00   |                  |  |                  | 20,996.00  |
| Bart Forsyth .....                    | 12/13   | 12/22     | Denmark ..... |                       | 9,481.00   |                  | 8,993.00   |                  |  |                  | 18,474.00  |
| Ed Rice .....                         | 12/13   | 12/22     | Denmark ..... |                       | 8,821.00   |                  | 10,264.00  |                  |  |                  | 19,085.00  |
| Steve Rusnak .....                    | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Carey Lane .....                      | 12/17   | 12/19     | Denmark ..... |                       | 4,406.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 4,406.00   |
| Committee total .....                 |         |           |               |                       |  |                  |  |                  |  |                  | 553,564.00   |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. NANCY PELOSI, Jan. 11, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

5748. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agri-

culture, transmitting the Department's final rule — The Emergency Food Assistance Program: Amendments to Requirements Regarding the Submission of State Plans and Allowability of Certain Administrative Costs

(RIN: 0584-AD94) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5749. A letter from the Acting NRCS Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Management Assistance Program (RIN: 0578-AA50) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5750. A letter from the Acting NRCS Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Regional Equity (RIN: 0578-AA44) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5751. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Information Systems Agency, Case Number 08-06, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5752. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Allowability of Costs to Lease Government Equipment for Display or Demonstration (DFARS Case 2007-D004) (RIN: 0750-AF85) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5753. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Technical Data and Computer Software Requirements for Major Weapon Systems [DFARS Case 2006-D055] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5754. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's "Major" final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues [Regulations H and Y; Docket No. R-1368] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5755. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting letter summarizing the actions taken by the Department of the Treasury in response to recommendations issued in the Government Accountability Office's report on the Troubled Asset Relief Program; to the Committee on Financial Services.

5756. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program (RIN: 3064-AD42) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5757. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — School Improvement Grants; American Recovery and Rein-

vestment Act of 2009 (ARRA); Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESSA) [Docket ID: ED-209-OESE-0010] (RIN: 1810-AB06) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5758. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No.: FDA-1977-N-0013] (formerly Docket No.: 1977-N-0094L) (RIN: 0910-AF36) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5759. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Designated Seating Positions [Docket No.: NHTSA 2009-0189] (RIN: 2127-AK65) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0175] (RIN: 2127-AK62) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Vehicle Identification Number Requirements; Technical Amendment [Docket No.: NHTSA 2008-0022] (RIN: 2127-AK63) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5762. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bangor, Maine) [MB Docket No. 09-122] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5763. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System [Docket No.: RM08-19-000, RM08-19-001, RM09-5-000, RM06-16-005; Order No. 729] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5764. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

5765. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the

United States and Entry Modified for Clarification [Docket No.: 0911171410-91427-01] (RIN: 0694-AE78) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5766. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938 and Changes to the United States Code [Docket No.: 0910231376-91377-01] (RIN: 0694-AE76) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5767. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for February 26, 2009 — August 26, 2009; to the Committee on Foreign Affairs.

5768. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Reporting of Offsets Agreements in Sales of Weapon Systems or Defense-Related Items to Foreign Countries or Foreign Firms [Docket No.: 080722875-91412-02] (RIN: 0694-AE40) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5769. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Oversight and Government Reform.

5770. A letter from the Secretary, Department of Agriculture, transmitting the Department's Performance and Accountability report for fiscal year 2009; to the Committee on Oversight and Government Reform.

5771. A letter from the Chief Financial Officer, Farm Credit Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5772. A letter from the Acting Administrator, General Services Administration, transmitting letter of notification of new mileage reimbursement rate for Federal employees who use privately owned vehicles while on official travel; to the Committee on Oversight and Government Reform.

5773. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-38; Introduction [Docket FAR 2009-0001, Sequence 9] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5774. A letter from the Acting General Counsel, Government Accountability Office, transmitting letter of compliance to the requirement in the Competition in Contracting Act of 1984; to the Committee on Oversight and Government Reform.

5775. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5776. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Correction [Docket No.: 0911161406-91407-01] (RIN: 0648-AY37) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5777. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting recommendation for the authorization of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MsCIP); to the Committee on Transportation and Infrastructure.

5778. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1004] (RIN: 1625-AA11) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5779. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington [Docket No.: USCG-2009-0331] (RIN: 1625-AA87 and 1625-AA00) received January 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5780. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Sunset Beach, North Carolina [Docket No.: USCG-2009-0985] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5781. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training December 2009 and January 2010; San Clemente Island, CA [Docket No.: USCG-2009-0920] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5782. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's "Major" final rule — Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines [Docket No.: PHMSA-RSPA-2004-19854; Amdt. 192-113] (RIN: 2137-AE15) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5783. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's "Major" final rule — Positive Train Control Systems [Docket No.: FRA-2008-0132, Notice No. 3] (RIN: 2130-AC03) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA [Docket No.: FAA-2009-0959; Airspace Docket No. 09-ASO-30] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5785. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company GE90-110B1, GE90-113B, and GE90-115B Series Turbofan Engines [Docket No.: FAA-2009-0143; Directorate Identifier 2009-NE-05-AD; Amendment 39-16135; AD 2009-25-14] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5786. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No.: FAA-2009-1114; Directorate Identifier 2009-NM-157-AD; Amendment 39-16134; AD 2007-10-10 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5787. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines; Correction [Docket No.: FAA-2009-0018; Directorate Identifier 2009-NE-01-AD; Amendment 39-16044; AD 2009-21-07] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400, -400D, and -400F Series Airplanes [Docket No.: FAA-2009-1222; Directorate Identifier 2009-NM-153-AD; Amendment 39-16160; AD 2008-10-06 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5789. A letter from the Regulations Officer FHWA, Department of Transportation, transmitting the Department's final rule — Discontinuance of form FHWA-47 [FHWA Docket No.: FHWA-2009-0029] (RIN 2125-AF31) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5790. A letter from the Regulations Officer FHWA, Department of Transportation, transmitting the Department's final rule — National Bridge Inspection Standards [FHWA Docket No.: FHWA-2009-0074] (RIN: 2125-AF33) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5791. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrator Devices On Board Aircraft [Docket No.: FAA-2009-0767; SFAR 106] (RIN: 2120-AJ55) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5792. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues; to the Committee on Transportation and Infrastructure.

5793. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30703 Amdt. No. 3354] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

5794. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30701 Amdt. No. 3352] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5795. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30704; Amdt. No. 3355] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5796. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30702; Amdt. No. 3353] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5797. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of a Special Air Traffic Rule in the Vicinity of Luke Air Force Base (AFB), AZ [Docket No.: FAA-2008-1087; Amendment No. 93-95] (RIN: 2120-AJ29) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5798. A letter from the Acting Administrator, General Services Administration, transmitting Informational copies of the Reports of Building Project Survey for Panama City, FL and Clarksburg, WV; to the Committee on Transportation and Infrastructure.

5799. A letter from the Administrator, National Aeronautics and Space Administration, transmitting Statement of actions with respect to a Government Accountability Report numbered GAO-10-2; to the Committee on Science and Technology.

5800. A letter from the Administrator, National Aeronautics and Space Administration, transmitting Statement of actions with respect to a Government Accountability Report numbered GAO-10-3SU; to the Committee on Science and Technology.

5801. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Countries Whose Pleasure Vessels May Be Issued Cruising Licenses (CBP Dec. 08-27) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5802. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Remote Location Filing [USCBP-2006-0001] (RIN: 1505-AB20) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5803. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Haitian Hemispheric Opportunity Through Partnership Encouragement Acts of 2006 and 2008 [Docket No.:

USCBP-2007-0062] (RIN: 1505-AB82) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5804. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Sec. 409A(a) [Notice 2010-06] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5805. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Approval of Changes in Funding Method for Takeover Plans and Changes in Pension Valuation Software [Announcement 2010-03] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5806. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed \$2,800,00 (Rev. Rul. 2010-2) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5807. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Auction Rate Preferred Stock-Extension of Date for Addition of a Liquidity Facility [Notice 2010-3] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5808. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-1) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Apportionment of Tax Items among the Members of a Controlled Group of Corporations [TD 9476] (RIN: 1545-BI62; RIN 1545-BG39) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Temporary guidance regarding certain stock distributions by publicly traded real estate investments trusts (REITs) and regulated investment companies (RICs) (Revenue Procedure 2010-12) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources [Docket No.: SSA 2008-0034] (RIN: 0960-AG66) received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Commissioner, Social Security Administration, transmitting a proposed bill to amend titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

5813. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5814. A letter from the General Counsel, Office of Government Ethics, transmitting a letter reporting that the Office of Government Ethics did not conduct or initiate competitions in FY 2009; to the Committee on Oversight and Government Reform.

5815. A letter from the Vice Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated December 07, 2009); jointly to the Committees on Armed Services and Appropriations.

5816. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2009 on Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 1038. Resolution providing for consideration of the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; and for consideration of the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes (Rept. 111-401). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU (for himself and Mr. LIPINSKI):

H.R. 4502. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Science and Technology.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. McKEON, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. BLUNT, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. CHAFFETZ, Mr. ROONEY, Mr. MANZULLO, Ms. ROS-LEHTINEN, and Mr. CANTOR):

H.R. 4503. A bill to provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSTER:

H.R. 4504. A bill to authorize the Federal Communications Commission to issue regulations against the censorship of Internet search results, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself and Mr. SNYDER):

H.R. 4505. A bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. COHEN (for himself, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. RODRIGUEZ (for himself, Mr. SMITH of Texas, Mr. McCAUL, and Mr. GONZALEZ):

H.R. 4507. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish the Cyber Security Domestic Preparedness Consortium, and for other purposes; to the Committee on Homeland Security.

By Ms. VELAZQUEZ:

H.R. 4508. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SCHRADER (for himself, Mr. DAVIS of Tennessee, and Mr. BLUMENAUER):

H.R. 4509. A bill to reauthorize the national Small Business Tree Planting Program, and for other purposes; to the Committee on Small Business.

By Mr. GRAYSON:

H.R. 4510. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations in which foreign principals have an ownership interest; to the Committee on House Administration.

By Mr. GRAYSON:

H.R. 4511. A bill to amend the Federal Election Campaign Act of 1971 to prohibit corporations which employ or retain registered lobbyists from making expenditures or disbursements for electioneering communications under such Act, and for other purposes; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 4512. A bill to require the Secretary of Energy to implement country-of-origin disclosure requirements with respect to motor vehicle fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUCHANAN:

H.R. 4513. A bill to create jobs by providing targeted tax relief to individuals and small businesses, curb frivolous lawsuits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AUSTRIA, Mr. LATOURETTE, Mr. PAYNE, Mrs. SCHMIDT, Mr. SESTAK, and Mr. TIBERI):

H.R. 4514. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4515. A bill to make certain technical and conforming amendments to the Lanham Act; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 4516. A bill to provide stability in the financial services industry by promoting transparency, simplicity, fairness, accountability, and equal access in the market for consumer financial products or services and ensuring that no financial company becomes too big to fail, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of New York (for himself, Mr. COHEN, and Ms. MCCOLLUM):

H.R. 4517. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations which are owned or controlled by foreign principals, to increase the civil penalties applicable to foreign nationals who violate the ban, and for other purposes; to the Committee on House Administration.

By Mr. HALL of New York:

H.R. 4518. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for image advertising expenses for any trade or business the gross receipts of which exceed \$100 million; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4519. A bill to direct the Secretary of the Treasury to make publicly available on the Internet the electronic communications of certain TARP recipients; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania):

H.R. 4520. A bill to help prevent the occurrence of cancer resulting from the use of ultraviolet tanning lamps by imposing more stringent controls on the use of such devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts (for himself and Mr. VAN HOLLEN):

H.R. 4521. A bill to direct the Secretary of the Interior to agree to requests by lessees to amend certain oil and gas leases issued for Central and Western Gulf of Mexico tracts, to incorporate price thresholds applicable to royalty suspension provisions, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mrs. MALONEY, Mr. FOSTER, Mr. JOHNSON of Georgia, Mr. COHEN, Mr. SIRE, Mr. DINGELL, Mr. RODRIGUEZ, Mr. LANCE, Mr. CAPUANO, Mr. HOLDEN, Mr. LYNCH, Mr. KAGEN, Mr. KUCINICH, Mr. TOWNS, Mr. BOREN, Mr. AL GREEN of Texas, Mr. YARMUTH, Mrs. MCCARTHY of New York, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. STARK, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. CONYERS, Mr. JONES, and Mr. TIERNEY):

H.R. 4522. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations which are owned or controlled by foreign principals; to the Committee on House Administration.

By Mr. PERRIELLO:

H.R. 4523. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations whose shareholders include any foreign principals; to the Committee on House Administration.

By Mr. SHULER (for himself, Mr. PRICE of North Carolina, Mr. BOUCHER, and Mr. PERRIELLO):

H.R. 4524. A bill to authorize funding to protect and conserve lands contiguous with

the Blue Ridge Parkway to serve the public, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina:

H.R. 4525. A bill to amend title 10, United States Code, to expand the eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all members of the uniformed services who are retired under chapter 61 of such title for disability, regardless of the members' disability rating percentage; to the Committee on Armed Services, and in addition to the Committees on the Budget, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.J. Res. 72. A joint resolution disapproving the action of the District of Columbia Council in approving the Religious Freedom and Civil Marriage Equality Amendment Act of 2009; to the Committee on Oversight and Government Reform.

By Mr. COFFMAN of Colorado (for himself, Ms. DEGETTE, Mr. CONAWAY, and Mr. SNYDER):

H. Con. Res. 230. Concurrent resolution recognizing the 150th anniversary of the Colorado National Guard; to the Committee on Armed Services.

By Mr. COSTELLO (for himself, Mr. CLAY, Mr. SHIMKUS, Mr. CARNAHAN, Mr. DAVIS of Illinois, Mr. FOSTER, Mr. JOHNSON of Illinois, and Mr. LIPINSKI):

H. Con. Res. 231. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the life of Elijah Parish Lovejoy; to the Committee on Oversight and Government Reform.

By Mr. LEE of New York (for himself, Mr. ADLER of New Jersey, Mr. SHIMKUS, Mr. HEINRICH, Mr. TEAGUE, Mr. LUJÁN, Mr. CAO, Mr. MICHAUD, Mr. KAGEN, Mr. KIND, Mr. ROGERS of Kentucky, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, and Mr. HARPER):

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 14 members of the Army's 24th Infantry Division who have received the Medal of Honor; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE:

H. Res. 1037. A resolution expressing the sense of the House of Representatives that the actions by United States Armed Forces and first responders to help the people of Haiti after the recent devastating earthquake reflect the highest level of dedication and heroism; to the Committee on Armed Services.

By Mr. LEE of New York (for himself, Mr. ARCURI, Mr. BOOZMAN, Mr. GERLACH, Mr. BLUNT, Mr. CONAWAY, Mr. EHLERS, Mr. ISRAEL, Mr. PUTNAM, Mr. PAULSEN, and Mr. WILSON of South Carolina):

H. Res. 1039. A resolution supporting the goals and ideals of American Heart Month and National Wear Red Day; to the Committee on Oversight and Government Reform.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. ROSS, and Mr. BERRY):

H. Res. 1040. A resolution honoring the life and accomplishments of Donald Harington for his contributions to literature in the United States; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

227. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 103 memorializing the Congress of the United States to Enact the Investment in Rural Afterschool Programs Act; to the Committee on Education and Labor.

228. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 562 memorializing the Congress in its health care reform decisions to apply the American Cancer Society's guidelines for breast cancer screening; to the Committee on Energy and Commerce.

229. Also, a memorial of the Legislature of the State of Hawaii, relative to a letter urging the U.S. Congress to meet its fiscal obligation to the citizens of Micronesia, the Marshall Islands and Palau who reside in Hawaii; to the Committee on Natural Resources.

230. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 100 urging the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian Carp from entering the Great Lakes; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. LINDA T. SÁNCHEZ of California.

H.R. 39: Mr. LOEBSACK and Mr. MCDERMOTT.

H.R. 43: Mr. BISHOP of Utah, Mr. PITTS, Mr. MOORE of Kansas, Mrs. BLACKBURN, Mr. FLENER, Mr. JONES, Mr. TIERNEY, Mrs. MALONEY, and Mr. GONZALEZ.

H.R. 197: Mr. OWENS.

H.R. 211: Mr. GRAVES.

H.R. 272: Mr. THORNBERRY.

H.R. 394: Mr. WHITFIELD.

H.R. 476: Mr. GUTIERREZ, Mr. BISHOP of Georgia, and Ms. MOORE of Wisconsin.

H.R. 510: Mr. LATHAM.

H.R. 519: Mr. MCMAHON.

H.R. 537: Mr. REYES.

H.R. 560: Mr. TIAHRT.

H.R. 571: Mr. MICHAUD.

H.R. 678: Mr. WILSON of Ohio, Mr. WEINER, Mr. FLEMING, Mr. HINCHEY, and Mrs. LOWEY.

H.R. 690: Mr. MICHAUD and Mr. HINCHEY.

H.R. 745: Mr. HALL of New York.

H.R. 795: Mr. CLAY.

H.R. 997: Mr. GOHMERT.

H.R. 1020: Ms. CHU and Ms. FUDGE.

H.R. 1026: Mr. MARCHANT.

H.R. 1159: Ms. WOOLSEY.

H.R. 1177: Mr. SAM JOHNSON of Texas and Mr. BRIGHT.

H.R. 1204: Mr. BARRETT of South Carolina.

H.R. 1310: Ms. CHU.

H.R. 1314: Mrs. CAPPS and Mr. KISSELL.

- H.R. 1326: Mr. TONKO.  
H.R. 1347: Mr. KRATOVL.  
H.R. 1526: Ms. HERSETH SANDLIN and Mr. MITCHELL.  
H.R. 1557: Mr. ADLER of New Jersey.  
H.R. 1583: Mr. SIMPSON.  
H.R. 1587: Mr. STUPAK.  
H.R. 1588: Mr. SAM JOHNSON of Texas.  
H.R. 1806: Mr. PERRIELLO.  
H.R. 1826: Mr. KENNEDY and Ms. SPEIER.  
H.R. 1835: Mrs. EMERSON and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 1866: Mr. REHBERG.  
H.R. 1873: Ms. SCHAKOWSKY.  
H.R. 1895: Mr. ADLER of New Jersey.  
H.R. 1957: Mr. CONYERS and Mr. COURTNEY.  
H.R. 1964: Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, and Ms. WATSON.  
H.R. 2149: Ms. ESHOO.  
H.R. 2254: Mr. ROONEY, Mr. RUPPERS-BERGER, Ms. BALDWIN, Mr. LINDER, Ms. SUTTON, Mr. THOMPSON of Pennsylvania, and Mr. OWENS.  
H.R. 2296: Mr. COSTELLO.  
H.R. 2377: Ms. BERKLEY and Mrs. MALONEY.  
H.R. 2478: Ms. ROYBAL-ALLARD, Mr. ROGERS of Alabama, Ms. ZOE LOFGREN of California, and Mr. SAM JOHNSON of Texas.  
H.R. 2480: Ms. NORTON and Mr. KISSELL.  
H.R. 2521: Mr. BRALEY of Iowa.  
H.R. 2546: Ms. RICHARDSON.  
H.R. 2547: Ms. JENKINS and Mrs. BLACKBURN.  
H.R. 2553: Mr. POSEY.  
H.R. 2563: Ms. HERSETH SANDLIN.  
H.R. 2579: Mr. ELLISON.  
H.R. 2597: Ms. RICHARDSON and Mr. FILNER.  
H.R. 2669: Mr. ISRAEL.  
H.R. 2733: Ms. KOSMAS, Mr. SHULER, Mr. BACA, Mr. TIM MURPHY of Pennsylvania, and Mr. LYNCH.  
H.R. 2740: Mr. WEINER.  
H.R. 2799: Mr. WHITFIELD and Mr. COFFMAN of Colorado.  
H.R. 2855: Mr. CLEAVER.  
H.R. 2866: Mrs. LOWEY and Mr. YOUNG of Alaska.  
H.R. 2882: Ms. HARMAN and Mr. MOORE of Kansas.  
H.R. 2906: Mrs. MALONEY.  
H.R. 2946: Ms. LORETTA SANCHEZ of California and Mr. MASSA.  
H.R. 2964: Mr. LOEBSACK, Ms. SHEA-PORTER, and Mrs. SCHMIDT.  
H.R. 2969: Mr. ISRAEL.  
H.R. 3012: Mr. ISRAEL.  
H.R. 3017: Mr. GARAMENDI, Mr. NYE, and Mrs. KIRKPATRICK of Arizona.  
H.R. 3047: Mr. CUMMINGS and Mr. GONZALEZ.  
H.R. 3077: Ms. WATSON.  
H.R. 3078: Mr. CONYERS.  
H.R. 3156: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RUSH, Mr. DELAHUNT, Mr. FALDOMAEGA, Mr. PERRIELLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON LEE of Texas, Ms. LEE of California, and Ms. WATSON.  
H.R. 3164: Ms. BERKLEY.  
H.R. 3189: Ms. MARKEY of Colorado.  
H.R. 3249: Mr. GRIJALVA.  
H.R. 3277: Ms. FUDGE.  
H.R. 3286: Mrs. LOWEY and Mr. COOPER.  
H.R. 3380: Mr. YOUNG of Alaska, and Mrs. DAHLKEMPER.  
H.R. 3464: Mr. CHILDERS.  
H.R. 3549: Mr. MICA.  
H.R. 3564: Mr. CLAY and Mr. JOHNSON of Georgia.  
H.R. 3582: Ms. GRANGER.  
H.R. 3627: Mr. LUJÁN.  
H.R. 3652: Mr. BISHOP of Georgia.  
H.R. 3656: Mr. ROTHMAN of New Jersey.  
H.R. 3695: Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. MURPHY of New York, Mr. PAYNE, Mr. LEE of New York, and Ms. GINNY BROWN-WAITE of Florida.  
H.R. 3712: Mr. TOWNS, Mr. DEFazio, Mr. TURNER, Mr. CONAWAY, and Mr. BARTLETT.  
H.R. 3721: Ms. ROYBAL-ALLARD.  
H.R. 3734: Mr. SCHIFF.  
H.R. 3749: Ms. HERSETH SANDLIN.  
H.R. 3752: Mr. MORAN of Kansas.  
H.R. 3758: Mr. FRANK of Massachusetts.  
H.R. 3790: Mr. COSTELLO and Mr. CLEAVER.  
H.R. 3813: Mr. MURTHA.  
H.R. 3822: Mr. NEUGEBAUER.  
H.R. 3824: Mr. NEUGEBAUER.  
H.R. 3838: Ms. SCHAKOWSKY.  
H.R. 3914: Ms. MARKEY of Colorado.  
H.R. 3943: Mrs. DAHLKEMPER, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. AKIN, Mr. DUNCAN, Mr. SENSENBRENNER, Ms. FALLIN, Mr. SIMPSON, Mr. BOUCHER, Mr. MCCAUL, and Ms. WATSON.  
H.R. 3995: Mr. STUPAK.  
H.R. 4000: Mr. JACKSON of Illinois and Ms. BORDALLO.  
H.R. 4022: Mr. PAUL.  
H.R. 4037: Mr. COURTNEY.  
H.R. 4051: Mr. MURTHA and Mr. FATTAH.  
H.R. 4053: Mr. CONNOLLY of Virginia and Mr. CUMMINGS.  
H.R. 4090: Mr. TIM MURPHY of Pennsylvania and Mr. ETHERIDGE.  
H.R. 4091: Mr. POE of Texas.  
H.R. 4104: Mr. MASSA and Mr. GORDON of Tennessee.  
H.R. 4112: Mr. WILSON of Ohio.  
H.R. 4116: Ms. GIFFORDS and Mr. LEVIN.  
H.R. 4144: Mr. KLEIN of Florida and Mrs. BLACKBURN.  
H.R. 4148: Ms. FUDGE.  
H.R. 4149: Mr. TOWNS.  
H.R. 4177: Mr. ORTIZ and Mr. HINOJOSA.  
H.R. 4191: Mr. CARDOZA.  
H.R. 4199: Mr. HODES.  
H.R. 4202: Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. JACKSON of Illinois, Mr. TONKO, Ms. JACKSON LEE of Texas, Mr. GRIJALVA, Ms. MOORE of Wisconsin, and Mr. HODES.  
H.R. 4220: Mr. CARTER.  
H.R. 4226: Mr. PAUL.  
H.R. 4234: Mr. GOHMERT and Mr. MARCHANT.  
H.R. 4241: Mr. KING of New York.  
H.R. 4247: Mr. DEFazio, Mr. HIMES, Mr. HOLT, and Ms. SLAUGHTER.  
H.R. 4258: Mr. MANZULLO and Mr. LARSEN of Washington.  
H.R. 4269: Mr. MASSA.  
H.R. 4274: Mr. BLUMENAUER and Ms. RICHARDSON.  
H.R. 4278: Mr. ARCURI.  
H.R. 4295: Mr. MAFFEI.  
H.R. 4302: Ms. WOOLSEY.  
H.R. 4311: Mr. MCMAHON.  
H.R. 4312: Mr. BISHOP of Utah.  
H.R. 4324: Mr. NYE, Mr. HARPER, and Mr. KLEIN of Florida.  
H.R. 4343: Mr. COHEN, Mr. THOMPSON of Mississippi, and Mr. CLAY.  
H.R. 4356: Mr. OLIVER, Mr. FARR, and Ms. KILPATRICK of Michigan.  
H.R. 4378: Ms. LINDA T. SANCHEZ of California, Mr. SHULER, Mr. MEEKS of New York, Ms. SUTTON, Mr. TOWNS, and Mr. BUTTERFIELD.  
H.R. 4386: Mr. INSLEE.  
H.R. 4393: Ms. KOSMAS.  
H.R. 4400: Mr. ELLISON, Ms. KOSMAS, Mr. ELLSWORTH, Mr. PRICE of North Carolina, Mr. LOEBSACK, and Mr. BUCHANAN.  
H.R. 4403: Mr. NYE.  
H.R. 4413: Mr. EDWARDS of Texas.  
H.R. 4427: Mrs. SCHMIDT, Mr. SOUDER, and Mrs. BLACKBURN.  
H.R. 4453: Mr. MCCOTTER and Mr. SENSENBRENNER.  
H.R. 4459: Mr. GALLEGLY.  
H.R. 4465: Mrs. BLACKBURN, Ms. BORDALLO, and Mr. HASTINGS of Florida.  
H.R. 4472: Mr. MCCOTTER and Mr. KILDEE.  
H.R. 4490: Mr. CALVERT, Mr. WOLF, Mrs. BONO MACK, Mr. BACHUS, Mr. PENCE, Mr. BURTON of Indiana, and Mr. MANZULLO.  
H.R. 4493: Ms. ROS-LEHTINEN.  
H.J. Res. 13: Mr. MORAN of Virginia and Mr. RYAN of Ohio.  
H.J. Res. 37: Mr. MANZULLO.  
H.J. Res. 66: Mrs. BLACKBURN and Mr. BURTON of Indiana.  
H. Con. Res. 227: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. PIERLUISI.  
H. Res. 111: Mr. PETRI and Mr. CHILDERS.  
H. Res. 213: Ms. RICHARDSON, Mr. GRIJALVA, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Mr. HONDA, and Mrs. NAPOLITANO.  
H. Res. 243: Mr. GARAMENDI.  
H. Res. 267: Mr. MCCOTTER, Ms. HARMAN, Mr. QUIGLEY, and Mr. TANNER.  
H. Res. 278: Mrs. NAPOLITANO.  
H. Res. 330: Mr. SCHIFF, Mr. BOREN, Ms. ROS-LEHTINEN, Mr. BARTLETT, Mr. CONAWAY, Mr. MCINTYRE, Mr. MARSHALL, Mr. BERRY, Mr. BRIGHT, Mr. HONDA, and Mr. MINNICK.  
H. Res. 375: Mr. GRAYSON and Mr. MASSA.  
H. Res. 443: Ms. CHU.  
H. Res. 611: Mr. YARMUTH.  
H. Res. 704: Ms. BERKLEY, Mr. ROONEY, Mr. QUIGLEY, Mr. FALDOMAEGA, Mr. FOSTER, Ms. DEGETTE, Mr. POSEY, and Mr. ROSKAM.  
H. Res. 872: Mrs. MYRICK and Mr. BURTON of Indiana.  
H. Res. 874: Mr. CONAWAY.  
H. Res. 879: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. QUIGLEY, Mr. ELLSWORTH, Ms. KOSMAS, Mr. DONNELLY of Indiana, Mr. MELANCON, Mr. CHANDLER, Mr. CROWLEY, Ms. MARKEY of Colorado, Mr. CHILDERS, Mr. BOREN, Mr. TONKO, Ms. SHEA-PORTER, Ms. SUTTON, Ms. EDWARDS of Maryland, Ms. BERKLEY, Mr. PASTOR of Arizona, Mr. SCHWARTZ, Mr. FOSTER, Mr. BOYD, Mr. BISHOP of Georgia, Mr. LOEBSACK, Mr. SARBANES, Ms. LEE of California, Ms. MCCOLLUM, Mr. MOORE of Kansas, Ms. DEGETTE, Mr. FALDOMAEGA, Mr. GEORGE MILLER of California, Mr. BERRY, Mr. SCHAUER, Mr. HIMES, Mr. PERLMUTTER, and Mr. WATT.  
H. Res. 925: Mr. WAMP, Mr. PLATTS, and Mr. BRADY of Pennsylvania.  
H. Res. 929: Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. MCGOVERN, Mr. ELLISON, and Ms. DEGETTE.  
H. Res. 958: Mr. LIPINSKI.  
H. Res. 990: Mr. OBERSTAR, Mr. MARKEY of Massachusetts, Mr. DINGELL, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, and Ms. ZOE LOFGREN of California.  
H. Res. 996: Mrs. DAHLKEMPER, Mr. SESSIONS, Mr. MARCHANT, Ms. MOORE of Wisconsin, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. ELLISON, Mr. MEEKS of New York, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. LATOURETTE, Mr. COURTNEY, and Mr. TOWNS.  
H. Res. 1003: Mr. DINGELL, Mr. MEEK of Florida, Mr. RUSH, Mr. WEINER, Mr. SABLAN, Mr. OBERSTAR, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. COSTA, Mr. MURPHY of Connecticut, Ms. LEE of California, Ms. BORDALLO, Mr. WELCH, and Ms. MCCOLLUM.  
H. Res. 1011: Mr. LOEBSACK, Mr. KENNEDY, Ms. SPEIER, Mr. NYE, Mr. PETERS, Mr. GEORGE MILLER of California, and Ms. ROS-LEHTINEN.  
H. Res. 1014: Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. LANCE, Mrs. McMORRIS RODGERS, Mr. MAFFEI, Mr. KIRK, Mr. KAGEN, Mr. WOLF, Mr. PLATTS, Mr. HOLT, Mr. PAYNE, Mr. MASSA, Mr. ISRAEL, Ms. PINGREE of Maine,



Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. SIREs, Mr. BROWN of South Carolina, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. DELAHUNT, Mr. TONKO, Mr. MOORE of Kansas, Mr. NADLER of New York, Mr. LOBIONDO, Ms. CLARKE, Mr. SERRANO, Mr. CUMMINGS, Mr. MCGOVERN, Ms. NORTON, Mr. MEEKS of New York, and Mr. HODES.

H. Res. 1019: Mr. MORAN of Virginia.

H. Res. 1022: Mr. ELLISON and Mr. NADLER of New York.

H. Res. 1024: Mr. STARK, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Ms. MCCOLLUM.

H. Res. 1029: Ms. ROS-LEHTINEN and Mr. PLATTS.

H. Res. 1033: Mr. LOBIONDO, Mr. WILSON of South Carolina, Mrs. BONO MACK, Mr. YOUNG of Florida, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. LEE of New York, Mr. SHUSTER, Ms. ROS-LEHTINEN, Mr. DAVIS of Kentucky, Mr. HERGER, Ms. GRANGER, Mr. WESTMORELAND, and Mr. WOLF.

H. Res. 1034: Ms. RICHARDSON, Mr. CUMMINGS, and Mr. BERMAN.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. RAHALL

H.R. 4474, the Idaho Wilderness Water Facilities Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

95. The SPEAKER presented a petition of The City of Key West, Florida, relative to Resolution No. 09-292 urging the Congress of the United States to adopt the Military Readiness Enhancement Act of 2009; to the Committee on Armed Services.

96. Also, a petition of San Francisco Labor Council, California, relative to a Resolution in solidarity for the people of Honduras and urging the U.S. Congress to take strong measures against the repressive coup government in Honduras; to the Committee on Foreign Affairs.

97. Also, a petition of Board of Supervisors of San Francisco, California, relative to Resolution No. 488-09 urging the Congress of the United States to legislatively support a

strong Tready to address Climate Change; to the Committee on Foreign Affairs.

98. Also, a petition of The City of Key West, Florida, relative to Resolution No. 09-293 urging the Congress of the United States and the President to repeal the Defense of Marriage Act; to the Committee on the Judiciary.

99. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 596 petitioning the Congress of the United States to Introduce and Pass Legislation Establishing a U.S. Commission Aimed Solely at Monitoring and Combating Modern-Day Slavery in All Its Forms; jointly to the Committees on the Judiciary and Foreign Affairs.

100. Also, a petition of City Council of Watsonville, California, relative to Resolution No. 207-09 supporting the Dream Act of 2009 to Relieve Obstacles to Higher Education and Permanent Residency for Long-term Immigrant but Non-Resident Minors; jointly to the Committees on the Judiciary and Education and Labor.

101. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 535 urging the U.S. House of Representatives to pass H.R. 1691; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

## EXTENSIONS OF REMARKS

IN MEMORY OF H.G. DULANEY

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. HALL of Texas. Madam Speaker, last year the fourth district of Texas and our Nation lost a distinguished gentleman and historian from Ector, Texas. H.G. Dulaney passed away on July 4th, 2009 at the age of 91. The great H.G., a legendary presence aide in his own right, was a longtime aide to the late Speaker of the House Sam Rayburn and served for many years as Director of the Sam Rayburn Library in Bonham.

H.G. Dulaney, son of Horace Greeley and Lucy Dulaney, was born in Fannin County on May 11, 1918 and lived there all of his life, except for a few years in Washington working for Speaker Rayburn. He graduated from Ector High School and attended Draughton's Business College in Dallas. He married Rita Redman on September 9, 1941 in Colbert, Oklahoma, and they had two children, Loretta and Mike. H.G. served in the Army Air Force from 1942–1945 during WWII, spending 18 months in the India-Burma theater. Following his release from the service he returned to Fannin County where he briefly worked for Bonham Abstract Company and the Farmers Home Administration Department of Agriculture.

In 1951, 33-year-old H.G. Dulaney was persuaded by a local attorney, Buster Cole, to go to Washington to work for Speaker Rayburn. H.G. enjoyed telling the story of his first trip to Washington, D.C. with his shoes squeaking with every step he took and his many remembrances of "Mr. Sam," probably the most powerful man who ever led the U.S. House of Representatives. H.G. spent several years as a Congressional Aide to Speaker Rayburn, taking dictation and writing letters, among many other tasks. Mr. Sam ultimately became like a father to him.

In 1956, Mr. Sam appointed H.G. to take care of his personal business at the library. While the library construction was being completed, H.G. studied at the Library of Congress and the National Archives to prepare himself for his new job. He took special courses in accounting and library science at Southeastern University in Washington, D.C., and after he took over as Library Director in 1957, he continued his studies at East Texas State University.

H.G. Dulaney is a name that is synonymous with the Sam Rayburn Library. He was actively involved in preparations for the Library from its inception through construction and opening in 1957, and served as the Director of the Library until 2002, including its transfer into The University of Texas at Austin in 1990. Following his retirement, he was the Director Emeritus and Consultant at The Sam Rayburn

Library. During his years at the Rayburn Library he served as Co-Editor of "Impressions of Mr. Sam—A Cartoon Profile" (1987) and "Speak, Mr. Speaker" (1978) and was the Editor of the Sam Rayburn Newsletter (1957–2002). Throughout more than half a century of operation, H.G. nurtured the Library and shared his wealth of knowledge and insights about Speaker Rayburn with visitors and students from all over the country.

H.G. was a member of Ector United Methodist Church, Ector Masonic Lodge, Dodd City Lions Club, The Texas Historical Commission, and the Fannin County Historical Commission. He also served a number of years on the Ector Carson Cemetery Board and The Public Housing Authority Board. In 1980, H.G. received the Good Government Award from the Zeta Gamma chapter of Pi Sigma Alpha, the Political Science National Honor Society, and he was also named Bonham Citizen of the Year in 1997, among many other awards he received over his lifetime. In September 2002, in honor of his official retirement from the Sam Rayburn Library and Museum, the Fannin County Commissioner's Court and the City of Bonham signed a proclamation declaring H.G. Dulaney Day. In addition, the main exhibit gallery of the Rayburn Museum was renamed in his honor, commemorated with the permanent installation of his portrait. In 2005, H.G. was doubly honored by the Friends of Sam Rayburn. He was given the Inaugural Public Service Award and the award was named in his honor—the H.G. Dulaney Friends of Sam Rayburn Award for Public Service. The same year, the Sam Rayburn Foundation established a scholarship in his name.

H.G. is survived by a son, Mike, and his wife Maria Dulaney and five grandchildren. He was preceded in death by his parents, Horace Greeley and Lucy Dulaney, his wife Rita Redman Dulaney and daughter, Loretta Dulaney Chapman.

Madam Speaker, I ask my colleagues to join me in memory and in honor of this great American and historian who dedicated his life to preserving the history of this institution. He will be truly missed.

HONORING AND REMEMBERING  
MONIQUE PEGUES OF FORT  
WORTH

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. BURGESS. Madam Speaker, I rise today to honor and remember Monique Pegues, who departed this life Friday, January 22, 2010.

Ms. Pegues was a devoted Christian, wife, daughter, mother, sister and friend who left an indelible mark on each person in which she

came in contact. She led an accomplished life that was exhibited to others through her love of God, family and career.

Ms. Pegues was an active member of First St John Baptist Church and a 1994 honors graduate of my alma mater, the University of North Texas at Denton. As a respected colleague, she was chosen by her peers to represent them as President to the DFW Chapter of the Women's Transportation Seminar (WTS) and as Chairperson to the North Central Texas Regional Certification Agency (NCTRCA). Ms. Pegues was also a member of several other organizations, such as Leadership Fort Worth and Toastmasters International. She also volunteered with Meals on Wheels, Big Brothers/Big Sisters and the Salvation Army. In strong recognition of her many accomplishments, Ms. Pegues was recognized in 2009 as part of Mass Transit's exclusive national list of "Top 40, Under 40".

Emboldened with a can-do spirit, professional demeanor and reserved confidence, Ms. Pegues quickly assimilated through the ranks of the Fort Worth Transportation Authority (The "T") to become the organization's Director of Governmental Relations. In this capacity, she developed effective long-lasting relationships with key elected officials and staffers here on "The Hill" in Washington, DC and in the Capitol in Austin, and was instrumental as a change-agent as evidenced through her highly-navigated role as liaison to various local, state, and federal governing jurisdictions.

Ms. Pegues was a compassionate person with a never-ceasing love for the Fort Worth community in which she grew up and then chose to give back to by becoming a public administrator. Yet for all her public accomplishments, her private persona as a devoted wife to Calvin, and mother to three young sons Cortlin, Colin and Carrington, who together were her focal point and source of pride, served as the most important and dedicated role in which she attributed her joy, admiration and love.

Madam Speaker, today I rise and join the Fort Worth community in honoring the exemplary life, legacy and achievements of Monique Pegues as an affirmation to the many contributions she bestowed upon all who knew her.

JACOB R. WILSON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob R. Wilson. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacob has earned the rank of Firebuilder in the Tribe of Mic-O-Say. Jacob has also contributed to his community through his Eagle Scout project. Jacob led 20 scouts in the construction of a new 4x8 sign for Weston Christian Church, at the corner of Washington and Spring Streets in Weston, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jacob R. Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE IN RECOGNITION OF  
THE MEXICAN AMERICAN BAR  
ASSOCIATION OF LOS ANGELES  
COUNTY (MABA) ON THE OCCA-  
SION OF ITS 50TH ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the Mexican American Bar Association of Los Angeles County (MABA) on the occasion of its 50th Anniversary. Headquartered in the South Park community of Downtown Los Angeles in the 34th Congressional District, I am proud to represent this non-profit organization dedicated to advancing the careers of Latinos in the legal profession and empowering Latino communities.

Over the years, I have had the privilege of working with MABA members in various ways to assist Latino families in my congressional district. MABA members have had profound impacts on our community, including in advocating for immigrant rights, providing legal counsel at my annual citizenship workshops, and generously providing pro bono consultation to the residents of the City of Commerce whose homes were damaged by the derailment of a Union Pacific train.

In 2005, I was particularly touched to become the organization's first-ever recipient of the Edward R. Roybal Public Service Award. Named in honor of my late father, the annual award recognizes individuals for their extraordinary public service to the Latino community. On behalf of my father and the Roybal family, I remain deeply grateful to MABA for honoring my father's legacy of public service in this very special way.

I am sure my father would be very proud that this year's Edward R. Roybal Public Service Award will go to Mayor Antonio Villaraigosa for his outstanding contributions to our city. MABA's other outstanding honorees at this year's February 6 anniversary gala at the Biltmore Hotel in Downtown Los Angeles are: Thomas Saenz; Herman Sillas; Eddie "Piolin" Sotelo; Mario Trujillo; Carlos Moyado; and The Law Firm of Moreno, Becerra and Casillas. They are all to be commended for

their steadfast advocacy on behalf of Latino families.

In celebrating MABA's 50th Anniversary, it is appropriate to take a look back to this fine organization's humble beginnings. The organization's roots actually trace back to 1956 when Manuel Martinez was sworn in as an attorney in Los Angeles. Although there were few Mexican American attorneys at the time, Manuel Martinez quickly realized that attorneys of Mexican descent needed a support group to help guide their careers and ultimately succeed in the legal profession. Three years later, in 1959, he joined with another local attorney named Antonio Bueno to form the Mexican Lawyers' Club, which met regularly at El Farolito Restaurant in East Los Angeles.

In 1971, the Mexican Lawyers' Club evolved into the Mexican American Bar Association. Today, MABA of Los Angeles County boasts more than 800 members from various ethnic, racial and political backgrounds. Through the years, MABA of Los Angeles County is credited with helping numerous generations of attorneys develop their careers while staying true to its core mission of empowering and giving back to the Latino community. Considered the voice and heart of the Latino legal community, MABA members have ascended to the highest levels of the legal community: in private practice, non-profit, and governmental positions, including three appointments to the California State Supreme Court.

Madam Speaker, on the occasion of MABA of Los Angeles County's 50th Anniversary, I ask my colleagues to please join me in celebrating the growth and outstanding achievements of this distinguished and influential organization and in congratulating all of its members for making this visionary bar association the success that it is today.

IN HONOR OF THE FEDERATION  
OF ITALIAN AMERICAN ORGANI-  
ZATIONS OF QUEENS

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mrs. MALONEY. Madam Speaker, it is my great pleasure to pay tribute to the Federation of Italian American Organizations of Queens for its tremendous contributions to the civic, social and cultural life of our nation's greatest city. This month the Federation is installing its slate of 2010 officers at a ceremony presided over by State Senator George Onorato at the Istria Sport Club in Astoria.

The Federation of Italian American Organization of Queens was founded in 1971 to represent and unify the diverse Italian American community in Queens. Currently the Federation is comprised of thirty-four member groups, which each serve the community in a unique and substantial manner. By providing an umbrella organization for these dozens of institutions, the Federation has enhanced the ability of all its member organizations to accomplish their goals and advance their interests.

The Federation not only offers assistance to its member organizations, it directly offers a variety of services to individuals of all nation-

alities. It assists senior citizens with health, housing and insurance issues. Youths are served through the Federation's Drug Awareness Run and Soccer programs. It helps meet the wider community's diverse needs through the Federation's voter registration drives, as well as by offering classes in Defensive Driving and English as a Second Language.

I am pleased to join you in honoring the men and women the Federation of Italian American Organizations of Queens is installing as its new officers. I congratulate the Federation's President Joseph DiPietro, First Vice President Joseph Gaeta, Second Vice President Caterina Curatoio, Third Vice President Jerry Iannece, Treasurer Gino Macari, Assistant Treasurer Angelo Capone, Public Relations officer Maria Fosco, Recording Secretary Vincenza Russo, Assistant Recording Secretary Sandro Iannece, Correspondence Secretary John Ciafone, Parliamentarian Carlo Bucich, Historian Joseph Chiarappa, and Sergeant at Arms Anthony Barrata. Under their leadership, this important organization will surely continue to be a valuable resource to the community.

Madam Speaker, I ask that my distinguished colleagues join me in saluting the great work of the Federation of Italian American Organizations of Queens, and in recognizing the extraordinary men and women of the Federation and their contributions to the quality of life in New York City.

HONORING MR. FRED AJOOTIAN  
OF LANCASTER COUNTY, VIRGINIA

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. WITTMAN. Madam Speaker, I rise today to pay tribute to Mr. Fred Ajootian. Fred Ajootian was a proud Lancaster County resident and a strong supporter of the Virginia Department of Game and Wildlife, and he honored this nation through a lifetime of service to the community. Fred was a devoted husband to his beloved wife, Marguerite, and a dedicated father to their two children, Aileen and Caroline.

Fred began his life of service in the United States Navy during World War II on the USS *Sierra* off the coast of Shanghai, China. His passion for the Navy endured and he chose a career in shipbuilding where he continued his life's interest. As an avid outdoorsman, Fred also served on the Wetlands Board in Lancaster County where he volunteered his time for many years.

Fred also was active after his retirement from shipbuilding, continuing his service through volunteering his time at the Rappahannock Pistol and Rifle Club. He also managed the Ocran Boat shop in White Stone, Virginia.

Fred Ajootian will be greatly missed by all who knew him. He touched many people's lives and the work that he did for his community will never be forgotten. My thoughts and prayers are with his family and friends.

IN HONOR OF THE 20TH ANNIVERSARY OF THE PARMA COMMUNITY GENERAL HOSPITAL'S ELDER DAY CENTER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Parma Community General Hospital's ElderCenter, as it celebrates twenty years of providing a haven of recreation, socialization, medical care and exercise for adults with mild to moderate impairments.

Recognizing the need for adult day services, Parma Hospital, an independent, community hospital located in the heart of Parma, Ohio, created the ElderCenter. It provides resources and comfort for adults transitioning through mental and physical challenges of impairment, illness and aging. The ElderCenter also provides an incalculable source of support, peace of mind and respite for caregivers, most of whom are family members.

The programs and services of the ElderCenter are designed to accommodate adults of all ages and diagnoses. ElderCenter offers regular medical checks, nutritious meals and snacks, opportunities for socialization and physical and mental stimulation. The services and support provided by ElderCenter allows clients to remain in their homes for many years. In 2006, the ElderCenter Day Program was honored with the "Service to Seniors Award" by the Western Reserve Area Agency on Aging. In addition, the Day Program has sparked the interest of researchers at Case Western Reserve University, whose initial findings revealed that ElderCenter participants are fifty percent less likely to be readmitted to the hospital than those who did not participate. These results show that the true power of wellbeing is in direct relationship to the partnership between home and community.

Madam Speaker and Colleagues, please join me in honor of the founders, staff, volunteers, participants and families of Parma Community General Hospital's ElderCenter, as they celebrate twenty years of providing meaningful activities, programs, and quality health care services for adults throughout our community.

RECOGNIZING THE HEROISM OF RANDALL "RANDY" NORMAN OF HOLLEY, NEW YORK

**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing Mr. Randall "Randy" Norman of Holley, New York, for his selfless actions on February 14, 2009.

On that day, while Randy was on his way to work, he saw Mary Silliman being attacked outside of Lakeside Hospital in Brockport, New York. While trying to help Silliman, Randy was shot and killed.

Randy chose to protect others with little regard for his own safety. Had Randy not taken the actions he did, the community could have been subject to further terror.

Randy has posthumously received The Stand Up Guy award for his heroic efforts to prevent bodily harm to a woman. He has also earned praise from many members of the community including Sergeant Mark Cuzzupoli who offered these kind words: "I would definitely characterize him as a hero. As a person who tried to make a difference."

Madam Speaker, I ask that the House join me today in recognizing Randy Norman's selfless actions last February. We can all learn a lot from Randy's selflessness on that February day last year.

IN RECOGNITION OF MARY COLEMAN GILMER'S 105TH BIRTHDAY

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the special life of Mary Coleman Gilmer of Montgomery, Alabama.

Mrs. Gilmer was born on January 24, 1905 in Conecuh County, Alabama. In 1926, Mrs. Gilmer married Gaddie Gilmer, and in the 1940's she graduated from Alabama State Teacher's College High School Class.

Mrs. Gilmer and her husband Gaddie adopted two daughters, Cubie Rae Chambliss and Jacqueline Lorraine Larry from two of her nieces. Both daughters graduated from Alabama State University. Mrs. Gilmer now has five grandchildren.

Mrs. Gilmer has spent her life actively working in the church and has been the Minister of music at several churches in Alabama. She also worked for the Atlanta Life Insurance Company for many years.

Today her friends and family will celebrate her birthday in Montgomery. I would like to join her family and friends in wishing Mrs. Mary Coleman Gilmer a very Happy 105th Birthday.

HONORING MR. ROB CALLAHAN

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mrs. EMERSON. Madam Speaker, I rise today to honor the good work of a dedicated public servant in Missouri's Eighth Congressional District. Mr. Rob Callahan has made a wonderful commitment to the residents of southern Missouri who have served our country in uniform. Once a year, Mr. Callahan leads a trip for veterans who would like to visit Washington, DC called the Southeast Missouri Honor Tour.

While they are here, the veterans of American military service can see the monuments erected to honor them. They are able to visit

the memorials that stand in testament to the Americans who served alongside them, and Mr. Callahan ensures that they are able to visit Capitol Hill. The planning and logistics of these trips are not simple but Mr. Callahan does an exemplary job not only of ensuring the trip is worthwhile, but also of finding sources of support from the community so the veterans (most of whom are on fixed incomes) can afford the considerable expense of the trip.

Mr. Callahan is a 20-year veteran of the U.S. Air Force, and he understands the pride of service felt by every veteran who is able to visit our Nation's capital. It is a wonderful way to say thank you to the Americans in Southern Missouri who have served our country, defended our freedoms, and made sacrifices for our liberties.

I am very proud that Mr. Callahan will receive the Citizen of the Year award in Poplar Bluff, Missouri. He has earned this recognition several times over, and I commend Mr. Callahan and his excellent work to the U.S. House of Representatives.

TRIBUTE TO DR. RAJESH VYAS

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. WHITFIELD. Madam Speaker, I rise today to honor a member of our Foreign Service and a great American. Dr. Rajesh Vyas is a former resident of Kentucky's First Congressional district and currently serves as our nation's Regional Medical Officer at the U.S. Embassy in Manila. Recently, Dr. Vyas celebrated his twentieth year of practicing medicine.

Prior to starting with the State Department, Dr. Vyas practiced medicine for two years at Logan Memorial Hospital and lived in Russellville, Kentucky, both in my Congressional district. Dr. Vyas also served our nation's veterans at the Department of Veterans Affairs for a number of years.

After joining the Foreign Service, Dr. Vyas was posted to Pakistan and served at our Islamabad Embassy. From there he was dispatched to his current position in Manila. He has responsibility for overseeing the medical services provided at a number of our diplomatic missions throughout Asia. In other words, Dr. Vyas serves and protects the men and women who represent our country at our Embassies and Consulates throughout the world.

Ironically, when a Foreign Service officer recently became very ill in Manila, this same Dr. Vyas who had practiced medicine in my Congressional district in Kentucky took steps that saved his life, and that officer was a former member of my own staff. Dr. Vyas accurately assessed the situation, determined what the individual needed and then developed a plan that took into account the limits of local health care to get the American officer the care and treatment he needed. Without the doctor's situational and cultural awareness, this American diplomat might have lost his life.

Dr. Vyas has spent twenty years practicing medicine and a significant number of those

years serving and protecting our veterans and our diplomats overseas. I know his wife and two sons are tremendously proud of him and I am, too. I ask the House to join me in saluting this fine American who protects those who have served us in our armed forces and the men and women of our diplomatic corps who are serving us at this very moment overseas.

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HONORING DAVID A. FORD

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. ENGEL. Madam Speaker, a community prospers and thrives on the contributions of its citizens to the common good. David A. Ford has been active in all aspects of the community life of Mount Vernon for all of his adult life, serving as Commissioner of the Water Department since 1977 and in innumerable positions in the volunteer and political sectors. There are few aspects of life in Mount Vernon that he has not touched and made better.

While his life was community involvement, his passion was politics. From 1969 to 1996, he was Chairman of the Mount Vernon Democratic City Committee. He is Chairman of the Black Democrats of Westchester County and a member of the Council of Black Elected Democrats of New York State. He is also a New York State Committee person for the 84th Assembly District. More personally, and to my joy, he serves as my Special Assistant.

He has also served as President of the Lions Club of Mount Vernon and President of the Mount Vernon YMCA. He is a Life Member of the 369 Veteran's Association, and a Life Member of the Mount Vernon NAACP. He is Chairman of the Board of Mount Vernon Neighborhood Health Center and a member of the National Association of Health Care Providers.

And under his leadership the Board of Water Supply has continued a longstanding tradition of excellence.

He is a veteran of WWII. He is married to the former Eula (Daisy) Gadson and is the proud father of five children (David Jr., Renee, Garey, Michael, and Karen). He has five grandchildren: Rachel, Shaarod, Nardara, Jerel and David Christopher) and one great-grandchild, Amira.

David is retiring and I wish him all the very best that retirement has to offer. This is Mount Vernon's loss for he has contributed to his community for longer and better than we are ever likely to see again. On a personal note I am happy to say that he will still be advising me, which means he will still be helping me to help the people of Mount Vernon.

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A TRIBUTE TO HOLY FAMILY CHURCH

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor the centennial anniversary of Holy Family Church of South Pasadena, California.

In 1906, land was purchased for the construction of a Catholic church and Bishop Thomas J. Conaty assigned Reverend Richard J. Cotter, D.D. the task of establishing a new parish in South Pasadena located at El Centro Street and Fremont Avenue. On May 10, 1910, seventy-five families gathered with Father Cotter for worship in a small cottage at the El Centro/Fremont location and called themselves Holy Family Parish.

By the following August, a temporary "bungalow church" was built to house the growing congregation until funds could be raised for a more permanent building. On November 24, 1923, the property at Fremont Avenue and Rollin Street, where the church stands today, was acquired for construction of a new church. Designed by architect Emmett G. Martin, this beautiful house of worship, recognized as one of the finest examples of Spanish Renaissance Baroque architecture in Southern California, held its first Masses on Easter Sunday in 1928, with the formal dedication by Bishop Cantwell following two weeks later.

Over the decades, many additions and acquisitions were made. The parish elementary school opened in 1937, and properties were acquired for a parish office, parish hall and buildings for religious education. Two mahogany side altars, a magnificent mural and stained glass windows were added in the 1950s and 1960s. In 1977, the Oak St. House was acquired for the religious education program, and in 1984, the Ramona St. House was purchased, followed by the acquisition of two adjacent residential properties. By 1994, more space was needed, and the Vision Project to build a new ministerial campus was created. The challenge was to tear down, remodel or relocate everything but the church. The groundbreaking ceremonies took place in June 1997, and the completion of the Vision Project was in 2000.

Over the course of one hundred years, the leadership of Holy Family Church has included the Right Reverend Michael J. Galvin from 1922–1923, Reverend James B. Morris from 1926–1954, the Right Reverend Leo Joseph Murphy from 1954–1971, Reverend Monsignor Thomas McGovern from 1968–1984 and Reverend Monsignor Clement J. Connolly from 1984 to the present.

Since its inception, Holy Family Church has provided spiritual guidance and tangible support to the greater South Pasadena community. Some of the church's many programs include the Giving Bank, which provides direct relief to people in the Los Angeles area facing hunger, Detention Ministry, which reaches out to incarcerated youth at Juvenile Hall, Infant Care Outreach Program, which serves low-income women and families in need, Pastoral Care: Ministry to the Elderly and Sick and sponsorship of Boy Scout Troop 333. Church parishioners are involved with Dolores Mission in East Los Angeles, serving on their school advisory board and tutoring in the after-school program.

I consider it a great privilege to recognize Holy Family Church upon its one-hundredth anniversary, and I ask all Members to join me in congratulating the congregation for their one hundred years of service to the community.

HONORING COLLEEN DIPIRRO FOR HER DEDICATED SERVICE AS PRESIDENT AND CEO OF THE AMHERST, NEW YORK CHAMBER OF COMMERCE

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**HON. CHRISTOPHER JOHN LEE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. LEE of New York. Madam Speaker, I ask that this body join me in congratulating Colleen DiPirro of Williamsville, New York for her 28 years of dedicated service to the Amherst Chamber of Commerce.

When Colleen began her involvement with the Amherst Chamber of Commerce, she was the only staff member. Membership in the organization was at 180 and the Chamber's budget was \$24,000 per year.

Shortly after Colleen assumed leadership of the Chamber, it was named one of the ten largest in all of New York State.

Today, the Amherst Chamber of Commerce counts more than 2,300 local businesses as members and operates under a budget in excess of \$2 million. Colleen's outstanding leadership is directly responsible for this incredible growth over the last 28 years.

Colleen is an outstanding asset to the Western New York business community and I wish to extend my deepest appreciation for the outstanding work she has done over the last 28 years.

Madam Speaker, I ask that this body please join me in recognizing the many wonderful contributions Colleen has made to the Amherst community, and wish her much continued success in the months and years ahead.

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PERSONAL EXPLANATION

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 11 on motion to suspend the rules and pass, as amended—H.R. 3538—the Idaho Wilderness Resources Protection Act, had I been present, I would have voted "aye."

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HONORING JOHN SHIELDS

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. ENGEL. Madam Speaker, for a Democracy to succeed, the people have to be an active part of the political process. John Shields, who is retiring as the Mayor of Nyack, joined the political process, albeit later in life than most people.

He was born in Harrisburg, Pennsylvania and grew up as something of an Army brat, traveling from place to place. After high school he tried summer stock. He moved to New York City in 1965 where he sold caviar and worked in a drug rehabilitation center. He went

to City College of New York, graduating in 1972, and for the next 30 years taught in New York City schools.

He moved to Nyack in 1976 and in 1994 he ran for the Nyack Village Board and was elected Trustee. There followed two more terms as Trustee and four terms as Mayor and now he is retiring from elective office.

John is primarily an activist, and got into politics as an extension of his activism. In 2004 he sued New York State for the right for same sex couples to marry. He noted that as Mayor, he could legally marry heterosexual couples while the state denied him that equal right for himself. And while he may have lost the suit he has not quit the battle.

He still lives in Nyack, is still involved in the community, serving on the Board of Directors of Head Start of Rockland. He has not decided what to do next, but I wish him all the best that life has to offer in this next stage of his life.

#### HONORING THE SPIRIT OF THE WHEELIN' TEAM 457

#### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mrs. MILLER of Michigan. Madam Speaker, I would like to acknowledge the members of Wheelin' Team 457, based in North Branch, Michigan. Wheelin' Team 457 is a 501(c)(3) nonprofit organization that was founded in 2003 by current President Ray K. Brown. The primary mission of the group is to assist the physically challenged with outdoor and indoor sports and other recreational activities. The team also engages in an extraordinary community relations campaign to educate the public on disability issues.

In addition to providing a wonderful service to the State of Michigan and the country, Wheelin' Team 457 has been very successful in competitive wheelchair sports. The team is undefeated and has posted a remarkable overall record of 13 wins and zero losses. I think it is fair to say that no matter the sport it is extremely difficult to maintain perfection over an extended time period.

This accomplishment, and the increased popularity of Wheelin' Team 457, has allowed members to expand beyond the sports world and assist people with other activities like fishing, hunting, billiards and archery just to name a few. I want to congratulate Wheelin' Team 457 on reaching this notable achievement and applaud you all for your hard work and dedication to be the best.

Furthermore, I want to commend the team for the work they do to help citizens with physical challenges to get their lives "moving" once again. As human beings, we sometimes can fall victim to our own self-sorrow. But Wheelin' Team 457 has made it a priority to help those living with physical disabilities stay motivated. I know this is a constant and a tremendous challenge, but I believe the members of Wheelin' Team 457 are ready to face any obstacle head-on, fulfilling their mission each and every day!

I offer Wheelin' Team 457 my best wishes for 2010! As the Team states on its Web site,

"When it comes to adapting, we have many ways to make the task of participation a reality. There is nothing more rewarding than to see someone take part in an activity that they thought was out of their ability."

I echo these words and I urge Wheelin' Team 457 to continue to roll on!

#### HONORING MAURICE GROSSMAN

#### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. GRIJALVA. Madam Speaker, it is my pleasure to rise today to honor Maurice Grossman, one of Tucson's true treasures, who passed away January 21st at the age of 82.

Maurice was beloved by many who knew him, not just for his art but for his dedication to human rights and the Democratic Party.

A retired art professor from the University of Arizona, Maurice Grossman spent his life as a ceramic artist, activist and a leader in the Lesbian, Gay, Bisexual and Transgender community.

Maurice served in the Navy during World War II, before attending Wayne State University in Detroit. After attending and teaching at other universities, he traveled to Japan as a Fulbright scholar, then finally to Tucson to teach.

The founder of the University of Arizona's ceramics program in 1955, Maurice received several prestigious awards during his career, including a National Endowment for the Arts grant in 1986 and the UA's Creative Teaching Award. Maurice's commitment to supporting other artists was unflagging and genuine. He would invariably turn up at openings and contribute his works to galleries, both big and small.

Always the activist, Maurice single-handedly took it upon himself to register people to vote. He felt that it was his duty to make sure that everyone, regardless of background, had a voice. When he retired in 1989, he became more involved in the effort to help fight discrimination against the LGBT community.

Maurice was quoted in a 2004 article as saying, "It's not just about equal rights for us. It's about equal rights for everyone. Do we want to take a step forward or a step back?"

Maurice never stepped back. He was an extraordinary man and a true individual. His role as an activist for equality and human rights will not soon be forgotten.

I was privileged to know Maurice personally. Always enthusiastic, I could count on not only his support but his passion. His dedication to the community was never-ending.

Madam Speaker, I rise to honor Maurice Grossman and thank him for being a role model for so many of us.

#### RECOGNIZING THE RELIEF EFFORTS OF DILLARD ELEMENTARY SCHOOL FOR THE PEOPLE OF HAITI

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the students and staff of Dillard Elementary School in Ft. Lauderdale, Florida, for their dedication to helping the people of Haiti in the wake of the 7.0 earthquake of January 12, 2010. Not enough sorrow can be expressed for the people of Haiti and all those affected by this tragic event.

Every day, more information filters in from Port-au-Prince and surrounding areas that begins to shed light on the extent of the catastrophe in Haiti. This earthquake was a horror of epic proportions. It is estimated that over 200,000 Haitians, including hundreds of people from countries around the world, have died. In the aftermath of disaster, there have been numerous aftershocks reaching magnitudes of up to 6.1, and more unrest is expected. For years, Haitians have lived in misery beyond human understanding. Long after the final aftershock, the thousands of Haitians left homeless, injured, and starving will have to rebuild their country from the ground up. It is our moral duty as members of our global community to provide aid to Haiti in its time of great need.

This cry for help has been answered by the students and staff of Dillard Elementary School. They are committed to raising \$5,000 for the people of Haiti through community fundraisers and have already begun a coin drive with great enthusiasm. This is our nation at its finest hour. Seeing communities all across the nation rally around this noble cause is a reminder of the human compassion and dignity that we all share.

My office is proud to support Dillard Elementary School in its efforts, as are many of my constituents and businesses in Florida's 23rd district, including Paradise Bank, The Westside Gazette, and Palm Harbor Prep.

Madam Speaker, the students and staff of Dillard Elementary School are role models for us all. I hope that we will follow their example and dig deep to help the people of Haiti in one of its darkest hours.

#### CONGRATULATIONS TO THE INAUGURAL GRADUATING CLASS OF THE VERDUGO POWER ACADEMY

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. SCHIFF. Madam Speaker, I rise today to honor the first graduating class of the Verdugo Power Academy—a partnership between Glendale Community College, The Verdugo Workforce Investment Board and Glendale Water and Power.

The organizations have joined together to establish a new training program for people interested in working in the power industry. The

program will address the projected shortage of utility workers in the power utility industry and the challenges in recruiting and retention, and will create a local source to produce qualified job candidates.

This project is funded through a Verdugo Workforce Investment Board grant from the American Recovery and Reinvestment Act that has been awarded to Glendale Community College—a prime example of last year's stimulus bill producing a better trained workforce and new jobs.

The first class of students completed their challenging 16-week program and graduated on January 15, 2010. These new graduates now have the opportunity to pursue a well-paying career with a utility.

I offer my congratulations to the graduates and wish them well in their future endeavors. I also offer my thanks and congratulations to the faculty, staff and community leaders who developed the instructional curriculum and provided the facilities, materials, instructional support and technical expertise that made the program a tremendous success.

HONORING DR. BRUCE  
BELLINGHAM

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. COURTNEY. Madam Speaker, I rise today to mark the passing of a great educator and true champion for the arts in eastern Connecticut. Dr. Bruce Bellingham of Coventry, esteemed professor, consummate musician and beloved husband, passed away on January 3, 2010.

A native of Hamilton, Ontario, Dr. Bellingham was deeply dedicated to allowing people of all ages to understand and appreciate music in that same manner that he did. He was a member of the American Federation of Musicians, the Viola da Gamba Society of Great Britain, an associate member of Early Music America, and President of the Viola da Gamba Society of America. He joined the University of Connecticut faculty in 1974 and was a Professor Emeritus of Music History in UConn's School of Fine Arts.

His passion for the music and culture of the past was matched only by his contributions to the present. In 1976, Dr. Bellingham directed the Storrs Collegium Musicum, where music of the late Middle Ages, Renaissance and Baroque periods was performed on original or masterfully recreated instruments of the era. Around this same time, he founded and conducted the Willimantic Orchestra. In 1983, he celebrated the 150th anniversary of Willimantic's incorporation by bringing local talent together to perform Burton Leavitt's opera *The Frogs of Windham*.

Dr. Bellingham was also a passionate volunteer who used his great knowledge of culture and history to meaningfully engage members of his community. He was a long-time patron of the Jorgenson Center for the Performing Arts and founding member of its CoStars volunteer organization. He actively participated in youth outreach programs at Jorgenson and

taught at UConn's Center for Learning in Retirement as well as the Adult Learning Program in West Harford. Dr. Bellingham and his wife, Deborah Walsh Bellingham, were recipients of the School of Fine Arts Outstanding Volunteer Award in 2009 for their support and service.

Dr. Bellingham will be dearly missed by his students, fellow educators, and the artistic community of eastern Connecticut. The depth of affection for Bruce was visibly on display January 10, 2010 at his memorial service at von der Mehden Recital Hall on the University of Connecticut campus that filled to capacity. I ask my colleagues to join me in mourning the loss and honoring the life of Bruce Bellingham.

HONORING WILLIAM "BILL"  
BROWN FOR ACHIEVING HONORARY STATUS IN THE BATAVIA  
(NY) ROTARY CLUB

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. LEE of New York. Madam Speaker, I ask that the House join me in recognizing Mr. William "Bill" Brown of Batavia, New York on achieving Honorary status in the Batavia Rotary Club.

Bill has been recognized to receive this award by distinguishing himself through "meritorious service in the furtherance of Rotary ideals."

Bill first joined the Batavia Rotary Club in January of 1960, and he served as the organization's president from 1974 to 1975. He was one of the first Batavia Rotary Club members to be awarded a Paul Harris Fellow for his generous donation to those less fortunate.

Additionally, Bill was chairman of Rotary Radio Days for 35 years and was a popular participant in the annual Rotary Comedy Show.

Bill has always stood by his commitment and dedication to "service above self."

Madam Speaker, I ask that this House join me in recognizing Bill for his commitment to the Batavia Rotary Club and achieving Honorary status in the organization.

IN RECOGNITION OF THE NATIONAL URBAN FELLOWS 40TH ANNIVERSARY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. NADLER of New York. Madam Speaker, I rise today in recognition of the National Urban Fellows on the occasion of its 40th anniversary.

The National Urban Fellows has recruited and developed mid-career men and women of color in pursuit of equity and social justice since 1970. National Urban Fellows is the only program in the country where individuals receive both an advanced degree and essential

leadership experience. The 14-month, full-time graduate degree program comprises two semesters of academic course work and a nine-month mentorship assignment. The program culminates with a Master of Public Administration Degree (MPA) from Bernard M. Baruch College, School of Public Affairs, of the City University of New York. After graduation Alumni work in public service, government and nonprofit leadership. For 40 years National Urban Fellows has developed leaders who identify issues, shape solutions and form policy.

Today, 40 years later, National Urban Fellows has graduated well over 1,100 men and women of color who hold policy-making positions as mayors, city and county managers, commissioners and officers of major nonprofit and philanthropic organizations in urban areas across the country.

The National Urban Fellows program's 40 years of distinguished work is commendable and fully deserving of the recognition. Please join me in congratulating this esteemed organization.

A TRIBUTE TO DANIEL STEWART  
BERKEY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life and work of Daniel Stewart Berkey who passed away at the age of 68 on October 19, 2009. Daniel is survived by his beloved wife, Ann Richardson Berkey, his daughter Elizabeth Wellington Berkey, and his son, William Cabot Berkey. Other surviving relatives include his brother-in-law, Thomas Latham Richardson of Sarasota, Florida, his brother, Richard Scott Berkey, Jr., of Vienna, Virginia and several aunts, nieces and nephews.

Daniel Berkey was born on June 25, 1941, in New Brunswick, New Jersey. He earned his Bachelor's degree from Lehigh University in 1963, then entered the United States Army where he earned the rank of Captain. He served his country with distinction in Vietnam and was awarded the Bronze Star and the Army Commendation Medal.

Upon his return to the United States, Daniel entered the Wharton School of the University of Pennsylvania and earned an MBA in 1970. He worked for Lipton Tea and at the U.S. Department of the Interior in Washington, D.C., where he met his wife, Ann Cabot Richardson. They were married in 1975 and moved to Houston. In 1977, the couple moved to San Francisco where Dan launched a successful financial services consulting company, Berkey Associates. His wife Ann serves as Senior Vice President for Corporate Public Affairs at McKesson Corporation.

Daniel loved to camp, hike, and ski, and with his wife spent many happy family vacations in state and national parks.

Dan survived two battles with non-Hodgkins Lymphoma, and received a bone marrow transplant in 2003. He fought courageously for 18 months before finally succumbing to the relentless disease after the cancer returned.



Madam Speaker, I ask the entire House of Representatives to join me in honoring Daniel Stewart Berkey. He was a great and good man who gave generously to his beloved family, his community and his country. He will be missed by every person who had the good fortune to know him, and may this tribute bring comfort to his family who were the greatest source of pride to him.

BOBBY D. ARIAS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. BERMAN. Madam Speaker, I rise today to congratulate my good friend Bobby D. Arias on the occasion of his 60th Birthday. Bobby is being honored by his many colleagues, family and friends for his dedicated career as President of the Communities in Schools of Greater Los Angeles/San Fernando Valley.

As a lifelong resident of Southern California, Bobby began his career as an Executive Director of USC's Learning Center and the Director of Athletics at Loyola Marymount University (LMU) in Los Angeles. While at LMU, Bobby was instrumental in bringing the 1984 Olympic Weightlifting Competition to that institution, in addition to negotiating contracts for the Lakers/Clippers and the NBA Summer Pro-League to practice at LMU facilities.

I know first hand of Bobby's commitment to our community. Since 2004 Bobby has volunteered to be the Master of Ceremonies at the annual San Fernando Valley Veterans Day Parade. Additionally, Bobby has committed himself to improving the minds, spirits, and bodies of children throughout Southern California as the Southwest Regional Director for our nation's largest Drop out Prevention Program, Communities In Schools, Inc. He developed public and private partnerships between the community and its schools, brokering in-needed resources to at-risk youth and their families. In 1996, he also served as the Chairman for the Executive Committee for Arnold Schwarzenegger's inner City Games, an Olympic style sporting/academic event for 100,000 at-risk youth throughout the Los Angeles County.

As a result of his professional achievements, Bobby has received numerous awards including the prestigious "Man of the Year" award for youth empowerment from MCI and Hispanic Magazine, and the "California All Star Dad's" Award by the California Department of Social Services.

Madam Speaker and distinguished colleagues, I ask you to join me in wishing Bobby Arias a happy birthday and best wishes for continued success.

IN HONOR OF LANCE CORPORAL  
JEREMY M. KANE

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today with a heavy heart and deep

sense of gratitude to honor the life of a brave young man from Cherry Hill, New Jersey. Lance Corporal Jeremy M. Kane, 22 years old, was killed in Afghanistan on January 23, 2010 when a suicide bomber attacked his unit in the Helmand Province. Jeremy joined the Marines with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world. Today, I join Jeremy's family, his friends, and the entire Cherry Hill community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Jeremy.

After graduating from Cherry Hill High School East in 2006, Jeremy attended Rutgers University to study criminal justice. He joined the Marine Corps on September 11, 2006, during his freshman year at Rutgers University and served as a reservist. His father, Bruce, had served as a major in the Army and passed away in June 2008 while Jeremy was undergoing Marine Corps training. His mother, Melinda, said Jeremy believed it was "his duty to serve his country." Jeremy also leaves behind his two brothers, Benjamin and Daniel.

In recognition of this selfless individual and brave patriot who gave his life to protect this nation, I ask that the House of Representatives and all Americans join me to honor the legacy of Lance Corporal Jeremy M. Kane.

IN HONOR OF CARL TUBBESING,  
DEPUTY EXECUTIVE DIRECTOR  
OF THE NATIONAL CONFERENCE  
OF STATE LEGISLATURES

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. COSTA. Madam Speaker, I rise today to congratulate Carl Tubbesing, Deputy Executive Director of the National Conference of State Legislatures, NCSL, upon his retirement after 35 years of distinguished service to the organization.

Through his tireless efforts promoting state's rights and federalism during his tenure at the NCSL, Carl Tubbesing has earned the admiration and affection of his many colleagues across the country. Legislatures cannot run effectively without professional, high-quality staff and resources. NCSL provides these resources, producing numerous publications, conducting research, and assisting lawmakers in crafting legislation.

Prior to joining NCSL in 1975, Carl Tubbesing taught Government and Public Affairs at Southern Illinois University in Edwardsville. After joining NCSL shortly after the organization's inception, he worked in the Denver office as Assistant Director of State Services working to meet the needs of state legislatures and their staffs nationwide. From there, he advanced to Director of State Federal relations where he was instrumental in the passage of the Child Care Development Block Grant, providing federal funding to states to

assist low income families with child care burdens. Carl was also a valuable partner as NCSL strove to enact the Unfunded Mandates Reform Act of 1995 (UMRA). This legislation aimed to curb the practice of imposing unfunded mandates on state and local governments.

In 2000, as I assumed the role of NCSL President, Carl Tubbesing was instrumental in the adoption of the Farm Bill, including a major expansion of the Food Stamp program and a restoration of food stamp benefits to legal immigrants. Over the past ten years he has continued his admirable work on behalf of state legislatures, including providing temporary fiscal relief to states and territories in 2003, and more recently providing technical assistance to states as they implemented provisions under the American Recovery and Reinvestment Act (ARRA).

Carl Tubbesing has always been an incredible leader, and a valuable resource to myself and other lawmakers and we are sad to say goodbye. He is a man of outstanding character and we will remain grateful for his unwavering dedication and exceptional insight.

I want to personally wish Carl continued success and my best wishes upon his retirement.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Wednesday, January 20, 2010, and Thursday, January 21, 2010.

On Wednesday, January 20, 2009, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #9 (on ordering the previous question on H. Res. 1017), "no" on rollcall vote #10 (on motion to suspend the rules and agree to H.R. 3726), "aye" on rollcall vote #11 (on motion to suspend the rules and agree to H.R. 3538).

On Thursday, January 21, 2009, I ask that the RECORD reflect that had I been present I would have voted "no" on rollcall vote #12 (on passage of H.R. 3254), "aye" on rollcall vote #13 (on passage of H.R. 3342), "no" on rollcall vote #14 (on passage of H.R. 1065), "aye" on rollcall vote #15 (on motion to suspend the rules and agree to H. Res. 1021), "aye" on rollcall vote #16 (on motion to suspend the rules and concur in the Senate amendment to H.R. 730).

A BAD PRESCRIPTION FOR  
WISCONSIN

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. SENSENBRENNER. Madam Speaker, as the new year begins, we are back to debating the seemingly old health care legislation.

This bill would cost Wisconsinites and Wisconsin businesses. The legislation essentially puts the government in control of health care—an industry that comprises nearly one-sixth of our economy. And, as I've repeatedly heard at dozens of my Town Hall Meetings, Wisconsinites overwhelmingly oppose this legislation.

Until the Federal Government can effectively manage Medicare and Medicaid, it shouldn't be creating a new program. Additionally, there are 27,156 seniors in Wisconsin's Fifth Congressional District who use Medicare Advantage and who would likely see reduced benefits.

And in another bad move for my State, the Senate version proposes an additional \$2 billion annual tax for each of the next 10 years on medical device manufacturers. This would negatively affect good companies, such as GE Healthcare in Waukesha, Wisconsin, and hundreds of our small business suppliers. In addition to stifling innovation and hindering research and development, the added costs would hurt consumers, as anyone purchasing medical products, such as wheelchairs, or whose care includes the use of equipment, such as an MRI machine, would feel the pinch.

Making backroom deals to pass health care reform is a far cry from the transparency President Barack Obama promised. Every Wisconsinite will be affected by this legislation so they have a right to be in the know and to watch the debate unfold on C-SPAN. It's common sense that the people who elect us be included in the process.

Yes, health care needs to be reformed in our country. However, patching two pieces of horrible legislation together into one awful bill that would cost Wisconsinites more while lessening their care will not receive my support.

The bottom line is that this legislation is bad medicine that would make our health care system sicker.

#### BUILDING AN AFGHAN AIR FORCE

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. STEARNS. Madam Speaker, during the last week in December, I had the opportunity to travel to Afghanistan and see firsthand the situation on the ground. It goes without saying that I was most impressed with the hard work and courage displayed by our troops who are stationed over there. I am always in awe of our men and women in the Armed Forces. Their bravery and professionalism is something that all Americans should be proud of.

One aspect of our mission there that does not receive much attention compared to other parts of the mission is the effort to build an Afghan air force. The work of the Combined Air Power Transition Force (CAPTF) Partnership and the Afghan National Army Air Corps (ANAAAC) deserves to be commended. During our trip we had the opportunity to meet with and be briefed by CAPTF Commanding General, United States Air Force Brigadier General Michael Boera. General Boera and his people run an impressive operation.

The Combined Air Power Transition Force has a mission to set the conditions for a professional, fully independent and operationally capable Afghan air force that meets the security requirements of Afghanistan today and tomorrow. Furthermore, the Afghan National Army Air Corps provides trained and ready airmen and soliders to execute critical tasks from the air in support of the Afghan National Army, and when directed by the Ministry of Defense, to support by air the civil authorities of Afghanistan at all levels.

CAPTF air advisors have oversight responsibilities for both the Ministry of Defense Afghan National Army Air Corps and the Ministry of Interior aviation assets used for Counternarcotics and General Support. In short, their goal is to ensure that the Afghan people will be able to protect their own airspace.

As an embedded partnership, CAPTF operates along four lines of operation to accomplish their mission. The first line of operation is build the Afghan Air Corps aircraft capacity. Second, CAPTF works to build Afghan airmen's capacity and capability. The third step is to build ANAAAC's infrastructure to support their force, and fourth, to perform operations in the current counterinsurgency effort.

Transcending all four of those lines of operation is CAPTF's effort for institutional development such as improving their command and control capability, improving their air base management capability, and building up their "Air University" educational capability so critical to the foundation to a professional force.

The Afghan Air Corps currently has 46 aircraft and close to 3,000 personnel building to about 150 aircraft and over 8,000 personnel by 2016. Their mission sets include Presidential and other types of airlift, battlefield mobility, to include medical evacuation and casualty evacuation, and close air support.

The primary airframes flown by the Air Corps are Mi-17 and Mi-35 helicopters and C-27s, which is the first modern western aircraft introduced to the Afghans. CAPTF hopes to introduce additional aircraft into the Afghan inventory as they continue to grow in capability.

The ANAAAC's Air Corps headquarters is in Kabul and they currently have two Air Wings, one at Kabul and one at Kandahar. A third is being built at Shindand airfield out to the west that will also be the home of their Training Center where the CAPTF will partner with them initially to train their pilots.

The Afghans also have Air Detachments at critical locations around the country to support the Afghan ground forces. It's important to note, the Afghan airmen are in the fight now even as we help them build capacity and capability. It's like flying the airplane while building it.

Much work remains, but General Boera and all the hardworking people of the Combined Air Power Transition Force are certainly moving in the right direction. All Americans should be proud!

#### INTRODUCTION OF THE "ROYALTY RELIEF FOR AMERICAN CONSUMERS ACT OF 2010"

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, yesterday the administration announced that President Obama will propose a three-year freeze on non-security discretionary spending in his State of the Union address tomorrow as a way of addressing the federal deficit. However, as President Obama works to reduce the budget deficit and put our nation on a path of fiscal responsibility, oil companies are pushing us further into the red by continuing to drill for free on public land.

The "Royalty Relief for American Consumers Act of 2010" that I am introducing today with the gentleman from Maryland, Mr. VAN HOLLEN, would recover the more than \$50 billion that taxpayers currently stand to lose in foregone oil royalty payments as a result of defective leases issued by the Department of Interior between 1996 and 2000. The minerals below our public lands belong to the American people and no company should be allowed to exploit them for free. This legislation would protect American taxpayers and reduce our budget deficit by up to \$54 billion.

The legislation that we are introducing today would offer oil companies a simple choice: they can continue to drill for free on public lands but they will not be permitted to purchase new leases from the federal government. The language in the Royalty Relief for American Consumers Act has repeatedly passed the House of Representatives in 2006, 2007 and 2008. It is time that we start drilling for deficit dollars by reclaiming these lost royalty payments and ending the free ride that oil companies are currently enjoying on public land.

As President Obama steps up efforts to reduce the federal budget deficit, ensuring that oil companies are paying their fair share is a common sense way to help restore fiscal responsibility. We can no longer afford to allow oil companies to drill for free while taxpayers are left holding the bill. Enacting this legislation will put an end to this taxpayer rip off once and for all.

#### HONORING PASQUOTANK COUNTY COMMISSIONER JIMMIE HARRIS

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize the recent passing of Jimmie Harris, a great local civic leader in Pasquotank County, North Carolina.

A county commissioner and former volunteer fire department chief, Mr. Harris will long be remembered for his leadership on issues related to fire services, agriculture, education and the local hospital. He was passionate about doing everything he could to improve

the community, and even those people with opposing viewpoints had great respect for him.

This is an enormous loss, and there is a great deal of sadness throughout the community.

Mr. Harris was a retired farmer and served as Providence Volunteer Fire Department Chief for over 20 years. He was also a devoted member of Berea Baptist Church, and had served on many civic boards and organizations.

Along with his wife, Brenda Corbett Harris, Mr. Harris is survived by his mother, a daughter, a son, two sisters and three grandchildren. They gathered with friends, family and loved ones last week at the Berea Baptist Church Family Life Center for a memorial service.

Madam Speaker, I ask that my colleagues rise in recognition of Mr. Harris' passing and his lifetime of outstanding public service to his community. I also ask that we pass along our best wishes and prayers to his family, friends and loved ones during this difficult time.

#### HONORING THE LIFE OF MARVIN L. GILLUM

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. WOLF. Madam Speaker, I rise to share with our colleagues the recent passing of Marvin L. Gillum. He died on January 21, 2010, at the age of 85.

Marvin had a long history of service to the city of Manassas, Virginia, and the greater Prince William County community. He served as mayor of Manassas for eight years from 1996 to 2004, and was also a former chairman of the Manassas School Board.

I submit for the RECORD an obituary for Marvin that ran in the Manassas News & Messenger on January 22:

MARVIN L. GILLUM

Marvin L. Gillum, age 85, died peacefully at his home Thursday, January 21, 2010. He was born on February 2, 1924 in his town, Manassas. He graduated from Osbourn High School in 1940 and continued his education at the Virginia Military Institute (VMI) where he earned a B.S. in chemistry and pre-med. He then received his D.D.S. from the Medical College of Virginia School of Dentistry. He worked as a dentist for forty years. His father, Dr. V.V. Gillum, established the family business in 1914 in Manassas where he served a number of patients who arrived by train from all over the area. Marvin served his country as a Captain in the U.S. Air Force Dental Corps during the Korean War. After retiring from dentistry in 1987, Dr. Gillum chose a second career in investment brokerage. He served Scott & Stringfellow as an Executive Vice President, a Senior Vice President, and sat on the Board of Directors.

In 1947, he and his bride Mardi came to Manassas where they raised three daughters, Cindy, Debby and Melanie, who have given their parents six grandchildren and two grandchildren through marriage. Marvin and Mardi were blessed with 62 wonderful years of marriage. Apart from his devotion to his wife and family, Dr. Gillum's personal interests included tennis, bridge, piano and organ, reading, baseball, the Washington Redskins,

and his alma mater VMI. His community activities read like a full chapter in "Who's Who in America," and include Mayor of Manassas for eight years (1996-2004); 15 years on the Manassas School Board with ten as chairman; former chairman of Prince William Health System Foundation; first chairman of the Manassas Historical Commission; a trustee of the Manassas Baptist Church and former deacon (where he had been a member since age five); former director of the City of Manassas Education Foundation; former board member of Historic Manassas, Inc.; former commissioner of the Manassas Baseball League; former director of the Prince William Chapter of the American Red Cross; advisory board of the Prince William Campus of George Mason University; honorary chairman of the March of Dimes; former director of SERVE, Inc.; past president of the Manassas Rotary Club; Outstanding Alumni Graduate Award -Osborn High School Alumni Association; Vice Chairman and Board of Directors for Manassas Dance Company; former member of Manassas Kiwanis Club; and the Grand Marshal of the Greater Manassas Christmas Parade in 1994. He has also been an avid supporter of the local fine arts, backing such attractions as the new home for the Center for the Arts and the Loy E. Harris Pavilion. During his tenure as mayor, the city experienced a renaissance which included receiving the 2003 Great America Main Street Award and designation as one of "Washingtonian" magazine's top places to live in the Washington area. He truly loved his city and his lifelong endeavor was to enhance the quality of community life for all who lived here.

He was preceded in death by his parents Dr. V.V. and Lois Layman Gillum and his sister, Jocelyn Gillum Scott.

Survivors include his wife, Martha Droste Gillum; his three daughters, Cindy Gillum Coiner and husband Bill of Midlothian, Va., Debby Gillum Milligan and husband Dick of Manassas and Melanie Gillum Przybocki and husband Dave of Manassas. Grandchildren include: Caroline Milligan of Winchester, Va., Meredith Milligan of Manassas, Cara Clayton of Sarasota, Fla., Cory Clayton and wife Signe of Denmark, Rob Dufour of Newport News, Va., Mollie Przybocki of Manassas, Wil and Jenny Coiner of Midlothian and one brother-in-law, David Scott of Decatur, Ga.

The family will receive friends from 1 to 4 and 6 to 8 p.m. Friday, January 29, 2010 at Pierce Funeral Home, 9609 Center Street, Manassas. A Celebration of Life will be held at Grace E. Metz School, 9950 Wellington Road, Manassas at 1 p.m. Saturday, January 30, 2010. A private family interment will take place after the service at Stonewall Memory Gardens, Manassas.

Contributions may be made in his memory to his beloved Manassas Baptist Church, 8800 Sudley Road, Manassas, VA 20110 (Marvin always wanted a chime tower for all to hear) or to the George Mason University, Hylton Performing Arts Center, 10900 University Blvd. MS5D2, Manassas, VA 20110 (for all to enjoy) in loving memory of Marvin L. Gillum. Condolences may be sent to [www.piercefh.com](http://www.piercefh.com).

IN MEMORY OF REBECCA H. CAPUZZI, BELOVED MOTHER AND GRANDMOTHER

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Rebecca H. Capuzzi, of Philadelphia who passed away on December 20, 2009 at Jefferson Hospital after a brief illness.

Born on April 22, 1922 in Philadelphia, she was the daughter of the late David Hoffman and Mary (Singerman) Hoffman. Mrs. Capuzzi is survived by her two daughters, Donna and Judy, her son-in-law, Bernard, and her treasured grandson, Brandon. She was the devoted wife of the late John Capuzzi, a well known art restorer in Philadelphia. Mrs. Capuzzi's appreciation for the arts was evident to all those lucky enough to know her. She encouraged her beloved grandson, Brandon, to learn about the importance of the arts and often brought him to cultural institutions and performances. She will be interred at West Laurel Hill Cemetery, Mausoleum of Peace, with her husband.

Madam Speaker, Rebecca Capuzzi's commitment to her family should not go unrecognized. I express my deepest condolences to her family for their loss and pay tribute to the memory of this astounding individual.

#### PERSONAL EXPLANATION

#### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 10 on motion to suspend the rules and pass, as amended—H.R. 3726—to establish the Castle Nugent National Historic Site on the island of St. Croix, U.S. Virgin Islands, as a unit of the National Park System.

Had I been present, I would have voted "nay."

#### HONORING MELVIN BARBER

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Ms. LEE of California. Madam Speaker, I rise today to honor the life of Melvin Barber. A successful businessman, an avid traveler, and a beloved member of my extended family, Mr. Barber had an exceptional ability to make friends wherever he went. Mr. Barber passed away on Monday, January 11, 2010, at the age of 87.

Melvin Barber was a native of Weatherford, Oklahoma, where he was born to Alfred Barber and Eva West in 1922. Mr. Barber remained in Oklahoma throughout his youth, growing up in the nearby towns of Drummond and Enid. Upon graduation from Booker T. Washington High School, Mr. Barber matriculated at Langston University in Langston,

Oklahoma. Mr. Barber's college education was interrupted by the onset of the Second World War; he was drafted in 1942 and began a term of service which lasted for the duration of the war.

After receiving an honorable discharge from the U.S. Army in 1946, Mr. Barber moved to Washington, D.C., where he enrolled at Howard University. While at Howard, Mr. Barber became a Brother of Kappa Alpha Psi Fraternity, Inc. For over 50 years Mr. Barber was a committed member of the fraternity, striving to embody their motto of "Achievement in Every Human Endeavour."

Once Mr. Barber had completed his degree at Howard, he moved to Cincinnati, Ohio, in pursuit of career opportunities. In Cincinnati, Mr. Barber found a position as a Medical Research Associate in the Institute of Environmental Health at the University of Cincinnati Medical Center. Mr. Barber dedicated himself to this position, staying at the Institute for over 30 years.

In addition to being an accomplished researcher, Mr. Barber was a successful businessman and a cherished member of his community. For many years, Mr. Barber owned and operated Highland Computer Systems. He was also an active member of Allen Temple AME Church of Cincinnati, extending his ministry to the community by acting as a sponsor and mentor for many disadvantaged youth throughout the Cincinnati area.

In 1996, Melvin moved from Ohio to Arizona, where he took up residence in the town of Peoria. In his retirement, Melvin indulged his passion for travel, visiting countries and making friends around the world. When not travelling, he followed sports, particularly the Phoenix Suns and the Arizona Diamondbacks, and created beautiful works of stained glass artwork.

Melvin left us on Monday, January 11, 2010. I will always remember the treasured moments we shared at family events, where he loved to play dominoes and cards with his sister, Gertrude; my mother, Mildred; my sisters, Beverly and Mildred; and my brothers in law, Martin and Calvin. He always enjoyed good food, and he was consistently engaged with current events. I recall in particular his excitement at the election of our first African American President, President "Obama," as he insisted on calling him. I will deeply miss his laugh, his kindness, his dedication to my 98-year old Aunt Juanita, and his tremendous love for life.

Today we salute, honor, and celebrate the life of a great human being, an outstanding member of his community, and a true renaissance man. May his soul rest in eternal peace.

#### PERSONAL EXPLANATION

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Thursday afternoon, January 21, on very urgent business. Had I been present for the five votes which occurred, I would have voted "aye" on

H.R. 3254, rollcall vote No. 12; I would have voted "aye" on H.R. 3342, rollcall vote No. 13; I would have voted "aye" on H.R. 1065, rollcall vote No. 14; I would have voted "aye" on H. Res. 1021, rollcall vote No. 15; I would have voted "aye" on H.R. 730, rollcall vote No. 16.

#### IN HONOR OF ANGEL ISLAND IMMIGRATION STATION

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today with a mixture of sorrow and pride to honor the Angel Island Immigration Station on its 100th anniversary—sorrow because of the Station's history of unjust treatment of immigrants, especially those from China, and pride because we are now acknowledging and respecting the struggle and courage of these immigrants.

Located off the coast of Tiburon, California, in Angel Island State Park in San Francisco Bay, the Station is the site of the detention of 175,000 Chinese immigrants from 1910 to 1940. Because of the Chinese Exclusion Act, many of them were held for weeks, months or years in a prison-like barracks where life was difficult and humiliating.

The ghosts of these people speak to us through poetry written and etched into the walls of these barracks. The experiences reflected here remind us that it is essential to treat all people with dignity and respect. In today's debates about immigration policy, at a time when we have moved beyond the inhumanity of the Chinese Exclusion Act, these ghosts tell us to learn from our past and set a new course that reflects who we are as a nation.

And now, thanks to the Angel Island Immigration Station Foundation and its many supporters and partners, including the California State Parks and the National Park Service, the Immigration Station is being restored. It helps us understand this rich and complex history by hosting more than 50,000 people, including 30,000 schoolchildren, every year.

Angel Island itself was once inhabited by the native Miwoks and was discovered by Europeans in 1769. It has served for both cattle ranching and military uses, from the Civil War era Camp Reynolds to a base for Nike missiles in the 1950s and 1960s. In 1891, a quarantine station for immigrants was established and, on January 21, 1910, over 200 Chinese immigrants shipped from San Francisco marked the opening of the Angel Island Immigration Station. It was officially closed in 1946, and many of the barracks were razed when the Island became a State Park in 1957. Today, the Park's stunning views and abundant wildlife complement the historic structures.

As a mother and grandmother, I am grateful that the restored Angel Island Immigration Station will continue to keep the past alive for our young people. And as the Congresswoman representing this unique resource, I have had the privilege of participating in its rehabilitation

by securing Federal funding for a bi-partisan effort that recognizes that we all have a stake in remembering that America is a nation of immigrants.

Madam Speaker, Angel Island Immigration Station today, on the occasion of its 100th anniversary, is both a reminder and a challenge. It reminds us that America hasn't always lived up to its highest ideals of freedom and equality. But it challenges us to live up to those ideals now and in the future. One of the poems from its walls poignantly serves to educate and inspire us:

In the quiet of night, I heard, faintly, the  
whistling of wind.

The forms and shadows saddened me; upon  
seeing the landscape, I composed a  
poem.

The floating clouds, the fog, darken the sky.  
The moon shines faintly as the insects chirp.  
Grief and bitterness entwined are heaven  
sent.

The sad person sits alone, leaning by a win-  
dow.

#### INTRODUCTION OF THE TANNING BED CANCER CONTROL ACT

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mrs. MALONEY. Madam Speaker, today I am introducing bipartisan legislation along with my friend and colleague from Pennsylvania, Representative CHARLIE DENT: the Tanning Bed Cancer Control Act.

In July 2009, the World Health Organization moved tanning beds into their highest cancer risk category, "carcinogenic to humans." This new classification places tanning beds alongside tobacco smoke, asbestos, and uranium as known cancer-causing agents. This science clearly tells us that regulatory safeguards must be put in place to protect the more than 1 million people who tan in tanning salons across the country each day. One American dies of melanoma almost every hour. We can no longer ignore the startling health effects of indoor tanning.

This bill empowers the FDA to examine two sides of tanning bed regulation. First, it requires a study be conducted to determine whether or not tanning beds are appropriately classified in accordance with the risks of their use. Right now, tanning beds are classified in the lowest risk category, class I. Other examples of class I devices are Band Aids and tongue depressors, devices that pose no risk to consumers at all. The bill also addresses performance standards—factors such as the strength of the UV rays emitted and the recommended amount of time a consumer should remain in the bed. These standards have not been amended since 1985. Finally, the legislation calls on the FDA to carry out its own findings published in a 2008 Report to Congress and edit the warning label requirements to clearly and more effectively inform consumers of the health risks associated with tanning bed use.

This legislation does not seek to tell the FDA what to do; rather, it empowers the FDA to use its own authority to ensure that tanning

bed regulations reflect science. There is no longer any mystery to this issue: tanning beds emit UV rays. UV rays cause cancer. It's very simple and deceptively dangerous. We cannot afford to stand by and watch people suffer as a result of misinformation and poor regulation.

OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,303,736,486,568.45.

On January 6th, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,665,310,740,274.65 so far this Congress.

Today the Congressional Budget Office released their Budget and Economic Outlook: Fiscal Years 2010–2020. They estimate a deficit of \$1.3 trillion for fiscal year 2010. This debt and its interest payments we are passing to our children and all future Americans.

IN MEMORY OF KENNETH G.  
PIPPIN

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. WILSON of South Carolina. Madam Speaker, on January 18, 2010, our country lost an American patriot and a community leader with the passing of Kenneth Pippin.

Kenneth G. Pippin, 83, of Glen Burnie, Maryland, passed away on January 18, 2010, at Baltimore Washington Medical Center surrounded by his family. Kenneth, son of the late Rufus Pippin and Frances Pauline Owens Casto, was born in Wilder, Virginia. He grew up in Welch, West Virginia, where he graduated from high school. Right before his 18th birthday, Kenneth went to Welch's US Army Recruiting Office and asked them to draft him because his grandmother would not let him volunteer. Ken served in the Army during World War II as a paratrooper in the 82nd Airborne Division, 505th Parachute Infantry Regiment. During the invasion of Normandy, with paratroopers suffering the heaviest casualties, Kenneth bravely volunteered to be a part of the parachute regiment. He spent most of his service in Europe. Shortly after his discharge from the Army, Kenneth moved to Baltimore, Maryland, where he completed technical school.

He married his high school sweetheart, Thelma Beasley, in 1948, after a long courtship. They had four wonderful children: three sons, Kenny, Kevin, and Kerwin, and one daughter, Karen. Kenneth and Thelma lived in Glen Burnie, Maryland, for 53 years. Kenneth worked as a printer for Baltimore Business Forms for 34 years and later retired from the

Baltimore-Annapolis Railroad Company. He was also a member of Glen Burnie Baptist Church, The American Association of Military Insignia, and VFW Post 160.

Kenneth loved life and appreciated everything he had. He enjoyed spending summer vacations at his wife's family farm in Hillsville, Virginia. In retirement, he and Thelma became snowbirds and flew south every winter to their son's home in Sarasota, Florida. He enjoyed hunting, reading—especially about military history—and collecting military insignias. His greatest love was his family and his wife of 61 years.

I have known Kenneth's son, Ken, for many years, and am grateful for his longtime service to South Carolina. I sincerely appreciate his work as President of the Carolina Southern Railroad and Chairman of the South Carolina Association of Railroads.

THINKING OUTSIDE THE BOX TO  
PRODUCE MORE DOMESTIC EN-  
ERGY

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Mr. POE of Texas. Madam Speaker, one thing that most Americans can agree on is that we need to produce more energy at home. The more energy that we produce domestically, the less we need to rely on foreign sources of oil which often come from unstable parts of the world. Furthermore, domestic energy creates jobs right here at home, jobs that can help lead our nation out of the current recession. America's thirst for energy continues to grow and the more options we have to quench this thirst, the better off we will be. It is essential to look at all forms of domestic energy including domestic oil and natural gas, solar, renewable and the latest technology—waste to energy conversion. All options should be examined.

I recently had the opportunity to learn about a new and exciting technology that could help us produce more domestic energy from shale deposits, tar sands, waste tires, heavy oil, coal, municipal solids wastes and drill cuttings. A U.S. company, Global Resource Corporation is the developer of a microwave technology that converts waste into energy through a conversion process that essentially decomposes carbon materials into reusable high value fuels. An added benefit of this technology is that microwaves do not produce emissions, the process does not require water and all output can be reused.

It is vital to America that we support the development of new technologies like this one that will provide the energy and new jobs we desperately need in order to grow. This company is evaluating the option to build a plant in the Second Congressional District of Texas. With its large number of refineries, deposits and other waste, as well as old tires that will be converted into usable energy, this process would solve two problems at once, disposal of waste and used tires, and producing clean domestic energy. I support projects such as this one and hope that our country will adopt even

more common sense solutions to our growing energy demands, utilizing the domestic resources we have available and creating jobs.

HONORING WILLIAM "BILL"  
CAVALA

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 26, 2010*

Ms. LEE of California. Madam Speaker, I rise with my colleague, Mr. GARAMENDI, today to honor the exceptional life of Dr. Bill Cavala. Known throughout California politics as a brilliant democratic strategist and shrewd tactician, Bill Cavala was also renowned for his professionalism, teaching prowess and strong sense of loyalty. With his passing on December 26, 2009, we look to Bill Cavala's political legacy and the outstanding quality of his life's work.

Born William Lester Cavala, February 23, 1943 to Lester and Margaret Cavala, Bill was the oldest of three sons. He grew up in Sacramento and Oakland, exercising early political interest in the Junior Statesmen youth organization. He went on to earn bachelor's, master's and doctorate degrees in political science from the University of California, Berkeley. Bill's political studies never ceased as he amassed an encyclopedic and institutional knowledge of state legislative districts, California voter patterns, campaigning tactics and reapportionment. For a time, Bill Cavala worked at the university as a professor of political science, but for much of his 40-year political career he employed his passion for hands-on, field experience.

In 1971, Bill Cavala joined the staff of late Democratic Assemblyman Bob Crown, and worked with the Select Committee on Criminal Justice. Later, while teaching at UC Berkeley, he continued to perform constituent work within the offices of Assembly members John Miller, Ken Meade and Bill Lockyer, his former classmate. In 1981, Bill Cavala joined the staff of California State Assembly Speaker Willie Brown, Jr. as Senior Aide, where he served for 14 years. Bill Cavala was three-time Director of the Speaker's Office of Majority Services and worked as deputy director under seven different directors. He served Minority Leader Richard Katz and other Speakers of the Assembly, including Cruz Bustamante, Antonio Villaraigosa, Robert Hertzberg and Herb Wesson, Jr.

Bill Cavala fulfilled a crucial, behind-the-scenes role as he played a part in important decisions regarding redistricting, election law and the state budget. Throughout his career, he kept in mind the counsel of his much-admired mentors the late Congressman Philip Burton, wife Sala, and brother, John. Through their influence, Bill gained a deep appreciation for the role of public service and his potential to make meaningful societal contributions via the political process.

Despite his hefty workload from the California State Legislature and his commitments at UC Berkeley, Bill Cavala had a role in every election cycle over a 40-year span. His deft and daring campaign approaches resulted in

countless winning campaigns, most recently in the congressional elections of Representatives JOHN GARAMENDI and JACKIE SPEIER. Friends and colleagues on both sides of the aisle admired his singular focus and political passion. In addition to politics, Bill Cavala had a love

for baseball, golf, fine wine, gourmet cooking, mentorship, travel and film.

Today, we mourn the loss of a political pioneer, respected strategist and campaign mastermind who was considered by many the driving force in California politics for the past 40

years. Bill Cavala was a dear friend and he will be deeply missed by an extended group of loved ones, friends and colleagues. I offer my sincerest condolences to Bill's family and to the many friends and associates whose lives he has touched over the years.

## SENATE—Wednesday, January 27, 2010

The Senate met at 8:20 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose mercies cannot be numbered, accept our sacrifice of praise and thanksgiving to You. As we prepare to hear the President speak to the Nation, inspire our lawmakers with Your goodness and truth that they may not become overwhelmed by the vast difficulties confronting our land.

Lord, reveal Your supernatural guidance and power so that they will not be detoured from the path of integrity. May their perplexities compel them to seek You and Your limitless grace. May intimate communion with You always be the source of ethical conduct in our leadership.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed as a body to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Barack H. Obama.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

### REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON JANUARY 27, 2010—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was ordered to lie on the table:

*To the Congress of the United States:*

Madam Speaker, Vice President BIDEN, Members of Congress, distinguished guests, and fellow Americans:

Our Constitution declares that from time to time, the President shall give to Congress information about the state of our Union. For 220 years, our leaders have fulfilled this duty. They have done so during periods of prosperity and tranquility. And they have done so in the midst of war and depression; at moments of great strife and great struggle.

It's tempting to look back on these moments and assume that our progress was inevitable—that America was always destined to succeed. But when the Union was turned back at Bull Run and the Allies first landed at Omaha Beach, victory was very much in doubt. When the market crashed on Black Tuesday and civil rights marchers were beaten on Bloody Sunday, the future was anything but certain. These were times that tested the courage of our convictions, and the strength of our Union. And despite all our divisions and disagreements; our hesitations and our fears; America prevailed because we chose to move forward as one Nation, and one people.

Again, we are tested. And again, we must answer history's call.

One year ago, I took office amid two wars, an economy rocked by severe recession, a financial system on the verge of collapse, and a Government deeply in debt. Experts from across the political spectrum warned that if we did not act, we might face a second depression. So we acted—immediately and aggressively. And 1 year later, the worst of the storm has passed.

But the devastation remains. One in ten Americans still cannot find work. Many businesses have shuttered. Home values have declined. Small towns and rural communities have been hit especially hard. For those who had already known poverty, life became that much harder.

This recession has also compounded the burdens that America's families have been dealing with for decades—the burden of working harder and longer for less; of being unable to save enough to retire or help kids with college.

So I know the anxieties that are out there right now. They're not new. These struggles are the reason I ran for President. These struggles are what I've witnessed for years in places like Elkhart, Indiana and Galesburg, Illinois. I hear about them in the letters that I read each night. The toughest to read are those written by children—asking why they have to move from their home, or when their mom or dad will be able to go back to work.

For these Americans and so many others, change has not come fast enough. Some are frustrated; some are angry. They don't understand why it seems like bad behavior on Wall Street is rewarded but hard work on Main Street isn't; or why Washington has been unable or unwilling to solve any of our problems. They are tired of the partisanship and the shouting and the pettiness. They know we can't afford it. Not now.

So we face big and difficult challenges. And what the American people hope—that they deserve—is for all of us, Democrats and Republicans, to work through our differences; to overcome the numbing weight of our politics. For while the people who sent us here have different backgrounds, different stories and different beliefs, the anxieties they face are the same. The aspirations they hold are shared. A job that pays the bills. A chance to get ahead. Most of all, the ability to give their children a better life.

You know what else they share? They share a stubborn resilience in the face of adversity. After one of the most difficult years in our history, they remain



busy building cars and teaching kids; starting businesses and going back to school. They're coaching little league and helping their neighbors. As one woman wrote me, "We are strained but hopeful, struggling but encouraged."

It is because of this spirit—this great decency and great strength—that I have never been more hopeful about America's future than I am tonight. Despite our hardships, our union is strong. We do not give up. We do not quit. We do not allow fear or division to break our spirit. In this new decade, it's time the American people get a Government that matches their decency; that embodies their strength. And tonight, I'd like to talk about how together, we can deliver on that promise.

It begins with our economy.

Our most urgent task upon taking office was to shore up the same banks that helped cause this crisis. It was not easy to do. And if there's one thing that has unified Democrats and Republicans, it's that we all hated the bank bailout. I hated it. You hated it. It was about as popular as a root canal.

But when I ran for President, I promised I wouldn't just do what was popular—I would do what was necessary. And if we had allowed the meltdown of the financial system, unemployment might be double what it is today. More businesses would certainly have closed. More homes would have surely been lost.

So I supported the last Administration's efforts to create the financial rescue program. And when we took the program over, we made it more transparent and accountable. As a result, the markets are now stabilized, and we have recovered most of the money we spent on the banks.

To recover the rest, I have proposed a fee on the biggest banks. I know Wall Street isn't keen on this idea, but if these firms can afford to hand out big bonuses again, they can afford a modest fee to pay back the taxpayers who rescued them in their time of need.

As we stabilized the financial system, we also took steps to get our economy growing again, save as many jobs as possible, and help Americans who had become unemployed.

That's why we extended or increased unemployment benefits for more than 18 million Americans; made health insurance 65 percent cheaper for families who get their coverage through COBRA; and passed 25 different tax cuts.

Let me repeat: we cut taxes. We cut taxes for 95 percent of working families. We cut taxes for small businesses. We cut taxes for first-time homebuyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college. As a result, millions of Americans had more to spend on gas, and food, and other necessities, all of which

helped businesses keep more workers. And we haven't raised income taxes by a single dime on a single person. Not a single dime.

Because of the steps we took, there are about 2 million Americans working right now who would otherwise be unemployed. Two hundred thousand work in construction and clean energy. Three hundred thousand are teachers and other education workers. Tens of thousands are cops, firefighters, correctional officers, and first responders. And we are on track to add another one and a half million jobs to this total by the end of the year.

The plan that has made all of this possible, from the tax cuts to the jobs, is the Recovery Act. That's right—the Recovery Act, also known as the Stimulus Bill. Economists on the left and the right say that this bill has helped saved jobs and avert disaster. But you don't have to take their word for it.

Talk to the small business in Phoenix that's about to triple its workforce because of the Recovery Act.

Talk to the window manufacturer in Philadelphia who said he used to be skeptical about the Recovery Act, until he had to add two more work shifts just because of the business it created.

Talk to the single teacher raising two kids who was told by her principal on the last week of school that because of the Recovery Act, she wouldn't be laid off after all.

There are stories like this all across America. And after 2 years of recession, the economy is growing again. Retirement funds have started to gain back some of their value. Businesses are beginning to invest again, and slowly some are starting to hire again.

But I realize that for every success story, there are other stories, of men and women who wake up with the anguish of not knowing where their next paycheck will come from; who send out resumes week after week and hear nothing in response. That is why jobs must continue to be our number one focus in 2010. And that is why I am calling for a new jobs bill tonight.

Now, the true engine of job creation in this country will always be America's businesses. But Government can create the conditions necessary for businesses to expand and hire more workers.

We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream, or a worker decides it's time she became her own boss.

Through sheer grit and determination, these companies have weathered the recession and are ready to grow. But when you talk to small business owners in places like Allentown, Pennsylvania or Elyria, Ohio, you find out that even though banks on Wall Street are lending again, they are mostly

lending to bigger companies. But financing remains difficult for small business owners across the country.

So tonight, I'm proposing that we take \$30 billion of the money Wall Street banks have repaid and use it to help community banks give small businesses the credit they need to stay afloat. I am also proposing a new small business tax credit—one that will go to over 1 million small businesses who hire new workers or raise wages. While we're at it, let's also eliminate all capital gains taxes on small business investment; and provide a tax incentive for all businesses, large and small, to invest in new plants and equipment.

Next, we can put Americans to work today building the infrastructure of tomorrow. From the first railroads to the interstate highway system, our Nation has always been built to compete. There's no reason Europe or China should have the fastest trains, or the new factories that manufacture clean energy products.

Tomorrow, I'll visit Tampa, Florida, where workers will soon break ground on a new high-speed railroad funded by the Recovery Act. There are projects like that all across this country that will create jobs and help our Nation move goods, services, and information. We should put more Americans to work building clean energy facilities, and give rebates to Americans who make their homes more energy efficient, which supports clean energy jobs. And to encourage these and other businesses to stay within our borders, it's time to finally slash the tax breaks for companies that ship our jobs overseas and give those tax breaks to companies that create jobs in the United States of America.

The House has passed a jobs bill that includes some of these steps. As the first order of business this year, I urge the Senate to do the same. People are out of work. They are hurting. They need our help. And I want a jobs bill on my desk without delay.

But the truth is, these steps still won't make up for the seven million jobs we've lost over the last 2 years. The only way to move to full employment is to lay a new foundation for long-term economic growth, and finally address the problems that America's families have confronted for years.

We cannot afford another so-called economic "expansion" like the one from last decade—what some call the "lost decade"—where jobs grew more slowly than during any prior expansion; where the income of the average American household declined while the cost of health care and tuition reached record highs; where prosperity was built on a housing bubble and financial speculation.

From the day I took office, I have been told that addressing our larger challenges is too ambitious—that such

efforts would be too contentious, that our political system is too gridlocked, and that we should just put things on hold for awhile.

For those who make these claims, I have one simple question:

How long should we wait? How long should America put its future on hold?

You see, Washington has been telling us to wait for decades, even as the problems have grown worse. Meanwhile, China's not waiting to revamp its economy. Germany's not waiting. India's not waiting. These nations aren't standing still. These nations aren't playing for second place. They're putting more emphasis on math and science. They're rebuilding their infrastructure. They are making serious investments in clean energy because they want those jobs.

I do not accept second-place for the United States of America. As hard as it may be, as uncomfortable and contentious as the debates may be, it's time to get serious about fixing the problems that are hampering our growth.

One place to start is serious financial reform. Look, I am not interested in punishing banks, I'm interested in protecting our economy. A strong, healthy financial market makes it possible for businesses to access credit and create new jobs. It channels the savings of families into investments that raise incomes. But that can only happen if we guard against the same recklessness that nearly brought down our entire economy.

We need to make sure consumers and middle-class families have the information they need to make financial decisions. We can't allow financial institutions, including those that take your deposits, to take risks that threaten the whole economy.

The House has already passed financial reform with many of these changes. And the lobbyists are already trying to kill it. Well, we cannot let them win this fight. And if the bill that ends up on my desk does not meet the test of real reform, I will send it back.

Next, we need to encourage American innovation. Last year, we made the largest investment in basic research funding in history—an investment that could lead to the world's cheapest solar cells or treatment that kills cancer cells but leaves healthy ones untouched. And no area is more ripe for such innovation than energy. You can already see the results of last year's investment in clean energy—in the North Carolina company that will create 1,200 jobs making advanced batteries; or in the California business that's putting thousands to work making solar panels.

But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. That means building a new generation of safe, clean nuclear power plants in this country. It means making tough deci-

sions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America.

I am grateful to the House for passing such a bill last year. This year, I am eager to help advance the bipartisan effort in the Senate. I know there have been questions about whether we can afford such changes in a tough economy; and I know that there are those who disagree with the overwhelming scientific evidence on climate change. But even if you are a doubter, providing incentives for energy efficiency and clean energy are the right thing to do for our future—because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that Nation.

Third, we need to export more of our goods. Because the more products we make and sell to other countries, the more jobs we support here in America. So tonight, we set a new goal: We will double our exports over the next 5 years, an increase that will support two million jobs in America. To help meet this goal, we're launching a National Export Initiative that will help farmers and small businesses increase their exports, and reform export controls consistent with national security.

We have to seek new markets aggressively, just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores. But realizing those benefits also means enforcing those agreements so our trading partners play by the rules. And that's why we will continue to shape a Doha trade agreement that opens global markets, and why we will strengthen our trade relations in Asia and with key partners like South Korea, Panama, and Colombia.

Fourth, we need to invest in the skills and education of our people.

This year, we have broken through the stalemate between left and right by launching a national competition to improve our schools. The idea here is simple: instead of rewarding failure, we only reward success. Instead of funding the status quo, we only invest in reform—reform that raises student achievement, inspires students to excel in math and science, and turns around failing schools that steal the future of too many young Americans, from rural communities to inner-cities. In the 21st century, one of the best anti-poverty programs is a world-class education. We cannot settle for an America where the success of our children depends more on their zip code than their potential. And when we renew the Elementary and Secondary Education Act,

we will work with Congress to expand these reforms to all 50 states.

Still, in this economy, a high school diploma no longer guarantees a good job. I urge the Senate to follow the House and pass a bill that will revitalize our community colleges, which are a career pathway to the children of so many working families. To make college more affordable, this bill will finally end the unwarranted taxpayer-subsidies that go to banks for student loans. Instead, let's take that money and give families \$10,000 for 4 years of college and increase Pell Grants. And let's tell another one million students that when they graduate, they will be required to pay only ten percent of their income on student loans. Because in the United States of America, no one should go broke because they chose to go to college. And it's time for colleges and universities to get serious about cutting their own costs—because they too have a responsibility to help solve this problem.

Now, the price of college tuition is just one of the burdens facing the middle-class. That's why last year I asked Vice President BIDEN to chair a task force on Middle-Class Families. That's why we're nearly doubling the child care tax credit, and making it easier to save for retirement by giving every worker access to a retirement account and expanding the tax credit for those who start a nest egg. That's why we're working to lift the value of a family's single largest investment—their home. The steps we took last year to shore up the housing market have allowed millions of Americans to take out new loans and save an average of \$1,500 on mortgage payments. This year, we will step up re-financing so that homeowners can move into more affordable mortgages.

And that's why we still need health insurance reform—because there is no greater long-term burden on middle-class families.

Now let's be clear—I did not choose to tackle this issue to get some legislative victory under my belt. And by now it should be fairly obvious that I didn't take on health care because it was good politics.

I took on health care because of the stories I've heard from Americans with pre-existing conditions whose lives depend on getting coverage; patients who've been denied coverage; and families—even those with insurance—who are just one illness away from financial ruin.

After nearly a century of trying, we are closer than ever to bringing more security to the lives of so many Americans. The approach we've taken would protect every American from the worst practices of the insurance industry. It would give small businesses and uninsured Americans a chance to choose an affordable health care plan in a competitive market. It would require every

insurance plan to cover preventive care. And I want to acknowledge our First Lady, Michelle Obama, who this year is creating a national movement to tackle the epidemic of childhood obesity and make our kids healthier.

Our approach would preserve the right of Americans who have insurance to keep their doctor and their plan. It would reduce costs and premiums for families and businesses. And according to the Congressional Budget Office—the independent organization that both parties have cited as the official scorekeeper for Congress—our approach would bring down the deficit by as much as \$1 trillion over the next two decades.

Still, this is a complex issue, and the longer it was debated, the more skeptical people became. I take my share of the blame for not explaining it more clearly to the American people. And I know that with all the lobbying and horse-trading, this process left most Americans wondering what's in it for them.

But I also know this problem is not going away. By the time I'm finished speaking tonight, more Americans will have lost their health insurance. Millions will lose it this year. Our deficit will grow. Premiums will go up. Patients will be denied the care they need. Small business owners will continue to drop coverage altogether.

I will not walk away from these Americans. And neither should the people in this chamber. As temperatures cool, I want everyone to take a second look at the plan we've proposed. There's a reason why many doctors, nurses, and health care experts across the country consider this approach a vast improvement over the status quo. But if anyone from either party has a better approach that will bring down premiums, bring down the deficit, cover the uninsured, strengthen Medicare for seniors, and stop insurance company abuses, let me know. Here's what I ask of Congress, though: Do not walk away from reform. Not now. Not when we are so close. Let us find a way to come together and finish the job for the American people.

Now, even as health care reform would reduce our deficit, it's not enough to dig us out of a massive fiscal hole in which we find ourselves. It's a challenge that makes all others that much harder to solve, and one that's been subject to a lot of political posturing.

So let me start the discussion of Government spending by setting the record straight. At the beginning of the last decade, America had a budget surplus of over \$200 billion. By the time I took office, we had a 1 year deficit of over \$1 trillion and projected deficits of \$8 trillion over the next decade. Most of this was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program. On top of

that, the effects of the recession put a \$3 trillion hole in our budget. That was before I walked in the door.

Now if we had taken office in ordinary times, I would have liked nothing more than to start bringing down the deficit. But we took office amid a crisis, and our efforts to prevent a second Depression have added another \$1 trillion to our national debt.

I am absolutely convinced that was the right thing to do. But families across the country are tightening their belts and making tough decisions. The Federal Government should do the same. So tonight, I'm proposing specific steps to pay for the \$1 trillion that it took to rescue the economy last year.

Starting in 2011, we are prepared to freeze government spending for 3 years. Spending related to our national security, Medicare, Medicaid, and Social Security will not be affected. But all other discretionary Government programs will. Like any cash-strapped family, we will work within a budget to invest in what we need and sacrifice what we don't. And if I have to enforce this discipline by veto, I will.

We will continue to go through the budget line by line to eliminate programs that we can't afford and don't work. We've already identified \$20 billion in savings for next year. To help working families, we will extend our middle-class tax cuts. But at a time of record deficits, we will not continue tax cuts for oil companies, investment fund managers, and those making over \$250,000 a year. We just can't afford it.

Now, even after paying for what we spent on my watch, we will still face the massive deficit we had when I took office. More importantly, the cost of Medicare, Medicaid, and Social Security will continue to skyrocket. That's why I've called for a bipartisan, Fiscal Commission, modeled on a proposal by Republican JUDD GREGG and Democrat KENT CONRAD. This can't be one of those Washington gimmicks that lets us pretend we solved a problem. The Commission will have to provide a specific set of solutions by a certain deadline. Yesterday, the Senate blocked a bill that would have created this commission. So I will issue an executive order that will allow us to go forward, because I refuse to pass this problem on to another generation of Americans. And when the vote comes tomorrow, the Senate should restore the pay-as-you-go law that was a big reason why we had record surpluses in the 1990s.

I know that some in my own party will argue that we cannot address the deficit or freeze Government spending when so many are still hurting. I agree, which is why this freeze will not take effect until next year, when the economy is stronger. But understand—if we do not take meaningful steps to rein in our debt, it could damage our fragile markets, increase the cost of bor-

rowing, and jeopardize our recovery—all of which could have an even worse effect on our job growth and family incomes.

From the right, I expect we'll hear that we should make fewer investments in our people, extend tax cuts for wealthier Americans, eliminate more regulations, and maintain the status quo on health care. The problem is, that's what we did for 8 years. That's what helped lead us into this crisis. It's what helped lead to these deficits. And we cannot do it again.

Rather than fight the same tired battles that have dominated Washington for decades, it's time to try something new. Let's invest in our people without leaving them a mountain of debt. Let's meet our responsibility to the citizens who sent us here. Let's try common sense.

To do that, we have to recognize that we face more than a deficit of dollars right now. We face a deficit of trust—deep and corrosive doubts about how Washington works that have been growing for years. To close that credibility gap we must take action on both ends of Pennsylvania Avenue to end the outsized influence of lobbyists; to do our work openly; and to give our people the Government they deserve.

That's what I came to Washington to do. That's why—for the first time in history—my Administration posts our White House visitors online. And that's why we've excluded lobbyists from policy-making jobs or seats on Federal boards and commissions.

But we can't stop there. It's time to require lobbyists to disclose each contact they make on behalf of a client with my Administration or Congress. And it's time to put strict limits on the contributions that lobbyists give to candidates for Federal office. Last week, the Supreme Court reversed a century of law to open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. Well, I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people, and that's why I'm urging Democrats and Republicans to pass a bill that helps to right this wrong.

I'm also calling on Congress to continue down the path of earmark reform. You have trimmed some of this spending and embraced some meaningful change. But restoring the public trust demands more. For example, some members of Congress post some earmark requests online. Tonight, I'm calling on Congress to publish all earmark requests on a single website before there's a vote so that the American people can see how their money is being spent.

Of course, none of these reforms will even happen if we don't also reform how we work with one another.

I am not naïve. I never thought the mere fact of my election would usher in peace, harmony, and some post-partisan era. I knew that both parties have fed divisions that are deeply entrenched. And on some issues, there are simply philosophical differences that will always cause us to part ways. These disagreements, about the role of Government in our lives, about our national priorities and our national security, have been taking place for over 200 years. They are the very essence of our democracy.

But what frustrates the American people is a Washington where every day is Election Day. We cannot wage a perpetual campaign where the only goal is to see who can get the most embarrassing headlines about their opponent—a belief that if you lose, I win. Neither party should delay or obstruct every single bill just because they can. The confirmation of well-qualified public servants should not be held hostage to the pet projects or grudges of a few individual Senators. Washington may think that the vitriol spilled out on cable and talk radio is just part of the game; that saying anything about the other side, no matter how false, is what it takes to get power. But it is precisely such politics that has stopped either party from helping the American people. Worse yet, it is sowing further division among our citizens and further distrust in our Government.

So no, I will not give up on changing the tone of our politics. I know it's an election year. And after last week, it is clear that campaign fever has come even earlier than usual. But we still need to govern. To Democrats, I would remind you that we still have the largest majority in decades, and the people expect us to solve some problems, not run for the hills. And if the Republican leadership is going to insist that 60 votes in the Senate are required to do any business at all in this town, then the responsibility to govern is now yours as well. Just saying no to everything may be good short-term politics, but it's not leadership. We were sent here to serve our citizens, not our ambitions. So let's show the American people that we can do it together. This week, I'll be addressing a meeting of the House Republicans. And I would like to begin monthly meetings with both the Democratic and Republican leadership. I know you can't wait.

Throughout our history, no issue has united this country more than our security. Sadly, the unity we felt after 9/11 has dissipated. We can argue all we want about who's to blame for this, but I am not interested in re-litigating the past. I know that all of us love this country. All of us are committed to its defense. So let's put aside the schoolyard taunts about who is tough. Let's reject the false choice between protecting our people and upholding our values. Let's leave behind the fear and

division, and do what it takes to defend our Nation and forge a more hopeful future—for America and the world.

That is the work we began last year. Since the day I took office, we have renewed our focus on the terrorists who threaten our Nation. We have made substantial investments in our homeland security and disrupted plots that threatened to take American lives. We are filling unacceptable gaps revealed by the failed Christmas attack, with better airline security, and swifter action on our intelligence. We have prohibited torture and strengthened partnerships from the Pacific to South Asia to the Arabian Peninsula. And in the last year, hundreds of al Qaeda's fighters and affiliates, including many senior leaders, have been captured or killed—far more than in 2008.

In Afghanistan, we are increasing our troops and training Afghan Security Forces so they can begin to take the lead in July of 2011, and our troops can begin to come home. We will reward good governance, reduce corruption, and support the rights of all Afghans—men and women alike. We are joined by allies and partners who have increased their own commitment, and who will come together tomorrow in London to reaffirm our common purpose. There will be difficult days ahead. But I am confident we will succeed.

As we take the fight to al Qaeda, we are responsibly leaving Iraq to its people. As a candidate, I promised that I would end this war, and that is what I am doing as President. We will have all of our combat troops out of Iraq by the end of this August. We will support the Iraqi government as they hold elections, and continue to partner with the Iraqi people to promote regional peace and prosperity. But make no mistake: this war is ending, and all of our troops are coming home.

Tonight, all of our men and women in uniform—in Iraq, Afghanistan, and around the world—must know that they have our respect, our gratitude, and our full support. And just as they must have the resources they need in war, we all have a responsibility to support them when they come home. That is why we made the largest increase in investments for veterans in decades. That is why we are building a 21st century VA. And that is why Michelle has joined with Jill Biden to forge a national commitment to support military families.

Even as we prosecute two wars, we are also confronting the greatest danger to the American people—the threat of nuclear weapons. I have embraced the vision of John F. Kennedy and Ronald Reagan through a strategy that reverses the spread of these weapons, and seeks a world without them. To reduce our stockpiles and launchers, while ensuring our deterrent, the United States and Russia are completing negotiations on the farthest-reaching arms control

treaty in nearly two decades. And at April's Nuclear Security Summit, we will bring 44 nations together behind a clear goal: securing all vulnerable nuclear materials around the world in 4 years, so that they never fall into the hands of terrorists.

These diplomatic efforts have also strengthened our hand in dealing with those nations that insist on violating international agreements in pursuit of these weapons. That is why North Korea now faces increased isolation, and stronger sanctions—sanctions that are being vigorously enforced. That is why the international community is more united, and the Islamic Republic of Iran is more isolated. And as Iran's leaders continue to ignore their obligations, there should be no doubt: they, too, will face growing consequences.

That is the leadership that we are providing—engagement that advances the common security and prosperity of all people. We are working through the G-20 to sustain a lasting global recovery. We are working with Muslim communities around the world to promote science, education, and innovation. We have gone from a bystander to a leader in the fight against climate change. We are helping developing countries to feed themselves, and continuing the fight against HIV/AIDS. And we are launching a new initiative that will give us the capacity to respond faster and more effectively to bio-terrorism or an infectious disease—a plan that will counter threats at home, and strengthen public health abroad.

As we have for over 60 years, America takes these actions because our destiny is connected to those beyond our shores. But we also do it because it is right. That is why, as we meet here tonight, over 10,000 Americans are working with many nations to help the people of Haiti recover and rebuild. That is why we stand with the girl who yearns to go to school in Afghanistan; we support the human rights of the women marching through the streets of Iran; and we advocate for the young man denied a job by corruption in Guinea. For America must stand on the side of freedom and human dignity.

Abroad, America's greatest source of strength is our ideals. The same is true at home. We find unity in our incredible diversity, drawing on the promise enshrined in our Constitution: that no matter who you are or what you look like, if you abide by the law you should be protected by it; if you adhere to our common values you should be treated no different than anyone else.

We must carry this promise forward. My Administration has a Civil Rights Division that is once again prosecuting civil rights violations and employment discrimination. We finally strengthened our laws to protect against crimes driven by hate. This year, I will work with Congress and our military to finally repeal the law that denies gay

Americans the right to serve the country they love because of who they are. We are going to crack down on violations of equal pay laws—so that women get equal pay for an equal day's work. And we should continue the work of fixing our broken immigration system—to secure our borders and enforce our laws so that everyone plays by the rules.

In the end, it is our ideals, our values that built America—values that allowed us to forge a Nation made up of immigrants from every corner of the globe; values that drive our citizens still. Every day, they meet their responsibilities to their families and their employers. Time and again, they lend a hand to their neighbors and give back to their country. They take pride in their labor, and are generous in spirit. These aren't Republican values or Democratic values they're living by; business values or labor values. They are American values.

Unfortunately, too many of our citizens have lost faith that our biggest institutions—our corporations, our media, and yes, our Government—still reflect these same values. Each of these institutions are full of honorable men and women doing important work for the country. But each time a CEO rewards himself for failure, or a banker puts the rest of us at risk for his own selfish gain, people's doubts grow. Each time lobbyists game the system or politicians tear each other down instead of lifting this country up, we lose faith. The more that TV pundits reduce serious debates into silly arguments, and big issues into sound bites, our citizens turn away.

No wonder there's so much cynicism out there. No wonder there's so much disappointment.

I campaigned on the promise of change—change we can believe in, the slogan went. And right now, I know there are many Americans who aren't sure if they still believe we can change.

But remember this—I never suggested that change would be easy. Democracy in a Nation of three hundred million people can be noisy and messy and complicated. And when you try to do big things and make big changes, it stirs passions and controversy. That's just how it is.

Of course, those of us in public office can respond to this reality by playing it safe and keeping our poll numbers high. We can avoid telling hard truths. We can kick hard problems down the road. We can do what's necessary to get through the next election instead of what's best for the next generation.

But I also know this: if people had made that decision 50 years ago or 100 years ago or 200 years ago, we wouldn't be here tonight. The only reason we are is because generations of Americans were unafraid to do what was hard; to do what was needed even when success was uncertain; to do what it took to

keep the dream of this Nation alive for their children and grandchildren.

Our Administration has had some political setbacks this year, and some of them were deserved. But I wake up every day knowing that they are nothing compared to the setbacks that families all across this country have faced this year. And what keeps me going—what keeps me fighting—is that despite all these setbacks, that spirit of determination and optimism—that fundamental decency that has always been at the core of the American people—lives on.

It lives on in the struggling small business owner who wrote to me of his company, "None of us," he said, "... are willing to consider, even slightly, that we might fail."

It lives on in the woman who said that even though she and her neighbors have felt the pain of recession, "We are strong. We are resilient. We are American."

It lives on in the 8-year-old boy in Louisiana, who just sent me his allowance and asked if I would give it to the people of Haiti. And it lives on in all the Americans who've dropped everything to go some place they've never been and pull people they've never known from rubble, prompting chants of "U.S.A.! U.S.A.! U.S.A.!" when another life was saved.

The spirit that has sustained this Nation for more than two centuries lives on in you, its people. We have finished a difficult year. We have come through a difficult decade. But a new year has come. A new decade stretches before us. We don't quit. I don't quit. Let's seize this moment—to start anew, to carry the dream forward, and to strengthen our Union once more.

Thank you, God Bless You. And God Bless the United States of America.

BARACK OBAMA.

THE WHITE HOUSE, January 27, 2010.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on January 26, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bill was signed on today, January 27, 2009, during the adjournment of

the Senate by the President pro tempore (Mr. BYRD).

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 27, 2010, she had presented to the President of the United States the following enrolled bill:

S. 2949. An act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4502. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Army in fiscal year 2004, and has been assigned Army case number 08-06; to the Committee on Appropriations.

EC-4503. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL No. 9094-1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4504. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 8801-9) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4505. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dibenzylidene Sorbitol; Exemption from the Requirement of a Tolerance" (FRL No. 8802-5) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4506. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Choline Chloride; Exemption from the Requirement of a Tolerance" (FRL No. 8802-4) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4507. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Adjusted Net Capital Requirements for Futures Commission Merchants and Introducing Brokers" (RIN3038-AC66) received during adjournment of the Senate in the Office of the President of the Senate on January 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4508. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Commodity Pool Operator Periodic Account Statements and Annual Financial Reports" (RIN3038-AC38) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4509. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing of Financial Reports and Notices" (RIN3038-AB87) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4510. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Payment Eligibility and Payment Limitation; Miscellaneous Technical Corrections" ((7 CFR 1400)(RIN0560-AH85)) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4511. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan" (Docket No. APHIS-2009-0046) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4512. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Docket No. APHIS-2009-0036) as received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4513. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea with Regard to Foot-and-Mouth Disease and Rinderpest" (Docket No. APHIS-2008-0147) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4514. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Revenue Assistance Payments Program" (RIN0560-AH90) received during adjournment of the Senate

in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4515. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Haas Avocados from Peru" (Docket No. APHIS-2008-0126) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4516. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of the Army (Financial Management), received in the Office of the President of the Senate on January 21, 2010; to the Committee on Armed Services.

EC-4517. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (52) reports relative to vacancies in the Department of Defense, received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Armed Services.

EC-4518. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Trade Agreements—Costa Rica and Peru" (DFARS Case 2008-D046) received in the Office of the President of the Senate on January 20, 2010; to the Committee on Armed Services.

EC-4519. A communication from the Deputy Director of the Acquisition Policy and Legislation Branch, Office of the Chief Procurement Officer, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition (HSAR Case 2009-004)" (RIN1601-AA57) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Armed Services.

EC-4520. A communication from the Deputy Director of the Acquisition Policy and Legislation Branch, Office of the Chief Procurement Officer, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony (HSAR Case 2009-001)" (RIN1601-AA55) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Armed Services.

EC-4521. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the awarding of a sole-source bridge contract to provide property management support for Federal Housing Administration Single Family Homes; to the Committee on Banking, Housing, and Urban Affairs.

EC-4522. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Reporting of Fraudulent Financial Instruments"

(RIN2590-AA11) received in the Office of the President of the Senate on January 25, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4523. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Risk-Based Pricing Regulations" (Docket No. R-1316) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4524. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Ceiling on Allowable Charge for Certain Disclosures Under Section 612(f) of the Fair Credit Reporting Act" received in the Office of the President of the Senate on January 22, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4525. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)" (RIN1904-AB93) received in the Office of the President of the Senate on January 25, 2010; to the Committee on Energy and Natural Resources.

EC-4526. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Endocrine Disruptor Screening Program; Policies and Procedures for Initial Screening" (FRL No. 8399-9) received in the Office of the President of the Senate on January 25, 2010; to the Committee on Environment and Public Works.

EC-4527. A communication from the Commissioner, Social Security Administration, transmitting proposed legislation relative to extending funding authority for two work incentive provisions; to the Committee on Finance.

EC-4528. A communication from the Chief of Protocol, Department of State, transmitting, a report relative to listings of foreign gifts of more than minimal value reported to employing agencies in calendar year 2009; to the Committee on Foreign Relations.

EC-4529. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4530. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Limitations on Guaranteed Benefits; Maximum Guaranteed Benefit" (29 CFR Part 4022) received during adjournment of the Senate in



the Office of the President of the Senate on January 4, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-4532. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's compliance with the Sunshine Act during calendar year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4533. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, the Counsel's Report on Americans with Disabilities Act inspections conducted during the 110th Congress; to the Committee on Homeland Security and Governmental Affairs.

EC-4534. A communication from the Program Manager, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Commerce in Explosives—Storage of Shock Tube with Detonators (2005R-3P)" (RIN1140-AA30)(Docket No. ATF 15F)) received in the Office of the President of the Senate on January 21, 2010; to the Committee on the Judiciary.

EC-4535. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Jurisdictional Thresholds for Section 8 of the Clayton Act" received in the Office of the President of the Senate on January 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4536. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Direct Investment Surveys: BE-10, 2009 Benchmark Survey of U.S. Direct Investment Abroad" (RIN0691-AA71) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4537. A communication from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Precision Measurement Grants Program; Availability of Funds" (RIN0693-ZA93) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4538. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Broadband Technology Opportunities Program" (RIN0660-ZA28) received in the Office of the President of the Senate on January 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4539. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas"

(RIN0648-AX07) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4540. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Swordfish Quotas" (RIN0648-AV10) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4541. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Cincinnati, OH" (MB Docket No. 09-178) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4542. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; High Point, North Carolina" (MB Docket No. 09-196) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4543. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Columbus, Ohio" (MB Docket No. 09-124) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4544. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Anchorage, Alaska" (MB Docket No. 09-210) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4545. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon)" (MB Docket No. 09-130) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4546. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Factors" (16 CFR Part 1119) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4547. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Products Containing Lead; Determinations Regarding Lead Content Limits on Certain Materials or Products; Final Rule" (16 CFR Part 1500) received during adjournment of the Senate in the Of-

fice of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4548. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Products Containing Lead; Interpretive Rules on Inaccessible Component Parts" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4549. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint" (16 CFR Part 1303) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4550. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Labeling Amendment of Blasting Caps" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4551. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Standard for All Terrain Vehicles" (16 CFR Part 1420) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4552. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4553. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4554. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Labeling Requirement for Toy and Game Advertisements; Final Rule" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4555. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption From Classification as



Banned Hazardous Substance; Exemption for Boston Billow Nursing Pillow and Substantially Similar Nursing Pillows" (16 CFR Part 1500) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4556. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Information Disclosure Under Section 6(b) of the Consumer Product Safety Act" (16 CFR Part 1101) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4557. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Certificates of Compliance" (16 CFR Part 1110) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4558. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Flammability Standards for Carpets and Rugs" (RIN3041-AC38) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4559. A communication from the Assistant General Counsel for Regulatory, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Portable Generators; Final Rule; Labeling Requirements" (RIN3041-AC37) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2958. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Finance.

By Mr. FRANKEN:

S. 2959. A bill to amend the Federal Election Campaign Act of 1971 to protect Federal,

State, and local elections from the influence of foreign nationals; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 1320

At the request of Mr. TESTER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1320, a bill to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development path-

ways to 21st century careers, and for other purposes.

S. 1627

At the request of Mr. HARKIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1627, a bill to improve choices for consumers for vehicles and fuel, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2924

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. RES. 396

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. Res. 396, a resolution to enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress.

AMENDMENT NO. 3305

At the request of Mr. REID, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 3305 proposed to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:27 p.m., the Senate adjourned until Thursday, January 28, 2010, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, January 27, 2010

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

Rabbi Gil Steinlauf, Congregation Adas Israel, offered the following prayer:

Our God and God of all of our ancestors, we ask that the light of Your presence guide the hearts and minds of the leaders of this great Nation gathered here today.

May the wisdom of Your teachings guide them to act for justice, and to lift up the cause of the stranger, the orphan, and the widow.

Master of the universe, open the hearts of our leaders with Your compassion. Help them to lead with integrity, always remembering that Your wisdom resides in every heart as the deepest truth of our humanity.

May our leaders always remember that Your guidance is not in the heavens alone nor far beyond the sea, but within each of us, in our mouths and in our hearts, to carry into action in the world. May our leaders therefore serve as beacons of justice and compassion, making this country a light to the nations. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. SHUSTER) come forward and lead the House in the Pledge of Allegiance.

Mr. SHUSTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING RABBI GIL STEINLAUF

The SPEAKER. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 1 minute.

There was no objection.

Mr. WAXMAN. Madam Speaker, it is my honor to welcome Rabbi Gil Steinlauf of Adas Israel Congregation in Washington, DC, as our guest chaplain today.

When I was first elected to Congress and our family moved to Washington, we joined Adas Israel Congregation in Cleveland Park in the Washington, DC, area. Adas Israel is the largest conservative synagogue in our Nation's capital and one of its oldest. It also has a reputation for outreach to young families and Washington, DC transplants. We have been members for more than 30 years.

Rabbi Steinlauf came to Adas Israel in August 2008 to serve as its senior rabbi. He quickly made his mark as a charismatic, energetic, and dynamic spiritual leader. It has been a great pleasure to get to know him and his family.

Originally from Jericho, New York, Rabbi Steinlauf was ordained in 1998 at the Jewish Theological Seminary in New York. He graduated from Princeton in 1991 with honors, and also studied at the Pardes Institute in Jerusalem and the University of Judaism, now known as the American Jewish University, which is located in my district in Los Angeles.

Rabbi Steinlauf is joined this morning by his wife, Rabbi Batya Steinlauf, and his children Elana, Noah, and Meirav, his parents Bernard and Sandra, some of his extended family, and a proud delegation of Adas Israel.

Thank you, Rabbi Steinlauf, for your inspirational words.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 additional 1-minutes on each side of the aisle.

### FINANCIAL REFORM, WALL STREET AND CONSUMER PROTECTION

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the House passed the Wall Street Reform Consumer Protection Act.

It will reform the rules of the road that oversee Wall Street. It will end bailouts by helping ensure that taxpayers are never again on the hook for Wall Street's risky decisions.

It will protect retirement funds, college savings, homes, and businesses' financial futures from unnecessary risk by executives, lenders, and speculators.

It will protect consumers from predatory lending abuses, fine print, and industry gimmicks, and inject transparency and accountability into a financial system run amok.

It ends predatory lending practice with tougher enforcement.

We ask the Senate to pass this legislation to protect our consumers.

### IN MEMORY OF STAFF SERGEANT MATTHEW N. INGHAM, USMC

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, on Saturday, I attended the funeral service of a constituent, Staff Sergeant Matthew Ingham, United States Marine Corps, who was killed in action in southern Afghanistan on January 11, 2010. I rise today to recognize his life and his extraordinary service and sacrifice for our country.

Matt's parents, Gary and Tammi Ingham of Altoona, Pennsylvania, and his wife, Yasmin Ingham, mourn the loss of a remarkable young man and a brave Marine. They are in my thoughts and prayers, and I pass on my sincere condolences.

Sergeant Ingham was awarded the Bronze Star with Valor for the heroic actions that ultimately led to his death. He was responsible for saving the lives of nine Marines by crawling to a radio to call in air support after his unit was ambushed. Although apparently wounded, Sergeant Ingham exposed himself to more enemy fire, and put the lives of his fellow Marines above his own.

Sergeant Ingham was a 2002 Altoona High School graduate. He enlisted in the Marine Corps in July 2002, and was promoted to staff sergeant in April. He served two tours in Iraq and went to Afghanistan in the fall as part of a reconnaissance outfit assigned to the 3rd Marine Division in Okinawa, Japan.

The Ninth District of Pennsylvania and our entire Nation owes a great debt of gratitude to Sergeant Matthew N. Ingham, his family, and all those who have sacrificed their lives in the pursuit of freedom.

### JOBS

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, since the beginning of this Congress, this House has taken significant steps to grow our economy and create jobs at home.

Almost 1 year ago, we passed the Recovery Act to jump-start our economy by creating and saving millions of jobs while beginning to rebuild our Nation's infrastructure.

To build off this progress, in December we passed the Jobs for Main Street Act to create and save even more jobs at home, with targeted investment for highways, transit, and school renovations; the hiring of teachers, police, and firefighters; increased lending to small business; job training initiatives; and affordable housing.

Furthermore, to spur growth within small business, we passed the Small Business Financing and Investment Act to make it easier and more affordable for small businesses to get loans and access to capital, which in turn could save and create millions of jobs in this sector alone.

Mr. Speaker, while I am proud of the steps that this Chamber has taken to lift our economy, I know that our work is not done. We will continue to fight to create jobs until we find a solution to repair the damage left by the economic downturn of the last 8 years.

#### A DEAF GOVERNMENT ASLEEP IN DENIAL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, government's view of the economy could be summed up this way: "If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."

The American people are uneasy about their financial future. Taxing and borrowing and spending are out of control. Government is the problem. The people are frustrated.

We in Washington should listen to the people of America. They talked to us at town hall meetings. They got louder with their marches on Washington. The American people say stop the spending, cut up the credit cards. We should listen to America.

America is a representative Republic. That means the people talk, we listen. We implement their ideas. That is the way it works. Lately, the government dictates, the people comply. That is backwards, and it is arrogant.

In America, the people are the sovereign, not the government. We in Congress should make the government work for the people, work with them, not over them; stand by their side, not ride their backs. The people are talking, and their voices cannot continue to fall on a deaf government asleep in denial.

And that's just the way it is.

#### SUPREME COURT'S DECISION ON CAMPAIGN FINANCE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, among all of the potentially disastrous consequences of last week's Supreme Court decision on campaign finance,

one of them is a really cruel irony. Those of us who think we need public financing of Federal campaigns may now watch as taxpayer dollars actually are used for Federal campaigns.

AIG, which this Congress and our taxpayers bailed out to the tune of \$180 billion, may now be able to spend our money, your money, to actually influence Federal elections.

Not only that. We passed the Wall Street Reform and Consumer Protection Act to regulate Wall Street, finally, after they brought us to the brink of disaster. We spent a lot of money doing that, taxpayer dollars.

The companies that were saved by those dollars can now directly advocate for the election or defeat of candidates for Federal office.

This is a disgrace. And, unfortunately, we still haven't acted sufficiently to put an end to the risky behavior of Wall Street. I hope the Senate will act and we can sign the Wall Street Reform and Consumer Protection Act into law before the Supreme Court destroys the country.

□ 1015

#### CBO REPORTS MORE STIMULUS STUMBLES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, the nonpartisan Congressional Budget Office announced that the cost of the President's spending plan has jumped another \$75 billion. Stephen Dinan at the Washington Times reported that "the country faces giant budget deficits for the foreseeable future and has the biggest debt problem it has seen since just after World War II."

On the heels of these reports, the President will deliver the State of the Union address and will present his agenda tonight. I hope the President will be substantive about tackling out-of-control Washington spending to promote bipartisan cooperation. I believe we need to freeze spending based on 2008 levels. The Washington liberal majority needs to explain the 85 percent spending spike in just 2 years. American families who are trying to stay financially afloat do not have time for any more stimulus stumbles. We need jobs, not more spending.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations, Coach Darrin Horn and the USC Gamecocks, for their 68-62 victory over number one ranked Kentucky.

#### WALL STREET REFORM AND CONSUMER PROTECTION ACT

(Mr. POLIS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, in the last Congress, with the last administration, President Bush came to Congress during the financial meltdown, along with Secretary Paulson, and asked for hundreds of billions of dollars. They said they were going to use it to buy bad debt from the banks. It was threatening to bring down our financial system. Did they use it for that? No. Instead, they started to use it to nationalize American companies. They bought automobile companies; they bought banks. They used the government to take over the means of production.

It now falls to us to break this socialist stranglehold on our country. The Wall Street Reform and Consumer Protection Act is one of the first steps. We ban future TARP bailouts. We require the companies pay into a fund. No longer will companies be bailed out by taxpayer dollars. I call upon the United States Senate to pass the Wall Street Reform and Consumer Protection Act and for us to take additional steps to privatize these companies that the Federal Government now owns.

#### JOB CREATION ACT OF 2010

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, yesterday, I introduced the Job Creation Act of 2010. The number one priority in America should be jobs and helping small businesses. My five-point plan is to provide tax relief for small businesses. Instead of writing off equipment over 5 years, have them write it off over 1 year and sunset it in a year or two. Eliminate capital gains tax on companies. There's plenty of capital. People don't have confidence in the administration; they don't have confidence in this Congress. But there is capital to invest. The small businesses need that capital to create jobs.

We're taxing unemployment benefits at 11 percent. That needs to stop. We need to sunset that. TARP funds, \$750 billion: we committed to the American people that would be paid back. They are paying back much of the funds. It needs to go to pay down the \$12 trillion debt. Also, we need to curb frivolous lawsuits. It's driving up health care, it's killing businesses, it's killing jobs.

I urge Members from both sides of the aisle to support this bill.

#### RECOGNIZING THE SCOOTER STORE

(Mr. CUELLAR asked and was given permission to address the House for 1 minute.)

Mr. CUELLAR. Mr. Speaker, I rise with my good friend, Representative LAMAR SMITH, to honor The SCOOTER

Store, a hometown business in our home State of Texas. They've been recognized by Fortune magazine as one of the top 100 places to work in America. Fortune magazine has recognized this excellent work environment for their employees, ranking The SCOOTER Store the 38th Best Place to Work in 2010. The SCOOTER Store was founded in New Braunfels, Texas, by Doug and Susanna Harrison almost 19 years ago. Today, they serve more than 460,000 people across 48 States and Puerto Rico, with more than 70 facilities and approximately 2,000 employees.

Mr. Speaker, this is not the first time they have been recognized. They were recognized 6 years ago. They're a company built on teamwork and good values. And this is why, Mr. Speaker, I'm honored to have the time to recognize The SCOOTER Store for their ranking as the 38th Best Place to Work in 2010 by Fortune magazine.

#### RONALD AND GLENDA KRONGOLD'S WORK WITH ISRAEL BONDS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. I rise today to recognize two outstanding Americans, my good friends, Ronald and Glenda Krongold, constituents of my congressional district. For decades, the Krongolds have dedicated themselves to the safety and security of our democratic Jewish State of Israel, including through their leadership in the National Israel Bonds Campaign. Ron served as vice chairman and chairman of new leadership.

Their work on Israel bonds has contributed greatly to Israel's thriving economy and its booming scientific, technological, and entrepreneurial sectors. Ron's expertise has also benefited our home State of Florida. He played a pivotal role in the negotiations of the Trade Understanding between our State of Florida and Israel, signed by then-Secretary of Commerce for Florida, Jeb Bush.

Ron and Glenda, for your dedication you have the appreciation of this House and of countless Americans and Israelis. Thank you for your work. Keep it up.

#### FREEDOM FROM FOREIGN-BASED MANIPULATION IN AMERICAN ELECTIONS ACT

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. I rise today to urge Congress to overturn the Supreme Court's ruling last week that allows corporations to buy Federal elections. Yesterday, I introduced the Freedom from Foreign-Based Manipu-

lation in American Elections Act, which will prevent foreign-influenced companies from buying U.S. elections. Should a Chinese corporation decide U.S. copyright policy or civil rights law? Should Saudi Arabia have a say on American energy policy? How about Venezuela? Should Hugo Chavez have a voice in American elections? These are the questions we must ask if the Supreme Court's decision is allowed to stand.

The Court's decision flies in the face of a century of precedent keeping corporations out of elections. By giving corporations the same rights as individuals, the Court is handing corporations a blank check to decide elections instead of letting the voters do it. I urge my colleagues to join me in saying "no" to this decision and "yes" to democracy.

#### THANKS TO THE MINNESOTA RED BULLS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to say welcome home to a group of Minnesota heroes, the National Guard's 34th Infantry Division, known as the Red Bulls. Many of the Red Bulls have begun arriving home from their most recent tour of duty in Iraq. These brave Minnesotans have played a very crucial role in transitioning security responsibilities from American troops to the Iraqi forces, as well as leading more than 1,000 new reconstruction projects to help the Iraqi people. The 1,200 soldiers that are now returning home come from more than 275 communities in Minnesota and represent the American spirit of selflessness, sacrifice, and service.

I had the chance to personally meet with some of the Red Bulls when I visited Iraq not too long ago. I was humbled to see their selfless work that they accomplish every single day. Today, I'm thrilled to see them returning home from Iraq safely to their friends, to their families, and to a State that is especially grateful for all that they do.

#### ECONOMIC CLIMATE FOR JOB GROWTH

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, we have asked the American people to do a lot over the past year in order to work together to rebuild our economy. Tonight, we await the President's words to see how the country will move forward to continue to put people back to work and make reforms necessary to jump-start our economy. I applaud the

President for putting a freeze on all nonsecurity discretionary spending for fiscal year 2011, because as the American family tightens its belt, so must Congress. I would encourage the President to continue to call for increased fiscal responsibility in Congress, and I will do my part in ensuring that we spend responsibly to protect the people of my district.

I joined several of my Blue Dog colleagues in a letter led by Congressman PATRICK MURPHY of Pennsylvania to call for a spending freeze earlier this month and will continue to look for ways that we can continue to hold ourselves fiscally accountable for PAYGO and other budget cuts. My predecessor in Congress used to say that we here in Congress can't create jobs, but we can create an economic climate for job growth and development to boost our local economies. That should be our primary goal in 2010.

#### A RETURN TO BALANCED BUDGETS AND JOB CREATION

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, according to a poll released this week by CNN, nearly three out of four Americans think that much of the money spent in the so-called stimulus plan has been wasted. I agree. Should we be surprised that a bill chock-full of earmarks and pet projects did nothing to inspire confidence among Americans? And with a record drop in real estate sales, a languishing stock market, and an unemployment rate remaining above 10 percent, should we blame them? The CBO just offered that after only 1 year in total control, Democrats more than tripled the annual deficit, from \$408 billion to \$1.4 trillion. These are not the changes Americans voted for.

Mr. Speaker, when it comes to the idea of a spending freeze, this country needs more than just window dressing. It needs to return to balanced budgets and a real focus on job creation.

#### WORKING TOGETHER TO HELP THE AMERICAN PEOPLE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Tonight, when our President gives his State of the Union Address, I'm going to listen very intently. I know that he's going to talk about creating jobs, improving the economy, lowering unemployment, and also health care reform. Let's rally behind our President. The people sent us here to work together in a bipartisan fashion. Let's not talk about what is best politically for this party or that party, let's look at what is best for the American people.

I ask my Republican friends, stop being the Party of No. Work with us on health care. We can do it if we all put our heads together. Let me remind my friends that the TARP bailout and the bailout of the banks happened under President Bush. It was President Bush's recommendation, and I and other Democrats supported it because it was the right thing to do.

Let's support the President when he says the right things, as he will tonight. Let's understand that we can only succeed if we work together. We were left a mess by the previous administration. One year to clean it up is not enough. We prevented a depression. Now we have to move on. So I ask the other side of the aisle, please work with us. Please work with us to help the American people.

#### VISA FAILURE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we know that the best way to prevent an attack on U.S. soil is to ensure that terrorists are stopped before they reach our shores. Unfortunately, we failed to do so on Christmas Day and al Qaeda came close to significant victory. While the terrorist Abdulmutallab was noted in a terrorist identity database, he was not placed on a separate screening database and his U.S. visa was not revoked. Clearly, we did not connect the dots to notice that a man on a U.S. watch list also held a current U.S. visa. This has not been the first time terrorists have obtained U.S. visas. Several of the 9/11 hijackers did so as well.

We need to strengthen the visa application process. We need to streamline the intelligence gathering and sharing process. We need to end the visa lottery. We need to ensure that terrorists are turned around before they get to the airport before they even attempt to go through security. Were it not for the quick action of passengers on that flight, 288 innocent lives would have been lost. Passengers should not have to rely on last-minute heroics in order to travel safely. This administration must get serious about addressing this problem.

□ 1030

#### OUR ELECTIONS ARE NOT FOR SALE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, Justice Brandeis got it right: democracy or wealth concentrated in the hands of a few, but not both. And that's truer today as the United States

Supreme Court just wiped away decades of legal precedent, allowing corporations to spend unlimited money from their treasuries in our elections.

The American people already believe that corporate special interests and their lobbyists run the show around here. I mean, the halls are crawling with them. But that's not enough. Now the Court says to the big banks, the credit card companies, the drug companies and to the insurance companies, Hey, all bets are off, and it's open season. Our elections are for sale. So that's right. If the corporations don't like what this Congresswoman is doing, they'll just forget the voters, buy TV ads, send robocalls, send a lot of mail, and beat her in November.

A law won't fix this. We have to fix it in the Constitution. So today I will introduce a constitutional amendment so that we, the people, can take back our elections and our democracy. This is not the People's House, Incorporated. We are the people. It's our House, it's our Constitution, and it's our elections. And we intend to take it back from the United States Supreme Court.

#### CREATING JOBS WHILE CLEANING UP THE ENVIRONMENT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, since the \$862 billion stimulus bill was signed into law last February, nearly 3 million more Americans have lost jobs. The projected deficit for this year is \$1.3 trillion, second only to last year's \$1.4 trillion. It's time to stop Washington's wild spending and start creating hometown jobs. Families want paychecks, not unemployment checks. That's why we introduced a bipartisan American Conservation and Clean Energy Independence Act, H.R. 2227, which opens up the U.S. coasts for environmentally responsible oil and gas exploration.

This bill produces 1.2 million new, good-paying jobs and an \$8 trillion economic boost over 20 years. We will clean up America's waterways. We will clean our air by replacing old coal plants with new clean coal, nuclear, wind, solar, and geothermal energy generation. We will conserve energy by rebuilding our old infrastructure and a smart grid. Americans will modernize buildings to cut energy waste by 25 percent. We stop spending hundreds of billions of dollars on OPEC oil. We stop borrowing from China, and we do all of this without raising a single tax.

Join me in supporting H.R. 2227 with new jobs for a new energy-independent America.

#### THE PROPOSED 3-YEAR SPENDING FREEZE

(Mr. BRIGHT asked and was given permission to address the House for 1 minute.)

Mr. BRIGHT. Mr. Speaker, I am pleased that the President, according to the press reports that we are getting over the last couple of days, will be proposing a 3-year freeze on nonsecurity-related discretionary spending. This is a good and necessary first step to control government spending and reduce budget deficits.

However, our ballooning deficits mandate that we go even further. Wasteful and unnecessary programs need to be ID'd. They need to be reduced. They need to be eliminated, and they need to be eliminated immediately. I have and will consistently oppose legislation that I believe unnecessarily increases Federal spending or funding programs that do not warrant support during a recession, even when they are only a few million dollars.

You know, we must have the mindset that every little bit counts if we're going to be serious about cutting government wasteful spending. I hope the President goes further in explaining some of his proposals in the State of the Union tonight, and I will be listening very closely with many others.

Yesterday, the Blue Dogs, my colleagues, released a set of proposals that outline the steps that we must take to have meaningful budget reform. The President and leadership would be well-served to adopt and support these proposals in the coming weeks and months.

#### AMERICAN TAXPAYERS DO NOT WANT TO FUND ABORTION

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, last Friday, almost 500,000 folks gathered at the Capitol to remind us once again that all life is precious and that the unborn are guaranteed the right to life. While abortion has been allowed in this country for the past 37 years, Americans have made it crystal clear that they do not want their tax dollars being used to pay for it.

For 34 years, the Hyde amendment has stopped Federal funds from being used to pay for abortion. The current bill passed by the Senate will erode this. This bill will change that longstanding law and allow for tax dollars to be used for abortion.

Mr. Speaker, the American people do not want their money to be used to pay for abortions. As we continue to debate the health care bill, we must honor their wish.

## REBUILDING AMERICA'S ECONOMY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, one year ago, our economy was on the brink of collapse; Wall Street was in a downward spiral, credit markets were completely frozen, and more than 700,000 Americans were losing their jobs every month. But President Obama and the Democratic-led Congress responded quickly and responsibly with historic measures. These measures may be unpopular, unpleasant, and expensive, but they have worked.

I have been meeting recently with business, labor, and community leaders throughout my district to get a better sense of how the recovery is working for Main Street. My constituents have made it clear to me that we have made great progress. Financial and housing markets have stabilized, monthly job losses have abated, and banks have begun to lend again. However, they also made it clear that they need more help, and that's why this Democratic-led Congress has passed the Jobs for Main Street Act in the House.

This plan builds economic opportunity for the long term, creates new jobs that are sustainable for years ahead, rebuilds our infrastructure, creates new energy sources, and develops the new technologies and innovative products that we and the world want to buy. We are committed to rebuilding America's economy, putting Americans back to work and ensuring our Nation's economic future.

## RECOUPING MONEY LENT TO WALL STREET

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, tonight the President of the United States will be addressing the Nation on where we are at, how we got here, and what we must do now to dig out of this economic mess.

Well, where are we? We're coming out of the deepest worldwide economic downturn of our time. And how did we get here? Never forget, never forget that it was George Bush's Republican policies that drove us into the ditch, and without paying a dime for them.

Republicans gave away huge tax cuts to the rich, got us into two wars at the same time, created the biggest trillion-dollar prescription drug entitlement plan in American history, and deregulated the banks on Wall Street who looted our Treasury. And worse yet, they borrowed all the money from China, asking our children and grandchildren to pay it back. The fact is, we're cleaning up after the biggest elephant parade in American history. And never forget these facts.

Well, folks in the middle class rescued Wall Street, and now it's Wall Street's turn to turn back the favor. We want our money back, and that's why we are proposing a transfer fee on all trades on Wall Street speculators.

## GETTING OUR FISCAL HOUSE IN ORDER

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Tonight, the President of the United States will return to this well of Congress and deliver his report on the state of the Union, and House Republicans welcome the President back to the people's House. Now we've heard that after a year of runaway Federal spending, trillion-dollar deficits, borrowing, bailouts, and Big Government schemes in energy and health care, after a year where Democrats have been on a spending binge, the President is going to tell us that he's going to get his party on the wagon here in Congress.

Well, let me say, we welcome that. We welcome word that the President may call for a 3-year spending freeze. Frankly, I never met a spending freeze I didn't like. But let me say this emphatically: House Republicans will welcome any effort to restore fiscal discipline to Washington, D.C., and work with this administration.

But Mr. President, the American people want action. We don't need another lofty speech from this historic well from the President of the United States. Mr. President, set aside your Big Government plans to take over health care, send us a budget that reduces spending and reduces taxes on the American people. Mr. President, deeds, not words—deeds, not words are what are required to put our fiscal house in order.

## REMEMBERING HAITI

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I rise today to express the compassionate concern of Congress to those affected by the recent earthquake in Haiti, including thousands of American families of those missing and injured.

My thoughts are especially with the Gianacaci family of Hopewell, New Jersey, at this time from the appropriately named town of Hopewell. Their daughter, Christine, a student of Lynn University, was doing service work in Haiti when the quake struck. I have assured the Gianacaci family that we will not rest until Christine and so many others are accounted for and returned to their loved ones.

I pay a special tribute to the Fairfax County Search and Rescue Team

which, like others, have been at the Hotel Montana site continuously for more than 2 weeks looking for Christine and other Americans believed to be at the hotel. Also, thanks must go to the Department of State and the many people in the 82nd Airborne, the Marine Expeditionary Group, the DOT, HHS, and other government personnel who reflect and carry out the compassionate concern of the American people who again demonstrate their core generosity.

## CHUTZPAH

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, I have listened to my friends on the Republican side of the aisle, and the only word that comes to mind is a Yiddish word called "chutzpah." Here my friends on the Republican side of the aisle are talking about the debt, they're talking about jobs, they're talking about fiscal restraint when, in fact, it was the Republican administration under George Bush and the Republican programs under their Congress that drove us in the ditch and created this mess that we have.

President Obama inherited a \$1.4 trillion deficit, the biggest debt ever in history. Now the Republicans would like to say, Hey, Democrats, why haven't you gotten rid of that? Hey, country, why don't you take care of this? Well, this was a big mess that was created under their watch. We have tried to create jobs. We're going to deal with this long-term debt, but the Republican prescription for America—you know what it is? Mass amnesia. They want people to forget. Well, we're not going to forget, and we're not going to let the people forget that the programs and the policies of the last administration almost took this country in the tank, and that's got to stop.

## PROVIDING FOR CONSIDERATION OF H.R. 3726, CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010; AND FOR CONSIDERATION OF H.R. 4474, IDAHO WILDERNESS WATER FACILITIES ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1038 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 1038

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. PAS-  
TOR of Arizona). The gentleman from  
Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the pur-  
pose of debate only, I yield the cus-  
tomary 30 minutes to the gentleman  
from Texas (Mr. SESSIONS). All time  
yielded during consideration of the rule  
is for debate only.

#### GENERAL LEAVE

Mr. POLIS. I also ask unanimous  
consent that all Members be given 5  
legislative days in which to revise and  
extend their remarks on House Resolu-  
tion 1038.

The SPEAKER pro tempore. Is there  
objection to the request of the gen-  
tleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself as much  
time as I may consume.

Mr. Speaker, House Resolution 1038 is  
a single rule that provides for separate  
consideration of two measures. The  
rule provides for consideration of H.R.  
3726, the Castle Nugent National His-  
toric Site Establishment Act, and H.R.  
4474, the Idaho Wilderness Water Fa-  
cilities Act.

□ 1045

Each bill has 1 hour of general debate  
to be controlled by the Committee on  
Natural Resources. The rule also al-  
lows a motion to recommit with or  
without instructions for each of the  
two bills.

Mr. Speaker, H.R. 3726, the Castle  
Nugent National Historic Site Estab-  
lishment Act of 2010, and H.R. 4474, the  
Idaho Wilderness Water Facilities Act,  
are 2 pieces of legislation that rep-  
resent years of hard work by their  
sponsors and the local communities

that are at the heart of both bills. H.R.  
3726, the Castle Nugent National His-  
toric Site Establishment Act of 2010,  
introduced by Congresswoman DONNA  
CHRISTENSEN, will add a new treasure  
to our Nation's National Park System.  
From the early times of Yosemite and  
Yellowstone to the national monu-  
ments right here in Washington, D.C.,  
our country has had the foresight to  
preserve the tangible places which  
house our Nation's character, identity  
and history. Today, the Castle Nugent  
National Historic Site Establishment  
Act of 2010 does the same for the his-  
tory and identity of a unique place in  
our country, the U.S. Virgin Islands.

This area of St. Croix holds a great  
number of historical remnants, not  
only from the colonial age, when the  
West Indies played a prominent role in  
shaping world history, but also pre-Co-  
lumbian archeological sites, con-  
tinuing a proud and long tradition of  
preserving the remnants and artifacts  
of our first nations in this hemisphere  
begun by the Park Service in my State  
of Colorado with Mesa Verde National  
Park. Largely of Danish origin, the co-  
lonial history of St. Croix preserved at  
Castle Nugent is among the oldest in  
the West Indies. This national historic  
site preserves much more than history.  
It also preserves a great deal of natural  
habitat. The site includes sensitive sea  
turtle nesting areas and habitat,  
healthy and increasingly scarce coral  
reefs, and a lagoon that provides habi-  
tat to a wealth of wildlife and plants.

For any proposed National Park Sys-  
tem addition, the first step is to have  
the Park Service complete a study of  
the proposed addition, and to ensure  
that the proposed addition does, in  
fact, deserve to be included among the  
treasures of our Nation that the Park  
System includes. The National Park  
Service concurred, and found that Cas-  
tle Nugent area does in fact deserve to  
be included as a part of our Nation's  
national parks. This rule also provides  
for consideration of H.R. 4474, the  
Idaho Wilderness Water Facilities Act,  
a bill that has undoubtedly been the  
focus of a great deal of work by its key  
sponsors, Congressman MINNICK of  
Idaho and Congressman SIMPSON.

The Wilderness Act of 1964 provided  
our Nation with a tool to preserve its  
last remaining wild places  
untrammelled by man. Like my home  
State of Colorado, Idaho's sweeping  
beauty, rugged mountains, wildlife,  
and waterways form the foundation of  
our country's cultural identity and our  
civic pride. The Selway-Bitterroot Wil-  
derness area was created in 1946 as one  
of our country's first wilderness areas  
and has preserved the wild nature of a  
truly breathtaking landscape. Adjoin-  
ing the Selway-Bitterroot Wilderness  
area is the Frank Church River of No  
Return Wilderness area designated in  
1980. Predating the existence of these  
two wilderness areas, private land own-

ers had received permits to maintain  
and repair water diversions that ex-  
isted on National Forest Service lands.  
Many of these permits have since ex-  
pired, leaving those who own the water  
diversions unable to mechanically  
maintain their water systems since  
they're within designated wilderness  
areas.

H.R. 4474 would give the Secretary of  
Agriculture the authority to issue spe-  
cial use authorization to owners of  
these water storage transport or diver-  
sion facilities to allow for their contin-  
ued maintenance of their water facili-  
ties, allowing local water rights and  
ensuring that they continue to access  
their water.

Mr. Speaker, this rule and both these  
bills are straightforward and provide a  
great deal of benefit, not only to our  
country, but also to the communities  
and residents who are most directly in-  
volved and impacted. I urge passage of  
the rule.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield  
myself such time as I may consume.  
Mr. Speaker, I rise in opposition to this  
closed rule, yet another closed rule be-  
fore the Congress, and I object to the  
process by which this bill was brought  
to the floor. Last week, both of the  
bills we're discussing today under this  
rule failed to get the two-thirds vote in  
this body. Instead of working together  
to resolve the differences with the bills  
between the leadership, my friends on  
the other side of the aisle, the major-  
ity, simply rescheduled them for floor  
action today with no Republican input.

Today, Mr. Speaker, we're going to  
debate these bills, and once again, the  
Democrat leadership's priorities in this  
Congress—let's be honest about that—  
it's about spending money. Spending  
money, Mr. Speaker, is what this Dem-  
ocrat leadership priority is all about.  
However, tonight our body will wel-  
come the President of the United  
States. And the President will be here  
for the State of the Union, and we will  
be able to hear from the President  
about his priorities and about—I think  
we will hear about how he wants us to  
work together, work together. Ideas  
from both sides.

Hey, I get it. The Republican Party is  
not in the majority. The American peo-  
ple get that. We're in the middle of  
Democrat majorities that have been in  
place for 3 years now. And I suspect  
we'll hear from the President about  
how important it is to work together  
and use bipartisan measures to rec-  
oncile our differences for the American  
people so that they can have con-  
fidence in Congress, our ability to work  
together on big issues and small issues,  
set priorities that the American people  
can understand.

Yet, Democrat leadership just last  
week took down the Idaho Wilderness  
bill and then placed it on the calendar  
for today with the exact same lan-  
guage, but they removed my colleague,



a Republican, Dr. MIKE SIMPSON, as sponsor of the bill and replaced him with a member of the majority party. Payback time, I guess, is once again in order here on the floor of the House of Representatives, on the exact same day that we're going to welcome the President, and we're all going to put that big smiley face on tonight. We're all working together. Boy, we don't know what's wrong with the problems of the country, but we're going to work together, and then be admonished about telling the truth, which is, Congress is the problem.

Mr. Speaker, the Republican Party is here to do the people's work. We're here to work together. We continue to have ideas that are shut out in the room just above this floor, just above this body, up there called the Rules Committee. We've been trying for years to do that. I wonder if the President would consider that working together by the way we're doing this. I hope he does not. I hope he admonishes us, and I hope he takes us to task and says that foolish political gamesmanship is wasting America's money and America's time, because time is important to the American people, because there are a whole lot of people who are without jobs. They're without jobs because of the lack of bipartisanship and working together in this body, all for spending money because that's what this Speaker wants to do. I think the American people want Democrats to rein in their borrowing, taxing, and spending ways. That's what I think. I don't know. Maybe you'd have to ask the American people.

Oh, by the way, I think they've spoken in New Jersey and Virginia and again last week in Massachusetts. I think they want Congress to stop talking about what they will do to provide jobs and talk about all the things that are happening and actually get to the work of getting it done.

Mr. Speaker, I have a lot to say today, but at this time I'd like to yield 5 minutes to the distinguished gentleman from California (Mr. DREIER) who, last night, very clearly in the Rules Committee, as ranking member talked about what Republicans' hopes and dreams were just on this bill and the process.

Mr. DREIER. I thank both of my Rules Committee colleagues for being here. And I will say that this is obviously a very important day. We're anxiously looking forward to the message that the President of the United States will be delivering right behind me here as he provides his State of the Union address. And there is an early indication of what it is that he might say. He is, according to reports, going to be talking about the need for fiscal responsibility, the need for us to do everything that we can to bring about a freeze in spending, and we all think that that's a good first step. I will say

that if you look at the two omnibus appropriations bills, coupled with the stimulus bill, the report that we just got of an additional \$75 billion on top of the \$787 billion for the stimulus bill, we have over the last 2 years seen an 86 percent increase in spending. An 86 percent increase. And I guess freezing with an 86 percent increase that is proposed in spending for the next 2 years is something that may not be all that painful for people who want to maintain a high level of Federal spending.

So, as we look at that, and then recognize that this measure that is before us, that allows for the up to \$50 million, \$50 million, not billion, not trillion, which are the terms we use around here, but \$50 million to be authorized for the purchase of beachfront property in St. Croix, I just don't understand how, on the day that we're going to have the President of the United States stand here talking about a spending freeze, that we could possibly consider taking action such as this.

The American people get it. Last night I had a telephone town hall meeting with my constituents in southern California in the Los Angeles area, and they have been raising grave concerns about the size and scope and reach of the Federal Government, and they have made it clear that they want us to work, not just to have a freeze, but to bring about major spending cuts. The message that the American people have been sending to us that we got, as my friend from Dallas said, a week ago yesterday, is that getting the economy back on track is a very, very high priority. Job creation is a high priority. And we know that.

In my State of California, where we have a national 10 percent unemployment rate in the area that I represent, suburban Los Angeles, we have an unemployment rate in some areas that is in excess of 14 percent. People are losing their homes and their businesses, and they want us to focus on creating good, long-term, private-sector, not temporary government, jobs, not jobs that are going to be engaged in collecting the numbers and information through the census and that sort of thing, those sorts of temporary jobs. They want long-term job creation. And we have an opportunity, in fact, the President has an opportunity, to do just that, Mr. Speaker.

If he were to send us the three pending trade agreements, and I know I've talked to my friend from Colorado about the issue of trade, and I know that he joins me in being a supporter of free trade. I would hope that if the President were to send the three pending trade agreements, Panama, Colombia, and South Korea, here to the Congress, I am convinced that at least the Panama and Colombia agreements, based on conversations that I've had with Members on both sides of the

aisle, we could have a bipartisan win, and that in passing, if we passed these three agreements, we could create more than a quarter of a million good, private-sector jobs.

Why? Well, if you look on average, the tariff on manufactured goods and other products going into the 40 million-consumer-strong Colombia is 14 percent. That means union and non-union members who are working for Caterpillar in Peoria, Illinois, manufacturers working for Whirlpool in Ohio, would have an opportunity to sell their manufactured products, their tractors, their washing machines and refrigerators into this market.

Now, Mr. Speaker, what that would do is create again, good, long-term private-sector jobs. If we were to be able to do the Korea deal it would be the single largest trade agreement in the history of the world. Korea has a \$1 trillion economy, Mr. Speaker, a \$1 trillion economy. We have about \$83 billion in trade with Korea right now. By and large, Korean products, automobiles and other things get to the U.S. consumer tariff free, virtually tariff free. I think that's a good thing. I think imports benefit the consumer.

□ 1100

What we need to do is we need to pry open their market, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. Mr. Speaker, I would like to yield the gentleman an additional 5 minutes.

Mr. DREIER. I thank my friend for yielding, and I won't take the 5 minutes. I am going to wrap up here because I think what we need to do is we need to not just talk, we need to engage in action.

So, Mr. Speaker, I was just mentioning Korea. The fact is we would have the single largest agreement that has ever been put together. They're our seventh largest trading partner right now, South Korea; and it would mean that while we have their products coming here virtually tariff free, there would be an opportunity for us to have access to the millions of consumers in South Korea which we don't today.

And I also have to say that our inaction, the fact that we've had these agreements signed by our executive branch, the executive branches of those countries, they're awaiting passage here in the United States Congress. Our inaction has really jeopardized our potential for economic growth. Why? If you look at the fact that Colombia has already embarked on a free trade agreement with Canada, if you look at the fact that South Korea is working with the European Union right now, there are other countries and blocs in the world that are taking advantage of our inaction here. And remember again, Mr. Speaker, our action is going to create probably in excess of a quarter of a million good private sector jobs.

So as the President talks this evening about job creation and economic growth and fiscal responsibility, I hope that he will follow his words because he has told me that he believes in free trade and wants to do this Colombia deal. We're awaiting it. We anxiously look forward to his sending it up so that U.S. workers will have the opportunity to enjoy the kind of success we've seen in the past and I am convinced we will see in the future.

And I thank my friend for his yielding and for his leadership.

Mr. POLIS. I find little objectionable in what my colleague from California said. Certainly there is great opportunity for trade with South Korea and Panama and Colombia to create jobs, but none of those agreements are the topic of the rule before us today.

And I want to give a little background on this and talk about how we can move forward.

First of all, we could have moved forward in a more bipartisan way had these passed on suspension. What does suspension mean? A suspension requires a two-thirds vote of the House. The bills are nonamendable in that form. Both bills passed with a majority instead of two-thirds. H.R. 3726 passed 241-173 and H.R. 3538, which was the version identical to H.R. 4474, passed by 225-191.

So since they both passed by majorities but not two-thirds, they came before us in the Rules Committee. And we would have loved ideas. My colleague, Mr. SESSIONS, talked about how can we work better together. Well, there weren't any amendments that were submitted. This would have been the time, whether the ideas came from Republicans or Democrats, and our Rules Committee has an excellent record of allowing amendments from Members in the minority party as well as the majority party. And I know we take our role very conscientiously in terms of making sure that both parties are represented. There simply weren't any better ideas represented.

The fact is that both of these bills deal with important local issues. They have important buy-in from the stakeholders.

I have personally more familiarity with the wilderness designation aspects because we're working in Colorado in wilderness designation. It's a very real issue when you're dealing with legacy water installations, how can they be maintained if they're on wilderness, how do you grandfather them. And this affects real people.

And it took both Mr. SIMPSON and Mr. MINNICK working across the aisle in Idaho coming together and coming before Congress and saying this is our local solution and asking for us to approve it. It would have been nice if we had been able to get that done on suspension. If there weren't any other ideas to improve it, well, now is a good

chance to have a good bipartisan vote to pass the bill.

Same with the other bill, the Castle Nugent National Historic Site Establishment Act. One key thing about this bill is it doesn't spend any money, doesn't spend one dime. You've heard the figure tossed around, oh, it might be worth \$40 million, might be worth \$25 million. This is merely an authorization bill, as my colleagues on the other side of the aisle are fully aware.

The bill simply designates this area as a new unit. But the bill contains no direct spending. And any land acquisition, if it occurs, would be subject to appropriations or to fund-raising or donations.

Enactment of this legislation is just the beginning of a very important process that we've been through with many other national monuments to preserve a unique and stunning area for inclusion in our national park system.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate what the gentleman said. I know he was busy. I find times when I cannot attend a Rules Committee meeting, and I know the gentleman was not there yesterday. But I need to help him with what actually happened.

As a matter of fact, the Republicans did ask for an open rule. We were not without ideas. You have to open the rule to get amendments in, and we were denied. I also would point to, you know, the idea that we're all sitting around here, Oh, golly gee, we're all bipartisan—when, in fact, the gentleman voted against the bill just this last week, I assume because he disagreed with the substance of the bill. But he was joined by lots of Democratic colleagues that actually took down the bill because once again, I assume substance—not because it was a Republican's name on there. It will be interesting to see what happens today when there is a Democrat Member's name on there to find out if the same policy differences that existed last week, even though it's the exact same bill, whether those same policy problems still exist today or really whether it was just politics.

And we'll be able to know this afternoon. We'll be able to know because it's the exact same bill and the argument the gentleman is making. We're just all getting our job done around here.

Mr. Speaker, we disagree with the bill. And we spoke yesterday not just about Dr. SIMPSON's bill; we also spoke about the bill with the \$50 million in St. Croix. And I am going to outline part of that here. But it's based upon substance. And the substance that we believe is important is directly related to the National Park Service giving us their study which they spent \$500,000 doing. And last night upstairs, we just blew it off: don't worry about that recommendation; National Park Service, they're going to say it's okay.

I'm sorry. In testimony: Do you know what the substance, what they're going to say? No, but I have a good idea. You know, I sit on the committee. I am a ranking member or I am the committee chairman.

Mr. Speaker, that's the wrong way to run this House. It's the wrong way to run the Rules Committee. That's the wrong way to do things, to ask somebody to do a study and spend half a million dollars and just go ahead and move the legislation without even hearing from people about the substance of the issue.

Forget about it being beachfront property, \$50 million, \$9 billion backlog of taking care of national parks in this country, and yet it's going to take another million dollars annually just to take care of this beachfront property that the Democratic leadership wants to push.

Americans across the Nation are struggling, Mr. Speaker. They're struggling to provide for their own families and their loved ones. Last week, the Department of Labor released data showing that 12 million Americans are collecting unemployment benefits and over 15 million are currently unemployed. That is double, that is double in 1 year.

There is only so much blame that goes around. At some point the Democratic leadership is going to have to say after 3 years of running this economy into the ground, they're going to have to stand up and be big about it. It's the policies of taxing and spending that the Democratic leadership, the Democratic Members are letting them get away with in this body.

I think somebody is going to have to explain the priorities at some point: why they're putting these two bills back to back, why they're trying to oppose it 1 week with the same policy, the next week presumably will pass it. I will watch with great interest, Mr. Speaker, to see exactly what happens today on the vote.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, first of all, I take some degree of offense coming from Colorado if people were to call our wilderness area kind of denigrated as mountain-front property. It so happens that our State is a mountainous State so property happens to be mountainous.

Likewise, when you're talking about an island, you can call it beachfront property, but it's an island. It's by the beach. That is what an island is. We're a mountainous State; St. Croix is an island.

I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER.)

MR. PERLMUTTER. I thank my friend, Mr. POLIS, and Mr. Speaker, I heard my friend from Texas talk about our Rules Committee meeting last night, and what he forgot to mention to you and to this body was that this

bill that is before us concerning the Virgin Islands is an authorization bill. Now, to the world, what does that mean? It means it only gives the authority for the National Park System to decide whether they want to accept a donation of the property, they want to pay for the property, or make an exchange for the property. There is no appropriation. There is no money spent.

And I appreciate my friend's comment about the need for the study. Well, the study will be there before any money is spent by the United States of America.

But according to the testimony, this is property that has cultural value as well as scenic value, something that is important to the preservation of these islands and that is important to the United States of America. So this bill just authorizes it; doesn't pay anything for it.

Now, my friend from Texas talked about jobs. What he forgot to tell you, tell all of us, was that when George Bush left office last year, we lost 785,000 jobs in that month. Last month in December, we lost 85,000. Still not good enough, and we all know that. Still not good enough. But 785,000 at the end of the Bush administration and in 1 year we reduced that to 85,000 a month.

Now, we've got a lot of work to do, and we need to do it in a bipartisan way. So my friend is right; we need to work together. And I intend to work with him and with others to reverse this system and get people back to work. We've got to roll up our sleeves. We've got a big job ahead of us to get people back to work and to create jobs in this country.

Mr. SESSIONS. Mr. Speaker, it's all about priorities; and, you know, I welcome the debate that we're having here today.

We asked that we not do this. We asked, at the Rules Committee, let's not do this bill. Isn't it better that we don't go spend \$50 million right now?

It is an island. By the way, every piece of land on the island is not beachfront property.

The bottom line is that we are choosing because it's a priority to do this. It's a priority, and those priorities the Republican Party disagrees with.

Additionally, the second bill that comes under this rule that failed to get two-thirds vote last week is the one we're talking about, H.R. 3726, the Castle Nugent National Historic Site Establishment Act. And what this bill really does, as we've heard, is it authorizes but does not appropriate \$50 million. If there is anybody in this body who believes that we're going to have a significant debate about the \$50 million when it comes in a huge package of appropriations, they're wrong. This puts it in line to be a part of another massive spending bill.

Meanwhile, as we go and buy new Federal land in the Virgin Islands, unemployment rate at 10 percent, that's problematic to me. Even more, Americans, lots of them, don't even have the opportunity to go visit this new \$50 million purchase because economic climates are so bad. And you know, even if we weren't running a \$1.4 trillion deficit and raising the debt limit by another \$1.9 trillion in the next few weeks, there's still this backlog that we could prioritize and put the \$50 million in to take care of the \$9 billion maintenance backlog that we have in this country.

And by the way, that's cultural. Lots of sites in this country are cultural that are national parks. And the priorities should be of existing decisions that we have made.

□ 1115

I just think it's a bad way to go. But I think it represents exactly the mindset of the Democratic leadership: another good way to spend money, put a happy, smiley face on it, and talk about it's a really good thing for taxpayers.

We're going to find out more when the National Park Service finally releases their study. We are going to find out what they would say. But the Republicans up in the room in the Rules Committee last night said let's wait. Let's not spend the money. Let's wait to find out what we do. And most of all, let's make this an open rule so every Member can bring their ideas down here.

It's not going to happen. Party-line vote.

So what today's legislation should show the American people is about this Congress' priorities: First, that the Democrats refuse—once again, nothing new—to work with Republicans on anything from water bills to national health care reform. Secondly, that jobs and the economy come second to the \$50 million worth of taxpayer funds for beachfront property that most Americans will never, never, ever see.

Mr. Speaker, Americans want jobs. They want fiscal responsibility by this body. They want us to work together on the issues and the problems facing this country. And I think they are seeing, once again today, after what was called the wake-up call last week, that we are not doing any of those.

Mr. Speaker, the Democrat majority continues to serve initiatives and policies that will lead to more unemployment, more debt, and more taxation. This administration and the Democrat Congress promised Americans they would be serious about jobs, economic recovery, health care, cleaner energy, and better education. The list goes on and on and on. And what we see after 3 years, now entering the fourth, of Democratic leadership majority in this body is that they are driving our coun-

try to record deficits, record unemployment, record spending, and record inability to take responsibility for what they have done on their watch being the policy arm of this government.

This rule does not represent any commitment to fiscal sustainability, either. And with this legislation, Congress only continues to increase Federal debt, slows down our economic recovery, increases the Federal burden and the financial burden placed on our children and grandchildren.

Mr. Speaker, the Obama administration promised Americans if Congress passed the stimulus bill that unemployment would not go beyond 8 percent. That was a long time ago. They promised that it would save millions of jobs. Here we are 1 year later, record unemployment and more than 2 million Americans have lost their jobs since the package that was called the "jobs bill," a \$1.2 trillion stimulus package, and today in the papers we read about not only is it not working, it is doing what Republicans said at the time. It is going to add to unemployment and debt that will increase at an exponential rate.

In June of last year, my friends on the other side of the aisle passed a cap-and-trade bill that would also raise prices on energy and goods and services for hardworking Americans across this country. In my home State of Texas, the average household would expect to pay more than \$1,100 extra a year. No wonder—no wonder there is an outcry. Once again, part of a legislative package, an initiative, that would lose 1.38 million manufacturing jobs. They are in the middle of that right now.

Somebody is going to have to stand up and take accountability for this, because it is happening on the leadership of the Democratic Party's watch. And today, despite these facts, we are spending more money and going to place America in a deficit position again.

Mr. Speaker, in November this last year, the Democrat-controlled House passed sweeping health care reform that effectively diminished employer-based insurance and now is a part of a debate as we continue to lose jobs. It's time that the Democratic Party began working with Republicans if you want to bring jobs back.

Mr. Speaker, the majority party is out of touch. They are out of touch with Americans. Their priorities on borrowing, taxing, and spending are killing our economy and ruining progress for job growth. I know, once again, today I, Republicans, are the minority party. All we can do is stand on the floor and talk. But we believe that the processes up in the Rules Committee are important. That's why we were there even last night trying to say this is the wrong thing to do and that \$50 million more does matter. We cannot remedy the economic circumstances that we're in by increasing

spending, not on national parks in the Virgin Islands and not on a \$1.3 trillion health care bill that will destroy 5½ million jobs.

Huge energy and health bills are going to raise taxes and kill jobs, and certainly raise expenses for States. And people over the last year, we've heard our constituents say that they want stability, they want us to work together, and they want us to focus on the things that would bring about a better tomorrow.

I disagree with what we are doing again today, and I respectfully would say to the American people and my colleagues we should defeat this bill. It's the wrong direction. It's a bad idea, and the timing of this is very bad.

Mr. Speaker, we are going to welcome the President of the United States tonight. I hope we listen to what he says.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, once again, I want to reiterate that this bill does not cost \$50 million, does not cost \$40 million, does not cost \$30 million, and does not cost one penny. It's simply an authorization. And as my colleague knows in the scene he has gone through, it is just simply part of the process.

If there ever is an appropriation—and there are a number of avenues under which there might not even be an appropriation. There could be a donation of the property. There could be other involvement from other sources. If there is an appropriation, that's when this would be debated. That would be part of a bill, and somebody could offer an amendment that would come before the Rules Committee. And I would certainly support ruling that in order to make sure that that is a topic that this body has the time to discuss. But now is not the debate with regard to the expenditure of any Federal dollars with regard to this matter.

The procedure that has been used, again, when bills come up on suspension, as these bills did, there was no opportunity for the minority party or the majority party to amend the bills or offer alternatives. When the bill then did not get the requisite two-thirds, it came before our Rules Committee. There were no other amendments that were offered by members of the minority party or the majority party.

We are very open, along with my colleagues on the Rules Committee, and I know the House, as a whole, to ideas from both sides of the aisle regardless of where they come from. If somebody had an improvement to the settlement of the water rights in Idaho or adjustments to the borders of the proposed designation in St. Croix, I'm sure that they would have been likely referred to the House for full consideration.

In fact, the minority party has, under both this rule, the opportunity for a motion to recommit with or without

instructions with regard to each of the bills. So there is ample opportunity, and we are hearing a deafening silence from the other side with regard to how to improve these bills. The door is more than open.

The first step, again, in finding that they were unable to reach a two-thirds majority was that they would be open for input. There were no amendments, not one, that was presented to the Rules Committee for either of these bills. And I look forward to seeing what the motions to recommit may entail. Again, if they are constructive and improve these bills in any substantial way, I'm confident that my colleagues will join me in supporting them.

I am the last speaker for my side, so I will reserve the balance of my time until the gentleman from Texas has closed for his side and yielded back the balance of his time.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Colorado (Mr. POLIS) for representing the Democratic Party today. I think that it's important as we approach today that the hopes and expectations of a Nation who tonight will listen to our President will be in our hearts and our minds.

This country has had serious days in our past, and we are in serious days today. I don't think there is any problem bigger than a solution in this country. I do believe, however, and I have believed this, that when it comes to the economy, building jobs and working to create a better environment where America is competitive in the world, that it will require not just a basic sense of understanding marketplaces, but really, Mr. Speaker, of discipline, of seeing the problem for what it is.

It is a problem that has been self-induced. It is self-induced by this body, who in the midst of the greatest expansion—and I remember just a few years ago with my friends who were Democrats, oh, all this money that this country has, we are not spending it the right way. The priorities are mixed. We should go spend more money and help people who do not have the advantages because this booming economy has not gotten to them yet.

Mr. Speaker, I do understand that. I do understand that a lot. I spend a lot of time working with disabled people in this country. But what happened in that process was we flipped so far over to where we are now killing the goose that lays the golden egg, and that is the free enterprise system. The free enterprise system, as a result of this Speaker and the policies of the Democratic Party, are pushing an agenda that would lose this country 10 million jobs. We are in the middle of that.

The assault on employers is part of the political agenda. I get that. I think the free enterprise system gets that. But the American people have now

caught on. And I think it's time, if we really want to talk about having jobs, jobs that can be competitive with the world, jobs that are not nickel-and-dime jobs or here today and gone tomorrow, that it will require a discipline and a philosophy of understanding how jobs are created and the free enterprise system and the decisionmaking.

The decisionmaking is that this Congress needs to do at least three things:

Number one, they need to make sure that we cut capital gains taxes so that people will invest in this country. They will invest in this country, and the creation of jobs will occur.

Secondly, we need to make sure that we do away with, or greatly diminish, depreciation. Depreciation is government competing against the free enterprise system for money.

And perhaps most importantly, or lastly, the death tax. The death tax because literally, after three generations, anybody who owns a family-owned business has to lose it. It's gone. It's gone from taxation from a Federal Government that is controlled by those who want to tax and spend and diminish that for the spending of the government rather than people who have jobs.

So, look, I think we ought to take the responsibility today. I think, just like somebody going to a meeting and admitting that they made a mistake and they were wrong and they have a problem, being honest about the problem, the creation of jobs won't come through some trickery. It will only come from doing the things that business itself will tell you it needs: reducing capital gains on a permanent basis, reducing the problem that we have with depreciation, and lastly, the death tax. We don't have to take it to \$1 billion or half a billion dollars. We could move it probably to \$50 million or \$60 million and stop the burden, the bleeding, that is happening where people are losing their land, their property, and their businesses. But it takes someone who understands that.

I spent 16 years in the free enterprise system, 16 years where I never missed a day of work. I loved what I did. But I saw Washington as the problem. That's why I came to Congress. I still see government as being the problem. And here today, we give a lot of lip service to jobs, and people act like, well, I just really don't know what to do.

The fact of the matter is the political agenda of losing 10 million American jobs, which we are in the middle of, health care, cap-and-trade, and card check are strangling this country. If we want to be honest about this, just like an alcoholic showing up at an AA meeting and admitting there is a 12-step process to coming back, we need to understand that we are taxing too much, we are spending too much, we are borrowing too much, and the debt is strangling this country.

Mr. Speaker, where are the jobs?

I yield back my time.

Mr. POLIS. Mr. Speaker, the gentleman mentioned health care, cap-and-trade, and card check are strangling the country. Fortunately, none of those are included in this rule.

I hope my colleague will join me in support of this rule which simply brings to the floor two very important issues: the Castle Nugent designation as well as the settlement of access to wilderness area with regard to water rights in the State of Idaho.

Mr. Speaker, my district in Colorado is very lucky to have in it protected places, places that are important not only for the economic well-being of our State, but important for the very foundation of our civic pride and our identity. In many cases, these protections are also part of the fundamental basis of the economy in many of our tourist areas. We know the benefits to local communities from the National Park System. Recreation and tourism provide a long-term and sustainable economic base. Gateway communities thrive from recreationists basing their adventures and their experiences from these nearby communities.

□ 1130

Both the Castle Nugent National Historic Site Establishment Act of 2010 and the Idaho Wilderness Water Facilities Act share the story that land preservation done right is a winning local policy, and yes, a job creator and winning economic policy.

For the Castle Nugent area, this bill represents the preservation of historic habitat that will lead to future tourism and future small businesses and local sustainable jobs. The park proposal would preserve nearly 2,900 acres of former ranch lands as well as 8,600 acres just off the coast which is owned by the Virgin Islands, respecting the wishes of the local and current landowners that their land go towards preservation instead of development, landowners who have fought for years to fend off aggressive development.

For the communities that surround the Selway-Bitterroot and Frank Church River of No Return Wilderness areas, this means that the land that is protected will continue to draw backpackers, fishermen, hunters, climbers, and adventurers from all around to Idaho, and would ensure that the preservation of these valuable local assets would not mean the loss of others.

This bill includes a well-thought-out approach to this challenging set of circumstances, and ensures a number of safeguards that protect the wilderness and the wilderness act while protecting individual rights as well. The permits that this bill creates would only be issued if the owner could prove that the facility existed prior to the designated wilderness area designation, the facility had been used to deliver

water to the owner's land since the designation, and the owner had a valid water right, and it would not be practical to move the facility outside the wilderness area.

Again, I would encourage any colleagues on the other side of the aisle who have constructive ideas to improve this bill, it would have been nice if they had offered amendments before, and I hope to hear any additional ideas in the motion to recommit.

It is estimated that several dozen different individuals or businesses have water diversions in the aforementioned wilderness areas. And this bill is a commonsense solution that balances the protection of wilderness areas with the important ability to maintain and access water rights for those who have historically used that water.

Mr. Speaker, passage of both these bills today will be a quick step forward that will benefit local economies at the same time as providing recreational users and tourists seeking exploration and discovery a great experience with history and nature.

I do share with my colleague from Texas, I agree that there is the opportunity to reduce capital gains tax to promote growth. I have two bills in that regard, H.R. 1783 and H.R. 1784, and I encourage my colleague to join me in cosponsoring these efforts. However, much to my chagrin, neither are scheduled for floor consideration in this rule either.

Again, this rule simply schedules for floor consideration the designation of the Castle Nugent Wilderness National Historic Site Act of 2009 and the Idaho Wilderness Water Facilities Act. Both have the opportunity to have a strong bipartisanship majority to settle the access to water rights in Idaho.

And again, with regard to St. Croix, there is zero taxpayer money being spent at this juncture. It is a very legitimate discussion when and if that time needs to arise do we want to spend money on this. That is a totally separate question, and I look forward to a debate regarding that matter. But the authorization is the first step. And I am hopeful that we can preserve the historic legacy and attract good jobs to the U.S. Virgin Islands.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the adoption of House

Resolution 1038 will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 1024.

The vote was taken by electronic device, and there were—yeas 234, nays 174, not voting 25, as follows:

[Roll No. 20]

YEAS—234

|                |                  |                  |
|----------------|------------------|------------------|
| Ackerman       | Grijalva         | Nye              |
| Adler (NJ)     | Gutierrez        | Oberstar         |
| Altmire        | Hall (NY)        | Obey             |
| Andrews        | Halvorson        | Olver            |
| Arcuri         | Hare             | Owens            |
| Baca           | Harman           | Pallone          |
| Baird          | Hastings (FL)    | Pascarell        |
| Baldwin        | Heinrich         | Pastor (AZ)      |
| Barrow         | Herseth Sandlin  | Payne            |
| Bean           | Higgins          | Perlmutter       |
| Becerra        | Himes            | Perriello        |
| Berkley        | Hinchee          | Peterson         |
| Berman         | Hinojosa         | Pingree (ME)     |
| Berry          | Hirono           | Polis (CO)       |
| Bishop (NY)    | Hodes            | Pomeroy          |
| Blumenauer     | Holden           | Price (NC)       |
| Bocchieri      | Holt             | Quigley          |
| Boren          | Honda            | Rahall           |
| Boswell        | Hoyer            | Rangel           |
| Boucher        | Inslee           | Reyes            |
| Boyd           | Israel           | Richardson       |
| Brady (PA)     | Jackson (IL)     | Rodriguez        |
| Braley (IA)    | Jackson Lee      | Ross             |
| Bright         | (TX)             | Rothman (NJ)     |
| Brown, Corrine | Johnson (GA)     | Roybal-Allard    |
| Butterfield    | Kagen            | Ruppersberger    |
| Capps          | Kanjorski        | Rush             |
| Capuano        | Kaptur           | Ryan (OH)        |
| Cardoza        | Kildee           | Salazar          |
| Carnahan       | Kilpatrick (MI)  | Sánchez, Linda   |
| Carney         | Kind             | T.               |
| Carson (IN)    | Kirkpatrick (AZ) | Sanchez, Loretta |
| Chandler       | Kissell          | Sarbanes         |
| Childers       | Klein (FL)       | Schakowsky       |
| Chu            | Kosmas           | Schauer          |
| Clarke         | Kratovil         | Schiff           |
| Clay           | Kucinich         | Schrader         |
| Cleaver        | Langevin         | Schwartz         |
| Clyburn        | Larsen (WA)      | Scott (GA)       |
| Cohen          | Larson (CT)      | Scott (VA)       |
| Connolly (VA)  | Lee (CA)         | Serrano          |
| Conyers        | Levin            | Sestak           |
| Cooper         | Lewis (GA)       | Shea-Porter      |
| Costa          | Lipinski         | Sherman          |
| Costello       | Loeb             | Simpson          |
| Courtney       | Lofgren, Zoe     | Sires            |
| Crowley        | Lowey            | Skelton          |
| Cuellar        | Lujan            | Slaughter        |
| Cummings       | Lynch            | Smith (TX)       |
| Dahlkemper     | Maffei           | Smith (WA)       |
| Davis (CA)     | Maloney          | Snyder           |
| Davis (IL)     | Markey (CO)      | Space            |
| Davis (TN)     | Marshall         | Spratt           |
| DeFazio        | Massa            | Stark            |
| DeGette        | Matheson         | Stupak           |
| Delahunt       | Matsui           | Sutton           |
| DeLauro        | McCarthy (NY)    | Tanner           |
| Dicks          | McCollum         | Teague           |
| Dingell        | McDermott        | Thompson (CA)    |
| Doggett        | McGovern         | Thompson (MS)    |
| Doyle          | McIntyre         | Tierney          |
| Driehaus       | McMahon          | Titus            |
| Edwards (MD)   | McNerney         | Tonko            |
| Ellison        | Meek (FL)        | Towns            |
| Ellsworth      | Meeks (NY)       | Tsongas          |
| Engel          | Melancon         | Van Hollen       |
| Eshoo          | Michaud          | Velázquez        |
| Etheridge      | Miller (NC)      | Visclosky        |
| Farr           | Miller, George   | Walz             |
| Fattah         | Minnick          | Wasserman        |
| Filner         | Mollohan         | Schultz          |
| Foster         | Moore (KS)       | Watson           |
| Fudge          | Moore (WI)       | Watt             |
| Garamendi      | Murphy (CT)      | Weiner           |
| Gonzalez       | Murphy, Patrick  | Welch            |
| Gordon (TN)    | Murtha           | Wilson (OH)      |
| Grayson        | Nadler (NY)      | Woolsey          |
| Green, Al      | Napolitano       | Wu               |
| Green, Gene    | Neal (MA)        | Yarmuth          |

NAYS—174

|           |          |          |
|-----------|----------|----------|
| Aderholt  | Austria  | Bartlett |
| Akin      | Bachmann | Biggert  |
| Alexander | Bachus   | Bilbray  |

Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert

Goodlatte  
Granger  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hoekstra  
Hunter  
Ingalls  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McKeon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Murphy (NY)  
Murphy, Tim  
Myrick  
Neugebauer

Nunes  
Olson  
Paul  
Paulsen  
Pence  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Smith (NE)  
Smith (NJ)  
Souder  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—25

Abercrombie  
Barrett (SC)  
Barton (TX)  
Bishop (GA)  
Castor (FL)  
Crenshaw  
Davis (AL)  
Deal (GA)  
Edwards (TX)

Frank (MA)  
Johnson, E. B.  
Kennedy  
Kilroy  
Radanovich  
Speier  
Markey (MA)  
McHenry  
McMorris  
Rodgers

Moran (KS)  
Moran (VA)  
Ortiz  
Radanovich  
Wamp  
Waters  
Waxman

□ 1200

Messrs. TURNER, UPTON, TERRY, and YOUNG of Alaska changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SMITH of Texas. Mr. Speaker, on January 27, 2010, I voted “yea” on rollcall 20 for H. Res. 1024. Please let the RECORD show that my intention was to vote “nay” on agreeing to this resolution.

### POVERTY IN AMERICA AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution, H. Res. 1024, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1024.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 18, not voting 28, as follows:

[Roll No. 21]

YEAS—387

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Doggett  
Donnelly (IN)  
Doyle  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Etheridge  
Fallin  
Farr  
Fattah  
Filner  
Fleming  
Forbes  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Clever  
Clyburn  
Coffman (CO)  
Cohen

Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cueiller  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Johnson (GA)  
Johnson (IL)  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)

Heinrich  
Heller  
Herger  
Hersteth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Jones  
Kagen  
Kanjorski  
Kaptur  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Linder  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)

Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Perlmutter

Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Polis (CO)  
Pomeroy  
Posey  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman

Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Spratt  
Stark  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—18

Broun (GA)  
Burgess  
Carter  
Conaway  
Flake  
Foxy

Franks (AZ)  
Hensarling  
Johnson, Sam  
Kingston  
Lummis  
Marchant

McClintock  
Pence  
Poe (TX)  
Price (GA)  
Scalise  
Westmoreland

## NOT VOTING—28

Abercrombie  
Barrett (SC)  
Barton (TX)  
Bishop (GA)  
Blunt  
Butterfield  
Coble  
Crenshaw  
Davis (AL)  
Deal (GA)

Edwards (TX)  
Frank (MA)  
Gingrey (GA)  
Gohmert  
Issa  
Johnson, E. B.  
Jordan (OH)  
Kennedy  
Lucas  
Moran (KS)

Moran (VA)  
Ortiz  
Radanovich  
Smith (NE)  
Speier  
Wamp  
Waters  
Welch

□ 1208

Messrs. WESTMORELAND, KINGSTON, and BURGESS changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4508) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-89 (123 Stat. 2975), is amended by striking “January 31, 2010” each place it appears and inserting “April 30, 2010”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself such time as I may consume.

As we work to foster job growth, small businesses will be central to the equation. Time and again, when Americans face economic uncertainty, they respond with innovative ideas and new ventures. While larger companies are slower to reverse the trend and start hiring again, small firms are often

more nimble and can lead us out of downturns more quickly.

□ 1215

For many dislocated workers, starting a new business can help pay the bills and even launch a new career. However, for entrepreneurs to fulfill their traditional role as job creators, they need the right tools.

The legislation before us today will extend programs at the SBA that help new businesses form and existing firms grow. This bill extends some of the agency's most valuable efforts. Reauthorizing certain capital access programs will help small businesses survive the credit crunch.

Earlier this year, the House passed legislation to strengthen those initiatives. We have also approved bills reauthorizing the Small Business Innovation Research initiative. However, before these measures are updated, they will have to be extended.

H.R. 4508 ensures these programs continue operating as we keep working with the Senate to fully update them. This bill is not a comprehensive reauthorization, but it does represent another step toward a more suitable solution.

Given the valuable role that small businesses play in our economy, we cannot afford any of the SBA services to lapse. I, therefore, urge my colleagues to vote “yes.”

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I rise today in support of the chairwoman's request to suspend the rules and pass H.R. 4508. The bill is straightforward, and it's a clean extension that prolongs the authorization of all programs authorized by the Small Business Act, Small Business Investment Act, and any program operated by the Small Business Administration for which Congress has already appropriated the funds. This extension is going to last until April 30, 2010. This legislation is essential because authorization for various programs operated by the SBA expire on January 31 of this year.

Over the past 3 years, our committee has worked in a bipartisan fashion, reported out a number of bills to reauthorize and extend programs operated by the SBA. Despite our efforts to come to terms with the Senate over the broader reauthorization, the extension passed late last year will expire before the legislative process can run its course. Without enactment of this extension, a vital number of programs that the SBA operates would cease to function. Given the continued importance that small businesses play in the revitalization of the American economy, we simply cannot allow the SBA authorizations to run out.

The work needed to help America's entrepreneurs revitalize the economy simply cannot be accomplished within the time frame outlined in the current

legislation. We not only need to reauthorize these critical programs, but also update them to respond to new economic conditions. The extra time contained in this legislation allows us to fully explore and implement the ideas that will give our Nation's entrepreneurs the tools they need to be successful.

Passage of this legislation will enable the House and the Senate to continually work in a conscientious manner to address the necessary changes to SBA programs. I urge all my colleagues to suspend the rules and pass H.R. 4508.

Madam Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield as much time as he may consume to Mr. DAVID WU from Oregon.

Mr. WU. Madam Speaker, I rise in somewhat reluctant support of this legislation which temporarily, among other things, extends the Small Business Innovative Research and Small Business Technology Transfer programs. The truth is that we should have reauthorized these programs long ago, and we should not be dragging this process out. But that is not a problem that we have in this Chamber. It is very, very important because SBIR and STTR are innovation programs which invest in small businesses, the ones best positioned to drive economic growth and to create new jobs.

Innovation is the key to resuscitating our ailing economy and to creating good, family-wage jobs for the American middle class. By investing in innovation, SBIR and STTR create more than good-paying jobs; they encourage the development of growth industries. And that, Madam Speaker, is what our Nation needs most.

AMGEN, Apple, Microsoft, and Research In Motion all started out as cutting-edge small businesses. These creative, high-tech companies spurred new industries, new jobs, new technologies that now employ hundreds of thousands of Americans.

By facilitating creative renewal, SBIR and STTR are not only helping guide our economy out of a recession, they are building our Nation's capacity to thrive in a very competitive global economy. SBIR and STTR have a proven track record of over 25 years' success in creating good-paying jobs in high-growth industries, and we must continue our commitment to these programs and reauthorize them immediately.

But we cannot continue to fuel the 21st century economy with 20th century programs. We must modernize SBIR and STTR so that they can meet their potential as innovation catalysts. Some of these improvements are simple, like making awards more reflective of today's technology development costs. Others, like ensuring that our most innovative companies are eligible for public investments regardless of



their capital structure, require a more nuanced approach.

The Science and Technology Committee and the Small Business Committee, led by my colleague Chairwoman VELÁZQUEZ, have been working hard with our Senate colleagues to strike the right balance for these improvements. We're not there yet, but I am confident that we will get there. In the meantime, we must pass today's temporary extension.

Madam Speaker, I urge support of this bill and its swift passage.

Mr. GRAVES. Madam Speaker, I would like to associate myself with the words of the gentleman from Oregon. It's not this Chamber's fault that we have to pass an extension. The reauthorization should be finished by now. I want to thank the chairwoman for all of her work in the committee and the work that we've been able to accomplish so far in the committee.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 4508.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING 95TH ANNIVERSARY OF SIGNING OF ROCKY MOUNTAIN NATIONAL PARK ACT

Mrs. CHRISTENSEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1020) honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1020

Whereas, on January 26, 1915, President Woodrow Wilson signed the Rocky Mountain National Park Act to establish Rocky Mountain National Park (RMNP) in the State of Colorado;

Whereas, years ago, the foresight of so many Coloradans to set aside and conserve RMNP benefits so many of us today;

Whereas, the fragile alpine tundra encompasses one-third of RMNP and is one of the largest examples of alpine tundra ecosystems preserved in the National Park System in the lower 48 States;

Whereas, RMNP remains a place for visitors to enjoy the Rocky Mountain West by hiking, backpacking, climbing, biking, pic-

nicking, wildlife viewing, snowshoeing, cross-country skiing, and horseback riding;

Whereas, the National Park Service provides unique outdoor educational opportunities within RMNP and teaches visitors about the diverse park ecosystem, environmental stewardship, wilderness areas, and the principles of Leave No Trace so our recreational areas can be enjoyed by everyone;

Whereas, RMNP is the highest national park in the United States with at least 60 mountains higher than 12,000 feet including the highest summit, Longs Peak, at 14,259 feet;

Whereas, the Continental Divide runs through RMNP and the park contains the headwaters of several river systems including the Colorado River;

Whereas, RMNP is consistently one of the top 10 visited national parks in the United States with approximately 3 million visitors every year;

Whereas, on March 30, 2009, 249,339 acres of RMNP's total 265,770 acres was designated as Wilderness Area, thereby conferring the highest level of conservation protection for Federal lands to protect the park's majestic terrain from future development; and

Whereas this designation marks the culmination of decades of work by many committed stakeholders, from the local communities to the Federal Government: Now, therefore, be it

*Resolved*, That the House of Representatives honors the 95th anniversary of the signing of the Rocky Mountain National Park Act and commends the National Park Service and so many Coloradans for their dedication to preserving this region of the Southern Rocky Mountains for future generations to come.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

##### GENERAL LEAVE

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Madam Speaker, this resolution to honor the 95th anniversary of the signing of the act that created the Rocky Mountain National Park was introduced by Representative BETSY MARKEY and the entire Colorado delegation. President Woodrow Wilson signed the act on January 26, 1915, creating a park that preserves the remarkable beauty of some of the highest peaks in the continental United States. Some 3 million people visit Rocky Mountain National Park each year, making it one of the top 10 most visited national parks in the United States.

In March of last year, Congress passed and President Obama signed leg-

islation designating much of the park's majestic terrain as wilderness, marking the culmination of decades of work by many committed park supporters. Therefore, Madam Speaker, it is appropriate to mark this important anniversary for Rocky Mountain National Park, and I commend Representative MARKEY for introducing this resolution.

I ask my colleagues to support the passage of this measure.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself 15 seconds.

House Resolution 1020 has been adequately explained by the majority, and we have no objection to this resolution.

I yield back the balance of my time, Madam Speaker.

Mrs. CHRISTENSEN. Madam Speaker, as we said, this resolution is an important resolution, marking the anniversary of the Rocky Mountain National Park.

I had hoped I would have another speaker. At this time, Madam Speaker, not seeing any other speakers on my side, I yield back the balance of my time.

Mr. HASTINGS of Washington. I ask unanimous consent to reclaim my time and ask unanimous consent that the gentlelady from the Virgin Islands has her time also.

The SPEAKER pro tempore. Without objection, the time is reclaimed.

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from Georgia.

Mr. KINGSTON. I thank the Speaker, the gentleman from Washington, and the gentlewoman from the Virgin Islands.

I had a lot of interest in this bill because I have spent so many wonderful hours at the Rocky Mountain National Park. My family has been going there off and on for nearly 25 years about once a year, and I can tell you, there is not a greater playground in the United States of America if you like the outdoors, if you like elk, if you like mule deer, if you like family, if you like just to get out and exercise and do the fresh air.

I have had the experience of hiking up Longs Peak three times, and those of you out West are very familiar with fourteeners and what a great thrill that is. But for somebody who comes from zero sea level in Savannah, Georgia, to go 14,000 feet in altitude up in the tundra—the tundra starts at around 11,000—it is such a great thrill to go through the Keyhole, to go through the Narrows, to go through the Boulder Field, to get on the summit of Longs Peak and look out for miles and miles. I will tell you, it is just such a great thrill.

I have also climbed Flattop Mountain, Chiquita, Otis, Hallett Peak, and

Ypsilon Mountain. So many times doing that, I have done it with my family, my cousins, my small children and now my grown children. I have had a couple of them up on Longs with me.

My mother, who is now in her eighties, was the one who first got addicted to Rocky Mountain National Park. We had the opportunity many years ago to go to Chasm Lake together, and I remember my mother was probably in her seventies at the time, but that is a great hike. They actually rate hikes in terms of A, B, and C; A being the most difficult and C being a very moderately tough hike. Chasm Lake is one of those. My mother has been all over the Rockies, as has my sister Jean, both in snowshoes, in cross-country skis, and in tennis shoes and hiking boots.

I have gone trout fishing there many times with barbless hooks with my childhood friend Ross Fox. It's kind of discouraging for me to have to release trout, but I understand the big picture here. It has been a lot of fun. I have photographed elk and the deer and looked for marmots on the peak.

I just can't emphasize enough what a great vision that Enos Mills had, who is the father of the Rocky Mountain National Park, when he promoted this to become a national park. It was his vision. His brother Joe Mills also was a very passionate lover of the Rocky Mountain National Park. I have had the opportunity to meet Enos Mills' daughter who lives right next door to it. They are great advocates.

I'm sorry to rant and rave on a personal basis about something, but I want to recommend to anybody in Congress and anybody out there who is listening who doesn't live in Colorado who hasn't been there, it is a wonderful place. Regardless of your age, regardless of your interests, there is something there for you.

Madam Speaker, if you guys are interested—and I can tell you are—I would like to invite you to let me come show you my slides. I would be willing to do that. Y'all can come to my office and I'm going to show you my many picture albums, because it is something that is great.

Anyway, I'm glad we're doing this, and there are some things I think Congress does well. The National Park System certainly is one of those great things that Congress has done on a bipartisan basis and has a lot of support for it. So I thank the gentleman for letting me go down this personal trail today.

□ 1230

Mrs. CHRISTENSEN. Madam Speaker, I yield to Congresswoman MARKEY such time as she may consume.

Ms. MARKEY of Colorado. Madam Speaker, I rise today to urge my colleagues to vote for House Resolution 1020, to honor the 95th anniversary of

President Woodrow Wilson signing the Rocky Mountain National Park Act. And I thank my colleague for his offer of slides. I represent this beautiful district, and I also welcome anyone to come and visit Colorado and see for yourself this crown jewel of the West. This legislation set aside roughly 360 square miles of the southern Rockies to establish Rocky Mountain National Park. When the National Park Service was established the following year in 1916, the park was one of the original 12 parks transferred to the agency's control. Today the Rocky Mountain National Park remains one of Colorado's most treasured destinations, and is consistently one of the top 10 visited national parks in the United States.

Rocky Mountain National Park truly embodies the spirit of the conservation and preservation movement at the turn of the century. The park's ecosystems range from the montane low lands to the alpine tundra and includes a diverse range of flora and fauna. Rocky Mountain National Park also remains one of the largest examples of the alpine tundra ecosystem in the national park system in the lower 48 States and offers invaluable opportunities for visitors to learn and enjoy the great outdoors. On March 30, 2009, 405 square miles of the park were designated as a wilderness area, thereby conferring the highest level of conservation protection for Federal lands.

President Theodore Roosevelt once said, "Of all the questions which can come before this Nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us." This week we celebrate the foresight of so many Coloradans to conserve this majestic landscape for the present and future generations to come.

I urge all Members to support this resolution.

Mr. LAMBORN. Madam Speaker, I rise today to commemorate the 95th anniversary of the signing of the Rocky Mountain National Park Act and I commend the gentle lady from the Fourth District of Colorado for introducing this resolution. President Woodrow Wilson established Rocky Mountain National Park on January 26th, 1915, and preserved the acreage to be enjoyed by millions of visitors each year.

The Rocky Mountain National Park displays the majesty of Colorado, and some of the Nation's most striking scenery. As the country's highest National Park in elevation—with over 60 peaks reaching over 12,000 feet—the Rocky Mountain National Park is among the ten most visited national parks in the United States, drawing an average of 3 million visitors each year. The Continental Divide and headwaters for the Colorado River lie within the Park's boundaries, creating stunning vistas.

I am a frequent visitor of the Rocky Mountain National Park. Located in the Park is Trail

Ridge Road. According to the National Park Service, it is the highest continuous motorway in the United States, with more than 8 miles lying above 11,000 feet and a maximum elevation of 12,183 feet.

Like my fellow Coloradans, I am proud our State hosts this property, and would recommend my colleagues plan a visit to enjoy the magnificent natural beauty and plentiful recreational opportunities. It is a memorable experience our Nation is preserving for future generations. I commend the work of committed staff at the National Parks Service for preserving and facilitating ongoing access to this true national treasure. Rocky Mountain National Park is truly one of the crown jewels in our National Park System.

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CHRISTENSEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### IDAHO WILDERNESS WATER FACILITIES ACT

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the bill is considered as read.

The text of the bill is as follows:

H.R. 4474

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Wilderness Water Facilities Act".

#### SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN FRANK CHURCH-RIVER OF NO RETURN WILDERNESS AND SELWAY-BITTERROOT WILDERNESS, IDAHO.

(a) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture is authorized to issue a special use authorization to each of the 20 owners of a water storage, transport, or diversion facility (in this section referred to as a "facility") located on National

Forest System land in the Frank Church-River of No Return Wilderness or the Selway-Bitterroot Wilderness (as identified on the map titled "Unauthorized Private Water Diversions located within the Frank Church River of No Return Wilderness", dated December 14, 2009, or the map titled "Unauthorized Private Water Diversions located within the Selway-Bitterroot Wilderness", dated December 11, 2009) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(1) the facility was in existence on the date on which the land upon which the facility is located was designated as part of the National Wilderness Preservation System (in this section referred to as "the date of designation");

(2) the facility has been in substantially continuous use to deliver water for the beneficial use on the owner's non-Federal land since the date of designation;

(3) the owner of the facility holds a valid water right for use of the water on the owner's non-Federal land under Idaho State law, with a priority date that predates the date of designation; and

(4) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(b) TERMS AND CONDITIONS.—

(1) EQUIPMENT, TRANSPORT, AND USE TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(i) the use is necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under Idaho State law; and

(ii) after conducting a minimum tool analysis for the facility, the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(B) preclude use of the facility for the storage, diversion, or transport of water in excess of the water right recognized by the State of Idaho on the date of designation.

(2) ADDITIONAL TERMS AND CONDITIONS.—In a special use authorization issued under subsection (a), the Secretary is authorized to—

(A) require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished; and

(B) require that the owner provide a reciprocal right of access across the non-Federal property, in which case, the owner shall receive market value for any right-of-way or other interest in real property conveyed to the United States, and market value may be paid by the Secretary, in whole or in part, by the grant of a reciprocal right-of-way, or by reduction of fees or other costs that may accrue to the owner to obtain the authorization for water facilities.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4474.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 4474, introduced by our colleagues, Mr. WALT MINNICK and MIKE SIMPSON of Idaho. This bill would authorize the continued use of certain water diversions located in wilderness areas on national forest system land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho. Predating the existence of the two wilderness areas, private land owners had received permits to maintain and repair these water diversions. The water is used for a combination of purposes, including drinking water for private cabins and ranches. Many of the permits have since expired, leaving those who own the water diversions without the ability to mechanically maintain the systems because they are located in designated wilderness. Under the terms of this legislation, the Secretary of Agriculture could only issue new permits if the owner demonstrates that the facility existed prior to the designated wilderness, the facility had been used to deliver water to the owner's land since the designation, the owner had a valid water right, and it would not be practical to move the facility out of the wilderness area.

This is narrowly tailored legislation designed to put in place a balanced reasonable solution to a specific conflict. Mr. MINNICK and Mr. SIMPSON are to be commended for working cooperatively and in a bipartisan fashion to craft this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I will first speak to the merits of this legislation before focusing on the partisan reasons why the House is having to debate this bill and this legislation for a second week in a row. This bill was originally introduced by Mr. SIMPSON of Idaho to require the Forest Service to issue special use maintenance permits to owners of a small number of existing water systems in two Idaho wilderness areas. Although these water diversions continue to operate, their owners currently lack the authority to maintain and repair these facilities. Failure to maintain these facilities can harm not only those who depend on access to the water that these structures provide but also damage the environment and watersheds of the Forest Service land.

H.R. 4474 will allow the owners of the existing water systems to do the necessary maintenance. The legislation is narrowly tailored to apply only to a small number of sites that meet specific criteria. To qualify, the water diversion facility must have been in existence on the date that the area was designated as part of the National Wilderness Preservation System. It must have been in substantially continuous use since the date of that designation, and the owner of the facilities must hold a valid water right under Idaho law that predates the wilderness designation.

Additionally, sites can only be covered by the bill if it is not practical or feasible to relocate the facilities to land outside the wilderness area and continue the beneficial use of water recognized under State law.

This is a bill and policy that I believe merits strong support in this House. Congress needs to have a reasonable and commonsense approach to managing our Federal lands. Wilderness designations preclude such commonsense management. The restrictions on activity are so severe and inflexible, the designation is often applied to unsuitable lands, and problems and conflicts arise out of that designation.

And so here we are today. Congress must go back once again and fix the problems created by previous wilderness designation law. Congress needs to execute far more caution and care and forethought before designating wilderness areas, as the effects are to lock up these areas for human activity. We ought to be wise enough to devise sound conservation practices on our land without creating the unintended threats to neighboring families that poorly thought out wilderness designation can bring to many. There is no reason why we cannot be both good stewards and good neighbors.

So, Madam Speaker, as I said, this is a matter of good public policy, and I support the changes this legislation will make in the law. However, as a matter of how the Democrat leaders who control this House are choosing to operate this House, I object to the extreme partisan maneuvering surrounding this bill. Last week the House voted on this exact same bill, but there are only two differences between that bill and this bill. First, this is a new bill with a new number. And second, the lead sponsor is now a Democrat instead of a Republican. Last week this bill was H.R. 3538, sponsored by Republican MIKE SIMPSON of Idaho. Today the bill is numbered H.R. 4474, and the lead sponsor is Democrat WALT MINNICK of Idaho. So let me repeat. The bill is word for word the same that the House voted on last week, except the sponsorship has been switched so that a Democrat is now the prime sponsor.

Now, I have to say, Madam Speaker, this is truly a remarkable display of

partisanship. First, Democrat leaders directed their Members to vote against this legislation last week because a totally separate piece of legislation failed to pass on the suspension calendar. And now these Democrat leaders are playing a partisan switcheroo in sponsorship of this bill so a Democrat gets credit for this bill's passing. I assume it's going to pass now that the switcheroo has happened. I might add, by the way, that the area that we're talking about is in Mr. SIMPSON's district.

So, Madam Speaker, with unemployment in double digits, millions of Americans without jobs, and with record deficits set last year by a Democrat President and this Congress, one would think that this House would have more important things to do than to engage in such overt and obvious partisan tactics.

With that, Madam Speaker, I support the bill.

I reserve my time.

Mr. RAHALL. Madam Speaker, I yield myself 30 seconds. I do appreciate the manner which the gentleman from Washington, the ranking member, has stressed the bipartisan nature of this legislation. As he knows, in our Committee on Natural Resources, it's always our effort to improve a product the second time we consider it, and that's what we're doing here today with this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. MINNICK), who has been so instrumental in bringing this legislation forward and worked so hard in crafting it.

Mr. MINNICK. I thank the chairman. And I would like to indicate that the partisanship which leads to this particular procedural process for bringing this bill back to the floor has nothing to do with the merits of the legislation. Congressman SIMPSON has done a great deal of work on these remote water systems that were ignored when two wilderness areas were protected, and exist in both of our districts, carefully crafting, as the ranking minority on the committee has stated, the Congressman from Washington, carefully crafting a very narrow bill which creates some exceptions that allow 22 land holders who have, since before these areas were created as wilderness, operated very simple gravity-fed water systems whose points of intake are now in wilderness because they're upstream, up small creeks in almost every incident, and who need to maintain these systems from time to time, occasionally using mechanical means.

Congressman SIMPSON looked and catalogued these 22 inholdings, drafted very carefully legislation to deal with this issue to correct the oversight. And the oversight was not the wilderness; it was just not considering the continued use of these private inholdings. The

legislation will allow them to continue operating as they are in perpetuity. This is good legislation. It's good for Idaho. It's good for wilderness.

I want to congratulate my colleague on his diligence, and to urge my colleagues to support this remedial legislation.

□ 1245

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Madam Speaker, I wanted to respond to my distinguished chairman. It is true that we do have a lot of bipartisanship on our committee, and I appreciate the gentleman for making that point, and I am certainly doing everything on my part to ensure that that continues on. However, I will make the point we did have a hearing on H.R. 3538, the measure sponsored by Mr. SIMPSON.

We have not had a hearing, however, on H.R. 4474 which is before us today sponsored by Mr. MINNICK. I just wanted to point that out because we try to be in regular order as much as we possibly can, and I think that is worth pointing out.

So I would hope that this legislation does pass the House with strong bipartisan support. Maybe it will be able to send the signal that we can indeed work in a bipartisan way if only we change sponsorships of certain bills; but that remains to be seen, Madam Speaker, but I look forward to that time.

Mr. SIMPSON. Madam Speaker, I rise today in support of H.R. 4474, the Idaho Wilderness Water Resources Protection Act.

This bipartisan, non-controversial legislation is a technical fix intended to enable the Forest Service to authorize and permit existing historical water diversions within Idaho wilderness.

Last year, one of my constituents came to me for help with a problem. The Middle Fork Lodge has a water diversion within the Frank Church-River of No Return Wilderness Area that has existed since before the wilderness area was established and is protected under statute.

The diversion was beginning to leak and is in desperate need of repairs to ensure that it does not threaten the environment and watershed, but when the Forest Service began the process of issuing the Lodge a permit to allow them to make the necessary repairs, we discovered that the Forest Service did not have the authority to issue the required permit.

As we looked into this issue, we discovered that the Forest Service lacks this authority throughout both the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness, where there are a number of these diversions. These diversions are primarily used to support irrigation and minor hydropower generation for use on non-Federal lands.

The damage to the water diversion at the Middle Fork Lodge is severe enough that the Forest Service had to do temporary emergency repairs last fall, but without authority to

issue them the necessary special use permit, they will be unable to do the work needed to permanently fix the problem.

While the urgent situation at the Middle Fork Lodge brought this issue to my attention, it is obvious to me that this problem is larger than just one diversion. At some point in the future, all 20 of these existing diversions will need maintenance or repair work done to ensure their integrity.

H.R. 4474 authorizes the Forest Service to issue special use permits for 20 qualifying historic water systems in these wilderness areas. I believe it is important to get ahead of this problem and ensure that the Forest Service has the tools necessary to manage these lands.

For these reasons I have worked with my colleague, WALT MINNICK, to introduce H.R. 4474. This legislation allows the Forest Service to issue the required special use permits to owners of these historic water systems and sets out specific criteria for doing so.

Providing this authority will ensure that existing water diversions can be properly maintained and repaired when necessary and preserves beneficial use for private property owners who hold water rights under State law.

I have deeply appreciated the cooperation of the Forest Service in addressing this problem. Not only have they communicated with me the need to find a system-wide solution to this issue, but at my request they have worked with me on this legislation to ensure that it only impacts specific targeted historical diversions—those with valid water rights that cannot feasibly be relocated outside of the wilderness area.

H.R. 4474 is bipartisan and non-controversial. It is intended as a simple, reasonable solution to a problem that I think we can all agree should be solved as quickly as possible. I was encouraged that the bill passed out of Committee without objection, and I am hopeful that today we can pass it without delay so that the necessary maintenance to these diversions may be completed before the damage is beyond repair.

Mr. HASTINGS of Washington. I yield back my time.

Mr. RAHALL. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1038, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

Mr. RAHALL. Madam Speaker, pursuant to House Resolution 1038, I call up the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1038, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered as read.

The text of the bill, as amended, is as follows:

## H.R. 3726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Castle Nugent National Historic Site Establishment Act of 2010".

### SEC. 2. DEFINITIONS.

In this Act:

(1) **HISTORIC SITE.**—The term "historic site" means the Castle Nugent National Historic Site established in section 3.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

### SEC. 3. CASTLE NUGENT NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands, in order to preserve, protect, and interpret, for the benefit of present and future generations, a Caribbean cultural landscape that spans more than 300 years of agricultural use, significant archeological resources, mangrove forests, endangered sea turtle nesting beaches, an extensive barrier coral reef system, and other outstanding natural features.

(b) **BOUNDARIES.**—The historic site consists of the approximately 2,900 acres of land extending from Lowrys Hill and Laprey Valley to the Caribbean Sea and from Manchenil Bay to Great Pond, along with associated submerged lands to the three-mile territorial limit, as generally depicted on the map titled "Castle Nugent National Historic Site Proposed Boundary Map", numbered T22/100,447, and dated October 2009.

(c) **MAP AVAILABILITY.**—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

#### (d) ACQUISITION OF LAND.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(2) **U.S. VIRGIN ISLAND LANDS.**—The Secretary is authorized to acquire lands and interests in lands owned by the U.S. Virgin Islands or any political subdivision thereof only by donation or exchange.

### SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.); and  
(2) the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) **SHARED RESOURCES.**—To the greatest extent practicable, the Secretary shall use the resources of other sites administered by the National Park Service on the Island of St. Croix to administer the historic site.

(c) **CONTINUED USE.**—In order to maintain an important feature of the cultural landscape of the historic site, the Secretary may lease to the University of the Virgin Islands certain lands within the boundary of the historic site for the purpose of continuing the university's operation breeding Senepol cattle, a breed developed on St. Croix. A lease under this subsection shall contain such terms and conditions as the Secretary considers appropriate, including those necessary to protect the values of the historic site.

(d) **MANAGEMENT PLAN.**—Not later than three years after funds are made available for this subsection, the Secretary shall prepare a general management plan for the historic site.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3726.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of the pending measure introduced by my very good friend and a valued member of our Committee on Natural Resources, the gentlelady from the Virgin Islands, Dr. DONNA CHRISTENSEN.

The pending legislation establishes the Castle Nugent National Historic Site on the island of St. Croix in the U.S. Virgin Islands. The Castle Nugent area possesses a wide range of historic resources, including the remnants of small Danish cotton, sugar, indigo, and cattle plantations. Pre-Columbian archaeological sites also exist on the property. The cattle ranch there is one of the oldest in the West Indies.

The diverse and undisturbed natural resources of the site include the most substantial black mangrove stand left in the Virgin Islands, sea turtle nesting areas, large and healthy coral reefs, and a lagoon that is home to many different species of birds and wildlife.

Congress authorized a special resource study for this area in 2006. The National Park Service has completed all of the work for that study and found that the area meets all of the applicable criteria for significance, suitability, and feasibility for designation as a National Park Service unit.

The proposed park would include 2,900 acres of privately owned ranch

lands as well as 8,600 acres of submerged lands owned by the Government of the Virgin Islands. The family which owns the majority of the site has fought off aggressive developers for years, seeking instead to have their land preserved for future generations to enjoy.

This legislation includes no direct spending, and any land acquisition would be subject to appropriations. This is an excellent piece of legislation, and I commend once again Dr. CHRISTENSEN for her tireless efforts to preserve the unique and stunning resources that are located in her beautiful district.

Thanks to the recent Public Broadcasting System series by Ken Burns chronicling the amazing history of our National Park System, many Americans are asking themselves and asking this Congress what can we do to build upon the incredible legacy left to us by those who invented the idea of national parks. The answer to that question is simple: work to identify and study significant, unique areas of natural and historic significance and then make certain they are protected.

The answer is to support the pending legislation, H.R. 3726.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I cannot support this legislation, and I urge my colleagues to oppose it for two reasons.

First, this Congress in prior times enacted a law that authorized and directed the National Park Service to conduct a feasibility study on whether this site should be preserved and, if so, in what manner. Madam Speaker, we don't have that report. Hundreds of thousands of dollars have been spent on this study, and yet this House is charging ahead, making a decision without having that study in our hands. I think that is wasteful, and I think it's irresponsible.

It has been said that the report is done, but Congress hasn't gotten a copy of that report. We are told its recommendations will support the approach taken in this bill, yet we don't know that because we have not received the report.

Even if the final report were to recommend establishing a historic site, we would benefit from the information they have gathered to better craft such legislation. This bill is clearly putting the cart before the horse.

The Park Service itself has testified on this Castle Nugent bill before us today, and they stated: "We would ask that the committee defer action on this legislation until the special resource study is completed, which is consistent with the Department's general policy on legislation establishing a new unit of the National Park System when a study is pending."

Madam Speaker, if the \$500,000 study that Congress passed to initiate is nearly completed, then we should wait to consider this bill until we have that information. That seems to be a rather logical conclusion of the events. There hasn't been a single compelling reason given as to the need to act right now before this study is in hand.

Now, Madam Speaker, the second reason for opposition to this bill is its cost. With 10 percent unemployment nationwide and with millions of Americans without jobs and the fact that we are running record budget deficits and the public debt is skyrocketing, now is not the time to potentially spend up to \$50 million of the taxpayers' money to buy nearly 3,000 acres of beachfront property on a Caribbean island. And on top of that, it will probably cost an estimate of \$1 million a year to maintain.

Madam Speaker, we can't afford the price tag for a new park in St. Croix, just as many Americans will never be able to afford a visit there. I had my staff, Madam Speaker, actually look up the cost of getting to St. Croix over the Presidents' Day weekend next month. From my home town in Pasco, Washington, it would take two plane changes, over 12 hours of time and around a thousand dollars to visit the island which would be the home of this new park.

For a resident in the wild and wonderful State of West Virginia, just to pick a State, flying out of the Charleston airport, the time to get there is a little less, but the price is still around a thousand dollars.

On top of the cost of buying this beachfront Caribbean property and the yearly cost of maintaining it, we need to be honest about the backlog that we have in caring for land already owned by the Federal Government.

Madam Speaker, there is \$9 billion, that is billion with a "b," worth of needed repairs and maintenance on existing park lands. If we aren't caring for what we already have, then Congress shouldn't be making the problem worse by authorizing new park lands.

Our existing treasures should be our focus to ensure families that load up the minivan or SUV to take a summer vacation to a national park have a safe, enjoyable, and accessible visit, like my colleague from Georgia (Mr. KINGSTON) expressed a moment ago about the Rocky Mountain National Park. I guarantee you that no family from any State will ever load up their minivan and drive to this park in the Caribbean ocean.

This Congress must get serious about controlling spending. The American people are concerned. They're worried and they're angered by the spending that has gone on in Washington, D.C. In the first year of the Obama administration, the largest spending deficit in our Nation's history has been set.

Whether it's the \$787 billion stimulus bill that has failed to create the jobs that were promised or the government takeover—potential government takeover of the health care costs that will cost, if it is put in place—the health care bill that is being debated, over a trillion dollars—I think is very, very clear: spending in America's mind is out of control.

For Congress to buckle down, it needs to not only put the brakes on mega-spending bills but it also must start taking a hard look at smaller bills like this one.

Just take a look, Madam Speaker, at some of the bills that have been advanced out of the Natural Resources Committee this year. We passed a bill to create a \$700 million welfare program for wild horses; they've approved another bill to increase spending for neotropical birds by millions of dollars; and, today, there is a committee hearing on a bill to spend millions of more dollars overseas to assist apes.

There is a lot of talk that the President may propose a spending freeze in his State of the Union speech tonight. The news media and blogs have been talking about it for several days; yet this House is positioned to vote on creating a new \$50 million park in the middle of the Caribbean ocean just hours before the State of the Union speech tonight. Madam Speaker, those that control this House will send quite a message on spending and their real priorities if it approves this bill before the President even makes it here to give his speech tonight.

So, Madam Speaker, for those two reasons, I urge my colleagues to oppose this bill.

And with that, I reserve my time.

Mr. RAHALL. Madam Speaker, I am very happy at this point to yield to the gentlelady from the Virgin Islands who has worked so long, so hard, so diligently, and so patiently to bring this bill before us today, Dr. DONNA CHRISTENSEN, such time as she may consume.

Mrs. CHRISTENSEN. Thank you, Chairman RAHALL, for yielding.

Today I rise once again to speak on behalf of H.R. 3726, a bill that I introduced to establish the Castle Nugent Historic Site on St. Croix, Virgin Islands, for the first time in the 110th Congress.

The introduction of this bill, or the reintroduction, stands as testimony to our country's legacy of preserving our Nation's special places. H.R. 3726 deepens the commitment of our conservation trail blazers such as Henry Thoreau, George Perkins Marsh, and John Muir who worked tirelessly to protect our collective natural history in such a way that it would live on for generations.

□ 1300

As noted by Ken Burns when discussing the need to document the Na-

tional Park System, the chronicle of America's parks isn't a mere celebration of our Nation's national treasures, but also a story of our people, of the forces that help shape our lands and the influences that will guide our children.

The site to be designated as the Castle Nugent National Historic Site continues to be heralded as one of the last pristine areas in the region. Without hesitation, I can attest to the fact that the Castle Nugent Farm is worthy of preservation, worthy of inclusion in the National Park System and truly worthy of being shared as more than just a "beachfront property in the Caribbean" but, instead, as an invaluable chapter in our Nation's official record of the American story. The National Park Service testified as such in November at the subcommittee hearing.

H.R. 3726 calls for the preservation of 2,900 acres, which include a Caribbean dry forest, sea turtle nesting areas, large and healthy fringe coral reefs, and Great Pond Bay, home to numerous species of bird and other wildlife. Today the landscape remains pretty much as it did historically with its rolling hills and open grassy shrub plains sloping into the Caribbean Sea.

In addition to guaranteeing the protection of one of the most ecologically sensitive areas on the island, H.R. 3726 also preserves a rich part of our historical and cultural past by preserving the archeological remains of our indigenous Taino inhabitants as well as a Danish estate house now listed on the National Register of Historic Places.

Estate Castle Nugent is one of the last working cattle ranches on St. Croix and one of the ranches instrumental in the development and exportation of the unique and sturdy Senepol cattle throughout the Caribbean and, really, throughout the world. H.R. 3726 would ensure the rearing of the Senepol cattle with a provision that guarantees a continued relationship with the University of the Virgin Islands Agricultural Experiment Station to support ongoing scientific research.

The family which owns the majority of this property has been incredibly patient. The pressure to sell their land to developers has been overwhelming and has created some conflict among family members, but they have held out because their first choice has always been that the ranch and its assets be preserved, which I agree is the best for all concerned.

There is no intent to interfere with privately held property. The sole purpose of this bill is to protect and preserve the historic, cultural, and environmental assets and the opportunity for the people of the Virgin Islands and our fellow Americans to continue to enjoy the area and to preserve it for future generations.

And while it might cost almost \$1,000 to get there on President's weekend,



President's weekend is the most heavily traveled time of the year to any part of the Caribbean, and most times of the year the cost to get to St. Croix is far less.

There is also no final assessment of how much the site would cost. This simply authorizes the Secretary to acquire it. We do not know that the entire 2,900 acres will remain in the park, and we expect to acquire some of what would be the National Historic Site through donations, easements, and possibly also exchanges.

There is no substantive reason to oppose this legislation. This is a beautiful and important natural and cultural resource that is in danger of being lost to the Nation's public forever. If we do not move forward now without waiting for the final process to get the study here, after having heard from the National Park Service that it is indeed determined to have been appropriate for inclusion into the park, if we don't move forward today, there is a real risk that when the study is formally transmitted to Congress supporting the designation, the land will already have been sold and condominium owners will be the only people who ever get to visit the area.

In places such as the U.S. Virgin Islands, there is always a danger of development getting out of control and the balance between development and conservation being lost in favor of development. With development brings the risk of restricting local residents' use of the area far more than park regulations would. There are examples, as well, of developers disregarding the relationship between the people of our community and the areas that they have purchased. Bringing this ranch into the Park Service is the best way to allow those who have purchased part of the property or adjacent property to develop, but to do so in a way that is sensitive to the importance of the land and least restrictive to all of my constituents.

Both the Bush and Obama administrations have supported this designation every step of the way. The current administration has determined that the site meets the criteria set by the National Park Service to determine national significance, suitability, and feasibility. The designation is supported by my constituents, including those who originally questioned the expansion of the park, and, as far as I'm aware, no one is challenging the conclusions of the study.

The people of St. Croix have long enjoyed the picturesque scenery and use of the area for various activities. For years, thousands of Virgin Islanders and visitors have frequented the property to learn about the natural, cultural, historical, archeological, and marine resources found in Estate Castle Nugent. Anyone who visits the property leaves with a deepened appre-

ciation of our community's treasure and our place in American history. Failure to act now will guarantee the area to be developed privately, risking our historic and natural jewels and having them untold and lost to future generations.

I want to take this opportunity to thank Chairman RAHALL and Subcommittee Chair GRIJALVA for their support in ushering this bill through the Resources Committee and back to the floor. I would like to thank the numerous community members and organizations who wrote in support of it.

Madam Speaker and colleagues, on behalf of the people of the Virgin Islands, I ask for a "yes" vote on H.R. 3726. This is timely and responsible legislation, and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to the ranking member of the National Parks, Forest and Public Lands Subcommittee, Mr. BISHOP of Utah.

Mr. BISHOP of Utah. Madam Speaker, I thank the gentleman from Washington for yielding me some time.

It is with mixed emotions that I speak on this particular bill. This is not the worst bill our committee has ever produced. We have produced some real stinkers that we have hidden in other pieces of legislation. However, it is symbolic of the problem that this administration and leaders of this Congress have.

We have a Secretary of the Interior who, every time we wish to use Federal land to actually help improve the lives of Americans or creating jobs, will always yell that we have a process we have to do; we cannot commit a rush to judgment. And now when we have a piece of territory, land that will be taken off the tax rolls in a territory that is in deep financial problems today, this historic cattle ranch is now considered something that we must hustle through the system.

We just voted on a bill to solve problems in the wilderness areas of Idaho, which, if we had taken the time to see what was in there instead of rushing to create the most restrictive environment we can on this land in Idaho, we would not have needed the legislation. That is why this administration and this Department of the Interior have said they want to wait until the study is completed and the process is done.

If one of the arguments in favor of passing this bill is we don't really know how much land we will ultimately have and how much it will ultimately cost, that is a great argument to wait until the study is done and we figure out how much land we really want to have and how much it will ultimately cost.

But it is also symbolic of a deeper problem. This Federal Government already owns 650 million acres of land.

One-third of this Nation is owned by the Federal Government. Now think of that. One out of every three acres in this country is owned by the Federal Government. I have had three land transfer bills in the past few years here, and in each case, the land that was controlled by the Federal Government was land they did not need, they did not use, and in every case, they did not even know they had the land until a land title search pointed out that, indeed, it belonged to the Federal Government.

At some time you have to say enough is enough. The States with the biggest problem in funding their education system are found in States that have a predominance of public lands. It is a one-to-one relationship between States that have that problem. In my State of Utah, only 18 percent of the State is in private property. The Governor of Utah controls 18 percent. The rest of the State is under the heavy hand of the Secretary of the Interior, and both my adjective and noun are appropriate.

One of the issues that we simply have here is we will be hearing that we should have a spending freeze on non-defense and nonentitlement programs, and we will hear that tonight. Does it seem logical that we should spend up and then decide to freeze? Does that indeed solve our problem?

As I said before, this particular bill, which will probably cost \$50 million, give or take \$50 million, this particular bill is not necessarily bad in and of itself, but it is symbolic of the problem that we have, that we do not have a large-scale picture of what this Nation should control, should own, should do, and we are moving in a pell-mell process to try and add more and more acreage to the heavy hand of the Federal Government. And at some time, we should stand up and say enough is enough.

One-third of this country owned by the Federal Government is enough. For that reason, we should at least wait until the Department of the Interior has finished their study and the process and they sign off and we actually know how much land and how much cost we are talking.

Mr. RAHALL. I reserve the balance of my time, Madam Speaker.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield as much time as he may consume to a new member of the House Resources Committee, Mr. CHAFFETZ from Utah.

Mr. CHAFFETZ. With all due respect to the great people of the Virgin Islands and to my colleague, I stand in opposition to this bill. No doubt, the Virgin Islands is one of the most spectacular, beautiful places on the face of the planet. But this bill is about priorities of the United States of America.

We are \$12 trillion in debt. We are spending \$600 million a day just in interest on that debt. This Congress momentarily is going to have to raise the



debt ceiling another \$1.8 trillion. We don't have the money to do this.

Currently, the National Park Service has an estimated \$9 billion in backlog, \$9 billion that they need to help with the national parks to preserve and to upgrade what we already have in our current holdings.

We don't have the money. We don't have the resources. If you look at what the President is probably going to say here in less than 8 hours, he might come in and try to create this air of, oh, we have to be a little fiscally responsible. We should probably freeze a few things.

For the second time in just over a week here, we are going to actually come and look at this bill to acquire at the cost of \$40 million to \$50 million property with funds that we don't have.

No longer can this government continue to use the government credit card to rack up debt. Those that decide to vote in favor of this bill, although it's just an authorization—I know it's not an appropriation—are saying, sure, yeah, let's go buy some beachfront property.

We don't have the money. Think of all the other things that we could do and should do in prioritizing this country. We have 1,500 people a day that die from cancer, and we're not adequately funding those types of things. We deal with homelessness, and we have Homeland Security issues. But this government continues to acquire private property and put it into the Federal Treasury. I think it's fundamentally wrong.

As was pointed out earlier, there is no report. The National Park Service does not recommend we make this transaction because they haven't even finished the study. Why does this government spend hundreds of thousands of dollars on a study if it doesn't matter? Maybe what we should have also done is add an amendment to stop the study and recover as much money in funds as we can. There is absolutely no reason, if the Democrats are going to move forward and push this thing through, to actually do the study. I don't care if it's \$2,000. Let's save it. And until this body has that type of attitude, we will continue to have the systemic problems that we have in this government.

Just yesterday, the Governor of the territory stood up before the people and said this: "However, the global economic crisis has had a great impact on our economy. It has devastated our government funds, where we are running a monthly deficit of \$25 million and our tax revenues fell by over 30 percent. This means that we had 234 million fewer dollars to spend than we had just the year before. To put this in perspective, \$234 million is almost half of the cost of salaries and benefits of our government workers for a full year."

Now some will say, well, we should move forward with this. Well, guess what? It's going to take property off of the tax rolls and put the burden on the Federal taxpayer. Why should the people of Iowa or Rhode Island or Utah or California have to continue to pay and supplement the people there on St. Croix for this property? I don't think it's fair. I don't think it's right. The Federal taxpayers will be the ones responsible for reimbursing on the lost property tax, plus the million dollars a year that it's going to take in order to just maintain the facility.

Again, as we said, there are existing parks that need our help, \$9 billion in backlog. If this was really such a great thing for the island and they really wanted to do it, my suggestion is to do it locally. Locally they can go and acquire this. It does not require the Federal taxpayers to take on this burden.

I think one of the arguments back to that would say, well, we can't afford it. Well, neither can the Federal taxpayers. Neither can the United States of America. It's time we stand up and say "no" to a bill like this.

□ 1315

Mr. RAHALL. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GOHMERT), another member of the Natural Resources Committee.

Mr. GOHMERT. Madam Speaker, I had the privilege of hearing the esteemed economist, Art Laffer, who is credited with bringing the United States out of a worse recession than we are in right now by overcoming double digit inflation, double digit unemployment, and double digit interest rates, and he did it by cutting taxes. Of course, we know taxes are going to jump up like crazy a year from now. But what he said is if you want to get this government out of the tremendous trouble we are in, quit buying things, quit buying land and things, and start selling off some of the assets.

That is what a regular family would do when they find themselves in debt. That is what I am doing right now to pay off student loans. We are selling our house and going to downsize. Why can't the government do that? Let's quit spending like crazy. Let's sell off some of our assets, pay down our debt, and let America find jobs again.

Mr. RAHALL. Madam Speaker, I reserve the balance of my time pending any further speakers on the minority side.

Mr. HASTINGS of Washington. I understand the gentleman from West Virginia is the final speaker on that side. With that, I yield myself the balance of the time.

Madam Speaker, I again urge my colleagues to vote "no" on this. And if you were listening to the debate here

of the several speakers that we had on our side of the aisle, if you noticed, we were not criticizing the merits of this purchase. We are simply saying that there is a procedure that this Congress set up. That procedure was a study. Taxpayer dollars funded that study in order to see if this project actually merits congressional support.

Well, that study, Madam Speaker, is not made public. We have not seen the study. We don't know if it is good or bad. It may be good, as the gentleman from Utah (Mr. BISHOP) said. In fact, he alluded that he has seen worse pieces of legislation rather than this one. But for goodness sakes, if we are spending taxpayer dollars on a study, then shouldn't we at least find out what the study says? That might lead us in the right direction of spending, as this bill would authorize, up to \$50 million without really knowing the ramifications.

So our argument on this side, and I think an argument on this side probably resonates better with the American people due to the fiscal health of our country, I think this resonates very, very well today, especially, as I alluded to in my earlier remarks, since the President is going to come and speak to a joint session of Congress tonight on fiscal responsibility, this is our opportunity on that very day to show some fiscal responsibility by saying "no" to this bill and waiting for the study to come back.

Madam Speaker, I urge my colleagues to vote "no" on this piece of legislation.

I yield back the balance of my time.

Mr. RAHALL. Madam Speaker, may I inquire of the remaining time?

The SPEAKER pro tempore. The gentleman has 10½ minutes.

Mr. RAHALL. Thank you. I yield myself the balance of my time.

I would close this debate by making the following observations on the allegations that we have heard on the other side. With respect to the technicality that a new area study has not been sent to the Congress, let me state that at a hearing before the Parks Subcommittee held last November, the National Park Service testified on the record that the draft study is completed and finds that the site meets the NPS criteria for addition to the National Park System.

The official agency testimony goes on for four pages describing the amazing natural, cultural, and historical resources found on the site. For example, that testimony states that, and I quote, "Enactment of H.R. 3726 would provide the opportunity to preserve and protect this outstanding Caribbean cultural landscape and interpret the cotton era and related agricultural themes that have been instrumental in the development of St. Croix in the Virgin Islands. It would also help protect five pre-Columbian archeological

sites, two of which are among the oldest sites on St. Croix."

I was not able to attend this hearing, but my staff does inform me that at no time did any member of the committee, even for a moment, question the conclusions or opinions that were expressed by the National Park Service. The formal findings contained in the study will be enormously valuable as the NPS moves forward creating a management plan for this area, and in future years as the Congress contemplates appropriating funds for the site.

For now, I am satisfied that the NPS has provided us more than ample information to move forward with the initial designation. The fact that the formal study has not been transmitted to the Congress is a technicality, one that is either significant or not to the other side, the minority, depending upon what day it is. House Republicans have supported designations with incomplete studies. House Republicans have supported designations with no study at all. House Republicans have opposed designations when the study was complete and fully supported designation. So this concern for NPS studies by those on the other side of the aisle is newly discovered. Their record on this is inconsistent and simply not credible.

Like the Republican concern for following the recommendations of NPS studies, this concern for the NPS maintenance backlog is newfound as well. The NPS maintenance backlog is real, no doubt about it, and needs to be addressed. Democrats are serious about addressing it. We continue to work closely with the agency to document the work that needs to be done to prioritize it and provide the funding and the people needed to get the most pressing work done.

But I completely disagree with the Republican claim that the National Park Service, quote, "can't take care of what it already owns." That kind of park bashing may score some points, but it is nothing more than a low blow. Millions of American families visit our national parks every year and come away feeling inspired, energized, and downright patriotic. The National Park Service could use more money, but they are the very best in the world at what they do, and claims to the contrary are false. Our National Park Service takes care of what they already own, to the enormous satisfaction of most Americans, and they can take care of this beautiful area of St. Croix as well.

I would ask the American people to keep an eye on the issue. You watch. When the President submits his budget request for the next fiscal year, it will contain critical funding for the NPS. And Democrats will support that request and pass it. And many of the same Republicans on this floor today expressing deep concern over the NPS

maintenance backlog will come to this floor and vote against the funding needed to address it.

In fact, it was Republicans who insisted on drastically underfunding and understaffing this agency that caused the maintenance backlog to increase on their watch. The future health and growth of our NPS system should not be stunted because Republicans mismanaged it when they were in charge of government. Democrats will correct the mistakes of the past, not be held hostage by them. And just like other arguments offered today, the Republican record on this issue is so inconsistent it simply cannot be taken seriously.

Finally, Madam Speaker, H.R. 3726 does not spend one dime, and every Member on this floor knows it. The legislation designates this area as a new unit, but the bill contains no direct spending. Any land acquisition will be subject, of course, to appropriations. Enactment of this legislation is the beginning of the process, not the end. This is a once-in-a-lifetime opportunity to preserve a unique and stunning area, and I fully support having this land at least be eligible for land acquisition funding over the next few cycles.

Yes, the former Republican majority went on an irresponsible spending spree that damaged this country and resulted in the largest increase in the deficit since World War II. And yes, fixing the damage caused by those Republican mistakes will be an enormous challenge for all of us going forward. But I believe Democrats can do it. I believe we can get our fiscal house in order, and when we do it, Castle Nugent should be a unit of the National Park System so we can allocate funding to protect it and preserve it for generations to come.

As for unemployment, the unemployment rate on St. Croix was 8.9 percent last November. If this private land is successfully transformed into a popular tourist destination, it will create jobs and help ease unemployment on the island. It will increase tourism, benefiting airlines, car rentals, travel agents, restaurants, hotels, and might even lead to hiring a few new park rangers. Democrats support creating jobs by building things up—investing in the long-term growth and health of this nation. H.R. 3726 does just that.

I would conclude by pointing out the obvious: We as a Nation have a responsibility to our territorial possessions. And if we shirk from that duty, we would be nothing more than the European empires which once ruled over vast swaths of Africa and the Americas. The U.S. Virgin Islands are a unique and fascinating place. Native people lived on these islands as far back as the Stone Age. And some of the evidence of that can be found on the site protected in this bill.

Christopher Columbus gave the islands early versions of the names we use today, Santa Cruz, San Tomas, and San Juan. And last, as we move forward in this legislation, recognize that these islands were then occupied by foreign nations, England, Holland, France and Denmark, a period that saw the native people enslaved and then driven almost to extinction. Remains of these times can be found on the land protected in this bill as well.

It is not only the history and the culture found in the continental United States that matters, but St. Croix is a part of these United States. And we owe it to those who live there now and those who were there long before this Nation came into being to value this history and to respect its culture. This legislation does that. This legislation deserves our support.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1038, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Passage of H.R. 4474 and H.R. 3726, and motions to suspend the rules with regard to H.R. 4508 and House Resolution 1020, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### IDAHO WILDERNESS WATER FACILITIES ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 4474, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 22]

# YEAS—415

|                |                  |                  |
|----------------|------------------|------------------|
| Ackerman       | Crowley          | Hoyer            |
| Aderholt       | Cuellar          | Hunter           |
| Adler (NJ)     | Culberson        | Inglis           |
| Akin           | Cummings         | Inslee           |
| Alexander      | Dahlkemper       | Israel           |
| Altmire        | Davis (CA)       | Issa             |
| Andrews        | Davis (IL)       | Jackson (IL)     |
| Arcuri         | Davis (KY)       | Jackson Lee      |
| Austria        | Davis (TN)       | (TX)             |
| Baca           | DeFazio          | Jenkins          |
| Bachmann       | DeGette          | Johnson (IL)     |
| Bachus         | Delahunt         | Johnson, Sam     |
| Baird          | DeLauro          | Jones            |
| Baldwin        | Dent             | Jordan (OH)      |
| Barrow         | Diaz-Balart, L.  | Kagen            |
| Bartlett       | Diaz-Balart, M.  | Kanjorski        |
| Barton (TX)    | Dicks            | Kaptur           |
| Bean           | Dingell          | Kennedy          |
| Becerra        | Doggett          | Kildee           |
| Berkley        | Donnelly (IN)    | Kilpatrick (MI)  |
| Berman         | Doyle            | Kilroy           |
| Berry          | Dreier           | Kind             |
| Biggert        | Drieaus          | King (IA)        |
| Bilbray        | Duncan           | King (NY)        |
| Bilirakis      | Edwards (MD)     | Kingston         |
| Bishop (NY)    | Edwards (TX)     | Kirk             |
| Bishop (UT)    | Ehlers           | Kirkpatrick (AZ) |
| Blackburn      | Ellison          | Kissell          |
| Blumenauer     | Ellsworth        | Klein (FL)       |
| Blunt          | Emerson          | Kline (MN)       |
| Bocieri        | Engel            | Kosmas           |
| Boehner        | Eshoo            | Kratovil         |
| Bonner         | Etheridge        | Kucinich         |
| Bono Mack      | Fallin           | Lamborn          |
| Boozman        | Farr             | Lance            |
| Boren          | Fattah           | Langevin         |
| Boswell        | Filner           | Larsen (WA)      |
| Boucher        | Flake            | Larson (CT)      |
| Boustany       | Fleming          | Latham           |
| Boyd           | Forbes           | LaTourette       |
| Brady (PA)     | Fortenberry      | Latta            |
| Brady (TX)     | Foster           | Lee (CA)         |
| Braley (IA)    | Fox              | Lee (NY)         |
| Bright         | Franks (AZ)      | Levin            |
| Brown (GA)     | Frelinghuysen    | Lewis (CA)       |
| Brown (SC)     | Fudge            | Lewis (GA)       |
| Brown, Corrine | Gallely          | Linder           |
| Brown-Waite,   | Garamendi        | Lipinski         |
| Ginny          | Garrett (NJ)     | LoBiondo         |
| Buchanan       | Gerlach          | Loeb             |
| Burgess        | Giffords         | Loeb             |
| Burton (IN)    | Gingrey (GA)     | Lofgren, Zoe     |
| Butterfield    | Gohmert          | Lowe             |
| Buyer          | Gonzalez         | Lucas            |
| Calvert        | Goodlatte        | Luetkemeyer      |
| Camp           | Gordon (TN)      | Lujan            |
| Campbell       | Granger          | Lummis           |
| Cantor         | Graves           | Lungren, Daniel  |
| Cao            | Grayson          | E.               |
| Capito         | Green, Al        | Lynch            |
| Capps          | Green, Gene      | Mack             |
| Capuano        | Grijalva         | Maffei           |
| Cardoza        | Guthrie          | Maloney          |
| Carnahan       | Gutierrez        | Manzullo         |
| Carney         | Hall (NY)        | Marchant         |
| Carson (IN)    | Hall (TX)        | Markey (CO)      |
| Carter         | Halvorson        | Markey (MA)      |
| Cassidy        | Hare             | Marshall         |
| Castle         | Harman           | Massa            |
| Castor (FL)    | Harper           | Matheson         |
| Chaffetz       | Hastings (FL)    | Matsui           |
| Chandler       | Hastings (WA)    | McCarthy (CA)    |
| Childers       | Heinrich         | McCarthy (NY)    |
| Chu            | Heller           | McCaul           |
| Clarke         | Hensarling       | McClintock       |
| Clay           | Herger           | McCollum         |
| Cleaver        | Hersteth Sandlin | McCotter         |
| Clyburn        | Higgins          | McDermott        |
| Coffman (CO)   | Hill             | McGovern         |
| Cohen          | Himes            | McHenry          |
| Cole           | Hinchey          | McIntyre         |
| Conaway        | Hinojosa         | McKeon           |
| Connelly (VA)  | Hirono           | McMahon          |
| Conyers        | Hodes            | McMorris         |
| Cooper         | Hoekstra         | Rodgers          |
| Costa          | Holden           | McNerney         |
| Costello       | Holt             | Meek (FL)        |
| Courtney       | Honda            | Meeks (NY)       |
|                |                  | Melancon         |

|                 |                  |                  |
|-----------------|------------------|------------------|
| Mica            | Radanovich       | Smith (NJ)       |
| Michaud         | Rahall           | Smith (TX)       |
| Miller (FL)     | Rangel           | Smith (WA)       |
| Miller (MI)     | Rehberg          | Snyder           |
| Miller (NC)     | Reichert         | Souder           |
| Miller, Gary    | Reyes            | Space            |
| Miller, George  | Richardson       | Spratt           |
| Minnick         | Rodriguez        | Stark            |
| Mitchell        | Roe (TN)         | Stearns          |
| Mollohan        | Rogers (AL)      | Stupak           |
| Moore (KS)      | Rogers (KY)      | Sullivan         |
| Moore (WI)      | Rogers (MI)      | Tanner           |
| Moran (VA)      | Rohrabacher      | Taylor           |
| Murphy (CT)     | Rooney           | Teague           |
| Murphy (NY)     | Ros-Lehtinen     | Terry            |
| Murphy, Patrick | Roskam           | Thompson (CA)    |
| Murphy, Tim     | Ross             | Thompson (MS)    |
| Murtha          | Rothman (NJ)     | Thompson (PA)    |
| Myrick          | Roybal-Allard    | Thornberry       |
| Nadler (NY)     | Royce            | Tiahrt           |
| Napolitano      | Ruppersberger    | Tiberi           |
| Neal (MA)       | Rush             | Tierney          |
| Neugebauer      | Ryan (OH)        | Titus            |
| Nunes           | Ryan (WI)        | Blumenauer       |
| Nye             | Salazar          | Hirono           |
| Oberstar        | Sanchez, Linda   | Bocieri          |
| Obey            | T.               | Hodes            |
| Olson           | Sanchez, Loretta | Holden           |
| Oliver          | Sarbanes         | Holt             |
| Owens           | Scalise          | Honda            |
| Pallone         | Schakowsky       | Hoyer            |
| Pascarella      | Schauer          | Inslee           |
| Pastor (AZ)     | Schiff           | Israel           |
| Paul            | Schmidt          | Brown, Corrine   |
| Paulsen         | Schrader         | Butterfield      |
| Payne           | Schwartz         | Capps            |
| Pence           | Scott (GA)       | Johnson (GA)     |
| Perlmutter      | Scott (VA)       | Kagen            |
| Perriello       | Sensenbrenner    | Kanjorski        |
| Peters          | Serrano          | Kaptur           |
| Peterson        | Sessions         | Kennedy          |
| Petri           | Sestak           | Kildee           |
| Pingree (ME)    | Shadegg          | Kilpatrick (MI)  |
| Pitts           | Shea-Porter      | Kilroy           |
| Platts          | Sherman          | Kind             |
| Poe (TX)        | Shimkus          | Kirkpatrick (AZ) |
| Polis (CO)      | Shuler           | Kissell          |
| Pomeroy         | Shuster          | Klein (FL)       |
| Posey           | Simpson          | Kosmas           |
| Price (GA)      | Sires            | Kratovil         |
| Price (NC)      | Skelton          | Kucinich         |
| Putnam          | Slaughter        | Langevin         |
| Quigley         | Smith (NE)       | Larsen (WA)      |
|                 |                  | Larson (CT)      |
|                 |                  | Lee (CA)         |
|                 |                  | Levin            |
|                 |                  | Lewis (GA)       |
|                 |                  | Lipinski         |
|                 |                  | Loeb             |
|                 |                  | Lofgren, Zoe     |
|                 |                  | Lowe             |
|                 |                  | Lucas            |
|                 |                  | Luetkemeyer      |
|                 |                  | Lujan            |
|                 |                  | Lummis           |
|                 |                  | Lungren, Daniel  |
|                 |                  | E.               |
|                 |                  | Lynch            |
|                 |                  | Mack             |
|                 |                  | Maffei           |
|                 |                  | Maloney          |
|                 |                  | Manzullo         |
|                 |                  | Marchant         |
|                 |                  | Markey (CO)      |
|                 |                  | Markey (MA)      |
|                 |                  | Marshall         |
|                 |                  | Massa            |
|                 |                  | Matheson         |
|                 |                  | Matsui           |
|                 |                  | McCarthy (CA)    |
|                 |                  | McCarthy (NY)    |
|                 |                  | McCaul           |
|                 |                  | McClintock       |
|                 |                  | McCollum         |
|                 |                  | McCotter         |
|                 |                  | McDermott        |
|                 |                  | McGovern         |
|                 |                  | McHenry          |
|                 |                  | McIntyre         |
|                 |                  | McKeon           |
|                 |                  | McMahon          |
|                 |                  | McMorris         |
|                 |                  | Rodgers          |
|                 |                  | McNerney         |
|                 |                  | Meek (FL)        |
|                 |                  | Meeks (NY)       |
|                 |                  | Melancon         |

# NOT VOTING—18

|              |                |        |
|--------------|----------------|--------|
| Abercrombie  | Deal (GA)      | Ortiz  |
| Barrett (SC) | Frank (MA)     | Schock |
| Bishop (GA)  | Griffith       | Speier |
| Coble        | Johnson (GA)   | Sutton |
| Crenshaw     | Johnson, E. B. | Wamp   |
| Davis (AL)   | Moran (KS)     | Waters |

□ 1353

Mr. GEORGE MILLER of California and Ms. WASSERMAN SCHULTZ changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GRIFFITH. Madam Speaker, on rollcall No. 22 I was unavoidably detained. Had I been present, I would have voted “yea.”

# CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3726, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 175, not voting 18, as follows:

[Roll No. 23]

# YEAS—240

|                |                  |                  |
|----------------|------------------|------------------|
| Ackerman       | Green, Gene      | Nadler (NY)      |
| Adler (NJ)     | Grijalva         | Napolitano       |
| Altmire        | Gutierrez        | Neal (MA)        |
| Andrews        | Hall (NY)        | Nye              |
| Arcuri         | Halvorson        | Oberstar         |
| Baca           | Hare             | Obey             |
| Baird          | Harman           | Oliver           |
| Baldwin        | Hastings (FL)    | Pallone          |
| Barrow         | Heinrich         | Pascarella       |
| Bean           | Hersteth Sandlin | Pastor (AZ)      |
| Becerra        | Higgins          | Payne            |
| Berkley        | Hill             | Perlmutter       |
| Berman         | Himes            | Perriello        |
| Berry          | Hinchey          | Peters           |
| Bishop (NY)    | Hinojosa         | Peterson         |
| Blumenauer     | Hirono           | Pingree (ME)     |
| Bocieri        | Hodes            | Polis (CO)       |
| Boren          | Holden           | Pomeroy          |
| Boswell        | Holt             | Price (NC)       |
| Boucher        | Honda            | Quigley          |
| Boyd           | Hoyer            | Rahall           |
| Brady (PA)     | Inslee           | Rangel           |
| Braley (IA)    | Israel           | Reyes            |
| Brown, Corrine | Jackson (IL)     | Richardson       |
| Butterfield    | Jackson Lee      | Rodriguez        |
| Capps          | (TX)             | Ross             |
| Capuano        | Johnson (GA)     | Rothman (NJ)     |
| Cardoza        | Kagen            | Roybal-Allard    |
| Carnahan       | Kanjorski        | Ruppersberger    |
| Carney         | Kaptur           | Rush             |
| Carson (IN)    | Kennedy          | Ryan (OH)        |
| Castor (FL)    | Kildee           | Salazar          |
| Chandler       | Kilpatrick (MI)  | Sanchez, Linda   |
| Childers       | Kilroy           | T.               |
| Chu            | Kind             | Sanchez, Loretta |
| Clarke         | Kirkpatrick (AZ) | Sarbanes         |
| Clay           | Kissell          | Schakowsky       |
| Cleaver        | Klein (FL)       | Schauer          |
| Clyburn        | Kosmas           | Schiff           |
| Cohen          | Kratovil         | Schrader         |
| Connolly (VA)  | Kucinich         | Schwartz         |
| Conyers        | Langevin         | Scott (GA)       |
| Cooper         | Larsen (WA)      | Scott (VA)       |
| Costa          | Larson (CT)      | Serrano          |
| Costello       | Lee (CA)         | Sestak           |
| Courtney       | Levin            | Shea-Porter      |
| Crowley        | Lewis (GA)       | Sherman          |
| Cuellar        | Lipinski         | Shuler           |
| Cummings       | Loeb             | Sires            |
| Dahlkemper     | Lofgren, Zoe     | Skelton          |
| Davis (CA)     | Lowe             | Slaughter        |
| Davis (IL)     | Lujan            | Smith (WA)       |
| Davis (TN)     | Lynch            | Snyder           |
| DeFazio        | Maffei           | Space            |
| DeGette        | Maloney          | Spratt           |
| Delahunt       | Markey (CO)      | Stark            |
| DeLauro        | Markey (MA)      | Stupak           |
| Dicks          | Marshall         | Sutton           |
| Dingell        | Massa            | Tanner           |
| Doggett        | Matheson         | Taylor           |
| Donnelly (IN)  | Matsui           | Teague           |
| Doyle          | McCarthy (NY)    | Thompson (CA)    |
| Drieaus        | McCollum         | Thompson (MS)    |
| Edwards (MD)   | McDermott        | Tierney          |
| Edwards (TX)   | McGovern         | Titus            |
| Ellison        | McIntyre         | Tonko            |
| Ellsworth      | McMahon          | Towns            |
| Engel          | McNerney         | Tsongas          |
| Eshoo          | Meek (FL)        | Van Hollen       |
| Etheridge      | Meeks (NY)       | Velazquez        |
| Farr           | Melancon         | Visclosky        |
| Fattah         | Michaud          | Wasserman        |
| Filner         | Miller (NC)      | Schultz          |
| Foster         | Miller, George   | Watson           |
| Fudge          | Minnick          | Watt             |
| Garamendi      | Mollohan         | Waxman           |
| Giffords       | Moore (KS)       | Weiner           |
| Gonzalez       | Moran (VA)       | Wilson (OH)      |
| Gordon (TN)    | Murphy (CT)      | Woolsey          |
| Grayson        | Murphy, Patrick  | Wu               |
| Green, Al      | Murtha           | Yarmuth          |

# NAYS—175

|           |             |             |
|-----------|-------------|-------------|
| Aderholt  | Bachmann    | Biggert     |
| Akin      | Bachus      | Bilbray     |
| Alexander | Bartlett    | Bilirakis   |
| Austria   | Barton (TX) | Bishop (UT) |

Blackburn Guthrie Olson  
Blunt Hall (TX) Owens  
Boehner Harper Paul  
Bonner Hastings (WA) Paulsen  
Bono Mack Heller Pence  
Boozman Hensarling Petri  
Boustany Herger Pitts  
Brady (TX) Hoekstra Platts  
Bright Hunter Poe (TX)  
Broun (GA) Inglis Posey  
Brown (SC) Issa Price (GA)  
Brown-Waite, Jenkins Putnam  
Ginny Johnson (IL) Radanovich  
Buchanan Johnson, Sam Rehberg  
Burgess Jones Reichert  
Burton (IN) Jordan (OH) Roe (TN)  
Buyer King (IA) Altmire  
Calvert King (NY) Rogers (AL)  
Camp Kingston Rogers (KY)  
Campbell Kirk Rogers (MI)  
Cantor Kline (MN) Rohrabacher  
Cao Lamborn Rooney  
Capito Lance Ros-Lehtinen  
Carter Latham Roskam  
Cassidy LaTourette Royce  
Castle Latta Ryan (WI)  
Chaffetz Lee (NY) Scalise  
Coffman (CO) Lewis (CA) Schmidt  
Cole Linder Sensenbrenner  
Conaway LoBiondo Sessions  
Culberson Lucas Shadegg  
Davis (KY) Luetkemeyer Shimkus  
Dent Lummis Shuster  
Diaz-Balart, L. Lungren, Daniel Simpson  
Diaz-Balart, M. E. Smith (NE)  
Dreier Mack Smith (NJ)  
Duncan Manzullo Smith (TX)  
Ehlers Marchant Souder  
Emerson McCarthy (CA) Stearns  
Fallin McCaul Sullivan  
Flake McClintock Terry  
Fleming McCotter Thompson (PA)  
Forbes McHenry Tiahrt  
Fortenberry McKeon Tiberi  
Foxy McMorris Tiberi  
Franks (AZ) Rodgers Tiberi  
Frelinghuysen Mica Turner  
Gallegly Miller (FL) Upton  
Garrett (NJ) Miller (MI) Walden  
Gerlach Miller, Gary Westmoreland  
Gingrey (GA) Mitchell Whitfield  
Gohmert Murphy (NY) Wilson (SC)  
Goodlatte Murphy, Tim Wittman  
Granger Myrick Wolf  
Graves Neugebauer Young (AK)  
Griffith Nunes Young (FL)

## NOT VOTING—18

Abercrombie Deal (GA) Schock  
Barrett (SC) Frank (MA) Speier  
Bishop (GA) Johnson, E. B. Walz  
Coble Moore (WI) Wamp  
Crenshaw Moran (KS) Waters  
Davis (AL) Ortiz Welch

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1402

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4508, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms.

VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 4508.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 4, not voting 19, as follows:

[Roll No. 24]

YEAS—410

Ackerman Courtney Holden  
Aderholt Crowley Holt  
Adler (NJ) Cellar Honda  
Akin Culberson Hoyer  
Alexander Cummings Hunter  
Altmire Dahlkemper Inglis  
Andrews Davis (CA) Inslee  
Arcuri Davis (IL) Israel  
Austria Davis (KY) Issa  
Baca Davis (TN) Jackson (IL)  
Bachmann DeFazio Jackson Lee  
Bachus DeGette (TX)  
Baird Delahunt Jenkins  
Baldwin DeLauro Johnson (GA)  
Barrow Dent Johnson (IL)  
Bartlett Diaz-Balart, L. Johnson, Sam  
Barton (TX) Diaz-Balart, M. Jones  
Bean Dicks Jordan (OH)  
Becerra Dingell Kagen  
Berkley Doggett Kanjorski  
Berman Donnelly (IN) Kaptur  
Berry Doyle Kennedy  
Biggert Dreier Kildee  
Bilbray Driehaus Kilpatrick (MI)  
Bilirakis Duncan Kilroy  
Bishop (NY) Edwards (MD) Kind  
Bishop (UT) Edwards (TX) King (IA)  
Blackburn Ehlers King (NY)  
Blumenauer Ellison Kingston  
Blunt Ellsworth Kirk  
Bocieri Emerson Kirkpatrick (AZ)  
Boehner Kissell Kisel  
Bonner Eshoo Klein (FL)  
Bono Mack Etheridge Kline (MN)  
Boozman Fallin Kosmas  
Boren Farr Kratovil  
Boswell Fattah Kucinich  
Boucher Filner Lamborn  
Boustany Fleming Lance  
Boyd Forbes Langevin  
Brady (PA) Fortenberry Larsen (WA)  
Brady (TX) Foxx Larson (CT)  
Braley (IA) Franks (AZ) Latham  
Bright Frelinghuysen LaTourette  
Brown (SC) Fudge Latta  
Brown, Corrine Gallegly Lee (CA)  
Brown-Waite, Garamendi Lee (NY)  
Ginny Garrett (NJ) Levin  
Buchanan Gerlach Lewis (CA)  
Burgess Giffords Lewis (GA)  
Burton (IN) Gingrey (GA) Linder  
Butterfield Gohmert Lipinski  
Buyer Gonzalez LoBiondo  
Calvert Goodlatte Loebsack  
Camp Gordon (TN) Lofgren, Zoe  
Campbell Granger Lowey  
Cantor Graves Lucas  
Cao Grayson Luetkemeyer  
Capito Green, Al Lujan  
Capps Green, Gene Lummis  
Capuano Griffith Lungren, Daniel  
Cardoza Grijalva E.  
Carnahan Guthrie Lynch  
Carney Gutierrez Mack  
Carson (IN) Hall (NY) Maffei  
Carter Hall (TX) Maloney  
Castle Halvorson Manzullo  
Castor (FL) Hare Marchant  
Chaffetz Harman Markey (CO)  
Chandler Harper Markey (MA)  
Childers Hastings (FL) Marshall  
Chu Hastings (WA) Massa  
Clarke Heinrich Matheson  
Clay Heller Matsui  
Cleaver Hensarling McCarthy (CA)  
Clyburn Herger McCarthy (NY)  
Coffman (CO) Herseth Sandlin McCaul  
Cohen Higgins McCollum  
Cole Hill McCotter  
Conaway Himes McDermott  
Connolly (VA) Hinchey McGovern  
Conyers Hinojosa McHenry  
Cooper Hirono McIntyre  
Costa Hodes McKeon  
Costello Hoekstra McMahan

McMorris Price (GA) Slaughter  
Rodgers Price (NC) Smith (NE)  
McNerney Putnam Smith (NJ)  
Meek (FL) Quigley Smith (TX)  
Meeks (NY) Radanovich Smith (WA)  
Melancon Rahall Snyder  
Mica Rangel Souder  
Michaud Rehberg Space  
Miller (FL) Reichert Spratt  
Miller (MI) Reyes Stark  
Miller (NC) Richardson Stearns  
Miller, Gary Rodriguez Stupak  
Minnick Roe (TN) Sullivan  
Mitchell Rogers (AL) Sutton  
Mollohan Rogers (KY) Tanner  
Moore (KS) Rogers (MI) Taylor  
Moore (WI) Rohrabacher Teague  
Moran (VA) Rooney Terry  
Murphy (CT) Ros-Lehtinen Thompson (CA)  
Murphy (NY) Roskam Thompson (MS)  
Murphy, Patrick Ross Thompson (PA)  
Murphy, Tim Rothman (NJ) Thornberry  
Murtha Roybal-Allard Tiahrt  
Myrick Royce Tiberi  
Nadler (NY) Ruppertsberger Tierney  
Napolitano Rush Titus  
Neal (MA) Ryan (OH) Tonko  
Neugebauer Salazar Towns  
Nunes Sanchez, Linda Tsongas  
Nye T. Turner  
Oberstar Sanchez, Loretta Upton  
Obey Sarbanes Van Hollen  
Olson Scalise Velázquez  
Olver Schakowsky Visclosky  
Owens Schauer Walden  
Pallone Schiff Walz  
Pascarell Schmidt Wasserman  
Pastor (AZ) Schrader Schultz  
Paulsen Schwartz Watson  
Payne Scott (GA) Watt  
Pence Scott (VA) Waxman  
Perlmutter Sensenbrenner Weiner  
Perriello Serrano Westmoreland  
Peters Sessions Whitfield  
Peterson Sestak Wilson (OH)  
Petri Shadegg Wilson (SC)  
Pingree (ME) Shea-Porter Wittman  
Pitts Sherman Wolf  
Platts Shimkus Woolsey  
Poe (TX) Shuler Wu  
Polis (CO) Shuster Yarmuth  
Pomeroy Sires Young (AK)  
Posey Skelton Young (FL)

NAYS—4

Broun (GA) McClintock  
Flake Paul

## NOT VOTING—19

Abercrombie Deal (GA) Simpson  
Barrett (SC) Foster Speier  
Bishop (GA) Frank (MA) Wamp  
Cassidy Johnson, E. B. Waters  
Coble Moran (KS) Welch  
Crenshaw Ortiz  
Davis (AL) Schock

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes left on this vote.

□ 1409

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HONORING 95TH ANNIVERSARY OF SIGNING OF ROCKY MOUNTAIN NATIONAL PARK ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1020, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1020.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 25]

YEAS—408

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Coffman (CO)    | Harman           |
| Aderholt       | Cohen           | Harper           |
| Adler (NJ)     | Cole            | Hastings (FL)    |
| Akin           | Conaway         | Hastings (WA)    |
| Alexander      | Connolly (VA)   | Heinrich         |
| Altmire        | Conyers         | Heller           |
| Andrews        | Cooper          | Hensarling       |
| Arcuri         | Costa           | Herger           |
| Austria        | Costello        | Herseth Sandlin  |
| Baca           | Courtney        | Hill             |
| Bachmann       | Crowley         | Himes            |
| Bachus         | Cuellar         | Hinchee          |
| Baird          | Culberson       | Hinojosa         |
| Baldwin        | Cummings        | Hirono           |
| Barrow         | Dahlkemper      | Hodes            |
| Bartlett       | Davis (CA)      | Hoekstra         |
| Barton (TX)    | Davis (IL)      | Holden           |
| Bean           | Davis (KY)      | Holt             |
| Becerra        | Davis (TN)      | Honda            |
| Berkley        | DeFazio         | Hoyer            |
| Berman         | DeGette         | Hunter           |
| Berry          | Delahunt        | Inglis           |
| Biggert        | DeLauro         | Inslee           |
| Bilbray        | Dent            | Israel           |
| Bilirakis      | Diaz-Balart, L. | Issa             |
| Bishop (NY)    | Diaz-Balart, M. | Jackson (IL)     |
| Bishop (UT)    | Dicks           | Jackson Lee      |
| Blackburn      | Dingell         | (TX)             |
| Blumenauer     | Doggett         | Jenkins          |
| Bocieri        | Donnelly (IN)   | Johnson (GA)     |
| Boehner        | Doyle           | Johnson (IL)     |
| Bonner         | Dreier          | Johnson, Sam     |
| Bono Mack      | Driehaus        | Jones            |
| Boozman        | Duncan          | Jordan (OH)      |
| Boren          | Edwards (MD)    | Kagen            |
| Boswell        | Edwards (TX)    | Kanjorski        |
| Boucher        | Ehlers          | Kaptur           |
| Boustany       | Ellison         | Kennedy          |
| Boyd           | Ellsworth       | Kildee           |
| Brady (PA)     | Emerson         | Kilpatrick (MI)  |
| Brady (TX)     | Engel           | Kilroy           |
| Braley (IA)    | Eshoo           | Kind             |
| Bright         | Etheridge       | King (NY)        |
| Broun (GA)     | Fallin          | Kingston         |
| Brown (SC)     | Farr            | Kirk             |
| Brown, Corrine | Fattah          | Kirkpatrick (AZ) |
| Brown-Waite,   | Filner          | Kissell          |
| Ginny          | Flake           | Klein (FL)       |
| Buchanan       | Fleming         | Kline (MN)       |
| Burgess        | Forbes          | Kosmas           |
| Burton (IN)    | Foster          | Kratovil         |
| Butterfield    | Fox             | Kucinich         |
| Buyer          | Franks (AZ)     | Lamborn          |
| Calvert        | Frelinghuysen   | Lance            |
| Camp           | Fudge           | Langevin         |
| Campbell       | Gallely         | Larsen (WA)      |
| Cantor         | Garamendi       | Larson (CT)      |
| Cao            | Garrett (NJ)    | Latham           |
| Capito         | Gerlach         | LaTourette       |
| Capps          | Giffords        | Latta            |
| Capuano        | Gingrey (GA)    | Lee (CA)         |
| Cardoza        | Gohmert         | Lee (NY)         |
| Carnahan       | Gonzalez        | Levin            |
| Carney         | Goodlatte       | Lewis (CA)       |
| Carson (IN)    | Granger         | Lewis (GA)       |
| Carter         | Graves          | Lipinski         |
| Cassidy        | Grayson         | LoBiondo         |
| Castle         | Green, Al       | Loeb             |
| Castor (FL)    | Green, Gene     | Lofgren, Zoe     |
| Chaffetz       | Griffith        | Lowe             |
| Chandler       | Grijalva        | Lucas            |
| Childers       | Guthrie         | Luetkemeyer      |
| Chu            | Gutierrez       | Lujan            |
| Clarke         | Hall (NY)       | Lummis           |
| Clay           | Hall (TX)       | Lungren, Daniel  |
| Cleaver        | Halvorson       | E.               |
| Clyburn        | Hare            | Lynch            |

|                 |                  |               |
|-----------------|------------------|---------------|
| Mack            | Paulsen          | Shadegg       |
| Maffei          | Payne            | Shea-Porter   |
| Maloney         | Pence            | Sherman       |
| Manzullo        | Perlmutter       | Shimkus       |
| Marchant        | Perriello        | Shuler        |
| Markey (CO)     | Peters           | Shuster       |
| Markey (MA)     | Peterson         | Simpson       |
| Marshall        | Petri            | Sires         |
| Massa           | Pingree (ME)     | Skelton       |
| Matheson        | Pitts            | Smith (NE)    |
| Matsui          | Platts           | Smith (NJ)    |
| McCarthy (CA)   | Poe (TX)         | Smith (TX)    |
| McCarthy (NY)   | Polis (CO)       | Smith (WA)    |
| McCaul          | Pomeroy          | Snyder        |
| McClintock      | Posey            | Souder        |
| McCollum        | Price (GA)       | Space         |
| McCotter        | Price (NC)       | Spratt        |
| McDermott       | Putnam           | Stark         |
| McGovern        | Quigley          | Stearns       |
| McHenry         | Radanovich       | Stupak        |
| McIntyre        | Rahall           | Sullivan      |
| McKeon          | Rangel           | Sutton        |
| McMahon         | Rehberg          | Tanner        |
| McMorris        | Reichert         | Taylor        |
| Rodgers         | Reyes            | Teague        |
| McNerney        | Richardson       | Terry         |
| Meeks (NY)      | Rodriguez        | Thompson (CA) |
| Melancon        | Roe (TN)         | Thompson (MS) |
| Mica            | Rogers (AL)      | Thompson (PA) |
| Michaud         | Rogers (KY)      | Thornberry    |
| Miller (FL)     | Rogers (MI)      | Tiahrt        |
| Miller (MI)     | Rohrabacher      | Tiberi        |
| Miller (NC)     | Rooney           | Tierney       |
| Miller, Gary    | Ros-Lehtinen     | Titus         |
| Miller, George  | Roskam           | Tonko         |
| Minnick         | Ross             | Towns         |
| Mitchell        | Rothman (NJ)     | Tsongas       |
| Mollohan        | Roybal-Allard    | Turner        |
| Moore (WI)      | Royce            | Upton         |
| Moran (VA)      | Ruppersberger    | Van Hollen    |
| Murphy (CT)     | Rush             | Velázquez     |
| Murphy (NY)     | Ryan (OH)        | Visclosky     |
| Murphy, Patrick | Ryan (WI)        | Walden        |
| Murphy, Tim     | Salazar          | Walz          |
| Murtha          | Sanchez, Linda   | Wasserman     |
| Myrick          | T.               | Schultz       |
| Nadler (NY)     | Sanchez, Loretta | Watson        |
| Napolitano      | Sarbanes         | Watt          |
| Neal (MA)       | Scalise          | Waxman        |
| Neugebauer      | Schakowsky       | Weiner        |
| Nunes           | Schauer          | Westmoreland  |
| Nye             | Schiff           | Whitfield     |
| Oberstar        | Schmidt          | Wilson (OH)   |
| Obey            | Schrader         | Wilson (SC)   |
| Olson           | Schwartz         | Wittman       |
| Olver           | Scott (GA)       | Wolf          |
| Owens           | Scott (VA)       | Woolsey       |
| Pallone         | Sensenbrenner    | Wu            |
| Pascarella      | Serrano          | Yarmuth       |
| Pastor (AZ)     | Sessions         | Young (AK)    |
| Paul            | Sestak           | Young (FL)    |

NOT VOTING—25

|              |                |           |
|--------------|----------------|-----------|
| Abercrombie  | Frank (MA)     | Ortiz     |
| Barrett (SC) | Gordon (TN)    | Schock    |
| Bishop (GA)  | Higgins        | Slaughter |
| Blunt        | Johnson, E. B. | Speier    |
| Coble        | King (IA)      | Wamp      |
| Crenshaw     | Linder         | Waters    |
| Davis (AL)   | Meek (FL)      | Welch     |
| Deal (GA)    | Moore (KS)     |           |
| Fortenberry  | Moran (KS)     |           |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes left on this vote.

□ 1417

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Mr. REYES, from the Permanent Select Committee on Intelligence, submitted an adverse privileged report (Rept. No. 111-402) on the resolution (H. Res. 978) requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the inventory and review of intelligence related to the shooting at Fort Hood, Texas, described by the President in a memorandum dated November 10, 2009, which was referred to the House Calendar and ordered to be printed.

## PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HOMELAND SECURITY

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted an adverse privileged report (Rept. No. 111-403) on the resolution (H. Res. 980) of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution, which was referred to the House Calendar and ordered to be printed.

## PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. CONYERS, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 111-404) on the resolution (H. Res. 994) directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the decision to dismiss United States v. New Black Panther Party, which was referred to the House Calendar and ordered to be printed.

## LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding. On Monday the House is not in session.

On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed, Mr. Speaker, until 6:30 p.m.

On Wednesday and Thursday the House will meet at 10 a.m. for legislative business, and on Friday the House will be in pro forma session at 9 a.m. No votes are expected in the House on Friday. We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business Friday. In addition, we will consider H.R. 4061, the Cybersecurity Enhancements Act of 2009. Also possible consideration of Senate amendments to H.J. Res. 45, to permit continued financing of government operations.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, as this is the scheduling colloquy, I'd like to follow up with a few questions regarding the schedule. Mr. Speaker, I'd ask the majority leader if he could tell us what he expects to have on the floor the second week of February, the week before we head into President's Day Recess.

Mr. HOYER. Well, as the gentleman probably knows, there are some 260 bills that we've sent from the House to the Senate and we look forward to them sending some of those back to us. And my expectation is they will. In addition to that, we are considering a number of pieces of legislation, but they are not yet ripe, and what I mean by that simply is the committee chairs have not signed off that they're ready to go, so we are still, frankly, working with the committees to see what legislation they will have ready to move forward. I know that wasn't very responsive, and I wish I had a more responsive answer but that's the accurate answer.

Mr. CANTOR. I thank the gentleman for his accuracy. And I would ask, Mr. Speaker, if the gentleman could tell us whether he believed there would be a vote on another health care bill prior to President's Day Recess. I yield.

Mr. HOYER. It is possible, but, again, as the gentleman knows, given the differences between the two Houses, there's still ongoing discussions as to whether they can be resolved, and if they can't, what alternative steps should be taken. So it is possible.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, in the spirit of brevity, I just have one final question for the gentleman, and that is, we would anticipate the gentleman and his party bringing forward a budget at some point, and laying out the fiscal narrative, if you will, or plan for the year. And I know recent reports have indicated the President believes that Congress has a spending problem. We, and I'm sure the gentleman, accept the admonition that Congress does have a spending problem, and Mr. Speaker, I'd ask when we anticipate bringing that forward, and does the gentleman expect the House to follow the President's lead in freezing nonsecurity discretionary spending?

Mr. HOYER. I thank the gentleman for his question. As you know, the

President has not yet submitted his budget, so anticipating when we're going to pass it or bring his budget to the floor is a little premature. But I would certainly hope that we would bring it forward in the regular course of business. We're getting the budget significantly earlier this year. As you know, at the transition we get it later, as we did last year. But I expect to get it early. I think Mr. SPRATT and Mr. RYAN will be working on the budget, and I expect it to come forward certainly either late in March, which is when I would expect it to come forward.

The Easter break, as you know, is the last week in March, first week in April. I believe, so I would be hopeful—let me make it clear: I'm not saying that's when it's going to happen, but I'd be hopeful we'd do it before we leave on the Easter break. And the second part of your question, which I think is the most important part of the question, because the other is speculative, I would expect the Congress to honor the President's suggestion of freeze with respect to the overall numbers on discretionary spending. But let me make an observation that I know you know, but I think it's important for us to remember that we have: There is no doubt the deficits that confront us are of very large proportions. It is, I think, a critical problem confronting our Nation, not just the Congress, but our Nation. It is an issue on which I think we need to focus and address.

I will tell my friend, as he knows, that with respect to the freeze, that deals with a relatively small portion of the budget, about 14 to 15 percent of the budget. As the gentleman knows, defense discretionary spending is not covered by the President's. As you know as well, because of Afghanistan and Iraq, expenditures on defense have escalated substantially. And as the gentleman knows as well, the other portion of the budget deals with entitlements and interest payments on the national debt. So that I would simply observe that if we're going to get a handle on the budget and spending, sometimes people view spending as only spending on discretionary non-defense amounts. That's not accurate. Every nickel that we apply to some objective that we have decided to apply it to is spending. And we're, frankly, going to have to look at the whole gamut of spending if we're going to get back to a fiscal balance, which I think is absolutely essential. I yield back.

Mr. CANTOR. I thank the gentleman. And Mr. Speaker, in closing, I would first note, I agree with the gentleman. Discretionary spending is not the only piece that this Congress must address in terms of trying to get our fiscal house in order. But it is a point that should be made that over the last year, nondefense discretionary spending at the baseline has increased 67 percent.

So that when we're calling for a small freeze, as the gentleman indicates, in terms of percentages of the budget, you know, we certainly could do more. As the gentleman knows, we have tried to advocate for a spending freeze that would incorporate rescinding some of the increases, again, the 67 percent increases that we have seen over the last year.

As a result of all the spending, as the gentleman knows, the Nation's deficit now stands at a record \$1.35 trillion, something that all of us, I know, are very mindful of and would like very much to see reduced if not erased.

Mr. HOYER. Would the gentleman yield just for one minute?

Mr. CANTOR. I yield.

Mr. HOYER. I don't want to get into what we've been getting into, but simply to observe that as the gentleman knows when he uses the 60 some odd percent, much of that, a significant part of that spending, was specifically not included in the baseline, so that it will not be incorporated in the freeze. It will be a lower number than that because, although some of it was in the baseline, a significant portion of it, as the gentleman knows, was not in the baseline.

□ 1430

Mr. CANTOR. Mr. Speaker, again in trying to maintain my brevity today, we do know that in the omnibus spending bill there was a 12 percent increase in the spending of the omnibus bill, something that all of us should try and eliminate and erase, given working families and small businesses are having to do much more and actually cut their expenditures right now.

With that, I thank the gentleman, Mr. Speaker.

#### ADJOURNMENT TO FRIDAY, JANUARY 29, 2010

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Friday, January 29, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, February 2, for morning-hour debate.

The SPEAKER pro tempore (Mr. GARAMENDI). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES FOR JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

The SPEAKER pro tempore. Pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), and the order of the House

of January 6, 2009, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of 6 years:

Mr. Travis Childers, Booneville, Mississippi

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the Majority and Minority leaders, and with their consent, the Chair announces that, when the two Houses meet tonight in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats only by physical presence following the security sweep of the Chamber.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 2 o'clock and 34 minutes p.m.), the House stood in recess until approximately 8:35 p.m.

□ 2037

#### AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 37 minutes p.m.

#### JOINT SESSION OF CONGRESS PURSUANT TO HOUSE CONCURRENT RESOLUTION 228 TO RE- CEIVE A MESSAGE FROM THE PRESIDENT

The Speaker of the House presided.

The Majority Floor Services Chief, Mr. Barry Sullivan, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentleman from Maryland (Mr. VAN HOLLEN);

The gentleman from California (Mr. GEORGE MILLER);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Michigan (Mr. DINGELL);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from Indiana (Mr. PENCE);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentleman from Texas (Mr. SESSIONS); and

The gentleman from California (Mr. MCCARTHY).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from New York (Mr. SCHUMER);

The Senator from Washington (Mrs. MURRAY);

The Senator from New Jersey (Mr. MENENDEZ);

The Senator from North Dakota (Mr. DORGAN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Alaska (Ms. MURKOWSKI);

The Senator from South Dakota (Mr. THUNE); and

The Senator from Texas (Mr. CORNYN);

The Majority Floor Services Chief announced the Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Rep-

resentatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 7 minutes p.m., the Majority Floor Services Chief and the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

The PRESIDENT. Madam Speaker, Vice President BIDEN, Members of Congress, distinguished guests, and fellow Americans:

Our Constitution declares that, from time to time, the President shall give to Congress information about the state of our union. For 220 years, our leaders have fulfilled this duty. They have done so during periods of prosperity and tranquility. And they have done so in the midst of war and depression, at moments of great strife and great struggle.

It's tempting to look back on these moments and assume that our progress was inevitable—that America was always destined to succeed. But when the Union was turned back at Bull Run and the Allies first landed at Omaha Beach, victory was very much in doubt. When the market crashed on Black Tuesday and civil rights marchers were beaten on Bloody Sunday, the future was anything but certain. These were the times that tested the courage of our convictions, and the strength of our union. And despite all our divisions and disagreements, our hesitations and our fears, America prevailed because we chose to move forward as one nation—as one people.

Again, we are tested. And again, we must answer history's call.

One year ago, I took office amid two wars, an economy rocked by severe recession, a financial system on the verge of collapse and a government deeply in debt. Experts from across the



political spectrum warned that, if we did not act, we might face a second Depression. So we acted—immediately and aggressively. And one year later, the worst of the storm has passed.

But the devastation remains. One in 10 Americans still cannot find work. Many businesses have shuttered. Home values have declined. Small towns and rural communities have been hit especially hard. And for those who had already known poverty, life has become that much harder.

This recession has also compounded the burdens that America's families have been dealing with for decades—the burden of working harder and longer for less, of being unable to save enough to retire or help kids with college.

So I know the anxieties that are out there right now. They're not new. These struggles are the reason I ran for President. These struggles are what I've witnessed for years in places like Elkhart, Indiana, and Galesburg, Illinois. I hear about them in the letters that I read each night. The toughest to read are those written by children—asking why they have to move from their home, asking when their mom or dad will be able to go back to work.

For these Americans and so many others, change has not come fast enough. Some are frustrated; some are angry. They don't understand why it seems like bad behavior on Wall Street is rewarded but hard work on Main Street isn't; or why Washington has been unable or unwilling to solve any of our problems. They are tired of the partisanship and the shouting and the pettiness. They know we can't afford it. Not now.

So we face big and difficult challenges. And what the American people hope—what they deserve—is for all of us, Democrats and Republicans, to work through our differences, to overcome the numbing weight of our politics. For, while the people who sent us here have different backgrounds, different stories, different beliefs, the anxieties they face are the same. The aspirations they hold are shared. A job that pays the bills. A chance to get ahead. Most of all, the ability to give their children a better life.

And you know what else they share? They share a stubborn resilience in the face of adversity. After one of the most difficult years in our history, they remain busy building cars and teaching kids, starting businesses and going back to school. They're coaching Little League and helping their neighbors. One woman wrote to me and said, "We are strained but hopeful, struggling but encouraged."

It's because of this spirit—this great decency and great strength—that I have never been more hopeful about America's future than I am tonight. Despite our hardships, our union is strong. We do not give up. We do not

quit. We do not allow fear or division to break our spirit. In this new decade, it's time the American people get a government that matches their decency, that embodies their strength.

And tonight, I'd like to talk about how, together, we can deliver on that promise.

It begins with our economy.

Our most urgent task upon taking office was to shore up the same banks that helped cause this crisis. It was not easy to do. And if there is one thing that has unified Democrats and Republicans and everybody in between is that we all hated the bank bailout. I hated it. You hated it. It was about as popular as a root canal.

But when I ran for President, I promised I wouldn't just do what was popular—I would do what was necessary. And if we had allowed the meltdown of the financial system, unemployment might be double what it is today. More businesses would certainly have closed. More homes would have surely been lost.

So I supported the last administration's efforts to create the financial rescue program. And when we took that program over, we made it more transparent and more accountable. And as a result, the markets are now stabilized, and we recovered most of the money we spent on the banks—most but not all.

To recover the rest, I have proposed a fee on the biggest banks. Now, I know Wall Street isn't keen on this idea, but if these firms can afford to hand out big bonuses again, they can afford a modest fee to pay back the taxpayers who rescued them in their time of need.

As we stabilized the financial system, we also took steps to get our economy growing again, save as many jobs as possible, and help Americans who had become unemployed.

That's why we extended or increased unemployment benefits for more than 18 million Americans, made health insurance 65 percent cheaper for families who get their coverage through COBRA, and passed 25 different tax cuts.

Now, let me repeat: We cut taxes. We cut taxes for 95 percent of working families. We cut taxes for small businesses. We cut taxes for first-time home buyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college.

As a result, millions of Americans had more to spend on gas and food and other necessities, all of which helped businesses keep more workers. And we haven't raised income taxes by a single dime on a single person. Not a single dime.

Because of the steps we took, there are about 2 million Americans working right now who would otherwise be unemployed. 200,000 work in construction

and clean energy. 300,000 are teachers and other education workers. Tens of thousands are cops, firefighters, correctional officers, first responders. And we are on track to add another 1.5 million jobs to this total by the end of the year.

The plan that has made all of this possible, from the tax cuts to the jobs, is the Recovery Act. That's right—the Recovery Act, also known as the stimulus bill. Economists on the left and the right say this bill has helped saved jobs and avert disaster. But you don't have to take their word for it.

Talk to the small business in Phoenix that will triple its workforce because of the Recovery Act.

Talk to the window manufacturer in Philadelphia who said he used to be skeptical about the Recovery Act until he had to add two more work shifts just because of the business it created. Talk to the single teacher raising two kids who was told by the principal in the last week of school that, because of the Recovery Act, she wouldn't be laid off after all.

There are stories like this all across America. And after 2 years of recession, the economy is growing again. Retirement funds have started to gain back some of their value. Businesses are beginning to invest again, and slowly, some are starting to hire again.

But I realize that, for every success story, there are other stories—of men and women who wake up with the anguish of not knowing where their next paycheck will come from, who send out resumes week after week and hear nothing in response. That is why jobs must be our number one focus in 2010, and that is why I am calling for a new jobs bill tonight.

Now, the true engine of job creation in this country will always be America's businesses. But government can create the conditions necessary for businesses to expand and hire more workers.

We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream or a worker decides it's time she became her own boss.

Through sheer grit and determination, these companies have weathered the recession, and they are ready to go. But when you talk to small business owners in places like Allentown, Pennsylvania or Elyria, Ohio, you find out that, even though banks on Wall Street are lending again, they are mostly lending to bigger companies. Financing remains difficult for small business owners across the country. Even those who are making a profit.

So, tonight, I am proposing that we take \$30 billion of the money that Wall Street banks have repaid and use it to help community banks give small businesses the credit they need to stay afloat. I am also proposing a new small

business tax credit—one that will go to over 1 million small businesses who hire new workers or raise wages.

While we're at it, let's also eliminate all capital gains taxes on small business investment; and provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment.

Next, we can put Americans to work today building the infrastructure of tomorrow. From the first railroads to the Interstate Highway System, our nation has always been built to compete. There is no reason Europe or China should have the fastest trains or the new factories that manufacture clean energy products.

Tomorrow, I'll visit Tampa, Florida where workers will soon break ground on a new high-speed railroad funded by the Recovery Act. There are projects like that all across this country that will create jobs and help move our Nation's goods, services and information. We should put more Americans to work building clean energy facilities, and give rebates to Americans who make their homes more energy efficient, which supports clean energy jobs. And to encourage these and other businesses to stay within our borders, it is time to finally slash the tax breaks for companies that ship our jobs overseas and give those tax breaks to companies that create jobs right here in the United States of America.

Now, the House has passed a jobs bill that includes some of these steps. As the first order of business this year, I urge the Senate to do the same, and I know they will. They will. People are out of work. They are hurting. They need our help. And I want a jobs bill on my desk without delay.

But the truth is, these steps won't make up for the 7 million jobs that we've lost over the last 2 years. The only way to move to full employment is to lay a new foundation for long-term economic growth and finally address the problems that America's families have confronted for years.

We can't afford another so-called economic expansion like the one from the last decade—what some call the “lost decade”—where jobs grew more slowly than during any prior expansion, where the income of the average American household declined while the cost of health care and tuition reached record highs, where prosperity was built on a housing bubble and financial speculation.

From the day I took office, I have been told that addressing our larger challenges is too ambitious—that such an effort would be too contentious. I've been told that our political system is too gridlocked and that we should just put things on hold for a while.

For those who make these claims, I have one simple question:

How long should we wait? How long should America put its future on hold?

You see, Washington has been telling us to wait for decades even as the problems have grown worse. Meanwhile, China's not waiting to revamp its economy. Germany's not waiting. India's not waiting. These nations, they're not standing still. These nations aren't playing for second place. They're putting more emphasis on math and science. They're rebuilding their infrastructure. They're making serious investments in clean energy because they want those jobs.

Well, I do not accept second place for the United States of America. As hard as it may be, as uncomfortable and contentious as the debates may become, it's time to get serious about fixing the problems that are hampering our growth.

Now, one place to start is with serious financial reform. Look, I am not interested in punishing banks; I'm interested in protecting our economy. A strong, healthy financial market makes it possible for businesses to access credit and create new jobs. It channels the savings of families into investments that raise incomes. But that can only happen if we guard against the same recklessness that nearly brought down our entire economy.

We need to make sure consumers and middle class families have the information they need to make financial decisions. We can't allow financial institutions, including those that take your deposits, to take risks that threaten the whole economy.

The House has already passed financial reform with many of these changes. And the lobbyists are trying to kill it. Well, we cannot let them win this fight. And if the bill that ends up on my desk does not meet the test of real reform, I will send it back until we get it right. We've got to get it right.

Next, we need to encourage American innovation. Last year, we made the largest investment in basic research funding in history—an investment that could lead to the world's cheapest solar cells or treatment that kills cancer cells but leaves healthy ones untouched. And no area is more ripe for such innovation than energy. You can see the results of last year's investments in clean energy—in the North Carolina company that will create 1,200 jobs nationwide, helping to make advanced batteries; or in the California business that will put 1,000 people to work making solar panels.

But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. And that means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a

comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America.

I am grateful to the House for passing such a bill last year. And this year, I am eager to help advance the bipartisan effort in the Senate. I know there have been questions about whether we can afford such changes in a tough economy. I know that there are those who disagree with the overwhelming scientific evidence on climate change. But here is the thing, even if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right things to do for our future—because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that Nation.

Third, we need to export more of our goods. Because the more products we make and sell to other countries, the more jobs we support right here in America. So, tonight, we set a new goal: we will double our exports over the next 5 years, an increase that will support 2 million jobs in America. To help meet this goal, we're launching a national export initiative that will help farmers and small businesses increase their exports and reform export controls consistent with national security.

We have to seek new markets aggressively, just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores. But realizing those benefits also means enforcing those agreements so our trading partners play by the rules. And that's why we will continue to shape a Doha trade agreement that opens global markets, and why we will strengthen our trade relations in Asia and with key partners like South Korea and Panama and Colombia.

Fourth, we need to invest in the skills and education of our people.

Now, this year, we've broken through the stalemate between left and right by launching a national competition to improve our schools. And the idea here is simple: instead of rewarding failure, we only reward success. Instead of funding the status quo, we only invest in reform—reform that raises student achievement, inspires students to excel in math and science and turns around failing schools that steal the future of too many young Americans, from rural communities to the inner cities. In the 21st century, the best anti-poverty program around is a world-class education. And in this country, the success of our children cannot depend more on where they live than on their potential.

When we renew the Elementary and Secondary Education Act, we will work with Congress to expand these reforms to all 50 States. Still, in this economy, a high school diploma no longer guarantees a good job. That's why I urge

the Senate to follow the House and pass a bill that will revitalize our community colleges, which is a career pathway to the children of so many working families. To make college more affordable, this bill will finally end the unwarranted taxpayer subsidies that go to banks for student loans. Instead, let's take that money and give families a \$10,000 tax credit for 4 years of college and increase Pell Grants. And let's tell another 1 million students that, when they graduate, they will be required to pay only 10 percent of their income on student loans, and all of their debt will be forgiven after 20 years—and forgiven after 10 years if they choose a career in public service. Because in the United States of America, no one should go broke because they chose to go to college. And by the way, it's time for colleges and universities to get serious about cutting their own costs—because they, too, have a responsibility to help solve this problem.

Now, the price of college tuition is just one of the burdens facing the middle class. That's why, last year, I asked Vice President BIDEN to chair a task force on middle class families. That's why we're nearly doubling the child care tax credit and making it easier to save for retirement by giving access to every worker a retirement account and expanding the tax credit for those who start a nest egg. That's why we're working to lift the value of a family's single largest investment—their home. The steps we took last year to shore up the housing market have allowed millions of Americans to take out new loans and save an average of \$1,500 on mortgage payments. This year, we will step up refinancing so that homeowners can move into more affordable mortgages. And it is precisely to relieve the burden on middle class families that we still need health insurance reform.

Now let's clear a few things up. I didn't choose to tackle this issue to get some legislative victory under my belt. And by now, it should be fairly obvious that I didn't take on health care because it was good politics.

I took on health care because of the stories I've heard from Americans with preexisting conditions whose lives depend on getting coverage, patients who have been denied coverage, families—even those with insurance—who are just one illness away from financial ruin.

After nearly a century of trying—Democratic administrations, Republican administrations—we are closer than ever to bringing more security to the lives of so many Americans. The approach we've taken would protect every American from the worst practices of the insurance industry. It would give small businesses and uninsured Americans a chance to choose an affordable health care plan in a com-

petitive market. It would require every insurance plan to cover preventative care. And by the way, I want to acknowledge our First Lady, Michelle Obama, who, this year, is creating a national movement to tackle the epidemic of childhood obesity and make kids healthier.

Our approach would preserve the right of Americans who have insurance to keep their doctor and their plan. It would reduce costs and premiums for millions of families and businesses. And according to the Congressional Budget Office—the independent organization that both parties have cited as the official scorekeeper for Congress—our approach would bring down the deficit by as much as \$1 trillion over the next two decades.

Still, this is a complex issue, and the longer it was debated, the more skeptical people became. I take my share of the blame for not explaining it more clearly to the American people. And I know that, with all the lobbying and horse-trading, the process left most Americans wondering, what's in it for me.

But I also know this problem is not going away. By the time I'm finished speaking tonight, more Americans will have lost their health insurance. Millions will lose it this year. Our deficit will grow. Premiums will go up. Patients will be denied the care they need. Small business owners will continue to drop coverage altogether. I will not walk away from these Americans, and neither should the people in this Chamber.

So, as temperatures cool, I want everyone to take another look at the plan we've proposed. There is a reason why many doctors, nurses, and health care experts, who know our system best, consider this approach a vast improvement over the status quo. But if anyone from either party has a better approach that will bring down premiums, bring down the deficit, cover the uninsured, strengthen Medicare for seniors, and stop insurance company abuses, let me know. I'm eager to see it. Here's what I ask Congress, though: Don't walk away from reform. Not now. Not when we are so close. Let us find a way to come together and finish the job for the American people. Let's get it done.

Now, even as health care reform would reduce our deficit, it's not enough to dig us out of a massive fiscal hole in which we find ourselves. It's a challenge that makes all others that much harder to solve and one that's been subject to a lot of political posturing.

So let me start the discussion of government spending by setting the record straight. At the beginning of the last decade, the year 2000, America had a budget surplus of over \$200 billion. By the time I took office, we had a 1-year deficit of over \$1 trillion and projected

deficits of \$8 trillion over the next decade. Most of this was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program. On top of that, the effects of the recession put a \$3 trillion hole in our budget. All this was before I walked in the door. I'm just stating the facts.

Now, if we had taken office in ordinary times, I would have liked nothing more than to start bringing down the deficit. But we took office amid a crisis, and our efforts to prevent a second Depression have added another \$1 trillion to our national debt. That, too, is a fact.

I'm absolutely convinced that was the right thing to do. But families across the country are tightening their belts and making tough decisions. The Federal Government should do the same. So, tonight, I'm proposing specific steps to pay for the \$1 trillion that it took to rescue the economy last year.

Starting in 2011, we are prepared to freeze government spending for 3 years. Spending related to our national security, Medicare, Medicaid, and Social Security will not be affected. But all other discretionary government programs will. Like any cash-strapped family, we will work within a budget to invest in what we need and sacrifice what we don't. And if I have to enforce this discipline by veto, I will.

We will continue through the budget line by line, page by page to eliminate programs that we can't afford and don't work. We've already identified \$20 billion in savings for next year. To help working families, we will extend our middle class tax cuts. But at a time of record deficits, we will not continue tax cuts for oil companies, for investment fund managers, and for those making over \$250,000 a year. We just can't afford it.

Now, even after paying for what we spent on my watch, we'll still face the massive deficit we had when I took office. More importantly, the cost of Medicare, Medicaid, and Social Security will continue to skyrocket. That's why I've called for a bipartisan fiscal commission, modeled on a proposal by Republican JUDD GREGG and Democrat KENT CONRAD. This can't be one of those Washington gimmicks that lets us pretend we solved a problem. The commission will have to provide a specific set of solutions by a certain deadline. Now, yesterday, the Senate blocked a bill that would have created this commission. So I will issue an Executive order that will allow us to go forward because I refuse to pass this problem on to another generation of Americans. And when the vote comes tomorrow, the Senate should restore the pay-as-you-go law that was a big reason for why we had record surpluses in the 1990s.

I know that some in my party will argue that we can't address the deficit

or freeze government spending when so many are still hurting. And I agree, which is why this freeze won't take effect until next year, when the economy is stronger. That's how budgeting works. But understand, if we don't take meaningful steps to rein in our debt, it could damage our markets, increase the cost of borrowing and jeopardize our recovery—all of which would have an even worse effect on our job growth and family incomes.

From some on the right, I expect we'll hear a different argument—that if we just make fewer investments in our people, extend tax cuts, including those for wealthier Americans, eliminate more regulations, and maintain the status quo on health care, our deficits will go away. The problem is, that's what we did for 8 years. That's what helped us into this crisis. It's what helped lead to these deficits. We can't do it again.

Rather than fight the same tired battles that have dominated Washington for decades, it's time to try something new. Let's invest in our people without leaving them a mountain of debt. Let's meet our responsibility to the citizens who sent us here. Let's try common sense—a novel concept.

To do that, we have to recognize that we face more than a deficit of dollars right now. We face a deficit of trust—deep and corrosive doubts about how Washington works that have been growing for years. To close that credibility gap, we have to take action on both ends of Pennsylvania Avenue to end the outsized influence of lobbyists, to do our work openly, to give our people the government they deserve.

That's what I came to Washington to do. That's why—for the first time in history—my administration posts our White House visitors online. That's why we've excluded lobbyists from policymaking jobs or seats on Federal boards and commissions.

But we can't stop there. It's time to require lobbyists to disclose each contact they make on behalf of a client with my administration or with Congress. It's time to put strict limits on the contributions that lobbyists give to candidates for Federal office. With all due deference to the separation of powers, last week, the Supreme Court reversed a century of law that I believe will open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I would urge Democrats and Republicans to pass a bill that helps correct some of these problems.

I'm also calling on Congress to continue down the path of earmark reform—Democrats and Republicans. You've trimmed some of this spending.

You've embraced some meaningful change. But restoring the public trust demands more. For example, some Members of Congress post some earmark requests online. Tonight, I am calling on Congress to publish all earmark requests on a single Web site before there is a vote so that the American people can see how their money is being spent.

Of course, none of these reforms will even happen if we don't also reform how we work with one another.

Now, I am not naive. I never thought that the mere fact of my election would usher in peace and harmony and some post-partisan era. I knew that both parties have fed divisions that are deeply entrenched. And on some issues, there are simply philosophical differences that will always cause us to part ways. These disagreements about the role of government in our lives, about our national priorities and our national security, they've been taking place for over 200 years. They are the very essence of our democracy.

But what frustrates the American people is a Washington where every day is an election day. We can't wage a perpetual campaign where the only goal is to see who can get the most embarrassing headlines about the other side—a belief that, if you lose, I win. Neither party should delay or obstruct every single bill just because they can. I'm speaking to both parties now. The confirmation of well-qualified public servants shouldn't be held hostage to the pet projects or grudges of a few individual Senators. Washington may think that saying anything about the other side—no matter how false, no matter how malicious—is just part of the game. But it's precisely such politics that has stopped either party from helping the American people. Worse yet, it is sowing further division among our citizens, further distrust in our government.

So, no, I will not give up on trying to change the tone of our politics. I know it's an election year. And after last week, it's clear that campaign fever has come even earlier than usual. But we still need to govern. To Democrats, I would remind you that we still have the largest majority in decades, and the people expect us to solve problems, not run for the hills. And if the Republican leadership is going to insist that 60 votes in the Senate are required to do any business at all in this town—a super majority—then the responsibility to govern is now yours as well. Just saying “no” to everything may be good short-term politics, but it's not leadership. We were sent here to serve our citizens, not our ambitions. So let's show the American people that we can do it together. This week, I'll be addressing a meeting of the House Republicans. I'd like to begin monthly meetings with both the Democratic and Republican leadership. I know you can't wait.

Throughout our history, no issue has united this country more than our security. Sadly, some of the unity we felt after 9/11 has dissipated. We can argue all we want about who is to blame for this, but I'm not interested in relitigating the past. I know that all of us love this country. All of us are committed to its defense. So let's put aside the schoolyard taunts about who is tough. Let's reject the false choice between protecting our people and upholding our values. Let's leave behind the fear and division, and do what it takes to defend our Nation and forge a more hopeful future—for America and for the world.

That's the work we began last year. Since the day I took office, we've renewed our focus on the terrorists who threaten our Nation. We've made substantial investments in our homeland security and disrupted plots that threatened to take American lives. We are filling unacceptable gaps revealed by the failed Christmas attack, with better airline security and swifter action on our intelligence. We've prohibited torture and strengthened partnerships from the Pacific to South Asia to the Arabian Peninsula. And in the last year, hundreds of al Qaeda's fighters and affiliates, including many senior leaders, have been captured or killed—far more than in 2008.

And in Afghanistan, we are increasing our troops and training Afghan Security Forces so they can begin to take the lead in July of 2011, and our troops can begin to come home. We will reward good governance, work to reduce corruption, and support the rights of all Afghans—men and women alike. We are joined by allies and partners who have increased their own commitments and who will come together tomorrow in London to reaffirm our common purpose. There will be difficult days ahead. But I am absolutely confident we will succeed.

As we take the fight to al Qaeda, we are responsibly leaving Iraq to its people. As a candidate, I promised that I would end this war, and that is what I am doing as President. We will have all of our combat troops out of Iraq by the end of this August. We will support the Iraqi Government as they hold elections, and we will continue to partner with the Iraqi people to promote regional peace and prosperity. But make no mistake: this war is ending, and all of our troops are coming home.

Tonight, all of our men and women in uniform—in Iraq, in Afghanistan, and around the world—have to know that they have our respect, our gratitude, our full support. And just as they must have the resources they need in war, we all have a responsibility to support them when they come home. That's why we made the largest increase in investments for veterans in decades last year. That's why we're building a 21st century VA. And that's why Michelle

has joined with Jill Biden to forge a national commitment to support military families.

Even as we prosecute two wars, we are also confronting, perhaps, the greatest danger to the American people—the threat of nuclear weapons. I've embraced the vision of John F. Kennedy and Ronald Reagan through a strategy that reverses the spread of these weapons and seeks a world without them. To reduce our stockpiles and launchers, while ensuring our deterrent, the United States and Russia are completing negotiations on the farthest reaching arms control treaty in nearly two decades. And at April's Nuclear Security Summit, we will bring 44 nations together, here in Washington, D.C., behind a clear goal—securing all vulnerable nuclear materials around the world in 4 years so that they never fall into the hands of terrorists.

Now, these diplomatic efforts have also strengthened our hand in dealing with those nations that insist on violating international agreements in pursuit of these weapons. That is why North Korea now faces increased isolation and stronger sanctions—sanctions that are being vigorously enforced. That's why the international community is more united and the Islamic Republic of Iran is more isolated. And as Iran's leaders continue to ignore their obligations, there should be no doubt: they, too, will face growing consequences. That is a promise.

That is the leadership we are providing—engagement that advances the common security and prosperity of all people. We are working through the G-20 to sustain a lasting global recovery. We are working with Muslim communities around the world to promote science and education and innovation. We have gone from a bystander to a leader in the fight against climate change. We are helping developing countries to feed themselves, and continuing the fight against HIV/AIDS. And we are launching a new initiative that will give us the capacity to respond faster and more effectively to bioterrorism or an infectious disease—a plan that will counter threats at home and strengthen public health abroad.

As we have for over 60 years, America takes these actions because our destiny is connected to those beyond our shores. But we also do it because it is right. That's why, as we meet here tonight, over 10,000 Americans are working with many nations to help the people of Haiti recover and rebuild. That's why we stand with the girl who yearns to go to school in Afghanistan, why we support the human rights of the women marching through the streets of Iran, why we advocate for the young man denied a job by corruption in Guinea. For America must always stand on the side of freedom and human dignity. Always.

Abroad, America's greatest source of strength has always been our ideals. The same is true at home. We find unity in our incredible diversity, drawing on the promise enshrined in our Constitution: the notion that we are all created equal, that no matter who you are or what you look like, if you abide by the law, you should be protected by it; if you adhere to our common values, you should be treated no different than anyone else.

We must continually renew this promise. My administration has a Civil Rights division that is, once again, prosecuting civil rights' violations and employment discrimination. We finally strengthened our laws to protect against crimes driven by hate. This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are. It's the right thing to do. We're going to crack down on violations of equal pay laws—so that women get equal pay for an equal day's work. And we should continue the work of fixing our broken immigration system—to secure our borders and enforce our laws and ensure that everyone who plays by the rules can contribute to our economy and enrich our Nation.

In the end, it is our ideals, our values, that built America—values that allowed us to forge a Nation made up of immigrants from every corner of the globe; values that drive our citizens still. Every day, Americans meet their responsibilities to their families and their employers. Time and again, they lend a hand to their neighbors and give back to their country. They take pride in their labor and are generous in spirit. These aren't Republican values or Democratic values that they're living by; business values or labor values. They are American values.

Unfortunately, too many of our citizens have lost faith that our biggest institutions—our corporations, our media and, yes, our government—still reflect these same values. Each of these institutions are full of honorable men and women doing important work that helps our country prosper. But each time a CEO rewards himself for failure or a banker puts the rest of us at risk for his own selfish gain, people's doubts grow. Each time lobbyists game the system or politicians tear each other down instead of lifting this country up, we lose faith. The more that TV pundits reduce serious debates to silly arguments, big issues into sound bites, our citizens turn away.

No wonder there's so much cynicism out there.

No wonder there's so much disappointment.

I campaigned on the promise of change—change we can believe in, the slogan went. And right now, I know there are many Americans who aren't sure if they still believe we can change—or that I can deliver.

But remember this—I never suggested that change would be easy or that I could do it alone. Democracy in a Nation of 300 million people can be noisy and messy and complicated. And when you try to do big things and make big changes, it stirs passions and controversy. That's just how it is.

Those of us in public office can respond to this reality by playing it safe and avoid telling hard truths and pointing fingers. We can do what's necessary to keep our poll numbers high and get through the next election instead of doing what's best for the next generation.

But I also know this: If people had made that decision 50 years ago or 100 years ago or 200 years ago, we wouldn't be here tonight. The only reason we are here is because generations of Americans were unafraid to do what was hard, to do what was needed even when success was uncertain, to do what it took to keep the dream of this Nation alive for their children and their grandchildren.

Our administration has had some political setbacks this year, and some of them were deserved. But I wake up every day knowing that they are nothing compared to the setbacks that families all across this country have faced this year. And what keeps me going—what keeps me fighting—is that, despite all these setbacks, that spirit of determination and optimism—that fundamental decency that has always been at the core of the American people—lives on.

It lives on in the struggling small business owner who wrote to me of his company, "None of us," he said, "are willing to consider, even slightly, that we might fail."

It lives on in the woman who said that, even though she and her neighbors have felt the pain of recession, "We are strong. We are resilient. We are American."

It lives on in the 8-year-old boy in Louisiana, who just sent me his allowance, and asked if I would give it to the people of Haiti. And it lives on in all the Americans who've dropped everything to go someplace they've never been and pull people they've never known from the rubble, prompting chants of "USA! USA! USA!" when another life was saved.

The spirit that has sustained this Nation for more than two centuries lives on in you, its people.

We have finished a difficult year. We have come through a difficult decade. But a new year has come. A new decade stretches before us. We don't quit. I don't quit. Let's seize this moment—to start anew, to carry the dream forward, and to strengthen our union once more.

Thank you. God bless you. And God bless the United States of America. (Applause, the Members rising.)

At 10 o'clock and 26 minutes p.m., the President of the United States, accompanied by the committee of escort,

retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet; the Chief Justice of the United States and the Associate Justices of the Supreme Court; the Dean of the Diplomatic Corps.

#### JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 27 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. RYAN of Ohio. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the state of the Union and ordered printed.

The motion was agreed to.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of medical reasons.

#### ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Friday, January 29, 2010, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5817. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's "Major" final rule — Weatherization Assistance Program for Low-Income Persons [Docket No.: EEWAP0515] (RIN: 1904-AB97) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5818. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's "Major"

final rule — Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers) [Docket Number: EERE-2006-STD-0127] (RIN: 1904-AB93) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5819. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting letter to provide formal response of the Agency to the GAO report numbered GAO-10-1; to the Committee on Foreign Affairs.

5820. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5821. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for fiscal year 2009; to the Committee on Oversight and Government Reform.

5822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1196; Directorate Identifier 2009-NM-170-AD; Amendment 39-16146; AD 2008-09-12 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5823. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Availability of Records received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5824. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-38; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 9] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5825. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-38; Item VII; Docket 2009-0003; Sequence 6] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5826. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-024, Travel Costs [FAC 2005-38; FAR Case 2006-024; Item VI; Docket 2009-0044, Sequence 1] (RIN: 9000-AK86) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5827. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-021, Postretirement Benefits (PRB), FAS

106 [FAC 2005-38; FAR Case 2006-021; Item V; Docket 2009-0043, Sequence 1] (RIN: 9000-AK84) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5828. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-017, Federal Food Donation Act of 2008 (Pub. L. 110-247) [FAC 2005-38; FAR Case 2008-017; Item IV; Docket 2009-0007, Sequence 1] (RIN: 9000-AL49) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5829. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2005-041, Internet Protocol Version 6 (IPv6) [FAC 2005-38; FAR Case 2005-041; Item III; Docket 2009-0042, Sequence 1] (RIN: 9000-AK57) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5830. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-026, Governmentwide Commercial Purchase Card Restrictions for Treasury Offset Program Debts [FAC 2005-38; FAR Case 2006-026; Item II; Docket 2009-0041, Sequence 1] (RIN: 9000-AK87) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5831. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-017, Revocation of Executive Order 13201, Notification of Employee Rights Concerning Payment of Union Dues or Fees [FAC 2005-38; FAR Case 2009-017; Item I; Docket 2009-0040, Sequence 1] (RIN: 9000-AL47) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5832. A letter from the Acting Director, Trade and Development Agency, transmitting the Agency's fiscal year 2009 annual report; to the Committee on Oversight and Government Reform.

5833. A letter from the Secretary, Department of the Interior, transmitting the Department's 2009 Report to Congress for the North Slope Science Initiative; to the Committee on Natural Resources.

5834. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's "Major" final rule — Safe-Harbor Procedures for Employers Who received a No-Match Letter: Rescission [ICE 2377-06; DHS Docket No. ICEB-2006-0004] (RIN: 1653-AA59) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5835. A letter from the Acting Director, Department of Justice, transmitting the Department's report entitled, "Report to the Nation 2009" from the Office for Victims of Crime for fiscal years 2007-2008, pursuant to Section 1407(g) of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

5836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and



-500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO [Docket No.: FAA-2009-0521; Directorate Identifier 2008-NM-187-AD; Amendment 39-16034; AD 2009-20-11] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turbohaft Engines [Docket No.: FAA-2009-0544; Directorate Identifier 2009-NE-17-AD; Amendment 39-16142; AD 2009-26-07] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes [Docket No.: FAA-2009-0987; Directorate Identifier 2009-CE-054-AD; Amendment 39-16143; AD 2009-26-08] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2009-1195; Directorate Identifier 2009-NM-152-AD; Amendment 39-16145; AD 2008-11-01 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 737-300, -400, -500, -600, -700, -700C, -800, and -900, and 747-400 Series Airplanes; and Model 757, 767, and 777 Airplanes [Docket No.: FAA-2009-0911; Directorate Identifier 2002-NM-12-AD; Amendment 39-16138; AD 2009-26-03] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-29087; Directorate Identifier 2007-NM-094-AD; Amendment 39-16139; AD 2009-26-04] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes [Docket No.: FAA-2009-0938; Directorate Identifier 2009-CE-052-AD; Amendment 39-16140; AD 2009-26-05] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Riverside/Rubidous Flabob Airport, Riverside, CA [Docket No.: FAA-2009-0690; Airspace Docket No. 09-AWP-6] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA [Docket No.: FAA-2009-0750; Airspace Docket No. 09-AEA-16] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sarasota, FL [Docket No.: FAA-2009-0652; Airspace Docket 09-ASO-21] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Spencer, WV [Docket No.: FAA-2009-0602; Airspace Docket No. 09-AEA-13] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Burnet, TX [Docket No.: FAA-2009-0859; Airspace Docket No. 09-ASW-23] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Myrtle Beach [Docket No.: FAA-2009-0650; Airspace Docket No. 09-ASO-20] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5851. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No.: FAA-2009-1209; Directorate Identifier 2009-NM-151-AD; Amendment 39-16147; AD 2008-04-11 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Deputy Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office's report entitled, "2009 Data Mining Report to Congress", pursuant to Public Law 110-53 (121 Stat. 266); to the Committee on Homeland Security.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYES: Permanent Select Committee on Intelligence. House Resolution 978. Resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the inventory and review of intelligence related to the shooting at Fort Hood, Texas, described by the President in a memorandum dated November 10, 2009, adversely; (Rept. 111-402). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 980. Resolution of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution, adversely; (Rept. 111-403). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 994. Resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the decision to dismiss United States v. New Black Panther Party, adversely; (Rept. 111-404). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 4061. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; with an amendment (Rept. 111-405). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1387. A bill to amend title 44, United States Code, to require a preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; with an amendment (Rept. 111-406). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SABLÁN (for himself, Mr. GRIJALVA, and Ms. NORTON):

H.R. 4526. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. DRIEHAUS:

H.R. 4527. A bill to amend the Federal Election Campaign Act of 1971 to require certain campaign-related communications paid for by a corporation or labor organization to include a statement identifying the chief executive officer of the corporation or the president of the labor organization, and for other purposes; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4528. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.



By Mr. RYAN of Wisconsin (for himself, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BURGESS, Mr. CAMPBELL, Mr. HENSARLING, Mr. NUNES, and Mr. PRICE of Georgia):

H.R. 4529. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, job training, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS of Colorado (for himself, Mr. ACKERMAN, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARKE, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Ms. PINGREE of Maine, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. TOWNS, Mr. WELCH, Ms. WOOLSEY, Mr. WU, Mr. KUCINICH, and Ms. KILROY):

H.R. 4530. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Education and Labor.

By Mr. ADLER of New Jersey (for himself and Mr. LEE of New York):

H.R. 4531. A bill to amend title 5, United States Code, to deny Federal retirement benefits to an individual convicted of a felony which occurred in connection with such individual's Government employment or service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. TANNER (for himself, Mr. MCDERMOTT, Mr. SAM JOHNSON of Texas, and Mr. LINDER):

H.R. 4532. A bill to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 4533. A bill to provide for a study and report on access by blind consumers to certain electronic devices and to provide for the establishment of minimum nonvisual access standards for such devices and for the establishment of an office within the Department of Commerce to enforce such standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA,

Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. LEE of California, Mrs. DAVIS of California, Mr. CLEAVER, Ms. DELAURO, Mr. PETERS, Mr. HOLT, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. CONYERS, Ms. LINDA T. SANCHEZ of California, Ms. HERSETH SANDLIN, Mrs. CAPPS, Ms. SCHAKOWSKY, and Mr. RANGEL):

H.R. 4534. A bill to amend title 40, United States Code, to require that restrooms in public buildings be equipped with baby changing facilities; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself, Ms. MCCOLLUM, and Mr. CASTLE):

H.R. 4535. A bill to reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal employment purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOCCIERI:

H.R. 4536. A bill to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Wadsworth, Ohio, as the "Emil Bolas Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CAPUANO (for himself, Mr. LARSON of Connecticut, Ms. PINGREE of Maine, and Mr. GRAYSON):

H.R. 4537. A bill to amend the Securities Exchange Act of 1934 to require the express authorization of a majority of shareholders of a public company for certain political expenditures by that company, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN (for himself, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. NADLER of New York, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. DELAHUNT, Mr. DOGETT, Ms. KAPTUR, Mr. MCDERMOTT, Mr. RANGEL, Mr. STARK, Mr. TOWNS, Ms. VELÁZQUEZ, and Mr. WATT):

H.R. 4538. A bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes; to the Committee on Financial Services.

By Mr. CROWLEY (for himself, Ms. BEAN, and Mr. TIBERI):

H.R. 4539. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of foreign investments in United States real property, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. COHEN, Mr. DEFAZIO, Mr. KAGEN, and Mrs. LOWEY):

H.R. 4540. A bill to amend the Federal Election Campaign Act of 1971 to extend the ban on election activity by foreign nationals to election activity by domestic corporations which are subsidiaries of foreign principals; to the Committee on House Administration.

By Mr. HASTINGS of Florida (for himself, Mr. HALL of New York, Ms. RICHARDSON, Mr. ISRAEL, Mr. KISSELL, Mr. MEKE of Florida, Mr. WALZ, Ms. CORRINE BROWN of Florida, Mr. SHULER, Mr. BUYER, Ms. SUTTON, Mr. ROONEY, Mr. MASSA, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Ms.

BORDALLO, Mr. ROHRABACHER, Mr. KAGEN, Mr. GRIJALVA, and Mr. BUCHANAN):

H.R. 4541. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING of New York (for himself, Mr. SMITH of Texas, Mr. SOUDER, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H.R. 4542. A bill to prohibit the use of funds made available to the Department of Justice to prosecute individuals detained at Naval Station, Guantanamo Bay, Cuba, in the United States; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4543. A bill to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the "Anthony J. Cortese Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON:

H.R. 4544. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York:

H.R. 4545. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mrs. MYRICK):

H.R. 4546. A bill to amend the Higher Education Act of 1965 to require certain institutions of higher education to commit to, and provide notice of, tuition levels for students; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mrs. DAHLKEMPER, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS):

H.R. 4547. A bill to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office"; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. ALEXANDER):

H.R. 4548. A bill to enforce the restriction on in-State tuition for aliens unlawfully present in the United States; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 4549. A bill to authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS:

H.R. 4550. A bill to prohibit entities from using Federal funds to contribute to political campaigns or participate in lobbying activities; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WOLF, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. BARTLETT, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. ELLISON, Mrs. CAPPS, Mr. NEAL of Massachusetts, Mr. BOSWELL, Mr. LOBIONDO, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. JONES, Mr. TAYLOR, Mr. MOORE of Kansas, Mr. PAUL, Ms. JACKSON LEE of Texas, Mr. SESTAK, Mr. KAGEN, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. DEFazio, Mr. GONZALEZ, Mr. HARE, Mr. MCINTYRE, and Mr. GORDON of Tennessee):

H.R. 4551. A bill to restore health care coverage to retired members of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. PITTS, Ms. GRANGER, Mr. BURTON of Indiana, and Mr. JONES):

H.J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States to balance the Federal budget; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. WATERS, Mr. MEEKS of New York, Mr. WAXMAN, Mr. CONYERS, Mr. CAO, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. CASTOR of Florida, Mr. SERRANO, Mr. RANGEL, Mr. CARNAHAN, Mr. CLEAVER, Ms. NORTON, Mr. BERMAN, Ms. BALDWIN, Mr. JOHNSON of Georgia, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. ELLISON, Mr. HONDA, and Ms. EDWARDS of Maryland):

H. Con. Res. 233. Concurrent resolution supporting the goals and ideals of National

Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H. Res. 1041. A resolution congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H. Res. 1042. A resolution commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H. Res. 1043. A resolution recognizing Brescia University for 60 years of leadership in higher education; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. KLEIN of Florida, Mr. MCCOTTER, Mr. MEEK of Florida, Mr. GALLEGLY, Ms. WASSERMAN SCHULTZ, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. MANZULLO, Mr. ROHRABACHER, Mr. ROYCE, and Mr. MACK):

H. Res. 1044. A resolution commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance; to the Committee on Foreign Affairs.

By Mr. GERLACH:

H. Res. 1045. A resolution recognizing First Friday Main Line and its executive director Sherry Tillman and publicist Carla Zambelli for launching "Operation Angel Wings"; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. FATTAH, Ms. BORDALLO, Mr. MEEKS of New York, Ms. CLARKE, Ms. LEE of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. PAYNE, Mr. SERRANO, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. MARKEY of Massachusetts, Mr. THOMPSON of Mississippi, Mr. FALEOMAVAEGA, Ms. SPEIER, Ms. FUDGE, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. SIREN, Mr. DAVIS of Illinois, Ms. NORTON, Mr. CUELLAR, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, and Mr. GRIJALVA):

H. Res. 1046. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. DRIEHAUS, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN of Ohio, Mr. LATTI, Mr. WILSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Mr. KUCINICH, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURRETTE, Mr. BOCCIERI, Mr. RYAN of Ohio, Mr. SPACE, Mr. BECERRA, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Mr. SNYDER, Ms. TITUS, and Mr. TONKO):

H. Res. 1047. A resolution commending The Ohio State University Buckeyes football

team for its victory in the 2010 Rose Bowl; to the Committee on Education and Labor.

By Mr. TIM MURPHY of Pennsylvania:

H. Res. 1048. A resolution commending the efforts and honoring the work of the men and women of USNS Comfort and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## MEMORIALS

Under clause 4 of rule XXII,

231. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 399 memorializing the Congress of the United States to work with General Motors Corporation to ensure that the General Motors brand dealership owners are treated justly and compensated fairly; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mrs. CHRISTENSEN and Ms. RICHARDSON.

H.R. 268: Mr. MASSA.

H.R. 303: Mr. ELLISON, Ms. HERSETH SANDLIN, and Mr. BACHUS.

H.R. 417: Ms. RICHARDSON.

H.R. 500: Mr. SESTAK.

H.R. 558: Mr. THOMPSON of Pennsylvania.

H.R. 613: Mr. BOUCHER.

H.R. 615: Mr. MASSA.

H.R. 669: Mr. MARKEY of Massachusetts.

H.R. 690: Mr. PERRIELLO.

H.R. 840: Mr. MARKEY of Massachusetts.

H.R. 930: Mr. LYNCH.

H.R. 1067: Mr. THOMPSON of Pennsylvania.

H.R. 1079: Mr. COURTNEY.

H.R. 1161: Mr. GRIJALVA and Mr. CONYERS.

H.R. 1166: Ms. MARKEY of Colorado.

H.R. 1205: Mr. BOUCHER and Mr. HIMES.

H.R. 1324: Mr. FOSTER, Ms. LORETTA SANCHEZ of California, and Mr. HALL of New York.

H.R. 1423: Mr. HIGGINS, Mr. COLE, and Mr. EHLERS.

H.R. 1443: Mr. LANGEVIN.

H.R. 1444: Mr. CONYERS.

H.R. 1500: Ms. RICHARDSON.

H.R. 1640: Mr. CUMMINGS and Mr. PERRIELLO.

H.R. 1740: Mr. CAPUANO.

H.R. 1766: Mr. LOEBSACK.

H.R. 1844: Mr. MCINTYRE.

H.R. 1879: Mr. KLINE of Minnesota and Mr. KISSELL.

H.R. 1964: Ms. RICHARDSON.

H.R. 1990: Mr. AL GREEN of Texas.

H.R. 2193: Mr. MCCOTTER.

H.R. 2220: Mr. WELCH.

H.R. 2256: Mr. HALL of New York.

H.R. 2262: Ms. HIRONO.

H.R. 2308: Mr. HALL of New York.

H.R. 2324: Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, and Mr. TONKO.

H.R. 2365: Mr. LEE of New York and Mr. HASTINGS of Florida.

H.R. 2406: Mr. BILIRAKIS.

H.R. 2446: Mr. MORAN of Kansas.

H.R. 2478: Mr. ENGEL.

H.R. 2517: Ms. ROYBAL-ALLARD.  
 H.R. 2546: Mr. CONAWAY.  
 H.R. 2556: Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. SCALISE, Mr. OLSON, Mrs. MYRICK, Mr. SHADEGG, Mr. PITTS, Mrs. BACHMANN, Ms. GRANGER, Mr. MARCHANT, Mr. ROE of Tennessee, and Mrs. LUMMIS.  
 H.R. 2578: Ms. FUDGE.  
 H.R. 2594: Mr. GINGREY of Georgia.  
 H.R. 2692: Mr. SPACE.  
 H.R. 2764: Mr. GRIJALVA, Mr. ADLER of New Jersey, and Mr. STARK.  
 H.R. 2819: Mr. WELCH.  
 H.R. 2866: Mr. SCHOCK.  
 H.R. 2906: Mr. TONKO.  
 H.R. 2963: Ms. RICHARDSON and Mr. CARNAHAN.  
 H.R. 3024: Mr. DEFazio.  
 H.R. 3047: Ms. FUDGE.  
 H.R. 3070: Mr. QUIGLEY.  
 H.R. 3101: Mr. FRANK of Massachusetts, Mr. DOGGETT, and Mrs. MALONEY.  
 H.R. 3106: Mr. SESTAK.  
 H.R. 3110: Mr. QUIGLEY.  
 H.R. 3149: Ms. SLAUGHTER.  
 H.R. 3185: Mr. ELLISON.  
 H.R. 3227: Mr. LOEBSACK.  
 H.R. 3256: Mr. TERRY.  
 H.R. 3289: Mr. COBLE.  
 H.R. 3294: Mr. THOMPSON of California.  
 H.R. 3308: Mr. BILIRAKIS.  
 H.R. 3363: Mr. DANIEL E. LUNGREN of California.  
 H.R. 3393: Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. MARKEY of Colorado, and Mr. DONNELLY of Indiana.  
 H.R. 3401: Ms. TITUS, Mr. CARNAHAN, and Mr. CLAY.  
 H.R. 3421: Mr. LOEBSACK.  
 H.R. 3510: Ms. SLAUGHTER, Mr. HASTINGS of Florida, and Mr. SCHIFF.  
 H.R. 3519: Mr. MARSHALL.  
 H.R. 3551: Mr. TONKO.  
 H.R. 3578: Ms. KOSMAS.  
 H.R. 3656: Mr. DAVIS of Kentucky.  
 H.R. 3699: Mr. MASSA.  
 H.R. 3712: Mr. LOEBSACK.  
 H.R. 3715: Mr. LOEBSACK.  
 H.R. 3724: Mr. REICHERT.  
 H.R. 3758: Mr. WITTMAN and Mrs. CHRISTENSEN.  
 H.R. 3813: Mr. TIM MURPHY of Pennsylvania.  
 H.R. 3936: Ms. KILROY, Mr. SKELTON, and Mr. DRIEHAUS.  
 H.R. 3974: Mr. MORAN of Virginia.  
 H.R. 3986: Mr. PIERLUISI.  
 H.R. 3990: Mr. SNYDER, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. PAYNE.  
 H.R. 4000: Mr. ELLISON.  
 H.R. 4004: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, and Mr. SCHOCK.  
 H.R. 4034: Mr. LAMBORN.

H.R. 4046: Mr. KLEIN of Florida.  
 H.R. 4070: Mr. MCINTYRE and Ms. MARKEY of Colorado.  
 H.R. 4114: Mr. ROTHMAN of New Jersey.  
 H.R. 4128: Ms. WOOLSEY, Mr. PERRIELLO, Ms. LEE of California, and Ms. DELAURO.  
 H.R. 4150: Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. SMITH of Texas, Mr. MCCAUL, Mr. BARTON of Texas, and Mr. OLSON.  
 H.R. 4160: Ms. PINGREE of Maine.  
 H.R. 4190: Ms. PINGREE of Maine and Mr. ISRAEL.  
 H.R. 4198: Ms. PINGREE of Maine.  
 H.R. 4220: Mr. TIAHRT.  
 H.R. 4247: Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. LANGEVIN, and Mr. SIRE.  
 H.R. 4255: Ms. NORTON, Mr. CHAFFETZ, Mr. MAFFEI, Mr. MCHENRY, and Mrs. EMERSON.  
 H.R. 4268: Mr. DINGELL, Mr. MARKEY of Massachusetts, and Mr. NEAL of Massachusetts.  
 H.R. 4278: Mr. RODRIGUEZ.  
 H.R. 4296: Mr. RAHALL and Mr. MCCOTTER.  
 H.R. 4301: Mr. FILNER and Mr. PETRI.  
 H.R. 4302: Mr. BARROW, Mr. COSTA, Mr. FRANK of Massachusetts, and Mr. HODES.  
 H.R. 4308: Mr. PAUL and Mr. OLSON.  
 H.R. 4325: Ms. SLAUGHTER.  
 H.R. 4341: Ms. PINGREE of Maine.  
 H.R. 4371: Mr. COBLE, Mrs. KIRKPATRICK of Arizona, Mr. BUCHANAN, Mr. KIRK, and Mrs. BLACKBURN.  
 H.R. 4375: Ms. WATSON, Mr. MORAN of Virginia, and Mr. LIPINSKI.  
 H.R. 4377: Mr. LIPINSKI.  
 H.R. 4386: Mr. TONKO and Mr. MCNERNEY.  
 H.R. 4396: Mr. BOYD, Mr. KAGEN, and Ms. HERSETH SANDLIN.  
 H.R. 4402: Mr. CUMMINGS and Mr. BERMAN.  
 H.R. 4403: Mr. BARROW, Mr. CONAWAY, and Mr. MASSA.  
 H.R. 4415: Mr. HOEKSTRA, Mr. SOUDER, and Mr. DENT.  
 H.R. 4426: Ms. PINGREE of Maine, Mr. PALONE, Mr. WILSON of Ohio, and Mr. TONKO.  
 H.R. 4436: Mr. COBLE, Mr. ROYCE, Mr. PENCE, Mr. HOEKSTRA, Mr. POE of Texas, and Mrs. MYRICK.  
 H.R. 4463: Mr. TIAHRT and Mr. YOUNG of Florida.  
 H.R. 4464: Mr. TIAHRT and Mr. LAMBORN.  
 H.R. 4465: Mr. LAMBORN.  
 H.R. 4466: Mr. TIBERI, Mr. CARTER, and Mr. MASSA.  
 H.R. 4490: Mr. LEE of New York, Mr. OLSON, Mr. KIRK, and Mr. MARCHANT.  
 H.R. 4503: Mr. PENCE and Mrs. MILLER of Michigan.  
 H.R. 4517: Mr. KAGEN and Mr. SCHAUER.  
 H.R. 4522: Mr. THOMPSON of Mississippi and Mr. SERRANO.  
 H.J. Res. 1: Mr. COOPER, Mr. CASSIDY, Mr. PAULSEN, Mr. GERLACH, and Mr. JOHNSON of Illinois.  
 H.J. Res. 13: Mr. DEFazio.

H. Con. Res. 49: Mr. OWENS.  
 H. Con. Res. 98: Mr. CLEAVER.  
 H. Res. 526: Mr. RANGEL, Mr. MEEKS of New York, Mr. PAYNE, Mr. RUSH, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. FATTAH, Mr. GRIJALVA, Mr. RYAN of Ohio, Ms. MOORE of Wisconsin, Mr. KANJORSKI, Mr. CUMMINGS, Mr. WEINER, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. ETHERIDGE, Ms. ROYBAL-ALLARD, and Ms. BALDWIN.  
 H. Res. 542: Mr. TIAHRT.  
 H. Res. 699: Mr. MASSA and Mr. WILSON of South Carolina.  
 H. Res. 763: Mr. ROHRBACHER.  
 H. Res. 869: Mr. CONAWAY and Mr. OLSON.  
 H. Res. 902: Mr. LATOURETTE, Ms. DEGETTE, Mr. SCALISE, Mr. GRIJALVA, and Mr. MACK.  
 H. Res. 959: Mr. SCALISE.  
 H. Res. 974: Mr. BURTON of Indiana.  
 H. Res. 975: Mr. LARSON of Connecticut.  
 H. Res. 977: Ms. ROS-LEHTINEN and Mr. JORDAN of Ohio.  
 H. Res. 982: Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. LINDER, Mrs. MYRICK, Mrs. EMERSON, Mr. GALLEGLY, Mr. COBLE, Mr. MILLER of Florida, and Mr. PENCE.  
 H. Res. 1014: Mr. CLAY, Mr. MARKEY of Massachusetts, Ms. SCHWARTZ, Mr. CAPUANO, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HIMES, Mr. HIGGINS, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. MCINTYRE, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Mr. PASCRELL, Mr. AL GREEN of Texas, Mr. CARSON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. WEINER.  
 H. Res. 1019: Mr. CAO.  
 H. Res. 1022: Mr. ISRAEL.  
 H. Res. 1024: Ms. MOORE of Wisconsin.  
 H. Res. 1026: Mr. CAMPBELL, Mr. HELLER, Mr. BILBRAY, Mr. MCCAUL, Mr. GALLEGLY, Mr. YOUNG of Florida, Mr. BROWN of South Carolina, Mr. TIAHRT, Mr. KING of Iowa, Mr. BILIRAKIS, Mr. LATHAM, Mr. COBLE, Mr. MARCHANT, Mr. GRIFFITH, Mr. ROHRBACHER, and Mr. BACHUS.  
 H. Res. 1032: Mr. DREIER, Mr. SCHIFF, Ms. LINDA T. SANCHEZ of California, Mr. GRIJALVA, Mr. RODRIGUEZ, Mrs. DAVIS of California, Mr. PIERLUISI, Mr. KING of New York, and Mr. PRICE of North Carolina.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

102. The SPEAKER presented a petition of Center for Regulatory Effectiveness, District of Columbia, relative to requesting that the EPA be in compliance with the Congressional Review Act; which was referred to the Committee on Energy and Commerce.

## EXTENSIONS OF REMARKS

### RECOGNITION OF MID-CITY ELECTRIC FOR 50 YEARS OF SERVICE

#### HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor Mid-City Electric for fifty years of dedicated service to central Ohio. Mid-City Electric is a family-owned electrical contracting company that is known for its high-quality craftsmanship, exceptional customer service, and tradition of giving back to the surrounding community.

Mid-City Electric began operation in 1960. Mid-City Chairman and Founder Jim Dew built his company on the core values of responsibility, hard-work, and loyalty to customers. His children, Brian, Dennis, Steve, and Mary, work alongside the company's award-winning electricians to ensure the quality of their services. Their craftsmanship is displayed through numerous major projects in central Ohio, specifically in the 15th Congressional District, including Mt. Carmel West Hospital, Hilliard Bradley High School, Nationwide Children's Hospital, and Grant Medical Center.

Since the company was founded in 1960, Mid-City Electric has generously supported a number of industry and community causes. The company is an active member of the Builders Exchange of Central Ohio, which fosters communication, respect, and cooperation between building industry members. In 2006, the Mid-City Electric Company Scholarship was started in honor of Jim Dew's contributions to the construction industry in central Ohio. This scholarship recognizes and supports students who exhibit a strong commitment to a career in construction. The company also has sponsored charitable events, such as the annual Katie Fischer Golf Scramble, which raises funds for scholarships to Madison-Plains High School students.

For fifty years, this family-run business has provided top-quality, reliable service to central Ohio. The leadership, generosity, and commitment to excellence displayed by Jim Dew, his family, and his company have left a lasting legacy in our community. I am proud to recognize and honor Mid-City Electric for its decades of service to Columbus area businesses and families.

### RECOGNIZING THE CHAMPIONSHIP SEASON OF BEXLEY'S GIRLS SOCCER TEAM

#### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. TIBERI. Madam Speaker, I rise today to honor and pay tribute to Bexley High School

in Columbus, Ohio. Bexley High School is in my congressional district, and I am proud to recognize a school that not only excels in academics but also distinguishes itself in athletics. The Bexley Girls Soccer Team recently won the 2009 Ohio Division II Girls Soccer Championship. The Bexley Lions finished their amazing season 21-0-3.

The squad, led by team captains Kendra Wilson, Second Team All-Ohio Charlotte Myers and "Ms. Ohio" (girls soccer player of the year) Leah Levey, showed considerable determination throughout the season. For their work on and off the field, members garnered a number of awards. Most notably, the Ohio Scholastic Soccer Coaches Association recognized five members as "Scholar Athletes," including: Leah Levey, Rebecca Carroll, Rachael Crane, Katie Grady and Mara Kinney.

Head Coach Scott Dempsey, and assistant coaches, Stephanie Bowshier, Chuck Crawford and Natalie Contosta comprise the soccer coaching staff. Coach Dempsey was recognized for his leadership by being named "Coach of the Year" by the Scholastic Soccer Coaches Association.

It is an honor to represent such a fine group of young people who have a strong dedication to team work and academics. I know each one of them will treasure the memories of their championship season and I commend them, and the Bexley community, for this truly great achievement.

### TRIBUTE TO LIEUTENANT GENERAL JAMES F. RECORD

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. PENCE. Madam Speaker, I rise to honor the memory of a fellow Hoosier whose long and distinguished career in the United States Air Force spanned four decades.

Retired Lieutenant General James F. Record, who was born and raised in central Indiana, passed away on December 22, 2009 with his loving family beside him.

The son of Edwin and Enid Record, General Record, like many Hoosier boys of his generation, grew up on the family farm. In between his chores, young Jim would watch with wonder as military aircraft flew in and out of what was then Bunker Hill Air Force Base. He dreamed to one day fly those fighter jets in the Air Force.

Upon graduating high school, he enrolled at Purdue University in West Lafayette. As a member of the Reserve Officer Training Corps Program and Purdue University Drill Team, not only did he hone skills that taught him discipline and teamwork, but he served as a leader and mentor to his younger classmates.

General Record's Air Force Career began when he was commissioned as a Second

Lieutenant in 1961. He completed flight training a year later and served as an instructor pilot for nearly six years. While serving multiple tours in Vietnam, he distinguished himself and flew more than six hundred combat missions.

Following his service in Southeast Asia, he went on to command three fighter wings, the 833rd Air Division, and served as the first deputy commander of Joint Task Force Middle East, which operated in the Persian Gulf and Arabian Sea.

General Record also served in the Pentagon, U.S. Central Command, United Nations Command, and U.S. Combined Forces Command. This Michigantown native also found himself again serving in the Far East from 1990 through 1992 as the commander of Joint Task Force Southwest Asia.

Rated as a command pilot with more than 6,000 hours flying time behind some of our nation's most legendary fighter aircraft, General Record was decorated with twenty seven Air Medals, the Vietnam Service Medal with six service stars, three Distinguished Flying Crosses, the Legion of Merit with three oak leaf clusters, the Defense Superior Service Medal, and the Defense Distinguished Service Medal with one oak leaf cluster.

While family, friends, and colleagues will forever remember and respect General Record's military career, those closest to him will remember a caring father, husband, son or friend. Even while battling the illness that ultimately took his life, he often checked up on those he cared about to make sure they were doing okay.

Memorial services were held for General Record at Davis-Monthan Air Force Base in Arizona, where he commanded the 12th Air Force, as well as Michigantown Christian Church, where he was an active member as a young man.

As we mourn Lieutenant General James F. Record's passing, let us keep his mother Enid, loving wife Peggy, sons James, John, and Joe, as well as his brother Ray and sisters Arlene and Barbara in our thoughts and prayers.

Though the pain of his loss is tremendous, I am sure his family takes tremendous pride in knowing that General Record will join ranks with all those who rest in the hallowed grounds of Arlington National Cemetery.

### TRIBUTE TO FIRST CLASS PETTY OFFICER JAMES KENNETH BROWN

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. LATHAM. Madam Speaker, I rise to recognize the service of Intelligence Specialist First Class Petty Officer James Kenneth Brown, and to express my appreciation for his dedication and commitment to his country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For the past 20 years, Petty Officer Brown has served faithfully and honorably around the globe. He first enlisted in the United States Navy in August 1989 through the delayed entry program and proceeded to Recruit Training Command in June of 1990 in Great Lakes, Ill. In 1990, he participated in Desert Storm and Desert Shield earning the Combat Action ribbon. Petty Officer Brown then became the first Seaman onboard USS *Nassau* to earn the Enlisted Surface Warfare Specialist Pin in 1993. Later in the same year, he joined the Navy Marine Intelligence Training Command to become an Intelligence Specialist. In 1994, he participated in Operation Southern Watch and operations in Kosovo.

Petty Officer Brown reported to the USS *Carl Vinson* as the Leading Petty Officer of Multi-Sensor Interpretation Branch in December 1999. Two years later, the USS *Carl Vinson* launched the first attack of the Global War on Terrorism into Afghanistan in response to 9/11. His second deployment on the USS *Carl Vinson* was off the Korean Peninsula and included the FOAL EAGLE and TANDUM THRUST exercises.

In 2004, Petty Officer Brown took orders to the Chief of Naval Operations—Intelligence Plot and worked in National Military Joint Intelligence Center in the Pentagon. Three years later he reported to the USS *Cole* for a tour as the Assistant Destroyer Squadron Twenty-Two Intelligence Officer. In 2008, Petty Officer Brown transferred to Joint Forces Transformational Command, where he worked as an Intelligence Analyst rewriting and providing critical insight for limited distributed intelligence products. In December 2008, he reported to U.S. Naval Station Guantanamo as his last duty station in the United States Navy. He is currently serving as the Leading Petty Officer and the Special Security Officer for the Naval Station and Tenant Commands.

During his service, Petty Officer Brown also furthered his education and earned numerous recognitions and awards for his dedicated service. He earned a Bachelor of Science degree in Intelligence Studies from the Joint Military Intelligence College in 2004 and earned Post Graduate Certificate in Intelligence in 2007 from the National Defense Intelligence College. He also earned the Joint Service Achievement Medal, Navy and Marine Corps Achievement Medal (second award), Combat Action ribbon, Good Conduct Medal (sixth award), NATO Medal for Yugoslavia, Joint Staff Identification Badge along with several unit and campaign awards.

I congratulate Petty Officer Brown for his many years of loyalty and service to our great nation. It is an immense honor to represent First Class Petty Officer Brown in the United States Congress, and I wish him and his wife Nichole a happy retirement from the United States Navy and all the best in their future endeavors.

RECOGNIZING MARYANNE WEISS,  
NATIONAL BANK OF ARIZONA  
WOMEN'S FINANCIAL GROUP  
WOMAN OF THE YEAR

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Maryanne Weiss, on being named "Woman of the Year" by the National Bank of Arizona Women's Financial Group. This prestigious honor is given to women in business whose contributions and leadership positively influence our community.

Ms. Weiss is deeply involved with promoting strong business values in the Valley. In 2008, she was named the first woman Chair of Greater Phoenix SCORE. Additionally, Maryanne is a Skills Commissioner for the Arizona Department of Education. Through these platforms, she serves as a positive mentor for Valley women, helping them reach their full leadership potential.

In creating the foundation for business women to thrive, Maryanne has become a shining example of true community service. Her dedication to connecting women with the resources necessary to grow their businesses should serve as an inspiration to us all.

Madam Speaker, please join me in recognizing Maryanne Weiss as she is honored with this well-deserved "Woman of the Year" award.

PAYING TRIBUTE TO DAN AHOUSE

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. HINCHEY. Madam Speaker, I rise today to pay tribute to my longtime staff member and dear friend, Daniel J. Ahouse, as he parts from his distinguished service in the Congress and embarks upon a new venture. For nearly 15 years, Dan has held several positions of responsibility in my office, most importantly as my chief of staff. Dan has served with an unrivaled commitment to the people of the 26th and now 22nd Congressional District of New York. Although he will be profoundly missed, in my office and in the communities I represent, we will continue to enjoy the benefits of his successful accomplishments.

Dan Ahouse originally hailed from Boiceville, a hamlet in the Town of Olive, in Ulster County, New York. He attended Hamilton College where he studied government and, as he had in high school, quarterbacked the football team. Dan began serving in my office as an intern in 1995 and, after quickly establishing himself as a hard worker and a team player, he was promoted to staff assistant, scheduler, legislative assistant, district representative, district director and finally chief of staff.

As with any good quarterback, Dan demonstrated his talent for calling plays and creating opportunities off the field. He is never deterred by a challenge. The great accomplishments we've recently made to establish

New York as a hub for solar energy research and development would not have been achieved at the same level were it not for Dan Ahouse's hard work and determination. He has always been anchored by a sense of optimism and his belief that with hard work even the most difficult obstacles can be overcome.

Dan's level-headed judgment and strong leadership have been critically important, and his loyalty has been unfailing. But, as is often the case, his public service has come at the price of many personal sacrifices, including postponing his honeymoon in order to focus on the needs of the congressional operation and, more recently, spending a great deal of time away from his wife, Christina, and three lovely daughters, Madison, Abigail, and Julia, in order to manage my Washington and district offices.

All the while, Dan created an environment for staff and colleagues, in Washington and in the district, conducive to fresh ideas and productivity. A strong figure in his own community and an integral part of my team, from intern to chief of staff, Dan Ahouse will be sorely missed. I owe Dan my own personal heartfelt thanks, especially for his friendship, support, and counsel over the many years. I wish him a well-deserved, happy, and healthy new beginning.

PERSONAL EXPLANATION

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Tuesday, January 26, 2010 due to a flight delay caused by mechanical difficulties. Had I been present, I would have voted in favor of H. Res. 990 (Roll No. 17), H. Res. 1011 (Roll No. 18), and H. Res. 1003 (Roll No. 19).

IN COMMEMORATION OF NATIONAL NURSE ANESTHETIST WEEK: JANUARY 24-30, 2010

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. SHIMKUS. Madam Speaker, I rise today to recognize that this week of January 24-30, 2010, is National Nurse Anesthetist Week and want to acknowledge the high quality health care that Certified Registered Nurse Anesthetists (CRNAs) provide in my district and to patients around the U.S.

Nurse anesthetists have been providing anesthesia care to patients in the United States for nearly 150 years and are anesthesia professionals who safely administer approximately 32 million anesthetics to patients each year in the United States. They are the primary anesthesia providers in rural America, enabling healthcare facilities in these medically underserved areas to offer obstetrical, surgical, and trauma stabilization services. In some states, CRNAs are the sole providers in

nearly 100 percent of the rural hospitals. Without CRNAs, America's seniors would lack the care they need since CRNAs predominate where more Medicare patients reside.

Furthermore, CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons, and pain management specialists; and U.S. military, Public Health Services, and Department of Veterans Affairs healthcare facilities.

In fact, nurse anesthetists have been the main providers of anesthesia care to U.S. military men and women on the front lines since WWI, including current conflicts in the Middle East, and they are currently providing much needed care to patients in Haiti as they seek to recover from the recent devastating earthquakes.

Not only do they provide high quality anesthesia care in rural and medically underserved areas, they do so cost-effectively. It is no surprise that health plans increasingly recognize CRNAs for providing high-quality anesthesia care to patients, and for helping to control healthcare costs without cutting corners. In a time of escalating health care costs, it is important to note that the cost-efficiency of CRNAs helps control escalating healthcare costs.

In my own congressional district, Southern Illinois University at Edwardsville is home to one of America's 108 accredited nurse anesthesia educational programs. The people of my community appreciate the very fine work of this institution, and the care provided by SIUE's CRNAs across central and southern Illinois and around the country.

For CRNAs across the U.S. and those serving our nation in the Armed Forces, I commend you for your work as a profession and your passion for patients.

#### COMMENDING THE 50TH ANNIVERSARY OF LOUISIANA STATE UNIVERSITY AT ALEXANDRIA

##### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. ALEXANDER. Madam Speaker, I proudly rise today to commemorate the 50th Anniversary of Louisiana State University at Alexandria (LSUA).

Ever since the Louisiana Constitution of 1852 reauthorized the establishment of Louisiana's first seminary of learning by stipulating that it would be located in Rapides Parish, LSUA has shared a rich and historical legacy with Louisiana State University. On January 2, 1860, Louisiana's pioneer public higher education institution opened its doors in Central Louisiana.

LSUA saw its beginning in 1959, when the Louisiana State Legislature approved the establishment of a two-year commuter college to serve the residents of this region. In 1960, LSUA registered its first students, and in 1964 established the first degree program, an Associate in Nursing degree.

Today, more than 3,000 nurses have earned their degrees at this institution, and the school currently boasts a 100 percent employment rate of graduate nurses.

At the beginning of the new millennium, the Louisiana State Legislature voted to expand college access in one of the most educationally underserved areas of Louisiana by providing students with the opportunity to earn baccalaureate degrees from LSUA. Since there were students at LSUA who had completed upper-level course work through LSU Senior College, LSUA was able to produce its first bachelor's degree graduates in December 2003.

LSUA's transformation into a four-year university resulted in its being Louisiana's only public college focused exclusively on undergraduate education. LSUA continues to offer access to affordable associate and bachelor's degrees and challenges students to seek excellence in their studies and lives.

Nowadays, LSUA plays an integral role in the business community providing specialized training through continuing education programs. Moreover, this institution is a vital component of Central Louisiana's identity through the involvement of its faculty, staff, administrators, and students in community activities. In addition, former students and graduates of LSUA have fulfilled productive and rightful leadership and citizenship roles in business, industry, the arts, science, education, the military and government.

Madam Speaker, I ask my colleagues to join me in recognizing LSUA for its exceptional contributions and remarkable influence on higher education, and the community at large, in Central Louisiana. As it celebrates its 50th year of service to Louisiana, LSUA looks to the future as it strives to become a university of choice for Louisianians.

#### CONGRATULATIONS TO SCOTT PIERCE FOR RECEIVING THE POLLIN AWARD

##### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to commend Scott Pierce of Fairfax, VA for receiving the Pollin Award, honoring outstanding dedication to one's community. The Pollin Award is named after the late Abe Pollin and his wife, Irene, noted philanthropists and chairpersons of the Washington Wizards and the Verizon Center.

Scott received the Pollin Award on January 20, 2010 for his tireless efforts on behalf of youth in his community. Over the years, Scott has served on the Board of Directors for both Fairfax Fall Ball and the 17th District American Legion Baseball, and he coached numerous players in Fairfax Little League, Mantua Baseball and Mantua Swim.

Youth sports provide a tremendous opportunity for our children to learn teamwork, dedication and sportsmanship. Constructive activities provide a healthy alternative for our children's time and are an effective deterrent to more destructive behavior, such as participa-

tion in gangs. Coaches like Scott Pierce provide invaluable mentoring to our children, and are vital in helping them become productive members of society.

Madam Speaker, I ask my colleagues join me in congratulating Scott Pierce for this important recognition. I thank him for his dedication to our children and for making northern Virginia a better place.

#### PERSONAL EXPLANATION

##### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 19—On motion to suspend the Rules and Agree, as amended—H. Res. 1003—Expressing Support for the designation of January 16, 2010 as National Influenza Vaccination Week, had I been present, I would have voted "yea."

#### RECOGNITION OF ALEXANDER CITY CHAMBER OF COMMERCE'S 100 YEARS OF SERVICE TO THE BUSINESS COMMUNITY

##### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Alexander City Chamber of Commerce's 100 years of service to the business community. Governor Bob Riley will be a special guest and keynote speaker at the ceremony honoring the occasion.

On February 19th, the Chamber will host their annual meeting to give recognition to incoming Board of Directors as well as those retiring this year. As always, during this annual meeting they also plan to pay tribute to the Business Person of the Year, the "Community Spirit" award recipient, Firefighter of the Year, Police Officer of the Year, Teacher of the Year and Chamber Ambassador of the Year.

This event will be held at the Betty Carol Graham Technology Center on the campus of Central Alabama Community College in Alexander City.

All of us across Tallapoosa County and East Alabama are deeply proud of the successes of organizations like the Alexander City Chamber, and look forward to the next 100 years of service from this important community organization and so many others like it.

#### TRIBUTE TO THE HICKORY LOG RESTAURANT

##### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mrs. EMERSON. Madam Speaker, I rise today to congratulate the Hickory Log restaurant in Dexter, Missouri, for its induction to

the Missouri Restaurant Hall of Fame. For decades, travelers along Highway 60 in the southern part of our state have been tempted by the thought of delicious barbeque at the Hickory Log. And I can attest from personal experience that no one ever leaves the Hickory Log dissatisfied with the food or the service at a staple of the region's barbeque scene.

The Hickory Log has been owned and operated by the Banken family since they purchased the restaurant in 1967. In that time, they have built a reputation for barbeque that brings enthusiasts from miles around. The restaurant has grown over the years, but the uncompromising quality of the fare is unchanged, and so is the commitment of John and Laveda Banken to be active participants in the life of their community.

Election to the Missouri Restaurant Hall of Fame is a tremendous honor for this barbeque restaurant from Dexter Missouri. Only establishments in business for longer than 25 years are eligible for the honor. Later this month, the award ceremony in St. Louis will bring together some 400 restaurant-industry colleagues of the Banken family.

Owning a restaurant is truly one of the most demanding vocations in the world of small business. It requires around-the-clock time and attention, a continuously positive attitude, and focus on serving the customer with good food. The Hickory Log excels in all of these areas, and the restaurant also serves as a reminder to this House to seriously consider the ramifications of the policies we consider here on the owners, proprietors and workers at restaurants and family-owned small businesses all over the country. We also ought to have in mind the savory taste of the barbeque ribs, like no others, that they proudly serve in Dexter, Missouri.

RECOGNIZING PRINCE WILLIAM  
COUNTY PUBLIC SCHOOLS  
TEACHERS WHO HAVE ACHIEVED  
NATIONAL BOARD CERTIFICATION

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 17 Prince William County Public Schools teachers who recently received certification from the National Board for Professional Teaching Standards. The National Board is an independent non-profit organization governed by classroom teachers, school administrators, school board leaders, governors and state legislators, higher education officials, teacher union leaders, and business and community leaders.

Certified teachers are required to meet standards established by the National Board to demonstrate the knowledge, skills and accomplishments that comprise teaching excellence. A Board Certified teacher supports a vision of teaching based on the following core principles.

1. Teachers are committed to students and their learning;

2. Teachers know the subjects they teach and how to teach those subjects to students;

3. Teachers are responsible for managing and monitoring student learning;

4. Teachers think systematically about their practice and learn from experience; and

5. Teachers are members of learning communities.

I congratulate the following National Board Certified Teachers on achieving this professional recognition:

Kristen Augsburg, mathematics/adolescence and young adulthood, Battlefield High School;

Melissa Callaghan, generalist/early childhood, Cedar Point Elementary School;

Heather Davids, English language arts/adolescence and young adulthood, Osbourn Park High School;

Diane Dunn, mathematics/early adolescence, New Dominion;

Julie Faith, social studies—history/adolescence and young adulthood, Stonewall Jackson High School;

Brenda Hayden, career and technical education/early adolescence through young adulthood, Stonewall Jackson High School;

Marge Hopkins, library media/early childhood through young adulthood, McAuliffe Elementary School;

Bobbie Mandro, career and technical education/early adolescence through young adulthood, Gar-Field High School;

Susan Mangiaro, mathematics/adolescence through young adulthood, Brentsville District High School;

Janice McCurdy, exceptional needs specialist/early childhood through young adulthood, Gar-Field High School;

Amanda Proch, literacy: reading-language arts/early and middle childhood, Marshall Elementary School;

Christopher Proch, art/early adolescence through young adulthood, Gar-Field High School;

Krystle Quinlan, generalist/early childhood, Coles Elementary School;

Jennifer Roberts, generalist/early childhood, West Gate Elementary School;

Connie Schumacher, social studies-history/early adolescence, Stonewall Middle School;

Judy Swank, library media/early childhood through young adulthood, Swans Creek Elementary School;

Laura Whitman, English as a second language/early adolescence through young adulthood, Potomac High School.

Madam Speaker, I ask my colleagues to join me in commending these teachers for their commitment to education and professional development. Prince William County Public Schools delivers a world class education with the help of teachers like these who make excellence a system-wide standard.

MARINE CORPORAL NICHOLAS  
UZENSKI

### HON. SCOTT MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. MURPHY of New York. Madam Speaker, I rise today with the solemn duty to report the tragic passing of Marine Cpl Nicholas

Uzenski. Corporal Uzenski was taken from us on January 11, 2010, in an ambush by insurgents in Southern Afghanistan.

Corporal Uzenski was a member of the 3rd Reconnaissance Battalion, Bravo Company, based in Okinawa, Japan. A beloved son, grandson, brother, friend, and soldier, Corporal Uzenski will be sorely missed by the entire Franklin community, and a grateful nation whose freedom he fought to protect.

Just 21 years old, Corporal Uzenski followed in the footsteps of his father and uncle in joining the Marines. It was his lifelong dream to serve the nation he loved and defend the ideals for which he gave the ultimate sacrifice.

Corporal Uzenski is survived by his mother Lisa, his father William, stepmother Rebakah, and six siblings. Our thoughts and prayers are with the entire Uzenski family during this difficult time.

As we stand on this floor and debate the important issues of our time, let us never forget the true cost of the freedoms that we so often take for granted.

### HONORING WILLIE BRANDON ON A LIFETIME OF SERVICE

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the life of Willie Brandon, an admired and respected citizen of Murfreesboro, Tennessee, who lived and worked up until the age of 103. My hometown was saddened by Willie's passing on January 5, 2010.

He was known for his kind heart, his wealth of knowledge, and his optimistic outlook on life. People said he would brighten their day just by talking with him for a few minutes. He expressed his admiration of Murfreesboro by knowing its history backward and forward, and his wisdom was conveyed through his past experiences and stories. Willie was considered a role model and friend to many.

He began his life in Readyville, Tennessee, with his parents, Charles and Jimmie Brandon, and his sister, Lizzie. His parents were sharecroppers, but his father became a janitor when they moved to Illinois. At the age of 12, Willie dropped out of school to work and help support the family.

For the next 91 years, Willie never quit working. He worked as a cook at the James K. Polk Hotel, City Café, Sewart Air Force Base, Lamb's Grill, and Po Folks Restaurant. He also picked blackberries, cut timber, and mowed grass. Willie took pride in his work, and his dedication was an inspiration to his coworkers.

Over the last 30 years of his life, Willie was the keeper of the Rutherford County courthouse, a historical place many people pass through for business or sight-seeing. Willie could tell very personal stories about the courthouse and his family's history—150 years ago, his own grandfather, a slave, helped to build the courthouse and was later sold there.

Willie's legacy lives on through his daughter, stepson, three granddaughters, two great-



granddaughters and one great-great granddaughter. Supporting them through his continued employment is a testament to how much he loved them.

Willie Brandon's life had a significant impact on everyone he met. He lifted their spirits, shared his wisdom, and gave them hope. He will always be remembered as an institution in Rutherford County and a luminary to all of his friends and family.

RECOGNIZING THE RETIREMENT  
OF DAWN PHILLIPS-HERTZ, GEN-  
ERAL COUNSEL TO THE MICHIGAN  
PRESS ASSOCIATION

**HON. PETER HOEKSTRA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. HOEKSTRA. Madam Speaker, I rise here today to recognize the retirement of Dawn Phillips-Hertz.

Dawn has served as General Counsel to the Michigan Press Association for nearly 30 years, offering free legal advice to anybody from the more than 300 newspapers in Michigan, including those located within Michigan's Second Congressional District.

Journalists throughout the state admired her for gracefully offering a hotline to answer tough questions with thoughtful and accurate answers to any number of open government questions.

She was committed to the cause of freedom of the press, and was a staunch advocate and aggressive defender of it.

Her knowledge of the Freedom of Information Act and all laws pertaining to open government meetings helped countless reporters, editors and publishers to fulfill their duty of providing citizens with information necessary for them to know the activities of their elected representatives and other government officials.

She helped countless editors and reporters from committing troublesome mistakes whenever it was necessary, fully understanding at times intense deadline pressure.

She also helped elected officials understand potential pitfalls in introducing or voting upon legislation that would impact the public's right to know.

Madam Speaker, I congratulate Ms. Phillips-Hertz on her retirement following a successful career in supporting journalism endeavors in Michigan.

IN HONOR OF THE CITY OF  
NOVATO

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with pleasure today to congratulate the City of Novato, California, on the fiftieth anniversary of its incorporation.

Novatans are rightfully proud of their community, which has tripled in size since its founding without losing the warm, small-town

atmosphere that makes it a charming place to live. As the city has grown from an agricultural settlement to a destination in its own right, residents have kept their focus on the qualities that make Novato unique—strong sense of community, attachment to the natural surroundings, and an appreciation of the region's vibrant and diverse history.

Indeed, the history of Novato long predates its formal establishment half a century ago. Hundreds of years before the arrival of the Spanish, the Coast Miwok inhabited the area around Novato, valuing it for many of the same reasons that Novatans do today. The city's warm summers, tranquil hills, and fertile soil make it a unique corner of Marin County.

Early European settlers realized this as well, and Novato quickly became the site of some of Alta California's early Mexican land grants, including the 1839 Rancho Novato grant that later gave the city its name. It was also during this time that another Novato rancho became one of the first in the region to experiment with growing wine grapes, an industry that has since contributed so much to the identity and economy of our region. After California joined the United States, Novato grew into a more diverse agricultural hub, attracting Portuguese and Swiss-Italian pioneers to farm the land.

Since the 1930's, however, Novato has had to adapt to dramatic changes. During the Great Depression, as local farms struggled to survive, construction began on what would become Hamilton Air Force Base. The Base served as a critical center for defense and pilot training on the Pacific Coast, both during and after the Second World War. The city subsequently began a process of rapid development, attracting tens of thousands of new residents.

In face of this change, Novatans chose to incorporate in 1960 (with 72 percent of voters in favor) in order to take control over their collective future. They adopted their first General Plan in 1966 and have worked together ever since to maintain what matters to them. For instance, many of the structures that arose in the late 19th and early 20th centuries are preserved in modern Novato as a treasured part of the community's heritage. The downtown area, first subdivided in 1888, still recalls its original spirit as a rural outpost far removed from the cares of urban life.

The story of Novato is one of reinvention and perseverance. From its rural beginnings, the city has grown into a home for innovators in industries from biotechnology to winemaking and from insurance to artisanal tea. From a small settlement of Mexican ranchos, Novato has become a thriving city and only the second in California governed by an all-woman city council.

Hamilton Air Force Base, one of the most successful base closure efforts in the Nation, has been reclaimed as a vibrant, mixed-use community with one of the largest wetlands restoration projects in the State. I am especially proud to have worked in partnership with residents, city leaders, and government agencies in the ongoing efforts to achieve this transformation.

This is also a community committed to a healthy and sustainable future. Novato offers recreational facilities and support programs for people of all ages, including one of the coun-

try's premier research institutes on aging. The city boasts 27 parks and over 3,600 acres of open space protected by urban growth boundaries. Even now, Novato residents are setting a leading example on promoting sustainable practices and adopting green building standards.

Madam Speaker, I am proud to represent the City of Novato. I ask that you join me in celebrating its achievements and in wishing all its residents the best for the future. Congratulations, Novato, on your 50th birthday!

RECOGNIZING THE NOMINEES FOR  
THE PRINCE WILLIAM COUNTY  
TEACHER OF THE YEAR/AGNES  
MEYER OUTSTANDING TEACHER  
AWARD

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the nominees for the Prince William County Teacher of the Year/Agnes Meyer Outstanding Teacher Award.

The Agnes Meyer Outstanding Teacher Award program was established by the Washington Post to "recognize excellence in teaching, to encourage creative and quality instruction, and to contribute in a substantive way to the improvement of education in the Washington metropolitan area."

The annual recipients represent each of the 19 public school systems in the metropolitan region and a single representative from the region's private schools. The educator selected from Prince William County Public Schools also is recognized as the Prince William County Teacher of the Year. Teachers who meet the criteria for the award are those who instill a desire to learn and achieve, understand the individual needs of students, and demonstrate a thorough knowledge of subject matter and have the ability to share it effectively with students.

I congratulate the 2010 Prince William County nominees for the Agnes Meyer Outstanding Teacher Award:

Karen Bentall, library media specialist, Sudley Elementary School;

Margaret Bozzard, third-grade teacher, Enterprise Elementary School;

Toni Anne Cipriano, learning disabilities teacher, Buckland Mills Elementary School;

Colleen Crownhart, physical education teacher, Dale City Elementary School;

Elizabeth Genova, K-5 reading teacher, Swans Creek Elementary School;

Artise Gill, 11th- and 12th-grade English and photojournalism teacher, Brentsville District High School;

Tammy Hinkle, fifth-grade teacher, Buckland Mills Elementary School;

Megan Howland, fourth-grade teacher/reading specialist, Buckland Mills Elementary School;

Elizabeth Johnson, third-grade teacher, Buckland Mills Elementary School;

Leota Johnson, art teacher, Marshall Elementary School;

Mary Tate Kenneally, 11th- and 12th-grade algebra 2 and 11th-grade geometry teacher, Battlefield High School;

Joseph Kirrane, sixth-grade social studies teacher, Graham Park Middle School;

Terri Lawson, seventh-grade life sciences teacher, Saunders Middle School;

Erin Lips, 9th–12th-grade business teacher, Stonewall Jackson High School;

Donald Magee, band director, Forest Park High School;

Bobbie Mandro, family and consumer sciences teacher, Gar-Field High School;

Dory McAllister, 9th–12th-grade special education teacher, Hylton High School;

Heather Oberle, 9th-grade English teacher, Brentsville District High School;

Doreen Raymond, French and gifted education teacher, Bull Run Middle School;

Erin Steinebach, fourth-grade reading specialist, Buckland Mills Elementary School.

Madam Speaker, I ask that my colleagues join me in commending the nominees for the Prince William County Teacher of the Year/Agnes Meyer Outstanding Teacher Award. Their continued service will ensure that Prince William County students are provided with a world-class education in a more vibrant learning community.

#### THE REFUNDABLE CHILD TAX CREDIT ELIGIBILITY VERIFICATION REFORM ACT

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to introduce along with my colleague from Florida, Representative GINNY BROWN-WAITE, the Refundable Child Tax Credit Eligibility Verification Reform Act, a bill to prevent those who are here illegally from claiming the refundable child tax credit due to a loophole in our tax code. According to the March 31, 2009 report by the Treasury Inspector General for Tax Administration entitled "Actions Are Needed to Ensure Proper Use of Individual Taxpayer Identification Numbers and to Verify or Limit Refundable Credit Claims," this tax credit "appears to provide an additional incentive for aliens to enter, reside, and work in the U.S. without authorization, which contradicts Federal law and policy to remove such incentives." Because this credit is refundable, parents who owe no taxes can receive cash back for their children through the tax code.

In other words illegal immigrants may not only be receiving this public benefit through the tax code but may also be tempted to come to the U.S. because of it. This is just plain wrong.

Unfortunately, this refundable tax credit can be provided to an illegal immigrant so long as the immigrant is able to obtain from the IRS an Individual Taxpayer Identification Number (ITIN). It is because of this very situation that I am introducing the Refundable Child Tax Credit Eligibility Verification Reform Act, a simple, commonsense bill to require tax filers to provide their Social Security numbers in order to claim the credit. This simple change can go a long way toward protecting taxpayers by helping to ensure that the refundable child tax

credit is going to those who are here legally. This is the fair and right thing to do. I urge my colleagues to support this bill.

#### HONORING BOB BURES ON BEING NAMED WESTERN SPRINGS "MAN OF THE YEAR"

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Bob Bures on being named the 2009 Western Springs "Man of the Year." Mr. Bures was selected by the Citizen of the Year Committee from nominations sent in by community organizations and residents. He will be honored on January 30, 2010, at a dinner I will be attending with my wife, Judy.

Bob Bures, a resident of Western Springs since 1975, has dedicated his life to the service of others. Mr. Bures worked in the Chicago Public School system for 30 years, and has remained a fixture in the community through his many involvements. He has served as executive director of the Retired Teachers Association of Chicago and on the Western Springs Village Board. He is a member of the Knights of Columbus, the Western Springs Masonic Lodge 1136, the Affairs Committee and Education Subcommittee for the Union Club of Chicago, and the Western Springs Business Association. Mr. Bures is also involved with the West Suburban Chamber of Commerce and Industry Foundation and helps to transition special education students into local jobs. Currently he is the auditor for the Czech & Slovak Genealogy Society of Illinois, and previously served as treasurer of the Thomas Ford Memorial Library Foundation. And in 2008, Mr. Bures was appointed to the Lyons Township Mental Health Commission.

Previously a recipient of the City of Chicago Superior Service Award and the Excellence of Service Award from the Aquin Guild of the Archdiocese of Chicago, Bob Bures is very deservedly being honored for his dedication to Western Springs.

I ask you to join me in honoring Bob Bures for his outstanding service to his community and his recognition as the 2009 Western Springs Man of the Year.

#### IN COMMEMORATION OF THE 50TH ANNIVERSARY OF THE KENTUCKY COMMISSION ON HUMAN RIGHTS

#### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. YARMUTH. Madam Speaker, I rise to pay tribute to the Kentucky Commission on Human Rights on the occasion of the organization's fiftieth year.

In 1960, while the civil rights debate was raging across the country over the extension of Civil Rights to all Americans, Kentucky became the first state south of the Mason-Dixon line to establish a human rights commission.

Since that time, the pioneering members of the Commission have been an ally of all Kentuckians fighting for equality, fairness, and the equal application of justice. The Kentucky Commission on Human Rights is charged with enforcing State and Federal Civil Rights law. It is also tasked with a powerful mandate, remarkable in its scope and comprehensive in its aims;

"To safeguard all individuals within the state from discrimination because of familial status, race, color, religion, national origin, sex, age 40 and over, or because of the person's status as a qualified individual with a disability," reads the mandate. "Thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the state."

Those who have worked with the Commission throughout the last five decades have committed themselves to meeting the goals of that mandate. And that dedication is reflected not just in the law books of the Commonwealth, but in communities throughout Kentucky.

It was Kentucky that was the first southern state to pass a civil rights act and the first in the Nation to enact a fair housing law. And each and every day, the Kentucky Commission on Human Rights continues to fight to educate our citizens about how far we have come and how far we still have to go.

Every citizen of our Commonwealth can be proud of the legacy of the Kentucky Commission on Human Rights. I urge my colleagues to join me in congratulating the Commission for fifty years of dedication to the expansion of equal rights across our Commonwealth and honor their vision of a people united against discrimination and united for equality.

#### PERSONAL EXPLANATION

#### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. AKIN. Madam Speaker, on rollcall No. 17—On the motion to suspend the rules and agree—H. Res. 990, Expressing support for designation of January 2010 as National Mentoring Month, had I been present, I would have voted "yea."

#### PERSONAL EXPLANATION

#### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mrs. BACHMANN. Madam Speaker, on January 26, 2010, I was unexpectedly detained and could not vote on H. Res. 1003, expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week. Had I been present, I would have voted "yea."

HONORING JOHN TOUPS' CONTRIBUTION TO HEALTH CARE IN NORTHERN VIRGINIA

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. WOLF. Madam Speaker, I rise today to recognize John Touns' contribution to health care in northern Virginia. He has recently stepped down after more than 20 years of service on the Board of Trustees at Inova Health System in Fairfax County, Virginia.

In 1986, John began his service as a trustee on the board of the Fairfax Hospital Association, which is now known as the Inova Health System Board of Trustees. He served as vice-chairman from 1999–2003, and then as chairman from 2004–2007. For the past two years, John served on the board as past chairman.

During his voluntary tenure on the Inova board, John led Inova through a merger with Alexandria Hospital in 1997 and then with Loudoun Hospital in 2005. He has helped to establish funding for other health care initiatives to benefit patients and their families, and has long supported Inova's philanthropic priorities, including the Life with Cancer program.

Along with his work on the Board of Trustees for Inova, John found the time to serve as president of various community organizations, including the Northern Virginia Community Foundation, the George Mason University Foundation, and the Northern Virginia Roundtable.

In his professional life, John founded a civil engineering firm which later merged with the Planning Research Corporation. He retired as president and CEO of PRC in 1987.

I ask that my colleagues join me in recognizing John Touns and his significant contribution to the Inova Health System, the Commonwealth of Virginia, and the entire northern Virginia community.

HONORING LINDA JOHNSON ON BEING NAMED WESTERN SPRINGS "WOMAN OF THE YEAR"

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. LIPINSKI. Madam Speaker, I rise today to honor Linda Johnson on being named the 2009 Western Springs "Woman of the Year." Ms. Johnson was selected by the Citizen of the Year Committee from nominations sent in by community organizations and residents. She will be honored on January 30, 2010, at a dinner I will be attending with my wife, Judy.

A lifelong resident of Western Springs and the owner of Village True Value Hardware, Linda Johnson is a fixture of the community who is always there in her store helping customers. In 2005, Ms. Johnson started the "Glory Days" project, which enables students to deliver small American flags to each home in Western Springs every July 3rd.

Linda Johnson's many commitments make her a fixture in the community including serving as chair of the Adventist La Grange Memorial Hospital Foundation and events chair of the Western Springs Business Association. She is a member of the Western Springs Rotary Club, Lyons Township High School Alumni Board, West Suburban Chamber of Commerce and Industry, La Grange Area Business and Professional Women, and Earlham College Alumni Council. Ms. Johnson also served as president of the Western Springs Business Association and on the Village of Western Springs Economic Development Commission.

Previously honored as "A Person of Distinction" in 2005 and a recipient of the State of Illinois Volunteerism Award in 2007, Linda Johnson will very deservedly being honored for her dedication to Western Springs.

I ask you to join me in honoring Linda Johnson for her outstanding service to her community and her recognition as the 2009 Western Springs Woman of the Year.

HONORING THE VITAMIN L PROJECT

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. HINCHEY. Madam Speaker, I rise today to congratulate the Vitamin L Project of Ithaca, New York on 20 years of service, and to commend the founders of this group, Jan and Janice Nigro, on their steadfast dedication to community service.

For two decades, the Vitamin L Project has taught young people throughout New York state the power of diversity and positive character development. In 1989, Jan and Janice conceptualized and launched the Project as an innovative model for teaching character education through the magic of song. It all began in Ithaca, New York when a teacher friend of Jan Nigro's asked him to write some songs for elementary-age children about the universal human values of diversity, love, truth, peace, and non-violence. This single request blossomed in 17 songs, and the Vitamin L transformative magic of character building was underway creating a library of uplifting and inspirational music.

Over time, the Vitamin L Chorus was established, which today includes approximately 80 young performers as well as a growing group of Vitamin L alumni. Jan's wife, Janice, serves as Vitamin L Project Director and works tirelessly to sustain the Project's mission through outreach to elementary schools, recruitment and training of youth singers, organizing concerts, and serving as mentor and coach to all Chorus members. Together, this husband-and-wife team, along with enthusiastic Chorus members, and a host of supportive parents and community members, has touched the hearts and minds of children across New York State and other locations where Vitamin L has been invited to perform.

With its focus on early childhood development, Vitamin L encourages children to think about moral issues in a non-threatening, fun, and very personal way. By singing the songs,

watching the Vitamin L Chorus act out scenes of things like the consequences of "jumping to conclusions" and having opportunities to talk with Vitamin L Chorus members, young audiences see the importance of valuing positive character and moral behavior.

Vitamin L's first published group character-building songs titled, "Walk a Mile," won the nationally recognized Parent's Choice Gold Award shortly after its release in 1989. Three more Vitamin L recordings of character building songs received similar praise from the Parent's Choice Gold Awards in subsequent years. The recordings have also received very positive reviews in numerous national publications, such as School Library Journal, Booklist, and Time Magazine.

I thank Jan and Janice Nigro for their unwavering commitment to improving their community and congratulate them on 20 successful years with the Vitamin L Project. Their contributions have touched countless people, and enriched the lives of my constituents in New York's 22nd Congressional District and well beyond. The world could use more people who contribute to their county, state, and country, like Jan and Janice and I am grateful for the work they have done, what they are doing today, and their bright future.

RECOGNIZING KAZAKHSTAN FOR ASSUMING LEADERSHIP OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, amid regional combat, conflicts, and challenges, Kazakhstan assumed leadership this month of the Organization for Security and Co-operation in Europe (OSCE), an organization of 56 member states with vast potential for strengthening regional and global cooperation, security, peace, and prosperity.

This is a remarkable historic achievement for a nation that only 19 years ago gained its independence from the former Soviet Union. It is also a recognition of the vision and leadership of Kazakh President Nursultan Nazarbayev who has charted a course to establish not only a modern state but an emerging democracy.

In the early days of its statehood and under the leadership of President Nazarbayev, Kazakhstan demonstrated to the international community its commitment to nuclear disarmament and nonproliferation. It voluntarily renounced the world's fourth largest nuclear and missile arsenal and shut down the Semipalatinsk nuclear test site. This decision has enhanced global security and reduced the threat of weapons of mass destruction falling into the hands of terrorists. Kazakhstan's experience qualifies it to lead the OSCE in its efforts to increase regional security.

Meanwhile, Kazakhstan has consistently demonstrated its commitment to the principles and values that OSCE member states embrace. The nation has achieved significant

progress on democratization, human rights, and economic liberalization. This is no small feat for a country in which more than 140 different nationalities and 40 religions are represented. Yet surprisingly in Kazakhstan, these people and faiths coexist peaceably because of a commitment to the shared values of tolerance, understanding, cooperation, and unity.

Great steps have been made on the path of democracy, but many more strides must be taken before the goal is reached. That is why Kazakhstan views democracy not as a sprint but a marathon; its perspective is not for the short but the long term.

Because Kazakhstan understands the challenges of democracy-building and the importance of inter-ethnic and inter-faith dialogue to avoid or resolve conflict, this perspective and experience will serve it well in its OSCE leadership role.

Kazakhstan is a leading democratic force in Central Asia today, a region of growing strategic importance to the United States, the OSCE, and the world. Central Asia is where East and West meet. Increasingly, it is where much of our focus will and must be now and in the years ahead. As Chairman of the House Foreign Affairs subcommittee overseeing this region, I can state this unequivocally. It is also the reason my colleague Representative BUCK McKEON and I recently established the Congressional Caucus on Central Asia.

Kazakhstan moves and interacts with ease and confidence in its home region and the surrounding areas that include Afghanistan, Iraq, Pakistan, and Iran—all areas where it has interests that make dialogue and cooperation possible but not involvement that precludes it. Because of this, Kazakhstan can function as an honest and trusted broker, helping the United States and other OSCE members. This can lead to improved East-West dialogue and, hopefully, to conflict resolution.

For all the strengths, experiences, and perspectives that Kazakhstan offers, OSCE member states' choice of this new democracy to lead the organization showed correct judgment and foresight in light of the challenges and threats confronting the world. President Nazarbayev has matched the OSCE's judgment and foresight in appointing Secretary of State–Foreign Minister Kanat Saudabayev to serve as the OSCE Chairman-in-Office. This skilled and seasoned diplomat, who once served as Kazakhstan's Ambassador to the United States, will bring to his new post and the OSCE the needed leadership and focus on measurable results.

His recent speech in Vienna outlining Kazakhstan's priorities during its OSCE chairmanship reveals a commitment to revitalize the organization, reestablish its relevance on key issues, and refocus it to achieve meaningful outcomes. I am encouraged by the vision he sketched. In a world where new crises often seemingly intractable, even insoluble—emerge almost daily, we need an OSCE infused with purpose and energy and committed to full engagement and results. Knowing the OSCE Chairman-in-Office as I do, I am confident that he can and will lead the organization to achieve the outcomes that all OSCE member states desire.

As a major step toward that end, I fully support the proposal that President Nazarbayev

and OSCE Chairman-in-Office Saudabayev have put forward—namely, that of holding an OSCE summit. Not since 1999 has a summit been held. In my view, such an assembly would offer many advantages and opportunities to the United States and other OSCE member states for advancing the prospects and priorities of regional and global cooperation, security, peace, and prosperity.

The proposed summit warrants the United States' support and is worthy of our best efforts because it is in our national interest. For this reason, I call on President Obama and Secretary of State Clinton to help facilitate the summit through their good offices, and I look forward to working with Chairman-in-Office Saudabayev and the leaders of OSCE member states in any way I can to help execute the forward-looking vision that Kazakhstan has outlined for the Organization for Security and Co-operation in Europe.

#### HONORING THE ALBANY PARK COMMUNITY CENTER

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to congratulate the Albany Park Community Center for receiving the League of Women Voters Award for outstanding leadership in voter education.

The Center received the award for its dedicated service to increase voter awareness and civic participation in the Albany Park community, a multi-ethnic, working class neighborhood in Chicago. In order to accomplish its goals, the Center held 25 adult education classes that focused on voting, placed bulletin boards with election-related content inside the Center, assisted voters in locating their polling places and understanding their local ballots, registered voters, and participated in the 2008 Mock Election coordinated with the League of Women Voters of Illinois. The Mock Election showed how successful their efforts had been when 318 of the 322 ballots were cast correctly.

They succeeded in reaching over 300 students through their adult education classes and successfully registered newly-naturalized citizens and others who had never voted or who let their registration lapse. Many of the students had levels of education or English language skills, and the program catered directly to their needs.

As part of the "Albany Park Votes!" program, members of the Center went above and beyond their job descriptions, aiding and registering 58 members of the community, most of whom went on to vote in the next election. The program was especially successful in educating the entire community in the civil process, as most of the adult students brought educational materials to their children and encouraged them to vote in the Mock Election, thereby reinforcing the importance of voting and preparing them for when they become eligible voters. In this way, Albany Park Community Center's program will have a long term impact on the community's involvement in the civil process.

Madam Speaker, I ask my colleagues to join me in recognizing the Albany Park Community Center for their dedicated efforts to increase voter awareness and civic participation. Their efforts demonstrate how great the democratic process can be.

#### PERSONAL EXPLANATION

##### HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. GRIFFITH. Madam Speaker, on rollcall Nos. 17, 18, and 19 I was unavoidably detained. Had I been present, I would have voted "yea."

#### INTRODUCTION OF THE SOCIAL SECURITY DISABILITY APPLICANTS' ACCESS TO PROFESSIONAL REPRESENTATION ACT

##### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. TANNER. Madam Speaker, I am joined today by my colleagues, JIM McDERMOTT, Chairman of the Subcommittee on Income Security and Family Support, SAM JOHNSON, Ranking Member of the Subcommittee on Social Security, and JOHN LINDER, Ranking Member of the Subcommittee on Income Security and Family Support, in introducing the Social Security Disability Applicants' Access to Professional Representation Act. This important, bipartisan legislation will help individuals with severe disabilities navigate the often lengthy and complex process of applying for Social Security and Supplemental Security Income, SSI, disability benefits.

Specifically, this bill will improve access to quality, professional representation for disability applicants by making permanent a temporary provision to expand access that is due to expire on March 1.

For many years, attorneys who represent Social Security disability claimants have been able to have their fees withheld from the claimant's past-due benefits and paid directly to them by SSA. By providing a way to ensure that attorneys are paid if the claim is successful, this system has helped to ensure that disability applicants—even those who are very low income—have access to professional representation. This representation is particularly important for those applicants who appeal their case by seeking a hearing before an Administrative Law Judge. The fee paid to representatives is limited to 25 percent of the claimant's past-due benefits, subject to a dollar cap, and is only paid if the claimant wins.

In 2004, Congress adopted a provision to temporarily expand this fee-withholding system in two ways: by extending the system to SSI claims, and also by allowing qualified non-attorney representatives to participate. To be a "qualified non-attorney," a representative must pass an examination administered by the Social Security Administration, SSA, and meet other criteria designed to protect applicants.

This expansion of the fee-payment system has been very successful, and disability groups and other stakeholders have strongly supported making it permanent. In addition, both SSA and the Government Accountability Office have examined the program to extend fee-withholding to non-attorney representatives and found it was working well.

The Social Security Disability Applicants' Access to Professional Representation Act would ensure that these successful programs continue. The bill has no cost, and even generates some savings—\$55 million over 10 years—due to user fees paid by representatives who participate.

Ensuring that individuals with severe disabilities have the help they need to navigate the complex benefit application process is a goal on which we can all agree. I urge you to support this bipartisan legislation to move us closer to this goal.

#### PERSONAL EXPLANATION

##### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mrs. BACHMANN. Madam Speaker, on January 26, 2010, I was unexpectedly detained and could not vote on H. Res. 1011, recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month. Had I been present, I would have voted "yea."

#### HONORING PIT MARTIN

##### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor the memory of former Chicago Blackhawk, Pit Martin. Pit was born in Rouyn-Noranda, Quebec, played 17 seasons in the NHL, and died in a tragic snowmobile accident two winters ago. He was only 64.

Pit is remembered as a hockey player, and for good reason because he was a darned great one. His storied career spanned four teams and 19 years—including 11 seasons with the Chicago Blackhawks. In 740 games, Pit scored 243 goals, dished out 384 assists, and was the "M" on the Chicago Stadium's iconic "MPH" line with Jim Pappin and Dennis Hull. He was named to four All-Star teams and led the Hawks to two Stanley Cup Finals.

But anyone who stood 5 feet, 8 inches tall and weighed 168 pounds in the NHL can never be defined by numbers alone—and so it was with Pit. After the 1969–70 season, he was awarded the Bill Masterson Trophy, exemplifying the qualities of perseverance, sportsmanship, and dedication to hockey. He was never the biggest dog in the fight, but during the 1,101 games he suited up for, no one fought harder, worked harder, and did more with less.

When Pit passed away, Hall-of-Fame linesman Matt Pavelich summed it up best: "He

was small, but he wasn't timid. I just remember him as a real nice guy." The Blackhawk family and the city of Chicago miss him.

Let's see if we can finish what he helped start, and bring home a Stanley Cup this year, for Pit, and all of Chicago.

#### CONCERNING THE RECENT DEPLOYMENT OF THE 143RD AIRLIFT WING OF THE RHODE ISLAND AIR NATIONAL GUARD TO ASSIST WITH RELIEF OPERATIONS IN HAITI

##### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. LANGEVIN. Madam Speaker, I rise today to recognize the service of the Rhode Island Air National Guard members who deployed to Haiti on Friday, January 22nd, to assist in the critical aid and evacuation effort taking place after the devastating earthquake that hit the country two weeks ago. Immediately after the earthquake struck, members of the U.S. armed services, first responders and relief agencies began their work to help the people of Haiti recover from this tragedy. With an alarming death toll of over one hundred thousand and the number of displaced Haitians reaching one million, the national and the international community must do all it can to support and help rebuild this shattered nation.

I am especially proud that the 143rd Airlift Wing, based out of Quonset Point Air National Guard Station, is helping in this recovery effort with transport and medical evacuation assistance. They will provide critical assets to the relief operation and will help deliver aid and supplies expeditiously to the Haitian people. During the past several years, the 143rd has answered their call to duty with the courage and bravery our Nation has come to rely on from our National Guard. The 143rd provided assistance to the citizens of New Orleans after Hurricane Katrina, made numerous tours to Iraq and have recently deployed again to Afghanistan. Both our state and our nation are incredibly grateful for their service and the service of all our men and women in uniform serving at home and abroad. I hope all our Rhode Island National Guard members return home safely and soon.

#### PERSONAL EXPLANATION

##### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. ORTIZ. Madam Speaker, on January 26–27, 2010, I missed rollcall votes 17 through 25 because of medical reasons. If I had been present, I would have voted as follows:

Rollcall vote 17, "yea;" rollcall vote 18, "yea;" rollcall vote 19, "yea;" rollcall vote 20, "yea;" rollcall vote 21, "yea;" rollcall vote 22, "yea;" rollcall vote 23, "yea;" rollcall vote 24, "yea;" rollcall vote 25, "yea."

#### PERSONAL EXPLANATION

##### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 1–5, 9–11, 15–16, and 20–25. Had I been present, I would have voted "aye" on rollcall votes 3–5, 9–10, 15–16, and 20–25. I would have voted "nay" on rollcall votes 2, 11. I would have voted "present" on rollcall vote 1.

#### IN MEMORY OF MS. DONICE HARBOR, 2010 NAACP HUMANITARIAN OF THE YEAR

##### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 27, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to remember Ms. Donice Harbor who will be honored, posthumously, as the North Carolina National Association for the Advancement of Colored People's 2010 Humanitarian of the Year at the 26th Annual Humanitarian Banquet on Saturday, January 30, 2010 in Raleigh, North Carolina.

This is a fitting tribute for an outstanding North Carolinian tragically taken from us long before her time. Donice was thoughtful and hardworking. She often put the needs of others before her own. Though only 36 years old at the time of her passing, Donice's wisdom and breadth of knowledge exceeded her years on this earth. For those who were blessed to know her, she will always be remembered for her leadership, her quiet determination and her ever-present smile.

A native of Winston-Salem, North Carolina, Donice received her undergraduate degree in Political Science from Fayetteville State University and her Masters degree in Public Administration from North Carolina Central University. While in graduate school, Donice began her career in public service as a Legislative Intern with state Senator Jeanne Lucas, the first African-American woman to serve in the North Carolina State Senate.

In 2001, Donice began working with then Lt. Governor Bev Perdue as Director of Public Liaison. In 2009, when Perdue was elected to the office of Governor, Donice became the Governor's Director of Faith and Citizens Outreach. In addition to being a dependable public servant, Donice was also a passionate advocate who was an active member of the Wendell-Wake County NAACP, Delta Sigma Theta Sorority and a valiant supporter of the North Carolina Legislative Black Caucus and its Foundation.

The tragic loss of Donice Harbor reminds us that cancer touches nearly every family in North Carolina. The U.S. House recently passed my legislation to raise awareness of the importance of early detection of cancer. Simply put, early detection saves lives.

Donice Harbor was an outstanding North Carolinian and very deserving of the NAACP's Humanitarian Award. She was a very special

friend to members of my staff and myself personally, and she will be missed.

Madam Speaker, I ask my colleagues to join me in honoring this extraordinary public servant.

#### PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, January 26, 2010.

I ask that the RECORD reflect that had I been present I would have voted "aye" on roll-call vote No. 17 (on motion to suspend the rules and agree to H. Res. 990), "aye" on roll-call vote No. 18 (on motion to suspend the rules and agree to H. Res. 1011), "aye" on roll-call vote No. 19 (on motion to suspend the rules and agree to H. Res. 1003).

#### RECOGNITION OF SOLAR TECHNOLOGIES

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. INSLEE. Madam Speaker, there have been times in history where great technological challenges have been overcome by the combined efforts from both government policy and scientific innovation. We are sitting at one of those critical junctions today. Our country is taking active steps to curb our energy consumption by implementing energy efficiency policies and is also highly engaged in scientific innovation to make renewable technologies, such as solar, a sustainable part of our total energy portfolio. I am here today to discuss several promising technological advancements in solar systems that might one day help reduce our country's dependence on foreign energy sources.

As we know, solar technologies come in several flavors. Some systems such as solar photovoltaic convert the sun's energy directly into useable electricity. Other technologies such as solar-thermal systems use the sun's energy to boil water that then turns a steam turbine which ultimately generates electricity.

Development of solar photovoltaic systems has relied on manufacturing processes developed in the microelectronics industry, which has relied heavily on silicon as the main material component. These manufacturing methods can be slow and they yield relatively expensive solar cells. Through technological advancements in material science, new materials such as copper-indium-selenide (CIS) or copper-indium-gallium-selenide (CIGS) have resulted in low-cost solar cells. Solar cells made with these materials can even be printed much like you would print a document with your ink-jet printer at home.

While CIS/CIGS photovoltaic advancements are driving manufacturing costs down, further

advancements in silicon solar cells are also progressing. Advancements have been possible through new techniques used in nanotechnology labs across the country. The new generation of solar cells, instead of being constructed of flat layers of material on a silicon wafer, may end up looking more like microscopic cities. These "3D" solar cells are showing promise as they may be able to better absorb the sun's energy and convert it to usable electricity.

Great things are happening in the solar photovoltaic world, but important advancements in the solar thermal world are also taking place. Recently concerns about the amount of water used in generation of electricity with solar-thermal power plants were raised; these concerns can be misleading as similar amounts of cool water are needed for coal or natural gas power plants. Regardless the solar-thermal industry has responded with an innovative dry-cooling process which could reduce the water consumed to almost nothing.

There are some that want a silver bullet to lay to rest our country's issues with foreign energy sources. While no such bullet exists, we can make real progress by encouraging development in all these promising technologies in parallel. Doing so can help States, like Washington State, achieve goals outlined in their renewable portfolio standards. On a larger scale we can move our entire country towards a clean energy source.

I hope that my colleagues here in Congress will help me in moving relevant bills swiftly through our legislative process.

#### IN RECOGNITION OF MR. CECIL MOORE'S 90TH BIRTHDAY ON FEBRUARY 13, 2010

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Mr. Cecil Moore, a constituent of mine who will be turning 90 on February 13th this year. Mr. Moore is a World War II Veteran and American hero and deserves our greatest praise.

He was so determined to serve our Nation, he hitch-hiked all the way from Sylacauga, Alabama, to Atlanta, Georgia, to enlist in the Marines in 1939. During World War II, he served most of his time in the Pacific and participated in the Marshall Islands campaign.

He eventually retired in 1965 at the rank of Colonel.

On February 13th, this hometown war hero will be celebrating his 90th birthday. All of us across Talladega County and East Alabama are deeply honored to be a part of celebrating this extraordinary veteran's 90th birthday celebration. Our best wishes and happy birthday to Mr. Cecil Moore.

#### IN HONOR OF TECHNICAL SERGEANT ADAM K. GINETT

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Air Force Technical Sergeant Adam K. Ginett, a 29-year-old from Knightdale, NC, who was killed on Tuesday, January 19 near Kandahar Air Field, Afghanistan, of wounds suffered from an improvised explosive device. Ginett was assigned to the 31st Civil Engineer Squadron at Aviano Air Base, Italy. It was his second tour of duty in Operation Enduring Freedom. Ginett received a Bronze Star for his role in a firefight on his first tour in Afghanistan. He also served two tours in Operation Iraqi Freedom.

According to his grandfather, Jim Haslam, Sergeant Ginett's unit was walking toward a location where a cache of IEDs was thought to be hidden. Another servicemember was killed in the incident and three were wounded.

In brave service to our Nation, Ginett opted for explosive ordnance duty after he graduated from boot camp. According to Ginett's mom, Christina Kazakavage of Coats, NC, he chose this dangerous work because it would mean that he would be able to directly save American lives by searching for and defusing bombs that were meant to take someone else's life. Sadly, last week that calling led to his own death from an IED in a field that he was working to make safe for others.

Though he had planned for a career in the military since he was in high school, Ginett had other interests, including artistic pursuits. He interned for four summers during high school with cartoonists at Walt Disney World in Florida, and he worked in a pottery studio in Knightdale during his last year at East Wake High School.

Ginett's body returned to North Carolina yesterday. A funeral mass will be held Friday, January 29 at St. Bernadette Catholic Church in Fuquay-Varina and Ginett will be buried with military honors in Raleigh Memorial Park. He is survived by his parents, James and Christina Kazakavage, and sister, Sarah Kazakavage, of Coats; paternal grandfather, Joe Kazakavage of Port St. Lucie, FL.; and maternal grandparents, James and Mary Haslam of Cary.

Madam Speaker, Adam Ginett is a true American hero whose selfless devotion to his fellow soldiers should be remembered. I hope that my colleagues will join me in saluting this brave young soldier for his sacrifice on behalf of our Nation. I would like to extend my deepest condolence to Sergeant Ginett's family and to all who knew him. Our Nation lost a true hero and he will be missed.

# ON INTRODUCING THE VETERANS PENSIONS PROTECTION ACT OF 2010

## HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Veterans Pensions Protection Act of 2010, which will protect veterans from losing their pension benefits because they received payments to cover expenses incurred after an accident, theft, loss or casualty loss.

When assessing a veteran's eligibility for a pension, the Department of Veterans Affairs, VA, considers a variety of sources of revenue to determine a veteran's annual income. If such income exceeds the income limit set by the VA, the veteran does not qualify for a pension or loses their benefits. Currently, the VA considers any reimbursement that compensates a veteran for his/her expenses due to accidents, theft or loss as income. Only reimbursements of expenses related to casualty loss are currently exempted from determination of income.

Under current law, if a veteran is seriously injured in an accident or the victim of a theft and receives insurance compensation to cover his/her medical expenses, the cost of replacement of the stolen items, or for pain and suffering, he/or she will likely lose their pension. This means that the law effectively punishes veterans when they suffer from such an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a truck when crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. This is unacceptable!

The Veterans Pensions Protection Act will amend the U.S. Code to exempt the reimbursement of expenses related to accidents, theft, loss or casualty loss from being included into the determination of a veteran's income. This will guarantee the continuity of our veterans' pensions and that no veteran will have their benefits unfairly and abruptly depreciated or cancelled.

Madam Speaker, we must ensure that pensions are issued to veterans who legitimately meet the income criteria and rely on such benefits to survive. We must enact regulations that help veterans live better lives, not hurt them. No veterans should be unable to pay their medical bills, unable to get the care they need, or in a situation where they could lose their home. After serving our country so valiantly, our veterans deserve no less than the very best benefits.

# OUR UNCONSCIONABLE NATIONAL DEBT

## HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,308,886,504,801.94.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,670,460,758,508.14 so far this Congress.

Yesterday the Congressional Budget Office released their Budget and Economic Outlook: Fiscal Years 2010–2020. They estimate a deficit of \$1.3 trillion for fiscal year 2010. This debt and its interest payments we are passing to our children and all future Americans.

## PERSONAL EXPLANATION

### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mr. AKIN. Madam Speaker, on rollcall No. 18—On the motion to suspend the rules and agree—H. Res. 1011, Recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 27, 2010*

Mrs. BACHMANN. Madam Speaker, on January 26, 2010, I was unexpectedly detained and could not vote on H. Res. 990, expressing support for designation of January 2010 as "National Mentoring Month." Had I been present, I would have voted "yea."

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this infor-

mation, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 28, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### FEBRUARY 2

9:30 a.m.

#### Armed Services

To hold hearings to examine the Defense Authorization request for fiscal year 2011, the Future Years Defense Program, the 2011 Quadrennial Defense Review, and the 2011 Missile Defense Review.

SD-G50

10 a.m.

#### Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2011.

SD-608

#### Energy and Natural Resources

To hold hearings to examine the nominations of Larry Persily, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, and Patricia A. Hoffman, of Virginia, to be Assistant Secretary of Energy for Electricity Delivery and Energy Reliability.

SD-366

#### Finance

To hold hearings to examine the President's proposed budget request for fiscal year 2011.

SD-215

#### Foreign Relations

To hold hearings to examine the nominations of Donald E. Booth, of Virginia, to be Ambassador to the Federal Democratic Republic of Ethiopia, Bisa Williams, of New Jersey, to be Ambassador to the Republic of Niger, and Beatrice Wilkinson Welters, of Virginia, to be Ambassador to the Republic of Trinidad and Tobago, all of the Department of State.

SD-419

#### Rules and Administration

To hold hearings to examine the Supreme Court's decision to allow unlimited corporate spending in elections.

SR-301

#### Commission on Security and Cooperation in Europe

To hold hearings to examine Kazakhstan's leadership of the Organization for Security and Cooperation in Europe (OSCE).

SR-485

2 p.m.

#### Homeland Security and Governmental Affairs

##### Contracting Oversight Subcommittee

To hold hearings to examine business perspectives on the United States Agency for International Development (USAID) reconstruction and development contracts in Afghanistan.

SD-342



2:30 p.m.

## Banking, Housing, and Urban Affairs

To hold hearings to examine prohibiting certain high-risk investment activities by banks and bank holding companies.

SD-538

## Foreign Relations

To hold hearings to examine the nominations of Rosemary Anne DiCarlo, of the District of Columbia, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Deputy Representative of the United States of America to the United Nations, and to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Deputy Representative of the United States of America in the Security Council of the United Nations, Brooke D. Anderson, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, Allan J. Katz, of Florida, to be Ambassador to the Portuguese Republic, Ian C. Kelly, of Maryland, to be U.S. Representative to the Organization for Security and Cooperation in Europe, with the rank of Ambassador, and Judith Ann Stewart Stock, of Virginia, to be Assistant Secretary of State for Educational and Cultural Affairs, all of the Department of State.

SD-419

## Judiciary

To hold hearings to examine certain nominations.

SD-226

## Intelligence

To hold hearings to examine the world wide threat.

SH-216

3:30 p.m.

## Foreign Relations

To hold hearings to examine the nominations of Scott H. DeLisi, of Minnesota, to be Ambassador to the Federal Democratic Republic of Nepal, Harry K. Thomas, Jr., of New York, to be Ambassador to the Republic of the Philippines, and David Adelman, of Georgia, to be Ambassador to the Republic of Singapore, all of the Department of State.

SD-419

## FEBRUARY 3

9:30 a.m.

## Finance

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for health care proposals.

SD-215

10 a.m.

## Judiciary

To hold an oversight hearing to examine United States Immigration and Customs Enforcement, focusing on immigration detention reform.

SD-226

## FEBRUARY 4

9:30 a.m.

## Homeland Security and Governmental Affairs

## Investigations Subcommittee

To hold hearings to examine keeping foreign corruption out of the United States, focusing on four case histories.

SD-342

10 a.m.

## Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Energy.

SD-366

2:30 p.m.

## Judiciary

## Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers.

SD-226

## Intelligence

Closed business meeting to consider pending calendar business.

SH-219

## FEBRUARY 9

9:30 a.m.

## Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for Defense Authorization and the Future Years Defense Program.

SDG-50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program.

SD-366

2:30 p.m.

Energy and Natural Resources  
Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

## FEBRUARY 10

9:30 a.m.

## Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

## Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

## Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

## FEBRUARY 11

11:30 a.m.

## Energy and Natural Resources

Business meeting to consider any pending nominations.

SD-366

## FEBRUARY 23

9:30 a.m.

## Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.

SDG-50

## FEBRUARY 25

9:30 a.m.

## Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

## MARCH 2

2 p.m.

## Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

## MARCH 4

9:30 a.m.

## Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

## MARCH 9

9:30 a.m.

## Armed Services

To hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

## Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

|   |   |        |
|---|---|--------|
| MARCH 18  | Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America. |        |
| 9:30 a.m.   |   |        |
| Veterans' Affairs   |   |        |
| To hold hearings to examine legislative presentations from AMVETS, National |   | SDG-50 |

**SENATE—Thursday, January 28, 2010**

The Senate met at 9:30 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

For the beauty of the Earth, robed in the garb of providential love, we raise our morning hymn of praise.

Today, give our Senators vivid vision to know Your will and to follow Your leading. Lord, inspire them to engage in selfless service with courage and compassion, fulfilling their call to be instruments of Your glory. In these challenging times, drive them to their knees for the inner strength that will keep their faith from faltering when pressured. Provide them with the strengthening joys of Your spirit and the newness of life that only You can give.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, there will be a period

for the transaction of morning business for 1 hour. The time will be controlled by the two leaders or their designees. Senator SANDERS is going to control 15 minutes of the majority time. We have a half hour. So he will have 15 minutes of that time.

Following morning business, the Senate will resume consideration of H.J. Res. 45, the debt limit legislation, and proceed to a series of votes in relation to the following items: Brownback amendment; Sessions/McCaskill amendment; Reid amendment; Baucus for Reid amendment; and passage of H.J. Res. 45.

Following those votes, there will be 1 hour of debate prior to a cloture vote on the nomination of Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve. We are going to try to see if we can work with both Democrats and Republicans to have more time to debate prior to a vote on Ben Bernanke. If we can work that out, we will have an extended period of time, whatever Senators want, prior to Mr. Bernanke, and then we would have cloture and perhaps final passage. We don't have that worked out. At least the order before the Senate is that following the series of five votes, there will be an hour of debate prior to a cloture vote on Ben Bernanke.

Mr. President, I see the distinguished Judiciary chairman here. We have a half hour of time, and I will be happy to give to my friend whatever time he desires.

How much time does my friend need?

Mr. LEAHY. Ten minutes.

Mr. REID. Ten minutes to the chairman of the Judiciary Committee, PAT LEAHY. I have already indicated Senator SANDERS will have 15 minutes of our time.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with the time equally divided between the two leaders or their designees, with the Senator from Vermont, Mr. SANDERS, controlling 15 minutes of the majority time.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my good friend from Nevada, the majority leader. Before I speak, I see the

distinguished Republican leader. I will reserve my time and allow him to speak, of course.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**JOB GROWTH**

Mr. McCONNELL. Mr. President, I thank my friend from Vermont. I hope I will not inconvenience him. I have a very short opening statement. I thank him for giving me the opportunity to make this statement.

As always, we appreciate the President coming to the Capitol last night. I take him at his word when he says he wants to work with us on issues that benefit the Nation and in particular to grow jobs. I would like to speak this morning about two areas in particular that meet the criteria of bipartisan achievements and job growth—agreements to increase our exports and finding more American energy. Those are two areas upon which we ought to be able to find bipartisan agreement.

The President called for increased exports and for the Congress to pass trade agreements that have languished under the current majority in the Senate. Republicans agree with the need to increase trade and with the need to ratify trade agreements with Colombia and other important trading partners that so far have met resistance on the other side of the aisle. We also support passing a sensible bill to help Pakistan establish reconstruction opportunity zones that actually increase trade and do not impose self-defeating restrictions. We agree with the President's call to pass these agreements. We agree that these agreements will lead to more American jobs. The Congress should act on these agreements.

The President also called for producing more American energy. This is an area with a huge opportunity for American jobs that cannot—cannot—be sent overseas. We agree with his call for more clean energy produced here in America. We agree with his call for building more nuclear plants. We agree with his call for increased offshore exploration for oil and gas. We agree with his call for development of clean coal technologies. We should build a new generation of clean nuclear plants in this country. Senate Republicans support building 100 new plants as quickly as possible. We hope Democrats will join us in that effort, particularly now

with the President's call to action. The President could start by moving forward on the nuclear loan guarantee program that was included in the bipartisan 2005 Energy bill. He could also put forward a plan for dealing with the waste that comes from these plants in a safe and secure manner.

The President and I agree on the need to meet in the middle to find bipartisan agreement to grow jobs. I have outlined two specific areas where the President and Republicans in Congress agree. We know that increased American energy, without a new national energy tax, will grow good jobs. We know that increasing markets for our farmers, entrepreneurs, and manufacturers overseas through trade agreements will grow good jobs. We can get these done, and I hope the President will join us in calling on the majority to bring these issues to the floor in the Senate.

One thing we had hoped to hear more about from the President last night was the administration's handling of the attempted Christmas Day bombing. After 9/11, all Americans recognized the need to create and coordinate myriad tools of defense, security, and intelligence to protect us from future attacks. That is why Americans are so troubled by the fact that the administration seems to have lost sight of this essential requirement for national security out of a preoccupation with reading the Christmas Day bomber his Miranda rights. Apparently, there was little, if any, coordination among key components of the administration's national security apparatus on how to treat this terrorist who nearly killed 300 innocent people over Detroit on Christmas Day. Shockingly, the administration then made the hasty decision to treat him as a civilian defendant, including advising him of the right to remain silent, rather than as an intelligence resource to be thoroughly interrogated in order to obtain potentially lifesaving information.

Republicans have issued a letter to Attorney General Holder demanding answers to some of the vital questions that arise out of the administration's handling of this attempted attack. It is critical that Americans have a full and timely understanding of the policy and legal rationale upon which the ill-advised decision surrounding this narrowly averted calamity was made. Until these concerns are addressed, Republicans will continue to raise them on behalf of the American people.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand I have 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. Mr. President, I hope the American people watched and heard President Obama's speech last

night and were reassured. I know I was. There are so many things that he covered, I will not try to repeat all of them. I would like to expand on one of the very important matters he raised. On this, I will wear my hat as chairman of the Senate Judiciary Committee.

The Supreme Court's 5-to-4 decision last week in *Citizens United v. Federal Election Commission*. That decision threatens to allow corporations to drown out the individual voices of hard-working Americans in our elections. By overturning years of work in Congress, years of work by both Republicans and Democrats alike—campaign finance laws, and by reversing a century of its own precedent, the conservative, activist bloc on the Supreme Court reached an unnecessary and improper decision that is going to distort future elections. The *Citizens United* decision turns the idea of government of, by, and for the people on its head. It creates new rights for Wall Street at the expense of Main Street.

Congress, on behalf of the American people, struggled for years to enact campaign finance reform. Virtually every American wanted campaign finance reform. We finally did that in a bipartisan way in the landmark 2002 McCain-Feingold Act overcoming a filibuster and passing it with a bipartisan supermajority. This milestone campaign finance reform strengthened the laws, protecting the interests of all Americans by ensuring a fair electoral process. It was a matter of serious consideration by Congress, and was signed into law by President George W. Bush.

In the 2003 case *McConnell v. the Federal Election Commission*, the United States Supreme Court upheld the key provisions of the McCain-Feingold Act against a First Amendment challenge. That was consistent with 100 years of judicial precedent and law, including a longstanding criminal law prohibiting corporations from contributing to Federal election campaigns. We have long prevented corporate contributions to Federal campaigns, at least since the time of President Teddy Roosevelt. The prohibitions included in the Tillman Act were signed into law in 1907.

Now only 6 years after upholding 100 years of precedent, resolving the question in *McConnell*, and after a number of other Supreme Court opinions upholding these campaign regulations as needed to ensure fairness in elections, a thin majority of the Supreme Court, made possible by President Bush's appointment of Justice Alito, has thrown out important parts of the law, and they have run roughshod over a long line of longstanding Court precedent. This is a threat to the rule of law. It overrules congressional efforts to keep powerful, monied interests from swamping individual voices and interests. This decision puts the special in-

terests of big oil, banks and insurance companies ahead of the interests of the American people, and it risks corrupting our political process. It shows no deference to Congress and no respect for the rule of law as reflected in the precedents of the Supreme Court. I agree with Justice Stevens, who wrote in his extraordinary dissent in *Citizens United*:

[T]he court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.

At his confirmation hearing, Justice Alito, under oath, testified that the role of the Supreme Court is a limited role. It has to do what it is supposed to do vigilantly but also has to be equally vigilant about not stepping over the bounds and invading the authority of Congress. That was then when he was seeking confirmation. This is now. As Justice Stevens' dissent makes clear, the narrow majority of the Justices, including Justice Alito, substituted their own preferences for those of the duly-elected Congress, despite 100 years of the Supreme Court's own precedents.

This is the most partisan decision since *Bush v. Gore*. That decision by the activist conservative bloc on the Supreme Court intervened in a presidential election. This decision is broader and more damaging in that they have now decided to intervene in all elections. Just as in *Bush v. Gore*, last week, the conservative activists currently on the Supreme Court unnecessarily went beyond the proper judicial role to substitute their preferences for the law. Last week's decision is only the latest example—yet perhaps the most extreme—of the willingness of a narrow majority of the Supreme Court to render decisions from the bench to suit their own ideological agenda.

I believe that the activist conservatives now on the Supreme Court got this decision dramatically wrong as a matter of constitutional interpretation and also common sense. Corporations are not the same as individual American men and women. They do not have the same rights, the same morals, the same ideals. They do not vote. They do not have the same role in our election as individual citizens. When the Supreme Court made its landmark decision to ensure election fairness through the constitutional protection of the principle of one-person-one-vote, it did the right thing. Last week, the conservative bloc undermined that core constitutional principle by imposing its view that moneyed corporations should dominate the airwaves and election discourse. Rather than abiding by the limitations that Congress has developed to ensure a multitude of voices in the marketplace of election contests, they decided that the biggest corporations should be unleashed so that they can be the loudest and most

dominant at the expense of our democratic principles.

At the core of the first amendment is the right of individual Americans—individual men and women—to participate in the political process, to speak and, crucially, to be heard. That is what the campaign finance laws were designed to ensure; that American men and women could be heard and fairly participate in elections. This right is fundamental to the legitimacy of our democracy—to our ability to govern ourselves because it is the foundation of our other rights.

Last week's decision puts these inalienable rights at risk by ignoring not only the extensive findings of Congress in passing the law but also logic and reality. The loud megaphones that can be bought by corporate money can drown out the unamplified voices of individual Americans. This is true even in an age when the Internet has vastly expanded avenues for citizens to speak to each other. The campaign finance laws passed by Congress reflected clear reasons for treating individuals and their free speech rights differently from corporations and their money. We have done so for at least 100 years. We sought additional reforms after the corruption of Watergate, and again at the turn of this new century. Those reforms and reasonable regulation are now left in tatters.

The purported principles of the conservative activists cannot be limited to section 441b of title 2 of the United States Code, as amended by section 203 of the McCain-Feingold Act. If corporations can use their wealth to make independent expenditures for electioneering because they are now suddenly being given, by five people on the Supreme Court, constitutional rights in elections, what can prevent them from contributing to individual campaigns? What principle allows us to bar foreign corporations—foreign corporations—from likewise engaging in campaign communications?

The largest companies garner annual profits of hundreds of billions of dollars. They are doing this even during one of the greatest financial disasters in our Nation's history. If even a fraction of that money were directed toward political activity, those companies would have the financial power to dominate and determine this country's elections and the laws of this country. To put this in perspective, as Doug Kendall of the Constitutional Accountability Center pointed out after the decision, if Exxon-Mobil diverted only two percent of the \$45 billion in profits it generated in 2008, "this one company could have outspent both presidential candidates and fundamentally changed the dynamic of the 2008 election." The same could be said for numerous other companies who will now be able to dwarf the contributions and voices of individual Americans.

The risks of this new ruling extend even further. The conservative activist majority in *Citizens United* fails to make clear whether the new "rights" it has conferred are limited to American corporations or if they apply to foreign corporations. Can the Chinese or subsidiaries of Chinese corporations or Saudi oil companies now also spend unlimited amounts of money and come in and decide, in effect, American elections?

Saudi Aramco is estimated to be worth \$781 billion. Petro China's estimated net worth is \$100 billion, with profits rivaling Exxon Mobil's, in the tens of billions each year. Likewise, Venezuelan oil takes in tens of billions a year. A German insurance company named Allianz is worth \$2.5 trillion. Another insurance concern, ING Group, is valued around \$2 trillion. HSBC Holdings is valued at almost \$2.5 trillion, with annual sales of almost \$150 billion. Bank of America itself has sales of over \$100 billion a year. Then there are the Wall Street firms and investment houses, which certainly will not support planned banking industry reforms.

It is hard to envision this is what the Founders, who threw off the shackles of oppression, meant to enshrine in the Constitution when they wrote the First Amendment. It is also hard to understand how these conservative activists, who sound incessant alarm bells about the dangers of applying foreign law and recognizing rights for noncitizens in our courts, now cannot understand the threat of this encroachment on the very core of our democracy. The *Citizens United* decision is disconnected from the plain text and history of the Constitution, the careful policy choices of the elected branches, and the guidance of the Supreme Court's own legal precedents and the rule of law.

I am also disappointed with the Justices, who as nominees before the Senate, when they were testifying under oath, proclaimed their belief in judicial modesty and judicial restraint, could then turn around and so brazenly ignore the proper judicial role and in so cavalier a manner overturn Supreme Court precedent and override the rule of law. In his dissent, Justice Stevens noted that "there were principled, narrower paths that a Court that was serious about judicial restraint could have taken." In deciding an unnecessarily broad question—when the parties themselves advanced numerous, narrower grounds of decision—the "majority has transgressed yet another 'cardinal' principle of the judicial process."

I cannot remember a time in my 36 years in the Senate when I have come to this floor to criticize even decisions I disagree with, but this one I am because it goes to the very core of our democracy, and it will allow major corporations, which should have laws

written to control their effect on America, to instead control America. That is not the America I grew up in. It is not the America Vermonters believe in, where individuals have a right to speak but not mega corporations.

How did the Court come to the opposite conclusion about the rights of corporations to spend unlimited money on elections from that enshrined in our laws and prior Supreme Court decisions? Did we amend the Constitution to somehow equate corporations to people? No, we did not. Nowhere does the Constitution even mention corporations. Did we modify the first amendment? No. The first amendment reads as it did 6 years ago—indeed, as it did 219 years ago, when the Bill of Rights was ratified, and the 14th State in the Union—Vermont—ratified the Constitution.

As Justice Stevens noted in his dissent:

The only relevant thing that has changed since Austin and McConnell is the composition of the court.

Six years ago Justice Sandra Day O'Connor, who was part of the Supreme Court's majority upholding the limits on corporate spending in the McCain-Feingold Act, retired. The meaning of the Constitution should not change from one year to another due to the replacement of one Justice. As the dissenting Justices noted:

[T]he final principle of judicial process that the majority violates is the most transparent: *stare decisis*. . . . But if this principle is to do any meaningful work in supporting the rule of law, it must at least demand a significant justification, beyond the preferences of five justices, for overturning settled doctrine.

As judicial nominees often testify, the rule of law depends on the stability provided by the consistent application and interpretation of the Constitution and the laws. So does the ability of Congress to act to pass laws. The Latin phrase that lawyers use to talk about the importance of respecting and following prior court rulings or precedent is "*stare decisis*."

As Justice Stevens wrote in the dissent:

*Stare decisis* protects not only personal rights involving property or contract but also the ability of the elected branches to shape their laws in an effective and coherent fashion.

That is why every Supreme Court nominee that I can recall who has appeared before the Judiciary Committee has been asked whether he or she is committed to following precedent. This is central to assuring us and the country that a Justice will be committed to the rule of law and understands the role of a judge. Courts should only depart from precedent with ample justification. As Justice Stevens wrote in dissent:

No such justification exists in this case, and to the contrary there are powerful prudential reasons to keep the faith with our precedents.

The same five Justices willing to overturn well-established precedent to create broad new rights for corporations in *Citizens United* had no trouble severely limiting free speech rights for individuals. In a 2007 case, *Morse v. Frederick*, Chief Justice Roberts, joined by Justices Scalia, Alito, Thomas and Kennedy, held that the First Amendment did not protect an 18-year-old student from being suspended for holding up a banner across the street from a school during the 2002 Olympic Torch Relay. They held the principal could suspend that student, a legal adult, for displaying the banner, not on school grounds, but across the street from the school. All that was needed was for the school administrator to believe that the banner somehow promoted illegal drug use and was therefore against the school's policy. Perhaps if that student had incorporated, these five Justices would now find his First Amendment rights protected. These are the same Justices who recently reached out to ban the streaming of public trial proceedings on a matter of public interest, as well, on similarly flimsy grounds in order to impose their own preferences.

It is also difficult to understand the lack of concern in *Citizens United* for the potential of massive corporate spending to distort elections in light of the Supreme Court's ruling issued only months ago in *Caperton v. Massey*. In that case, Justice Kennedy wrote that the possibility of bias due to campaign contributions in a state judicial election meant that the judge was wrong not to recuse himself from deciding a case involving a defendant who had spent \$3 million supporting his election campaign to the bench. I agreed with that decision. There, Justice Kennedy wrote:

We conclude that there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent.

What I do not understand is how these same standards and obvious logic were not applied to corporate spending in election campaigns.

Last week's decision and its troubling inconsistency with the Court's other interpretations of the Constitution leaves with us serious questions about how to ensure that our elections are not corrupted by unchecked corporate spending. It also reinforces the profound concern I have had about the real-world consequences of the Supreme Court's recent decisions for hard-working Americans—real Americans—on issues such as equal pay for equal work; the power of Congress under the 14th and 15th amendment, to pass civil rights laws, such as the Voting Rights Act; and issues thought to be long settled, such as the meaning of

*Brown v. Board of Education*. The newly constituted Supreme Court seems determined to accrue to itself the powers given by the Constitution to Congress and to rewrite long-established precedents, certainly acting contrary to what these same Justices said in their sworn testimony when they were being confirmed. The Judiciary Committee has explored these concerns in a series of recent hearings, and we will hold a hearing soon to examine the impact of the *Citizens United* decision. This case is just the latest example of why every seat on the highest court affects the lives of everyday Americans.

I think every one of us, as Americans, must work to ensure that the system of checks and balances envisioned by the Founders is not cast aside by the whimsical preferences of five Justices overriding the rights of 300 million Americans. I look forward to working with President Obama and Senators from both sides of the aisle as we try to restore the ability of every American to be heard and effectively participate in free and fair elections.

Again, I can only emphasize that I do not recall a time in my 36 years coming here to speak about Supreme Court decisions I disagree with, even though there have been many. But this is so egregious that, as chairman of the Senate Judiciary Committee, I would feel I was neglecting my duties if I did not come and speak against it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 2960 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

#### DISCRETIONARY CAPS

Mr. SESSIONS. Mr. President, I would like to share a few comments on the Sessions-McCaskill discretionary caps amendment that would limit spending to the budget items and budget levels we passed.

Before doing so, I would like to say I was disappointed last night that the President and my good friend and very effective leader of the Judiciary Committee, Senator LEAHY, have politicized a very important decision of the Supreme Court of the United States. The Justices didn't take an oath not to reverse bad precedent. They swore an oath of fidelity to the U.S. Constitution, and the first amendment guarantees the right of free speech.

For over a decade, I warned against this, and others warned this legislation we were passing violated the first amendment of the U.S. Constitution. In fact, one of the supporters of the

amendment, Senator FEINGOLD, at one point offered a constitutional amendment to amend the first amendment because he recognized this campaign restriction on spending during an election cycle ran afoul of the Constitution, but at some point they decided to go forward with it.

I would say two things about it. How it happened was this: During oral arguments on the showing as to whether a corporation which had produced a film about one of the Presidential candidates could show that film before an election and which was being blocked by the court—where they said you can't show a film about an election candidate, and they objected, saying: This is free speech—the Supreme Court asked this question during oral argument to the government's lawyer who was defending the statute we unwisely passed, and the question was: Well, Counsel, what if a company produced a book and wanted to publish a book, would this statute prohibit that? What was the answer? Yes.

Well, the Supreme Court said: Wait a minute. This is a serious thing. So you—Congress—passed a law that prohibits a group of American citizens from publishing a book that might have something to do with an election? This is a big deal. We have laws that protect pornography and all kinds of things, but the first amendment was written for free political speech.

Anyway, I don't want to go into it today, I have talked a lot about it before, but I wanted to push back a little. I am very disappointed because my colleague and the President are attempting to politicize a very significant first amendment issue that we knew existed when this bill was passed. The New York Times, which supported it, was a corporation. They can write editorials on the day of an election. But if the Ford Motor Company gets tired of GM getting billions and billions of dollars from the Federal Government, can they not run an ad and say: Don't do this.

Anyway, we will be voting soon on a very important piece of legislation, and so I am pleased to be working with Senator CLAIRE McCASKILL, my Democratic colleague from Missouri, to say we need to do better about spending, and we do.

What happens in this body is, we too often find ways to get around the budgets we pass. Last year, we passed a budget that I thought spent too much, but it passed and it is our budget and it calls for spending over the next 5 years to have around 1 to 2 percent growth. But, historically, we have been violating that. Historically, we find this gimmick, this way to go above that. It is going above that, and I can demonstrate how baseline increases in spending compound themselves over the years and get us into serious financial trouble. What we need to do is stay with our budget.

We need to have an option to go outside the budget or above the budget in case of an emergency—there is no doubt about that—but we have too often been able to get around the budget through manipulation and through emergency spending designations. Our bill has a number of Democratic Senators who are supporting it, and I think most Republicans will support it. I think we have an opportunity to pass it, and it would provide some integrity to our process.

The American people aren't trusting us. I think they are right not to trust us and I am prepared to debate that. I can show they have a right not to trust the budget numbers we put out because we don't stick with them. So this amendment would say that for 5 years we will take the very numbers that were in last year's budget—the budget we are operating under today—and we would place them in a statute by number. The amendment would say how many millions of dollars we will allow to be spent this year in defense numbers and nondefense numbers. When we do that, if there comes an attempt to violate the budget and to spend more, then a Senator could raise a point of order and it would take a two-thirds vote of the Senate to override that point of order.

I think that is good, sound legislation. Make no mistake, it will put some teeth in the budget. There are those of us who know we have given in too often to the desire to spend more because we get multiple demands from our citizens and we sometimes are unable to say: Well, I do need to help you, but I am going to have to cut over here. What we do say is, I can't reduce anything. Now that would make those people uneasy and unhappy with me. But I want to help this person, so I will just increase my spending and go over on the debt and over the budget limit.

I am of the belief that this legislation, though modest, is very consistent with the numbers President Obama talked about last night. In fact, I think it is almost in perfect harmony with the freeze he suggested should happen last night. This would actually allow a 1- to 2-percent increase, as I said, in defense or nondefense spending. This would be the kind of thing that would be in harmony with the President's proposal.

The American people are cynical. We say these things—the President says these things, Members of the Senate say these things—but our spending, when we look back at it, doesn't do so well. Last year our domestic discretionary spending, the money we actually controlled in the Senate, increased 12 percent, which is a number above what we can realistically justify. Remember, we also had, on top of that, the stimulus package. A lot of that money hasn't been spent—maybe a third of it. That is pouring into the economy.

Now is the time for us to get hold of baseline spending. I believe we can do it. These are some of the objections we have had about it. Would it prevent the Federal Government from responding to emergencies? No. I point out the emergency spending bills that came up before Congress were consistently passed with huge majorities. For example, the Defense bill on the war against terrorism and tsunami relief, 100 to 0; on supplemental veterans health care, we had 99 to 1; the Katrina spending was passed by unanimous vote; the second emergency for Katrina, 97 to 0; another Katrina vote, 93 to 0; supplemental appropriations for disaster loans, no budget point of order even raised; another Hurricane Katrina supplemental, 80 to 14; Emergency Economic Stabilization Act, 74 to 25.

The votes have been high. But every one of these things does not need to be passed perhaps at the level initially proposed. Sometimes you may support Katrina or some other supplemental and you think the numbers are too high and you are going to object and the appropriators can come back with a smaller number and it would pass. I say that is the process we work with.

We are violating the budget act too much. I urge my colleagues to consider this legislation and vote for it. Would it prevent Congress from adequately funding missions in Iraq and Afghanistan? The answer to that is no. The 67-vote threshold would not apply in Iraq and Afghanistan and our war against al-Qaida because the amendment explicitly states this rule does not apply "in the case of the defense budgetary authority, if Congress declares war or authorizes the use of force," which we have done in these situations.

In wartime it does not constrict our ability. We still have to vote for it and make sure we have the vote for it, but we don't have to have a supermajority for votes. I think that is the important part of it.

Some would say you are attempting to balance the entire budget by reducing nondefense discretionary spending, which is a relatively small part of the budget. I would say we know this will not fully balance the budget, but I can demonstrate, and have, that the growth in spending that is occurring on the discretionary accounts in the last several years has far exceeded the growth of Medicare and Social Security, and it is crowding out our ability to fund Medicare and Social Security. It is a threat to us, to those programs, as well as to the long-term fiscal status of our country.

Finally, I point out that I just left the Budget Committee hearing. Mr. Elmendorf, the CBO Director, testified today and indicated that, if several more things that are likely to occur, which he did not use in his calculations, take place the number would be much worse, much higher. He said we

are facing a critical economically threatening force of debt that we have to act better about. Chairman CONRAD and Ranking Member GREGG said the same thing in their opening statements.

I point out what he reaffirmed, their score, that under the present path we are on, we now pay, in 2009, \$200 billion per year in interest. That is what we paid to people who loaned us money, the public debt. In about 2019, 10 years, that debt will triple from \$5.7 trillion to over \$17 trillion, and the interest we pay in 1 year on that debt is \$799 billion.

When you think about it, the Federal Highway Program is about \$40 billion or \$50 billion. The aid to education is not much more than that. This is going to crowd out all kinds of spending that so many of my colleagues would like to see happen. We are either going to have massive increases in taxes or major reductions in spending just so we can budget and pay for the interest on this debt. He says it is unsustainable. This is a nonpartisan person.

The Concord Coalition has a great focus on excessive spending in this country. The Concord Coalition supports the amendment that Senator MCCASKILL and I are offering; so does the Committee for a Responsible Federal Budget, a great bipartisan group that has been watching budget issues for many years and is composed of some of the previous budget directors and experts on these matters, a very responsible, respected group. The Heritage Foundation, a solid group of conservative scholars who have written persuasively about the dangers of debt, as well as the National Taxpayers Union, which represents individual Americans who realize the threat to our country from soaring debt and bigger and bigger spending, all support this legislation.

I think it is the kind of bipartisan legislation that will send a message not just to our Congress that we are going to contain spending but also to the whole world that we are putting in place some things that indicate we are going to be serious about avoiding this path we are on.

This is not made up. This is based on present commitments of the U.S. Government in law based on projections of income that we will receive and the spending levels that are surging. I hope our colleagues will seize on this. I think it will help the stock market. I think it will help our own focus. It would be a statement by Senators that we are serious about this, and we will work together to get it done. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Nebraska is recognized.

Mr. JOHANNIS. Madam President, I rise today to speak about the same



topic the last Senator spoke about. Let me, if I might, start my comments today by complimenting Senator SESSIONS. I look at that graph that was just up and the one thing it points out to me in very vivid detail is that spiraling cost, that straight-up cost, is only to pay the interest. It does not even start to pay down the principal.

I stand here today before offering some comments about this further, thinking how much we would unleash the potential of this country if we just sent a signal that we were getting serious about our spending, our debt load, and we were intent on addressing that.

That is what brings me to the floor of the Senate today. I rise today to speak against raising the debt ceiling. This is a decision that should not be taken lightly. No one in this body should take this decision lightly. It is a serious matter, enormously serious. Our country has debt, and it is important that we start to deal with these commitments and the spending that is just out of control.

Ralph Waldo Emerson once said: "Pay every debt as if God wrote the bill." Yet I could not support increasing the amount that the Treasury can borrow by \$1.9 trillion—it is the largest increase ever contemplated—in the current environment of spending the people's money as if it meant nothing. You see, what is missing for me, to get to a point where you could raise the debt ceiling, is a commitment, a plan, a serious plan, a roadmap on how we get our spending under control.

The orchestra, sadly, continues to play oblivious to our government barreling down on this entitlement-and-spending iceberg which is coming our way. There is just no doubt about it.

If this increase passes, the debt limit will have increased about 35 percent in the last year. Think about that: 35 percent in the last year. We are not talking about a few million dollars or billion dollars. We are talking about trillions of dollars.

Let me repeat that. Since this administration took the reins, our debt ceiling will have increased by over one-third.

We as parents teach our children, we say: Money doesn't grow on trees. How many times did I tell my kids that? But it seems as if the U.S. Government has missed this sage lesson. The latest proposed increase is undoubtedly the largest increase in history, more than double the previous record of \$984 billion.

Since arriving here I have consistently argued for setting priorities and against wasteful spending. I would like to say again, and I have said this on the Senate floor, as my time as Governor of Nebraska went on I realized there were no easy choices in balancing the budget, but we had a constitutional mandate to balance the budget back home in Nebraska. What is more, our

State constitution prohibited us from borrowing money.

What did that mean? I couldn't balance the budget by issuing debt. This whole idea of the Federal Government issuing more and more debt was a foreign concept back home.

When I came out here to join the President's Cabinet, I did not have to turn to the last Governor and say: I am sorry about all that debt I took on for the State. There is no debt in Nebraska. We pay our bills. Since arriving here, though, I have begun to realize this government tries to be all things to all people every day and all day. The U.S. Government simply cannot continue on that path. We believe back home that less government is better government.

Many of my colleagues would probably come to the floor and stand and disagree with that. They may believe that you have to literally spend your way out of these problems, you have to spend your way to wealth. But there is nothing in our heritage that would lead me to the conclusion that is the right approach.

Even if you disagree, we can have a respectful debate. I am hard pressed to find anyone, though, who would argue with the reality of the numbers. I used to tell my cabinet when I was Governor, when we were dealing with tough budget issues: Look, folks, this is not magic; it is math.

And the numbers do not lie. The numbers tell us that the Nation's fiscal course is not sustainable. By the end of this year, our debt held by the public will be more than 60 percent of the gross domestic product. Think about this. Among internationally recognized economic thresholds, 60 percent is generally known as the tipping point toward an unsustainable nation. The European Union actually treats it that way. You cannot even be a member of the European Union if your debt exceeds 60 percent of your gross domestic product. Think about this. This great Nation would not be eligible to join the European Union.

Looking down the road, within 10 years our publicly held debt will approach the 90-percent mark. You see, once that snowball gets going down that mountain, good luck of ever stopping the avalanche.

We will not be able to catch up with this runaway debt if we do not start dealing with it now. We are, in my judgment, on the verge of a vicious cycle that requires more taxes, more debt to be taken on by American families and sent overseas to foreign creditors. If we allow our country to slip into this cycle—and we are dangerously close to it now—then that shining city on the hill former President Reagan would often speak about is more dim, if not dark.

Instead of voting to increase the debt limit and simply kicking the fiscal can

down the road, we need, first, to devise some concrete interventions. Unfortunately, the President's 2010 budget proposes a \$1 trillion deficit, on average, for each of the next 10 years. With that vision, debt limit increases are going to be very commonplace around here. The cost of bearing such debt will swallow up our Nation's resources. It will diminish productivity.

I know the temptation is great—I saw it last night in the President's speech. I say this very respectfully—the temptation is great to say, you know, folks, these are the last guy's problems. This is the problem I created. All I can say is this: What that reminds me of would be like me becoming the mayor of Lincoln—and I served two terms as mayor there—and this time of the year, you have terrible pothole problems. It would be like me saying: Those potholes there were caused by the last guy. I will fix the ones that arose during my tenure.

I think what the American people are asking us to do is to start working together to solve the problems. But, unfortunately, these are not just potholes in the road of our Nation's history, these are massive problems that are going to seriously impact our children and grandchildren and bring down their quality of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, how much time is remaining on our side?

The PRESIDING OFFICER. Four minutes fifty-five seconds.

Mr. BROWNBACK. Madam President, I am happy to go back and forth if that would be the agreed-upon order of things. That would be certainly acceptable to me. I wanted to make sure what time we had on our side.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized.

#### NOMINATION OF BEN BERNANKE

Mr. SANDERS. In a little while we are going to be casting votes on an issue of enormous consequence, and that is whether we reappoint Ben Bernanke as Chairman of the Fed. I am here to argue that would be a very bad decision; that we should reject this nomination; that we need in this country a new Wall Street which understands its function is not simply to make as much money as it can for extraordinarily wealthy people on the Street, but to begin to interject the function of Wall Street into our productive economy, make credit available to small and medium-sized businesses so we can break out of this horrendous recession, which is causing so much pain from one end of this country to the other.

In order to create a new Wall Street, we need a new Fed, and we need a new

Fed Chairman who is going to provide new leadership. The same old, same old is not going to work. Everybody in America agrees and understands that a little over 1 year ago, our Nation—in fact the world's financial system—came to the edge of a major collapse.

Everybody also understands that the function of the Fed is to protect the safety and soundness of our financial institutions. That is its main function. Can anybody deny with a straight face that the Fed and its Chairman, Mr. Bernanke, failed at its task? They failed. This is not a personal attack against Mr. Bernanke.

But while Wall Street became converted into the largest gambling casino in the history of the world, where was Mr. Bernanke and the Fed, whose job it is to protect the safety and soundness of our financial institutions? They were not there. It seems to me to be a very bad idea to reward somebody with reappointment who failed at an enormously important task which has driven this country into a severe recession so that 17 percent of our workforce today is either unemployed or underemployed.

Millions of our fellow Americans have lost their homes; they have lost their savings; they have lost their ability to send their kids to college; they have lost their hopes for the future. Mr. Bernanke failed at his job. He should not be rewarded with reappointment.

Further, many of us, after 8 years of the Bush administration, said it is time for a change. It is time to change the priority of this Nation, time to move us in a new direction. The evidence is overwhelming that from an economic perspective as well as many other perspectives, the Bush administration failed.

Let me quote from the Washington Post earlier this month. This is what they said about the Bush economy:

The past decade was the worst for the U.S. economy in modern times. It was, according to a wide range of data, a lost decade.

Let me repeat.

A lost decade for American workers. There has been zero net job creation since December, 1999. Middle income households made less in 2008, when adjusted for inflation, than they did in 1999.

A lost decade. Standard of living for American workers down, creation of wealth down for American workers.

Ben Bernanke was appointed by George W. Bush to be Chairman of the Fed. He was a member of the Bush administration. In fact, he was the chairman of President Bush's Council of Economic Advisers.

Why do you want to reappoint someone who not only failed at his job as Chairman of the Fed, in terms of protecting the safety and soundness of our financial institutions, but was an architect of the Bush economy, which was a disaster for American workers? We need a new direction at the Fed.

It is not only looking back at the failures of Mr. Bernanke, it is looking forward and saying, how can the Fed respond to begin to protect the middle class and working families of our country? Here is something that has not been discussed enough. The Fed today has enormous powers.

Many will remember that as part of the bailout, Mr. Bernanke and the Bush administration not only pushed for a \$700 billion bailout for Wall Street, but on top of that Mr. Bernanke provided trillions of dollars—let me underline that—trillions of dollars in zero-interest loans to large financial institutions.

As a member of the Budget Committee, I had the opportunity to ask Mr. Bernanke which financial institutions received these trillions of dollars. I do not think that is an unreasonable question on behalf of the American people. Mr. Bernanke said, in so many words: Sorry, Senator, not going to tell you. The American people do not have to know who received trillions of dollars of their money. That to me is totally unacceptable. We need transparency at the Fed. Mr. Bernanke has not provided that transparency.

I have introduced legislation to bring that transparency to the Fed. Someone whose views are very different from mine on many issues, RON PAUL in the House, brought forth similar legislation. We need transparency. We need a Chairman of the Fed who will give us that transparency. That is something Mr. Bernanke can do tomorrow. In my State of Vermont, and I am sure in your state of New York, Madam President, people are calling you every single day and they are saying: We are sick and tired of paying 25 or 30 percent interest rates on our credit cards from the same banks and bunch of crooks that we bailed out who got us into this recession in the first place.

Imagine that. You have people who act on Wall Street in a reckless, irresponsible, illegal way. Taxpayers bail them out, and they say: Thank you, taxpayers. By the way, we are going to raise your interest rates on your credit cards. Have a nice day.

All over America, people cannot believe that. They are outraged this is happening. Well, you know what. Mr. Bernanke and the Fed have the authority today to lower interest rates on credit cards. They could do that today, and that is what they should do, because one of their responsibilities is to protect consumers against outrageous and fraudulent activities. In my view, charging people 25 or 30 percent is outrageous and fraudulent and usurious.

All over this country—the President mentioned it last night, appropriately so—small and medium-sized businesses that are making a profit are crying out for low-interest loans in order to expand their businesses and to hire new workers.

One of the great economic problems we are having as a Nation—the President touched on it last night—is the need for small productive businesses to get the low-interest loans they need.

Well, Mr. Bernanke was there with zero-interest loans for large, failed, fraudulent, dishonestly run Wall Street firms, but he is not there for small businesses all over this country that desperately need low-interest loans. The Fed has the authority today—not tomorrow, today—to provide low-interest loans to small and medium-sized businesses so that we can begin to hire new workers and bring our economy out of this severe recession we are currently in.

The reason, as I understand it, that the taxpayers of this country, against my vote, I should say, were asked to bail out the crooks on Wall Street was because they were too big to fail. You see, if a small business goes under, that is okay. Someone has worked their whole life building the business, the business fails, no problem. We do not help them. But if you are a big financial institution and you engage in reckless, illegal behavior, we bail you out because if you go down, you are going to take a large part of the economy with you, you are too big to fail.

Many of my colleagues might be surprised to know that three out of the four largest financial institutions we bailed out because they were too big to fail are bigger today than they were before we bailed them out because they were too big to fail. That may make sense to somebody, not to this Senator.

It seems to me that what common sense suggests is that we break up these large financial institutions so, A, the American people are never again put in the position of having to bail them out because they are too big to fail and, B, that we begin to understand what Teddy Roosevelt understood 100 years ago: concentration of ownership is dangerous for the economy.

Today, we have four major banks providing two-thirds of the credit cards in the country—four major financial institutions, two-thirds of all credit cards. We have four financial institutions writing half of all the mortgages in America. That is wrong. Break up the large financial institutions.

Ben Bernanke has the ability to begin to do that tomorrow. I have not heard one word from him to suggest he will do so.

The American people are angry. The American people are frustrated. What they are angry and frustrated about is that in many instances, they are working longer hours for lower wages than they used to, if they are fortunate enough to have a job. The American people are frustrated and angry because this immediate financial crisis and severe recession was caused by the recklessness and irresponsibility of a

handful of people on Wall Street. The American people are frustrated and angry because they are not seeing the kind of accountability and change in terms of the activities on Wall Street they expect and demand to happen. Quite the contrary. After having bailed out people who acted in an illegal and irresponsible way, what they are seeing is Wall Street pumping millions of dollars into campaign contributions and lobbying so that we can bring them back to where they were before the bailout.

The American people want change in the way our financial institutions run. The American people want change at the Fed. I believe the American people want a new Chairman or Chairwoman at the Fed. Now is the time to say to the American people: We hear you. We are going to bring about change. We are going to deny the reappointment of Ben Bernanke as Chairman. We are going to ask President Obama to give us a new nominee who will stand up for the middle class and working class of this country rather than for the big-money interests on Wall Street.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I ask unanimous consent to add the following cosponsors to my amendment No. 3309: Senators BARRASSO, CRAPO, and JOHANNIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CARFA

Mr. BROWNBACK. Madam President, the CARFA bill that will be voted on shortly has passed this Senate every Congress since the 107th Congress. It has either passed by rollcall vote or unanimous consent. This is nothing new. It has passed this body multiple times. Now it counts. Now when people vote on it, this will count. The CARFA bill breaks the Federal Government into four pieces. A fourth of the Federal Government is looked at each year, and then recommendations are made in a privileged motion that must be voted on. It is a spending commission. It is targeted at reducing Federal spending, which is clearly where the American public wants us to go. They don't want to raise taxes; they want to focus on getting wasteful spending under control.

This is a mechanism we have done before. It is a mechanism that has passed this Congress multiple times in the budget agreement. This time it counts. I ask my colleagues to look at this and say: If you voted for it in the past, do it now. We clearly need to do it.

Last night, the President spoke about the need to track the deficit. He was clear that we need to get the deficit under control. The first step in get-

ting the deficit under control is to reduce spending, get spending under control.

Here is the latest chart on the gross Federal debt as a percentage of the GDP. This year, we passed the 90-percent threshold of debt to the economy. So of the total economy size, about \$14 trillion, 90 percent of that is going to be gross debt. This is publicly and privately held debt combined. This is the level at which economists say this starts hurting the economy. It can drive down growth as much as 4 percent per year. We have had many years where we haven't even had 4 percent growth. We could put ourselves in negative growth by carrying this level of debt. And we blew through that number this year, headed toward 100 percent of debt to GDP. That is this year's number. That is the one that is just out.

Here is a breakdown of that. Some will say we are at 60 percent debt to economic activity. That is of the publicly held debt. That is the piece the Chinese own, and others. But if we look at total debt—this is what we owe to ourselves, the Social Security trust fund, other trust funds that I think we ought to pay back—we ought to be responsible with that. That is way up here, up over the 90-percent level. It is in the danger zone. It is time to get it under control.

CARFA is the way to do it. CARFA is a simple mechanism. It is eight people appointed, four by this body, four by the House. It makes recommendations on elimination of programs. Those must pass by six of the eight members who vote on that. That then is reported to the committee structure that is in the applicable areas of the recommendations for elimination. The committee has 30 days to review the recommendations. They can't amend it, but they can review the recommendations, say to the public: Here is what this is going to do if we make these cuts. Then it is subject to a privileged motion. The actual report comes before the body as a privileged motion. There is 10 hours of debate before we go to the bill. Then there is debate on the bill and a required vote with a 51-vote margin to pass it. That is all in the statute. This is the BRAC process, the Base Closure and Realignment Commission process used in the past to close military bases and to save us \$60 billion annually in spending on military bases, closing down bases, putting them in more efficient alignment. This will do the same at the Federal level.

It is not as if we don't have wasteful spending at the Federal level. This chart shows the scorecard the OMB does on Federal spending by agencies. We can see a bunch of agencies get Ds or Fs on program reviews. The Department of Labor, Department of Education get Fs on their spending as far as its utility and for what it was tar-

geted to do. If we have entire agencies rated at F or D or D-minus, don't you think there are a few programs in there that ought to be eliminated and that probably we can do without, without hurting the overall government or people or the economy? Absolutely. That is what the American people are screaming for us to do. They don't want us to raise taxes; they want us to cut spending. That is what the public is doing in this process. This is very clearly the process we should follow.

This is the time that this vote counts. My colleagues have been willing to support this concept in the budget resolution. Now is the time that it would have the force of law, if we are able to get it through. This is one the public is going to hear more and more about, as everybody gets focused on spending and what we need to do there. This will be the type of process that we need to do and that we need to use.

I urge a "yes" vote on the CARFA amendment, and I would hope my colleagues would put that in the bill so we can get a process by which we could legitimately start cutting Federal spending in a responsible way.

I yield the floor.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.J. Res 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Reid amendment No. 3305 (to amendment No. 3299), to reimpose statutory pay-as-you-go.

Sessions amendment No. 3308 (to amendment No. 3299), to reduce the deficit by establishing 5-year discretionary spending caps.

Brownback amendment No. 3309 (to amendment No. 3299), to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

AMENDMENT NO. 3309

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I understand I have 2 minutes to speak on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWNBACK. Madam President, I wish to show two other charts. This is not new information, but I think it is pretty dramatic in its presentation, the level of the massive addition of Federal debt at levels we have never seen before. We are looking at \$1.4 trillion in deficits. That is the annual addition. We have not seen numbers this size before. We haven't seen these percentages since World War II, the massive war effort we went into in World War II.

This is a critical situation at a critical time, and it must be addressed. The answer isn't to just extend the line of credit, which is what this bill—the base bill extends the line of credit by \$1.9 trillion. It is nice that we have the ability to say: OK, we will have the line of credit extended by \$1.9 trillion, but it doesn't address this, it just allows this to go on.

The CARFA bill gets at this line and starts cutting that. It starts cutting irresponsible Federal programs. It starts cutting duplicative Federal programs and programs that have accomplished their purposes. We have things we are funding that were started 50, 100 years ago, and they have actually accomplished what they were supposed to do and ought to be terminated. Yet they don't get terminated because there is no culling process that goes on. The Federal Government hasn't cut its own funding system for 100 years.

When I first came to Congress, we made a 1-year cut in Federal spending of 1 percent from one year to the next year. We eliminated some 200, 300 Federal programs. I used to give a speech asking people: Do you remember any of those programs we cut? Can you name two? I would pay people \$10 if they could name two we eliminated. They heard about the ice being delivered to Members' offices, so they got that one. But they could never get a second one. Think of the number of programs that are rated as failing that we could eliminate and nobody would notice. They would applaud the fact that we were actually cutting Federal spending which has been very difficult for this body to get done. Here is a mechanism with which we can get it done.

I urge a "yes" vote on my amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, the day before yesterday, the Senate voted on the amendment offered by the chairman and ranking Republican member of the Budget Committee to create a budget commission. The Senate rejected that amendment. The proponents fell 7 votes short of the 60 votes they needed.

I opposed that amendment because it would have forced the Senate to consider the commission's recommendations using a fasttrack process. It would have outsourced our job to the commission.

The Senator from Kansas proposes a commission that also would create a fasttrack process. It would also put vital programs like Medicare, farm programs, and veterans' programs in the crosshairs. Thus, all who opposed the Conrad-Gregg commission on process grounds should oppose this amendment for the same reasons.

As well, the Brownback commission would address only the spending side of

the budget. So those who wanted a broader commission should have that reason to oppose this commission, as well.

I have been advised that the chairman of the Budget Committee, Senator CONRAD, joins me in opposing this commission.

I urge my colleagues to oppose the amendment.

I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 3309.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—51

|           |           |             |
|-----------|-----------|-------------|
| Alexander | Enzi      | McConnell   |
| Barrasso  | Graham    | Merkley     |
| Bayh      | Grassley  | Murkowski   |
| Bennet    | Hagan     | Nelson (NE) |
| Bennett   | Hatch     | Nelson (FL) |
| Bond      | Hutchison | Risch       |
| Brownback | Inhofe    | Roberts     |
| Bunning   | Isakson   | Sessions    |
| Burr      | Johanns   | Shaheen     |
| Chambliss | Klobuchar | Shelby      |
| Coburn    | Kyl       | Tester      |
| Collins   | LeMieux   | Thune       |
| Corker    | Lieberman | Vitter      |
| Cornyn    | Lincoln   | Voinovich   |
| Crapo     | Lugar     | Warner      |
| DeMint    | McCain    | Webb        |
| Ensign    | McCaskill | Wicker      |

NAYS—49

|          |            |             |
|----------|------------|-------------|
| Akaka    | Feingold   | Mikulski    |
| Baucus   | Feinstein  | Murray      |
| Begich   | Franken    | Pryor       |
| Bingaman | Gillibrand | Reed        |
| Boxer    | Gregg      | Reid        |
| Brown    | Harkin     | Rockefeller |
| Burr     | Inouye     | Sanders     |
| Byrd     | Johnson    | Schumer     |
| Cantwell | Kaufman    | Snowe       |
| Cardin   | Kerry      | Specter     |
| Carper   | Kirk       | Stabenow    |
| Casey    | Kohl       | Udall (CO)  |
| Cochran  | Landrieu   | Udall (NM)  |
| Conrad   | Lautenberg | Whitehouse  |
| Dodd     | Leahy      | Wyden       |
| Dorgan   | Levin      |             |
| Durbin   | Menendez   |             |

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 49. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Who yields time?

The Senator from Missouri is recognized.

AMENDMENT NO. 3308 TO AMENDMENT NO. 3299

Mrs. MCCASKILL. Madam President, I wish to take a minute to speak in favor of this amendment. This should not be as hard as it appears. All this amendment is doing is asking us to live up to our vote last year on the budget bill. What we all decided to do last year on the budget bill was set some limits on spending for the next few years. All we are doing with this amendment is saying we are going to have to live up to our vote. It has 2 percent increases every year.

People have said there is going to be a problem because of the 67-vote

threshold. Well, I have looked over the emergency votes we have had in this Chamber and there has not been a time when we haven't gotten them—on Katrina or other things. It exempts anytime Congress authorizes force. I wish to emphasize that for my colleagues. Anytime Congress has authorized force of our military, it exempts it.

Somebody spoke about the veterans. Do my colleagues think we can't get 67 votes for the veterans in this Chamber?

Seriously, it is time we begin to live up to what we say, and in the budget bill we all voted to do this. So let's put it in the law as we had in the 1990s. Don't ask me why we let it expire in 2002. I wasn't here. But we had both pay-go and this kind of freeze in the 1990s and we balanced the budget and we created a surplus. Let's go back to that time for the sake of our grandchildren.

Madam President, I yield the remainder of the time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Madam President, let's make it clear. This is not the plan the President presented last evening. The President allows growth in Homeland Security. This amendment does not. The President's proposal doesn't put a cap on emergency spending. Yes, we have decided certain things are an emergency. Yet it doesn't mean that all of us will agree. He doesn't put a cap on that.

The President's plan will request more than \$700 billion for Defense. This amendment allocates \$614 billion. To exceed this amount, we need 60 votes. Does the Senate want to make the Defense budget subject to 60 votes?

As chairman of the committee, I agree that everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of the budget, while the revenues and mandatory spending will still be unchecked.

This is a flawed amendment. It is not the President's plan. I urge my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 11 Leg.]

## YEAS—56

|           |           |             |
|-----------|-----------|-------------|
| Alexander | Enzi      | Murkowski   |
| Barrasso  | Graham    | Nelson (NE) |
| Bayh      | Grassley  | Nelson (FL) |
| Begich    | Gregg     | Pryor       |
| Bennet    | Hagan     | Risch       |
| Bennett   | Hatch     | Roberts     |
| Bond      | Hutchison | Sessions    |
| Brownback | Inhofe    | Shaheen     |
| Bunning   | Isakson   | Shelby      |
| Burr      | Johanns   | Snowe       |
| Carper    | Klobuchar | Tester      |
| Chambliss | Kyl       | Thune       |
| Coburn    | LeMieux   | Udall (CO)  |
| Collins   | Lieberman | Vitter      |
| Corker    | Lincoln   | Voinovich   |
| Cornyn    | Lugar     | Warner      |
| Crapo     | McCain    | Webb        |
| DeMint    | McCaskill | Wicker      |
| Ensign    | McConnell |             |

## NAYS—44

|          |            |             |
|----------|------------|-------------|
| Akaka    | Feingold   | Menendez    |
| Baucus   | Feinstein  | Merkley     |
| Bingaman | Franken    | Mikulski    |
| Boxer    | Gillibrand | Murray      |
| Brown    | Harkin     | Reed        |
| Burris   | Inouye     | Reid        |
| Byrd     | Johnson    | Rockefeller |
| Cantwell | Kaufman    | Sanders     |
| Cardin   | Kerry      | Schumer     |
| Casey    | Kirk       | Specter     |
| Cochran  | Kohl       | Stabenow    |
| Conrad   | Landrieu   | Udall (NM)  |
| Dodd     | Lautenberg | Whitehouse  |
| Dorgan   | Leahy      | Wyden       |
| Durbin   | Levin      |             |

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 44. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the next three votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 3305

Mr. REID. Madam President, let's not kid ourselves. We are in this financial situation and these pay-as-you-go rules are necessary because we spent the last decade spending money we did not have. We spent trillions on two wars, tax breaks for millionaires, corporations, and other red ink policies. Those days should be over. We simply can no longer afford it.

The idea behind pay-as-you-go is very simple. The rule we are proposing for the government is the same one Americans use every day in their individual lives, the same ones we teach our children: In order to spend a dollar, we have to have that dollar in our wallet. This law will enforce that common-sense approach.

Here is what it does not do. It does not block emergency spending. It does not keep businesses from creating jobs. And it does not prevent Congress from cutting taxes.

For all the Republican rhetoric on sensible spending, their recent choices call their seriousness into serious question. We drafted a health reform bill to reduce the deficit by as much as \$1.3 trillion over the next 20 years. That is a fiscally responsible plan, and zero Republicans supported it.

Senators CONRAD and GREGG proposed a commission with the explicit responsibility of reducing our deficit even further. That is a fiscally responsible plan. And seven Republicans—I repeat, seven Republicans—voted no, even though they sponsored the legislation.

The legislation we voted on, the Conrad-Gregg amendment, would have created an entitlement commission to look at what is wrong with the financial condition of this country, and seven Republicans who supported that amendment by offering their name as cosponsors of it voted against it. Had we had six of those seven votes for that legislation—I will use leader time—had six of the seven voted for that legislation, it would have passed. We would now have a commission. It would have been similar to what we did with the base closings. We did some terrific things with base closings that we could never have done but for that legislation. But I repeat, seven Republicans who cosponsored the legislation voted against it.

The American people can see right through that doublespeak. I am confident, as we all are, that they are tired of it.

As the President pointed out last night, pay-as-you-go in the 1990s led to record surpluses. Its absence in the next decade led to record deficits.

The road back to economic recovery is a long one. If we are to travel it successfully and prudently, if we are to create jobs and government responsibility, pay-as-you-go must be one of the rules of that road.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, first, I thank the Democratic leader, the majority leader, for his endorsement of the Conrad-Gregg initiative, although that is not what this amendment is about.

This amendment is about pay-go. Pay-go is one of those terms of art around here that has a political life of its own, and its political life is independent of its substantive action.

Yes, pay-go worked when we had it in the nineties. We had a Congress which was willing to enforce it. Regrettably, over the last 2 years, when pay-go has been in place as a budgetary item—not much different than doing it statutorily—pay-go has been waived by the majority of this Senate and specifically by the majority party on an incredible number of occasions. It has been waived. It has been gamed. It has been gone around. It has been stepped on. It has been ignored to the tune of \$1 trillion. Madam President, \$1 trillion of spending has occurred in the last 2½ years which should have been subject to a pay-go point of order, which should not have survived a pay-go point of order but against which no pay-go point of order was made because pay-go was gamed.

The idea that pay-go is a substantive exercise around here is politically inaccurate. It is political fraud. I mean, basically, pay-go is used to make a statement that you are going to be fiscally responsible, but it does not happen.

This is a nice political cover vote. I am going to vote for pay-go, and I am going to be tough on spending when, in fact, we know that whenever an item comes to this floor for all intents and purposes that should be subject to a pay-go point of order, it is not. Pay-go is not pay-go. Pay-go is Swiss-cheese-go. It is full of holes.

I have great respect for the other side of the aisle. So if they will rename this Swiss-cheese-go, I may vote for it. Therefore, I ask unanimous consent that we change the name of pay-go to Swiss-cheese-go, and then I might be willing to vote for it.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I will use leader time.

This is not the time for being funny. This is a time for addressing the problems we have in this country with a debt that is going on and on.

No one can dispute what I said, and that is, during the nineties when we had pay-go, record deficits were gone. Because of pay-go, we created a situation in this country where we were spending less money as a government than we were taking in.

Think about that. As a result of that, we had unending optimism by the business community and economic growth that has been unparalleled. So this is not a time for jokes. This is a time for addressing a serious problem.

My friend, who has the knowledge of the financial situation of this country as much as anyone in the country, knows this is not a time for jokes and trying to be funny. We have a situation in America today that calls for action. Of course, we can waive the pay-go rules if there is an emergency, but it is up to this body to determine if there is an emergency.

I hope everyone understands this legislation does not block emergency spending, it does not keep businesses from creating jobs, and it does not prevent Congress from cutting taxes. I hope Republicans will join with us in restoring fiscal stability to our country.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. REID. Time is up.

Mr. GREGG. I am not the leader, so I do not get leader time. I ask unanimous consent for another minute so I might respond to the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, a little humor even in serious times does not hurt things, I do not think. The point is substantive, even if it was humorously presented, which is that pay-

go around here has become farcical. It is not used to discipline our budget process at all. That is why over \$1 trillion of spending has resulted which should have been subject to pay-go points of order.

I do not think you can present a pay-go statutory point of order as being something other than what it will be, which is basically something so full of holes it will have virtually no effect on our capacity to discipline ourselves because we have already shown we do not discipline ourselves under the present pay-go rules we have. From my standpoint, this proposal does not hold water as a way to discipline ourselves and bring our fiscal house in order.

I appreciate the courtesy of the leader in allowing me to take an extra minute. I did not hear him object to my offer, but I will withdraw it.

Mr. GRASSLEY. Mr. President, I cannot support this pay-go amendment because it would continue the double-standard that exists between taxes and spending. Under current law, more than a dozen mandatory programs will expire over the next 10 years. Extending these programs will cost nearly \$1 trillion according to CBO. But, unlike tax cuts that expire during these same years, pay-go does not apply to the cost of extending these mandatory programs. This double standard is unacceptable.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, pay-go, as we are attempting to legislate, has not been in effect. That is what we are trying to do. That is why this legislation is so vitally important. I appreciate the work of the Budget Committee and the Finance Committee getting us to the point we are today with the legislation we are attempting to pass.

We are going to bring about in this country something that people can understand. They are going to understand that we are going to proceed in this body as they do paying their car payment, their housing payment. That is what we are trying to do. That is what this legislation is for.

I am terribly disappointed in my Republican colleagues. Let's join and do something good for this country as it relates to the economy. This is a step in that direction.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3305.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Mikulski    |
| Baucus    | Gillibrand | Murray      |
| Bayh      | Hagan      | Nelson (NE) |
| Begich    | Harkin     | Nelson (FL) |
| Bennet    | Inouye     | Pryor       |
| Bingaman  | Johnson    | Reed        |
| Boxer     | Kaufman    | Reid        |
| Brown     | Kerry      | Rockefeller |
| Burris    | Kirk       | Sanders     |
| Byrd      | Klobuchar  | Schumer     |
| Cantwell  | Kohl       | Shaheen     |
| Cardin    | Landrieu   | Specter     |
| Carper    | Lautenberg | Stabenow    |
| Casey     | Leahy      | Tester      |
| Conrad    | Levin      | Udall (CO)  |
| Dodd      | Lieberman  | Udall (NM)  |
| Dorgan    | Lincoln    | Warner      |
| Durbin    | McCaskill  | Webb        |
| Feingold  | Menendez   | Whitehouse  |
| Feinstein | Merkley    | Wyden       |

NAYS—40

|           |           |           |
|-----------|-----------|-----------|
| Alexander | DeMint    | McCain    |
| Barrasso  | Ensign    | McConnell |
| Bennett   | Enzi      | Murkowski |
| Bond      | Graham    | Risch     |
| Brownback | Grassley  | Roberts   |
| Bunning   | Gregg     | Sessions  |
| Burr      | Hatch     | Shelby    |
| Chambliss | Hutchison | Snowe     |
| Coburn    | Inhofe    | Thune     |
| Cochran   | Isakson   | Vitter    |
| Collins   | Johanns   | Voinovich |
| Corker    | Kyl       | Wicker    |
| Cornyn    | LeMieux   |           |
| Crapo     | Lugar     |           |

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Under the previous order, the motion to reconsider has been made and is laid upon the table.

AMENDMENT NO. 3299

The PRESIDING OFFICER. There are 4 minutes, equally divided, prior to a vote on amendment No. 3299 offered by the Senator from Montana.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the next amendment is about whether the United States will pay its bills. It is about whether the United States will continue to pay the interest it owes on the money it has borrowed. The spending laws that created the debt are behind us. The only question remaining is whether the government will honor its obligation to pay the bill. We have gone to the restaurant, we have eaten the meal, and now the only question is whether we will pay the check. It is that simple.

If Congress does not enact this legislation, the Treasury will default on its debt for the first time in American history, which means lower Social Security payments for a portion of those beneficiaries, and we would fail to pay full pay benefits to a portion of the beneficiaries of all other Federal programs.

But that would pale in comparison to the cataclysmic result in the financial markets if we don't honor our obligation. The value of Treasuries would plummet, leaving 401(k) plans and investors holding much less value. The

value of the dollar would decline significantly. Ultimately, the question of America's sovereignty and the degree to which we are controlling our future would be in doubt and other countries would be dictating the results and telling us what to do.

We must pay our bills; we must pay our debts; we must vote for this legislation.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. The Senator from Montana is right. We have to pay our bills. But we also have to make it clear we are not going to continue to run up bills we can't pay for. It is not responsible to raise the debt ceiling in this manner if we aren't going to put in place any responsible activity to bring under control the rising debt, and there is no proposal here to do that—in fact, just the opposite. The proposal from the administration, and passed by this Congress, was a budget that will increase the debt every year for the next 10 years by over \$1 trillion, on average.

There is no proposal to bring that down. The debt will double in 5 years. It will triple in 10 years under the budget passed by the Democratic leadership of this Congress and the President's budget. That is not fiscal discipline.

To raise the debt ceiling by \$1.9 trillion while doing nothing to address the debt and how it is being added to is totally irresponsible. It is like a drunken sailor asking to have the bar open all night.

Why are we going to this number, by the way? Why \$1.9 trillion? So that the Congress does not have to face up to the debt ceiling before the next election. We ought to have to face up to it again before the next election because the people of this country have a right to know whether this Congress is going to do something about controlling the rate of growth of the debt before the next election.

Instead, we are seeing this attempt to try to take this off the table by moving it past the next election. The American people do not believe it should be off the table. That is what Massachusetts was all about. They are worried about this debt. They are worried about what we are doing to the next generation of Americans—to our children—by running up this debt.

This is not correct. We should not vote for this massive increase in the debt ceiling until we get some responsible action around here on the issue of how we are going to control the debt and deficit.

The PRESIDING OFFICER (Mrs. HAGAN). The question is on agreeing to amendment No. 3299, as amended.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Mikulski    |
| Baucus    | Gillibrand | Murray      |
| Bayh      | Hagan      | Nelson (NE) |
| Begich    | Harkin     | Nelson (FL) |
| Bennet    | Inouye     | Pryor       |
| Bingaman  | Johnson    | Reed        |
| Boxer     | Kaufman    | Reid        |
| Brown     | Kerry      | Rockefeller |
| Burris    | Kirk       | Sanders     |
| Byrd      | Klobuchar  | Schumer     |
| Cantwell  | Kohl       | Shaheen     |
| Cardin    | Landrieu   | Specter     |
| Carper    | Lautenberg | Stabenow    |
| Casey     | Leahy      | Tester      |
| Conrad    | Levin      | Udall (CO)  |
| Dodd      | Lieberman  | Udall (NM)  |
| Dorgan    | Lincoln    | Warner      |
| Durbin    | McCaskill  | Webb        |
| Feingold  | Menendez   | Whitehouse  |
| Feinstein | Merkley    | Wyden       |

NAYS—40

|           |           |           |
|-----------|-----------|-----------|
| Alexander | DeMint    | McCain    |
| Barrasso  | Ensign    | McConnell |
| Bennett   | Enzi      | Murkowski |
| Bond      | Graham    | Risch     |
| Brownback | Grassley  | Roberts   |
| Bunning   | Gregg     | Sessions  |
| Burr      | Hatch     | Shelby    |
| Chambliss | Hutchison | Snowe     |
| Coburn    | Inhofe    | Thune     |
| Cochran   | Isakson   | Vitter    |
| Collins   | Johanns   | Voinovich |
| Corker    | Kyl       | Wicker    |
| Cornyn    | LeMieux   |           |
| Crapo     | Lugar     |           |

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to and the motion to reconsider is considered made and laid on the table.

Mr. LEAHY. Madam President, 2 days ago, Senator COBURN offered a series of amendments to the debt ceiling bill requiring \$120 billion in funding cuts, including \$1.3 billion from the State Department. During the debate on those cuts, Senator COBURN stated that the “foreign ops appropriations increased by . . . 33 percent last year.”

If that were accurate, I would share the Senator’s concern. But when the Senator purports to speak for the American people, as he often does, he should stick to the facts.

The Senator surely knew that by suggesting the State and Foreign Operations budget increased by 33 percent in a single year he was distorting the actual increase, and that he was not counting the billions in supplemental funding for these programs in fiscal year 2009, every dollar of which was added to the Federal deficit and will have to be paid in future years because the former Republican administration wanted to pretend to be spending less.

In its fiscal year 2010 budget, the Obama administration, responding to pressure from Congress, stopped the budget gimmickry of funding ongoing programs like aid for Iraq, year after year, in off budget “emergency” supplementals. Instead, the President requested funding for these programs

in its regular fiscal year 2010 budget. If you compare the fiscal year 2010 budget request with the fiscal year 2009 budget request minus the fiscal year 2009 supplemental funding, as the Senator from Oklahoma did, you obviously get a distorted result that suggests a much bigger increase than actually occurred. It makes a great talking point, it sparks cries of outrage, but it is not what actually occurred.

The actual increase for State and Foreign Operations from fiscal year 2009 to fiscal year 2010, if you count regular budget and supplemental appropriations, was 9 percent. And the bulk of that increase was for global health programs, to combat HIV/AIDS and H1N1, for humanitarian crises such as the funds we are using to save lives in Haiti today, and for personnel to fill vacancies at embassies and USAID missions around the world that have been short staffed—some by as much as 20 percent—due to transfers of personnel to priority posts such as Iraq and Afghanistan. These increases were supported by Republicans and Democrats alike.

As I said during the debate on the Coburn amendments, there may be programs that are not achieving the results they should and which can be eliminated. No one wants to waste money that could be better spent. But Senator GREGG, the ranking member, and I spend a good deal of time each year making the difficult choices that Senator COBURN declined to make when he proposed his 5-percent cut. It is easy to sit on the sidelines and accuse others of overspending when you do not take responsibility for determining what the actual needs are, and decide which programs to fund and which not to fund, whether they are requested by the President or by other Senators. If we had funded them all, we would have spent two or three times our allocation. We always stay within our allocation, which in fiscal year 2010 was close to \$900 million below the President’s budget. And we did it with no earmarks.

So let’s be honest about the budget. There was nothing close to a 33-percent increase last year, and it is important to set the record straight.

Mr. REED. Madam President, our Nation faces unprecedented fiscal and economic challenges. This situation did not happen overnight. It did not happen in 2009. It is a situation created by 8 years of mismanagement and complacency under President Bush. For a decade, the easy replaced the difficult, and instead of seizing the chance in 2001 to wipe out our national debt, President Bush and his supporters went in the opposite direction. They focused on the short term, they encouraged lax regulatory oversight, particularly of financial markets, and they adopted an economic doctrine that called for borrowing to fund virtually every major

Presidential initiative—tax cuts that were skewed toward the rich, difficult and costly wars in Iraq and in Afghanistan, and a prescription drug program that failed to negotiate costs with drugmakers and still leaves many seniors without coverage.

Let’s be clear: When President Bush took office, he was handed a projected 10-year surplus of \$5.6 trillion, which was quickly frittered away. In 8 years, the Bush administration added more debt than all the previous administrations combined, all the while middle-income households saw their earning power decline.

Due to these failed and irresponsible economic and fiscal policies, the Obama administration inherited the worst recession since the 1930s and a \$1.3 trillion budget deficit. It should be no surprise to anyone that President Obama and Congress cannot reverse this mountain of bad decisions and deficits in a year, but we have been trying. Indeed, according to the very same nonpartisan agency, the Congressional Budget Office, that predicts our budget deficit for this year, the health care reform bill the Senate passed reduced health care spending and would have cut the deficit by \$130 billion in the first 10 years and over \$1 trillion over 20 years. We also had to take action on a recovery bill that kept States from cutting police, firemen, and teachers, gave our Governors funds to repair and rebuild our infrastructure, and provided \$288 billion in tax cuts to help middle-class families and businesses deal with the recession. These were not easy steps, but they were the right steps, and it is fair to note that the other side of the aisle’s answer to these proposals has been to oppose these measures and offer no coherent alternative.

Today, because of the shortcomings of the Bush administration and the recession that started in December 2007, we face the question of whether we want to default on the government’s financial obligations to Social Security recipients and those who have purchased U.S. bonds. If we follow the course proposed by the other side of the aisle and vote no, the outcome is an even worse economic situation. Ask any economist of any background whether the government should default on its obligation and the answer is a resounding no. Yet that is what is proposed by too many here in the Senate. Although it is troubling to have to raise the debt to pay for a series of irresponsible choices, tax cuts, and a war in Iraq—all of which I opposed—it would be irresponsible to reject this measure.

There is no doubt that we need to address the long-term fiscal challenges facing our Nation. However, we should not lose sight of the fact that producing a budget is not merely adjusting numbers on a ledger; it is allocating resources to serve people.



Today, our first order of business has to be ensuring that economic recovery has taken root. While some areas of the country have shown signs of recovery, most Americans have not seen the benefits. In places such as Rhode Island, where State governments lack the resources to help people who are struggling to deal with crushing unemployment levels, the need for Federal assistance remains great.

To balance the budget, we will have to make very difficult decisions, but many of us here have made them before. In 1993, without any support from congressional Republicans, Democrats made the tough decisions and took politically difficult votes that brought the budget surpluses that were handed off to President Bush 8 years later and then quickly squandered. Through the tough decisions we made, we were able to not only turn the economy around but eliminate deficit spending and cut the debt. Indeed, I remember that in 2001 some on the other side used the argument that we were paying off the government's debt too quickly as one reason they supported President Bush's reckless tax cuts for the wealthiest. And I stand ready to work with those who want to do the hard work of making the compromises that are necessary when it comes to spending and revenues. I am ready to support a pay-go rule that says you cannot pass a new bill without offsetting its costs, and I would urge my colleagues to reconsider the largess of the last farm bill, the multibillion dollar giveaway to ethanol makers, and the host of tax cuts for oil companies and companies that shift American jobs overseas.

It is instructive to remember that in 1993 the challenge was met, as it should have been, through the normal legislative process, not by handing off the tough choices to a deficit commission. Congress can do better than give its responsibilities to a commission whose recommendations would very likely tilt toward cuts in programs that are crucial to our seniors and our young people. At the same time, the record shows that similar commissions have been unsuccessful in the past. It is only when elected representatives tackle the tough issues that we see positive results. Conversely, when these issues are ignored, as they were during the last administration, we see how quickly fiscal responsibility can unravel.

President Obama and this Democratic-led Congress have already begun to take the hard and decisive steps to get our fiscal house in order. In response to skyrocketing health care costs, the Senate passed a health care bill that would meet President Obama's goal of reducing health care spending below projected levels, reining in the deficit by \$132 billion over the next 10 years and by up to \$1.6 trillion over the next 20 years.

We have a difficult series of choices before us. Yet we can respond to the

crisis of the moment and get our Nation on a path of fiscal soundness.

Mr. ENSIGN. Madam President, I came to the floor a little more than a month ago to discuss perhaps one of the most critical issues facing our great country: the skyrocketing national debt. I had hoped that once Democrats went home and heard the concerns of their constituents, they would return to Washington with a new perspective. Believe me, I heard from Nevadans in the townhall meetings I held this month that increased spending and more debt is simply not acceptable.

Voters in Massachusetts echoed those same feelings last week when they voted to put a stop to a bloated health care bill and protest out-of-control spending. I don't see how the message can be any clearer. The debt we are accumulating is unsustainable; it will bankrupt this Nation and force future generations to suffer for our fiscal irresponsibility.

Based on the votes today on the Senate floor, it appears that Democrats have decided to turn a deaf ear to the concerns of American voters. We have voted to raise the debt limit once again to make room for more spending. Ironically, the debt limit was put into place to provide Congress with constitutional control of the American purse strings. The debt limit was designed as a form of fiscal accountability to be used by the President and Congress to ensure that the Federal Government does not spend or borrow more than it collects in revenue.

I, along with many Americans, have tried to impose this simple yet vital rule to our children. Don't spend more than you can afford. Don't go into debt. But Congress is teaching them the exact opposite lesson: spend what you want and someone else will take care of it.

Although the debt limit has increased regularly over the years in order to accommodate annual Federal deficits, it has absolutely skyrocketed in the last several years. For example, from 1996 to 2002, the debt limit increased by 16 percent. But from 2003 to 2009 the debt limit increased 84 percent. And if we pass this legislation before us, the total increase from 2002 to January of 2010 will be over 120 percent.

I would like to recap the last month and a half with regard to the debt limit. It was raised by \$290 billion in December of last year. Today, the Senate Democrats voted to raise the debt limit by another \$1.9 trillion. After just 1 year in office, the Obama administration's spending has left American families in quite the financial hole. Since his inauguration, the national debt has increased by \$1.7 trillion.

And when you look at the burden on hard-working American families, the news is just as bad. The Federal debt per household in 2009 was \$68,000, and

that is projected to increase to \$137,000 in 2019 under the Obama administration's budget. Nevadans are hurting enough right now—they don't need this added burden. Under the Democrats' leadership, debt limit increases will become a regular occurrence. The debt subject to limit is projected to grow to \$24.5 trillion by 2019.

This vote accomplishes only one thing: passing the responsibility for paying for the massive spending to future generations. We need to do better than that—we need to think of our grandchildren's future when deciding how to vote.

Democrats claim the massive spending this year was necessary because of the "Republican recession," but the Democrats' wasteful spending this year does too little to create jobs. In fact, since President Obama's inauguration the private sector has lost 3.4 million jobs.

And Nevada right now is going through an unprecedented economic downturn. Our unemployment rate just went up again to 13 percent, and that number doesn't account for those who have stopped looking for work. We have to stop this spending and start focusing on the real solution to the slow economy—jobs.

Within 5 years, Democratic policies will more than double the amount of debt held by the public at the end of fiscal year 2008 and will more than triple it by 2019, according to both OMB and CBO estimates. A single Obama term will add about as much new debt held by the public as all other Presidents in U.S. history combined. That statistic should be shocking to everyone, even to the current White House.

And we should all remember that this debt is only one part of the crisis. The Federal Government has promised more than \$70 trillion in entitlements that it cannot pay for. That is a staggering number.

Between Medicare, Medicaid, Social Security, and other liabilities, each American household shoulders roughly \$600,000 in IOUs. That is separate and apart from each household's share of the national debt. Keep in mind that this does not include health care reform.

And where is all this borrowed money coming from? Well, almost half of it comes from foreign countries. China is our country's largest foreign creditor, holding roughly 10 percent of our Nation's debt. And like any loan that you or I would get at the local bank, the Chinese don't lend money for free. Federal interest payment on foreign-owned debt has nearly doubled since 2000. We are sending a whole lot of taxpayer money abroad.

Today, I introduced a bill, the Commission for Fiscal Sustainability Act of 2010, to take an effective step toward a solution. This legislation would establish a commission with the goal of

fiscal sustainability to guarantee the long-term fiscal strength and economic security of the United States. The legislation would require that the commission focus solely on recommendations to decrease Federal spending without the need for tax increases.

Now we hear of a new proposal from the White House to freeze discretionary spending. I am hopeful that President Obama is sincere in his desire to freeze spending, but I find it very hard to believe that he will be able to contain the fiscally irresponsible Democratic majority which has yet to show restraint in this area.

I don't like to sound pessimistic because this is the greatest country in the history of the world. And I truly believe that. And I believe that these challenges can be solved. But we must act. We must show leadership—fiscally conservative leadership and stop this out of control spending. American families have had to make tough choices to balance their budget. They understand that they cannot have it all. But we in Congress want to have it all—even when we can't pay for it. That is simply unsustainable.

The PRESIDING OFFICER. There is now 4 minutes of debate on passage.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I think we all know where we are. I do not think anything else needs to be said. I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back.

The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. INOUE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—60

|        |          |          |
|--------|----------|----------|
| Akaka  | Bennet   | Burr     |
| Baucus | Bingaman | Byrd     |
| Bayh   | Boxer    | Cantwell |
| Beahm  | Brown    | Cardin   |

|            |             |             |
|------------|-------------|-------------|
| Carper     | Kirk        | Pryor       |
| Casey      | Klobuchar   | Reed        |
| Conrad     | Kohl        | Reid        |
| Dodd       | Landrieu    | Rockefeller |
| Dorgan     | Lautenberg  | Sanders     |
| Durbin     | Leahy       | Schumer     |
| Feingold   | Levin       | Shaheen     |
| Feinstein  | Lieberman   | Specter     |
| Franken    | Lincoln     | Stabenow    |
| Gillibrand | McCaskey    | Tester      |
| Hagan      | Menendez    | Udall (CO)  |
| Harkin     | Merkley     | Udall (NM)  |
| Inouye     | Mikulski    | Warner      |
| Johnson    | Murray      | Webb        |
| Kaufman    | Nelson (NE) | Whitehouse  |
| Kerry      | Nelson (FL) | Wyden       |

NAYS—39

|           |           |           |
|-----------|-----------|-----------|
| Alexander | Crapo     | Lugar     |
| Barrasso  | DeMint    | McCain    |
| Bennett   | Ensign    | McConnell |
| Bond      | Graham    | Murkowski |
| Brownback | Grassley  | Risch     |
| Bunning   | Gregg     | Roberts   |
| Burr      | Hatch     | Sessions  |
| Chambliss | Hutchison | Shelby    |
| Coburn    | Inhofe    | Snowe     |
| Cochran   | Isakson   | Thune     |
| Collins   | Johanns   | Vitter    |
| Corker    | Kyl       | Voinovich |
| Cornyn    | LeMieux   | Wicker    |

NOT VOTING—1

Enzi

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 39. Under the previous order requiring 60 votes for the passage of this joint resolution, the joint resolution, as amended, is passed.

The joint resolution (H.J. Res. 45), as amended, was passed, as follows:

H.J. RES. 45

*Resolved*, That the resolution from the House of Representatives (H.J. Res. 45) entitled "Joint resolution increasing the statutory limit on the public debt.", do pass with the following amendment:

Strike all after the resolving clause and insert the following:

*That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof \$14,294,000,000,000.*

#### **TITLE I—STATUTORY PAY-AS-YOU-GO ACT OF 2010**

##### **SEC. 1. SHORT TITLE.**

*This title may be cited as the "Statutory Pay-As-You-Go Act of 2010".*

##### **SEC. 2. PURPOSE.**

*The purpose of this title is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.*

##### **SEC. 3. DEFINITIONS AND APPLICATIONS.**

*As used in this title—*

(1) The term "BBEDCA" means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term "outyear" means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term "AMT" means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term "EGTRRA" means the Economic Growth

and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term "JGTRRA" means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term "budgetary effects" means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed "costs" and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed "savings". Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, "modifications to substantive law" refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term "debit" refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term "entitlement law" refers to a section of law which provides entitlement authority.

(7) The term "PAYGO legislation" or a "PAYGO Act" refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term "timing shift" refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

##### **SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.**

(a) PAYGO ESTIMATES.—

(1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage."

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate

Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage."

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Committees, the conference report or amendment between the Houses shall include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses."

(2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

(A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled "Budgetary Effects of PAYGO Legislation" which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

(iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

(B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled "Budgetary Effects of PAYGO

Legislation" which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled "Budgetary Effects of PAYGO Legislation" by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

(b) CBO PAYGO ESTIMATES.—

(1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(3) CBO PAYGO ESTIMATES.—

"(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

"(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation."

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking "Reports on".

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(d) Scorekeeping Guidelines.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985."

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

(2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

(3) LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.—

(A) PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.—For provisions eligible for a current policy adjustment under subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) INCLUSION OF STATEMENT.—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled "Budgetary Effects of PAYGO Legislation", submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) OMB PAYGO ESTIMATES.—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a),

OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) **5-YEAR SCORECARD.**—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) **10-YEAR SCORECARD.**—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) **COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.**—Neither scorecard maintained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled “Community Living Assistance Services and Supports Act”, which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) **LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.**—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) **AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.**—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) **EMERGENCY LEGISLATION.**—

(1) **DESIGNATION IN STATUTE.**—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) **DESIGNATION IN THE HOUSE OF REPRESENTATIVES.**—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) **POINT OF ORDER IN THE SENATE.**—

(A) **IN GENERAL.**—When the Senate is considering a PAYGO Act, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) **SUPERMAJORITY WAIVER AND APPEALS.**—

(i) **WAIVER.**—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirma-

tive vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(C) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) **FORM OF THE POINT OF ORDER.**—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313 (e) of the Congressional Budget Act of 1974.

(E) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a PAYGO Act, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) **EFFECT OF DESIGNATION ON SCORING.**—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

## **SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.**

(a) **ANNUAL REPORT.**—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) **SEQUESTRATION ORDER.**—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

## **SEC. 6. CALCULATING A SEQUESTRATION.**

(a) **REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.**—

(1) **IN GENERAL.**—OMB shall calculate the uniform percentage by which the budgetary re-

sources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) **PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.**—Subject to the exemptions set forth in section 11, OMB shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) **OUTLAY SAVINGS.**—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

## **SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.**

(a) **PURPOSE.**—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as “Payment for Physicians’ Services”);

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109-280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than \$200,000 for a single filer and \$250,000 for joint filers.

(b) **DURATION.**—This section shall remain in effect through December 31, 2011.

(c) **MEDICARE PAYMENTS TO PHYSICIANS.**—

(1) **CRITERIA.**—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Security Act (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

**(d) ESTATE AND GIFT TAX.**—

(1) **CRITERIA.**—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) **DURATION OF POLICY ADJUSTMENT.**—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

**(e) AMT RELIEF.**—

(1) **CRITERIA.**—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) **DURATION OF POLICY ADJUSTMENT.**—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

**(f) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.**—

(1) **CRITERIA.**—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section

101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 or less for joint filers in tax year 2010, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) **INDEXING FOR INFLATION.**—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting “calendar year 2008” for “calendar year 1992” in subparagraph (B) of such section.

(h) **GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.**—

(1) **MIDDLE CLASS TAX CUTS.**—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at

current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legislation, those provisions shall be estimated in the order in which they appear.

(2) AMT.—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

#### SEC. 8. APPLICATION OF BBEDCA.

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to “this part” or “this title” shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to “section 254” shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to “section 251, 252, or 253” shall be interpreted as referencing section 4 of this title.

#### SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking “the expenses the Federal deposit insurance agencies” and inserting “the expenses of the Federal deposit insurance agencies”.

(b) Section 256(k)(1) of BBEDCA is amended by striking “in paragraph (5)” and inserting “in paragraph (6)”.

#### SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking “origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.” and inserting in lieu thereof “origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.”.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

“(1) CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

“(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the

date the order is issued (or, if later, the date specified in paragraph (4)); and

“(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.”.

(3) by inserting after paragraph (1) the following:

“(2) UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.”;

(4) by inserting after paragraph (3), as redesignated, the following:

“(4) TIMING OF SUBSEQUENT SEQUESTRATION ORDER.—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).”;

(5) in paragraph (6), as redesignated, to read as follows:

“(6) SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

“(A) the part C growth percentage under section 1853(c)(6);

“(B) the part D annual growth rate under section 1860D–2(b)(6); and

“(C) application of risk corridors to part D payment rates under section 1860D–15(e).”;

(6) by adding after paragraph (6), as redesignated, the following:

“(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

“(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

“(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

“(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.”.

#### SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking “1998” and inserting in lieu thereof “2010”.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

“(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

“(b) VETERANS PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

“All programs administered by the Department of Veterans Affairs.

“Special Benefits for Certain World War II Veterans (28-0401-0-1-701).

“(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

“(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.”.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

“(g) OTHER PROGRAMS AND ACTIVITIES.—

“(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

“Activities resulting from private donations, bequests, or voluntary contributions to the Government.

“Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

“Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-808).

“Advances to the Unemployment Trust Fund and Other Funds (16-0327-0-1-600).

“Black Lung Disability Trust Fund Refinancing (16-0329-0-1-601).

“Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271).

“Claims, Judgments, and Relief Acts (20-1895-0-1-808).

“Compact of Free Association (14-0415-0-1-808).

“Compensation of the President (11-0209-01-1-802).

“Comptroller of the Currency, Assessment Funds (20-8413-0-8-373).

“Continuing Fund, Southeastern Power Administration (89-5653-0-2-271).

“Continuing Fund, Southwestern Power Administration (89-5649-0-2-271).

“Dual Benefits Payments Account (60-0111-0-1-601).

“Emergency Fund, Western Area Power Administration (89-5069-0-2-271).

“Exchange Stabilization Fund (20-4444-0-3-155).

“Farm Credit Administration Operating Expenses Fund (78-4131-0-3-351).

“Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78-4171-0-3-351).

“Federal Deposit Insurance Corporation, Deposit Insurance Fund (51-4596-0-4-373).

“Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373).

“Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51-4458-0-3-373).

“Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51-4457-0-3-373).

“Federal Home Loan Mortgage Corporation (Freddie Mac).

“Federal Housing Finance Agency, Administrative Expenses (95-5532-0-2-371).

“Federal National Mortgage Corporation (Fannie Mae).

“Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20-1713-0-1-752).

“Federal Payment to the District of Columbia Pension Fund (20-1714-0-1-601).

“Federal Payments to the Railroad Retirement Accounts (60-0113-0-1-601).

“Federal Reserve Bank Reimbursement Fund (20-1884-0-1-803).

“Financial Agent Services (20-1802-0-1-803).

“Foreign Military Sales Trust Fund (11-8242-0-7-155).



"Hazardous Waste Management, Conservation Reserve Program (12-4336-0-3-999).

"Host Nation Support Fund for Relocation (97-8337-0-7-051).

"Internal Revenue Collections for Puerto Rico (20-5737-0-2-806).

"Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

"Medical Facilities Guarantee and Loan Fund (75-9931-0-3-551).

"National Credit Union Administration, Central Liquidity Facility (25-4470-0-3-373).

"National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25-4476-0-3-376).

"National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25-4473-0-3-371).

"National Credit Union Administration, Credit Union Share Insurance Fund (25-4468-0-3-373).

"National Credit Union Administration, Credit Union System Investment Program (25-4474-0-3-376).

"National Credit Union Administration, Operating fund (25-4056-0-3-373).

"National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25-4469-0-3-376).

"National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25-4475-0-3-376).

"Office of Thrift Supervision (20-4108-0-3-373).

"Panama Canal Commission Compensation Fund (16-5155-0-2-602).

"Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15-0100-0-1-153).

"Payment to Civil Service Retirement and Disability Fund (24-0200-0-1-805).

"Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97-0850-0-1-054).

"Payment to Judiciary Trust Funds (10-0941-0-1-752).

"Payment to Military Retirement Fund (97-0040-0-1-054).

"Payment to the Foreign Service Retirement and Disability Fund (19-0540-0-1-153).

"Payments to Copyright Owners (03-5175-0-2-376).

"Payments to Health Care Trust Funds (75-0580-0-1-571).

"Payment to Radiation Exposure Compensation Trust Fund (15-0333-0-1-054).

"Payments to Social Security Trust Funds (28-0404-0-1-651).

"Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806).

"Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

"Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801).

"Postal Service Fund (18-4020-0-3-372).

"Radiation Exposure Compensation Trust Fund (15-8116-0-1-054).

"Reimbursement to Federal Reserve Banks (20-0562-0-1-803).

"Salaries of Article III judges.

"Soldiers and Airmen's Home, payment of claims (84-8930-0-7-705).

"Tennessee Valley Authority Fund, except nonpower programs and activities (64-4110-0-3-999).

"Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which

are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14-5265-0-2-452), Tribal Trust Fund (14-8030-0-7-452), White Earth Settlement (14-2204-0-1-452), and Indian Water Rights and Habitat Acquisition (14-5505-0-2-303).

"United Mine Workers of America 1992 Benefit Plan (95-8260-0-7-551).

"United Mine Workers of America 1993 Benefit Plan (95-8535-0-7-551).

"United Mine Workers of America Combined Benefit Fund (95-8295-0-7-551).

"United States Enrichment Corporation Fund (95-4054-0-3-271).

"Universal Service Fund (27-5183-0-2-376).

"Vaccine Injury Compensation (75-0320-0-1-551).

"Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551).

"(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

"Black Lung Disability Trust Fund (20-8144-0-7-601).

"Central Intelligence Agency Retirement and Disability System Fund (56-3400-0-1-054).

"Civil Service Retirement and Disability Fund (24-8135-0-7-602).

"Comptrollers general retirement system (05-0107-0-1-801).

"Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14-9924-0-2-303).

"Court of Appeals for Veterans Claims Retirement Fund (95-8290-0-7-705).

"Department of Defense Medicare-Eligible Retiree Health Care Fund (97-5472-0-2-551).

"District of Columbia Federal Pension Fund (20-5511-0-2-601).

"District of Columbia Judicial Retirement and Survivors Annuity Fund (20-8212-0-7-602).

"Energy Employees Occupational Illness Compensation Fund (16-1523-0-1-053).

"Foreign National Employees Separation Pay (97-8165-0-7-051).

"Foreign Service National Defined Contributions Retirement Fund (19-5497-0-2-602).

"Foreign Service National Separation Liability Trust Fund (19-8340-0-7-602).

"Foreign Service Retirement and Disability Fund (19-8186-0-7-602).

"Government Payment for Annuitants, Employees Health Benefits (24-0206-0-1-551).

"Government Payment for Annuitants, Employee Life Insurance (24-0500-0-1-602).

"Judicial Officers' Retirement Fund (10-8122-0-7-602).

"Judicial Survivors' Annuities Fund (10-8110-0-7-602).

"Military Retirement Fund (97-8097-0-7-602).

"National Railroad Retirement Investment Trust (60-8118-0-7-601).

"National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306).

"Pensions for former Presidents (47-0105-0-1-802).

"Postal Service Retiree Health Benefits Fund (24-5391-0-2-551).

"Public Safety Officer Benefits (15-0403-0-1-754).

"Rail Industry Pension Fund (60-8011-0-7-601).

"Retired Pay, Coast Guard (70-0602-0-1-403).

"Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75-0379-0-1-551).

"Special Benefits for Disabled Coal Miners (16-0169-0-1-601).

"Special Benefits, Federal Employees' Compensation Act (16-1521-0-1-600).

"Special Workers Compensation Expenses (16-9971-0-7-601).

"Tax Court Judges Survivors Annuity Fund (23-8115-0-7-602).

"United States Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602).

"United States Secret Service, DC Annuity (70-0400-0-1-751).

"Voluntary Separation Incentive Fund (97-8335-0-7-051).

"(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

"Biomass Energy Development (20-0114-0-1-271).

"Check Forgery Insurance Fund (20-4109-0-3-803).

"Credit liquidating accounts.

"Credit reestimates.

"Employees Life Insurance Fund (24-8424-0-8-602).

"Federal Aviation Insurance Revolving Fund (69-4120-0-3-402).

"Federal Crop Insurance Corporation Fund (12-4085-0-3-351).

"Federal Emergency Management Agency, National Flood Insurance Fund (58-4236-0-3-453).

"Geothermal resources development fund (89-0206-0-1-271).

"Low-Rent Public Housing—Loans and Other Expenses (86-4098-0-3-604).

"Maritime Administration, War Risk Insurance Revolving Fund (69-4302-0-3-403).

"Natural Resource Damage Assessment Fund (14-1618-0-1-302).

"Overseas Private Investment Corporation, Noncredit Account (71-4184-0-3-151).

"Pension Benefit Guaranty Corporation Fund (16-4204-0-3-601).

"San Joaquin Restoration Fund (14-5537-0-2-301).

"Servicemembers' Group Life Insurance Fund (36-4009-0-3-701).

"Terrorism Insurance Program (20-0123-0-1-376).

"(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"Academic Competitiveness/Smart Grant Program (91-0205-0-1-502).

"Child Care Entitlement to States (75-1550-0-1-609).

"Child Enrollment Contingency Fund (75-5551-0-2-551).

"Child Nutrition Programs (with the exception of special milk programs) (12-3539-0-1-605).

"Children's Health Insurance Fund (75-0515-0-1-551).

"Commodity Supplemental Food Program (12-3507-0-1-605).

"Contingency Fund (75-1522-0-1-609).

"Family Support Programs (75-1501-0-1-609).

"Federal Pell Grants under section 401 Title IV of the Higher Education Act.

"Grants to States for Medicaid (75-0512-0-1-551).

"Payments for Foster Care and Permanency (75-1545-0-1-609).

"Supplemental Nutrition Assistance Program (12-3505-0-1-605).

"Supplemental Security Income Program (28-0406-0-1-609).

"Temporary Assistance for Needy Families (75-1552-0-1-609).".

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

"(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"GSE Preferred Stock Purchase Agreements (20-0125-0-1-371).

"Office of Financial Stability (20-0128-0-1-376).



"Special Inspector General for the Troubled Asset Relief Program (20-0133-0-1-376).

"(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

"Federal-Aid Highways (69-8083-0-7-401).

"Highway Traffic Safety Grants (69-8020-0-7-401).

"Operations and Research NHTSA and National Driver Register (69-8016-0-7-401).

"Motor Carrier Safety Operations and Programs (69-8159-0-7-401).

"Motor Carrier Safety Grants (69-8158-0-7-401).

"Formula and Bus Grants (69-8350-0-7-401).

"Grants-In-Aid for Airports (69-8106-0-7-402)."

## SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

## SEC. 13. LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.

(a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

## TITLE II—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

### SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and government-wide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

Mr. REID. I move to reconsider the vote and to lay that on the table.

The motion to lay on the table was agreed to.

## STATUTORY PAY-AS-YOU-GO ACT OF 2010

Mr. CONRAD. Madam President, today the Senate passed the Statutory Pay-As-You-Go Act of 2010 as an

amendment to H.J. Res. 45. As chairman of the Senate Budget Committee, I ask that the following section-by-section analysis of that act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION ANALYSIS OF THE STATUTORY PAY-AS-YOU-GO ACT OF 2010

Section 1—Short Title: The title of this Act is the "Statutory Pay-As-You-Go Act of 2010."

Section 2—Purpose: The purpose of the Statutory Pay-As-You-Go Act (PAYGO) of 2010 is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

Section 3—Definitions and Applications: Section 3 sets forth definitions of terms used in the PAYGO statute. Many terms are defined by cross-references to the standard definitions used in other budget laws, including the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act (BBEDCA) of 1985. Terms that are of particular importance include:

Budgetary effects. Budgetary effects are defined as the amount by which PAYGO legislation changes mandatory outlays or revenues relative to the baseline. The budgetary effects of changes in tax or mandatory spending law are measured relative to what revenues or mandatory spending would otherwise have been if not for the legislation, as measured by the baseline (as defined in section 257 of BBEDCA). Off-budget effects (i.e., Social Security trust funds and the Postal Service fund) and debt service are not counted as budgetary effects. "Mandatory spending" and "direct spending" (the term used in the statutory language) are synonymous.

PAYGO legislation/PAYGO Act. Legislation, or provisions thereof, that increases or reduces revenues, or increases or reduces the cost of mandatory programs, is called PAYGO legislation or a PAYGO Act. In this Act, the terms are used interchangeably. PAYGO legislation is subject to statutory PAYGO.

Legislation subject to PAYGO also includes provisions in annual appropriations bills that change revenue or mandatory spending law in appropriations bills. Changes in mandatory spending law are considered discretionary in the current and budget years because the Appropriations Committees can offset the costs or use the savings by adjusting funding levels for discretionary programs in those years. But mandatory spending provisions in appropriations bills having outyear budget authority effects—that is, effects in those years after the budget year—are considered PAYGO legislation. This is generally consistent with the existing point of order in the Senate against CHIMPs (Changes in Mandatory Programs). However, such provisions for which the mandatory outlay effects net to zero over the period consisting of the current year, the budget year, and the four subsequent years shall not be counted as having budgetary effects.

Timing shift. A timing shift involves a shift of costs from within the PAYGO window, i.e., the ten-year period covered by the PAYGO scorecard, to outside the window (or savings from outside the window to within the window). More technically, the term is defined to refer to a delay of the date on which mandatory outlays would otherwise occur from the ninth outyear (the last year taken into account in the PAYGO calculation) to the tenth outyear (not taken into

account in the PAYGO calculation) or an acceleration of the date on which revenues or offsetting receipts or collections would otherwise occur from the tenth outyear to the ninth outyear. Timing shifts are not counted for purposes of statutory PAYGO to prevent gaming the PAYGO scorecard.

Section 4—PAYGO Estimates and PAYGO Scorecards: Section 4 establishes procedures for determining the budgetary effects of legislation subject to PAYGO. These budgetary effects are entered by OMB on the PAYGO scorecards, as defined in section 4(d), and are used to determine whether a sequestration order must be issued.

Estimates of budgetary effects are made either by Congress or OMB. Subsection (a) establishes the procedures Congress must follow in order for its estimate of budgetary effects of legislation to be used for PAYGO enforcement. If Congress follows these procedures, the Congressional estimate of budgetary effects shall be used by OMB. If Congress does not follow these procedures, the budgetary effects of legislation subject to PAYGO shall be estimated by OMB. Subsection (b) establishes the procedures by which the House and Senate Budget Committees obtain estimates from CBO, and the procedures to be used by CBO for making estimates. Subsection (c) outlines the additional procedures to be followed by CBO or OMB, as applicable, when adjusting the estimates of budgetary effects for legislation that qualifies for a "current policy" adjustment under section 7 of this Act. Subsections (d)–(f) relate to procedures used by OMB for PAYGO estimates and enforcement. Subsection (g) addresses procedures for legislation designated as an emergency for the purpose of statutory PAYGO.

(a) PAYGO Estimates. Congress can establish the budgetary effects of PAYGO legislation by following a two-step process. First, the text of PAYGO legislation must include one of the statements prescribed in paragraphs (1)(A), (B), or (C). Second, the Chairman of the relevant Budget Committee must submit for printing in the Congressional Record a statement of the budgetary effects of the legislation, also referred to as the "cost estimate" or "score." A Congressional estimate must satisfy both of these requirements to be valid. If Congress fails to follow this procedure for legislation that is subsequently enrolled and signed by the President, or chooses not to provide an estimate of budgetary effects, the OMB estimate of a PAYGO Act's budgetary effects is used for PAYGO enforcement.

The statements prescribed in paragraphs (1)(A), (B), or (C) establish a reference in the legislative text of PAYGO legislation to an estimate of budgetary effects to be submitted for printing in the Congressional Record before a vote on passage. The statement may be included in the original text of the legislation, or by amendment as may be allowed under the regular procedures in either House. The estimate need only be submitted for printing in the Congressional Record before a vote on passage. The actual estimate of budgetary effects is never inserted into the legislative text of PAYGO legislation. This process avoids the need to amend PAYGO legislation to include an updated estimate of budgetary effects if amendments are adopted.

The Chairmen of the Budget Committees in each House are responsible for submitting estimates of budgetary effects for printing in the Congressional Record. Printing the statement in the Congressional Record ensures that the estimate of budgetary effects

is, at the time of the vote on the bill that is enacted into law, unambiguous, fixed, and knowable, for Members, for OMB, and for the public.

This two-step process avoids the Constitutional concerns identified in *Bowsher v. Synar*, 479 U.S. 714 (1986) and *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983) because Congress will establish the budgetary effects of the PAYGO Act through the legislative process, not after enactment. An unambiguous and fixed estimate available prior to a vote is incorporated by reference in the PAYGO legislation. Matters incorporated by reference are binding on the executive branch. See *Hershey Foods v. USDA*, 158 F. Supp. 2d 37, 41 (D.D.C. 2001), aff'd on other grounds, 293 F.3d 520 (D.C. Cir. 2002); see also *United States v. Sharpnack*, 355 U.S. 286, 293 (1958).

1. Required Designation in PAYGO Acts: One of three statements must be included in legislation subject to PAYGO for the Congressional estimate to be entered by OMB on the PAYGO scorecard. The statements provide the basis in the legislative text for incorporating the Congressional estimate by reference into the PAYGO Act.

The three statements address three possible scenarios under which a PAYGO Act may be signed by the President: (1) legislation is originated by the House and passed without amendment by the Senate; (2) legislation is originated by the Senate and passed without amendment by the House; and (3) legislation is agreed upon by both Houses after differences are resolved by a conference committee or by amendments between the Houses.

Statement (1)(A) refers to an estimate provided by the House Budget Committee Chairman. This statement would be included in legislation originated in the House of Representatives. If the House Budget Committee Chairman submits a statement of budgetary effects for printing in the Congressional Record before the vote on passage in the House, the budgetary effects of that legislation will have been set by the House. If the Senate then passes the House bill without amendment, the House PAYGO estimate will be placed on the PAYGO scorecard by OMB. Similarly, if the Senate originates and passes PAYGO legislation with the statement prescribed in (1)(B), and the Chairman of the Senate Budget Committee submits a statement of budgetary effects for printing in the Congressional Record before the Senate votes, the House of Representatives will have accepted the Senate estimate as controlling if it passes the Senate bill without amendment.

One House may strike the statement inserted in the legislative text by the other House and replace it with the statement referring to the estimate submitted by the Chairman of its Budget Committee. In doing so, the second House has rejected the first House's estimate. A disagreement between the Houses on the estimate of budgetary effects becomes a matter in dispute between the Houses to be resolved by the House and Senate Budget Committees.

The statement in (1)(C) refers to an estimate of budgetary effects jointly submitted to the Congressional Record by the Chairman of the House and Senate Budget Committees. This statement must be included in a conference report, or amendments between the Houses, when the Houses resolve the differences in their budgetary estimates. Where differences between the Houses are to be resolved in a process of amendments between the Houses, the requirement of a joint state-

ment prevents the House acting first from having an advantage in negotiations. The joint statement also underscores that different estimates of the budgetary effects of legislation must be resolved to the satisfaction of the Chairmen of both Budget Committees if Congress wants a Congressional estimate to be placed on the PAYGO scorecard.

Presumably not all PAYGO legislation will contain a Congressional estimate of budgetary effects. For example, the budgetary effects of a particular PAYGO Act may be so small that Congress chooses not to complete an estimate. It is also possible that the Houses cannot come to an agreement on an estimate of budgetary effects. Absent a designation pursuant to section 4(a)(1) and estimate submitted pursuant to section 4(a)(2), the estimate made by OMB post-enactment will be entered on the PAYGO scorecards.

In some cases, one piece of PAYGO legislation could have multiple designations and estimates throughout the legislative process—the first by the originating House, the second by the second House acting upon the legislation, and a third by the conference committee. For the purpose of directing OMB as to what amounts are to be entered on the PAYGO scorecards, the only estimate that matters is the one contained in the version of the legislation passed by both Houses and presented to the President for signature. Conversely, the omission by one or both Houses of a designation and estimate earlier in the legislative process, for whatever reason, has no bearing on the validity of an otherwise valid estimate appropriately referenced in a PAYGO Act signed by the President.

2. Determination of Budgetary Effects of PAYGO Acts: In order for Congress's estimate of budgetary effects to bind OMB, a valid statement must be submitted for printing in the Congressional Record by a Chairman of the Budget Committee, or by the Chairmen jointly, as applicable. However, the Chairmen are not obligated to submit a statement. The statement, if submitted, must be titled "Budgetary Effects of PAYGO Legislation."

The Chairmen of the Budget Committees retain full discretion over the Congressional estimate of budgetary effects for the purposes of enforcing this Act, consistent with Section 312 of the Congressional Budget Act. The Congressional Budget Office will continue to provide estimates to the Budget Committees.

It is the responsibility of the Budget Committee Chairmen to ensure that statements of budgetary effects are submitted for the Congressional Record in a timely manner, and that they identify with specificity any previously submitted statement for the same legislation that it supersedes. A previous statement is no longer valid and is superseded when that House adopts an amendment to a PAYGO Act after the statement has been submitted. Any subsequent amendment, regardless of its budgetary effects, will invalidate a previously submitted estimate.

In the case of a conference report, a statement of budgetary effects is not valid if it is first submitted for printing in the Congressional Record after one House passes the report. It is incumbent on both Houses to ensure that prior to a vote in either House on PAYGO legislation leading to enrollment and presentation to the President, there is an unambiguous, fixed, and knowable statement of budgetary effects.

3. Procedure in the Senate: It is in order in the Senate for the Legislative Clerk to read

the statement of budgetary effects into the record of proceedings once it has been submitted by the Chairman of the Senate Budget Committee. This reading provides an added assurance that all Senators have been given notice of the Congressional estimate of the budgetary effects prior to a vote on passage of legislation. Notice to Senators will also be provided by printing the estimate in the Congressional Record. As a practical matter, votes on some legislation subject to PAYGO may be taken after the statement has been submitted for the Congressional Record, but before it has been printed. If the vote will be taken after the statement has been printed, the Senate may waive the reading of the estimate by unanimous consent.

4. Jurisdiction of the Budget Committees: When Congress follows the procedure set forth in this section, the designated legislation is not subject to a point of order under section 306 of the Congressional Budget Act. (Section 306 generally bars the consideration of legislation dealing with matters within the jurisdiction of the Budget Committee unless it has been reported by the committee, or the committee has been discharged from further consideration.) The inclusion of the statements specified in (1)(A), (B), and (C)—without modification—in legislation subject to PAYGO avoids a point of order under section 306. If different language is used, for example, or if an authorizing committee includes some other budgetary provision, a point of order under section 306 would be in order. This is consistent with Senate precedent that "directed scoring" language in legislation is within the jurisdiction of the Budget Committees.

(b) CBO PAYGO Estimates. Subsection (b) amends Section 308 of the Congressional Budget Act of 1974 to establish a procedure by which Congress may request that CBO estimate the budgetary effects of PAYGO legislation. Consistent with section 312 of the Congressional Budget Act, and existing Congressional practice and procedure, the Chairmen of the Budget Committees are responsible for requesting estimates from the Congressional Budget Office. CBO shall prepare its estimates consistent with section 257 of BBEDCA, but shall not count timing shifts as those are defined in section 3(8) of this Act. CBO estimates shall also be scored in accordance with the scorekeeping guidelines determined under section 252(d)(5) of BBEDCA.

(c) Current Policy Adjustments for Certain Legislation. Section 4(c) establishes procedures for making adjustments to the estimates of budgetary effects for legislation in four policy areas: (1) physician payments under section 1848 of the Social Security Act; (2) the Estate and Gift Tax; (3) the Alternative Minimum Tax; and (4) certain middle class tax cuts provided in EGTRRA and JGTRRA. The criteria for determining whether legislation, or provisions of legislation, qualify for current policy adjustments are set forth in section 7.

1. In General: If the Chairman of either Budget Committee determines that legislation meets the criteria set forth in section 7 of this Act, that Chairman shall request that CBO adjust its estimate of budgetary effects. If OMB estimates the budgetary effects of legislation that meets the criteria of section 7 because Congress has not provided a valid estimate, then OMB shall adjust its estimate of budgetary effects.

2. Adjustments: For qualifying legislation or provisions of legislation, CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects no more than the

amount of the budgetary effects of that legislation or provision as allowed in the applicable part of section 7. The amount that may be excluded is determined with reference to the amounts previously excluded pursuant to the same subsection of section 7. In other words, if the cost of a particular provision, when added to the costs or savings of all other provisions that previously qualified for an adjustment under that subsection of section 7 exceeds the maximum amount allowable for the subsection, the excess costs shall not be excluded from the estimate of budgetary effects. In implementing these adjustments, CBO shall use CBO's baseline estimates; this requirement is not intended to apply to estimates prepared by OMB. If CBO makes an adjustment, its estimate shall state the unadjusted and adjusted costs, and an updated total of all costs previously excluded under the same provisions of section 7.

3. **Limitation on Availability of Excess Savings:** The intent of the current policy adjustment is to give Congress flexibility to extend certain current policies with budgetary effects over specified periods of time. Savings from the extension of current policies with budgetary effects less than allowed under section 7—in other words extensions that generate savings in comparison with the extension of current policy—cannot be used to offset costs of other legislation. This paragraph establishes two rules that reinforce the prohibition on the fungibility of savings relative to the current policy extensions.

A. Excess savings cannot be used to offset the budgetary effects of PAYGO legislation that would not otherwise qualify for a current policy exemption under section 7. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset the cost of a new entitlement program.

B. Excess savings in one of the policy areas specified in section 7 cannot be used to offset the budgetary effects of a more expensive policy extension in another policy area. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset a reduction in the estate and gift tax that costs more than is otherwise provided in section 7. In other words, savings among the policies in sections 7(c), (d), (e), and (f), and among the subparagraphs of section 7(f)(1), are not fungible.

4. **Further Guidance on Estimating Budgetary Effects:** To determine adjustments for the budgetary effects for qualifying legislation, CBO or OMB, as applicable, shall use the conventions concerning the stacking order of estimates of the interactive effects of AMT relief and extension of the middle class tax cuts set forth section 7(h).

5. **Inclusion of Statement:** Any adjustments for current policy legislation shall be explained by the appropriate Chairman of the Budget Committee in the statement "Budgetary Effects of PAYGO Legislation" submitted for printing in the Congressional Record.

(d) **OMB PAYGO Scorecards.** The subsection outlines OMB's responsibilities under statutory PAYGO. OMB will maintain two "PAYGO scorecards," available to the public, that maintain a running tally of the budgetary effects of enacted legislation subject to PAYGO. In making entries onto the scorecards, OMB will use the "look-back" and "averaging" rules discussed below.

OMB will use the Congressional estimate of the budgetary effects of a PAYGO Act if one was incorporated pursuant to section (4)(a). If not, OMB will enter its own estimates on the scorecards.

The scorekeeping and baseline rules for current policy adjustments are the same as those that apply to CBO and OMB for estimating all legislation subject to PAYGO. OMB estimates must be consistent with the scorekeeping approaches described in section 308 of the Congressional Budget Act, as amended by section 4(b) of this Act, and the current policy adjustments in section 7. In other words, OMB and CBO estimates should be made using the same rules and scorekeeping conventions. However, CBO will use the baseline as defined by section 257 of the Congressional Budget Act, while OMB will use the economic and technical assumptions included in the latest budget submitted by the President.

OMB will maintain two PAYGO scorecards, one covering a five-year period and the other covering a ten-year period beginning in the budget year.

OMB shall not include on either PAYGO scorecard any net savings generated by subsequently enacted legislation titled "Community Living Assistance Services and Supports Act" (CLASS Act). The CLASS Act was included in the Senate- and House-passed health care reform bills and would establish a federal insurance program for long-term care. OMB shall also not include any net savings generated by subsequent amendments to that Act, if enacted.

(e) **Look-Back to Capture Current Year Effects.** To take into account any budgetary effects of PAYGO legislation in the current year (i.e., the year of enactment if before October 1st), a "look back" rule is included. The rule provides that budgetary effects in the current year are to be treated as if they were budgetary effects in the budget year (which is the year subsequent to the current year). This is why the averaging provision described below actually sums eleven years of costs (the current year, the budget year, and the nine outyears) and divides the sum by ten. This look-back provision similarly applies to the five-year scorecard.

(f) **Averaging Used to Measure Compliance Over 5-Year and 10-Year Periods.** For the budget year and the applicable four or nine outyears, OMB is to enter the annual average budgetary effect associated with PAYGO legislation. For instance, a bill that pays for itself over ten years will have a total, and thus average, score of zero, so zero would be entered in each column of the ten-year PAYGO scorecard. If a bill enacted in FY10 costs a net of \$10 billion over FY2010-FY2020, OMB would insert +\$1 billion in each of the ten columns on the PAYGO ledger (FY11 through FY20). The same PAYGO legislation could well have different averages over five years and over ten. For example, if a bill enacted this session costs \$2 billion through 2015 and \$10 billion through 2020, the five-year scorecard would record entries of \$0.4 billion for each of 2011 through 2015, while the ten-year scorecard would record entries of \$1 billion for each of 2011 through 2020.

(g) **Emergency Legislation.** If legislation subject to PAYGO contains an emergency designation, the budgetary effects of provisions that are designated as emergencies shall not be placed on the PAYGO scorecards by OMB. The designation should refer to subsection (g)(1) of this Act. The procedure for challenging a statutory emergency designation for PAYGO enforcement reflects the current practices for challenging emergency

designations under Congressional budget rules. In the Senate, an emergency designation is subject to a point of order that may be waived upon a vote of 3/5 of the members duly chosen and sworn. If the Senate does not waive this point of order, the emergency designation is struck from the legislation.

Section 5—Annual Report and Sequestration Order: Section 5 defines the timing of the annual PAYGO report and, if one is needed, the sequestration order. OMB is to produce an annual PAYGO report, which shall include up-to-date PAYGO scorecards and a description of any sequestration if required. The report is to be released no more than 14 days (excluding weekends and legal holidays) after Congress adjourns to end a session.

If the annual report shows a debit (i.e., net budgetary cost) on either PAYGO scorecard for the budget year, the President is required to issue an order sequestering budgetary resources from non-exempt mandatory programs sufficient to fully pay off that debit. If it shows a debit on both the five-year and ten-year scorecards, the sequestration must pay off the larger debit. If the President issues this order, then the PAYGO annual report must contain its details, including such information as the outlay reductions that would occur in the budget year and the subsequent fiscal year for each affected account.

Because the PAYGO statute creates a permanent law, the two scorecards are permanent. In effect, they will record all PAYGO legislation enacted from the date the bill becomes law. The cost estimates of individual PAYGO bills, however, will eventually slide off the scorecards since only the five-year or ten-year costs are recorded on those scorecards. For example, a PAYGO bill enacted later this year will show cost or savings entries of the same size (the average amount through 2015) for each fiscal year 2011 through 2015 on the five-year scorecard. Next year, new PAYGO legislation will add entries to the five-year scorecard covering years 2012-2016. The entries made this year in the 2012-2015 columns of that scorecard will remain on that scorecard, however. If those entries are net savings, the savings will be available to cover costs in new legislation, but if they are net debits, avoiding a sequestration at the end of each of the next four sessions of Congress will require that the net debits be worked off by the enactment of new offsetting savings. The same approach applies to the ten-year scorecard.

Section 6—Calculating a Sequestration: Section 6 describes how sequestration is to be implemented if triggered. Many mandatory programs, such as Social Security, veterans' disability and other benefits, and major low-income entitlements, such as Supplemental Security Income and Medicaid, are totally exempt from sequestration. Only programs in the unified budget are subject to sequestration.

With the exception of Medicare, non-exempt mandatory programs would be cut by a uniform percent, such that the outlay savings produced in the budget year and the subsequent fiscal year would be sufficient to fully offset the budget-year debit on the PAYGO ledger. Medicare can be cut by no more than four percent. If a larger cut is needed to offset the debit on the PAYGO ledger, the uniform percentage cut to the other non-exempt mandatory programs would be increased so that the sequester of Medicare and the other non-exempt programs would together produce sufficient savings to offset the budget-year debit. Sequestrations are temporary, not permanent, and

with a few exceptions occur only in the budget year.

For most non-exempt mandatory programs, the uniform sequestration percentage reduces budgetary resources by a specified percent over the course of the entire fiscal year. If a sequestration starts a month or more into the fiscal year because Congress adjourns in November or December, then the reduction during the remaining 9, 10, or 11 months of the fiscal year will be larger than the uniform percentage so that the average sequestration over the year equals the required uniform percentage. In the case of Medicare, the sequestration lasts for a full 12 months even if it takes effect after the beginning of the fiscal year, in which case it will run into the start of the next fiscal year. This means the uniform percentage cut in payments to providers or insurance plans will not be higher at any time than the four-percent limit (or the calculated uniform percentage, if lower).

In the case of price support payments for crops, the sequestration for any given crop will start at the beginning of the next crop year. As a consequence, sequestrations for crops will not all be running concurrently, and some sequestrations may occur partly in the following fiscal year.

Section 7—Adjustments for Certain Current Policies:

(a) Purpose. Section 7 establishes a temporary rule to adjust the estimates of the budgetary effects of PAYGO legislation in four policy areas: Medicare physician payments, the estate tax, the Alternative Minimum Tax, and the 2001 and 2003 income tax cuts for the middle class. In each of these areas, current policies have either expired at the end of 2009 or will expire by the end of 2010. This section allows for an adjustment so that the cost of extending specified individual policies for a defined period (two years for estate tax and AMT, five years for Medicare physician payments, and permanently for the middle-class tax cuts) is not counted for statutory PAYGO purposes.

This scoring rule applies only for the purposes of statutory PAYGO. For other purposes, including the Congressional Budget Act and the congressional PAYGO rules, existing scoring rules and points of order apply.

General approach. The statute authorizes a maximum adjustment to the estimate of budgetary effects of PAYGO legislation in the four specified policy areas equal to the difference between:

The cost of continuing a specified policy under current law as of December 31, 2009, consistent with baseline calculations under section 257 of BBEDCA, which, for each of the four policy areas, would assume that the specified policy has expired (AMT and estate tax), or will expire by the end of 2010 (all other policies); and

The projected cost of the specified policy assuming the policy continues beyond its scheduled expiration date.

The cost of continuing these policies over the specified period is larger than the cost of letting them expire, as would happen under current law. The adjustment allows Congress to address these policies without having the cost added to the PAYGO scorecard. The difference between these two estimated costs is the maximum adjustment that may be used to offset the cost of legislation addressing each specified policy for the purposes of PAYGO enforcement. If the estimate of the legislation has a greater budgetary effect than the maximum amount of the adjustment, then the adjustment can be used to

offset a portion of its cost. The additional cost would be counted for statutory PAYGO purposes. If a less costly policy is enacted, any remaining amount in the adjustment cannot be used to offset the cost of policies in other areas (as specified in Section 4(c)(3) of the PAYGO statute).

In addition, the adjustments in each policy area are further limited to prevent using the full amount of the available adjustment to offset the cost of a more generous policy for a shorter period. Under this limitation, the amount of the adjustment is estimated consistent with the time period covered by the eligible policy action.

(b) Duration. This section expires on December 31, 2011, so any policies eligible for an adjustment must be enacted by that time in order to receive the adjustment.

(c)-(f) Policy areas eligible for adjustment. For statutory PAYGO purposes, legislation addressing four policy areas qualifies for a current policy adjustment to the estimate of that legislation's budgetary effects.

(c) Medicare Physician Payments. Under current law, the Sustainable Growth Rate (SGR) formula requires physician payments under Medicare part B to be cut automatically by over 21 percent after February 28, 2010. Section 7(c) provides a maximum adjustment equal to the difference between the cost of freezing through December 31, 2014, the Medicare Part B payment rates to physicians at the 2009 rate, and the cost of allowing the automatic cuts to occur after February 28, 2010. Legislation providing relief from the scheduled SGR cut—including legislation that reforms or supersedes the SGR formula—would only be scored for PAYGO purposes to the extent that it costs more than this five-year freeze at 2009 levels. If legislation to reform or supersede the SGR formula through or beyond 2014 is enacted that costs less than a five-year freeze in the years through 2014, any remaining amount in the adjustment could be used to offset costs of that policy after 2014, but the total adjustment cannot exceed the maximum adjustment amount of a five-year SGR freeze.

(d) Estate and gift tax. Under EGTRRA, the estate tax exemption was gradually increased and the tax rate gradually lowered so that by 2009, the exemption level was \$3.5 million for an individual, with amounts above the exemption level taxed at a 45 percent rate. In 2010, the estate tax is repealed, replaced with a new tax on inherited assets with unrealized capital gains. In 2011, with the expiration of EGTRRA, the estate tax will return, with the pre-2001 law parameters of a \$1 million exemption for an individual and a top rate of 55 percent.

The maximum adjustment in section 7(d) is equal to the difference between the revenues expected from continuing the 2009 estate tax policy, with the nominal exemption level indexed for inflation, through December 31, 2011, and the revenues expected under the 2010 repeal and 2011 return to pre-2001 law. In other words, legislation restoring the estate tax would be scored for PAYGO purposes only to the extent that it costs more than implementing the 2009 policy (indexed) in 2010 and 2011. Because the cost of estate tax policy through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

(e) Alternative Minimum Tax. A "patch" for the AMT was provided in the Recovery Act, increasing the 2009 AMT exemption to \$70,950 for couples and \$46,700 for singles in order to prevent the number of taxpayers af-

ected by the AMT from exploding from about four million to about 30 million. This patch expired at the end of 2009.

Section 7(e) provides a maximum adjustment equal to the difference between the revenues expected from adjusting the AMT exemption levels through 2011 in order to hold the number of taxpayers affected by the AMT at 2008 levels (about 4.2 million), and the revenues expected assuming the expiration of the 2009 AMT patch. Because the cost of AMT relief through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

(f) 2001 and 2003 middle-class tax cuts. The 2001 and 2003 income tax reductions enacted under EGTRRA and JGTRRA, as subsequently amended through December 31, 2009, are scheduled to expire at the end of 2010. Section 7(f) provides 12 adjustments for policies benefiting the middle class as they are in effect in 2010. The specific middle-class policies are:

- 10 percent bracket;
- Child Tax Credit, including the expansion in the Recovery Act;
- Marriage penalty relief, including the relevant EITC expansion in the Recovery Act;
- Adoption credit;
- Dependent care credit;
- Employer-provided child care credit;
- Education tax benefits;
- 25 percent and 28 percent brackets;
- 33 percent bracket, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less;
- Reduced rates on capital gains and dividends, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less;

Repeal of the personal exemption phase-out and the limitation on itemized deductions, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less; and

Section 179 expensing for small businesses, allowing up to \$125,000 of qualified property to be expensed, phasing out for property over \$500,000.

The maximum adjustment for the policies in section 7(f) is equal to the difference between the revenues expected if the specified policy were in place after 2010 and the revenues expected if the related provisions expired as scheduled.

(g) Indexing for Inflation. Amounts indexed for inflation are done in accordance with the cost-of-living adjustment rules in section 1(f)(3) of the Internal Revenue Code of 1986. That provision in the Code designates the Department of Labor's Consumer Price Index for all-urban consumers (usually expressed as CPI-U) as the measuring standard. Amounts indexed for inflation in this Act are the nominal exemption amount under the estate tax, as well as the income thresholds for income tax brackets, the rates for capital gains and dividends, the personal exemption phase-out, and the limitation on itemized deductions.

(h) Guidance on Estimates and Current Policy Adjustments. Estimates of budgetary effects of certain tax policies can vary depending on the order in which those policies are enacted into law. The PAYGO statute lays out three rules for addressing costs associated with the interaction of these various provisions.

1. For the interaction between AMT relief and the middle-class tax cuts, all interaction costs are scored as part of AMT relief. Specifically, estimates for determining the AMT

adjustment must assume that all of the middle-class tax cuts eligible for a PAYGO adjustment have been enacted, even if these tax cuts have not yet been enacted.

2. Estimates for determining the adjustment for the middle-class tax cuts must assume that AMT relief follows current law as of the end of 2009—that is, they must assume that the 2009 AMT patch expired at the end of 2009, even if AMT relief beyond 2009 has already been enacted.

3. To address the interaction between individual middle-class tax provisions included in the same piece of legislation, provisions must be scored in the order in which they appear in the legislation.

Section 8—Application of BBEDCA: Section 8 specifies how various provisions of BBEDCA, including the special sequestration rules in section 256 of BBEDCA and the baseline rules in section 257 of BBEDCA, apply to this new PAYGO statute.

Section 9—Technical Corrections: Section 9 corrects typographical errors in the text of BBEDCA.

Section 10—Conforming Amendments: Section 10 makes conforming amendments to section 256 of BBEDCA. This section establishes special rules for sequestration for certain mandatory programs or updates the special rules to reflect programs as they now exist.

Section 11—Exempt Programs and Activities: Section 11 lists mandatory programs and activities that are exempt from sequestration. Exemptions under this Act are consistent with the exemption list that was first created in 1990.

That said, the exemption list has been updated to address accounts that have had their account names or numbers changed since 1990, or have been merged or divided. Further, new accounts (since 1990) have been treated the same way that analogous accounts were treated. For example, in the 1990 law the major low-income programs such as Medicaid were exempted from sequestration. The Children's Health Insurance Program (CHIP), new since 1990, is in the same category as Medicaid and also exempt.

The list has been expanded to clarify the treatment of certain transportation programs, notably federal-aid highways and grants-in-aid for airports. The budgetary treatment of these programs is split. They receive mandatory contract authority through authorization bills, but are treated as discretionary programs because their annual spending is controlled by obligation limitations in appropriations bills. These programs are exempt from sequestration to the extent they are controlled by obligation limitations. Remaining mandatory resources in these programs are subject to sequestration.

Finally, as noted in Section 6, non-exempt accounts are subject to a single, uniform percentage cut if a sequestration is required (except Medicare, where the cut is limited to four percent). Under the 1990 law, if a small sequestration was needed, four programs would have been the first ones sequestered: special milk, vocational rehabilitation state grants, student loans, and foster care / adoption assistance. Because this PAYGO statute eliminated this rule, the first three of those programs are treated as any non-exempt account would be treated. But the foster care account is included in the exempt list on the grounds that it is like other low-income programs that were exempted from sequestration in the 1990 law.

Section 12—Determinations and Points of Order: Section 12 affirms that nothing in this

Act is intended to limit the authority of the Budget Committee Chairmen to make determinations and estimates of the costs or savings of legislation. In addition, the section authorizes CBO to consult with the Budget Committees to resolve any ambiguities in the interpretation of the Act.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the order with respect to debate prior to the cloture vote on the Bernanke nomination be modified to provide that the debate prior to the cloture vote be extended until 3:20 this afternoon, with the majority controlling 60 minutes of that time and the remaining time under the control of the Republicans; that at 3:20, the Senate proceed to vote on the motion to invoke cloture on the nomination; that if cloture is invoked on the Bernanke nomination, then all postcloture time be yielded back and the Senate then immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF BEN S. BERNANKE TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report:

The assistant legislative clerk read the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System.

Mr. REID. Madam President, we want to make sure that all Senators understand, we will be debating through the respective meetings the two caucuses are having. It is important we get this done in the time allotted, so people will not be able to wait until after 3:20 to do their speeches.

On the Democratic side, I yield 3 minutes to the Senator from South Dakota, TIM JOHNSON.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Madam President, I rise in support of the reconfirmation of Chairman Ben Bernanke to serve another term as Chairman of the Federal Reserve Board of Governors. As the administration and Congress continue to

look for ways to restore our Nation's financial stability, promote economic recovery, and work on legislation to ensure that another economic crisis like the one we faced last year never happens again, we need Chairman Bernanke's steady leadership.

While there has certainly been criticism of the Federal Reserve for not doing enough to protect consumers and for the unprecedented actions it took during the financial crisis, there is also consensus that Mr. Bernanke kept our Nation out of a depression and has kept inflation in check.

As our Nation recovers and faces additional challenges in the months ahead, there is no doubt that having one of the world's foremost experts on the Great Depression at the helm of the Fed is a benefit to our Nation.

But it cannot be business as usual for the Fed. Like the many banks on Wall Street, the Fed must be more transparent and more accountable for its actions. The Federal Reserve cannot just be the organization that picks up after a financial institution fails while placing our entire economy at risk in doing so. The status quo at the Fed is not acceptable, and our Nation needs a central bank that is proactive in addressing concerns within financial institutions and the economy.

I believe Mr. Bernanke is committed to these goals, and I support Mr. Bernanke's confirmation.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SHELBY. Madam President, I rise today to oppose—to oppose—the reappointment of Ben Bernanke for a second term as Chairman of the Board of Governors of the Federal Reserve System.

The principal reason for my opposition to this nomination is that I believe in accountability. In particular, I believe it is the duty of this body; that is, the Senate, to hold accountable those regulators whose poor oversight of our financial institutions and markets helped produce the greatest economic crisis this country has experienced in some 80 years.

Because the Federal Reserve, during Chairman Bernanke's tenure, failed to take the steps to ensure that our financial institutions were properly regulated and would not need Federal bailouts to survive, I do not believe Mr. Bernanke should be confirmed for another term.

Prior to the recent financial crisis, as a member of the Board of Governors, Dr. Bernanke advocated monetary policies that contributed to excessive risk taking. Subsequently, as Board Chairman, he ignored or downplayed serious emerging risks. He failed to use regulatory authority available to the Fed to prevent housing speculation and unsound lending practices, often misjudged the nature of problems in markets, contributed to market turbulence

by appearing to act inconsistently and in an ad hoc manner. He failed to ensure transparency of actions and basically took actions damaging to the political independence of the Federal Reserve and of our Nation's monetary policy.

I do not believe Chairman Bernanke has executed sound judgment and oversight over the Fed's monetary policy, lender of last resort, and regulatory and supervisory functions. I will explain.

Chairman Bernanke advocated a policy of remarkably low interest rates for an extended period of time following the 2001 recession, providing an environment that helped fuel a speculative bubble in real estate lending. Subsequently, in the face of rising home prices and risky mortgage underwriting practices, the Fed failed to act under Bernanke's watch by choosing not to use its rulemaking authority over mortgages to arrest the risky practices and address growing risks. Yet, amazingly, given a history of failure in supervision and regulation, Chairman Bernanke now continues to actively campaign for maintaining and further expanding the regulatory powers of the Federal Reserve.

The financial panic our markets experienced in 2008 was the most severe, as I said, in modern memory. Its repercussions have resulted in our unemployment rate surging to more than 10 percent and the worst economic growth in a generation. Our present economic problems, however, are no accident. In large measure, they stem directly from the actions of our financial regulators.

It is the responsibility of our financial regulators to ensure that our financial institutions are properly supervised and that they promote, rather than threaten, our national economy. Unfortunately, the recent financial crisis demonstrated that our financial regulators did not do their jobs. Our banks were undercapitalized, mortgage lending standards were far too loose, and expectations of government bailouts were too prevalent.

Dr. Bernanke's Federal Reserve played a key role in setting the stage for the financial crisis we are in now.

First, under his leadership, the Federal Reserve failed to ensure that our financial institutions were adequately capitalized, as I mentioned a minute ago. Indeed, the Federal Reserve, our Federal Reserve, led the effort to reduce capital in our largest financial institutions through the adoption of the Basel II capital accords. The Fed even considered abandoning the leverage ratio, which ensures that all banks maintain at least 4 percent of capital.

Think about it a minute. As a result, when the crisis struck, many of our financial institutions did not have the capital necessary to withstand the downturn. Not surprisingly, the Federal Reserve then argued that a tax-

payer bailout of the banks was the only way to prevent an economic collapse. But rather than do its job and ensure that our financial institutions were adequately capitalized, the Fed waited until the crisis was at hand and then rescued its banks with taxpayer funds.

Think about it a minute. Ben Bernanke's Federal Reserve also failed to detect and address the decline in lending standards and growing use of subprime loans. At the core of our financial crisis is the fact that far too many home loans were made that borrowers will be unable to pay, probably ever.

The failure of Bear Stearns, Lehman, Washington Mutual, and AIG largely stems from the sharp declines in mortgage values. Although Congress gave the Federal Reserve authority to address lending standards and subprime loans when it passed the Home Ownership and Equity Protection Act in 1994, the Fed failed to enact strong regulations until 2008—more than 2 years into Chairman Bernanke's term.

In addition, Ben Bernanke's Federal Reserve has failed to adequately supervise many of our largest financial institutions, most notably Citigroup. For years, it has been no secret that the problems of Citigroup have been well known everywhere, but the Federal Reserve always sought to look the other way rather than deal with its complicated problems.

By failing to address Citigroup during the good times, the Federal Reserve left our largest financial institution at that time highly vulnerable to the next downturn. In the end, the Federal Government had to inject \$40 billion and guarantee more than \$300 billion of Citigroup's assets. The Fed's failure as a supervisor—the regulator—placed U.S. taxpayers and our economy directly at risk.

Regardless of how Chairman Bernanke performed during the financial crisis, the record of the Fed leading up to the crisis should not be ignored by the Congress. A close examination of Chairman Bernanke's performance during the financial crisis reveals that he was too slow to recognize how serious the situation was, and when he did react, he acted in an ad hoc fashion that greatly exacerbated the crisis.

After the housing market bubble began to burst in 2006, Chairman Bernanke was slow to entertain possible spillovers from housing into the general economy and the financial system itself. Even after Bear Stearns failed, Chairman Bernanke did little to prepare for additional failures. In other words, Bernanke fiddled while our markets burned.

In the 6 months between the failures of Bear Stearns and Lehman, the Federal Reserve did very little to prevent either another taxpayer bailout or a sudden and disorderly collapse of Leh-

man, even though the problems were well known to the Fed and to everybody else. As a result, when Lehman was ultimately allowed to fail, our markets responded sharply because they could not understand why the Fed let Lehman fail but rescued Bear Stearns.

Markets need clarity about policy, especially in times of crisis. Yet just when our markets needed clarity about Fed policy, Chairman Bernanke's ad hoc responses left our markets in the dark. Consequently, the failure of Lehman was far more disruptive and damaging than it needed to be.

Bernanke's response to the financial crisis also raises questions about his judgment. In October 2008, he appeared before the Banking Committee in the Senate to urge the passage of TARP. He testified that the government purchase of toxic assets from banks was the best way to respond to the financial crisis.

At the time, as a lot of you know, I opposed TARP because I did not believe purchasing toxic assets was a workable solution or we should bail out anybody. I argued that it risked making our financial problems worse by indirectly causing the failure of other financial institutions, and it did.

Despite Chairman Bernanke's urging that an asset purchase was the best solution, just days after the passage of TARP, the Treasury Department and the Federal Reserve abandoned the very asset purchase plan that he judged to be the best course forward when he testified before Congress. Equity injections were employed because the asset purchase plan was proven to be unworkable, he said.

The full story of AIG is yet to be told. Unfortunately, the Fed and other regulators have gone out of their way to hide what really has gone on at AIG both before and after the bailout from Congress. What is clear, however, is that the Fed knew more about AIG's problems than it has admitted so far.

The Fed has repeatedly stated that it did not learn of AIG's problems until the weekend of September 12, 2008, and that it was stunned to learn of its problems. Really? Yet in his recent book, "Too Big to Fail," Andrew Ross Sorkin reports that the CEO of AIG met with then-New York Fed President Tim Geithner about AIG's problems on at least two occasions prior to September 12, 2008.

On one occasion, AIG's CEO gave Mr. Geithner, at that time, documents detailing AIG's financial condition and its exposures to other financial institutions. We still do not know what Treasury Secretary Geithner, at that time, did upon learning about the problems at AIG, or whether Chairman Bernanke knew of AIG's meeting with the New York Fed at that time, Mr. Geithner.



The fact that the Fed may have known about the problems at AIG before its collapse raises serious questions about whether they ignored early warnings and failed to take action before the situation became untenable without massive taxpayer bailouts.

Many have said that if Chairman Bernanke is not reappointed, financial markets will be rattled. The notion seems to be that continuity of leadership will be valued more by markets than the assurance of responsible and accountable leadership at the Fed. I believe this perspective is short-sighted and wrong. I believe it is more important to find the most competent person available for the job than to simply adhere to the status quo.

It is also wrong to speculate as to what might happen should someone other than Mr. Bernanke serve as Chairman. I believe it is far more important to consider the facts surrounding Chairman Bernanke's record than it is to speculate about the impact of his departure. The record clearly indicates that considerable economic devastation occurred as a result of Chairman Bernanke's loose monetary policy and weak regulatory oversight. Millions of people are now out of work in this country and trillions of dollars in savings have been lost.

Those who try to frighten others with notions of what might happen are ignoring the hard reality of what already has happened. If we don't hold Chairman Bernanke accountable, what precedent are we setting for future regulators? What incentive will they have to take the tough steps necessary to ensure that our financial institutions are adequately regulated? I fear that the prospects of a high-paying job on Wall Street will diminish a lot of the incentives to be a good regulator unless they know Congress will hold them accountable if they fail to do their job. How can we ever expect our regulators to perform if, after the greatest financial crisis in living memory, not a single culpable regulator is held accountable?

Unfortunately, this is a theme that is repeated too often in Washington. Something terrible happens, and although Congress exposes both institutional and individual failures, nobody is held accountable, and the only thing that ever seems to happen is the failed institutions, along with their failed leaders, get more authority and more money. This needs to end.

The American people rightly believe that any one of us who neglects to do our job should be held to account, not rewarded. I intend to do my job and vote no on a second term for Ben Bernanke.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Connecticut.

Mr. DODD. Mr. President, I yield 5 minutes to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Thank you, Mr. President. Let me thank my distinguished chairman of the Banking Committee for yielding time.

I rise in support of a man whose position I do not envy. Chairman Bernanke has faced some extraordinary economic circumstances and he has kept a steady hand on the tiller in a perfect economic storm that has threatened this Nation's underlying financial stability. Faced with an economy that was headed in a downward spiral, Chairman Bernanke and the Fed had what appeared to be a set of Hobson's choices: Make tough decisions or preside over a global economic meltdown. I think most of us agree that doing nothing was not an option.

Having said that, I do believe there was more the Fed could have done to mitigate the housing bubble, supervise the banks, enact muscular consumer protections, and provide credit to small businesses. I believe—and Chairman Bernanke admitted himself—he could have done more to mitigate risk and require higher capital standards.

In the future, I expect the Fed will be more responsive to the needs of Main Street, where there is small business innovating, selling something or creating the new jobs of the 21st century, and to the needs of American families across this country. I expect it will be more vigilant to prevent a repeat of the economic crisis we have experienced and will get ahead of future challenges we will face, such as commercial loans and credit card defaults.

But despite these reservations, I will be voting in favor of confirmation because it is my belief that history will show the recession would have spiraled into a depression had Chairman Bernanke been timid or equivocal in his actions. I am voting yes because, in my view, Chairman Bernanke has proven his leadership and his value to this Nation during this unprecedented crisis. To vote against confirmation would unnerve investors and exacerbate economic uncertainty in an economy that needs confidence and stability, not volatility.

I believe Chairman Bernanke is an astute scholar of the Great Depression and is now arguably the first and foremost expert on the great recession. At this moment in history, someone who has learned from two of the most devastating economic disasters in American history is certainly qualified to lead the Fed.

I will vote yes because, in my view, what we should not do is change leadership at the Fed at a time when what we need most is a steady, experienced hand at what appears to be the very beginning of an economic recovery. I will vote yes because, recently, Chairman Bernanke has committed to more muscular regulatory reform that will cor-

ral the bulls on Wall Street. He has had the will to take politically unpopular strategic action, which history will show was necessary under the economic circumstances created by the last 8 years of runaway, laissez-faire financial regulatory policies. He understood the importance of keeping inflation low, forcing down interest rates, and stabilizing the financial system. At this time, his work is not yet done, and I believe we need the wisdom of patience. As Elizabeth Barrett Browning said: "Measure not the work until the day's out and the labor done."

I will vote yes because Chairman Bernanke has vowed, in a letter to acting Comptroller General Gene Dodaro, to provide all records necessary for a GAO audit of the Fed to give a clear understanding of his and the Fed's actions in the \$182.3 billion bailout of AIG. I will vote yes because I believe he understands the danger of exacerbating the crisis by tightening monetary policy at the wrong time.

President Kennedy said: "In knowledge's light we must think and not act only for the moment but for our time."

He told the story of a man who asked his gardener to plant a tree, but the gardener objected saying the tree was a very slow-growing tree and that it would not reach maturity for 100 years, to which the man replied: In that case, there is no time to lose. Plant it this afternoon.

Let us not step back and succumb to the urge to act for the moment but do what is right for our time. Solving our economic crisis surely will not take 100 years, but the seeds of recovery that are taking place right now need to be nurtured by an experienced hand.

I urge my colleagues to join me in voting to ensure confidence and stability at the Fed, not volatility; the type of confidence and stability that is necessary for our time.

I yield back the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I yield myself such time as I may consume. I have up to 30 minutes, but I don't think I will use that.

Four years ago, when Chairman Bernanke was first nominated to be Chairman of the Federal Reserve, I was the only Senator to vote against him. In fact, I was the only Senator to raise serious concerns about his nomination. I opposed him because I knew he would continue the legacy of Alan Greenspan, and I was right. But I did not know how right I would be, and I could not imagine how wrong he would be in the following 4 years. From monetary policy to regulation, consumer protection, transparency, and independence, Chairman Bernanke's time as Fed Chairman has been a failure. We must put an end to his and the Fed's failure, and there is no better time than now.



The Greenspan legacy on monetary policy was breaking from the Taylor rule to provide easy money and, thus, inflate bubbles. Not only did Chairman Bernanke continue that policy when he took control of the Fed, but he supported every Greenspan rate decision when he was a Fed Governor before he became Chairman. Sometimes he even wanted to go further and provide more easy money than Chairman Greenspan. Yet, even to this day, Chairman Bernanke continues to deny that Fed actions played any role in inflating the housing bubble, despite overwhelming evidence and the consensus of economists to the contrary. In his efforts to keep filling the punchbowl—which is a term used by Chairman Bernanke himself—he cranked up the printing presses to buy mortgage securities, Treasury securities, commercial paper, and other assets from Wall Street. Those purchases, by the way, led to some nice profits for the Wall Street banks and dealers who sold them to the Fed.

On consumer protection, Chairman Bernanke went along with the Greenspan policy before he was Chairman and continued it after he was promoted. The most glaring example is it took him 2 years to finally regulate subprime mortgages, after the Fed had already done nothing for the prior 12 years. Even then, he only acted after pressure from Congress and after it was clear subprime mortgages were at the heart of the economic meltdown. On other consumer protection issues such as credit cards, he only acted as the time approached for his confirmation to another term at the Fed.

As the economy started to slide and the housing bubble peaked and then burst, Chairman Bernanke failed to notice the problems or do anything about them until it was too late. During that time, he made many statements showing how much he did not understand what was going on in the economy or how severe the crash would be. I wish to read a few of those statements so everyone understands how wrong he has been.

In March of 2007, this is what Chairman Bernanke said:

The impact on the broader economy and financial markets of the problems in the subprime markets seems likely to be contained.

Then, in May of that year, he said:

We do not expect significant spillovers from the subprime market to the rest of the economy or to the financial system.

The following February he said:

Among the largest banks, the capital ratios remain good and I don't expect any serious problems of that sort among the large, internationally active banks that make up a very substantial part of our banking system.

A few months later, in June of 2008, he said:

The risk that the economy has entered a substantial downturn appears to have diminished over the past month or so.

Then, in July of 2008, he said Fannie Mae and Freddie Mac are “adequately capitalized” and “in no danger of failing.”

Finally, in May of last year, speaking about the unemployment rate, he said:

Currently, we don't think it will get to 10 percent.

Well, we all wish he had been right on that one.

I could read a few more quotes, but I think those are enough to show how wrong he has been on major economic issues. Of course, everyone makes mistakes, so I asked Chairman Bernanke about these errors in written questions I gave him after his confirmation hearing. His answers did not make me feel any better. He said the Fed did not understand the relationships between financial firms, how the problems in the financial sector would move to the real economy or how severe the financial crisis would be. That is in his written response to me. I thought those were the kinds of things regulators and the Fed, in particular, were paid to understand and address. We shouldn't be paying Fed Chairmen to learn on the job.

Just like with consumer protection, Chairman Bernanke did not take the job of regulating the banks under the Fed's authority seriously. Instead of close supervision of the biggest and most dangerous banks, he allowed them to grow their balance sheets and increase risk. The same is true on derivatives. After taking over the Fed, he did not see any need for serious regulation of derivatives until it was clear we were headed to a financial meltdown thanks, in part, to those products.

Even worse than the failures and flawed policies I just mentioned, Chairman Bernanke destroyed the independence of the Fed. He bowed to the political pressures of the Bush and Obama administrations and turned the Fed into an arm of the Treasury. Walking arm-in-arm with the Treasury, Chairman Bernanke bailed out all the large financial institutions, including many foreign banks. And he put the printing presses into overdrive to fund the government's spending and hand out cheap money to Wall Street. Instead of taking that money and lending to consumers and cleaning up their balance sheets, the banks started to pocket record profits and pay out billions of dollars in bonuses.

And now it appears that Chairman Bernanke is compromising the independence of the Fed to get votes for his confirmation in the Senate. After a meeting with Chairman Bernanke, the majority leader issued a statement saying that he had expressed concerns to Chairman Bernanke about things that the Fed was not doing and that Chairman Bernanke committed to take action. The majority leader also went on to state that his support for Chairman Bernanke was “not uncondi-

tional”. I do not question the majority leader's intent or actions here, and I certainly do not have a problem with a Senator telling the Fed Chairman about his concerns or urging him to take actions. I have done so myself on many occasions. And it is not a problem for the Fed Chairman to agree that he and the Fed need to address concerns raised by a Senator. But what is not appropriate is the Fed Chairman making commitments in order to secure votes for himself. I hope that is not what happened in this case.

Now with great power goes the responsibility to use that power in an open and transparent way. We have all heard Chairman Bernanke talk a lot about transparency, but his actions speak a lot louder than his words. He promised Congress more transparency when he first became Chairman, and he promised us more transparency when he came begging for TARP. While he has published some more information than before, those efforts fall short and he still refuses to provide details on all of the Fed's actions over the last 2 years.

After his confirmation hearing, I asked Chairman Bernanke for a list of documents for us to review, all of which are reasonable for Congress to see. For example, the list included documents about the bailouts of Bear Stearns and AIG, information about the Fed's regulation of banks before and during the crisis, and transcripts of monetary policy meetings that have not yet been made public. But his answer made it clear that he is not going to open up the Fed's actions to review by Congress or the taxpayers. Instead of providing those documents, what I got in return was a folder full of paper they printed off the Fed's web page. That kind of response is not only disrespectful to the Senate, but it raises the question of what they are hiding.

Following the markup of Chairman Bernanke's nomination, Chairman DODD did arrange for Banking Committee members and staff to review some of the documents surrounding the AIG bailout. I thank him for doing that, and I took him up on the offer and went down to the Fed myself to look at them. In reviewing those documents, some interesting and useful facts came to light that will be helpful as we craft banking reform legislation. More important for what we are talking about today, some of those documents contain new information that raises serious questions about Chairman Bernanke's judgment, leadership, and personal role in the AIG bailout. Unfortunately, under the agreement with the Fed to get access to those documents, I am not allowed to talk about the details and I was not able to bring copies back to show to other Senators. I think that every Senator should be able to see these documents prior to voting, and I asked Chairman DODD to

subpoena them this week, but that has not happened. Senators should be especially concerned about voting now because last week Chairman Bernanke himself asked the GAO to conduct a review of these same documents, but that review will not be completed and made public until after the vote has been taken here in the Senate.

While all of the reasons I just mentioned are enough to vote against Chairman Bernanke, the simplest reason is that a vote for Ben Bernanke is a vote for bailouts. Chairman Bernanke has been in the middle of all of the financial bailouts during this crisis. It was his Fed that bailed out Bear Stearns in March of 2008. It was his Fed that bailed out AIG in September of 2008. And it was Chairman Bernanke along with Secretary Paulson who came to Congress begging for TARP. So if you like those bailouts, by all means vote for Chairman Bernanke. But if you want to put an end to bailouts and send a message to Wall Street this vote is your chance.

I urge you to vote no on the confirmation of Chairman Ben Bernanke for another 4-year term as Fed chairman.

I yield the floor and reserve my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I will address the Senate for 3 minutes, if I can, and then reserve the remainder of my time for later in this debate.

Let me say to my friend and colleague from Kentucky, a member of our committee, and a worthwhile member of the committee, that while we disagree on this nomination, I am appreciative and he raises good questions with a great deal of passion and conviction on these matters. I appreciate his gracious comments about my efforts to try to accommodate his legitimate interests in learning as much as we can about the matter affecting AIG, where \$180 billion of taxpayer money was involved.

There are a lot of investigations going on by the GAO, as well as by the independent commission, as well as individual Senators getting information. While it may not be satisfactory to everyone, there is an effort being made to make sure people can be as informed as they possibly can about that matter. There is a hearing that went on on the House side on this issue.

The matter before us is obviously whether to confirm Mr. Bernanke as Chairman of the Federal Reserve for a second term. I am a strong supporter of this nomination. I will explain why briefly, and then I will complete my remarks a little later in the debate.

I have yet to meet a nominee I have voted for that I was 100 percent for. But when it comes to a nominee with a record that is not going to necessarily be embraced by all 100 people here, the issue of certainly looking back is im-

portant to do. But the most important issue relative to the questions of looking back or forward is—and I think most Americans would agree—where are we today, and where are we going in these matters. I believe over the last year—or a little more than a year—the chairmanship of Ben Bernanke has, in no small measure, made it possible for this Nation to avoid a catastrophe that I think would have looked maybe larger than the Great Depression did because of the global decisions that needed to be made. Had it not been for Ben Bernanke, I think we would be looking at a very different America today.

It wasn't my choice that Mr. Bernanke become Chairman of the Federal Reserve. The previous administration nominated Mr. Bernanke, and I voted for him. When I became chairman of the Banking Committee in January 2007 for the first time, I went through a very frustrating year on that committee. On February 7 of 2007, I had my first hearings in the issue of the mortgage crisis in the country. We had 12 such hearings in this committee over the remaining 10 months—almost 1 every month on this issue. Yet, I could not get the Chairman of the Federal Reserve to pay as much attention as I thought he should have. Beginning in the latter part of 2007 and going forward, his leadership, in my view, was absolutely critical in avoiding the kinds of problems this country faced.

I will speak for a few more minutes later. I think we would make a great error indeed if we were to reject this nomination, if we do not terminate this filibuster and vote up or down on this nominee and provide the confidence and stability our markets demand. This economy, as fragile as it is, will get back on its feet again. To do otherwise would do great damage to our Nation at this critical moment.

I yield the floor and withhold the balance of my time.

I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I wish to comment today on the nomination of Ben Bernanke for a second term at his critical post on the Federal Reserve.

As our Nation continues to recover from the worst financial crisis since Black Tuesday in 1929 and the deepest recession since the Great Depression, the chairman of the Federal Reserve is one of the most important positions in the Federal Government.

Earlier this month, Goldman Sachs—the Wall Street behemoth—announced a bonus pool of \$16.2 billion. JP Morgan recently handed out a \$9.3 billion set of bonus payments. The Wall Street Journal reports that Bank of America is expected to match the bonus level that it paid in 2007—prior to the collapse of the financial bubble and the taxpayer bailout.

These bonuses make it clear that Wall Street has recovered from the economic downturn—a recovery further indicated by the TED spread, which fell today to 0.17, signaling recovery for the banking system.

In contrast to the restored prosperity being enjoyed on Wall Street, Americans on Main Street still struggle through the aftermath of the Bush recession. Unemployment nationwide hovers around 10 percent. In some especially distressed areas, such as my State of Rhode Island, the employment situation is even worse. Rhode Island's official unemployment rate was 12.9 percent last month and the proportion of Rhode Islanders who are underemployed, working part time, or at jobs below their skill level is considerably worse than that.

Families in my State and across the Nation are struggling to pay for groceries and to stave off foreclosure. The economic distress is so widespread in places such as Rhode Island that hardly anyone remains untouched, directly or indirectly. It is heartbreaking to drive around parts of Providence, where nearly every house on the block is boarded up, where families have been evicted from their homes, and the neighborhood is now in physical decay. The explosion of the housing bubble left wreckage across this Nation, which will take years, perhaps even decades, to clean up.

Ben Bernanke bears considerable responsibility for the lax regulation that brought about the housing bubble. There is no mea culpa he can profess that will erase that fact from history. And to make matters worse, a quick review of his public statements in the months leading up to the crisis demonstrates a troubling pattern of false confidence.

On February 27, 2008, months before the start of our great recession, Chairman Bernanke said this:

The nonfinancial business sector remains in good financial condition with strong profits, liquid balance sheets, and corporate leverage near historic lows. . . . By 2010, our most recent projections show output growth picking up to rates close to or a little above its longer term trend, and the unemployment rate edging lower.

Here we stand in 2010, and it could not be more clear that Mr. Bernanke was wrong.

Regarding the housing crisis, on May 17, 2007, Chairman Bernanke said:

We do not expect significant spillovers from the subprime market to the rest of the economy or to the financial system.

Again, he could not have been more wrong.

Regarding the strength of our financial sector, on February 28, 2008, Chairman Bernanke said:

Among the largest banks, the capital ratios remain good and I don't expect any serious problems.

We need a Fed Chairman with the foresight to anticipate problems and to

take action before they occur. Chairman Bernanke has clearly not demonstrated this capability.

As the President of the United States noted in his State of the Union Address last night, the bank bailout was about as popular as a root canal. It appears Chairman Bernanke will be reconfirmed, but I want to express with my vote that the leaders of President Obama's economic team must pivot from the necessary rescue of our major financial institutions to equally if not more necessary help to America's families.

In prioritizing the recovery of Wall Street, I believe leaders at the Fed and the Treasury made significant errors in several key areas:

First, failing to establish a due process mechanism to legally make adjustments to Wall Street pay, bonuses, and counterparty liabilities, so they all had to be paid 100 cents on the dollar.

Second, hoarding the TARP reserve for banks, long after banks were secure, when families were desperate for help. But, no, they clung to that reserve just in case the banks needed it, never mind the present need of American families.

Third, allowing the banks to prevent families—and this Chamber fighting against it—access to bankruptcy courts to readjust their home mortgage debts the way any other debtor can do for any debt, including the big banks themselves.

Fourth, giving banks and investment banks unlimited access to zero-percent loans at the Fed window to use for arbitrage, while profitable small businesses are desperate for credit to use for jobs. Other nations—the UK and France—have announced special taxes on banker bonuses to help pay for bailouts. Not here. If you are a scorekeeper of our recovery, it looks as if it can be summarized in a two-word phrase: bank wins. That is not a balanced score.

I will conclude by saying that whoever leads the Fed for the next 4 years, I urge that we start prioritizing help for the middle class. The Fed has enormous powers that could be used to help people. It can regulate credit card rates. It can force big banks to reduce principal on underwater mortgages. It can provide credit to small businesses. If our Nation's central bank is to regain the confidence of the American people, its priorities must serve the American people.

I thank the distinguished chairman. I yield the floor.

**THE PRESIDING OFFICER.** The Senator from New Hampshire is recognized.

**Mr. GREGG.** Mr. President, I believe my time is being yielded off of Senator SHELBY's time.

I rise in support of the confirmation of Chairman Bernanke to another term as head of the Fed. There are a lot of

reasons. Let's begin with the most obvious one because I think it is also one of the most important.

In the fall of 2008, we were looking over a precipice of massive disaster to our financial structures in this Nation. We were at a point where it was a distinct possibility that the entire financial system of this country was going to implode. What would have been the implications of that had it occurred? What would have been the outcome of that had it occurred? Not only would we have lost the basic superstructure of our banking system in this country, which is at the essence of a strong economy, a good banking system, because credit, especially in our capitalist system, is a critical element in order to create prosperity—people have to be able to get credit in order to take risk and create jobs—but equally important, the implications to everyday Americans would have been overwhelming.

I understand it is difficult for people to appreciate how severe that was because the event did not happen. But had it occurred, had the financial system collapsed, as I believe it probably would have, then everybody in this country would have found their lifestyle and their quality of life reduced, I suspect, because the capacity to just basically operate a business would have been significantly constricted. Just getting money from your bank would have been a problem. The ability to get loans would have disappeared for a while. It would have created a massive disruption in our economic structure which, it is projected by some, would have led to unemployment rates of as high as 25 percent. I don't know if that is true, but those are the projections from some realistic people.

This did not happen. Yes, we went into a very severe recession and, yes, that recession is still hurting Americans. There are still Americans hurting as a result of it. But the massive collapse did not occur. It did not occur because a few people stood up and took very aggressive action, much of which was totally new and out of the box in the way it proceeded.

One of the two key players in this effort was the Secretary of the Treasury. The other key player was the Chairman of the Fed. Two Secretaries of the Treasury stood up and made the tough calls—Treasury Secretary Paulson and Treasury Secretary Geithner. But there was only one Fed Chairman throughout this whole period. He took the Fed down a path which it had never been down before. He injected over \$2 trillion of liquidity into the economy. He basically allowed the Fed to become the lender of the Nation. Nobody had ever done that. The way he did it was extraordinary in its creativity, and the results were that the country's financial system did not collapse. Many Americans' everyday lives were not

fundamentally disrupted because of the actions of Chairman Bernanke. He deserves credit for having been willing and courageous enough to have made these types of decisions. That was the type of leadership we needed—strong, definitive leadership at a moment of acute crisis. That is what Chairman Bernanke gave our Nation. He deserves to be confirmed just for that action alone.

There is no question but you can Monday morning quarterback what he did and you can analyze it and you can probably say he should have done this better or that better. No question about that. But the fact is, the results of what he did accomplished the goal, which was to stabilize the financial institutions of this country. The way I describe it is as if you are coming to a bridge in a car with your family in it and the superstructure of that bridge is about to collapse. But somebody comes along and they fix the bridge just as you get on it. You drive over the bridge, and you did not even know it got fixed, but it was fixed. And if it had not been fixed, you would have had a disaster. That is what Chairman Bernanke and Treasury Secretaries Paulson and Geithner did for our Nation. He deserves to be reconfirmed for that reason.

The second reason he needs to be reconfirmed, in my opinion, is because as we look forward, we are still looking at some very tough times. The money, the liquidity that was required to be put into the system—this \$2 trillion—as the system recovers becomes a risk for the system. We all know that. If that liquidity is allowed to play itself out and to multiply, we could end up with a fairly significant inflationary event. As we all know, inflation is the cruelest tax of all because it devalues people's savings and it undermines the productivity of a nation.

How this liquidity comes out of the markets, how we get this \$2 trillion-plus, as it has been multiplied, out of the system is going to be a very complicated but very important undertaking, and it is going to be primarily the responsibility of the Fed to do that. Chairman Bernanke has outlined fairly clearly, and I think in a very positive way, how he intends to accomplish that, how the Federal Reserve will start to draw down that liquidity. As far as I know, it is the only proposal out there that has any legitimacy, and it is an important proposal as we go prospectively. We need him in that spot not only out of respect because he did such a great job, an important job, and a successful job in stabilizing the financial situation of the late 2008 and 2009 period but also because we need him to deal with the prospective problem. That is another reason to confirm him.

Some will argue that he should not be confirmed because for years he participated, along with Chairman Greenspan, in keeping the money supply, the rates on interest too low.

That is a debatable point. I tend to think the rates were too low for too long. I think it is one of the reasons we ended up with this huge bubble in the real estate industry and it is one of the drivers, but I don't think that was the primary driver of what caused this financial downturn in this huge real estate bubble. The primary driver was a decoupling of the responsibility to lend constructively from the people who were actually doing the lending. We had a breakdown in underwriting standards, to put it quite simply. Because we had all these different people originating loans who had no real interest or vested interest in the loans because they were selling them and because a lot of our banking institutions had become lax in their underwriting standards, loans were being made to people who could not pay the loans back on assets which did not have the value to support the loan. People were not looking at the loans; they were looking at the fees they were going to get, and then they were selling the loans. When loans got sold, they got securitized, subdivided, and multiplied as to the implications. That was not the Fed's failure. To some degree, in their oversight of bank holding companies, one can argue it was the Fed's failure. I tend to put that more on the bank supervisor as the authorities who were specifically on the ground.

So, yes, interest rates were kept too low too long, in my opinion. But is that a reason to reject him as Fed Chairman? I do not think so. That, again, is Monday morning quarterbacking. The real test of his ability to manage the money supply and to live up to the primary commitment of the Fed, which is to have sound money and a strong economy, was how he handled the crisis of late 2009 and, as a corollary into that, how he intends to handle the impending problems with the liquidity that is in the market and needs to come out of the market.

As I said before, if I was looking around for someone to do this job, this would be the person I would want to have because I think he is the best person for the job. Is he perfect? No. Nobody is perfect anywhere. But has he proven himself to be an extraordinarily talented and aggressive leader who saw a crisis, managed it, and kept a lot of Americans from having a much more severe impact on their lifestyle as a result of his actions? Yes, he has, and I think that is the test.

I certainly hope my colleagues will vote for him. I understand there is this populist fervor around here now. Populism has always been a heavy strain in our body politic in America. I understand populism usually has to have an

enemy, and usually it has to be an enemy that can be hyperbolized into a conspiratorial group. And so the Fed, since it is separate from the formal government—intentionally so, and it has to be because we do not want the Congress managing our money supply. That would be a disaster. Look at what we do with the fiscal house. Think what we would do with the money supply. The Fed is a separate entity, and it is insular to a significant degree, and therefore it becomes an easy target for those who want to fire the flames of populism, both on the left and the right.

I honestly regret that the President has joined in this exercise because I think he has thrown kerosene on the fire. Regrettably, the fire was blowing through his own Fed Chairman nominee. But it was a foolish thing to do because you don't know where the fire is going to go when populism gets ignited.

Populism usually involves exaggeration, and it almost always involves misapplied purposes. The substance usually is very significantly different than the actual description of what the events are, and in this case that is true. The Fed is not some secretive institution which is trying to undermine the quality of life in America; just the opposite. The Fed is a very public institution that is audited, fairly completely, with the exception of the open market window, which shouldn't be audited because we don't want Congress managing money supply, and an audit of that responsibility would put the Congress in the business of managing the money supply.

Not only does it not undermine America's prosperity, it is the key to America's prosperity—or one of the keys—because it maintains a sound money supply and because, in a time of crisis—such as we had in late 2008—it is there to step up and make the tough decisions, independent of the political process, and it has proven it can do it.

I would hope we wouldn't allow all this fervor to find fault with people to overwhelm an extremely talented nominee who deserves to be reconfirmed and whom we, quite honestly, need in that position—as Chairman of the Federal Reserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I rise to oppose the nomination of Ben Bernanke as Chairman of the Fed. I do so as a member of the Banking Committee who voted against his nomination in that committee because I researched his record, and on that record I believe Ben Bernanke is not the right person to lead the Fed. In short, Ben Bernanke's decisions over the last 8 years as a member of the Federal Reserve Board, as Chairman of the Council of Economic Advisers, and as Chair-

man of the Fed helped set the fire that destroyed our economy.

Mr. Bernanke is a calm and unassuming man, responsive and thorough in his explanations, and very likable. In addition, to keep the analogy, he has done a good job with the firehose over the last year. He understood that tightening credit during a collapsing bubble in the economy would be akin to turning off the fire hydrant in the middle of a fire. He did keep the fire hydrant turned on, and I give him credit for that. But now we need to rebuild our economic house. That takes an architect, not a fireman; that takes a builder, not someone turning on a fire hydrant. Based on his performance over the last 8 years, I do not believe Ben Bernanke is the right architect to rebuild our economy, an economy that will work for working families.

Consider the following: Ben Bernanke failed to react to the enormous danger from an interlocking web of derivatives that created high-speed channels for massive financial contagion. Simply put: Derivatives turn our financial institutions into a set of dominoes in which, if one falls, others fall, and Ben Bernanke did not respond to the growing threat of derivatives.

Bernanke failed to respond to the increase of proprietary trading that amplified risk in both depository lending institutions and our financial system as a whole. Again, let me put this more simply. Gambling on stocks and bonds and derivatives is fundamentally incompatible with bank stability. But Bernanke did not respond. Ben Bernanke supported and advocated for policies that reduced capital and increased leverage in both commercial banks and investment banks, greatly magnifying risk across the system.

He supported Greenspan's philosophy of deregulation and self-regulation. He advocated for Basel II. What was Basel II? Basel II was to say to the largest banks in America: You can set your own leverage ratios. What did that result in? That resulted in banks going to a 30-to-1 leverage. If you invest money 30 to 1 in an up market, it is a killing. You make all kinds of money. But when you are at a 30-to-1 leverage and the market turns down, you blow up immediately.

There is not an analyst in America who can tell you at any one moment when the market will go up and when the market will go down. But they can tell you it will go up and down over a period of time. What goes up must come down. There is never going to be a steady upward climb forever. So if you allow 30-to-1 leverage, you are going to make a lot of financial institutions very happy. They are going to make a lot of money, until the market turns down. Well, Ben Bernanke set loose the leverage requirements that paved the path, that set this fire, that burned down our economy.

Ben Bernanke ignored the housing bubble. He failed to protect homeowners from deceptive practice committees. Why is this important? Let me explain what happened over those 8 years. Families went to their real estate agent and the real estate agent followed a strict code of conduct—a strict code of ethics—and they arranged to buy a house. They then went to a broker and assumed there would be a similar strict code of ethics and they were going to get a loan for their house. The broker said: You know what, home ownership has gotten very complicated; mortgages have gotten very complicated; I am going to be your adviser. I am going to be your adviser, trust me, and sign this loan right here. This will be the best one for you.

What was wrong with that was the homeowner did not know the broker was getting paid a large sum of money, called a yield spread premium, also known as a steering payment because they were designed to steer people into certain loans, also known as a kick-back. The broker was receiving those, and families who qualified for prime loans ended up in subprime loans.

What institution was responsible for consumer protection on mortgages? The Fed was responsible. Ben Bernanke did not do a thing to protect consumers from this gross conflict of interest that torpedoed the financial prospects of millions of America's families for which he had direct responsibility.

In the Fed, monetary policy has been in the penthouse, as it must be. That is a primary responsibility—safety and soundness in the upper floors and consumer protection in the basement. We cannot leave consumer protection in the basement.

So I will close with this. Ben Bernanke was not alone in helping to set this fire. He had a lot of company. But over 8 years, he made critical mistake after critical mistake that, in the short-term, large financial institutions loved, but it set the conditions for our economy to burn down. The consequences for families were extraordinary—loss of jobs, loss of retirement, loss of savings. With the loss of a job came the loss of health care. That is an extraordinary amount of damage. Now we need someone to rebuild our economy, and Ben Bernanke is not that man.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTURE OF ROBERT RUSSELL

Mr. PRYOR. Mr. President, Holmes had Watson, Mat Dillon had Chester, even Andy had Barney; for the past 20 years, I have had Bob Russell. Bob has long been a trusted friend, and for the past 7 years he has been my great chief

of staff, providing valuable counsel, know-how, and humor. Bob is headed to the private sector, but I could not let him leave without thanking him for his public service in the Arkansas attorney general's office and in the Senate.

Bob was instrumental in assembling an exceptional team of talented aides, many of whom are in the gallery today. Over the last 7 years, he led that team as we steered a number of legislative initiatives to success, including legislation to improve children's safety, help military families, and strengthen Arkansas communities. None of these accomplishments would have been possible without Bob's hard work, integrity, and deliberation.

Bob believes in the "do right" rule. He came to the Senate to get these done for Arkansas, and when he realized that partisanship was getting in the way, he took action. Along with Tom Ingram, former chief of staff to LAMAR ALEXANDER, he formed the bipartisan chiefs of staff group. This informal group meets regularly to facilitate working relationships across the aisle. These friendships translate into solutions instead of barriers.

The so-called Gang of 14 is a prime example, where Bob and Tom recognized early on that common ground on Federal judges was more favorable than Senate gridlock. Just a few weeks later, 14 Senators, including myself, struck a deal that enabled the Senate to move forward with the judicial nominations and conduct regular business. That is the type of unseen influence Bob Russell has had on this place for the last 7 years.

I love Bob and I trust him. He is a good family man and he is a good Southern Baptist. On many Mondays, we would come in and say: Tell me about your sermon on Sunday. I will miss his presence and his insights. He has been a good mentor and adviser to me and to many on my staff and has made many lifelong friendships here in Washington. He is more than a chief of staff, he is my friend.

Frank Broyles is an Arkansas hero, well-loved for coaching the Razorbacks to a national championship and famous for developing assistant coaches. One of his players was Jimmy Johnson, who would later coach as an assistant at Arkansas under Broyles. It is tough to let an assistant coach go, but when he is that good, he deserves to go out and do great things on his own. I feel the same way about Bob, especially since I know that Ecclesiastes says:

For everything there is a season, and a time for every matter under Heaven.

Johnson went on to win a national championship and two Super Bowls. I know Bob will go on to a highly successful career in his own right.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak in opposition to the nomi-

nation of the Honorable Ben Bernanke to be Chairman of the Board of Governors of the Federal Reserve System.

I am somewhat conflicted about Dr. Bernanke's nomination for a second term as Chairman of the Federal Reserve. Our Nation's economy is still reeling from a significant downturn, during which home values plummeted and foreclosures rapidly increased, wreaking havoc on our financial system. Markets tumbled, banks and businesses failed, and millions of jobs were lost. Ultimately, the American people have borne the brunt of this recession, watching jobs, homes, and life savings vanish, while seeing their hard-earned tax dollars bail out the bad actors that caused it.

That being said, the financial crisis could have been worse. It could have turned into a depression. So far, we are not there. I believe some of what Dr. Bernanke did was good. He is an expert on the Great Depression. He unleashed an arsenal of financial tools to combat the recession, he tried to inject liquidity into the financial sector, and did much to try to keep our markets afloat. While I commend him for that, I am very concerned about some of the precedent that has been set in this crisis.

I am especially troubled by the continuing expansion of TARP. Almost immediately after its passage, the Treasury Department deviated from the intent of the program. Instead of purchasing troubled assets, which we were told would be the purpose, the Treasury purchased equity stakes in over 300 of our Nation's financial institutions. It expanded the TARP to non-financial companies, pouring billions into AIG, General Motors, and Chrysler.

We must begin the effort to wind down TARP. With banks paying back their TARP receipts, we need to unwind TARP and pay down the deficit. Although some have suggested TARP is a revolving fund, the legislation was never sold as such—not ever. Americans are tired of excessive spending. If there is anything we ought to do right now, it is to stop spending TARP and stimulus funds that are not allocated and show the American people we have heard the message in Washington.

TARP was designed as a one-time injection of assistance to prevent financial institutions from collapsing and taking down the larger economy. Now that those financial institutions have gained their footing, we should pay back the American taxpayer. In bailing out our Nation's financial system and large banks, we have left the very real impression that no bank is too big to fail. This policy has allowed those who contributed to bringing our economy to its knees to right their ship at taxpayers' expense. It has helped these institutions access cheap capital from the government, adversely affecting

safe and sound institutions such as community banks.

I am also concerned about the path our country is on in our recovery. In September, Chairman Bernanke said our recession was over. While our economy may be recovering, many Americans do not see it. At 10 percent, our national unemployment is still extraordinarily high, despite huge spending measures such as the stimulus package, which was supposed to create jobs. The debt and deficits our Nation has incurred over the past 2 years has sent our Nation's debt on an unsustainable trajectory.

Our debt is at \$12.394 trillion. Earlier today, the Senate voted to once again raise the ceiling by an astonishing almost \$2 trillion, the fifth time to do so in 18 months.

Under Chairman Bernanke's leadership, I do not think the Fed has paid enough attention to—nor has he talked enough about—the mounting debt and the immense burden it is going to place on our economy today and certainly on our children and grandchildren.

Fiscal sustainability is not on the horizon. Instead, we see endless spending as far as the eye can see: health care reform, cap-and-trade energy legislation, a possible second stimulus. All will be huge government programs which will not only raise our government spending but raise costs on individuals and businesses in the form of new taxes and mandates. I am concerned about the consequences this increase in spending will have on our economy.

I will not support Chairman Bernanke's nomination. I am conflicted, as some of the things he did were good, but his actions to save our economy have helped set a very dangerous precedent for the future. The precedent of massive spending is not the answer.

I will continue to examine the Fed's exit strategy and will most certainly encourage further action from Chairman Bernanke on our debt and our Nation's finances.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask 4 minutes be taken from the Democratic side's time?

Mr. DODD. That is fine. I know the Senator from North Dakota had asked to be heard.

Mr. SCHUMER. I thought I was next.

Mr. President, it was only a little over a year ago, with the collapse of Lehman Brothers, that we faced a financial crisis the likes of which few have seen in our lifetime. We were truly standing on the edge and staring into the abyss. For all intents and purposes the financial system was on the cusp of a total breakdown. A Great Depression loomed.

Now, a year later, while we cannot diminish the very real and large prob-

lems that remain in front of us, we did succeed in preventing the catastrophe that seemed very possible if not probable in the fall of 2000. Nobody was more important in preventing the collapse of the financial system and the rescue of the economy from what looked like imminent freefall than was Chairman Bernanke.

I was there at many of the meetings, and I saw his steady hand and guidance. That is why I am going to vote to reconfirm him as Chairman of the Federal Reserve Board.

The Fed certainly made mistakes in the runup to the financial crisis: failing to use its regulatory authority to rein in a skyrocketing credit boom, failing to adequately fulfill its responsibility to protect consumers from predatory lending practices in mortgages and elsewhere, and allowing too risky activities with too little protection.

While most of these policies began under the previous Chairmen, Chairman Bernanke presided over the Fed and continued them. That is something I am sure he is not proud of, but he has acknowledged that he has many lessons to learn from the crisis and he is working hard to make sure the same mistakes are not repeated in the future.

I also want to say a word about the consequences of failing to reconfirm him. Our economy, while struggling to return to solid ground, remains fragile. Unemployment is way too high. We have yet to turn the corner on sustained job growth. Businesses, small and large, are still having a hard time getting access to credit they need to expand and grow, or even, in many cases, doing business as usual.

Singling out Chairman Bernanke and the Fed for punishment might be temporarily satisfying for some, but it will not help a single business add jobs. It will not prevent a single homeowner from being kicked out of his or her house. Instead, it will accomplish just the opposite. By sending a message that the Federal Reserve and its monetary policy decisions are under the thumb of Congress, businesses will be faced with the prospect that the Fed might not be able to do what is necessary for the economy because of pressure from Congress.

Economists tell us one of the major things holding the economy back is uncertainty about the policies that Washington will pursue. This would exacerbate that concern and create a very bad outcome for the economy and the country. I have said it before, and I will say it again: If you don't like monetary policy when the Fed does it, just wait until the politicians get their hands on it.

I am going to vote to reconfirm Chairman Bernanke as Fed chairman, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, when I think of what a Federal Reserve Chairman is supposed to do, I think of two key responsibilities: maintaining stable prices and keeping our dollar strong. Unfortunately, Chairman Bernanke's Federal Reserve has not performed well on either count.

Consumer inflation, as measured by the Bureau of Labor Statistics, increased 2.9 percent from June to December 2009.

Manufacturers' cost of production is up 4.4 percent versus last year; up 5 percent in the past 6 months; and up 9.5 percent in the past 3 months.

Other measures of inflation, such as the 5-year, 5-year forward, clearly show an accelerating trend. Inflation is the last thing our economy needs right now.

As for the dollar, during the last year, its value dropped more than 10 percent. Much of this weakness is attributable to the Federal Reserve setting short-term interest rates at virtually zero.

As such, gold prices have surged, as investors worry that the dollar is no longer a reliable store of value.

OPEC has contemplated designating oil in a currency other than the dollar, and foreign economists have suggested that we issue our own government debt in yen, euros, or yuan, rather than dollars.

While neither of these actions is likely, it is clear that the Federal Reserve needs to pay greater attention to the dollar's value when making monetary-policy decisions. The preeminence of the dollar is synonymous with American prestige abroad. Nothing represents our Nation's soft power more than its strength.

Another chief concern of mine is that, during Chairman Bernanke's tenure, the Federal Reserve and other banking regulators showed an inability to use bank examinations to distinguish between good and bad loans.

Before the housing crisis, banking regulators were permitting financial institutions to lend to individuals who obviously did not have the ability to repay the money they borrowed. Had they been more vigilant, the crisis may have been less severe.

Now, however, in seeking to be more cautious, bank regulators are making another mistake: They have been telling institutions in my home State of Arizona, and throughout the country, not to make loans to even the most creditworthy individuals and businesses.

I have heard numerous stories, from both lenders and borrowers in my State, about bank examiners deciding to downgrade a performing loan because, on paper, the underlying collateral was worth less than its purchase price.

As a result, the banks had to either raise more money, which is incredibly difficult, or else the borrower had to contribute more cash to keep from technically defaulting on the loan.

Why would we have policies that punish responsible borrowers? Why would it be in our interest to force those who are current on their loans into a situation that could lead to bankruptcy? Doing so makes a bad situation worse and creates problems that ripple through our economy.

I am also troubled that Chairman Bernanke refuses to take responsibility for the housing bubble and disputes that the Federal Reserve's lax monetary policy helped create it.

As the respected columnist Bob Robb of the Arizona Republic recently explained:

[Chairman] Bernanke is intellectually shadow boxing. . . . When a bubble occurs in a commodity which is almost universally purchased using extensive borrowing, such as homes, it's fatuous to claim that easy money doesn't play a significant role.

Chairman Bernanke strongly supported this lax monetary policy, and he should own up to its role in the financial crisis.

These are all reasons to oppose his renomination or confirmation. Nonetheless, I must vote to reconfirm Chairman Bernanke, simply because I am concerned that another nominee chosen by President Obama would be less independent than Chairman Bernanke and would direct the Federal Reserve's resources to support the administration's policy interests, and, therefore, bypass congressional approval for appropriated funds.

This administration has a history of nominating partisan, out-of-the-mainstream individuals for key jobs, and replacing Chairman Bernanke would be another opportunity for it to do so.

I would hope that if Chairman Bernanke is confirmed, he will take action to remedy the problems I have just addressed. They demand his attention.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I rise in support of the confirmation of Mr. Bernanke to continue as Chairman of the Federal Reserve. I do so, acknowledging that he contributed to the crisis, but also recognizing that without his strong leadership the crisis might have become a conflagration.

How did we get to the brink of financial collapse? I might say to some of my colleagues, they should look in the mirror because they, too, contributed to the forming of the bubble. How? An overly loose fiscal policy under the control of the Congress and the administration.

The previous administration ran up massive deficits, doubled the debt. That is a loose fiscal policy. It was accompanied by a loose monetary policy after 9/11.

After 9/11, the Federal Reserve kept interest rates very low, flooded the system with money, and the combination of an overly loose fiscal policy and an overly loose monetary policy created the seed bed for bubbles to form. Indeed they did.

We didn't just have a housing bubble, we had an energy bubble—oil prices went to \$100 a barrel. We had a commodity bubble—wheat went to more than \$20 a bushel. These are examples and evidence of bubbles being formed. When you have an overly loose monetary policy and an overly loose fiscal policy, bubbles are going to form and ultimately bubbles burst. When they do, there is enormous economic wreckage. That is what has occurred here—all of it coupled with an era of deregulation.

Under the previous administration—and, yes, the Federal Reserve has responsibility here as well—there was too little regulation of major financial institutions and of major financial instruments. Trillions of dollars of derivative instruments were floating around the world unregulated, even unrecorded. Of course there was danger there.

Warren Buffett warned that derivatives constituted a nuclear time bomb hanging over the global economy. Ultimately the bubbles burst, and ultimately the economic wreckage built. Bernanke bears some responsibility for that, without doubt. But once the crisis developed he took charge in a way that is unprecedented. He took step after step to provide liquidity to this global economy to prevent and avert a collapse.

I believe when the history of this period is written, in terms of the response to the dangerous cloud hanging over this global economy, Bernanke will prove to have been one of the heroes of the piece. In instance after instance, he took unprecedented action to avert a collapse.

His academic study was the Great Depression.

He resolved as a young man to do everything he could to prevent any future collapse of that magnitude. He proved to be the right man at the right time. He deserves to be confirmed in this vote this afternoon. I ask my colleagues to please be judicious. Let's recognize that he made serious mistakes. Let's also admit the Congress and the administration, the previous administration, made very serious mistakes: overly loose fiscal policy, overly loose monetary policy, a lack of regulation, the creation of bubbles, bubbles that burst that created enormous wreckage. But Ben Bernanke helped avert a global financial collapse. I believe history will prove that is the truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I join my colleague, the Senator from North Dakota, in rising to support the confirmation of Chairman Ben Bernanke to a second term as Chairman of the Federal Reserve. As has been pointed out throughout the course of this debate, his position at the Federal Reserve prior to September 2008 gave him the opportunity and the obligation to look carefully at a building crisis.

His response was not as perceptive or as adroit as we all in hindsight would wish to see. He did recognize, however, by August of 2007 that this economy was slowing down, and he applied the traditional macroeconomic tools by beginning to lower the interest rate.

By December of 2008, the interest rate was virtually zero, the Federal rate. That has helped, I think, keep the economy moving and has helped us move forward. But the point that so many of my colleagues have made is when it came to critical moments during the fall of 2008, Chairman Bernanke understood the problem and was able to use extraordinary measures, first persuading the Federal Reserve to follow his lead, and then using extraordinary measures to begin to blunt the worst effects of this economic crisis we faced, and continue to face, and his efforts to ensure that there was liquidity in the system—precisely what was done incorrectly in 1929, 1930 through the early 1930s, where the Federal Reserve pulled back, accelerating the depression rather than cushioning the economy from further decline.

He took innovative steps that seem sort of esoteric, but helped restore stability in capital markets. But he also took very decisive intervention with respect to the money market mutual funds, when the Reserve Fund broke the buck, as they say, when its net asset value dropped below a dollar, there was a tremendous sense of not only uncertainty but potential chaos as everyone was plotting to withdraw their funds from money markets, which would have created huge problems and which would have affected every American in this country. But he moved decisively and aggressively, along with the Treasury Department, to provide stability and support. He also helped create programs like the TALF program to restart markets for auto, home, credit card, student loan, and small business loans, his ability to interject liquidity into the system, gave us a break, if you will, from a rapidly deteriorating situation.

I sense, and my colleagues have said, that in the future his reaction—calm, decisive, innovative, imaginative—was one of the things that prevented this catastrophic situation from becoming even worse. That is an important aspect that we must consider in regards to his renomination.

There is something else too. If the Chairman is not confirmed, there will



be a period of uncertainty as to who is leading the Federal Reserve and what direction will it take. The last thing we need today is uncertainty in our economic future. If the ability of individuals and institutions to invest, to commit their capital and their effort and their work is put on hold, then the progress we have seen—and it is not sufficient but we have seen some—in fact, there are expectations that the reports on gross domestic product tomorrow will show significant increases rather than significant contractions, which is what we saw under the last administration.

But if we inject this uncertainty, if we go months and months with no one clearly in charge at the Federal Reserve, it will have a very tangible, rapid, and unfortunate effect on our ability to move forward with the economy.

There is another issue here I think that is important to note. That other issue is that, having done all of these remarkable innovative programs to increase liquidity, to keep the engine of the economy running, albeit not at the level and speed and power we might want, but keep it moving, at some point those programs have to be unraveled, pulled back, because we will face another danger.

We face a danger, perhaps, in terms of inflation rate effects. We face a danger in terms of currency issues, in terms of value of the dollar. This is something we all recognize, this great pivot, as I call it, moving away from low interest rates and liquidity infusion, to higher interest rates, the dismantling of some of these programs. For example, the Fed already announced that it intends to begin to slowly get out of its support for the mortgage market in a few weeks.

All of that has to be as tacitly managed, as carefully understood, as these programs were in the fall of 2008 and 2009 when the Chairman was moving forward. As a result, I think we need someone who understands these programs, and understands them not just theoretically but literally from trial and error, from understanding what worked, what did not work, what the consequences are.

No one has that type of knowledge and insight at this juncture other than Chairman Bernanke. He is, of course, as an individual, a man of remarkable integrity and character who is committed to public service, and who is a pragmatist, not an ideologue, someone who will continue to provide not only guidance but leadership at a place we sorely need it, at the Federal Reserve. From my talks with Chairman Bernanke, I think he understands that people are hurting, and that his role in getting our country back to full employment is just as important as his role in monetary policy. The engines of our economy are small businesses and

jobs, and this is what people in my state of Rhode Island expect from the Federal Reserve. At this critical juncture, I hope that my colleagues will support Chairman Bernanke for a second term.

I yield the floor.

Mr. AKAKA. Mr. President, I support the confirmation of Chairman Ben Bernanke. Chairman Bernanke has demonstrated tremendous skill in handling extraordinary economic challenges. We were very fortunate that the Chairman of the Federal Reserve Board of Governors during the economic chaos last fall was an individual whose area of academic expertise is the Great Depression. The Federal Reserve took unprecedented emergency actions that helped stabilize the economy and prevent further collapse of the financial markets.

During my first meeting with the Chairman, he shared with me his experience as a school board member of trying to improve the availability of financial education. I have always greatly appreciated Chairman Bernanke's dedicated efforts to improve the financial literacy of students and consumers. The true costs of financial illiteracy have been made all too apparent by the financial crisis. One of the core causes of the crisis was that families were steered into mortgages with risks and costs they could not afford or even understand. Chairman Bernanke and I share a firm commitment to trying to improve the lives of working families through improved consumer protections and financial literacy.

Chairman Bernanke has led efforts at the Federal Reserve to better protect and inform consumers. During Chairman Bernanke's tenure, the Federal Reserve has increased consumer protections in the subprime mortgage market and limited questionable practices in the broader mortgage market. Additionally, the board has proposed further limitations on loan originators, brokers, and loan officers.

Also during Chairman Bernanke's tenure, the Federal Reserve developed improved rules to restrict credit card practices, enhance overdraft fee disclosures, strengthen student loan disclosures, and restrict gift card fees.

I have also greatly appreciated the efforts of Chairman Bernanke and the Federal Reserve to promote the use of financial institutions for lower cost remittances. Too often consumers fail to take advantage of lower cost remittance services found at banks and credit unions. Remittances can be helpful in providing opportunities for the unbanked to utilize mainstream financial institutions.

I look forward to continuing to work with Chairman Bernanke and the Federal Reserve to better protect, educate, and empower consumers.

Mr. LEVIN. Mr. President, we have been asked by the President to confirm

Ben Bernanke to a second term as Chairman of the Federal Reserve. Given the current state of the economy, and the nature of the crisis that led to the recession from which we are struggling to recover, this request has generated a great deal of controversy. I am conflicted by this nomination, and I want to explain my decision to support it.

The most striking feature of the economic crisis is that it was, to a large extent, a collective failure of financial regulation. It was not a function of the normal waxing and waning of the economic cycle. Instead, our financial institutions engaged in ever-more complex, highly dubious, and risky transactions, and when the risk was exposed, it set off a chain reaction that dragged down our entire economy.

The lack of adequate financial regulations was a major cause of the crisis. We must reform that system on an urgent basis. Consumers' rights need to be protected.

But in addition to the failures of the system, part of the crisis was made possible by collective failures of those entrusted to oversee the financial system. Chairman Bernanke was one of those people. He and others should have been more forceful in reining in the greed-driven abuses and excesses of our financial sector.

Some of my colleagues who share this view believe that this fact alone should justify a "no" vote on Chairman Bernanke. But I believe that we must weigh both Chairman Bernanke's role and actions before the crisis, but also those since the crisis began. In other words, was he a bigger part of the problem or the solution?

First, while Chairman Bernanke should have acted more forcefully to try to prevent the crisis, most of the abuses that brought it about occurred in areas outside the Federal Reserve's primary areas of oversight. I also believe that Chairman Bernanke's and the Federal Reserve's recent support for enhanced financial regulation are crucial to correcting some of the structural failures that led to the crisis.

Second, the Federal Reserve's actions helped to prevent this tragic recession from becoming a second Great Depression. This is no small thing. As bad as the last several months have been, they would have been even worse but for Chairman Bernanke's leadership.

Lastly, it is clear that Chairman Bernanke's role in preventing a deeper crisis has earned him some confidence in our financial markets. A defeat of his renomination carries the risk of shaking these markets, at the very moment we need them to operate in a stable fashion so as to help boost our fragile economic recovery.

When making the decision of whether to support this nomination, I end up believing that Chairman Bernanke's performance in addressing the economic crisis and his current efforts to

significantly enhance financial regulation to help prevent future crises, outweigh his past mistakes. On balance, I believe that Chairman Bernanke should be given the opportunity to continue to help pull us through this difficult period, and I will vote in favor of his confirmation.

Mr. GRASSLEY. Mr. President, I want to express my concern about the nomination of Ben Bernanke as Chairman of the Federal Reserve Board and explain why I will vote against him when the Senate has the opportunity this week.

I know many of my colleagues will support Mr. Bernanke because he was a cocaptain of the U.S. economic recovery efforts in the last year and a half. Appointed by President Bush, Mr. Bernanke undoubtedly has a difficult job. Our Nation has been jolted by greed, corruption, fraud, and excessive risk-taking that led to the largest taxpayer bailout in history. Mr. Bernanke was holding the reins, along with officials in the Department of the Treasury, but steered us into an out-of-control spending frenzy with very little oversight by the American people.

Ben Bernanke has been wrong about the economy. He was wrong about the subprime lending meltdown. He was apparently blind to the pitfalls of credit default swaps. He misled the American public about the purpose and intent of the Troubled Asset Relief Program. He recklessly spent billions of dollars on a few renegade financial firms, picking winners and losers on Wall Street and justified these actions by saying Main Street would be saved. Then, he stonewalled Congress from learning about how the billions of dollars were spent. Ben Bernanke also opposed transparency almost every step of the way.

Let me address these issues more in depth.

Whenever the Chairman of the Federal Reserve opines about the economy, he understands that his words can be misunderstood or taken out of context and thus have an unintended impact on the market and day-to-day trading. However, Ben Bernanke has been saying that our economy has been strong since the beginning of the decline. His analysis of the situation and predictions for our future economic growth were far off.

Let's take the housing problems, for example. In 2006, Fed Chairman Bernanke believed that the housing market had been strong but could cool slightly. He said, "Our expectation is that the decline in activity or the slowing in activity will be moderate, that house prices will probably continue to rise, but not at the pace that they had been rising. So we expect the housing market to cool, but not to change very sharply." He didn't think the housing market would blow up, nor did he believe that the weakness in the market

would spill over to other sectors of the economy. He was dead wrong.

He was wrong about unemployment. Most recently, in May of 2009 and in front of the Joint Economic Committee, Fed Chairman Bernanke said: "Currently, we don't think [the unemployment rate] will get to 10 percent." In November the unemployment rate hit 10.2 percent.

We can go back to February 2006. As President Bush's Chairman of the Council of Economic Advisers, Mr. Bernanke was responsible for drafting the Economic Report of the President which claimed the following: "The economy has shifted from recovery to sustained expansion. . . . The U.S. economy continues to be well positioned for long-term growth." In this report, Bernanke projected the unemployment rate to be 5 percent from 2008 through 2011.

Even in 2007, the Fed Chairman believed that the labor market would stay healthy and incomes would continue to rise. In February of that year, he said that "the business sector remains in excellent financial condition." Later in July of 2007, Mr. Bernanke said, "Employment should continue to expand. . . . The global economy continues to be strong. . . . financial markets have remained supportive of economic growth."

Then came the Bear Stearns debacle. Bear Stearns led the charge in the securitization market. Because they had placed significant resources in mortgage-backed securities, the company was on the verge of collapse. In March of 2008, the Federal Reserve Bank of New York attempted to save the company through an emergency loan, but failed and moved to force a sale to JPMorgan Chase.

Three months later, Fed Chairman Bernanke still did not acknowledge the pending economic crisis. In fact, in June, he said, "The risk that the economy has entered a substantial downturn appears to have diminished over the past month or so." He couldn't have been more wrong. The economy melted down, and the Fed and Department of the Treasury had to come to the rescue of several failing firms.

The Federal Reserve Chairman only warned Congress about the financial crisis when it was too late. Under his leadership, the Federal Reserve took very little action to control the root causes that led us to the economic storm we have all had to endure. Instead, they urged Congress and the American people to swallow a plan that was ill conceived and risked making the situation worse.

So another reason I cannot support his renomination as Chairman of the Board is because of the disastrous implementation of the Troubled Asset Relief Program, also known as TARP.

Chairman Bernanke came to Congress with former Treasury Secretary

Paulson, selling a proposal that would direct taxpayer money to purchase "toxic assets." The proposal would have allowed the Federal Government to take bad assets off the books of troubled firms to keep credit flowing. We were told that the situation was dire. We were told that the Fed and the Treasury Department had a plan in place. We were told that taxpayers may even come out ahead. We were told to trust them.

It wasn't long after the Emergency Economic Stability Act was passed in October 2008 that the Fed and the Treasury reversed course. Without input from Congress, they took the authority they were given and went their own way. Chairman Bernanke was doling out funds for Bear Stearns and AIG while the Treasury was doling out funds to firms that were destined for failure.

Today, the Troubled Asset Relief Program has been used as a slush fund to bail out firms on Wall Street and troubled automakers. Taxpayer money has been enabling these companies to continue in their misguided ways. Corporate jets were being used to lobby Congress for billions of dollars, and CEOs resisted proposals to slim down the fat pockets of their cronies. The American people were misled, and Ben Bernanke should share responsibility for that.

But, it wasn't just the Troubled Asset Relief Program that was used to funnel taxpayer money to failing firms. Chairman Bernanke led the Fed on a spending spree, using a blank check to unilaterally direct money to AIG, Fannie Mae, and Freddie Mac.

Chairman Bernanke was AWOL as the Federal Reserve funneled billions of taxpayer dollars to AIG knowing that the money would go directly out the back door to AIG counterparties like Goldman Sachs and foreign banks. AIG's payment of 100 cents on the dollar for the counterparty securities meant Goldman actually received more than some other counterparties, because Goldman's securities had a market value of 40 cents on the dollar while UBS Bank's securities, for example, were worth 71 cents on the dollar.

Chairman Bernanke was absent from the critical "haircut" negotiations with the AIG counterparties, in stark contrast to the TARP Capital Purchase Program negotiations weeks earlier. As a consequence, no reductions in counterparty payments were obtained for the American taxpayer. These negotiations failed despite the fact that some of the foreign counterparties offered to reopen negotiations. The Federal Reserve failed to capitalize on this opportunity and investment bankers were paid in full.

The AIG bailout was designed by the Fed in a manner that funneled billions of dollars directly to the counterparties. No other outcome was possible.

The effect was a “backdoor bailout” regardless of the Fed’s now-stated intent merely to improve AIG’s liquidity in order to avoid a collapse.

Reasonable people can disagree about whether Chairman Bernanke made the right decisions. Aside from the problems I have already outlined, I have serious reservations about voting for him again given his resistance to transparency. For example, we have seen very little cooperation from the Federal Reserve to ensure that the Government Accountability Office, GAO, has independent audit authority.

Last March, the GAO testified before the Finance Committee that the Federal Reserve was resisting its efforts to conduct oversight of the response to the financial crisis by citing provisions of law that were intended to maintain the independence of monetary policy.

Such restrictions could be defended when the Federal Reserve focused only on monetary policy. However, since the financial crisis, the Federal Reserve has routinely exercised extraordinary emergency powers to subsidize financial firms far above the levels Congress is willing to authorize through legislation. The Federal Reserve took on enormous amounts of risk in complicated and unprecedented ways. That risk is ultimately borne by the American taxpayer. Congress authorized \$700 billion in funds under TARP. However, the total projected assistance in various initiatives by the Federal Reserve could be up to \$3.4 trillion by GAO estimates.

Therefore, I introduced an amendment in May of last year that would have guaranteed GAO the authority to audit all of the extraordinary emergency assistance from the Federal Reserve. Regrettably, due to objections from the Federal Reserve, my amendment had to be watered-down to ensure that GAO received at least some of the additional authorities it needed.

Although I would have preferred to make all of the Fed’s emergency actions under section 13(3) subject to GAO audit, I agreed to limit my amendment to Fed actions aimed at specific companies like Bear Stearns and AIG. However, broader, more comprehensive oversight authority over the Federal Reserve is needed to ensure the kind of transparency and accountability the American people expect. Unfortunately, when the opportunity to embrace that sort of oversight was presented, the Federal Reserve hid behind concerns about the independence of monetary policy to maintain the secrecy of its operations.

Another example of the Federal Reserve resisting attempts to shine light on their actions surrounds the “backdoor bailout” of Goldman Sachs and major foreign banks through the aid to AIG. The Federal Reserve initially refused to disclose the identity of the banks to whom AIG paid out the vast

majority of its Federal assistance. Federal Reserve lawyers even opposed AIG disclosing details of its transactions in public filings required by the Securities and Exchange Commission. The Federal Reserve argued that disclosing the identity of these counterparties who engaged in exotic, risky transactions with AIG would destabilize AIG, would harm the private business interests of the counterparties, and could affect the stability of the markets as a whole. However, following significant public and Congressional pressure, the identities of the counterparties were released, and we learned that French bank Societe General and Goldman Sachs were among the largest beneficiaries of the Federal bailout of AIG. None of the horrible consequences the Federal Reserve used to oppose basic transparency came to pass. The sky did not fall.

The Special Inspector General for TARP has launched an investigation into whether there was misconduct at the Federal Reserve in regard to the Fed’s role in the failure of AIG to disclose billions of dollars in counterparty payments to the SEC last year. And just this week, the Special Inspector General announced that it is investigating the Federal Reserve for withholding documents from the Special Inspector General in connection with his audit in November 2009 of the AIG counterparty payments. The Special Inspector General learned that they did not receive all of the documents they requested from the Federal Reserve when they saw the documents produced last week under subpoena to the House Committee on Oversight and Government Reform for the Committee’s January 27, 2010, hearing. This sort of stonewalling by the Federal Reserve is outrageous and cannot be tolerated.

So, I have had to ask myself, Is Ben Bernanke the man to lead us forward?

Chairman Bernanke didn’t see the financial crisis coming. He never expected our unemployment to reach 10 percent. He didn’t foresee the subprime housing market affecting the broader economy. He didn’t expect complicated financial instruments like credit default swaps to pose a risk to the economy, even though they were considered by some to be “financial weapons of mass destruction.” In fact, Chairman Bernanke insisted only well-informed and intelligent minds were using such instruments and that government supervision wasn’t necessary.

This lack of foresight makes me wonder if he is ready to lead our economy down the path to a sustainable recovery.

I am afraid Ben Bernanke thinks everything is under control. He steered our economy out of danger. But we still have a long road ahead of us. The Fed has to unwind its massive balance sheet. It has to remove the excess funds that were created to paper-over

the financial sectors’ unacknowledged losses without stoking the flames of inflation.

We need a Fed Chairman that is committed to a strong dollar and low inflation. We need a Fed Chairman that is committed to transparency.

I am afraid Ben Bernanke had a seat at the table during the development of our current economic and financial crisis. He has failed to learn its lessons. He has promoted a policy of easy money, inflating our way from a stock market bubble to a housing bubble. He neither predicted nor prepared for the inevitable results. Moreover, he seems determined to repeat the mistakes of the past.

For these reasons, I cannot support his nomination by President Obama to serve a second term as Chairman of the Fed.

Mr. CORNYN. Mr. President, I would like to explain why I will vote against the confirmation of Ben Bernanke for a second term as Chairman of the Federal Reserve. Ben Bernanke is a brilliant and honorable man. He deserves our Nation’s thanks for his years of public service—especially during the greatest financial crisis in decades. I agree with Chairman Bernanke’s supporters that some of his actions mitigated that crisis—and that we might be in a much worse place today if not for his leadership. Nevertheless, I believe the Federal Reserve needs a fresh start—with a new Chairman—for several important reasons.

First, Chairman Bernanke was a member of the Fed’s Board of Governors where he strongly supported Chairman Greenspan’s monetary policy that kept interest rates very low. In fact, the Federal funds target rate reached a low of 1 percent by mid-2003. Most economists agree that these low interest rates were one of the factors—certainly not the only factor—that contributed to the housing price bubble that expanded for much of the previous decade. And when the housing bubble burst, our global financial crisis began. This isn’t ancient history. Earlier this month, Chairman Bernanke delivered a remarkable speech to the American Economic Association in Atlanta. In that speech he defended the Fed’s actions before the crisis—and largely absolved himself of any responsibility for it. Now I am willing to support a person who makes tough decisions—and learns from them when things don’t go well. But under Chairman Bernanke, the Federal Reserve missed the signals that the economy was in trouble—such as the housing bubble, and unsettled credit markets. The Fed missed the chance to take action sooner—action that might have prevented the necessity of its massive intervention later on. And today, Chairman Bernanke still does not recognize the missed opportunities that occurred on his watch.

Second, Chairman Bernanke played a role in the passage of the Troubled

Asset Relief Program—or TARP. It is important to remember what Chairman Bernanke and Treasury Secretary Hank Paulson were telling us before we all voted on TARP in October 2008. In public, their testimony was alarming. On September 23, 2008, Secretary Paulson said that Congress must act “in order to avoid a continuing series of financial institution failures and frozen credit markets that threaten . . . the very health of our economy.” Chairman Bernanke was one of those who told us—in effect—that we were perhaps days away from a complete meltdown of our financial system. So a lot of us did our patriotic duty. We trusted the experts and we authorized the TARP program. And almost immediately after we did so, the Treasury changed what they said they were going to do with the money. Only weeks after TARP was enacted, the Bush administration abandoned the goal of purchasing “toxic assets.” Instead, they funneled billions of taxpayer dollars directly to many of the Nation’s largest financial institutions. Soon the Federal Government was acquiring ownership stakes in banks, financial institutions and automakers—with the full support of the incoming Obama administration. In fact, the Obama administration has gone even further, using its TARP leverage to set executive pay at several companies. And during the reorganization of General Motors, the Obama administration used its leverage to benefit its union allies—over the rights of secured bondholders who had loaned their savings to the company. TARP may have also enabled public corruption and criminal activity. According to the latest report from TARP’s inspector general Neil Barofsky, there are 54 ongoing criminal and civil investigations into TARP related activities. These activities include: “complex issues concerning suspected TARP fraud, accounting fraud, securities fraud, insider trading, bank fraud, mortgage fraud, mortgage servicer misconduct, fraudulent advance-fee schemes, public corruption, false statements, obstruction of justice, money laundering, and tax-related investigations.” President Obama and the Senate leadership have resisted our attempts to end the TARP program. Last week, 45 Democrats voted down Senator THUNE’s amendment which needed a 60-vote threshold to end the TARP program. And last night, President Obama proposed using TARP to fund his new stimulus bill—in order to get around his own 3-year spending freeze. By the way, using TARP on new spending would also break the promise that the President made when he voted for TARP in this very Chamber. Then-Senator Obama said:

[I]f American taxpayers are financing this solution, then they have to be treated like investors. They should get every penny of their tax dollars back once the economy recovers.

Mr. President, TARP is a government credit card that should be cancelled. And Chairman Bernanke was one of the key enablers that led to its creation in the first place.

Third, I believe we need a Fed Chairman who demonstrates a greater commitment to transparency. The Federal Reserve has been very resistant to giving the Government Accountability Office, GAO, independent audit authority. In fact, the GAO told the Senate Finance Committee last year that the Federal Reserve was resisting its investigation efforts in reviewing the response to the financial crisis by claiming that it would impair the independent nature of monetary policy. I agree that politics should not be involved in monetary policy. Yet since the beginning of the financial crisis, the Federal Reserve has routinely exercised unprecedented, emergency powers that resulted in a \$3.4 trillion expansion of its balance sheet according to some estimates. This is risk that will be borne by the American taxpayer and they deserve to know what their government is doing. Another example of the Federal Reserve resisting transparency surrounds the assistance provided to AIG. The Federal Reserve initially refused to disclose the identity of the banks to whom AIG paid out the vast majority of its Federal assistance. They even opposed AIG disclosing details of its transactions in public filings required by the Securities and Exchange Commission. The Federal Reserve argued that disclosing the identity of these counterparties who engaged in exotic, risky transactions with AIG would destabilize AIG, would harm the counterparties, and could destabilize the market as a whole. However, following significant public and congressional pressure, the identities of the counterparties were finally released and the market moved forward. The inspector general for TARP is now investigating into whether there was misconduct at the Federal Reserve in regard to its role in the failure of AIG to disclose billions of dollars in counterparty payments to the SEC last year. And just yesterday at a hearing by the House Committee on Oversight and Government Reform, the TARP inspector general announced that additional documents and facts have come to light that have caused them to initiate an investigation to review the extent of the Federal Reserve’s cooperation during the course of its audit of the AIG counterparty payments. Clearly, the Fed needs more transparency, not less. That is why I am a cosponsor of the Federal Reserve Sunshine Act of 2009. This bill would require the GAO to conduct a comprehensive audit of the Federal Reserve System and its banks and report back to Congress by the end of 2010. But in addition to an audit, the Fed clearly needs a new Chairman—one more clearly com-

mitted to transparency and accountability.

Supporters of Mr. Bernanke argue that to vote against him will politicize the Federal Reserve. I could not disagree more. An up-or-down vote is part of our responsibility as Senators to provide our advice and consent. Some supporters also argue that we could wind up with someone worse than Mr. Bernanke—and that any transition would unsettle financial markets. On this point, I would contend that the current uncertainty job-creators face today is due to the policies being pushed by this administration; this is the main obstacle to building confidence and growing jobs for Americans. But again, the Senate will have the opportunity to provide its advice and consent to any future nominee. And if Chairman Bernanke’s term expires, Vice Chairman Donald Kohn would immediately assume his duties. And Mr. Bernanke would still remain on the Fed’s Board of Governors. So the supposed “transaction costs” of voting down this nomination are overstated, in my opinion. The simple truth is: No one person is indispensable in any public office. I believe the American people and our financial system will be better served by new leadership at the Fed. And therefore I will vote against this nomination.

Mr. SPECTER. Mr. President, I have decided to oppose the renomination of Chairman Ben Bernanke. I do so with reluctance because I admire his record of academic and professional achievements.

My sense of admiration and the fact that I like him has to be weighed in the broad context of his work as Chairman and what the American people have a right to expect on results and accountability. The Federal Reserve is given great authority and commensurate responsibility on regulation and oversight of our financial institutions. Accountability frequently is hard to pinpoint; but it can be established in the upheaval of the financial institutions in the past months and years. The consequences of foreclosures ousting thousands from their homes, millions of job losses and billions of losses in pension accounts weigh heavily on those responsible for regulation and oversight of U.S. financial institutions. These problems are traceable in large part to the national housing boom bubble.

The October 27, 2005, edition of the Washington Post reported Chairman Bernanke’s testimony that he was not concerned that the national housing boom was a bubble that was about to burst. In testimony before Congress’s Joint Economic Committee, he testified that the rise in U.S. house prices by nearly 25 percent over the past 2 years largely reflected strong economic fundamentals such as growth in job incomes and the number of new houses. He did not agree with the judgment of

many economists that house prices had risen too far too fast in many markets, forming a bubble that could rapidly collapse and trigger an economic downturn.

The Washington Post December 21, 2009, edition reported the following :

In January 2005, National City's chief economist had delivered a prescient warning to the Fed's board of governors: An increasingly overvalued housing market posed a threat to the broader economy, not to mention his own bank and others deeply involved in writing mortgages. The message wasn't well received. One board member expressed particular skepticism—Ben Bernanke. "Where do you think it will be the worst?" Bernanke asked, according to people who attended the meeting, one in a series of sessions the Fed holds with economists. "I would have to say California," said the economist, Richard Dekaser. "They have been saying that about California since I bought my first house in 1979," Bernanke replied. This time the warnings were correct, and the collapse of the California real estate market would bring down the nation's fourth-largest bank, the largest casualty of the financial crisis.

My opposition to Chairman Bernanke is also based on his role, along with then-Secretary of the Treasury Henry Paulson, in pressuring Kenneth L. Lewis, CEO of Bank of America, to have the Bank of America complete its acquisition of Merrill Lynch despite the discovery of Merrill's losses without disclosing Merrill's financial problems to its shareholders prior to a proxy vote to approve the deal.

Chairman Bernanke has also not won the public's confidence with respect to the Fed's commitment to job creation. No issue is more important in America today than job creation. The Fed Chairman must explicitly target the full arsenal of the Fed at this pressing priority.

I have considered the concerns that Chairman Bernanke's rejection would cause turmoil in the markets. While I regret opposing the President on this nomination, I believe that he will fill the position with a capable replacement who will command wide respect. I also believe that his replacement and others with similar responsibility will perform better with this insistence on success and accountability.

Mr. FEINGOLD. Mr. President, I have given substantial deference to executive branch nominations made by Presidents of both parties. That deference is greatest when the nomination is for a position closest to the President, such as a position in the Cabinet, and at its lowest for positions with greater independence and distance from the President.

The position to which Benjamin Bernanke has been nominated, namely to serve another term as Chair of the Federal Reserve Board of Governors, is among those for which appropriate deference is lower. The Federal Reserve is famously independent.

A chief responsibility of the Chairman of the Federal Reserve is to ensure

a sound financial system. Under the watch of Ben Bernanke, the Federal Reserve permitted grossly irresponsible financial activities that led to the worst financial crisis since the Great Depression.

While Chairman Bernanke has certainly been instrumental in helping the financial system recover from that crisis, we should not forget his role in its creation. Under Chairman Bernanke's watch predatory mortgage lending flourished, and too big to fail financial giants were permitted to engage in activities that put our nation's economy at risk. And as it responds to the crisis it helped to usher in, the Federal Reserve under Chairman Bernanke's leadership continues to resist appropriate efforts to review that response, how taxpayers' money was being used, and whether it acted appropriately.

For those reasons, I will vote against another term for Chairman Bernanke.

Mr. LEAHY. Mr. President, I will vote for President Obama's nomination of Benjamin Bernanke for a second term as Chairman of the Federal Reserve Board.

Chairman Bernanke's nomination should be examined through the prism of how he performed during the recent financial crisis, and with full consideration of the best interests of the American people and their stake in the Nation's economic recovery.

It is clear that prompt and decisive action by Federal officials like Dr. Bernanke saved the country from another Great Depression. Since the economic meltdown in the fall of 2008, the Federal government has committed its resources to quell the financial turmoil and stabilize the economy. The Federal Reserve, led by Chairman Bernanke, played a central role in these efforts. They cut interest rates early and aggressively, reducing the target for the Federal funds rate to nearly zero. They created targeted lending programs to restart the flow of credit in critical markets. They worked with other agencies—like the Treasury Department, the FDIC, and overseas central banks—to ensure that financial institutions worldwide had access to short-term funding.

I supported these efforts to respond to the financial crisis to prevent the country from sliding into an economic depression, which was a very real possibility just a few months ago. Congress passed an economic rescue bill that staved off a full market retreat, and it enacted an economic recovery plan that is beginning to turn things around. Through these efforts our economy has begun to show signs of progress in recent months.

But much more is needed to jumpstart our economy, and the Federal Reserve needs to focus more on helping Main Street, not just Wall Street. While I believe Chairman Bernanke acted wisely during the worst of the

economic crisis, he now needs to concentrate his efforts on a broader economic recovery by helping small businesses gain access to affordable capital to expand their markets and create more jobs. Small businesses are the backbone of Vermont's and the Nation's economy. During his second term, Chairman Bernanke must direct the Federal Reserve to do more to support small business economic growth.

And with the Federal Reserve playing such a large role in the recovery effort, the American people deserve greater transparency by knowing the full extent of the Fed's lending programs, which is why I have cosponsored legislation introduced by Senator SANDERS to provide for a full audit of the funds released by the Federal Reserve.

The early stages of an economic recovery are fragile—all the more during this recovery, as we inch back from a time, unprecedented in our lifetimes, when the United States and the world stood on the brink of financial collapse in the fall of 2008. Economic decisions and markets and ultimately our economy itself are unsettled by uncertainty, and the intended or unintended effects that a sudden turnover at the Federal Reserve would have right now on the economic recovery should not and must not be underestimated.

When considering who would best fill important positions like Chairman of the Federal Reserve, the President and the Senate must ensure that Federal agencies are led by qualified and competent officials. Chairman Bernanke has helped to steer our financial and economic system through the worst financial storm in nearly a century. With much work remaining, I support his nomination for another term.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of the reconfirmation of Ben Bernanke as Chairman of the Federal Reserve.

Mr. Bernanke has been a steady hand at the Federal Reserve during the worst financial crisis since the Great Depression. Mr. Bernanke knows something about that: his scholarly work as an economics professor at Princeton University focused on the Great Depression. At a time when our economy is climbing out of a deep recession, I believe Mr. Bernanke's continued leadership will provide the stability that is essential to economic recovery.

Some blame Mr. Bernanke for the financial crisis and its severity. They believe President Obama must set an example and break with the past by replacing him.

I do not agree.

It would be a big mistake, in my view, to jettison a man whose expertise and experience have been crucial to rescuing our economy, and I believe President Obama made the right decision to keep Mr. Bernanke at the Fed.

In my opinion, he should be reconfirmed without delay, because his term

expires in 3 days. Failure to do so would send the wrong message to both the American people and global financial markets, at a time of continued economic uncertainty. It could roll back some significant progress in restoring market confidence. For instance, under Chairman Bernanke's leadership, the Dow Industrial Average rebounded significantly from a 12-year low of 6,547 on March 9, 2009 and reached a high on January 19th when it closed at 10,725. This represents a gain of 4,178 points or nearly 64 percent over the course of 10 months. The S&P 500 has risen about 70 percent since the low in March and also reached its recent high on January 19, closing at 1,150.23. Retirement accounts were valued at \$8.6 trillion in the third quarter of 2007. But following the market's bottoming out in March of 2009, retirement accounts had lost \$2.8 trillion—33 percent—of their peak value, according to Retirement Savings statistics from the Urban Institute in a January 2010 report. Since then, retirement account balances have rebounded sharply. Accounts have gained roughly \$1.3 trillion—23 percent—ending the third quarter at around \$7.1 trillion. Although assets remain 17 percent below their peak, they are still above their 2005 value and near their 2006 value.

So we have clearly made some progress and there are positive signs, but we still have a long way to go. Simply put, the gains on Wall Street have not been felt by Main Street: The national unemployment rate is 10 percent, with 15 million Americans out of work; Small businesses are struggling, and many are going under. In my State, small business bankruptcies increased by 81 percent last year alone, and commercial corridors once teeming with business are now plagued by vacancies; consumer demand remains low as American workers struggle in these tough times; and, retirement accounts are still down roughly \$1.5 trillion from their peak.

These are terrible statistics, and there is much more work to be done to increase our national prosperity.

But last week, uncertainty caused by news that Mr. Bernanke's reconfirmation was threatened in the Senate caused the Dow Jones to fall by 552 points, with a 216-point drop on Friday alone.

The point is clear: the situation is very volatile. President Obama has clearly indicated that he believes Mr. Bernanke is the man for the job, and I also believe this is the case.

Let me tell you why.

First, Mr. Bernanke is an expert on the Great Depression, a scholar who understands the causes of, and remedies for, dramatic economic downturns like the one we experienced last year. There is no one better qualified to be at the helm of the Fed at this time, and he is dedicated to fulfilling

its mission to restore prosperity, create jobs and keep prices stable.

Second, Mr. Bernanke played a key role in averting a much greater financial crisis.

He took critical steps to stop the economic freefall and restore stability. He aggressively cut interest rates early on, reducing the target Federal funds rate to nearly zero. It has remained at this level since December 2008.

Under his leadership, the Fed played a central role in quelling last year's financial turmoil. It launched joint efforts with other agencies and foreign authorities to avert a collapse of the global banking system. It ensured financial institutions adequate access to short-term funding when private funding resources dried up.

It led the "stress tests" on large U.S. banks to ensure that these institutions had adequate capital and consumers would be confident that their bank deposits were safe.

The Fed, under Mr. Bernanke's leadership, also created targeted lending programs that helped ease the flow of credit to many businesses.

For example, the Term Asset-Backed Securities Loan Facility has financed more than 3.4 million home loans, more than 100 million credit card accounts, 480,000 loans to small businesses and 100,000 loans to large businesses.

We are starting to see the positive results of these bold moves.

There are undoubtedly legitimate critiques of Mr. Bernanke. I agree that more transparency is needed at the Federal Reserve. And, I would have liked to see more action taken to curb the abusive lending practices which have led to literally millions of foreclosures in my home State of California.

Many gaps in regulation and oversight of our financial system still remain.

The administration just proposed the Volcker rules which I believe would succeed in ending the rampant speculation and excessive size of "too big to fail" institutions that led us to where we are today.

Congress must act swiftly to regulate the financial sector more prudently, and expand authority for the Fed, the Commodity Futures Trading Commission, and the Securities and Exchange Commission.

We must intelligently close these gaps in regulation, not risk an economic backslide by taking out our collective frustrations on Mr. Bernanke.

Everyone is flawed, and there is more than enough blame to go around. But we must also give credit where it is due, and Mr. Bernanke successfully helped to pull this nation back from the brink.

His academic expertise on the Great Depression, coupled with his experience in facing down the greatest economic turbulence since the 1930s,

makes him an unparalleled choice for leadership at the Fed right now.

USA Today, in an editorial published yesterday, gave a forceful defense of Mr. Bernanke's reconfirmation. I want to quote from it here, because I think it gives a very clear assessment of the situation:

The question facing the nation is, who do you want in charge of this delicate task? Someone who has intimate knowledge of what needs to be done, has learned from past mistakes and has the confidence of the financial markets? Or someone new who, in order to win congressional confirmation, will be hamstrung by promises not to take difficult-but-necessary steps, such as bumping up interest rates to keep inflation in check?

Bernanke deserves considerable credit for helping stave off economic collapse. For that reason, he also deserves another term as chairman.

Mr. President, I couldn't agree more.

Mr. Bernanke deserves a chance to finish the enormous and historic task at hand. He has done well thus far, and I intend to support him for a second term as Chairman of the Fed.

Ms. MIKULSKI. Mr. President, people are angry and they are anxious. They are worried their middle class way of life is slipping by. They are worried about their jobs. They are worried about their pensions. They are worried about the cost of everything from health care to housing to higher education. They have to make tough decisions. They are sitting at their kitchen tables balancing their checkbooks and being careful about spending. They want to know we are being careful too. They want an administration and a Congress that do two things: create jobs and spend money frugally and wisely.

I am angry too. I was told that TARP was needed to get money to Main Street. I didn't care if every firm on Wall Street went bankrupt. But I did care about jobs, small businesses, and families' mortgages. That's what I was told TARP was about. Instead—ungrateful bankers got an astonishing amount of money from taxpayers who used it to pay themselves bonuses.

Chairman Bernanke made four big mistakes: he let banks take on too many risks, he ignored the housing bubble, he failed to protect homeowners, and he gave too much taxpayer money away for too little in return. It is not just Mr. Bernanke though. The entire economic policy team for the last two administrations deserves blame.

So I had questions about this nomination. I spoke with Maryland business leaders, looked into Mr. Bernanke's record, and I met with him at the end of last year.

I let Mr. Bernanke know that I am focused on three things to get our economy going again: creating jobs, getting more lending to the middle economy and small businesses, and helping people get out from under the threat of foreclosure.



I know that people's top priority is jobs. Mr. Bernanke needs to realize that too. When Bernanke thought Wall Street was on the verge of a crisis, he acted dramatically. He used new powers for new programs. Well, the job market is in a crisis now. But the Fed's response has just been tame and tepid. We need the same urgency from Mr. Bernanke to jump-start the job market as he gave to Wall Street to jump-start the financial markets.

The Fed has pumped trillions of dollars into the financial system. Congress has approved billions more. Money went to the banks and because we thought they'd lend it out to help small businesses and help community banks, and community pillars. But what I have heard since then is that companies' credit is being withdrawn and responsible applicants are being rejected for reasonable loans. We need to try something different to make sure money goes where we want it to—and doesn't get used by banks to pay bonuses.

I am also angry that economic policy-makers went all out to help Wall Street and only halfway to help homeowners. In his second term Mr. Bernanke needs to do much more to help them, and help communities ravaged by too many foreclosures.

Mr. Bernanke needs to realize that "Crisis Averted" doesn't mean "Mission Accomplished." There have been too many missed signals—misplaced priorities. But I am voting to confirm Mr. Bernanke because he is not a man of ideology and when we needed him most his expertise and level head probably helped stop a catastrophe. He didn't panic, and learned from history, which he has studied closer than anyone else. No one understands the risks the economy faces better than he does. That does not mean we shouldn't rock the boat. We need bold new approaches—and I'll fight for them.

I was advised that rejecting his nomination would cause markets to nose-dive—which would hurt retirees and families saving for their future. I am not enthusiastic in my support. But I think Mr. Bernanke understands the job that he still has to do. And that in his second term he will focus better on jobs, getting lending going to the middle economy, and mortgages. So I will vote to confirm him for a second term.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I believe there are some Members who are coming. Absent someone walking in the door, I suggest the absence of a quorum and ask unanimous consent that the time be equally allocated to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be yielded 5 minutes of time off the Democrats' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I rise today to explain why I will not support the nomination of Ben Bernanke for another term as Chairman of the Federal Reserve. But I also want to make it clear that I do not support a filibuster, because I believe he deserves to have a vote on his nomination.

I have not met anyone who doubts that Chairman Bernanke is very bright, he is very dedicated, he is very conscientious, he is an expert on the depression era. I am grateful for the work he did in those critical weeks when the American system teetered on the verge of collapse; that is, our economic system.

But I do think this is a moment to take stock, in many ways as President Obama did in his State of the Union Address: How did we get to this very difficult economic place? I think as we look at that, people have to be held accountable for their actions along the way. That means Chairman Bernanke must be held accountable for his record.

I asked my staff, could you get me the Charter of the Federal Reserve, because I know it has many objectives that it needs to fulfill. Here are the four main objectives to the Federal Reserve:

One, conducting the Nation's monetary policy in pursuit of maximum employment and stable prices.

Two, regulating the banking system to ensure the safety of the Nation's financial system, and protecting the credit rights of consumers.

Three, maintaining the stability of the financial system and containing systemic risk that might arise in the financial markets.

Those are three out of the four responsibilities we have to take a closer look at. I look at those three responsibilities, and, frankly, I don't see how the Fed met those responsibilities—remember, maximum employment, safety of the Nation's financial system, protecting the credit rights of consumers, maintaining the stability of the financial system, and containing systemic risk that may arise in financial markets.

Put on top of that the fact that in the 1990s, Congress gave the Fed the very important responsibility of overseeing the housing market to stop predatory lending. That was an added specific responsibility. I have to say that I think Chairman Bernanke vastly underestimated the dangers of the housing bubble and unconstrained subprime lending.

This is what he said in May of 2007:

We believe the effect of the troubles in the subprime sector on the broader housing market will likely be limited, and we do not expect significant spillovers from the subprime market to the rest of the economy . . . The vast majority of mortgages, including subprime mortgages, continue to perform well.

That was Mr. Bernanke in May 2007. That is hard for me to look at and say that we should vote to confirm him. He failed to spot the dangerous banking practices, in addition to the mortgage practices that led to the crisis.

In February 2008, 7 months before the greatest financial collapse in 80 years, he said:

Among the largest banks, the capital ratios remain good, and I do not anticipate serious problems . . . among the large internationally active banks.

So until the crisis occurred, Chairman Bernanke was a major advocate for even more permissive banking regulation.

Now we see unemployment at 10 percent nationally and in my State a horrific 12-plus percent.

The American people have the right to ask whether the Fed is truly committed to supporting Main Street's economy, not just Wall Street. That is why I cannot support his reappointment. He sat by when President Bush put all the policies into place that led us to this crisis. He was George Bush's choice. He sat there and said everything was fine, everything was wonderful, everything was good, housing was OK.

If Mr. Bernanke is confirmed—and I expect he will be—I hope he will listen to what a lot of us are saying and turn his full attention to Main Street, to the people who need his support. People out there need the wind at their backs. They need somebody who understands what they are facing in terms of their housing problems, their unemployment problems. Let's get this economy back on track.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, it is not often that I agree with the Senator from California, but I certainly appreciate her perspective on this issue. A number of us from a broad spectrum in both parties are concerned about this nomination.

I rise to oppose the nomination of Ben Bernanke as Federal Reserve chairman. It is important that we look at this not just as a single nomination but as part of a much bigger picture we need to recognize. The confirmation of Ben Bernanke is a confirmation of policies that brought our economy down. If we ignore that, we are going to continue these same policies and condemn ourselves, our country, and our fellow Americans to high unemployment and much less prosperity in the future.

It is never fair to blame any one person for major problems such as we have



in this country. But it is important, when we have this kind of problem, where millions of Americans have lost in total trillions of dollars and jobs have been lost and families have suffered greatly, that we recognize the difference between the problems we are looking at today and the real causes of those problems, what we call in business "the root cause" of problems. We learn, when we do strategic planning—and I did this for years for companies—that if you go in and look at the problems and try to solve them and never go back and understand the root causes, all you are doing is fixing symptoms which never get fixed because you did not understand the cause of the problems.

Today, we do have a difficult economic situation with high unemployment. We have debt at levels that everyone agrees is unsustainable. Countries all over the world are beginning to question whether we can repay our debts. Some are beginning to question whether they should lend us more money to fund our reckless spending.

Despite what we heard last night about a freeze on spending, everyone laughed when we said that starts next year. Today, we voted to raise the debt limit another \$1.9 trillion. We are going to take that debt to over \$14 trillion. There is no foreseeable way we can pay that back. This is at a time when a large group of Americans called the baby boomers are going to retire and the cost of Social Security and Medicare is going to skyrocket. These are promises we have to keep to seniors because they paid for it, but we have no idea how we will keep those promises right now, particularly in light of the current economic situation.

As we look at where we are, we need to recognize how we got here. As I have talked to banks, businesses, foreign financial ministers from Europe who have come here, everyone agrees there are two major causes of the economic problems here and around the world. One is the high leverage or the high borrowing that went on because of the loose monetary policy at the Federal Reserve. Easy money, cheap money encouraged companies and individuals to borrow more than they could afford to pay back because it was easy to get and cheap. The big banks on Wall Street could more easily borrow money than raise capital. Those were incentives created by the policies at the Federal Reserve.

The second problem is what we are calling toxic assets, which are securitized subprime mortgages, were facilitated by Fannie Mae and Freddie Mac, two government-sponsored enterprises that reflected the political policy of this Congress. It is our responsibility to oversee Fannie Mae and Freddie Mac and to make sure they are doing what is appropriate for our economy. But what happened is the criteria

for lending went away. Local mortgage companies could make almost any loan they wanted to, to anyone whether they could afford to pay it back, using easy money from the Federal Reserve and low criteria for forgiving those loans. They sold them all to Fannie Mae. If Fannie Mae had not been there to buy these loans, these irresponsible loans would not have been made in the first place. But to make matters worse, Fannie Mae and Freddie Mac bundled these subprime mortgages up into packages we call securities and sold them, sold them to banks as assets, sold them all over the world. These are the toxic assets that brought down the financial institutions once the housing bubble burst.

For the President, for Ben Bernanke, for Secretary Geithner to come in and indict the free market system and the greed of corporations and banks misses the whole point of what caused this problem. Certainly, these two causes created perverse incentives for the markets, the banks to practice irresponsible behavior. There is no question that went on. But to say that was the cause of where we are today misses the point.

My problem with Ben Bernanke, the President, and Secretary Geithner is not that they made mistakes, because Congress certainly made mistakes in not overseeing Fannie Mae and Freddie Mac and asking the right questions of the Federal Reserve, but the fact that despite the evidence being so clear of what really caused the problem, Mr. Bernanke still does not recognize those as the causes. In fact, he continues the same easy-money policy. He expresses no sense of urgency that we need to get the Federal Government out of owning AIG, Fannie Mae, General Motors, or Chrysler. When we bring him in for hearings, he seems to be more of a command-and-control person than someone who believes in a free market system that we need to have good laws and regulations to guide. But he and Secretary Geithner and the President indicate that they can run this economy, that they can micromanage it.

To confirm Ben Bernanke is to confirm the continuation of easy-money policies, high leverage, as well as the continuation of what Fannie Mae and Freddie Mac did to create these toxic assets. We are not asking the right questions. I contend that we cannot solve today's problems with the same people who created them.

President Obama last night liked to blame George Bush for the problems. Yet he is nominating his people. Secretary Geithner was involved with the Federal Reserve and was the architect of these bailouts. Ben Bernanke has been here for 4 years and was a key part of the bailout, the easy-money policy, and has yet to say that was a problem.

This is more than just another nomination. Everything we work for in a

material sense rests on the value of our dollar and the monetary system. The American economy, the worldwide economy rests on what the Federal Reserve does. This is the Federal Reserve that told us subprime mortgages would not cause an economic breakdown. Ben Bernanke told us Fannie Mae was well capitalized a few months before its collapse. We have to depend on the leadership at the Federal Reserve to tell us the truth. If our monetary system crashes because of bad policy, everything America has worked for, all our material wealth will be gone. This country will see a crisis the likes of which it has never seen.

This body is not taking this nomination seriously enough. We are moving ahead quickly, when what we need to do is have a full audit of the Federal Reserve, to look at what has been going on, look at their involvement with the current crisis, and to make sure they are on the right path.

The Constitution gives the Congress the responsibility to protect our monetary system. Years ago, we delegated that to the Federal Reserve, but that does not relieve us of our responsibility. To confirm Ben Bernanke without even knowing what is going on at the Fed, without hearing them say what really caused the problem we have today, is to condemn us to the same path that brought us to where we are.

Voting to confirm Ben Bernanke is a bad decision today. I ask all colleagues to reconsider. This is probably the biggest mistake we will make in a long time, to continue the same policy we started at the Federal Reserve, our monetary system, as well as what we have done here in Congress.

I again encourage my colleagues to reconsider their commitment to confirm Ben Bernanke.

**THE PRESIDING OFFICER.** The Senator from Connecticut.

**MR. DODD.** How much time remains?

**THE PRESIDING OFFICER.** The Senator has 8 minutes 13 seconds.

**MR. DODD.** I yield 5 minutes to my friend and colleague from Vermont. He has been very strong on this issue, and I want to give him as much time as I can.

**MR. SANDERS.** Mr. President, this is, in fact, an enormously important issue. The reality is that all over our country, hard-working, decent people have lost their jobs. They have lost homes, their savings. They have lost their ability to go to college. We are experiencing the highest level of unemployment since the Great Depression. All of this did not happen by accident. It happened because of the greed, the recklessness, and the illegal behavior of Wall Street, of CEOs there who converted our financial institutions into the largest gambling casino in the history of the world.

One of the major functions of the Fed is to protect the safety and soundness

of our financial institutions. There can be no debate, Mr. Bernanke, as Chairman of the Fed, failed at that important job, and this country and the world almost saw a major financial collapse, and we have seen in this country a horrendous recession.

I think average American citizens have a hard time understanding how we reward failure, how we say to somebody who was asleep at the switch in terms of regulating our financial institutions: Congratulations. You failed. There is a major recession. You are getting reappointed. I do not think people understand why and how that should happen.

Second of all, when we talk about the bailout, it is not just the \$700 billion that went to TARP. There were trillions of dollars in zero-interest loans, or almost zero-interest loans, that went to major financial institutions. It is incomprehensible to me the Chairman of the Fed can lend out trillions of dollars, and when I asked him: Who got the money? He said: Sorry, the American people don't have a right to know that—in so many words. I am not telling you.

How can you have confidence in the leadership of the Fed when there is virtually no transparency—trillions of dollars being lent out, and we do not know who received it? That is not acceptable to me. We need a Fed Chairman who believes in transparency, who is going to tell the American people who has received those loans.

We are also today, importantly, not just talking about the past. We are talking about the future. We are talking about how we pull this country out of a recession in which 17 percent of our people are unemployed or underemployed. The fact is, the Fed today has the capability, the power to take significant action to protect the middle class and working families of this country. I say to the Presiding Officer, I do not know about Illinois, but I will tell you, in Vermont I get calls every week.

People are saying: Why did you help bail out these large banks, and now they are charging me 25, 30 percent interest rates on my credit card?

Mr. Bernanke and the Fed have the power today to lower interest rates on credit cards. I want a Fed Chairman who is going to do that. Last night we heard from President Obama, who appropriately pointed out very serious problems that small businesses all over this country are having in terms of getting the low-interest loans they need in order to create the kind of jobs our economy desperately requires. The Chairman of the Fed today has the power to provide low-interest loans to small- and medium-sized businesses.

It is not just large financial institutions that can receive zero-interest or low-interest loans. I know it is a great shock to the Fed, but small- and me-

dium-sized businesses—in a productive economy that creates real jobs—can also receive those loans. I want a Fed Chairman who will provide those loans.

It is hard to believe the largest financial institutions in this country that we bailed out because they were too big to fail—do you know what. Three out of four of them are even bigger today. It is time to break up those financial institutions that are too big to fail. If they are too big to fail, they are too big to exist.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANDERS. Mr. President, we need a new direction on Wall Street. We need a new Fed Chairman.

Thank you very much.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I, too, would like to share my concerns in opposition to Mr. Bernanke's reappointment, and I think my colleague, Senator DEMINT, summed it up pretty well.

One of the debates has been, did the Central Bank, which is not a free market activity, fail—or did as people say the market fail. I agree with him. I do not believe it is exactly correct to say that. The Fed dabbles in the market in an attempt to manipulate the market. One of the debates has been that Mr. Bernanke allowed the interest rates in 2002 through 2005 to remain too low, which caused the bubble and which caused the burst and put us in this fix.

The complaint has been that he violated the Taylor rule, which is the rule that would advise how interest rates should be set by the Central Bank. He made a speech in early January of this year that I think was defensive and went to some length to say he did not violate the Taylor rule and that low-interest rates did not cause the bubble. So it is one thing to make a mistake; it is another thing to make a mistake and refuse to acknowledge the mistake.

I will just say as background, the Wall Street Journal said the minutes of the Fed Board meetings prior to his becoming Chairman, when he was merely a member of the Board, indicate he was the advocate for lower interest rates and actually warned of deflation during this period which was wrong.

Mr. Taylor responded in the Wall Street Journal. I will just quote what he said:

This rule—[the Taylor Rule] calls for central banks to increase interest rates by a certain amount when price inflation rises and to decrease interest rates by a certain amount when the economy goes into a recession. My critique, which I presented at the annual Jackson Hole conference for central bankers in the summer of 2007 is based on the simple observation that the Fed's target for the federal-funds interest rate was well below what the Taylor rule would call for in 2002–2005.

Mr. Taylor is the author of it. He warned of it in the summer of 2007. Mr.

Bernanke is insisting, just a few weeks before this, that he did not violate the rule. A little later, Mr. Taylor goes on to say:

In his speech [on January 3], Mr. Bernanke's main response to this critique was to propose alternatives to the standard Taylor rule—and then to use the alternatives to rationalize—

I would say to justify—

the Fed's policy in 2002–2005.

Mr. Taylor goes on to say:

In one alternative, which addresses what he describes as his “most significant concern regarding the use of the standard Taylor rule,” he puts the Fed's forecasts of future inflation into the Taylor rule rather than actual measured inflation. Because the Fed's inflation forecasts were lower than current inflation during this period, this alternative obviously gives a lower target interest rate and seems to justify the Fed's decisions at the time.

So Mr. Bernanke is saying they took his rule and they altered it. They did not use as the factor actual interest rates but what they predicted interest rates to be, and, of course, their prediction was wrong.

Mr. Taylor goes on to say:

There are other questionable points. Mr. Bernanke's speech raises doubts about the Taylor rule by showing that another version of the rule would have called for very high interest rates in the first few months of 2008 [after the bubble burst]. But using the standard Taylor rule, with the GDP price index as the measure of inflation, interest rates would not be so high—

As Mr. Bernanke was suggesting—

as I testified at the House Financial Services Committee in February 2008.

That is Mr. Taylor's view.

Mr. Taylor goes on to say:

Mr. Bernanke also said that international evidence does not show a statistically significant relationship between policy deviations from the Taylor rule and housing booms.

Mr. Bernanke is defending himself still. He said international studies do not show that our deviation from the Taylor rule had anything to do with this mess. But Mr. Taylor responds this way:

But his speech does not mention that research at the Organization for Economic Cooperation and Development in March 2008 did find a statistically significant relationship.

Mr. Taylor goes on to say:

Mr. Bernanke claimed that “Economists who have investigated the issue have generally found that, based on historical relationships, only a small portion of the increase in house prices earlier this decade can be attributed to the stance of . . . monetary policy.”

He is talking about the Fed policy, that they did not have anything to do with the increase in housing prices. Mr. Taylor calls Mr. Bernanke's hand. Mr. Bernanke was not right in that statement. Mr. Taylor says this:

But two of the economists he cites—Frank Smets, director of research at the European Central Bank, and his colleague Marek Jarocinski reported in the July/August issue of the St. Louis Fed Review—

That is the Federal Reserve publication in St. Louis—

They found—

evidence that monetary policy has significant effects on housing investment and house prices and that easy monetary policy designed to stave off perceived risks of deflation in 2002–2004 has contributed to the boom in the housing market in 2004 and 2005.

Mr. Bernanke is saying economists around the world do not agree, and that is not accurate. As a matter of fact, they found just the opposite. So remember, the Wall Street Journal said he was the easy money advocate at the Fed. Mr. Greenspan may have been Chairman, but during the early part of the decade, Mr. Bernanke was advocating these low interest rate policies; and they were wrong, and they did lead to a boom—at least it was a significant factor in the boom, and Mr. Bernanke is not acknowledging that. I do not appreciate it.

I also am very disappointed he supported President Obama's form of a stimulus package, saying:

The incoming administration and the Congress are currently discussing a substantial fiscal package that, if enacted, could provide a significant boost to economic activity.

However, according to a CNN poll released just yesterday, 74 percent of Americans believe at least half of the stimulus package was wasted, and 63 percent believe the projects in the plan were included for purely political reasons and will have no economic benefit.

I will just say that this stimulus package—\$800 billion, every penny of it going to our deficit and increasing our debt—could only be justified if it was the most carefully crafted package that created jobs, but it was not. I knew it at the time, and so did many others, that this was not a jobs-creating package. It was a political package put together by the President. It rewarded a lot of his supporters, but it was not the kind of jobs package we desperately needed. But Mr. Bernanke supported it, and now we have \$800 billion added to our debt and very little job creation.

So, Mr. President, I will yield the floor and just conclude by saying that I do not think this should be rewarded. I know a lot of people are worried that somebody else might be worse. But I have not seen from him the kind of gravitas, the kind of stability of leadership, the kind of consistent message to the American people about the severe plight we are in and about his plan to get us out of it.

Isn't that what he should be doing? Shouldn't we know what he, hopefully working with the President, would do to get us out of this mess? I have not seen it and, therefore, I do not believe we have any burden of maintaining him. In fact, I think this supports the argument that he should not be maintained.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, thank you very much.

I think this is a healthy discussion we are having. We do not usually discuss much the Fed Chairman or the appointment or the nomination of a Fed Chairman. Yet monetary policy affects all of us in a huge way and dramatically affects the world. This is, to me, the sort of debate we ought to be having, and I am glad we have some differences of opinion.

For a long period of time it seemed as if everybody just treated monetary policy as something that is in the theoretical world of economists and mathematicians and central bankers, and they are the only ones who understand the language; they are the only ones affected by it; therefore, they are the only ones who ought to discuss it. I am not at all suggesting that Congress or the legislative branch ought to be setting monetary policy; we shouldn't. But we ought to be discussing the people and the principles that are involved and the people we appoint to these government positions and this government position, which is so critical and so important to all of us in this country and around the world.

So I am delighted we are having a discussion about the Fed Chairman, the appointment of the Fed Chairman in this particular case. I think Ben Bernanke is a bright gentleman. I have met with him. I have been the ranking member on the Joint Economic Committee. I have had him in to testify. I find him quite interesting, bright, and a gentleman. However, I believe now it is time for us to break this sort of Washington-New York corridor that establishes monetary policy and bring somebody in from outside that system to start at the Fed and in the Fed chairmanship and start looking more toward what Main Street needs in a monetary policy rather than what Wall Street needs in a monetary policy. I am not opposed to Wall Street, but they have dominated this position, people from this Washington-New York corridor, for too long a period of time. It too dramatically affects all the rest of us, to simply shut out the rest of the philosophy and thought from across the country. We need to get to Main Street.

I also have another concern that is taking place beyond the issue of us breaking out of this New York-Washington corridor for the Fed Chairman and monetary policy. The second concern I have is I think we are headed for a huge government bubble. We have seen the dot-com bubble come, burst, and go. We have just gone through—and we are still going through—a housing bubble bigger than the dot-com bubble get big and blow up. Lots of fiscal and monetary policy to blame in

both situations. I think we can look back on the housing one and see both actions here or lack of actions toward Fannie Mae and Freddie Mac to pump up this housing bubble. I think we can see the monetary policy pumping up this housing bubble that burst with huge impact; a number of people say a near depression type of impact. Now we are heading possibly toward the biggest bubble of all, a huge government bubble, blown up by the Fed; huge amounts of money being put out in the system now to try to prop up, to try to carry us on through this situation. If not handled correctly, it could burst in a more profound and difficult way than the housing bubble. To me, it is just one of those difficulties that is staring us right in the face. Now is the chance for us to talk about a different direction, and I think we should do that.

Yesterday, they had a vote of the FOMC, the money supply committee, and there was one dissenting vote. That dissenting vote was from Tom Hoenig, who is the chairman of the Kansas City Fed. He believes—and he is hawkish on the money supply—that we have to start pulling the money supply back and out of the system before the inflationary bubble takes off. When you put this much money into the system, you are bound to get an inflationary bubble and you have to start pulling it back before you start feeling it. This is the time we have to start addressing those issues.

I think we ought to look at somebody such as a Tom Hoenig, hawkish on the monetary supply, to get us into a stable, long-term position and get us ahead of a government bubble bursting on us; also, somebody from outside the system, somebody who is more focused on Main Street than Wall Street, on monetary policy and monetary supply. Now is the time to do it. This is a good chance to debate this. I don't suppose that is going to happen here. We are probably going to go ahead with Mr. Bernanke, who is a fine man, but now is the time to break out of this before this bubble gets bigger, bursts on us, and causes more of a problem than what we have even seen with the prior two bubbles. Let's get outside of that, and let's deal with that before it is on us.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I know we are getting close to the end of the debate, and we will soon be voting on cloture. I wish to take a few moments to read a few excerpts from editorials that ran in, of all publications, the Wall Street Journal, dealing with Chairman Bernanke, his tenure in office, his misdeeds, and so forth. I also ask unanimous consent at this time that the full text of the editorials, dated January 25, 2010, December 3,

2009, and June 23, 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal—June 23, 2009]

#### BERNANKE AT THE CREATION

What the Fed Chairman said at the onset of the credit bubble, and the lesson for today.

The Federal Reserve's Open Market Committee meets today, amid a debate over how and when to remove the flood of liquidity it has poured into the economy in the last 18 months. Fed officials say not to worry, they're as vigilant about inflation as ever—which is itself a reason to worry. We've all seen this movie before, when the Fed's failure to act in time gave birth to the housing bubble and credit mania that eventually led to panic and today's recession. Will it make the same mistake now?

We remember that 2003 debate because it turns out we played a part in it. The Fed recently released the transcripts of its 2003 FOMC meetings, and what a surprise to find a Journal editorial the subject of an insider rebuttal from none other than Ben Bernanke, then a Fed Governor and now Chairman. We had run an editorial on monetary policy on the same day as the Dec. 9, 2003 FOMC meeting, and Mr. Bernanke clearly didn't take well to our warning about "Speed Demons at the Fed."

We reprint nearby both Mr. Bernanke's comments and our editorial from that day. Readers can judge who got the better of the argument, but far more important is what Mr. Bernanke's reasoning tells us about the Fed today. Our guess is that it won't reassure holders of dollar assets.

\* \* \*

Recall that by the end of 2003 the economy was well into recovery. Third quarter GDP growth had clocked in at 8.2% (later restated to 7.5%), and growth in all of 2004 would be 3.6%. The Bush tax cuts had passed in late May, providing a fiscal boost, and a month later the Fed had cut its fed funds rate to 1% and would hold it there for a year. Yet by December Mr. Bernanke was still giving speeches fretting about "deflation," even as commodity prices were rising and growth was kicking into higher gear. Thus our Dec. 9 warning, the first of many by us and others.

Mr. Bernanke's FOMC remarks that day are especially revealing about how he thinks about monetary policy. In particular, he dismisses any link between commodity price increases and future inflation. He cites a study by a Fed economist claiming to find little connection between "materials" prices and overall inflation. Yet the price of oil was already rising sharply at the time, and it would keep rising as the Fed maintained negative real interest rates for many more months. This was a bad mistake.

Rising gas and food prices didn't show up in the Fed's "core" inflation measurements, but they sure did wallop U.S. consumers this decade. It's one reason Americans never felt great about the expansion. The soaring price of oil also contributed to the housing bubble by transferring wealth from U.S. consumers to oil exporters such as the Gulf States and Russia, which in turn recycled those petrodollars into U.S. Treasuries and mortgage-backed securities. By ignoring commodity prices, the Fed fueled the housing boom.

It's also striking how dismissive Mr. Bernanke is of the declining dollar. We'd

have thought the greenback's value would be the Fed's paramount concern, given its mandate to keep prices stable. Yet Mr. Bernanke declared that "large movements of the dollar against major currencies tend to translate into smaller movements against the U.S. trade-weighted basket of currencies and into still smaller effects on import prices because of imperfect pass-throughs." Translation: Exchange-rate fluctuations aren't the Fed's problem, no matter how disruptive their effect on trade and capital flows.

Instead of following these actual prices, Mr. Bernanke's main monetary policy guide is something called "the output gap." This is the difference between actual GDP growth and the level of "potential output," or how fast the economy can grow when it's at full capacity. The problem with this guide is that it relies heavily on labor costs and the jobless rate. And because job creation tends to lag economic recovery, these signals tend to flash yellow long after price pressures or asset bubbles have begun to build.

All of this is relevant today because there is no evidence that Mr. Bernanke and his Fed colleagues have changed their thinking. They still ignore a falling dollar and rising commodity prices, even as oil has climbed to \$70 a barrel from \$40 six months ago. They also continue to be slaves to the output gap, which means they are unlikely even to begin to tighten as long as the jobless rate remains high. With that rate now at 9.4% and likely to rise, the monetary spigots will probably remain wide open for a long time to come.

We think the Fed made the right call last fall when it eased dramatically in the heat of the panic. The financial shock had caused a decline in the velocity of money, and the Fed needed to boost the supply of money to prevent a genuine deflation. The recession this time is far deeper than in 2001–2002, so there is also a case to be made for erring on the side of being slower to tighten.

But this time the Fed has also gone to greater easing lengths than it ever has, taking short-rates nearly to zero and making direct purchases of mortgage securities and even Treasuries. These are extraordinary acts that push the Fed deeply into fiscal policy, credit allocation and directly monetizing Treasury debt. Combined with the 2003–2005 mistake, they have also raised grave doubts about the Fed's credibility and independence.

\* \* \*

Mr. Bernanke will need political courage that we haven't seen since Paul Volcker was Chairman in order to exit from all of these efforts in time to prevent another bubble or broader inflation. It also wouldn't hurt if the Fed chief looks back with some humility on his intellectual certainty, circa 2003, and analyzes why he was so wrong.

[From the Wall Street Journal—Dec. 3, 2009]

#### THE BERNANKE RECORD

Federal Reserve Chairman Ben Bernanke faces his Senate renomination hearing today, amid signs that the confirmation skids are greased. We nonetheless think someone should say that, as a matter of accountability for the financial crisis and looking at the hard monetary choices to come, the country needs a new Fed chief.

We say this not because of Mr. Bernanke's performance during the financial panic of 2008, for which he has been widely and often deservedly praised. Like others in the regulatory cockpit at the time, he had to make difficult choices with imperfect information and when the markets were shooting with real bullets.

He supplied ample liquidity when it was most needed last autumn, and he has certainly been willing to pull out every last page of the central banker playbook. If some of those decisions were mistakes, the conditions the Fed faced were extraordinary. Anyone at the helm would have made calls that in hindsight he'd regret.

The real problem is Mr. Bernanke's record before the panic, with its troubling implications for a second four years. When George W. Bush nominated the Princeton economist four years ago, we offered the backhanded compliment that at least he'd have to clean up the mess that the Alan Greenspan Fed had made. That mess turned out to be bigger than even we thought, but we also didn't know then how complicit Mr. Bernanke was in Mr. Greenspan's monetary decisions.

Now we do, thanks to the release of the Federal Open Market Committee transcripts from 2003. They show (see "Bernanke at the Creation," June 23, 2009) that Mr. Bernanke was the intellectual architect of the decision to keep monetary policy exceptionally easy for far too long as the economy grew rapidly from 2003–2005. He imagined a "deflation" that never occurred, ignored the asset bubbles in commodities and housing, dismissed concerns about dollar weakness, and in the process stoked the credit mania that led to the financial panic.

This, too, might be forgivable if Mr. Bernanke had made any attempt in recent months to acknowledge the Fed's role in the mania. Treasury Secretary Tim Geithner, Dallas Fed President Richard Fisher and others have conceded that monetary policy was too loose. How central banks can minimize, if not prevent, asset bubbles without inducing recessions would seem to be a subject for candid Fed debate.

But Mr. Bernanke and Vice Chairman Don Kohn have formed an intellectual moat around the Fed, blaming the credit bubble on the "global savings glut" that they themselves helped to create. They are the Edith Piafs of central banking, regretting nothing.

All of this bears directly on how the Fed will operate over the next four years. We are now in another period of extraordinary monetary ease. Mr. Bernanke is assuring the world that, this time, he knows how and when to start removing this stimulus, even as he also promises that the Fed will remain easy for months to come. The guideposts the Fed claims to follow on policy—the jobless rate, "resource utilization"—also remain the same. Price signals, especially the value of the dollar, count for much less in this Fed's decision-making.

Earlier this decade, the Fed had 20 years of sound-money history as a source of credibility. The world's investors were willing to give the Greenspan Fed the benefit of the doubt—too much doubt as it turned out. But now, after the mania and panic, investors are unlikely to show such forbearance. That's already clear in Asia, where the falling dollar is creating monetary distortions, and investors are bidding up assets and currencies on a bet that the dollar is in for further declines. Sooner rather than later, Mr. Bernanke will have to tighten money even if the U.S. jobless rate remains higher than everyone would like.

The Fed chairman has shown he knows how to ease money, and creatively so. But that is the easy part of his job. The hard part, the time when central bankers earn their fame, is when they have to take the money away. We see little in the chairman's policy history or guideposts to suggest he will be willing to endure the criticism that

will come with tightening money amid a lackluster recovery, if that is what is required to protect the dollar or prevent an inflation outbreak.

The political irony today is that even as Mr. Bernanke is cruising toward confirmation, the Fed as an institution is under its most sustained political attack in two generations. The political class is especially riled about the Fed's forays into fiscal policy. While that is understandable given the last year, the response to this action should not be to put the Fed under even greater political control from Congress. That is the Argentinian solution.

The better response is to hold policy makers accountable for their actions, including chairmen of the Federal Reserve. At this monetary moment more than any since the late 1970s, the Fed needs a hard-money chairman with the courage and credibility to resist the temptation to escape from the consequences of the last bubble by floating another one.

[From Wall Street Journal Editorial, Jan. 25, 2010]

#### THE BERNANKE NOMINATION

The politicians turn on a political central banker.

The White House said yesterday it has damped down a political revolt against Ben Bernanke and now has the votes to secure the Federal Reserve Chairman's second four-year term. Whether or not Mr. Bernanke is confirmed, the lesson we draw is that overly political central bankers will eventually be undone by politics.

There's no doubt that some of this reconfirmation panic is nothing but political opportunism. When we opposed Mr. Bernanke's reconfirmation on December 3, the facile consensus was that the Fed chief was a master of the universe who had saved the world from depression. But after Scott Brown's victory in Massachusetts last week, Senate Democrats are suddenly looking for a financial political sacrifice. President Obama doesn't look ready to throw over Treasury Secretary Tim Geithner, so Mr. Bernanke is the designated spear catcher.

The Democrats' loudest complaint, moreover, is that Mr. Bernanke and the Fed haven't been easy enough in printing money. Majority Leader Harry Reid declared his support for Mr. Bernanke on Friday, but not before extracting what he said were concessions about future Fed policy.

The Fed chief promised, said Mr. Reid, that he would "redouble his efforts" to make credit available and that Mr. Bernanke "has assured me that he will soon outline plans for making that happen, and I eagerly await them."

Redouble? The Fed has already kept interest rates at near zero for more than a year, and it is buying \$1.25 trillion in mortgage-backed securities to refloat the housing bubble, among other interventions into fiscal policy and credit allocation. Is the Fed going to buy another \$1.25 trillion, or promise to keep rates at zero for another 14 months?

Mr. Reid's declaration of a confirmation quid pro quo will not reassure global investors who already fear that the Fed lacks the political will to withdraw its historic post-crisis liquidity binge soon enough to avoid new asset bubbles.

Our own view is that Mr. Bernanke is already far too susceptible to political pressure. As a Fed governor, he was Alan Greenspan's intellectual co-pilot last decade when their easy money policies created the housing mania. When Congress later put political

pressure on the Fed to direct credit toward housing, and even to student loans, Mr. Bernanke (who was then chairman) also quickly obliged.

More ominously for the next four years, Mr. Bernanke continues to deny any Fed monetary culpability for creating the mania. Shortly after the New Year, even with his nomination pending, Mr. Bernanke issued an apologia that was striking for its willingness to play to the Congressional theory of the meltdown by blaming bankers and lax regulators. We won't rehearse our decade-long monetary argument with Mr. Bernanke today—see "Bernanke at the Creation," June 23, 2009. But the chairman's refusal to acknowledge any mistakes is one reason the dollar is so weak in global capital markets. Investors are hedging their bets in commodities and nondollar assets.

Yes, much of Wall Street wants to see Mr. Bernanke confirmed. The Street is currently making a bundle off Fed policy, as it borrows at near-zero rates and lends long, and the banks don't want that to end. The banks also loved negative real interest rates in the middle of the last decade, and we know how that turned out. Wall Street always loves easy money—until inflation returns, or the bubbles pop.

Others argue that any alternative to Mr. Bernanke could be worse, and that is certainly a risk. Mr. Geithner and White House economic adviser Larry Summers couldn't be confirmed, even in a Democratic Senate. In the short term if Mr. Bernanke is defeated, Vice Chairman Donald Kohn might run the Open Market Committee, and he shares Mr. Bernanke's contempt for Fed critics. President Obama could also select San Francisco Fed President Janet Yellen, but she thinks the Fed should be even easier.

Still, we can think of current or former presidents of regional Fed banks who have hard money credentials. They would also not carry the baggage of whatever Harry Reid extracted as a price of confirmation.

We agree that the Fed needed to ease money precipitously when the financial markets suffered their heart attack in late 2008, and we praised Mr. Bernanke for that at the time and since. But the issue for the next four years is whether the Fed can extricate itself from its historic interventions before it creates a new round of boom and bust. We already see signs that it has waited too long to move.

The Fed as an institution is also under political attack in a way that it hasn't been since the early 1980s, and that was when Paul Volcker was being excoriated for being too tight. That criticism has rarely if ever been leveled at Mr. Bernanke. The next Fed chairman is going to need the market credibility, and the political support, to raise interest rates when much of Congress and Wall Street will be telling him to stay at zero. That is the real reason to oppose a second term for Chairman Bernanke.

Mr. SHELBY. Mr. President, the first point the Wall Street Journal editorial highlights dealing with Chairman Bernanke's overt political activities states:

Whether or not Mr. Bernanke is confirmed, the lesson we draw—

This is the Journal editorial staff—is that overly political Central bankers will eventually be undone by politics.

They always are.

The Wall Street Journal goes on to conclude:

Our own view is that Mr. Bernanke is already far too susceptible to political pressure. As a Fed governor, he was Alan Greenspan's intellectual copilot last decade when their easy money policies created the housing mania.

On Mr. Bernanke's loose money record, the Journal noted in these editorials:

Mr. Bernanke was the intellectual architect of the decision to keep monetary policy exceptionally easy for far too long . . . He imagined a deflation that never occurred, ignored the asset bubbles in commodities and housing, dismissed concerns about dollar weakness and in the process, stoked the credit mania that led us to where we are today in the financial panic.

Finally, the Wall Street Journal points out in regard to Chairman Bernanke:

The Fed Chairman has shown he knows how to ease money . . . But, that is the easy part of his job. The hard part, the time when Central bankers earn their fame, is when they have to take the money away. We see little at this point in the Chairman's policy history or guideposts to suggest he will be willing to endure the criticism that will come with tightening money amid a lackluster recovery, if that is what is required to protect the dollar or prevent an inflation outbreak.

For these and other reasons, the Wall Street Journal, one of the most widely recognized business publications in the world, opposes the nomination, as I do, of Chairman Bernanke.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

THE PRESIDING OFFICER. Three minutes remain.

Mr. DODD. Totally?

THE PRESIDING OFFICER. The minority party has 8½ minutes remaining.

Mr. DODD. I will use the 3 minutes, and I will inquire of my friend and colleague from Alabama, at what point are we going to conclude this debate?

Mr. SHELBY. We are checking to see.

Mr. DODD. Let me go ahead. I will assume we will probably wrap up the debate with 3 minutes remaining.

We have a diversity of opinions, including from Paul Krugman, who is known as a more progressive economist, in favor of this nomination, although and albeit he has certain caveats he expressed about the nominee, Ben Bernanke; the Washington Post; and others as well. Warren Buffett was asked on CNBC about this nomination and he said: All I can say is, if you are going to turn him down, let me know a day or two in advance because I would like to sell off some stock. They asked him why, and he said because he believed the message to the markets would be a devastating one.

The one thing about the Federal Reserve—and there are legitimate complaints about the Federal Reserve System—but what we don't need is for

short-term politics to become the vehicle by which we decide Fed policy. The independence of the Fed has been a critical component for stability in our economy. I happen to believe—despite being the chair of the Banking Committee for all of 2007, as the Presiding Officer knows, I could not get the attention of the previous administration, including the Federal Reserve, about the mortgage crisis in our country. We had 12 hearings, the first of which was on February 7, 2007, on this subject matter alone. So if I were going to decide my vote on this nominee on that basis, I would vote against Ben Bernanke because, frankly, it was a failure by the previous administration early on not to understand the gravity of this situation.

But I can't make my decision solely on that. The fact is, as I said earlier, we have had a leader in the Federal Reserve over the last year and a half who virtually saved our economy from a predictable collapse had he not been there. Beginning in the fall of last year, when a group of us were in the room of the Speaker of the House, Democrats and Republicans, the Chairman of the Federal Reserve warned us, if we failed to act in a number of days, the entire financial system in this country and a good part of the world would melt down, to give an exact quote. I don't need to tell my colleagues that was sort of the economic equivalence of a 9/11 moment, when we were warned by the most important central banker in the world what could happen if we didn't act.

As a result of Ben Bernanke's leadership, as well as others—people such as JUDD GREGG, BOB CORKER, CHUCK SCHUMER, who worked on this, the leadership in the House—we were able to put together a terribly unpopular package, but 75 of us on that night in this Chamber voted for that very difficult proposition, to avoid the kind of catastrophe that would have happened. There are very few people I think who would have had the ability, the creativity, the imagination, and the courage to come up with these ideas. Ben Bernanke did. So as a result, we are in far better shape today.

However, we are far from out of the woods. We have a foreclosure problem that is still huge. We have commercial problems that are coming along that are going to be massive. If we don't have a Chairman of the Federal Reserve but only an Acting Chairman, I don't know what that means—and particularly the individuals who helped to create the very imaginative vehicles that allowed us to come out of this problem. To have him walk away and find the Federal Reserve, this important central bank, without leadership at this critical moment, I think would be beyond shameful. It would be the height of irresponsibility.

As Democrats and Republicans, the previous administration offered this

nomination. Many of us supported it. We need to come together, at least in moments such as this, not to abandon our country over partisan politics or ideology and failing to understand that if there need to be reforms in the Fed, let's reform them, but let's not walk away from an importantly critical individual who has made a difference in our economy and our Nation. For that reason, I urge my colleagues to terminate this filibuster—vote to end that—and then vote to confirm Ben Bernanke as the Chairman of the Federal Reserve.

I have been told I can speak until 3:20, but I will not take up all the time. As I said a moment ago, this is one of those moments where we need to step back and recognize the danger of our actions. This is not just a free vote. I know some people would prefer—they have the right to vote—to vote against the guy but hope he gets confirmed. That may work, but it is dangerously precarious. If we don't have 60 votes to end this filibuster, and if we don't produce the votes to confirm him, then I think this Congress, this body, regrettably, will have to bear the responsibility of abandoning the very people and situations we talk about today—jobs, the housing market, getting our economy back on its feet again—and anticipate the kind of reaction we will see in the markets and elsewhere, setting us back weeks, if not months or years, in our ability to get through this fragile period and allowing the hopes and aspirations and the confidence of the American people to grow.

I know it is an awful lot to stake the future of all that on just a nomination, but this is not some Assistant Under Secretary of some other agency. It is the central bank Chairman of the most central bank in the world. It is a critically important component in us continuing our path of economic recovery. We will bear the collective responsibility of failing to meet that obligation if we walk away from this obligation by either continuing this filibuster or defeating this nominee.

So I urge my colleagues, Democrats and Republicans—there is enough to battle about on how we are going to deal with these issues in the coming weeks, but on this matter let us send a message to the American people that we understand their frustrations, their worries, and we are doing everything we can to get us back on track again. Witness the President's remarks last evening.

You have a laser-like focus on the economy and job creation in our country. Don't make that effort fail because we send a message to our markets and the world that we cannot confirm an individual who saved us from an economic catastrophe in our country.

I urge my colleagues to pass the cloture motion to end debate and then, of course, to confirm Ben Bernanke as chairman of the Federal Reserve.

With that, I yield back the remainder of the time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION.

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 23, as follows:

[Rollcall Vote No. 15 Ex.]

#### YEAS—77

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Enzi       | Lugar       |
| Alexander | Feinstein  | McCaskill   |
| Barrasso  | Franken    | McConnell   |
| Baucus    | Gillibrand | Menendez    |
| Bayh      | Graham     | Mikulski    |
| Bennet    | Gregg      | Murkowski   |
| Bennett   | Hagan      | Murray      |
| Bingaman  | Harkin     | Nelson (NE) |
| Bond      | Hatch      | Nelson (FL) |
| Boxer     | Inouye     | Pryor       |
| Brown     | Isakson    | Reed        |
| Burr      | Johanns    | Reid        |
| Burriss   | Johnson    | Rockefeller |
| Byrd      | Kaufman    | Schumer     |
| Cardin    | Kerry      | Shaheen     |
| Carper    | Kirk       | Snowe       |
| Casey     | Klobuchar  | Stabenow    |
| Chambliss | Kohl       | Tester      |
| Coburn    | Kyl        | Udall (CO)  |
| Cochran   | Landrieu   | Udall (NM)  |
| Collins   | Lautenberg | Voinovich   |
| Conrad    | Leahy      | Warner      |
| Corker    | LeMieux    | Webb        |
| Dodd      | Levin      | Whitehouse  |
| Dorgan    | Lieberman  | Wyden       |
| Durbin    | Lincoln    |             |

#### NAYS—23

|           |           |         |
|-----------|-----------|---------|
| Begich    | DeMint    | McCain  |
| Brownback | Ensign    | Merkley |
| Bunning   | Feingold  | Risch   |
| Cantwell  | Grassley  | Roberts |
| Cornyn    | Hutchison | Sanders |
| Crapo     | Inhofe    |         |



Sessions  
Shelby

Specter  
Thune

Vitter  
Wicker

The PRESIDING OFFICER. On this vote, the yeas are 77, the nays are 23. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back. The question is, Will the Senate advise and consent to the nomination of Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System?

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 16 Ex.]

YEAS—70

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Enzi       | McConnell   |
| Alexander | Feinstein  | Menendez    |
| Barrasso  | Gillibrand | Mikulski    |
| Baucus    | Graham     | Murkowski   |
| Bayh      | Gregg      | Murray      |
| Bennet    | Hagan      | Nelson (NE) |
| Bennett   | Hatch      | Nelson (FL) |
| Bingaman  | Inouye     | Pryor       |
| Bond      | Isakson    | Reed        |
| Brown     | Johanns    | Reid        |
| Burr      | Johnson    | Rockefeller |
| Burr      | Kerry      | Schumer     |
| Byrd      | Kirk       | Shaheen     |
| Cardin    | Klobuchar  | Snowe       |
| Carper    | Kohl       | Stabenow    |
| Casey     | Kyl        | Tester      |
| Chambliss | Landrieu   | Udall (CO)  |
| Coburn    | Lautenberg | Udall (NM)  |
| Cochran   | Leahy      | Voinovich   |
| Collins   | Levin      | Warner      |
| Conrad    | Lieberman  | Webb        |
| Corker    | Lincoln    | Wyden       |
| Dodd      | Lugar      |             |
| Durbin    | McCaskill  |             |

NAYS—30

|           |           |            |
|-----------|-----------|------------|
| Begich    | Feingold  | Risch      |
| Boxer     | Franken   | Roberts    |
| Brownback | Grassley  | Sanders    |
| Bunning   | Harkin    | Sessions   |
| Cantwell  | Hutchison | Shelby     |
| Cornyn    | Inhofe    | Specter    |
| Crapo     | Kaufman   | Thune      |
| DeMint    | LeMieux   | Vitter     |
| Dorgan    | McCain    | Whitehouse |
| Ensign    | Merkley   | Wicker     |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senator from Nebraska is recognized.

#### BUDGET RECONCILIATION

Mr. NELSON of Nebraska. Madam President, I rise to make a parliamen-

tary inquiry regarding the applicability of the Senate's cloture rules to the budget reconciliation process. Under the Congressional Budget Act which governs Senate procedure for consideration of a reconciliation conference report, the question is: Is a cloture vote necessary prior to a vote on adoption of the conference report?

The PRESIDING OFFICER. No.

Mr. NELSON of Nebraska. Madam President, another question. Under the Budget Act, which limits the time for debate of a reconciliation conference report, how many hours are provided for debate?

The PRESIDING OFFICER. Ten hours.

Mr. NELSON of Nebraska. Thank you. And finally, therefore, under no circumstances would a cloture vote be necessary or required prior to a vote on adoption of a reconciliation conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Nebraska. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN PRAISE OF ANNE GALLAGHER

Mr. KAUFMAN. Madam President, I rise today to recognize another great Federal employee. In the past year we have witnessed the most significant economic downturn since the Great Depression. In the 1930s, millions of Americans lost everything and there was no social safety net to catch those in the greatest need. Today we are fortunate that the Federal Government coordinates vital programs, preventing millions of Americans from slipping into the kind of poverty experienced in those days.

I think probably the most important agency involved in this effort is the Social Security Administration. Its mission is to provide a stable income for retired American workers and those who cannot work because of a disability.

In the words of the great revolutionary patriot Thomas Paine, "it is not charity but a right, not bounty but justice."

He wrote those words in 1797, when he published an early proposal for social security. It was only in the midst of the Great Depression that such a system was finally established by the Social Security Act of 1935.

Seventy-five years later, the SSA's important work continues. One of the great Social Security employees is Anne Gallagher, who has made a career of Federal Government work.

Anne, who grew up in Wilmington, DE and still lives there, has worked for

Social Security for 8 years. As a child, Anne attended the Wilmington Friends School, and she later received her undergraduate degree from Mary Baldwin College. After pursuing further study in New York, she worked for 2 years in the broadcasting industry.

In 1976, Anne began a lifetime of public service, working for then-Senator Bill Roth, who was then the senior Senator of Delaware, in his Wilmington office. Her role as senior caseworker for constituent services was to intercede on behalf of Delawareans with Federal agencies.

If you were a veteran who needed help accessing VA resources or benefits, Anne was the staff member in Senator Roth's office who would contact the VA for you. If you were trying to adopt a child from overseas but had an issue with the State Department that needed clearing up, Anne would clear it up.

It was during this time, when I was chief of staff to Delaware's junior Senator JOE BIDEN, that I first met Anne and witnessed firsthand her unmatched dedication and positive attitude. JOE BIDEN has wonderful caseworkers. They all thought very highly of Anne. And the two offices worked together seamlessly to serve the people of Delaware.

Anne handled important casework for Senator Roth for 7 years before deciding to take time off to raise her two daughters, who, by the way, both share their mother's passion for serving the public. But the call to serve was strong, and after 3 years away from Senator Roth's office, Anne returned. She continued working as an advocate for Delawareans until Senator Roth left office in 2001. At the same time, she still served as the legislative assistant for veterans affairs from 1994 to 1997.

In 2001, Anne spent several months working as the director of a nonprofit helping American families adopt children from overseas.

In 2002, she returned to government service when she became a Regional Public Affairs Specialist for the Social Security Administration. In this role, Anne serves as the Social Security congressional liaison for five States and the District of Columbia, which include 10 Senate offices and 43 House districts. The reports issued by her office help Members of Congress as well as other Federal, State, and local officials understand the status of Social Security distribution in their jurisdictions.

Throughout her work in Social Security and Senator Roth's office, Anne has earned a reputation for thoroughness, dedication, and a kind heart. I never met anyone who has dealt with Anne who did not like her, was not impressed with her kindness, her intelligence, and her ability to get things done. Once, while working for Senator Roth, Anne received a call from an elderly woman who had been in touch



with her regarding a casework issue. It was in the midst of a snowstorm, and the woman, who lived alone, could not get to the grocery store for herself. So 45 minutes later Anne and her husband pulled up to the woman's house with a carful of groceries. Many of those she helped still keep in touch with her, even after 20 years.

I hope my colleagues will join me in honoring Anne Gallagher and thanking her for her service to the Nation and the State of Delaware. I also hope all Americans will recognize the important contribution made by all who work for the Social Security Administration and all those who work for the Federal Government.

I yield the floor.

#### MORNING BUSINESS

Mr. BURRIS. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TIME FOR BOLD ACTION

Mr. BURRIS. Madam President, last night, just down the hall from this Chamber, my colleagues and I assembled with our friends in the House of Representatives to take part in a tradition as old as our Republic.

This is more than just a Presidential address.

It is mandated by the U.S. Constitution, and it is one of the great rituals of modern democracy, the practice of bringing the major officers of our government together to assess our national priorities.

Last night, President Obama laid out a bold vision for the years ahead, and a renewed commitment to the uniquely American ideals that make this country great.

So today, I would like to take this opportunity to discuss a few of the things we heard in yesterday's speech, and how our agenda will benefit the people of Illinois.

I am glad the President recognizes that this is not a time to change our priorities it is a time to recommit ourselves to the values and the ideas that the American people voted for in 2008.

The mandate for better policy could not have been more clear.

Voters want us to focus on job creation. They want us to help small businesses, repair our national economy, and invest in clean energy.

They want us to pass real health care reform, reduce the deficit, and keep corporate money separate from politics.

Under President Obama's leadership, my colleagues and I have already made significant progress on a number of these issues.

A year ago, we passed far-reaching economic recovery legislation that brought us back from the brink of disaster.

We voted to extend unemployment benefits, and keep sending help to the people who need it most during these difficult times.

Even today, we are poised to take up job creation and climate change bills, and are closer to passing comprehensive health reform than ever in our history.

We are examining ways to address the deficit, and in pursuit of that goal I believe we need to keep all options on the table.

And in the wake of the recent Supreme Court ruling, which dealt a major blow to campaign finance reform, I believe we need to take steps to minimize the ability of giant corporations to influence elections. We need to keep companies from overriding the voice of the people in Congress.

Our system is designed for incremental change, so none of these things will come easily.

But the agenda set by this President, and the demands of this trying moment in history, dictate that we must set aside our partisan differences and come together to solve big problems.

We have made gains over the last year, and we are continuing to make tangible strides almost every single day.

So I would like to talk about what this means for my home State of Illinois.

When Congress passed a sweeping economic recovery plan about a year ago, this country was losing more than 700,000 jobs a month, and the economy was in freefall.

Today, the economy is growing for the first time in 2 years, and job losses have fallen to a tenth of what they were last year.

For ordinary Illinoisans, this has made a real difference.

In Danville, IL, recovery act funding created 20 jobs at the East Central Illinois Community Agency. It put additional police officers on the street and created 14 jobs at the local housing authority.

It created summer jobs that allowed local kids to help support their families. It helped fund a Head Start program in neighboring Gibson City, and it funded three local projects through the Illinois Department of Transportation.

This is the measurable impact our legislation has had on only one community in Illinois.

But letters and phone calls and news stories have been pouring into my office from across the State, and the message is always the same.

From Danville, to Chicago, to Rockford, to Elmwood Park, I have heard from Illinoisans who have felt the positive effects of our new economic foundation.

We must not forget that America is still on the road to recovery. But our policies have already made a real difference in people's lives.

One Danville business owner even said: "I was leery of the whole stimulus thing at first, but they got it right."

That is why it is time to look ahead.

It is time to redouble our efforts and prove our commitment to the values the American people voted for in the last election.

The national economy is no longer in freefall, but there are still far too many people without jobs and far too many families that are struggling to make ends meet.

We need to use the remaining recovery act funds to create more jobs in cities such as Danville, IL, and across America.

We need to provide tangible help to the small businesses that form the backbone of our economy, and the local banks that are essential to our national prosperity.

As a former banker myself, I understand how important these institutions are to the communities they serve. And I know they are hurting badly right now.

I am grateful that the President shares my support for these initiatives. And I look forward to working with my colleagues in the Senate and with the administration to take action.

Already, President Obama's speech is being analyzed by the media as a partisan rallying cry, a recap of the administration's record, and a dozen other things.

But as I sat on the House floor last night, I heard more than that.

I heard a bipartisan call to arms, a sober recognition of the current situation, and a strong vision for job creation, continued economic recovery, and healthcare reform in the coming year.

The truth is, the American people do not need politicians in Washington to tell them about the current State of the Union.

They are the Union. They know about the challenges we face, and the distance we have yet to go.

They do not care about partisan politics, or electoral math, or which party has the majority in Congress.

The American people are interested in the answer to one question: Where do we go from here?

So, as we set out to tackle the ambitious agenda that was laid out last night, we must approach these proposals with the same mindset.

We must draw our energy and our strength from the American people, and summon the principles and ideas that can make that vision a reality.

This is not about scoring political points or winning elections.

It is about how we move forward together as a Congress, as a nation, and as a people.

It is about making a difference for the hard-working people of Illinois, and every other State in the country.

This is a time to be thoughtful and reflective and forward-thinking, but it is also a time to roll up our sleeves.

Colleagues, as President Obama reminded us last night, this is a time for bold action.

So today, let us get to work.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

#### BERNANKE NOMINATION

Ms. CANTWELL. Madam President, I rise to speak on the vote we had earlier on the nomination of Ben Bernanke to be the Federal Reserve Chairman. While I did not support Mr. Bernanke's reconfirmation to that post, I would like to take the time now to talk about that vote and my concerns and the challenges I think our country faces moving forward.

When I look at this issue, I know that not one administration or not one Fed Chairman got us into the mess we are in. In fact, it is not even to be blamed on one party. What this is about is how we move forward with complete transparency and the proper regulation to give certainty and predictability to our financial markets. I will do my best to represent my constituents with the proper level of oversight on these issues, but I heard loudly and clearly from my constituents in December that they are, as small business owners, at the end of their rope without access to capital and that community banks are not lending. So that is where I am spending my time and focus now, in urging both the Fed and Treasury to act, without passing legislation but act now to get recovery programs specifically working for community banks that need access to capital and for those small businesses that are the engine of economic growth for our economy.

While I know many of my colleagues think programs that came out of the TARP funding, such as the original TALF Program or even the Treasury Secretary's announced program in December, are things that have been in the works, I can tell my colleagues that my constituents started this debate in earnest with credit default swaps and the concern about large banks but are having a hard time, as I am, understanding the logic and the strategy that one day closes one of the largest banks in America and one of the largest banks in our State, Washington Mutual, wiping out 30,000 creditors and basically putting in jeopardy the retirement of many employees, and then 4 days later we pass a TARP bill. I believe the government picking winners and losers at that point in time was the wrong approach, and I advocated for an equity program.

But today my constituents want to know why it is that it was easy to figure out how, with loans and assets and the credit activity of the Fed, over \$1 trillion could be pumped into AIG at 100 cents on the dollar and yet small business owners in the State of Washington—and my guess is around the country—basically had capital cut from right under them.

When I think about what happened, it breaks my heart. To think about a company such as Vancouver's Columbia Gem, where the Bank of Clark County was shut down and assets moved over to another bank across the river, Umpqua Bank, that received TARP funds. But where was the help for the small businesses that had performing lines of credit at that bank? What happened to them? I will tell you what happened to them. Even though they had performing lines of credit, their funds were cut out right from under them. In fact, it forced the owner of that company to try to fund the operation of that business out of his own pocket.

Another business in that area, Beaches Restaurant, immediately their line of credit was frozen after the takeover.

Vancouver Iron and Steel was current on all its loans and even eked out a small profit in 2008 and never missed a bank payment. But Vancouver Iron immediately lost its \$1.5 million line of credit after the FDIC took over.

How is it we can act immediately to save the AIGs but we can't act immediately to save companies such as Vancouver Iron and Steel? I guarantee Vancouver Iron and Steel was not cooking up dark market derivatives, creating credit default swaps that destabilized our economy. Nor is Vancouver Iron and Steel continuing to operate derivatives in dark markets. No, they have nothing to do with that. They are manufacturing product for America and abroad and producing jobs. The fact that we continue to make it hard for them to get access to capital is one of the reasons why I voted against Mr. Bernanke. The Fed Chairman has to realize the urgency with which the big banks have been bailed out and saved. That urgency has to be applied to Main Street. I know they are trying. I applaud the President for last night saying he is going to put forth \$30 billion to help with access to capital for community banks. I urge him to do that within the administration.

While I am sure my colleagues could give input, to basically spend another 2 or 3 months waiting for small businesses to get access through community banks, more and more business bankruptcies will happen. While that is a program to get right, it is very clear to Americans that when we want to act with urgency, this government can act and the Fed can act and the Treasury can act to solve these problems.

I urge the Fed now and the Treasury to give consideration to making this their No. 1 priority, to get capital to these community banks as urgently as possible through an equity program that gives them the infusion it will take to get capital back to Main Street.

There are other reasons why I did not support Mr. Bernanke. As I said, this is not one Fed Chairman's problem or one administration's problem. This has been caused by policies over the last several decades, prior to the repeal of Glass-Steagall, in which we continued to say deregulation of these markets was unimportant. The policies at the Commodity Futures Trading Commission and other policies that allowed for this kind of dark market activity of derivatives to grow into an international \$56 trillion industry are the policies that have brought us to this point. We now have to have the urgency and the leadership of everyone involved to think creatively about the urgency of getting capital to community banks and small businesses and the reforms that must be put in place now, not to check a box, not to say we did reform, not to say we are responding to something that has happened recently but to move our economy forward with the transparency and proper regulation that will provide for international stability.

When I see from some of the well-known economists and investors across the globe that another bubble is forming, that this problem we think somehow we have corrected by passing TARP and doing other things is going to be alleviated, these individuals are signalling that another bubble in the exact same situation could happen again. I want to see the Fed and Treasury advocate on the Hill the policies that will give us complete transparency and regulation to assure Americans and those participating in financial markets around the world that they will function with certainty and predictability, that they are not going to be inflated with something that has no real value behind it such as the credit default schemes or, should I say, naked credit default schemes that we are trying to outlaw on the Senate floor.

I know what has happened with the regulatory reform legislation so far that has come through Congress. There have been many attempts to water it down. I am not blind to what I think the challenges will be to pass this legislation when it comes to the Senate. That is why I want to see a Fed Chairman and a Treasury Secretary who are leading the charge for the principles of regulatory reform that will correct these problems with the markets, not to be for a few policies that might sound good, such as: Let's reduce systemic risk—I am for reducing systemic risk—or not to say: We want a consumer group. I am for a consumer

group. But the heart of this issue is whether we are going to properly regulate derivatives, whether we are going to pass a law that says: Manipulative devices or contrivances of these markets are a Federal crime. Not only will you pay a penalty, you will go to jail.

I get that many in the markets believe there is no way we can possibly control all the new tools and all the new financial terms people can come up with to deviate from the standards that are set. But I know this: Setting a statute in place and going back to Glass-Steagall can separate the risk to the taxpayer of having their money and their capital used to continue to prop up dark market activities. I certainly believe we have to have derivatives regulation. But the tactic of now saying we can have that by definition, by saying no proprietary trading on these companies, I guarantee you we will be debating the meaning of the words "proprietary trading." The consequence will be there will be lots of money flowing into dark markets.

I believe in the financial wherewithal to raise capital in America. It is one of the greatest things about our country. It is one of the greatest things that makes us competitive, the fact that we can create capital in such an inspiring way and that we can have, in an information age, the kind of public financing of ideas and creativity that continues to have us lead the way. But I ask my colleagues to look at how many IPOs have been created lately. I ask them to look at how much money has gone into the small businesses and community banks loaning to small business juxtaposed to the amount of money that has gone into derivatives. The truth is, you make more money on derivatives. So why would you put your money into investing in IPOs? Why would you put your money into the small businesses?

What is happening is more and more concentration into the large banks that then thwart the opportunities for small community banks to truly be competitive with them. Then what happens? Less and less capital, less and less opportunities for small business or, as I saw recently, even the fact that some of the small business newspapers in this country haven't been able to get access to capital. They are going to end up in the hands of bankers. I don't know if those are big banks or small banks, but I know this: Small businesses deserve to have a choice of lenders, a diversity of market-size banks, and a Fed chairman who will pay attention to that issue. We live in a unique time, created by at least two decades of deregulation of markets that are now going to create another bubble.

My vote against the Fed Chairman has to do not with the past but with the future, the future prevention of another bubble, of more bankruptcies of

small businesses, of getting our regulatory policies and our transparency of markets in place so the United States can get back to both the innovation and job creation but financial markets that the United States leads in around the world, that we are not 10 years from now seeing the kind of dark market activity around the globe that has transpired here. Instead, the United States, as the President says, learns from a teachable moment and leads the rest of the world on the types of markets and transparency we expect.

I hope the Fed Chairman will embrace this task of a more robust leadership on the policies and regulation that need to be put into place to prevent another bubble and to helping immediately small businesses. I don't want to leave the American people with the thought that somehow Wall Street is more important than Main Street. That is not what sent me to Washington, and it is not what sent my colleagues. I hope we will work in earnest, as Republicans and Democrats, to urge the administration and the Fed to immediately adopt and implement a program to give community banks and small businesses access to capital.

One of the people I met with is a small businessman whom I used to see while eating in his restaurant many times, particularly working late at night, when I worked for a software company. When I was home in December, I found that after 55 years he was going out of business. After 55 years in his family, they were going out of business. The downturn definitely took its toll. He wasn't getting access to capital. He held on for an entire year, not laying off one employee, keeping everybody he could instead of cutting them. The end result, after that year, without any more resources, without any more access to capital, he had to close that business. Not only that, because he mortgaged his house, he was probably going to lose his house. He put his restaurant up for auction. He told me, if he was lucky, he would probably get \$10,000 for it. Fifty-five years in business, weathering several downturns, not laying off any employees, he wanted to know where his life-line was during this crisis.

I am going to devote my time and energy, along with working with the President on his commitment, to making sure this program for community banks and small businesses gets implemented as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me thank my colleague from the State of Washington. She has been tireless in trying to address these issues, both in legislation and on the floor of the Senate during debate, and it is so important.

I, too, voted against Mr. Bernanke's nomination today, and I wish to ex-

plain why. It is certainly not that I believe Mr. Bernanke is a bad guy. He is not. He is a well-respected economist. But I wish to talk a little about the issues that persuade me we need a change—a change in culture, a change in personnel—in some respects.

If ever there now is a bright line in America between those who are too big to fail and those who are too small to matter—that is, the too big to fail are the biggest financial institutions in the country that have been making a lot of money, paying large bonuses, and living high off the hog. The too small to matter are the folks on Main Street who sink everything their family has into a business trying to run a grocery store, maybe a drugstore, a gas station, a barbershop, a restaurant, and then they discover they cannot make a go of it because things turn against them, and they are told: Do you know what. That was your risk. If you can't make a go of it, that is your problem. What you do is you lock the door, somebody sells the inventory, and you are out of business.

By contrast, the biggest financial institutions that were engaged in wholesale gambling—everything but the Keno tables and the craps tables and the blackjack tables in their lobby, everything but that; it was the same thing—and ran their company and their country into the ground, they were told: Well, do you know what. You are so big, we can't possibly let you fail, so we are going to give you a bailout. So that is the too big to fail versus the too small to matter. Is it any wonder people are furious in this country about that kind of assessment, that kind of value system?

Well, Mr. Bernanke is a nice guy. So is my Uncle Harold, by the way. Mr. Bernanke is an economist. My Uncle Harold is not. Mr. Bernanke has now been the Chair of the Fed for a while. Before that, he was part of the economics team in the previous administration that turned, by the way, a big budget surplus in the year 2000—the first budget surplus for the Federal Government in a long, long time. The new administration came in and turned that into the biggest deficits in history up until now. So I am not impressed with the whole scheme of a fiscal policy that turns the country from big budget surpluses to big budget deficits.

But with respect to the Federal Reserve Board itself, the Federal Reserve Board has had responsibilities. Those responsibilities, first by Alan Greenspan at the Fed—and by the way, while Alan Greenspan was at the Fed, Mr. Bernanke was at the Fed as well during part of that time, and now it has been Mr. Bernanke's tenure at the Fed—the responsibilities are to supervise the banks, to deal with predatory lending, to address some of the scandalous behavior of some of the brokers in the subprime market. Yet they did nothing. All of this went on under their

noses. The question for me in dealing with Mr. Bernanke and others is, How many times do we have to learn the same lesson?

I have been here at a time when the savings and loans collapsed in this country. The S&L collapse—it was not surprising why they collapsed because we had a bunch of folks who used the savings and loan like a big piggy bank. They were parking junk bonds at the savings and loans organizations. The savings and loans were actually gathering deposits from around the country, and they were like Roman candles, just taking a small, little, sleepy savings and loan and turning it into a big institution with lots of deposits overnight. Then guys like Mr. Milken were parking junk bonds in the S&Ls, insured by the Federal Government; that is, the American taxpayers, and things collapsed, and it cost hundreds and hundreds of billions of dollars.

The most perverse result was the American taxpayer got stuck with junk bonds in the Taj Mahal Casino in Atlantic City. Think of that. How did that happen? Well, Donald Trump builds a casino, and whoever it is decides to take the junk bonds from the casino and park them in a savings and loan. The savings and loan is guaranteed by the American taxpayer. The savings and loan goes bankrupt. So the junk bonds in the savings and loan are now at the Resolution Trust Corporation, and the American people end up with junk bonds in a casino. Isn't that unbelievable? Do we have to learn that lesson again? Well, we did then.

We learned it a second time after the S&L collapse. We learned it with the Enron Corporation, which in part was a criminal enterprise. They were manipulating wholesale electric markets on the west coast—schemes such as Get Shorty, Fat Boy, just to name a couple—and then having people, in addition to these schemes, shut off and turn on powerplants in order to manipulate supply so they could fleece taxpayers and fleece ratepayers on the west coast out of billions of dollars. It was one of the greatest robberies in the history of our country. I led the hearings. I chaired the hearings over in the Commerce Committee. Ken Lay came and raised his hand. He swore him in. He took the fifth amendment. He is now dead. But he was on his way to prison. Mr. Jeff Skilling from Enron Corporation came and just talked and talked and talked. It turns out none of it was accurate. He is now in prison.

So we had to learn a second time about the fleecing of America—the big S&L scandal that cost the American taxpayers an unbelievable amount of money; then the Enron scandal—a corporation that does not now exist that became, in part, as I said, a criminal enterprise; and now this financial house of cards that collapsed on this country. It is not surprising why it col-

lapsed. What happened was we had some of the biggest financial entrepreneurs in this country—some of the biggest operators, I should call them, not entrepreneurs—some of the biggest financial operators in this country who were engaged in full-scale gambling with their company money, the biggest financial companies in this country.

My colleague talked about credit default swaps and CDOs and so on. We had synthetic derivatives. Do you know what synthetic derivatives are? At least a derivative is something you can reasonably explain because it has some value. It is connected to some value on each side of the trade. Synthetic derivatives are simply an artificial device that allows you to place a wager on whether something will happen, unrelated to value on either side of the trade. It is as if to say: Take the biggest investment banks in America and put a craps table in their lobbies and let them gamble from 8 a.m. until 5 p.m. and let the American taxpayer pay their losses. That is exactly what has happened.

Now, what is happening today? Well, this is Bloomberg News:

Wall Street is marketing derivatives last seen before credit markets froze in 2007. . . .

Actually, I have it on a bigger chart here.

Wall Street is [now back] marketing derivatives last seen before credit markets froze in 2007, as the record bond rally prompts investors to take more risks to boost returns.

Bank of America Corp. and Morgan Stanley are encouraging clients to buy swaps that pay higher yields for speculating on the extent of losses in corporate defaults.

And again:

Banks Reviving Synthetic Bets as [Paul] Volcker Blasts Default Swaps.

Bloomberg. So here we are. The financial system collapsed, steered this economy right into a ditch. Millions and millions of Americans lost their jobs, lost their homes, lost hope, and are still struggling. The biggest interests got bailed out and made whole and now are making record profits again and are prepared to pay \$140 billion, I am told, in bonuses. And now we see they are back to trading synthetic derivatives—the very same firms.

How often do we have to learn this lesson—once, twice, three times, or ten times—before the Congress will decide: No more of it.

My point is, just like with kids, you say: Do you know what. You better hope your kids are running around in a good crowd. That is the success, isn't it, having them run around in a good crowd as opposed to a bad crowd? As I take a look at all these nominations and appointments, the question for me is, What kind of crowd do they run around in? And do you know what. There is a kind of insular crowd that all comes from the same locations, and they all believe the same thing, and

the fact is none of them have the stomach or the interest or the courage to decide to shut down what is essentially gambling on Wall Street and firms that are too big to fail, which means it is no-fault capitalism and the American people will pay the consequences. None of them have the courage to do that. In fact, they have now been given a year to organize to try to stop anything that is done here in the U.S. Congress.

I will say once again, it was 10 years ago when I stood on the floor of the U.S. Senate and was one of eight Senators to vote against the piece of legislation that created these big holding companies—the Financial Services Modernization Act, it was called—to repeal the protections that were put in place after the Great Depression.

I said, 10 years ago, I think that is going to set this country up for massive taxpayer bailouts. No, I do not have a crystal ball, and I do not necessarily prognosticate very well. But I knew that if we allowed those who wanted to do one-stop financial shopping—putting together securities with banking, investment banking with FDIC-insured banking—we were headed directly toward a cliff. And 10 years later, it is the biggest financial scandal in the history of this country, and this economy barely survived it. The American people lost \$15 trillion in value as a result of this economic collapse—\$15 trillion.

So who is accountable? Well, there have never been the kinds of hearings I think there should have been developing a master narrative of what happened and who was responsible and who was accountable and where the buck ought to stop. But we know some of it. We know who had some responsibility: the Federal Reserve Board.

Mr. Greenspan has since come to Congress and apologized because he said he was mistaken. He thought self-regulation would be just fine. Well, that is not why we have regulators. We have regulators because we know self-regulation does not work. The free market system is wonderful, but you need effective regulators who take a look at what is going on and call the fouls and blow the whistle when they see the fouls.

We went through a period where it was, "Katy, bar the door," do anything you like, and that is what happened. The big banks took leverage from 10 times capital to 30 times capital. They began selling derivatives and credit default swaps and, pretty soon, synthetic derivatives, which were just instruments of gaming, and nobody seemed to care.

At the same time, in another area of financial enterprise, we began to see the development of this new, aggressive orgy in mortgage scams to say to people: If you can't afford to buy a home, we have a mortgage for you. If

you have bad credit, we have a mortgage for you. If you have been bankrupt—slow pay, no pay—come to us; we will help you buy a home. By the way, everybody was getting big fees. They wrapped it into a security, sold the security from the mortgage bank to a hedge fund, to an investment bank, and everybody knew better. Pretty soon, the whole thing collapsed, and the American people were told: Now you pay the cost. You pay the cost to clean up this mess.

Well, at every step along the way, the Federal Reserve Board had a responsibility. Bad behavior by brokers, bad behavior by mortgage banks—they had a responsibility to oversee those things. And today we read that synthetic derivatives are now being pushed by Bank of America and Morgan Stanley. So what is the Federal Reserve Board doing about that? What about that buildup of additional bubbles of risk? Does anybody care? Is there anybody who is going to do anything about that?

Mr. Bernanke is a good guy, but the fact is, he is part of the crowd that I think helped cause these problems. I think—and I have said candidly—during the darkest period, where there was the question of whether this economy would completely collapse, Mr. Bernanke made some fine decisions. I do not think he is a bad person at all. But I do not think he—by the way, this would apply to some others in areas of responsibility—I do not think he comes from the culture to say that this whole set of activities has to change and change now and change aggressively.

Let me complete my thought by simply saying that I understand how important banking is. I understand how important investment banking is. I understand the financing system of our country is important and needs to be strong. I am not suggesting that somehow you can finance all the things we want to do in our country out of somebody's garage. That is not my point. My point is, however, there is the right way and the wrong way to construct a system of financing.

We have, over 200 years, seen this back-and-forth between those who produce and those who finance production. Sometimes one has the edge in terms of strength and power, and sometimes the other does. In the last 20 or 30 years, in my judgment, those who finance production have really been pulling the strings in this country as opposed to those who produce. That is why we have fewer good jobs in this country, and it is why we see more and more of the profits and more and more of the gross incomes that swell the paychecks of a lot of people at the top coming from investment banking and some of the biggest financial firms in the country. I do not think that is healthy for the country, as a matter of fact.

So I voted against Mr. Bernanke. I voted for cloture because I am not somebody who wanted to prevent a vote on it. But I did decide long ago that I was not going to be supportive.

Let me make one final point. That is this: Mr. Bernanke, during the height of the crisis, opened, for the first time in history, the Federal Reserve Board to give direct loans to investment banks—the first time ever they have given direct loans to commercial banks but never before to investment banks. He opened the window to say we are going to give direct loans to investment banks. My guess is trillions of dollars went out in direct loans. In my judgment, the American people and the Congress have a responsibility to know who got those loans, how much, and what were the terms. We have written to the Chairman of the Federal Reserve Board—myself, Senator GRASSLEY, and eight others—to say: You now have a responsibility to tell us who got that money and what were the terms. His answer to us was: I have no intention of telling you.

That is not acceptable to me and should not be acceptable to the Congress or to the American people, and that is another reason that I would not advance this nomination.

Madam President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO FORMER SENATOR CHARLES "MAC" MATHIAS

Mr. CARDIN. Madam President, I take this time to talk about former Senator Charles "Mac" Mathias who represented Maryland in the Senate for three terms and whose passing on Monday was a real loss for Maryland and our Nation.

Mac Mathias was a true statesman in the best sense of the word. He became a voice for those who had no voice. He fought for better conditions for working people, and he took bold, principled stands that were not always popular with the prevailing political sentiment.

Mac Mathias was one of my heroes, and I considered him a friend and adviser. He was first elected to Congress in 1960, and he lived through some of the most turbulent times of the 20th century, including the struggle for civil rights, the Vietnam war, and the Watergate scandal. Mac's strong, principled stand garnered respect from both sides of the aisle, prompting then-majority leader Mike Mansfield to

characterize Mac as "the conscience of the Senate."

Mac Mathias was often at odds with his own party. In 1970, for instance, he denounced the U.S. military incursion into Laos, condemned the Watergate scandal, and worked tirelessly for campaign finance reform. His outspokenness earned him a place on President Nixon's enemies list.

Mac was an important supporter of the civil rights movement, helping to craft an open housing law. In 1965 he traveled to Selma, AL, to visit Dr. Martin Luther King, Jr., who was then in jail. In 1986 at a farewell party for Senator Mathias at the Baltimore Convention Center, Benjamin L. Hooks, the president of the NAACP said: "I say thank God for Mac Mathias."

Mac was an outstanding advocate for Maryland in Congress. Proud of his Frederick roots and committed to the environment, he proposed legislation to protect the Chesapeake Bay, Antietam National Battlefield, and Assateague Island. He also was the primary sponsor of the bill that created the C&O Canal National Historical Park.

Mac was a tireless advocate for fair elections. In the 110th Congress, he traveled to Washington to help lobby fellow Republicans for a bill to combat election fraud. He was a leader for campaign finance reform—a subject Congress will have to revisit in the wake of the majority's decision last week in *Citizens United v. Federal Election Commission*.

He once remarked:

No problem confronting our nation today is greater than that of our steadily eroding confidence in our political system.

He was so right. He understood that democracy is dependent on inclusion and on citizens who participate in the process and who have confidence that their views will be heard and fairly considered.

Today, I urge my colleagues to pause for a moment to remember a gentleman from Maryland who cared deeply for our Nation and understood that our democracy depends on strong leaders who have courage, intelligence, and integrity. Mac Mathias was such a leader.

(The further remarks of Mr. CARDIN pertaining to the introduction of S. 2967 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### AFGHANISTAN/PAKISTAN TRIP

Mr. LEVIN. Madam President, I recently returned from a trip to Pakistan and Afghanistan with Senator AL FRANKEN. We heard a great deal of troubling news out of Afghanistan over the past few months. Casualties have increased and the political situation has been unsettled. Based on what we saw and heard during our trip, I am

somewhat more optimistic that we will succeed in Afghanistan. I am a lot more optimistic now than after my last visit to Afghanistan in September. Success, to me, is defined as preventing the Taliban from returning to power at the same time we strengthen the Afghan security forces to take responsibility for Afghan security in order to ensure stability in Afghanistan.

Over the course of 3 days, we met with key civilian and military leaders in both Pakistan and Afghanistan.

In Pakistan, we met with Pakistan Prime Minister Gilani; Army Chief of Staff Kayani; and a leader from the opposition party, Ahsan Iqbal. Pakistan has taken some steps to take on elements of the Pakistan Taliban and al-Qaida but has been for the most part unwilling to take on the Afghan Taliban which uses Quetta in the south of Pakistan and North Waziristan in Pakistan's federally administered tribal areas as safe havens and to attack Afghanistan.

In Afghanistan, we met with U.S. Ambassador Karl Eikenberry; GEN Stanley McChrystal, Commander of the NATO-led International Security Assistance Force, or ISAF; LTG David Rodriguez, Commander of the ISAF Joint Command; LTG William Caldwell, who leads the NATO Training Mission in Afghanistan; and British MG Nick Carter, Commander of ISAF forces in Regional Command South. We also met with key Afghan officials, in particular President Karzai, Minister of Defense Wardak; and Minister of the Interior Atmar. Outside Kabul, we traveled to bases in Kandahar province, where we met with Canadian and American ISAF troops who are fully embedded in a partnership, i.e., living side-by-side with Afghan security forces.

Our men and women in uniform are performing magnificently. We visited with our troops in the field in Kandahar, and they are living and operating in a difficult environment with only basic accommodations. Yet their morale is high and they are eager to carry out their mission. And they have some of the best leadership our military has to offer in ISAF. Commander GEN Stanley McChrystal, Lieutenant General Rodriguez, and Lieutenant General Caldwell. On the civilian side, Ambassador Karl Eikenberry and his team are putting in place the diplomatic and technical expertise in Kabul and the field to match our military effort.

One reason I am more optimistic now than when I visited Afghanistan in September is our counterinsurgency strategy is taking hold. Our troops are comfortable with the new focus on securing the Afghan people. This requires that our troops remain with the Afghan people and not just clearing towns and villages of Taliban and then leaving the Afghans to fend for them-

selves when the Taliban return. Our troops understand and embrace this people-centered approach. As British MG Nick Carter, Commander of the coalition forces in the south, said:

If we show confidence and mutual trust, the population will look after us.

The Afghan people are more optimistic than they have been in the recent past. A recent ABC News survey found that 70 percent of the Afghans polled said Afghanistan is headed in the right direction, a significant jump from a year ago. Over 60 percent of Afghans expect their children will have a better life. The Taliban remain extremely unpopular, and 68 percent of Afghans continue to support the presence of our troops in their country.

I have long been convinced that our principal mission in Afghanistan should be training the Afghan security forces. That drove my belief that we should not focus on adding more U.S. combat forces, except where we needed to train, equip, and support Afghan security forces.

As I put it when the President was considering additional combat forces, I supported a show of commitment but said commitment could be shown by additional trainers and support personnel, along with a flow of equipment to Afghan forces. I expressed then and believe now our major mission should be a surge of Afghan forces to take on the Taliban. Afghan security forces will ultimately win or lose the long battle with the Taliban. Our support will help, but our growing presence has a downside: a growing footprint, which is the physical and rhetorical propaganda target for the Taliban.

We heard in our conversations that President Obama's West Point speech in December has had a tangible, positive impact in ways that I believe are the most significant in Afghanistan. According to LTG Bill Caldwell, the head of our NATO training command, the number of new recruits signing up for the Afghan Army has skyrocketed from 3,000 in November to over 11,000 recruits in training today. The training command has had to turn recruits back because they didn't have enough trainers on hand. Lieutenant General Caldwell told us, forcefully and clearly, that what energized the Afghan leadership to call for and to reach out to new recruits was the July 2011 date President Obama set for the beginning of reductions in U.S. troops in Afghanistan. Even more than the pay increase, which was announced for Afghan troops, Lieutenant General Caldwell said setting that date by President Obama made clear to the Afghan Government and to the Afghan people that President Obama means business when he says our presence in Afghanistan is not an open-ended commitment. Afghan leaders became focused on planning for the shift in principal responsibility from coalition forces to their

forces that is highlighted by that July 2011 date, and they took urgent steps to increase recruitment to the Afghan Army. While it is too early to determine if the surge in U.S. combat forces will have the effect President Obama and General McChrystal intend, it is not too early, in other words, to see a positive effect toward accomplishing the mission of strengthening and training the Afghan Army.

A key to the success of that mission will be partnering with the Afghan security forces. In Regional Command South's Kandahar area, which we visited, coalition and Afghan units are partnering on a one-to-one basis at all levels, from planning at the headquarters down to operations at the platoon level, and Afghans are taking the lead in operations. When I visited Helmand Province in the south in September, there were about five U.S. marines for every one Afghan soldier. In the coming months, additional Afghan forces will be arriving in Helmand so, by April, coalition and Afghan units will be partnered on a one-to-one basis as they conduct the key mission of providing security in the Helmand River Valley. We were informed Afghan forces will be leading that vital and dangerous mission.

Senator FRANKEN and I saw up close how partnering of coalition and Afghan forces is being put into operation. This is not just about joint operations, though that is part of it. It is about Afghan and coalition troops living together and integrating their daily lives. This partnering is at the heart of our troops' mission, which is to prepare Afghan security forces to take responsibility for their nation's security. Some fully integrating partnering in the field is already occurring. General Rodriguez promised us he will get data on how many of the units in the field that are planning and operating with coalition units are fully integrated and how often and how many Afghan units are leading significant operations. While we didn't need more combat troops for the partnering mission—the shortfall being in the number of Afghan troops—the increase in Afghan units partnering with us is a significant advance.

Our military leaders often describe our counterinsurgency doctrine as shape, clear, hold, and build. But this falls short by one key goal. To shape, clear, hold, and build must be added “transition,” meaning our goal must be to transition responsibility for Afghanistan's security to their security forces. The commanders in the field we talked to get this, and their fully integrated partnering with Afghan security forces is the key to this transition.

While I am pleased with the speed with which partnering is occurring in the field, I am disappointed with the shortfall in trainers needed for the Afghan Army and police. Currently, only

37 percent of the required U.S. and NATO trainers for building the Afghan Army and police are on hand in Afghanistan or, numerically, 1,574 out of a requirement for more than 4,235 trainers. Lieutenant General Caldwell's training command has been promised the first 1,000 of the 30,000 U.S. soldiers flowing into the theater with that surge, and 150 of that 1,000 have already arrived. At the same time, NATO countries remain 90 percent short of meeting the ISAF mission requirements for trainers with less than 200 non-U.S. trainers deployed against a non-U.S. NATO commitment of about 2,000. Only 200 have arrived on the scene. Another 200 NATO trainers were pledged by NATO members in December but without a timeline for when those trainers would arrive in theater. That is simply unacceptable. Those NATO countries that are either unwilling or unable to send additional combat troops into the fight in Afghanistan should be able to help provide trainers for basic training who operate away from the frontlines. Lieutenant General Caldwell told us, any well-trained U.S. or coalition soldier could instruct Afghan soldiers in the 8-week course of basic training. A top priority for our NATO allies at the London conference, which I believe is this week, needs to be closing the gap in trainers for the Afghan Army and police.

Another area where there has been progress is on equipping the Afghan security forces, and that is critical to accelerating the growth of the Afghan Army and police.

The training command reports that the equipment requirements for the Army and police have been identified and listed, and actions are underway to meet those needs, including with equipment coming out of Iraq as U.S. forces draw down there. This month, equipment began to flow from the Iraq theater to Afghanistan, and Lieutenant General Caldwell's staff expects that over 250 of over 1,300 humvees from Iraq will begin to arrive this month to meet the needs of the Afghan police. This was made possible by the language in the Fiscal Year 2010 National Defense Authorization Act which authorizes the transfer of nonexcess as well as excess defense equipment from Iraq to Afghanistan as U.S. forces draw down in Iraq.

Finally, relative to plans for the reintegration of lower level Taliban fighters, the Karzai government has been working closely with General McChrystal's staff, under the leadership of a British major general, to construct a plan offering incentives to low- and mid-level Taliban fighters who are willing to lay down their weapons and recognize the Afghan Government's authority. Incentives would include amnesty and jobs programs for reintegrating former fighters. President Karzai has said he will be ready to

issue this plan within a month or so, and U.S. officials expect to be fully supportive. It will take a few months after that to make the plan operational. While there is apparently no progress to negotiate with higher level Taliban to end the violence and become politically active, it does not reduce the need to chip away at that lower level Taliban group.

We read in the press today that progress is being made, as a matter of fact, with local leaders in Afghanistan in that endeavor.

In conclusion, we saw some signs of progress on our visit in a number of critical ways—in training and equipping Afghan security forces; in partnering closely in the field with the Afghan security forces; in a perception and reality of optimism among the military, civilian officials, and the Afghan people; and in devising a plan for reintegrating Taliban fighters who lay down their arms. We have the right strategy and mission for stabilizing the security situation and transitioning responsibility for Afghanistan's future to the Afghan Army and people. While we are on the right track now, we have a long way to go before we can feel confident that the tide has turned.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2009

Mr. REID. Madam President, this has been a long time in coming—I think 7 or 8 months—and I have had the distinguished Republican leader contact me on more than one occasion asking when we were going to be able to move this bill. I appreciate his continuing to press to move this bill forward. We are at a point now where we think we have an opportunity to complete this today.

I also want to express my appreciation to my friend from the class of 1982 in the House of Representatives, JOHN MCCAIN, who has worked on this as hard as anyone and has pushed this as much as anyone, for his understanding as to how we should move forward.

So, Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 215, S. 2799; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. MCCAIN. Madam President, I reserve the right to object, though I will not object, but I just want to point out the importance of this legislation. I think it deserves a rollcall vote. In discussions with the majority leader and the Republican leader, we will hopefully get a rollcall vote on the conference report.

This situation in Iran is terrible, and it is worsening. People are dying in the streets of Iran as we speak. The amendment I had proposed and that I had hoped for—and maybe we can have the conferees include it—would have required the President to draw up a list of persons in Iran who have committed human rights abuses or actions of violence against Iranian civilians engaging in peaceful political activity. The amendment I would have proposed would require that the list be made public so the enemies and oppressors of the Iranian people can't hide from their crimes—the world would know their names—and then we could impose visa bans, asset freezes, financial and banking sanctions, et cetera.

In the streets of Iran today the Iranian students are chanting: Obama, Obama, are you with us or are you with them? I appreciate the President's recent statements in support of democracy in Iran. I am pleased to hear that. I am pleased to see articles, such as this one in Newsweek magazine—"Enough Is Enough"—and other support for serious action against Iran that some months ago did not support such action.

The time of the majority leader and the Republican leader is valuable, so I would just summarize by saying: This is an important issue, Madam President. We have a country on the road to acquisition of nuclear weapons. We have brutality and oppression in the streets. We have unspeakable brutality taking place in the prisons, and people have been killed. A young woman by the name of Neda bled to death on the street of Tehran before the entire world.

So I hope we will be able to impose these and other necessary actions against this tyrannical, oppressive, brutal regime in Iran that I think is coming apart. We want to be on their side, and we want the Iranian people to know we are on their side.

I appreciate the accommodation of the majority leader as well as the Republican leader, and I know they share my commitment, as does my esteemed and wonderful friend from Connecticut, Senator LIEBERMAN.

So I will not object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Senator from Arizona has the assurance of the two leaders—REID and MCCONNELL—that there will be a vote when this matter comes back from conference, and I am committed to getting it back just as quickly as we can.



The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Obviously, I will not be objecting. I just want to associate myself with the remarks of the Senator from Arizona and to thank him, as well as Senator LIEBERMAN, for their involvement in this issue, as well as the majority leader, and just make one comment.

Frequently, these kinds of unilateral sanction measures make little or no difference. This measure, however, is crafted in such a way that it could actually become effective, with America alone not having to depend on the cooperation of the other countries that tend to be less concerned about whether Iran ultimately becomes armed with nuclear weapons.

So this is an important piece of legislation, as the majority leader said, as Senator MCCAIN has said, and Senator LIEBERMAN has said. It can actually make a difference.

The time to act on this measure is long overdue.

A year ago, the administration came into office with the idea it would try to engage Tehran diplomatically in order to get it to halt its uranium enrichment program. And yet the past year has shown us that the Iranian regime is intent on acquiring the ability to develop a nuclear weapon. This is now abundantly clear.

Our straightforward proposal to provide Iran with nuclear fuel for civilian purposes in exchange for its stockpile of low enriched uranium failed to produce any concessions.

The Iranian regime has shown no interest in limiting its nuclear ambitions. And an entire year was lost as Iran moved closer and closer to its goal.

Some recent highlights from that lost year:

In September, the world learned of Iran's covert uranium enrichment facility in Qom.

That same month, Iran test fired a series of medium and longer range missiles that put U.S. bases in the gulf and our ally, Israel, within range.

In October, the U.N. Security Council and Germany offered to enrich Iran's uranium abroad—an offer that was met by more delay and obfuscation by Tehran.

Deadlines came and went. And just a few days ago, the U.N. Security Council failed to agree on a new round of sanctions.

So here we are, a year later. And what has been the result of diplomatic engagement?

Iran is closer to realizing its nuclear aspirations, and the U.S. has nothing to show for the outreach.

And here is what is at stake:

Standing by and permitting Tehran to satisfy its nuclear ambitions would pose a grave threat to American interests in the Middle East and South Asia.

The Iranian government is already a profoundly destabilizing influence in the region. It supports proxies in Iraq and Afghanistan that have killed U.S. and allied troops. It has threatened to wipe one of our closest allies, Israel, off the map. It supports terrorist organizations like Hezbollah and Hamas. It ruthlessly suppresses its own citizens for peaceful demonstrations.

If the Obama administration will not take action against this regime, then Congress must.

That is why we are proposing the Iran Refined Petroleum Sanctions Act.

This act would direct sanctions at one of Iran's biggest vulnerabilities: its low level refining capacity.

This is a point of leverage we must use sooner rather than later. Time is of the essence.

This legislation cleared the Republican side of the aisle several weeks ago.

We are eager for this measure to pass.

So I urge the Democratic leadership to call this legislation up immediately.

We have lost a year already. We can't afford any further delay.

I urge my colleagues to pass this bill.

Mr. DODD. Madam President, today we consider important legislation to confront a serious threat to the security of the U.S., of our close ally Israel, and of our other allies in the Middle East and Europe—the prospect of a nuclear-armed Iran. This is one of the most serious foreign policy challenges facing the United States today.

Before we move forward on this measure, let me outline briefly where we have been. In 2008, after careful consideration, the Banking Committee reported out a bipartisan bill to put pressure on the Iranian regime to come clean on its nuclear program, and end its illicit nuclear activities. Unfortunately, that bill never was considered on the Senate floor because of the obstruction of a handful of Senators.

In recent months, all of us have been deeply troubled to see the Iranian regime violently punishing its own citizens for pressing for fair elections.

And we have watched with growing concern the activities of the leaders of this troubled regime, including the continuing repression of their people, their deception about the previously secret nuclear enrichment facility at Qom, and their more recent threats to expand substantially Iran's uranium enrichment activity, in defiance of the demands of the international community and the U.N. Security Council.

Last fall, the committee held additional hearings, where we considered the views of a wide range of outside witnesses, and relevant administration officials, on policy options toward Iran. Senator SHELBY and I then worked with our committee colleagues to craft a comprehensive, bipartisan bill that was reported out of the Banking Com-

mittee unanimously in late October, by a vote of 23–0. The bill is comprehensive, and includes tougher sanctions; provisions which enable divestment by States and local governments from firms working in Iran's energy sector; and measures to combat the black market diversion of sensitive technology to Iran. On December 15, the House acted to approve overwhelmingly a more limited package of sanctions. I am pleased we will be able to finally act today on this comprehensive measure, also with the overwhelming support of this body.

Madam President, when he took office, President Obama adopted a two-track policy of engagement backed by the prospect of further sanctions, and I have supported his approach. He has worked tirelessly with our allies to try to bring Iran's leaders to the table to negotiate an end to their illicit nuclear activities or, failing that, to impose a range of new sanctions in hopes of changing Iran's behavior through more coercive diplomatic efforts.

Our legislation strengthens what has come to be known as the “pressure track.” Today we must send a clear signal to Iran's leaders that if they continue to defy the will of the international community, our Nation and other nations are prepared to confront them with tough new sanctions. I believe that the administration shares this conviction and applaud their work with our allies to develop multilateral agreements on a powerful new set of sanctions, should ongoing diplomatic efforts toward Iran fall short.

We must convince Iran's leaders that they face a clear choice. They can end the suppression of their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorists around the world. Or they can face sustained, progressively intensifying multilateral economic and diplomatic pressure—including tougher sanctions—and deepen their international isolation. And if they continue to refuse, they will then face the unilateral sanctions contained in this bill.

Our approach acknowledges the gross human rights abuses that Iran's people continue to suffer at the hands of Iran's security forces and the widening chasm that has opened between the regime and the people of Iran, as we witnessed again recently in the violent reaction of security forces to peaceful demonstrations. It contains a number of important human rights provisions, including Senator SCHUMER's measure to impose a sweeping ban on U.S. Government contracts on companies which provide communications monitoring or jamming technology to the government of Iran. Iran has reportedly expanded its monitoring and suppression activities, employing them widely again this month. This bill makes clear that those who help Iran's government to suppress the everyday speech and

internet communications of its people will be punished. That same point was made in the resolution adopted by the Senate just before Christmas, which I cosponsored, expressing our support for the human rights of the Iranian people. Senator MCCAIN has also raised with me today the prospect of his offering some additional human rights language, and I intend to work with him as we move toward conference on that issue.

Our bill also takes direct aim at Iran's illicit nuclear activities. It is clear that Iran's leaders are beginning to feel the heat of increased international pressure and the specter of biting sanctions, but more must be done. Following its public disclosure, Tehran has provided international inspectors with access to the nuclear site at Qum, but has taken other steps to limit cooperation with the IAEA. Iran's government had committed to sending most of its low-enriched uranium abroad for processing for medical purposes in October, but now rejects that approach and has decided to further provoke the international community by expanding its enrichment activities.

I suspect that only the prospect of intensified, sustained pressure by a coalition of countries will prompt these leaders to reconsider their position.

In order to maximize that pressure, just as we did last year, we have incorporated a number of ideas from our Senate colleagues into one committee bill.

Senators BAYH, LIEBERMAN, and KYL proposed penalties on companies that support Iran's import of refined petroleum products or bolster its domestic capacity.

Senators BROWNBACK and CASEY proposed authorizing state and local governments to divest from companies involved in critical business with Iran.

As I mentioned, Senator SCHUMER proposed banning government contracts to firms that provide technology used by the Iranian regime to monitor or disrupt communications of its citizens with one another and the outside world.

Senator MENENDEZ proposed targeting sanctions against Iran's Revolutionary Guard Corps, its affiliates and front organizations for supporting terrorism and contributing to proliferation, and Senator JOHANNES pressed for renewed targeting of Iran's proxy Hezbollah in the same way. Senator BUNNING urged tighter reporting requirements on sanctions.

In addition, we have incorporated our own proposals to tighten our trade embargo, enhance Treasury's mandate to freeze assets tied to terrorism and proliferation, crack down on the black market export of technology to the regime, expand the scope of other sanctions, and take other measures.

Madam President, instead of finalizing the preliminary agreement on

low-enriched uranium struck between Iranian negotiators and the P5 + 1 group in October, Iran's leadership now appears to have definitively rejected that offer, and has continued a pattern of belligerent behavior that is almost certain to result in tougher sanctions being imposed soon.

While some have argued that increased economic sanctions are unlikely to change the behavior of Iran's leaders, I believe a comprehensive approach coordinated with our allies—including the Europeans, moderate Arab states throughout the Middle East, India, and Russia and China who hold great sway with Iran's leaders—must contain a tough sanctions component if it is to succeed. I recognize that sanctions alone are not sufficient, and that multilateral sanctions are likely to be more effective than those we impose unilaterally.

Sanctions must be used as effective leverage, undertaken as part of a coherent, coordinated, comprehensive diplomatic and political strategy which tips the scale such that it is more beneficial for Iran to forswear its nuclear weapons ambitions and other behaviors that are undermining regional peace and stability.

We have worked closely with administration officials as we developed and refined this measure. They support much of what is in the bill. Even so, I recognize there are still some lingering concerns. Before we left for the holidays, the State Department sent a letter to Foreign Relations Committee Chairman KERRY, describing some of these concerns. They sought a general exemption from sanctions for companies from countries that are closely cooperating with the U.S. on multilateral efforts on Iran, a mechanism which could provide an additional incentive for certain countries to work with us on imposing tougher sanctions. I am open to discussing such an incentive mechanism as we move toward conference, as long as it would contain strict criteria for the President to make a determination about what, precisely, constitutes "close cooperation." There have been a number of discussions in recent weeks on how to craft such an exception, and we have made some progress. There are diplomatic efforts underway, led by the U.S. and others, to achieve a united approach at the U.N. Security Council on sanctions. I believe we can come to some agreement with the other body, and with the administration, on the remaining issues on this bill. I know that the administration shares our belief that we must augment current economic sanctions, and will continue to work with us on an appropriate mix of pressure tools as this process moves forward and the final version of the bill is developed.

Madam President, ultimately, I expect that different layers of additional

sanctions—from the U.N. Security Council, from a U.S.-led coalition of like-minded allies, and unilaterally from the U.S.—may prove necessary if we are to actually have a powerful effect on Iran's behavior. And even then there are no guarantees that they will be persuaded to reverse course. I hope our legislation will complement and reinforce ongoing diplomatic efforts, and send a clear signal to Iran's leaders of what is in store if they continue to flout the will of the international community.

I am grateful to Senator SHELBY and all of my colleagues on the Banking Committee, and those off the committee who have worked so hard in recent months to ensure that ours is a smart, targeted, yet comprehensive approach to Iran policy. Overwhelming Senate support for passage of this bill will send a clear signal of our resolve to bring an end to Iran's illicit nuclear activities, as the President continues to build a broad coalition of nations who share our concerns about Iran, and who are willing to join with us in imposing a tough, comprehensive regime of new sanctions. I know there are still some differences to be worked out with the House version, which is less comprehensive, and I look forward to working with my colleagues to develop a final version that will enjoy broad bipartisan support within both bodies, and the support of the President, as soon as possible. I thank my colleagues.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The question is on the passage of the bill.

The bill (S. 2799) was passed, as follows:

S. 2799

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress regarding illicit nuclear activities and violations of human rights in Iran.

#### TITLE I—SANCTIONS

Sec. 101. Definitions.

Sec. 102. Expansion of sanctions under the Iran Sanctions Act of 1996.

Sec. 103. Economic sanctions relating to Iran.

Sec. 104. Liability of parent companies for violations of sanctions by foreign subsidiaries.

Sec. 105. Prohibition on procurement contracts with persons that export sensitive technology to Iran.

Sec. 106. Increased capacity for efforts to combat unlawful or terrorist financing.

- Sec. 107. Reporting requirements.  
 Sec. 108. Sense of Congress regarding the imposition of sanctions on the Central Bank of Iran.  
 Sec. 109. Policy of the United States regarding Iran's Revolutionary Guard Corps and its affiliates.  
 Sec. 110. Policy of the United States with respect to Iran and Hezbollah.  
 Sec. 111. Sense of Congress regarding the imposition of multilateral sanctions with respect to Iran.

#### TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

- Sec. 201. Definitions.  
 Sec. 202. Authority of State and local governments to divest from certain companies that invest in Iran.  
 Sec. 203. Safe harbor for changes of investment policies by asset managers.  
 Sec. 204. Sense of Congress regarding certain ERISA plan investments.

#### TITLE III—PREVENTION OF TRANSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

- Sec. 301. Definitions.  
 Sec. 302. Identification of locations of concern with respect to transshipment, reexportation, or diversion of certain items to Iran.  
 Sec. 303. Destinations of Possible Diversion Concern and Destinations of Diversion Concern.  
 Sec. 304. Report on expanding diversion concern system to countries other than Iran.

#### TITLE IV—EFFECTIVE DATE; SUNSET

- Sec. 401. Effective date; sunset.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illicit nuclear activities of the Government of Iran and its support for international terrorism represent threats to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty").

(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to prevent Iran from acquiring a nuclear weapons capability.

(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its illicit nuclear activities.

(6) There is an increasing interest by States, local governments, educational institutions, and private institutions to seek to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities

may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

(7) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

(8) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights and religious freedom, including illegitimate prolonged detention, torture, and executions. Such violations have increased in the aftermath of the presidential election in Iran on June 12, 2009.

#### SEC. 3. SENSE OF CONGRESS REGARDING ILLICIT NUCLEAR ACTIVITIES AND VIOLATIONS OF HUMAN RIGHTS IN IRAN.

It is the sense of Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran;

(2) additional measures should be adopted by the United States to prevent the diversion and transshipment of sensitive dual-use technologies to Iran;

(3) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran;

(4) the people of the United States—

(A) have a long history of friendship and exchange with the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship;

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem; and

(D) remain deeply concerned about continuing human rights abuses in Iran;

(5) the President should—

(A) continue to press the Government of Iran to respect the internationally recognized human rights and religious freedoms of its citizens;

(B) identify the officials of the Government of Iran that are responsible for continuing and severe violations of human rights and religious freedom in Iran; and

(C) take appropriate measures to respond to such violations, including by—

(i) prohibiting officials the President identifies as being responsible for such violations from entry into the United States; and

(ii) freezing the assets of those officials; and

(6) additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran conducted on June 12, 2009.

#### TITLE I—SANCTIONS

##### SEC. 101. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term "family member" means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term "information and informational materials" includes publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds.

(6) INVESTMENT.—The term "investment" has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term "Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran" has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

#### SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended by striking subsection (a) and inserting the following:

"(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

"(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

"(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6(a) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009—

"(i) makes an investment described in subparagraph (B) of \$20,000,000 or more; or

"(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is at least \$5,000,000 and such investments equal or exceed \$20,000,000 in the aggregate.

"(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.

"(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

"(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any other sanctions imposed under this subsection) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009, sells, leases, or provides to Iran any goods, services, technology, information, or support described in subparagraph (B)—

"(i) any of which has a fair market value of \$200,000 or more; or

"(ii) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.

“(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran’s domestic production of refined petroleum products, including any assistance with respect to construction, modernization, or repair of petroleum refineries.

“(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

“(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) (in addition to any other sanctions imposed under this subsection) with respect to a person if the President determines that the person, with actual knowledge, on or after the effective date of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009—

“(i) provides Iran with refined petroleum products—

“(I) that have a fair market value of \$200,000 or more; or

“(II) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more; or

“(ii) sells, leases, or provides to Iran any goods, services, technology, information, or support described in subparagraph (B)—

“(I) any of which has a fair market value of \$200,000 or more; or

“(II) that, during a 12-month period, have an aggregate fair market value of \$1,000,000 or more.

“(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, or support that could directly and significantly contribute to the enhancement of Iran’s ability to import refined petroleum products, including—

“(i) underwriting or otherwise providing insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

“(ii) financing or brokering such sale, lease, or provision; or

“(iii) providing ships or shipping services to deliver refined petroleum products to Iran.”.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking “The sanctions to be imposed on a sanctioned person under section 5 are as follows:” and inserting the following:

“(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under subsections (a)(1) and (b) of section 5 are as follows:”;

(2) by adding at the end the following:

“(b) ADDITIONAL SANCTIONS.—The sanctions to be imposed on a sanctioned person under paragraphs (2) and (3) of section 5(a) are as follows:

“(1) FOREIGN EXCHANGE.—The President shall, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange by the sanctioned person.

“(2) BANKING TRANSACTIONS.—The President shall, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person.

“(3) PROPERTY TRANSACTIONS.—The President shall, pursuant to such regulations as

the President may prescribe and subject to the jurisdiction of the United States, prohibit any person from—

“(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property with respect to which the sanctioned person has any interest;

“(B) dealing in or exercising any right, power, or privilege with respect to such property; or

“(C) conducting any transactions involving such property.”.

(c) REPORT RELATING TO PRESIDENTIAL WAIVER.—Section 9(c)(2) of such Act is amended by striking subparagraph (C) and inserting the following:

“(C) an estimate of the significance of the conduct of the person in contributing to the ability of Iran to, as the case may be—

“(i) develop petroleum resources, produce refined petroleum products, or import refined petroleum products; or

“(ii) acquire or develop—

“(I) chemical, biological, or nuclear weapons or related technologies; or

“(II) destabilizing numbers and types of advanced conventional weapons; and”.

(d) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (13)(B)—

(A) by inserting “financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate thereof,” after “trust,”; and

(B) by inserting “, such as an export credit agency” before the semicolon at the end;

(2) in paragraph (14), by striking “petroleum and natural gas resources” and inserting “petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas”;

(3) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively; and

(4) by inserting after paragraph (14) the following:

“(15) REFINED PETROLEUM PRODUCTS.—The term ‘refined petroleum products’ means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.”.

(e) CONFORMING AMENDMENT.—Section 4 of such Act is amended—

(1) in subsection (b)(2), by striking “(in addition to that provided in subsection (d))”;

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

#### SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the effective date of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of Iranian origin may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article of United States origin may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) except as provided in subparagraph (C), information or informational materials;

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations promulgated by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate; or

(v) goods, services, or technologies that—

(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran;

(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran; or

(III) the President determines to be necessary to the national interest of the United States.

(C) SPECIAL RULE WITH RESPECT TO INFORMATION AND INFORMATIONAL MATERIALS.—Notwithstanding subparagraph (B)(iii), information and informational materials of United States origin may not be exported directly or indirectly to Iran—

(i) if the exportation of such information or informational materials is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) if such information or informational materials are information or informational materials with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (including Iran’s Revolutionary Guard Corps and its affiliates), that satisfy the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or are otherwise subject to sanctions under any other provision of law, the President shall take such action as may be necessary to freeze, as soon as possible, the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2009. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named

to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) **ASSET REPORTING REQUIREMENT.**—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees. Such a report may contain a classified annex.

(4) **UNITED STATES GOVERNMENT CONTRACTS.**—The head of an executive agency may not procure, or enter into a contract for the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(c) **WAIVER.**—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

**SEC. 104. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.**

(a) **DEFINITIONS.**—In this section:

(1) **ENTITY.**—The term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

(2) **OWN OR CONTROL.**—The term “own or control” means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) **SUBSIDIARY.**—The term “subsidiary” means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) **IN GENERAL.**—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines, pursuant to such regulations as the President may prescribe, that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) **WAIVER.**—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Subsection (b) shall take effect on the date of the enactment of this

Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) **EXCEPTION.**—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after the date of the enactment of this Act.

**SEC. 105. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO IRAN.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract for the procurement of goods or services with a person that exports sensitive technology to Iran.

(b) **WAIVER.**—The President may waive the application of the prohibition under subsection (a) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to Congress a report describing the reasons for the determination.

(c) **SENSITIVE TECHNOLOGY DEFINED.**—The term “sensitive technology” means hardware, software, telecommunications equipment, or any other technology that the President determines is to be used specifically—

(1) to restrict the free flow of unbiased information in Iran; or

(2) to disrupt, monitor, or otherwise restrict speech of the people of Iran.

**SEC. 106. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.**

(a) **FINDING.**—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.**—There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) \$64,611,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of the fiscal years 2011 and 2012.

(c) **AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.**—Section 310(d)(1) of title 31, United States Code, is amended by striking “such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005” and inserting “\$104,260,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 and 2012”.

**SEC. 107. REPORTING REQUIREMENTS.**

(a) **REPORT ON INVESTMENT AND ACTIVITIES THAT MAY BE SANCTIONABLE UNDER IRAN SANCTIONS ACT OF 1996.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report containing—

(A) a description of—

(i) any foreign investments of \$20,000,000 or more that contribute directly and significantly to the enhancement of Iran’s ability to develop petroleum resources made during the period described in paragraph (2);

(ii) any sale, lease, or provision to Iran during the period described in paragraph (2) of any goods, services, technology, information, or support that would facilitate the maintenance or expansion of Iran’s domestic production of refined petroleum products; and

(iii) any refined petroleum products provided to Iran during the period described in paragraph (2) and any other activity that could contribute directly and significantly to the enhancement of Iran’s ability to import refined petroleum products during that period;

(B) with respect to each investment or other activity described in subparagraph (A), an identification of—

(i) the date or dates of the investment or activity;

(ii) the steps taken by the United States to respond to the investment or activity;

(iii) the name and United States domiciliary of any person that participated or invested in or facilitated the investment or activity; and

(iv) any Federal Government contracts to which any person referred to in clause (iii) are parties; and

(C) the determination of the President with respect to whether each such investment or activity qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(2) **PERIOD DESCRIBED.**—The period described in this paragraph is the period beginning on January 1, 2009, and ending on the date on which the President submits the report under paragraph (1).

(b) **SUBSEQUENT REPORTS.**—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees an updated version of the report required under subsection (a) that contains the information required under that subsection for the 180-day period preceding the submission of the updated report.

(c) **FORM OF REPORTS; PUBLICATION.**—A report submitted under subsection (a) or (b) shall be submitted in unclassified form, but may contain a classified annex. The unclassified portion of the report shall be published in the Federal Register.

**SEC. 108. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.**

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

**SEC. 109. POLICY OF THE UNITED STATES REGARDING IRAN’S REVOLUTIONARY GUARD CORPS AND ITS AFFILIATES.**

It is the sense of Congress that the United States should—

(1) continue to target Iran’s Revolutionary Guard Corps persistently with economic sanctions for its support for terrorism, its role in proliferation, and its oppressive activities against the people of Iran; and

(2) impose sanctions, including travel restrictions, sanctions authorized pursuant to this Act, and the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), on—

(A) any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps and is designated for the imposition of sanctions by the President;

(B) any individual or entity who—

(i) has provided material support to Iran's Revolutionary Guard Corps or any of its affiliates designated for the imposition of sanctions by the President; or

(ii) has conducted any financial or commercial transaction with Iran's Revolutionary Guard Corps or any of its affiliates so designated; and

(C) any foreign government found—

(i) to be providing material support to Iran's Revolutionary Guard Corps or any of its affiliates designated for the imposition of sanctions by the President; or

(ii) to have conducted any commercial transaction or financial transaction with Iran's Revolutionary Guard Corps or any of its affiliates so designated.

#### **SEC. 110. POLICY OF THE UNITED STATES WITH RESPECT TO IRAN AND HEZBOLLAH.**

It is the sense of Congress that the United States should—

(1) continue to counter support received by Hezbollah from the Government of Iran and other foreign governments in response to Hezbollah's terrorist activities and the threat Hezbollah poses to Israel, the democratic sovereignty of Lebanon, and the national security interests of the United States;

(2) impose the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on Hezbollah, its designated affiliates and supporters, and persons providing Hezbollah with commercial, financial, or other services;

(3) urge the European Union, individual countries in Europe, and other countries to classify Hezbollah as a terrorist organization to facilitate the disruption of Hezbollah's operations; and

(4) renew international efforts to disarm Hezbollah and disband its militias in Lebanon, as called for by United Nations Security Council Resolutions 1559 (2004) and 1701 (2006).

#### **SEC. 111. SENSE OF CONGRESS REGARDING THE IMPOSITION OF MULTILATERAL SANCTIONS WITH RESPECT TO IRAN.**

It is the sense of Congress that—

(1) in general, multilateral sanctions are more effective than unilateral sanctions at achieving desired results from countries such as Iran;

(2) the President should continue to work with allies of the United States to impose such sanctions as may be necessary to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(3) the United States should continue to consult with the 5 permanent members of the United Nations Security Council and Germany (commonly referred to as the "P5-plus-1") and other interested countries regarding imposing new sanctions with respect to Iran in the event that diplomatic efforts to prevent Iran from acquiring a nuclear weapons capability fail.

#### **TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN**

##### **SEC. 201. DEFINITIONS.**

In this title:

(1) **ENERGY SECTOR.**—The term "energy sector" refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) **FINANCIAL INSTITUTION.**—The term "financial institution" has the meaning given that term in section 14(5) of the Iran Sanc-

tions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) **IRAN.**—The term "Iran" includes any agency or instrumentality of Iran.

(4) **PERSON.**—The term "person" means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) **STATE OR LOCAL GOVERNMENT.**—The term "State or local government" includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

#### **SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States Government should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as that country is subject to economic sanctions imposed by the United States.

(b) **AUTHORITY TO DIVEST.**—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) **INVESTMENT ACTIVITIES DESCRIBED.**—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of \$20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends \$20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) **REQUIREMENTS.**—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) **NOTICE.**—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) **TIMING.**—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) **OPPORTUNITY FOR HEARING.**—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) **SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.**—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) **NOTICE TO DEPARTMENT OF JUSTICE.**—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) **NONPREEMPTION.**—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) **DEFINITIONS.**—In this section:

(1) **INVESTMENT.**—The "investment" of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) **ASSETS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) **EXCEPTION.**—The term "assets" does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) **NOTICE REQUIREMENTS.**—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

#### **SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

(a) **IN GENERAL.**—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended to read as follows:

"(1) **IN GENERAL.**—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

"(A) conduct or have direct investments in business operations in Sudan described in

section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

“(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009.”.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

**SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.**

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.08-1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

**TITLE III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN**

**SEC. 301. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **END-USER.**—The term “end-user” means an end-user as that term is used in the Export Administration Regulations.

(3) **EXPORT ADMINISTRATION REGULATIONS.**—The term “Export Administration Regulations” means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(4) **GOVERNMENT.**—The term “government” includes any agency or instrumentality of a government.

(5) **IRAN.**—The term “Iran” includes any agency or instrumentality of Iran.

(6) **STATE SPONSOR OF TERRORISM.**—The term “state sponsor of terrorism” means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(7) **TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.**—The term “transshipment, re-

exportation, or diversion” means the exportation, directly or indirectly, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity in Iran in violation of the laws or regulations of the United States by any means, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

**SEC. 302. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity in Iran.

**SEC. 303. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.**

(a) **DESTINATIONS OF POSSIBLE DIVERSION CONCERN.**—

(1) **DESIGNATION.**—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) **STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.**—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) **GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.**—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) **DESTINATIONS OF DIVERSION CONCERN.**—

(1) **DESIGNATION.**—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines—

(A) that the government of the country allows substantial transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities in Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) **LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.**—

(A) **REPORT ON SUSPECT ITEMS.**—

(i) **IN GENERAL.**—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) **CONSIDERATIONS FOR LIST.**—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) **LICENSING REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(C) **WAIVER.**—The President may waive the imposition of the licensing requirement under subparagraph (B) with respect to a country designated as a Destination of Diversion Concern if the President—

(i) determines that such a waiver is in the national interest of the United States; and

(ii) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) **TERMINATION OF DESIGNATION.**—The designation of a country as a Destination of



Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities in Iran.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.**

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasibility and advisability of expanding the system established under section 303 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

**TITLE IV—EFFECTIVE DATE; SUNSET**

**SEC. 401. EFFECTIVE DATE; SUNSET.**

(a) **EFFECTIVE DATE.**—Except as provided in sections 104, 202, and 303(b)(2), the provisions of, and amendments made by, this Act shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) **SUNSET.**—The provisions of this Act shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

Mr. REID. Madam President, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, I am pleased that the Senate just passed S. 2799, the Comprehensive Iran Sanctions, Accountability, and Divestment

Act of 2009 and I thank Senators DODD, KERRY, SHELBY, LIEBERMAN, BAYH, KYL and many others who have worked so hard to get this important legislation passed.

I believe that passing this legislation is critical to send Iran the message that the United States is serious about keeping Iran from acquiring nuclear weapons capability. This legislation would impose new sanctions on Iran's refined petroleum sector and tighten existing U.S. sanctions in an effort to create new pressure on the Iranian regime and help stop Iran from acquiring a nuclear weapon.

We have all watched the Iranian regime oppress its own people on the streets of Iran. And we have watched them continue to defy the international community on nuclear issues.

That is why it is so important that we move this legislation forward quickly. I know that a number of Senators had concerns, or changes they wanted to make to this legislation, including Senator MCCAIN, who has an amendment he wanted to offer on human rights on Iran. I am committed to working with him, and others, as we move forward in conference.

**CITIZENS UNITED CASE**

Mr. MCCONNELL. Madam President, last night, the President spoke about many things. I would like to focus for a moment on one of them: his comments related to the Supreme Court's recent decision in *Citizens United vs. Federal Election Commission*. This is an issue to which I have devoted a great deal of time over the years, so I think it is important to set the record straight as to what the court did and did not do in this very important, and in my view, correct ruling.

Here's what the President said:

Last week, the Supreme Court reversed a century of law to open the floodgates for special interests—including foreign corporations—to spend without limit in our elections.

That is what the President said last night.

Here is why he is wrong.

According to title 2 of U.S.C. Section 441e:

Foreign nationals, specifically defined to include foreign corporations, are prohibited from “directly or indirectly” making “a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State or local election.”

The statute goes on to prohibit foreign corporations from making any contribution or donation to any committee of any political party. Foreign corporations are also prohibited from making any “expenditure, independent expenditure, or disbursement for an electioneering communication.”

None of these prohibitions were at issue in the *Citizens United* case.

In other words, foreign corporations were prohibited from participating in U.S. elections before the *Citizens United* decision and they still are—unambiguously.

Let me make that perfectly clear: *Citizens United* did not change one thing in current law regarding the prohibition on foreign corporations engaging in U.S. elections. That law remains unchanged.

Further, the Federal Election Commission whom has been very clear in defining this what this prohibition means.

Here's what the FEC's regulation states:

A foreign national shall not direct, dictate, control, or directly or indirectly participate in the decision making process of any person, such as a corporation, labor organization, political committee, or political organization with regard to such person's Federal or non-Federal election-related activities, such as decisions concerning the making of contributions, donations, expenditures, or disbursements in connection with elections for any Federal, State, or local office or decisions concerning the administration of a political committee.

So the law on this matter is crystal clear. Contrary to what the President, and some of his surrogates in Congress say, foreign persons, corporations, partnerships, associations, organizations or other combination of persons are strictly prohibited from any participation in U.S. elections, just as they were prohibited before the Supreme Court's *Citizens United* decision.

I have explained what the ruling did not do. Now let me explain what the ruling did do.

The Court ruled unconstitutional sections of Federal law that barred corporations and unions from spending their own money to express their views about issues and candidates.

This was the right decision because democracy depends upon free speech, not just for some but for all. As Justice Kennedy, writing for the majority, concluded:

Under our law and our tradition it seems stranger than fiction for our Government to make political speech a crime.

In *Citizens United* the Court ended the suppression of corporate and union speech.

Another way to look at it is prior to *Citizens United*, if you were a corporation that owned a media company you could say anything you wanted to 365 days a year without government interference. But if you were a corporation or union that did not own a media company, you couldn't. All this decision did was to level the playing field and strike an important blow for the first amendment and for free speech in our country, a decision that should be applauded by all, but at the very least not misinterpreted.

(Mr. BURRIS assumed the Chair.)

## BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the fourth budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2010, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The report shows the effects of Congressional action through January 25, 2010, and includes the effects of legislation since I filed my last report for fiscal year 2010 on August 4, 2009. The new legislation includes:

P.L. 111-47, an act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program;

P.L. 111-68, an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes;

P.L. 111-69, the Fiscal Year 2010 Federal Aviation Administration Extension Act;

P.L. 111-80, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010;

P.L. 111-83, the Department of Homeland Security Appropriations Act, 2010;

P.L. 111-84, the National Defense Authorization Act for Fiscal Year 2010;

P.L. 111-85, the Energy and Water Development and Related Agencies Appropriations Act, 2010;

P.L. 111-88, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010;

P.L. 111-92, the Worker, Homeownership, and Business Assistance Act of 2009;

P.L. 111-96, an act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes;

P.L. 111-115, the No Social Security Benefits for Prisoners Act of 2009;

P.L. 111-117, the Consolidated Appropriations Act, 2010;

P.L. 111-118, the Department of Defense Appropriations Act, 2010;

P.L. 111-124, an act to extend the Generalized System of Preferences and

the Andean Trade Preference Act, and for other purposes; and

P.L. 111-126, an act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2010 current level spending is \$17.9 billion below the level provided for in the budget resolution for budget authority, while it is \$5.6 billion above it for outlays. For revenues, current level shows that \$18.6 billion in room remains relative to the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, January 28, 2010.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through January 20, 2010. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter, dated August 4, 2009, the Congress has cleared and President has signed the following acts which affect budget authority, outlays, or revenues for fiscal year 2010:

An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (Public Law 111-47);

An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111-68);

Fiscal Year 2010 Federal Aviation Administration Extension Act (Public Law 111-69);

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80);

Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83);

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84);

Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85);

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010 (Public Law 111-88);

Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92);

An act to allow the funding for interoperable emergency communication grants program . . . and for other purposes (Public Law 111-96);

No Social Security Benefits for Prisoners Act of 2009 (Public Law 111-115);

Consolidated Appropriations Act, 2010 (Public Law 111-117);

Department of Defense Appropriations Act, 2010 (Public Law 111-118);

An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes (Public Law 111-124); and

An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (Public Law 111-126).

Sincerely,

DOUGLAS W. ELMENDORF,

Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JANUARY 25, 2010

[In billions of dollars]

|  | Budget resolution <sup>1</sup> | Current level <sup>2</sup> | Current level over/under (—) resolution |
|--|--------------------------------|----------------------------|---|
| <b>ON-BUDGET</b>                           |                                |                            |   |
| Budget Authority .....                     | 2,887.9                        | 2,869.9                    | — 17.9                                  |
| Outlays .....                              | 3,006.7                        | 3,012.3                    | 5.6                                     |
| Revenues .....                             | 1,614.8                        | 1,633.3                    | 18.6                                    |
| <b>OFF-BUDGET</b>                          |                                |                            |   |
| Social Security Outlays <sup>3</sup> ..... | 544.1                          | 544.1                      | 0.0                                     |
| Social Security Revenues .....             | 668.2                          | 668.2                      | 0.0                                     |

<sup>1</sup> S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes \$10.4 billion in budget authority and \$5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

<sup>2</sup> Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JANUARY 25, 2010

[In millions of dollars]

|  | Budget authority | Outlays   | Revenues  |
|--|------------------|-----------|-----------|
| <b>Previously Enacted:<sup>1</sup></b>   |                  |           |           |
| Revenues .....   | n.a.             | n.a.      | 1,665,986 |
| Permanents and other spending legislation .....  | 1,637,423        | 1,621,675 | n.a.      |
| Appropriation legislation .....  | 0                | 600,500   | n.a.      |
| Offsetting receipts .....  | — 690,251        | — 690,251 | n.a.      |
| Total, previously enacted .....  | 947,172          | 1,531,924 | 1,665,986 |
| <b>Enacted this session:</b>   |                  |           |           |
| <b>Authorizing Legislation:</b>  |                  |           |           |
| Helping Families Save Their Homes Act of 2009 (P.L. 111-22) .....  | 318              | 11,346    | 0         |
| An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111-31) ..... | 10               | 13        | 46        |
| An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111-39) .....   | 32               | 36        | 0         |

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JANUARY 25, 2010—Continued

(In millions of dollars)

|  | Budget authority | Outlays   | Revenues  |
|--|------------------|-----------|-----------|
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 111-42) ..... | 0                | 0         | 6,862     |
| An act to authorize the Director of the United States Patent and Trademark Office to use funds . . . and for other purposes (P.L. 111-45) .....                        | 0                | 65        | 0         |
| Judicial Survivors Protection Act of 2009 (P.L. 111-49) .....  | —1               | —1        | 0         |
| Fiscal Year 2010 Federal Aviation Administration Extension Act (P.L. 111-69) .....   | 180              | 0         | 0         |
| National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-84) .....  | 8                | 8         | 20        |
| Worker, Homeownership, and Business Assistance Act of 2009 (P.L. 111-92) .....   | 5,708            | 5,708     | —38,940   |
| An act to allow the funding for the interoperable emergency communications grant program . . . and for other purposes (P.L. 111-96) .....                              | 0                | —350      | 0         |
| No Social Security Benefits for Prisoners Act of 2009 (P.L. 111-115) .....   | —12              | —12       | 0         |
| Department of Defense Appropriations Act, 2010 (Division B of P.L. 111-118) <sup>3</sup> .....   | 1,260            | 1,260     | 0         |
| An act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes (P.L. 111-124) .....                                | 0                | 0         | —589      |
| An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti (P.L. 111-126) .....               | 0                | 0         | —40       |
| Total, authorizing legislation enacted this session .....  | 7,503            | 18,073    | —32,641   |
| <b>Appropriations Acts:</b>  |                  |           |           |
| Supplemental Appropriations Act, 2009 (P.L. 111-32) <sup>2</sup> .....   | 11               | 33,530    | 0         |
| An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111-68) .....                      | 4,656            | 3,914     | 0         |
| Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80) .....  | 119,826          | 96,198    | 0         |
| Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83) .....   | 44,137           | 26,619    | 0         |
| Energy and Water Development and Related Agencies Appropriations Act, 2010 (P.L. 111-85) .....   | 33,465           | 19,573    | 0         |
| Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 and Further Continuing Appropriations, 2010 (P.L. 111-88) .....                 | 32,760           | 20,543    | 0         |
| Consolidated Appropriations Act, 2010 (P.L. 111-117) .....   | 1,058,293        | 856,752   | 0         |
| Department of Defense Appropriations Act, 2010 (Division A of P.L. 111-118) .....  | 636,626          | 403,122   | 0         |
| Total, appropriations acts enacted this session .....  | 1,929,774        | 1,460,251 | 0         |
| <b>Entitlements and mandatory:</b>   |                  |           |           |
| Budget resolution estimates of appropriated entitlements and other mandatory programs .....  | —14,500          | 2,066     | 0         |
| Total Current Level <sup>2 4 5</sup> .....   | 2,869,949        | 3,012,314 | 1,633,345 |
| Total Budget Resolution <sup>4</sup> .....   | 2,898,207        | 3,012,191 | 1,614,788 |
| Adjustment to the budget resolution for disaster allowance <sup>5</sup> .....  | —10,350          | —5,448    | n.a.      |
| Adjusted Budget Resolution .....   | 2,887,857        | 3,006,743 | 1,614,788 |
| Current Level Over Budget Resolution .....   | n.a.             | 5,571     | 18,557    |
| Current Level Under Budget Resolution .....  | 17,908           | n.a.      | n.a.      |

<sup>1</sup> Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5), and the Omnibus Appropriations Act, 2009 (P.L. 111-8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

<sup>2</sup> Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

|  | Budget authority | Outlays | Revenues |
|--|------------------|---------|----------|
| Supplemental Appropriations Act, 2009 (P.L. 111-32) .....  | 17               | 7,064   | —2       |
| An act making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program (P.L. 111-47) ..... | 0                | 2,000   | —3       |
| Department of Defense Appropriations Act, 2010 (Division B of P.L. 111-118) .....  | 12,025           | 11,976  | —4,470   |
| Total, amounts designated as emergency .....   | 12,042           | 21,040  | —4,475   |

<sup>3</sup> At the direction of the Senate Committee on the Budget, Division B of the Department of Defense Appropriations Act, 2010 (P.L. 111-118) is considered authorizing legislation.

<sup>4</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

<sup>5</sup> The estimate for P.L. 111-46, an act to restore the Highway Trust Fund, and for other purposes, does not change current level totals. P.L. 111-46 appropriated \$7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111-46 reversed this policy and will restore payments to states at levels already assumed in current level. Thus, no change is required.

<sup>6</sup> Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

|   | Budget authority | Outlays   | Revenues  |
|---|------------------|-----------|-----------|
| Original Budget Resolution Totals .....   | 2,888,691        | 3,001,311 | 1,653,682 |
| <b>Revisions:</b>   |                  |           |           |
| For the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....   | 5                | 2,004     | 0         |
| For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) .....                      | 0                | 0         | 40        |
| For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5)) .....  | 3,766            | 2,355     | 0         |
| For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307) ..... | 10               | 13        | 6         |
| For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....  | 6                | —1,175    | 0         |
| For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303) .....  | 32               | 36        | 0         |
| For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4)) .....  | —11              | —11       | 0         |
| For an amendment in the nature of substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009 (sections 306(f) and 306(b)) .....   | 5,708            | 5,708     | —38,940   |
| For the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....   | 12,500           | 11,500    | 9,100     |
| For the Department of Defense Appropriations Act, 2010 (section 401(c)(4)) .....  | 0                | 1,950     | 0         |
| For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....  | —5,220           | —6,670    | —9,630    |
| For further revisions to the Patient Protection and Affordable Care Act of 2009 (section 301(a)) .....  | —7,280           | —4,830    | 530       |
| Revised Budget Resolution Totals .....  | 2,898,207        | 3,012,191 | 1,614,788 |

<sup>7</sup> S. Con. Res. 13 includes \$10,350 million in budget authority and \$5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

## RECOGNIZING PENOBSCOT BAY MEDICAL CENTER

Ms. SNOWE. Mr. President, nearly 2 weeks ago we first witnessed the devastation that came about as a result of the massive earthquake in Haiti. As millions of Americans watched the heart-wrenching scenes on television, we united as a people to send millions of dollars and tons of supplies to the Haitian people through dozens of established and respected relief organiza-

tions. Nonetheless, tens of thousands of Haitians remain displaced, without food or shelter, and many are still in need of urgent medical attention. I rise today to recognize the efforts of Penobscot Bay Medical Center, a small hospital in my home State of Maine, to bring help to the people of Haiti in this time of tragedy.

The Penobscot Bay Medical Center got its start as an 11-bed hospital in 1901. Known then as the Knox County

General Hospital, the small facility was run at that time by nine doctors. Over the years, the hospital had undergone renovations and grown into its present full-service, 109-bed location. Penobscot Bay employs a medical staff of over 85 physicians, allowing the hospital to offer its patients an extensive range of specialty and subspecialty services.

The hospital was named to the 2008 Harvard Pilgrim Health Care Hospital

Honor Roll for being among the top 25 percent of acute care hospitals evaluated nationally by the health plan. Additionally, the Maine State Employee Health Commission has repeatedly recognized Penobscot Bay Medical Center as a tier 1 hospital, and the Maine Health Management Coalition's Pathways to Excellence Hospital Measurement and Reporting Initiative has given the facility multiple blue ribbon awards based on its performance in a number of critical safety and clinical quality areas.

Through the generosity of the hospital, three doctors—general surgeon Douglas Cole, urologist Lars Ellison, and orthopedist Kevin Olehnik—departed Maine en route to Haiti last Wednesday. Having been to the Caribbean nation in the past, as part of a Notre Dame Haiti Program trip in 2008, the doctors are all familiar with the people and places of Haiti. The Notre Dame Haiti Program, which is led by Father Tom Streit of the University of Notre Dame in Indiana, is dedicated to fighting lymphatic filariasis, a parasitic disease caused by microscopic, thread-like worms spread through infected mosquitoes. More than 26 percent of the Haitian population has the disease, which is prevalent in the subtropical regions of Asia and Africa, as well as parts of the Caribbean. In fact, the doctors were set to return to Haiti in February to help dozens more people through the Notre Dame Haiti Program. Yet after hearing about the earthquake, the doctors decided to fly to Haiti as quickly as possible to help with the ongoing relief efforts. They are in the country for a week or two, helping people with broken bones and performing other general surgeries. Their generosity is overwhelming, and it is a true testament to the magnanimous spirit of the resolute people of Maine.

We are defined as a people by what we do in times of tragedy, and I am proud to say that these three Mainers have gone above and beyond their Hippocratic Oath to willingly put their lives on hold in order to help the less fortunate in Haiti. They are extraordinary examples of how the American people time and again respond so charitably to the misfortunes of others. I commend Drs. Cole, Ellison, and Olehnik for their selfless service to others in this time of catastrophe, and I thank everyone at Penobscot Bay Medical Center for the remarkable work they do day in and day out to keep Mainers healthy.

#### TRIBUTE TO PAMELA GAVIN

Mr. LIEBERMAN. Mr. President, I rise today to salute Pamela Gavin, who retires this week after serving as Superintendent of the Senate Office of Public Records for 24 years.

In her service to the Senate, Pam has had the enormous responsibility of

maintaining disclosure records under numerous laws, including those under the Federal Election Campaign Act, the Ethics in Government Act, and the Lobbying Disclosure Act. Tens of thousands of new records a year must be archived, adding to the already massive papers in this collection, and Pam's stewardship has been impeccable.

I especially want to pay tribute today to Pam's contributions to the implementation of the Lobbying Disclosure Act. As the Committee on Homeland Security worked to draft expansive changes to the Lobbying Disclosure Act, which were included in the Honest Leadership and Open Government Act of 2007, Pam provided indispensable technical expertise. And after the act was signed into law, she worked tirelessly to make sure its implementation was smooth. She has been the driving force behind the development of an electronic filing system, providing guidance to the lobbying community to assist it in complying with the law, and ensuring access to researchers, reporters and the public.

Pam is someone who understands that we can increase accountability through transparency, and in pursuit of that goal she has been a model not only for the Senate but for the entire government.

Those who have worked closely with Pam will miss her cheerful smile, her enthusiasm, and warm consideration of all her colleagues. Although she is retiring, she will always be a dear member of the Senate community, and I wish her and her family the very best as she embarks on this new stage of her life.

#### 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ-BIRKENAU

Mr. LEMIEUX. Mr. President, this week marks the 65th anniversary of the liberation of the Auschwitz-Birkenau Nazi concentration camp. It was 65 years ago this week when the Soviet army entered Auschwitz and liberated more than 7,000 prisoners. It is estimated that a minimum of 1.1 million people were murdered in the camp as part of the Nazis' deliberate and systematic campaign to exterminate as many as 6 million European Jews and Roma. Winston Churchill called it a "crime that has no name."

Stories from the survivors are a chilling reminder of the unspeakable horrors that can be perpetrated by evil men when the forces of good are slow to respond. Some of these personal testimonies are preserved in museums around our Nation, including the U.S. Holocaust Memorial Museum.

In 1948, the United Nations pledged in the Genocide Convention that the horrors of the Holocaust would "never again" be repeated. Sadly, this pledge

has not been upheld. In Cambodia, Rwanda, Bosnia, and Sudan people have been murdered solely on the basis of their national, ethnic and religious affiliations.

I urge my colleagues and members of the international community to renew our commitment to "never again" allow genocide to take place. I also call upon the Obama administration to continue upholding our pledge to protecting the personal freedoms of individuals around the globe.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO NORTH DAKOTA'S ELECTRICAL LINEMEN

• Mr. CONRAD. Mr. President, today I wish honor the brave crews of electrical line workers who helped restore power to thousands of North Dakotans.

Within the last week, severe weather hit the southwestern part of my State. These storms brought fierce winds, freezing rains, and eventually blizzard conditions. Ice coated miles of power lines, causing them to fail under the extra weight. Thousands of homes and businesses were left without electricity.

Severe weather is nothing new to North Dakotans. But living in a home without electricity during the depths of winter is an alarming prospect.

Thankfully, dedicated repair linemen immediately went to work. While I know these crews would tell me they are just doing their jobs, I think it is important to step back at a time like this and recognize the importance of their work. Repairing high-voltage power lines while battling subzero temperatures and strong prairie winds is a downright dangerous job. But these repair linemen work tirelessly in adverse conditions because they know their fellow North Dakotans depend on them.

Many people in my State still do not have access to power, but I know North Dakotans have enormous confidence in the ability of the repair linemen to restore power in a swift manner. They have shown tremendous resolve throughout this situation, and I am proud to commend their efforts. •

##### REMEMBERING RICKI CHANDRINOS

• Mr. ENSIGN. Mr. President, it isn't very often that we encounter an angel walking among us. However, Ms. Ricki Chandrinis was most certainly that. She was a tireless advocate working on behalf of veterans in our community, and her commitment to them will not soon be forgotten.

It wasn't until the love of her life, John Chandrinis, her husband of 35 years, began battling a terminal illness that she became passionately involved with the inner workings of the Veterans Affairs medical system. She

muddled through the bureaucratic red tape to ensure that he received the care and benefits that he so richly deserved after defending the freedoms of our country for so many years. Tragically, her husband lost his battle, but her passion for America's heroes remained.

After moving to Las Vegas, following the death of her husband, she found her calling late in life. Ricki became deeply involved with the veterans living within her neighborhood, Siena. It is estimated that she personally assisted about 500 of our Nation's most heroic citizens, but she undoubtedly touched more hearts than that during her lifetime.

This extraordinary woman educated herself on VA policy in order to provide the best assistance to these men and women and went so far as to accompany many of them to the VA to ensure that they were served as thoroughly as possible. However, she knew that this wasn't enough for her and that she could serve these veterans even more.

Ricki arranged for speakers from the VA, American Legion, Disabled American Veterans, State of Nevada, and others to address the members of the Siena Veterans Club. Ricki knew that she would not rest until she had served the needs of these veterans, and serve them she did.

Ricki left this Earth for a place much better, but her time on Earth was heaven-sent for all those whose lives she touched. She began her advocacy by her husband's side, and she has finished this tireless crusade to be by his side once again.●

#### TRIBUTE TO LIEUTENANT GENERAL HERBERT J. CARLISLE

● Mr. INHOFE. Mr. President, today I pay tribute to LTG Herbert J. Carlisle, former Director of Legislative Liaison for Office of the Secretary of the Air Force and the current Commander of 13th Air Force, Hickam Air Force Base, HI. A command pilot with more than 3,400 flying hours in the T-38, AT-38, YF-110, YF-113, and F-15 Eagle, LTG "Hawk" Carlisle has commanded at the squadron, group, wing, and now Numbered Air Force levels. He has participated in Operations Restore Hope, Provide Comfort, and Noble Eagle, and his selection to lieutenant general and commander of the Jungle Air Force is a testament to his exceptional airmanship, leadership, and judgment.

General Carlisle graduated from the U.S. Air Force Academy in 1978 and was selected to attend pilot training at Williams Air Force Base, AZ. He excelled in pilot training and was selected to fly the Air Force's premier air superiority fighter, the F-15 Eagle. Stationed at Bittsburg Air Base, Germany, with the 525th Fighter Squadron, the Bulldogs, during the heart of the Cold War, then-Captain Carlisle

again excelled in the air and on the ground as a pilot, flight lead, instructor pilot, and examiner pilot. His prowess in the air earned him a selection to attend the Air Force's Fighter Weapons School, and upon completion of the course he joined an elite team of fighter weapons school instructors. He became the chief of weapons and tactics at Holloman Air Force Base in New Mexico, only to be brought back to Nellis Air Force Base to become part of a recently declassified Air Force training program in which he flew Soviet fighters as adversaries against U.S. pilots to increase their capability and survivability in combat. Selected for promotion, Major Carlisle departed Nellis Air Force base for Maxwell Air Force Base, AL, to attend Air Command and Staff College and then deployed to Riyadh, Saudi Arabia, as the chief of air operations, U.S. Central Command Forward from 1991 to 1993.

In 1993, now-Lieutenant Colonel Carlisle returned to the F-15 Eagle, as operations officer of the 19th Fighter Squadron and then commander of the 54th Fighter Squadron at Elmendorf Air Force Base, AK. Following command, Lieutenant Colonel Carlisle attended Army War College in 1996, was selected for promotion to colonel, and returned to the Pacific in the F-15 Eagle as the Deputy Commander, 18th Operations Group at Kadena Air Base, Japan. Following Kadena, Colonel Carlisle was selected to command the 1st Operations Group at Langley Air Force Base, VA, then the 33rd Fighter Wing at Eglin Air Force Base, FL, and finally, after a short staff tour, the 3rd Wing at Elmendorf Air Force Base.

General Carlisle has served several tours on the Air Staff to include chief of the plans and programs directorate, director of the operational planning, policy and strategy, deputy chief of staff for air, space and information operations, plans and requirements, and two tours in the Legislative Liaison Division, as deputy director and director. It was in these positions that I witnessed firsthand General Carlisle's adept ability to handle a myriad of complex issues that directly impacted our national security. General Carlisle's engagement with Congress during his tenure as both deputy director and director of the Legislative Liaison Division was faultless.

Under General Carlisle's leadership, the Air Force developed a comprehensive congressional notification plan, ensuring timely and accurate passage of information on the Air Force's most difficult issues including the \$40 billion KC-X acquisition program, creation of Air Force Cyber Command, force structure changes, and creation of Air Force Global Strike Command. General Carlisle prepared over 200 announcements to the Hill, cleared of over 500 witness statements, transcripts, inserts, and questions for the record through the

Office of the Secretary of Defense and the Office of Management and Budget, and managed over 1,000 Congressional travel events to all 7 continents including 100 congressional Member visits to the Central Command Area of Responsibility. Finally, General Carlisle led the drive for what I consider the Air Force's most pressing issue: recapitalization. Through General Carlisle's leadership, the Air Force secured a budget of \$1.7 billion for bomber and air-to-ground weapons, yielded \$8.2 billion for fighter and munitions programs, and laid the foundation for \$200 million in supplemental munitions funding. The leadership, insight, and dedication of General Carlisle have been instrumental in building lasting and trusting relationships with the U.S. Congress, resulting in an overall increase in U.S. national security.

The breadth and depth of General Carlisle's assignments and the professionalism with which he has carried them out reflect a keen intellect and an unrivaled grasp of national security policies developed through both personal experience and academic instruction. General Carlisle earned a master's degree in business administration from Golden Gate University in San Francisco, attended the National Security Management Course at Syracuse University, the Seminar XXI—International Relations programs at Massachusetts Institute of Technology, and the Executive Course on National and International Security at George Washington University. While he has received many distinguished awards and decorations, it is General Carlisle's commitment and sacrifice to this Nation that make him stand out among his peers.

Today, General Carlisle is once again at the tip of the spear, leading our service men and women as commander of 13th Air Force, commander of Joint Task Force—Support Forces Antarctica, Operation Deep Freeze, and the Pacific Command's Joint Forces Air Component commander. On behalf of Congress and the United States of America, I thank Lieutenant General Carlisle, his wife Gillian, and their daughter Summer for their continued commitment, sacrifice, and contribution to this great Nation. I congratulate Lieutenant General Carlisle on his recent promotion to lieutenant general and wish him Godspeed as he leads our military in protecting this great nation and its way of life.●

#### REMEMBERING DAVE DEDRICK

● Mr. JOHNSON. Mr. President, I wish today to recognize the life and career of Dave Dedrick, most well known for his role as Captain 11, a children's television program in the upper Midwest. He passed away on January 22 after a lifetime of bringing together South Dakotans of all ages. Dave's welcoming

spirit and warm heart touched children and adults alike.

The Captain 11 Show, broadcasted from 1955 through 1996, is the longest running children's program ever. Dave, dressed in a blue and yellow pilot's uniform, led a program filled with cartoons and games. Captain 11 had the ability to control time through his Time Converter and ended every show with Freezeburg, a dance the audience, and everyone watching at home, knew by heart. Dave always made children of all ages feel comfortable, and with his show, unified generations of South Dakotans.

Dave was inducted into the South Dakota Broadcasters Hall of Fame in 1997 and the South Dakota Hall of Fame in 1999. His set is displayed in the State Historical Museum in Pierre, representing the important role Dave played in so many lives. On air and off, his friendly personality extended to all areas of his life, representing South Dakota values in all he did. I would like to extend my deepest sympathies to his family on their loss.●

#### TRIBUTE TO WILLIAM OUELLETTE

● Mr. JOHNSON. Mr. President, I rise today to recognize the Federal service of William "Will" Ouellette of Rapid City, SD. Mr. Ouellette is concluding a dozen years of service in South Dakota and is transferring to Pennsylvania to continue his Federal service career, which now spans 34 years with the Social Security Administration.

Mr. Ouellette began his career with the agency in 1976 as a claims representative in the Boston Region. Three years later, he moved to Billings, MT, where he served as a claims representative, field representative, operations analyst and operations supervisor for the agency. He was promoted to manager of the Rapid City office in 1998 and has continued in that position until the present time. He will soon transfer to a similar position in the Pottsville, PA, agency office to be closer to aging parents and a daughter.

I have appreciated the management work of Mr. Ouellette over his tenure in Rapid City. He has overseen a very dedicated and hard-working staff. Claims have increased substantially over the years and the coverage area in rural South Dakota is one of the largest in the country. I have always been impressed by the sense of professionalism, dedication and willingness to serve Social Security beneficiaries and claimants by Will and his staff. He was always timely and thorough in providing answers to constituent questions, addressing issues impacting beneficiaries and combining a strict, no-nonsense approach and adherence to agency regulations with a caring attitude.

I wish Mr. Ouellette well in the remaining years of his Federal service

and wish to thank him for his term of service to South Dakotans over the past dozen years.●

#### TRIBUTE TO FRANK TUMA

● Mr. LEVIN. Mr. President, the Office of Rural Development within the U.S. Department of Agriculture will say farewell to a dedicated colleague and friend later this week. Frank J. Tuma, Director of Community Programs for the Agency in Michigan, is retiring after 37 dedicated years of public service, and I am delighted to have an opportunity to recognize this significant milestone.

Frank began his Federal career with the Peace Corp and spent 2 years in the Philippines. He later accepted a position with the Farmers Home Administration, which would become the Office of Rural Development, where he has served the interests of rural Michigan for 31 years as part of the Community Programs Division. Throughout Frank's 31 years, he has consistently provided invaluable guidance and leadership on countless issues and projects. During the past 5 years, Frank has served as the Director of Community Programs, where he has led efforts to bring critical funding to rural communities across Michigan. Countless communities now have safe drinking water and efficient waste water systems that protect the environment due to the efforts of Frank and his team.

Those who have worked with Frank describe him as devoted, loyal, and passionate about his work and the people with which he works, qualities that will surely be missed by his colleagues and friends. Beyond his personal qualities, he has distinguished himself through a number of impressive accomplishments and has served as a mentor to many on his staff. The Rural Development National Office has turned to Frank many times over the years for his input and recommendations on new processes and systems. He was instrumental in creating, testing, and implementing the CPAP System, a computer program that compiles data and underwrites loans and grants for water and sewer projects.

I am proud to join citizens and communities across rural Michigan in thanking Frank Tuma for his dedication, focus, and persistent efforts as a Federal employee. Frank has forged a wonderful legacy, and I know he and Connie are looking forward to many years together in retirement.●

#### 100TH ANNIVERSARY OF DELTA TRUST BANK

● Mrs. LINCOLN. Mr. President, this year marks the 100th anniversary of a landmark institution in my home State of Arkansas. On February 1, Delta Trust & Bank will celebrate 100 years of service in our State. In honor

of this milestone, the towns of Parkdale, Hamburg, Wilmot, Little Rock, and Bella Vista will proclaim Monday, February 1, as Delta Trust Day. At a time when many banks across our Nation are struggling, Delta Trust represents a long history of financial strength and security in Arkansas.

Founded as The Bank of Parkdale in 1910, Delta Trust's origins lie in the small town of Parkdale in Southern Arkansas. Parkdale is similar in many ways to my hometown of Helena, where faith, community, and family are an integral part of rural life. These values have stayed with Delta Trust throughout its 100-year history.

Delta Trust touches every corner of our State, with branches in northwest Arkansas in Bella Vista and Fayetteville; in central Arkansas in the Little Rock neighborhoods of Hillcrest, Chenal, and Walton Heights; and in the southeast part of the state in Parkdale, Hamburg, Eudora, and Wilmot.

Delta Trust's assets are impressive at \$298 million. But this institution is about much more than assets or the bottom line. Delta Trust is known for its commitment to community service, not to mention its top-notch customer service. Integrity, privacy, and intelligent advice are the trademarks of Delta Trust. Through its Women's Advisory Council, Delta Trust has committed to serving the banking needs of women, their families, and their businesses.

Mr. President, I salute the partners, associates, and employees of Delta Trust for their dedication to serving the people of Arkansas. I send my best wishes for the next 100 years of service to Arkansans.●

#### MESSAGE FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3726. An act to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes.

H.R. 4474. An act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

H.R. 4508. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1103), and the order of the House of January 6, 2009, the Speaker appoints the following Member on the

part of the House of Representatives to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years: Mr. TRAVIS CHILDERS of Booneville, Mississippi.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3726. An act to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4474. An act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4560. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XS73) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4561. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009-2010 Commercial Fishery for Black Sea Bass in the South Atlantic" (RIN0648-XS56) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4562. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Winter II Period" (RIN0648-XS93) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4563. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Rescission of Prohibition on Atlantic Herring Fishing in Management Area 2" (RIN0648-XT19) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4564. A communication from the Deputy Assistant Administrator for Operations,

Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfishery; 2010 Harvest Specifications and Management Measures for Petrale Sole" (RIN0648-AY07) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4565. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States" (RIN0648-AY09) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4566. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery" (RIN0648-AW49) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4567. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648-XR09) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4568. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery; Correction" (RIN0648-AW49) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4569. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements" (RIN0648-AW46) received in the Office of the President of the Senate on January 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4570. A communication from the Co-Chief Privacy Officers, Federal Election Commission, transmitting, pursuant to law, an annual report relative to activities that affect privacy; to the Committee on Commerce, Science, and Transportation.

EC-4571. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2009; to the Committee on Commerce, Science, and Transportation.

EC-4572. A communication from the Secretary of the Department of Commerce,

transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Commerce, Science, and Transportation.

EC-4573. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Government Accountability Office report entitled "Information Security: NASA Needs to Remedy Vulnerabilities in Key Networks"; to the Committee on Commerce, Science, and Transportation.

EC-4574. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Consumer Registration of Durable Infant or Toddler Products; Final Rule" (16 CFR Part 1130) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4575. A communication from the Deputy Assistant Administrator for Regulatory Programs, Division of Endangered Species, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Final Threatened Listing Determination, Final Protective Regulations, and Final Designation of Critical Habitat for the Oregon Coast Evolutionary Significant Unit of Coho Salmon" (RIN0648-AW39) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4576. A communication from the Acting Assistant Administrator for Fisheries, Division of Endangered Species, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of Critical Habitat for North Pacific Right Whale" (RIN0648-AV73) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4577. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Franklin Canal, Franklin, LA" ((RIN1625-AA09) (Docket No. USG-2009-0670)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4578. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Weatherization Assistance Program for Low-Income Persons" (RIN1904-AB97) received in the Office of the President of the Senate on January 26, 2010; to the Committee on Energy and Natural Resources.

EC-4579. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 2008"; to the Committee on Energy and Natural Resources.

EC-4580. A communication from the Chair of the District of Columbia Judicial Nomination Commission, transmitting, pursuant to D.C. Code 1-204.34(d)(1), the nomination of Milton C. Lee, Jr. to be an Associate Judge for the Superior Court of the District of Columbia; to the Committee on the Judiciary.



EC-4581. A communication from the Deputy Assistant Secretary of Defense (Force Health Protection and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System for Fiscal Year 2009; to the Committee on Armed Services.

EC-4582. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to relief operations in Haiti by the Department of Defense; to the Committee on Armed Services.

EC-4583. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acrylic acid-benzyl methacrylate-1 propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]-, monosodium salt copolymer; Tolerance Exemption" (FRL No. 8801-1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4584. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Triticonazole; Pesticide Tolerances" (FRL No. 8808-6) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4585. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pendimethalin; Pesticide Tolerances" (FRL No. 8804-2) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4586. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oxirane, 2-Methyl-, Polymer with Oxirane, Dimethyl Ether, Tolerance Exemptions" (FRL No. 8805-3) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4587. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 8807-2) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4588. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-ethylhexyl ester, polymer with ethenylbenzene and 2-methylpropyl 2-methyl-2-propenoate; Tolerance Exemption" (FRL No. 8807-4) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4589. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the

Committee on Banking, Housing, and Urban Affairs.

EC-4590. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition to the List of Validated End-Users in the People's Republic of China" (RIN0694-AE70) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4591. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Final Model Privacy Form Under the Gramm-Leach-Bliley Act" (RIN3084-AA97) received in the Office of the President of the Senate on January 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4592. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 160 (74 FR 62890, December 1, 2009), Final Model Privacy Form Under the Gramm-Leach-Bliley Act" (RIN3265-AJ06) received in the Office of the President of the Senate on January 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4593. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Membership for Community Development Financial Institutions" (RIN2590-AA18) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4594. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Demonstration of Coverage of Chiropractic Services under Medicare; to the Committee on Finance.

EC-4595. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Greensboro-Winston Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard" (FRL No. 9098-8) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4596. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard" (FRL No. 9098-9) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4597. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Shelby County, Tennessee Portion of the Memphis, Tennessee-Arkansas 1997 8-Hour Ozone Non-attainment Area to Attainment" (FRL No. 9099-1) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4598. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision" (FRL No. 9098-5) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4599. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-hour Ozone Standard for Cherokee County; Correcting Amendment" (FRL No. 9099-9) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4600. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit Certain State Implementation Plans Required for the 1-Hour Ozone NAAQS" (FRL No. 9099-7) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4601. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9098-6) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4602. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to: The Requirements for Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, the Requirements for Export Shipments of Spent Lead-Acid Batteries, the Requirements for Submitting Exception Reports for Export Shipments of Hazardous Wastes, and the Requirements for Imports of Hazardous Wastes" (FRL No. 9098-7) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4603. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Section 5 Premanufacture and Significant New Use Notification Electronic Reporting; Revisions to Notification Regulations" (RIN2070-AJ41) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4604. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder" (FRL No. 9097-4) received during adjournment of the Senate in the Office of the President of the Senate on January 5, 2010; to the Committee on Environment and Public Works.

EC-4605. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 9104-7) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Environment and Public Works.

EC-4606. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption Rule to Exclude Certain Perfluorinated Polymers" (FRL No. 8805-5) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Environment and Public Works.

EC-4607. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana" (FRL No. 8968-3) received in the Office of the President of the Senate on January 22, 2010; to the Committee on Environment and Public Works.

EC-4608. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 8438-4) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Environment and Public Works.

EC-4609. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Primary National Ambient Air Quality Standards for Nitrogen Dioxide" (FRL No. 9107-9) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Environment and Public Works.

EC-4610. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana" (FRL No. 9102-7) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Environment and Public Works.

EC-4611. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the support of the Saudi Arabia Ministry of Defense and Aviation (MODA) Command and Control (C2) Computer Subsystem in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-4612. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Photography in Public Exhibit Space" (RIN3095-AB60) received in the Office of the President of the Senate on January 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 3276. A bill to promote the production of molybdenum-99 in the United States for medical isotope production, and to condition and phase out the export of highly enriched uranium for the production of medical isotopes (Rept. No. 111-120).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S. Res. 275. A resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

S. Res. 297. A resolution to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2924. A bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Albert Diaz, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

James A. Wynn, Jr., of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

André Birotte, Jr., of California, to be United States Attorney for the Central District of California for the term of four years.

Richard S. Hartunian, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Ronald C. Machen, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Willie Lee Richardson, Jr., of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

By Mr. AKAKA for the Committee on Veterans' Affairs.

\*Raul Perea-Henze, of New York, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. LUGAR):

S. 2961. A bill to provide debt relief to Haiti, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. MCCAIN):

S. 2962. A bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2963. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 2964. A bill to amend title XVIII, XIX, and XXI of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN:

S. 2965. A bill to establish a Commission for Fiscal Sustainability, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to create prosperity for all Americans; to the Committee on the Budget.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 2966. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN:

S. 2967. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for small business job growth, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SESSIONS):

S. 2968. A bill to make certain technical and conforming amendments to the Lanham Act; considered and passed.

By Mr. CASEY:

S. 2969. A bill to provide additional emergency mortgage assistance to struggling homeowners, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. FEINGOLD, and Mrs. FEINSTEIN):

S. Res. 400. A resolution urging the implementation of a comprehensive strategy to address instability in Yemen; to the Committee on Foreign Relations.

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. Res. 401. A resolution expressing the sense of the Senate recognizing coach Bobby Bowden for his accomplishments in college football upon his retirement; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 518

At the request of Mr. CARDIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 557

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 870, a bill to amend the Inter-

nal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 908

At the request of Mr. BAYH, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 947

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 947, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 977

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 977, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1255

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1255, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

S. 1282

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1282, a bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

S. 1340

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1340, a bill to establish a min-

imum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1397

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1397, a bill to authorize the Administrator of the Environmental Protection Agency to award grants for electronic device recycling research, development, and demonstration projects, and for other purposes.

S. 1408

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability

challenge grant program, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1792

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 2800

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2800, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

S. 2900

At the request of Mrs. GILLIBRAND, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2900, a bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.

S. 2924

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

#### AMENDMENT NO. 3309

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. CRAPO) and the Senator from Nebraska (Mr. JOHANN) were added as cosponsors of amendment No. 3309 proposed to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce today the Refugee Opportunity Act, legislation that corrects an unfortunate limitation under current law. I thank Senator LUGAR for joining me in support of this legislation. The immigration statute requires a refugee who is resettled in the United States to remain on U.S. soil for a full year before adjusting to lawful permanent residence. For many, this requirement offers no obstacles. The majority of resettled refugees immediately begin to work, learn English, and contribute to their local communities. Yet the 1-year physical presence requirement poses a significant barrier to resettled refugees who are eager and willing to serve the U.S. Government overseas. If they do, they lose that settlement. We can correct that.

One of the tragic legacies of the war in Iraq is the humanitarian crisis that grew out of the conflict, in which millions of people have been displaced both internally and externally, and in which many others have been killed in horrific acts of political and religious persecution. Violent reprisals, kidnappings, and bombings were committed during the insurgency that rose up after May 2003, when President Bush declared the end of major combat operations. Diplomatic and military efforts to quell the insurgency and bring order to Iraq were aided by many brave Iraqi citizens, who, at great risk to themselves and their families, assisted the United States as interpreters or in other capacities. These individuals took such risks knowing the dangers they faced, and many lost their lives.

In 2007, I worked with Senator Ted Kennedy to enact legislation to provide special visas for Iraqi interpreters who had assisted the United States in Iraq and who wished to resettle in the United States to escape the grave dangers they faced as a result of their cooperation with our government. I was

proud to join Senator Kennedy in that effort. The enactment of that legislation made clear our commitment to aiding those who had assisted the United States with the critical mission in Iraq. It was the right thing to do.

In 2008, I joined Senator SCHUMER in sponsoring the Military Personnel Citizenship Processing Act. This legislation removed bureaucratic barriers to becoming U.S. citizens for immigrants serving in our military. Congress enacted this legislation to recognize the contributions of immigrants who serve the United States and to fulfill many soldiers' dreams of becoming U.S. citizens. Also in 2008, I worked with Senator MIKULSKI to enact the complementary Kendell Frederick Citizenship Assistance Act, a bill that made the pathway to citizenship for immigrants serving in the military simpler and more efficient. Congress has spoken consistently in favor of recognizing the value of immigrants and refugees who embrace the United States through service to their adopted Nation.

Today I introduce the Refugee Opportunity Act, legislation that builds upon this strong commitment by correcting an unfortunate limitation under current law. I thank Senator LUGAR for joining me in support of this legislation. The immigration statute requires a refugee who is resettled in the United States to remain on U.S. soil for a full year in order to adjust to lawful permanent residence. For many, this requirement presents no obstacles. The majority of resettled refugees immediately begin to work, learn English, and contribute to their local communities. The 1-year physical presence requirement poses a significant barrier to resettled refugees who are eager and willing to serve the U.S. Government overseas, whether as an engineer, a translator, or in some other meaningful capacity. Accepting such employment will result in the delay of a refugee's ability to adjust his or her status and fully integrate into our society. There is no logical reason to deter these refugees from taking U.S.-affiliated positions overseas, especially when they seek to serve the government that has offered them protection.

One example of such a case can be found in the story of Mr. Ahmed Alrais. Mr. Alrais came to the United States as a refugee with his family after he worked as an interpreter for the U.S. Army in Iraq. His work for the Army led to threats against his life, and the United States appropriately granted him refugee status. But then, after struggling to find work in the Chicago area and wanting to provide for his family, Mr. Alrais decided to again face the risks of working in Iraq. He joined the staff of a U.S. Army contractor and began to work on a military base in Iraq. Ironically, taking this risk has delayed his ability to earn lawful permanent residence in the United States

because the Department of Homeland Security will not give him credit toward the 1 year physical presence requirement for the time he has spent working with the Army contractor in Iraq. If he had remained in the United States for a full year unemployed, he would not have been penalized under the immigration law. By choosing to work, to support his family, and serve our Nation's military effort in Iraq, he has sacrificed months toward obtaining a green card.

To recognize the past and future contributions of refugees like Mr. Alrais, this legislation proposes to create an exception in our immigration law to waive the continuous presence requirement for any refugee who, during their first year of residence in the United States, accepts employment overseas to aid the U.S. Government. This legislation will not only recognize the commendable actions of refugees who wish to honor the United States by working for our government overseas, it will also enrich our government's military and diplomatic missions by drawing upon the professional and language skills of refugees. Finally, this bill will encourage more refugees to assist the U.S. efforts abroad. These are goals we should all support.

Our refugee policies have long been a beacon of hope and promise to many around the world. This legislation is the beginning of a renewed effort to improve and modernize our refugee policies to adapt to our changing world. March 17 will mark the 30th anniversary of the enactment of the Refugee Act of 1980, a law originally introduced by Senator Kennedy, a champion of refugees and asylum seekers. I intend to introduce legislation this year to mark that important anniversary. In the coming weeks, I will introduce a bill to enhance protections by bringing our refugee and asylum laws up to date. This comprehensive refugee package will also build on legislation I introduced in the 106th and 107th Congresses, the Refugee Protection Act. I will speak in greater detail on this comprehensive refugee protection package in the coming weeks.

There is no reason to delay introduction of the bill I offer today, however. In 2007, Congress recognized the value and the bravery of those refugees who assisted us in Iraq, and once we pledge American protection, we must follow through with that promise. The circumstances of Mr. Alrais and his family demonstrate the grave inequity that results from current law. They escaped from tyranny and won protection here in the United States. They hope to build a safe and stable life in our country. They will contribute to our communities, educate their children, and become entwined in the fabric of the United States. And the evidence of such dreams is already seen in the actions of this family. Mr. Alrais' wife,

Nada Alkhaddar, helps other refugees adjust to life in Chicago under the auspices of a nonprofit community organization. Mr. Alrais' 17-year-old son plays football at his Chicago high school and recently told a reporter that he wants to become a Chicago policeman the embodiment of the public servant "for America," he said.

I urge all Senators to join me in supporting the Refugee Opportunity Act, a sensible, appropriate, and overdue modification to our immigration law.

By Mr. DODD (for himself and Mr. McCAIN):

S. 2962. A bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with my colleague from Arizona, Senator JOHN MCCAIN, to reintroduce legislation on an issue we have worked on together for over a decade. The Blind Persons Return to Work Act of 2010 will remove disincentives to work for blind individuals in the Social Security Disability Insurance, SSDI, program. Removal of these barriers will facilitate the transition of blind Americans from SSDI to income-earning, taxpaying, productive members of the American workforce.

Today there are over 1.3 million Americans who are legally blind and an estimated 10 million Americans with visual impairments. The Americans with Disabilities Act and advances in technology have eliminated many barriers for blind individuals. Today blind individuals are employed in nearly every type of job and profession. They lead businesses and governments. Time and again, they have proven they are more than capable. Yet, societal misperceptions, attitudes, and barriers persist. Unfortunately, more than 70 percent of working-age blind individuals remain unemployed. This is an enormous untapped resource of skills and talents for our country, and it is simply unacceptable.

One thing is clear: blind individuals want to work. I don't know how you put a price tag on the personal value of work. The dignity it provides is priceless. There are many challenges to increasing the employment rate of blind individuals. However, one common sense step we should take is to correct unintended disincentives and barriers within our SSDI program.

Within the SSDI program are earnings limits for beneficiaries. Historically, there was a longstanding linkage between the treatment of earnings for blind individuals and seniors. In 1996, Congress passed the Senior Citizens Freedom to Work Act. This legislation was adopted to encourage seniors to continue working later in life. While it

significantly reduced restrictions on earnings for seniors, it created disparities for individuals who are blind. My friend from Arizona and I have worked tirelessly since then to correct this issue of fairness.

The Blind Persons Return to Work Act will replace the monthly earnings limit for individuals who are blind with a gradual phase-out, allowing blind individuals to systematically replace benefits with earned income. Under the current system, if a blind person earns just one single dollar over the limit, they lose their entire SSDI benefit. Clearly, this is a drastic reduction in income and disincentive to work and earn to the fullest potential. Instead of this "cash cliff," our legislation will gradually reduce benefits by \$1 for every \$3 earned over the limit. It also establishes annual versus monthly earnings tests and a standard deduction for impairment-related work expenses, changes that will reduce administrative burdens for both blind individuals and the Social Security Administration.

As we work to turn our economy around, the Federal Government should do everything within its power to support all Americans in returning to work. I urge my colleagues to join us in sponsoring this common sense approach of removing barriers to employment for blind Americans.

Mr. MCCAIN. Mr. President, I am pleased today to join my colleague, Senator DODD, in introducing an important piece of legislation that will have an enormously positive impact on and improve the lives of blind Americans in the workforce. For too long, capable and talented blind Americans who have the desire and ability to fully participate in the workforce have been discouraged from doing so because of outdated federal disability laws.

Current law stifles earnings opportunities for blind individuals by cancelling all disability assistance for the first dollar of earnings over the government-set threshold. As a result, blind individuals covered by Social Security Disability Insurance, SSDI, which was created to provide security and stability to blind workers during periods of unemployment, are discouraged from expanding their employment opportunities beyond the earnings limitation for fear of suddenly losing their benefits.

Senator DODD and I have been longtime supporters of legislation that would increase the earnings limit for those covered by SSDI. A similar policy was enacted for senior citizens with the adoption of the Senior Citizens Freedom to Work Act. The act eliminated the earnings limit for certain seniors covered by Social Security and thereby encouraged more seniors to participate in the workforce.

The current proposal, the Blind Persons Return to Work Act, is an improvement on past policy proposals focusing on modestly increasing the earnings limit. Rather than simply increasing the earnings limit for blind individuals, the act would allow for a gradual phase-out of Federal benefits for every \$3 earned over the current limit, providing blind individuals the opportunity to increase their earnings as the SSDI benefit decreases.

The unemployment rate for working-age blind people is currently 70 percent. Many of these individuals are extremely talented and capable of fully contributing to the workforce, and we should provide them an incentive to reach their full potential while reducing the number of federal beneficiaries. The proposal will ease the transition from relying solely upon SSDI benefits to becoming active and productive members of the workforce.

I urge my colleagues to join me in supporting the Blind Americans Return to Work Act, to treat blind individuals fairly and to allow them to achieve increased financial independence.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2963. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce new Wilderness legislation to protect two of Oregon's natural treasures. But, this bill will do even more than that. It will also help Oregon's economy, because visitors from all over the world come to our State to experience first-hand the unique scenic beauty of place like the lands preserved by this bill.

The legislation I introduce today with my colleague Senator MERKLEY—the Cathedral Rock and Horse Heaven Wilderness Act of 2010—will consolidate what is currently a splintered ownership of land in this area and protect 16,477 acres of new Wilderness along the Lower John Day River. The fractured land ownership in this area makes it difficult for visitors to fully appreciate these areas when they hike, fish or hunt there because of the scattered and misunderstood lines of private and public ownership. This bill will solve that problem and make these lands more inviting to visitors while giving the landowners more contiguous property to call home.

The area in question is stunning. The Cathedral Rock and Horse Heaven Wilderness proposals encompass dramatic basalt cliffs and rolling hills of juniper, sagebrush and native grasses. These new areas build on the desert Spring Basin Wilderness that was established last year as a result of legislation I in-

troduced, and are located directly across the John Day River from Spring Basin.

With 500 miles of undammed waters, the John Day River is the second-longest free-flowing river in the continental U.S. and is a place that is cherished by Oregonians. The Lower John Day Wild and Scenic River offers world-class opportunities for outdoor recreation as well as crucial wildlife habitat for elk, mule deer, bighorn sheep and native fish such as salmon and steelhead trout. Through land consolidation between public and private landowners, this bill will allow for better management and easier public access for this important natural treasure. With the current fragmentation of public and private land ownership in the area, river campsites are limited. Many federal lands among them can't be reached by the hikers, campers and other outdoors recreationists who could most appreciate them. With the equal-value land exchanges included in this bill, public lands would be consolidated into two new Wilderness areas. This would enhance public safety, improve land management, and increase public access and recreational opportunities. This solution will create an incredible, new heritage for public lands recreationists who are an important factor in keeping Oregon's economy healthy and thriving.

Rafters of the John Day River can attest to the need for more campsites and public access to the Cathedral Rock area. Backcountry hunters will be able to scan the hillsides for elk, deer and game-birds without having to worry about accidentally trespassing on someone's private land. Anglers will be able to access nearly 5 miles of the John Day River that today are only reachable from privately owned lands. Likewise, such a solution ensures that local landowners can manage their lands effectively without running across unwitting trespassers.

One good example of the value of these land swaps is Young Life's Washington Family Ranch. This Ranch is home to a Christian youth camp that welcomes over 20,000 kids to the lower John Day area each year. This bill sets out private and public land boundaries that can clearly be seen on the ground and create a safer area for campers on the Ranch; this serves the children who visit the area well and ensures the continued viability of the Ranch, which, in turn, provides big economic dividends to the local community.

The Cathedral Rock and Horse Heaven Wilderness proposal is described as "win-win-win" by many stakeholders—nearly five miles of new river access for the public and 18,000 acres of protected wild land for outdoor enthusiasts; better management for private landowners and public agencies; and important habitat protections for sensitive and endangered species. This pro-

posal is an example of the positive solutions that can result when varied, bipartisan interests in a community come together to craft solutions that will work for everyone. All three of the counties involved in this legislation, Wheeler, Wasco and Jefferson, have endorsed this proposal as well as a number of user and recreation groups. I especially want to thank the Oregon Natural Desert Association, Young Life and Forrest Reinhardt, and Matt Smith for their role in developing this collaborative solution that will benefit all Oregonians.

Oregon's wildlands play an increasingly important role in the economic development of our State, especially in traditionally rural areas east of the Cascades. Visitors come from thousands of miles away to hike, fish, raft and hunt in Oregon's desert Wilderness. Beyond tourism, the rich quality of life and the diverse natural amenities that we enjoy as Oregonians are key to attracting new businesses to Oregon. The Cathedral Rock and Horse Heaven Wilderness areas will help make sure that this rural area will enjoy the benefits that permanently connecting these disparate pieces of natural landscape will bring for generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2963

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Cathedral Rock and Horse Heaven Wilderness Act of 2010".

#### SEC. 2. DEFINITIONS.

(1) **FEDERAL LAND.**—The term "Federal land" means the Federal land authorized to be conveyed by the United States under section 4(a).

(2) **LANDOWNER.**—The term "landowner" means the owner of the applicable non-Federal land.

(3) **NON-FEDERAL LAND.**—The term "non-Federal land" means the land authorized to be conveyed to the United States under section 4(a).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means the State of Oregon.

(6) **WILDERNESS AREA.**—The term "wilderness area" means any of the areas designated as components of the National Wilderness Preservation System by section 3(a).

(7) **WILDERNESS MAP.**—The term "wilderness map" means the map entitled "Cathedral Rock-Horse Heaven Wilderness Proposals" and dated January 21, 2010.

#### SEC. 3. CATHEDRAL ROCK WILDERNESS AND HORSE HEAVEN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) **CATHEDRAL ROCK WILDERNESS.**—The approximately 8,686 acres of Bureau of Land



Management land in the State, as depicted on the wilderness map, to be known as the "Cathedral Rock Wilderness".

(2) HORSE HEAVEN WILDERNESS.—The approximately 7,791 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, to be known as the "Horse Heaven Wilderness".

(b) MAPS; LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Director of the Bureau of Land Management.

(4) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the maps and legal descriptions filed under paragraph (1), the maps shall control.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within or adjacent to the boundary of a wilderness area that is acquired by the United States shall—

(A) become part of the wilderness area; and

(B) be managed in accordance with—

(i) this section; and

(ii) any other applicable laws.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land within the wilderness areas is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(4) GRAZING.—The grazing of domestic livestock in a wilderness area shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(5) ACCESS TO NON-FEDERAL LAND.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall provide reasonable access to non-Federal land within the boundaries of the wilderness areas.

(6) STATE WATER LAWS.—Nothing in this section constitutes an exemption from State water laws (including regulations).

(7) TRIBAL RIGHTS.—Nothing in this section—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963);

(ii) any other rights of an Indian tribe;

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963), within the boundaries of the wilderness areas; or

(C) affects any non-Federal land acquired by the United States under section 4.

#### SEC. 4. LAND EXCHANGES.

(a) AUTHORIZATION.—

(1) SMITH EXCHANGE.—

(A) IN GENERAL.—If Derby Smith Partners, LLC, of Bend, Oregon (referred to in this section as "Smith"), offers to convey to the United States all right, title, and interest of Smith in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Smith all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) DESCRIPTION OF LAND.—

(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 1,057 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Smith to the Federal Government".

(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A)(ii) is the approximately 1,195 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Smith".

(2) SHRUM EXCHANGE.—

(A) IN GENERAL.—If Milton Shrum (referred to in this section as "Shrum") offers to convey to the United States all right, title, and interest of Shrum in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Shrum all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) DESCRIPTION OF LAND.—

(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 416 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Shrum to the Federal Government".

(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A)(ii) is the approximately 594 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Shrum".

(3) YOUNG LIFE EXCHANGE.—

(A) IN GENERAL.—If Young Life of Colorado Springs, Colorado (referred to in this section as "Young Life"), offers to convey to the United States all right, title, and interest of Young Life in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Young Life all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) DESCRIPTION OF LAND.—

(i) NON-FEDERAL LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 8,715 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Young Life to the Federal Government".

(ii) FEDERAL LAND.—The Federal land referred to in subparagraph (A)(ii) is the approximately 12,335 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Young Life".

(b) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under subsection (a) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) CONDITIONS.—The conveyances of the Federal land and non-Federal land under subsection (a) shall be subject to such terms and conditions as the Secretary may require.

(d) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this section—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the landowner—

(i) by reducing the acreage of the Federal land to be conveyed; or

(ii) by adding additional State land to the non-Federal land to be conveyed.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the non-Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(e) APPRAISALS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the landowner shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land to be exchanged.

(2) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(f) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under subsection (a) shall be determined by surveys approved by the Secretary.

(2) COSTS.—The Secretary and the landowner shall divide equally between the Secretary and the landowner—

(A) the costs of any surveys conducted under paragraph (1); and

(B) any other administrative costs of carrying out the land exchange under this section.

(g) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section be completed not later than 2 years after the date of enactment of this Act.



(h) ADDITION TO WILDERNESS AREAS.—On completion of the land exchanges under this section, the non-Federal land shall—

- (1) become part of the wilderness areas; and
- (2) be managed in accordance with—
  - (A) this Act;
  - (B) the Wilderness Act (16 U.S.C. 1131 et seq.); and
  - (C) any other applicable law.

By Mr. GRASSLEY:

S. 2964. A bill to amend title XVIII, XIX, and XXI of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in 2009 the Medicare, Medicaid and CHIP programs accounted for over \$800 billion of the \$2.3 trillion spent on health care in the U.S. Together, these programs constitute around 35 percent of national health spending. With so much taxpayer money at stake, it is no surprise that all this spending brings crooks, scam artists and even organized crime out of the woodwork.

Low estimates are that fraudsters steal \$60 billion from the Medicare and Medicaid programs every year. As Federal health care spending continues to skyrocket, so will the dollars lost to fraud, waste and abuse.

This is a crime against not only the taxpayer, but against each and every beneficiary who depends on these programs for their health care. The examples of fraud are all around us. In a 60 Minutes segment late last year, we saw a medical supply company that billed Medicare \$2 million last July—despite being empty and having apparently no staff.

One man interviewed said he was waking up every day making \$20,000–\$40,000. Every single day. He said it was like winning the lottery, and you and me and every taxpayer were footing the bill. He was running a fake medical supply company that didn't actually sell any medical equipment to anyone. He says he stole at least \$20 million from Medicare. He said it was, "real easy."

This must change.

I don't think Members on either side of the aisle dispute this. Back when health care reform was a bipartisan endeavor, I developed a set of legislative proposals with Senator BAUCUS to combat fraud, waste and abuse. These proposals are in the bill that the Finance Committee reported as well as the health care reform bill that the Senate passed late last year. And these provisions did not draw opposition from either side of the aisle. Tackling fraud, waste and abuse in health care is one of the areas where there is widespread agreement.

That is why I am here today to introduce the Strengthening Program Integrity and Accountability in Health Care Act. This legislation includes the crit-

ical measures that I developed on a bipartisan basis. This bill also includes legislation and amendments I have subsequently introduced to strengthen these proposals to address fraud, waste and abuse.

They are designed to deter, detect and prevent those that would steal from Federal health care programs, to assist those tasked with catching these criminals, and to protect taxpayer dollars. These commonsense changes will go a long way in helping to make sure Medicare, Medicaid and CHIP dollars are going to bona fide providers, instead of fraudsters set on scamming the system.

This legislation would make it harder for fraudsters to enroll in Federal health programs as providers and bilk the system. This includes requiring meaningful screening of health care providers and suppliers. Additional tools would also be provided to prevent fraud, waste and abuse including enhanced oversight measures, disclosure requirements, authority to impose enrollment moratoriums and requirements for developing compliance programs.

This bill would impose additional requirements on providers and suppliers to ensure that bona fide providers are billing Federal health programs for bona fide items and services. This includes providing documentation or performing a face-to-face evaluation before certifying a beneficiary's eligibility for an item or service.

It would also improve Federal monitoring for fraud, waste and abuse by requiring better data sharing and data access across the Federal government. Government agencies would be able to share information with each other in an effort to identify crooks in the system promptly. It would also create a national clearinghouse of information so we can better detect and prevent and thereby deter medical identity theft. Again, this is about the Federal Government sharing information it already has in ways that protect the Taxpayer and work against those defrauding the system and hopefully deter those who are thinking about stealing from you.

The legislation takes several steps to end the current "pay and chase" model of Federal health care spending. It takes the commonsense approach of allowing the government to withhold taxpayer dollars from those under investigation for health care fraud.

It would change Federal laws that require Medicare to pay providers quickly, regardless of the risk of fraud, waste, or abuse. Under current law, the government is required to make payment for a "clean" claim within 14 to 30 days before interest accrues on the claim. That is not enough time for the limited number of Medicare auditors to determine if the claim is legitimate before the payment has to be made. The

result is that this "prompt payment rule" requires that Medicare pay fraudsters first, and ask questions later.

This requirement doesn't make any sense. This bill would give the Secretary of Health and Human Services the authority to ask questions first and then and only then to make the payment if the health care provider and the payment for services check out. The Secretary would also be required to suspend payments pending the investigation of credible allegations of fraud against the provider or supplier.

This legislation would also increase funding for those fighting health care fraud. Study after study has shown that every dollar spent fighting health care fraud is repaid multiple times over in funds recovered and fraud prevented. This is a good investment for the taxpayer and bad news for health care fraudsters.

This bill would provide powerful disincentives for those that would rob the taxpayer through health care fraud. It would better arm those fighting fraud with tools to catch and prosecute fraudsters. It also would make the consequences for committing health care fraud more meaningful by increasing civil monetary penalties and expanding the types of acts and omissions that would be subject to civil monetary penalties and exclusion from Federal health programs.

This legislation would also strengthen the government's most powerful tool for preventing and recovering taxpayer dollars lost to fraud, the False Claims Act. It also ensures that courageous whistleblowers that come forward to speak up against fraud and file False Claims Act cases are protected from retaliation by their employers.

These changes would go a long way to deter those who would defraud our health care programs. It also would provide greater protections to the taxpayer. In these difficult economic times, we have got to do everything we can to protect taxpayer dollars and the resources of health care programs on which so many Americans depend.

By Mr. CARDIN:

S. 2967. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for small business job growth, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I am introducing today the Boosting Entrepreneurship and New Jobs Act that I believe is desperately needed. I think it is very clear that our economy, which is coming out of the worst recession since the Great Depression, has turned a corner. But we need to create more jobs in America. We know that. We know that 1 out of 10 Americans who wish to work cannot find jobs. Our first responsibility must be to help create more jobs so our economy can rebound and grow.

To do that, we need to invest in small businesses.

I was pleased to hear the President of the United States last night talk about the importance of small business in our recovery. As we develop our policies, we need to focus on helping small businesses grow. In the American Recovery and Reinvestment Act, we took action and increased the loan limits under the Small Business Administration. We were able to make it less expensive for businesses to borrow from the Small Business Administration. These were good steps we took. I was proud of an amendment I offered to increase the surety bond limits so small construction companies could, in fact, get work in this economy. I was proud of the amendment that passed to increase the SBA's budget by about \$180 million so they could have the capacity to help small companies with technical assistance in order to get government jobs. All of that has happened.

We all know 99.7 percent of all firms in America are small businesses. That is the economic engine of America. Just over half of the private sector employees work for small companies. We have to pay attention to small companies if we are going to grow out of this economic problem. Forty-four percent of the total U.S. private payroll comes from small employers. Sixty-four percent of the net new jobs over the past 15 years came from small businesses. And 97.3 percent of all identified exporters came from small companies. On a per-employee basis, for those companies that applied for patents, small companies have 13 times more patents per employee than larger companies. That is where innovation comes from in New Hampshire, and I can tell my colleagues that in Maryland, I look at companies every day, small companies coming up with the innovations that will lead America into the future. They come up with the new ways to deal with our problems. It is the small companies that are the most prolific in providing that type of innovation to our society, whether it is Maryland, New Hampshire, or any of our States. So it is for that reason that I have introduced this legislation.

This legislation would provide some additional tools to help small businesses create new jobs. We need new jobs. It establishes a temporary 3-year refundable tax credit for new hires by small businesses. Businesses with up to 25 employees would be eligible for a refundable tax credit equal to 15 percent of the first \$20,000 of wages for new hires. That is a strong incentive for a company to put on new employees. It establishes a credit to help small companies deal with providing health benefits for their employees.

The two issues I hear about most from small businesses is the affordability of health insurance and the availability of credit. Both are dealt

with through this legislation by providing a way in which small companies can have more affordable health insurance and by providing a way in which small companies can directly access SBA loans.

Following up on what the President said last night, this legislation will set aside \$30 billion from the TARP funds so that small companies could directly get SBA loans. I think that is the way to do it because there is a reluctance among banks to lend money to small businesses even though today 90 percent of that loan is guaranteed by the SBA. My legislation would use the same standard for SBA to make direct loans—so basically 100 percent guaranteed by the Federal Government rather than 90 percent. Then we know the loans will be made.

I can't tell my colleagues how many companies I have talked to in Maryland who are creditworthy. They are prepared to hire more workers. They are prepared to believe in our economy and believe in our future. The problem is they don't have a bank to partner with. If they have an existing relationship with a community bank, they may be OK. But if they don't, to try to establish a relationship today is very difficult.

The President recognized that last night when he talked about the credit crunch affecting small businesses. We haven't eased that. This legislation would provide for the SBA, using the same standards it uses today for their SBA loans, to make direct loans to small companies in order to get our economy back on track by helping small businesses. It will create more jobs. It increases the SBA 7(a) program from \$2 million to \$5 million. It increases the microloan program from \$35,000 to \$50,000. It increases the SBA 504 loan program from \$1.5 million to \$5.5 million. These increases in loan limits are desperately needed if we are going to be realistic in today's marketplace as the type of loans businesses need in order to expand jobs.

There are two more things this bill does that I wish to mention that are a direct help to small business. One is the sense of the Congress that the SBA Administrator should be a Cabinet-level position. I think we need to make sure an advocate for small business has the ear of our President. We know what happened in 2009. We know we had to bail out Wall Street and we had to deal with the large banks in order to save our system from going off a cliff. We all understand that. But we also know there were certain commitments made to help small businesses. Yet it never got into your community banks, into your States or to your small businesses. We need the advocate for small businesses to have a direct line to the President. For that reason, I urge that the SBA Administrator be a part of the Cabinet.

Another part of the bill expresses a sense of Congress that the financial institutions that have benefited from our bailout carry out what they said they would do; that is, loan money to small companies. They say they are doing it, but the evidence shows the reverse, that they are not making these types of loans. I think it would be interesting to see exactly what types of loans these banks that relied upon the Federal Government are making to help our communities. I think we all would be disappointed to see their lack of participation in small company financing which could create jobs in our communities.

The last provision of the bill provides for offsets to make sure it is fully paid. I don't believe we should add to the deficit. I think this bill will help create jobs, help us deal with the economic growth of America, and deal with narrowing the budget deficit through economic growth. I think we all have a responsibility to make sure we have adequate offsets in the bill so we don't add further to the Federal deficit. That is called budget discipline. We talked about that a little bit on the floor of the Senate today. This bill is fully paid for through offsets.

I urge my colleagues, as we look in the weeks ahead at what we will call a jobs bill, which will help put more Americans to work—and I fully support that—that we follow the leadership of our President. The first thing he mentioned in the State of the Union Address last night was that we ought to pay attention to small businesses. I agree with the President. I hope that is a major part of our jobs bill; that it will be provisions that will provide tax credits for new job hires, help for small businesses dealing with health insurance and that it will increase the SBA's capacity to make loans to small businesses and will, indeed, provide a new avenue for opening credit to small businesses, putting the spotlight on the banking community so they do more, as they should, to help small businesses grow so we can create new jobs and grow our economy. That should be our first priority. I pledge to work with my colleagues in the Senate and work with the administration so we can get the job done in the Senate.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 400—URGING THE IMPLEMENTATION OF A COMPREHENSIVE STRATEGY TO ADDRESS INSTABILITY IN YEMEN

Mr. KERRY (for himself, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 400

Whereas al Qaeda-affiliated terrorist groups operating in the Republic of Yemen are a threat to the national security of the United States;

Whereas on October 12, 2000, an explosives-laden motorboat detonated alongside the United States Navy destroyer USS Cole while it was docked in the Yemeni port of Aden, killing 17 members of the United States armed forces and wounding 39 others in the deadliest terrorist attack against the United States military since the 1983 attack on United States Marine barracks in Beirut, Lebanon;

Whereas on September 17, 2008, after several previous failed attacks, Yemeni militants attacked the entrance of the United States Embassy in Sana'a, Yemen, killing 17 people, including a United States citizen;

Whereas al Qaeda in the Arabian Peninsula has claimed responsibility for the alleged attempt by a Nigerian national, Umar Farouk Abdulmutallab, to detonate explosives on board Northwest Airlines flight 253 bound for Detroit, Michigan on Christmas Day 2009;

Whereas members of al Qaeda in the Arabian Peninsula have used Yemeni territory as a base from which to launch attacks against the Kingdom of Saudi Arabia, including an August 2009 assassination attempt that injured Deputy Interior Minister for Security Affairs Prince Mohammed bin Nayef bin Abdul Aziz al Saud;

Whereas the Government of Yemen, since December 17, 2009, has undertaken a number of military operations against al Qaeda in the Arabian Peninsula leadership;

Whereas stability in Yemen is threatened by rapid population growth, endemic poverty, the inadequate provision of basic services, widespread corruption, and natural resource shortages stemming from extreme water scarcity and dwindling oil production;

Whereas a tribal insurgency in northern Yemen being waged by al-Houthi fighters and a southern secessionist movement threaten the stability of Yemen;

Whereas hundreds of thousands of Somalis and Ethiopians are seeking asylum in Yemen to escape civil war, political grievances, and poverty;

Whereas these refugees create significant additional pressures on Yemen's limited resources and government institutions;

Whereas the February 2009 Department of State report on Human Rights in Yemen found that "significant human rights problems persisted," including "reports of arbitrary and unlawful killings by government forces, politically motivated disappearances, and torture in many prisons";

Whereas on January 21, 2010, Secretary of State Clinton remarked, "The success of [United States Government assistance to Yemen] depends upon Yemen's ability to make the tough choices necessary to improve the capacity to govern, to reform its economy, to protect human rights, to combat corruption, and create a better environment for business and investment.";

Whereas the weakening of government institutions in Yemen could contribute to the ability of al Qaeda-inspired and affiliated militants to recruit, train, and plan terrorist operations against United States targets in the Middle East and in the United States;

Whereas potential large-scale population displacement and migration from Yemen due to civil conflict, economic collapse, or resource failure could jeopardize the stability and security of the region;

Whereas al Qaeda in the Arabian Peninsula, al Qaeda in East Africa, and al-Shabab

militants could take advantage of instability in Somalia and Yemen to expand their reach and effectiveness;

Whereas the United States recognizes the importance of cooperating with Yemen to counter the al Qaeda threat, promote economic development, and preserve Yemen's stability as it seeks to expand good governance;

Whereas in September 2009, USAID and Yemen signed a 3-year economic assistance agreement to fund development projects in the fields of health, education, democracy and governance, agriculture and economic development;

Whereas President Obama has significantly increased United States military and economic assistance to Yemen, including—

(1) \$66,800,000 in fiscal year 2009 to build the capacity of the Yemeni military to conduct counterterrorist operations; and

(2) \$52,500,000 in fiscal year 2010 for economic assistance administered by the Department of State;

Whereas Yemen aspires to join the Gulf Cooperation Council, some of whose members pledged more than \$4,000,000,000 to support Yemen's economic development at a November 2006 international donors conference in London; and

Whereas the challenges of Yemeni stability are not just a concern for the United States and Yemen, but are also a concern for countries in the region and for the entire international community;

Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its commitment to helping prevent state collapse in Yemen, denying terrorists a safe-haven, and supporting the people and Government of Yemen in dealing with Yemen's profound and interlocking security, development, and economic challenges;

(2) reaffirms its commitment to disrupting, dismantling, and defeating al-Qaeda and affiliated movements worldwide;

(3) urges the Government of Yemen to strengthen and sustain efforts against al Qaeda in the Arabian Peninsula;

(4) calls upon the Government of Yemen to strengthen efforts to address corruption, to respect human rights, and to work with its citizens and the international community to address the significant factors driving the instability in Yemen;

(5) calls upon the international community to closely coordinate and strengthen assistance programs in Yemen;

(6) recognizes the critical role of Saudi Arabia and other members of the Gulf Cooperation Council in these assistance programs;

(7) urges intensive dialogue toward ceasing armed hostilities through a negotiated political settlement between the Government of Yemen and the Houthi rebellion;

(8) requests that the Secretary of State, the Secretary of Defense, and the Director of National Intelligence submit a joint, comprehensive strategy for Yemen, in classified and unclassified form, to the Senate, including—

(A) counterterrorism cooperation;

(B) development, humanitarian, and security assistance;

(C) regional and international diplomatic coordination; and

(D) democracy, human rights, and governance promotion; and

(9) urges the President to work with the people and Government of Yemen, the international community, and the international organizations to implement the strategy submitted pursuant to paragraph (8).

## SENATE RESOLUTION 401—EX-PRESSING THE SENSE OF THE SENATE RECOGNIZING COACH BOBBY BOWDEN FOR HIS ACCOMPLISHMENTS IN COLLEGE FOOTBALL UPON HIS RETIREMENT

Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 401

Whereas Bobby Bowden, over a 44-year career during which he coached at Howard College (now Samford University), West Virginia University, and Florida State University, where he has coached for the past 34 years, established a record as one of the most successful coaches in college football history;

Whereas the 388 coaching victories of Bobby Bowden are second only to the 393 coaching victories recorded by Joe Paterno at Pennsylvania State University;

Whereas Bobby Bowden coached Florida State University to victory in 2 national championships in 1993 and 1999, and to a bowl game in every year since 1982, making it the longest streak in the Nation;

Whereas Bobby Bowden became a member of the College Football Hall of Fame in 2006;

Whereas Bobby Bowden helped promote 164 student athletes onto careers in the National Football League;

Whereas Bobby Bowden profoundly influenced many professional and collegiate coaches and players with his wisdom, loyalty, and warmth throughout his coaching career; and

Whereas the accomplishments of Bobby Bowden on and off the field have come to personify Florida State University: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that Bobby Bowden is to be recognized for his monumental achievements in college football upon his retirement.

## NOTICES OF HEARINGS

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, February 2, 2010, at 10 a.m., to hear testimony on "Corporate America vs. The Voter: Examining the Supreme Court's Decision to Allow Unlimited Corporate Spending in Elections."

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public, that the hearing scheduled before the Senate Committee on Energy and Natural Resources, for Tuesday, February 2, 2010, will begin at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Larry Persily, to be Federal Coordinator for Alaska Natural Gas Transportation Projects,

and Patricia A. Hoffman, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [aman-da\\_kelly@energy.senate.gov](mailto:aman-da_kelly@energy.senate.gov).

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing for Thursday, February 4, 2010, entitled, "Keeping Foreign Corruption Out of the United States: Four Case Histories." The Subcommittee hearing will examine how some politically powerful foreign officials, their relatives, or close associates—referred to in international agreements as "Politically Exposed Persons" or PEPs—have used the services of U.S. professionals and U.S. financial institutions to bring millions of dollars in suspect funds into the United States to advance their interests. Four case histories will illustrate how some PEPs have used U.S. lawyers, realtors, escrow agents, lobbyists, bankers, and others to circumvent U.S. anti-money laundering and anti-corruption safeguards. It will also look at how some U.S. professionals have actively helped PEPs avoid bank scrutiny or facilitated suspect transactions with no questions asked. The hearing will also examine whether U.S. policies and practices to combat foreign corruption and money laundering need strengthening. Witnesses will include government agencies, including the State Department, Immigration & Customs Enforcement (ICE), and Financial Crimes Enforcement Network (FinCEN), as well as lawyers, a realtor, and representatives of financial institutions.

The Subcommittee hearing has been scheduled for Thursday, February 4, 2010, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Laura Stuber of the Permanent Subcommittee on Investigations at 202-224-9505.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND THE SUBCOMMITTEE ON GREEN JOBS AND THE NEW ECONOMY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Com-

mittee on Environment and Public Works and the Subcommittee on Green Jobs and the New Economy be authorized to meet during the session of the Senate on January 28 at 9 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 28, 2010, at 9 a.m., to hold a hearing entitled "Haiti: From Rescue to Recovery and Reconstruction."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 28, 2010, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on January 28, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 28, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on January 28, 2010. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 28, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 474, the nomination of M. Patricia Smith to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

##### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

Harry Reid, Tom Harkin, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that the vote on the motion to invoke cloture on the nomination occur at 5:30 p.m., Monday, February 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 188, the nomination of Martha Johnson

to be Administrator of General Services.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

Mr. REID. I ask unanimous consent the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRADEMARK TECHNICAL AND CONFORMING AMENDMENT ACT OF 2010

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of S. 2968.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, legislation will facilitate trademark owners' maintenance of protection for their brands. I appreciate the Senate acting swiftly to pass this bill. Trademark protection is critical both for businesses that have invested in creating a reliable product, and for consumers who trust a "brand name" product to be safe and of high quality.

Last Congress, I authored legislation to provide our law enforcement community with the tools, resources, and intragovernmental coordination nec-

essary to combat intellectual property theft. Theft of intellectual property harms our businesses, weakens our economy, and costs jobs. I am proud that the legislation, the Prioritizing Resources and Organization of Intellectual Property, or PRO-IP, Act, was co-sponsored by a bipartisan group of 21 Senators, and was signed into law.

The Senate Judiciary Committee has held numerous hearings in recent years on the importance of intellectual property protection. In 2004, Burton Snowboards, a successful Vermont business, testified before the Judiciary Committee about how small businesses were being harmed by the rise in intellectual property theft. I am pleased that this administration is taking intellectual property protection seriously, and that it recognizes that effective enforcement of our intellectual property laws is an important component of our economic recovery.

The legislation we are introducing today is focused on the process for maintaining trademark protection. It is a targeted bill that will improve the efficiency of the trademark maintenance system. Inefficiencies cost businesses money, which can lead to higher prices for consumers and can cost workers their jobs. When Congress has an opportunity to take waste out of a government process, it should do so on a bipartisan basis. That is what we are doing today. This bill will harmonize the system for submitting maintenance filings to the United States Patent and Trademark Office, USPTO. Maintenance filings are required for continuing the protection of a trademark. Our legislation will also permit the Director of the USPTO to permit applicants to correct good faith and harmless errors and will make several technical amendments within our trademark laws.

This legislation also requires a study of how the current system can better protect small businesses from abuses of the trademark system by larger corporations. Congress provides strong enforcement tools to intellectual property owners, as we should, to deter infringing activity and to remove counterfeit products from the market. I have become concerned, however, that large corporations are at times abusing the substantial rights Congress has granted them in their intellectual property to the detriment of small businesses. In fact, we saw a high-profile case like this in Vermont last year involving a spurious claim against Rock Art Brewery in Morrisville. When a corporation exaggerates the scope of its rights far beyond a reasonable interpretation in an attempt to bully a small business out of the market, that is wrong. This legislation therefore directs the Secretary of Commerce, in coordination with the Intellectual Property Enforcement Coordinator, to consider options for protecting small

businesses from such harassing litigation, while ensuring that legitimate trademark infringement actions are handled efficiently and expeditiously by the courts.

This is commonsense legislation, and I thank all Senators for supporting it.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2968) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2968

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Trademark Technical and Conforming Amendment Act of 2010."

#### SEC. 2. DEFINITION.

For purposes of this Act, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (commonly referred to as the "Lanham Act"; 15 U.S.C. 1051 et seq.).

#### SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CERTIFICATES OF REGISTRATION.—Section 7 of the Trademark Act of 1946 (15 U.S.C. 1057) is amended—

(1) by inserting "United States" before "Patent and Trademark Office" each place that term appears;

(2) in subsection (b), by striking "registrant's" each place that appears and inserting "owner's";

(3) in subsection (e)—

(A) by striking "registrant" each place that term appears and inserting "owner"; and

(B) in the third sentence, by striking "or, if said certificate is lost or destroyed, upon a certified copy thereof"; and

(4) by amending subsection (g) to read as follows:

"(g) CORRECTION OF PATENT AND TRADEMARK OFFICE MISTAKE.—Whenever a material mistake in a registration, incurred through the fault of the United States Patent and Trademark Office, is clearly disclosed by the records of the Office a certificate stating the fact and nature of such mistake shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration and such corrected registration shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Director a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the rules of the United States Patent and Trademark Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute."

(b) INCONTESTABILITY OF RIGHT TO USE MARK UNDER CERTAIN CONDITIONS.—Section

15 of the Trademark Act of 1946 (15 U.S.C. 1065) is amended—

(1) by striking “right of the registrant” and inserting “right of the owner”;

(2) by amending paragraph (1) to read as follows:

“(1) there has been no final decision adverse to the owner’s claim of ownership of such mark for such goods or services, or to the owner’s right to register the same or to keep the same on the register; and”;

(3) in paragraph (2), by inserting “United States” before “Patent and Trademark Office”.

(c) APPEAL TO COURTS.—Section 21 of the Trademark Act of 1946 (15 U.S.C. 1071) is amended—

(1) by inserting “United States” before “Patent and Trademark Office” each place that term appears;

(2) in subsection (a)(1), by inserting “or section 71” after “section 8”;

(3) in subsection (b)(4), by striking “If there be” and inserting “If there are”.

(d) CONFORMING REQUIREMENTS FOR AFFIDAVITS.—

(1) DURATION, AFFIDAVITS AND FEES.—Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

**“SEC. 8. DURATION, AFFIDAVITS AND FEES.**

“(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Director unless the owner of the registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

“(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of registration under this Act or the date of the publication under section 12(c).

“(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of registration, and each successive 10-year period following the date of registration.

“(3) The owner may file the affidavit required under this section within the 6-month grace period immediately following the expiration of the periods established in paragraphs (1) and (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

“(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

“(1)(A) state that the mark is in use in commerce;

“(B) set forth the goods and services recited in the registration on or in connection with which the mark is in use in commerce;

“(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the registration on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the owner of the registration, the deficiency may

be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of registration and notice of publication under section 12(c).

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify any owner who files any affidavit required by this section of the Director’s acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the owner is not domiciled in the United States, the owner may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the owner does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

(2) AFFIDAVITS AND FEES.—Section 71 of the Trademark Act of 1946 (15 U.S.C. 1141k) is amended to read as follows:

**“SEC. 71. DURATION, AFFIDAVITS AND FEES.**

“(a) TIME PERIODS FOR REQUIRED AFFIDAVITS.—Each extension of protection for which a certificate has been issued under section 69 shall remain in force for the term of the international registration upon which it is based, except that the extension of protection of any mark shall be canceled by the Director unless the holder of the international registration files in the United States Patent and Trademark Office affidavits that meet the requirements of subsection (b), within the following time periods:

“(1) Within the 1-year period immediately preceding the expiration of 6 years following the date of issuance of the certificate of extension of protection.

“(2) Within the 1-year period immediately preceding the expiration of 10 years following the date of issuance of the certificate of extension of protection, and each successive 10-year period following the date of issuance of the certificate of extension of protection.

“(3) The holder may file the affidavit required under this section within a grace period of 6 months after the end of the applicable time period established in paragraph (1) or (2), together with the fee described in subsection (b) and the additional grace period surcharge prescribed by the Director.

“(b) REQUIREMENTS FOR AFFIDAVIT.—The affidavit referred to in subsection (a) shall—

“(1)(A) state that the mark is in use in commerce;

“(B) set forth the goods and services recited in the extension of protection on or in connection with which the mark is in use in commerce;

“(C) be accompanied by such number of specimens or facsimiles showing current use of the mark in commerce as may be required by the Director; and

“(D) be accompanied by the fee prescribed by the Director; or

“(2)(A) set forth the goods and services recited in the extension of protection on or in connection with which the mark is not in use in commerce;

“(B) include a showing that any nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark; and

“(C) be accompanied by the fee prescribed by the Director.

“(c) DEFICIENT AFFIDAVIT.—If any submission filed within the period set forth in subsection (a) is deficient, including that the affidavit was not filed in the name of the holder of the international registration, the deficiency may be corrected after the statutory time period, within the time prescribed after notification of the deficiency. Such submission shall be accompanied by the additional deficiency surcharge prescribed by the Director.

“(d) NOTICE OF REQUIREMENT.—Special notice of the requirement for such affidavit shall be attached to each certificate of extension of protection.

“(e) NOTIFICATION OF ACCEPTANCE OR REFUSAL.—The Director shall notify the holder of the international registration who files any affidavit required by this section of the Director’s acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

“(f) DESIGNATION OF RESIDENT FOR SERVICE OF PROCESS AND NOTICES.—If the holder of the international registration of the mark is not domiciled in the United States, the holder may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the last designated address, or if the holder does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Director.”.

**SEC. 4. STUDY AND REPORT.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Intellectual Property Enforcement Coordinator, shall study and report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the extent to which small businesses may be harmed by litigation tactics by corporations attempting to enforce trademark rights beyond a reasonable interpretation of the scope of the rights granted to the trademark owner; and

(2) the best use of Federal Government services to protect trademarks and prevent counterfeiting.

(b) RECOMMENDATIONS.—The study and report required under paragraph (1) shall also include any policy recommendations the Secretary of Commerce and the Intellectual Property Enforcement Coordinator deem appropriate.

# ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 4508.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4508) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4508) was ordered to a third reading, was read the third time, and passed.

## STAR PRINT—S. 2939

Mr. REID. Mr. President, I now ask unanimous consent that S. 2939 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR FRIDAY, JANUARY 29, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, January 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes during tomorrow's

session of the Senate. The next vote will be at 5:30 p.m. Monday. That vote will be on the motion to invoke cloture on the nomination of Patricia Smith to be Solicitor for the Department of Labor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Friday, January 29, 2010, at 9:30 a.m.

## CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, January 28, 2010:

### FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.



## HOUSE OF REPRESENTATIVES—Friday, January 29, 2010

The House met at noon and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Dr. Alan Keiran, Office of the Senate Chaplain, offered the following prayer:

Almighty God, Loving Father, Prince of Peace, the star-studded heavens declare Your glory and the sapphire skies the works of Your hands. We are gathered here today, Lord, because we have committed ourselves to the service of our Nation. We are grateful for the many freedoms and opportunities we enjoy, yet mindful of the brevity of human life. As we look to the future, help us to know and do Your will, Your way, for Your glory.

Lord, You have blessed our land with fertile soil, years of plenty and hope for bright tomorrows. You have raised up our Nation's Representatives for a season of fruitful service. May You grant them the opportunity to plant good seeds in good soil and see across this land the tangible fruit of their selfless labor. And Lord, we pray today for all of those who are in harm's way and their loved ones, asking that Your mighty hand will protect them and deliver them from evil.

This I pray in the Name of Our Redeemer. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF HON. DONNA F. EDWARDS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON TODAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, January 29, 2010.

HON. NANCY PELOSI,  
*Speaker, U.S. Capitol, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 29, 2010 at 9:35 a.m.:

That the Senate passed S. 2799.

That the Senate passed S. 2968.

That the Senate passed without amendment H.R. 4508.

With best wishes, I am

Sincerely,  
LORRAINE C. MILLER,  
*Clerk of the House.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE CLERK,  
Washington, DC, January 29, 2010.

HON. NANCY PELOSI,  
*Speaker, U.S. Capitol, House of Representatives,*  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2010 at 5:21 p.m.:

That the Senate agreed to with an amendment H.J. Res. 45.

That the Senate agreed to S. Res. 397.

With best wishes, I am

Sincerely,  
LORRAINE C. MILLER,  
*Clerk of the House.*

### APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2302, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. WAXMAN, California  
Ms. GIFFORDS, Arizona  
Mr. KLEIN, Florida  
Mr. LATOURETTE, Ohio  
Mr. CANTOR, Virginia

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. HOYER) for January 26 and 27 on account of travel to Haiti.

### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2968. An act to make certain technical and conforming amendments to the Lanham Act; to the Committee on the Judiciary.

### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4508. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning-hour debate.

There was no objection.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Accordingly (at 12 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until Tuesday, February 2, 2010, at 12:30 p.m., for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5853. A letter from the Acting Secretary, Federal Trade Commission, transmitting Biennial report on the Do-Not-Call Registry; to the Committee on Energy and Commerce.

5854. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

5855. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting letter regarding the Determination to Award Sole-Source Bridge Contracts to Provide Property Management Support for Federal Housing Administration Single Family Homes; to the Committee on Financial Services.

5856. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's annual report on the Federal Manager's Financial Integrity Act in accordance with Public Law 97-255 and Public Law 100-504; to the Committee on Oversight and Government Reform.

5857. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5858. A letter from the Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5859. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5860. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2009, pursuant to Section 522 of the Consolidated Appropriations Act for 2005; to the Committee on Oversight and Government Reform.

5861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components, Inc. (ECi) Reciprocating Engine Cylinder Assemblies [Docket No.: FAA-2008-0052; Directorate Identifier 2008-NE-01-AD; Amendment 39-16151; AD 2009-26-12] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2009-0686; Directorate Identifier 2009-NM-044-AD; Amendment 39-16155; AD

2009-26-16] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines; Delay of Effective Date [Docket No.: FAA-2009-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16103; AD 2009-24-11] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft [Docket No.: FAA-2009-1225; Directorate Identifier 2009-NM-257-AD; Amendment 39-16159; AD 2010-01-03] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No.: FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-16144; AD 2009-26-09] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502 Series and LF507 Series Turbofan Engines [Docket No.: FAA-2007-0096; Directorate Identifier 2007-NE-39-AD; Amendment 39-16141; AD 2009-26-06] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-1211; Directorate Identifier 2009-NM-121-AD; Amendment 39-16149; AD 2009-26-10] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1210; Directorate Identifier 2009-NM-165-AD; Amendment 39-16148; AD 2008-10-09 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes [Docket No.: FAA-2009-0637; Directorate Identifier 2008-NM-183-AD; Amendment 39-16153; AD 2009-26-14] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-0412; Directorate Identifier 2009-NM-022-AD; Amendment 39-16154; AD 2009-26-15] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5871. A letter from the Deputy Assistant Secretary for Import Administration, Alternate Chairman, Department of Commerce, transmitting the Department's annual report for fiscal year 2008 on the activities of the Foreign-Trade Zones Board, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 995. Resolution of inquiry requesting the President to transmit to the House of Representatives all information in the possession of the Administrator of the Environmental Protection Agency relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma; with amendments (Rept. 111-407). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 983. Resolution requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements, regarding health care reform (Rept. 111-408). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Representative Portney "Pete" Stark (Rept. 111-409). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committees on House Administration and the Judiciary discharged from further consideration. H.R. 2517 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committees on Intelligence (Permanent Select) and Financial Services discharged from further consideration. H.R. 3845 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself and Mr. McDERMOTT):

H.R. 4552. A bill to amend the Electronic Fund Transfer Act to provide protection for consumers who have government benefit cards; to the Committee on Financial Services.

By Ms. FUDGE:

H. Res. 1049. A resolution recognizing the murders of the Imperial Avenue Eleven as a tragedy and an example of the need to continue the fight to eradicate violence against women; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. COBLE and Mr. KLEIN of Florida.

H.R. 690: Mr. MCMAHON and Mrs. CHRISTENSEN.

H.R. 2160: Mr. BONNER.

H.R. 2271: Mr. INGLIS.

H.R. 2669: Mr. CAPUANO.

H.R. 3578: Mr. STUPAK.

H.R. 3993: Mr. BURTON of Indiana.

H.R. 3994: Ms. MARKEY of Colorado.

H.R. 4274: Mr. THOMPSON of Mississippi and Mr. WELCH.

H.R. 4386: Mrs. NAPOLITANO.

H.R. 4517: Mr. ENGEL.

H.R. 4522: Mr. TONKO and Mr. QUIGLEY.

H.R. 4534: Mr. SNYDER and Ms. MCCOLLUM.

H. Res. 1022: Mr. SCHIFF.

H. Res. 1025: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. KINGSTON, Mr. TIAHRT,

Mr. CONAWAY, Mr. CULBERSON, and Mr. OLSON.

H. Res. 1032: Mr. BILBRAY, Mrs. BONO MACK, Mr. RUSH, Mr. MINNICK, Mr. FALEOMAVAEGA, Mr. FILNER, and Mr. MASSA.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 5 by Mrs. BLACKBURN on the bill (H.R. 391): EDWARD R. ROYCE.

## SENATE—Friday, January 29, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, whose inward fellowship means peace and power, dissolve the barriers that keep our souls from You. Deliver us from the self-sufficiency that will not recognize our need of You. Save us from spiritual blindness that sees the visible but is unaware of the invisible and eternal.

Lord, teach our lawmakers how to be victors over life and not victims of it and that to live worthily, they must put their faith in You. Whether on the mountaintop or in the valley, may they ever be aware that You are walking beside them. Give them, therefore, the wisdom to comprehend Your perspective, plan, and purpose.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 29, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will pro-

ceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today. The next vote will occur at 5:30 p.m. on Monday, February 1. The vote will be on the motion to invoke cloture on the nomination of Patricia Smith to be Solicitor at the Department of Labor. I advise Senators that they should be here to vote. We are not going to extend the vote on Monday. We must finish the vote about 10 to 6. There will be a strict enforcement of that time. We have to finish for obvious reasons because the 30 hours starts running when we complete the vote. If we go past 6 o'clock, it is past midnight. We want to make sure the vote is over at 10 to 6. Everyone is forewarned that if they are late, they will not be counted as voting.

### SUCCESSFUL LEGISLATIVE WEEK

Mr. REID. Mr. President, we had a very successful week legislatively. I extend my appreciation to Senators on both sides of the aisle, especially my friends on the Republican side. There were no 30 hours used. It worked out extremely well. There was ample time for debate, and there were issues that were of concern to both parties. Of course, the issues are important to the country.

Without belaboring the issues on which we voted, I wish to spend just a minute on two issues—first, the pay-go rules we passed.

The Presiding Officer has been a great asset to the Senate. He has worked with the chairman of the Budget Committee, Senator CONRAD, and others to focus on finances of our country. The Presiding Officer was a very successful Governor of the Commonwealth of Virginia and noted for what he did with budgetary matters in Virginia.

Pay-go rules are so important. We have rules now, like people have in their individual homes. We are working to do what people who work for a living do, and that is spend money we have. It is not as if we are inventing something new. During the Clinton years, we had pay-go rules. As a result of that, we were able to spend less money than we were taking in. For the first time in decades, in the last 3 years of the Clinton administration, we paid down the national debt by hundreds of billions of dollars. So I hope, looking into the future, we can continue doing that; that is, do it again. It is so important.

I extend my appreciation to Members of the House of Representatives, espe-

cially the Speaker and the majority leader, STENY HOYER. They have been focused on this pay-go for more than a year.

We were finally able to get it done over here. It is going to be good for the country. I think the things we did will continue to focus on the money that we do not have and the way we have to get our budget in order. I am especially happy we were able to give the doctors 5 years' reprieve from the Draconian rules that were facing doctors who take Medicare patients.

The other issue I wish to spend a minute on is last evening, again with the cooperation of all Senators, we were able to pass the Iran sanctions law. It is so important. We all know what that country is doing to its citizens. It is time this country of ours stepped forward and did some things to focus on what they are doing; that is, what Iran is doing. The legislation we passed will certainly allow this to take place.

We have a conference with the House. I will have a conversation later today with the chairman of the committee over there, HOWARD BERMAN, who has been such a good friend of mine personally. He and I came to Washington together in the House of Representatives, but he has also been a great representative of our country in his chairmanship of the Foreign Affairs Committee in the House.

Senator MCCAIN had an amendment about which he is concerned. I appreciate his not offering it last night because it would have caused other amendments from this side being offered.

As a result of the cooperation between both sides of the aisle, we got this legislation passed. We hope to get it out of conference quickly and have the President sign it. It is certainly what we need to do. Iran is a country on which all the world is focusing. We must do everything we can to stop them from acquiring nuclear weapons.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak in morning business for up to 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CITIZENS UNITED DECISION

Mr. WHITEHOUSE. Mr. President, I rise this morning to join Chairman LEAHY's eloquent and inspiring remarks of yesterday and express my strong disagreement with the Supreme Court's decision released last week in *Citizens United v. the Federal Election Commission*.

In this astonishing decision, the slimmest of 5-to-4 majorities overturned legal principles that have been in place since Theodore Roosevelt's administration. The five Justices who make up the Court's conservative bloc opened floodgates that had for over a century kept unlimited spending by corporations from drowning out the voices of the American people. It would be hard to call this decision anything other than judicial activism.

Let me start by reminding my colleagues of the long history of successful and appropriate regulation of corporate influence on elections. Federal laws restricting corporate spending on campaigns have a long pedigree. The 1907 Tillman Act restricted corporate spending on campaigns. Various loopholes have come and gone since, but the principle embodied in that law more than 100 years ago—that inanimate business corporations are not free to spend unlimited dollars to influence our campaigns for office—was an established cornerstone of our political system. Monied interests have long desired to wield special influence, but the integrity of our political system always has had champions—from Teddy Roosevelt a century ago to Senators MCCAIN and FEINGOLD in our time, who won a bruising legislative battle with their 2002 bipartisan Campaign Finance Reform Act.

Last week, that activist element of the Supreme Court struck down key protections of our elections integrity, overturned the will of Congress and the American people, and allowed all corporations to spend without limit in order to elect and defeat candidates and influence policy to meet their political ends. The consequences may well be nightmarish. As our colleague, Senator SCHUMER said, one thing is clear: The conservative bloc of the Supreme Court has predetermined the outcome of the next election; the winners will be the corporations.

As my home State paper, the *Providence Journal*, explained:

The ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will

suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money. The bulk of the cash will come from corporations, which have much more money available to spend than unions. Candidates will be even more unlikely to take on big interests than they are now.

What could make a big interest more happy than that? The details of this case were quite simple. *Citizens United* is an advocacy organization that accepts corporate funding. It sought to broadcast on on-demand cable a lengthy negative documentary attacking our former colleague, now-Secretary of State Clinton, who was then a candidate for President. The law prohibited the broadcast of this kind of corporate-funded electioneering on the eve of an election. *Citizens United* filed suit, arguing that this prohibition violated the first amendment. The conservative Justices agreed, holding that all corporations have a constitutional right to use their general treasury funds, their shareholder funds, to pay for advertisements for or against candidates in elections.

Although the decision was cast as being about the rights of individuals to hear more corporate speech, its effect will be with corporations—big oil, pharmaceutical companies, debt collection agencies, health insurance companies, credit card companies and banks, tobacco companies—now all moving without restriction into the American election process.

To highlight the radical nature of this decision, let me put this in the context of true principles of judicial conservatism. Justice Stevens explained in his dissent that the principle of *stare decisis*—“it stands decided”—assures that our Nation's “bedrock principles are founded in the law rather than in the proclivities of individuals.”

It is jarring that the unrestrained activism of the conservative bloc on the Supreme Court led them to pay so little heed to longstanding judicial precedents, brushing them aside with almost no hesitation. Justice Stevens noted that “the only relevant thing that has changed [since those prior precedents] . . . is the composition of this Court.”

Is it truly just a coincidence that this same bloc of Judges just last year invented a new individual constitutional right to bear arms that no previous Supreme Court had noticed for more than 200 years or is something else going on here where core Republican political goals are involved? Is *stare decisis* now out the window, at least with the Republican activist judges?

Another supposed conservative principle thrown aside by these activists was the approach to constitutional interpretation that focuses on the original intent of the Founders. Read the opinions. By far, the most convincing discussion of that original intent appears in Justice Stevens' dissent, not

in the majority opinion or in Justice Scalia's concurrence. Justice Stevens, in dissent, correctly explains that the Founding Fathers had a dim view of corporations. They were suspicious of them. They considered them prone to abuse and scandal, and that those corporations that did exist at the time of the founding were largely creatures of the State that did not resemble contemporary corporations. Justice Stevens rightly describes it as:

. . . implausible that the Framers believed “the freedom of speech” would extend equally to all corporate speakers, much less that it would preclude legislatures from taking limited measures to guard against corporate capture of elections.

This lack of historical awareness is, as I will explain, not the only flaw of the majority opinion. Only the dissent points out the most basic point:

. . . that corporations are different from human beings . . . corporations have no consciences, no beliefs, no feelings, no thoughts, no desires.

I would add they have no souls. The dissent explains:

Corporations help structure and facilitate the activities of human beings, to be sure, and their “personhood” often serves as a useful legal fiction. But they are not themselves members of “We the People” by whom and for whom our Constitution was established.

The majority just bypasses this elemental point.

One bedrock principle in our democracy is that the will of the people should be supreme except in very limited circumstances. In the judicial context this means that courts should hesitate before striking down statutes enacted by Congress. But it seems that is not so when core tenets of the Republican platform are involved.

It is not just this one case. There is a pattern that is discernible when these five men get together to strike down laws of Congress they do not like and make new law more to their liking. The pattern is not just discernible, it is unmistakable. It is undeniable. It appears, indeed, to be without exception.

Look at the evidence: There is virtually perfect concordance between the major departures by the activist bloc from conservative judicial tenets—such as judicial restraint, original intent, States rights—and the result in those cases of achieving current Republican political goals. One could probably call this practice “situational judicial restraint.” A rational person could conclude, based on the evidence of the Court's behavior, the observable results that this and other decisions by the five-man conservative bloc would more properly be characterized as political prize-taking than judicial law-making.

The only unchecked power in the American political system is that of a majority of a court of final appeal. When a small group can seize majority power in a court of final appeal, they answer to no one and can rule as they

please. That danger is why courts are ordinarily so careful to answer to rules of judicial practice, respect for precedent, answering the narrowest question, and engaging in honorable, neutral, and logical analysis to arrive at decisions. That is why this conservative majority's departure from these rules of judicial practice and the association between these departures and outcomes favorable to their political party is so unpleasant.

The steady march of the activist rightwing bloc to establish its conservative political priorities as the law of the land should come to observers as no surprise. It represents the fruit of a longstanding and often very public effort to turn the law and the Constitution over to special interest groups and conservative activists. Conservative institutions, such as the Federalist Society, were created to groom and vet the ideological purity of foot soldiers in the conservative movement. Consider legal historian Steven Teles on the role of the Federalist Society in the Reagan administration:

Society membership was a valuable signal for an administration eager to hire true-believers for bureaucratic hand-to-hand combat. In addition, by hiring this Society's entire founding cadre, the Reagan administration and its judicial appointees sent a very powerful message that the terms of advancement associated with political ambition were being set on their head: clear ideological positioning, not cautiousness, was now an affirmative qualification for appointed office.

The results of this meld of political ambition, ideological positioning, and judicial appointees have been terrible. Fringe conservative ideas, such as hostility to our Nation's civil rights, environmental protection, and consumer protection laws, have been steadily dripped into the legal mainstream by endless repetition in a rightwing echo chamber. The mainstream of American law has been shifted steadily to the right by force of this effort, backed by seemingly endless corporate funds. This "rights movement" for corporations, for the rich, the powerful, and the fortunate, has been pursued in a manner—deliberate infiltration of the judicial branch of government—that should concern anybody who respects the law and, in particular, respects our Supreme Court.

The Republican effort to capture that institution for those interests has been a remarkably aggressive and surprisingly explicit effort. Usually, political efforts to capture great public institutions come, as it were, in sheep's clothing. But this wolf came as a wolf. Consider for example the official Republican Party platform of 2000, which "applauded Governor Bush's pledge to name only judges who have demonstrated that they share his conservative beliefs and respect the Constitution." All that was left out was that they should be willing to bend the law

and overturn precedents to impose those beliefs.

The pattern is not complicated. America's big corporate interests fund Republican candidates for office, and those corporate interests want those Republicans to help them. That is as old as politics. Republicans, once elected, make it a priority to appoint judges who want to help them—judges who may give obligatory lip service opposing judicial activism but will actually deliver on core Republican political interests; the conservative bloc of judges overrules precedent and 100 years of practice to open the doors to unlimited corporate political spending; and corporations can now give ever more money into the process of electing more Republicans. Connect the dots: The Republicans are the party of the corporations; the judges are the appointees of the Republicans; and the judges just delivered for the corporations. It is being done in plain view.

The Washington Post recently explained:

"The U.S. Chamber of Commerce is now free to spend unlimited amounts of money on advertisements explicitly attacking candidates."

The Chamber of Commerce already had announced in November "a massive effort to support pro-business candidates." So the response from the Republicans, as reported by the Washington Post, should come as no surprise:

Republican leaders cheered the ruling as a victory for free speech and predicted a surge in corporate support for GOP candidates in November's midterm election.

Now that the Court has taken the fateful step of forbidding any limits on corporation spending to limit campaigns, we can expect to see corporate polluters under investigation by the Department of Justice running unlimited ads for a more sympathetic Presidential candidate; financial services companies spending their vast wealth to defeat Members of Congress who are tired of the way business is done on Wall Street; and defense contractors overwhelming candidates who might dare question a weapons program that they build.

The Court was so eager to give artificial corporations the same rights as natural living human beings that it virtually overlooked foreign corporations. The activist Republican majority leaves wide open the possibility of constitutionally protected rights to influence American elections being held by a Saudi oil company interested in American energy policy, a Third World clothing manufacturer opposed to American labor standards, or a foreign farm conglomerate concerned about America's food safety rules. Is the five-man conservative bloc's fealty to corporate power so absolute that they could not bring themselves to say that the first amendment doesn't protect

foreign companies wishing to drown out the voices of American citizens?

Our government is of the people, by the people, and for the people. By refusing to distinguish between people and corporations, the Citizens United opinion undermines the integrity of our democracy, allowing unlimited corporate money to drown out ordinary citizens' voices. So look out for government of the CEOs, by the CEOs, and for the CEOs, who now have special privileged status: Not only may CEOs use their personal wealth to influence elections, they now get the added megaphone—not available to regular citizens—of being able to direct unlimited corporate funds to influence elections. CEOs now have twice the voice or more of everyday Americans.

I won't belabor the record here, because it is something of a technical matter, but before I conclude I have to say from the point of view of judicial practice, the majority opinion is disturbing in several ways: First, it uses rhetorical devices that are more consistent with polemic than judicial determination—vastly overstating the opponents' arguments, using false analysis, knocking over a straw man, indulging in selective quotation and unsupported fact finding.

One example: This is what the conservative bloc found as a fact. And remember, fact finding is not the proper province of an appellate court in the first place, but here is what they found regarding elections:

We now conclude that independent expenditures, including those made by corporations, do not give rise to corruption or the appearance of corruption.

They just decreed that. So a company comes in, drops a couple of a million dollars in a smear campaign against an opponent at the bitter end of a race, when it can't be answered, and the next thing you know the person they defended against the opponent is in their pocket. No appearance of corruption? Well, the Supreme Court has decided it: No appearance of corruption. That is clear to them.

Here is another finding of fact by this bloc of judges:

The appearance of influence or access, furthermore, will not cause the electorate to lose faith in our democracy.

They made that up out of whole cloth. There are hundreds of thousands of pages of findings to the contrary in the record of previous Supreme Court decisions they overruled. But, no, they made these unsupported findings.

It is novel, it is naive, and it contrasts with the actual findings of this Senate 100 years ago, which said the following:

The evils of the use of [corporate] money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government

and calculated to promote purity in the selection of public officials.

The evils of the use of corporate money in connection with political elections was so generally recognized 100 years ago that the Senate committee working on that legislation deemed it unnecessary to make any argument in favor of the measure—it was too obvious. Yet now this appellate tribunal has made fact findings that that is all wrong.

Moreover, a small band of conservative Justices departs from regular judicial practice by relying for precedent on its own members' previous concurring and dissenting opinions, as if they were their own little court, building a scaffold of arguments alongside the law, in wait for the right case with a sufficient majority to abandon the law and jump to their scaffold of argument. As Justice Stevens accurately pointed out, the majority opinion of the right wing bloc is essentially an "amalgamation of resuscitated dissents."

Finally, and most disturbingly, the Chief Justice evaluates precedent in terms of whether his five-member bloc objects to it. He is surprisingly outright about this. He said this: "Stare decisis," the principle that a settled question is settled, that it stands decided—"stare decisis effect is . . . diminished when the precedent's validity is so hotly contested that it cannot reliably function as a basis for decision in future cases."

He later continues: "The simple fact that one of our decisions remains controversial . . . does undermine the precedent's ability to contribute to the stable and orderly development of the law."

As anybody looking at this can see, it is a completely self-fulfilling theory, and it allows the five-man right wing bloc on the Court to gradually undermine settled precedent, to tunnel under it with quarreling objections, hotly contesting it, perhaps even to accelerate the process of undermining it; then, at some point, decree that the settled precedent is no longer valid because they have quarreled with it. Now it must fall.

There can be little doubt that the conservative bloc is laying the foundation for future right wing activism in a seemingly deliberate and concerted effort to expand its political philosophy into our law. Of course, always the dramatic changes observably fall in the direction of the Republican Party's current political doctrine and interests.

I will close by quoting Justice Stevens, who I think puts the fundamental issue of the Citizens United majority opinion in clear relief. "At bottom," he says:

. . . the court's opinion . . . is a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding, and who have fought

against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect—

Justice Stevens concludes—

few outside the majority of the Court would have thought that its flaws included a dearth of corporate money in politics.

I yield the floor.

#### ANNUAL REPORT OF THE SELECT COMMITTEE ON ETHICS

Mrs. BOXER. Mr. President, the Hon-est Leadership and Open Government Act of 2007 calls for the Select Committee on Ethics of the U.S. Senate to issue an annual report not later than January 31 of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the committee's activities in 2009 in the categories set forth in the act:

(1) The number of alleged violations of Senate rules received from any source, including the number raised by a Senator or staff of the Committee: 99. (In addition, 26 alleged violations from the previous year were carried into 2009.)

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 58. (This figure includes 12 matters that were carried into 2009.)

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 45. (This figure includes 5 matters that were carried into 2009.)

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 13. (This figure includes 8 matters from the previous year carried into 2009.)

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit: 8. (This figure includes matters in which the Committee subsequently lost jurisdiction. It also includes two letters of public dismissal.)

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 1.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2009, the Committee staff conducted 10 Member code of conduct training sessions and 5 new Member sessions; 19 employee code of conduct training sessions; 12 Member and committee office campaign briefings; 27 ethics seminars for Member DC offices, state offices, and Senate committees; 3 private sector ethics briefings; and 7 international ethics briefings.

In 2009, the Committee staff handled 12,667 telephone inquiries for ethics advice and guidance.

In 2009, the Committee wrote 996 ethics advisory letters and responses including, but not limited to, 752 travel and gifts matters (Senate Rule 35) and 111 conflict of interest matters (Senate Rule 37).

In 2009, the Committee issued 3,309 letters concerning financial disclosure filings by Senators, Senate staff and Senate candidates and reviewed 1,663 reports.

#### DENYING AL-QAIDA SAFE HAVENS

Mr. FEINGOLD. Mr. President, the attempt to blow up a U.S. airliner on Christmas Day has shined a spotlight squarely, if belatedly, on Yemen. I cannot overstate the importance of denying al-Qaida safe havens in Yemen and countries like it, an issue on which I have been working for years. The threat from al-Qaida in Yemen, as well as the broader region, is increasing, and our attention to this part of the world is long overdue.

That is why I welcome the President's increased focus on Yemen. But we need to remember, as we focus needed resources and attention on Yemen, that it shouldn't be seen as the new Afghanistan, or the new Iraq. Instead, Yemen highlights the importance of a comprehensive, global counterterrorism strategy that takes into account security sector reform, human rights, economic development, transparency, good governance, accountability, and the rule of law.

We must seize the opportunity to focus attention on the strategy and policies we need to deny al-Qaida safe havens around the world, including in Yemen. Concurrently, we need to examine our policy in Yemen and better understand how we can develop a partnership that is both in our national security interest and helps Yemen to move towards becoming a more stable, secure nation for its people. The recognition at the recent high-level international meeting on Yemen in London of the importance of addressing broader economic, social and political factors in Yemen is thus very welcome.

Any serious effort against al-Qaida in Yemen will require strengthening the weak capacity of the government as well as its legitimacy in the eyes of its citizens. We need to be careful about providing assistance to a government that isn't always aligned with the needs of the Yemeni people, as last year's State Department report on human rights notes. I am pleased to be an original cosponsor with Senators KERRY and FEINSTEIN of a resolution that urges the implementation of a comprehensive strategy to address instability in Yemen that also calls on the Yemeni government to strengthen efforts to address corruption, to respect human rights and to work with its citizens and the international community to address the factors driving instability in the country.

Yemen is a fragile state whose government has limited control in many



parts of the country. It faces a multitude of challenges including poverty, a young and growing population, resource scarcities, and corruption. It is also distracted from the counterterrorism effort by two other sources of domestic instability—the al-Houthi rebellion in the North and tensions with a southern region with which Sana'a was united less than 20 years ago. In other words, counterterrorism is hampered by weak governance and by internal conflicts that would not appear on the surface to threaten our interests. With this in mind, we must also work to ensure that, in the provision and use of our counterterrorism assistance to Yemen, care is taken to protect civilians and prevent the alienation of the local population and attention is given to the local conditions that enable militants to recruit followers.

Instability in Yemen is, of course, also closely linked to conflict in the Horn of Africa. Last year, Somali pirates attacked a U.S. vessel, which briefly raised awareness of maritime insecurity fostered by a lack of effective governance and insufficient naval capacity on both sides of the Gulf of Aden. This problem continues, even when it is not on the front pages, and is both a symptom and a driver of overall instability in the region. Meanwhile, refugees from the conflict in Somalia, as well as from the broader region, are fleeing to Yemen. According to the Office of the United Nations High Commissioner for Human Rights, more than 70,000 Somalis and Ethiopians arrived on Yemen's shores in 2009—a dramatic increase from previous years. The human cost to this exodus, as well as the potentially destabilizing effects, demand our attention.

Congress and the executive branch need to work together to ensure that the weak states, chronic instability, vast ungoverned areas, and unresolved local tensions that have created safe havens in which terrorists can recruit and operate do not get short shrift in our counterterrorism efforts. We cannot continue to jump from one perceived “central front in the war on terror” to the next. Local conditions in places like Yemen—as well as Somalia, north Africa and elsewhere—will continue to enable al-Qaida affiliates and sympathizers to recruit new followers. As a result, although we should aggressively pursue al-Qaida leaders, and our efforts to track individual operatives are critical, we will not ultimately be successful if we treat counterterrorism merely as a manhunt with a finite number of al-Qaida members. I am pleased to see that Ambassador Daniel Benjamin has underscored the importance of our counterterrorism efforts addressing conditions that facilitate recruitment to terrorism and extremism. I hope this understanding is shared throughout our government agencies and in the implementation process.

To effectively fight the threat from al-Qaida and its affiliates in Yemen and elsewhere, we also need to change the way our government is structured and how it operates.

In this regard, we need better intelligence. For example, we need to improve the intelligence that relates directly to al-Qaida affiliates—where they find safe haven and why and the local conflicts and other conditions that create a fertile ground for terrorist recruitment. And we need to pay attention to all relevant information—including the information that the State Department and others in the Federal Government openly collect. Conditions around the world that allow al-Qaida to operate are often apparent to our diplomats, and do not necessarily require clandestine collection. The information diplomats and others collect therefore should be fully integrated with the intelligence community.

That is why I have proposed and the Senate has approved a bipartisan commission to provide recommendations to the President and to the Congress on how to integrate and otherwise reform our existing national security institutions. Unless we reform how our government collects, reports and analyzes information from around the world, we will remain a step behind al-Qaida's global network.

We also need better access to important countries and regions. When our diplomats aren't present, not only will we never truly understand what is going on, but we also won't be able to build relationships with the local population. In some cases, we can and should establish new embassy posts, such as in northern Nigeria. In other cases, such as Yemen, where security concerns present obstacles, we should develop policies that focus on helping to reestablish security, for the sake of the local populations as well as for our own interests.

In addition, as Yemen makes clear, we need strong, sustained policies aimed directly at resolving conflicts that allow al-Qaida affiliates to operate and recruit. These policies must be sophisticated and informed. We have suffered from a tendency to view the world in terms of extremists versus moderates, good guys versus bad guys. These are blinders that prevent us from understanding, on their own terms, complex conflicts such as the ones in Yemen that undermine broader counterterrorism goals. This approach has led us to prioritize tactical counterterrorism over long-term strategies. And it has contributed to the misperception that regional conflicts, which are often the breeding grounds for al-Qaida affiliates, are obscure and unimportant and can be relegated to small State Department teams with few resources and limited influence outside the Department. We must change this dangerous

pattern, which is why my resolution with Senators KERRY and FEINSTEIN urges a comprehensive policy toward Yemen, approved at the highest levels and agreed upon by the entirety of the U.S. Government.

We have an opportunity to take a smarter approach. By recognizing al-Qaida as a global network that takes advantage of local conditions, instead of a monolithic threat, we can get ahead of the curve and identify threats before the next attack.

#### 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. CARDIN. Mr. President, on January 27, 1945, the Nazi concentration camp at Auschwitz, including Birkenau and other related camps near the Polish city of Oswiecim, was liberated by the Soviet Army. This week, people have gathered at Auschwitz and in many other places to mark the 65th anniversary of that event. I am pleased that President Obama presented a video address in which he underscored—using Elie Wiesel's words—the sacred duty of memory.

Auschwitz-Birkenau was the principal and most notorious of the six death camps built by Nazi Germany to achieve its goal of the mass extermination of the Jewish people of Europe. Built in Nazi-occupied Poland initially as a concentration camp for Poles and later for Soviet prisoners of war, it soon became a prison for a number of other nationalities.

Ultimately, a minimum 1,300,000 people were deported to Auschwitz between 1940 and 1945, and of these, at least 1,100,000 were murdered at that camp. An estimated 6 million Jews—more than 60 percent of the pre-World War II Jewish population of Europe—were murdered by the Nazis and their collaborators at Auschwitz and elsewhere in Europe. In addition, hundreds of thousands of civilians of Polish, Roma, and other nationalities, including in particular disabled individuals, homosexuals, political, intellectual, labor, and religious leaders, all of whom the Nazis considered “undesirable,” as well as Soviet and other prisoners of war, perished at Auschwitz.

On that day of liberation, 65 years ago, only 7,000 camp prisoners who had passed through the infamous Auschwitz gates, the ones who promised “Arbeit Macht Frei”—“Work Will Make You Free”—managed to survive the selections, torture, starvation, disease, inhuman medical experiments, and executions that occurred at Auschwitz.

According to a new survey published this week by the Organization for Security and Cooperation in Europe, OSCE, at least 41 of the OSCE's 56 participating states commemorate the Holocaust with official events. Thirty-

three participating states have established official memorial days for Holocaust victims, and January 27 is the official Holocaust Memorial Day in many European countries, including Denmark, Estonia, Germany, Greece, Italy, Sweden, and the United Kingdom. I am deeply gratified that since 2005, the United Nations has also observed January 27 as a day of remembrance for the victims of the Holocaust. In fact, Auschwitz-Birkenau was inscribed on the UNESCO World Heritage List in 1979.

I personally visited Auschwitz in 2004 and cannot overstate the importance of the Memorial Museum there today in the effort to teach future generations about the Holocaust. The recent theft of the "Arbeit-Macht-Frei" sign—which, fortunately, was recovered—has certainly heightened awareness of the need for additional security measures there, and I support the efforts to secure increased funding for the preservation of the Memorial Museum.

Teaching about the Holocaust is an obligation that must be met not only at Auschwitz, but at places where people learn around the globe. As chairman of the Commission on Security and Cooperation in Europe, I am deeply concerned by the rise of anti-Semitism and violent extremism in some OSCE participating states. In particular, I am deeply troubled by the continued prevalence of Nazi-era discourse to describe Roma. As Thommas Hammarberg, the Council of Europe Commissioner for Human Rights, has said:

Even after . . . the Nazi killing of at least half a million Roma, probably 700,000 or more, there was no genuine change of attitude among the majority population towards the Roma.

With this concern in mind, I was pleased to learn that the United Nations invited the OSCE senior advisor for Romani issues, Andrzej Mirga, to participate in the commemoration they organized this year. Sadly, as Mr. Mirga observed, although approximately 23,000 Romani people were sent to Auschwitz, none were among the survivors liberated there 65 years ago.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WEBB (for himself and Mr. WARNER):

S. 2970. A bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit; to the Committee on Finance.

By Mr. KERRY:

S. 2971. A bill to authorize certain authorities by the Department of State, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. BOXER, Ms. SNOWE, Mr. WICKER, and Mr. PRYOR):

S. Res. 402. A resolution expressing support for the designation of January 28, 2010 as National Data Privacy Day; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 752

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 2755

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2755, a bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2961

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2961, a bill to provide debt relief to Haiti, and for other purposes.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 402—EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2010 AS NATIONAL DATA PRIVACY DAY

Mr. DORGAN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KERRY, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. BOXER, Ms. SNOWE, Mr. WICKER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 402

Whereas the protection of the privacy of personal information has become a global imperative for governments, commerce, civil society, and individuals;

Whereas advances in modern technology enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the creation and the innovative use of such technologies;

Whereas the pervasive use of technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken to protect personal information;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of international businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens and young adults in schools and Universities across the country;

Whereas the second annual recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2010, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and protection issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design privacy into products

they create where possible, and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine financial transmission rights and other electricity market mechanisms.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Gina\\_Weinstock@energy.senate.gov](mailto:Gina_Weinstock@energy.senate.gov).

For further information, please contact Leon Lowery or Kevin Huyler or Gina Weinstock.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before Committee on the Energy and Natural Resources, previously announced for February 9th, has been rescheduled and will now be held on Thursday, February 11, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Mike Carr or Abigail Campbell.

## NATIONAL DATA PRIVACY DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 402.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 402) expressing support for the designation of January 28, 2010, as "National Data Privacy Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 402) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 402

Whereas the protection of the privacy of personal information has become a global imperative for governments, commerce, civil society, and individuals;

Whereas advances in modern technology enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the creation and the innovative use of such technologies;

Whereas the pervasive use of technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken to protect personal information;

Whereas many individuals are unaware of data protection and privacy laws generally and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of international businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy professionals and educators are being encouraged to take the time to discuss data privacy and protection issues with teens and young adults in schools and Universities across the country;

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(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers, to design privacy into products they create where possible, and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

## ORDERS FOR MONDAY, FEBRUARY 1, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, February 1; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate proceed to executive session to debate the nomination of Patricia Smith; finally, I ask that the RECORD remain open until 12 noon today for the introduction of legislation, submission of statements, and cosponsors requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, the next vote will be at 5:30 p.m. Monday. That will be on the motion to invoke cloture on the nomination of Patricia Smith to be Solicitor for the Department of Labor.

I announced earlier that the vote on Monday will end at 5:50 p.m. If somebody's plane is late, or whatever the situation, that is what it is going to have to be. We have to close that vote for procedural purposes, as everybody knows.

## ORDER TO ADJOURN

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senator SESSIONS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## DEFICIT REDUCTION

Mr. SESSIONS. Mr. President, a number of things of importance have

happened with regard to our financial condition over a period of years. Actually, this week the President, in his State of the Union Address, made some reference to the seriousness of our financial condition. I think his comments were far too weak, and he insufficiently advised the American people of how serious our condition is.

Yesterday, in the Budget Committee, Mr. Elmendorf, who is the CBO Director selected by our Democratic majority in the Congress and whom I think tries his best to do the right thing day after day and give us the right numbers to make our plans upon, told us a lot of things that were very troubling. He was just repeating that the dire predictions and dire assessments they have made previously, which are, if anything, on track and getting worse. They haven't misjudged the numbers and how bad our debt is increasing, but, in fact, if anything, they may have underestimated them.

I will just quote one thing in his statement to us yesterday. He talked about analyzing the American debt or how much money we owe as a percentage of the size of our economy—as a percentage of GDP, gross domestic product. That is one way economists like to look at it. He pointed out that the numbers might look a little better, but there are a number of things that are on the table that are likely to occur. I think he is exactly correct about that; if those things occur then the situation realistically is even worse. He analyzed if the tax cuts were made permanent and if the alternative minimum tax is indexed for inflation. The President proposed to make some of the tax cuts permanent, and Members of Congress are reluctant to see taxes increase substantially, which will occur if the tax cuts aren't extended but are allowed to expire. Each year we address the alternative minimum tax because it is falling ferociously on middle-income Americans, and disproportionately on families with children. Every year, we indexed it and fixed it so it doesn't impact so many people, but for 1 year only. But when the CBO tries to predict the budget deficit, they have been assuming that the AMT would go back to its high rate, and we would have more income coming in because we are taking these increased taxes from American families.

However, instead of fixing it permanently, which would score a loss of revenue over 10 years, we only fix it 1 year, and the CBO has to assume based on what the law is that it would not be fixed again and that these taxes will be imposed on Middle America and we will have more revenue and make the budget numbers look better. But I don't think we are going to not fix AMT. Frankly, we may not be able to 100 percent fix it, in my view, but that is what the votes have been each year, to fix it 100 percent.

He notes that if annual appropriations keep up with the increasing gross domestic product, as they have over the last 20 years, which is about where increases in spending has fallen, the deficit in 2020 would be historically large as a percentage of GDP, and the annual deficit would be large as a percentage of GDP. Then he said:

The debt held by the public would equal nearly 100 percent of GDP. This is a level of debt that most economists say has the ability to create instability and a lack of confidence in the United States Government and it would have adverse economic ramifications throughout our economy. In other words, once the Nation reaches this high of a level of debt, we have a very serious problem, and it is very difficult to extract yourself from the cliff with those kinds of huge deficits.

I think the President should have talked about that in real detail. He did say on the discretionary accounts, which amount to about 18 percent of our budget, he would like to have a freeze, and he made some exceptions and said that freeze wouldn't be this year, though. Instead, it would be next year because that is the way things work, and I wish to talk about that for a minute. I think our Congress needs to be more serious about it, and the President needs to be more serious about it.

Senator MCCASKILL, my Democratic colleague, and I offered an amendment yesterday that was voted on, and I think 17 Democrats joined with all but one Republican to vote for it, and it would have helped. It would have said the budget we passed—which I will explain to my colleagues how we violate it—the budget we passed that allows the 1 percent to 2 percent increase in discretionary spending accounts would be enforced. In other words, there would be a cap on our spending. So we put in this amendment that we offered the actual dollar amounts in the budget we passed last year—or basically the Democrats passed last year—and we wouldn't go above that. It would take a two-thirds vote to go above those top line numbers. That would work. This was done in 1990 and in 1997. They had statutory caps, not just budget caps, and those statutory caps led to a consistent reduction in annual deficits to the point that by the late 1990s we were in surplus for 4 years from 1998 through 2001. We had surpluses for the first time in decades. Then we allowed the statutory caps to expire and we got back on this spending track that has put us in this deficit situation that exceeds anything we have ever done before in the history of the American Republic; nothing close to it, except World War II.

But when the war ended, we promptly got back on the right track and brought the economy back into sound shape. I don't see us heading in that direction. It is going to take bold leadership.

We received 56 votes to put these statutory caps in, but it took 60, so it

is not the law. I am disappointed about that. If you want to know the truth, I think the leadership in the Senate didn't mind how many voted for it, as long as it wasn't 60, because it crimps their style.

The President, during his State of the Union Address, made some confusing statements about his commitment and the depth of it to dealing with the problem. He gave some lip-service to the freeze, which I think I am going to support, and I will back him on that all I can. I hope he can do that. However, there were other things that were contrary to a freeze. For example, he said we were going to take money from the Wall Street bailout, the TARP money as we call it, and he said:

I am proposing that we take \$30 billion of the money Wall Street banks have repaid and use it to help community banks give small businesses the credit they need.

Well, that sounds OK, except that is \$30 billion more. Well, we took it from the TARP money that they paid back, so that doesn't count. That doesn't count? It does count.

At the budget hearing yesterday, Senator GREGG, the ranking Republican and former chairman of the Budget Committee, who is an expert on this and very respected, asked this question of Mr. Elmendorf.

The budget Chairman:

There has been a lot of talk about the fact that the TARP money is available to spend somewhere else. First, the law doesn't allow that.

Parenthetically, I would note that Senator GREGG put in the language. He foresaw that when the banks paid back the money they were given as part of this financial bailout, it shouldn't be used as a slush fund to spend. He wrote it in there. So he said:

First, the law doesn't allow that. It is supposed to reduce the debt. But I want to clarify the fact that there is no TARP money. All of this money has to be borrowed, right? Every cent of the TARP money is borrowed from China or somebody else, right?

Mr. Elmendorf answered:

There is just one pool of government money and everything else is sort of accounting treatments to keep track of various purposes. But, yes, if more is spent through the TARP, that is just more that's spent and more that's borrowed, and more that goes to the Federal debt.

So there is no free money in the TARP repayments. We borrowed the money, every penny of it, to give to those banks. When they pay it back, we have a debt to pay down.

That is what we were supposed to do. That is what Senator GREGG put in the bill. Now they claim they have some free money paid back by the banks, and we can just spend it. That is what the President said, and it is not accurate. That is wrong, and it doesn't prove to me that he understands he has to fight every day over every billion dollars to contain the natural tendency of this body to spend.

Mr. President, I point out that even though the President talked about a freeze, he talked about \$30 billion for banks, not big banks, but this free money he apparently suggests has now appeared as a result of the repayment of the loans they got in the financial bailout. Some of the banks didn't even want the loans. They forced them to take it, basically. Some have been told they should not pay it back. They don't want them to pay it back, when the banks are ready to pay it back. At any rate, some of that is paid back. We borrowed the money to give it to them. When it is paid back, it is not extra, free money. We always assumed that most of this money would eventually be paid back.

I point out as to how big a need it is to spend \$30 billion out of this money for community banks instead of big banks, to give small businesses credit. Well, what did the community banks say? They don't want the TARP.

According to the Christian Science Monitor yesterday, the headline is: "Community Bankers to Obama on TARP: Thanks, But No Thanks." Community bankers say they have plenty of money now. That isn't the problem with loaning money. It says:

"The whole TARP program is perceived as a misadventure by the public," says Dennis Jacobs, chief economist for Gallup, Inc. in Washington. "I think it is greatly disliked."

Now we are getting the money back from the big banks, and now the other bankers said they don't need it. Also, as we talk about money, the President is proposing a second stimulus package. The first one passed was scored at \$787 billion, the largest expenditure in the history of the American Republic—a breathtaking amount of money, so large that most people have not been able, in any realistic way, to apprehend how large it is. I just point out that the State of Alabama, one-fiftieth of the Nation, an average-size State with over 4 million people—our budget, the general fund, is about \$2 billion.

Senator WARNER was Governor of Virginia and did a fabulous job and was well respected for his work. I am sure they didn't have a \$100 billion budget. I don't know what it was, but it is a lot less than that.

We spent over \$700 billion on one vote on one day, out the door, and every penny of it was borrowed because we were already in debt. So if you spend more money, you have to borrow it. However, now it is not \$787 billion. Based on some of the entitlement language we put into the bill, it is now at \$862 billion. Some people said they would not vote for a bill over \$800 billion, so they got it under. In truth, surreptitiously, they put in guaranteed benefits for certain programs, and those have now claimed the money, and it is over \$800 billion. I think it is \$862 billion. That is a pretty big overrun—\$75 billion. Just like that. We didn't vote on it really.

Now we have stimulus II. This is what the President said:

Now the House has passed a jobs bill that includes some of these steps [referring to clean energy and high-speed rail]. As the first order of business this year, I urge the Senate to do the same. . . .

I thought we had a freeze on spending. Let me tell you what the House's so-called jobs bill does. It costs \$150 billion. Spending. Another \$150 billion in spending, with \$28 billion for highways, and about \$2.5 billion for railroads, and \$2 billion for clean energy.

Well, if I recall, we were told that the \$787 billion stimulus bill was designed for what primary purpose? Jobs and to rebuild our crumbling infrastructure. They talked about roads and bridges that have fallen in and interstates getting old and needing all this work. Do you remember that? That is how the bill was sold by this administration. I don't want to be just partisan carping, but that is what they told us.

Amazingly, less than 4 percent of the stimulus bill that we passed—the \$787 billion package—went to highways and infrastructure, less than 4 percent. I complained about that. I remember making speeches on it because jobs are created when you build a highway. At least you have something permanent that benefits the Nation—perhaps replacing a bridge that you are going to have to replace anyway, and you get a benefit for everybody from improving our infrastructure, although that is not a philosophy that will always stand us in good stead. We were trying to create jobs, and at least we should have focused on infrastructure.

Now they are coming back with \$150 billion more—\$28 billion for highways and \$2.5 billion for railroads. That is not good management of money. That is not good spending.

The President went on to say this:

According to the Congressional Budget Office, the independent organization that both parties have cited as the official scorekeeper for Congress, our approach would bring down the deficit by as much as \$1 trillion over the next two decades.

He is talking about the health care bill that did not pass. He said it would bring down the deficit by as much as \$1 trillion. That is not accurate. The CBO on December 19 of last year, trying to get out these scores as fast as they could, said it would cut the deficit by roughly \$1 trillion. Then they revised it 1 day later. The official score was that it would reduce the deficit about half that amount.

As I explained on the floor, that is a product of miscalculation—deliberate miscalculation. Let me explain.

The way they get this score in the first 10 years, for example, is they said it would create a surplus of \$132 billion if we would pass this health care bill. Isn't that great? You add 20 million people to the rolls, give many of them subsidized health care, and you are

going to reduce the costs and you are going to save money. That is a pretty good deal if you can get it. But, of course, you cannot get something for nothing. Nothing comes from nothing.

What happened was, Medicare scored that if you cut Medicare benefits, as the administration proposed, and you increase Medicare taxes, as they proposed, you create extra money in Medicare and you extend the life of Medicare. Medicare is going into bankruptcy, but this would extend the life of it. That is an honest and correct score.

The Congressional Budget Office utilizes what it calls the unified budget. They score the whole budget as to how it comes out. The amount of money is increased to the government through Medicare, and they score that as a gain. Since the health care bill would not take effect or pay benefits until 4 or 5 years later—although the taxes increase now—then over 10 years, it would create a surplus of \$132 billion. Sound good? But I read the small print of the CBO letter and the small print of the Medicare letter.

The Medicare Chief Actuary told us that if you raise taxes and you cut spending in Medicare, it will extend the life of Medicare. But he had a parenthetical line in there. He said: Of course, you cannot simultaneously use the Medicare savings to fund a new program and claim it does both. You would be spending the money twice. How logical is that? But that is what they did. He used this phrase: "Although the conventions of accounting might suggest." What he is saying is, Medicare scores the money. They scored it accurately. Mr. Elmendorf and CBO score it as a unified budget. They said you have more money for Medicare and spending in the first 10 years of the health care plan—it is less than that—so you have a net surplus, right? Looks good. Sounds good. But that is not so because there is a bond, a debt instrument from the U.S. Treasury back to the Medicare Trust Fund. As soon as Medicare starts going into deficit again, they are going to cash in those bonds and the government is going to have to then borrow the money on the open market.

According to the CBO, it would not increase the deficit but it would increase the debt of America. When we raised the debt limit yesterday—and my colleagues voted to do so—the internal debt between the Treasury and Medicare, counts as part of the Nation's debt. It is an internal debt. It is not scored the same way. But sooner or later, when Social Security and Medicare start cashing in and claiming their money, the U.S. Treasury has to do something. What they are going to do and what they have been doing is convert those debt instruments and go out and sell bonds in the marketplace. Whatever the interest rate, they have

to pay to China, individuals in the United States, and others who buy those Treasury bills. We are selling so many of them it is no doubt going to drive up the interest rate.

These numbers are not real. My concern and my criticism of the President's address is not that he said we ought to have a freeze. I salute that, and I will support that. But he did not indicate the severity of the crisis we are in.

Two years ago, President Bush's last year, he had a \$460 billion deficit which I think at that time was the highest deficit since World War II. It spiked up as a result of increased spending and the recession we are in. Last year, the debt was \$1.4 trillion, 1,400 billion dollars, three times what it was. And this year the projected deficit is going to be almost the same, according to Mr. Elmendorf's report.

It continues this way, unfortunately, throughout the decade and will average, based on the planned expenditures and revenues as set forth by the Obama administration's budget, almost \$1 trillion a year in deficits. This is why experts are repeatedly telling us it is unsustainable. We will be maintaining deficits twice as large as anything we have ever seen for the next decade.

Let me show what it means in one area that I think all of us can understand. When you borrow money, you pay interest on it. Each year, the interest we pay on the debt is one of the biggest line items in the whole budget. If the debt goes up from \$5.7 trillion in 2008 to \$17 trillion in 2019, which is what they project will happen, the interest rate is going to go up. It will go up even more than that. It will go up more. Interest rates are extraordinarily low as a result of the economic slowdown. They are going to go up, and they are going to hit us in the book.

Here is what CBO says will happen. In 2009, we paid \$200 billion in interest on the debt. In 2019, they project we will pay \$799 billion. They project an increase in rates and an increase in debt—a tripling of debt and an increase in interest rates—which leads to four

times as much interest being paid over that period of time. Frankly, it does not include some other factors in there also.

I have to say to my colleagues, I am sorry we did not pass the statutory cap we offered this week. But I was encouraged by so many of our Democratic colleagues who saw fit to support it. I think it is indicating there is a recognition in this body that we are going to have to do some tough things. We cannot keep spending like this. There is always some excuse for it. We cannot continue it.

Think about this. The Federal Highway Program a few years ago, before we had the stimulus package, was about \$40 billion a year. Federal aid to education is about \$40 billion a year. Other programs are in that range. It gives you a picture of what kind of dollars we are talking about. But if you add \$600 billion in increased interest payments over this next decade, in 1 year \$600 billion more, this is going to crowd out spending for all kinds of programs that we wish to fund.

We are going to be in a dilemma. How much more can we borrow—100 percent of GDP? More?—without destabilizing our currency or cutting spending? And it is going to crowd out spending on items we need to be spending money on. It is going to be crowded out by the interest payment which will exceed all expenditures in the budget, well above the defense budget even, the largest expenditure.

This is a stunning path we are on. Mr. Elmendorf reconfirmed it yesterday in his testimony before the Budget Committee. I am worried about it. The American people are worried about it. I don't think they know it is as bad as it is, but they know it is not good. They know there is no free lunch. They know nothing comes from nothing, and that we have to pay for what we do around here. We cannot continue to borrow, borrow, borrow, stimulate today and maybe 1 day in the future we will get around to paying it.

I offer to you, in 2019, there is no plan to pay down a dime of the debt. It is

just to pay the interest on the debt. In 2019, we will add \$1 trillion more to the debt of America. It is going up almost \$1 trillion a year, and these are out-years, according to CBO analysis. Nothing is perfect that far out. It could be better; it could be worse. They are not projecting a recession in the out-years; they are projecting steady economic growth. It could be worse.

We have to do better. This is not a matter that is going away. The American people instinctively have it right. They are telling us in rallies and tea parties: You guys have to do better. You are being irresponsible. I think they are fundamentally correct. They have every right to be upset with us. We can do better. We must do better. And I hope we will.

Mr. President, I thank you for the opportunity to make these remarks. It is something we are going to have to continue to work on. We cannot continue this path. If we put our mind to it, we can fix this situation. It is not a challenge beyond our capacity. But make no mistake, financially I doubt we have ever been in a situation that requires as much clarity and as much determination as is going to be required over the next decade, and some painful decisions are going to have to be made. They are going to have to be made.

That means containing spending and resisting the temptation to create more and more new programs that inevitably cost more than they were projected to when they started.

I thank the Chair, and I yield the floor.

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ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 1, 2010, AT 2 P.M.

The ACTING PRESIDENT pro tempore. The Senate stands adjourned until Monday, February 1, 2010, at 2 p.m.

Thereupon, the Senate, at 11:39 a.m., adjourned until Monday, February 1, 2010, at 2 p.m.

## EXTENSIONS OF REMARKS

### CELEBRATING NEW FRIENDSHIP MISSIONARY BAPTIST CHURCH'S 100TH ANNIVERSARY

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to today to celebrate the 100th anniversary of New Friendship Missionary Baptist Church of Dallas, Texas.

The church's theme for its 100th year is "revitalization." Founded in 1910, the congregation of New Friendship has faithfully marched on through World War I, a 1928 fire, the Great Depression, World War II, desegregation, and a long list of other historic events that many other institutions did not survive. This congregation has been under the leadership of a host of the country's foremost preachers. Through their leadership, New Friendship has built and completely paid off two mortgages while always keeping their pledge to be debt free.

Fifteen founding members organized the church in the home of their first pastor. The congregation grew from this small but dedicated group to a congregation of 200 by 1953 to 500 in 1979 and to today's active membership. Under the leadership of the current pastor, Reverend Johnny A. McGee, who has been with the church since 1988, New Friendship has implemented important ministries serving the community, couples, and prison inmates, as well as providing food and bus services for those in need.

The church pastors, deacons, associate ministers and the active members have created a strong foundation of love and faith for this church to stand. I urge my fellow colleagues to join me in congratulating and celebrating the 100th anniversary of New Friendship Missionary Baptist Church.

### RECOGNIZING THE MEN AND WOMEN OF THE U.S. BORDER PA- TROL AND NASA ASTRONAUT DR. JOHN "DANNY" OLIVAS

#### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REYES. Madam Speaker, this week I was honored to participate in a very special ceremony that became a part of the proud history of the United States Border Patrol. I had the privilege of joining Dr. John "Danny" Olivas, one of NASA's great astronauts, in my congressional district to unveil a special U.S. Border Patrol flag that traveled with the crew of STS-128 to the International Space Station in August of last year.

Before his mission to the International Space Station, Dr. Olivas approached me and generously offered to fly an item with him and his fellow crewmates into space. We felt that flying the banner of the Border Patrol would be a wonderful symbol to represent our nation's appreciation for the agency's outstanding professionals of the past, present, and future.

The flag was flown 85 years after the U.S. Border Patrol was founded in 1924. As a fledgling agency, the Border Patrol had only a handful of agents who patrolled America's vast borders on horseback. Today, the agency boasts approximately 20,000 men and women who work to keep our nation secure at 20 sectors throughout the United States, Puerto Rico, and the Virgin Islands.

Dr. Danny Olivas and the crew of STS-128 traveled a total of 5.7 million miles during their mission, at speeds as high of 17,000 mph. Aboard this special journey was the banner of the United States Border Patrol.

On January 26, I joined Dr. Olivas and Acting U.S. Border Patrol Chief Michael Fisher at the National Border Patrol Museum in El Paso, Texas, where the flag will be on permanent display. Dozens of agents, students, and community members were present to view the newest and most traveled exhibit in the museum's collection.

At the event, Dr. Olivas told students that there are many ways to serve our great country, being a Border Patrol agent, a soldier, or an astronaut are but a few examples. He said, "It takes everybody taking their own passions and putting through efforts to make our country what it is." I couldn't agree more.

He encouraged students to follow their dreams and told them that he is living proof that everyone can achieve their dreams if they have the desire to do so. Danny claims that as a student, he wasn't the smartest, the most athletic, or the most talented; he was just your average kid. With the love and support from his parents and a strong interest in machines and outer space, Danny worked hard to fulfill his dream of one day becoming an astronaut.

As a 26½ year veteran of the United States Border Patrol and former Sector Chief, I truly appreciate Dr. Olivas' efforts to recognize the men and women of the Border Patrol who work hard to protect our nation and to honor those who have given the ultimate sacrifice in the line of duty.

In appreciation for his support of the Border Patrol, Dr. Olivas was designated as an honorary agent by Acting Deputy Customs and Border Protection Commissioner David Aguilar and was presented with a Border Patrol flag that was flown at all Border Patrol Sectors in the United States and signed by each of the Sector Chiefs. This honorary distinction has been awarded to only a handful of individuals in Border Patrol history, and I congratulate Dr. Olivas on this honor.

### PERSONAL EXPLANATION

#### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REHBERG. Madam Speaker, on rollcall number 17, 18, and 19 I was unavoidably detained due to flight complications from Billings, MT to Washington, DC.

Had I been present, I would have voted "yea" on rollcall 17, "yea" on rollcall 18, and "yea" on rollcall 19.

### HONORING COACH TOM DANLEY OF THE ANAHEIM UNION HIGH SCHOOL DISTRICT

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in honor of Mr. Tom Danley who recently retired after a 42-year career with the Anaheim Union High School District.

During that time, Coach Danley bettered the lives of thousands of students who knew him simply as "Coach," and earned scores of honors for his service to students and the community.

He coached varsity basketball at Katella High School for 33 years—and his teams went to the California Interscholastic Federation playoffs in 31 of those 33 years.

Coach Danley was named "Winningest Basketball Coach in Orange County," and was honored for his lifetime coaching achievements by being inducted in the Southern California Basketball Coaches Hall of Fame and the CIF Hall of Fame.

After his coaching career concluded, Coach Danley went on to establish a non-profit foundation that promotes after-school sports and activities for local youth.

Thousands of young people have benefited, and will continue to benefit, from the foundation's work, and from Coach Danley's philosophy that "Kids Come First."

I urge my colleagues to join me in honoring Coach Danley.

### TRIBUTE TO TOM KALKOFEN

#### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. LEVIN. Madam Speaker, I rise today to recognize a leader in the field of public health, Tom Kalkofen, who has been instrumental in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



water quality, pollution reduction, and individualized healthcare initiatives in Macomb County.

Mr. Kalkofen graduated from Ferris State University in 1971 and began working as a sanitarian for the Macomb County Health Department. He earned his Masters of Public Health from the University of Michigan School of Public Health in 1977 and continued to rise through the ranks of the Health Department, holding various positions, until he became director in February of 1996.

Under Mr. Kalkofen's leadership the Health Department established effective community coalitions, such as the Tobacco Prevention Coalition and Healthy Kids, Healthy Futures Coalition and a minority health outreach office. Mr. Kalkofen also fought for the continuation of one of the few remaining public health dental programs in the State of Michigan. He worked successfully to leverage Emergency Preparedness funds making it possible for the county to build a new Medical Examiner Office and Morgue, both of which were sorely outdated.

In addition to his many accomplishments in the public health sector, he was passionate about fighting to ensure that recreational and drinking water quality was safe for the residents of the County. Fifteen years ago, Macomb County's beaches and lakeshore waters were closed by the Health Department due to the rapid seaweed growth and excessive E. coli levels. The Blue Ribbon Commission was founded to address the aforementioned concerns of Lake St. Clair, and Mr. Kalkofen acted to provide full administrative support for its activities.

Mr. Kalkofen has also been an advocate for an array of county- and grant-funded pollution prevention activities over the years. In 2004 and 2005, he secured \$2.5 million from the Department of Environmental Quality to perform an unprecedented comprehensive water quality assessment of watersheds of Lakes St. Clair, and Belle, Pine, and Black Rivers which stretch across four counties. Most recently, he worked as a member of the Macomb Water Quality Board to spearhead the acquisition of State and Federal funds to build a system of real-time water quality monitors at the intakes of all water treatment plants on the United States side of Lake Huron to Lake Erie Corridor.

Madam Speaker, I ask my colleagues to join me in recognizing Tom Kalkofen, who has worked tirelessly to improve the quality of living for the people of Macomb County for nearly 40 years. I am confident he will continue to play an important role in the community where he is highly thought of, in addition to enjoying a bit of retirement with his wife Marge, their twin sons and five grandchildren.

ADATH EMANU-EL 50TH  
ANNIVERSARY

**HON. JOHN H. ADLER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and congratulate

Adath Emanu-El in Mt. Laurel, New Jersey on their 50th anniversary.

The local synagogue has been providing residents with a sense of community since 1960, when five families gathered together to form the first Jewish Reform Congregation in Burlington County. In 1997, Adath Emanu-El moved its residence from Willingboro, NJ to Mt. Laurel where the synagogue had its first service with more than 400 people to celebrate the establishment of a new house of prayer.

The traditions of Adath Emanu-El, a family growing, learning, worshipping, and working together, are still upheld today. These valuable practices are due to the wonderful leadership by Rabbi Andrew I. Bossov, Rabbi Emeritus Richard A. Levine, teachers, and most importantly, dedicated members to the synagogue.

In recognition to the many years of dedicated religious practice and service to the community, I urge my colleagues to join me in congratulating Adath Emanu-El on its 50th anniversary.

KAZAKHSTAN'S LEADERSHIP OF  
THE OSCE

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. BERKLEY. Madam Speaker, the Republic of Kazakhstan this month undertakes its new role and responsibilities as the Chairman-Office of the Organization for Security and Co-operation in Europe (OSCE), the world's largest regional security organization.

I would like to congratulate Kazakh President Nursultan Nazarbayev and his fellow citizens on this signal achievement. Kazakhstan is making history with this new assignment and its broader engagement in global affairs. For the very first time, the OSCE will be headed by a new post-Soviet country east of Vienna. It is also the first Asian and Muslim nation to head the OSCE. It is a recognition that the OSCE draws its strength not only from Europe and the United States, but also from Central Asia, the Caucasus, and the Balkans.

Kazakhstan has been a leader in international nuclear security since its earliest days of independence. After the Cold War, Kazakhstan renounced its nuclear weapons, closed the Semipalatinsk nuclear test site and transferred over half a ton of uranium to secure sites outside their country. Our government continues to work with Kazakhstan to advance our common non-proliferation goals: In April, President Obama will host the Global Nuclear Security Summit, with President Nazarbayev and other world leaders participating.

Since its independence, Kazakhstan has also made economic reforms that have attracted investment and created jobs. It has developed multiple energy export routes and diversified its economy to ensure that its oil wealth can be enjoyed by all sectors of society.

As a member of the Foreign Affairs Committee and a co-chair of the Friends of

Kazakhstan Caucus, I look forward to the progress that Kazakhstan can make during its tenure at the helm of the OSCE. We will work with Kazakhstan this year to modernize and strengthen the OSCE, for the benefit of all member States. And I wish President Nazarbayev—and his able Chairperson-in-Office, Secretary of State-Foreign Minister Kanat Saudabayev—great success as Kazakhstan embarks on this new path toward increased democracy, improved security, enhanced cooperation, and stronger economic growth and prosperity.

RECOGNIZING CORNELIUS AND  
MARY DOLLISON OF MUNCIE, INDIANA

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. PENCE. Madam Speaker, as it is written in the Good Book, "Whatever you did for one of the least of these brothers of mine, you did for me." And I can think of no better example of Christ's compassion and generosity than Cornelius and Mary Dollison of Muncie, Indiana. Recently the recipient of the Muncie Star Press "Person of the Year Award," this extraordinary couple has dedicated their time, their finances, and, most importantly, their hearts to serving their community, and I rise today to honor their legacy of service.

Cornelius and Mary have a deeply-rooted history within the Muncie community. Cornelius was born and raised there, and Mary has lived there since she was a young teen. Though they knew each other in high school, Cornelius and his sweetheart were not united in love until a few years after they had graduated. Now married for nearly 50 years, Cornelius and Mary have formed a special team that has left an indelible mark on the Muncie community.

In their own special ways, Cornelius and Mary have used their individual talents and passions to work together for the betterment of those most in need in their community. Cornelius is the strong and silent type, an expert electrician and builder, and the rock of support for his dear wife. Mary is the more outspoken of the two, always using every ounce of energy to be on the forefront and making a difference in the community. Together, the Dollisons have formed an unstoppable force that serves the residents of their community to this very day.

Over the last few decades, Mary and Cornelius have consistently made sacrifices, and today we can see the many fruits of their labor. More than twenty years ago, Mary saw a need for a mentoring program for children in the Muncie community, and thus, from the Dollison's living room, Motivate Our Minds (MOMs) was born. What originally began as a summer program for a handful of students has now blossomed to a fully operational after-school tutoring organization that serves nearly 700 minority students every year. While Mary coordinated the programs, Cornelius went to work restoring a facility to accommodate the growing number of students served by MOMs.

Never ones to sit on the sidelines, the Dollisons took it upon themselves to do whatever it took to make MOMs the successful program that it is today.

This same can-do attitude was also demonstrated at the end of 2008, when the City of Muncie was poised to strip funding for the Buley Community Center out of its budget. For over 30 years, the Buley Center had been a safe haven for some of the city's most underprivileged children. One by one, Cornelius and Mary began receiving phone calls from members of the community, begging them to intervene to save the Buley Center from certain closure. With their servants' hearts, the Dollisons did just that, acting immediately. They began talking to individuals, administrators, government officials, and any other contacts they had to raise funds so the Buley Center could continue to serve the community. While Cornelius again used his God-given skills to fix up the dilapidated center, Mary used her decades of experience as an elementary school teacher to restructure the educational curriculum. Thanks to the Dollisons, more than \$100,000 was raised to pay maintenance costs on the Buley Center, and a little more than one month after the city cut funding, the Buley Center reopened its doors. Not only does the Buley Center provide after-school programs, but it also hosts computer programs and history classes for adults. The Muncie community will reap the benefits of services offered by the Buley Community Center for years to come.

Their years of service to the community make the Dollisons deserving recipients of the Star Press "Person of the Year" award. Without the compassion and dedication of Cornelius and Mary Dollison, there is little doubt that the Muncie community would be vastly different, and far worse off. Countless children and families have been the blessed recipients of the Dollison's love and service, and I am proud to recognize the impact on the community made by their decades of selfless service.

HONORING THE LIFE OF MR.  
ROBERT L. KLYCE

**HON. TRAVIS W. CHILDERS**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Robert L. Klyce. Robert has been an inspiring leader in the Hernando, Mississippi community, and I recognize his service as Emissary on behalf of St. Augustine's National Foundation.

As an Emissary for St. Augustine's National Foundation, Robert L. Klyce served by providing leadership critical to the mission of the St. Augustine's National Foundation, Inc.—a faith based endeavor commissioned to prevail in the establishment of a heritage to benefit a global community-at-large, demonstrating compassion to humankind.

I applaud Mr. Klyce's achievements and I hope he will continue to guide, inspire, and represent Mississippi's First District. I urge my colleagues to join me today in recognizing

Robert L. Klyce for his years of service and leadership in Mississippi.

#### PERSONAL EXPLANATION

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on Tuesday, January 12, I requested and received a leave of absence until January 27, 2010.

For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed during this time period.

On rollcall 1, Establishing a quorum in the House of Representatives for the Second Session of the 111th Congress, I would have voted "yes."

On rollcall 2, Disposing of the President's Veto of H.J. Res. 64 (H.J. Res. 64), I would have voted "no."

On rollcall 3, Honoring the life and work of Dr. Martin Luther King, Jr., (H. Res. 1002) I would have voted "yes."

On rollcall 4, Supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights (H. Res. 860), I would have voted "yes."

On rollcall 5, To designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office (H.R. 3892), I would have voted "yes."

On rollcall 6, Congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health (H. Res. 1004), I would have voted "yes."

On rollcall 7, Congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship (H. Res. 1015), I would have voted "yes."

On rollcall 8, Commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship (H. Res. 991), I would have voted "yes."

On rollcall 9, Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 3254—Taos Pueblo Indian Water Rights Settlement Act—H.R. 3342 Aamodt Litigation Settlement Act—and H.R. 1065—White Mountain Apache Tribe Water Rights Quantification Act of 2009 (H. Res. 1017), I would have voted "yes."

On rollcall 10, Castle Nugent National Historic Site Establishment Act of 2009 (H.R. 3726), I would have voted "yes."

On rollcall 11, Idaho Wilderness Water Resources Protection Act (H.R. 3254), I would have voted "no."

On rollcall 12, Taos Pueblo Indian Water Rights Settlement Act (H.R. 3254), I would have voted "yes."

On rollcall 13, Aamodt Litigation Settlement Act (H.R. 3342), I would have voted "yes."

On rollcall 14, White Mountain Apache Tribe Water Rights Quantification Act of 2009 (H.R. 1065), I would have voted "yes."

On rollcall 15, Expressing Condolences to and Solidarity with the People of Haiti in the

aftermath of the devastating Earthquake of January 12th, 2010 (H.R. 1021), I would have voted "yes."

On rollcall 16, Nuclear Forensics and Attribution Act (H.R. 730), I would have voted "yes."

On rollcall 17, Expressing support for designation of January 2010 as "National Mentoring Month" (H. Res. 990), I would have voted "yes."

On rollcall 18, Recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month (H. Res. 1011), I would have voted "yes."

On rollcall 19, Expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week (H. Res. 1003), I would have voted "yes."

On rollcall 20, Rule providing for consideration of H.R. 4474—Idaho Wilderness Water Facilities Act—and H.R. 3726—Castle Nugent National Historic Site Establishment Act of 2010 (H. Res. 1038), I would have voted "yes."

On rollcall 21, Expressing support for designation of January as Poverty in America Awareness Month (H. Res. 1024), I would have voted "yes."

On rollcall 22, Idaho Wilderness Water Facilities Act (H.R. 4474), I would have voted "yes."

On rollcall 23, Castle Nugent National Historic Site Establishment Act of 2010 (H.R. 3726), I would have voted "yes."

On rollcall 24, To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 (H.R. 4508), I would have voted "yes."

On rollcall 25, Honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act (H.R. 1020), I would have voted "yes."

IN RECOGNITION OF THE EL PASO  
DIABETES ASSOCIATION AND DR.  
ROBERT CHRISTENSON

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, January 29, 2010*

Mr. REYES. Madam Speaker, today I would like to recognize and thank the El Paso Diabetes Association, its Executive Director, Mr. Henry Brutus, and his team for their continued leadership and dedication to educating our community about living with and preventing diabetes.

The statistics regarding diabetes are staggering. Diabetes is an epidemic affecting nearly 24 million Americans and another 57 million with pre-diabetes. Every 24 hours, 4,100 people in the United States are diagnosed with diabetes. If current trends continue, one in three children born in the year 2000 will develop diabetes at some point in their lifetime. For minority populations, this number is nearly one in two. In El Paso, as many as one in six people are currently living with diabetes, and many

more are unaware that their lifestyle choices are putting them at risk or have already made them pre-diabetic.

Diabetes is a leading cause of heart disease, stroke, amputation, blindness, and kidney disease. In 2007, diabetes cost the United States \$174 billion in direct and indirect costs. Locally that same year, El Paso hospitals incurred more than \$75 million in emergency costs related to complications with diabetes. However, these complications and costs are for the most part preventable through education.

It is important that we all understand how diabetes affects us, our families, and our com-

munity. Since 1968, the El Paso Diabetes Association has been an invaluable asset to my community by providing personalized services for those interested in learning about diabetes management and prevention. The organization's mission to promote education and early detection, empower people to take control of their health, and increase access to resources that make these goals possible are all exemplified by the work done by this year's Person of Vision.

Dr. Robert Christenson has been involved, with the El Paso Diabetes Association for 15 years and started the "In Control Teen Camp" to teach young El Pasoans how to prevent the

onset of diabetes by staying fit and eating healthy. His service to the organization and our community is making a positive impact on the lives of our youth and is stemming this growing epidemic. Dr. Christenson is most deserving of this honor, and I applaud his work and dedication to make El Paso a better and healthier place.

Today, I am proud to recognize Dr. Christenson and everyone at the El Paso Diabetes Association, and I greatly appreciate all of their hard work for the betterment of our community.

## SENATE—Monday, February 1, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, our light and guide, lead our Senators with Your wisdom. Keep them from being embittered by ingratitude or pettiness as they refuse to be satisfied with any effort less than their best. May the voice of history warn them of the paths that lead to national disaster. Lord, give them the wisdom to follow Your precepts, trusting You to direct their steps. Help them to be as eager to forgive others as they are to seek forgiveness. By Your grace empower them to be better than they are, wiser than they know, and stronger than they dream. We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 1, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business until 3 p.m. today, with Senators permitted to speak for up to 10 minutes each. At 3 p.m., the Senate will proceed to executive session to debate the nomination of Patricia Smith to be Solicitor for the Department of Labor.

The vote on the motion to invoke cloture on that nomination will occur at 5:30 p.m. today.

### THE BUDGET

Mr. REID. Mr. President, nursing our economy back to health is not just about giving it the right short-term treatments; it is about setting a new, responsible foundation for our future security and stability; it is about recognizing that what got us into this mess will not get us out of this mess; it is about making sure this kind of crisis can never again threaten American families.

There are three things above all else I wanted to see in President Obama's budget: No. 1, a plan to put Americans back to work; No. 2, a plan to ease our deep deficit, bring fiscal discipline back to our government, and leave our children a stronger economy; and finally, No. 3, a plan that will strengthen Nevada's economy and make Nevadans safer.

As far as I am concerned, the President has gone three for three. Regarding jobs: Ensuring every American who wants to work can find a job is the top priority of the American people and it is the top priority of President Obama's budget. His proposed tax cuts will encourage small businesses to keep workers on the job, hire new ones, and give those employees bigger paychecks, and it will encourage entrepreneurs to start new companies and encourage existing owners to grow their businesses, which will in turn grow our economy.

This budget is also about smart investing. It looks forward to building industries of the future by creating clean energy jobs that can never be outsourced and jobs in infrastructure, science, technology, and research. It extends middle-class tax cuts so hard-working families can invest more of their income in the economy rather than sending it back to the government.

As far as fiscal responsibility goes, his budget does some good things. It continues Democrats' efforts to reduce the deficit and restore fiscal responsibility to the government.

This budget comes with a lot of zeros. Its numbers are in the millions, billions, and trillions. It is easy to

mischaracterize those numbers and what they mean, but let's keep some perspective. When you look at this budget as a share of our entire economy, it will cut the deficit by more than half in 2 years. It is not the last thing we will do to slash the deficit, but it is a good, promising start.

The President also has endorsed the pay-as-you-go rules the Senate approved last week, as well as a commission dedicated to reducing the deficit, which I support. Unfortunately, many of our Republican colleagues do not. They voted in unison against pay-as-you-go—the simple concept that we should only spend what we as a government have. Some Republican Senators who sponsored the legislation creating the deficit-reduction commission turned right around and voted against their own bill when it came before the Senate. Had they voted with us—if they had voted the way the bill was sponsored—it would have passed. We had 53 votes. One Senator was gone because of a funeral. There are 54 Democrats, and with 7 Republicans, that would have brought us to 61.

It is a real shame. People worked on this so hard, and one of those who did so is the Presiding Officer. The Presiding Officer is an expert at balancing budgets, having been Governor of the Commonwealth of Virginia, and the Presiding Officer used that knowledge to work with Senator CONRAD and others to bring about the pay-go rules and to bring about this deficit-reduction commission. Then to have people who sponsored the legislation vote against it is hard to comprehend. This budget knows our economy and our future cannot afford partisan games such as that.

As far as Nevada is concerned, the recession has hit Nevada harder than most every other State. Nevadans will benefit more than nearly any other State's citizens when we see the implementation of the job-creating and money-saving ideas in this budget.

Nevada will also benefit in another very specific way. The President has declared dead the dreadful plan called Yucca Mountain—to turn a piece of the magnificent Nevada desert just outside of Las Vegas into a national dumping ground for dangerous nuclear waste. This budget ends funding for that reckless project and pulls its license application.

That means families in Nevada and throughout America no longer have to worry about trucks and trains loaded with tons of the most toxic nuclear waste known to man passing by their children's schools, their neighborhoods,

parks, and their own backyards. It means we will all be safer.

The President's plan will walk us further down the path toward economic recovery, but we still have a long way to go. Let's keep in mind this budget is merely a blueprint, not a silver bullet. It will guide Congress, not restrict us.

No matter what the items and numbers are in this document, neither Democrats nor Republicans should ever forget that every single dollar in this budget belongs to the American people. We know we cannot make our economy work again for the middle class unless we invest taxpayers' money as responsibly and efficiently and as transparently as possible. Senate Democrats are committed to doing just that.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I cannot help but note that the occupant of the chair presides not only over the Senate but other organizations to which I am privileged to belong.

I ask to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NOMINATION OF MARTHA N. JOHNSON

Mr. LIEBERMAN. Mr. President, later this afternoon, the Senate will vote on a cloture motion on the nomination of Patricia Smith to be Solicitor of the Department of Labor. Last Friday, I believe, Senator REID also filed a cloture motion on another nomination, and it is that nomination I would like to talk about because it comes out of the Homeland Security and Governmental Affairs Committee, which I am privileged to chair. That is the nomination of Martha Johnson to be Administrator of the General Services Administration.

It has become unfortunate practice, I believe, that Members have been holding up Executive nominations, in some cases, and I am confident it is the case with regard to Martha Johnson, for reasons unrelated to her qualifications. She is extremely well qualified and very much needed at the General Services Administration, as I will note in a moment.

As I understand the process we will follow this week—presuming, as I hope will be the case, that cloture is granted later this afternoon, when we vote on the nominee for Solicitor of the Department of Labor, whenever the vote on that nomination occurs—hopefully, sooner than later this week—immediately thereafter, we will go to a vote on cloture on this nomination of Martha Johnson. In anticipation of that, I wished to speak to my colleagues about what is coming.

She is an extraordinary nominee, in my opinion, for a job that is critically important to the efficient operation of the Federal Government, about which a lot of us have been speaking with intensity in recent times. She is a former Chief of Staff at the General Services Administration, so she comes with some background that will give her the opportunity to hit the ground running, and that is important in an agency that has not had a permanent leader since April of 2008. Here we are in February of 2010. GSA has not had a permanent leader since April 2008, when the former Director was asked to resign by the previous administration. Since then, the agency has had five Acting Administrators. It is obviously time for stable leadership.

The Homeland Security and Governmental Affairs Committee unanimously endorsed her nomination last June, more than a half year ago. Since that time, GSA has undergone several changes in top management, including the departure of the Chief of Staff and the retirement of the Deputy Administrator. So it has been very frustrating for the members of our committee to see such a qualified nominee being held up in the Senate for more than a half year because of a hold that had nothing to do with the nominee's qualifications.

I wish to speak for a moment to my colleagues about the full scope of GSA's responsibilities. It is a critically important agency of our Government that mostly works out of the spotlight. GSA is often called the Federal Government's landlord because it provides workspace and office services for almost every Federal office and agency across our country, from court houses to ports of entry. With 8,600 buildings and \$500 billion in assets under its control, GSA must be either the largest property management organization in the world or certainly one of the top and largest property management organizations in the world. But GSA ac-

tually is far more than just the Federal Government's landlord. It has 12,000 employees spread across the country in 11 districts. They help guide Federal spending on everything from basic office equipment to the Federal fleet of more than 200,000 vehicles owned and leased by the U.S. Government. GSA's purchasing divisions have broad effect on the rest of the economy since, as an early acquirer of new technologies, including green technologies, the agency has helped and will continue to help spur production that brings down costs and makes these technologies available and affordable to the broader consumer market. GSA is that important, that it can help build a market for an innovative transformational technology.

In fact, the American Recovery and Reinvestment Act, commonly known as the Stimulus Act, which we adopted last year, gave GSA specific responsibility to help green the Federal Government by providing \$5 billion to make Federal buildings more energy efficient and \$300 million to buy more fuel-efficient vehicles for the Federal fleet.

GSA also has wide responsibilities for providing information technology and telecommunications services for Federal agencies. With its leadership, GSA can ensure that the Federal Government is using cutting-edge technology to lower costs, better engage with citizens and detect and defend against cyber threats. In other words, GSA spends so much money every year acquiring information technology systems that if it requires the providers to put together systems that are resistant and defensive to the kinds of cyber attacks that, unfortunately, public and private information networks are under today, it can drive that technology development, which then will be more broadly available to the private sector as it acquires information technology equipment.

A lot of big and important responsibilities are there, meaning the agency is in need of strong leadership. If confirmed, Ms. Johnson will face many challenges, and I wish to take a moment to lay out for my colleagues a few which have come to the attention of our committee, which has oversight of GSA. In the area of procurement, contracts negotiated by GSA must leverage the vast buying power of the Federal Government so agencies get more value for the taxpayers' dollar. Last year, Federal agencies bought approximately \$53 billion of goods and services right off GSA schedules and other GSA contracts, which offer everything from office supplies to human resource services, to security equipment, to energy management services and through other contracts negotiated by GSA. Having GSA negotiate these procurement agreements lets these customer agencies stay focused on their core missions. In other words, the

agencies do not have to get into all the back-and-forth details on negotiating these contracts. The experts at GSA do it for them. The agencies can focus on what they are supposed to be doing.

Some agencies, if I may speak directly, have lost confidence of the ability of GSA to provide the best products at the best prices and have begun to negotiate their own contracts or inter-agency contracts. This duplicates services offered by GSA. It is effectively a waste of Federal money and effectively also defeats the purpose of GSA, which was created by President Harry S. Truman, in 1949, with the specific intent of streamlining the Federal Government's purchasing process so every agency of the Federal Government did not have its own separate purchasing division that may have done well or not so well but certainly not as efficiently as one for the whole Federal Government.

The second problem, similar to this one, exists in GSA's property management activities, with agencies sometimes questioning whether GSA has now met their needs in the most cost-effective manner.

Another problem a new administrator must address is the amount of excess or underutilized property owned by the Federal Government. The Office of Management and Budget has reported—these are stunning numbers—that the Federal Government owns 21,000 buildings, worth about \$18 billion, that are underused or no longer needed, but they are sitting there. In effect, the GAO, the Government Accountability Office, has put the management of Federal property on their high-risk list for this reason. Not all those properties are under GSA's control, but one of its jobs is to help other agencies dispose of excess property. That is another reason why we need a full-time administrator there.

Think about it, \$18 billion. The freeze the President has announced—which I support—doesn't come to much more than that, when you think about the potential for selling some of this property and bringing more revenue to the government.

Let me come back to Martha Johnson. This is a job with big challenges, as I have described, in part. She brings a tremendous wealth of experience in the private, nonprofit, and government sectors. She has a B.A. in economics and history from Oberlin College and a masters in business from Yale Business School. After graduating from Yale, Ms. Johnson began her career in the private sector at Cummins Engines Company. She had a series of other management positions in the private sector and then was called on by the Clinton administration to be the Associate Deputy Secretary of Commerce and then, as I mentioned earlier, Chief of Staff of GSA from 1996 to 2001—very relevant and indispensable experience.

After leaving government, Ms. Johnson was a vice president for the Council

for Excellence in Government, which is a nonpartisan, nonprofit organization dedicated to increasing the effectiveness of government at all levels, and most recently she has served as vice president at Computer Sciences Corporation. She is extremely well qualified, has broad qualifications, including extensive experience at GSA.

All these varied experiences make Martha Johnson a perfect fit for the responsibilities and challenges she will face as GSA Administrator. The fact is, she, Martha Johnson, has had broad bipartisan support. I urge my colleagues to vote yes on cloture. I even preserve the hope that there may be a decision to vitiate the cloture vote, that we go right to a final vote, and we confirm this excellent nominee so she can go to work for the American people.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE BUDGET

Mr. KYL. Mr. President, during the past few weeks, President Obama has repeatedly professed a commitment to clamp down on out-of-control spending and on deficits. That new development, of course, appeals to many Americans who have become increasingly frustrated with the trillions of dollars in new debt that has been racked up by this administration.

The President's newly released budget tells a different story, and it is not one of fiscal responsibility. Just look at the front-page headlines from many of today's morning newspapers and you will see a helpful review of what they think of the budget.

The Wall Street Journal: "U.S. Deficit to Hit All-Time High."

The Washington Post: "White House Expects the Deficit to Approach a Record \$1.6 Trillion This Year."

The Washington Times: "White House Says the Government Will Run Huge Deficits for the Foreseeable Future."

The publication Politico: "Five Years, \$5.08 Trillion in Debt."

In other words, this \$3.8-trillion budget is another sea of red ink, more of the same record spending and debt that have come to characterize this administration.

Let me go over some important numbers. Under the President's budget, the deficit, which is the gap between total revenues and total spending in a given year, will reach a whopping \$1.56 trillion for the fiscal year 2010. For fiscal

year 2011, the deficit is projected to be \$1.3 trillion. That will mark the third year in a row of trillion-dollar-plus deficits, beginning in 2009. These 3 years of deficits are more than the total accumulated debt from George Washington to George W. Bush. The President's budget also virtually doubles the debt held by the public over 5 years and virtually triples it over 10. It exceeds 60 percent of the GDP as a share of the economy this year. That surpasses last year's 50-year high.

Interest payments will more than quadruple by the end of the decade, reaching \$840 billion in the year 2020. That is \$311 billion more than we spend on education, roads, and all other non-security discretionary spending. That is just to pay the interest on the debt.

Overall spending will remain well above the historical average as a percentage of GDP. By the end of the 10-year budget window, debt will consume 77.2 percent of our economy. As Congressman PAUL RYAN, ranking member on the House Committee on the Budget, pointed out recently, even European Union countries—hardly exemplars of fiscal rectitude—are required to keep their debt levels below 60 percent of their GDP.

I wish to mention a finding from a new paper entitled "Growth in a Time of Debt" by two economists, Kenneth Rogoff of Harvard and Carmen Reinhart of the University of Maryland. In their paper, they study the relationship between GDP growth and debt, and they find that nations carrying an excessively large debt burden of more than 60 percent of GDP produce a negative effect on short-term economic growth. They write:

When gross external debt reaches 60 percent of GDP, annual growth declines by about 2 percent. For levels of external debt in excess of 90 percent of GDP, growth rates are roughly cut in half.

This only makes sense because you have less money to spend on those things which provide capital, which provide growth in your economy, because you are paying more and more of your income to service the debt.

Remember, our debt will consume 77.2 percent of our economy by 2019. This is important because there are really only four ways to pay down or pay off your debt. The first is to raise taxes. You do not do that when you are in the middle of a recession, and, in fact, it is counterproductive to economic growth in the first place. Second, you cut spending. Well, that is very hard for Congress to do. Third, inflate the currency. Of course, that wipes out savings. It is the least good of the bad alternatives. Fourth, you can grow your way out. Growing your way out is the way to do it, obviously. It is like your family: If you have a lot of debt, you can cut some on spending, sometimes you can make a little more money. You cannot inflate your way

out the way the government can. But the preferred way is to grow your way out of debt by, over time, making more money and by being able to pay it down. But there is a point at which, according to these studies, even that does not work—when you have so much debt that you do not have enough money to put back into the system to create the growth we are talking about. And that is what this debt burden and interest cost does.

The administration has been touting a spending freeze worth about \$250 billion over a decade to help allay concerns about spending and debt, but it does not start until next October. Therefore, to me, it is a little bit like the alcoholic who says: Well, I am going to quit drinking right after I have my next drink. If it is a good idea—and it is—we should begin now. I applaud any move toward fiscal responsibility, but this proposal will really do little to seriously attack the debt and will not even erase the massive debt accumulated during President Obama's first year in office. As columnist Robert Samuelson put it recently, "Any savings would be mostly a rounding error in the decade's projected deficits."

The point is, we have to do a lot more than this. Let's remember that the proposed spending freeze only applies to 17 percent of the budget. Programs targeted for the freeze have already seen a 22-percent increase in their annual appropriations in the past 2 years, plus another 25 percent increase including the stimulus. So it is hard to argue that tough choices are being made when you increase these programs by 22 percent, plus another 25 percent, and then say: OK, now I am going to stop.

Finally, of course, why propose a budget in February with a more than \$1.5 trillion deficit and a spending freeze that will not even take effect until October? Maybe another analogy is, it is like the dieter who wants to start the diet tomorrow but never today. The spending freeze is a good idea. So let's not start it in the future, let's start it with this year's appropriations bills.

I would also suggest other stronger measures right now. We can start with the TARP money, for example. Rather than using the TARP money to pay for another stimulus bill, as some of my colleagues have suggested, let's use it to pay down the debt. That money, remember, was borrowed in the first place. We did not have \$700 billion lying around. We went to the markets to borrow that, and we have to pay interest on it. A lot of it came from China. We have to pay it back. Let's do that—pay the money back. Do not use it to pay for yet another stimulus program. Remember, it will ultimately have to be paid back.

Second, let's end unlimited funding for government-sponsored enterprises

such as Fannie Mae and Freddie Mac. Right now these two entities can spend as much as they like even without congressional authority. I find it interesting that when the President, in his State of the Union speech, said we are going to impose a tax on the banks, he was talking about banks that either never took TARP money or banks that have paid it back. The tax does not apply to Fannie Mae or Freddie Mac. They haven't paid back the money. It does not apply to AIG. It does not apply to General Motors. None of them have paid the money back.

If we are going to have a tax, impose it on those who haven't paid the money back. Don't put it on those who either never needed the money or didn't take it, but, in any event, who have paid it back.

Third, let's rescind unobligated stimulus money. The stimulus has already proven, by most accounts, to be a failure in terms of creating jobs for the money spent. That is even using the administration's own standards to measure its success. Let's use the money that has not yet been spent or obligated to pay down the debt. Again, remember, most of that money has to be borrowed and, therefore, let's not spend it in the first place, thus reducing future debt included in the President's budget.

These are just three specific ways, three relatively easy ways that we could employ to start getting hold of spending and debt. I would also like to suggest that those who continue to evoke the spending policies of the last administration become more focused on the future. That is what Americans want us to do. It makes little sense to complain about high spending from a previous era and then make the situation worse, creating a deficit that is four times as much as the biggest deficit in the previous administration and creating a debt burden that is equal to all of the Presidents from George Washington through George Bush.

Americans want this administration to confront the massive spending and massive debt it is accumulating in a meaningful way. The budget the President sent to Capitol Hill this morning does not do the job.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

#### EXECUTIVE SESSION

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, at 5:30 today, under a previous order, the Senate will be voting on cloture on the nomination of Patricia Smith to be Solicitor for the Department of Labor. I will be addressing the Senate about this and about the key role the Solicitor plays, about the qualifications of Patricia Smith to assume this position, and sort of to bring people along as to why we are here and why it has taken so long.

This nomination has been before us since last April and, quite frankly, this should have been disposed of many months ago. But, nonetheless, we are in a situation where the Republican side has objected, and so we have had to file cloture, which was done on Thursday. It ripens at 5:30 p.m. today. We will have a vote at 5:30, and then we will be in a postcloture position on the nomination of Patricia Smith to be the Solicitor for the Department of Labor.

On Friday, the Commerce Department announced that the Nation's GDP surged at a 5.7-percent annual rate in the fourth quarter of 2009. Well, that is good news, and it is yet more evidence that the Recovery Act is having the positive impact we expected when we passed it last year. But in my book, the most important economic statistic is the unemployment rate, which remains stuck at about 10 percent. I wish to be clear, a jobless recovery, as people are calling it, is a contradiction in terms. There is no meaningful recovery until that unemployment rate is coming down and people on Main Street are feeling the benefits of a stronger economy.

Today, more than 6 million workers have been looking for a job for more than 6 months and cannot find one. Hard-working people have seen their hours cut back, their benefits reduced, and millions more are simply not looking because they have given up, and they are not even counted in the unemployment figures. Family budgets are stretched to the breaking point. Workers are desperate to get a job and keep a job and pay for the basic necessities of their families.

The Obama administration has implemented an aggressive agenda to restore economic security for working



families and to get our economy back on track. We will be offering jobs bills on the Senate floor in the near future. But a key part of restoring economic security in this country is reaffirming our commitment to strong labor standards and a revitalized, strong Department of Labor.

In these tough times, when so many families are suffering, it is sad to think some unscrupulous employers might choose to pad their profits by violating our labor laws, cutting corners on safety, firing workers illegally, refusing to pay workers the wages they have earned. But the harsh reality is, these practices are far too common now in our economy.

A recent survey of workers in very low-wage occupations found, in a single week, 26 percent of low-wage workers were paid less than the minimum wage—one out of every four paid less than the legally required minimum wage—and 76 percent worked overtime without receiving their proper overtime pay; 76 percent—three out of every four people—who did overtime did it without receiving proper overtime pay.

These acts of theft—and that is what I call it; let's be clear about it, it is theft from America's most vulnerable workers—represent a major loss of income for families struggling to make ends meet.

We like to think these things do not happen in the United States. We like to think sweatshops do not exist. We like to think employers do not cut corners in ways that endanger the life and limb of employees. But these things do exist, sadly, and they are even more common when times are tough and when enforcement is lax or nonexistent.

That is not fair to our workers, it is not fair to their families, and—this is very important—it is not fair to the overwhelming number of honest and reputable businesses that play by the rules and treat their workers fairly.

That is why—now more than ever—we need a strong Department of Labor to stand for America's workers. We need leaders at the Department who understand the challenges workers are facing and are prepared to tackle these challenges aggressively.

Secretary Solis, our Secretary of Labor, has put an excellent team together at the Department, and they are working hard to reinvigorate that agency after years of neglect. But they are still missing a vital player on their team. For more than 9 months, Republicans have been blocking the confirmation of a key Department official, the Solicitor of Labor.

The Solicitor of Labor has the critical responsibility of enforcing almost 200 Federal laws that affect American workers every day, such as safety and health, wages and work hours, equal employment opportunity, veterans'

protections and retirement and health benefits. Again, I have a series of charts to show what the Solicitor does, how important this position is.

For example, the Solicitor of Labor was critical in the investigation of a major explosion at BP Products' Texas City refinery that killed 15 workers and seriously injured over 170 others. The Solicitor secured a settlement that included over \$21 million in penalties.

The Solicitor of Labor also helps to protect workers' paychecks. The Solicitor of Labor launched an investigation of Walmart that resulted in the payment of \$41 million in back wages to workers who had been underpaid. Again, these wages would not have been paid had it not been for the Solicitor of Labor taking these actions because those workers do not have the wherewithal to bring these cases themselves, so it had to be done by the Solicitor of Labor. Mr. President, 41 million in back wages would have been underpaid at Walmart.

The Solicitor of Labor defends workers' retirement security. The Solicitor of Labor launched an active investigation into Enron Corporation's—remember Enron—Enron Corporation's management of workers' pensions that resulted in the recovery of more than \$220.8 million for workers' pensions plans. That is \$220.8 million that would not have gone to these workers' pensions had it not been for the Solicitor of Labor.

Because workers cannot bring private lawsuits under many of these laws, the Solicitor is the only official who can defend their rights.

The Solicitor is also a vital member of the Secretary's management and leadership team. The Solicitor provides legal advice and guidance on virtually every policy, legislative, regulatory, and enforcement initiative at the Department of Labor. The Department simply cannot perform its mission effectively without a strong Solicitor in place.

The President has nominated Patricia Smith of New York to perform these critical responsibilities, and there is no question she is superbly qualified for this job. Patricia Smith—Commissioner Smith, I should say—is an accomplished attorney with a detailed knowledge of our labor laws and a deep commitment to improving the lives of working families. At present, she is commissioner of the New York Department of Labor. Since becoming commissioner of the New York Department of Labor, she has played a prominent role in helping New York's working families weather the current economic crisis.

She has implemented creative, new work-sharing programs to help employers avoid layoffs. She has revamped the State's unemployment insurance system to help workers access benefits more easily. She has created a new pro-

gram to help low-income workers train for careers in high-demand fields, such as green technology, construction, and health care. Through these initiatives, Commissioner Smith has demonstrated impressive leadership skills. She has built positive working relationships with legislators, worker advocates, and the business community.

In a letter urging her confirmation, the Business Council of New York State—the Business Council of New York—had this to say:

Ms. Smith has shown a clear ability to balance her duty as a public official to enforce the law and her obligation as a public official to ensure that the law provides for reasonable application and reasonable solutions.

It is those critical skills—listening, interpreting, and balancing—that make Ms. Smith an ideal candidate to serve as the United States Department of Labor's Solicitor. . . .

That is the Business Council of New York State.

Another letter from the business community, this one from the Manufacturers Association of Central New York:

The Department of Labor under the leadership of Commissioner Smith—

Now they are talking about the Department of Labor in the State of New York—

has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way. . . . It is Commissioner Smith's dedication, leadership, and innovative thinking that make her an exceptional candidate for Solicitor for the United States Department of Labor.

That is the Manufacturers Association of Central New York.

Mr. President, I ask unanimous consent that both these full letters, along with five other letters of support from business organizations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BUSINESS COUNCIL  
OF NEW YORK STATE, INC.,  
*Albany, NY, August 14, 2009.*

Re Nomination of M. Patricia Smith, US Department of Labor Solicitor General.

Hon. MICHAEL B. ENZI,  
*U.S. Senate, Senate Russell Office Building,  
Washington, DC.*

DEAR SENATOR ENZI: On behalf of the 3,000 members of The Business Council of New York State, I write in support of President Obama's nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor. As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

As the Committee has the broadest access to Ms. Smith's resume and credentials, I write to add a perspective which often does not translate well from written documents

or background checks. Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair and judicious in the use of the tools at her disposal to ensure compliance with New York's Labor Law. She carefully balanced the disparate issues before her and sought resolution as opposed to prosecution, when that result would serve the best interests of New York's citizens. And where blatant fraud, abuse and disregard for New York's Labor Law was evident, she did not rush for headlines and photo opportunities, but rather worked closely with appropriate officials to build a legal case which would withstand scrutiny and higher level appeals.

In her tenure as New York's Commissioner of Labor, Ms. Smith continued her vigilance and diligence on behalf of New York's citizens, again balancing the many different roles the Department of Labor serves in New York State. To those not familiar with the responsibilities of that Department, they may not understand the challenge it can be to manage an agency which issues unemployment benefits; must be vigilant about fraud in that \$2.5 billion unemployment system; engages with businesses and individuals to help put people back to work; manages a workforce development system designed to improve skills of our workforce; and, enforces rigorous minimum wage, safety and health, and various labor standards' statutes. At times, a Commissioner is asked to decide between what may seem to be conflicting goals and objectives; Ms. Smith always demonstrated to the business community a willingness to listen, to reflect and to respond.

To be sure, our organization did not always agree with the policy direction taken under Ms. Smith's tenure. But there are well-established processes through which we can pursue changes to policies with which we disagree. What is important to note is that under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid and frequent. While some may view her tenure as one of strict enforcement, with little regard to practical day-to-day business realities, our membership would disagree, as we believe she offered an opportunity to the business community to be a part of the solution, rather than just reacting to the problems.

New York's Labor Laws date back a century and reflect the seriousness with which policymakers then and now feel the law should protect workers and be responsive to their needs. That is the statutory and regulatory environment within which New York employers must operate. Where employers engage in fraud and abuse of employees, enforcement of the law is a duty, not an option. Ms. Smith has shown a clear ability to balance her duty as a public official to enforce the law and her obligation as a public official to ensure that the law provides for reasonable application and reasonable solutions.

It is those critical skills—listening, interpreting, and balancing—that make Ms. Smith an ideal candidate to serve as the United States Department of Labor's Solicitor General and I would ask that the Committee move on her nomination upon its return in September.

Should any Committee members benefit from further discussion on her nomination to

which I can contribute, please feel free to contact me at your convenience.

Sincerely,

KENNETH ADAMS,  
President and CEO.

MANUFACTURERS ASSOCIATION  
OF CENTRAL NEW YORK,  
*Syracuse, New York, September 11, 2009.*  
Re nomination of M. Patricia Smith as Solicitor General, United States Department of Labor.

Hon. JEFF MERKLEY,  
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR MR. MERKLEY: On behalf of MACNY, the Manufacturers Association and its members, I fully give my support to the nomination of Patricia Smith as Solicitor General of the United States Department of Labor.

MACNY is a trade association representing over 330 member companies with over 55,000 employees within a 19-county region, and we serve and advocate for the growth and development of the manufacturing sector of New York State. Founded in 1913, we pride ourselves on not only being the largest association of manufacturers in New York, but also one of the oldest and most widely recognized associations in the nation.

For Central and Upstate New York to retain its manufacturing base, manufacturers must be able to compete in the global economy. Manufacturing strength is contingent upon the quality of the region's workforce. Manufacturers often cite the quality of the workforce as a key reason for business expansion and the lack of it as a reason for closing and/or relocating. Expanding the trained and educated manufacturing workforce is therefore crucial to the Upstate New York economy. As such, one of MACNY's core mission areas remains workforce development. Training programs help manufacturers educate workers and remain in Central and Upstate New York.

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

One such example is the partnership between MACNY and DOL on the successful Shared Work Program. Since its inception, MACNY has lent its support and continued to promote this beneficial DOL program. Through this unique and successful partnership, over 34 member companies have utilized and benefited from the Shared Work program, including Revere Copper Products, Endicott Interconnect and Manth Brownell, Inc.

In another similar partnership, in May of 2009, MACNY hosted a Workforce Development partnership meeting for the planning of reemployment services on behalf Magna Power train, a longtime MACNY member and major market manufacturing employer located in Dewitt, New York. The meeting, in partnership with the Department of Labor, focused on the company's employees and the anticipated downsizings and possible future plant closure. Since economic and labor pool questions are regular inquiries from our membership, MACNY holds a vested interest in the related progress. As a result of this meeting, and with thanks to the expertise and hard work of the Department of Labor, MACNY remains readily available to promote an applicant pool and highly qualified resumes to their membership.

Commissioner Smith has also spent her tenure advocating on the federal level for funding in workforce development initiatives and continued Federal workforce training dollars, a cause that has greatly benefited MACNY's membership. Meeting with editorial boards and local officials, New York's Congressional delegation, as well as key Congressional committee members and staff, Commissioner Smith was able to draw attention to and oppose the 50% cut in New York's Workforce Investment Act (WIA) dollars since 2000. In recent years, MACNY has been grateful in securing federal funding for workforce and training initiatives, allowing members to receive discounted advanced skills training as a way to keep their costs down and advance their workforce. Without Commissioner Smith's tireless efforts in this capacity, this critical program would not be possible.

As earlier stated, for over 95 years MACNY has been tirelessly working to ensure we have the most up-to-date services and information needed to allow our manufacturing community to grow and prosper. In examples as cited above, plus many more, our collaborative partnership with the Department of Labor allows us to learn and educate our membership on how the state's workforce development programs can best help them. The continued leadership of Commissioner Pat Smith in such instances has been exemplary, and our collective membership is grateful for both her and the Department of Labor's years of dedication to the state's manufacturing community.

It is Commissioner Smith's dedication, leadership, and innovative thinking that make her an exceptional candidate for Solicitor for the United States Department of Labor, and on behalf of MACNY, I fully support her nomination for this position.

If you have any other questions in this capacity, please do not hesitate to contact me.

Sincerely,

RANDY WOLKEN,  
President, MACNY.

PARTNERSHIP FOR NEW YORK CITY,  
*New York, NY, September 1, 2009.*  
Hon. MICHAEL B. ENZI,  
*U.S. Senate, Senate Russell Office Building, Washington, DC.*

DEAR SENATOR ENZI: I am writing in support of President Obama's nomination of M. Patricia Smith for Solicitor General of the United States Department of Labor.

The Partnership for New York City is an organization whose members include many of the nation's most prominent business leaders. Our mission is to work with government, organized labor and the not-for-profit sector to build a stronger city and state, with a focus on education, infrastructure and the economy.

During the past year, we have been particularly concerned about the threat that the global financial crisis and recession have had on the financial services industry, which is a key source of jobs and tax revenues for New York. Thousands of city businesses and workers, either directly or indirectly, have been casualties of this crisis. As New York State Labor Commissioner, Patricia Smith has been a strong voice and essential partner in addressing the issues arising from this crisis and helping to insure that New York remains the financial capital of the country and the world.

Ms. Smith acted decisively to mobilize New York, Connecticut and New Jersey to collaborate as a region with a shared interest in the recovery of the financial services

industry and keeping top talent here. She led efforts to secure a \$20 million National Emergency Grant that is currently helping thousands who have been laid off to train for new careers. She established a New York Early Alert/Retention Team to respond to small businesses in danger of closure, relocation, or financial crisis that would result in mass layoffs.

She has aggressively promoted programs that help employers retain productive workers during downturns and fund employer-sponsored worker training initiatives. She increased employer participation in the federal Work Opportunity Tax Credit (WOTC), which provides incentives to employers to hire people who are hard to employ. The Partnership strongly supports these programs, and every one of them has seen unprecedented success in New York City under Commissioner Smith's leadership.

As an advocate for businesses and economic development in New York for more than twenty-five years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

We hope you will support her nomination and would be happy to answer any questions you might have about her work with the New York business community.

Sincerely,

KATHRYN S. WYLDE,  
President & CEO.

LONG ISLAND FORUM FOR TECHNOLOGY,

August 21, 2009.

Re Nomination of M. Patricia Smith, U.S.  
Department of Labor Solicitor.

Hon. MICHAEL B. ENZI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR ENZI: As the President of the Long Island Forum for Technology I am writing in support of the nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor.

Founded in the 1970's, LIFT is a not-for-profit organization whose focus is on technology-driven economic development throughout the Long Island region. Our success is evidenced by the recognition and responsibilities conferred on us by our partners in the State and Federal Government including:

LIFT serves as the U.S. Department of Commerce Manufacturing Extension Partner (MEP), one of nearly 350 MEP locations across the country;

LIFT serves as the NYS Foundation for Science, Technology and Innovation (NYSTAR) designated Regional Technology Development Center (RTDC) for the region;

LIFT serves as the NYS DOL Sector Intermediary in the Advanced Manufacturing Sector and on the National Governors Association (NGA) Sector Policy Academy.

It was in the last role that we have come into contact and worked with NYS Department of Labor Commissioner Smith and the programs she sponsored on work force transformation in the Manufacturing and Healthcare sectors.

Under Commissioner Smith's able and visionary leadership, the New York State Department of Labor conceived, launched and funded a program known as Regional Workforce Transformation (I3N). This program broke new ground in the connectivity between industry and education. With its in-

dustry-driven initiative structure it created an environment for innovation, and increasing skill growth, focused on creating Long Island's future workforce.

This program is now entering its 2nd year, with over 600 individuals having gained a wide variety of new and upgraded skills training. This has led to the transformation of many individual lives with the results borne out in job placements and position upgrades.

With a strong record of achievement and leadership, Patricia Smith has been and outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's Leadership team and we urge her earliest confirmation by the United States Senate.

Yours truly,

C. KENNETH MORRELLY,  
President.

U.S. WOMEN'S CHAMBER OF COMMERCE,

August 25, 2009.

Re Nomination of M. Patricia Smith, U.S.  
Department of Labor Solicitor General.

Hon. EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the U.S. Women's Chamber of Commerce, our 500,000 members and the millions of women nationwide, I am writing to send our strong support for President Obama's nomination of Ms. Patricia Smith, and I urge the Committee to confirm Ms. Smith as Solicitor General at the United States Department of Labor. Ms. Smith has demonstrated that she is well prepared and qualified for the position, and will act on behalf of those who are facing unfair labor practices.

The U.S. Women's Chamber of Commerce represents both working women and women business owners. While one would think that these two constituencies would be contradictory in viewpoint, they are not.

From 1997-2006, the number of women-owned firms grew by 42.3% largely due to women leaving Corporate America in droves in search of equal pay, opportunities for promotions and a family friendly work environment. What they found instead was more barriers to opportunity. In fact, during this same time period, the revenues for all women-owned small businesses grew only 4.4%—representing a 38% overall decrease in revenues.

Clearly, women found that business ownership came with a whole new set of challenges including the inability to fairly access federal contracts, capital and affordable health care. And, most profoundly, they are faced by the growing challenge of competing with businesses that undercut their competitiveness by engaging in unfair labor practices.

Those that pay fairly and play fairly do not fear Ms. Smith's no-nonsense approach to labor law enforcement. They, in fact, see that they are being protected.

After learning of Ms. Smith's qualifications, expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith's nomination, and confirm Ms. Smith as Solicitor

General at the United States Department of Labor.

Sincerely,

MARGOT DORFMAN,  
CEO.

SHEET METAL AND AIR CONDITIONING  
CONTRACTORS' NATIONAL ASSOCIATION, INC.,

Chantilly, VA, June 22, 2009.

Hon. EDWARD M. KENNEDY, Chairman,  
Hon. MICHAEL B. ENZI, Ranking Member,  
Health, Education, Labor & Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND ENZI: I am writing on behalf of the Sheet Metal and Air Conditioning Contractor's National Association in support of Patricia Smith's confirmation as Solicitor of the Department of Labor. As one of the oldest and well respected national trade associations with over 1800 members in the United States and Canada, we wholeheartedly endorse this appointment based on her past demonstrated commitment for enforcement of labor laws and the rights of workers.

In her past role as New York State's Secretary of Labor, she brought a high degree of professionalism and equity for many of our contractor members in New York State. Ms. Smith was a strong advocate for protecting workers rights and worked aggressively against the misclassification of workers—an all too common problem for unionized contractors not only in New York State, but nationwide.

SMACNA supports her appointment as the Solicitor of the Department of Labor and urges her immediate confirmation. We appreciate your consideration.

Sincerely,

VINCENT R. SANDUSKY,  
Chief Executive Officer.

PLATTSBURGH NORTH COUNTRY  
CHAMBER OF COMMERCE,

Plattsburgh, NY, August 10, 2009.

Re Nomination of Patricia Smith to be DOL  
Solicitor.

Hon. MICHAEL B. ENZI,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR ENZI: Our Chamber is the largest business and economic development alliance in northern New York and one of the five largest in our state, representing more than 3,250 companies. I have had the pleasure of serving as President and CEO since 1993, having previously served as Executive Assistant to former Congressman Gerald Solomon (R-NY 23) for fourteen years.

During my sixteen years of engagement in business and workforce development in this region, I have had many occasions to work with our New York State Labor Department in various efforts to assist employers and to design and implement meaningful workforce training programs. I am writing to tell you first hand that until Patricia Smith was named Commissioner, we enjoyed an excellent working relationship with our local State Labor Dept. officials but enjoyed little leadership, engagement or even interest from the Commissioner's office.

Since she assumed leadership of the New York State Labor Dept. in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

This includes the design, funding and implementation of a three-year Aerospace, Transportation Equipment & Green Tech Workforce Strategy for our region, our first multifaceted approach to the creation of a

capacity in our region to attract and support employers in these targeted sectors. The creative approach features everything from support for the start-up of Plattsburgh Aeronautical Institute, an FAA-certified A&P mechanics' school, to further development of a new Global Supply Chain Management school at our local university, to the launch of new electronics and alternative energy technology programs at our community college, and more.

And although we are just beginning the second year of implementation under the three-year plan, the results are already tangible. Plattsburgh Aeronautical Institute is set to fully open its doors next month, and is already putting us in play in terms of marketing the former Plattsburgh Air Force Base for future aerospace activities. And Volvo/Nova Bus has just opened a new plant in our community with 300 employees for the production of transit buses in the U.S., a venture that would not have been feasible without the programs she helped us get up and running.

In these and other ways, Patricia Smith has worked with us to give true life to the notion of wedding economic and workforce development. But at the same time, she has also been a partner in serving the current needs of our employers.

A prime example is a major workplace safety training program administered through our Chamber under contract with the State Labor Dept., bringing meaningful safety training to hundreds of small employers who could never access it otherwise.

Even in current tough situations, in which some of our manufacturers have needed to reduce production, she and her team have been there with creative solutions. This includes a Shared Work program now being used by a major railcar assembly plant. Rather than fully lay off a percentage of their workers, they are using this program to reduce their hours, with NYSDOL allowing them to access unemployment insurance benefits for the percentage of hours they are not working while being paid by the company for the remainder. The obvious result is a better economic interim for the employees, and the ability for the company to hold onto skilled employees they want to bring back to fulltime when orders pick up.

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

Please let me know if there are any questions we might be able to answer, and thank you for your consideration.

Sincerely,

GARRY F. DOUGLAS,  
President and CEO.

Mr. HARKIN. Commissioner Smith has a keen appreciation for the reality that challenging economic times put vulnerable workers even more at risk. Under her leadership, the New York Department of labor has ramped up enforcement efforts to protect workers who are being mistreated and has leveled the playing field for responsible employers who play by the rules but face unfair competition from the lawbreakers.

It is another point I wish to emphasize. By going after the lawbreakers, what Ms. Smith has done is help level

the playing field for the responsible employers who are not engaging in these kinds of bad activities.

Commissioner Smith has developed an innovative new approach to protecting workers. Her strategy—which involves targeting problem industries and increasing focus on low-wage and immigrant workers—has become a model for other States. Her fair and effective approach to enforcing the law has won her the strong endorsement of the New York State District Attorneys Association.

Mr. President, I ask unanimous consent that endorsement letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRICT ATTORNEYS ASSOCIATION  
OF THE STATE OF NEW YORK,  
September 22, 2009.

Hon. TOM HARKIN,  
Chairman, Senate HELP Committee,  
Washington, DC.

CHAIRMAN HARKIN: As an association of the 62 elected District Attorneys, we represent very distinct and diverse regions of New York. However, we are united in our efforts to enforce the law and protect the people of our great state. When the membership was polled whether to support the nomination of Commissioner Patricia Smith to become United States Solicitor of Labor, District Attorneys from across the state and party lines enthusiastically agreed, because she shares our commitment to law enforcement and has shown a dedication, fairness and professionalism that would make her a tremendous asset to the Department of Labor. The New York District Attorneys Association strongly endorses the appointment of Commissioner Patricia Smith for Solicitor of Labor.

Commissioner Smith's thirty year record of accomplishment proves that she is uniquely qualified to serve and has the experience and expertise to serve as Solicitor of Labor. Beyond her exemplary work as Commissioner, she has served both in the New York State Office of the Attorney General as the Assistant Attorney General in charge of the Labor Bureau and as the Deputy Bureau Chief and Section Chief of the Labor Bureau. In these positions, she conducted and oversaw labor law litigation in both state and federal courts. Under both Democratic and Republican Attorney Generals, she effectively brought together management, unions, employers and employees, to solve disputes and ensure the effective and fair application of labor and employment laws.

Commissioner Smith built a proactive labor docket, enforcing labor laws with innovative approaches: developing a Code of Conduct, partnering with advocacy groups, targeting enforcement efforts on an industry-wide basis, and focusing on low-wage and immigrant workers. She actively cooperated with District Attorneys in bringing criminal cases arising out of wage violations on public work cases. She enhanced effectiveness of the minimum wage law by obtaining the first criminal felony conviction in a garment case, the first felony indictment in a minimum wage case, the first criminal prosecution for failure to maintain payroll records, and the first case brought under a joint employer theory.

Moreover, she successfully argued two Employment Retirement Income Security Act

cases before the United States Supreme Court in 1996 and 1997. Her sound legal arguments for New York State Conference of Blue Cross & Blue Shield Plans vs. Travelers was noted by the Office of the Attorney General and the legal community. As a result, she was awarded the Louis Lefkowitz Award for outstanding service to the State of New York.

In addition to those cases, she has had extensive labor law experience. She has been lead and co-counsel in over 100 cases in state and federal court primarily in the areas of labor standards (minimum wage, prevailing wage, and overtime); unemployment insurance, workforce development, employee benefits, occupational health and safety, federal preemption of state laws, constitutional issues, and workers' compensation. She has defended the jurisdiction, procedures and determinations of the Department of Labor, the Unemployment Insurance Appeals Board, and the Workers' Compensation Board and successfully defended State labor laws against claims of ERISA, NLRA and IRCA pre-emption.

Most significant is her body of work as Commissioner of the New York State Department of Labor. After being confirmed in 2007 by the New York State Senate, Commissioner Smith set about to create the Office of Special Investigations (OSI) that identifies and prepares unemployment fraud and wage and hour cases for criminal prosecution. This innovative enforcement office has developed relationships with all the District Attorneys, educating prosecutors about criminal prosecutions under the labor law and referring "prosecution ready" cases. To date, OSI has referred 1,735 unemployment insurance fraud cases representing overpayments of over \$77 million. These criminal referrals are increasing every year with a 60% increase from last year.

Commissioner Smith overhauled wage and hour enforcement at the Department by strategically targeting enforcement to either low-wage industries such as apparel, grocery stores, car washes and race courses, or to poor neighborhoods, each time bringing national attention to the plight of workers. In 2008, the Department collected and disbursed \$24.6 million for 17,000 workers across the State, resulting in a 37% increase in collections from previous years and significantly increased compliance by employers.

Commissioner Smith spearheaded the first-of-its kind Joint Enforcement Task Force on Worker Misclassification that brought together various state and federal agencies to focus on misclassification of workers as independent contractors and off the book work, which result in tax violations, workers' compensation fraud, and unreported wages and unemployment taxes. To date, the Task Force has identified over 25,100 instances of employee misclassification and over \$292 million in unreported wages. Many of these investigations uncovered criminal violations, and the Office of Special Investigations worked with District Attorneys throughout the state to ensure that corrupt business practices were prosecuted. Three of these cases resulted in criminal convictions. Several more are currently under investigation by prosecutors. Many states are now following New York's lead and creating task forces to tackle this national problem.

It is for these reasons, the District Attorneys Association of the State of New York strongly endorses the nomination of M. Patricia Smith as the United States Solicitor of Labor.

KATHLEEN B. HOGAN,  
DAASNY President.

Mr. HARKIN. Under her leadership, New York State has strategically targeted enforcement efforts among low-wage employers, such as apparel manufacturers, grocery stores, and car washes. This has resulted in a record recovery of unpaid wages that were stolen from workers' pockets. In 2008 alone, 17,000 workers across the State of New York received more than \$24.6 million in back wages thanks to these enforcement actions.

There are real faces and real families behind these numbers. They include 170 janitors on Long Island who were being paid less than \$100 a week, despite working 12-hour days, and garment workers in Queens, working in sweatshop conditions for \$3 less than the minimum wage.

Patricia Smith led the New York Labor Department to investigate minimum wage and overtime violations at the Jin Shun factory in Queens, NY. Employees were paid \$250 for working a 66-hour work week. That is \$3.79 an hour, far below the minimum wage. Well, that investigation revealed \$5.3 million in wage violations in one of the worst sweatshops in the United States—\$5.3 million.

Another one that came in is New York State Labor Commissioner Patricia Smith revealed illegal practices at a Long Island cleaning service. Again, I referred to this. The employees worked 12 hours a day, 60 hours a week, bringing home less than \$100 a week, and 170 workers were paid far less than they actually earned. The illegal deductions amounted to \$238,581.

Again, this is what Patricia Smith has done. These are real people whose hard lives—and they have hard lives anyway—were made a little bit easier because Patricia Smith went to bat for them and that made a difference.

In light of Commissioner Smith's very impressive record, I had hoped all of my colleagues would agree that she will be a tremendous asset to the Department of Labor and that she deserves to be confirmed as quickly as possible. Unfortunately, some of my colleagues on the other side of the aisle have raised concerns about Commissioner Smith's nomination. These were brought up last year in our committee, and these concerns are focused on a program at the New York Department of Labor called Wage and Hour Watch. This was a small pilot project which allowed the department to partner with worker advocates, community organizations, and others, to educate workers about their rights, such as: You do have the right to the minimum wage. You do have the right to overtime pay. Frankly, that sounds like a pretty good idea to me.

I think it is clear from what I have just pointed out there are far too many violations of our labor laws, especially among low-income workers. That is where it hits—low-income workers,

minimum-wage workers and others such as that. I think the more education people such as that can have about their rights, about what the law is, the better off we all are.

Some of my Republican colleagues do not agree with New York's approach. Well, that is an issue we can certainly debate, if you like. But beyond these policy concerns, my colleagues have also suggested that Commissioner Smith's statements about this program raised questions about her integrity and her management skills. Some have gone so far to suggest that she is not qualified for this position or that she has not been truthful with Senators.

These are very serious accusations against a sitting, dedicated public servant. I take them very seriously. I took them very seriously last year. So I asked my staff to get me all of the documents. We investigated this from the beginning to the end with every relevant document. I spoke personally with Commissioner Smith and walked through this whole thing with her from beginning to end. After doing all of that, I can say with complete confidence that concerns expressed by my Republican friends are totally misplaced.

Did Commissioner Smith misspeak on two occasions at her hearing? Yes, and we talked about that with Commissioner Smith. She admitted that. First she said she hadn't had any "conversations" about expanding the Wage and Hour Watch program. Well, I went back and looked at the record and the kinds of questions that were asked. Quite frankly, you know, when you are asking questions and you have a witness on the stand, maybe what they hear is not what you ask. That happens all the time. As a Senator, sometimes I ask a question of a witness and they give me an answer and I think, they didn't even hear my question. That happens all the time, so you have to repeat it. She was asked this question in which she basically said she had not had any conversation. When she looked at the record, she clearly—and then repeatedly explained afterward in writing that she intended to say she had not authorized the expansion. There was no authorized expansion. There was a pilot program. After the pilot program they were then going to look at the results and think about what they wanted to do next. In fact, that is what is happening right now. The pilot program has ended and is being assessed at this point in time. Again, Commissioner Smith clarified this response on this issue in writing to the committee.

Commissioner Smith also testified at the hearing that the idea for the Wage and Hour program came from the New York Department of Labor, the department she oversees. Again, going back through the record and talking with Ms. Smith, it is clear her testimony was correct to the best of her knowl-

edge at that time. What she later found out is that one of her deputies had consulted with an outside group in the early stages of the program. Commissioner Smith was not aware of this fact at the time of her testimony. She subsequently corrected her testimony after she had learned about the prior communications by her staff with an outside group.

Commissioner Smith's explanations are completely consistent with the documents the HELP Committee has. In my view, that should be the end of it. She made innocent errors, she corrected them, and there is absolutely no evidence of any underlying wrongdoing or any intention to mislead our committee. I will come back to this point again and again and again in the ensuing discussion, if there is one; however long it takes, I will come back to this point, and that is this: No one is alleging that the Wage and Hour pilot program was illegal or unethical or in any way nefarious. It was perfectly legal, perfectly ethical, aboveboard. It was documented. There were pieces of paper and stuff. It was all out in the open. No one is alleging that. So if Ms. Smith made an incorrect statement, she wasn't trying to cover up some wrongdoing; she wasn't trying to cover up something that was being done that was sort of under the table.

This was perfectly legal. So why would you want to cover up? Why would you want to either mislead the committee or cover up something which was perfectly legal, perfectly open, perfectly aboveboard? I think what those who have kind of accused her of misleading the committee are trying to do is to cloak it as though there was something wrong with this, that there was something she was hiding. There was nothing to be hidden. Again, I will put in the RECORD the documentation that when people went through this training program for the Wage and Hour Watch, they got a nice little piece of paper and they got a little badge, a little card. There was nothing under the table about this whatsoever.

So when you hear things such as she misled the committee, keep in mind, she didn't mislead them about anything at all; she incorrectly made a couple of statements which she then corrected in writing. But there was nothing illegal or unethical about what she was testifying about, so there was nothing to mislead the committee about. These were simply innocent mistakes.

My Republican colleagues have argued that Commissioner Smith's misstatements are a problem because they were based now on misinformation from her staff and thus reflects on her ability to manage a large organization. Again, let's look at it this way: We are all busy public officials. As Senators we have large staffs here and we

have them in our State. We try to keep everything going, but every once in a while someone makes a mistake, or someone does something. And we delegate. We delegate to our Chiefs of Staff. As committees, we delegate to our staffs to do certain things. Let's put this in perspective as it pertains to Commissioner Smith. She runs an \$11 billion—billion with a “b”—agency in the State of New York with over 4,000 staff. How big was this Wage and Hour Watch? A \$6,000 pilot project out of an \$11 billion budget. I have to tell my colleagues—let's be honest about it. We all deal with our staffs, we deal with our budgets. This would be like something worth maybe \$5 or \$10 in our budget. Do I pay attention to it? I would ask my staff to take a look at it, but me, personally? I can't. We don't have the time to do that. That is why we have our staffs to do that. So for her not to have known intimately every little detail of a \$6,000 pilot project—a pilot project—well, to me, that makes sense.

In the meantime, while they were doing this, she is out there going after all of these people whom I mentioned here getting back wages for people who were cheated out of overtime, who were being paid less than the minimum wage. That is where her focus was: helping families get their due recompense from their work. This was all during, as we know, an unprecedented economic crisis. So we have to keep that in focus.

It seems to me that the real concern of Ms. Smith's critics with the Wage and Hour Watch program is that it was an innovative approach to enforcing the law. Historically, it has been very difficult to protect the rights of workers in low-wage industries because they are so vulnerable to abuse, and they are often afraid to approach the government for help. They can be fired for nothing. They can be dismissed. These are low-income workers or minimum wage, or barely above minimum wage. So calling on community groups, religious groups, and others to play a role in reaching out and bridging this gap I think is an important idea. Quite frankly, I think it merits further consideration.

It is important to understand how this pilot project worked in practice. Participants did not have any special authority or any enforcement power. They could not come onto private property without permission. They could not interfere with business operations. These were ordinary citizens who volunteered—volunteered—to distribute flyers, to sit at information booths, educate workers about their rights under the law. This program was not by any stretch of the imagination radical. It is simply a way to ensure that our working people are not unknowingly victimized by reaching out to the community. For many of these people

English is a second language. They may be new immigrants to this country. They have their green cards or maybe they are now citizens, but they are at the bottom of the ladder and they don't know all the laws. They don't understand all the intricacies. It would be I think logical to reach into that community, whether it is a Hispanic community, a Latino community, it could be Somalians who are here or it could be some who have come here from Bosnia, some Asian immigrants who come here from Vietnam or from Cambodia, all of these people who have come into this country to work hard and to raise their families here and contribute to our American society. They are at the bottom. It seems logical to me that you would go to that community, people in the community who speak the language, who understand the customs, who are intimately knowledgeable of many of these families, to work with them to let them know what their rights are. Surely no one is going to come here to the floor and argue these people should be kept in the dark about what their rights are. Again, this was on a volunteer basis.

I applaud Commissioner Smith for having this type of program. It is the kind of innovative thinking we need to protect the most vulnerable workers during these very tough economic times.

It is my knowledge, my information, that this pilot program has ended and is now being assessed to see if it needs to be changed or fixed, what needs to be done, and do they need to expand it even more. Those decisions are being made by the State of New York right now.

There are so many things we need to be doing to build a brighter future for working families: fostering new industries, investing in our communities, building skills, shoring up the safety net, but too often we neglect to mention the importance of simply enforcing our laws. That is all we are talking about. We are not talking about doing anything other than that. When the law says you have to pay the minimum wage, you ought to be paying the minimum wage, not less. When the law says you should pay time and a half over 40 hours, you should pay time and a half over 40 hours, not less than that. This should not be a matter for controversy or any partisanship. Fair treatment is the foundation of real security and opportunity for American workers, and ensuring this fair treatment starts with a strong Solicitor of Labor.

Patricia Smith is a seasoned, dedicated public servant with an exceptional record of achievement and unimpeachable integrity—unimpeachable integrity. Her nomination should be confirmed by the Senate as quickly as possible so she can get to work helping working families to succeed during these very tough economic times.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING DR. WILLIAM G. DEMMERT

Ms. MURKOWSKI. Mr. President, I rise today to honor Dr. William G. Demmert, known by many as Kaagoowu (a man with the strength of a stump) of the Tlingit “Naasteidi” Eagle clan—a pioneer in the cause of improving Indian education and the Nation's leading researcher on Native language immersion and culturally based education.

I am saddened to report that Dr. Demmert, an invaluable pioneer in the cause of justice for Indian education, died January 19, 2010, in Bellingham, WA, at the age of 75.

He was a man beloved by indigenous peoples of Alaska, the Southwest, the Arctic nations, and New Zealand—especially the Tlingit and Lakota, by Hawaiians, and by Maoris. He will be sorely missed. In particular, I would note that we in Alaska honored and cherished Kaagoowu. Residents of southeast Alaska say of his departure that he “Walked into the Forest,” but his spirit and memory live on. He was tied to the lands of Alaska as a fisher and gatherer; he studied and recorded the landscapes of ancestors as a scholar and as clan member. He served Alaska as superintendent, principal, and teacher for Klawock City School; a teacher in Fairbanks; a professor of education at the University of Alaska Southeast; as a Commissioner of Education for the State of Alaska; and as a trustee of the Sealaska Heritage Institute. Throughout his life, he united Alaskans with the Lakota and, through his work strengthened our bonds with Indian tribes across the Nation and with other indigenous Peoples throughout the Arctic and South Seas. He contributed to the Nation by ensuring that the richness of our cultural and linguistic diversity survived in the schools and in our daily lives.

Throughout his professional life, Dr. William Demmert championed three important education issues: 1) early learning and preschool programs; 2) meeting the educational needs of at-risk youth; and 3) improving the academic performance of American Indian, Native Hawaiian, and Alaska Native children.

The focus of Dr. Demmert's research was the education of American Indian, Alaska Native, and Native Hawaiian students. His work was invaluable in the exploration of educational programs and schools serving Native communities, helping educators and policy makers to better understand the role of



traditional knowledge in instructional practice, and assessing what works in providing a school environment that values academic performance, citizenship, and the traditional ways for Indian children. His research on Native language immersion education has proven unequivocally that heritage language acquisition strengthens critical thinking, college preparedness, and overall academic success.

Dr. Demmert was born in Klawock, AK, to William and Florence (Allman) Demmert. He was of Tlingit and Oglala Lakota heritage and a member of the Demmert family of southeast Alaska, many of whom made important and positive contributions to their communities and to Alaska at large through their work as teachers, education researchers, and leaders. "Dr. Bill," as he was known by many in southeast Alaska, lived up to his heritage and his ancestors' examples.

Bill's experiences growing up within the Alaska education systems in the 1940s and early 1950s ran the gamut of the kind of educational opportunities available to young Alaska Native people at that time. He attended a BIA school, a territorial school, and boarding schools both in and out of State. These experiences, and the support he received from his extended family, stayed with him and informed his view of Indian education.

Bill was not one of those ivory tower academics with no roots in the real world. After earning his bachelor's and master's degrees and teaching in Washington State, Bill returned to Alaska, teaching in Fairbanks, Craig, and Klawock, where he also served as both principal and superintendent. He spent the 1960s learning how to educate from the ground up.

In 1969, he and few friends attending a conference on Indian education decided to form a new group, one they thought would represent the unique needs of Indian educators, students, and communities. The group they formed was the National Indian Education Association. The NIEA has become, since that initial conversation over coffee, a powerful voice for Indian students and educators across the country.

Soon after, Bill was asked to work with Senators Kennedy and Mondale to help write the Indian Education Act of 1972, legislation that was intended to respond to the U.S. Senate's report, "Indian Education: A National Tragedy, A National Challenge." Today, we know the Indian Education Act as title VII of the Elementary and Secondary Education Act. Thousands of Indian educators and countless children and parents have found a voice and benefited from programs created by Bill's work to create solutions to the tragic shortcomings in Indian education.

In 1973, having earned his doctorate in education from the Harvard Grad-

uate School of Education, Bill returned to the world of public policy, working for the U.S. Department of Health, Education, and Welfare as Deputy Commissioner of Education for the U.S. Office of Indian Education and as Director of the Office of Indian Education Programs at the Bureau of Indian Affairs.

After 5 years with the Federal Government, Bill returned to academia at the University of Alaska Southeast and finished the 1980s as Commissioner of Education for the State of Alaska. As Commissioner from 1986 through 1990, Dr. Demmert is credited with "changing the conversation" on education. Today, many of the issues he championed have become mainstream in Alaska education.

In 1991, after Dr. Demmert left office as Commissioner, President George H. W. Bush named him and former U.S. Secretary of Education Terrell H. Bell cochairmen of the prestigious Indian Nations at Risk Task Force, which issued an influential report to the President and Congress entitled, "Indian Nations at Risk: An Educational Strategy for Action." A principal writer of the report, this effort gave Bill the opportunity to assess nearly 20 years of work and progress in the education of Native American children. Among other elements, the report published an Indian Student Bill of Rights. It reads:

The Indian Nations at Risk Task Force believes that every American Indian and Alaska Native student is entitled to:

A safe and psychologically comfortable environment in school.

A linguistic and cultural environment in school that offers students opportunities to maintain and develop a firm knowledge base.

An intellectually challenging program in school that meets community as well as individual academic needs.

A stimulating early childhood educational environment that is linguistically, culturally, and developmentally appropriate.

Equity in school programs, facilities, and finances across Native communities, and in schools run by the federal government and public schools in general.

In writing and speaking about this report, he reflected upon his grandparents', his parents', and his own education in BIA schools, whose mission it was to assimilate Natives into the "American way of life and culture." He felt blessed that his grandfather and parents were fluent in both Tlingit and English, and that they encouraged him to be so as well. He reflected with sadness that so many young people he knew were fluent in neither. He expressed concern that over the course of his life, too many young people were educated in schools that reflected no respect for their language and culture, and was surprised that he survived this.

Dr. Demmert spent the remaining years of his life researching and teaching at Western Washington University. Before retiring in 2008, he served as a

principal investigator, in partnership with Northwest Regional Educational Laboratory and other major partners from Arizona to Hawaii working to develop and test assessments in schools using Native language immersion and culturally based instruction.

Not only recognized as an expert in indigenous education here in the United States, Dr. Demmert leant his expertise to education policymakers and practitioners of many nations, serving as cochair of a coalition of the Ministers of Education of northern nations, including Norway, Sweden, Finland, Greenland, the Russian Federation, Nunavut Territory, Northern Quebec, and the Yukon Territory.

Recognized for his long experience and vast expertise in Native education, particularly with regard to Native language instruction, Dr. Demmert was called to testify in 2000 before the Senate Indian Affairs Committee in support of the Native American Languages Act Amendments Act. Bill celebrated the fact that "Native language, the traditional mores and cultural priorities, the importance of tribal identity and lineage have all become higher priorities as we build a contemporary culture and context of the school that supports Native students' identities." That bill passed the U.S. Senate by unanimous consent.

In addition to his professional accomplishments, Dr. Demmert was a good man. He had a great ability to put people at ease. He understood his role as mentor, and built bridges between academia, policymakers, and everyday people. He was a teacher of teachers, and a leader of leaders.

Dr. William G. Demmert was responsible for great strides in Indian education, and had great hopes for its future. Now, as we celebrate a life well lived and his innumerable contributions to the education of Indian children, we must all rededicate ourselves to ensuring that every child among our first peoples has the opportunity to learn in an atmosphere of respect where his language, culture, and history are taught and celebrated, and where every Indian child can achieve his or her highest aspirations. We must ensure that his legacy—the Indian Education Act and indigenous language education as a means to preserving the sacred languages of our first peoples—is kept vibrant and meaningful for the future.

Bill Demmert, Kaagoowu, is survived by his wife of 42 years, Nora Demmert; sons William and Philip; daughters Nora and Melanie; brothers Lee and Ted; his sister, Justna; five grandchildren, two great-grandchildren, and a multitude of other relatives.

On behalf of the U.S. Senate, I am proud to recognize and thank Dr. William G. Demmert for his long years of service. I extend my condolences and sincere sympathy on his passing to his



family, friends, colleagues, and students.

I ask unanimous consent that the attached poem and resolution written in tribute to Dr. Demmert from the Native people of Hawai'i be printed at the end of my statement in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KA MAKUA BILL DEMMERT

(By Professor Larry L. Kimura)

For you is our aloha and highest regard, Bill Demmert,

A close friend, a teacher and a champion of Native peoples.

You worked for laws to secure the wellbeing of our Nations,

Providing direction from the essence of our ancestors for a vibrant education.

You are with us, the progeny, the advocates for the language of our homeland,

For you are a soaring hawk on a tranquil day in the clear sky over these islands,

Coming to settle upon a branch of that venerable 'ōhi'a tree of mountains.

Your memory and good deeds shall live on in our hearts.

Nou ko mākou aloha e ka makua Bill Demmert,

He makamaka, he kumu a he me'e nui o nā 'ōiwi.

Nāu i huli nā kānāwai e pa'a ai ka pono o nā lāhui,

I mau nā wehiwa kupuna ke ka'i o ka na'auao ola.

Me mākou 'oe, nā pua, nā lehua pai 'ōlehalo o ka 'āina,

He 'io kīkaha o ka lā mālie i ka la'i o nā Kai 'Ewalu,

A kau mai i ka lā'au he 'ōhi'a kūmakua o ka mauna.

E pūlama me ka ho'omana'o mau 'ia nā pono āu.

Adopted on January 22, 2010 by the Senate of Ka Haka 'Ula O Ke'elinolani College of Hawaiian Language, University of Hawai'i at Hilo to be included with its resolution in memory of Dr. William Demmert.

FOR DR. WILLIAM G. DEMMERT JR./UNUHI 'IA NA KALIKO (V1.1)

Acting together as a Committee of Aloha, we, its undersigned members, do herewith extend to you our aloha and with heartfelt sorrow express our collective grief at the announcement of loss that has so recently reached us and informed us that the Wise Tlingit, Oglala Sioux Warrior, the mortal, Dr. William G. Demmert Jr., has fallen unto his carefree sleep as his last breath left him, and has departed to travel on that lonely path from which one does never return. That same grief has affected all of Hilo's Hawaiian language consortium partners, who now stand together shouldering this burden of sadness.

Whereas the aforementioned Dr. Demmert was a native of that same land where his Tlingit ancestors' *piko*, or umbilical cords, lie secreted away in the birthlands of Klawock, the place known well for the running salmon, a fish so favored by Hawaiians; and whereas he was an esteemed descendent of the nation from which came the two great logs that are now at sea as the robust hulls of the canoe Hawai'illoa; and

Whereas the aforementioned Dr. Demmert was, even in his early years, and following in his father's footsteps, a child thirsty for knowledge, always keen to drink heartily from the many rippling tributaries of in-

struction until he in the fullness of time became one of those in the first group of Native American students to graduate with a doctorate degree from Harvard University in 1973; and

Whereas the aforementioned Dr. Demmert was one of the founding members of the association put together to fight for the education of Native Americans, the National Indian Education Association, in 1970; and

Whereas the aforementioned Dr. Demmert became a friend to the Hawaiian people in the year 1993, for his efforts to improve the status of the many native languages of the United States including the Hawaiian language; and

Whereas the aforementioned Dr. Demmert was both an advisor and confident for us as we continued to work through the multitude of tasks involved in the revival of the Hawaiian language; including here his role as a co-defender of the plans and resources of the 'Aha Pūnana Leo; his role as a co-architect of the foundational P-20 framework upon which the Hawaiian language college, Ka Haka 'Ula o Ke'elikōlani, was built—his hands digging in the very same soil as did our own—; and as co-investigator as we examined ways to improve the abilities and the standing of our young Hawaiian language speakers at Nāwahīokalani'ōpu'u Hawaiian Language Immersion School;

Therefore upon taking all of this into consideration, we resolve that we are united with you, we as Hawaiian language friends and families of the 'Aha Pūnana Leo, Ka Haka 'Ula o Ke'elikōlani, and Ke Kula 'o Nāwahīokalani'ōpu'u, now and together alongside you as we enter this place of sadness at the loss of the man whom we now praise to the highest.

Furthermore, we have resolved that we shall be standing as you do in spirit and in prayer, packed shoulder to shoulder against each other, coming from all corners of our land, in order to best send our dearly departed friend to meet the Holy Trinity in the heavens.

We have also together resolved that our loving embraces will encircle and warm the bereaved family which has experienced such loss at the recent departure this beloved man took as the start of his infinite journey.

And finally, we resolve that our prayers, wishes, and blessings shall go hand in hand with those of the Episcopal Church in Belingham on the 25th of January, and so too with the Tlingit of Craig, Alaska, in their February ceremonies: that the man may return to the land of his birth and ancestors; that his hair may once again be blown by the soft breezes of that area; that he may once again inhale the fresh cool fragrances so yearned for and held in fond memory; and that he may heed the distant call of his ancestors to return to be with them in the peaceful calm of love's warm embrace.

*... life appears as does a whisp of steam, but is so quickly dissipated . . .*

With love and aloha everlasting, those of the Fellowship of Hilo, Hawai'i Island of the Verdant Green Back.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### THE BUDGET

Mr. McCONNELL. Mr. President, this morning, we received the administration's budget for the next fiscal year. While there are plenty of issues raised by this budget, the fundamentals are clear: this budget is more of the same—more spending, more taxes and more debt.

I think everyone can agree that last year's budget spent too much. With the trillion-dollar stimulus bill and massive increases in optional spending, the administration and Democrats in Congress simply spent too much and took us into record territory. But the administration assured us that it was an anomaly—that we just needed to get through the year and then we would get serious about our spending in 2010. Fiscal hawks on the other side of the aisle told us the same thing every time we raised the issue.

But now they have produced yet another massive budget filled with even more spending than last year's record totals. The President proposes to increase spending by another \$100 billion—despite having already increased the size of the Federal Government to unprecedented levels. Even though the administration claimed that the current funding was unique due to the economic crisis, they show no sign of slowing spending.

And while spending is going up, taxes are going up even faster. Taxes on Americans will increase by over \$400 billion—nearly 20 percent—next year alone, with no improvement in sight. Does anyone truly believe this is a good time to raise taxes on job creators or anyone else?

This budget provides a startling figure that should stop us all in our tracks. According to the administration's budget, the interest on the Federal debt is expected to be nearly \$6 trillion over the next decade. We have all heard about interest-only loans, but this is the equivalent of an average of \$600 billion in interest every year. That is an astonishing number.

In fact, in just 4 years the administration predicts the Government will have to spend more just to pay interest on the Federal debt than it spends on the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, HUD, Interior, Justice, Labor, State, Treasury, and the Corps of Engineers, Environmental Protection Agency, GSA, NASA, National Science Foundation, Small Business Administration and the Social Security Administration—combined.

In just 4 years, the interest the government will have to pay on our Federal debt will be more than it spends on the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, HUD, Interior, Justice, Labor, State, Treasury, and the Corps of Engineers, EPA, GSA, NSA, National Science Foundation, Small Business Administration, and the Social Security Administration—combined.

The Senate will have an opportunity to write a new budget this year. Our leader on this issue, Senator GREGG, will have much more to say on the matter as we work to do what so many Americans are doing, and that is to get

our budget in order. And I will have much more to say on the individual pieces of this blueprint, including the administration's priorities on our national and homeland security. But now it is crystal clear that this budget is more spending, more taxes, and more debt—more spending, more taxes, more debt. Anyone listening to the American people knows this is not what they support, it is not what our country needs, and it is not the way to grow good jobs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to urge my colleagues to support the nomination of Patricia Smith to be Solicitor of Labor. Ms. Smith is a well qualified, might I say exemplary, nominee and I enthusiastically support her confirmation.

Most recently, Ms. Smith served effectively as New York's commissioner of labor, frequently bringing business leaders, workers groups, and government officials together at the table. She has earned the support of business groups in her State through her willingness to engage in an ongoing working partnership. She has earned the support of labor groups in her State by upholding and enforcing New York's labor and workplace laws.

Ms. Smith not only has support from labor and business but bipartisan support as well. The entire New York congressional delegation signed a letter endorsing her nomination. She has worked under both Democratic and Republican administrations during her long tenure in public service. Republicans and Democrats alike acknowledge her willingness to engage both sides of the aisle and to do so effectively.

Most important to her position at the department of labor is her strong track record of protecting workers. She has demonstrated that all workers, regardless of wage, occupation, or gender, deserve the fullest protection of New York's labor laws. As commissioner of labor there, she targeted enforcement toward the industries and geographic areas most susceptible to abuse and managed to increase compliance among employers and raise awareness about recurring workplace problems. For example, Ms. Smith has led New York's Department of Labor in shutting down exploitative sweatshops. Last year, her department's investigation turned up an instance where sweatshop operators were requiring employees to fraudulently use two sets of timecards, thereby avoiding paying overtime. Workers were often required to work 80 hours a week, often working 7 days a week, and then were coached to lie to labor department investigators. These employers who ignore workplace laws cheat taxpayers out of money. The taxpayers are forced to make up the difference when taxes on

overtime wages are not paid, not to mention that this treatment of workers is both illegal and immoral. Ms. Smith worked to fix these problems.

Based on her exemplary work, Ms. Smith has won support from countless civil rights groups, including the National Conference on Civil Rights, the National Women's Law Center, the American Association of University Women, and the Business and Professional Women's Foundation.

Unfortunately, there are some who have been trying to delay Ms. Smith's confirmation. Further delay is detrimental to America's workers. The Department of Labor has been deprived of a critical member of its leadership team. We should see that it is filled as soon as possible. The Solicitor of Labor leads an office of over 600 people who work to enforce 200 of our Nation's labor laws. The Solicitor also sets long-term planning strategy, participates in shaping legislative policy, and interprets legislative language. These are all essential elements to the full functioning of our Department of Labor. Delaying her confirmation is a disservice to the American workforce.

For these reasons, I urge all of my colleagues to support the nomination of Patricia Smith to be Solicitor of Labor.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Is the current business the nomination of Patricia Smith?

The PRESIDING OFFICER. The Smith nomination is before the Senate.

Mr. ISAKSON. Mr. President, I reluctantly rise to oppose moving forward with the nomination of Patricia Smith. I do not do so easily nor happily because I believe the President of the United States has the right to make appointments, and I think within reason those appointments should be confirmed. The question before the Senate, with this nomination, is not whether wage and hour laws should be enforced. They should be.

The question is not whether Ms. Smith has done a good job in New York State because Republicans and Democrats said she has. The question is whether the Senate will tolerate a nominee intentionally misleading a standing committee of this body. My guess is the Democratic majority would not have stood for that under the previous administration, and we should not today.

Unfortunately, Ms. Smith has been consistently evasive in response to nu-

merous questions from members of the committee, specifically with regard to a program called Wage Watch, which deputized private activist groups to inspect small businesses to look for and seek to find wage and hour law violations.

For 5 years I have served as the senior Republican on the Employment and Workplace Safety Subcommittee that maintains the oversight responsibilities over the Department of Labor. I am a vigilant, longtime supporter for fair and fully enforced wage-and-hour laws.

The program in question, Wage Watch, is a program that empowered pro-union special interests to enforce the myriad of labor laws that cover small employers. This approach is simply inappropriate. It can at worst be entrapment and at best an improper attempt to enforce the law. One can imagine the outcry if the Minutemen who patrolled on their own on our border to the south had somehow been deputized by our immigration department under the last administration. There would have been outrage, and there should have been.

The "Wage Watch" program specifically targeted small- and medium-size businesses. In discussing the success of the program, Ms. Smith bragged that one business was closed as a result of this program, telling the New York Times that she had "made the determination that it would be better for workers to lose their jobs than to continue working there."

Ms. Smith stated the program would not be used for union organization; however documents obtained by the HELP Committee from the New York State Labor Department and a union newsletter show plans specifically to use the program for union organizing throughout New York.

Worse than the program itself was Ms. Smith's refusal to provide the committee with accurate and complete information about the program. In April of 2009 I wrote to Ms. Smith to ask if she foresaw "the possibility of instituting similar efforts on a national level." On May 12 she replied in writing that she had "not considered or advocated expanding it across New York to other parts of the country, to the Federal level or to other laws." However, documents procured by the HELP Committee revealed that Ms. Smith wrote in January 2009, 4 months before the letter I just mentioned, that she would like to double the number of organizers involved, "while laying the foundation to expand the program to various parts of Long Island and upstate New York."

She continued:

We're creating a movement here, and the more the merrier.

Clearly she had both considered and advocated expansion of the program, thus her statement to me was inaccurate. Her deceit on this issue forced

me to write the President on September 10, 2009, and request that Ms. Smith withdraw her name. I asked the President that a new nominee, one who would both look out for the interests of workers and be honest with the Congress, be nominated.

We now see a similar program like Wage Watch, now called We Can Help, developing in the U.S. Department of Labor. In fact, one of the pro-union special interest groups Ms. Smith deputized to implement her New York program, the so-called National Employment Law Project, has been chosen by Secretary Solis to assist in the enforcement of Federal workplace laws.

On a personal note, I ran a business for 22 years, and it was a small business. I employed golf course superintendent workers, I had independent contractors who were real estate agents, I did a lot of construction where we were subject to the Americans with Disabilities Act. We were subject to all types of labor laws. I vigorously made sure that whatever the case might be, we worked hard to see to it we obeyed not only the letter of the law but the spirit of the law.

But I, too, in my experience, from time to time encountered the kind of organizations Ms. Smith used in "Wage Watch." They tried to entrap me and punish me. I think the proactive enforcement of labor law should be vigilantly looking for violations and vigilantly looking for correction, not vigilantly looking for someone—as in the case of Ms. Smith and the businesses in New York—you can put out of business and cost the jobs of many employees of that small business.

As such, I reluctantly rise today to oppose the nomination of Ms. Patricia Smith.

I yield the floor and suggest the absence of a quorum. I withdraw the request for a quorum call.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am very pleased to rise in support of President Obama's nominee to serve as Solicitor of Labor, Patricia Smith. I am very confident that she is the right person for this critical job. The work she is going to do to protect our workers is more important now than ever before.

American workers are facing incredible challenges today. They are struggling with record unemployment and a devastating economic crisis. They need and they deserve strong leaders in the Department of Labor who are passionate about public service and committed to fighting for them.

The Department of Labor is charged with a critical mission in our Nation's government. Their role is to foster and to promote the welfare of America's workers by improving their working conditions, advancing their opportunities for profitable employment, pro-

tecting their retirement and their health care benefits, helping employers find workers, and strengthening free collective bargaining. I believe during these challenging economic times it is absolutely critical that the Department has the leadership it needs to make those goals a reality. That is why I was very pleased that President Obama nominated such a strong candidate for the position of Solicitor of Labor.

Patricia Smith has been the Commissioner of the New York State Department of Labor since 2007. She is cochair of the New York State's Economic Security subcabinet, and she oversees 3,700 employees in 80 offices, with an annual budget of \$4 billion.

For the previous 20 years, Tricia worked in the Labor Bureau of the New York Attorney General's Office, and she served on the Obama administration's transition team for the Department of Labor.

I have received many letters of support for Patricia Smith from people who admire her work, from people she has worked with, and from workers she has helped. I want to take a moment this afternoon to read some excerpts from some of those letters because I believe they do demonstrate Patricia's broad support and why she deserves to be confirmed by the Senate.

I have received a letter of support from the CEO of the Plattsburgh, NY Chamber of Commerce. He knows Patricia well. He said:

Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Department and will be an outstanding solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

That was the CEO of the Plattsburgh, NY Chamber of Commerce.

I also heard from the United States Women's Chamber of Commerce. They said:

After learning of Ms. Smith's qualifications, expertise, and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed by her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

I also received a letter from a group of professors and scholars of labor and employment law and labor relations, from over 50 scholars of highly respected institutions across the country such as the Georgetown University Law Center, Columbia Law, Thomas Jefferson School of Law, Yale Law School, and Cornell University School of Industrial and Labor Relations. They too urged speedy confirmation, saying that Tricia has:

consistently demonstrated the highest integrity and commitment to ethical standards. She is experienced, intelligent, thoughtful and energetic. We believe this is exactly

what the U.S. Department of Labor needs in a Solicitor. Once confirmed, she will be among the best Solicitors of Labor the Department has known.

Her support transcends party lines. Former New York Attorney General Dennis Vacco, a Republican, had this to say about his former employee:

Patricia Smith has proven herself as one of the foremost experts in the nation in the realm of labor law, which is why President Obama saw fit to nominate her. . . . She was an asset to the New York Attorney General's Office and I am confident. . . . She will be an asset to the Department of Labor.

I am here this afternoon as Chair of the Subcommittee on Employment and Workplace Safety. I know the challenges American workers are facing right now. That is why they deserve a Solicitor of Labor such as Tricia Smith who will fight every day to protect them. If she is confirmed as the Department's top legal counsel, she will have the profound responsibility of enforcing more than 180 Federal laws and managing more than 450 attorneys nationwide.

She will be responsible for defending the Department in litigation as well as providing legal advice and guidance on nearly every policy, legislative, regulatory, and enforcement initiative of the Department. Most importantly, she will be responsible for defending the rights of workers when they are not able to speak for themselves.

Tricia has a big job ahead of her, but we need to act now to allow her to get started. We owe it to our country's workers to have a confirmed Solicitor of Labor in place. I have had a number of conversations with Tricia and I wanted my colleagues to know I am confident she is highly qualified and very eager to get to work. I will be voting with confidence to confirm Patricia Smith. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in opposition to the nomination of Patricia Smith to serve as the Solicitor of the Labor Department. I have got to tell you, this is my 14th year in the Senate, and this is the first time I have taken the lead in opposition to a nomination that has come through my committee.

I take this very seriously. When the Founding Fathers drafted our Constitution, they were very concerned about concentrating too much power in any branch of the government. That is why they carefully crafted the system of checks and balances to ensure that each branch of the government has a method of checking the work and operations of the other.

Here in the Senate, one of our great checks has been our duty to provide our advice and consent to the nomination of the executive branch. That is a responsibility I take seriously. That compels us to ensure that nominees

who were brought before us are qualified and they have presented their credentials to us completely, thoroughly, and honestly.

Each nominee must pass the vetting process to ensure he or she possesses the strength of character and the experience to ensure that the public can trust in his or her ability to carry out the duties of the office for which they have been nominated. My Senate colleagues know I rarely oppose Presidential nominees. I believe the President is ultimately responsible for the conduct of his administration and is also answerable to the Nation's voters, so he has the right to select the members of his team, up to a point. That is where the advice and consent comes in.

Before I elaborate on her nomination, I do want to recognize her accomplishments as the Commissioner of Labor in New York and the commitment she has shown to serving the people of New York. Her prior service would ordinarily have earned her our support and make her a bipartisan choice to lead one of our most important offices in the Labor Department. Unfortunately, there are other considerations which must be taken into account in reviewing her credentials for this position, which I believe disqualify her for this position. I have released a ranking member's report detailing my concerns with Ms. Smith's nomination and posted them on the HELP Committee's Web site. Today I will explain the factual inconsistencies between what Ms. Smith said before the HELP Committee, for the record, compared to what is recorded in the official documents I have received from the State of New York.

The Solicitor of Labor is an important role. He or she is the chief legal officer of the U.S. Department of Labor, the third ranking official in that Department, General Counsel to the Secretary, and is asked to manage one of the largest legal offices in the Federal Government, with more than 400 attorneys serving on the Solicitor's team.

Unlike most legal offices in Cabinet agencies, the Solicitor of Labor has independent litigating authority from the Department of Justice and exercises that authority on behalf of the Department of Labor. The Solicitor is also responsible for ensuring that all stakeholders, including small businesses, are treated fairly.

In the course of conducting a thorough review of Ms. Smith's background and qualifications, the committee discovered a program in New York State called Wage and Hour Watch that she announced in January of 2009. The program was established to recruit and train union organizers and public interest groups to leaflet businesses with compliance literature and to interview employees in an effort to find violations of the law that could be used to bring State actions against businesses.

As part of the program, Ms. Smith committed to providing the groups with a direct pipeline to senior State enforcement personnel to report any violations found. Participants were given official cards by the State of New York identifying them and their group as being part of the program. Here is a copy of one of the cards. You will find down there across from "date" that this is for a 2-year period starting on February 7, 2009. You got one of those cards after 1 day of training.

According to the New York State Department of Labor's press release on January 26, 2009, Wage and Hour Watch is:

modeled in part after Neighborhood Watch, [the program] will help promote labor law compliance through formal partnerships between the New York State Labor Department and community groups and

provide ordinary people with a formal and systematic role in the fight against wage theft.

That sounds good, except Neighborhood Watch was set up so that people would notify law enforcement authorities of things they thought were strange and should be looked at. They did not have permission to go into people's homes and investigate unannounced.

The release also identifies the six groups, two labor unions and four community organizing groups, chosen by Ms. Smith for the program and explains that they have been active in labor issues and referred cases to her agency.

Upon the conclusion of my remarks, I will ask unanimous consent that all documents referenced be made part of the RECORD.

In addition to her May 7 confirmation hearing, Ms. Smith also participated in a committee staff interview and answered questions for the record. In her responses, Ms. Smith suggested the committee seek relevant documents from New York, which I did obtain through a Freedom of Information request.

My staff reviewed the several thousand pages of documents eventually produced by New York, and we sent Ms. Smith some additional questions that she answered in late July, and former Chairman Kennedy sent questions that she answered in September.

My concerns with the nomination relate primarily to four areas where Ms. Smith provided at best incomplete and factually inaccurate testimony to the HELP Committee, both during her May confirmation hearing as well as in the followup questions.

The first inconsistency I wanted to highlight is with Ms. Smith's plan to expand this program. In the May 7 hearing, Ms. Smith was asked by Senator BURR about her plans to expand Wage and Hour Watch. She responded that there were no such plans.

His question was: Have you had any discussions relative to your being at the Department of Labor that would extend Wage Watch in any fashion on a Federal level?

Ms. Smith said: No, we have not had any discussions of that. I have not had any discussions with the Department of Labor in New York about whether we would extend it across New York State. Again, it is a pilot program which we just did in January. We specifically limited it to a small number of groups, and we limited it to a small geographic area. We limited it to basically New York City, Long Island, the lower Hudson Valley, so we could assess what the successes would be, what the problems would be.

On May 13, 2009, Ms. Smith made a similar statement in writing in response to three separate questions from committee members, including me. She said:

This initiative was designed as a local model in a limited geographic area in a state, for a particular issue under a particular statute. It was not designed for other laws or to be used on the Federal level. Until the pilot is completed and evaluated—

As she said up here—

I would not advocate expanding it to other areas in New York, to other areas of the country, to the Federal level or to other Federal or state laws.

That is what she said. The problem here is that many documents, including press releases, Ms. Smith's talking points for her own speeches, and e-mails she was copied on, show there were plans in place to expand the program in virtually every instance, many with June 2009 deadlines. Documents show that in April 2009, the State was maintaining lists of possible new entrants into the program.

I have a copy up here of groups that were being solicited with the Wage Watch expansion, and that is in April of 2009. That is before she testified. The State even sent out applications to a number of groups to join Wage and Hour Watch during May, when Ms. Smith had just testified to the HELP Committee there were no plans to expand the program.

This was the plan to expand the program:

Dear friend, we are preparing to expand Wage and Hour Watch beyond the original groups in the pilot program. We are writing to you because you have expressed an interest in becoming or joining a Wage and Hour Watch group, as are a number of other organizations and individuals.

Later on it says:

In order to allow us to plan for the next stage of the program, please return the completed application form with the reference letter by Monday, June 15.

The records show that Ms. Smith's department also planned to expand the scope of Wage and Hour Watch into investigating occupational safety and health matters from day one. That is not the original intent. The original intent was a Wage and Hour Watch

group. But we can show where it was intended to investigate occupational safety and health matters.

Of course, originally it was not sold as enforcement of wage, it was sold as an educational program. But it changed to enforcement, infiltration, and spying, and then added investigating occupational safety and health matters.

In a January 15, 2009 e-mail from Ms. Smith to dozens of staff announcing the program, she states:

After 6 months, once we have had the chance to get the program rolling, we would like to expand to other groups (particularly upstate), including community based organizations, student groups; churches and other faith-based organizations and labor unions. . . . This is an exciting new initiative and one which we could potentially replicate elsewhere in the country.

In the press release issued to announce the program, Ms. Smith's agency states:

After a six-month pilot period . . . , the Labor Department will begin seeking additional groups who wish to participate statewide. . . .

The release also directs the public to contact her agency by telephone or through a dedicated e-mail address to establish additional New York Wage and Hour Watch groups. In an article, the New York Times noted the plans for expansion. They said:

After the first experiment in New York City and on Long Island, the Labor Department will seek additional groups for the program. The groups must be nongovernmental and nonprofit and can include religious organizations, student groups, labor unions, business associations and neighborhood groups.

Here is a sampling of other program expansion activities before Ms. Smith testified on May 2009: A December 1, 2008, e-mail to Ms. Smith listed potential expansion groups in upstate New York. A February 2, 2009, e-mail from Ms. Smith's deputy to two individuals explained how to set up a Wage and Hour Watch group. A February 18, 2009, e-mail from Ms. Smith's deputy to an outside group noted plans to expand the program. A February 23, 2009, e-mail from Ms. Smith's deputy memorialized a meeting with the six pilot groups and included a paragraph on training in June in both New York City and upstate for purposes of expansion. An April 9, 2009, e-mail exchange among Ms. Smith's subordinates listed several groups for expansion.

After Ms. Smith testified and answered written questions in May denying expansion plans, her department continued to promote expansion and looked to recruit new members. For example, a May 15, 2009, e-mail to over 20 outside individuals requested that application forms be submitted by June 15; a June 1, 2009, e-mail to outside parties announced preparations to expand Wage and Hour Watch; a June 3, 2009, e-mail from an outside public interest group offered over 40 individuals the

opportunity to join Wage and Hour Watch; a June 9, 2009, formal application was submitted to Ms. Smith's department by the Laborers International Union of North America's Organizing Fund to conduct wage watch activities in the construction industry.

Contrary to Ms. Smith's responses to written questions that the program was only about wage and hour laws, her subordinates expanded the program to occupational safety and health enforcement. It says:

Thank for your offer to insert something about safety and health enforcement in the training the DOL is conducting on Saturday. Unfortunately, given the late notice and training schedules and grant deadlines, we will not be able to put it together by Saturday. However, what we would like to do for you is to announce that we will contact each of the participating groups and offer their organization a training on what safety and health issues they should be looking for while conducting the oversight for wage and hour issues. If that works for you, it would be great for us.

It wasn't supposed to be oversight. It was supposed to be education so that people would know what they were supposed to get and be able to take the kinds of actions that individuals could take. But you can see it has changed dramatically.

An e-mail from the New York Committee on Occupational Safety and Health, a safety and health public interest group closely tied to organized labor, sent to Ms. Smith's deputy on February 6, 2009, notes that:

We will contact each of the participating groups and their organization training on what safety and health issues they should be looking for while conducting the oversight for wage and hour issues.

In response, Ms. Smith's deputy solicits a list of things to train wage and hour watchers to look for, and they respond, as well as suggesting that the groups take pictures of working conditions they believe unsafe. Sounds like an investigation.

Ms. Smith's own public pronouncements contradict her testimony to the Senate. A May 19, 2009, National Public Radio article quoting Ms. Smith and her deputy states:

New York's Wage Watch is just a few months old, and officials say it is too soon to measure success. But the pilot program is set to expand across the state this summer.

A set of talking points for Ms. Smith to deliver to an upstate coalition group sometime after January 2009 but before she testified at her confirmation hearing states that the program "will" be expanding and solicits volunteers.

We have it here:

They are currently expanding with six distinct labor unions and advocacy organizations in New York City and plan to roll it out across the state in the coming months and years. We will be expanding this program and when it does come upstate, we will need the help of many of you to roll it out.

There also does not appear to be any document that supports Ms. Smith's

statement that there were no plans for expansion. Indeed, I am told the public documents actually contain more than 50 specific references to expanding the Wage and Hour Watch Program. All of these red tabs are references to expanding the program. All of the red tabs talk about expanding the program. It doesn't look incidental.

Concerns about the factual inconsistencies in Ms. Smith's testimony are not solely held by the minority. Former Chairman Kennedy's staff submitted questions about the expansion of the program. Ms. Smith responded at the time of the confirmation that she had had "no discussions about a potential expansion with anyone, other than generally indicating that if it were proved successful, my goal would be to expand to it other areas of New York."

Despite all of this evidence, Ms. Smith's defenders have claimed that she misspoke and that she delegated a small program to a deputy. However, the documents show Ms. Smith herself promoting expansion and recruiting members in her own speeches and media interactions.

In addition, I question Ms. Smith's ability to lead the Solicitor's Office if her subordinates, including her deputy, were allowed to act outside of their authority as suggested by earlier explanations. It is difficult to see how it would be appropriate to blame a breakdown between Ms. Smith and her deputy for inaccuracies regarding program expansion plans. Ms. Smith worked with her deputy for more than 5 years. When Former Governor Spitzer appointed Ms. Smith to the New York Labor Department, news articles noted that she brought her deputy and protege with her. I find the explanation even more surprising because of Ms. Smith's pedigree. Her prior boss, former attorney general and Governor Eliot Spitzer, was known for his aggressive prosecution of corporate officials, including some who were accused of not overseeing their subordinates properly. I find it unlikely that the State of New York would accept ignorance as an excuse if an executive on Wall Street tried to use it as a defense. Why should we accept a similar excuse now?

A little more information about her background and the Spitzer education program and her participation there. Some have also suggested that this program was reasonably beneath Ms. Smith's notice, noting that her agency has an \$11 billion budget with almost 4,000 staff. If confirmed, Ms. Smith would be in charge of legal compliance for a department whose budget projects spending 10 times what she oversaw in New York, \$104.5 billion in 2010. Leaving aside the extensive documentation showing she was heavily involved in this program, I ask my colleagues, why would we consider expanding her responsibility tenfold if she was unable

to oversee her subordinates effectively in New York?

Former President Harry Truman had a sign on his desk that read "The buck stops here" to show that responsibility for the conduct of subordinates ultimately rested with him. Ms. Smith ought to own up to the responsibility that ultimately rests with her.

With regard to the second inconsistency, Ms. Smith stated that the program was developed internally and only then did the New York Department of Labor approach or recruit outside groups. However, e-mails obtained by the committee directly contradict this statement, instead showing much of the driving force and even legal research for a program model came from organized labor and its allies. Here are a couple of examples: an April 16, 2008, e-mail from Mr. Jeff Eichler, coordinator for retail organizing projects for the Retail Wholesale and Department Store Union, RWDSU, to Ms. Smith's deputy regarding an "Enforcers" program, with four pages of attached research explaining potential models for their "concept of wage and hour enforcers;" an August 18, 2000, e-mail in which Ms. Smith's deputy responds to Mr. Eichler's ideas that the State consider allowing participants to infiltrate businesses that are part of the program.

Most disturbing, however, to me about this inconsistency is the fact that Ms. Smith admitted in her response to a question that she apparently saw the e-mails contradicting her testimony in July but did not correct the problem until directly asked in September about this issue by majority staff; that is, 2 months later.

A third inconsistency is that Ms. Smith also characterized Wage and Hour Watch as an educational program in testimony. However, the record shows it was designed and intended to be enforcement from the very beginning, with the union organizers and community organizer participants serving as amateur investigators and informants. The very first documents discussing the program describe potential participants as "community enforcers." I refer to the previously introduced April 2008 e-mail from union official Mr. Eichler describing this as an enforcers program and a November 28, 2008, e-mail from one of Ms. Smith's subordinates disseminating draft training material stating:

The one day session [of training] will not turn enforcers into labor law experts but will assist them in identifying labor law violations and make the referral of greater value. The "role of community enforcer" is where we will have to come up with original material . . .

Notably, Ms. Smith is personally copied on that e-mail.

Ms. Smith's own words, her subordinates' internal and public statements and deliberations, the media, and the

groups involved in the program all emphasized and portrayed wage and hour watch as an enforcement from its very beginning. It was only when she was questioned by HELP Committee members about the program that Ms. Smith chose to portray the program's substance as educational in nature. Quite a difference.

Finally, Ms. Smith stated that the two unions that were selected for the pilot program, United Food and Commercial Workers Local 1500 and RWDSU, were told not to use the program for organizing. However, the agreement created by Ms. Smith and entered with the unions and special interest groups specifically allows the pilot groups to make use of information gathered for "community organizing," which Ms. Smith also admitted in response to a written request.

The committee has a copy of the United Food Commercial Workers, UFCW, Local 1500 work plan sent to Ms. Smith's deputy which also directly contradicts Ms. Smith. The plan states that the union intended to use wage and hour in "all of our organizing campaigns," including those outside their designated Wage and Hour Watch area. UFCW Local 1500 also published plans to target nonunion workplaces as part of the program in its publicly available union newsletter.

It is difficult for me to believe Ms. Smith and her department did not know union organizing was intended by those joining the pilot program. All the participants and signatories from two labor unions involved appear to be employed as full-time organizers. Other individuals and groups purely responsible for union organizing also applied to join when the program was expanded.

It is clear that Ms. Smith's testimony and responses to follow-up questions are repeatedly contradicted by documents I received from the State of New York. It is particularly troubling that inconsistent statements to the committee were in each instance an attempt to downplay concerns about the Wage and Hour Watch Program raised by Republican members. At best, the inconsistencies in her testimony lead me to question her ability to interact with Congress in a candid manner and manage the enforcement of labor laws by the Office of Solicitor in an even-handed and fair manner.

I have tried for months to resolve these concerns. In August, I asked President Obama to withdraw Ms. Smith's nomination and offered my assistance in ensuring a replacement would be confirmed quickly. I also joined all my nine Republican colleagues on the HELP Committee in urging Chairman HARKIN to refrain from approving this nominee in committee and made the same offer to him of assistance in ensuring a qualified replacement being given swift review and

confirmation. I mentioned I joined all nine. As to a couple people on there, I do not know that they have ever opposed a Presidential appointment.

Because the President and the majority did not consider it a problem that Ms. Smith provided factually inconsistent information to the Senate, I am forced to insist on a full debate on her nomination. Giving my consent to a Presidential nominee is not something I take lightly, even with the benefit of the doubt I have always given to the candidates sent over to us by the White House. However, the integrity of the Senate committee process and the responsibility of advice and consent demands honest and accurate testimony when the witnesses come before us.

For that reason, I have lost confidence in Ms. Smith's ability to manage the Solicitor's office. I urge my colleagues to oppose this nomination, and I ask unanimous consent that documents referred to in my speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LABOR DEPARTMENT INITIATIVE EMPOWERS ORDINARY PEOPLE TO JOIN THE FIGHT AGAINST WAGE THEFT

NEW YORK WAGE WATCH, THE ONLY ONE OF ITS KIND IN THE NATION, TO ROLL OUT IN NEW YORK CITY AND LONG ISLAND

ALBANY, NY (January 26, 2009).—At a press conference in New York City, State Labor Commissioner M. Patricia Smith today announced the formation of New York Wage Watch, a new tool in the fight against labor law violations in New York State. New York Wage Watch will focus on a variety of illegal practices, jointly referred to as wage theft, including payment of subminimum wages; nonpayment of wages; failure to pay overtime; tip stealing; and other such violations.

Modeled in part after the Neighborhood Watch program, New York Wage Watch will help promote labor law compliance through formal partnerships between the New York State Labor Department and community groups. The effort will start with a pilot program with several groups in New York City and Long Island for the first six months, and then be opened up to interested groups from throughout the state.

The first model of its kind, New York Wage Watch will provide ordinary people with a formal and systematic role in the fight against wage theft. Participating groups will select a geographic zone for their efforts, and within that zone, they will participate in a range of activities aimed at improving labor law compliance, including holding know-your-rights training; providing employers with information about compliance; and distributing literature to workers in supermarkets, laundromats, nail salons, and other community settings. When they encounter workers facing serious violations of the law or employers with detailed questions about compliance, New York Wage Watch groups will have a designated point person for referrals in the Labor Department's Division of Labor Standards, which enforces wage and hour laws. The Department will provide training and materials to participating groups.

"Just as no one wants to live in an area riddled with crime, nobody wants to live in a



neighborhood where workers are paid sweatshop wages," said Commissioner Smith. "New York Wage Watch will increase labor law compliance by giving regular people a formal role in creating lawful workplaces statewide, and thereby improving the quality of life in their communities. It will also help law-abiding employers, who struggle to compete with businesses that undercut them by violating the law."

In recent years, the Labor Department has uncovered widespread labor law violations in a broad range of industries and locations throughout the state. An industry-based investigation of car washes in 2008 revealed that over 78% of New York City car washes inspected were not paying minimum wage or overtime. Nearly half of 303 employers visited on joint enforcement sweeps in Buffalo, Albany, the Bronx, and Queens required followup for wage and hour violations. The Labor Department found serious violations at ordinary stores, restaurants, and offices statewide, as well as at state icons like the Saratoga Race Course, where over a hundred backstretch workers interviewed reported a pattern of illegal wages, and at the Erie County Fair, where bathroom attendants were paid no wages and were even forced to give half of their tips to a subcontractor.

"These violations are far more common than many people realize, but they plague our communities and diminish the quality of life for New York's workers," said Commissioner Smith. "We are enforcing the law as creatively and aggressively as we can, but the government cannot do it alone. We need concerned members of the public to help raise awareness about wage theft, to educate workers and employers about the law, and to help serve as a bridge between our agency and workers who might be unlikely to come to us on their own."

Over the past few years, the Department of Labor has forged informal partnerships with advocacy groups and grassroots organizations on behalf of workers. A more proactive approach by the Division of Labor Standards, combined with efforts of the newly created Bureau of Immigrant Workers' Rights, has resulted in more sustained and effective partnering. One such relationship, with the Retail, Wholesale and Department Store Union (RWDSU), and Make the Road New York, led the Department to investigate a commercial strip in Bushwick, Brooklyn. During the course of this investigation, the Labor Department found \$350,000 in wage underpayments were owed to 60 workers. In the ensuing weeks and months, the RWDSU and Make the Road New York maintained a presence in the area, talking with businesses and workers about labor law. A labor law seminar was also conducted for employers in the area. Labor law compliance appears to have increased in Bushwick as a result of this joint effort. New York Wage Watch aims to replicate the enhanced effectiveness resulting from the coordination of law enforcement efforts with ongoing presence and involvement of community members.

This pilot program will begin with a small number of groups who are already working on labor issues. Each group has referred a number of cases to the Department of Labor in recent years. The groups are Centro del Inmigrante in Staten Island; Chinese Staff and Workers' Association; Retail, Wholesale and Department Store Union (RWDSU); Make the Road New York; United Food and Commercial Workers (UFCW) Local 1500; and The Workplace Project in Long Island.

Next month, each of these groups will receive language-specific training from De-

partment of Labor staff. The first trainings will be held on Saturday February 7 at the Murphy Center for Labor Studies in Manhattan, in English, Spanish and Chinese, and will cover basic labor laws affecting workers such as minimum wage, overtime and meal periods. The Department of Labor will also be providing multilingual outreach materials to each Wage Watch group to hand out to workers and businesses.

After a six-month pilot period with these groups, the Labor Department will begin seeking additional groups who wish to participate statewide. Each group should be a non-governmental, non-profit entity, such as a community group, religious organization, student group, labor union, business association, or neighborhood association. Groups must have at least six members and must select a geographic region to focus upon—this may be as small as several blocks in an urban setting or as large as several counties elsewhere. Groups need not have prior labor-related experience.

Stuart Appelbaum, President of the 100,000 member Retail, Wholesale and Department Store Union said, "New York Wage Watch is labor law enforcement at the purest, most grassroots level. This program will allow unions, community groups and churches to engage in the fight against the exploitation of workers in our neighborhoods. It is critical that employers do not take advantage of workers and their families during these difficult economic times."

Amy Carroll, Supervising Attorney for Workplace Rights at Make the Road New York said, "Wage theft is rampant in many low-wage industries and immigrant neighborhoods, in large part because workers are afraid to come forward and file a complaint when their rights are violated. New York Wage watch allows the State Department of Labor to partner with organizations, like Make the Road New York, that already have workers' trust. In our experience, community monitoring of employer conduct is critical to ensure that employers caught violating the law today actually pay their workers correctly tomorrow. Employers will be dramatically less likely to violate wage and hour law when they know that trained community members are on the ground as the eyes and ears of the DOL's wage enforcement units."

Bruce W. Both, President of United Food and Commercial Workers Union Local 1500, New York State's Largest Grocery Workers Union said, "UFCW Local 1500 commends the New York State Department of Labor for its innovative approach to promote labor law compliance among New York State's employers. UFCW Local 1500 is excited to participate in the Wage Watch program, as we see it as both a creative yet fiscally efficient way to educate workers and employers about their labor rights and obligations during these difficult economic times. Our long history of working with the DOL, Commissioner Patricia Smith and her dedicated staff has taught us that grocery workers, especially Gourmet Grocery Workers, will greatly benefit from such a program. Workers in this industry have high rates of not being paid according to New York State Wage and Hour laws. UFCW Local 1500 looks forward to making Wage Watch a successful collaborative effort."

Gonzalo Mercado, Director, El Centro del Inmigrante said, "El Centro del Inmigrante applauds the New York State Department of Labor for the creation of the Wage Watch Program. Thousands of workers every year are victims of wage and hour violations and

this initiative is a great tool to help enforce the labor laws that most of the time are not known by the workers nor by their employers. Immigrant workers are the most exploited and most vulnerable and we look forward to collaborating in this endeavor."

Nadia Marin-Molina, Executive Director of the Workplace Project said, "During this time of economic crisis, it is more important than ever that the wages of workers, immigrant and non-immigrant alike, are protected, so that workers can pay rent and feed their families. On Long Island, the Workplace Project has shown that, with education, organizing, and support, community members—day laborers, domestic workers, and factory workers, for example—are willing to stand up and fight exploitation on the job at great personal risk. The Wage Watch program will now allow us to link a trained community team to work closely with the New York State Department of Labor, so that employers will not be able to abuse workers with impunity. The Workplace Project is excited to participate in this innovative partnership with the DOL and looks forward to engaging many more community members to stop wage theft through this collaboration."

To find out what you can do to establish a New York Wage Watch group in your community, send an email to [NewYorkWageWatch@labor.state.ny.us](mailto:NewYorkWageWatch@labor.state.ny.us) or call 1-888-52-LABOR.

#### NEW YORK STATE DEPARTMENT OF LABOR— WAGE AND HOUR WATCH

DEAR FRIEND: We are preparing to expand Wage and Hour Watch beyond the original groups in the Pilot Program. We are writing to you because you have expressed interest in becoming or joining a Wage and Hour Watch group, as have a number of other organizations and individuals.

We have not yet determined the precise extent or timetable of the initial expansion of the program, and we want to be sure to expand in a planned and methodical way which will ensure the continued quality of the program.

However, regardless of the precise plan we develop for expansion, our first step is to gauge the level and location of interest throughout the state. This will allow us to determine training needs and a realistic schedule for expansion. Therefore, we have developed the attached Application form for groups who are interested in becoming Wage and Hour Watch participants.

For efficiency and quality control, all groups who wish to become a Wage and Hour Watch group must have at least six members, and must have a host or sponsor organization—either a nonprofit organization, an educational institution, a trade association, a labor union, or a religious/faith-based organization.

If you are an individual without such an affiliation, please complete the form to the best of your ability and return it to us. If there is a Wage and Hour Watch group forming in your region, we will try to connect you to the group.

Please note that the application form asks for a reference letter. This reference letter would be for the lead person, or contact person, for the proposed Wage and Hour Watch group.

In order to allow us to plan for the next stage of the program, please return the completed application form with reference letter by Monday, June 15, 2009.

If you have any questions, please contact email [wageandhourwatch@labor.state.ny.us](mailto:wageandhourwatch@labor.state.ny.us)



Thank you for your interest and we look forward to hearing back from you.

TERRI GERSTEIN,  
*Deputy Commissioner for Worker  
Protection & Immigrant Service.*



New York State Department of Labor  
Division of Labor Standards

### Wage and Hour Watch Partner Application

Any group that wants to become an official Wage and Hour Watch partner must complete this form. Each group must have a sponsoring or host organization. Completing this form is the first step and does not mean the group will automatically be invited to participate in Wage and Hour Watch. Please attach a reference letter for the contact person. For questions 6 and 7 below you may write your answers in a separate page if the space provided is insufficient.

1. Name, full address, area code and telephone number, and e-mail address of contact person:
2. Name, full address, area code and telephone number, and e-mail address of host organization:
3. Type of organization: ☐ Educational institution  
☐ 501(c)(3) nonprofit organization  
☐ Labor union  
☐ Trade association  
☐ Religious/faith-based organization
4. Names of proposed New York State Wage and Hour Watch members. There must be at least six, and they all must attend a day-long training session by the New York State Department of Labor.  
 A.  
 B.  
 C.  
 D.  
 E.  
 F.  
 G.  
 H.
5. Will any proposed members require training in a language other than English? ☐ Yes ☐ No  
 If "yes, list the languages:
6. Statement of Interest: Why does your group want to become a Wage and Hour Watch partner?
7. Describe any past experience working with social issues or labor issues by members of the group:
8. The region you propose covering:
9. The industry, if any, you propose covering:
10. Would all of the members be willing and able to travel to any of the following locations for training by the Department of Labor? ☐ Yes ☐ No  
 A. ☐ New York City  
 B. ☐ Albany  
 C. ☐ Buffalo  
 D. ☐ Syracuse  
 E. ☐ White Plains  
 F. ☐ Garden City

Signature of person completing form

Date

**Mail** completed form to: New York State Department of Labor  
 Division of Labor Standards - NYS Wage and Hour Watch Coordinator  
 State Office Campus  
 Bldg 12, Room 185 B  
 Albany, NY 12240

or **fax** to (518) 485-6001

or **e-mail** to wageandhourwatch@labor.state.ny.us

LS 51 (03/09)

From: Gerstein, Terri (LABOR)  
 Sent: Wednesday, April 16, 2008 4:49 PM  
 To: Boylan, Lorelei (LABOR)  
 Subject: FW: Enforcers  
 Attachments: Auxiliary Police Fact Sheet;  
 Volunteer Ambulance Corps Fact Sheet;  
 Neighborhood Watch Fact Sheet

FYI. I told Jeff I will be on vacation and won't get back to him until I get back. (I think I mentioned to you I'm going away from tomorrow through Fri apr 25 and then I will see you at *somos el futuro*). I also told Jeff I would forward you these so you can read and think about them in the meantime.

TERRI GERSTEIN,  
*Deputy Commissioner  
 of Labor for Wage  
 Protection and Im-  
 migrant Services,  
 New York State De-  
 partment of Labor.*

From: Jeff Eichler  
 Sent: Wednesday, April 16, 2008 4:13 PM  
 To: Gerstein, Terri (LABOR)  
 Subject: Enforcers

Hi TERRI: I hope all is well.  
 Attached are short fact sheets prepared by Lindsey exploring the Auxiliary Police and Ambulance Volunteers. Since both of these voluntary organizations are governed by statutory authority I don't think they will provide a useful example for our concept of voluntary wage and hour enforcers. Nonetheless, you should take a look at Lindsey's work and see if anything appears useful. I do believe that the neighborhood watch concept might be the appropriate model. Lindsey also has short overview of the neighborhood watch and it too is attached. Once you have reviewed these documents lets arrange a time to talk.

JEFF.

From: Boylan, Lorelei (LABOR)  
 Sent: Friday, November 28, 2008 11:45 AM  
 To: Raj Nayak; Gerstein, Terri (LABOR);  
 Gardner, Colleen C (LABOR); Trivino,  
 Geovanny (LABOR); Amy Carroll; Deb  
 Axt  
 Cc: Smith, Patricia (LABOR)  
 Subject: RE: Wage Watch

Here is a proposed outline for the one-day training. I figured Amy and I could use input from the rest of the group on whether we should be covering other topics before we delve into it.

The one day session will not turn the enforcers into labor law experts but will assist them in identifying labor law violations and make the referral of greater value. The "role of the community enforcer" is where we will have to come up with original material but the other sections we have plenty of usable material at the DoL.

LORELEI BOYLAN,  
*Director of Strategic  
 Enforcement, Labor  
 Standards Division,  
 New York State De-  
 partment of Labor.*

To: Terri Gerstein/LoreleiBoylan  
 From: Aly Waddy  
 Re: Wage & Hour Watch Program Work  
 Plans

#### STRUCTURE

Aly Waddy  
 Responsible for all communications to  
 DOL. Will prepare all necessary reports: Par-  
 ticipate in meeting with DOL.

Alex Lazaro  
 Will supervise field operation. Participate  
 in meetings with DOL etc.

#### FULL LIST OF PARTICIPANTS

1. Aly Waddy
2. Alex Lazaro
3. Diana Robinson
4. Brendan Sexton
5. Vilmarie Solivan
6. Rafael Hernadez
7. Jose Rosendo

#### JURISDICTION

Gourmet, Grocery and Retail sector in 5 Boroughs. This will be the focus.

We will however utilize the program in all of our Organizing Campaigns. This may at times be outside of the five boroughs.

#### ACTIVITIES

We will introduce Wage & Hour Watch Campaign into all our Organizing Efforts.

We will have dedicate 4 days per quarter to Wage & Hour.

We will introduce program at our Union membership meetings.

Mr. ENZI. I yield the floor.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I listened very carefully to the statement made by my friend and ranking member, Senator ENZI. Many of the points raised by the Senator have been gone over before by the committee. These were things we looked into. So I think I would like to respond a little bit, almost point by point, to some of those concerns that were raised in the statement made by Senator ENZI.

But before I do that, I, again, wish to make one thing very clear. We are talking about something—this Wage Watch. Is that what it is called? Wage Watch. We are talking about something that is perfectly legal. Almost, listening to my friend's comments on it, you would think there was some subterfuge going on. This was perfectly open and above board and everything. No one is alleging anything was ever done illegally. No person—none of the Wage Watch people—did anything illegal. In fact, all the things they were engaged in—and I say "were"; I use the past tense because it was a pilot program and it has now ended and they are now assessing it—but all the things they were engaged in, they can engage in today. Anyone can. I can. You can. Staff can. Anybody can do this. It is not illegal. It is perfectly legal. So let's keep in mind what we are talking about is a perfectly legal, open, transparent pilot project that was started by the New York Department of Labor.

Again, as I indicated earlier with my charts, why were they doing this? Because so many people had been found who were not being paid the minimum wage; they were working overtime and not being paid overtime. A lot of times

these low-income workers—many of whom are recent immigrants to this country—do not know what their rights are. They are fearful of losing their job. It is the only thing they have to keep their families together, and if the employer decides to shave a little bit off their overtime, what are they going to do? They have no one to go to.

So that is why I pointed out in my charts how much money and how many times Commissioner Smith had gone after bad actors, bad employers, to get money back for workers, for their families, for their retirement systems they were cheated out of.

As she said to me, the good employers—the good employers—the business-people in New York wanted her to do this because the bad actors who were shaving, who were not paying the minimum wage, who were not paying overtime, were taking unfair advantage of the honest employers that were meeting their legal obligations. That is why it is no surprise to me we have all these letters of support for Ms. Smith from the business community. I already mentioned the Business Council of New York, the Manufacturers Association of Central New York, the entire New York congressional delegation—all these writing letters in support of her, talking about how fair she is and how she would listen and work things out.

When she started—she did not start it—but when the department started this Wage Watch, that was the intent of it. It was information. My friend says they started out from the beginning for enforcement. Well, sure, what do you think? Do you think someone is going to find out someone is not paying someone the minimum wage, and they are not going to tell anybody, they are not going to tell the Department of Labor, they are just going to say: Well, that is just the way it is. Of course, the end result is to enforce the law, to let people know their legal rights so that law can be enforced. Of course, that is the end result of it.

But the implementation of that was an informational program, to get information and guidance out to people, again, who—we are not talking about Members of Congress. We are not talking about our educated staff who have been to the best schools and have all these fancy degrees. We are not talking about accountants. We are not talking about people working on hedge funds in New York or on Wall Street. We are talking about people working in Queens at the minimum wage in the garment industry—janitors, home-makers, others out there who are working in food service who are at the minimum wage or slightly above it. So we are talking about people who do not have all that knowledge base we kind of assume workers would have. I wish to make that point clear before I start to talk about some of the points that were made.

Again, a lot has been made about the plans for expansion and about Senator BURR's question. I looked at Senator BURR's question. I looked at her response. I was there that day. It did not register. But then later on we began to look at this when issues were raised by my Republican colleagues.

Well, quite frankly, the e-mails that were shown by my colleague were not e-mails from Patricia Smith. They were e-mails from Terri Gerstein, not Patricia Smith. Quite frankly, to expand it to include occupational safety and health training, there was an e-mail to Terri Gerstein from Joel Shufro. Well, much was made of this. Again, I will respond in two ways. Much was made of expanding it to occupational safety and health issues training. My response is, yes; so? Shouldn't people also know not only what their rights are in terms of what their wages are, but shouldn't they also have the right to know whether something is unsafe, whether their health is being endangered? It would seem to me this also has to get out there, to know what their rights are to protect their health and their safety. I don't have any problem with that, that they should have that kind of training also, as well as to be on the lookout for that.

Sure, if they are working in hazardous conditions and with hazardous materials that can affect their lives and their livelihood and their future health, somebody ought to know about it. Someone should know about it.

On the expansion of the program beyond just the wage-and-hour expansion in the State, it looks as though the deputies may have gotten a little ahead of her when they were doing this. Again, keep in mind, I know the buck stops here. I saw that chart. The buck always stops here. We are responsible.

As I pointed out, Ms. Smith was running an agency with an \$11 billion budget—\$11 billion, 4,000 employees. This was a \$6,000 pilot project, hardly the meat and potatoes of what she was doing in her job every day. Plus, she was focusing on one of the worst economic crises New York and this country has faced. So keep that in mind.

Ms. Smith was clear in her response to us about the fact that she had no discussions about a potential expansion with anyone other than generally indicating that:

... if it proved successful, my goal would be to expand it to other areas of New York State. At that time, I had not authorized my staff to proceed with a statewide expansion of the program, nor had I discussed with them any steps that were preliminary to a possible expansion. My first—

And I am reading from her response to our written questions. Ms. Smith says:

My first substantive discussion about the steps needed to be taken to evaluate any potential expansion of Wage and Hour Watch occurred in late May 2009 with my Executive

Deputy Commissioner. . . . At that time he informed me that the Deputy Commissioner for Wage Protection and Immigrant Affairs had recently discussed with him what to do about the additional requests to join the program to which we had never responded. He told me that he had authorized her sometime in mid May to send out e-mails to groups in New York that had expressed interest in the program in case we judged the pilot a success. He had not personally seen the e-mail. Therefore, within days, I asked to review the text of the e-mail the Deputy Commissioner for Wage Protection and Immigrant Affairs was using. I told her that it could give the impression that a decision to expand the pilot had been made, which it had not, and made appropriate changes to the text. I directed her to use my corrected version in all future e-mails.

So, again, rather than saying this has to be expanded, she said let's look at the results and see what the results are, and she took it upon herself to correct those mailings that went out from her office.

The other thing that was said had to do with unions and that she misled the committee. There is a claim in response to a written question that she instructed unions participating in the Wage and Hour Watch Program not to use their status as wage watch groups as a union organizing tool. In fact, the New York Department of Labor tacitly condoned this practice.

Those are the charges that were made.

Well, first of all, again, there is nothing improper or unlawful about unions using their Wage and Hour Watch activities as part of organizing campaigns. There is nothing illegal about that. I would like to have someone show me where that would be illegal. There is nothing illegal about that. However, Ms. Smith, in order to be fair, took all appropriate steps to discourage that activity because business groups had raised concerns about this issue with her. She responded immediately, specifically prohibiting unions from distributing their own organizing literature while they were performing wage and hourly watch activities.

This was a written question to her:

Were you personally aware of any instance when a labor organization participating in the Wage and Hour Watch program engaged in labor activities? If so, how did you respond? If not, how would you have responded to such activity?

Here is what Ms. Smith responded in writing:

I am not personally aware of any instance when a labor organization participating in the Wage and Hour pilot program engaged in organizing functions while performing Wage and Hour Watch functions. If I had been aware of such behavior I would have decided to terminate them from the pilot.

Here is another question:

In your response to a question submitted by Senator Enzi on May 12, 2009, you describe a March 2009 meeting with numerous retail trade organizations where these organizations requested that groups participating in the Wage and Hour Watch pilot program be

prohibited from giving out information about their group while doing Wage and Hour Watch activities. How did you respond to that request, and what actions did you take to follow up on that request?

This has to do with labor unions too.

I told the trade associations that their request was reasonable, that I would make sure the participating groups would be specifically instructed to refrain from giving out their own materials while doing Wage and Hour Watch activities. I also told the trade associations that their request would be explicitly incorporated in any future written agreements. Within a week of that meeting, I instructed Lorelei Boylan, Director of Strategic Enforcement . . . to call each of the groups participating in the Wage and Hour Watch pilot and give them that instruction. Within a week after our conversation, she reported back to me that she had contacted each of the groups, explained the specific prohibition, and that they agreed to it. Since then, I have, from time to time, asked my staff if they were aware of any problems with the groups' complying with that particular instruction, and they have reported no problems.

Again, here is her e-mail. Some talked about how these people would go in and use authority to do something. It was compared to the Neighborhood Watch program. As my friend said, in the Neighborhood Watch program, people can't go into people's homes. Well, under this program, the Wage and Hour Watch Program, they could not go into a private employer's business either. They couldn't go into somebody's office, somebody's business. They could go into a store where the general public could go, yes. They could go into Wal-Mart or they could go into a retail establishment where the public generally could go, but they could not go into, let's say, a manufacturing concern where the public was not allowed to go, the same as Neighborhood Watch. You couldn't go into somebody's home. You could sure go into a community center. You could go into a shopping center. You could do a lot of things. You could go to the public park as Neighborhood Watch.

But here is a letter from Patricia Smith dated January 15, 2009, long before any of this stuff ever came out:

Dear Labor Standards Staff:

I want to let you know about a new pilot program we will be announcing on Friday called "Wage Watch." The goal of the program, as with all of our enforcement efforts, is labor law compliance throughout the state.

Complying with the law. Anybody opposed to that? But here is the important paragraph:

Please note that the groups and individuals who participate as Wage Watchers will not be agents, employees, or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the Division.

I don't think you can get much clearer than that. That went out on January 15.

There was one other thing I guess I have to respond to, and that is that there is some confusion as to whether the idea for this came about internally or whether it was external. Again, I don't understand what the big problem is. Who cares where it came from? Again, it is a legal operation, ethical, aboveboard, not nefarious in any way.

There is some problem about whether it came from internally or outside. When Patricia Smith testified at the hearing, she was being accused of misleading us because she said it was "an internally crafted group" and that "it was only after we sat down and crafted it ourselves that we reached out to groups to see if they would be interested."

Well, I have met with Ms. Smith. We have talked about this. We went through all the records. At that point in time when she testified that was to the best of her knowledge, that it had come from the people in her department and that they had suggested this and then they were going to go to outside groups to get people involved.

What she didn't know is that some people on her staff had been meeting with outside groups in terms of coming up with this kind of an approach. Then she corrected it later on when she said: Yes, I found out later that some people on my staff had done this.

But, again, let's keep in mind there was nothing inappropriate about this. There was nothing inappropriate about her staff meeting with outside groups to talk about this. Absolutely nothing. She just happened to make a mistake in front of the committee in saying they hadn't gone to outside groups before it came up, and actually it had been discussed with outside groups with her staff.

What is the big deal? Is someone saying there is something illegal? No, there is nothing illegal about that. Again, there is nothing inappropriate about it. It was simply a mistake she made in her testimony because she didn't have full knowledge of what her staff had been doing at that point in time in that Wage and Hour Watch.

Lastly, I know it will be said: Can she manage a large organization if she doesn't know about what one staff person may have done in terms of talking to an outside group? Well, as I point out, she ran an \$11 billion agency, 4,000 employees. Her focus more than anything—and I have talked to her about this, and I talked earlier about it with the charts I had—was going after these employers who were cheating people out of their minimum wage, taking away retirement benefits, working them overtime and not paying them overtime. She was getting money back for these families. This was a \$6,000 pilot project in an \$11 billion agency. So she may have missed a little bit here or missed something there or missed one person talking to somebody.

I would be more upset about it if it were illegal activity. If, in fact, these things had been going on and they were not legal, they were not ethical, yes, then I would say the buck stops here, you bet. But that is not the case. This is perfectly legal, perfectly ethical.

So I can understand if something went on in that agency in a small pilot project and she didn't know every single thing about it and who talked to whom and when something occurred. That is the essence, as I understand it, of the arguments on the other side. That seems to be the essence of it.

I think it is making a mountain out of a molehill. She is perfectly qualified to be the Solicitor, and I hope the vote coming up shortly will confirm that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, in light of the 20 minutes that we just heard in defense, and he had spoken previously before I spoke, I ask unanimous consent for an additional 5 minutes to briefly comment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENZI. Mr. President, there are so many places that a person needs to go if Ms. Smith does make it through the cloture vote. Of course, I have a lot more documents and information I will be sharing with people. I don't even know where to begin on the rebuttal to what has been said.

Internally crafted, no. It was brought to them by the unions. We can show where that came from. The Senator from Iowa mentioned that she met with small businesses in March. The program started in January with no input from small business. This is going to affect small business. They should have had the opportunity to comment on how the program would work, because there are a lot of privacy and other related issues in this.

When somebody comes to you with a State card from the Department of Labor of New York, they could probably go anywhere in the business they want to. They have only had 1 day of training in order to be able to do this. Does that make them an expert in OSHA and in wage and hour law? I don't think so. But there are safety and security and invasion of privacy issues that were ignored, or it was consciously decided they weren't important.

We asked about background checks on those who were trained and gave the State identification cards to:

There is no formal vetting process for the New York Department of Labor to partner with an entity. Instead, the Department relies primarily on prior experience working with the group. For the Wage and Hour Watch pilot, the Department selected the groups that were asked to join based on prior experience working with them on a more informal basis.

They did consider the possibility of a background check on the groups but

ultimately rejected that idea after inquiring as to whether Neighborhood Watch groups are subjected to background checks. The Department was informed that the groups participating in this more sensitive crime prevention partnership were not subject to a background check.

In her Senate response, Ms. Smith in part explains the lack of a background check because the program is modeled on the National Sheriff Association's Neighborhood Watch program. Notably, however, unlike Wage and Hour Watch, Neighborhood Watch is purely an observe and report program. Participants do not investigate crimes and are strongly cautioned against doing so, nor are they allowed to enter private property or businesses in conducting their operations. Calling the police about suspicious activity in a public area is significantly different than investigating the wages and hours of individual employees and recording their personal contact information.

This decision to allow those who may have criminal records—no backgrounds check—or may not be legal residents—no background check—in the United States to be trained and gather information under cover of New York State authority is also compounded by the types of information being gathered. That is a little different than Neighborhood Watch too. Ms. Smith authorized the training provided to participants that directed them to gather the personal telephone number, vehicle license plate, and home address of business owners they visited. As noted above, the State also allowed that information to be kept and used for other purposes outside of Wage and Hour Watch.

I have more things I could go into. For instance, in a memorandum to Ms. Smith in January 2009, NYDOL officials point out that all pilot groups would be taught "guidance on what level of information is needed for 'anonymous' Wage and Hour Watch tip." They wouldn't be able to tell if an anonymous tip was inaccurate. In other words, it could be used for harassment.

There are a lot of problems with the program. I will be going into them tomorrow if cloture is successful.

I yield the floor.

Mr. LEAHY. Mr. President, today, the Senate will try to end yet another Republican filibuster and invoke cloture on the nomination of Patricia Smith to be Solicitor General for the Department of Labor. This is the 15th filibuster against President Obama's nominees.

Commissioner Smith is a well-qualified nominee who has decades of experience working on labor issues, and a strong record as labor commissioner for the State of New York. The Senate Committee on Health, Education, Labor and Pensions held a hearing on

her nomination in May and reported it favorably to the Senate last October. Commissioner Smith should have been confirmed long ago. However, as has become all too common in this Congress, the Republican minority continues to block the Senate from even considering her nomination and giving her the up or down vote they not long ago insisted was the constitutional right of every nominee. Instead, the Senate is faced with another Republican filibuster.

Nothing I have seen suggests there is a reason to block Commissioner Smith's nomination from receiving Senate consideration. If some Senators oppose the strong enforcement of laws to protect American workers, they can vote against the nomination.

Some seek to justify this delay by creating controversy over "Wage Watch," a pilot program started by the New York Department of Labor under Commissioner Smith designed to encourage Department employees to report labor law violations. This seems to be a controversy generated by those who disagree with the program. What is so troubling about this filibuster is how difficult it has become to determine which nominations Senate Republicans are merely blocking as part of their political strategy of obstruction and delay of President Obama's nominees.

If cloture is invoked and we are finally able to consider the Smith nomination, we will then have the opportunity to end the filibuster of another nomination, that of Martha Johnson to head the General Services Administration, GSA. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

This should not be the way the Senate acts. Last week in his State of the Union Message, President Obama told Congress and the American people: "The confirmation of well-qualified public servants shouldn't be held hostage to the pet projects or grudges of a few individual senators."

Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republican minority. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and

that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican practice of making supermajorities the new standard to proceed to consider many non-controversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, has had a devastating effect. As a result of this Republican strategy, there are currently 75 nominations pending on the Senate's Executive Calendar for important positions throughout the executive branch and the judiciary, all but nine of them pending since last year.

There are 19 judicial and executive nominations pending on the Senate Executive Calendar that were reported favorably by the Senate Judiciary Committee, all of them reported with bipartisan support. In fact, 16 of the nominations reported by the committee were reported without a single dissenting vote. These nominations are not controversial. They should be easy to consider and confirm.

Five more nominations reported by the committee were pending on the Senate Executive Calendar at the end of last year, but Republicans insisted that they be returned to the President rather than held in place. Two were judicial nominees and three were nominees to head divisions at the Justice Department as Assistant Attorneys General. One of those nominations had been reported by the Senate Judiciary Committee by voice vote, with no dissent.

Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in the first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all year, all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session.

Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year, less than half of what we achieved during President Bush's first tumultuous year. We have confirmed only two more this year, after Republicans objected to consideration of the nomination of Joseph Greenaway of New Jersey to the Third Circuit, a nomination reported by the committee last October 1 by unanimous consent.

Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 30 circuit and district

court nominations compared to only 14 for President Obama. In the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

During President Bush's last year in office, with Democrats again in the majority, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in nine of the 13 Federal circuits.

As matters stand today, judicial vacancies have spiked and are being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges. The rule of law demands more. The American people deserve better.

Among the nominees ready for Senate approval are nine Federal judicial nominees reported by the Senate Judiciary Committee. Two would fill vacancies on the Third Circuit, three would fill vacancies on the Fourth Circuit, and there are nominees to fill vacancies on the First, Second and Sixth Circuits, as well as a district court nominee to Wisconsin. The delay in considering them is also part of this effort to delay and obstruct. Judge Greenaway, about whom Senators LAUTENBERG and MENENDEZ spoke last week, was reported by unanimous consent back in October, four months ago.

Two weeks ago the Majority Leader tried to get agreement to take up the nomination of Judge Greenaway, the next judicial nominee on the Senate Executive Calendar, but Republican objections continue to stall consideration. That is a shame. He is a good judge. Senator SESSIONS praised him at his confirmation hearing. Why he is being stalled I do not know, and no one has explained. Even after the statements by the New Jersey Senators, no one has come forward to explain the holdup from the Republican leadership. Judge Greenaway is one of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should

have been confirmed last year and would have but for Republican objection. When considered, they will be confirmed but not before being needlessly delayed for months.

They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. For at least 2 additional months, Judge Beverly Martin's nomination was stalled because Republicans would not agree to consider it before January 20. Judge Martin, of course, had the strong support of both of her home state Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary.

The Democratic leadership sought to build on our belated progress two weeks ago when we were allowed finally to consider and confirm Judge Martin. We asked for agreement to consider the nomination of Judge Greenaway. As the Majority Leader indicated two weeks ago: "[The Democratic] majority was in a position to agree to a vote on the nomination of Joseph Greenaway to be a U.S. circuit judge for the Third Circuit. However, I was advised the Republicans would not agree to such request." This is CONGRESSIONAL RECORD S166, January 22, 2010, daily ed. Again, Senate Republicans have withheld consent and have objected to consideration of a nominee.

None of the nine Federal circuit and district court nominations currently pending on the Senate Executive Calendar should be controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. One had one negative vote, one had three negative votes and the nominee from Tennessee supported by Senator ALEXANDER had 4 negative votes but 15 in favor, including 3 Republicans. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered. That obstruction and delay continues.

The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts. President Obama has reached across the aisle and worked with Republican Senators, including Senators LUGAR, MARTINEZ, SHELBY, SESSIONS, THUNE, ALEXANDER, BURR, CHAMBLISS and ISAKSON, who all have supported his judicial nominees. I

wish Senate Republicans and the Senate Republican leadership would reconsider their tactics of obstruction and delay and work with us and with the President.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations.

During his State of the Union Address last Tuesday night, President Obama talked with us about the "deficit of trust—deep and corrosive doubts about how Washington works that have been growing for years." He urged that we show the American people that we can work together. Regrettably the Senate is being required to dedicate today and tomorrow to freeing one of the long-delayed nominations the President has sent to the Senate for advice and consent. This is not working together. This is yet another instance in which Senate Republicans have decided to delay and obstruct.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

Harry Reid, Tom Harkin, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. RISCH), and the Senator from North Carolina (Mr. BURR).

Further, if present and voting, the Senator from Idaho (Mr. RISCH), would have voted "nay."

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 32, as follows:

[Rollcall Vote No. 17 Ex.]

#### YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Mikulski    |
| Baucus    | Gillibrand | Murray      |
| Bayh      | Hagan      | Nelson (NE) |
| Begich    | Harkin     | Nelson (FL) |
| Bennet    | Inouye     | Pryor       |
| Bingaman  | Johnson    | Reed        |
| Boxer     | Kaufman    | Reid        |
| Brown     | Kerry      | Rockefeller |
| Burris    | Kirk       | Sanders     |
| Byrd      | Klobuchar  | Schumer     |
| Cantwell  | Kohl       | Shaheen     |
| Cardin    | Landrieu   | Specter     |
| Carper    | Lautenberg | Stabenow    |
| Casey     | Leahy      | Tester      |
| Conrad    | Levin      | Udall (CO)  |
| Dodd      | Lieberman  | Udall (NM)  |
| Dorgan    | Lincoln    | Warner      |
| Durbin    | McCaskill  | Webb        |
| Feingold  | Menendez   | Whitehouse  |
| Feinstein | Merkley    | Wyden       |

#### NAYS—32

|           |          |           |
|-----------|----------|-----------|
| Alexander | Crapo    | LeMieux   |
| Barrasso  | DeMint   | Lugar     |
| Bennett   | Ensign   | McConnell |
| Brownback | Enzi     | Murkowski |
| Bunning   | Graham   | Sessions  |
| Chambliss | Grassley | Shelby    |
| Coburn    | Hatch    | Snowe     |
| Cochran   | Inhofe   | Thune     |
| Collins   | Isakson  | Voinovich |
| Corker    | Johanns  | Wicker    |
| Cornyn    | Kyl      |           |

#### NOT VOTING—8

|       |           |         |
|-------|-----------|---------|
| Bond  | Hutchison | Roberts |
| Burr  | McCain    | Vitter  |
| Gregg | Risch     |         |

The PRESIDING OFFICER. On this vote the yeas are 60, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the Senate consider the following nominations: Calendar No. 561, Clifford Stanley, to be Under Secretary of Defense for Personnel and Readiness; Calendar No. 603, Laura Kennedy, to be U.S. Representative to the Conference on Disarmament; Calendar No. 614, Philip Goldberg, to be Assistant Secretary of State for Intelligence and Research; Calendar No. 615, Caryn Wagner, to be Under Secretary for Intelligence and Analysis with the Department of Homeland Security; that the nominees be confirmed en bloc, the motions to reconsider be laid on the table en bloc, any statements relating to the nominations appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

Prior to there being a statement on whether this is accepted, let me say, these are all critically important to the safety and security of this Nation: Clifford Stanley, Under Secretary of Defense; Laura Kennedy, the Conference on Disarmament; Philip Goldberg, Assistant Secretary of State for



Intelligence and Research; and Caryn Wagner to be Under Secretary for Intelligence and Analysis with the Department of Homeland Security. Every one of these are very important, I repeat, to the security and safety of our Nation.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I rise to speak in support of the nomination of Patricia Smith, currently commissioner of labor for the State of New York, as the Solicitor of Labor.

We just had a vote where, again, 40 people tried to block the nomination of a key position at the Department of Labor. This is a position that matters to workers. It is a position that matters to the middle class. It is a position that has remained unfilled for 1 whole year. It has been 1 year since President Obama has been sworn in. This is one of the top officials of the Labor Department. It is a department which, frankly, the Bush administration didn't put much stock in. The Bush administration didn't much care about enforcing the rules about labor, didn't much care about putting government on the side of the workers in terms of worker safety, in terms of wages, in terms of all the things a Labor Department is there for—to make sure people are rewarded for their labor; that people who work with their hands, people who work with their brains are compensated for the fruits of their labor. It is such an American success story, of people working hard, getting ahead and being compensated for what they do and sharing in the wealth they create for their employer through pay and benefits.

That doesn't seem to be the way 40 Members of this body look at the world. The Solicitor of Labor is the third-ranking leader at the Department of Labor. She will be charged, if confirmed, with enforcing the full scope of the Federal laws protecting labor rights and employment rights. These are not trivial matters. They are important protections that reflect core American values: fair hiring practices, safe working conditions, retirement security, and the payment of wages and benefits rightfully earned.

Let me give an example: There has been a practice in northeast Ohio—and across the country, we find out—where, when you go to a restaurant and you don't pay your bill and you walk out of the restaurant, in many cases it is the person who waited on your table who ends up paying the bill. If you skip out on your bill—as has happened more and more and more in this recession—it is not management who eats the cost, it is typically the worker, the waiter, the waitress, the server who eats that cost.

There are two cases—one in Columbus—where I believe it was a waitress, in this case, who chased a person out of the restaurant who didn't pay their bill and she was hit by a car and is paralyzed. There was a case in Texas where a server chased someone who didn't pay the bill out to the parking lot and was hit by a car and was killed.

The reason they do that is they are trying to make the patron behave and do the right thing, but they paid the ultimate price for that. You know why? Because the Department of Labor has not enforced laws that protect that worker. Those are just two examples—one in Columbus and one, I believe, in Dallas or somewhere in Texas.

There are only a few people who I am aware of who have expressed any concerns over Commissioner Smith's nomination. The Commissioner will enforce these rules that simply aren't being enforced—and were not enforced during the 8 years of the previous administration, which almost always sided with management over any real labor concerns—over wages, over safety, over worker concerns.

A handful of Republicans have voiced opposition due to supposed discrepancies in Commissioner Smith's testimony before the Health, Education, Labor, and Pensions Committee. They disingenuously cite her statements regarding a small pilot program that constituted \$6,000 of the Department's \$11 billion budget. In response to written questions, Commissioner Smith clarified her statements to the full satisfaction of Chairman HARKIN.

Despite this, Republicans on the HELP Committee have held up the nomination process. Again, it has been 1 year and she is not sitting there yet—1 year of Republicans saying no, of blocking things, of obstruction. They have gone so far as to call for the withdrawal of the nomination altogether.

It is irresponsible to cause a lengthy delay for a position that is so important. This isn't an inconsequential position that doesn't matter. It is a position that affects workers' rights, that affects workers' pay, that affects workers' ability to be part of the middle class. This position is particularly critical to the needs of workers in this country.

We all know, in the last 10 years, until this recession, profits generally were up, the economy was growing—until this recession, until 2007—yet workers' wages didn't keep up. Part of the reason is because we had a Labor Department that simply didn't care about enforcing these rules. We have a responsibility to provide leadership at the highest level to ensure American workers of their right to an honest day's work.

I am pleased the President has nominated a candidate who is as well-qualified as Patricia Smith to be our Nation's next Solicitor of Labor. She pre-

viously served as the New York attorney general's labor bureau chief, where she argued and won two cases before the U.S. Supreme Court.

Her tenure as commissioner has come at a difficult period. Yet she has met the challenge with great professionalism and dedication. She has garnered support in New York State, where she worked in both the business and labor communities. The Business Council of New York State—not exactly the State AFL-CIO—said her record shows her to be “thorough, fair, and judicious in the use of the tools at her disposal to ensure compliance with New York's labor law.”

Local chambers of commerce have also expressed their support, saying they “have enjoyed not only attention and engagement from Patricia Smith, but a genuine working partnership.”

She has received commendations while serving under both Democratic and Republican administrations. One Republican New York Senator observed that she “has worked in a positive, bipartisan manner.” The New York congressional delegation—both parties—unanimously supports her.

Yet 40 Republicans have again said no and tried to block what we are trying to do, what the President simply wants to do—to fill this position.

Let me conclude with a short story. Today, I was at Hugo Boss, which is a clothing manufacturer in Cleveland, OH. It is actually Brooklyn, a suburb of Cleveland. This Hugo Boss plant is one of the last manufacturing companies of men's suits, pants, and sport coats in the United States. It is Hugo Boss's last manufacturing plant. Hugo Boss has said this is a profitable operation. Hugo Boss is a German company. This is a profitable operation in greater Cleveland making suits, but they say they would make more if they moved their production to Turkey, and that is what they are going to do.

I met with some of the 400 workers today. They make no more than \$15 an hour, many less than that. They are paid pretty good benefits. It is one more case where our trade laws and tax laws undercut manufacturing. These are jobs that barely get their workers to the middle class. A lot of husbands and wives both work at Hugo Boss, so I am hopeful they change their mind. At the same time, Hugo Boss says they are expanding their operations in the United States, but those operations are in the sales force. They are going to open more stores in the United States. They are expanding their sales force, but they have decided to eliminate production in the United States.

Again, this is happening not because they are not making a profit in Cleveland but because they can make a bigger profit in Turkey. I think this illustrates, again, that it is time our government—whether it is enforcement of our labor laws with Patricia Smith or

trade agreements and tax laws—comes down on the side of the workers, comes down on the side of communities. We know what this will mean for Cleveland, OH, in terms of taxes. We know what it will mean for those 400 workers. We know what it will mean for those families. It is not good for anybody. It is important that at least we speak today in support of Patricia Smith, to show that this body will stand for workers and do the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. I ask to be recognized for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNINTENDED CONSEQUENCES OF WELL-INTENDED REGULATION

Mr. ISAKSON. Mr. President, I rise tonight following on the heels of three more bank closings in my State last Friday; not new banks, one of them over 60 years old, one of them over 100 years old. I want to talk for a few minutes tonight about the unintended consequences of well-intended regulation.

We are now going into the 26th month of the current recession. This will arguably be the longest recession post-World War II America has experienced. I can tell you from having gone through four of the recessions post-1960, this is by far the worst of anything that we experienced. We are at a point where we have to make some good, solid decisions, but we have to help our economy, help our businesses, and help our financial institutions.

Don't get me wrong at the outset. I am not talking about waiving or dispensing or looking the other way. I am not talking about loogie-googie regulation which got us into the mess we are in: shoddy underwriting and poor credit. But what I am talking about are realistic approaches to difficult problems and looking to our past to understand the answers for our future.

I wish to talk about rule 114, which is called mark to market. Mark to market is where an appraisal of an asset held by a bank is appraised at what it would sell for today, and in many cases because of a difficult real estate market, in both commercial and residential, those values are dramatically depressed, in most cases below the loan that is against them. So the asset deteriorates, the asset side of the balance sheet of the bank deteriorates, and you have difficult problems.

In the late 1980s and early 1990s we had a similar period of time. We had something called the Resolution Trust Corporation, the RTC. It was kind of a bad bank that took all the assets of the failed savings and loans around the United States. We waived mark to mar-

ket for 3 years. We had a 3-year moratorium so the banking institutions and their regulators could deal with loans in a practical, pragmatic way rather than Draconian, rigid application of mark to market.

Second, we have to consider doing something on the appraisal rules that have been passed down. I have talked to our Secretary of HUD on this matter, and I intend to talk to him more about it. I was in Clayton County, GA, south of Atlanta, just 2 weeks ago, a county that has been hit hard by the housing recession, a county where values are 42 percent below what they were in 2006. That is a significant decline.

I talked to one realtor after another and one lender after another who told me the interesting thing that has happened. With the new appraisal regulations, the appraisals on these houses when they sell at a short sale or foreclosure are coming in at exceedingly low values. But when the people have to get their homeowners insurance to insure the house, they are having to insure the house for more than they paid for it. Why? Because you can buy houses in Georgia today or around the country for less than what it costs to replace them.

When I entered the business in the 1960s, cost to replace was the principal way real estate was evaluated. Later, comparable sales took over cost to replace. I think it is time we look at cost to replace becoming the primary mechanism for establishing lending and insurance purposes.

The short sale situation is another problem. It has taken banks in some cases 10 to 12 months to give somebody an answer on a short sale. A short sale, for those listening, is when you have a house and you are in default, you can't pay your loan but it is not in foreclosure yet, you find a buyer who can pay 80 cents on the dollar.

Say you owe \$100,000, and they can pay \$80,000. You go to your bank and say: Will you take \$80,000 and forgive the \$20,000 and let me sell this property rather than foreclose it? Banks are reluctant to make decisions and most of the time, therefore, they didn't. Those houses they could have sold on a short sale go into foreclosure. When they go into foreclosure, more often than not they are vandalized. Their value declines 1, 2, 3 percent a month and the house comes out at an even lower value.

To show you the value of some well-intended regulation, I want to commend the Treasury because last week the Treasury issued a ruling to banks that received TARP money that they must respond within 10 days on any short sale offer on a mortgage that bank holds. We are going to see a remarkable change in Denver, in Atlanta, in Houston, and a lot of other places. We are going to see some sales

that have not been taking place start to take place. We are going to see some inventory reabsorbed. I commend the Treasury on their good approach to short sales.

I wish to talk a minute about loss-share. The FDIC has come up with a loss-share proposal for the banks that take the troubled assets of banks that have failed. FDIC says: If you will take these assets, we will guarantee the most you can lose is 20 percent on the value. We will cover the other 80. But to make sure we do not get in worse trouble, you cannot extend credit beyond 10 percent of the debt owed to the borrower.

The problem with that is a lot of these assets are, in fact, performing, but they have not been completed yet. To complete the asset so it begins to pay back, sometimes you have to extend credit beyond 10 or 15 or 20 percent. To have an absolute rule that you cannot is causing loans to go bad or to go unfunded that otherwise should have been funded.

In 1974, we went through a housing recession as deep and as problematic as the one today. Foreclosures were every bit as rampant—maybe not as big in numbers but as rampant and as difficult. As is beginning to happen now, the commercial loans began to fail in 1975.

An interesting thing happened around the country. Commercial lenders and the regulators recognized very quickly if they foreclosed on commercial loans like they had foreclosed on residential loans, the banking system would collapse; the asset side of almost all banks would collapse. So what they decided to do was encourage banks to work out these assets by going to the developer who was in trouble, who owed the money, and say: I'll tell you what. If you deed this property back to us in lieu of foreclosure and then let us hire you on an earned-out process so we can develop our way out of this debt rather than foreclose ourselves into a loss—and more often than not, probably three out of every four transactions, it happened.

The house I live in today I built on a lot I bought in a subdivision that had been taken back by the C&S National Bank. They had hired the developer to do a workout. I bought it at a good price and later did most of the sales in the development. It became a great development, and the bank eventually was made whole. The bank would have lost lots of money if they had to take that thing and foreclose on it and had not worked it out.

I encourage our regulators to give the great American ingenuity and entrepreneurship the chance to work. Sure, some of these people are in trouble, but there are avenues outside of that trouble.

There has been a lot of talk about taxing banks that receive TARP

money. I want to address that for a second because, the best I can tell, every bank that has received TARP money is paying it back at a 5-percent dividend. We are making a profit. The only people who have not paid it back are GM and Chrysler, who probably never will. But if we put that much more of a burden on top of the people who are paying us, and paying a premium when we have a banking system under stress and duress, it is only making it more and more impossible for them to stay in business, for them to be vibrant and come back to bring credit to our communities.

On that point, with mark to market enforced at a Draconian rate, with appraisal rules driving down the values of properties that are financed by the banks, with the regulatory environment being so stiff to recognize losses and deteriorate the balance sheet, there is not any credit for small business to speak of.

We are making a recession that is deep, that is broad, and that is pervasive worse because of the unintended consequences of well-intended regulation.

Last, I have enjoyed working with Senator KAUFMAN so much over this issue of short sales that I just want to put in one more plug for what we plugged in this entire session and encourage the SEC. In the collapse that took place in the markets, one of the things that went out of hand was the short selling of financial stocks to terrible lows. That short selling took place in large measure because there was no uptick rule, which was the old rule that was good for years on the stock market that once you had a declining value in the stock, if it ticked up on a trade, you stopped the short selling from continuing to take place.

We need the SEC to revisit it. They took 30 days a year and a half ago and suspended it and it helped, but we don't need those speculating in the marketplace to take unfair advantage of the values of equities that are owned by Americans all over this country for the sake of making a buck on a short sale.

My remarks are very simple. There are unintended consequences to regulation, and we need to start looking at the cause and effect. Where we can find opportunities for banks to work out, for mark to market to be suspended, for appraisals to be based on cost to replace rather than comparable sales, we will begin to give the flexibility to the banking system to begin to recover, to stop the losses, stop the failures and, over time, recover our economy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2973 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING THE CAMPBELLSVILLE LADY TIGERS

Mr. MCCONNELL. Mr. President, I rise today to congratulate the Campbellsville University Lady Tigers volleyball team, winners of the first national title for a team sport in that university's history. On December 5, 2009, the Lady Tigers swept the top-seeded Mount Vernon Nazarene University Cougars in three sets to win the National Christian College Athletic Association, NCCAA, Division I Women's Volleyball National Championship.

The Lady Tigers' winning championship game capped an eight-match win streak through the NCCAA Mid-East Regional Tournament and the NCCAA National Tournament. Every player on the team contributed to this victory. The members of this championship team are Shannon Cahill, Lilian Da Silva, Caitlin Dresing, Whitney Haynes, Samantha James, Jovana Koprivica, Brooke Marcum, Caroline Martin, Renee Netherton, Lilian Odek, and Christiana Sindelar.

Two players also notched career highs on the way to this national championship. Senior Jovana Koprivica of Serbia passed the 1,000 dig mark early this season, proving her a crucial part of this team's defense.

Senior Renee Netherton of Louisville, KY, passed the 1,000 kill mark for her career in the final national championship match. Each one of those kills represents a point for the Lady Tigers that kept them on their march to victory.

Winning the NCCAA national championship is obviously one of the greatest thrills of these girls' lifetimes. "I'm a little nervous to take my uniform off, because once I do it's over," senior Renee Netherton said. "I'm excited we went out so strong. It's such a great

feeling to be able to picture that last hit in my head. That's going to stay with me forever."

Success came often to the Lady Tigers this season. They finished second in the Mid-South Conference, won the NCCAA Mid-East Region, and received votes in both the National Association of Intercollegiate Athletics, NAIA, and NCCAA national polls all season.

Head coach Randy LeBleu not only saw his team win the championship, he also was named the NCCAA Division I Coach of the Year. He coached the Lady Tigers to 38-13 overall, a program record for wins in a season. This was his fifth and final season as the Lady Tigers' head coach; he finishes with a 172-52 career record. Assistant coach Amy Eckenfels, who played a key role in bringing this team to the championship, will take over as head coach next season.

Founded in 1906, Campbellsville University has a tradition of teaching academic excellence, instilling a love of life-long learning, and nurturing an environment of Christian fellowship. Attracting students from 97 Kentucky counties, 30 States and 37 foreign nations, they have a student body of 3,000 and enrollment is increasing. Kentucky is grateful for the presence and the rewards of Campbellsville University.

I ask my colleagues to join me in congratulating the Campbellsville Lady Tigers for their impressive season and for being the NCCAA Division I Women's Volleyball National Champions. Surely much success lies ahead for the members of this winning team.

Mr. BUNNING. Mr. President, I rise today in the Senate to pay tribute to the Campbellsville University Lady Tigers of Campbellsville, KY. On December 5, 2009, the Lady Tigers Volleyball team won the National Christian College Athletic Association Division I Women's Volleyball National Championship in Kissimmee, FL.

For the coaches and young women on this team, this is not just a trophy; it is an affirmation that anything is possible with hard work and determination. These young women defeated the top-seeded Mount Vernon Nazarene University to complete an eight-match win streak. Furthermore, this national title is the first national team title for Campbellsville University. Every single player on the team contributed to this remarkable feat and several individual records were set. The Lady Tigers finished the season with a 38-13 overall record.

Not only are these young women excellent athletes, they also exemplify the great academic tradition of Campbellsville University. To earn this national title while measuring up to the high academic standards of Campbellsville University shows the dedication and work ethic these women possess.

I am very proud of the accomplishments these young women have made.

I now ask my colleagues to join me in congratulating the members and coaching staff of the Lady Tigers for their success. Campbellsville University and the Commonwealth of Kentucky are fortunate to have such distinguished representation. These young women are role models for all student athletes.

#### BLACK HISTORY MONTH

Mr. UDALL of Colorado. Mr. President, I rise to acknowledge the great contributions of Colorado's African-American community in celebration of Black History Month.

Colorado's African-American community has a long history in our State. From the days of its settlement to modern times, Colorado has benefited from the Black community's hard work and dedication to making Colorado a better place to live.

In contemporary times, we often forget about the diversity of settlers that moved West during the expansion of the United States. But, Black settlers played an active and productive role in the formation of the American West. Many of these settlers found their freedom by moving West and became entrepreneurs, traders, and leaders that helped in the formation of Colorado as a territory and State. Names of early African-American westerners, such as James Beckwourth and "Aunt" Clara Brown, echo through Colorado history.

James Beckwourth was a true frontiersman, leading expeditions into Colorado's Rocky Mountains in the 1820s and returning later in the 1830s to serve at Fort Vasquez near Denver. In the 1840s, he cofounded a fort and settlement named Pueblo so he could enter the lucrative trade business along the Santa Fe Trail. This settlement eventually became the city of Pueblo and still serves as a commercial hub for southeast Colorado.

"Aunt" Clara Brown is another strong African-American figure who fled slavery to establish an independent life in the West. When she reached Colorado in the 1860s, she found a place that rewarded hard work. She earned her living laundering the clothes of miners in Central City and served her community by helping others in need regardless of their race. She was a woman who valued a commitment to her community and to providing opportunity to those who lacked the resources to access it.

These individuals—and countless others—are real examples of the early contributions of African Americans in Colorado and throughout the American West. Yet I do not speak of these individuals so their stories remain in history books or museums, but instead to highlight the continuing efforts and contributions of Colorado's Black community to our State. From the time that James Beckwourth and "Aunt"

Clara Brown made their way to Colorado along with other Black men, women and children until present day, there have been many other community leaders, public officials, and entrepreneurs who have overcome the struggles of progress. They rose above the challenges of frontier life and those hard times of the great depression. They joined many others to mine Colorado's mineral wealth and forge the steel of Colorado's railways to contribute to Colorado's burgeoning economy. They have fought in every major American war to protect a collective freedom that for so many years they were denied. And they have risen in solidarity to defend the civil rights of every American citizen regardless of the color of their skin.

Today, I am proud to see Colorado's African-American community continue as a vibrant force in our State, just as they can be found in our history.

As I marched recently in Denver's annual Martin Luther King, Jr. "marade," I was reminded of Dr. King's dream of a nation where people are not judged by the color of their skin but by the content of their character. We have made much progress in working to fulfill Dr. King's dream; and it was evident to me, that his message is still being heard.

Mr. President, I hope all Coloradans and Americans can reflect on the contributions of African Americans of our State and throughout our great Nation not only during the Black History Month but in every month of the year.

#### RECOGNIZING THE CUTTER OAK CREW

Mr. DEMINT. Mr. President, I would like to congratulate the crewmembers of the U.S. Coast Guard Cutter *Oak*, a 225-foot sea-going Buoy Tender homeported in Charleston, SC, for their bravery, stamina, and fortitude in their response to the tragic aftermath of the earthquake in Port-au-Prince, Haiti.

One day after the earthquake, with just a few hours' notice, the *Oak*'s crewmembers departed from Charleston stocked with medical supplies, food provisions, and 62,880 bottles of water. Their engineers and food service specialists worked around the clock to ensure the ship had all the supplies they needed for the humanitarian rescue mission, and on January 18, 2010, the Coast Guard Cutter *Oak* arrived in Haiti.

The crew faced a tremendous challenge both physically and mentally as they sought to open the port in Port-au-Prince and provide humanitarian assistance and evacuation for the critically injured. Working under the joint task force and partnering with the Haitian port officials and maritime community, the *Oak*'s crew surveyed the port and placed out buoys to improve

the conditions. Having spent time in Haiti on previous missions training the Haitian Coast Guard members in CPR and first aid, small arms maintenance, and boat maintenance, the *Oak*'s crewmembers were able to quickly improve the situation. I am especially proud of the crew's accomplishment in reopening the port to traffic on January 21, 2010. Because of their efforts, life-saving relief aid reached the Haitian people.

In addition to opening the port, the *Oak*'s crew distributed food, water, and medical supplies and aided in evacuating hundreds of American citizens and critically injured Haitians to the United States. Their quick response to a terrifying situation saved the lives of many people, and these impressive achievements bring great credit upon the *Oak*.

It is with great pride that I thank Commander Mike Glander, the commanding officer of the *Oak*, and the men and women under his command.

These crewmembers have upheld the best traditions of the Coast Guard and have represented the city of Charleston, the State of South Carolina, and this Nation with honor and distinction. They have worked diligently to support the values that make this Nation great. I know the Coast Guard is especially proud of the heroic actions of the *Oak*'s crewmembers, but on behalf of the people of the State of South Carolina and our great country, I salute the outstanding work of the crewmembers of the U.S. Coast Guard Cutter *Oak*. This January, the men and women of the *Oak* were a living expression to the world of the *Oak*'s motto—Decora Fides Robur—Honor, Faithfulness, Strength.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2011—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975

as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

*To the Congress of the United States:*

We begin a new year at a moment of continuing challenge for the American people. Even as we recover from crisis, millions of families are still feeling the pain of lost jobs and savings. Businesses are still struggling to find affordable loans to expand and hire workers. Our Nation is still experiencing the consequences of a deep and lasting recession, even as we have seen encouraging signs that the turmoil of the past 2 years is waning. Moving from recession to recovery, and ultimately to prosperity, remains at the heart of my Administration's efforts. This Budget provides a blueprint for the work ahead.

But in order to understand where we are going in the coming year, it is important to remember where we started just 1 year ago. Last January, the United States faced an economic crisis unlike any we had known in generations. Irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. Our Gross Domestic Product (GDP) was falling at the fastest rate in a quarter-century. Five trillion dollars of Americans' household wealth had evaporated in just 12 weeks as stocks, pensions, and home values plummeted. We were losing an average of 700,000 jobs each month, equivalent to the population of the State of Vermont. The capital and credit markets, integral to the normal functioning of our economy, were virtually frozen. The fear among economists—from across the political spectrum—was that we risked sinking into a second Great Depression.

Immediately, we undertook a series of difficult steps to prevent that outcome. We acted to get lending flowing again so that businesses could get loans to buy equipment and ordinary Americans could get financing to buy homes and cars, go to college, and start or run businesses. We enacted measures to foster greater stability in the housing market, help responsible homeowners stay in their homes, and help to stop the broader decline in home values. To achieve this, and to prevent an economic collapse that would have affected millions of additional families, we had no choice but to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the rapid dissolution of the American auto industry—which faced a crisis partly of its own making—to prevent the loss of hundreds of thousands of additional jobs during an already fragile time. Many of these decisions were not popular, but we deemed them necessary to prevent a deeper and longer recession.

Even as we worked to stop the economic freefall and address the crises in our banking sector, our housing market, and our auto industry, we also began attacking the economic crisis on a broader front. Less than 1 month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it also began to lay a new foundation for long-term economic growth and prosperity. With investments in health care, education, infrastructure, and clean energy, the Recovery Act both saved and created millions of jobs and began the hard work of transforming our economy to thrive in the modern, global marketplace and reverse the financial decline working families experienced in the last decade. Because of these and other steps, we can safely say we have avoided the depression many feared, and we are no longer facing the potential collapse of our financial system. But our work is far from complete.

First and foremost, there are still too many Americans without work. The steps we have taken have helped stop the staggering job losses we were experiencing at the beginning of last year. But the damage has been done. More than seven million jobs were lost since the recession began 2 years ago. This represents not only a terrible human tragedy, but also a very deep hole from which we have to climb out. Until our businesses are hiring again and jobs are being created to replace those we have lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That is why this Budget includes plans to encourage small businesses to hire as quickly and effectively as possible, to make additional investments in infrastructure, and to jump-start clean energy investments that will help the private sector create good jobs in America.

Long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health-care costs, a growing dependence on foreign oil, and an education system unable to prepare our children for the jobs of the future. In recent years, spending bills and tax cuts for the wealthy were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without regard for the consequences, Washington looked the other way.

As a result, the economy may have been working very well for those at the very top, but it was not working for the middle class. Year after year, Americans were forced to work longer

hours and spend more time away from their loved ones, while their incomes flat-lined and their sense of economic security evaporated. Beneath the statistics are the stories of hardship I've heard all across America. For too many, there has long been a sense that the American dream—a chance to make your own way, to support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

Those days are over. In the aftermath of this crisis, what is clear is that we cannot simply go back to business as usual. We cannot go back to an economy that yielded cycle after cycle of speculative booms and painful busts. We cannot continue to accept an education system in which our students trail their peers in other countries, and a health-care system in which exploding costs put our businesses at a competitive disadvantage and squeeze the incomes of our workers. We cannot continue to ignore the clean energy challenge and stand still while other countries move forward in the emerging industries of the 21st Century. And we cannot continue to borrow against our children's future, or allow special interests to determine how public dollars are spent. That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for the future.

Already, we have made historic strides to reform and improve our schools, to pass health insurance reform, to build a new clean energy economy, to cut wasteful spending, and to limit the influence of lobbyists and special interests so that we are better serving the national interest. However, there is much left to do, and this Budget lays out the way ahead.

Because an educated workforce is essential in a 21st Century global economy, we are undertaking a reform of elementary and secondary school funding by setting high standards, encouraging innovation, and rewarding success; making the successful Race to the Top fund permanent and opening it up to innovative school districts; investing in educating the next generation of scientists and engineers; and putting our Nation closer to meeting the goal of leading the world in new college graduates by 2020. Moreover, since in today's economy learning must last a lifetime, my Administration will reform the job-training system, streamlining it and focusing it on the high-growth sectors of the economy.

Because even the best-trained workers in the world can't compete if our businesses are saddled with rapidly increasing health-care costs, we're fighting to reform our Nation's broken health insurance system and relieve this unsustainable burden. My Budget

includes funds to lay the groundwork for these reforms—by investing in health information technology, patient-centered research, and prevention and wellness—as well as to improve the health of the Nation by increasing the number of primary care physicians, protecting the safety of our food and drugs, and investing in critical biomedical research.

Because small businesses are critical creators of new jobs and economic growth, the Budget eliminates capital gains taxes for investments in small firms and includes measures to increase these firms' access to the loans they need to meet payroll, expand their operations, and hire new workers.

Because we know the nation that leads in clean energy will be the nation that leads the world, the Budget creates the incentives to build a new clean energy economy—from new loan guarantees that will encourage a range of renewable energy efforts and new nuclear power plants to spurring the development of clean energy on Federal lands. More broadly, the Budget makes critical investments that will ensure that we continue to lead the world in new fields and industries: doubling research and development funding in key physical sciences agencies; expanding broadband networks across our country; and working to promote American exports abroad.

And because we know that our future is dependent on maintaining American leadership abroad and ensuring our security at home, the Budget funds all the elements of our national power—including our military—to achieve our goals of winding down the war in Iraq, executing our new strategy in Afghanistan, and fighting al Qaeda all over the world. To honor the sacrifice of the men and women who shoulder this burden and who have throughout our history, the Budget also provides significant resources, including advanced appropriations, to care for our Nation's veterans.

Rising to these challenges is the responsibility we bear for the future of our children, our grandchildren, and our Nation. This is an obligation to change not just what we do in Washington, but how we do it.

As we look to the future, we must recognize that the era of irresponsibility in Washington must end. On the day my Administration took office, we faced an additional \$7.5 trillion in national debt by the end of this decade as a result of the failure to pay for two large tax cuts, primarily for the wealthiest Americans, and a new entitlement program. We also inherited the worst recession since the Great Depression—which, even before we took any action, added an additional \$3 trillion to the national debt. Our response to this recession, the Recovery Act, which has been critical to restoring economic growth, will add an additional \$1 tril-

lion to the debt—only 10 percent of these costs. In total, the surpluses we enjoyed at the start of the last decade have disappeared; instead, we are \$12 trillion deeper in debt. In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order.

That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend, eliminating what we don't need, and making the programs we do need more efficient. We are taking on health care—the single biggest threat to our Nation's fiscal future—and doing so in a fiscally responsible way that will not add a dime to our deficits and will lower the rate of health-care cost growth in the long run.

We are implementing the Recovery Act with an unprecedented degree of oversight and openness so that anyone anywhere can see where their tax dollars are going. We've banned lobbyists from serving on agency advisory boards and commissions, which had become dominated by special interests. We are using new technology to make Government more accessible to the American people. And last year, we combed the budget, cutting millions of dollars of waste and eliminating excess wherever we could—including outdated weapons systems that even the Pentagon said it did not want or need.

We continued that process in this Budget as well, streamlining what does work and ending programs that do not—all while making it more possible for Americans to judge our progress for themselves. The Budget includes more than 120 programs for termination, reduction, or other savings for a total of approximately \$23 billion in 2011, as well as an aggressive effort to reduce the tens of billions of dollars in improper Government payments made each year.

To help put our country on a fiscally sustainable path, we will freeze non-security discretionary funding for 3 years. This freeze will require a level of discipline with Americans' tax dollars and a number of hard choices and painful tradeoffs not seen in Washington for many years. But it is what needs to be done to restore fiscal responsibility as we begin to rebuild our economy.

In addition to closing loopholes that allow wealthy investment managers to not pay income taxes on their earnings and ending subsidies for big oil, gas, and coal companies, the Budget eliminates the Bush tax cuts for those making more than \$250,000 a year and devotes those resources instead to reducing the deficit. Our Nation could not afford these tax cuts when they passed, and it cannot afford them now.

And the Budget calls for those in the financial sector—who benefited so greatly from the extraordinary meas-

ures taken to rescue them from a crisis that was largely of their own making—to finally recognize their obligation to taxpayers. The legislation establishing the Troubled Asset Relief Program (TARP) included a provision requiring the Administration to devise a way for these banks and firms to pay back the American taxpayer. That is why in this Budget we have included a fee on the largest and most indebted financial firms to ensure that taxpayers are fully compensated for the extraordinary support they provided, while providing a deterrent to the risky practices that contributed to this crisis.

Yet even after taking these steps, our fiscal situation remains unacceptable. A decade of irresponsible choices has created a fiscal hole that will not be solved by a typical Washington budget process that puts partisanship and parochial interests above our shared national interest. That is why, working with the Congress, we will establish a bipartisan fiscal commission charged with identifying additional policies to put our country on a fiscally sustainable path—balancing the Budget, excluding interest payments on the debt, by 2015.

This past year, we have seen the consequences of those in power failing to live up to their responsibilities to shareholders and constituents. We have seen how Main Street is as linked to Wall Street as our economy is to those of other nations. And we have seen the results of building an economy on a shaky foundation, rather than on the bedrock fundamentals of innovation, small business, good schools, smart investment, and long-term growth.

We have also witnessed the resilience of the American people—our unique ability to pick ourselves up and forge ahead even when times are tough. All across our country, there are students ready to learn, workers eager to work, scientists on the brink of discovery, entrepreneurs seeking the chance to open a small business, and once-shuttered factories just waiting to whir back to life in burgeoning industries.

This is a Nation ready to meet the challenges of this new age and to lead the world in this new century. Americans are willing to work hard, and, in return, they expect to be able to find a good job, afford a home, send their children to world-class schools, receive high-quality and affordable health care, and enjoy retirement security in their later years. These are the building blocks of the middle class that make America strong, and it is our duty to honor the drive, ingenuity, and fortitude of the American people by laying the groundwork upon which they can pursue these dreams and realize the promise of American life.

This Budget is our plan for how to start accomplishing this in the coming fiscal year. As we look back on the progress of the past 12 months and look

forward to the work ahead, I have every confidence that we can—and will—rise to the challenge that our people and our history set for us.

These have been tough times, and there will be difficult months ahead. But the storms of the past are receding; the skies are brightening; and the horizon is beckoning once more.

BARACK OBAMA.

THE WHITE HOUSE, February 1, 2010.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2009, the Secretary of the Senate, on January 29, 2010, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Ms. EDWARDS of Maryland) has signed the following enrolled bill:

H.R. 4508. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bill was signed on January 29, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. WAXMAN of California, Ms. GIFFORDS of Arizona, Mr. KLEIN of Florida, Mr. LATOURETTE of Ohio, and Mr. CANTOR of Virginia.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3254. An act to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

H.R. 3342. An act to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. VITTER):

S. 2972. A bill to amend titles 18 and 28 of the United States Code to provide assistance to the Federal law enforcement agencies in investigating offenses involving child victims; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. BEGICH):

S. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. CORNYN, Mr. INHOFE, Mr. BENNETT, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. WICKER):

S. Res. 403. A resolution expressing the sense of the Senate that Umar Farouk Abdulmutallab should be tried by a military tribunal rather than by a civilian court; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. WICKER, Mrs. GILLIBRAND, Mrs. BOXER, Ms. LANDRIEU, Mr. BYRD, Mr. ISAKSON, Mr. MERKLEY, Mr. SANDERS, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. BAYH, Mr. CARDIN, and Mr. CASEY):

S. Res. 404. A resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 182

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 210

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 210, a bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 619

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of

S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1192

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1192, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on mobile wireless communications services, providers, or property.

S. 1318

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1554

At the request of Mr. HARKIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.



1554, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1966

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1966, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 2772

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2772, a bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

S. 2798

At the request of Mr. UDALL of Colorado, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2798, a bill to reduce the risk of catastrophic wildfire through the facilitation of insect and disease infestation treatment of National Forest System and adjacent land, and for other purposes.

S. 2800

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2800, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 2904

At the request of Mr. FRANKEN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2923

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr.

BURRIS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2923, a bill to provide funding for summer and year-round youth jobs and training programs.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2946

At the request of Ms. STABENOW, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. BEGICH):

S. 2973. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Finance.

Mr. CASEY. Mr. President, I rise tonight to speak of what I believe is the central concern of the American people right now, and that is the issue of jobs or in many cases the lack of a job. We have seen it in so many ways. We have seen it in our own communities. Many people have seen it in their own families. These are not statistics on a business page. When they see an unemployment rate or the number of people who are out of work, it is real life for far too many American families. As long as the unemployment rate in America is 10 percent, the American people want us to focus, as we never have before, on the issue of job creation.

In Pennsylvania we have now 560,000 people out of work as of the last month it was calculated, the month of December. That is a huge number. If you look at it by percentage it looks like it is lower than a lot of States, 8.9 percent, but it is 560,000 people in Pennsylvania, and it spiked upwards toward the end of the year.

I had a chance, now just about a week ago, to sit down with 8 of those 560,000 people, 8 people out of work. I will not give you their names because that was the agreement. I wanted to spend some time listening, mostly, to folks who had been laid off, who lost their job in one way or another, through no fault of their own, victims of this horrific recession that so many families have lived through.

To encapsulate what they said, it comes down to much of what we heard

President Obama speak about the other night in the State of Union, as well as what he said a number of weeks ago when he met unemployed individuals in Allentown, PA.

What he saw in that job center in Pennsylvania is what I saw in another job center in another part of the State: people who do not fully understand why they are in this predicament—people who had worked their whole lives, had great work records, never missed a day of work for the most part, many of them over the age of 50, many of them over the age of 60 and feeling a kind of economic insecurity and vulnerability they never had felt before, but, despite all that, they were not complaining. They were not pointing fingers. They were not complaining about the number of applications they filled out—scores of them, 25, 30, 50, 100—and in many cases getting either rejected or hearing nothing at all. That is what I heard.

I also heard, as the President said, a real determination to keep fighting, to keep applying, and to keep trying to get a job. Maybe the thread that runs through all of them is they are grateful for the country they live in and they want to work. They don't want to be in the position they are in. Many of them feel ashamed to have to rely upon someone else or an institution or, in particular, a government program.

One woman said to me, in the meeting I had a week ago—she was just sitting on my right. She had a lot of brains and talent and commitment, had never had to worry about being out of work before. But she told me she felt—and I am not quoting her directly—bad or even embarrassed about having to rely upon food stamps, a program that we know helps people get across that bridge when they are out of work, when they can return to work.

These eight individuals gave me just an insight, just a glimmer of how difficult it is for so many families.

I received a couple of letters recently. I will not use names because we do not have permission, but two individuals, one from southeastern Pennsylvania, and one—actually two from southeastern Pennsylvania, which in Pennsylvania, generally, is probably one of the most prosperous corners of our State.

But even in suburban communities that seem well off and strong economically, we are seeing many challenges for families who have lost their jobs, in some cases more than one person. One woman wrote to me and said:

My husband got a job at a particular company [I will not identify the company] right out of high school. Left to serve in the Army. Then went back and retired from there when they closed.

So like a lot of places, someone works for decades and the plant closes, that is where they lose their job.

She continues:

I got a job in a factory and worked there while starting to raise two sons until they closed that company as well. We both got our jobs to support our families.

Then she talked about her sons getting the benefit of a college education which she and her husband did not have. But now they are at risk because one son is out of work and the other one is having challenges as well, despite having a college education.

She concludes the letter with one question, a question which I think is on the minds of a lot of Americans, not a question where they are pointing a finger at what is happening or not happening in Washington, but it is a question we need to listen to and do our best to provide answers for.

She says: When is the change coming?

When is the change coming? I think it encapsulates a lot of the questions I have heard across Pennsylvania. People are worried about what a lot of us have been talking about here; it is not moving fast enough to help them.

I point to another letter from an individual, again in southeastern Pennsylvania. This gentleman said to me that he grew up in Pennsylvania, had roots in Pennsylvania. He said:

I worked hard all of my life, yet to no avail. I have been unemployed since the last layoff for a year now.

It is hard to comprehend that, being out of work for a year, in some cases longer than a year.

I seriously think we should start focusing heavily on jobs in the United States. We are hearing that everywhere, the same sentiment. But like the letter I cited a minute ago from a woman in southeastern Pennsylvania, this man said to me toward the end of the letter: When will the recovery begin for those individuals, the people he described in his letter, in addition to talking about his own situation?

So we can't pretend that just because we passed a recovery bill last year, which I voted for—I was very proud to support that. I know it was not the most popular vote in the world for a lot of folks around here, but we know the recovery bill is starting to work, in some cases working faster than others. There are good numbers on job creation across the country. Instead of losing 741,000 jobs as we did in January 2009, we are losing in the tens of thousands now—still not good, not enough when the unemployment rate is 10 percent across the country, when 560,000 people in Pennsylvania are out of work. So we should point this out, that the Recovery and Reinvestment Act is beginning to work but it is not working fast enough. So we have to do more. We can't just say: Let it fully play out and let it be fully implemented and all. That is not good enough for the economic trauma so many families are facing.

So for those who are leading lives of struggle and challenge, lives of anxiety

and worry, and a kind of collective economic insecurity, we have to act. We can't just talk, we have to act. And I believe one of the ways we can act is by passing not just a jobs bill, which we should and must pass very quickly, but a jobs bill that is targeted on creating jobs in the fastest way possible. We do not need theories; we do not need some idea or some theory, untested; we do not need a bill that we hope will create jobs over many years. We need a bill that creates jobs this year, in the next 6 months to the next year, not the year after and 5 years later. We need a job creation bill that does that now.

I hope many of my colleagues will support legislation I have introduced, the Small Business Job Creation Tax Credit Act of 2010. I have introduced it today. I thank Senators GILLIBRAND, LEVIN, and BEGICH for cosponsoring this important legislation.

I mentioned the job loss in Pennsylvania, 560,000 people out of work through no fault of their own. That number across the country, since the beginning of the recession—if you add up the jobs lost, it is over 7 million jobs since the beginning of the recession.

I just saw a story yesterday in my hometown paper in Scranton, the Times Tribune, a front-page story talking about the manufacturing job loss in just one region, not even a corner, just a region of Pennsylvania, 3 counties out of 67 counties. It was reported that in 2005—not that long ago—there were 35,150 manufacturing jobs in that region, over 35,000 jobs in 2005, and it is down below 30,000 now, 29,400 as of the latest number, meaning that a little more than 5,000 jobs have been lost in that period, in just a couple of years in northeastern Pennsylvania, and if you stretch it over 5 years, it is more than 7,500 manufacturing jobs. We know that number nationally is 2 million—2 million manufacturing jobs lost since the recession began in December 2007.

I mentioned the 10-percent unemployment rate, and I also mentioned that the Recovery Act is having an impact. We are happy about that, and we should mention and affirm that, but it is not moving fast enough. We have to do more.

This job creation tax credit—and many others have different versions of it, but the version I have been working on is actually very simple. We set the line of division between a large and small business at 100. So if you are under 100, you are considered a small business in this bill; over 100, a large business. If you are under 100 and you increase your payroll—when you compare one quarter of a particular year to the corresponding quarter from the year before, if you increase your payroll in that quarter, you get a tax credit of 20 percent. If you are above 100 employees and you add to your payroll in a particular quarter, you can get a

15-percent tax credit. It makes sense because it is targeted, it is focused on the problem, and it is going to be effective. We know from prior history—it is not theory; we have already tested this in recent American history—that it is a job creator. It creates jobs in big numbers fast. That is what we need.

We know the focus of this, of course, just by definition, becomes small business. We know that in America, most of the job creation in any period but especially in recent history has been the creation of jobs in small businesses. In Pennsylvania, small businesses with less than 100 employees—that fit into the definition of our bill—accounted for 91.6 percent of job growth between 2003 and 2006. Almost 92 percent of the job growth in Pennsylvania for that time period was small business.

This tax credit legislation would provide employers with a nonrefundable quarterly payroll tax credit based upon the increase in the employers' wages paid. It would be 1 year. We want to emphasize that we are focused on the short term, immediate direct benefit for the economy and to individual employers. The credit would only apply to an employee's wages up to the Social Security wage base of \$106,800.

I mentioned a business of 100 or more getting a 15-percent credit and less than 100 getting a 20-percent tax credit. So, for example, if you had a firm that would be considered a small business and say they have a total payroll of \$½ million—and we are talking about the second quarter of 2009—we pass the bill and we get the legislation enacted, a year later, you compare that \$500,000 payroll to a quarter in 2010. Say they hired five employees. If you hired those five employees, all of whom are given an annual salary of \$40,000, that means you have five employees making \$10,000 in a particular quarter. The tax credit would apply to that increase in their payroll. So that particular company could get a tax credit to offset their quarterly taxes by some \$10,000.

So we wanted to make this part of the jobs bill we are going to be considering very quickly. I believe the bill we are going to be completing work on and voting on will be a bill that will focus on strategy to create jobs very quickly and not be a big bill that a lot of things get attached to that make people feel good but may not create jobs.

I wanted to move to three charts very quickly. The first chart with regard to the small business job creation tax credit is a chart that depicts one of the themes here, that this particular strategy will be effective. This is from the Congressional Budget Office.

As of January of this year—for those who follow us, I use the acronym "CBO," but for those who do not, the Congressional Budget Office. By definition, I think by acceptance of both parties in Washington, the CBO is a referee. When the Congressional Budget

Office, CBO, says this is what this particular legislation will cost, it tends to be accepted as a good number. So when the CBO speaks about a particular policy provision, it speaks with authority and I think with a significant degree of credibility. Here is what CBO said:

Providing tax credits for increases in payrolls would increase both output and employment.

That is what we want. We want legislation that will be, first, effective. The next part is very simple, just the word "efficient." We want to make sure we can put dollars in the hands of employers very quickly to create jobs in the near term.

The same Congressional Budget Office report that I cited before for January of this year says that:

This particular policy would provide tax benefits linked to payroll growth; fewer budget dollars would be used to cut taxes for workers who would have been employed anyway.

So that is an indication that it can be efficient.

Finally, related to the question of efficiency is, how will this work in the real world? Often, we talk about and debate and enact things that sometimes do not work as well as we hope they would. We want this to work. We do not want to have an employer say: Well, I have a tax credit, but I need to hire an army of lawyers to interpret and implement it. We want this to be a provision that is easy for businesses to use.

So here is a basic form 941. Every employer has to fill this out quarterly. And there is a lot to go on this. I will not read every line, but as you can see, the form captures the number of employees who receive wages, the taxes and wages. The IRS would simply have to add in the ability to calculate the change in the payroll from one quarter of one tax year to one quarter of the next. So if the IRS can add a line or two, when this employer is filing out this form they are well familiar with—they have to fill it out every quarter—they can just add in how they have increased their payroll. They do that, and they will have the opportunity to benefit from the tax credit.

Finally, let me turn to one final theme, which is cost. I expect the cost of this tax credit to be \$30 billion. The improvement to the economy from this tax credit will more than offset the overall cost. An increase in the gross domestic product will obviously increase company profits, which will increase the revenue of the U.S. Government. An increase in revenue will also reduce the deficit.

We have to invest in a strategy that will create jobs right now. We do not have time for a long ramp-up along the implementation of new legislation.

Finally, an increase in jobs will assist in taking people off unemployment, putting people to work. We want

to have the safety net in place of unemployment insurance and/or food stamps and COBRA for insurance, but we also want to create opportunities so that more and more people do not have to worry about having to enroll in those programs and can actually be going to work every day because we answered the questions that were in those letters about when will the change come, when will we have the kind of economic security that workers and their families have a right to expect.

As we go through these next couple of days—I think we are down to days now—finishing up a provision or a set of provisions that will be a jobs bill, we have to be not just focused on getting the policy right, we have to be focused on getting this right for real people, people who are leading lives of struggle and anxiety and worry every day. Every morning they get up, they are worried about not having a job. Many of them are worried because they do not have access to health care or sometimes the protections we should have on health care—another bit of unfinished major business we have. But, in particular, most Americans are faced with the prospect of darkness, of misery, and the pain of no job at all. For those eight individuals I met and for those who have been writing to me—and I am sure many people in both parties—we have to act, and we have to act now. Talk is long past. We have exhausted the time for just talk and discussion. We have to act and pass a jobs bill. A central part of a jobs bill has to be a job creation tax credit to efficiently and effectively and in a very focused way create jobs in the near term.

I ask my colleagues to review and co-sponsor the job creation tax credit legislation I have for small businesses.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 403—EXPRESSING THE SENSE OF THE SENATE THAT UMAR FAROUK ABDULMUTALLAB SHOULD BE TRIED BY A MILITARY TRIBUNAL RATHER THAN BY A CIVILIAN COURT

Mr. VITTER (for himself, Mr. CORNYN, Mr. INHOFE, Mr. BENNETT, Mr. CHAMBLISS, Mr. ENSIGN, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 403

Whereas Umar Farouk Abdulmutallab, a Nigerian citizen, attempted to blow up a transcontinental airliner, Northwest Airlines Flight 253, over Detroit, Michigan, on Christmas Day 2009;

Whereas Abdulmutallab boarded Flight 253 in Amsterdam using an unrevoked United States visa after having traveled from Yemen, purchasing his ticket with cash, and checking no luggage;

Whereas prior to the attack on Flight 253, Abdulmutallab's father, a prominent Nige-

rian banker, warned officials at the United States Embassy in Nigeria that his son was being influenced by Islamic extremists in Yemen;

Whereas United States intelligence officials learned, based on intercepted al Qaeda communications from Yemen in November 2009, that a man named "Umar Farouk" had volunteered for an upcoming terrorist attack and had been in contact with Anwar al-Awlaki, the same Yemen-based radical cleric who sent more than a dozen e-mail messages to the Fort Hood shooter, Nidal Malik Hasan;

Whereas in November 2009, the National Security Agency also intercepted a phone conversation involving al Qaeda operatives in Yemen discussing an unnamed Nigerian man;

Whereas in December 2009, intelligence officials learned that al Qaeda operatives in Yemen were looking for "ways to move people to the West" and specifically mentioning the Christmas Day date;

Whereas the Central Intelligence Agency (CIA) had issued finished intelligence regarding Abdulmutallab by Christmas Day 2009, which both the CIA and the National Counterterrorism Center (NCTC) had access to, but did not disseminate more broadly within the intelligence community due to the absence of a photograph of Abdulmutallab, despite the fact that other counterterrorism groups already possessed such a photograph;

Whereas the intelligence agencies for the United Kingdom revoked Abdulmutallab's British visa because of a fraudulent visa application;

Whereas after Abdulmutallab was apprehended by United States Customs agents and local police following his failed attack on Flight 253, he spoke freely about receiving training from members of al Qaeda in the Arabian Peninsula and stated that other jihadists would follow him;

Whereas local agents of the Federal Bureau of Investigation (FBI) interrogated Abdulmutallab for 50 minutes, during which time Abdulmutallab disclosed information concerning his training in Yemen and the operation of al Qaeda in the Arabian Peninsula;

Whereas after 50 minutes, the FBI stopped its interrogation of Abdulmutallab, agreeing to continue the interrogation after he received medical attention for the burns on his legs and groin caused by the failed bomb he had sewn in his underwear;

Whereas before the FBI agents resumed the interrogation, Attorney General Eric Holder made the decision to extend the rights required under *Miranda v. Arizona*, 384 U.S. 436 (1966) to Abdulmutallab and to treat him as a common criminal rather than an unprivileged enemy belligerent who would be subject to military law;

Whereas the FBI agents, following the decision of Attorney General Holder, read Abdulmutallab his *Miranda* rights, including his right to a lawyer and his right to remain silent, at which point Abdulmutallab stopped divulging information and remained silent;

Whereas information concerning Yemeni terror networks, terrorist training operations, and al Qaeda in the Arabian Peninsula are of the utmost value to the United States in its ongoing war against international terrorism;

Whereas Attorney General Holder made the decision to extend *Miranda* rights to Abdulmutallab without consulting the Director of National Intelligence, Dennis Blair, the Secretary of Homeland Security, Janet Napolitano, the NCTC Director, Michael

Leiter, the Secretary of Defense, Robert Gates, or the FBI Director, Robert Mueller;

Whereas Attorney General Holder did not consult the High-Value Detainee Interrogation Group (HIG), which, according to Director Blair, "was created exactly for th[e] purpose" of making "a decision on whether . . . a certain person who's detained should be treated as . . . a case for federal prosecution";

Whereas despite the fact that President Barack Obama created the HIG for the specific purpose of interrogating high-value detainees in order to obtain intelligence, the HIG was not yet operational by Christmas Day 2009;

Whereas given the evidence against Abdulmutallab and the numerous witnesses onboard Flight 253 who saw him attempt to detonate an explosive device, it was not necessary to secure testimony admissible in civilian court by providing Miranda rights to Abdulmutallab;

Whereas even if testimony that would be admissible in a civilian court was believed to be necessary, Abdulmutallab qualified for an exception to the requirements under Miranda that permits law enforcement officers to interrogate individuals with possible knowledge of an impending terrorist attack;

Whereas despite the fact that the United States is at war with al Qaeda and deeply concerned about the operation of Islamic terrorist networks in the Arabian Peninsula and in Yemen, a country that continues to harbor the terrorists who attacked the U.S.S. Cole, Attorney General Holder, under the guidance of President Obama, subsequently ordered that Abdulmutallab be prosecuted on criminal charges in a United States civilian court rather than in a military tribunal;

Whereas under the international law of armed conflict, the United States has the authority to detain enemies who have engaged in combatant actions until the end of hostilities;

Whereas on September 18, 2001, the Congress passed a Joint Resolution authorizing the use of military force (Public Law 107-40; 50 U.S.C. 1541 note), stating that "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons";

Whereas following extensive debate and numerous hearings on the topic, both the Senate and the House of Representatives passed the Military Commissions Act of 2009, which became law on October 28, 2009 (title XVIII of Public Law 111-84); and

Whereas pursuant to the President's authority under the United States Constitution as the Nation's Commander-in-Chief, as well as the Congressional authorization for the use of military force under Public Law 107-40, the President has both the authority and the responsibility to detain Abdulmutallab and other foreign terrorists and prosecute them through a military tribunal for their terrorist actions on behalf of al Qaeda: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) foreign terrorists who are enemies of the United States should not be afforded the same rights under the Constitution as United States citizens;

(2) the most important duty of the Attorney General is to protect the United States from its terrorist enemies;

(3) the decision by Attorney General Holder to truncate Abdulmutallab's interrogation after only 50 minutes cost the United States Government untold intelligence and has made America less safe;

(4) Attorney General Holder should not provide Abdulmutallab with a civilian trial, nor should he have ordered that Abdulmutallab be advised of his right to remain silent;

(5) to the extent possible, foreign terrorist enemy combatants should be tried in military tribunals rather than in civilian courts;

(6) to the extent that foreign terrorists are prosecuted in civilian courts, they should be thoroughly interrogated for information necessary to protect the United States before they are provided with a lawyer and informed of their right to remain silent; and

(7) at a minimum, the Attorney General should consult with the Director of the Federal Bureau of Investigation, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Homeland Security, the Director of the National Counterterrorism Center, the Secretary of Defense, congressional leaders, or the President before unilaterally deciding to terminate the interrogation of a key intelligence source and provide a terrorist enemy with the same rights as those that are guaranteed under the Constitution for United States citizens.

#### SENATE RESOLUTION 404—SUPPORTING FULL IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT AND OTHER EFFORTS TO PROMOTE PEACE AND STABILITY IN SUDAN, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. WICKER, Mrs. GILLIBRAND, Mrs. BOXER, Ms. LANDRIEU, Mr. BYRD, Mr. ISKASON, Mr. MERKLEY, Mr. SANDERS, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. BAYH, Mr. CARDIN, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 404

Whereas violent civil conflict between North and South in Sudan raged for 21 years, resulting in the deaths of an estimated 2,000,000 people and displacement of another 4,000,000 people;

Whereas the signing of the Comprehensive Peace Agreement (CPA) by the National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) on January 9, 2005, brought a formal end to that civil war;

Whereas the United States Government, particularly through the efforts of the President's Special Envoy for Sudan Jack Danforth, worked closely with the parties, the mediator, General Lazaro Sumbeiywo, the members of the Intergovernmental Authority on Development (IGAD), and the United Kingdom and Norway to bring about the CPA;

Whereas the CPA established a 6-year interim period during which the Government of Sudan would undertake significant democratic reforms and hold national elections, and at the end of which the South would hold a referendum on self-determination, with the option to forge an independent state;

Whereas, while the parties have made progress on several parts of the CPA, limited national government reforms have been made and several key issues remain outstanding, notably border demarcation, resolution of the census dispute, and certain preparations for the 2011 referenda for southern Sudan and Abyei;

Whereas the NCP's delay and refusal to follow through on some of its commitments under the CPA has fueled mistrust and suspicion, increasing tensions between northern and southern Sudan;

Whereas research by the Small Arms Survey, published as recently as December 2009, shows that both sides are building up their security forces and covertly stockpiling weapons in anticipation of a possible return to civil war;

Whereas the Government of Southern Sudan continues to face a range of challenges and continues to struggle with problems of financial management, insufficient capacity, and a limited ability to provide security in parts of its territory, especially in the face of increasing inter-ethnic and communal violence;

Whereas humanitarian organizations and the United Nations report that more than 2,500 people were killed and an additional 350,000 displaced by inter-ethnic and communal violence within southern Sudan throughout 2009;

Whereas the Lord's Resistance Army, a brutal rebel group formed in northern Uganda, has reportedly resumed and increased attacks against civilians in southern Sudan, creating another security challenge in the region;

Whereas the Government of Southern Sudan and the United Nations Mission (UNMIS) have not taken adequate steps to address the rising insecurity and to protect civilians in southern Sudan;

Whereas, despite 5 years of peace, most of southern Sudan remains severely underdeveloped with communities lacking access to essential services such as water, health care, livelihood opportunities, and infrastructure;

Whereas Sudan is scheduled to hold national elections in April 2010, and the people of southern Sudan and Abyei are to hold their referendum on self-determination in January 2011 under the terms of the CPA;

Whereas the holding of these elections, Sudan's first multiparty elections in 24 years, could be a historic milestone for the country and a step toward genuine democratic transformation if the elections are fair and free and all communities are able to participate;

Whereas the existence of laws that grant powers to government security services in Sudan to arrest and detain citizens without charge and recent actions taken by the security forces to restrict freedom of speech and assembly by opposition parties have raised concerns that conditions may not exist for fair and free elections in Sudan;

Whereas the conflict in Darfur is still unresolved, the security situation remains volatile, and armed parties continue to commit humanitarian and human rights violations in the region, raising concerns that conditions may not exist for Darfurians to freely and safely participate in the elections; and

Whereas the security situation in the whole of Sudan has profound implications for the stability of neighboring countries, including Chad, the Central African Republic, the Democratic Republic of Congo, Eritrea, Ethiopia, Kenya, and Uganda: Now, therefore be it

*Resolved*, That the Senate—

(1) acknowledges the critical importance of preventing a renewed North-South civil war in Sudan, which would have catastrophic humanitarian consequences for all of Sudan and could destabilize the wider region;

(2) supports the efforts of President Barack Obama to reinvigorate and strengthen international engagement on implementation of the Comprehensive Peace Agreement (CPA);

(3) encourages all international envoys and representatives, including those of the permanent members of the United Nations Security Council, IGAD, the African Union, and the United Nations, to work closely together and coordinate their efforts to bolster the peace accord;

(4) calls on the parties in Sudan—

(A) to comply fully with their commitments under the CPA;

(B) to refrain from actions that could escalate tensions in the run-up to the 2011 referendum;

(C) to work expeditiously to resolve outstanding issues of the agreement; and

(D) to begin negotiations to resolve post-referenda issues, including resource allocation and citizenship rights in the case of separation;

(5) calls on the Government of National Unity to amend or repeal laws and avoid any further actions that would unduly restrict the freedom of speech and assembly by opposition parties or the full participation of communities, including those in Darfur, in the upcoming national elections;

(6) encourages the international community and the United Nations to engage with local populations to provide assistance for elections in Sudan and popular consultations while also closely monitoring and speaking out against any actions by the Government of Sudan or its security forces to restrict or deny participation in a credible elections process;

(7) calls on the Government of Southern Sudan to work with the assistance of the international community to design and begin implementing a long-term plan for security sector reform that includes the transformation of the army and police into modern security organs and the training of all security forces in human rights and civilian protection;

(8) urges the United Nations Security Council to direct and assist the UNMIS peacekeepers to better monitor and work to prevent violence in southern Sudan and to prioritize civilian protection in decisions about the use of available capacity and resources;

(9) supports increased efforts by the United States Government, other donors, and the United Nations to assist the Government of Southern Sudan to improve its governing capacity, strengthen its financial accountability, build critical infrastructure, and expand service delivery;

(10) urges the President to work with the permanent members of the United Nations Security Council, other governments, and regional organizations at the highest levels to develop a coordinated multilateral strategy to promote peaceful change and full implementation of the CPA; and

(11) encourages the President and other international leaders to strategize and develop contingency plans now for all eventualities, including in the event that the CPA process breaks down or large-scale violence breaks out in Sudan before or after the 2011 referendum, as well as for longer term development in the region following the referendum.

### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jeff Barham, a detailee in the Senate HELP Committee majority office, be granted floor privileges for the duration of the consideration of Ms. Patricia Smith's nomination to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CONGRATULATING NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE

Mr. CASEY. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 394 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 394) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 394

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a medical school in the United States;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the Department of Medicine for the University;

Whereas in 2002, the Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the pre-eminent medical schools in the Nation, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest stand-

ard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually in national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on the most pressing medical and research issues: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Feinberg School of Medicine for appropriate display.

### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Illinois, Mr. BURRIS, to read Washington's Farewell Address on Monday, February 22, 2010.

### ORDERS FOR TUESDAY, FEBRUARY 2, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, February 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, and with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to executive session and resume consideration of the nomination of Patricia Smith postcloture; that the time during any adjournment, recess, or period of morning business count postcloture; finally, I ask consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly caucus luncheons.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

## PROGRAM

Mr. CASEY. Mr. President, tomorrow the Senate will resume consideration of the Smith nomination. I hope we will be able to yield back some of the postcloture debate time so we may proceed to a vote on confirmation at a reasonable time. Upon disposition of the Smith nomination, the Senate will immediately proceed to vote on the motion to invoke cloture on the nomination of Martha Johnson to be Administrator of General Services.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Tuesday, February 2, 2010, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF ENERGY

JEFFREY A. LANE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS), VICE LISA E. EPIFANI, RESIGNED.

## INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

LANA POLLACK, OF MICHIGAN, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE ALLEN I. OLSON.

## UNITED STATES POSTAL SERVICE

PAUL STEVEN MILLER, OF WASHINGTON, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2016, VICE CAROLYN L. GALLAGHER, TERM EXPIRED.

DENNIS J. TONER, OF DELAWARE, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2012, VICE KATHERINE C. TOBIN, RESIGNED.

## UNITED STATES PAROLE COMMISSION

J. PATRICIA WILSON SMOOT, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE DEBORAH ANN SPAGNOLI, RESIGNED.

## IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

DOUGLAS R. DIXON  
DAVID M. FALLAH  
CHRISTOPHER D. JENKINS  
KENNETH E. JONES  
RODNEY H. JONES  
BRYAN P. KALISH  
CHIN R. LIN  
COLLINS T. LYONS  
WILLIAM F. MADDUX  
STEFAN S. OLPINSKI  
SAMUEL A. PASSO  
DOMINIQUE M. REYNOLDERS  
DONALD K. SCALES  
THORPE C. WHITEHEAD  
VICKI J. WYAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

ROMNEY C. ANDERSEN  
PEDRO ARCHEVALD  
MARTIN F. BAECHELER  
ANDREW J. BAUER  
BRIAN M. BELSON  
KEVIN J. BOYLE  
JEROME L. BULLER

BRIAN S. BURLINGAME  
MARK W. BURNETT  
YONG H. CHUN  
DANIEL L. CRUSER  
JAMES F. CUMMINGS  
SHERI L. DEMARTELAERE  
JOHN F. FARR III  
ROBERT D. FORSTEN  
MARK A. FRAMSTAD  
JAMES D. FRIZZI  
GREGORY M. FRYER  
MARK D. GIBBONS  
GAIL M. GLUSHKO  
JOSEPH M. GOBERN  
DELORES M. GRIES  
DAVID J. HARFORD  
MARK L. HIGDON  
MICHAEL J. HOILLEN  
GUNTHER HSUE  
JEFFREY W. HUTCHINSON  
RICHARD P. JAMES  
SAMUEL S. JANG  
CHATT A. JOHNSON  
TROY R. JOHNSON  
JENNIFER L. JUNNILA  
RUSS S. KOTWAL  
MARC H. LABOVICH  
TERRENCE L. LAKIN  
HEECHOO S. LEE  
JEFFREY C. LEGGIT  
ANDREW J. LIPTON  
JOHN M. LOWERY  
CLIFFORD C. LUTZ, JR.  
BRIAN F. MALLOY  
CEDRIC F. MCCORD  
LEE A. MCFADDEN  
JEFFERY M. NELSON  
JOHN J. O'CONNELL  
THOMAS G. OLIVER  
JOSE M. ORTIZ  
MARK F. OWENS  
HON S. PAK  
CHRIS G. PAPPAS  
GEORGE E. PATTERSON  
DEAN C. PEDERSEN  
NICHOLAS A. PIANTANIDA  
BARRY R. POCKRANDT  
RICHARD W. POPE  
BRET K. PURCELL  
ANTHONY S. RAMAGE  
LANCE C. RANEY  
EVAN M. RENZ  
DAVID E. RISTEDT  
THOMAS J. ROGERS  
DAVID C. ROMINE  
IRENE M. ROSEN  
RUSSELL S. ROWE  
DANIEL S. ROY  
BRIAN W. SMALLEY  
BRYAN L. SMITH  
REED K. SMITH  
STEVEN E. SPENCER  
ROBERT W. STEWART  
EDWARD J. SWANTON  
MOTAMEN H. TAVAF  
BENJAMIN A. THOMPSON  
JOHN J. VOGEL  
JOSEPH L. WILDE  
MARGARET A. YACOVONE  
IN K. YOON  
CLORINDA K. ZAWACKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

CHARLES E. BANE  
CHAD C. BLACK  
SHARA C. CHANCE  
JAMES G. COISMAN  
CHRISTOPHER C. CORRIE  
ROSE C. GRIMM  
CLARISSA HACKETT  
NATHAN A. HOYT  
JULIE D. KANE  
RENEE C. KREBS  
THERESE A. KREUTZBERG  
MATTHEW A. LEVINE  
ANTHONY D. MAY  
JOSEPH M. ROYAL  
KELLIE M. TRIPLETT  
KAREN K. WEEKES  
MATTHEW D. WEGNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

RICHARD ACEVEDO  
ANDREW H. ALLEN  
ANDREW R. AUSTIN  
BERT M. BAKER  
GEORGE A. BARBEE  
MARNI B. BARNES  
PRISCILLIA D. BEJARANO  
KENNETH E. BRODIE  
CASSIDE J. BUCK

JOSEPH H. CAMERON  
MICHAEL P. CHAMBERS  
TIMOTHY J. COFFMAN  
AARON CROMBIE  
TIN Q. DANG  
ANGELA R. DIEBAL  
JOSEPH A. DOMINGUEZ III  
DAVID L. DONELSON  
MATTHEW S. DOUGLAS  
AMELIA M. DURANSTANTON  
RODNEY L. DYCUS  
ANNA M. FERGUSON  
CHAD M. FLICK  
ROBERT B. FOX  
YVONNE E. FRANCO  
BRADLEY D. FREY  
ALAN P. GARCIA  
JOHN S. GEISE  
GENEVIEVE M. GUDORF  
ROBERT W. HAMBLIN  
KEVIN D. HARRIS  
RANDOLPH S. HARRISON  
JIMMY L. HIGHTOWER, JR.  
TIMOTHY A. HOOVER  
ADRIENNE F. JEFFERSON  
ROBERT J. JOHNSON  
LISA N. KONITZER  
SHAN M. KROGER  
SCOTT J. KUSHNER  
JOHN R. LANE  
MARK E. LESTER  
MICHAEL D. MCCLENDON  
ADAM B. MCGARRY  
JAMES A. MITCHELL  
SARAH A. MITTSCH  
K. SCOT MOHR  
JEFFREY D. MORGAN  
KANE D. MORGAN  
MICHAEL E. NESBITT  
MICHAEL T. OLEARY  
KIRK M. OLSON  
PATRICK W. ONEIL  
CHRISTOPHER C. PASE  
MAROLYN J. PEARSON  
PAUL G. ROGERS  
MONTALVO I. ROSELLO  
TANJA C. ROY  
MATTHEW R. SCHERER  
BARRY L. SEIP  
JOHN W. SHAUGHNESSY  
PHILLIP M. SKEEN  
KENNETH W. SMITH  
TRISHA B. STAVINOHA  
NOAH A. STEINBERG  
WILLIAM C. SWAIMS  
RICARDO SWENNESS  
MICHAEL M. THOMAS  
QUINTIN E. TREADWAY  
MICHAEL C. TRUST  
CHRISTOPHER S. VAN WINKLE  
MICHAEL P. WAY  
BRIAN J. WEHRER  
PATRICK C. WILLIAMS  
MARIA R. YATES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

JOSEPH C. ALEXANDER  
TRACIE C. ALLEN  
STEPHANIE ALMOND  
AHMAD G. ANDREWS  
BRUCE ARGUETA  
BRYAN R. BAILEY  
BRIAN A. BALCERAK  
REBECCA G. BALL  
DONALD B. BENTLEY, JR.  
ERIC W. BERARD  
CLEMENT R. BERMUDEZ  
CHRISTOPHER S. BESSER  
WILLIAM F. BETTS  
FRANK C. BLAKE  
JAMES M. BOLTON  
VANESSA E. BONNER  
AARON J. BRAXTON II  
ROBERT E. BRUTCHER  
JACOB A. BUSTOZ  
YURI A. CAMPBELL  
MERBIN CARATTINI  
PAUL B. CARBY  
ALEKSEY V. CASCOFIGUEROA  
ANGEL CASTELLANOS  
JASON M. CATES  
YOUYKHAM CHANTHAVILAY  
CHRISTOPHER M. CHUNG  
JEFFREY CLARK  
DIANA M. COLON  
CHANI A. CORDERO  
ANDREW B. COSTELLO  
JILLYEN E. CURRYMATHIS  
ROBERT J. CYBULSKI, JR.  
VICTOR M. DEARMAS  
JOHNNY R. DENNIS  
STEPHEN M. DURYEA  
CRAIG J. EDWARDS  
ROBERT T. ELIASON III  
TRENT J. ELLIOTT  
CHRISTOPHER W. ELLISON

KARA ESCAJEDA  
 NORJIM C. ESTRELLADO  
 PERRY L. EVERETT  
 JASON B. FAULKENBERRY  
 MIRIAM E. FEVRIERE  
 SETH T. FRENCH  
 SAMUEL L. FRICKS  
 TYRA D. FRUGE  
 ROCHELLE M. GARDNER  
 ALEJANDRO GONZALES  
 ERIC R. GUZMAN  
 RONALD W. HAVARD  
 CHRISTOPHER HAYNES  
 ADREAIN M. HENRY  
 JOSEPH F. HOCKMUTH  
 JOSEPH J. HOUT  
 PETER K. HUGGINS  
 ALISHA F. HUTSON  
 DEGRATIOUS E. JENKINS  
 KURT H. JERKE  
 NINA M. JOHNSON  
 TANYA M. JUAREZ  
 RAUL E. JURADO  
 JOHNPAL KELLY  
 JAMES K. KENISKY  
 INDIA B. KINES  
 ALBERT E. KINKEAD  
 HILLARY J. KLINGMAN  
 STEFAN M. KOCHIS  
 MARA KREISHMANDEITRICK  
 SHARRON D. LANKFORD  
 AUTUMN T. LEVERIDGE  
 LATISHA T. LITTLETON  
 ATHENA C. LOCK  
 ROSA M. LOFTON  
 CHRISTOPHER L. LOGAN  
 LEWIS S. LONG  
 KAREN P. LUISI  
 KENNETH C. LUTZ  
 WILLIAM K. MACNULTY III  
 SHONNEL MAKWAKWA  
 AARON B. MALLORY  
 GLEN MANG LAPUS  
 DELORES J. MARTINEZ  
 JASON R. MATHRE  
 DEON D. MAXWELL  
 DAVID L. MCCASKILL  
 JAY A. MCFARLAND  
 JAMES R. MCKNIGHT  
 RUSSELL R. MENARD  
 DARRYL M. METCALF  
 AARON P. MIAULLIS  
 YAHUZA A. MOHAMMED  
 DEBORAH L. MOORE  
 ELIZABETH C. MOORE  
 MARCUS L. MOSS  
 ELIZABETH M. MURAK  
 PATRICK M. MUSISI  
 CHRISTOPHER A. MYERS  
 JOHN T. NUCKOLS  
 MICHAEL A. ORECCHIO  
 DAVID G. PEDERSEN  
 BASHIRI PHILLIPS  
 JOHN M. PITUS, JR.  
 CORY J. PLOWDEN  
 LARAY I. PRICEABDELRAZZAQ  
 JONATHAN R. RAMSEY  
 ROBY RANDALL  
 KIRK A. REED  
 FERDINAND O. REYES  
 WILLIAM R. RITTER  
 AMANDA P. ROBBINS  
 MIGUEL A. RODRIGUEZ  
 CHRISTOPHER M. RUTZ  
 MABEL A. SALAS  
 JUAN S. SANTANAMARTINEZ  
 MARK C. SCHILLING  
 KARA E. SCHMID  
 THOMAS W. SCHOLTENS  
 EDWARD D. SCHUPBACH  
 BRANDI A. SCHUYLER  
 DONALD W. SEXTON  
 KEITH SHARROW  
 TRENTEN J. SHORT  
 TERESA S. SILVERNAIL  
 JOSHUA M. SPERRY  
 ANNE M. STERLING  
 MICHAEL C. STORY

PATRINA M. STOSKOPF  
 STEVEN A. STOVALL  
 CHANDA M. TAVOLONI  
 MICHAEL E. TAYLOR  
 AMANDA L. TRENTA  
 RYAN D. TRUMBO  
 DEREK C. UNDERHILL  
 JAMA D. VANHORNSEALY  
 BEVERLY A. VANTULL  
 APRIL R. VERLO  
 PAUL A. WHITE  
 JASON C. WILLIAMS  
 JOY R. WILLIAMS  
 SHANE R. WORTMAN  
 DON H. YAMASHITA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
 NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND  
 3064:

*To be major*

DAVID A. ALLEN  
 GABRIELLE M. ANDREANIFABRONI  
 ALEXANDER D. ARISTIZABAL  
 MARTA E. ARTIGA  
 CHRISTOPHER P. BAGLIO  
 MARGARITO BANALES III  
 MICHAEL A. BARTON  
 AMY R. BEASLEY  
 JOHN W. BOYLE  
 JAMES J. BREAIZEALE  
 LISA M. BREECE  
 CAROLINE C. BRODEN  
 JODY A. BROWN  
 DINAH S. BRYANT  
 TRACY C. BURTON  
 LAMBERT B. CABALES  
 JON L. CAMP  
 JOVITTA CHANDLER  
 THOMAS L. CHENOWITH II  
 JAMES A. CHERVONI  
 SCOTT J. CHRISTIE  
 SHANEKIA S. COLE  
 EDWARD D. COMER  
 BRIAN M. COOLEY  
 JEAN COXTURNER  
 MARTHA L. CURTIS  
 JENNIFER M. CYR  
 ANDRENA P. DABBS  
 KENNETH E. DAVIS, JR.  
 WARREN T. DAY  
 DAVID C. DEE  
 PAMELLA P. DRYSDALE  
 GEOFFREY W. DUNCKLEE  
 OKON I. EBEUTE  
 NANCY A. EMMA  
 SAVANNAH L. ESTES  
 RICKY A. EVANS  
 STELLA S. FEOMAIA  
 ROBERTO FIGUEROA  
 JENNIFER S. FISHER  
 HEATHER M. FONDER  
 MARK J. FORTIN  
 FRANKLIN R. FRAZIER  
 ROBBY R. FRONDOZO  
 BRENT P. GARRETT  
 KERRY S. GARTH  
 TAMI R. GAZERRO  
 KATHLEEN M. GERIE  
 STUART M. GODWIN  
 KEVIN A. GOKE  
 DAVID I. GOLEMBIOWSKI  
 MICHELE GRAYSON  
 JAMILEE A. GREENE  
 NATALIE M. GRIFFIN  
 CHRISTOPHER C. HAESE  
 LATONA M. HARRIS  
 KRISTEN M. HENSLEY  
 JOHN E. HERNANDEZ  
 MAXWELL H. HERNANDEZ  
 NEKITA D. HUNTER  
 LORI A. JOHNSON  
 SHERIE L. JOHNSON  
 PAUL D. JONES  
 CHRIS M. JURGENSMEYER  
 ORIN J. KENDALL  
 JARED L. KENNEDY

JOHN S. KERNS  
 JAMES C. KESLER  
 ROBIN L. KLINGENSMITH  
 RICK A. LARANGO  
 VERONICA A. LAW  
 LORI A. LAWHORN  
 CHERI A. LAY  
 ARLENE B. LEDOUX  
 CATHARINA R. LINDSEY  
 JAMES W. LING III  
 LESTER E. MACK  
 CLINT R. MAGANA  
 BRENT S. MAIR  
 KATHRINE J. MALACHI  
 RESTITUUTO Y. MALLARI  
 DENNIS W. MANN  
 PATRICK R. MARLOW  
 MAXIMINO MARTELL  
 PAUL B. MASTERS  
 KIMBERLI J. MATTHEWS  
 STEVEN R. MAYER  
 BRIDGET R. MCILWAIN  
 DONNA S. MCNEIL  
 PAMELA MCPHEARSON  
 BILLY R. MCPHERSON, JR.  
 EILEEN M. MEYER  
 JULIET N. MORAH  
 MARY E. MORTENSON  
 ERIC V. MUELLER  
 XAVIER MUNOZ, JR.  
 DEBRA J. MURRAY  
 ERICKA D. NAPIER  
 THELMA E. NICHOLLS  
 JOSE A. ORTIZSANCHEZ  
 LAUREEN A. OTTO  
 JASON L. PAXTON  
 TRINITY F. PEAK  
 BRIANNA M. PERATA  
 SCOTT PHILLIPS  
 MICHAEL F. PLUEGER, JR.  
 GWENDOLYN L. PRICE  
 JANEL L. PULIDO  
 RUTH A. RACINE  
 VICTORIA P. RAGAN  
 TERRY E. RAINES  
 STEPHANIE M. RIGBYTOMASKO  
 BARBOSA M. RIVERA  
 SANTIAGO J. RIVERA  
 MARIE L. ROCHELEAU  
 VILMA ROJAS  
 LEWIS D. ROW  
 SOSA O. RUIZ  
 DEBORAH G. SAVAGE  
 WILLIAM T. SELLERS  
 GERRY P. SHARP  
 ELSIE K. SHELTON  
 DAVID SHETLER  
 VONDALYN L. SIMMONS  
 JONATHAN A. SINNOTT  
 RICHARD A. SONNIER  
 JOHN M. SPURGEON  
 JACK A. STRONG  
 KATIE A. SULLIVAN  
 RAMON A. SUMIBCAY  
 SHARON D. TEZZO  
 ROSA L. THOMPSON  
 CATHERINE C. TO  
 KATHERYN A. TRAVERS  
 RENA F. TRUMBULL  
 CHRISTOPHER A. VANFOSSON  
 VIRGINIA C. VARDONSMITH  
 KRISTINE M. VARGA  
 SANDRA K. VARGAS  
 LATONYA R. WALKER  
 MICHAEL T. WARNOCK, JR.  
 KEVIN D. WARWICK  
 MARCY E. WEBSTER  
 JESSICA J. WHALEY  
 LORI L. WHITNEY  
 JASON L. WILLIAMS  
 PETER L. WILLIAMS  
 SAUNDETH A. WILLIAMS  
 MICHELLE L. WOLF  
 ROSEMARY E. WOSKY  
 TERESA E. YABAR  
 DENISE A. YARDE  
 YOUNG J. YAUGER



## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 2, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## FEBRUARY 3

3:30 p.m.

## Finance

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for health care proposals.

SD-215

## FEBRUARY 4

9:30 a.m.

## Homeland Security and Governmental Affairs

## Investigations Subcommittee

To hold hearings to examine keeping foreign corruption out of the United States, focusing on four case histories.

SD-342

10 a.m.

## Budget

To hold hearings to examine the President's proposed budget request and revenue proposals for fiscal year 2011.

SD-608

## Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Energy.

SD-366

## Finance

To continue hearings to examine the President's proposed budget request for fiscal year 2011.

SD-215

## Health, Education, Labor, and Pensions

Business meeting to consider the nomination of Craig Becker, of Illinois, to be a Member of the National Labor Relations Board, and any pending nominations.

SD-430

## Judiciary

Business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and the nominations of Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, Nancy D. Freudenthal, to be United States District Judge for the District of Wyoming, Denzil Price Marshall Jr., to be United States District Judge for the Eastern District of Arkansas, Benita Y. Pearson, to be United States District Judge for the Northern District of Ohio, Timothy S. Black, to be United States District Judge for the Southern District of Ohio, and Christopher H. Schroeder, of North Carolina, Mary L. Smith, of Illinois, and Dawn Elizabeth Johnsen, of Indiana, all to be an Assistant Attorney General, and James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics, all of the Department of Justice.

SD-226

## Environment and Public Works

## Superfund, Toxics and Environmental Health Subcommittee

To hold hearings to examine current science on public exposures to toxic chemicals.

SD-406

10:30 a.m.

## Banking, Housing, and Urban Affairs

Business meeting to consider the nominations of Kevin Wolf, of Virginia, to be Assistant Secretary for Export Administration, Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, and David W. Mills, of Virginia, to be As-

sistant Secretary for Export Enforcement, all of the Department of Commerce, Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development, Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association, and Orlan Johnson, of Maryland, and Sharon Y. Bowen, of New York, both to be a Director of the Securities Investor Protection Corporation; to be immediately followed by a hearing to examine the implications of the "Volcker Rules" for financial stability.

SD-538

2:30 p.m.

## Judiciary

## Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Comcast/NBC Universal Merger, focusing on the future of competition and consumers.

SD-226

## Commerce, Science, and Transportation

To hold hearings to examine financial services and products, focusing on the role of the Federal Trade Commission in protecting consumers.

SR-253

## Intelligence

Closed business meeting to consider pending calendar business.

SH-219

3 p.m.

## Foreign Relations

## International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine Haiti reconstruction, focusing on smart planning moving forward.

SD-419

## FEBRUARY 5

9:30 a.m.

## Joint Economic Committee

To hold hearings to examine the employment situation for January 2010.

SH-216

## FEBRUARY 9

9:30 a.m.

## Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for Defense Authorization and the Future Years Defense Program.

SDG-50

10 a.m.

## Energy and Natural Resources

To hold hearings to examine financial transmission rights and other electricity market mechanisms.

SD-366

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10:30 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine foster care and family services in the District of Columbia, focusing on challenges and solutions.

SD-342

2:30 p.m.

Armed Services

To receive a closed briefing on policies, procedures, and practices relating to the transfer of detainees held at the Guantanamo Detention Facility.

SVC-217

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

## FEBRUARY 10

9:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

4 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

## FEBRUARY 11

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program.

SD-366

11:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations.

SD-366

## FEBRUARY 23

9:30 a.m.

Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.

SDG-50

## FEBRUARY 25

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

## MARCH 2

2 p.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

## MARCH 4

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

## MARCH 9

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SDG-50

## MARCH 11

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SD-G50

## MARCH 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

SDG-50

## POSTPONEMENTS

## FEBRUARY 3

10 a.m.

Judiciary

To hold an oversight hearing to examine United States Immigration and Customs Enforcement, focusing on immigration detention reform.

SD-226

**SENATE—Tuesday, February 2, 2010**

The Senate met at 10 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:  
Let us pray.

Gracious Lord, we acknowledge Your ownership of all the Earth and everything and everyone in it. Thank You for the evidences of Your favor in the past and for Your hand that has made and preserved us as a nation. May the knowledge of our rights and privileges keep us conscious of our duties and obligations.

Today, guide our lawmakers with Your spirit. Keep them from stumbling as they seek to do Your will. Empower them in their work with a strength that is not their own, infusing them with serenity to meet the challenges of an agitated world. Light up the candles of their hearts and help them shine with Your peace and good will.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following remarks of the leaders, the Senate will be in a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The first half hour will be controlled by the Democrats, the second by the Republicans.

Following morning business, the Senate will proceed to executive session to resume postcloture debate on the nomination of Patricia Smith to be Solicitor for the Department of Labor. I would note this is another one of the endless delays we have had to go through. We are in postcloture; 30 hours of doing nothing. We have had so many 30 hours of doing nothing it is hard to comprehend the wasted time—all the staff, Senators' time that could be better put to use. People could be drafting legislation, on and on, contemplating what could be done but for this endless stalling we have seen.

The Senate will recess from 12:30 to 2:15 for the weekly caucus meetings. Following disposition of the Smith nomination, whenever that might be, the Senate will proceed to vote on the nomination of Martha Johnson to be Administrator of the largest real estate organization in the world, the General Services Administration. It is difficult to comprehend, but that has been without a leader because of what has been going on and the stalls that have taken place, so we had to file cloture.

We will notify Senators when the votes are scheduled. I would like to finish Patricia Smith at a reasonable hour today. That is immediately following a simple majority vote for her. Then there is a 60-vote margin on cloture on the future Administrator of the General Services Administration and then there is 30 hours after that.

We will do tomorrow as we did for the Republicans when they had their retreat last Wednesday; we were not in session. We don't wish to be in session tomorrow. We have the President coming to our retreat and a number of other special guests, but if we have to come in tomorrow, either before or after the retreat, we are going to have to do that to meet the burdens of this endless stalling that is taking place in the Senate.

When a young Nigerian terrorist boarded an airplane bound for America on Christmas Day, there was no permanent boss at the TSA, the agency responsible for the safety of our airports. This agency was created after 9/11 specifically to keep air travel safe. When he tried to blow up that plane, the top

positions at both the intelligence agencies within the State Department and the Department of Homeland Security were empty. Why? Because Republican Senators refused to let this body hold a vote on these highly capable people the President has asked to serve in these roles.

We all know Republicans have dedicated themselves to grinding the Government to a halt. They do so openly and proudly and boast about their aversion to compromise. That is why, time and time again, they exploit the rules of the Senate and abuse this body's procedural traditions. That is why they have wasted countless hours and shattered remarkable records for stubbornness. That is why, when we have faced questions of national security, they have answered with politics.

Republicans have repeatedly asked fearful families to put their concerns on hold while they score political points, they think, by playing partisan games. This is not a game.

An embarrassingly high number of critical national security officials remain unable to go to work. For political reasons, a handful of Republican Senators are standing between these experts and their offices. That means they are also standing between the American people and the American people's security.

Too many of the President's nominees for critical national security jobs await Senate confirmation. Today, I wish to talk about four of those positions Republicans refuse to fill; one, the Under Secretary of Defense for Personnel and Readiness, which is the No. 3 job at the Pentagon. We have Secretary Gates, we have one other individual, and then we have this Under Secretary of Defense—whose position is not filled.

No. 2, Assistant Secretary of State for Intelligence and Research, the head of the State Department's Intelligence Department. Think about that. When Secretary Clinton is called to go to Pakistan, Afghanistan or anyplace in the world, her arm, the intelligence arm, the security department, must be able to give her information as to what is going on, what has gone on, what is going to go on in the future. Not with this State Department. The Republicans will not let this person be chosen.

Third, Under Secretary of Homeland Security, again, for Intelligence. This person is head of the Department of Homeland Security's intelligence arm. Just like there is no one today at the State Department, there is no one at the Department of Homeland Security

dealing with intelligence. It is hard to comprehend, but that is true.

Finally, the U.S. Representative for the Conference on Disarmament, whose job is to work with other nations to keep our own people safe from nuclear, chemical, and biological weapons. The President has chosen exceptionally qualified men and women for these jobs, but without a Senate vote confirming them as our Constitution requires, they cannot do those jobs.

Let's talk about the Pentagon. For the first job I mentioned, the No. 3 job at the Pentagon, the President has nominated GEN Clifford Stanley. For 33 years, Dr. Stanley, General Stanley has served our country in the Marine Corps and in communities where he and his family have lived. After serving bravely as a marine infantry officer, he went on to become quite an academic, served as a White House fellow. He was head of the Nation's largest nonprofit sector scholarship organization. He was asked to come back.

He is not a controversial nominee. The Senate Armed Services Committee approved him unanimously but on the Senate floor, no, not General Stanley. He would not only be a pivotal part of the Pentagon's senior leadership, he would also be in charge of making sure servicemembers are prepared for war at a time we are waging two of them and as we plan to send 30,000 more troops to Afghanistan, a surge I know my Republican colleagues support.

Our military leaders have told me his absence is having a negative impact on the Pentagon's operations. I have received phone calls: Senator REID, what are you going to do to get this person approved?

I tell them I am doing my best. Now we wasted all week—that is what it will wind up being—on two nominees, one to be the Solicitor for the Labor Department and the other to be the head of the General Services Administration. If people are serious about giving our troops the tools they need to succeed in battle and at home—and I am confident the Republicans must think that—we should be and they should be as committed to giving our military the leader who will be going to work every day and making sure that happens.

Let's talk about intelligence, these agencies that try to find out what the enemy is doing. The second and third positions I mentioned earlier are the two intelligence roles at the Department of State and Homeland Security, as I mentioned. For the State Department position, President Obama has nominated Ambassador Phil Goldberg. Similar to General Stanley, Ambassador Goldberg is not a controversial or partisan nominee. In fact, it was President Bush who gave him the title of Ambassador when he made Goldberg our top diplomat in Bolivia.

I traveled to Bolivia, the first Senate congressional delegation I can ever re-

member going to Bolivia. Ambassador Goldberg was there—so impressive. Ambassador Goldberg has also led law enforcement intelligence and non-proliferation efforts in countries such as Kosovo and North Korea. He is head of the State Department's intelligence branch. He would work with our ambassadors around the world and be the Secretary of State's top intelligence adviser. But, no, he is going to have to wait; this intelligence aspect of the Department of State can wait.

The assistant leader, my friend, Senator DURBIN, was at the State Department today learning from the Secretary of State about some of the issues facing our country, meeting with Secretary Clinton. It is a shame Ambassador Goldberg cannot go to work, but he can't.

For the Homeland Security position, the President has nominated Caryn Wagner. She, too, is highly qualified for this role, having held a number of senior positions in the House Permanent Select Committee on Intelligence and Officer of the Director of National Intelligence and the National Intelligence Program. As Homeland Security's top intelligence official, Wagner would be responsible for ensuring the Department's partners at State, local and tribal levels—and private sector—have the information they need to keep us safe from the bad folks around the world.

As far as disarmament, the fourth nominee I mentioned is Ambassador Laura Kennedy. President Obama asked her to serve as our Nation's representative to the conference on disarmament. This group is responsible for negotiating multilateral arms control and disarmament agreements such as the Comprehensive Test Ban Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention—some big issues. Ambassador Kennedy is a member of the Senior Foreign Service and has worked with the State Department and Bureau of European and Eurasian Affairs, the United Nations, the National War College, and as President Bush's Ambassador to Turkmenistan.

Of all the countries with nuclear weapons, the United States, our great country, is the only one that does not have a representative at the negotiating table of the Conference on Disarmament. Why? Because the Republicans are stalling everything. That is unacceptable. We need to confirm her. We need to have confirmed her a long time ago.

But it is not just those cases, it is many others. It is clear these positions are critical to our national security, as I talked about, and equally evident that these nominees are well-qualified, nonpartisan public servants. What is not clear is why our Republican colleagues refuse to bring them up for a vote. Senate Republicans are simply so

opposed to everything, absolutely everything, they even opposed putting people in some of the most important positions of our Government, people who were originally appointed by President Bush to positions of high standing.

These are not isolated cases, they are part of an endless and reckless pattern. As with candidates for the President's Cabinet and other top administration posts and numerous Federal judges, Republicans have decided the President does not deserve to have his nominees reviewed by the Senate, as the Constitution clearly States. Ignore him, is what they say.

This obstruction could not have come at a more dangerous time. I was coming to work and was in an elevator. I looked and there was an extremely impressive woman, she had on a coat, and I could see she had a uniform on. She said, "I am Dr. Benjamin, the Surgeon General of the United States." I heard so much about this Alabama physician who dedicated her life to taking care of poor people. I was so happy to meet her. Then I remembered how long we had to wait to get her confirmed.

The obstruction could not come at a more dangerous time, given what is going on in the country. The Republicans blocked a vote on our Surgeon General, Dr. Benjamin, as I just mentioned, even when the President declared H1N1 as a national emergency. They blocked a vote on the top Homeland Security official in science and technology, and that was even as the Nation braced for both a flu pandemic and bioterror threats.

The list seems endless. While our sons and daughters are fighting in Iraq and rebuilding that nation, last year Republicans delayed the confirmations of America's Ambassador to Iraq. And while our troops serve bravely in Afghanistan, Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

This clearly is not the way the Senate is supposed to work. It is not even the way it typically works. As I have pointed out before, it took only 4 months for President Obama to face as many filibusters of his nominees as President Bush faced in his entire first 4 years. This Republican caucus over here proudly says: We blocked as many of President Obama's nominees in 4 months as you—over here on this side of the aisle—took 4 years to block. Democrats have no interest in playing these games. That is why we did not do what they are doing. No other minority has ever done anything like this before. This is one of a kind.

It would be one thing if Republicans, bound together in unified opposition to everything, as they have made their custom, voted against these vital nominees. It would be one thing if they reviewed their resumes, brought the

nominees before the appropriate committees, and decided they were not fit to serve. But that is not what is happening. Instead, simply to waste time, Republicans are refusing to let the Senate vote at all. When these nominees do finally come before this body, you would be surprised—many of them pass unanimously after they have stalled for days and days. You shouldn't be surprised, but it is enough to make you feel uneasy in the stomach that these people who are concerned with the security of our Nation are being stopped from being able to go to work by virtue of the Republican party of no.

These Senators are ignoring their responsibilities to confirm or reject the men and women our Commander in Chief has chosen to help lead this Nation to safety. They are abdicating their responsibility to the American people to keep us safe. They are certainly not putting country first as advertised.

Here is the bottom line: My Republican colleagues are basing their judgment on the political party doing the nominating rather than the person being nominated. This irresponsible partisanship does not merely poison our political system, it endangers our national security.

I have no doubt our friends on the other side realize that when we keep a critical office empty in the Pentagon, the State Department, the Department of Homeland Security, we are not keeping the American people safe. They know what they are doing, and they know what they are doing is dangerous. If they do not, they certainly should. That makes these partisan games all the more disgraceful.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first half and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

#### NOMINATIONS STALLING

Mr. DURBIN. Mr. President, last week at the State of the Union Address, President Obama laid out the challenges facing America—they are

many—and he called on us to rise above partisanship to try to find good solutions for America. I think most Americans agree with that. Oh, there are some Yellow Dog Democrats and some hard-shell Republicans who say: Never compromise, never, but they do not represent the majority of America. The majority of the American people could care less about Democrats and Republicans. They worry about this Nation and its future. They worry about their families, their neighborhoods, their schools, and they wonder why we squabble so much here and spend so much time tied up in knots over arguments that do not make any sense.

I just heard the majority leader describe four individuals who have stepped up when the President asked them to and said: We will serve. Do you know what it means when you say you will serve? It means the FBI looks through every aspect of your life. You fill out lengthy questionnaires, you prepare yourself to go before a committee and be asked questions about every aspect of your life, personal and public. You submit your name to the press to let them look through everything as well. And then you bring your name, of course, to the floor of the Senate, in this case, for final scrutiny. Is there any wonder that a lot of people say: Thanks, but no thanks. I am not interested in doing that. I love my country, but, you know, I value my privacy, and I do not want to go through that hassle. But some have the courage to step up and say: I will do it if the President asks. I am not going to say no. If my country needs me, I will contribute in any way I can.

Let me give you an example of one of them. His name is Clifford Stanley. He has a 33-year career in the U.S. Marine Corps. He retired in 2002 with the rank of major general. He comes from a family devoted to military service. His father and his brother served in the Army. His daughter is an officer in the Navy. He has a niece in the Air Force. Dr. Clifford Stanley was the first African-American regimental commander in the history of the U.S. Marine Corps.

The President nominated him in October to serve as Under Secretary of Defense for Personnel and Readiness. The Armed Services Committee held a hearing in November and reported his nomination to the full Senate on December 2. He came out of the committee without controversy. Is it any wonder? Thirty-three years in the Marine Corps, the first African-American regimental commander in its history, a man who has served his country so well and risked his life for this great Nation, reported by the Armed Services Committee to the full Senate floor in December. We are now in February.

This is a critical post he has been appointed to by the President. He would be in charge of basically managing the

readiness of the U.S. Armed Forces. Dr. Stanley would have the responsibility to oversee the National Guard and Reserve. There are 143,000 Americans who are serving in that capacity today in support of the wars in Iraq and Afghanistan. He would be responsible for the health of the men and women in uniform. The budget the President submitted yesterday includes \$30.9 billion for health care for the members of the military family who are covered by TRICARE. That would be one of Dr. Stanley's responsibilities.

Finally, he is a senior policy adviser on retirement, career development, pay, and benefits. It is a critically important role for our military and our families who really support these military people. And Dr. Stanley is clearly qualified to do it. He has gone through the process of scrutiny and investigation.

Yesterday on the floor of the Senate, when the majority leader asked for permission so that he could go forward and serve our country again in the Department of Defense, the Senator from Alabama, Mr. SHELBY, objected. I would like to hear why. What is it about this man that he objects to? Is there something we do not know about Dr. Stanley? Is there something he knows about his 33 years of service in the Marine Corps? I bet there is not. I bet there is another reason for it. I do not know if we will ever know that. But the fact is, he was objected to. But he was not the only one.

Laura Kennedy is the nominee of the President to serve as U.S. Representative to the Conference on Disarmament. That is the way we meet together with the other nations around the world to try to reduce the advance of nuclear arms and the threat of nuclear war. Her nomination is based on the fact that she is an experienced diplomat with talent and skills that are desperately needed in this very involved, difficult, and important negotiation. She has already served with distinction in several high-profile positions with the Foreign Service. She was the Ambassador to Turkmenistan, the Deputy Chief of Mission to the United Nations, and the Deputy Commandant at the National War College.

She was reported out of the Senate Foreign Relations Committee 2 months ago. What is holding her up? Yesterday, the majority leader asked that Laura Kennedy, the nominee to be the Representative to the Conference on Disarmament, be approved by the Senate, and the Senator from Alabama, Mr. SHELBY, said: I object. Well, I think Senator SHELBY owes it to all of us to come and tell us why. What is it he objects to about Laura Kennedy? Does he feel she is not qualified? If he does, let's hear why, and then let's bring it to a vote of the Senate. Is that not fair?

Then there is Caryn Wagner, the nominee for Under Secretary for Intelligence and Analysis of the Department of Homeland Security. Do we need someone to deal with intelligence in this time of the threat of terrorism? Do we need someone like that at the Department of Homeland Security? We need them yesterday; we do not need them tomorrow. The Under Secretary for Intelligence and Analysis is considered the chief intelligence officer of the Department of Homeland Security. The Under Secretary has to bring together all of these different agencies and branches of government to make sure they coordinate their efforts.

We know what happened last Christmas. There was not enough done. It was not done in a timely way to deal with this man who threatened the lives of those who were on that airline destined for Detroit.

Caryn Wagner is highly qualified to meet the demands of this position. She was the senior Defense Intelligence Agency representative to the U.S. European Command and to NATO. She is an instructor at the Intelligence and Security Academy. She retired from the House Permanent Select Committee on Intelligence in October of 2008, where she served as budget director and cyber-security coordinator. Before that, she served as Assistant Deputy Director of National Intelligence. Her experience also includes serving as a signals intelligence and electronic warfare officer in the U.S. Army. That is a pretty strong resume, isn't it. She is a person you would want in this job immediately. Why in the world would we risk an attack on the United States by withholding critical personnel and critical leadership when it comes to gathering intelligence in the Department of Homeland Security?

Yesterday, the majority leader asked for consent to have the Senate move her nomination forward. The Senator from Alabama, Mr. SHELBY, objected. I would like to ask the Senator, what does he know about Caryn Wagner that would lead him to object to her serving the United States of America and trying to keep us safe? If he knows something, the next half hour on the floor of the Senate is available to the Republican side. I invite him or the leadership to come forward and tell us what is wrong with this nominee. Why are you holding up this nominee?

Then, of course, there is Phillip Goldberg, the nominee for Assistant Secretary of State for Intelligence and Research. This man has served as our Ambassador to Bolivia, Chief of Mission in Kosovo, and Deputy Chief of Mission in Chile, under Republican and Democratic Presidents as well. He is the coordinator of the U.N. Security Council resolution monitoring the implementation of resolutions on North Korea.

He would be head of the Bureau of Intelligence Research at the Department

of State. A big part of their responsibility is to make sure our foreign policy is based on good intelligence gathering around the world to keep America safe and secure. For over 60 years, this branch of our government has led the State Department review of sensitive counterintelligence and law enforcement activities. In 2004, the Senate Select Committee on Intelligence revealed that this agency was one of the few dissenting votes 2 years earlier when the CIA and other intelligence shops overstated the threat of Saddam Hussein in Iraq. This agency got it right. Although its primary customer is the State Department, this agency serves many other branches of government. The confirmation of Philip Goldberg would provide essential leadership.

Yesterday, the majority leader came to the floor and asked unanimous consent for Phillip Goldberg to serve in the Department of State to gather intelligence to keep America safe. He asked consent that we move to his nomination, a nomination with no controversy. The Senator from Alabama, Mr. SHELBY, objected. Please, I ask my colleagues on the Republican side of the aisle, come to the floor and explain to us what is wrong with Philip Goldberg. What disqualifies him for this position in this administration? Make your best case, if you have one, against him or any one of these nominees, and then, out of a sense of fairness and at least a sense of giving this country and this President the people he needs on a team he needs to keep us safe, let's come to a vote immediately on these four nominees.

I do not hold out a lot of hope that any Republican will come to the floor with objections against any one of those people because, you see, these objections are sometimes based on some grudge, some project, something else. I do not assign that to the Senator from Alabama. I have no idea why he objected. But if he has a substantive objection to any or all of these four people, he should come forward and tell us. He owes it to the Senate. He owes it to the American people. In fairness, he owes it to these four people who have served our country well and want to continue to do so. They should not be left in this uncertainty.

#### FAIR ELECTIONS NOW ACT

Mr. DURBIN. Mr. President, when I leave the Chamber, I will be headed to the Senate Rules Committee on which I serve for a hearing to discuss the Supreme Court case that was decided a few days back that is going to make a dramatic difference in the way political campaigns are waged.

For 100 years, since the days of Teddy Roosevelt, we have agreed to keep major businesses, big corporations out of our American political scene. They

get involved, make no mistake. We saw that on health care reform. The major forces for and against it in the private sector bought ads. But when it comes to candidates, actual people running for Federal office, we have said: No corporate contributions to these candidates; individuals, yes, who work for the corporations, but not the corporations themselves that have millions of dollars they can funnel into campaigns. That was the law for 100 years.

Then the Supreme Court took up this case and, as a result, it is all going to change. When I saw the final decision, I noticed that Chief Justice Roberts and Justice Alito had joined with Justice Kennedy and Justice Thomas and Justice Scalia for the five-vote majority on the Court. I couldn't help but remember not that long ago when Chief Justice Roberts appeared before the Judiciary Committee. I was there. He was asked: What is your role on the Supreme Court going to be as Chief Justice? He said: I am just there to call the balls and strikes. That is it. I am not there to make up the rules of the game. That is for somebody else.

For 100 years, it was pretty clear that when major corporations wanted to participate in supporting directly the candidacies of Federal candidates, the ball went right down the middle, and it was clearly a strike. We said: You are out. But not this Supreme Court, not under this Chief Justice. This is clear judicial activism.

I challenge any of Chief Justice Roberts' supporters on the other side of the aisle who preach to us over and over again about their loathing for judicial activism to explain what happened in this case, when this Supreme Court overturned that prohibition against corporations being directly involved in candidates' campaigns.

Most people who haven't been in this world are probably scratching their heads and asking: What difference does it make? You folks spend millions of dollars anyway. What is a couple million more going to do?

What it basically means is that when corporation X comes to the office of a Senator and says: We have an important tax matter coming up here and for our corporation; we would appreciate if you would vote against this new tax on our business. Now Senators can take a look at it and say: Well, I may vote for it; I may vote against it. I know perhaps the officers at the corporation, maybe its employees, may be upset if I vote for the tax. I have to make up my mind.

Now there is a new element. Because of this Supreme Court decision, corporation X can say: We would appreciate if you would vote against that tax. And you will know in the back of your mind they can literally spend \$1 million to defeat you in the next election, thanks to the Supreme Court.

How do we fix this? This morning the Rules Committee will talk about disclosure, making sure that corporations are well known when they buy these ads so at least the American people know who is paying for them, and some other aspects to regulate the Supreme Court decision within the bounds of what the Supreme Court said we can do. But I think it goes to a larger question.

Some of my colleagues in the Senate have said all along that what I am about to describe is too far in the future, not within our grasp. I think it is time for us to seriously consider public financing of campaigns. I think we ought to start drawing a bright line between those who will accept public financing and limited contributions from individuals and those who are ready to go out into this wild west of corporate politics, special-interest politics, big-money politics.

I introduced a bill a few years back, the Fair Elections Now Act. As a matter of fact, the current President, when he was then Senator Obama, was a cosponsor. What we are basically trying to do is to follow the lead of major States that have voted for campaign finance reform. When States such as Arizona took this issue to the voters of their State and asked: Do you want to clean up elections; do you want to have fair elections, public-financed elections, the voters said: Yes. Get the lobbyists and special interests out of this mess. Let's try to make this directly candidates to the voters and take the special interest groups out.

This bill would do that. What it basically says is that to qualify for public financing, you go out and raise small contributions, \$100 maximum contributions, and put those together in a sufficient amount to show you are a viable candidate, and then you qualify for public financing—in the primary, then again in the general—based on the population of your State. Will you have as much money as a big corporation? No. But here is my theory. My theory is, if a candidate goes for public financing, they will have enough money to get out their message, introduce themselves to the voters, make the issues, and clarify if some major corporation is going to come in and try to steamroll them. That is the best we can hope for, but it may be all we need.

My State of Illinois is, with one possible exception, notoriously suspect of big-money candidates who come in and spend millions to get elected. They waste a lot of their personal wealth and they don't win, with one possible exception. I think there is a skepticism to big money.

Public financing is a way to clean up our political campaigns, to have candidates in the constituent business rather than the campaign financing business. If you could sit down with Members of the Senate and say a few

words to them, they will know instantly what you are talking about: Power hour, dialing for dollars, weekends on the road. We all know what it is about. It is about the incessant money chase that is necessary to raise money to finance campaigns under the current system.

It is time away from our States, away from our families. It is time away from meeting voters who don't happen to be rich, who deserve representation and a voice in the process. That is unfortunate. It should change. What we are trying to do now is to bring in public financing with the Fair Elections Now Act.

How would we pay for it? We would impose a tax on corporations doing business with the Federal Government. It wouldn't be onerous, but it would be enough to fund public financing of all campaigns for the House and the Senate. I don't think that is unreasonable.

We would also provide discounts on time that candidates would buy on television and radio so they wouldn't have to pay as much as the most expensive time that is sold.

What do people think of this idea? It turns out it is one of the few things people agree with on a bipartisan basis: 69 percent of Democrats, 72 percent of Republicans, and 60 percent of Independents support this proposal when we describe it to them. It is supported by a lot of government groups, many former Members of Congress, some business leaders, and even some lobbyists. Recently a letter was sent to the Senate, a general letter from major corporations across America saying: Please, leave us alone. We are sick and tired of being asked to find excuses to give you money. Do it some other way. Clean up this mess in Washington.

The Fair Elections Now bill I have introduced will do that. I encourage my colleagues to take a look at it and to try to imagine a world where we didn't have to go scrambling looking for money. Imagine a world where you walked down the streets of your hometown and when you are in an election cycle, people don't rush to the other side of the street for fear you will ask for another check. Think about what life would be like if we were talking about small contributions creating the base of grassroots support for candidates, both challengers and incumbents. That is a reality of our future, if we have the courage to step up and do it.

This decision by the Supreme Court should be the reason, should be the catalyst for making this reform decision now. I urge my colleagues to consider cosponsorship of Fair Elections Now. We are anxious to get as many Senators on board as possible. We hope it can be moved in this session of the Senate.

How much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 45 seconds.

Mr. DURBIN. I reserve the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I may consume in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to speak as in morning business.

#### CITIZENS UNITED V. FEDERAL ELECTION COMMISSION

Mr. UDALL of New Mexico. Mr. President, Chairman SCHUMER started hearings this morning in the Rules Committee on the Supreme Court decision, *Citizens United v. FEC*. This Supreme Court decision completely changes the campaign finance landscape.

Fifty years ago when my father Stewart Udall and my Uncle Mo were in office, money had minimal impact on the electoral and political system. It was about connecting with people and the marketplace of ideas. Right now it is just as much about the biggest checkbooks, if not more so, than it is about the best ideas.

Unfortunately, we are about to see a lot more big checkbooks in the election process. Last month's Supreme Court decision in *Citizens United v. FEC* was a victory for the special interests at the expense of the average American. We have seen firsthand the impact special interests such as big oil and big banks and health insurance companies have had on the legislative process. Now, with this decision, already powerful corporations and labor unions will be able to further open their bank accounts, further drowning out the voices of everyday Americans in the political process.

Members of both Chambers and the administration are working on legislation to address the *Citizens United* decision. I commend their efforts, but I believe a comprehensive overhaul of the campaign finance system is necessary in order to restore public faith in our elections. What we are seeing here today is large special interests supplanting the voices of everyday Americans in the political process.

The Supreme Court has shown its willingness to rule broadly and ignore longstanding precedent when it is reviewing the constitutionality of campaign finance laws. The best long-term



solution is a constitutional amendment that would prevent the Court from overturning sensible campaign finance regulations. I would welcome the opportunity to join my colleagues in introducing such an amendment.

While I believe a constitutional amendment is the ideal solution, I also think comprehensive reform legislation is a step in the right direction. As a Member of the House for 10 years, I joined Representative DAVE OBEY as an original cosponsor of the Let the People Decide Clean Campaign Act, a bill that would fundamentally change how House elections are conducted. Mr. OBEY reintroduced this bill in this Congress, and I intend to introduce a companion bill in the Senate in the coming weeks. The act does not attempt to fine-tune the existing congressional campaign finance system or tweak around the edges; rather, it makes fundamental, wholesale changes to fundraising by candidates, regulations of outside groups, and the role of political parties. It contains a finding that America's faith in the election system has been fundamentally corrupted by big money from outside interest groups. It establishes a system of voluntary contributions to provide public financing in campaigns for House candidates in general elections. It provides more funds than the current system for the vast majority of challengers to mount their campaigns. And it empowers voters with the knowledge that their vote affects the outcome of the current election and also affects the amount of funds distributed to nominees in future elections. It bans all independent expenditures so that only the candidate is responsible for his or her message. It provides for expedited consideration of a constitutional amendment allowing these changes if the Supreme Court rejects the plan, and it provides a process by which third-party candidates can also participate in the system.

Money can have a corrosive effect on the political process. We have seen evidence of that in campaigns at all levels of government. We have long needed substantive campaign finance reform, and it is my hope that the High Court's disappointing decision will provide the push we need to put elections back in the hands of average Americans and not the special interests who can use their unlimited bank accounts to railroad the process to their preferred conclusion.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask the Parliamentarian, what is the business before the Senate at this time?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, for the benefit of those who are tuned in on C-SPAN in their offices, what we are now in is what is called postcloture on the nomination of Patricia Smith to serve as Solicitor of Labor. This is a nominee who came before our committee almost a year ago, in April. It has been held up and held up.

Yesterday, the Senate voted cloture because it was being filibustered—yet another filibuster by our Republican friends. So we had a vote last night, and cloture was invoked by 60 votes. Now we are in the period of what they call postcloture, 30 hours of postcloture. We will have a final vote up or down for Patricia Smith to be Solicitor of Labor. If she got 60 votes last night on cloture, it is obvious she certainly has more than 51 votes to take the position as Solicitor of Labor.

That is where we are. We are in this 30 hours. Again, it raises the question in my mind, why are we chewing up 30 hours? We know the votes are there. We voted on cloture last night. Yet our colleagues on the Republican side are insisting that we just chew up time. For what purpose? We have the lights going, the heat is on, all our staffs are here, and no one else is on the floor. So why do we run this 30 hours and waste taxpayers' money and waste all this time when we know what the vote is going to be?

We have been through all this. Patricia Smith has had her hearings. I thought we had a pretty good debate yesterday. Republicans laid out their side, we laid out our side, we had the vote, and now it is time to move ahead, have the final vote, and get this person to work down at the Department of Labor.

Again, I say for the benefit of those watching, here we are in another one of

these filibusters. We stopped the filibuster, and now we are in this 30 hours afterward which we do not really need. Everything to say about Patricia Smith has basically been said. The record has been made. She appeared before the committee. She answered questions. The record is there. There is nothing you can do. It is going to come out. Everything is there, and all of our Senators know that.

But the rules are the rules, and the Republicans have the right to invoke the rules. Evidently, they have invoked the rule to chew up 30 hours. It is a shame we have to waste our time like this. As long as we are chewing up the time and Republicans are insisting that we keep the lights on and the heat on and keep everybody around for 30 hours, I would like to make some more remarks on behalf of Patricia Smith and where we find ourselves.

As I said, I am very grateful to our colleagues for the vote last night to end debate and invoke cloture. We have devoted very ample time to our deliberations on Patricia Smith. It is now time to act.

There is no question, when you look at the record and the facts, that Patricia Smith is abundantly qualified to serve as Solicitor of Labor. She has an impressive background in labor law and a demonstrated record of achievement in the State of New York. More important, she clearly has a deep and passionate commitment to help American workers. I can think of no better qualification for this critical position.

There is also no question that Commissioner Smith—and I use the words "Commissioner Smith" because she is presently the commissioner of labor for the State of New York—there is no question that Commissioner Smith has undergone a very thorough vetting process. As I said, the nomination has been before us since last April. She has testified in open hearing. She has answered more than 50 written questions. She has met with any Senator who wanted to meet her. Her nomination was debated extensively in our committee, frankly. It has now been debated on the Senate floor—a step that in previous Congresses was often reserved for judges who get lifetime appointments or for Cabinet-level nominees, not for someone who is going to be Solicitor in the Department of Labor. It is time to bring the discussion to an end and let Commissioner Smith get to the Department of Labor and start doing her job.

I listened very carefully to the arguments raised by my Republican colleagues yesterday against Commissioner Smith's nomination. While I think we could spend quite a while debating about which e-mails she was copied, which staffers should have kept her in the loop and all that, I can't help but conclude that this debate fundamentally comes down to a disagreement about whether this Wage Watch

program that was instituted by the New York Department of Labor as a pilot program was a good idea. It kind of comes down to that. I will have more to say about what I think it comes down to in a minute.

My colleagues on the other side of the aisle—and I read the record—have used some pretty scary words to describe this pilot program. They called it entrapment, vigilantism. They say it “deputizes private activist groups to intrude on small business.” They have said the Wage Watch volunteers are like the private citizens, the Minute Men, who try to patrol our borders with guns.

If there was even one scintilla of evidence that is what this program is about, I would be alarmed, too. But it is not.

Again, let’s look at the documents and get the facts. The agreement that participating groups signed to join this Wage Watch is a good description of what Wage Watch volunteers did. Here is the agreement that groups who agreed to get involved in that agreed to:

Conduct outreach to the public about labor laws (handing out brochures, etc.) in formal and informal settings (e.g., at organized festivals, neighborhood or group meetings, other organized events . . . bus and subway stops, libraries, supermarkets, or similar locations);

Provide seminars or informational sessions to the public;

Set up and staff tables at events for the purpose of providing information to the public and answering questions regarding the labor law;

Obtain information regarding potential labor law violations from parties familiar with the violations;

Fill out basic complaint forms regarding potential labor law violations and pass them on to the Department.

Nothing illegal. Nothing unethical. Informational. Certainly, don’t we want people—especially those at the lowest end of the economic ladder—this is what we are talking about. These are people working at minimum wage jobs, barely maybe above minimum wage. They are the workforce you go by when you go into the door of a restaurant or they are back in the kitchen or they are perhaps in the retail industry doing other things. They are the janitors you don’t see at night cleaning up business places—a number of people like that. Again, they are at minimum wage and probably don’t belong to any organized labor union. Many of them have limited language skills, and they are trying to get by and raise their families. So we are trying to get information to them about what their rights are.

Do my Republican colleagues believe it is wrong to inform people about what their rights are under the law? Surely they don’t want to say if you find violations of law regarding safety or health or wages of people who are being skimmed on minimum wage and aren’t being paid minimum wage and

are working overtime and are not being paid overtime—are they saying nobody should report that and that we should keep hands off? Surely, that is not what my Republican colleagues are saying, is it?

Well, again, these are not radical actions we are talking about. They are educational and outreach activities designed to empower workers and protect their rights and give them information. Everything on this chart can be done by any private citizen any day of the week.

While staff on the Department of Labor, in their e-mails that we saw, may have called this an “enforcers” program in the early days, in January and February when they were brainstorming about the project that is really not what it was. Wage Watch participants were not conducting investigations. They had no enforcement authority. They couldn’t demand to see a business’s books or access private property. Commissioner Smith made this very clear in her own descriptions of the program.

There has been a lot of talk about e-mails and such. I saw some of the charts put up by my friend from Wyoming yesterday. They were all from people other than Commissioner Smith. You can see what Commissioner Smith said on January 15, 2009—not what somebody else said:

The Wage Watch groups will conduct activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

This is important:

Please note that the groups and individuals who participate as Wage Watchers will not be agents, employees, or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the Division.

That is from Commissioner Smith. I didn’t see anybody on the other side put up that chart yesterday. They had charts from other people but not from Commissioner Smith.

Again, when it comes down to it, all these Wage Watch people could do was talk to workers who were willing to chat with them and hand out fliers. Is this vigilantism running amok? Hardly. It is simply volunteers who are willing to take time out of their day because they care about low-wage workers and they want to help them. I can’t imagine how this harmless, generous form of outreach could possibly be objectionable.

Unfortunately, my colleagues on the Republican side have used this program to try to tarnish Commissioner

Smith’s impressive and impeccable reputation. They claim she’s antibusiness. They claim she is trying to close companies and put workers out of a job.

These charges are totally unfounded. There is no basis for those charges at all—not a scintilla of evidence about those charges. In fact, they are exactly the opposite of what her record at the New York Department of Labor shows. Patricia Smith has dedicated the last several years of her life to helping workers find jobs and keep jobs. Since taking over as commissioner, Ms. Smith has spearheaded a \$4.25 million initiative to prepare New Yorkers for jobs in emerging and green industries; revamped the State’s unemployment insurance training programs to allow more workers to get approved for training dollars at the same time they are collecting unemployment benefits; promoted the State’s Shared Work Program, which gives businesses an alternative to layoffs as they face a temporary decline in business, increased the number of businesses participating in the program from 293 in 2007 to 1,620 in 2009.

These are just a few of her many impressive accomplishments in the area of job training and workforce development.

Where Commissioner Smith really gained her reputation as one of the finest labor lawyers in the country is in the area of enforcement. She is committed to protecting workers’ rights.

In 2008, the New York Department of Labor collected \$24.6 million in back wages for 17,000 workers across the State. This was a 37-percent increase in collections from previous years, and it significantly increased the compliance rate among employers.

Now, would someone on the other side say we should have allowed these people to be cheated out of \$24.6 million in back wages and sort of washed our hands of it and moved on? That is not only unfair to the workers, it is unfair to the thousands of businesses in the State of New York that comply with the law, that pay fair wages, that pay overtime pay. There is more of them than the others. The vast majority of businesses comply with the law. There are always a few trying to skim it, cutting corners, figuring out how they will never be caught. It usually affects the lowest wage workers.

It is unfair to the legitimate businesses in New York. That is why so many business groups support Patricia Smith. We have letters of recommendation from business groups in New York talking about how she listens and works with them, how fair she is in enforcing the laws. So if someone over there says she should not be doing that, should not be that aggressive in going after bad wages, I don’t think legitimate businesses would say that is unfair. They would say: Yes, go after the people giving us a bad name and, frankly, unfairly competing against us.

Those are impressive achievements. Maybe that is the reason some of our colleagues are afraid of her being Solicitor. There is no question she will be a Solicitor who will enforce the law. She will do it fairly and reasonably but also make sure there are real penalties for taking money out of workers' pockets or putting workers' lives at risk. I guess that is what it comes down to: Do we want a Solicitor who is willing to go the extra mile and try new approaches and new ideas if it will help protect workers' rights? I believe we do. That is what we need in these tough economic times.

I have looked at this Wage Watch pilot program. Quite frankly, I don't know what the results are yet. There is a pilot program now being assessed. Quite frankly, I would be an energetic supporter of that kind of an approach, where people in the community who speak the same language, who live in the same neighborhood, who go to the same churches, whose families interconnect but who are on the lowest rung of the economic ladder—I would be in favor of giving them information about what their rights are when they go to work every day and about what it means to work overtime and how much they should be paid for overtime, what the minimum wage is and how they should be paid the minimum wage, and, yes, also what safety is.

Are they working around hazardous materials and not being adequately protected? Is their health being endangered? They ought to know those things. So many people don't.

Again, as I said yesterday, we are not talking about people working on Wall Street on hedge funds or CPAs, accountants, lawyers, and investment bankers. We are not talking about Senators and our staffs and people who have all this knowledge. We are talking about people who don't understand what their rights are. They are happy to be here. They are happy to have a minimum wage job. They are happy to be able to keep their families together and hope and dream that their kids will have a better life than they have had.

So, again, this Wage Watch, to me—I hope that it is proved out that it was successful. Quite frankly, I think this is something we should emulate. My colleagues on the Republican side seem to want to denigrate it and say this is vigilantism and like Minutemen. Someone said in the Neighborhood Watch program, people cannot go into people's homes. None of these people who were on the Wage Watch could go into a private business unless they were allowed to. They couldn't ask for the books or see the ledgers or anything like that. They could go into a store that was open to the public—a Walmart or supermarket or places where the general public can go. They could not go into a private business

where people were working, if the general public wasn't allowed to go in there.

Again, all the comparisons to vigilantism and what I have heard from the other side—these are words that are intended to put fear into people. Let's be frank about it. Fear. It is to make them afraid. Well, if they can just show an example of that, maybe we can look at it. There are no examples of this anywhere.

My friends on the other side also raised questions about certain misrepresentations that Commissioner Smith gave to the committee. I would never minimize that. When people testify before committees, they should do so honestly and openly. I also know human beings make mistakes. I can't tell you how many times I have been at a committee hearing when I heard a question and the person being requested heard it differently than I heard it. We don't always hear things the same. So what you do is you are able to correct the record and, guess what. We do that every day here, don't we?

I am standing here speaking, and the reporter is taking it down—doing a great job, I am sure of that. But guess what. Sometimes mistakes are made. I may say a word, and the reporter might say: That guy HARKIN speaks with that Iowa lingo, and I didn't understand that Midwest lingo. And they may put it down wrong. That is why we have a record. Our staffs go back to the record, or I go to the record, and we correct the record. We all do that every day around here. It is simply because people are human and they make mistakes.

When we have a hearing in front of a committee and somebody asks a question and the witness answers it and we find out the answer wasn't correct, we can go back to the witness and say: What is this all about? Here was a question and here was your answer, but we have different information.

The witness will be able to look at that and correct the record, and that is what Patricia Smith did. Obviously, she heard the question one way, the questioner thought he had questioned her in a different way. But she corrected the record.

Again, keep in mind, no one on this side of the aisle is alleging she did this to cover up an illegal activity or to cover up something nefarious, to cover up something that was unethical. No. There is no allegation about that on that side because it is simply not true. She made a simple mistake. She corrected it.

There were two times when that happened. One was simply because, at that point in time, she did not have all the information she should have had. When she went back to her staff in New York, she found a different thing and corrected the record at that point.

As I said, we do that all the time around here and we do not think anything about it. Republicans do it. Democrats do it. We correct the record all the time simply because human beings are human beings and people make mistakes.

There has been a lot made of whether this idea came from within her staff or came from the outside. Well, that was one of the debates about this. She had testified in the hearing that this was something that came up from within her department. Well, unbeknownst to her, some of her staff lower down had talked to outside groups and discussed this Wage Watch program and then presented it to Commissioner Smith.

Well, my response on that is, what is the big deal? So what? So what if some outside groups were involved in this? Again, was it illegal? Was it unethical? Was it underhanded? No. Perfectly legal. I daresay, all of us Senators meet with outside groups all the time. They come to see us, talk about programs, talk about how we should be doing things. That is one of our functions, to listen to outside people to get better ideas.

This would be a sorry place if all we did was talk to one another. It is a good thing we are talking to people on the outside. So whether the program was suggested by one of her staff or by an outside group, I say: So what? She happened to think it came from within her department and later found out her department people had been talking to someone on the outside. OK. She corrected the record. So what is the big deal?

Then there was a question about expanding the program. Well, I would say honestly, did Commissioner Smith want to expand the program? Sure, as long as it proved to be successful. That is what a pilot program is for. Obviously, she thought it was a good idea to put the pilot program in. The whole point of a pilot project is to expand it, if it is successful. Again, it had to do with conversations about a question about had she had conversations about expanding the program.

There was another little problem. What she thought they were talking about was, did she have conversations about expanding, authorizing and expanding the program and she had not authorized any expansions of the program whatsoever. But, of course, she talked about: Well, if it is successful, sure, I would like to expand it.

In fact, I would point out, to this day, she has never authorized an expansion of the program. Why? Because they do not have all the data, and they have not thoroughly ever evaluated the success of the pilot program. I think that is what a responsible leader does.

Lastly, there is some allegation that the Wage Watch program was used by unions as an organizing tool. Well, again, is anyone on this side alleging

that is illegal, unethical, nefarious in some way or underhanded? I do not hear those allegations because they are not so.

Quite frankly, I do not think there would be anything wrong with that. But Commissioner Smith took all appropriate steps to make sure unions separated their organizing activities from their volunteer work with Wage Watch.

As far as I know, and I have seen no evidence to the contrary, her instructions were followed. They were separated. I have seen no evidence to the contrary. So I hope our debate and what I have been able to say and put in the record will put to rest any concerns colleagues may have about Mrs. Smith's honesty and her integrity.

Her honesty and her integrity are unassailable. Is she infallible? Never makes a mistake? Well, I do not know of any living human being who can say that. But does she recognize and correct it? Absolutely—as we all do. Well, again, honesty and integrity, unassailable in her performance as commissioner of labor in the State of New York.

Again, I will point out, this pilot project was a \$6,000 pilot project. She was in charge of running an agency with an \$11 billion, that is spelled with a B, \$11 billion budget; 4,000 employees across the State of New York. This was a \$6,000 pilot project. We have to kind of keep that in perspective as to how high it was on her viewing screen.

Well, quite frankly, I think this whole delay from last April would have been avoided if more of my colleagues on the other side had taken the time to sit down with Patricia Smith, talk with her, and hear her side of the story.

I also think it would have been avoided if you read all the letters of support from business groups in New York, from the attorneys, the district attorneys in New York representing all different political parties and ideologies. All these attorneys are saying she does a great job—if they had just looked at her record.

Well, I did. I looked at her record. I have spoken with her. I have read the transcripts. I have looked at the background of all this. I can say, with confidence, never did she have any intention of misleading the committee. Why? This was a perfectly legal, above-the-board project. Why would you want to mislead anybody about it? She had every intention of dedicating her life to be the best and most effective Solicitor of Labor she can possibly be.

Our Nation is very fortunate to have public servants of this caliber. I mean, you look at this. I have no doubt Patricia Smith, with her legal skills, managerial skills in the private sector, can be making a lot of money. I have no doubt. But she has chosen a different career path—to be a public servant, a public servant, dedicating her life to

helping people for whom there is not a lot of government help. No one is sticking up for them, people at the bottom end of the ladder.

To me, this is one of the highest callings I think anyone can do in our society, is to be that kind of a public servant. So I think our Nation is very fortunate to have this kind of a person in Patricia Smith for this critical position. I look forward to her swift confirmation.

I would hope we would not have to drag out 30 hours, but it seems the Republicans are intent on wasting time. There is nothing happening here. Anyone can see that. Anybody watching on C-SPAN can see nothing is happening here and we just waste time. We can have the vote now. We could have the vote in 20 minutes. Nothing would change. But we have the 30 hours. I guess we have to waste it. But I wanted to take this time, again, to set the record straight one more time on Patricia Smith, her integrity, her honesty, her exemplary background, and the fact that she is going to be an outstanding Solicitor for the Department of Labor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NORTHERN UGANDA

Mr. INHOFE. Mr. President, last week I came to the floor to talk about an issue that has kind of been drowned out by a lot of other things that are going on, other conflicts and disasters around the world. This is having to do with northern Uganda. It is something I have been on the floor talking about for several years now, and I have had occasion to be there several times.

For over two decades, a guy named Joseph Kony has led what they call the LRA, the Lord's Resistance Army, in violence all throughout northern Uganda, in that whole Great Lakes Region of east and central Africa. They have killed tens of thousands—little kids—displacing over 1 million, and terrorizing and kidnapping over 30,000 little kids, forcing them to fight. It is this child soldier thing a lot of people are aware of, but not nearly enough people are aware of it.

With all the problems there are in Africa—people are more concerned about Zimbabwe. They hear about that. They have heard about Somalia, Sudan. Everyone knows about that. But nobody says anything about the Lord's Resistance Army and what they have been doing in that area of Africa for 25 years.

I have been there. I have been all the way up there to Gulu in northern Uganda. Let me share the problem that exists up there.

This madman, kind of a spiritual leader, by the name of Joseph Kony has taken advantage of all the unrest and the disasters by going into villages and kidnapping, taking young people and training them to be soldiers. We are talking about little kids, little boys. They are from 11 to 14 years old. Once they train them to be soldiers, they actually give them AK-47s. I do not have my chart now, but I have pictures of that. They train them to be soldiers, and then they have to go back to their villages and murder their parents and their siblings. If they do not do that, then they will dismember them. They will cut their noses off, cut their ears off, cut their lips off.

This has been going on for a long period of time. Quite frankly, I have gotten to know President Museveni in Uganda quite well, President Kagame in Rwanda, and President Kabila in Congo, and all of them agree that we need to do something about this monster Joseph Kony. It happens that two of the three Presidents I mentioned—President Museveni from Uganda and President Kagame from Rwanda—are Presidents who have really come to power in the bush. They are warriors. These are people who really are reluctant to admit they cannot go after one guy and get him. Well, they have finally all gotten together.

What we are trying to do—well, we have already introduced it; the author of the bill is Senator FEINGOLD of Wisconsin—is to go after these people, and this bill provides about \$35 million to help these kids who have been brutalized, as well as to give whatever assistance we have to give to these different countries in order to bring this guy to justice.

During one of the trips I made up to northern Uganda, to Gulu, I ran into three young men. They are college-age types—Bobby Bailey, Lauren Poole,

and Jason Russell. They have started a documentary on Joseph Kony. They have gone around to universities, and we now have thousands—tens of thousands—of young people who are rallying around this thing, trying to get us to do something as a nation. These young people have become very effective.

This week, this Senate has an opportunity to act in unison to shine the light on this forgotten place and to begin to bring relief to these children.

The Great Lakes Region in Africa has suffered from years of devastating fighting between tribes, and as a result the area is home to massive numbers of displaced people who are vulnerable to this type of treatment. So those are the conditions that allow Joseph Kony and his LRA rebels to thrive. Kony preys on the weak. He gets little kids who cannot defend themselves. He gets young girls. He sells them to be sex slaves and these kids to become murderers.

In December of 2008, the Government of Uganda, Southern Sudan, and the DRC—that is the Democratic Republic of the Congo—launched a coordinated offensive against the LRA. It was called Operation Lightning Thunder. During the operation, over 300 rebels were killed, over 40 were captured, and more than 500 kids who were abducted were rescued. So we are making some headway in doing this.

According to estimates by the U.N., between September of 2008 and June of 2009, the LRA killed over 1,300 civilians, abducted 1,400 more boys and girls, and displaced nearly 300,000 others.

I know something about this because I took the time to go to—you hear a lot about western Congo—Kinshasa and the problems there. This is eastern Congo that butts up against Rwanda and then, further north, Uganda.

In going to Goma, we thought that was where Joseph Kony was at the time. We thought we had an effort that could get him, but we barely missed him. He went north on a tirade, after that, going up toward Sudan and murdered thousands of people during that short period of time. It averages out, he murders or mutilates about three kids a day. That is why this is important. We can get this guy. We cannot do it if we just try the way we have tried it before because it has not worked and it is not going to work.

Well, anyway, we have watched this take place. It is spreading now to other areas. I would anticipate before too long, if left unchecked, it would go not just to the Central African Republic but also maybe back into Sudan and maybe even Ethiopia. So it is very serious.

In 2009, a total of 186 people were killed by the LRA just in Southern Sudan. One survivor describes his experience and the murders of his family at

the hands of the LRA. This is a quote. This is actually what this person said:

We were eating dinner outside of our hut when several LRA—

That is the Lord's Resistance Army—rebels appeared and told us in broken Lingala—

This is their local language—

to get inside of our hut. They looted our food, locked us inside our hut and burned it. There were 10 of us; my whole family was inside. When I realized they were burning us alive, I started to push against the door, forcing it open. One rebel standing outside of the door tried to hit me with a heavy club but I dodged it and ran in the bush. They shot after me but missed. Apparently they shot or hit everyone else in my family who tried to come out. Except for one other person, everyone else was burned alive.

This is the type of thing we have documented that has been happening for a long period of time.

What we are trying to do with this—as I mentioned before, the cost is not great. This, by the way, is not any appropriation. This is an authorization bill, to authorize probably what the CBO says is about \$28 million to get this done. It is not offset. When the bill first came out, it was offset by a reduction in certain types of military expenditures. I disagreed with that, so it is not offset at this time. But of all the efforts out there right now, this is something that absolutely has to happen.

Just by contrast, we had a bill, the other African bill, just a couple years ago, called the PEPFAR bill. That was one that actually had about \$35 billion—much larger than this—and it sailed right through. So I would say, if we were willing to do that, we ought to be willing to do this.

By the way, we have a lot of cosponsors now. I do believe we are going to be successful in getting this bill passed, and I will be bringing this up, I am guessing, probably either Wednesday or Thursday.

So with that, I will yield the floor and hope that any of the other Members of this body who are not already a cosponsor to this bill—it is S. 1067—we would like to get a few more cosponsors on here if at all possible.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise in support of the nomination of Patricia Smith for Solicitor of the Department of Labor. Commissioner Smith is a dynamic and effective leader with over 30 years of experience in labor law, and I am very proud to support her nomination.

She has exhibited exceptional leadership during her 10 years as New York's Labor Commissioner. In this capacity, she managed 3,700 employees in 80 offices and oversaw an annual budget of \$11 billion.

In response to the current economic climate, Ms. Smith executed critical programs to reduce the impact of layoffs. She also implemented career training to assist individuals in entering high demand fields. Additionally, she has enhanced labor law enforcement in order to safeguard workers and reward responsible employers.

Commissioner Smith fully embodies the integrity and the diligence this position demands and has a wealth of experience, making her well qualified to enforce critical issues such as workplace safety and health, fair wages, equal employment opportunity, veterans protection, and retirement and health benefits.

Prior to her term as labor commissioner, she served as Chief of the Labor Bureau in the New York Attorney General's Office for 8 years. In that capacity, she established a method of labor law enforcement that other attorneys general and enforcement agencies have used as a model. She was an innovative leader here, increasing efficiency and effectiveness of the bureau by developing ethics standards, targeting enforcement efforts on an industrywide basis, and strategically focusing on workers.

Commissioner Smith's nomination, which has been pending since April, was reported with the unanimous support of all committee Democrats. Additionally, she has the enthusiastic support of labor groups, women's groups, and worker advocates. A number of prominent business organizations have also endorsed Commissioner Smith, including the Business Council of New York State, the Manufacturing Association of Central New York, the Partnership for New York, the Long Island Forum for Technology, and the Plattsburgh North Country Chamber of Commerce.

Commissioner Smith has endured a rigorous vetting process and has made herself available to answer over 50 questions from our friends from the other side of the aisle and met with all interested Senators.

I urge my colleagues to move quickly to confirm Patricia Smith for Solicitor for the Department of Labor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

CONTINENTAL CONNECTION FLIGHT 3407

Mr. DORGAN. Madam President, we are approaching the 1-year anniversary of the fatal crash of Continental Connection flight 3407 in Buffalo, NY, and today the National Transportation Safety Board is actually holding a public meeting to consider the final report they are making on that crash.

I think almost everyone has heard the tragic story of that crash last February 12. Two pilots, two flight attendants, 45 passengers on that airplane, and 1 person on the ground lost their lives. This flight was operated by Colgan Air. The plane was a Bombardier Dash 8-Q400 operated by a captain and a copilot, both of whom had commuted long distances to get to work to make that flight, both of whom had been found to have very little rest before that flight.

The copilot revealed her inexperience in the cockpit recording that I listened to—inexperience in flying in icy conditions—in the transcript of the voice recordings. The captain failed a number of tests in his career as a pilot. The NTSB is now considering 45 findings and conclusions at a public meeting as I speak.

This morning the NTSB members said the plane and the flight crew were properly certified, and the plane was in good condition before takeoff. They also said the ice buildup that night flying into Buffalo was typical and did not affect the ability of the flight crew to fly the airplane. So while we are waiting for the final conclusions of the National Transportation Safety Board, the members of that board spoke about crew training, pilot fatigue, and pilot error as reasons for the crash.

These are the issues I have been holding some hearings on this past year. The NTSB is going to make recommendations to the FAA. We already know that when they make recommendations, the appropriate agencies don't always pay attention to those recommendations. For example, pilot fatigue has continually been on the National Transportation Safety Board's most wanted list for 19 years; that is, most wanted list of safety recommendations. Let me say that again. For 19 straight years, the National Transportation Safety Board has said "pilot fatigue" is on the most wanted safety recommendations list. Yet no one has been listening. Nobody seemed to ring the bell on those issues.

I have held seven hearings on safety in the aviation subcommittee that I chair in this Congress. We have heard from the FAA, the NTSB, pilots, regional airlines, major carriers, and safety experts. We have heard especially from the families who lost their loved ones in that fatal crash, that tragic crash in Buffalo, NY.

Let me be quick to say, we have had, fortunately, reasonably few airline crashes in this country in recent years. It is, generally, a very safe way to travel. But there isn't room for error with respect to these commercially airplane flights. I am going to be holding followup hearings with Senator ROCKEFELLER and others in the Commerce Committee with respect to the NTSB recommendations. We are supposed to have what is called "one level of safety." The NTSB said, in the middle of the 1990s, there is one level of safety for commercial airplane flights in this country. The big, major trunk carriers that are national and international and the regional carriers shall have one level of safety. But it is the case that regional airlines often employ pilots with much less experience, much lower pay, which forces difficult conditions.

In many cases, when you get on a small airplane for a regional flight, you see a crew with obviously much less experience. There are questions, from time to time, raised about the training—questions raised in this investigation, as a matter of fact. We know there are a lot of factors that play into this one level of safety. But I think most people believe that one level of safety standard, at this point, doesn't quite measure up. That is the reason we will examine the recommendations from the NTSB as a result of this crash.

At the time of the crash outside Buffalo, NY, Colgan Air didn't have a remedial training program for pilots. The captain of the flight had failed numerous performance checks over the course of his career and would have made an excellent candidate for remedial training. I know the FAA has been working on the industry to try to get them to do this for a long while. If the traveling public ever begins to have very significant concerns about safety on a commercial airline flight, it will be devastating to that industry. So safety must not just be a perception. Safety on commercial airlines, whether they be the major trunk carriers or regional airlines, has to be something everybody takes seriously and that the American people believe is taken seriously.

I wish to show you a chart that shows something that common sense would tell you doesn't work. This chart shows where Colgan Air pilots were commuting to. You will see they were commuting to Newark, their base of operations. On that fateful flight going into Buffalo, NY, the copilot flew all night long from her home in Seattle, WA, I believe deadheaded on a FedEx plane, stopped in Memphis, TN, changed planes, and got to Newark Airport. After flying all night long, she is now ready to take an airplane on its flight. There is no record of evidence of that copilot having a crash pad or someplace to find a bed and sleep. That is the copilot.

The pilot, on the other hand, came from Florida to Newark Airport. There is no evidence, outside of being in the crew lounge at the airport, that the pilot had a bed in which to sleep or that he had rest. So you have a pilot and a copilot who get on that airplane to take, in this case, those 45 passengers on that airplane on its flight to Buffalo, NY. On that flight, ice built up on the wings, and there is what is called a stick shaker on that airplane. There was rapid shaking of the control stick, which would have said to the pilot you must put the nose down in order to gain additional speed. The pilot didn't put the nose down but pulled the nose up, as I understand it, which is apparently a training issue as well. So you have a pilot and copilot traveling across the country all night long just to get to their duty station, and things happened in the cockpit. In the transcript, the copilot said she had very little experience flying in icing. Both the pilot and copilot lost their lives.

I take no joy in reciting what happened in that cockpit. Their loss of life was a tragedy for their families as well. My point is simply this: What happened here—by the way, I believe five out of the most recent seven airline crashes in our country have been on commuter carriers. This, it seems to me, raises a series of questions that must be addressed—and now I believe will be addressed in recommendations from the NTSB by the FAA, dealing with the issue of fatigue. Who is flying the planes? Are they getting proper rest? It deals with the issue of compensation. Is it the case that you get on a small jet and know that the copilot is making \$18,000 a year or \$20,000 a year, doing two jobs and flying across the country at night in order to get into an airplane cockpit? Does that give you confidence? The fact is, all these issues are now coming to the forefront—not just of this crash but other circumstances as well—and that requires the FAA to take a hard look at what happened.

At one of my hearings, I showed a Wall Street Journal article, in which Mr. Wychor, an 18-year veteran pilot described the routine commuter flights with short layovers in the middle of the night. He said:

Take a shower, brush your teeth, and pretend you slept.

That is not what you want in the cockpit of an airplane.

A 737 pilot flying to Denver said this, and this is an NBC News quote:

I have been doing everything in my power to stay awake—coffee, gum, candy. But as we entered one of the most critical phases of the flight, I had been up for 20 straight hours.

That is an issue with me. It is one we have to address. I think all thoughtful people in that industry—and I have great admiration for people in the airplane industry. They do a great job.

They understand we have to address these issues of fatigue, training, and compensation. That is just the fact.

All I wished to do today was to say the National Transportation Safety Board, I think, does a great job investigating accidents. The family members of the victims of that flight that crashed in Buffalo, NY, have been extraordinary. They have come to every single hearing held on Capitol Hill. They are witnessing, on behalf of their brothers and sisters and wives and children, saying: I don't want Congress or the FAA to let up. We want you to address these issues. That crash didn't have to happen. Our loved ones did not have to die. That is their message.

I say to them: You are doing exactly the right thing. What you are doing—showing up here at all these hearings and keeping the pressure on the Congress and, yes, on the FAA—will save lives. You will not know their names, but you are saving lives. Good for you.

#### CLOTURE MOTIONS

Madam President, the issue of cloture motions sounds like a foreign language to a lot of people. If you are back home someplace and are getting up in the morning and struggling to get to work and putting in a full day and trying to make enough money to raise your family and get along in life, you don't know about cloture motions or the 2-day ripening or 30 hours postcloture. That sounds foreign to almost everybody.

This is a graph of cloture motions in Congress. In the 1950s, there were two cloture motions filed in the entire decade. What does cloture mean? If you decide in this body—and you are the most junior Member of this body, you are the last one elected, you are the 100th in seniority and you sit back by the candy door because that is the last desk—I guess we should not talk about a candy drawer, perhaps, but you sit way back in the corner and you are No. 100 in the Senate. Once you are on your feet and recognized by the Presiding Officer, nobody else can take the floor from you—not the majority leader, not the most senior Member of the Senate. The floor is yours and you can speak until you are physically and mentally exhausted. That is the way the rules are; it is the way the Senate works. Washington described the Senate as a saucer that cools the coffee. You pour the coffee into the saucer and it cools. The Senate isn't supposed to work quickly or efficiently. It is supposed to slow things down, take a better look at it, and have more evaluation and ask: Does this make sense for the country?

That is the way the Senate was created. It is hard to get things done. But it is near impossible to get things done these days because of something called a filibuster and cloture motions.

I wish to provide some interesting statistics. This could not happen and wouldn't happen in any city council in

America. There is no city council in America where this sort of thing could happen, no matter what the rules were, because they would be laughed out of town. We have people blocking bills they support. Can you imagine that? If you were on the city council and your business was to block things you support and your neighbor said: What are you doing, are you nuts? No, I am blocking things I support because it has a strategy attached to it. What is the strategy, they would say.

Here is the situation: In 2009 and 2010, it is projected we will have 146 cloture motions to shut off debate in this Congress. Let me describe what we are involved with next. We are on one now, by the way. We are now in what is called 30 hours postcloture. We had a nomination that should have been approved in 5 minutes. Those who want to vote against the nomination should vote no. But we could not do that. Instead, those who oppose the nomination for the Solicitor for the Department of Labor, a nomination—instead of having an up-or-down vote, during which those who don't like this nominee should vote no, they said you cannot even have a vote. You have to file a cloture motion and then wait for 2 days and then have a vote and see if you get 60. If you get 60, after you get the 60, we are going to insist you bleed off 30 more hours because the rules allow us to do that. Only then can you have a vote. That is where we are now. We had a cloture vote. It prevailed. Now we are waiting for 30 hours to elapse so nothing can be done during the 30 hours. It is just stalling. So then the 30 hours is done, and we will vote on this. Then we will go to the next nomination. So this week we will do two nominations, both of which should have taken 5 minutes, if people of goodwill worked together and decided: Here is the agenda; let's bring up these candidates for a vote. And if you like the candidate vote yes; if you don't, vote no.

So the next one is going to be Martha Johnson, GSA Administrator. By the way, this one has been objected to, and it has waited for 7 months. So 7 months ago this President nominated Martha Johnson to be GSA Administrator. April 3, 2009, was her nomination. June 8, the nomination passed through the Senate Homeland Security and Governmental Affairs Committee unanimously. So this nomination was voted on unanimously and approved by the committee, and that was June 8. Here it is February of the year following, and we now are going to get to vote on this nomination that passed the committee unanimously, but not until we are able to shut off a filibuster and then have 30 hours postcloture. It is the most unbelievable thing in the world.

Is this person qualified? Yes, absolutely. She served as the head of GSA

during the Clinton administration and is hailed by former and current GSA employees as the "golden heir of GSA." She was the chief of staff back during the Clinton administration. She would be a vast improvement, by the way, over the previous head of the GSA, the previous head of the GSA—and I spoke about her on the floor of the Senate—Lurita Doan.

On April 29, 2008, the Office of Special Counsel for the United States asked that she be disciplined to the full extent for the most pernicious of political activity prohibited by the Hatch Act. She then submitted her resignation, in accordance with that request by the White House. She had been accused of providing no-bid contracts to friends with whom she had extensive personal and business relationships. She and a deputy in Karl Rove's office at the White House had joined in a video conference with 40 regional GSA Administrators after a PowerPoint on polling about the 2006 election, and she said: "How can we help our candidates?" This is a nonpolitical office—heading the GSA—in our country.

This person got drummed out of office—and should have gotten drummed out of office—and resigned under pressure. So here is someone who is fully qualified and it is 7, 8 months later and we are finally going to get to have a vote, but only if we go through the motion of filing a cloture petition to end a filibuster. That is unbelievable to me.

Let me give some other examples of what is happening. Here is a bill that was filibustered—the credit card holders bill of rights. There is a filibuster against that by the other side, the Republicans. They filibuster everything—everything. So the credit card holders bill of rights, they went through a filibuster, delayed, and after the delay it passed 90 to 5. Obviously, we had a bunch of folks who said: I am going to lay down on the track until it is inconvenient for everybody, and then I will get up and vote for it.

We have people blocking things they support. You would get laughed out of town in any town in this country if you tried that on the city council.

The Department of Defense appropriations—filibuster. Had to go through the motion of filing—2 days, 30 hours—and then it passed 88 to 10. So, obviously, we had a bunch of folks on the other side who decided they were going to block something they supported, kind of a curious strategy.

The Energy and Water appropriations bill—that was my bill that I chaired—went through filibuster, cloture, and in the end 80 people voted yes. The Fraud Enforcement and Recovery Act was filibustered by the Republicans. Then when it was finally voted upon, after they had delayed it, 92 of them voted yes. Again, we see people blocking things they support. Only in the United States Congress, I guess.



Unemployment compensation extension was the subject of a filibuster, and then 98 people voted yes. People blocking things they support. What a curious thing.

I mean, what do you tell your children if they ask: What was your role, Dad or Mom?

My role was to slow things down. I just wanted to sort of spread glue around the Senate. Not that we don't think it is slow enough the way it is, we want to slow it down even further.

The fact is, people send men and women of goodwill to this Chamber. One of the things I have learned in many years in this Chamber is that almost every desk is occupied by someone who has pretty unique and interesting and special skills to get here. In almost every case, there are people here with very substantial skills. But they are not sent here with an agenda that says: You know what I would like you to do? I would like you to block everything and then vote for it in the end. That is not a message that comes from any State that I am aware of. They are sent here to try to do good things for this country. All of us are. We might have a disagreement about what that means and how to do it, but there shouldn't be any disagreement about these kinds of things.

In the middle of the deepest recession since the Great Depression, seven of this President's high-level nominees for the Treasury Department are not yet confirmed—seven of them. How do you justify that? How do you justify deciding, in the middle of the deepest recession since the 1930s, that you are going to prevent the U.S. Treasury Department from having a full complement of people who can think through and work through trying to put this country back on track; who can restart the economic engine and put people back to work again? How do you justify deciding we shouldn't have a full complement of people to do that?

We had a fully qualified Surgeon General who was nominated, and that Surgeon General nominee was blocked. And this was after the H1N1 flu had been declared a major health threat. Think of that. That nominee was blocked even after we had a major health threat. We had the Ambassador of Iraq—obviously an important position—blocked during a time of war just when we most needed to resolve some political issues there.

One single Senator on the other side held up the nomination of the Deputy U.S. Trade Representative for 9 months—9 months that was held up—to try to force that U.S. Trade Representative's Office to file a complaint against Canada on some issue. I don't have the foggiest idea what that issue was, but I will tell you this: I would never, and have never, held up a nomination for 9 months in order to try to force something that I insist should

happen. That is not the way the Senate is supposed to work.

One Senator on the other side blocked a highly qualified nominee to be Assistant Under Secretary for the Western Hemisphere at the State Department, and it had to do with our relationship with Hugo Chavez, which left us without the person who was supposed to be responsible for coordinating our response to the difficulty in Honduras last year. One Senator held up that nomination on and on and on.

Again, the fact is, as I said, this is called the great debating body, the most exclusive club in the world, and all of those descriptions. But this is not the way it is supposed to work. We have some models of how it is supposed to work. In the old days—and when I say the old days, I mean some decades ago—people would get together and decide what is the major challenge facing our country and how do we work together to find a way to resolve it; not who gets the credit or who gets the blame, but what is needed to be done to fix what is wrong in America. That is the way the Senate used to work. Regrettably, these days, it does not.

Our country rests on the precipice of a very significant cliff. We are still not out of this financial and economic crisis, although I think there has been some stability and we have, hopefully, found some foundation. But at a time when we most need cooperation, we see almost none—almost none. It doesn't. Just read the record: An estimated 146 cloture petitions are filed to shut off filibusters, and on issue after issue after issue we have the minority in this Chamber blocking things they ultimately vote for. How do you explain that—I was against it before I was for it?

Madam President, this country deserves and expects a whole lot better. This country is going through tough times. While I speak here, and while my colleagues are objecting to proceeding on anything—while we are in a 30-hour period where nothing is happening on the floor of the Senate—nothing—a whole lot of people are out looking for work. They are stopping by business after business with their resume, and thinking: Can I find a way? Can I please find a way to get on a payroll and get a job to help my family?

There are a whole lot of folks who need a job, need some hope, need to keep their house, who are struggling. They deserve a lot better from this Congress. The last thing they deserve is a Congress that decides its mission in life is to stop things from happening. The mission for every Senator ought to be to get up in the morning and reach out and see how we can work together to get the best ideas of what both parties have to offer this country. That is happening far too seldom in this Chamber.

It is not my habit to come to the Senate floor to be critical of the Re-

publican side of the Senate. I don't do that often, but I see what is happening. We are sitting here today—and this is a good example of it—for 30 hours doing nothing. Why? Is it because there is nothing to do? No. It is because the other side insists on cloture, insists on the 2 days, then insists on the 30 hours. So what they will have done this week is insist that we will only be able to confirm two Presidential nominees—one is a Solicitor General in the Labor Department and the second is to head the GSA. That is what we will get done this week. That should have been done in 5 minutes, having a vote on those nominations. If you don't like the nominee, vote no; if you like the nominee, vote yes. Dispose of the nominations.

In my judgment, this system is broken, and it can't be 1 person or 10 people who fix it. It has to be 100 people with reasonably good will who want to make good things happen for the future of this country.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE TAX CODE

Mr. DORGAN. Madam President, on Wednesday of last week the President gave his State of the Union Address and talked about a lot of issues. One of the issues he mentioned that is especially important to me is one I have worked on for some long while here in the Senate, and that is changing the Tax Code to begin cutting out and getting rid of the tax break that is offered to companies that shut their American factories and move their jobs overseas. It is strange to most people to hear, but we actually have in the American Tax Code a reward for companies that would say: You know what I should do? What I want to do is shut down my American factory, I want to fire my American workers, I want to move those jobs to China and hire somebody for 50 cents an hour. By the way, if they do that, they actually get a tax break in this country. They get rewarded by the American tax system for moving American jobs to other countries.

That is an unbelievably ignorant and pernicious part of our Tax Code and needs to be changed. I have offered amendment after amendment here on the floor of the Senate on it, and the President in his State of the Union Address last week indicated he believed we needed to do this and do it soon. I could not agree more.

We are talking about jobs a lot in this Congress. We have had some discussions today about jobs again. Senator DURBIN and I have worked to put together a jobs package that would try to stimulate and incentivize more jobs, especially small and medium-size businesses to be able to hire people and have the incentive to put people on payrolls. We are working on all of that.

Senator BAUCUS and certainly Senator REID and others have been working together with us to put together a jobs initiative. Even as we try to find a way to create more jobs in our country, we still have this backdoor approach in the Tax Code that rewards people for moving jobs outside of our country. Most of us believe what we want to do is see more of those signs that say "Made in the USA." Made in the USA means there is a job someplace here, particularly in a factory that is producing something, that is putting somebody to work to be able to make a living, to provide for their family. No special program is as important as a good job that pays well.

I have both written a book about this issue of moving jobs overseas and I have spoken on the floor so many times people have either nearly or completely gotten tired of it. But the stories are legend of what has happened in recent years. All of the little things we know and have expected to be American made—almost all of those things are gone. Radio Flyer Little Red Wagon—we have all ridden in it. It was a 110-year-old company in this country. They made those wagons for kids in America, made in Illinois. Not anymore. All those Radio Flyer Little Red Wagons are made in China.

Huffy Bicycles—all those people in Ohio lost their jobs. They were all fired and all those bicycles are now made in China. In the book I wrote I told the story about the last day at work at Huffy Bicycles in Ohio and those workers. As they left their parking lot, they left an empty pair of shoes in the space where their car was parked. It was a way for them to say to that company, the Huffy Bicycle Company: You can move our jobs if you want, but you are not going to be able to effectively replace us. Those shoes, in an empty parking space in a big parking lot in Ohio when all those people lost their jobs, were a symbol of what is wrong.

A little company made something called Etch A Sketch. Every kid used an Etch A Sketch. It was also made in Ohio. Not anymore. It is now made in China. The list goes on and on, those American products that are gone in search of 50-cent labor and higher profits.

The people who make these products—Radio Flyer Little Red Wagons or Huffy Bicycles or Etch A Sketch or, yes, even airplanes—the people who make these products ask the question, What is wrong with my work? The an-

swer is nothing is wrong with your work. You just can't compete with somebody who makes 50 cents an hour.

The second question is, Should I have to compete with somebody who makes 50 cents an hour? The answer to that is no, you should not. This country needs a vibrant manufacturing base and it needs to fix this unbelievable tax provision that says if you move your jobs overseas, we will give you a tax break.

In order to remain with a manufacturing base in this country, we need to reward the production of things in this country. "Made in the USA" should not be a distant memory. "Made in the USA" ought to be something applied to things made here that we are proud of.

The Senator from Washington State is here. She is going to speak in a moment. I will not be long.

But in every circumstance in this area of trade and the movement of jobs, other countries take advantage of us because we allow them to. For example, airplanes—Washington State makes some great airplanes in the Boeing Company manufacturing plants. A country such as China that has an unbelievable trade deficit with us, over \$200 billion a year, says to us: If you want China to buy your planes you have to build most of it in China. It doesn't make any sense to me. If we are buying all those products from China in this country when we have something they need, they ought to buy American products to be shipped to China, not say to us you must move your product to be produced in China.

It is going on all the time and this country doesn't have the backbone or nerve or will to deal with it. What we ought to say to other countries is we are going to hold up a mirror and you treat us as we treat you.

If I might make one additional comment on automobile trade. Our automobile industry has been in a very serious problem. We came close to losing our automobile industry in this country, which is so important for our manufacturing capability. This country has a trade agreement with China, with whom we have a \$200-plus billion a year deficit in trade. We have a trade agreement with China that says to the Chinese—who are, by the way, ramping up a very large automobile export industry and you will see Chinese cars on the streets of America very soon—we say to China: If you ship Chinese cars to the United States of America you will have a 2.5-percent tariff attached to those cars. But the agreement also says if we ship American cars to be sold in China, they may impose a 25-percent tariff. We have an agreement with the Chinese that says we will give you a 10-to-1 advantage on tariffs in bilateral automobile trade. That is a recipe for undermining America's manufacturing and economic strength and it goes on all the time. Frankly, I am sick and tired of it. One piece of it is

something the President talked about last week and that is let's at least cut out this unbelievably ignorant and pernicious provision that says: You move your jobs overseas and we will give you a big tax reward. We will cut your taxes if you move your jobs overseas.

I say to the President: Good for you. Help us shut that provision down. Let's have "Made in America" be something we see more and more frequently these days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from North Dakota for his passion on this issue. I would add one other issue within this, which is that we have to be training our workforce for the coming years with those skills to make those things in America—whether it is airplanes in my State or cars in the Midwest or South, or whether it is the widgets he talked about. We are losing people today in this country who have those basic skills—welding, electricians, those kinds of skills that are basic to these industries. As we move into this coming year and look into our budget and look at our education policy—and we will be talking about the President's education policy on the committee on which I sit—we have to make sure we are going down into our middle schools and high schools and making sure our kids have career pathways that help fill these skilled manufacturing jobs we want to have here in this country. I thank the Senator for his words.

I am here this afternoon to rise again in support of President Obama's nominee to serve as Solicitor of Labor, Patricia Smith. I have to tell everyone I am very confident she is the right person for this critical job. The work she is going to do to protect our workers is more important than ever before.

American workers are facing an incredible challenge today. We all know that. They are struggling with record unemployment, a devastating economic crisis. Today more than ever they need and they deserve strong leaders in the Department of Labor who are passionate about public service and committed to being there to fight for them. The Department of Labor is this agency with a name that sounds bureaucratic, but it is important because that agency is charged with a very critical mission in our Nation's government. Its role is to foster and promote the welfare of America's workers by improving their working conditions, by advancing their opportunities for profitable employment, by protecting workers' retirement and health care benefits and helping employers find workers who are skilled in the jobs provided and strengthen free collective bargaining.

I believe during these challenging economic times it is absolutely critical

that the Department has leadership within that Department to make those goals a reality. I was very pleased when I heard President Obama nominate such a strong candidate for the position of Solicitor of Labor.

Ms. Patricia Smith, as the Presiding Officer knows, is Commissioner of the New York State Department of Labor. She has been there since 2007. She is cochair of the New York State Economic Security sub-cabinet and she oversees today 3,700 employees in 80 offices with an annual budget of \$4 billion.

For the previous 20 years, Tricia worked in the Labor Bureau of the New York Attorney General's Office and she served on the Obama administration's transition review team for the Department of Labor.

I have received many letters of support for Patricia Smith from people who admire her work, from people she has worked with, and from workers she has helped. I want to take a couple of minutes this afternoon to read some excerpts from those letters because I believe they demonstrate Patricia's broad support and why she should be confirmed by the Senate.

One letter I received was a letter of support from the CEO of the Plattsburgh, NY, Chamber of Commerce, who knows Tricia well. He said:

Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Department and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

I heard from the United States Women's Chamber of Commerce. They wrote to me and said:

After learning of Ms. Smith's qualifications, her expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in these times of economic challenge.

That is from the United States Women's Chamber of Commerce.

I also received a letter from a group of professors and scholars of labor and employment law and labor relations, from over 50 scholars of highly respected institutions, institutions such as Georgetown University Law Center, Columbia Law, Thomas Jefferson School of Law, Yale Law, and Cornell University School of Industrial and Labor Relations. They wrote to me and urged speedy confirmation saying that Tricia has:

consistently demonstrated the highest integrity and commitment to ethical standards. She is experienced, intelligent, thoughtful and energetic. We believe this is exactly what the U.S. Department of Labor needs in a Solicitor. Once confirmed, she will be among the best Solicitors of Labor the Department has known.

I would tell my colleagues that her support transcends party lines. Former

New York Attorney General Dennis Vacco, who is a Republican, had this to say about his former employee:

Patricia Smith has proven herself as one of the foremost experts in the nation in the realm of labor law, which is why President Obama saw fit to nominate her. . . . She was an asset to the New York Attorney General's office and I am confident . . . she will be an asset to the Department of Labor.

Tricia Smith has bipartisan support. As Chair of the Subcommittee on Employment and Workplace Safety, I know the challenges American workers are facing today. I know they deserve a Solicitor of Labor such as Tricia who is going to fight every single day to protect them. When she is confirmed as the Department's top legal counsel, she is going to have the profound responsibility of enforcing more than 180 Federal laws and managing more than 450 attorneys nationwide. She is going to be responsible for defending the Department in litigation, as well as providing legal advice and guidance on nearly every policy, legislative, regulatory, and enforcement initiative of the Department. But, most importantly, she is going to be responsible for defending the rights of workers when they are not able to speak for themselves. Tricia has a big job ahead of her, but we need to act now to allow her to get started. We owe it to our country's workers to have a confirmed Solicitor of Labor in place.

I have had a number of conversations with Tricia myself, and I am confident she is highly qualified, and she is eager to get to work. So I will be voting, hopefully later this afternoon or soon thereafter, to confirm Tricia Smith. I come to the floor this afternoon to urge my colleagues to do so as well.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak in morning business for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF JEREMY TEELA, SHAUNA ROHBOCK, AND HEATH CALHOUN

Mr. KAUFMAN. Madam President, I rise today to speak once more about America's great Federal employees.

Next week, in Vancouver, the 21st Olympic winter games will begin amid great fanfare and high hopes. Every four years, the world's top athletes in skiing, skating, hockey, and several other winter sports compete to win medals and to win hearts.

Olympic athletes push themselves to their limits not only to win personal or

team glory but also to represent their nations on the world stage. A ticket to the Olympics is purchased with years of arduous training and a commitment to personal integrity and athletic fairness.

The values of Olympians are those of perseverance, integrity, teamwork, and national service.

If this list of values sounds so familiar to many Americans, this is because they are the same values that motivate those Federal employees who serve our Nation in civilian roles and in the military branches.

This week, in honor of the upcoming winter games, I have chosen to highlight three incredible American Olympians. They share these values, and all three of them chose to serve our Nation in the U.S. Army.

Jeremy Teela is an infantry sergeant. Originally from Anchorage, AK, Jeremy joined the Army in 1997. In addition to serving in the infantry, he participates in the Army's World Class Athlete Program. Jeremy is one of America's best in the sport of biathlon.

Biathlon is a grueling race that begins with cross-country skiing and ends with precision rifle shooting. Jeremy is a seven-time national champion, and he was a member of the U.S. Olympic team in the 2002 Salt Lake games and the 2006 games in Torino. Jeremy will once again be competing in the biathlon at this year's games in Vancouver. Last year, at the 2009 Whistler World Cup, which took place at the same venue, he won a bronze medal—the first American to medal in biathlon in 17 years.

Joining Jeremy in Vancouver will be SGT Shauna Rohbock of the Army National Guard. She is one of America's champion bobsled drivers. A native of Orem, UT, Shauna enlisted in 2000. Around that time, she began training in bobsled in the hopes of making it to the Olympics in Salt Lake City, just 40 miles from her hometown. While she didn't make it to those games, Shauna made it to Torino 4 years later. There, she won the silver medal in Women's bobsled.

Comparing the teamwork required to succeed in the Army to the kind necessary in Olympic bobsledding, Shauna said recently: "Just like any team or platoon, you're only as good as your weakest person. It takes two people to push the sled in a race. Bobsled drivers can't do this alone." This month Shauna will return to compete with Team USA in Vancouver.

The Olympics are not the only games taking place in Vancouver this season. Following the Olympics will be the 2010 Paralympic winter games. There, the world's best athletes with physical disabilities will compete in several winter sports.

Among those vying for a medal is retired Army SSG Heath Calhoun. Heath grew up in Bristol, TN, and joined the

Army in 1999. In doing so, he followed a family tradition—his grandfather fought in World War II, and his father served in Vietnam. Heath trained at Fort Benning, GA, and was deployed to Iraq with the 101st Airborne Division.

While on patrol in Iraq, his convoy was fired upon with a rocket-propelled grenade, and Heath lost both legs above the knee. After months of recovery at Walter Reed, he was losing hope that he would ever walk again. But with the help of the Wounded Warrior Project, Heath became an advocate for other soldier-amputees.

Determined to regain his mobility, Heath began training with special prosthetic legs and computerized knees. Soon he was able not only to walk but also to run, golf, and drive an unmodified car.

In 2008, Heath began training for the Vancouver Paralympic Games in the sport of adaptive skiing. He has been training in Aspen, CO, and won gold in last year's Super-G National Championships in Men's sit-ski. He will be headed to Vancouver in a few weeks to compete for medals there as well.

All three of these inspirational soldiers are not only Army strong they are Olympic strong. The values that called them to the Army teamwork, perseverance, integrity, and service are the same ones that drive them toward Olympic glory. It is the same set of values that calls other Americans to serve in the Navy, Marines, Air Force, Coast Guard, and civilian careers in Federal Government.

We have such talented citizens who are Federal employees, and whether they are Nobel laureates or Army sergeants, whether they work behind a desk or a spacesuit, they all share the common bond of having chosen—let me repeat that—chosen to give back to the country we all love.

This is the case with all of the great Federal employees I have honored from this desk so far and for those whose stories I have not yet shared or will not be able to during my brief term.

Shauna Rohbock put it best when she said: "I feel it's a great honor to be able to represent my country as a soldier and an athlete."

All Federal employees, military and civilian, athletes and non-athletes alike, represent us well.

I hope my colleagues will join me in saluting Jeremy Teela, Shauna Rohbock, and Heath Calhoun and offering them and their fellow American Olympians our support in the pursuit of victory in Vancouver.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### NOMINATION OF JUDGE JOSEPH GREENAWAY

Mr. LAUTENBERG. Mr. President, I think it is important we respond to the public discourse and concern about what it is we do here to accomplish what is in the public interest. We know that for some time now there has been obstructionism to moving ahead with the people's business, that the price obtained for obstructionism is political gain. But, like any other transaction, when you do that—when we take the time and the energy devoted toward trying to move ahead and do not move ahead—the price that is paid for this by the American public. It is apparent that our friends on the other side have decided they would rather sacrifice the people's need for action on critical issues for their party's political gain.

We have seen delay, diversion, parliamentary gimmicks, wasted time, and a throwaway of huge resources to distort and distract us from accomplishing better lives for American families. Republicans have used stalling tactics such as the filibuster over 100 times since the start of this Congress just over 1 year ago. The problem is, the victims of these delay-and-destroy tactics are people who need to get back to work, have affordable health care, better education, and other essentials for decent living.

The victims are also well-qualified nominees for high government positions who seek to serve in order to carry America forward—nominees to fill an appeals court position, such as Judge Joseph Greenaway from my State of New Jersey.

Joseph Greenaway is a well-qualified judge who has served on the Federal bench in New Jersey for over a decade. He has been nominated by President Obama for a seat on the Third Circuit Court of Appeals. He brings exceptional credentials and experience that are second to none. But his nomination has been blocked without any criticism of his education, experience, or merit.

This wonderful example of America at its best came from a modest-income family. He has great academic credentials, excelling at Columbia University and Harvard Law School. He brings a rare blend of experience, clerking for a Federal judge, serving as an assistant U.S. attorney in Newark in 1985, and then working in private practice. He distinguished himself prosecuting bank fraud and white-collar criminals before rising through the ranks to become chief of the Narcotics Division. He moved on to serve as a U.S. district court judge in New Jersey. In that position, he has built up a wealth of experience, presiding over more than 4,000 cases in his courtroom.

He has received numerous honors and awards recognizing his work, among them, the Earl Warren Legal Scholar,

Thurgood Marshall College Fund Award of Excellence, Garden State Bar Association Distinguished Jurist Award—the list goes on—Columbia University Medal of Excellence, chair emeritus of the Columbia College Black Alumni Council.

Judge Greenaway has spent his career protecting the people of the State of New Jersey. Despite his critical bench responsibilities, he has always found time to give back to the community. He teaches criminal trial practice classes at Cardozo Law School and courses about the Supreme Court there and at Columbia University.

Judge Greenaway will be an outstanding addition to the bench. The American Bar Association rated him "unanimously well qualified" for this position. That is why he was passed unanimously out of the Judiciary Committee. Not one Republican on that committee dissented. There was not one vote against him. Yet Judge Greenaway has been sidelined for over 4 months, waiting for a vote on the Senate floor, despite the need to fill that position. Every time we try to schedule a vote, Republicans have objected.

I am pleased to note there has been consent to go to a vote on Monday evening. The wait has been long. It has been tortuous. There can't be any understanding of why. With all the wonderful accolades Judge Greenaway has had for his work, his experiences, his climb to the position he has had, what could be objected to? I say, if he is not acceptable in our colleagues' eyes, speak up. Vote against him. Show the American people why this educated, brilliant legal scholar is not fit to serve.

Obstructionism last year led to the lowest number of judicial confirmations in more than 50 years. It is time for this to end, and it doesn't end with a vote on Judge Greenaway. There are lots of positions that have yet to be filled. I wish to say to those who hear this or understand otherwise what is going on, this man, people like him, and our country deserve better.

When a confirmation is blocked, it is not just one judge who suffers. The whole system suffers under the weight of vacancies in the judiciary. The American people suffer with longer waits for justice in overburdened courts.

The Third Circuit Court has a vacancy that needs to be filled. It is time for our friends—Republican Senators who I know love their country—to stop obstructing things, when we have well-qualified nominees, and allow the Senate to confirm them without further delay.

When we have objections that are purposeful, come to the floor, explain why, and explain it honestly and frankly in front of the American people. But to hide behind objections reminds me

of what we used to call people who refused to serve: conscientious objectors. That says something in that phrase. I heard it often in America when I was in uniform as a soldier. Conscientious objectors, people who objected because they have a conscience. If that is the case, and if we relate that to the current condition here, then let people who want to object come up and explain why exactly it is they don't want to vote. But, again, I am pleased our Republican colleagues have seen there was no longer any purpose in delay.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I wish to join my colleague from New Jersey and speak for just a few minutes about Judge Greenaway. I had come to the floor in hope and expectation that we could actually go to his nomination this afternoon. I am pleased we will get a vote on Monday but, even still, this process has taken much too long.

This is a nominee for the Third Circuit Court of Appeals who has about as good as it gets in terms of bipartisan support. At the age of 40, he became a U.S. district court judge. Then, he passed by unanimous consent of this Chamber—Republicans and Democrats alike, unanimous consent. Now he passes out of the Judiciary Committee by, again, a unanimous agreement. Yet he has been held up for months on the Senate floor. Why? Simply because you can?

That is not acceptable. It is not acceptable, when I have heard my colleagues on the other side of the aisle for years talk about an up-or-down vote: Give us an up-or-down vote on a nominee, particularly a nominee who is eminently qualified, who is non-controversial by virtue of the fact that he has achieved the ability to be agreed to in terms of his nominations, both past and present, as it relates to the Judiciary Committee without qualification, without objection.

So it is clear that up to this point the obstruction of this nominee is not about what is right for the Nation; it is not about acting in the best interests of an overburdened judicial system; it is not about ideology; it is not even about Judge Greenaway. It is about the politics of obstruction. That is consequential to the judicial system and to our citizens who depend on that system for the administration and delivery of justice. This is more than a nominee; it is everyone who is waiting for their cases on appeal.

I will point out to my friends on the other side that, hopefully, when we go to Monday's vote, we will understand that on countless occasions, they argued for an up-or-down vote, demanding that a simple majority vote on the President's nominees is all that is necessary, a position diametrically opposed to their position today. I recall

they went so far as to proclaim that filibusters of the President's nominations, particularly for the court, were unconstitutional, and they threatened what we call the nuclear option. I ask, again, which is it? Do my friends on the other side believe it is right that filibustering the President's nominees is unconstitutional or is the question what do they believe will work for them at any given moment?

So we are looking for this up-or-down vote. I don't hear arguments of the unconstitutionality of filibusters now, and I submit to my friends you can't have it both ways. I urge my colleagues to—I know there will be a unanimous consent request offered. I suspect it will be approved. If not, I will return to the floor and have more extensive remarks on this issue.

It is time for this nominee to the Third Circuit Court of Appeals to get a vote, up or down. This is an eminently qualified nominee. My colleague from New Jersey, Senator LAUTENBERG, talked a lot about his history. There is even more. This is a superb nominee. If this nominee can be held up for months, I can only imagine what we are in for as we move forward. At least when it comes to nominees of New Jersey or the district in which New Jersey is involved, I intend to come to the floor each and every time. But I look forward to some success here, at least today, and being able to make our system of justice actually work for our citizens and for that we need judges and justices in place.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. No, we are not.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 2977 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, since we are technically under 30 hours of debate on the nomination of Patricia Smith to be Solicitor of Labor, I will rise in opposition to that nomination, as I did yesterday. I will elaborate a little on my concerns about the personal privacy violations in a program she created in 2009 called the Wage and Hour Watch.

The Wage and Hour Watch program recruits and trains union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of wage-and-hour law. The State of New York gives participants materials to disseminate and official cards identifying them and their group

as being part of the program for when they enter businesses and speak with employers and employees.

As part of this process, union and community organizers were directed to gather personal telephone numbers, vehicle license plates, and home addresses of business owners, as well as details about the employees working there. These are people with 1 day's training and a special card from the government. Labor organizers and community activists were allowed to use this information for their own organizing activities.

State identification cards were provided to individuals from various unions and community organizing groups to investigate businesses—but the State conducted no background checks on those they trained and provided identification cards to. Is this the kind of program we could expect Ms. Smith to federalize if she is confirmed as Solicitor?

Another deep concern to me is how Ms. Smith described the decision not to conduct any vetting or background checks for Wage and Hour participants who could collect this personal information. When Ms. Smith was questioned about this by the HELP Committee last year, she explained that "there is no formal vetting process for the New York State Department of Labor to partner with any entity. . . . The Department did consider the possibility of background checks on the groups but ultimately rejected that idea after inquiring as to whether Neighborhood Watch groups are subjected to background checks. The Department was informed that the groups participating in this more sensitive crime prevention partnership were not subject to a check."

Ms. Smith explains the lack of a background check because the program is modeled after the National Sheriff Association's Neighborhood Watch program. However, unlike Wage and Hour Watch, Neighborhood Watch is purely an observe-and-report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information and investigating OSHA violations.

For all of these reasons, I have grave concerns about Ms. Smith's decision to allow those who may have criminal records or may not be legal residents of the United States to be trained and gather information under the auspices of New York State authority.

These instances reinforce the serious reservations I hold regarding Ms. Smith's judgment, competency, and ability to lead the Solicitor's Office. I urge my colleagues to oppose this nomination for those reasons.

I want to also elaborate on my concerns about her agency's treatment of small businesses.

Ms. Smith's Wage and Hour Watch program specifically targets small- and medium-size businesses, including, for example, supermarkets, laundromats, nail salons, for State-authorized investigations by unions and community groups. Five trade associations representing small- and medium-size businesses wrote to Ms. Smith to question her agency's decision to target them and launch her program without any input from them. To quote them:

The image painted by the Department of Labor in its January 26 release is of a posse of activists, duly deputized by the weighty imprimatur of the Department, demanding access to any employer in the state whom they have chosen either at random, or by prejudice.

Notably, the program had been launched and in existence for 2 months before she met with the trade associations. The New York Post characterized the program as "vigilante labor justice" targeting small business.

In documents produced to the committee, we also find that there is a culture in the New York State Department of Labor where bureaucrats often feel little responsibility for treating business fairly. For example, when a reporter misquoted Ms. Smith's Deputy and protégé, Terri Gerstein, she responded in an e-mail:

I never have said that any part of our job is to protect employers against employees who abuse their rights. I have been in this field for 15 years, and I have never said anything like that. Employers have attorneys who can play that role. All the workers have is us.

Small business doesn't just run out and hire attorneys, and they are not used to having people come in at random and flash cards and take a look at their business.

In announcing the Wage and Hour Watch program, Ms. Smith stated her opinion of the business community as follows:

And as the economy continues to reel, businesses find any way they can to cut corners. Unfortunately, this is often at the expense of the workers who keep them going. . . . The future is now, it's here, and today the Labor Department expands its field of battle.

I have found that whether it is employees or employers, there is probably about 1 to 1.5 percent that will do the wrong thing no matter what the law is. We have to set up mechanisms to make sure that doesn't happen and that people are properly treated. But to assume they are all going to cut corners and harm employees is the wrong approach. Moreover, according to internal e-mail, the program was designed for "community enforcement" and created by organized labor, allied public interest groups, and her Deputy without any consideration of small business.

There are also questions whether the State honors its commitments to business. Ms. Smith met with the trade associations concerned about Wage and

Hour Watch in March 2009—2 months after it started—and personally committed to banning the pilot participants from promoting their individual organizations simultaneously with Wage and Hour Watch activities. The official documents received from New York, however, do not show this agreement was implemented and, in fact, appear to show the Department allowing the groups to continue these activities.

These instances reinforce the serious reservations I hold regarding Ms. Smith's judgment, competency, and ability to lead the Solicitor's Office—more reasons I oppose her nomination.

Leaving aside the clear inaccuracies of her testimony to the Senate, you will recall that I spoke extensively on that yesterday, where she gave us testimony and then we gave her a chance in written questions to correct her testimony. She did not. So there are also concerns with Commissioner Smith's ability to be a fair arbitrator and enforcer of our Nation's labor laws. In every instance I am aware of, Ms. Smith has shown herself to be a trusted ally of organized labor and even allows them to participate heavily in the formulation of her agency's initiatives.

Indeed, the State of New York's official records show that two of the pilot groups for Wage and Hour Watch, a senior union organizer and a public interest entity financed in part by unions, were heavily involved in developing all aspects of the Wage and Hour Watch program, including participant eligibility, program documents, training, and press strategies.

One of the union's written work plans stated they were going to use Wage and Hour Watch in "all of our organizing campaigns," including those outside their designated area.

Also, a food and commercial worker union's newsletter states plans to specifically investigate "nonunion" groceries as part of the Wage and Hour Watch.

The cochairman of the State's Wage and Hour Watch program is the president of a union.

Several program expansion applicants have as their sole purpose union organizing.

State officials also planned to ensure upstate trade unions would be eligible.

Documents also show the New York Labor Department allows unions to participate in the wage-and-hour law investigations, including interviews of workers with potential claims.

Ms. Smith's interaction with some of the organized labor allied groups goes back to when she headed the labor bureau for then-New York State Attorney General Elliott Spitzer. Records show these same groups teaming up to coerce neutrality agreements and organize business.

With the Wage and Hour Watch program, union organizers now had official State identification cards they could

use to enter any business in New York—possibly allowing them to avoid nonsolicitation laws or policies—to gather information on employers and employees. The unions were allowed to contact employees or employers at their homes or at the business as part of "community organizing."

Ms. Smith twice also attempted to alter a longstanding legal position to restrict charter schools for the benefit of organized labor—once while in the Attorney General's Office in 2007 and again when she became Commissioner of Labor. In both instances she was reversed by a court.

Commissioner Smith also maintains a senior executive for outreach solely to organized labor—currently staffed by someone who worked for 23 years for the AFL-CIO in organizing and with the SEIU. Notably, there is no such equivalent role for outreach to small business or nonunion employees.

While I appreciate that organized labor is an important stakeholder in New York, this record of favoritism, including allowing union organizers to participate in State labor law enforcement, strikes me as clearly inappropriate. Indeed, I cannot imagine how my colleagues would react if a Republican nominee in a future administration deputized trade associations to investigate or enforce laws with regard to unions.

As you can tell, I have grave concerns about this nominee because of these actions. But having also learned that she misled the Senate, and then didn't correct her answers when she got the chance, I cannot support her. I urge my colleagues to oppose Ms. Smith.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, after holding 20 townhall meetings in my home State of Oregon over the past month, I can certainly report that people are hungry for good economic news, particularly news about job creation growing our economy. Our people want fresh ideas that work, and clearly they are saying, and saying passionately, that it is time to set aside government that doesn't work for them.

That is why I am proud to come to the floor this afternoon and talk about a positive economic development—a



development that has far exceeded the projections and the hopes of those who advocated for it—and that is the Build America Bonds program. Build America Bonds works, and it works because it puts our people to work at good-paying, family-wage jobs.

Mr. President, when I started working on Build America Bonds about 6 years ago with a number of colleagues on the other side of the aisle, it was because I believed there was bipartisan support for shoring up our Nation's crumbling infrastructure and, at the same time, getting our economy back to work. It is a fact that investing in infrastructure, dollar for dollar, is one of the best economic multipliers we have in our country, and it is a way to jump-start economic growth.

As communities deal with the recession, I and my colleagues on the other side of the aisle want to give our communities new tools to finance essential construction projects. What Build America Bonds has always been about is not taking any of the tools out of the toolbox we have today, but putting in some additional ones for our communities. Build America Bonds is certainly not a replacement for direct Federal spending on infrastructure, but I think all people who have looked at this subject understand the need is so great for roads and bridges and water systems and schools that we ought to be looking for all cost-effective, efficient ways to fund this essential infrastructure that does have bipartisan support in the Senate.

To report, we thought that maybe getting the Build America Bonds Program off the ground would result in somewhere in the vicinity of \$5 to \$10 billion worth of additional investment in infrastructure. The program was authorized as part of the stimulus legislation. It did not get off the ground until the middle of the next year, and my colleagues and I thought perhaps the \$5 to \$10 billion of Build America Bonds that were authorized would allow us to make the case that when the program expires at the end of this year we could call for its renewal.

When the year wrapped up, the figures showed that almost \$64 billion worth of Build America Bonds had been issued. In fact, a number of independent experts say that Build America Bonds are now the hottest, most attractive vehicle in the municipal bond market.

In my home State of Oregon, it has been proven time and time again that private money follows public investment. People get back to work building a bridge, for example, and all the businesses near the construction site get more activity from the people who need their services. Once the project is finished, private investment follows the public investment. That bridge makes it easier for folks to get to work or take their kids to school, and communities grow.

As I mentioned, this bill has a long bipartisan lineage. Then-Senator Talent joined with me about 6 years ago for this program. The program would have created a Federal tax credit bonding program to fund investment in transportation infrastructure. Since then, our colleague Senator THUNE and four others on both sides of the aisle have joined us to make sure the Senate was on record as saying we can find sensible, commonsense, nonpartisan solutions that address the basic needs this country has to a great extent overlooked.

I have mentioned to date more than \$60 billion worth of these innovative bonds have funded hundreds of projects in 39 States—fixing our roads and bridges, rebuilding our schools, upgrading our utilities. These are projects that have been funded, I advise my good friend from Delaware, because we had a lot of discussion about exactly what works in infrastructure and what does not.

On top of this \$60 billion of Build America Bonds infrastructure investment, we have seen \$80 billion of direct Federal infrastructure spending that was included in the Recovery Act. So you have a one-two punch now for the first time to mobilize all possible resources to fund infrastructure. You have a significant investment in what is called direct spending. I particularly appreciate what a number of my colleagues on the Appropriations Committee have done in this area, particularly Senator MURRAY, who has championed our cause in the Pacific Northwest with respect to infrastructure. Senator HARKIN, the chairman of the Pensions and Labor Committee, also has done a great job in school construction.

I want it understood that those of us who support Build America Bonds see the bonds as a complement to the outstanding work a number of my colleagues whom I have mentioned are doing. This is not to supplant that kind of direct spending effort but to shore it up, to offer additional assistance, particularly additional assistance when the need is so great.

As our proposal was developed, we had an opportunity to work with Chairman BAUCUS and Senator GRASSLEY, the chair and ranking minority member on the Finance Committee, because we wanted to make sure this effort continued to be bipartisan at every step of the way. I am very grateful that Chairman BAUCUS and Senator GRASSLEY in effect gave us a chance to jumpstart this idea, to get it off the ground.

The reality is, I suggest to my colleague from Delaware, the Federal Government has never bonded in the transportation area. A lot of States and communities wonder if they would even exist without bonds, but the Federal Government had never bonded in the transportation area. We, our bipar-

tisan coalition, believed a tax credit bond could be especially effective. But because Chairman BAUCUS and Senator GRASSLEY were willing to bet on our bipartisan coalition, our coalition that said Build America Bonds are going to be an efficient tool, we saw all the predictions for the success of this program exceeded. The reality of Build America Bonds blew past the predictions like a bullet train. Build America Bonds sold like hotcakes, getting desperately needed funding going into local communities, creating jobs, and helping to strengthen our infrastructure.

As I have suggested, anyone concerned that in some way this bond program would displace current assistance on infrastructure ought to look at the numbers I have cited. Under the Recovery Act, there was \$80 billion for direct Federal infrastructure spending. It has been spent on infrastructure or will be spent within the next year. And Build America Bonds were sold on top of that assistance.

Here are some examples of Build America Bonds quickly putting folks to work. In Oregon's Dayton school district, they used Build America Bonds to employ up to 150 people building and remodeling classrooms. By using Build America Bonds, the school district saved an estimated \$1.2 million in interest costs. It is a small school district. Those kinds of savings make a difference.

Communities in Wisconsin have also used Build America Bonds. One small community used them to lower their financing costs by 2.3 percent, allowing them to turn plans to upgrade roads, sewers, and buildings into reality. One of their leaders told *Business Week* magazine that without Build America Bonds, "some projects might not be done" and "there would be less employment."

Recently a CBO/Joint Tax Committee report highlighted a number of other benefits from Build America Bonds. CBO and the Joint Tax Committee found that tax credit bonds, like our Build America Bonds, are more cost effective than tax-exempt bonds. The report also concludes that because the bonds are more attractive to investors, they are more efficient at raising capital. This saves municipalities time and money and effort that can be spent on other priorities. Aside from the fact that the funds are raised efficiently, what I have heard again and again—and I think this is what colleagues are going to be looking at when it comes to infrastructure investment—Build America Bonds get the job done quickly. Because they have to adhere to Federal spending guidelines, all of the bond funds have to be spent within 2 years of the date the bond is issued. This means that money is not just flowing into projects, it is being spent in the short term, paying to build roads and bridges and other infrastructure and putting folks back to work



quickly. That is the kind of bang for our buck that Americans are hungry for right now. That is what Build America Bonds deliver.

Back in the days before Build America Bonds were issued, the market for normal municipal bonds was almost frozen. It was very hard to sell municipal bonds. It certainly didn't mean the need for financing infrastructure was not there, it was just very hard to get them through the traditional bond market. Build America Bonds have changed that. The private sector, folks who represent the country's largest businesses—the Chamber of Commerce and National Association of Manufacturers—have been strong supporters of it. Many of the labor groups, the trades in particular, have been supportive of it because clearly business and working families need a working infrastructure to give businesses the security they need to think long term about their future.

But it is not just businesses that buy Build America Bonds. Nonprofits, like pension funds, have also found Build America Bonds an attractive investment. Although nonprofits cannot benefit from the tax credits, bond issuers can pass on the value of the tax credits in the form of a higher interest rate for Build America Bonds than other types of bonds. By contrast, traditional tax-exempt municipal bonds are not a good investment for pension funds and other institutional investors that do not pay taxes. So Build America Bonds are especially attractive as a way for nonprofits to invest in American infrastructure that traditional tax-exempt bonds do not provide.

I am not surprised, and I think the judgment I have made would be shared by colleagues on the other side of the aisle because a lot of them have been involved over these last 6 years—we are not surprised that Build America Bonds are reinventing the municipal bond market. They have been a good deal for our communities and for all types of investors. They have freed up financing for badly needed infrastructure construction and ensured long-term economic growth. In some cases these bonds, according to people in communities across this country, make the difference between whether infrastructure projects are actually going to get done. In other cases they lower the cost of the projects and allow communities to reinvest those savings in other projects.

By any scenario you look at with respect to this program, this is one that helps local governments, local businesses, and the people who rely on infrastructure for jobs and economic security. My view is that is exactly the kind of solution folks are asking for from the Congress at this time. It is fine to speculate about programs you wish to have considered and you will look at down the road to see if they ac-

tually produce. The Obama administration now wants to make Build America Bonds permanent because they have seen the extraordinary response our country is demonstrating. Build America Bonds have produced, and they have produced exactly what was intended: a prompt infrastructure investment in an efficient fashion.

I express my appreciation to Chairman BAUCUS. Under his leadership the Finance Committee, on which I am honored to serve, is currently looking at expanding and improving Build America Bonds in the upcoming jobs bill. I told Secretary Geithner this morning that I had appreciated his leadership and the administration's leadership on this issue.

We have some questions about how to proceed—for example, whether, as I would like, Build America Bonds should be devoted to new job creation as opposed to assistance for operating expenses and other areas. But the bottom line is those are the kinds of issues that Democrats and Republicans here in the Senate can take on in a bipartisan way. What we know is we have something that is working, that is making a difference in this critical infrastructure area, and that literally has 6 years worth of bipartisan history where Democrats and Republicans have come together on an issue that is extraordinarily important to our Nation.

If we keep working together on good ideas such as Build America Bonds, by the time the current economic storm passes our country's infrastructure will be finally ready to support a strong, healthy economy that lies ahead for our Nation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATIONS

Mrs. FEINSTEIN. Mr. President, I come to the floor as the chairman of the Select Committee on Intelligence to speak on two nominations that have been before our committee. Both of these nominees have been unanimously passed out by our committee.

The first is the top person for intelligence and analysis at the Department of Homeland Security. Her name is Ms. Caryn Wagner. Second, Ambassador Phil Goldberg, who is nominated to be Assistant Secretary for Intelligence and Research at the Department of State.

These nominations are critically important to the safety and security of this Nation. These are the top intelligence officials in two different departments. There has been an objection

to a unanimous request from the other side on the question to confirm these nominees. The majority leader of the Senate has come to the floor twice to implore, to request, to ask that these two nominees be approved because these are top intelligence people for the respective departments.

We just had a national threat hearing, a world threat hearing in the Intelligence Committee, open to the public and press, this afternoon. I asked the question: What is the possibility of an attack against the homeland in the next 3 to 6 months? Is it high? Is it low? Director Blair; Director Panetta; Director Mueller of the FBI; the head of the Defense Intelligence Agency, General Burgess; the acting head of the INR, the intelligence agency of the State Department, Ambassador Dinger—every one of them said that there will be an attempt at an attack. The threat is high. Yet we cannot get confirmed two top people whose job it is to see that the analysis of this intelligence is correct.

Let me speak for a moment about Caryn Wagner. She has had a distinguished career in public and private service that has prepared her to be the Under Secretary of Homeland Security for Intelligence and Analysis.

We just had an attempted Christmas attack on the homeland. Ms. Wagner is the top person of that Department to deal with the intelligence related to exactly this—protection of the homeland.

You might think, well, is there a problem with the nominee? And the answer to that is no. She is currently an instructor in intelligence resource management for the Intelligence and Security Academy. She was hired from the House Permanent Select Committee on Intelligence. Prior to that, she served as the Assistant Deputy Director of National Intelligence for Management and as the first Chief Financial Officer for the National Intelligence Program. She assumed this position after serving as Executive Director for Intelligence Community Affairs.

She also previously served as the senior Defense Intelligence Agency representative to the U.S. European Command and the North Atlantic Treaty Organization, as well as Deputy Director for Analysis and Production at the Defense Intelligence Agency. She was also formerly staff director of the Subcommittee on Tactical and Technical Intelligence on the House Permanent Select Committee on Intelligence and a signals intelligence and electronic warfare officer in the U.S. Army.

She has been an intelligence official all of her professional life. She is serious. She is capable. She is a good candidate for the position of Under Secretary of Homeland Security.

We held a confirmation hearing on Ms. Wagner's nomination on December

1. Given the overlapping interest of the Homeland Security Committee, the Homeland Security and Government Affairs Committee held a hearing on her confirmation on December 3. There were no issues with her nomination in that committee.

The position to which she is nominated is the top intelligence position in the Department of Homeland Security. The main responsibilities of this office are to ensure that information related to homeland security threats are collected, analyzed, and disseminated to homeland security customers in the department at the State, local, and tribal levels.

So this is an important job. There is no one in it. We have just had an attack, and the chances of another attempted attack in the next 6 months are high. Yet somebody on the other side—I suspect for political reasons—is holding her up. It makes no sense, if you want to protect this Nation, to hold up this position. I hope whoever it is will come to the floor and explain why they are holding up this nominee, a woman who has had a lifetime dedicated to intelligence, who would be the top intelligence person in the Department of Homeland Security. One person holding her up, vetted by two committees, Intelligence and Homeland Security, without a negative vote at Intelligence. Why would someone hold her up? For their own agenda? Is it appropriate to hold her up for someone's own personal agenda, when you have the top person in that department responsible for intelligence, at a time when we have just had an attempted attack? I think not.

The Under Secretary of the office leads efforts to collect and analyze intelligence, to see that it is shared appropriately and provided to other intelligence community agencies. The Under Secretary provides homeland security intelligence and advice to the Secretary, as well as to other senior officials in the Department, and serves as the Department's senior interagency intelligence representative. They have no one right now. It makes no sense to me.

In short, this individual, the Under Secretary for Intelligence of the Department of Homeland Security, is responsible for ensuring that intelligence relating to a threat to the United States is acted upon. That spot is vacant. From an intelligence point of view, this is quite terrible. It is deleterious. It is not right for this body to hold up this nominee.

Unfortunately, the Office of Intelligence and Analysis has experienced numerous problems in its short tenure. Let me note some: The office's ill-defined planning, programming, and budgeting processes; a gross overreliance on contractors, to the point that 63 percent of the workforce was contracted out as of this summer; and a

lack of a strategic plan. These are three major problems for which the Under Secretary needs to get on board. The Under Secretary needs to solve these problems.

On a number of occasions, the office has produced and disseminated finished intelligence that has been based on noncredible, open-source materials or focused intelligence resources on the first amendment-protected activities of American citizens.

So what is my bottom line? The office is in need of strong leadership from an Under Secretary with an extensive background in management of intelligence. The Intelligence Committee is confident Ms. Wagner is such a person. She is up to the challenge. She testified that, if confirmed, among her first tasks will be to review a draft plan to restructure and refine the office's mission, which will be a good first indication of how Ms. Wagner will manage the organization. We should get cracking. We should get it done. We should get this spot filled.

I, respectfully, ask that if there is something we do not know, that the Homeland Security Committee does not know, that the Intelligence Committee does not know, that the person holding her up come to the floor and tell us what it is. It is a significant deficit not to have this position filled.

Let me turn to the nomination of Ambassador Philip Goldberg to be Assistant Secretary for Intelligence and Research at the State Department. Again, the Intelligence Committee had a hearing. We unanimously approved Ambassador Goldberg's nomination on December 10, the same day we reported out Ms. Wagner's nomination.

Ambassador Goldberg has a distinguished 20-year career in the Foreign Service, where he has served as the charge d'affairs and deputy chief of mission in Santiago, Chile; the chief of mission in Pristina, Kosovo; and in the U.S. Embassies in Bogota, Colombia, and Pretoria, South Africa. Ambassador Goldberg is a graduate of Boston University and, before joining the Foreign Service, he worked for the city of New York.

From 2006 to 2008, he served as Ambassador to Bolivia, during a period of heightened tensions between our two countries.

In mid-September 2008, President Evo Morales accused Ambassador Goldberg of supporting opposition forces, declaring him persona non grata, and expelled him from the country.

The Intelligence Committee carefully reviewed Ambassador Goldberg's conduct in Bolivia. We have found he acted appropriately during his tenure and carried out the policies of the U.S. Government. In fact, an inspector general report on the Embassy, published in September of 2008, gave Ambassador Goldberg and his deputy high marks, stating:

The Ambassador and the deputy chief of mission (DCM) provide clear policy guidance and leadership . . . [They gather] input and the advice from their staff, forging an excellent working relationship among all agencies and sections at post.

After Ambassador Goldberg's expulsion from Bolivia, the State Department strongly defended the Ambassador, both in the public press as well as in internal memoranda. In short, the Intelligence Committee believes Ambassador Goldberg acted professionally and bears no blame for the Bolivian decision to expel him.

Since June of 2009, Ambassador Goldberg has served as the coordinator for the implementation of United Nations resolution 1874, which imposed economic and commercial sanctions on North Korea. In this position, he has relied on sensitive intelligence reporting to build a diplomatic consensus to search North Korean cargo.

Ambassador Goldberg appeared before the Intelligence Committee for a confirmation hearing on December 1, 2009. Given its jurisdiction over the State Department, the Senate Foreign Relations Committee also held a hearing on Ambassador Goldberg's nomination on November 19, 2009. No problems with the nomination were identified.

The unanimous view is, Ambassador Goldberg is an experienced professional who is very capable and ready to assume his new duties.

The position of Assistant Secretary for Intelligence and Research is a unique one in the intelligence community. The bureau, which we refer to simply as INR, produces all source intelligence analysis to advise the Secretary of State and other senior policy officials and presents an important viewpoint in the internal deliberations of the intelligence analytic community. INR analysts are highly expert in their fields and often improve the quality of coordinated intelligence assessments by challenging the views of other agencies and, if necessary, dissenting from consensus judgments, if they believe them to be incorrect or unsubstantiated.

I first came to appreciate INR's independent-minded approach in 2002, when its analysts dissented from the official judgment of the intelligence community regarding Iraq's weapons of mass destruction. INR analysts expressed less certainty regarding the claim that Iraq was reconstituting nuclear weapons, believing that Saddam Hussein's pursuit of aluminum tubing was not for nuclear purposes.

History, of course, proved the INR analysts to be correct, as Iraq was not reconstituting a nuclear weapons program.

Bottom line: Ambassador Goldberg is well qualified, and the position for which he has been nominated to fill is an important one within the intelligence community. There has been no reason put forward why he should not

be confirmed. Two committees have held hearings. The Intelligence Committee recommended his confirmation unanimously. We did for both these nominees. Yet there is a hold on the other side of the aisle.

As chairman of the Intelligence Committee, I believe it places our Nation at a security disadvantage. I urge that change. I urge that whoever has the hold, if they have something that is consequential against either one of these nominees, do the honorable thing. Come to the floor of the Senate, express your objections. Have the debate and dialog on the ability, the experience, the doings of these two people. They are superbly qualified. Neither one of these was plucked out of some political community and thrust into these positions. They have both been dedicated professionals. That is one of the reasons why this hold is so difficult to understand.

I wish the Senate to know that the Intelligence Committee, which I am proud to chair, takes its responsibility to review the President's nominees to positions requiring Senate confirmation very seriously. Our process is thorough and bipartisan. The staff does an investigation. The documents are reviewed. The hearing is held. Written questions are sent. Written questions are answered. The questions and their answers are read. The committee discusses it and votes. In this case, three committees have reviewed these two nominees. The Intelligence Committee has found them qualified for their positions. Yet they are held up.

Consider that on Christmas Day we had someone who tried to explode a device, a device which will be perfected, which will be used again, which is basically impossible to find by a magnetometer in an airport, which will be used again, and that intelligence professionals assess with confidence that we face another attack. We ought to get these positions filled.

Unless there is some reason why these two nominees are faulty, if they are not qualified, if they have done something wrong, then I say come to the floor and oppose them openly. But "time's awastin'." These positions have to be staffed. This country has to be protected. Our intelligence professionals need to be in place. In two departments, we have two high-level positions relating to intelligence that are not filled and should be filled and these nominees are waiting.

So I hope someone is listening. I hope, somehow, someday, this will make a difference. And I very much hope we will be able to confirm both of these nominees—reviewed by the Foreign Relations Committee, one; by the Homeland Security Committee, the other; and reviewed and approved by the Intelligence Committee, both.

Thank you very much, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. HARKIN. Well, Mr. President, here we are. It is about 5 minutes to 6 p.m. We have been here all day today postcloture on Patricia Smith. Again, to recap why we are here—I am not certain why we are here but to recap the fact that we are here—Patricia Smith was reported out of our committee last year, was held up to be the Solicitor for the Department of Labor, and finally we had to file cloture because she was being filibustered. That cloture motion ripened last night and we had a cloture vote last night. Sixty people voted to end debate and bring her up for a vote. Well, under the rules of the Senate, there is then 30 hours of debate. So we have been here. It has been nearly 30 hours.

We have been here all day today, and, as I understand, only one person showed up today to talk against her nomination. That was my colleague and good friend, Senator ENZI from Wyoming, the ranking member of our committee. I looked at the transcript of what he said, and basically it was just about what was said yesterday. Nothing new came out today. I know Mr. ENZI opposes her nomination. That is no secret. It is his right to do that. But here we are using 30 hours and only one person today has come over to speak against her.

So, again, I just say this to inform the public that here we are, the lights are on, the electricity is running, the bills are going up, and we are here for no good reason whatsoever. We could have voted on the nominee last night. We could have voted this morning and moved on to other business. There is other business before the Senate that needs to be attended to. But the Republicans have decided under their leadership to slow everything down.

I have heard it said by the leadership on the Republican side that the public wants them to stop bad legislation. That is why they use the filibuster. Well, this is not legislation. This is a person to be the Solicitor for the Department of Labor, and obviously she has more than enough votes to get confirmed. She is eminently well qualified. She has a broad swath of support. Again, they can filibuster, but we had the vote on that last night to end the filibuster. But, again, it is their right under the rules—I am not denying that—it is their right to drag it out for 30 more hours. But to what end? To what purpose? Has more information come out about Ms. Smith that might

change somebody's mind on how they are going to vote, whether she should take this position? No, nothing more has come out, no new information. So here we are wasting time, slowing everything down. The public has to know this. People out there are frustrated because we are not getting anything done. This is a perfect example of how the Senate has become dysfunctional—dysfunctional. Here we are for 30 hours doing absolutely nothing, to no end whatsoever.

Usually, as to the 30 hours after a cloture vote has been had, people will say: Well, there is new information. We have to bring out something new. We can maybe change some votes.

Nothing new has come out and nothing new will come out. She has been thoroughly vetted since last April, almost a year. She has responded to every written question. She has responded to any personal request to meet with her. So everything is out there in the open. Yet the Republicans insist on dragging it out for 30 hours. Again, the public has a right to ask why. Again, to what end? To what end are we dragging out the 30 hours? Well, I guess the end is to try to keep us from doing anything else.

As President Obama said in his State of the Union Address, just saying no is not leadership. Just saying no is not leadership. That is all we are hearing from the Republican side—no to everything. Well, it is all right if they want to say no, but at least let's vote. Let's vote.

It is very frustrating—very frustrating. I know they can use the rules, but you can also abuse the rules. The filibuster is being abused. It used to be used only for weighty measures in which there was a true disagreement and for which, perhaps, some could be swayed one way or the other through the debate and arguments that came forward on the floor—not for nominations. So everything is slowed down.

I also wish to say a few more words on behalf of Patricia Smith. Again, we have not heard anything new during these 30 hours. There was one thing my colleague and friend Senator ENZI said today that I do want to respond to. Again, it was nothing new, but it was just said again today about this Wage Watch that was instituted in New York as a pilot program, about how they were going to investigate and go into businesses and all that kind of stuff. Again, I do not want to repeat what somebody lower down has said. I want to know what Ms. Smith herself said about it.

Here, as shown on this chart, is an e-mail from Commissioner Smith—right now from her—dated January 15, 2009, when they were starting up this program. Here is her e-mail—not some underling's, not some staff person's, but Ms. Smith's, who is the subject of the nomination—

Wage Watch groups will be conducting activities which promote labor law compliance . . . including handing out leaflets about labor laws to workers at community events or supermarkets; giving know-your-rights training to workers; talking to workers at restaurants and other businesses open to the public; and talking with employers about labor law compliance.

Please note that the groups and individuals who participate as Wage Watchers will not be agency employees or official representatives of the Labor Department. They are not replacing staff and they are not going to be conducting investigations of any kind. Their role is limited to doing outreach and community education, and to reporting any violations they encounter to the division.

So that is what the Wage Watch was set up to be. But, again, we keep hearing all of these accusations about vigilantes and all that kind of stuff. They are not empowered to enter any place of business unless the employer lets them or unless it is a place of business where the general public can go such as a restaurant, a Wal-Mart, whatever—stores. Wherever the public can go, they can go, but they cannot enter a business that is not generally accessible to the public. I wanted to set the record straight one more time.

Again, if Ms. Smith were so bad, I would daresay you couldn't find a business group that would support her. I have here a whole bunch of letters from business groups in the State of New York where she is presently the labor commissioner extolling her virtues and her ability to work with the business community. Here is the Business Council of New York State. I won't read it all, but it says:

As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

He goes on to say:

Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair, and judicious in the use of the tools at her disposal to ensure compliance with New York's labor law.

Then he goes on further:

What is important to note is that under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid, and frequent.

I ask unanimous consent that the letter from Kenneth Adams, president and CEO of the Business Council of New York, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BUSINESS COUNCIL  
OF NEW YORK STATE, INC.,  
Albany, NY, August 14, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC 20510.

DEAR SENATOR ENZI: On behalf of the 3,000 members of The Business Council of New York State, I write in support of President Obama's nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor. As the president and CEO of a statewide business trade organization, I believe Ms. Smith is superbly qualified to assume the responsibilities of Solicitor General and urge the Committee's favorable disposition of her nomination.

As the Committee has the broadest access to Ms. Smith's resume and credentials, I write to add a perspective which often does not translate well from written documents or background checks. Ms. Smith's long tenure as an Assistant Attorney General of New York leading its Labor Bureau showed her to be thorough, fair and judicious in the use of the tools at her disposal to ensure compliance with New York's Labor Law. She carefully balanced the disparate issues before her and sought resolution as opposed to prosecution, when that result would serve the best interests of New York's citizens. And where blatant fraud, abuse and disregard for New York's Labor Law was evident, she did not rush for headlines and photo opportunities, but rather worked closely with appropriate officials to build a legal case which would withstand scrutiny and higher level appeals.

In her tenure as New York's Commissioner of Labor, Ms. Smith continued her vigilance and diligence on behalf of New York's citizens, again balancing the many different roles the Department of Labor serves in New York State. To those not familiar with the responsibilities of that Department, they may not understand the challenge it can be to manage an agency which issues unemployment benefits; must be vigilant about fraud in that \$2.5 billion unemployment system; engages with businesses and individuals to help put people back to work; manages a workforce development system designed to improve skills of our workforce; and, enforces rigorous minimum wage, safety and health, and various labor standards' statutes. At times, a Commissioner is asked to decide between what may seem to be conflicting goals and objectives; Ms. Smith always demonstrated to the business community a willingness to listen, to reflect and to respond.

To be sure, our organization did not always agree with the policy direction taken under Ms. Smith's tenure. But there are well-established processes through which we can pursue changes to policies with which we disagree. What is important to note is that under Ms. Smith's leadership, she made an extra effort to communicate directly with the business community, to elicit feedback, to provide us with a heads-up, and to balance our comments as she framed policy and practice within her Department. Her outreach to us and communication with us was open, honest, candid and frequent. While some may view her tenure as one of strict enforcement, with little regard to practical day-to-day business realities, our membership would disagree, as we believe she offered an opportunity to the business community to be a part of the solution, rather than just reacting to the problems.

New York's Labor Laws date back a century and reflect the seriousness with which policymakers then and now feel the law should protect workers and be responsive to their needs. That is the statutory and regulatory environment within which New York employers must operate. Where employers engage in fraud and abuse of employees, enforcement of the law is a duty, not an option. Ms. Smith has shown a clear ability to balance her duty as a public official to enforce the law and her obligation as a public official to ensure that the law provides for reasonable application and reasonable solutions.

It is those critical skills—listening, interpreting, and balancing—that make Ms. Smith an ideal candidate to serve as the United States Department of Labor's Solicitor General and I would ask that the Committee move on her nomination upon its return in September.

Should any Committee members benefit from further discussion on her nomination to which I can contribute, please feel free to contact me at your convenience.

Sincerely,

KENNETH ADAMS,  
President and CEO.

Mr. HARKIN. Mr. President, here is a letter from the Partnership for New York City. Again, I won't read it all, but it says:

As an advocate for businesses and economic development in New York for more than twenty-five years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

That is from the president and CEO of the Partnership for New York City.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 2009.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC.

DEAR SENATOR ENZI: I am writing in support of President Obama's nomination of M. Patricia Smith for Solicitor General of the United States Department of Labor.

The Partnership for New York City is an organization whose members include many of the nation's most prominent business leaders. Our mission is to work with government, organized labor and the not-for-profit sector to build a stronger city and state, with a focus on education, infrastructure and the economy.

During the past year, we have been particularly concerned about the threat that the global financial crisis and recession have had on the financial services industry, which is a key source of jobs and tax revenues for New York. Thousands of city businesses and workers, either directly or indirectly, have been casualties of this crisis. As New York State Labor Commissioner, Patricia Smith has been a strong voice and essential partner in addressing the issues arising from this crisis and helping to insure that New York remains the financial capital of the country and the world.

Ms. Smith acted decisively to mobilize New York, Connecticut and New Jersey to collaborate as a region with a shared interest in the recovery of the financial services

industry and keeping top talent here. She led efforts to secure a \$20 million National Emergency Grant that is currently helping thousands who have been laid off to train for new careers. She established a New York Early Alert/Retention Team to respond to small businesses in danger of closure, relocation, or financial crisis that would result in mass layoffs.

She has aggressively promoted programs that help employers retain productive workers during downturns and fund employer-sponsored worker training initiatives. She increased employer participation in the federal Work Opportunity Tax Credit (WOTC), which provides incentives to employers to hire people who are hard to employ. The Partnership strongly supports these programs, and every one of them has seen unprecedented success in New York City under Commissioner Smith's leadership.

As an advocate for businesses and economic development in New York for more than 25 years, I have had the opportunity to interact with many public officials. Ms. Smith stands out as one of the most dedicated and effective of our state commissioners and I consider her to be an excellent choice for the post that the President has selected her for.

We hope you will support her nomination and would be happy to answer any questions you might have about her work with the New York business community.

Sincerely,

KATHRYN S. WYLDE,  
*President & CEO.*

Mr. HARKIN. Here is a letter from the Manufacturers Association of Central New York:

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

It is signed by Randy Wolken, president of the Manufacturers Association of New York.

I ask unanimous consent that this letter be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MANUFACTURERS ASSOCIATION  
OF CENTRAL NEW YORK,  
*Syracuse, NY, September 11, 2009.*

Re Nomination of M. Patricia Smith as Solicitor General, United States Department of Labor.

Hon. JEFF MERKLEY,  
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR MR. MERKLEY: On behalf of MACNY, the Manufacturers Association and its members, I fully give my support to the nomination of Patricia Smith as Solicitor General of the United States Department of Labor.

MACNY is a trade association representing over 330 member companies with over 55,000 employees within a 19-county region, and we serve and advocate for the growth and development of the manufacturing sector of New York State. Founded in 1913, we pride ourselves on not only being the largest association of manufacturers in New York, but also one of the oldest and most widely recognized associations in the nation.

For Central and Upstate New York to retain its manufacturing base, manufacturers

must be able to compete in the global economy. Manufacturing strength is contingent upon the quality of the region's workforce. Manufacturers often cite the quality of the workforce as a key reason for business expansion and the lack of it as a reason for closing and/or relocating. Expanding the trained and educated manufacturing workforce is therefore crucial to the Upstate New York economy. As such, one of MACNY's core mission areas remains workforce development. Training programs help manufacturers educate workers and remain in Central and Upstate New York.

The Department of Labor under the leadership of Commissioner Smith has been fully supportive in our mission to enhance and improve our sector's workforce. Commissioner Smith and her team have been informative, helpful, and involved every step of the way, ensuring our membership has the tools, education and skills they need in order to succeed.

One such example is the partnership between MACNY and DOL on the successful Shared Work Program. Since its inception, MACNY has lent its support and continued to promote this beneficial DOL program. Through this unique and successful partnership, over 34 member companies have utilized and benefited from the Shared Work program, including Revere Copper Products, Endicott Interconnect and Manth Brownell, Inc.

In another similar partnership, in May of 2009, MACNY hosted a Workforce Development partnership meeting for the planning of reemployment services on behalf of Magna Power train, a longtime MACNY member and major market manufacturing employer located in Dewitt, New York. The meeting, in partnership with the Department of Labor, focused on the company's employees and the anticipated downsizings and possible future plant closure. Since economic and labor pool questions are regular inquiries from our membership, MACNY holds a vested interest in the related progress. As a result of this meeting, and with thanks to the expertise and hard work of the Department of Labor, MACNY remains readily available to promote an applicant pool and highly qualified resumes to their membership.

Commissioner Smith has also spent her tenure advocating on the federal level for funding in workforce development initiatives and continued Federal workforce training dollars, a cause that has greatly benefited MACNY's membership. Meeting with editorial boards and local officials, New York's Congressional delegation, as well as key Congressional committee members and staff, Commissioner Smith was able to draw attention to and oppose the 50% cut in New York's Workforce Investment Act (WIA) dollars since 2000. In recent years, MACNY has been grateful in securing federal funding for workforce and training initiatives, allowing members to receive discounted advanced skills training as a way to keep their costs down and advance their workforce. Without Commissioner Smith's tireless efforts in this capacity, this critical program would not be possible.

As earlier stated, for over 95 years MACNY has been tirelessly working to ensure we have the most up-to-date services and information needed to allow our manufacturing community to grow and prosper. In examples as cited above, plus many more, our collaborative partnership with the Department of Labor allows us to learn and educate our membership on how the state's workforce development programs can best help them. The

continued leadership of Commissioner Pat Smith in such instances has been exemplary, and our collective membership is grateful for both her and the Department of Labor's years of dedication to the state's manufacturing community.

It is Commissioner Smith's dedication, leadership, and innovative thinking that make her an exceptional candidate for Solicitor for the United States Department of Labor, and on behalf of MACNY, I fully support her nomination for this position.

If you have any other questions in this capacity, please do not hesitate to contact me.

Sincerely,

RANDY WOLKEN,  
*President.*

Mr. HARKIN. Here is a letter from the Plattsburgh North Country Chamber of Commerce. They said:

Since she assumed leadership of the New York State Labor Department in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

It goes on to say:

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

This letter is signed by Garry F. Douglas, president and CEO of the Plattsburgh North Country Chamber of Commerce. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PLATTSBURGH NORTH COUNTRY  
CHAMBER OF COMMERCE,  
*Plattsburgh, NY, August 10, 2009.*

Re Nomination of Patricia Smith to be DOL Solicitor.

Hon. MICHAEL B. ENZI,  
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: Our Chamber is the largest business and economic development alliance in northern New York and one of the five largest in our state, representing more than 3,250 companies. I have had the pleasure of serving as President and CEO since 1993, having previously served as Executive Assistant to former Congressman Gerald Solomon (R-NY 23) for fourteen years.

During my sixteen years of engagement in business and workforce development in this region, I have had many occasions to work with our New York State Labor Department in various efforts to assist employers and to design and implement meaningful workforce training programs. I am writing to tell you firsthand that until Patricia Smith was named Commissioner, we enjoyed an excellent working relationship with our local State Labor Dept. officials but enjoyed little leadership, engagement or even interest from the Commissioner's office.

Since she assumed leadership of the New York State Labor Dept. in 2007, we have enjoyed not only attention and engagement from Patricia Smith but a genuine working partnership.

This includes the design, funding and implementation of a three-year Aerospace, Transportation Equipment & Green Tech Workforce Strategy for our region, our first multifaceted approach to the creation of a

capacity in our region to attract and support employers in these targeted sectors. The creative approach features everything from support for the start-up of Plattsburgh Aeronautical Institute, an FAA-certified A&P mechanics' school, to further development of a new Global Supply Chain Management school at our local university, to the launch of new electronics and alternative energy technology programs at our community college, and more.

And although we are just beginning the second year of implementation under the three-year plan, the results are already tangible. Plattsburgh Aeronautical Institute is set to fully open its doors next month, and is already putting us in play in terms of marketing the former Plattsburgh Air Force Base for future aerospace activities. And Volvo/Nova Bus has just opened a new plant in our community with 300 employees for the production of transit buses in the U.S., a venture that would not have been feasible without the programs she helped us get up and running.

In these and other ways, Patricia Smith has worked with us to give true life to the notion of wedding economic and workforce development. But at the same time, she has also been a partner in serving the current needs of our employers.

A prime example is a major workplace safety training program administered through our Chamber under contract with the State Labor Dept., bringing meaningful safety training to hundreds of small employers who could never access it otherwise.

Even in current tough situations, in which some of our manufacturers have needed to reduce production, she and her team have been there with creative solutions. This includes a Shared Work program now being used by a major railcar assembly plant. Rather than fully lay off a percentage of their workers, they are using this program to reduce their hours, with NYSDOL allowing them to access unemployment insurance benefits for the percentage of hours they are not working while being paid by the company for the remainder. The obvious result is a better economic interim for the employees, and the ability for the company to hold onto skilled employees they want to bring back to fulltime when orders pick up.

I could cite additional examples, but the bottom line is this. Patricia Smith has been an outstanding partner as Commissioner of the New York State Labor Dept., and will be an outstanding Solicitor for the U.S. Labor Department. We strongly encourage her earliest possible confirmation by the Senate.

Please let me know if there are any questions we might be able to answer, and thank you for your consideration.

Sincerely,

GERRY F. DOUGLAS,  
President and CEO.

Mr. HARKIN. Here is a letter from the Long Island Forum for Technology. It says:

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's leadership team and we urge her earliest confirmation.

It is signed by the president of the Long Island Forum for Technology.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LONG ISLAND FORUM FOR TECHNOLOGY,  
Bay Shore, NY, August 21, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC.

DEAR SENATOR ENZI: As the President of the Long Island Forum for Technology I am writing in support of the nomination of Ms. Patricia Smith for the position of Solicitor General at the United States Department of Labor.

Founded in the 1970's, LIFT is a not-for-profit organization whose focus is on technology-driven economic development throughout the Long Island region. Our success is evidenced by the recognition and responsibilities conferred on us by our partners in the State and Federal Government including:

LIFT serves as the U.S. Department of Commerce Manufacturing Extension Partner (MEP), one of nearly 350 MEP locations across the country;

LIFT serves as the NYS Foundation for Science, Technology and Innovation (NYSTAR) designated Regional Technology Development Center (RIDC) for the region;

LIFT serves as the NYS DOL Sector Intermediary in the Advanced Manufacturing Sector and on the National Governors Association (NGA) Sector Policy Academy.

It was in the last role that we have come into contact and worked with NYS Department of Labor Commissioner Smith and the programs she sponsored on work force transformation in the Manufacturing and Healthcare sectors.

Under Commissioner Smith's able and visionary leadership, the New York State Department of Labor conceived, launched and funded a program known as Regional Workforce Transformation (13N). This program broke new ground in the connectivity between industry and education. With its industry-driven initiative structure it created an environment for innovation, and increasing skill growth, focused on creating Long Island's future workforce.

This program is now entering its 2nd year, with over 600 individuals having gained a wide variety of new and upgraded skills training. This has led to the transformation of many individual lives with the results borne out in job placements and position upgrades.

With a strong record of achievement and leadership, Patricia Smith has been an outstanding Commissioner of the NYS Department of Labor. With her vision and her energy, we believe she will make an outstanding addition to the U.S. Department of Labor's Leadership team and we urge her earliest confirmation by the United States Senate.

Yours truly,

C. KENNETH MORRELL,  
President.

Mr. HARKIN. Lastly, here is one from the U.S. Women's Chamber of Commerce:

After learning of Ms. Smith's qualifications, expertise and the law she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these

attributes in this time of economic challenge.

Please accept Ms. Patricia Smith's nomination, and confirm Ms. Smith as Solicitor General of the United States Department of Labor.

It is signed by Margot Dorfman, CEO of the U.S. Women's Chamber of Commerce.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. WOMEN'S CHAMBER OF COMMERCE,  
Washington, DC, August 25, 2009.

Re Nomination of M. Patricia Smith, U.S. Department of Labor Solicitor General.

Hon. EDWARD M. KENNEDY,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the U.S. Women's Chamber of Commerce, our 500,000 members and the millions of women nationwide, I am writing to send our strong support for President Obama's nomination of Ms. Patricia Smith, and I urge the Committee to confirm Ms. Smith as Solicitor General at the United States Department of Labor. Ms. Smith has demonstrated that she is well prepared and qualified for the position, and will act on behalf of those who are facing unfair labor practices.

The U.S. Women's Chamber of Commerce represents both working women and women business owners. While one would think that these two constituents would be contradictory in viewpoint, they are not.

From 1997-2006, the number of women-owned firms grew by 42.3% largely due to women leaving Corporate America in droves in search of equal pay, opportunities for promotions and a family friendly work environment. What they found instead was more barriers to opportunity. In fact, during this same time period, the revenues for all women-owned small businesses grew only 4.4%—representing a 38% overall decrease in revenues.

Clearly, women found that business ownership came with a whole new set of challenges including the inability to fairly access federal contracts, capital and affordable health care. And, most profoundly, they are faced by the growing challenge of competing with businesses that undercut their competitiveness by engaging in unfair labor practices.

Those that pay fairly and play fairly do not fear Ms. Smith's no-nonsense approach to labor law enforcement. They, in fact, see that they are being protected.

After learning of Ms. Smith's qualifications, expertise and the laws she has worked to uphold, I can clearly see that she is someone who would work with conviction to enforce the laws of the United States of America. Additionally, I am impressed with her out-of-the-box thinking in creating programs that will keep jobs. We especially need these attributes in this time of economic challenge.

Please accept Ms. Patricia Smith nomination, and confirm Ms. Smith as Solicitor General at the United States Department of Labor.

Sincerely,

MARGOT DORFMAN, CEO.

Mr. HARKIN. Mr. President, it is clear that Patricia Smith is eminently well qualified. She has been thoroughly vetted. We need a Solicitor at the Department of Labor. This nomination



has been hanging here since last April. It is time to move on. But, again, the Republicans are exercising their right—although I think it is an abuse of that right—to drag it out for 30 more hours, to keep the Senate in session, for no purpose whatsoever other than to slow things down in this Chamber. To me, that is not a good enough excuse, when only one person came here today to speak against her, and that person spoke against her yesterday. I read the transcript. Nothing new; same stuff.

I would hope we could collapse this timeframe and vote on it, but evidently the Republicans are intent on stretching this out to the maximum 30 hours. As I said, it may be their right, but I think it is an abuse of that right.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SANCTIONS AGAINST IRAN

Mr. SPECTER. Mr. President, I have sought recognition to express my views on the issue of sanctions against Iran. The Senate, on the unanimous consent calendar last Thursday, passed legislation calling for sanctions against Iran. This was the first opportunity I have had to address the subject. I wish to do so now.

The threat posed by Iran armed with nuclear weapons is obvious and very serious. It is a threat which applies for the region, for the world. It is a vital national security interest of the United States that Iran not be armed with nuclear weapons. It is obviously of great importance to Israel that Iran not have nuclear weapons in light of the history—the fact that the Iranian President has called for wiping Israel off the face of the Earth.

I have prepared a comprehensive statement of my views on this subject in anticipation of the matter coming to the Senate floor. I will ask unanimous consent to have it printed in the RECORD.

I have been reluctant to call for sanctions because I am a firm believer in diplomacy and have undertaken a number of steps to try to encourage a parliamentary exchange between Iranian Parliamentarians and Members of Congress. I have been working on that for the better part of a decade. The extensive written statement summarizes in some detail those efforts.

I have met with the last three Iranian Ambassadors to the United Nations. I found them all to be highly intelligent, to be articulate, to be cordial, and to be interested in a dialog and in conversations. I believe if their

views were reflected by the Iranian Government, it would be a very different picture than it is at the present time.

One year I got permission from the State Department to have the Iranian Ambassador to the U.N. come to Washington at my so-called hideaway office a few feet away from the floor and have dinner with Members of Congress and the Iranian Ambassador to talk about these issues. At one time, there was a meeting set between Iranian Parliamentarians and Members of Congress in Geneva that was canceled by the Iranian Government. My detailed statement specifies the efforts I have made over that period of time. But I think we have come to a point now where we have to get candidly tough, and we have to impose sanctions.

President Obama said he would give Iran until the end of the year—referring to the year 2009—to come to the table. There were some indications that Iran would do so. British Prime Minister Gordon Brown has made a similar statement and, in a sense, they have drawn a line in the sand.

My own personal assessment is that we are approaching the point of clear and present danger that Iran poses as a threat to the region, especially to Israel, to the national security interests of the United States, and to the world. So I think it is time that firm action be taken.

We have seen it evolve that gradually Russia has moved to join the United States, Great Britain, France, Germany, and other nations in moving toward sanctions. China, regrettably, has not done so.

Comments by Secretary of State Hillary Clinton just last week are important on this subject. The Secretary of State said:

China will be under a lot of pressure to recognize the destabilizing effect that a nuclear-armed Iran would have in the Persian Gulf from which they receive a significant percentage of their oil.

Secretary of State Clinton further remarked that a nuclear-armed Iran would risk setting off an arms race in the Persian Gulf and that it could provoke a military strike from Israel which she said she would regard a nuclear Iran as an existential threat.

It has long been articulated that the military option is on the table. Israel has demonstrated its resoluteness—a small nation surrounded by, vastly outnumbered by the Arab population, still technically at war with many of the Arab countries, peace treaties only with Egypt and Jordan. Israel demonstrated its capability and willingness to take out the Iraq reactor in June of 1981 and more recently the Syrian installation which is believed to have been working on nuclear weapons.

Secretary of State Clinton is blunt in the grave threat posed by the situation that Israel is concerned about with Iran becoming a nuclear force.

I think the time has come to act. In the course of my statement, I have gone into some detail as to the sanctions and how effective they could be. But I think there is no doubt that if China joined the United States, Russia, Great Britain, France, Germany, India, and other nations in imposing tight sanctions, financial sanctions on the financial institutions, on trade, on supplying gasoline, on supplying Iranian needs that the world could make its point. I think Iran would have to capitulate. How much better it is to use economic sanctions than to take the military option off the table.

I do believe if the United Nations, with China's concurrence, showed its determination to impose sanctions that it would have the potential to bring compliance by Iran. Russia has made a proposal that it would enrich Iran's uranium. If Iran is sincere that it does not want enriched uranium for military purposes, for a bomb, but only wants it for civilian purposes, well, take up Russia's offer to have the uranium enriched by Russia. At one point, Iran appeared to be willing to do that. Then they revoked the indication of willingness. That is still a possibility.

I had occasion to visit Vienna on two occasions—met with the International Atomic Energy Agency head, Mohamed ElBaradei—to discuss the activities he has undertaken. He is a very able, skilled international diplomat who recently left that position, which he held for years. But Mr. ElBaradei was very pessimistic as to what Iran was prepared to do and resisted efforts to have the kind of inspections which would give assurance.

I was very reluctant to see sanctions imposed on Syria, in the hope that diplomacy might work there, but did join in those efforts a few years back when the matter came up for a vote.

I had been trying to visit Iran personally since 1989, at the end of the Iran-Iraq war, and in 1989 made my first trip to Iraq. In 1990, Senator SHELBY and I had a talk with Saddam Hussein, and it was a very professional conversation. Iraq, at that time, had just launched a three-power rocket system, and I led the conversation by asking President Saddam Hussein if he would be willing to negotiate with Israel because they would take out his new weapons, just as they had taken out his reactor in June of 1981. He dismissed it, saying: No, he wouldn't negotiate with Israel; they weren't a border state. Then he asked me a question. He wanted to know why all the Russian Jews were going to Israel. I saw him shuffling some papers, and I knew he knew I was Jewish. I wanted him to know I knew that he knew that I knew, and so I said: My father was a Russian Jew who immigrated to the United States, and I believe the Russian Jews ought to go wherever they want to go. There was a 50,000 limit at the time on



Russian Jews who could come into the United States.

In the course of an hour-and-a-quarter discussion, it was a substantive talk, and I came back and told a number of my colleagues that I thought we ought to have more discussions with Saddam Hussein. I don't know if anything could have deterred him from his aggression against Kuwait or his later activities, but I have long been a believer in the maxim that you make peace with your enemies and not with your friends.

In my work as chairman of the Intelligence Committee in the 104th Congress and work on the Foreign Operations Subcommittee, I have had the privilege of traveling extensively in foreign countries and sought out the people who might be categorized as our enemies. I had a useful talk a few years back with Chavez in Venezuela; several visits to Fidel Castro in Cuba; conversations with Arafat, both in Ramallah, Gaza, and when he came to Washington, to my office downstairs, looking for money from the Foreign Operations Subcommittee. I have made many trips to Syria, gotten to know Hafez al-Assad and Bashar al-Assad; had cordial conversations, as one of six Senators who visited Syria about a month ago to talk to Bashar al-Assad about the possibility of a peace treaty.

I believe Syria could hold the key to a peace in the Mideast. Only Israel could decide if Israel wants to give up the Golan, and they ought to make that decision without any pressure from the United States or anyone. But if Israel should make that decision, there could be a great deal gained in terms of having Syria stopping the destabilization of Lebanon, stopping the support of Hamas, stopping the support of Hezbollah. It is a different world today than it was in 1967, when Israel took the Golan. It is an era of rockets. It is not the same strategic importance.

But the point I make is, I think diplomacy is the way out. But sometimes there has to be a carrot and a stick, and I think we have come to the point where sanctions do need to be imposed, and that is why I have joined the effort. I think the President has given fair notice to Iran that they come to the table by the end of the year, and we are a little past that.

We, obviously, have problems with China on a number of fronts. We have problems on the Taiwan issue and our sale of arms to Taiwan. We have problems with them with respect to Tibet and our issue of human rights. We have very serious problems on trade, and we have broader issues on human rights. China is emerging as a tremendous world power, and we are challenged at every line, but I do believe the logic of the situation is, it is in China's interest not to have a nuclear Iran.

Our CODEL, after visiting in Syria, went on to India and talked to Prime

Minister Singh, who was emphatic in agreement that it is not in India's interest or the world's interest to have an Iran which is armed with nuclear weapons. So it is my hope the action by the Senate, in voting for sanctions, will increase the momentum for sanctions from the United Nations. It can only be done in an effective way if China is persuaded to go along.

Mr. President, I ask unanimous consent to have printed in the RECORD my full written statement and ask that the CONGRESSIONAL RECORD recite the language I am using now.

Usually, when summary is concluded and the formal statement is put in the RECORD, it is changed. If anybody reads the CONGRESSIONAL RECORD—and I think there is a chance somebody does—they wonder why Senator SPECTER is making this repetitious statement; that he has made this statement, and here is all this repetition. If you put this explanation in, as I have said, the reader will know I have summarized and amplified, to some extent, and that what follows now is not a repetition as such but the formal statement which was prepared in advance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER:  
ENHANCEMENT OF SANCTIONS AGAINST IRAN

Mr. President: There is no question that a nuclear armed Iran poses a direct threat to the security of the U.S. and its allies, particularly Israel. It is for this reason that preventing such a situation remains a principal focus of mine. Although Iran claims that its nuclear program is directed solely toward peaceful energy production, the fact that this program has been conducted in secret and that Iran is a known supporter of certain terrorist organizations betrays that assertion.

I have long been an advocate of the proposal, currently offered to Iran, to have Russia enrich Iran's uranium. If Iran's interests with enrichment are benign, as it claims, then it should have no problem with Russia enriching the uranium to the low levels required for civilian nuclear power and medical uses. Iran's refusal suggests otherwise. At an Appropriations Committee hearing on April 9, 2008, I questioned Secretary of State Condoleezza Rice on this proposal:

Sen. Specter: "Let me move to . . . President Putin's proposal to have the Russians enrich [Iran's] uranium. That apparently would provide an answer. . . . To what extent has the Putin proposal been pressed? In a sense, if we join Putin and they refuse what is really a good offer to have somebody else enrich their uranium so that they have it for peaceful purposes, but there is a check on using it for military purposes—why hasn't that worked?"

Sec. Rice: "Well, we are fully supportive of it, and the president just told President Putin that again at Shchuchye, that he is fully supportive of the Russian proposal. And in fact, not only did President Putin himself put that proposal to the Iranians when he was in Tehran, his foreign minister went back within a few days and put the same proposition to the Iranians, which makes people suspicious, Senator, that this is not about civil nuclear power but rather about

the development of the capabilities for a nuclear weapon. . . . So I think this really speaks to the intentions of the Iranians."

Sen. Specter: "Well, we agree on that. My suggestion would be to try to elevate it. It's been in the media and the press a little, but not very much. So if we could elevate that, I think you'd really put Iran on the spot that they deserve to be on."

Then, in a May 20, 2009 Appropriations Committee hearing, I questioned Secretary of State Hillary Clinton on the proposal:

Sen. Specter: "Let me come to a question with respect to Iran. Prime Minister Netanyahu was very pleased with the meeting with President Obama, and the timetable which the president has set, looking to the Iranian elections as the potential for dialogue and holding out the possibility of bilateral dialogue, and I hope you will pursue that, and putting a timetable for the first time on not waiting indefinitely with all the options on the table. And I speak in generalities not to beat a tom-tom unnecessarily."

"The offer that the Russians made some time ago to enrich the uranium, I think, has never been pursued or publicized. Perhaps it has been pursued, but not known and not publicized. But that seems to me to be a perfect line. When Iran insists that they're developing—enriching uranium for peaceful purposes and the Russians can provide for them, what conceivable excuse? When they resist something so obvious as that, it seems that that would be a good wedge to get more cooperation from China, Russia and other countries. What can be done to pursue Russian enrichment of their uranium?"

Sec. Clinton: "Well, Senator Specter, that is an option that is being considered within the P-5 plus one as well as within our own deliberations. We have a broad range of issues to discuss with the Iranians if they respond affirmatively to the president's invitation to do so. And obviously they are in the midst of election season. We know what that means. So it's unlikely that we'll get a response or a dialogue going until there is some settling of the political scene. But your reference to the enrichment potential is one that we are exploring."

Finally, on June 9, 2009, I raised the issue with Secretary of Defense Robert Gates at an Appropriations Committee hearing:

Sen. Specter: "Mr. Secretary, I was intrigued with one of the points you made in testifying before the Appropriations Committee on the war supplemental, where you said that it would be useful in our dealings with Iran to have a missile defense that is aimed only at Iran."

"And that played into the relationship that we have with Russia, and it is generally recognized that if we're to be successful in dealing with Iran, we're going to have to have cooperation with other countries, perhaps mostly Russia. We've talked before about the issue of having Russia enrich Iran's uranium, which Russia has offered to do and Iran has declined, as a way of being sure that Iran is not moving toward the use of enriched uranium for military purposes."

"A two-part question. Number one, is any progress being made on publicizing Russia's offer, which I think has gotten scant—little attention? And the Iranian refusal really shows—raises the inference of potential bad faith."

"And secondly, where do we stand on efforts to pick up your suggestion that missile defense be aimed only at Iran and not at Russia, which has given so many political problems?"

Sec. Gates: "First, I think that although it's certainly not been a secret, it has not been, I think, widely enough publicized—Russia's offer and Iran's turn-down of it. And I think equally not publicized was the fact that the United States indicated that we thought that was a pretty good idea and would be supportive.

"With respect to the missile defense, I think that the Russian—I still have hope that we can get the Russians to partner with us on missile defense directed against Iran."

But, in remarks reported by the New York Times on November 18, 2009, Iran's foreign minister, Manouchehr Mottaki, said "We will definitely not send our 3.5-percent-enriched uranium out of the country." Then, on December 2, 2009, the New York Times reported that Iran's president, Mahmoud Ahmadinejad, said on December 1, "Friendly relations with the [International Atomic Energy Agency] are over," and that Iran has no duty to report to the United Nations about its recently announced plan to build 10 new nuclear sites.

To this point I have resisted calling for increased sanctions because I did not think it constructive given the diplomatic climate; however, considering Iran's growing avowals that it will not cooperate with the International Atomic Energy Agency or allow foreign countries to process its uranium, I think it is time to enhance sanctions. The international community has offered Iran a deal which is more than fair; Iran refuses to consent. We cannot make ourselves a toothless tiger.

I did not come to my decision to support the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009 (S. 2799) lightly. During my tenure in the Senate, I have been among Congress' most ardent advocates for aggressive diplomacy, believing it holds the key to resolving international disputes. As I noted in my December 2006 article in *The Washington Quarterly* titled "Dialogue with Adversaries":

"My Senate assignments on the Intelligence Committee and Appropriations Subcommittee on Foreign Operations have provided me the opportunity to meet with Syrian President Hafiz al-Assad, Palestinian Chairman Yasser Arafat, Iraqi President Saddam Hussein, Cuban President Fidel Castro, Venezuelan President Hugo Chavez, and others.

"Those meetings have shown me that people are people, even at the highest levels of government. They are interested in a candid dialogue. They accept differences and disagreements as long as the tone is courteous.

"Sun-tzu's advice to 'keep your friends close and your enemies closer' is a good admonition to keep in mind as we approach our relationships in the world. . . . It may not work, but it is certainly worth a try when the stakes are so high and our other strenuous efforts are not bearing fruit" (p. 9).

Diplomacy has produced some results many thought impossible. Negotiations with North Korea have reduced that nation's nuclear threat although that situation remains volatile and uncertain. Negotiations have moved Libya's Muammar Qaddafi, with whom I met in August 2006, from horrendous acts of terrorism, including the bombing of Pan Am 103 and a Berlin discotheque, resulting in the murder of US military personnel, to a willingness to negotiate and reform. Libya made reparations in excess of \$1,000,000,000 and abandoned plans to design nuclear weapons in order to be admitted to the family of nations.

This is not the first time I have supported sanctions in the region. On November 11, 2003, I voted for the Syria Accountability and Lebanese Sovereignty Restoration Act, a bill to impose sanctions on Syria to hold Damascus accountable for its support for terrorism, its occupation of Lebanon, its illegal shipment of arms to Iraq, and its efforts to develop weapons of mass destruction. The bill became law in December 2003. Regarding my vote, I said on the Senate floor on November 11, 2003:

"Sanctions are imposed by Congress with some frequency. At first blush, this appears to be a straightforward affirmative vote, but I believe the matter is more complicated than that, and I have come to the view after having traveled to Syria almost every year since 1984, and after having had considerable contact with the Syrian Government. After considering the matter at some length, I have decided that I will vote in favor of the Syrian Accountability Act because the problems of terrorism are so serious and because I believe that Syria needs to do more" (p. S14403).

Prior to my vote on the Syrian Accountability Act, I wrote to Syrian President Bashar al-Assad on September 17, 2003:

WASHINGTON, DC,  
SEPTEMBER 17, 2003.

His Excellency BASHAR AL-ASSAD,  
President, Syrian Arab Republic,  
Damascus, Syria.

DEAR PRESIDENT ASSAD: I write to inform you of growing concern in the United States Senate about Syria and the fact that the Syrian Accountability Act now has 76 co-sponsors. I had discussed this proposed legislation some time ago with your Ambassador to the United States. I had refrained from co-sponsoring the Syrian Accountability Act on the premise that we should try to work out the problems without resorting to legislation calling for sanctions.

Yesterday, Undersecretary of State John R. Bolton submitted testimony to the House of Representatives' International Relations Committee that Syria is permitting "volunteers" to pass over your border into Iraq where those so-called volunteers are intent on killing U.S. troops. This follows Administrator L. Paul Bremer's statement on August 20th that Syria is allowing "foreign terrorists" to cross Syria's borders into Iraq.

When you met with Secretary of State Powell last May, there was an understanding that Syria would shut Damascus offices of Hamas, Islamic Jihad and other terrorist groups. In June, Secretary Powell stated that Syria's efforts to shut these offices were "totally inadequate". The Bush Administration which had opposed the Syrian Accountability Act now is neutral, taking no position.

After extensive dealings with your father, President Hafez al-Assad, since the 1980s and with you on our meetings in the past several years, I have tried to assist in finding answers to these difficult problems. With the Syrian Accountability Act gaining so much support, it is my hope that your Government will respond to the concerns outlined in this letter before the U.S. Government resorts to sanctions.

I call these matters to your personal attention with the hope that prompt action can be taken by Syria to resolve these problems. The United States greatly appreciated the help that Syria provided to our intelligence services after September 11, 2001 in our fight against al-Qaeda.

Sincerely,

ARLEN SPECTER.

It is my hope that Congress' passage of the Comprehensive Iran Sanctions, Accountability, and Divestment Act would effect change in Tehran before the implementation of additional sanctions would be necessary, as sanctions invariably impact more people than just the leaders responsible for shaping a country's policy.

During my time in the Senate, I have pushed hard to engage Iran diplomatically. I have tried to visit Iran since the Iran-Iraq War ended in 1988, with my first attempts coming during my visits to Iraq in January 1989 and January 1990, but I have not yet succeeded. Going back to 2000, I have met repeatedly with Iranian officials in an effort to foster an exchange of visits by members of Congress to Iran and Iranian parliamentarians to the United States to try to open dialogue between our two countries. On May 11, 2000, I joined nine other senators in writing to Iranian Ambassador Hadi Nejad Hosseini proposing such an exchange (attached). I followed this with a meeting with Ambassador Hosseini on May 31, 2000. On October 17, 2001, I hosted Ambassador Hosseini in my Senate hideaway with Senator Mike DeWine, former Representative Lee Hamilton, Ambassador William Miller, and Representative Bob Ney. On November 18, 2002, I had lunch with Ambassador Zarif at the Wilson Center at an event hosted by former Representative Lee Hamilton.

As I wrote in the *Washington Quarterly* in December 2006, "I thought my efforts finally came to fruition in January 2004 when plans were made for U.S. members of Congress to meet with Iranian parliamentarians in Geneva. Unfortunately, Tehran later rescinded the invitation, declaring it was 'not on their agenda'" (p. 10). I met in New York City with Ambassador Hosseini's successor, Ambassador Javad Zarif, in October 2006 and February 2007. On May 3, 2007, I joined eight colleagues in Congress writing to Gholam Ali Haddad Adel, then the speaker of Iran's parliament, to propose again "a diplomatic exchange between members of the United States Congress and Parliamentarians from the Islamic Republic of Iran" (attached). I followed this with a personal letter to Ayatollah Khamenei on October 16, 2007 (attached). Again, the offer was rebuffed (attached). My efforts to facilitate engagement continued with meetings with the current Iranian ambassador to the UN, Mohammed Khazaee, in February and December 2008.

On January 2, 2008, I traveled to the headquarters of the International Atomic Energy Agency in Vienna with IAEA Director General Mohamad ElBaradei to discuss the Iranian issue. On January 22, 2008 I discussed my meeting with Mr. ElBaradei on the Senate floor:

"When solicited about his views on President Putin's idea to have Russia handle Iran's nuclear material, he stated that Iran did not reject it but that they wanted their own capability. He suggested that an acceptable security structure must be negotiated with Iran to deter them. The [Director General] agreed that it is not acceptable for Iran to have nuclear weapons and that his job was to verify that the program is clean and under IAEA inspections.

"I pressed him on Iran's devious behavior in the past to conceal nuclear efforts and asked if we can ever be 100 percent sure. He stated that you can never be 100 percent positive but that he thinks Iran has things to tell him and that he has told them they should come clean.

"The Director General suggested that direct U.S.-Iranian negotiations should begin

immediately to resolve the impasse. The U.S. and international community need to understand what the nuclear issue means to Iran with respect to its position in the region and the world, that there needs to be an understanding of the repercussions and that it must be done in a manner that allows all sides to save face.

"We discussed Secretary Rice's precondition that the U.S. would only meet with Iran if they halt enrichment. He said there must be middle ground to bring the parties together on this issue. He emphasized that sanctions alone won't resolve the situation and only makes people more hawkish. Iran's concealment of its [research and development] program, according to the Director, led to a confidence deficit in the international community.

"I asked about the capabilities of an inspection regime given Iran's substantial size. He confirmed the need to have a robust verification system on the ground. [El]Baradei stated that the Additional Protocol to the Nuclear Non-Proliferation Treaty (NPT) was helpful but that Iran stopped implementing it. The Additional Protocol was the result of an IAEA initiative to better constrain NPT member-states' ability to illicitly pursue nuclear weapons after secret nuclear weapons programs in Iraq and North Korea exposed weaknesses in existing agency safeguards. That effort eventually produced a voluntary Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapons states-parties to the nuclear Non-proliferation Treaty (NPT) only use nuclear materials and facilities only for peaceful purposes. He stated that the Protocol gives him a good handle on Iran's nuclear program in that it provides access to additional facilities and information" (p. S74).

Following up on this conversation, I spoke with Mr. ElBaradei over the phone when I was in Vienna in January 2009, again following travels in the Middle East. On January 12, 2009, I said on the Senate floor:

"A year ago, I had an opportunity to meet with IAEA Director Mohamed ElBaradei. He was out of town when we were there [in 2009]. I had a conversation with him by telephone on the issue of the efforts by the IAEA to conduct the inspections and that at the moment Iran is not cooperating and, further, international action needs to be taken to be sure Iran does meet its obligations under international agreements and that there are adequate safeguards to prevent Iran from developing a nuclear weapon."

On November 26, 2009, shortly before stepping down from his position at the IAEA, Mr. ElBaradei said, "I am disappointed that Iran so far has not agreed" to proposals to ship nuclear material out of Iran, "[W]hich I believe are balanced and fair and would greatly alleviate the concerns relating to Iran's nuclear program" (Reuters, 11/26/09).

Our offers of diplomatic engagement, and the limited United Nations sanctions enacted to date, have not ended Iran's nuclear ambitions. I voted on September 26, 2007 in favor of an amendment to the Fiscal Year 2008 Department of Defense Authorization Bill to encourage the U.S. State Department to place the Islamic Revolutionary Guards Corps on its list of foreign terrorist organizations, as well as to expedite the enforcement of U.N. Sanctions mandated by December 2006 and March 2007 United Nations Security Council Resolutions, in the hope that this could bring about positive change. Unfortunately these efforts have not done enough, and for that reason, with the desire

to avoid greater military conflict in the Middle East, I think more comprehensive sanctions are necessary.

If any sanctions are to be effective, they will need to be supported by the other permanent members of the UN Security Council, particularly Russia and China. While "Neither [Russia nor China] thinks Iran's missiles are aimed at them," as the Economist noted in a December 5, 2009 editorial, both would suffer from the instability that a nuclear armed Iran would bring about. The Economist editorial concluded, "Do nothing to give Iran pause and one way or another its illicit ambitions will eventually destabilize the entire Middle East."

It is important that the next round of sanctions be measured. As RAND scholar Alireza Nader noted in a September 30, 2009 paper, "Additional sanctions may create popular resentment against the government, and may even increase protests and opposition stemming from Iran's disputed presidential election." The New York Times highlighted this dissent on December 8, 2009 when it ran a headline stating, "Thousands Defy Iranian Authorities in Protests and Clashes at Campuses." Edward Alden, a trade expert at the Council on Foreign Relations, told Politico on September 29, 2009:

"A coordinated sanctions effort by the U.S. and Europe could put tremendous pressure on Iran. After 9/11, the Treasury developed new tools that forced banks and other financial companies around the world to cut ties to charities that were deemed to be supporting terrorist groups. Those same tools were turned against North Korea in 2005, effectively cutting off what little capability the regime had to engage in foreign commercial transactions. For a country like Iran that depends so heavily on oil exports, similar actions against the companies that insure outgoing shipments from Iran could have a devastating economic impact."

On July 22, 2009, Patrick Clawson of the Washington Institute for Near East Policy told the House Committee on Foreign Affairs:

"For several years, Iran's economy was cushioned from foreign pressure by the high price of oil. That has changed as oil prices have declined and Tehran's poor policies have exacerbated serious structural weaknesses. The most likely prospect is that during the next few years, Iran's economy will face serious problems. Foreign economic pressure could add to those problems. Furthermore, Iranian public opinion is likely to exaggerate the impact of the foreign pressure and to blame the Ahmadinejad government's hardline stance for the country's economic difficulties" (1).

"[T]here is every reason to expect public opinion to lay the blame for the economic problems on the Ahmadinejad government. Already, reform politicians blame that government for isolating Iran from the world. If Iran is forced to reduce imports substantially, the most likely popular reaction will be to blame hardliners for the problems." (6).

"Foreign pressure cannot cause Iran's economy to collapse, nor should that be our goal. But such pressure may well be able to contribute to what is becoming an intense debate inside Iran about the wisdom of a confrontational and isolationist policy towards the international community. That debate offers the best prospect for a fruitful resolution of the nuclear impasse, because those who want Iran to join the world are not willing to pay a high price for a nuclear program which they increasingly see as part of the Ahmadinejad agenda, not part of a national project" (6).

We must be careful with sanctions so as to not play into the hands of the Iranian leadership, who would very much like to blame Iran's current economic struggles on the West. As the Economist noted on December 5, 2009, "... Mr. Ahmadinejad is just now having to contemplate ending ruinous petrol subsidies to balance his books and would be delighted to blame the pain on foreigners ... [A] UN-backed embargo on investment in Iran's oil and gas industries would hurt badly, and signal resolve. So would a ban on weapons imports. And Iran's repeated breach of nuclear safeguards is surely justification for ending nuclear trade with its regime."

Time to find a diplomatic solution is running out. On September 25, 2009, United Kingdom Prime Minister Gordon Brown said, "Confronted by the serial deception of many years, the international community has no choice today but to draw a line in the sand." On the same day, President Barack Obama said, "We weren't going to duplicate what has happened in North Korea, in which talks just continue forever without any actual resolution to the issue." "[T]he Iranian government," President Obama said, "must now demonstrate through deeds its peaceful intentions or be held accountable to international standards and international law."

On November 30, 2009, United States Ambassador to the United Nations, Susan Rice, told reporters:

"There has been an engagement track which we have been very actively engaged in, but there is also a pressure track. And as Iran makes choices that seem to indicate that it is not at this stage ready and willing to take up the offers on the engagement track then we will put greater emphasis on the pressure track. Time is short, and we are serious about implementing to the fullest extent that dual track policy."

"We will continue ... to consult with our P5 + 1 colleagues both in capitals and elsewhere. I think the President and other leaders have been quite clear that we would take stock at the end of the year and see where we are. And I think as the indications mount that Iran is not yet in a position to take up the very concrete and constructive offers that have been put to it by the P5+1 and by the IAEA, it seems more likely that we will be on the pressure track, even as the door remains open to Iran to accept those offers."

On December 7, 2009, Israeli Prime Minister Binyamin Netanyahu told members of the Knesset, "In the last year, two things have happened: Iran has advanced its military nuclear program, and Iran has lost its legitimacy in the eyes of the international community," adding that preventing Iran from securing a nuclear arsenal was Israel's "central problem," according to a December 8, 2009 article in the Jerusalem Post.

Israel did not agree with the 2007 US National Intelligence Estimate on Iran's nuclear program which concluded that Iran halted its nuclear weapons program in 2003. The New York Times noted on December 5, 2007 that then Israeli Defense Minister Ehud Barak rejected the American assessment of "moderate confidence" that Tehran had not restarted its nuclear weapons program by mid-2007 and that the end of the program "represents a halt to Iran's entire nuclear weapons program." Defense Minister Barak said, "It is our responsibility to ensure that the right steps are taken against the Iranian regime." "As is well known, words don't stop missiles," he continued. Assessments may differ, Mr. Barak said, "but we cannot allow ourselves to rest just because of an intelligence report from the other side of the

Earth, even if it is from our greatest friend." According to a December 11, 2007 New York Times article, "Israeli intelligence estimates say Iran stopped all its nuclear weapons activities for a time in 2003, nervous after the American invasion of Iraq, but then resumed those activities in 2005, accelerating enrichment and ballistic missile development and constructing a 40-megawatt heavy-water reactor in Arak that could produce plutonium."

According to a December 5, 2009 article in the Economist, "Last year Israel carried out a long-distance military air exercise over Greece that looked like a rehearsal for action in Iran. In June [2009] a missile-carrying Israeli submarine ostentatiously sailed through the Suez Canal." These military exercises, coupled with Israel's public disagreement with the US over intelligence estimates on Iran's nuclear program and Prime Minister Netanyahu's recent public comments, show that Israel's security calculus differs from our own. Time to find a diplomatic solution is running short; Israel—like every other nation—will act in defense of what it sees to be its own best interests.

Iran's continued nuclear program is a ticking time bomb. All parties—Iran included—

will benefit from its end. On this state of the record, enhanced sanctions, with the goal of ending Iran's nuclear program and preventing wider conflict in the Middle East, are our best option.

Mr. SPECTER. Mr. President, I yield the floor, and in the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOB LOSS

Mr. CASEY. Mr. President, I rise to speak about job loss in the United States but in particular some of the individuals—the real people and real families—across our State whom I have met in the last couple weeks and who have told some of their stories about

how they are struggling in this recession.

Unfortunately, just in terms of numbers, they have not gotten better in our State. We went a long period of time, when at least as a percentage of those who were out of work, we were fortunately in the bottom tier or in the middle. At least we didn't have double-digit unemployment. That is changing, to a large extent. We are not in the 10 percent number that most of the country is, but we are at about 8.9 percent right now. We got some regional numbers today. Our State is divided into 14 labor markets and, unfortunately, in almost every one of them, that number keeps going up.

Mr. President, I ask unanimous consent to have printed in the RECORD a two-page summary of the unemployment data from Pennsylvania.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### REGIONAL LABOR MARKET DATA

[Seasonally Adjusted—December 2009]

|  | Labor force | Employment  | Unemployment | Rate (percent) |
|--|-------------|-------------|--------------|----------------|
| United States (Civilian—Dec 2009) .....  | 154,235,000 | 139,339,000 | 14,895,000   | 10.01          |
| Pennsylvania (Dec 2009) .....  | 6,310,100   | 5,750,600   | 559,500      | 8.9            |
| Allentown-Bethlehem-Easton-NJ (Carbon, Lehigh, Northampton plus Warren County, NJ) .....                     | 416,100     | 375,300     | 40,700       | 9.8 (+.5)      |
| Altoona (Blair) .....  | 63,400      | 58,400      | 5,000        | 7.9 (+.3)      |
| Erie (Erie) .....  | 138,000     | 124,200     | 13,800       | 10 (+.6)       |
| Harrisburg-Carlisle (Cumberland, Dauphin, Perry) .....   | 280,500     | 258,200     | 22,300       | 7.9 (+.4)      |
| Johnstown (Cambria) .....  | 67,700      | 61,300      | 6,400        | 9.4 (+.3)      |
| Lancaster (Lancaster) .....  | 262,400     | 242,200     | 20,200       | 7.7 (+.2)      |
| Lebanon (Lebanon) .....  | 70,200      | 65,200      | 5,000        | 7.1 (+.1)      |
| Philadelphia Metro (Not full MSA; excludes non-PA; Bucks, Chester, Delaware, Montgomery, Philadelphia) ..... | 1,945,200   | 1,781,100   | 164,100      | 8.5 (+.1)      |
| Pittsburgh (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland) .....                   | 1,199,600   | 1,104,100   | 95,500       | 7.9            |
| Reading (Berks) .....  | 199,900     | 181,100     | 18,800       | 9.4 (+.3)      |
| Scranton/W-B (Lackawanna, Luzerne, Wyoming) .....  | 278,800     | 251,700     | 27,100       | 9.7 (+.3)      |
| State College (Centre) .....   | 74,200      | 69,700      | 4,500        | 6.0 (+.1)      |
| Williamsport (Lycoming) .....  | 53,900      | 53,100      | 5,800        | 9.8 (+.6)      |
| York-Hanover (York) .....  | 224,000     | 204,200     | 19,800       | 8.9 (+.3)      |
| Philadelphia .....   | 624,800     | 556,800     | 67,900       | 10.9           |
| Pittsburgh (not seasonally-adjusted) .....   | 151,100     | 139,000     | 11,100       | 7.4 (-.1)      |
| Allegheny County .....   | 628,600     | 581,500     | 47,100       | 7.5 (+.1)      |
| Lackawanna County .....  | 105,900     | 96,100      | 9,800        | 9.2 (+.2)      |
| Luzerne County .....   | 158,700     | 142,700     | 16,000       | 10.1 (+.4)     |
| Lehigh County .....  | 174,700     | 157,800     | 16,800       | 9.6 (+.2)      |
| Dauphin County .....   | 134,300     | 123,300     | 10,700       | 8.0 (+.2)      |

Mr. CASEY. Mr. President, I will highlight one or two regions to give a sense of the gravity of the problem.

In southeastern Pennsylvania, we have two major regions that have had very strong economies over time. The Philadelphia metropolitan region—the city of Philadelphia—and the suburban counties have done well economically, but that number is going up. The total number of unemployed is over 164,000 Pennsylvanians in that corner of the State. That is about 5 counties—164,000 people.

Just above that and north of that in the Lehigh Valley—the Allentown, Bethlehem region—they are at 9.8 percent, with some 40,700 people out of work. In my home area of northeastern Pennsylvania—north of the Lehigh Valley—we received reports today of the job market going up to 9.7 percent unemployment, the highest in 17 years. You could go across the State and hear the same story.

So the numbers are going higher. Of course, that means the challenges, the

misery, and the heartache for those who have lost their jobs are only rising.

We have to meet that challenge. Part of meeting that challenge is not just addressing it in terms of policy—I will talk about that tonight for a couple of minutes—but also to try to understand as best we can from the distance of Washington, but even when you are, as I was, sitting in the same room more than a week ago with eight of our unemployed Pennsylvanians. I will just give two examples.

One individual sitting right across from me, his name was Ron. He was laid off last April. He is 61 years old. His was one of the most compelling stories in terms of where he was with a job and where he is today. Before he was laid off, he managed a staff of 12 people. Over the course of his long and successful career, he worked in various management positions, at international trade groups, manufacturing facilities, and rental companies.

During my conversation with Ron, he talked about his fear that his wide experience seemed to be working against him in this labor market. Ron was earning more than \$100,000 before he was laid off. Today he and his wife are currently getting by with her earnings in a clerical job and his unemployment compensation, which amounts to just \$40,000. In his life it is a \$100,000 income versus now a \$40,000 income.

I also met Annetta. She was just on my right as we were talking to these eight individuals. She had a lot of energy and vigor. You could tell she was a very good employee. She worked for a retirement home until she was laid off. Annetta has been using her time to study to be a CNA, certified nurses aide, through the Yorktown School of Technology. In order to obtain her certification, Annetta had to pay for a final exam and a physical. She didn't have the money to up-front the costs of those tests and thus could not obtain her certified nurses assistant certification.

According to Annetta, the most frustrating part of her situation is that she has the experience of a certified nurse from a previous employer who did not require formal certification. But I was particularly touched by her comments that, as a single person, Annetta fears having no one to fall back on in these tough times. Also, her embarrassment. We would always say to her or anyone in this situation: You shouldn't be embarrassed. You are in a very difficult situation. You have lost a job through no fault of your own.

But, of course, that is not the way she sees it in terms of what she feels in her heart. She does feel a sense of embarrassment over having to turn to churches for food. That is why we have an increase in food stamps. We legislate to do that because it is not only good for that individual, taxpayers have an added economic benefit from an increase in food stamps and an increase in unemployment insurance, just to name two examples.

What strikes me most about the stories that each of these individuals told, but in particular as I cite them tonight, Ron and Annetta, they are looking for work in the worst job market in modern times, but they speak very candidly about their fears. But mostly they talk about the incredible efforts they have made to get back to work.

I know the Presiding Officer would remember the presentation that President Obama made to us in December, on a Sunday. We were meeting in a caucus about health care and he came over to talk to us. He talked about meeting individuals who were out of work in another part of Pennsylvania, in Allentown, at a job site. What he said in early December was very similar to what I heard in late January, and that is these are individuals who are out of work through no fault of their own. They are working and struggling, leading lives of tremendous struggle and sacrifice and heartache, but they are not complaining. They are determined to get a job. They are filling out scores and scores of applications—sometimes being rejected formally and sometimes hearing nothing at all. That is the life they are leading.

I think the President's visit and other visits by some of us in the Senate are confirming that sense of determination, that sense of gratitude they have that there are programs to help them while they are unemployed, but also a tremendous resilience and ability to live and work through this struggle.

What do we do? We could cite their cases and say how much we hope their prospects will improve. We could continue to enlarge and expand, as we must and we should, a safety net. We could pass other legislation. But I think one of the best ways to jump-start job creation is to provide significant tax incentives to employers, lots

of employers out there who want to hire, who want to invest in their business, who want to maybe move people up who have done a good job and increase their payroll in that way—but especially to hire more people, to hire folks who are out of work.

I believe the best way to do that, not the only way but the best way, is to pass legislation like the bill I introduced yesterday, the Small Business Job Creation Tax Credit Act. It is rather simple, but I think the impact of it could be substantial—a very substantial number of jobs created. What this act does is provide a nonrefundable quarterly payroll tax credit based upon an increase in the employer's wages that are paid. It would be a 1-year bill. It would be in effect for 1 year so it is very targeted in terms of the time. The credit would apply to an employee's wages up to the Social Security base of \$106,800—that would be the limit of what you could count for the tax credit. If you had fewer than 100 employees, you would get a 20-percent credit; more than 100 employees, 15 percent.

We know as we have heard today and on so many other occasions that the driver of our economy tends to be almost overwhelmingly small business. In Pennsylvania, if you look at a 3-year period from 2003 to 2006, small businesses accounted for more than 91 percent of the job creation. So we know that by giving small businesses a 20-percent tax credit for those with under 100 employees, that can have a substantial benefit for those employers, obviously, for those who can obtain work, and I think in a larger way our economy. We put a limit on the credit. One company could not have more than \$½ million by way of a credit. You would basically compare one quarter in 2010, for example, versus that corresponding quarter in 2009.

We know one of the referees around here is the Congressional Budget Office, maybe the main referee, in terms of how legislation is given a price or a score or a number, so to speak. The Congressional Budget Office has said that a tax credit based upon an increase in payroll would have the greatest positive impact on America's gross domestic product and employment, when compared to other job creation strategies.

I believe Congress should pass a job creation tax credit to reduce up-front labor costs. This credit could provide for one small business, just one business alone, a 20-percent job creation tax credit.

Other economists across the board, the Economic Policy Institute as well as others, have estimated that a job creation tax credit would create approximately 40 percent more jobs than other proposals.

Finally, I would make a point about how it works. Sometimes we pass legislation around here and we do not often

think about how it works in the real world—the real world of being an employer, the real world of hiring people and making ends meet, meeting your bottom line, getting your product out the door, all of the real-world challenges our employers face.

The way this would work is, every employer is familiar with what the IRS calls form 941. It is just one of many forms we hear about. But all we would need to do, if we pass this tax credit, is to have a line or two added to that form. The employer would fill it out quarterly and see it right in front of him. He wouldn't have to hire a team of lawyers or tax accountants or other experts, he would just fill that in and be eligible and receive the credit.

It is vitally important that we take these steps for people such as Ron, whom I spoke of before, and others as well, such as Annetta and those individuals I have met. I know the Presiding Officer has met individuals in the State of Colorado and across our country who are facing similar challenges.

Especially when we see more and more the rise in these job loss indicators, to have headline after headline say: Highest job loss in 17 Years, highest job loss in 20, in 23, in 25 years—these are just headlines I have seen over the last couple of weeks in Pennsylvania. To see that, it is not enough to say we will weather the storm and we will try to provide a safety net. We have to have a safety net, but I believe we have to have very targeted and focused strategies that are not theoretical.

We know this will work. We have prior evidence and experience with it. We need to pass the Job Creation Tax Credit to jump-start the creation of jobs this year, in 2010, in the next couple of months and throughout the year.

Mr. President, I yield the floor and suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. CASEY. Mr. President, I ask unanimous consent that on Thursday, February 4, after the opening of the Senate and the Senate proceeds to executive session and resumes consideration of Calendar No. 474, the nomination of Patricia Smith to be Solicitor of the Department of Labor, all postcloture time be considered expired except for 20 minutes, with that time equally divided and controlled between Senators HARKIN and ENZI or their designees; that upon the use or yielding back of time, the Senate then proceed to a vote on confirmation of the nomination; that upon confirmation, the

motion to reconsider be considered made and laid upon the table, no further motions be in order, and the President be immediately notified of the Senate's action; that there be 2 hours of debate prior to a cloture vote with respect to Calendar No. 188, the nomination of Martha Johnson to be Administrator of the GSA, with the time equally divided and controlled between the leaders or their designees; that upon the use of time, the Senate then proceed to a vote on the motion to invoke cloture on the nomination; that if cloture is invoked, all postcloture time be yielded back and the Senate then immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. CASEY. I ask unanimous consent that the Senate proceed en bloc to Executive Calendar Nos. 654, 661, 667, to and including 685, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

Willie Lee Richardson, Jr., of Georgia, to be United States Marshal for the Middle District of Georgia for the term of four years.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### *To be brigadier general*

Col. Kory G. Cornum

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### *To be major general*

Brig. Gen. Carol A. Lee

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### *To be major general*

Brigadier General Eric W. Crabtree  
Brigadier General Wallace W. Farris, Jr.  
Brigadier General Craig N. Gourley  
Brigadier General David S. Post  
Brigadier General Donald C. Ralph  
Brigadier General Jon R. Shasteen  
Brigadier General Richard A. Shook, Jr.  
Brigadier General James N. Stewart  
Brigadier General Lance D. Undhjem

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Dixie A. Morrow

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Col. Paul S. Dwan

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### *To be brigadier general*

Col. Daniel B. Fincher  
Col. David C. Wesley

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### *To be brigadier general*

Colonel Gary C. Blaszkiewicz  
Colonel Arthur C. Haubold  
Colonel Michael D. Kim  
Colonel Linda S. Marchione  
Colonel Richard O. Middleton, II  
Colonel Robert N. Polumbo  
Colonel Jane C. Rohr  
Colonel Patricia A. Rose  
Colonel Peter Sefcik, Jr.  
Colonel James F. Smith  
Colonel Edmund D. Walker  
Colonel William O. Welch

The following named officer for appointment as Deputy Judge Advocate General of the Air Force and appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8037:

#### *To be major general*

Brig. Gen. Steven J. Lepper

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 8081:

#### *To be major general*

Col. Gerard A. Caron

The following named officer for appointment in the United States Air Force to the grade indicated and for appointment as the Judge Advocate General of the Air Force under title 10, U.S.C., section 8037:

#### *To be lieutenant general*

Brig. Gen. Richard C. Harding

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

#### *To be major general*

Brigadier General Samuel C. Heady  
Brigadier General William E. Hudson  
Brigadier General Gary T. Magonigle  
Brigadier General James M. McCormack  
Brigadier General Alex D. Roberts  
Brigadier General Gregory J. Schwab

#### *To be brigadier general*

Colonel Carl F. Bess, Jr.  
Colonel Gregory J. Biernacki  
Colonel James C. Blaydon  
Colonel Francis X. Carrillo  
Colonel Deborah L. Carter  
Colonel Robert F. Cayton  
Colonel William J. Crisler, Jr.  
Colonel Gregory L. Ferguson  
Colonel James E. Fredregill  
Colonel Anthony P. German  
Colonel Ann M. Greenlee  
Colonel Mark D. Hammond  
Colonel Richard N. Harris, Jr.  
Colonel Mark E. Jannitto  
Colonel Larry R. Kauffman  
Colonel Jon K. Kelk  
Colonel David T. Kelly  
Colonel John E. Kent  
Colonel Donald M. Lagor  
Colonel Michael E. Loh  
Colonel Constance C. McNabb  
Colonel Clayton W. Moushon  
Colonel Phillip E. Murdock  
Colonel John E. Murphy  
Colonel Gerald E. Otterbein  
Colonel Martin J. Park  
Colonel Nicholas S. Rantis  
Colonel Robert L. Shannon, Jr.  
Colonel Cassie A. Strom  
Colonel Gregory N. Stroud  
Colonel Thomas A. Thomas, Jr.  
Colonel Carol A. Timmons  
Colonel Steven J. Verhelst  
Colonel Tony L. West  
Colonel Robert S. Williams  
Colonel Michael A. Webbema

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

#### *To be major general*

Brig. Gen. Mary A. Legere

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Thomas P. Bostick

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Robert L. Caslen, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be major general*

Brig. Gen. Steven W. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### *To be major general*

Brig. Gen. William D. Frink, Jr.

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

#### *To be brigadier general*

Colonel Jeffrey N. Colt  
Colonel Peter A. Deluca  
Colonel Robert M. Dyess, Jr.  
Colonel Donald M. MacWillie

#### IN THE NAVY

The following named officers for appointment in the United States Navy Reserve to



the grade indicated under title 10, U.S.C., section 12203:

*To be rear admiral (lower half)*

Captain Douglas J. Asbjornsen  
 Captain Charles K. Carodine  
 Captain Anatolio B. Cruz, III  
 Captain John E. Jolliffe  
 Captain Robert J. Kamensky

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. David Architzel

NOMINATIONS PLACED ON THE SECRETARY'S  
 DESK

IN THE AIR FORCE

PN1233 AIR FORCE nomination of Joseph E. Sanders, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1234 AIR FORCE nomination of Chinmoy Mishra, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1235 AIR FORCE nomination of Charles F. Kimball, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1236 AIR FORCE nominations (2) beginning MINH THU NGOC LE, and ending ROBERT C. POPE, which nominations were received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1272 AIR FORCE nominations (32) beginning NOEMI ALGARINLOZANO, and ending PATRICK J. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1273 AIR FORCE nominations (18) beginning DAVID W. BOBB, and ending ROBERT W. WISHTISCHIN, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1275 AIR FORCE nominations (13) beginning SEAN W. DIGMAN, and ending DAVID L. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1276 AIR FORCE nominations (54) beginning ALBERT H. BONNEMA, and ending GIANNA R. ZEH, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1277 AIR FORCE nominations (33) beginning ERIC R. BAUGH JR., and ending KARYN E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1278 AIR FORCE nominations (135) beginning ADAM M. ANDERSON, and ending SHAHID A. ZAIDI, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1279 AIR FORCE nominations (46) beginning BRIAN J. ALENT, and ending RACHEL A. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1280 AIR FORCE nominations (277) beginning ERIC E. ABBOTT, and ending ETHAN EVERETT ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1290 AIR FORCE nomination of Lawrence W. Steinkraus Jr., which was received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1291 AIR FORCE nominations (4) beginning KRISTI L. JONES, and ending BRUNO

A. SCHMITZ, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1292 AIR FORCE nominations (3) beginning RAYMOND KING, and ending BERNHARD K. STEPKE, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1317 AIR FORCE nominations (92) beginning FRANK R. AFLAGUE, and ending WILLIAM T. YATES, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2009.

PN1392 AIR FORCE nominations (5) beginning ANTHONY N. DILLS, and ending MICHAEL D. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1393 AIR FORCE nominations (5) beginning MATTHEW A. BAACK, and ending ROCKY ZACCHEUS, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1407 AIR FORCE nomination of David A. Nordstrand, which was received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1408 AIR FORCE nominations (2) beginning HELEN K. CROUCH, and ending MICKRA H. KING, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1409 AIR FORCE nominations (2) beginning RANDALL B. DELL, and ending EDDIE P. SANCHEZ, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1410 AIR FORCE nominations (4) beginning CHARLES T. HUGUELET, and ending MICHAEL E. SAVAGE, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1411 AIR FORCE nominations (5) beginning GLENDA K. M. GRONES, and ending NANCY A. WESTBROOK, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1412 AIR FORCE nominations (15) beginning FRANK J. ARCHER, and ending EDUARDO SAN MIGUEL, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1413 AIR FORCE nominations (3) beginning THOMAS J. PIZZOLO, and ending CLIFFORD ZDANOWICZ JR., which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1414 AIR FORCE nominations (97) beginning TARN M. ABELL, and ending JOHN B. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

IN THE ARMY

PN1266 ARMY nominations (19) beginning JAMES R. AGAR II, and ending KERRY M. WHEELAHAN, which nominations were received by the Senate and appeared in the Congressional Record of December 9, 2009.

PN1281 ARMY nominations (36) beginning OLGA M. ANDERSON, and ending D004179, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1293 ARMY nomination of Dawn Y. Taylor, which was received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1294 ARMY nominations (2) beginning WALTER COFFEY, and ending RUSSELL P. REITER, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1295 ARMY nominations (4) beginning DEAN A. AMBROSE, and ending JOHN W. TROGDON, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1296 ARMY nominations (6) beginning PATRICK R. BOSSETTA, and ending JOHN R. WHITFORD, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1394 ARMY nomination of Bess J. Pierce, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1395 ARMY nominations (2) beginning JANINE G. ALLBRITTON, and ending SCOTT J. PIECEK, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1396 ARMY nomination of Juan G. Lopez, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1397 ARMY nomination of Jeri R. Regan, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1398 ARMY nomination of Robin T. Worch, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1399 ARMY nominations (4) beginning TYLER E. HARRIS, and ending KELLY A. SUPPLE, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1400 ARMY nominations (19) beginning SCOTT D. DEBOLT, and ending AUDREY D. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1415 ARMY nomination of Louis Gevirtzman, which was received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1416 ARMY nominations (5) beginning BRENDA M. ARZU, and ending JOHN R. MILLS, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

IN THE MARINE CORPS

PN1282 MARINE CORPS nomination of Brian J. Dix, which was received by the Senate and appeared in the Congressional Record of December 11, 2009.

PN1297 MARINE CORPS nomination of William J. Mitchell, which was received by the Senate and appeared in the Congressional Record of December 15, 2009.

PN1298 MARINE CORPS nominations (5) beginning SAM B. CLONTS JR., and ending RALPH L. PRICE III, which nominations were received by the Senate and appeared in the Congressional Record of December 15, 2009.

IN THE NAVY

PN1041 NAVY nomination of Donald J. Sheehan Jr., which was received by the Senate and appeared in the Congressional Record of September 30, 2009.

PN1237 NAVY nomination of Matthew S. Flemming, which was received by the Senate and appeared in the Congressional Record of December 2, 2009.

PN1385 NAVY nomination of Richard K. Dougherty, which was received by the Senate and appeared in the Congressional Record of January 20, 2010.

PN1401 NAVY nomination of Roldan C. Mina, which was received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1402 NAVY nominations (4) beginning JACOB R. HILL, and ending WILLIAM R.



WOODFIN, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 2010.

PN1417 NAVY nominations (11) beginning DAVID W. TERHUNE, and ending DET R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

PN1418 NAVY nominations (30) beginning ERIC R. AKINS, and ending SCOTT T. WILBUR, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2010.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CERVICAL CANCER AWARENESS

Mr. CARDIN. Mr. President, I rise today to call attention to a disease that is devastating to women nationwide. In 2009, the National Cancer Institute at NIH reported that cervical cancer was diagnosed in 11,250 women, and more than 4,000 women died from the disease. The U.S. Centers for Disease Control and Prevention, CDC, estimates that \$2 billion per year is spent on treatment of cervical cancer. Access to regular screening would not only prevent the disease in most cases, but would be a mere fraction of the cost of treatment.

Cervical cancer is mainly caused by HPV, a virus that currently infects about 20 million Americans. Another 6 million people become newly infected each year. By educating women and making regular Pap tests, HPV tests and the HPV vaccine affordable and accessible, we can significantly decrease the number of cases of cervical cancer in this Nation.

This message was brought to me last week by one of my constituents, Ms. Tamika Felder, and her "friends," a remarkable group of women who visited Capitol Hill to promote awareness of cervical cancer. Tamika was a successful young television producer in Washington, DC. At the age of 25, Tamika went to the doctor for a routine Pap test. She hadn't been to the doctor for a few years, partly due to a lack of health insurance. Her results came back, and the diagnosis was what she calls "the shock of her life"—advanced cervical cancer. As Tamika struggled to come to terms with her diagnosis, she became depressed and retreated from most of her friends. She could only think about the end of her life,

and the dreams that would go unfulfilled.

Doctors recommended a radical hysterectomy, which left Tamika heartbroken, knowing that she would never be able to give birth to children. Rounds of chemotherapy and radiation followed, and Tamika struggled to stay positive. She credits amazing family, friends, and coworkers with helping her through this difficult time. She emerged cancer-free, and is a 5-year survivor.

As Tamika was undergoing treatment, she spent a lot of time educating herself about HPV and cervical cancer, and her friends did the same. They learned that the disease was preventable, and they needed to get that message out to women around the country. Thus, the nonprofit organization Tamika and Friends was born. Tamika and Friends is based in Upper Marlboro, MD, and is dedicated to raising awareness about cervical cancer and its links to HPV.

Using the network of survivors and friends that they have established, they spread the essential message that through education, prevention, and treatment, cervical cancer can be entirely eliminated. They share their message in creative ways, including house parties that create a comfortable environment for women to have open discussions about HPV and cervical cancer and its causes. Their Web site has many survivors' stories to encourage other women that share their diagnosis.

When I learned that one of the reasons that Tamika did not have a regular Pap test was that she lacked health insurance, my conviction that we must achieve universal health coverage was strengthened. Her story is one of many that we have heard over the past year that emphasizes the critical need to cover the uninsured. If Tamika had had access to proper preventive testing, then her cancer might have been caught at an earlier stage. She may not have needed a radical hysterectomy, and her ability to have children, which she held so dear, might have been preserved.

The health care reform legislation passed by the Senate would ensure that women can afford a yearly Pap test. In the bill, preventive services for women, including a yearly exam and cervical cancer screenings are covered at no cost to patients. In addition, as part of the managers' amendment, the provision that I introduced as part of a Patients' Bill of Rights will allow women to designate an OB-GYN as their primary care physician. This will enable women to receive care from a physician that specializes in women's health and can reinforce efforts to educate women about the causes of cervical cancer and the importance of getting regular Pap and HPV tests.

To successfully eradicate cervical cancer, we must acknowledge and ad-

dress that racial and ethnic minorities are disproportionately affected. Cervical cancer is diagnosed at an early stage more often in Whites than in Blacks, and Black women have higher rates of mortality from cervical cancer than White women. According to the Centers for Disease Control and Prevention, Hispanic women were twice as likely as White women to be diagnosed with cervical cancer, and the rates of cervical cancer among Vietnamese American women are higher than those for any other ethnicity—more than five times higher than White women. These statistics highlight why it is so important to codify the Offices of Minority Health within HHS and its agencies. I advocated for this to be part of the managers' amendment to the Senate health care bill, and I will continue to push for it to be included in the health care reform legislation that is signed by President Obama.

I come to the floor today to raise awareness about cervical cancer and the need to cover preventive services for women, and to commend and thank Tamika and her friends for their efforts to educate all women about what they can do to remain healthy. Tamika's story could have been one of tragedy, but instead, she has turned it into a story of inspiration, strength, and hope.

In one of the informational brochures that Tamika and Friends hands out to women is a message from Tamika herself. It says "No matter how busy or broke you think you are—whether you have insurance or not—you must never, ever skip your Pap test and HPV test." As Members of the U.S. Senate, it is within our power to help women like Tamika and make sure that a lack of health insurance is not a barrier for women's health. We can all do our part to prevent cervical cancer and other diseases that can be caught early with proper preventive care.

#### SMALL BUSINESS CONTRACTING REVITALIZATION ACT

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to discuss the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and

110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include "bait and switch" tactics used by prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory "goalings" requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for \$378 billion in

Federal contracting awards, yet received only \$83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars, has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal. We must strive to exceed it, not just meet it.

In the last 2 years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business' contracting concerns. In addition, the GAO and the Small Business Administration's, SBA, inspector general have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal Government can not only meet but exceed these requirements for the Recovery Act, why can't these goals be met year in and year out? The simple answer is they can. I am hopeful this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal Government to maximize the use of America's innovative small businesses in the contracting arena. Again, I want to recognize Senator LANDRIEU for her leadership in this matter and for her continuing commitment to the small business community.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE ALBANY AREA YMCA

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Albany Area YMCA on the occasion of its 100th anniversary.

On October 25, 1909, 100 businessmen met at the New Albany Hotel for the purpose of establishing and building a YMCA in Albany. Five days later, the campaign, led by Judge F.F. Putney, was successful in raising \$30,000.

Just 1 year later, the vision became a reality, and the first YMCA building in

Albany opened its doors at the corner of Pine and Jefferson.

Since its inception in 1910, the Albany Area YMCA has been an important part of life for residents of southwest Georgia.

Just last year, more than 30,000 people were involved in the YMCA, whether it was coaching baseball, participating in the 5K runs or volunteering at the food drives.

I have been to the Albany Area YMCA several times and I am always impressed by the new community initiatives and programs taking place there.

The YMCA has always been committed to challenging boys and girls to think beyond themselves and to set goals—and it is this focus on character development that has helped strengthen the community.

As a former volunteer and past president of the Moultrie YMCA, I have a special appreciation for the great work the volunteers are doing. And they ought to be commended for their tremendous efforts.

For 100 years, YMCA volunteers have helped children develop themselves as honest, respectful, caring and responsible individuals.

Additionally, I would be remiss if I did not mention Dave Wallace, who has made a tremendous impact on the Albany Area YMCA while serving as the executive director.

I have had the good fortune of knowing Dave for several years. The YMCA has flourished under his leadership—and I have no doubt he has touched many lives throughout his tenure there.

Over the years, the Albany Area YMCA has relocated, expanded and changed in many aspects, but it has never steered away from its mission "to put Christian principles into practice through programs that build a healthy spirit, mind and body for all."

Once again, I would like to offer my congratulations and appreciation to the Albany Area YMCA on this very special occasion.●

##### RECOGNIZING THE NORRIS STEVENS FAMILY

• Mrs. LINCOLN. Mr. President, today I congratulate the Norris Stevens family for being named the Drew County Farm Family of the Year for 2009.

I have felt a long kinship with Drew County, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture

is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Mr. President, our farm families are critical to our Nation's economic stability. We must work to continue the farm family tradition, so families such as the Stevens family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Stevens and all Arkansas farm families for their hard work and dedication.●

#### RECOGNIZING SHAY AND SHERRIE GILLESPIE

● Mrs. LINCOLN. Mr. President, today I congratulate Shay and Sherrie Gillespie of Monticello as the 2009 Man and Woman of the Year, as named by the Monticello-Drew County Chamber of Commerce and Monticello Economic Development Commission.

I have felt a long kinship to Monticello, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

Monticello is a community with a great spirit of volunteerism and caring, as evidenced by the Gillespies. Owners of Head of the Class Childcare and Learning Center, the Gillespies are known throughout the community for their work with youth, their church and community activities, and their service on the Monticello City Council. Sherrie is a current city alderman and Shay is a former alderman.

According to those who know her best, Sherrie is quick to open up her home to the youth in her church and community, using her personal finances to help feed senior citizens and provide clothing for the needy. She was instrumental in forming a community action organization that provides tutoring to African-American students to help them make the most of their future.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Shay and Sherrie.●

#### RECOGNIZING SEAARK MARINE AND RAY'S RESTAURANT

● Mrs. LINCOLN. Mr. President, today I proudly join all Monticello residents to congratulate SeaArk Marine and Ray's Restaurant as the Monticello-Drew County Industry and Business of the Year, respectively, as named by the

Chamber of Commerce and Monticello Economic Development Commission.

I have felt a long kinship to Monticello, and I am grateful for the friendships I have made there. I have many fond memories visiting the Drew County Courthouse, where my southern Arkansas field office was located when I was first elected to the U.S. Senate.

Industry of the Year SeaArk Marine is one of the Nation's leading commercial and military boat builders. Known for its commitment to customers and quality, SeaArk has been under the same ownership for over 51 years, with many of their key craftspeople employed for more than 30 years.

Business of the Year Ray's has been a local icon since 1951, when the restaurant first began serving burgers at what was then known as C.L. and Ruth Ray's Anchor Drive In on Hyatt Street. Ray's now serves a diverse menu of Arkansas favorites, including burgers, catfish and hickory-smoked barbeque.

Mr. President, I salute these Arkansas businesses for their hard work and dedication in serving our State.●

#### RECOGNIZING THE TONGUE POINT JOB CORPS CENTER

● Mr. MERKLEY. Mr. President, today I recognize Tongue Point's 45 years of tireless dedication to helping Oregonians improve the quality of their lives. In 1965, the Tongue Point Job Corps Center began teaching young people the skills to become employable and independent. Since then, the center has remained devoted to its mission of helping its graduates find work or pursue additional education. Last year, an amazing 90 percent of Job Corps graduates found work, enrolled in higher education programs, or enlisted in the military.

During these tough economic times, Tongue Point's contribution to our communities helps strengthen the quality of our workforce and ensures that those who want to succeed can. The center provides 16- to 24-year-olds with technical and academic training at no cost to the student, guaranteeing a safe and encouraging space for professional advancement.

In recognition of Tongue Point's 45th birthday, I wish to express my sincere appreciation for the work they have done helping young Oregonians find a career path. This center, like all Job Corps Centers nationwide, provides a tremendous service to our Nation, and I wish it all the best in the years to come.●

#### REMEMBERING COLONEL JACK PITCHFORD

● Mr. WICKER. Mr. President, on December 2, 2009, retired Air Force COL Jack Pitchford died at the age of 82 after a long battle with a brain tumor. The Natchez, MS, native was a deco-

rated fighter pilot, a survivor of the Hanoi Hilton, and a true hero. Our country will miss him.

John Joseph Pitchford was born in 1926 in Natchez. The second of 12 children and the eldest boy, Pitchford enlisted in the Army Air Corps after graduating from high school in 1944. He served as an aircraft and engine mechanic through the end of World War II.

He then attended Louisiana State University from 1949 to 1952, graduating with a bachelor of science degree in forestry and receiving a Reserve Officer Training Corps commission in the Air Force. After entering pilot training in August 1952 at Bartow Air Force Base, Pitchford went on to receive his wings in September 1953.

As the war in Vietnam escalated, Pitchford volunteered for the Wild Weasel program, tasked with flying low-altitude missions to hunt and destroy surface-to-air missiles. On December 20, 1965, during his third combat mission of the war, Colonel Pitchford's F-100F Super Sabre aircraft was hit by a North Vietnamese missile. He suffered a dislocated right shoulder during his ejection from the aircraft and three gunshot wounds to his right arm when his captors opened fire. Colonel Pitchford was the first Wild Weasel to be taken prisoner in Vietnam. He spent the next 7 years in various North Vietnamese prisoner-of-war camps, including the infamous Hanoi Hilton. After 373 weeks of hellish captivity and torture, Colonel Pitchford was finally released on February 12, 1973.

In recognition of his tremendous service and sacrifice, Colonel Pitchford was awarded the Purple Heart, the Silver Star, and Legion of Merit. Upon retirement from the Air Force, he returned to Natchez where he became an active member of the community. In discussing his time as a POW, Colonel Pitchford once said:

The one thing I would like to convey to the American people is that no matter what happens in one's lifetime, one must never lose faith in the United States of America. Ours is a great country indeed. We must continue to rededicate ourselves to the principles that have made it great. I, as a POW, was maintained by my faith in God, country and by the hardships much worse than my own that were endured by many of my fellow POWs.

I recently returned from Afghanistan. Many of the qualities Jack Pitchford exhibited in his life can be seen in our men and women who are serving our country there today. Their service and sacrifice ensures that Jack Pitchford's legacy will live on.●

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS DECLARED IN EXECUTIVE ORDER 13396 ON FEBRUARY 7, 2006, WITH RESPECT TO THE SITUATION IN OR IN RELATION TO CÔTE D'IVOIRE—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2010.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. Although considerable progress has been made in implementing this agreement, the situation in or in relation to Côte d'Ivoire poses a continuing unusual and extraordinary threat to the national security and foreign policy of the United States.

For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, February 2, 2010.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4613. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-4614. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Belarus Sanctions Regulations" (31 CFR Part 548) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4615. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4616. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4617. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Community Disaster Loan" ((44 CFR Part 206)(Docket No. FEMA-2005-0051)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4618. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Haiti Earthquake Occurring in January 2010 Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code" (Notice No 2010-16) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4619. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2010" (Rev. Rul. 2010-6) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4620. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue—Industry Director Directive on the Planning and Examination of Repairs vs. Capitalization Change in Accounting Method (CAM) No. 1" (LMSB-4-0110-001) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4621. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous HEART Act Changes" (Notice No. 2010-15) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Finance.

EC-4622. A communication from the Deputy Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of the confirmation of a nomination in the position of Administrator, received on January 29, 2010; to the Committee on Foreign Relations.

EC-4623. A communication from the Office Manager, Office of the National Coordinator for HIT, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification, Criteria for Electronic Health Record Technology" (RIN0991-AB58) received in the Office of the President of the Senate on January 15, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4624. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners: Reporting on Adverse and Negative Actions" (RIN0906-AA57) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4625. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4626. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Trust Annual Reports, Final Rule Extending Filing Due Date" (RIN1215-AB75) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-4627. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Worker Visibility" (RIN2125-AF28) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4628. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standard No. 121; Air Brake Systems" (RIN2127-AK44) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4629. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Standard Instrument Approach Procedures (113); Amdt. No. 3356" (RIN2120-AA65) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4630. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (10); Amdt. No. 3357" (RIN2120-AA65) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4631. A communication from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order, In the Matter of International Fixed Public Radiocommunication Services" (IB Docket No. 05-216) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4632. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Employee Protection Program; Removal" (RIN2105-AD94) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4633. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, DC Area; Removal" (RIN2105-AD93) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4634. A communication from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "OST Technical Corrections" (RIN2105-AD82) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4635. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA" ((RIN2120-AA66)(Docket No. FAA-2009-0750)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4636. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, FL" ((RIN2120-AA66)(Docket No. FAA-2009-0326)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4637. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Anniston, AL" ((RIN2120-AA66)(Docket No. FAA-2009-0653)) received in the Office of the

President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4638. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Saluda, SC" ((RIN2120-AA66)(Docket No. FAA-2009-0603)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4639. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tompkinsville, KY" ((RIN2120-AA66)(Docket No. FAA-2009-0604)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4640. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hertford, NC" ((RIN2120-AA66)(Docket No. FAA-2009-0705)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4641. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Clayton, GA" ((RIN2120-AA66)(Docket No. FAA-2009-0605)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4642. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lewisport, KY" ((RIN2120-AA66)(Docket No. FAA-2009-0706)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4643. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100B SUD, -200B, -300, -400, and -400D Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0636)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4644. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0865)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4645. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R Series

Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27862)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4646. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-1125)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4647. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0009)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4648. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0713)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4649. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikma Aero Seat 90xx Series Passenger Seats, Installed on, but not Limited to ATR-GIE Avions de Transport Regional Model ATR42 Airplanes and Model ATR72 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-27346)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4650. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0029)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4651. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Engine Components, Inc. (ECI) Reciprocating Engine Cylinder Assemblies" ((RIN2120-AA64)(Docket No. FAA-2008-0052)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4652. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0657)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4653. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0610)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4654. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1251)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4655. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0763)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4656. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0236)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Model Arriel 1B, 1D, and 1D1 Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2009-0503)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0309)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drug and Alcohol Testing Program; Correction" ((RIN2120-AJ37)(Docket No. FAA-2008-0937)) received in the Office of the President of the Senate on February 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4660. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones: Fireworks Displays in the Captain of the Port, Portland Zone" ((RIN1625-AA00)(Docket No. USG-2008-1096)) received in the Office of the President of the

Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4661. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA00)(Docket No. USG-2009-1080)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4662. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL" ((RIN1625-AA00; RIN1625-AA87)(Docket No. USG-2009-1052)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4663. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Amendment to the list of MARPOL Annex V Special Areas That Are Currently in Effect to Add the Gulfs and Mediterranean Sea Special Areas" ((RIN1625-AB41)(Docket No. USG-2009-0273)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4664. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports" ((RIN1625-AB25)(Docket No. USG-2008-0007)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4665. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District" ((RIN1625-AA08)(Docket No. USG-2009-0430)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4666. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC" ((RIN1625-AA00)(Docket No. USG-2009-1067)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4667. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Harlem River, New York, NY" ((RIN1625-AA09)(Docket No. USG-2008-0456)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4668. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Diego Parade of Lights Fireworks,

San Diego Bay, CA" ((RIN1625-AA00)(Docket No. USG-2009-0484)) received in the Office of the President of the Senate on January 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-4669. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA" ((RIN1625-AA09)(Docket No. USG-2009-0863)) received in the Office of the President of the Senate on January 27, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1733. A bill to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy (Rept. No. 111-121).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1524. A bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes (Rept. No. 111-122).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market (Rept. No. 111-123).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1749. A bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Mary Sally Matiella, of Arizona, to be an Assistant Secretary of the Army.

\*Paul Luis Oostburg Sanz, of Maryland, to be General Counsel of the Department of the Navy.

\*Malcolm Ross O'Neill, of Virginia, to be an Assistant Secretary of the Army.

\*Jackalynne Pfannenstiel, of California, to be an Assistant Secretary of the Navy.

\*Douglas B. Wilson, of Arizona, to be an Assistant Secretary of Defense.

Air Force nomination of Col. Kory G. Cornum, to be Brigadier General.

Air Force nomination of Brig. Gen. Carol A. Lee, to be Major General.

Air Force nominations beginning with Brigadier General Eric W. Crabtree and ending with Brigadier General Lance D. Undhjem, which nominations were received by the Senate and appeared in the Congressional Record on December 9, 2009.

Air Force nomination of Col. Dixie A. Morrow, to be Brigadier General.

Air Force nomination of Col. Paul S. Dwan, to be Brigadier General.



Air Force nominations beginning with Col. Daniel B. Fincher and ending with Col. David C. Wesley, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Colonel Gary C. Blaszkiewicz and ending with Colonel William O. Welch, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nomination of Brig. Gen. Steven J. Lepper, to be Major General.

Air Force nomination of Col. Gerard A. Caron, to be Major General.

Air Force nomination of Brig. Gen. Richard C. Harding, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Samuel C. Heady and ending with Colonel Michael A. Wobbema, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Brig. Gen. Mary A. Legere, to be Major General.

Army nomination of Maj. Gen. Thomas P. Bostick, to be Lieutenant General.

Army nomination of Maj. Gen. Robert L. Caslen, Jr., to be Lieutenant General.

Army nomination of Brig. Gen. Steven W. Smith, to be Major General.

Army nomination of Brig. Gen. William D. Frink, Jr., to be Major General.

Army nominations beginning with Colonel Jeffrey N. Colt and ending with Colonel Donald M. MacWillie, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Navy nominations beginning with Captain Douglas J. Asbjornsen and ending with Captain Robert J. Kamensky, which nominations were received by the Senate and appeared in the Congressional Record on April 2, 2009.

Navy nomination of Vice Adm. David Architzel, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Joseph E. Sanders, to be Colonel.

Air Force nomination of Chinmoy Mishra, to be Lieutenant Colonel.

Air Force nomination of Charles F. Kimball, to be Major.

Air Force nominations beginning with Minh Thu Ngoc Le and ending with Robert C. Pope, which nominations were received by the Senate and appeared in the Congressional Record on December 2, 2009.

Air Force nominations beginning with Noemi Algarinlozano and ending with Patrick J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with David W. Bobb and ending with Robert W. Wishtschin, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Sean W. Digman and ending with David L. Robinson, which nominations were received

by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Albert H. Bonnema and ending with Gianna R. Zeh, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Eric R. Baugh, Jr. and ending with Karyn E. Young, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Adam M. Anderson and ending with Shahid A. Zaidi, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Brian J. Alent and ending with Rachel A. Weber, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nominations beginning with Eric E. Abbott and ending with Ethan Everett Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Air Force nomination of Lawrence W. Steinkraus, Jr., to be Colonel.

Air Force nominations beginning with Kristi L. Jones and ending with Bruno A. Schmitz, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Air Force nominations beginning with Raymond King and ending with Bernhard K. Stepke, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Air Force nominations beginning with Frank R. Aflague and ending with William T. Yates, which nominations were received by the Senate and appeared in the Congressional Record on December 21, 2009.

Air Force nominations beginning with Anthony N. Dills and ending with Michael D. Miller, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Air Force nominations beginning with Matthew A. Baack and ending with Rocky Zaccheus, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Air Force nomination of David A. Nordstrand, to be Colonel.

Air Force nominations beginning with Helen K. Crouch and ending with Mickra H. King, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Randall B. Dell and ending with Eddie P. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Charles T. Huguélet and ending with Michael E. Savage, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Glenda K. M. Grones and ending with Nancy A. Westbrook, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Frank J. Archer and ending with Eduardo San Miguel, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Thomas J. Pizzolo and ending with Clifford Zdanowicz, Jr., which nominations were re-

ceived by the Senate and appeared in the Congressional Record on January 26, 2010.

Air Force nominations beginning with Tarn M. Abell and ending with John B. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Army nominations beginning with James R. Agar II and ending with Kerry M. Whelehan, which nominations were received by the Senate and appeared in the Congressional Record on December 9, 2009.

Army nominations beginning with Olga M. Anderson and ending with D004179, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2009.

Army nomination of Dawn Y. Taylor, to be Major.

Army nominations beginning with Walter Coffey and ending with Russell P. Reiter, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nominations beginning with Dean A. Ambrose and ending with John W. Trogdon, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nominations beginning with Patrick R. Bossetta and ending with John R. Whitford, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Army nomination of Bess J. Pierce, to be Lieutenant Colonel.

Army nominations beginning with Janine G. Allbritton and ending with Scott J. Piecek, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Juan G. Lopez, to be Major.

Army nomination of Jeri R. Regan, to be Major.

Army nomination of Robin T. Worch, to be Major.

Army nominations beginning with Tyler E. Harris and ending with Kelly A. Supple, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nominations beginning with Scott D. Debolt and ending with Audrey D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.

Army nomination of Louis Gevirtzman, to be Colonel.

Army nominations beginning with Brenda M. Arzu and ending with John R. Mills, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Marine Corps nomination of Brian J. Dix, to be Major.

Marine Corps nomination of William J. Mitchell, to be Major.

Marine Corps nominations beginning with Sam B. Clonts, Jr. and ending with Ralph L. Price III, which nominations were received by the Senate and appeared in the Congressional Record on December 15, 2009.

Navy nomination of Donald J. Sheehan, Jr., to be Captain.

Navy nomination of Matthew S. Flemming, to be Commander.

Navy nomination of Richard K. Dougherty, to be Commander.

Navy nomination of Roldan C. Mina, to be Lieutenant Commander.

Navy nominations beginning with Jacob R. Hill and ending with William R. Woodfin, which nominations were received by the Senate and appeared in the Congressional Record on January 21, 2010.



Navy nominations beginning with David W. Terhune and ending with Det R. Smith, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

Navy nominations beginning with Eric R. Akins and ending with Scott T. Wilbur, which nominations were received by the Senate and appeared in the Congressional Record on January 26, 2010.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. LEAHY):

S. 2974. A bill to establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict or natural disaster reconstruction, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. GILLIBRAND, Mr. BROWN, and Mr. FRANKEN):

S. 2975. A bill to prohibit the manufacture, sale, or distribution in commerce of children's jewelry containing cadmium, barium, or antimony, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2976. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. WEBB, Mr. MCCAIN, Mrs. LINCOLN, Mr. BENNETT, Mr. CHAMBLISS, Ms. COLLINS, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, Mr. BARRASSO, Mr. CORKER, Mr. KYL, Mr. COBURN, Mr. GRASSLEY, Mr. VITTER, Mr. HATCH, Mr. JOHANNES, Mr. ROBERTS, Mr. ALEXANDER, Mr. PRYOR, and Mr. THUNE):

S. 2977. A bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. NELSON of Florida):

S. 2978. A bill to extend the Caribbean Basin Economic Recovery Act, to extend the trade preferences made available to Haiti under that Act, to encourage foreign investment in Haiti, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KAUFMAN):

S. 2979. A bill to amend title 18, United States Code, to provide accountability for

the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. CORNYN, Mr. WICKER, Mr. VITTER, Mr. ENZI, Mr. BROWNBAC, Mr. INHOFE, Mr. ROBERTS, and Mr. HATCH):

S. 2980. A bill to protect the democratic process and the right of the people of the District of Columbia to define marriage; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. THUNE):

S. 2981. A bill to reevaluate and redirect the stimulus; to the Committee on Appropriations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KAUFMAN (for himself, Mr. BROWNBAC, Mr. CASEY, Mr. KYL, Mr. FEINGOLD, Mr. WEBB, Mr. LIEBERMAN, Mr. SPECTER, Mr. MCCAIN, and Mr. CORNYN):

S. Res. 405. A resolution reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes; considered and agreed to.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. CASEY, and Mr. JOHANNES):

S. Res. 406. A resolution recognizing the goals of Catholic Schools Week and honoring the valuable contributions of Catholic schools in the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 570

At the request of Mr. VITTER, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kansas (Mr. BROWNBAC) were added as cosponsors of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 753

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 841

At the request of Mr. KERRY, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 891

At the request of Mr. BROWNBAC, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite—tantallite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 938

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 938, a bill to require the President to call a White House Conference on Children and Youth in 2010.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1518

At the request of Mr. BURR, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the names of the Senator from Indiana (Mr. BAYH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2913

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2913, a bill to establish a national mercury monitoring program, and for other purposes.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN:

S. 2976. A bill to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing with Senator STABENOW the Sleeping Bear Dunes National Lakeshore Conservation and Recre-

ation Act, which would permanently protect 32,557 acres within the extraordinarily beautiful Sleeping Bear Dunes National Lakeshore located in the Michigan counties of Leelanau and Benzie. This legislation reflects the 2008 National Park Service wilderness proposal, which was the result of a lengthy public process beginning in 2006, and culminating in broad public support for the proposal. The wilderness designation improves upon a 1981 recommendation by ensuring that access to recreational areas is provided while protecting lands in their natural condition.

While there currently are no areas in the Lakeshore formally designated as wilderness, the National Park Service has been managing 30,903 acres as wilderness since 1982, when an amendment to the park's enabling legislation required the Park Service to manage land recommended as wilderness in 1981 in this manner "until Congress determines otherwise." The legislation I am introducing today would modify somewhat which areas would be managed as wilderness to ensure visitors continue to have access to these lands. The bill specifically excludes developed county roads and State highways from the wilderness area such that access is not impeded for recreation and other purposes. Several areas for boat launching and historic structures have also been excluded from the wilderness designation. Even with these exclusions, the overall acreage that would be designated as wilderness is slightly more than the area currently managed as wilderness because Sleeping Bear Plateau would be protected. Importantly, the wilderness designation would still allow hunting and fishing, trail-use, and camping at Sleeping Bear Dunes National Lakeshore. Also, motor boats would still be allowed in Lake Michigan, and boaters would be allowed to beach their craft on beaches adjacent to the wilderness area.

The bill was carefully crafted to ensure that the wilderness designation would apply only to areas currently undeveloped and possessing natural characteristics and values. There are five areas that would be designated as wilderness by this legislation. Most of North and South Manitou Islands would be designated as wilderness, with some exclusions for boat launching, roads, and historic structures. Wilderness would also be designated in the north, central, and southern parts of the Lakeshore on the mainland. In the mainland areas there are also exclusions for roads and recreational and historic features.

The dramatic dunes, sandy beaches, steep bluffs, forests, inland lakes, agricultural lands, and historic structures of Sleeping Bear Dunes National Lakeshore embody the rich natural and cultural history of Michigan. This wilderness designation would ensure that

current and future generations will be able to enjoy solitude and recreation in these treasured areas. Even as the Sleeping Bear dunes are ever-changing as they are sculpted by the wind, it is critical that we protect these and other natural assets from being altered by development. I hope we can have prompt consideration of this bill by the Senate.

By Mr. GRAHAM (for himself, Mr. LIEBERMAN, Mr. WEBB, Mr. MCCAIN, Mrs. LINCOLN, Mr. BENNETT, Mr. CHAMBLISS, Ms. COLLINS, Mr. MCCONNELL, Mr. CORNYN, Mr. SESSIONS, Mr. BARRASSO, Mr. CORKER, Mr. KYL, Mr. COBURN, Mr. GRASSLEY, Mr. VITTER, Mr. HATCH, Mr. JOHANNES, Mr. ROBERTS, Mr. ALEXANDER, Mr. PRYOR, and Mr. THUNE):

S. 2977. A bill to prohibit the use of Department of Justice for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks; to the Committee on the Judiciary.

Mr. CHAMBLISS. Mr. President, I rise to speak about this administration's decision to try the 9/11 conspirators and the Christmas bomber in our civilian criminal justice system.

Prosecuting the five 9/11 conspirators currently detained at the Guantanamo Bay detention facility, as well as the Christmas bomber, Umar Farouk Abdulmutallab, in article III criminal court indicates a disturbing tendency by this administration to make terrorism a law enforcement priority rather than an intelligence priority. It is a mistake to treat terrorism as a law enforcement problem alone, a mistake that is only compounded by the fact that the intelligence community was not even consulted before they were prevented from gathering any intelligence from Abdulmutallab, a member of a terrorist organization sworn to be at war with America. As the 9/11 Commission found:

An unfortunate consequence of this superb investigative and prosecutorial effort was that it created an impression that the law enforcement system was well equipped to cope with terrorism.

As we know from an examination of events before 9/11, law enforcement means alone cannot eliminate the threat from al-Qaida.

After Abdulmutallab failed to detonate an explosive device on Northwest flight 253, he was taken into custody by law enforcement. Other than the Federal Bureau of Investigation, no member of the intelligence community—in particular, the Central Intelligence Agency—had the opportunity to question Abdulmutallab and gather intelligence. The Department of Justice should have foreseen that a dedicated terrorist, intent on committing suicide and harming Americans, would not be

willing to cooperate with U.S. law enforcement, especially after being informed of his rights under our criminal code, including the right to remain silent. Without consulting the intelligence community, the Department of Justice limited the tools used to gather intelligence and potentially prevent future terrorist attacks.

The administration is returning to the idea that terrorism can be investigated by the FBI and prosecuted rather than relying on our intelligence community and military to disrupt attacks. The United States should not revert to the days where we waited for an attack to occur, then investigated it and prosecuted it. We must work actively to disrupt terrorist attacks before they take the lives of Americans. We must work actively to deny terrorist safe havens and financing. The most successful way to disrupt and deny terrorist activity is through the intelligence we gather on individuals prior to a criminal or terrorist act occurring or from those individuals after they have made such an attempt.

Treating these terrorists as common criminals will put our communities in danger, toll the taxpayers, and cause the government to miss valuable intelligence collection opportunities. For example, bringing the five 9/11 conspirators to New York City is estimated to cost over \$200 million per year just in enhanced security. This does not include the cost to millions of New Yorkers and businesses who will have to adjust their way of life to accommodate these trials. Meanwhile, this will allow terrorists to mock our justice system and use it as a stage to espouse their jihadist beliefs and expose our intelligence sources and methods. We have already seen Zacarias Moussaoui use his trial in Virginia to spout al-Qaida propaganda and to try to portray himself as a martyr. Meanwhile, terrorism trials during the 1990s in our criminal courts exposed sensitive and classified information to, among others, Osama bin Laden, including the fact that the U.S. intelligence community was targeting his communications.

Let me be clear. These are not common criminals, and they should not be treated as such. The five terrorists responsible for planning and organizing the September 11, 2001, terrorist attacks—including self-proclaimed 9/11 mastermind Khalid Shaikh Mohammed—should not be entitled to receive the same legal treatment as our Constitution gives to common criminals in this country. These terrorists committed an act of war, an act that led us to an armed conflict in Afghanistan, where, today, more than 8 years later, our troops are still battling al-Qaida. These terrorists should face justice through the military commission process for the atrocities they committed—the same process that had already

charged these five terrorists and began over a year ago; the same process that KSM already pleaded guilty under but that the President abolished as soon as he took office.

For these reasons, I joined a bipartisan group of Senators, today, in introducing legislation that would prohibit funding for the prosecuting of the 9/11 conspirators in our U.S. criminal article III courts.

Under his Constitutional authority as Commander in Chief, along with the Congressional Authorization for the Use of Military Force, the President has the authority—and the responsibility—to detain the 9/11 conspirators and Abdulmutallab because of their actions on behalf of al-Qaida, and to pursue trial by military commission—an option the President determined appropriate for other terrorists, such as Abd al-Rahim al-Nashiri, who was responsible for the USS *Cole* bombing. Instead, by prosecuting Abdulmutallab and the 9/11 conspirators in criminal court, and Nashiri and others by military commission, it creates the impression that terrorists are rewarded with the full complement of rights and privileges of an American if they attack defenseless civilians at home, but not if they attack our government or military interests abroad. This will only further incentivize terrorists to attack our homeland.

As the attempted terrorists attack on Christmas Day illustrates, al-Qaida does not need further incentive to attack America. They are focused on and engaged in harming Americans here and abroad. As such, it is critical that our intelligence community have every opportunity to gain information so we can stay one step ahead of any related terrorists threats. Obtaining intelligence first rather than affording constitutional rights to a foreign terrorist is an obvious solution. Treating members of al-Qaida the same as we treat others captured on the battlefield is another.

By Mr. WYDEN (for himself and Mr. NELSON of Florida):

S. 2978. A bill to extend the Caribbean Basin Economic Recovery Act, to extend the trade preferences made available to Haiti under that Act, to encourage foreign investment in Haiti, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am pleased to introduce legislation to help encourage Haitian economic development, by promoting U.S.-Haitian trade and investment. The legislation, the Renewing Hope for Haitian Trade and Investment Act of 2010, would in part renew provisions of U.S. trade law that are currently scheduled to expire and which have been critical to the growth of the Haitian apparel sector, which sustains tens of thousands of jobs in Haiti.

Apparel is a core industry sector in Haiti, accounting for an estimated 25,000 jobs and 75–80 percent of Haiti's export earnings.

The devastating January 12 earthquake in Haiti caused widespread damage to the industry. The damage has caused transportation and assembly production bottlenecks, and compounded existing challenges such as lack of industrial space, poor road and port conditions, unreliable electricity, and the high cost of capital.

As of January 2010, Haiti's apparel industry is reportedly running at 50 percent of capacity as a result of the earthquake. Producers hope to increase production to 70 percent of capacity in the next 4–6 weeks, depending on improvements to electricity and water supplies.

Most apparel imports from Haiti come into the U.S. free of duties, because of provisions in the Caribbean Basin Trade Partnership Act, CBTPA. Unfortunately, these provisions expire in September of this year. This expiration is dampening interest in placing additional apparel orders, so it is critical that Congress extend this important program, and do so expeditiously. The Renewing Hope for Haitian Trade and Investment Act of 2010 would extend CBTPA for an additional 3 years.

Increasingly, producers are using a new program called the Hemispheric Opportunity through Partnership Encouragement, HOPE, program to send Haitian apparel to the U.S. free of duty. While utilization of this program, which began in 2006, is growing, it faced early challenges and has since been amended. The amendments have been helpful, but extending this program would help send a signal to potential investors to go into Haiti and build the factories that will employ hundreds or thousands more Haitian workers. The Renewing Hope for Haitian Trade and Investment Act would “restart the clock” on the HOPE program and extend it through 2022.

Furthermore, a challenging investment climate and cumbersome Customs procedures for moving goods in and out of Haiti are imposing significant challenges to private-sector Haitian producers. The Renewing Hope for Haitian Trade and Investment Act would help in these areas, too.

Over the past few weeks, I have reached out to a broad group of stakeholders in order to identify the near-term challenges that face Haiti's apparel production industry. We focused on identifying short-term constraints that exist because of the January earthquake. I look forward to continuing to work with these stakeholders going forward in order to ensure quick passage of a bill that has a maximum amount of consensus between U.S. and Haitian producers, non-governmental organizations, and others.

I would particularly like to acknowledge the leadership of Senator BILL NELSON on this proposal. His keen understanding of Haiti and how U.S. trade laws work to help Haitian economic development was critical to constructing this legislation. I look forward to working with Senators NELSON, BAUCUS, GRASSLEY, and Chairmen RANGEL and LEVIN on this proposal and other ideas to spur Haiti's economy. Each of these members is a vociferous champion of Haitian economic development, promoted in part by thoughtful trade and investment policies.

I encourage all my colleagues to join in supporting this critical legislation to help Haitians who were flattened both economically and literally by last month's earthquake get back on their feet.

By Mr. LEAHY (for himself and Mr. KAUFMAN):

S. 2979. A bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, over the past year, President Obama has been working hard to restore America's credibility in the world and our reputation for justice and our commitment to the rule of law. A key component of that important mission is ensuring accountability for American contractors and employees overseas. Accountability is crucial, not just for our image abroad and our diplomatic relations, but for ensuring our national security.

To restore accountability, Congress must make sure that our criminal laws reach serious misconduct by American government employees and contractors wherever they act. Today, I join with Senator KAUFMAN to introduce the Civilian Extraterritorial Jurisdiction Act, CEJA, to accomplish this important and common sense goal.

Tragic events in Iraq in 2007 made clear the need to strengthen the laws providing for jurisdiction over American government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing an international incident with the Iraqi government.

The Federal Bureau of Investigation, FBI, conducted a full-scale criminal investigation of the Blackwater shootings, and prosecutors brought indictments against five contractors. Last month, a Federal district judge dismissed all the charges because of an order from the past administration immunizing Blackwater contractors under Iraqi law and immunity commitments by the prior administration to obtain the testimony of some. Al-

though the Justice Department is expected to appeal the dismissals, this could mean that those who perpetrated this act will not be held accountable. I believe that, had jurisdiction for these offenses been clear, FBI agents would have been on the scene immediately, which could well have prevented the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident of contractor misconduct, and accountability for U.S. Government contractors and employees is essential. Private security contractors have been involved in violent incidents in Iraq, including other shooting incidents in which civilians have been seriously injured or killed. In these cases too, there have not been prosecutions.

Last fall, the Senate Judiciary Committee heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in 2005 when she was 20 years old. In her first week on the job, she was drugged and gang-raped by co-workers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and denied even access to a phone.

Only after pleading with her captors was she eventually given use of a phone. She called her father, who contacted her Congressman, who in turn contacted the State Department. State Department officials were able to free her. Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct, and Congress has moved to change the civil law to prevent that kind of injustice. Today we seek to fix the outdated criminal laws that have also contributed to the failure to bring those who perpetrated this heinous crime to justice.

Unfortunately, many other women have encountered similar abuse and have similarly seen their attackers escape any accountability. Also last year, we learned that contractors hired to secure the American Embassy in Afghanistan engaged in various forms of outrageous conduct but there, too, there have been no prosecutions. It is time to correct this injustice.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then again to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany the military, and to all contractors who support the Defense Department mission overseas. We wanted to make sure that all contractors working alongside the U.S. military or protecting U.S. interests overseas were held to the same standard that they would be at home. We pay these contractors with taxpayers' money, they represent the U.S. overseas, and they should be held to the same standards as our military.

In 2007, I worked with then-Senator Obama and with Senators SESSIONS and SPECTER on further legislation which would have amended MEJA to make sure that all security contractors, not just those supporting the Defense Department, are accountable under U.S. law.

Today, we introduce a bill that would finally address this issue in a comprehensive way, establishing clearly that all U.S. Government employees and contractors who commit crimes while working abroad can be charged and tried in the United States under U.S. law. The State Department, the U.S. Agency for International Development, and numerous other Government agencies have employees, and in recent years, more and more private contractors, working abroad. There must be accountability for all of these people who represent our Government overseas. In those instances where the local justice system may be less fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the U.S., rather than leaving them subject to hostile and unpredictable local courts.

Not only will this bill help to provide justice in cases where there has been none, it will improve our national security by allowing prosecution of those who undermine our efforts to create stability and improve foreign relations. By ensuring accountability in cases of wrongdoing against citizens of the host country, as in the Blackwater case, we will increase international trust and cooperation, including from those countries most essential to our counterterrorism and national security efforts. The current lack of accountability reduces international confidence in our military and our Government, which undermines our national defense. Moreover, the talented men and women we need to advance our national security efforts will be more likely to step forward and serve if we stamp out the lawless atmosphere in places like Iraq and Afghanistan.

The legislation we introduce today would further increase accountability by providing additional resources and creating new units to investigate wrongdoing by contractors and employees abroad and by calling on the Attorney General and the Justice Department's Inspector General to report to Congress on investigations under this bill.

In the past, legislation in this area has been bipartisan. I hope it will be again. Senator KAUFMAN and I are willing to work to address any concerns with this legislation and to ensure that it promises justice in a way that strengthens, rather than weakens, our national security. Congressman PRICE is introducing a companion bill in the House. I hope that we will be able to rapidly pass this important reform into law.

As we seek to restore our Nation's historic role as one of responsible leadership in the world, we must ensure that the values that brought us to that leadership are firmly in place. One of those great American values is the rule of law. No one should be above the law, certainly not American employees and contractors representing this great nation throughout the world. This commonsense bill would promote the rule of law throughout the world and make us stronger in the process. I hope Senators on both sides of the aisle will join us.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2979

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Extraterritorial Jurisdiction Act (CEJA) of 2010".

#### SEC. 2. ACCOUNTABILITY FOR CRIMINAL ACTS OF FEDERAL CONTRACTORS AND EMPLOYEES OUTSIDE THE UNITED STATES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—Chapter 212A of title 18, United States Code, is amended—

(1) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking "this chapter" and inserting "this section";

(2) by striking the heading of section 3272; and

(3) by adding after section 3271, as amended by this subsection, the following new sections:

##### "§ 3272. Offenses committed by Federal contractors and employees outside the United States

"(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Armed Forces, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

"(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

"(c) The offenses covered by subsection (a) are the following:

"(1) Any offense under chapter 5 (arson) of this title.

"(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming

within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

"(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

"(4) Any offense under section 499 (military, naval, or official passes) of this title.

"(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

"(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

"(7) Any offense under chapter 42 (extortions credit transactions) of this title.

"(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

"(9) Any offense under chapter 50A (genocide) of this title.

"(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

"(11) Any offense under chapter 55 (kidnapping) of this title.

"(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

"(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

"(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

"(15) Any offense under chapter 109A (sexual abuse) of this title.

"(16) Any offense under chapter 113B (terrorism) of this title.

"(17) Any offense under chapter 113C (torture) of this title.

"(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

"(19) Any offense under chapter 118 (war crimes) of this title.

"(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

"(d) In this section:

"(1) The term 'employed by any department or agency of the United States other than the Armed Forces' means—

"(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Armed Forces;

"(B) present or residing outside the United States in connection with such employment;

"(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States other than the Armed Forces; and

"(D) not a national of or ordinarily resident in the host nation.

"(2) The term 'accompanying any department or agency of the United States other than the Armed Forces' means—

"(A) a dependant of—

"(i) a civilian employee of any department or agency of the United States other than the Armed Forces; or

"(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Armed Forces, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Armed Forces;

"(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

"(C) not a national of or ordinarily resident in the host nation.

"(3) The term 'grant agreement' means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

"(4) The term 'grantee' means a party, other than the United States, to a grant agreement.

"(5) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

#### "§ 3273. Regulations

"The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title."

(b) CONFORMING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

#### "CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT".

(c) CLERICAL AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 212A of title 18, United States Code, is amended by

striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”.

(2) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:

**“212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271”.**

**SEC. 3. INVESTIGATIVE UNITS FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.**

(a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas—

(A) shall assign adequate personnel and resources through the creation of units (to be known as “Investigative Units for Contractor and Employee Oversight”) to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose; and

(B) shall include in the regulations prescribed under section 3273 of title 18, United States Code (as added by section 2(a) of this Act), provisions setting forth responsibility for the investigation of any incident in which—

(i) a weapon is allegedly discharged unlawfully by a person, while employed by or accompanying any department or agency of the United States other than the Armed Forces; or

(ii) a person or persons are killed or seriously injured, or property valued greater than \$10,000 is destroyed, as a result of conduct by a person, while employed by or accompanying any department or agency of the United States other than the Armed Forces.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) ARREST.—The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice or any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to arrest outside the United States, in accordance with applicable international treaties, any person described in section 3271 or 3272 of title 18, United States Code (as so amended), if there is probable cause to be-

lieve such person committed an offense or offenses in such section 3271 or 3272.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to an Investigative Unit for Contractor and Employee Oversight established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of offenses under chapter 212A of title 18, United States Code (as so amended), received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year.

(B) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(C) The number, location, and any deployments of Investigative Units for Contractor and Employee Oversight to investigate offenses under chapter 212A of title 18, United States Code (as so amended), during the previous year.

(D) Such recommendations for legislative or administrative action as the Attorney General considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

**SEC. 4. EFFECTIVE DATE.**

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

**SEC. 5. RULE OF CONSTRUCTION.**

Nothing in this Act or any amendment made by this Act shall be construed to limit or affect the application of extraterritorial jurisdiction related to any other Federal law.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

For each of the fiscal years 2010 through 2015, there are authorized to be appropriated

to the Attorney General such sums as are necessary to carry out this Act.

By Ms. SNOWE (for herself and Mr. THUNE):

S. 2981. A bill to reevaluate and redirect the stimulus; to the Committee on Appropriations.

Ms. SNOWE. Mr. President, I rise today with my friend and colleague Senator THUNE to introduce the Re-evaluate and Redirect the Stimulus Act of 2010 that would require the Obama Administration's Office of Management and Budget, OMB, to make proposals to redirect stimulus funds approved in last year's \$787 billion American Recovery and Reinvestment Act. Although I supported the stimulus and favor the continuation of pro-growth policies, given that the federal deficit for Fiscal Year 2009 was a staggering \$1.4 trillion and that the Congressional Budget Office announced on January 26 that it is projecting a baseline deficit of \$6.047 trillion over the next 10 years, Congress must do more to pair the resources targeted for job creation with reductions in other areas.

Before I describe the provisions of the legislation I am introducing today, I must say that it is regrettable that I feel compelled to offer a bill at all. The fact is, I wrote a letter last December 11 to OMB Director Peter Orszag urging him to analyze unobligated funds in the American Recovery and Reinvestment Act to determine whether they should be reprogrammed to offset the cost of future stimulus legislation. Although my letter requested a response by January 1, the administration, who is solely responsible for distributing stimulus spending, has declined to do so. The Administration also opted against including any related proposals in its just-released Fiscal Year 2011 Budget. I find it inconceivable that there are no funds that should be redirected, and thus the Administration has concluded that every dollar we approved last February is working precisely as intended. Additionally, I am particularly concerned by proposals to pay for additional stimulus by reducing the authorization level for the Troubled Asset Relief Program, TARP, as the House did last December. The fact is that further stimulus spending claimed to be offset by reducing TARP's authorization level would still increase the deficit relative to simply not using additional TARP funds at all.

Despite OMB's inattention to my request, the administration and Congress both remain accountable to ensure that each dollar we spend on stimulus either creates jobs at a greater rate or protects displaced individuals at a lower cost than competing policies on the table. To the degree that either the tax or spending proposals President Obama has or that members of Congress want to pursue are more beneficial than proceeding to obligate funds



still available in the American Recovery and Reinvestment Act, the administration and Congress should assess the possibility of redirecting those resources. We simply cannot afford to be poor fiscal stewards and engage in wasteful spending that will rob future generations of prosperity.

To fulfill this fundamental obligation, the legislation I am offering today would make it a statutory requirement for OMB, within the next 15 days, to provide Congress with a list of provisions from the stimulus for which there remain funds that have not yet been obligated. Second, OMB would be required to provide Congress with a list of programs included in the stimulus with remaining unobligated funds that it recommends be redirected toward more effective programs to either assist the displaced, or spur job creation. Once Congress receives the administration's proposals, all Members, as well as the appropriate Congressional committees, can evaluate their suitability with an eye toward using them as off-sets for forthcoming legislation.

I hope that my colleagues will join me in supporting this legislation and help to swiftly make it law. The administration and Congress must work together to address our tremendous budget deficit and insist that every dollar we spend promotes its objective. Given that it oversees stimulus spending and has the capacity to evaluate whether programs are working as intended, it is only appropriate that the administration complete the first step of this process and provide Congress with a list of spending that could be redirected. Once it does so, I will certainly insist that Congress discharge its responsibility of carefully evaluating the administration's proposals. Individuals seeking relief from the recession that has so ravaged our economy expect nothing less as it is unfair to waste dollars that could be more beneficial elsewhere, and future generations who will have to repay today's deficits will thank us as well.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2981

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Reevaluate and Redirect the Stimulus Act of 2010".

#### SEC. 2. OMB CERTIFICATION.

Not later 15 days after the date of enactment of this Act, the Director of the Office of Management and Budget (referred to in this Act as the "Director") shall provide to Congress—

(1) a list of programs that have unobligated stimulus funds provided under the American Recovery and Reinvestment Act of 2009 and the amounts that are unobligated; and

(2) a list of stimulus funds that remain unobligated that the Director recommends be redirected toward more effective programs to either assist displaced workers or spur job creation in 2010 with a breakdown of the amounts of unobligated funds that could be reprogrammed by program.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 405—RE-AFFIRMING THE CENTRALITY OF FREEDOM OF EXPRESSION AND PRESS FREEDOM AS CORNERSTONES OF UNITED STATES FOREIGN POLICY AND UNITED STATES EFFORTS TO PROMOTE INDIVIDUAL RIGHTS, AND FOR OTHER PURPOSES

Mr. KAUFMAN (for himself, Mr. BROWNBACK, Mr. CASEY, Mr. KYL, Mr. FEINGOLD, Mr. WEBB, Mr. LIEBERMAN, Mr. SPECTER, Mr. MCCAIN, and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 405

Whereas Google announced on January 12, 2010, the mid-December 2009 discovery that it had been victimized by a highly sophisticated and targeted cyber attack on its corporate infrastructure originating from China that resulted in the theft of its intellectual property;

Whereas Google also announced it had evidence to suggest that a primary goal of the attackers was accessing the Gmail accounts of Chinese human rights activists, and that the evidence revealed separate attempts to penetrate Gmail accounts of Chinese human rights activists, journalists, and dissidents in the United States, Europe, and China;

Whereas the targeting of Google is believed to be part of a larger effort to access the computer networks of at least 34 companies, including major financial, defense, media, and technology firms and research institutions in the United States;

Whereas this attack was one in a series of attempts to exploit security flaws and illegally access computer networks of individuals and institutions through the clandestine installation of phishing and malware technology;

Whereas the 2009 "Report to Congress of the US-China Economic and Security Review Commission" stated that "a significant and increasing body of circumstantial and forensic evidence strongly indicates the involvement of Chinese state and state-supported entities" in malicious computer activities against the United States;

Whereas approximately 338,000,000 Internet users in China represent the largest population of Internet users worldwide, and the Government of China employs a sophisticated, multi-layered, and wide-ranging apparatus to curtail Internet freedom, as detailed in the 2009 "Freedom on the Net" report by the Freedom House organization;

Whereas Article 35 of the constitution of the People's Republic of China guarantees freedom of speech, assembly, association, and publication;

Whereas authorities in China employ legal and economic means to coerce Internet service providers, web hosting firms, and mobile phone companies to delete and censor online content and discussions created by Chinese users;

Whereas the Government of China requires domestic Chinese and foreign companies with subsidiaries in China, including Google, to adjust their business practices to allow increased filtering and supervision by the Government of China, restricting content allowed by technology-based products, and censoring data available on search engines;

Whereas, in 2003, the Government of China implemented the Golden Shield Project to control access and information on the Internet on grounds of public safety, including through protocol address blocking, domain name system filtering and redirection, uniform resource locator filtering, packet filtering, connection resets, and other online methods that could amount to censorship of high-value speech;

Whereas the Government of China frequently blocks United States international broadcasting by Radio Free Asia (RFA) and Voice of America (VOA), despite the unimpeded broadcast in the United States of state-run media outlets in China, China Central Television, and China Radio International;

Whereas, as of December 1, 2009, China had imprisoned 24 traditional and online journalists, accounting for nearly 20 percent of all imprisoned journalists worldwide at that time, according to the annual prison census of the Committee to Protect Journalists;

Whereas, following riots in the Xinjiang region of China in July 2009, more than 50 Uighur-language Internet forums were closed and communications were cut in Urumqi, China, and foreign journalists visiting the area were closely monitored by the authorities;

Whereas, during the Summer 2008 Olympics in Beijing, limits were placed on freedom of expression and media coverage, contrary to previous commitments made by the Government of China to the International Olympic Committee;

Whereas ill-defined charges such as "subversion of the government" and "disseminating rumors" serve as the legal basis to sentence journalists, bloggers, and others who express or disseminate views critical of the Government of China; and

Whereas, on January 21, 2010, Secretary of State Hillary Clinton pledged enhanced United States support for Internet freedom, saying, "We stand for a single internet where all of humanity has equal access to knowledge and ideas . . . countries that restrict free access to information or violate the basic rights of internet users risk walling themselves off from the progress of the next century." Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights;

(2) expresses serious concern over ongoing official efforts in many countries to restrict speech and expression, including attempts to censor, restrict, and monitor access to the Internet;

(3) welcomes the diplomatic initiative announced by Secretary of State Hillary Clinton on January 21, 2010, to encourage Internet freedom globally by "supporting the development of new tools that enable citizens to exercise their rights of free expression by circumventing politically motivated censorship . . . with a focus on implementing these programs as efficiently and effectively as possible";

(4) condemns the far-reaching cyber attacks allegedly launched from China against



Google, at least 34 other companies, and numerous individuals discovered in December 2009;

(5) calls on the Government of China to conduct a thorough review of these cyber intrusions, and to make the investigation and its results transparent;

(6) pays tribute to the professional and citizen journalists who persevere in their dedication to report in China;

(7) urges companies to engage in responsible business practices in the face of efforts by foreign governments to restrict the free flow of information by refusing to aid in the curtailment of free expression; and

(8) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against freedom of press and freedom of expression around the world, including through support of new and existing censorship circumvention technology.

#### SENATE RESOLUTION 406—RECOGNIZING THE GOALS OF CATHOLIC SCHOOLS WEEK AND HONORING THE VALUABLE CONTRIBUTIONS OF CATHOLIC SCHOOLS IN THE UNITED STATES

Mr. VITTER (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. CASEY, and Mr. JOHANNIS) submitted the following resolution; which was considered and agreed to:

##### S. RES. 406

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,192,531 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National

Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, February 15, 2010 at 2:30 p.m., at the Corbett Center (Ballroom-Eastside) on the campus of New Mexico State University, in Las Cruces, New Mexico.

The purpose of the hearing is to receive testimony on S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 2, 2010, at 2:30 p.m., to conduct a hearing entitled "Prohibiting Certain High-Risk Investment Activities by Banks and Bank Holding Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February

2, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 2, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 2, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Fiscal Year 2011 Budget."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 10:30 a.m.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 2:30 p.m.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 2, 2010, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Hearing on the Nomination of Harold Craig Becker to be a Member of the National Labor Relations Board" on February 2, 2010. The hearing will commence at 4 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on February 2, 2010, at 10 a.m., to conduct a hearing entitled "Corporate America vs. The Voter: Examining the Supreme Court's Decision to Allow Unlimited Corporate Spending in Elections."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet, during the session of the Senate on February 2, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REAFFIRMING THE CENTRALITY OF FREEDOM OF EXPRESSION AND PRESS FREEDOM

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 405 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 405) reaffirming the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 405) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 405

Whereas Google announced on January 12, 2010, the mid-December 2009 discovery that it had been victimized by a highly sophisticated and targeted cyber attack on its corporate infrastructure originating from China that resulted in the theft of its intellectual property;

Whereas Google also announced it had evidence to suggest that a primary goal of the attackers was accessing the Gmail accounts of Chinese human rights activists, and that the evidence revealed separate attempts to penetrate Gmail accounts of Chinese human rights activists, journalists, and dissidents in the United States, Europe, and China;

Whereas the targeting of Google is believed to be part of a larger effort to access the computer networks of at least 34 companies, including major financial, defense, media, and technology firms and research institutions in the United States;

Whereas this attack was one in a series of attempts to exploit security flaws and illegally access computer networks of individuals and institutions through the clandestine installation of phishing and malware technology;

Whereas the 2009 "Report to Congress of the US-China Economic and Security Review Commission" stated that "a significant and increasing body of circumstantial and forensic evidence strongly indicates the involvement of Chinese state and state-supported entities" in malicious computer activities against the United States;

Whereas approximately 338,000,000 Internet users in China represent the largest popu-

lation of Internet users worldwide, and the Government of China employs a sophisticated, multi-layered, and wide-ranging apparatus to curtail Internet freedom, as detailed in the 2009 "Freedom on the Net" report by the Freedom House organization;

Whereas Article 35 of the constitution of the People's Republic of China guarantees freedom of speech, assembly, association, and publication;

Whereas authorities in China employ legal and economic means to coerce Internet service providers, web hosting firms, and mobile phone companies to delete and censor online content and discussions created by Chinese users;

Whereas the Government of China requires domestic Chinese and foreign companies with subsidiaries in China, including Google, to adjust their business practices to allow increased filtering and supervision by the Government of China, restricting content allowed by technology-based products, and censoring data available on search engines;

Whereas, in 2003, the Government of China implemented the Golden Shield Project to control access and information on the Internet on grounds of public safety, including through protocol address blocking, domain name system filtering and redirection, uniform resource locator filtering, packet filtering, connection resets, and other online methods that could amount to censorship of high-value speech;

Whereas the Government of China frequently blocks United States international broadcasting by Radio Free Asia (RFA) and Voice of America (VOA), despite the unimpeded broadcast in the United States of state-run media outlets in China, China Central Television, and China Radio International;

Whereas, as of December 1, 2009, China had imprisoned 24 traditional and online journalists, accounting for nearly 20 percent of all imprisoned journalists worldwide at that time, according to the annual prison census of the Committee to Protect Journalists;

Whereas, following riots in the Xinjiang region of China in July 2009, more than 50 Uighur-language Internet forums were closed and communications were cut in Urumqi, China, and foreign journalists visiting the area were closely monitored by the authorities;

Whereas, during the Summer 2008 Olympics in Beijing, limits were placed on freedom of expression and media coverage, contrary to previous commitments made by the Government of China to the International Olympic Committee;

Whereas ill-defined charges such as "subversion of the government" and "disseminating rumors" serve as the legal basis to sentence journalists, bloggers, and others who express or disseminate views critical of the Government of China; and

Whereas, on January 21, 2010, Secretary of State Hillary Clinton pledged enhanced United States support for Internet freedom, saying, "We stand for a single internet where all of humanity has equal access to knowledge and ideas . . . countries that restrict free access to information or violate the basic rights of internet users risk walling themselves off from the progress of the next century." Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms the centrality of freedom of expression and press freedom as cornerstones of United States foreign policy and United States efforts to promote individual rights;

(2) expresses serious concern over ongoing official efforts in many countries to restrict

speech and expression, including attempts to censor, restrict, and monitor access to the Internet;

(3) welcomes the diplomatic initiative announced by Secretary of State Hillary Clinton on January 21, 2010, to encourage Internet freedom globally by "supporting the development of new tools that enable citizens to exercise their rights of free expression by circumventing politically motivated censorship . . . with a focus on implementing these programs as efficiently and effectively as possible";

(4) condemns the far-reaching cyber attacks allegedly launched from China against Google, at least 34 other companies, and numerous individuals discovered in December 2009;

(5) calls on the Government of China to conduct a thorough review of these cyber intrusions, and to make the investigation and its results transparent;

(6) pays tribute to the professional and citizen journalists who persevere in their dedication to report in China;

(7) urges companies to engage in responsible business practices in the face of efforts by foreign governments to restrict the free flow of information by refusing to aid in the curtailment of free expression; and

(8) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against freedom of press and freedom of expression around the world, including through support of new and existing censorship circumvention technology.

#### RECOGNIZING AND HONORING THE GOALS AND CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. CASEY. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 406, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 406) recognizing the goals of Catholic Schools Week and honoring the valuable contribution of Catholic schools in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 406) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 406

Whereas Catholic schools in the United States have received international acclaim for academic excellence while providing students with lessons that extend far beyond the classroom;

Whereas Catholic schools present a broad curriculum that emphasizes the lifelong development of moral, intellectual, physical, and social values in the young people of the United States;

Whereas Catholic schools in the United States today educate 2,192,531 students and maintain a student-to-teacher ratio of 14 to 1;

Whereas the faculty members of Catholic schools teach a highly diverse body of students;

Whereas the graduation rate for all Catholic school students is 99 percent;

Whereas 97 percent of Catholic high school graduates go on to college;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives." Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the goals of Catholic Schools Week, an event cosponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops that recognizes the vital contributions of thousands of Catholic elementary and secondary schools in the United States; and

(2) commends Catholic schools, students, parents, and teachers across the United States for their ongoing contributions to education, and for the vital role they play in promoting and ensuring a brighter, stronger future for the United States.

#### ORDERS FOR THURSDAY, FEBRUARY 4, 2010

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Thursday, February 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session to resume consideration of the Smith nomination, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. CASEY. Mr. President, the Senate will not be in session tomorrow in order to accommodate the Democratic issues conference. We were, however, able to reach an agreement to vote at approximately 12:30 p.m. Thursday on confirmation of the nomination of Patricia Smith to be Solicitor for the Department of Labor. Following disposition of the Smith nomination, there

will be 2 hours for debate prior to a vote on the motion to invoke cloture on the nomination of Martha Johnson to be Administrator for General Services. Also under the agreement, if cloture is invoked on the Johnson nomination, the Senate would immediately proceed to vote on confirmation. Therefore, there would be up to two additional votes in the 3 p.m. range. So that would mean one vote around 12:30 p.m. and up to two votes around 3 p.m. Thursday.

#### ADJOURNMENT UNTIL THURSDAY, FEBRUARY 4, 2010

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, February 4, 2010, at 12 noon.

#### NOMINATIONS

Executive nomination received by the Senate:

##### DEPARTMENT OF JUSTICE

MICHELE MARIE LEONHART, OF CALIFORNIA, TO BE ADMINISTRATOR OF DRUG ENFORCEMENT, VICE KAREN P. TANDY, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, February 2, 2010:

##### DEPARTMENT OF JUSTICE

ROBERT WILLIAM HEUN, OF ALASKA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

WILLIE LEE RICHARDSON, JR., OF GEORGIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. KORY G. CORNUM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. CAROL A. LEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIGADIER GENERAL ERIC W. CRABTREE  
BRIGADIER GENERAL WALLACE W. FARRIS, JR.  
BRIGADIER GENERAL CRAIG N. GOURLEY  
BRIGADIER GENERAL DAVID S. POST  
BRIGADIER GENERAL DONALD C. RALPH  
BRIGADIER GENERAL JON R. SHASTEEN  
BRIGADIER GENERAL RICHARD A. SHOOK, JR.  
BRIGADIER GENERAL JAMES N. STEWART  
BRIGADIER GENERAL LANCE D. UNDHJEM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. DIXIE A. MORROW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COL. PAUL S. DWAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. DANIEL B. FINCHER  
COL. DAVID C. WESLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be brigadier general

COLONEL GARY C. BLASZKIEWICZ  
COLONEL ARTHUR C. HAUBOLD  
COLONEL MICHAEL D. KIM  
COLONEL LINDA S. MARCHIONE  
COLONEL RICHARD O. MIDDLETON II  
COLONEL ROBERT N. POLUMBO  
COLONEL JANE C. ROHR  
COLONEL PATRICIA A. ROSE  
COLONEL PETER SEFCIK, JR.  
COLONEL JAMES F. SMITH  
COLONEL EDMUND D. WALKER  
COLONEL WILLIAM O. WELCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

##### To be major general

BRIG. GEN. STEVEN J. LEPPER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8061:

##### To be major general

COL. GERARD A. CARON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 8037:

##### To be lieutenant general

BRIG. GEN. RICHARD C. HARDING

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be major general

BRIGADIER GENERAL SAMUEL C. HEADY  
BRIGADIER GENERAL WILLIAM E. HUDSON  
BRIGADIER GENERAL GARY T. MAGONIGLE  
BRIGADIER GENERAL JAMES M. MCCORMACK  
BRIGADIER GENERAL ALEX D. ROBERTS  
BRIGADIER GENERAL GREGORY J. SCHWAB

##### To be brigadier general

COLONEL CARL F. BESS, JR.  
COLONEL GREGORY J. BIERNACKI  
COLONEL JAMES C. BLAYDON  
COLONEL FRANCIS X. CARILLO  
COLONEL DEBORAH L. CARTER  
COLONEL ROBERT F. CAYTON  
COLONEL WILLIAM J. CRISLER, JR.  
COLONEL GREGORY L. FERGUSON  
COLONEL JAMES E. FREDREGILL  
COLONEL ANTHONY P. GERMAN  
COLONEL ANN M. GREENLEE  
COLONEL MARK D. HAMMOND  
COLONEL RICHARD N. HARRIS, JR.  
COLONEL MARK E. JANNITTO  
COLONEL LARRY R. KAUFFMAN  
COLONEL JON K. KELK  
COLONEL DAVID T. KELLY  
COLONEL JOHN E. KENT  
COLONEL DONALD M. LAGOR  
COLONEL MICHAEL E. LOH  
COLONEL CONSTANCE C. MCNABB  
COLONEL CLAYTON W. MOUSHON  
COLONEL PHILLIP E. MURDOCK  
COLONEL JOHN E. MURPHY  
COLONEL GERALD E. OTTERBEIN  
COLONEL MARTIN J. PARK  
COLONEL NICHOLAS S. RANTIS  
COLONEL ROBERT L. SHANNON, JR.  
COLONEL CASSIE A. STROM  
COLONEL GREGORY N. STROUD  
COLONEL THOMAS A. THOMAS, JR.  
COLONEL CAROL A. TIMMONS  
COLONEL STEVEN J. VERHELST  
COLONEL TONY L. WEST  
COLONEL ROBERT S. WILLIAMS  
COLONEL MICHAEL A. WOBEMA

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIG. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be lieutenant general

MAJ. GEN. THOMAS P. BOSTICK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT L. CASLEN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. STEVEN W. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. WILLIAM D. FRINK, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL JEFFREY N. COLT  
COLONEL PETER A. DELUCA  
COLONEL ROBERT M. DYESS, JR.  
COLONEL DONALD M. MACWILLIE

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPTAIN DOUGLAS J. ASBJORNSEN  
CAPTAIN CHARLES K. CARODINE  
CAPTAIN ANATOLIO B. CRUZ III  
CAPTAIN JOHN E. JOLLIFFE  
CAPTAIN ROBERT J. KAMENSKY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. DAVID ARCHITZEL

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOSEPH E. SANDERS, TO BE COLONEL.

AIR FORCE NOMINATION OF CHINMOY MISHRA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF CHARLES F. KIMBALL, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MINH THU NGOC LE AND ENDING WITH ROBERT C. POPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 2, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH NOEMI ALGARINLOZANO AND ENDING WITH PATRICK J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID W. BOBB AND ENDING WITH ROBERT W. WISHTISCHIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH SEAN W. DIGMAN AND ENDING WITH DAVID L. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ALBERT H. BONNEMA AND ENDING WITH GIANNA R. ZEH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC R. BAUGH, JR. AND ENDING WITH KARYN E. YOUNG, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ADAM M. ANDERSON AND ENDING WITH SHAHID A. ZAIDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN J. ALENT AND ENDING WITH RACHEL A. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ERIC E. ABOTT AND ENDING WITH ETHAN EVERETT ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

AIR FORCE NOMINATION OF LAWRENCE W. STEIN-KRAUS, JR., TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH KRISTI L. JONES AND ENDING WITH BRUNO A. SCHMITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RAYMOND KING AND ENDING WITH BERNHARD K. STEPKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH FRANK R. AFLAQUE AND ENDING WITH WILLIAM T. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 21, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH ANTHONY N. DILLS AND ENDING WITH MICHAEL D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW A. BAACK AND ENDING WITH ROCKY ZACCHEUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

AIR FORCE NOMINATION OF DAVID A. NORDSTRAND, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH HELEN K. CROUCH AND ENDING WITH MICKRA H. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH RANDALL B. DELL AND ENDING WITH EDDIE P. SANCHEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH CHARLES T. HUGUELET AND ENDING WITH MICHAEL E. SAVAGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH GLENDA K. M. GRONES AND ENDING WITH NANCY A. WESTBROOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH FRANK J. ARCHER AND ENDING WITH EDUARDO SAN MIGUEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. PIZZOLO AND ENDING WITH CLIFFORD ZDANOWICZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH TARN M. ABELL AND ENDING WITH JOHN B. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JAMES R. AGAR II AND ENDING WITH KERRY M. WHEELAHAN, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 9, 2009.

ARMY NOMINATIONS BEGINNING WITH OLGA M. ANDERSON AND ENDING WITH D004179, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2009.

ARMY NOMINATION OF DAWN Y. TAYLOR, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH WALTER COFFEY AND ENDING WITH RUSSELL P. REITER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH DEAN A. AMBROSE AND ENDING WITH JOHN W. TROGDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH PATRICK R. BOSSETTA AND ENDING WITH JOHN R. WHITFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

ARMY NOMINATION OF BESS J. PIERCE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JANINE G. ALLBRITTON AND ENDING WITH SCOTT J. PIECEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATION OF JUAN G. LOPEZ, TO BE MAJOR.

ARMY NOMINATION OF JERI R. REGAN, TO BE MAJOR.

ARMY NOMINATION OF ROBIN T. WORCH, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TYLER E. HARRIS AND ENDING WITH KELLY A. SUPPLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH SCOTT D. DEBOLT AND ENDING WITH AUDREY D. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

ARMY NOMINATION OF LOUIS GEVIRTZMAN, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRENDA M. ARZU AND ENDING WITH JOHN R. MILLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRIAN J. DIX, TO BE MAJOR.

MARINE CORPS NOMINATION OF WILLIAM J. MITCHELL, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH SAM B. CLONTS, JR. AND ENDING WITH RALPH L. PRICE III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 15, 2009.

IN THE NAVY

NAVY NOMINATION OF DONALD J. SHEEHAN, JR., TO BE CAPTAIN.

NAVY NOMINATION OF MATTHEW S. FLEMMING, TO BE COMMANDER.

NAVY NOMINATION OF RICHARD K. DOUGHERTY, TO BE COMMANDER.

NAVY NOMINATION OF ROLDAN C. MINA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JACOB R. HILL AND ENDING WITH WILLIAM R. WOODFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH DAVID W. TERHUNE AND ENDING WITH DET R. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

NAVY NOMINATIONS BEGINNING WITH ERIC R. AKINS AND ENDING WITH SCOTT T. WILBUR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2010.

## HOUSE OF REPRESENTATIVES—Tuesday, February 2, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. MOORE of Wisconsin).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby appoint the Honorable GWEN MOORE to act as Speaker pro tempore on this day.

NANCY PELOSI,

*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### FISCAL RESPONSIBILITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, the time for fiscal responsibility is now. Unfortunately, budget deficits are not a new phenomenon. We had budget deficits in 74 of the past 100 years. In fiscal year 1969, under Lyndon Johnson, we had a budget surplus of \$3.2 billion. However, each of the next 28 budgets was in deficit. But starting in fiscal year 1998, under President Clinton, we had four straight budget surpluses, totalling more than \$559 billion. In fact, the long term budget outlook predicted \$5.6 trillion in surpluses. The last time we had four consecutive budget surpluses was in fiscal year 1930.

The Great Recession, which began in 2007, dramatically increased unemployment to a peak of 10.2 percent, a 26-year high. For those fortunate enough to remain employed, the recession led to depressed wages and benefits; growing at just 1.5 percent, the lowest level since 1982. As a result, families suffered and Federal income revenues declined precipitously. In 2009, corporate income revenue declined 55 percent, or \$166 billion, from its 2007 level, and individual income revenues fell 20 percent, or \$230 billion.

In addition to the tremendous toll this recession took on the American public, rising unemployment and stagnant wages added almost \$400 billion to our debt. In fact, total Federal revenues, which historically have represented roughly 20 percent of our gross domestic product declined to 14.8 percent in 2009. Although the recession did not create budget deficits, it exacerbated their severity enormously.

In the face of this budgetary maelstrom, we took decisive action. Last year, the House of Representatives voted to reinstitute a statutory pay-as-you-go piece of legislation. In 1990, Congress enacted that statutory PAYGO rule, and required spending increases and revenue decreases to be offset so as not to increase the deficit. PAYGO was one of the critical tools used to control Federal spending and effectuate eventual budget surpluses.

Unfortunately, in 2002, a Republican Congress and a Republican President, President Bush, failed to reenact PAYGO, and allowed it to expire. The results were predictable and disastrous with respect to the Federal deficit. The expiration of PAYGO conveniently allowed the Bush administration to enact three budget-busting initiatives: tax cuts for the wealthy; a prescription drug plan, prescription part D, unpaid for; and two wars, one in Iraq and Afghanistan, none of these initiatives paid for. These actions dramatically increased spending and reduced revenues, adding \$6.7 trillion to the national debt, and leaving the Federal budget fundamentally unbalanced for the foreseeable future.

Combined with the Great Recession, these actions led to the fiscal year 2009 budget, which began in October of '08, with a deficit of more than \$1 trillion. For the better part of the past decade budget deficits were ignored and fiscally irresponsible behavior reigned supreme. A true commitment to deficit reduction will require further action. And just as the previous surpluses were the result of prolonged fiscal responsibility, we must demonstrate a long term focus. Budgets do not go from significant deficits to surpluses overnight. Therefore, it is critical that we set specific milestones and identifiable budget reduction goals.

The President's new budget reduces deficits to 3.9 percent of the GDP, a more sustainable level. This is a reasonable beginning for the next several years. However, more will be necessary, and our goals should continue to further reduce the deficit over the long term.

President Obama's spending freeze proposal is painful, but itself it is a small, though significant action. It demonstrates a return to fiscal responsibility, and represents \$250 billion in deficit reduction. Additional action, however, will have to be taken. For example, the ever-rising cost of health care not only affects every American family pocketbook, but also is a significant contributor to budget deficits. Today health care costs are 18 percent of our GDP. Without reform, that will rise to a staggering 34 percent by 2040. The House health insurance reform legislation was a first step in controlling these costs, and reduced the budget deficit by \$139 billion over the next decade.

Our efforts already have shown modest success. Although we are still in the throes of a fragile economic recovery, the improving conditions recently resulted in a \$50 billion reduction from the '09 deficit. While we cannot completely grow our way out of deficits, creating conditions for economic growth is critical to deficit reduction, and the President's budget reflects that.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CAPUANO) at 2 p.m.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, pour out on this Nation Your Spirit of understanding, truth and peace. May this Congress prove to be Your fit instrument to foster yet a greater union and assure equal justice for all Your people. We ask this because You have given us Your just commands and reveal Your redeeming love—both now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. LUETKEMEYER) come forward and lead the House in the Pledge of Allegiance.

Mr. LUETKEMEYER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### BUDGET THAT SPENDS TOO MUCH, TAXES TOO MUCH AND BORROWS TOO MUCH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in his State of the Union address last week, the President stepped up his rhetoric about fiscal responsibility. But just yesterday the President presented a budget reminiscent of last year's that spends too much, taxes too much, and borrows too much. The reality behind the President's budget proposal is that it more than doubles the debt. It drives up spending to \$3.8 trillion in 2011. It pushes the deficit to a record \$1.6 trillion. It raises taxes by over \$2 trillion through 2020.

During these tough economic times, lawmakers should be tightening our fiscal belts just like families across America are doing with their own budgets. Increasing taxes and spending is not the way to rejuvenate our economy and revitalize small businesses to create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### PRESIDENT'S OBAMA'S PROPOSED BUDGET

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, for more than a year, the people back home in the Ninth District of Missouri have expressed their anger about the way our government and this administration are spending their hard-earned money. They are even angrier today after learning that the next proposed budget comes in at a whopping \$3.8 trillion with a record deficit of \$1.6 trillion. I give the President credit for his idea of a spending freeze, but the problem is that it freezes spending at record levels. It comes in after he has signed spending bills and a failed stimulus that have increased some spending

by as much as 84 percent in the last 2 years. And the spending freeze applies to just 13 percent of the budget and doesn't even take effect until next year.

In other words, using good old fashioned Missouri logic, this spending freeze is a lot like trying to close the door after the horse is already out. It just doesn't work. The good folks at home are tired of lip service and fancy speeches about getting spending under control. The people of the Show-Me State want us to show them that we are serious about getting spending under control.

#### THE STATES ARE FIGHTING BACK

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the attack on the Constitution continues. In spite of the will of the people, there are those who still want to force-feed us with government-run health care. The Constitution gives no power to the Feds to nationalize health care. The Feds plan to force Americans to buy health insurance or pay a fine or go to jail, or both. And that plan is unconstitutional. So 34 States are fighting back with legislation to block unconstitutional Federal insurance mandates.

Also, Texas Attorney General Greg Abbott and other AGs are ready to fight the Feds in court over the unconstitutional "Corn Husker Kickback." The Kickback and the "Louisiana Purchase" were secret backroom deals, payoffs, paybacks, and rip-offs that gave special health care favors to these States while discriminating against other States who must pay for these corrupt sweetheart deals.

It seems that business as usual is going on in D.C., and it's hazardous to our health. President Reagan said there are two ways to do some things: "The right way and the way they do things in Washington." And that's just the way it is.

#### NASA AND THE CONSTELLATION PROGRAM

(Mr. GRIFFITH asked and was given permission to address the House for 1 minute.)

Mr. GRIFFITH. Mr. Speaker, I rise today in support of NASA and the Constellation Program. I am disappointed that the administration seeks to discontinue manned space exploration. Last week, an administration official was quoted in The Orlando Sentinel as saying it was not necessary for us to return to the moon. Language like this is a slap in the face. It's disrespectful for the lives lost, the thousands of hours of research and development that have gone into manned space flight. As we are being challenged internationally by China, Russia and others, this

administration is not accepting the challenge as President Kennedy did in the 1960s. This administration is asking us to walk away from this challenge, and we will not do so.

We, the scientists, the American public, deserve to be number one in space exploration. The things that NASA has done for medicine, for regular space flight, for regular airlines, the safety, all that's concerned in our society, has been touched by NASA. The very idea that this administration is lowering the expectations of America as far as manned space flight is concerned is a disgrace and we, in Congress, will reject it.

#### THE ADMINISTRATION IS NOT SERIOUS ABOUT IMMIGRATION ENFORCEMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the President's budget proves once again that the Obama administration is not serious about enforcing our Nation's immigration laws. They found money for 25 new positions in the Secretary of Homeland Security's management office, but there is no funding for a single new immigration detention bed, no new money to find and deport immigration fugitives or criminal aliens, no additional special agents to investigate workplace immigration violations, and no money to expand the visa security program. The President ought to use immigration enforcement to open up jobs for American workers. Instead, the administration maintains the status quo. Citizens and legal immigrants will be forced to continue to compete with 8 million illegal immigrants for very scarce jobs.

#### AN EMPOWERMENT AGENDA

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute.)

Mr. NEUGEBAUER. Mr. Speaker, the Federal Government is simply trying to do too much at too high a cost to the American people. Thomas Jefferson called for "a wise and frugal government which shall leave men free to regulate their own pursuits of industry, and shall not take from the mouth of labor the bread it has earned." And he was right. Government should be empowering citizens to succeed in our economy, not eroding their freedoms and encouraging dependency.

The American people are fed up with rapidly growing government intruding into their lives. They want us to do something about it. My message is simple: To get America back, we must restore our Founders' principles of empowerment. I'm working on an empowerment agenda and will be here in

the weeks to come talking about how we can advance empowerment and reduce entitlement. This has been an empowerment moment, and there will be many more as we watch our administration continue to tax and spend money that we don't have and steal the future of our future generations by leaving them with a legacy of debt.

#### FISCAL YEAR 2011 BUDGET

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, when I look at the President's budget for fiscal year 2011, I think about what Albert Einstein said one time. He said that doing the same thing over and over again and expecting a different result is the very definition of insanity. Well, after years of runaway Federal spending under both political parties, and after promises by this administration of fiscal discipline and reform, the President's budget more than doubles the debt. It drives spending to a record \$3.8 trillion. It pushes the deficit to a record \$1.6 trillion, and raises taxes by more than \$2 trillion by 2020, during the worst recession in 25 years.

Despite future spending freezes promised and commissions, it doesn't change the fact that, by any measure, this budget is insane. The American people know we can't borrow and spend and bail our way back to prosperity. They know that deficits and debt threaten our prosperity and our posterity. House Republicans have a better plan, a plan built on hard choices, fiscal responsibility, and entitlement reform. On behalf of our families, on behalf of our economy, we say, let's reject this irresponsible and unsustainable budget, and let's come together around the principles of fiscal responsibility and reform, and let's put our house in order.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### JIM KOLBE POST OFFICE

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4495) to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office".

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 4495

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JIM KOLBE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, shall be known and designated as the "Jim Kolbe Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jim Kolbe Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 4495 for consideration. This legislation will designate the United States Postal Service facility located at 100 North Taylor Lane in Patagonia, Arizona, as the Jim Kolbe Post Office. Introduced by my colleague, Representative GABRIELLE GIFFORDS of Arizona, on January 21, 2010, and reported out of the Oversight and Government Reform Committee on January 27, 2010, by unanimous consent, H.R. 4495 enjoys the support of the entire Arizona House delegation.

Born on June 28, 1942, in Evanston, Illinois, United States Navy veteran and former Congressman Jim Kolbe began his public service and political career serving as a United States Senate page for Barry Goldwater and graduating from the United States Capitol Page School in 1960. In 1976, Kolbe ran for the Arizona State Senate and served three terms in that body. In 1985 Mr. Kolbe was sworn in to Congress, becoming the first Republican to represent southern Arizona in the House. During his 22 years in office, Mr. Kolbe served as the chair of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the House Appropriations Committee for his last 6 years in Congress. For four years, he was chairman of the Treasury, Post Office and Related Agencies Subcommittee.

□ 1415

Mr. Kolbe decided not to run for reelection in 2006 and now serves as a

senior Trans-Atlantic Fellow at the German Marshall Fund advising on trade matters. He also serves as an adjunct professor in the College of Business at the University of Arizona.

Mr. Speaker, let us honor former Congressman Kolbe through the passage of this resolution and by designating the North Taylor Lane Post Office in honor of Congressman Kolbe. I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHENRY. I rise today in support of H.R. 4495, designating the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office."

Congressman Kolbe is a former colleague of mine here. We had one term overlapping. I certainly appreciate the chairman's words in support of this bipartisan resolution. He served in the United States Navy and the Naval Reserves before being elected to the State Senate in Arizona and elected to the United States Congress in 1984, and he served very ably on the Appropriations Committee for Foreign Operations, Export Financing, and Related Programs. He was one of this institution's hallowed—well, the big guys in this institution seem to be on the Appropriations Committee. And he was an appropriations subcommittee chair, which, as we all know, actually wields a significant amount of weight, especially when you're running a major portion of the budget, such as foreign operations.

In addition to foreign policy, this Congressman served his constituents ably. He was committed to constituent service and believed that assisting the hardworking individuals and families of his district was a real, everyday good part of his job and was focused on their first priorities in southern Arizona.

Mr. Speaker, Jim Kolbe served his constituents of Arizona in this country honorably for years, and we support this resolution.

I yield back the balance of my time.

Mr. TOWNS. In closing, again, I urge my colleagues to join me in honoring Jim Kolbe through the passage of H.R. 4495, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 4495.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further



proceedings on this motion will be postponed.

#### HONORING JIMMIE JOHNSON

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 957) honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 957

Whereas Jimmie Kenneth Johnson, born in El Cajon, California, and a resident of Charlotte, North Carolina, successfully defended his Sprint Cup Championships from 2006, 2007, and 2008;

Whereas Jimmie Johnson becomes the first driver in NASCAR history to win the Sprint Cup Championship in 4 consecutive seasons, surpassing the previous record of 3 straight by Cale Yarborough;

Whereas Jimmie Johnson's #48 Lowe's Chevrolet is backed by the finest team in motorsports, including Crew Chief Chad Knaus, Team Owner Rick Hendrick, and Car Owner, and racing legend Jeff Gordon;

Whereas Jimmie Johnson's life story is the embodiment of the American dream, rising from humble roots to the pinnacle of his profession;

Whereas Jimmie Johnson and his wife Chandra founded the Jimmie Johnson Foundation to provide assistance to disadvantaged children in pursuit of their dreams;

Whereas Jimmie Johnson, now regarded as perhaps the greatest driver in the sport's history, is universally regarded as humble and gracious, unaffected by the enormity of his achievements; and

Whereas Jimmie Kenneth Johnson's remarkable contributions to NASCAR and the communities of El Cajon, California, and Charlotte, North Carolina: Now, therefore, be it

*Resolved*, That the House of Representatives honors the historic achievements of Jimmie Kenneth Johnson and the #48 Lowe's Chevrolet team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 957 for consideration.

This resolution honors Jimmie Kenneth Johnson and the No. 48 Lowe's Chevrolet team for winning the

NASCAR Sprint Cup Championship in 2006, 2007, 2008, and 2009.

H. Res. 957 was introduced by my colleague, Representative PATRICK MCHENRY of North Carolina, on December 8, 2009, and favorably reported out of the House Oversight Committee by a voice vote on January 27, 2010. In addition, H. Res. 957 enjoys the support of more than 60 Members of Congress.

Mr. Speaker, this resolution congratulates Jimmie Johnson for winning a historic fourth consecutive NASCAR Sprint Cup Championship. By winning the 2009 championship, Mr. Johnson becomes the first driver in history to win the Sprint Cup Championship four consecutive times, breaking Cale Yarborough's previous record of three straight championships.

In true American fashion, Mr. Johnson, a native of El Cajon, California, and a resident of Charlotte, North Carolina, rose from humble roots to the pinnacle of the NASCAR world. This year Mr. Johnson accomplished something no other driver in NASCAR history has accomplished. Not only has he won the last four NASCAR Sprint Cup Championships but has done so with unwavering poise, class, and humility.

To put Mr. Johnson's unprecedented achievement in context, only NASCAR legends Lee Petty, Richard Petty, David Pearson, Cale Yarborough, Darrell Waltrip, Dale Earnhardt Sr., and Jeff Gordon have won more than two NASCAR Sprint Cup Championships in their career. Furthermore, Mr. Johnson's most recent NASCAR Sprint Cup series championship ties him with teammate Jeff Gordon on the list of all-time champions.

Mr. Speaker, I would be remiss if I failed to take this opportunity to also congratulate all of the people who helped Mr. Johnson, of course, win. Mr. Johnson's success would not have been possible without the help of crew chief Chad Knaus, team owner Rick Hendrick, and, of course, car owner and racing legend Jeff Gordon, and the countless other team members who helped Mr. Johnson win the last four NASCAR Sprint Cup Championships.

Beyond his impressive accomplishments on the race track, Mr. Johnson has never forgotten his humble beginnings and continues to give back to the community, and I think that is so important.

In 2006, Mr. Johnson and his wife, Chandra, founded the Jimmie Johnson Foundation, which is dedicated to assisting children, families, and communities in need throughout the United States. The foundation helps build places to play and places to live, saves lives through blood collection and adding individuals to the National Bone Marrow Program registry, and helps grant the wishes of children and adults who are in need. Since its inception nearly 4 years ago, the Jimmie John-

son Foundation has contributed more than \$2 million to various organizations.

Mr. Speaker, for his racing accomplishments and his charitable efforts, let us, as a body, take this opportunity to congratulate Jimmie Johnson, the Associated Press Male Athlete of 2009, and of course the Lowe's Chevrolet team, for winning the NASCAR Sprint Cup Championship in 2006, 2007, 2008, and 2009.

I urge my colleagues to join me in supporting H. Res. 957. And I say to the gentleman from North Carolina, this is a great thing. And, of course, sometimes we do not pay tribute to people that need to have tribute paid to them, but this is a person that has accomplished great things, and I am happy my colleague (Mr. MCHENRY) has recommended that we recognize this effort.

I reserve the balance of my time.

Mr. MCHENRY. I thank the chairman for his kind words.

Today, Mr. Speaker, I rise in support of the resolution honoring the accomplishments of Jimmie Johnson, the 2009 NASCAR Sprint Cup champion. Now, this is a politically charged issue for my district because I represent a number of drivers and a number of NASCAR teams; and to honor any one of them, well, it's tough. It's like baseball in certain areas of the country or football or college football or college basketball in North Carolina. But NASCAR teams are real and potent in my district.

But this is a special resolution because Jimmie Johnson has achieved something no one else in NASCAR history has achieved, and that is four straight championships. He is with a great team, with a great crew chief, Chad Knaus. Powered by Hendrick Motor Sports and Chevrolet, the No. 48 Lowe's Chevy has done something unique in NASCAR history.

Jimmie Johnson started out in very humble roots in El Cajon, California; and now he resides in my home State of North Carolina. He grew up in a working-class suburb, the son of a bulldozer operator and school bus driver who raised Jimmie Johnson and his two younger brothers in a modest home and made financial sacrifices to give their sons the best opportunity to pursue their passions; and for Jimmie, that was racing.

His love of speed was evident even from the time he was just a young child. He began his racing career on 50cc motorcycles when he was just 5 years old. From there, he moved up to four-wheelers where he found his true calling with four wheels—not two—and moved into his 2002 rookie season in NASCAR at the top level of the series. And he became the first rookie to sweep both races at one track, and that was done at Dover International Speedway in 2002. He also became the first

rookie ever to lead in the point standings; and to date, that remains the case. He is still the only one in their rookie season to lead the point standing.

And he is named the Male Athlete of 2009 by the Associated Press, the 2009 Sprint Cup Series Driver of the Year, and was contender for Driver of the Decade for the 2000s.

In 2006, together with his wife, Chandra, he founded the Jimmie Johnson Foundation to assist children, families, and communities in need throughout the United States.

Jimmie rose from humble roots and achieved the pinnacle of success. Now he is on for the Drive for Five. He wants five in a row. His story is truly an embodiment of the American Dream. Jimmie Johnson and the No. 48 Lowe's Chevy have made history by being a part of the Nation's number one spectator sport.

NASCAR represents the best of American professional sports, especially in my region. They're unmatched by the loyalty of their fans and participation by Fortune 500 companies more so than any other sport. And with the iconic Daytona 500 quickly approaching in just over a week's time, please join me in honoring Jimmie Johnson for his seven wins, 16 top fives, 24 top tens, an unmatched Race for the Chase. In the final 10 races of 2009, he had an average Chase finish of 6.8, which is absolutely amazing considering the competition they currently have in NASCAR.

And we pay honor to Jimmie Johnson, Chad Knaus, and the whole crew of the No. 48 Chevrolet sponsored by Lowe's.

With that, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, again, I encourage my friends on both sides of the aisle to join me in congratulating Jimmie Johnson and the Lowe's Chevrolet team on the impressive accomplishment through the passage of House Resolution 957, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 957.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## NORTH AMERICAN INCLUSION MONTH

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1014) recognizing and supporting the goals and ideals of North American Inclusion Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

### H. RES. 1014

Whereas one in every five Americans struggles with some sort of disability, be it intellectual, physical or otherwise, and the need for inclusion of individuals with disabilities is a family, community, and national priority;

Whereas a similar ratio exists in the Jewish community, with over one million Jewish individuals living with a form of disability;

Whereas individuals with disabilities face significant disadvantages in educational and employment opportunities;

Whereas 70 percent of individuals with disabilities are unemployed or significantly underemployed;

Whereas special education and related programming do not address underlying needs for appropriate training to lead to greater independence and employment;

Whereas Yachad, the National Jewish Council for Disabilities, and its parent organization, the Union of Orthodox Jewish Congregations of America, is dedicated to addressing the needs of all individuals with disabilities and including them in the Jewish community;

Whereas Yachad provides programming for individuals with disabilities and their families to foster inclusion in communal happenings and assists in placing individuals with disabilities in employment; and

Whereas Yachad and the Union of Orthodox Jewish Congregations of America are co-sponsoring North American Inclusion Month in February to increase public awareness of the life circumstances of individuals with disabilities, and the need for increased employment opportunities, better special education and increased inclusion of these individuals on the family, communal, and national levels: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes and supports the goals and ideals of North American Inclusion Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

□ 1430

### GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and to extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Govern-

ment Reform, I am pleased to present H. Res. 1014 for consideration. This resolution draws public attention to the need for inclusion of individuals with disabilities into the greater community.

I introduced H. Res. 1014 on January 13, 2010, and the measure was favorably reported out of the Committee on Oversight and Government Reform by unanimous consent on January 27, 2010. I am proud to say that the measure has bipartisan support from 59 Members of Congress.

Mr. Speaker, one in every five Americans has some form of disability. They face great difficulty in everyday life and significant disadvantages in education and employment. Men and women around the country work hard in areas like special education, job training, rehabilitation, and other efforts to address the needs of individuals with disabilities, and we can all be very proud of their work. But we should be sure to remember that individuals with disabilities still face a great deal of hardship.

These are our friends, our neighbors, and our family members and, of course, many, many, many times people that we see on a daily basis. They are our veterans. We must be sure to do our part to include these individuals in all facets of life.

North American Inclusion Month, recognized during the month of February, was first created in 2005, by Yachad, the Hebrew word for "together," the National Jewish Council for Disabilities, and its parent organization, the Union of Orthodox Jewish Congregations of America. I would like to thank these groups for all the hard work they have done to educate people on this important issue, particularly in my district in Brooklyn.

In closing, I would also like to thank the gentleman from California, Congressman ISSA, who has worked very closely with me on this issue. And, of course, I really appreciate his involvement and his support to get us where we are today.

I urge my colleagues to join me in supporting H. Res. 1014, and I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I appreciate the chairman's very kind and appropriate words. And I, too, rise in support of House Resolution 1014, recognizing and supporting the goals and ideals of North American Inclusion Month, being the month of February.

Approximately 41.2 million Americans have a disability of some kind, and many of them are unemployed or underemployed and struggling to live on what they make or even to survive. Mildly disabled individuals make less each month than those who are not disabled, and the severely disabled individuals take home almost \$1,000 less than they otherwise would.

And while there are programs in place that provide job training for

those with special needs, they often do not focus enough on helping those individuals become independent or find permanent employment. Many do, and there are many programs in our communities across the country, but both the Union of Orthodox Jewish Congregations of America and Yachad, the National Jewish Council for Disabilities, have partnered together for 2010 to promote North American Inclusion Month, observed each February to bring public attention to the needs of those with disabilities.

These organizations have taken it upon themselves to become leaders in promoting the message of Inclusion Month: The need for increased employment opportunities, better special education, and greater inclusion of disabled individuals at the family, community, and national levels.

It's something we all should support. And I certainly believe that this is a bipartisan resolution. I urge my colleagues to support it.

And with that, I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, Martin Luther King said that I cannot be what I ought to be until the world is what it should be. And I think that this legislation really addresses that issue to say that we have to be concerned about others, those who are disabled. And let me again urge my colleagues to join me in calling for the great inclusion of individuals with disabilities by supporting H. Res. 1014.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 1014.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING BRESCIA UNIVERSITY

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1043) recognizing Brescia University for 60 years of leadership in higher education, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1043

Whereas Brescia University was founded in 1950;

Whereas Brescia University is a Catholic University located in Owensboro, Kentucky;

Whereas Brescia offers 6 different degrees in over 60 different programs;

Whereas students at Brescia University receive a personalized education with a 12 to 1 student to teacher ratio;

Whereas the Brescia Bearcats have 15 athletic teams that participate in National Association of Intercollegiate Athletics in the Kentucky Intercollegiate Athletic Conference;

Whereas Brescia University emphasizes "Making a difference", encouraging students to serve others in the community, and has established a history of serving Owensboro, Kentucky, and the surrounding region; and

Whereas for 60 years, Brescia University has provided a quality liberal arts education and worked to prepare its students for successful careers and service to others: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes Brescia University for 60 years of service as an institution of higher education; and

(2) commends Brescia University for leadership and service to students and the community of Owensboro, Kentucky, and the surrounding region.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 1043 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I yield myself as much time as I may consume.

Mr. Speaker, I rise today and support H. Res. 1043, which recognizes Brescia University for its 60 years of commitment and leadership in higher education.

Brescia University was founded in 1950 in Owensboro, Kentucky. It was created by the Ursuline Sisters of Mount St. Joseph as a Catholic institution, emphasizing the liberal arts and preparing its traditional and nontraditional students for successful careers and service to others. With a school motto of "Make a difference," the university instills the values of community, leadership, justice, and service in its students through the classes and activities they offer, as well as the staff and faculty that teach them. The university provides its students with a sense of faith in community on campus with courses in theology, philosophy, ministry and spirituality, as well as opportunities for religious expression and faith enhancement. Throughout its existence, Brescia University has established a history of serving Owensboro and the surrounding region.

Brescia University also provides each of their students with a quality liberal arts education, helping to shape them into rounded citizens. Brescia offers six different degrees in over 60 different programs and offers small classes with frequent one-on-one time between teachers and students. Continuing the emphasis on the sense of community, the university takes pride in knowing all of their students individually. Each are provided all the resources and opportunities they need to find success in their lives so that they may fully participate in the life of the campus.

Brescia University also excels athletically. The university is home to 15 intercollegiate athletic teams. The Brescia Bearcats, as they are called, are members of the National Association of Intercollegiate Athletics in the Kentucky Intercollegiate Athletic Conference, and recently added competitive men's and women's track teams this year.

The mission of Brescia University to form well-educated, well-rounded young adults with a sense of community and service to others is one that should be encouraged in all educational institutions in our country. I urge my colleagues to support this resolution and thank Mr. GUTHRIE for bringing this resolution forward.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the resolution before us, House Resolution 1043, recognizing Brescia University for 60 years of leadership in higher education.

Brescia University, located in Owensboro, Kentucky, was founded by the Ursuline Sisters of Mount St. Joseph in 1950. Brescia began as Brescia Hall, was founded as Brescia College in 1950, and became Brescia University in 1998. The university now offers undergraduate and graduate course work for career preparation firmly rooted in the liberal arts.

Brescia University offers various degrees, including associate degrees, bachelor degrees, and master degrees. The institution offers degrees in various programs, including education, medical technology, and computer and mathematical science. Brescia also aims to meet the needs of the adult learners by providing tailored programs in their STARS program for adults returning to school.

Brescia University Bearcats have 15 intercollegiate athletic teams. The Bearcats participate in baseball, basketball, cross-country, golf, soccer, softball, tennis, volleyball, and outdoor track as of this spring. Brescia competes in the Kentucky Intercollegiate Athletic Conference in the National Association of Intercollegiate Athletics and has excelled in such.

Brescia provides invaluable services to its students, as well as to the community. Since the founding of the university, Brescia has emphasized service to others. In keeping with the tradition of the founders, Brescia students are encouraged to assist and serve the Owensboro community and the surrounding region.

It is a privilege to stand before the House today to congratulate Brescia University on the occasion of their 60th anniversary and to recognize the university for 60 years of leadership in higher education. I extend my congratulations to Brescia University, the faculty and staff, the students and the alumni. I also want to thank my colleague from Kentucky, BRETT GUTHRIE, for introducing this resolution.

I ask my colleagues to support this resolution, and I yield such time as he might consume to my colleague, BRETT GUTHRIE.

Mr. GUTHRIE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlelady from Ohio for her kind words about Brescia University. I rise today in support of House Resolution 1043 recognizing Brescia University for 60 years of leadership in higher education.

Brescia University, located in Owensboro, Kentucky, has provided quality liberal arts education and worked to prepare its students for successful careers since 1950. The only Catholic university in western Kentucky, Brescia's mission and spirit emphasizes "Making a difference," encouraging students to serve others in the community.

For over 60 years, the faculty, staff, and students have carried out the vision of their founder, Sister Angela Merici, who believed that education creates a stronger and more just society. These individuals have given so much to the Owensboro community and the entire region.

Students at Brescia enjoy a more personalized education with a 12:1 student-to-teacher ratio. Brescia takes pride in creating an atmosphere of community, while paying close attention to the individuality of their students. The university offers six different degrees in over 60 different programs, as well as 15 athletic teams that participate in the National Association of Intercollegiate Athletics.

I'm proud to represent Brescia University in Washington, and I'm proud to represent the Owensboro-Daviess County community in which it is located. I ask my colleagues to support this resolution and join me in commending Brescia for its commitment to service, faith, and education.

Mr. PETRI. I have no further requests for time, and I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, again, I thank Mr. GUTHRIE and urge all of my colleagues to support House Resolution 1043.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1043, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### RECOGNIZING 49TH ANNIVERSARY OF THE INTEGRATION OF NEW ORLEANS SCHOOLS

Ms. FUDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 901) recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 901

Whereas, in 1954, the Supreme Court ruled that segregated schools violated the Equal Protection Clause of the 14th amendment to the Constitution;

Whereas Judge J. Skelly Wright, of the United States District Court for the Eastern District of Louisiana, ordered the Orleans Parish School Board to develop a school desegregation plan in 1956 and, after years of delay, in 1960, ordered the Orleans Parish School Board to carry out a plan designed by the United States District Court for the Eastern District of Louisiana;

Whereas 6 years after the Brown v. Board of Education (347 U.S. 483) decision, on November 14, 1960, Ruby Bridges, at the age of 6, became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans, Louisiana;

Whereas Ruby Bridges had the courage to attend the William Frantz Elementary School every day during the 1960-61 school year despite ongoing riots and protests in New Orleans, having to be escorted to school by Federal marshals, and having no other students in her classroom;

Whereas Ruby Bridges was also supported by her white first-grade school teacher, Ms. Barbara Henry, whose lessons remain with Ruby Bridges to this day;

Whereas Ms. Henry faced retaliation for teaching Ruby Bridges by not being invited to come back and teach at William Frantz School following the 1960-61 school year;

Whereas, in 1995, Ruby Bridges contributed to "The Story of Ruby Bridges", a book for children, and, in 1999, wrote "Through My Eyes" to help educate children and people of all ages about her experiences and the importance of tolerance;

Whereas Ruby Bridges established the Ruby Bridges Foundation in 1999 to help eliminate racism and improve society by educating students about the experiences of

Ruby Bridges, discuss ongoing efforts to promote diversity, and provide lessons students can take back to their own communities; and

Whereas, in 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center's Museum for Tolerance in Los Angeles, launched The Ruby's Bridges Project, a program that brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) recognizes the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana;

(2) remembers Judge J. Skelly Wright for his advocacy, support, and lifelong commitment to promoting civil rights, fairness, and equality;

(3) commends Ruby Bridges for her bravery and courage 49 years ago, and for her lifetime commitment to raising awareness of diversity through improved educational opportunities for all children; and

(4) supports policies and efforts to promote equal opportunities for all students regardless of their backgrounds.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. FUDGE) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

##### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous materials on H. Res. 901 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 901, which recognizes the 49th anniversary of integrated schools in New Orleans, Louisiana.

Forty-nine years ago, Ruby Bridges became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans. Amidst deadly threats, violence, and abuse, Ruby attended her first grade class every day over the course of the year. She was escorted to school by Federal marshals just so she could receive the same education as her white peers. When Ruby entered her new classroom, the white students refused to sit and learn next to her.

Ruby was fortunate to have Ms. Barbara Henry as her teacher during this tumultuous year. Ms. Henry instructed Ruby in an empty classroom over the course of the school year. The two played games, talked, and learned from each other amongst the racially tense times. It is not surprising that Ms. Bridges still considers her year with Ms. Henry as one of the most pleasant times in her life.

Outside the classroom, Ruby came face to face with the ugliness that

erupted during this time. Militant segregationists took to the streets in protest, and riots erupted all over the city. Her family also felt the impact of her bravery. Her father, Abon Bridges, and her grandparents were all fired from their jobs. However, many folks, both black and white, supported the Bridges family during their trying time. People sent letters of support, neighbors watched after their house, and helpful friends and community members made financial contributions.

□ 1445

In 1954, the Supreme Court ruled in *Brown v. Board of Education* that segregated schools violated the equal protection clause of the 14th Amendment. Prominent figures like the Reverend Martin Luther King, Justice Thurgood Marshall, and the Little Rock Nine are civil rights activists who are typically credited with moving the civil rights movement forward. While the story of Ruby Bridges is not widely known, her contributions to the movement are equally deserving of great recognition.

Today, Ruby stands as a hero to all of us. She has taken the lessons she has learned from her youth and dedicated her life to helping students. Her foundation helps students deal with racism and diversity at school and within their own community. She also wrote "Through My Eyes," explaining her first-grade experience, and now partners with organizations that promote nonviolence in schools. Her monumental contributions to the American civil rights movement deserve to be recognized.

I want to thank Representative GWEN MOORE for bringing this resolution forward, and urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I am delighted today to rise in support of the resolution before us, House Resolution 901, introduced by my colleague from the State of Wisconsin, GWEN MOORE, recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana.

In 1954, the United States Supreme Court ruled in *Brown v. Board of Education of Topeka* that State laws establishing separate public schools for black and white students denied black children equal educational opportunities. Louisiana District Judge J. Skelly Wright ordered the Orleans Parish Board to carry out a plan to integrate the State's schools. After a 6-year delay, Ruby Bridges became the first African American to attend the all-white William Frantz Elementary School in New Orleans, Louisiana.

Ruby Bridges faced many challenges during her first day and ongoing years at William Frantz. Only Barbara Henry was willing to teach Ruby, and for over

a year Mrs. Henry taught her alone. Mrs. Henry's lessons left an indelible mark on Ruby and remain with her to this day.

Ruby and her family suffered many hardships as a result of Ruby's attendance at William Frantz. However, many of the community showed support in a variety of ways. Some white families continued to send their children to Frantz, despite the protests, and local members of the community walked behind the Federal marshals' car on the trips to school.

Today, Ruby Bridges is the chair of the Ruby Bridges Foundation, which she formed in 1999 to promote the values of tolerance, respect, and appreciation of all differences.

In 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center Museum for Tolerance in Los Angeles, launched the Ruby Bridges Project. The project brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another.

So I stand before you today to recognize the 49th anniversary of the first integrated schools in New Orleans, Louisiana. I also want to acknowledge Judge J. Skelly Wright and Mrs. Barbara Henry for their support and lifelong commitment to civil rights and equal opportunity. In addition, I want to commend Ruby Bridges for her bravery and courage 49 years ago and for her commitment to raising awareness of diversity through educational opportunities for all children.

I thank my colleague, GWEN MOORE of the State of Wisconsin, for giving us an opportunity to recognize her contribution. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. FUDGE. I am pleased to recognize the gentlewoman from Wisconsin (Ms. MOORE) for such time as she may consume.

Ms. MOORE of Wisconsin. Mr. Speaker, I want to thank my colleague from Wisconsin for supporting House Resolution 901.

I can tell you that you have heard the history of Ruby Bridges, but in my own Fourth Congressional District of Wisconsin, last spring another teacher, a first-grade teacher, started a class project to teach her 6-year-old students the historic impact of Ruby Bridges during last February's Black History Month.

The students, recognizing the bravery of another child their age, thought Ruby Bridges should have her own special day of recognition. So what started as a very modest class project sort of built this groundswell where 2,200 signatures were collected throughout the Fourth Congressional District of Wisconsin, and indeed throughout the State. The project gained letters of commendation from Milwaukee Mayor

Tom Barrett and from then-State Superintendent of Education Elizabeth Burmaster. They sent the full list to President Barack Obama and other elected officials in support of a Ruby Bridges Day.

It is so truly remarkable that a first-grade class in my district not only learned the historic lessons of 6-year-old Ruby Bridges, but also learned how extraordinary it is to have a voice in this great country of ours through the power of the pen. In fact, the initiative of these small children brings me to the floor of the House of Representatives today seeking support for H. Res. 901.

Ruby Bridges is the young black girl in the classic Norman Rockwell painting wearing a white dress, escorted, for her safety, by Federal marshals to school. And years after the Supreme Court had ruled the segregated schools were unconstitutional, Louisiana was finally forced, under a Federal court order, to implement a desegregation plan for the New Orleans public schools.

How frightened but how brave was a 6-year-old girl who took that test and qualified to become one of the first official African American students to attend this all-white school. And although she was only 6 years old, Mr. Speaker, and the lone black student at the school, she never missed a day, attended each and every day. Ruby, a jewel, Bridges, bridging a cultural gap.

I am so proud to support this resolution honoring Ruby Bridges.

Mr. PETRI. Mr. Speaker, I am delighted to yield such time as he may consume to my colleague, the Representative from New Orleans, Louisiana, JOSEPH CAO.

Mr. CAO. Mr. Speaker, I rise today to request my colleagues to join me in supporting House Resolution 901.

In 1956, the Orleans Parish School Board was ordered to develop a school desegregation plan. After years of delay, a young girl by the name of Ruby Bridges became one of the first black children to attend an integrated school. Upon her arrival, every white parent came to remove their child. All but one white teacher refused to teach. That one teacher instructed Ruby in a room by herself for a full year.

This experience did not deter Ruby, who not only completed her education but went on to found the Ruby Bridges Foundation. The foundation's mission: To promote the values of tolerance, respect, and appreciation of all differences.

I was honored to have met Mrs. Bridges in New Orleans on a number of occasions, and she still expresses the same radiant smile now as she did in 1956. She is truly an extraordinary woman.

At a time when my city is fighting to rebuild its schools and build up young people, I am thankful to have her as an

ally and an inspiration for future generations. And, having lived in New Orleans all of her life, I am sure she would like to join me in proclaiming "Who Dat."

I hope that my colleagues will join me in supporting House Resolution 901, recognizing the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana.

Mr. PETRI. I yield back the balance of my time.

Ms. FUDGE. Mr. Speaker, I just want to close by of course recognizing the fact that, as we begin Black History Month, there is no better person for us to recognize today than Ruby Bridges. I want to thank her for her courage, her determination, and the work she is doing today to help students across our great Nation.

Mr. Speaker, I urge all of my colleagues to support this resolution, H. Res. 901.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support H. Res. 901, a resolution to recognize November 14, 2009 as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana. I urge my colleagues to support this meaningful and important resolution.

In 1954, the Supreme Court ruled that segregated schools violated the equal protection clause of the 14th Amendment. On November 14, 1960, Ruby Bridges, at the age of six, became the first African American student to attend an all-white school in New Orleans, Louisiana. Ruby Bridges attended William Frantz Elementary School every day, despite riots and protests. Ruby was taught by Barbara Henry in a classroom with no other students. Sadly, due to her efforts to educate young Ruby, Ms. Henry was not invited back to teach at William Frantz Elementary school after that year. In 1999, Ruby Bridges established the Ruby Bridges Foundation that fights racism and works to improve society by sharing the experiences of Ruby Bridges.

Of course the need to integrate schools was not unique to New Orleans. The University of Georgia, UGA, was a segregated school until 1961. UGA had strict admissions requirements—such as requiring personal recommendations from alumni, all of whom were white—in order to block African Americans from being admitted. In 1960, Charlayne Hunter and Hamilton Holmes applied to UGA. They were more than qualified for admission. Holmes was valedictorian of his high school and senior class president. Hunter finished third in her graduating class and edited the school paper. The University rejected their applications, providing a number of different—and ultimately false—reasons for denying their admission. On January 6, 1961, federal judge William A. Bootle found that "the two plaintiffs are fully qualified for immediate admission, and would already have been admitted if not for their race and color." This ruling became national news and the students were admitted and met on registration day by protests. On the third evening after their registration, a large group of students showed up outside of their residence and began hurling bricks and bottles before being dispersed by police. After

this incident, the Dean of Students then told them that he was withdrawing them from admission for "their own safety." This decision was quickly overruled by a court order after over 400 faculty members signed a resolution to bring them back. Holmes graduated from UGA and earned a medical degree from Emory University in Georgia. Hunter graduated with a degree in journalism and worked for the New York Times, PBS, and CNN.

Thanks to the courage of these individuals and many others like them, we are now as close to full integration as we have ever been, and continue to gain ground on that ultimate goal.

As President Obama recently stated during his unveiling of his new budget proposal, "the most important tool to combat poverty is a world class education." Prior to November 14, 1960, African Americans were a long way from having the opportunity to receive a world class education. Although the desegregation of schools did not instantly give African Americans a high quality education, it was the first step in a long battle for equality in educational opportunities. Without the events that took place on November 14, 1960, and the bravery of Ruby Bridges, Barbara Henry, Hamilton Holmes, and Charlayne Hunter, we would not be where we are today in relation to educational equality for African Americans. As a member of the House Judiciary Committee, I urge my colleagues to support this resolution.

Ms. FUDGE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 901, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. FUDGE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HONORING MEDGAR EVERS

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1022) honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1022

Whereas Medgar Evers was born on July 2, 1925, in Decatur, Mississippi;

Whereas Mr. Evers was hired by Dr. Theodore Roosevelt Mason Howard to sell insurance for the Magnolia Mutual Life Insurance Company;

Whereas Mr. Evers was inducted into United States Army in 1943 and fought in the Battle of Normandy;

Whereas Dr. Howard, as President of the Regional Council of Negro Leadership, helped to introduce Mr. Evers to civil rights activism;

Whereas Mr. Evers applied to the then-segregated University of Mississippi School of Law in February 1954;

Whereas Mr. Evers' application was rejected resulting in a National Association for the Advancement of Colored People (NAACP) campaign to desegregate the school;

Whereas Mr. Evers was hired as a field secretary for the NAACP;

Whereas Mr. Evers was the target of a number of death threats as a result of his activism;

Whereas, on May 28, 1963, a Molotov cocktail was thrown into the carport of Mr. Evers's home and five days before his death Mr. Evers was assaulted by a car outside of an NAACP office;

Whereas Mr. Evers was assassinated in the driveway of his home in Jackson after returning from a meeting with NAACP lawyers on June 12, 1963;

Whereas this assassination occurred just hours after President John F. Kennedy's speech on national television in support of civil rights;

Whereas the death of Mr. Evers helped to prompt President John F. Kennedy to ask Congress for a comprehensive civil rights bill;

Whereas that bill, the Civil Rights Act of 1964, was signed into law by President Lyndon Johnson;

Whereas Mr. Evers' assassination has been memorialized in numerous popular songs, movies, and written pieces;

Whereas in 1969, Medgar Evers College was established in Brooklyn, New York, as part of the City University of New York;

Whereas, on June 28, 1992, the city of Jackson, Mississippi erected a statue in honor of Mr. Evers;

Whereas in December 2004, the Jackson City Council changed the name of the city's airport to Jackson-Evers International Airport; and

Whereas, on October 9, 2009, Secretary of the Navy Ray Mabus announced that the United States Naval Ship (USNS) Medgar Evers (T-AKE-13), a Lewis and Clark-class dry cargo ship, will be named after Mr. Evers: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) honors the life and sacrifice of Medgar Evers;

(2) recognizes the important role Mr. Evers played in securing civil rights for all people in the United States; and

(3) congratulates the United States Navy for honoring Medgar Evers by naming the United States Naval Ship Medgar Evers after him.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?



There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, as we begin Black History Month, I rise in support of H. Res. 1022, to honor the life of Medgar Evers and congratulate the United States Navy for naming a ship in his honor.

Medgar Evers was born in Decatur, Mississippi, on July 2, 1925, and he was murdered on June 12, 1963, in the driveway of his Jackson, Mississippi, home. His upbringing was marked by the racism and violence of that time. Before Evers even reached high school, he had endured the lynching of a close family friend.

As a young man, Mr. Evers was determined to get his education. He earned his high school diploma, enduring taunts and abuse from white school-children.

In 1943, he was drafted into the Army, and he bravely fought for his country at the Battle of Normandy and was honorably discharged in 1946.

Upon his return home, Mr. Evers completed a degree in business administration at Alcorn State University. He played football, ran track, joined the debate team, and sang in the university choir. He married his classmate, Myrlie Beasley, in 1951.

□ 1500

Beside me is a photograph of Medgar Evers. He looks to be very fit and focused, and I daresay Herschel Walker has a slight resemblance to Mr. Evers. And that is a compliment, by the way.

After completing that degree and getting married, Mr. Evers then moved to Mound Bayou, Mississippi, and joined the Regional Council of Negro Leadership. He helped organize a boycott of service stations that denied African Americans use of their restrooms. In 1954, the year I was born, Mr. Evers applied to the segregated University of Mississippi School of Law. When his application was rejected, he became the focus of an NAACP campaign to desegregate the school.

He was hired as the NAACP's first field secretary in Mississippi. Mr. Evers was instrumental in desegregating the University of Mississippi, and gained prominence through his work with the NAACP. As his fame and success grew, so did the danger that he faced. Death threats became commonplace. But he persisted, a true American pioneer. In May of 1963, a Molotov cocktail was thrown into the carport of his home. And then 5 days before his death, he was nearly run over by a car outside of a NAACP office.

On June 12, 1963, while carrying T-shirts that read, quote, "Jim Crow Must Go," Medgar Evers was assassinated in the driveway of his home in Jackson, Mississippi. Just hours earlier, President John F. Kennedy had delivered his speech in support of civil rights legislation on national tele-

vision. Evers' assassination is said to have helped prompt President Kennedy to ask for a comprehensive civil rights bill, which became the Civil Rights Act of 1964, and which was an historic and mighty blow to the institutionalized racism in America. Mr. Evers was buried in Arlington National Cemetery, and received full military honors in front of a crowd of about 3,000 people.

This resolution, Mr. Speaker, not only honors the life and sacrifice of Mr. Evers, but it also commends the Navy for its recent decision to name a ship in his honor. On October 9, 2009, Secretary of the Navy Ray Mabus announced the United States Naval Ship *Medgar Evers*, a Lewis and Clark-class dry cargo ship.

For decades, Medgar Evers' legacy has inspired Americans. He fought diligently for what was right, and gave his life to the cause of civil rights. His life has been memorialized in song, in film, in sculpture, and now by the United States Navy.

Mr. Speaker, I would like to insert at this point in the RECORD an exchange of letters between House Judiciary Committee Chairman JOHN CONYERS and House Armed Services Committee Chairman IKE SKELTON. I am privileged to serve on both of these very important committees.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 28, 2010.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary,  
Washington, DC.

DEAR MR. CHAIRMAN: On January 20, 2010, the House Resolution 1022, "Honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers," was introduced in the House. As you know, this measure was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Our Committee recognizes the importance of H. Res. 1022 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1022. I do so with the understanding that by waiving further consideration of the resolution, the Committee does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 2, 2010.

Hon. IKE SKELTON,  
Chairman, Committee on Armed Services, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdic-

tional interest in H. Res. 1022, Honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers.

I appreciate your willingness to support expediting floor consideration of this important resolution today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future.

Per your request, I will include a copy of your letter and this response in the Congressional Record in the debate on the resolution. Thank you for your cooperation as we work towards passing this resolution.

Sincerely,

JOHN CONYERS, JR.,  
Chairman.

I urge my colleagues to support this important resolution, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I support House Resolution 1022. This resolution honors the life and sacrifice of Medgar Evers, and also it congratulates the United States Navy for naming a supply ship after Mr. Evers in 2009. Known today for his struggles in the civil rights movement in Mississippi and his untimely death at the hands of an assassin, Medgar Evers left behind an impressive record of achievement.

He was born in 1925 near Decatur, Mississippi, and he entered the United States Army in 1943 and served in Normandy in World War II. He received a B.A. degree in 1952, and began to establish local chapters of the NAACP. He organized boycotts of gasoline stations that refused to allow blacks to use the restrooms there. In 1954, he applied to the then-segregated University of Mississippi School of Law. And when his application was rejected, he filed a lawsuit against the university. He became the focus of the NAACP effort to desegregate the school, a case aided by the United States Supreme Court in a ruling of *Brown v. Board of Education* that segregation was unconstitutional.

Evers and his wife eventually moved to Jackson, Mississippi, where they worked together to set up an NAACP office. Evers began investigating violent crimes committed against African Americans, and sought ways to prevent them in the future. His boycott of Jackson, Mississippi merchants in the early 1960s attracted national media attention. And his efforts to have James Meredith admitted to the University of Mississippi in 1962 led to much needed Federal help. Due in part to Mr. Evers' work, Meredith was admitted to the University of Mississippi.

On June 12, 1963, Evers returned home just after midnight from a series of NAACP functions, and he was leaving his car with a handful of T-shirts that read, "Jim Crow Must Go." When he was leaving his vehicle, he was shot in the back by an assassin. His wife and children, who had been waiting for him, found him bleeding to death on



the doorstep some 30 feet from where he was gunned down. Shortly thereafter, he died.

The death of Mr. Evers helped prompt President John F. Kennedy and others to ask Congress to pass a comprehensive civil rights bill. And in 1964, the Civil Rights Act was signed into law. In the years following his death, a number of songs, books, and movies paid tribute to Mr. Evers' sacrifice and his peaceful pursuit of justice and equality for all Americans. Mr. Evers is quoted as saying, "When you hate, the only one that suffers is you, because most of the people you hate don't know it, and the rest don't care." He also continually advised that violence is not the way.

His life serves as an inspiration to all Americans on how citizens can use peaceful and democratic means to effect a positive change within our democracy. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I yield 3 minutes to the gentlewoman from the great city of Washington, D.C. I would point out that she is a civil rights legend of her own accord.

Ms. NORTON. I thank the generous gentleman from Georgia and our colleague on the other side as well for their words and for bringing forward this resolution honoring the United States Navy, and especially honoring Medgar Evers.

There is some context that is necessary here. Mississippi was not only late to the civil rights movement, Mississippi was last to the civil rights movement. And there was a reason for that. Because it was delayed. Remember the sit-ins began February 1960, just 50 years ago. That was celebrated just yesterday with the opening of a civil rights museum in Greensboro. Years passed. And you did not see young people coming forward in Mississippi, young and foolish, and a young law student, because Mississippi was so heralded for its reputation for violently opposing civil rights. That is where I wanted to be.

From my first day in Mississippi in June of 1963, I was baptized by crisis. I spent the day with Medgar Evers. I was only a second-year law student, but there were so few people with the skills associated with lawyers who had been in the movement, that he tried to get me to stay in Jackson. But I had committed to Bob Moses, the legendary head of a tiny movement in the delta area of Mississippi, to go to the Mississippi delta.

I spent the day with Medgar Evers taking me around to meet members of the movement, to try to get me to remain, and finally depositing me at—was it a Greyhound or a Trailways bus station? I do not recall. But he put me on that bus, he went home, and he was assassinated in his own driveway. I had

learned about it the next morning when a tiny little girl came to wake me up in a sharecropper's house who had accommodated me as a member of the movement to say that Mr. Evers has been shot. The moment exists in my brain and in my heart to this very moment, that unspeakable moment.

Mr. Speaker, I was a member of the Student Nonviolent Coordinating Committee. John Lewis was the chair of SNCC at that time. Young people had come forward to risk arrest and beatings literally in every State of the union except Mississippi. But there was nobody like the four young students in Greensboro who stepped forward in 1960. And yet I come to Mississippi in 1963, and I assure you not to sit in. But there hadn't been a single sit-in in Mississippi. So here came a middle-aged father and husband and said, "Okay, I will lead the sit-ins in the biggest city in Mississippi."

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. I yield the gentlewoman 1 additional minute.

Ms. NORTON. Medgar Evers was not a student. He was not young and foolish the way the students were. He had a lot to risk, and he risked it all. He and a very few others stepped forward to do that first sit-in at a Woolworth's. He paid a price that day. They were beat horribly. And he paid the ultimate price when they took his life in that driveway.

It is time for the United States of America now to step forward, as Medgar Evers did, and recognize this one of a kind American hero. I applaud our country and our Navy for naming a United States Naval ship the *Medgar Evers*.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H. Res 1022, to honor the life and sacrifices of Medgar Evers as well as his contributions to the African American Civil Rights Movement.

Evers was born in segregated Decatur, Mississippi, on July 2, 1925, and had to deal with daily threats, insults and institutionalized discrimination and racism. Like many of his fellow African Americans, Evers returned to the United States after serving in France during World War II only to learn that nothing had changed for African Americans.

Despite this, Evers went to Acorn College in Lorman, Mississippi, and received his BA in Business Administration, an amazing accomplishment for any African American at the time. He went on to marry his classmate and sweetheart, Myrlie Beasley.

The young couple moved to Mound Bayou, Mississippi, where Evers worked at the Magnolia Mutual Life Insurance Company. The president of the company, Dr. T.R.M. Howard, also served as president of the Regional Council of Negro Leadership, and helped to introduce Mr. Evers to civil rights activism. Evers became heavily involved in successful boycotts of service stations that denied Blacks to use their restrooms throughout the state.

Evers went on to work as a member of the Mississippi NAACP as its field secretary and

had an instrumental role in the desegregation of the University of Mississippi, which led to constant threats against his life and his family. On June 12, 1963, at the age of 37, Medgar Evers was shot outside his home. He died 50 minutes later in the hospital. His murderer, Bryan De La Beckwith, went to trial twice before finally being found guilty of murder and being sent to prison on February 5, 1994, three decades after Evers' death.

Medgar Evers, in life and in death, left an impact on America. His death helped prompt President John F. Kennedy to ask Congress for a comprehensive civil rights bill, one that would be passed during the Johnson administration and finally ended legal segregation in the United States.

I commend Representative HENRY JOHNSON of Georgia's Fourth Congressional District for introducing this important piece of legislation to the House and I urge my colleagues to join me in voting for this measure.

Mr. BISHOP of Georgia. Mr. Speaker, today, we recognize a brave martyr of the civil rights movement, Medgar Evers, who also is being honored by the U.S. Navy with the naming of a dry cargo ship after him.

Medgar Evers served his country in the U.S. Army during World War II and fought to liberate Europe at the Battle of Normandy. After he was honorably discharged in 1946, he returned home to Mississippi to find racial discrimination and rampant prejudice. This injustice compelled him to fight another battle, this time for civil rights and racial equality at home. As NAACP's first field secretary in Mississippi, he played a leading role in desegregating the University of Mississippi in 1962, as well as led a public investigation into the murder of Emmett Till.

Medgar Evers received numerous death threats, yet he was never deterred. He once said, "You can kill a man, but you can't kill an idea." There is bittersweet truth to his words as Evers was murdered in 1963 by one intent on maintaining segregation. Although Evers' dedication to ensuring equality cost him his life, his sacrifice was not in vain. Following Medgar Evers' death, there was a renewed impetus toward passing a civil rights bill, allowing Medgar Evers' ideas to live on.

Two months after Evers' murder, President John F. Kennedy, while addressing the U.S. Naval Academy, said, "any man who may be asked in this century what he did to make his life worthwhile, I think can respond with a good deal of pride and satisfaction: 'I served in the United States Navy.'"

With the christening of the USNS *Medgar Evers*, there is now a physical link between honorable naval service and the courageous life of Medgar Evers. I hope that as this ship sails from port-to-port, it will remind all nations, including our own, of the ultimate sacrifice Evers made in the pursuit of justice.

I want to commend my friend and colleague from Georgia, HANK JOHNSON, for introducing this resolution, and I urge its adoption by the full House.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1022 "Honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers."

I would like to begin by thanking my colleague Representative HANK JOHNSON for introducing this resolution in the House, as it is important that we honor and remember Medgar Evers for his service to the United States both on the battlefield as an Army sergeant in World War II as well as his service to the United States through his leadership in the Civil Rights Movement of the 20th Century.

Evers was born in Decatur, Mississippi, to Jessie and James Evers in 1925 and grew up on his father's small farm. After reaching adolescence, Evers had a difficult time in obtaining the high school level education he so desperately wanted. Evers however was determined. Every day he would walk 12 miles, each way to school and frequently had objects thrown at him by White children passing by in school buses.

In addition to the heckling he frequently received on his way to school, Evers suffered several other seriously traumatic events as a child. In one such instance, a close family friend was kidnapped, beaten up and lynched by a group of White supremacists. Evers was shocked when there was no response to this horrible attack by any local law enforcement officers and no subsequent legal action was taken up in the judicial system.

Evers witnessed several other brutal actions taken against local blacks in Decatur, Mississippi, as a youth. He was once quoted as saying: "I used to watch the Saturday night sport of White men trying to run down a Negro with their car, or White gangs coming through town to beat up a Negro." Evers said that sometimes the attackers would even leave the dead bodies of Black men out in the streets and would hang the bloody clothes in public to leave a message of fear.

Fortunately, Evers was able to keep his head high and eventually earned his high school diploma in Decatur, Mississippi, before joining the U.S. Army. Evers joined the Army during World War II, fought in France, the European Theatre of WWII and was honorably discharged in 1945 as a Sergeant after admirably serving his country.

After being discharged, Evers attended Alcorn College, (now known as Alcorn State University) in Lorman, Mississippi and participated in a wide variety of activities from debate team to the track and football teams. At Alcorn College, Evers met and began dating Myrlie Beasley. The two were eventually married on December 24, 1951.

Soon after marriage, the couple moved to Mound Bayou, Mississippi, where Evers began selling insurance for the Magnolia Mutual Life Insurance Company. It was there that Evers met Dr. Theodore Roosevelt Mason Howard, the president of the Regional Council of Negro Leadership, RCNL, a civil rights and pro self-help organization. Evers soon became a dynamic member of the RCNL and thus began his political activism career.

When his application to the then-segregated University of Mississippi Law School was rejected, Evers filed a lawsuit against the university, and became the focus of an NAACP campaign to desegregate the university. That same year, due to his involvement, the NAACP's National Office suggested he become Mississippi's first field secretary for the NAACP.

On November 24, 1954, Evers was appointed Mississippi's first field secretary for the NAACP. After becoming field secretary, Evers was involved in a boycott campaign against White merchants and was instrumental in eventually desegregating the University of Mississippi when that institution was finally forced to enroll James Meredith in 1962.

Sadly, Evers was assassinated outside his home on June 12, 1963, just after returning from a meeting with several NAACP lawyers. Though he was killed in this tragic attack, the legacy that Evers left behind helped to change the course of history and left a strong impact on the Civil Rights Movement.

Designated T-AKE 13, *Medgar Evers* will be the 13th ship of the class, and is being built by General Dynamics NASSCO in San Diego. As a combat logistics force ship, *Medgar Evers* will help the Navy maintain a worldwide forward presence by delivering ammunition, food, fuel, and other dry cargo to U.S. and allied ships at sea.

As part of Military Sealift Command's Naval Fleet Auxiliary Force, *Medgar Evers* will be designated as a United States Naval Ship, USNS, and will be crewed by 124 civil service mariners and 11 Navy sailors. The ship is designed to operate independently for extended periods at sea, can carry a helicopter, is 689 feet in length, has an overall beam of 106 feet, has a navigational draft 30 feet, displaces approximately 42,000 tons, and is capable of reaching a speed of 20 knots using a single-shaft, diesel-electric propulsion system.

Because of the extensive role Evers had in the Civil Rights Movement and because of his exemplary service in the Armed Forces during World War II, it is important that we recognize this hero for his service to our Nation. I ask my colleagues for their support of this resolution and ask for their continued support of similar national heroes.

Mr. AL GREEN of Texas. Mr. Speaker, I strongly support H. Res. 1022, a resolution honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after him.

I would like to thank my colleague, HENRY C. "HANK" JOHNSON, for introducing this significant piece of legislation.

On October 9, 2009, the United States Navy announced that the Lewis and Clark dry cargo and ammunition ship would be named. United States Navy Ship *Medgar Evers*.

The U.S. Navy's dedication to Medgar Evers recognizes the slain civil rights pioneer who led efforts to secure the right to vote for all African-Americans and to integrate public facilities, schools, and restaurants.

Medgar Evers rose to prominence in the civil rights movement in his home state of Mississippi. He discovered his passion for activism while working for the Regional Council of Negro Leadership, which he began in 1951 upon graduating from Alcorn University.

Appointed Mississippi's first field secretary for the National Association for the Advancement of Colored People (NAACP), Evers established local chapters of the NAACP throughout the Delta region.

As an NAACP worker, Medgar Evers fought against segregation and Jim Crow laws by organizing boycotts on gasoline stations that refused to allow blacks to use their restrooms.

His boycott of Jackson, Mississippi merchants in the early 1960's attracted national attention, and his effort to have James Meredith admitted to the University of Mississippi in 1962 brought much needed federal assistance.

In 1963, Evers met an untimely death when he was assassinated in his driveway. He was murdered just hours after President John F. Kennedy's speech on national television in support of civil rights. However, Medgar Evers' sacrifice and legacy of challenging racism and segregation endures today.

I join my colleagues in honoring Medgar Evers and applaud the U.S. Navy for recognizing him by naming one of its vessels after such a great American activist.

Mr. POE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, before I yield back I will say that if Medgar Evers were alive today, he would be fighting alongside Delegate ELEANOR HOLMES NORTON for freedom in Washington, D.C. What I am talking about is the ability of residents of Washington, D.C., to be able to vote, to have a Congressperson who has full voting rights in this body.

With that, Mr. Speaker, I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1022.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

#### NATIONAL STALKING AWARENESS MONTH

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 960) expressing support for designation of January 2010 as "National Stalking Awareness Month" to raise awareness and encourage prevention of stalking.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 960

Whereas in a 1-year period, an estimated 3,400,000 people in the United States reported being stalked, and 75 percent of victims are stalked by someone who is not a stranger;

Whereas 81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;

Whereas 11 percent reported having been stalked for more than 5 years and one-fourth of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that stalkers had used technology, such as e-mail or instant messaging, to follow and harass them, and 1 in 13 said stalkers had used electronic devices to intrude on their lives;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as changing jobs, obtaining protection orders, relocating, and changing their identities;

Whereas 1 in 7 victims moved in an effort to escape their stalker;

Whereas approximately 130,000 victims reported having been fired or asked to leave their job because of the stalking, and about 1 in 8 lost time from work because they feared for their safety or were taking steps, such as seeking a restraining order, to protect themselves;

Whereas less than half of victims report stalking to police and only 7 percent contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime that cuts across race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the United States Territories, the District of Columbia, and the Uniform Code of Military Justice;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and law enforcement agencies that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution, and increase the availability of victim services across the country tailored to meet the needs of stalking victims;

Whereas, 2010 marks 10 years in which the Stalking Resource Center has increased national awareness of stalking and enhanced local responses to stalking victims through training over 35,000 law enforcement, prosecutors, victim service providers, and other community stakeholders, and provided assistance to jurisdictions working to enhance their stalking laws; and

Whereas January 2010 would be an appropriate month to designate as "National Stalking Awareness Month": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of "National Stalking Awareness Month" to educate the people of the United States about stalking;

(2) encourages the people of the United States to applaud the efforts of the many victim service providers, law enforcement, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking;

(3) encourages policymakers, criminal justice officials, victim service and social service agencies, colleges and universities, nonprofits, and others to recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime

of stalking through "National Stalking Awareness Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

#### GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 960 expresses support for January 2010, being designated as "National Stalking Awareness Month." Every year, Mr. Speaker, an estimated 3.4 million people are the victims of stalking. Stalking occurs through many different behaviors, such as unwanted phone calls, letters or emails, the victim being followed, or a stalker showing up at places without a legitimate reason. While these individual acts may not be criminal in and of themselves, collectively and repetitively these behaviors can cause a victim to fear for his or her safety.

This crime of stalking can be extremely dangerous. The fear and mental anguish that stalking causes can leave a victim's life in shambles. Anxiety, insomnia, or severe depression is much more prevalent among stalking victims than within the general population. This is especially the case if the stalking involves being followed or having one's property destroyed.

Over 12 percent of employed stalking victims report losing time from work as a result of their victimization, and more than half lose 5 days of work or more. In fact, many stalking victims have been forced to relocate their residences, and they often need psychological counseling. Stalking is often a precursor to physical attacks on a victim. This is why stalking is a crime in all 50 States and in the District of Columbia and is a crime under Federal law as well. Over 75 percent of women murdered by an intimate partner had been stalked by that partner before being killed. Victims are increasingly vulnerable to the crime of stalking, with advances in technology giving stalkers more access to the victims' personal information.

I would like to thank my Judiciary Committee colleague, the gentleman from Texas (Mr. POE), for introducing this bipartisan resolution; and I urge my colleagues to join me in supporting House Resolution 960.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I'm proud to be the sponsor of this legislation. Stalking is described as repeated harassment or threatening behavior toward somebody else. The stalker can be a stranger or someone the victim knows very well—an ex-partner, a family member. Laws vary from State to State, but stalking is usually considered under the law to be any unwanted contact between the stalker and the victim, that he or she either directly or indirectly communicates a threat or places fear in the victim. Some examples include, but are not limited to, unwanted phone calls; letters; emails; instant messages; following the victim; showing up at the location where the victim is without any reason; leaving unwanted items or presents; and spreading false information or rumors about the victim.

Stalking can turn any ordinary day and any ordinary activity, like walking to your car, into a terrifying experience for the victim. Victims of stalking will never really know if they are safe whether they are at home, in their cars, at their work, or even just walking down the street. Stalkers show up at the oddest places. They will be sitting out in front of someone's home; they'll be there when the lady drops her child off at school; when she picks him up in the afternoon; when she goes to church. The stalker is everywhere.

One example is a wonderful young lady from Maryland by the name of Yvette Cade. Yvette Cade was severely burned by her husband shortly after a restraining order against him was removed by the judge. Just 3 weeks before, she begged a judge to reinstate a restraining order that had been ordered against her husband. And she told him, the judge, that she feared for her life. But the judge, in his incompetence, refused to reinstate the restraining order. The judge has been reprimanded for that conduct—for refusing to listen to Mrs. Cade's case—which could have prevented the horrible tragedy.

Let me make it clear: when the judge refused to reinstate the restraining order, her husband followed her to the store that she worked in. He walked in the store. He had a bottle of gasoline. He poured it over the top of her head and he set Yvette Cade on fire, all because he had been stalking her, but also a judge had the ability to intervene and prevent that activity—and he did not do so.

Yvette Cade survived those injuries, and she is an advocate for victims' rights to this day. This case is a reminder why we must educate law enforcement and others, including judges, about stalking and domestic violence in order to help them recognize situations as happened to Mrs. Yvette Cade. During a 12-month period, an estimated 3.4 million people ages 18 and older are victims of stalking.

There's a similar story of a woman named Peggy Klinke. She lived in Albuquerque, New Mexico, and broke up

with her boyfriend, named Patrick Kennedy, after dating him for 3 years. He couldn't handle not being with Peggy and stalked her outside of her work. He waited for her outside of her gym. He followed her everywhere she went. And she could always find his truck wherever she showed up.

She filed stalking charges against him and had a protective order put out against him. Eventually, Peggy started dating someone else and tried to move on with her life. Patrick set her boyfriend's house on fire and flew to Peggy's mother's house in Ohio and spray painted her house with profanity. The police then thought they had enough evidence to take him to court. Six months before the trial began, Peggy moved to California to hide from Patrick. He hired a private investigator to find her, and he did so in California. Two weeks before the trial, he located her and then killed her and then killed himself.

The most effective way of preventing stalking is making people aware it exists and how dangerous it can be. While not every instance of stalking ends in violence, many do. Stalking must be taken seriously and decisive measures must be taken by law enforcement officials as soon as the behavior begins in order to prevent the escalation into a violent situation.

House Res. 960 expresses support for the designation of January 2010 as National Stalking Awareness Month to raise awareness and encourage the prevention of stalking. I support this bill and urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I reserve the balance of my time.

Mr. POE of Texas. I yield 5 minutes to the original author of the national stalking criminal legislation some years ago, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. My colleague, Judge POE, the Representative from Texas, has told you some of the examples about women who have found themselves in this dire situation. We had in my county, Orange County, California, a total of four young women in 1990 who were, in the span of 6 weeks, all confronted by the same situation. They were being stalked by an acquaintance or a former beau, someone they knew. Each knew they were going to be attacked. Each had been threatened that they would be attacked.

I spoke after the attack with a law enforcement officer there who said it was the hardest thing he ever had to do in his life was to tell one of these young women, I know you feel he's going to attack you, but there's nothing we can do until you're physically attacked. Despite the threats he's made, there's nothing we can do. So he said, I took it upon myself to follow this individual because I knew he in-

tended to carry out that attack. He said, I came within 2 minutes of preventing him from killing her. But, unfortunately, he took her life, and then when he saw me, he took his own. This was the example given in this one case, but there were four cases within that 6 weeks in 1990.

I had previously passed legislation in the State senate on terrorism as it related to credible threats made against synagogues and churches by those who threatened to blow up synagogues. And I thought, Well, perhaps we can extend this and actually give law enforcement the chance to step in. Since that other law had been upheld by the State supreme court, perhaps it would uphold a law if we passed an anti-stalker law that said if you threatened the victim with a credible threat of great bodily harm, it became a stalking crime, and thereby perhaps you would have the deterrent effect of having law enforcement able to go to these victims or go, more importantly, to perpetrators and tell them, You may not understand this, but under this new law you face 3 years or more in State prison if you do this.

We passed the legislation in California after some debate. We had particularly effective testimony from one young woman who had been stalked for years by a high school acquaintance who she didn't even know, and finally taken at knifepoint. There was a 12-hour standoff. But because he didn't drag her more than the allotted number of feet, it was not a kidnapping. So, finally, with her testimony, we got that through the State house.

And then we found that the very advice we were giving these victims—get away from your stalker; move, because there's little we can do—meant that when they moved from the State of California to another State—let's say Florida, an example that I'm familiar with—the restraining order was no longer in effect, which meant that he couldn't be charged with stalking.

So the answer to that was a Federal law. By that time, we had used the California law as a template. We passed it in all 50 States. Japan had adopted the law. Parliaments in Europe adopted the law. But the question was: How do you protect those who go from State to State when those restraining orders are no longer in effect?

So in the United States House of Representatives I introduced that legislation. As a result, this new law provides a uniform Federal law protecting stalking victims when they cross State lines either to travel or work or to get away from their stalkers, or for any other purpose; and when they're on Federal property; if they're on a military base, for example; if they're at a post office.

It was signed into law in 1996. And I will tell you now why I am appreciative of these Members bringing this

law up to date, of which I am a cosponsor. Our key problem is getting people aware of the existence of this law. Our key challenge today is deterrence. As mentioned, you have a case today where one out of every four young women who is killed is being murdered by someone who formerly stalked her. And there is a deterrent effect to law enforcement coming to you and saying you could be serving 3 years in a Federal penitentiary or in jail. You've got 3.4 million people being stalked every year, according to the Department of Justice.

□ 1530

If we had those in law enforcement, if judges were more cognizant of the challenges of this problem, we'd be better able to handle this situation.

Many communities have come to understand that stalking is a serious problem. Many have come up with programs that can support victims and combat this crime, but we really need law enforcement to have more focus because how many times can you look at a situation and say, All right. There's something we could have done to help deter this. We know the incidences where that has been effective here.

Most stalkers are known by their victims. It isn't always the case, but most are known.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. POE of Texas. I yield to the gentleman for 1 additional minute.

Mr. ROYCE. I thank the gentleman for yielding.

And in today's world, stalkers, unfortunately, are using a very new and upgraded type of technology from what, traditionally, they used. It used to be that, you know, they'd leave a message on the phone. Today it's computers, it's GPS units, it's cell phones, it's social networking, and all of this can be used to harass victims.

If anyone would like more information on National Stalking Awareness Month, I urge you to visit [www.stalkingawarenessmonth.org](http://www.stalkingawarenessmonth.org), and try—for those out there in law enforcement—try to understand just how devastating this can be to victims, and try to give them a hand, and try to deter these attacks before they occur.

Mr. JOHNSON of Georgia. I will close just after making this statement. My sister Lynnette Maria Johnson was murdered back on May 30, 1973. That happened right here in Washington, D.C.

From high school sweethearts to college, these two individuals, my sister and this gentleman who stalked her and killed her, were an item. But when she went to college, she started meeting new people and her interests changed, and the gentleman just could not take it and so he continued to

stalk her. Finally, it resulted in him killing her. At that time, I don't think there were any stalking laws that would have prevented his misconduct, and so I personally have a zero tolerance level for stalkers.

I am proud to support this bill. Representative POE, a trial lawyer and a trial judge who has seen so many cases like these in his career, I'm sure. And Mr. ROYCE of California spoke eloquently on this issue as well. So I want to congratulate him for introducing the Federal legislation that came before this.

I would advise all victims that as soon as it starts happening, let the police know and go get some counseling so that you don't allow this thing to get out of control. If you hit it hard when it first rears up, I think that the chances are much better that the result down the line will be positive and not negative.

Mr. Speaker, I yield back the balance of my time.

Mr. POE of Texas. Mr. Speaker, I am ready to yield but I did want to make comments regarding my colleague Mr. JOHNSON.

I appreciate his comments about his family and how stalking violence can happen anywhere in the United States to anybody. We, as a body, must be aware that victims throughout the country go through terrible tragedies in their lives. This legislation brings awareness of stalking to the national front.

Stalking laws are imposed to protect the right to be left alone, and that's a right that all people have in this country, to be left alone. I want to thank the victims groups that have supported this legislation and, as chairman of the Victims' Rights Caucus, all of the numerous members of the caucus who also support this. I urge its adoption.

Mr. POE of Texas. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 960.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal History Background Checks Pilot Extension Act of 2009".

### SEC. 2. EXTENSION OF PILOT PROGRAM.

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking "a 78-month" and inserting "a 92-month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

### GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself as much time as I may consume.

Mr. Speaker, S. 2950, the Criminal History Background Checks Pilot Extension Act of 2009, will extend the national Child Safety Pilot Program for another 14 months. Passed in 2003 as part of the PROTECT Act, the national Child Safety Pilot Program assists organizations in checking the criminal records of volunteers before placing them as mentors with our children. Every year, millions of Americans generously give their time and energy to volunteer and mentor children throughout the country. While the vast majority of these volunteers act out of purely benevolent intentions, it is important that we are able to identify those who may seek to do harm.

Since 2003, the national Child Safety Pilot Program has enabled youth-serving organizations to work with the State governments to access the FBI's national fingerprint-based background checks system. By providing access to the more comprehensive data in the FBI's database, the pilot program has helped prevent child predators and sex offenders from getting access to children through legitimate mentoring programs. Notably, 6 percent of checks came back with serious criminal records.

This is a noncontroversial, fee-based program that we have authorized twice before, Mr. Speaker. It's been extremely successful in providing invaluable information to mentoring organizations, and it's at no cost to the taxpayers. Now we hope that this 14-month extension will give us more time to work with the Department of Justice on permanently authorizing this program.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Child Safety Pilot Program, originally created in 2003 as part of the PROTECT Act, has proven to be a valuable resource for groups that work with children, such as the Boys & Girls Clubs of America, the National Mentoring Partnership, and the National Council of Youth Sports. Using this pilot program, nonprofit organizations that provide youth-focused care, as defined in the National Child Protection Act of 1993, may request criminal history background checks from the FBI on applicants for volunteer or employee positions that involve working with children.

Currently, nearly 68,000 background checks have been administered through the Child Safety Pilot Program. Of those checks, over 6 percent of all workers screened had criminal records of concern, including serious crimes such as murder, rape, and child assault cases. More than 41 percent of applicants with a criminal record committed crimes in other States other than the one in which they were applying to work as a volunteer. Only a nationwide check, such as the Child Safety Pilot Program, could have provided this information to employers.

A nationwide check is vital to these organization since many of these applicants are looking for work in other States specifically to escape their criminal pasts. That's why I support S. 2950, the Criminal History Background Checks Pilot Extension Act of 2009, which extends this program for 14 more months.

Unfortunately, organizations that work with children are often the targets of those with criminal backgrounds and less than honest intentions. We need to equip these organizations so they can spot individuals with criminal records before it's too late, allowing them to only hire professional and responsible people. S. 2950 extends the Child Safety Pilot Program that has successfully helped these groups and their missions to provide a safe learning environment for children. This is a commonsense piece of legislation that should enjoy widespread support, so I urge my colleagues to join me in supporting this legislation.

I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 2950, "To extend the pilot program for volunteer groups to obtain criminal history background checks and for other purposes, introduced by my distinguished colleague from New York, Senator SCHUMER. "The Criminal History Background Checks Pilot Extension Act of 2009," will be revising the 78-month requirement to a 92-month requirement.

This act is particularly important to protect our children as they participate in so many activities throughout the community.

Mr. JOHNSON of Georgia. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2950.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMEMORATING 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. KLEIN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1044) commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1044

Whereas during the Holocaust, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators;

Whereas, on January 27, 1945, Auschwitz, a Nazi concentration and extermination camp, including Birkenau and other related camps, was liberated by the Soviet Army;

Whereas Auschwitz, located in Poland, was the largest complex of the Nazi concentration and extermination camps;

Whereas according to the Holocaust Memorial Museum, between 1940 and 1945, the Nazis deported at a minimum 1,300,000 people to Auschwitz, and of these, murdered 1,100,000;

Whereas an estimated 960,000 Jews were systematically murdered in Auschwitz during the Holocaust;

Whereas Auschwitz was also used to murder Poles, Roma, Soviet Prisoners of War, those helping to hide Jews and others the Nazis deemed inferior or that held different political views;

Whereas victims of Auschwitz were systematically murdered in gas chambers and many were starved to death, tortured, and subjected to forced labor and criminal medical experiments;

Whereas the complex of the Auschwitz concentration and extermination camp has come to symbolize the mass murder and inhumanity committed during the Holocaust;

Whereas the famous "Arbeit Macht Frei" (Work Will Make You Free) sign over the entrance to Auschwitz was stolen on December 18, 2009, and later recovered and the Polish police arrested the alleged culprits behind the theft;

Whereas according to the Contemporary Global Anti-Semitism Report released by the Department of State's Office of the Special Envoy to Monitor and Combat Anti-Semitism, "[o]ver the last decade, United States embassies and consulates have reported an upsurge in anti-Semitism . . . and that [a]nti-Semitic crimes range from acts of violence, including terrorist attacks against Jews, to the desecration and destruction of Jewish property . . ."; and

Whereas in 2005, United Nations General Assembly resolution 60/7 established January 27, the anniversary of the liberation of Auschwitz, as International Holocaust Remembrance Day for the world to honor the victims of the Holocaust: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commemorates the 65th anniversary of the liberation of Auschwitz;

(2) honors the victims of Auschwitz and other Nazi concentration and extermination camps, and all those who perished at the hands of the Nazis;

(3) expresses gratitude to the Allied soldiers, underground fighters, and all those whose efforts helped defeat the Nazi regime and liberate Auschwitz and other concentration and extermination camps during World War II;

(4) reaffirms its commitment to enhance Holocaust education at home and abroad and to ensure that what happened in Auschwitz and other Nazi concentration and extermination camps is never allowed to happen again; and

(5) urges all countries to enhance their efforts to combat bigotry, racism, intolerance, and anti-Semitism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. KLEIN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

##### GENERAL LEAVE

Mr. KLEIN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of this resolution

and yield myself as much time as I may consume.

As an original cosponsor of this legislation, I would like to thank the author of this resolution, my good friend from Florida (Ms. ROS-LEHTINEN) for authoring this important statement. This resolution recognizes the 65th anniversary of the liberation of Auschwitz.

As the many in this Chamber know, Auschwitz was one of several Nazi concentration and extermination camps. Auschwitz served as a death factory of Eastern Europe's Jewish community and many others who were persecuted and murdered by the Nazis. On January 27, 1945, Auschwitz was liberated by Allied Forces, and that day is commemorated around the world as International Day of Holocaust Remembrance.

Today, Auschwitz is a reminder of the consequences of hatred, bigotry, and humanity's worst. The words, "Never again," are a mission, a goal to ensure that humanity never again sinks to those depths. This resolution reminds us of this purpose and focuses our efforts on education and prevention.

This is something that I have personally been working on for many years. As a member of the Florida Senate, I helped pass the first requirement for Holocaust education in public school curriculum. Now, many States have followed suit, and more American children of all walks of life are learning these important lessons.

In Congress, I have learned that Holocaust education can take many forms. Just down the street from the U.S. Capitol is the United States Holocaust Memorial Museum. Since I've come to Congress, Congressman MIKE PENCE and I have sought to bring new Members of Congress every 2 years to the Holocaust Museum so they can bear witness to this tragic history. They take this knowledge with them and bring it back to their districts across America and use their new understanding to raise awareness of anti-Semitism and bigotry around the world.

I would like to thank Ms. ROS-LEHTINEN for focusing this resolution on Holocaust education. As the generation of American liberators and Holocaust survivors begins to pass away, the mission of education and of "Never again" is more critical than ever.

Finally, I would like to acknowledge the many ceremonies that were held last week in honor of International Holocaust Remembrance Day, including one at Auschwitz, attended by Poland's President and Prime Minister, along with education ministers from nearly 30 nations and about 150 Holocaust survivors. At this commemoration, Israeli Prime Minister Netanyahu proclaimed, "We will not allow the deniers of the Holocaust . . . to erase



or distort the memory [of what happened].” This is our mission as well, and today the House of Representatives should speak with one voice in support of this mission.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

□ 1545

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of my bill, House Resolution 1044, commemorating this year as the 65th anniversary of the liberation of Auschwitz, the largest of the Nazi extermination camps. Over a million people were systematically tortured and brutally murdered there. The Nazis at Auschwitz conducted cruel medical experiments on prisoners, including children. They intentionally infected prisoners with diseases and performed forced sterilizations and castrations on adults.

Most of those who perished at Auschwitz were Jews. But others that the Nazis perceived as enemies or inferior to Hitler’s Aryan image were also murdered at Auschwitz. It was hell on Earth. Leo Schneiderman, a Holocaust survivor said the following about his arrival at Auschwitz, and I quote: “When we came in, the minute the gates opened up, we heard screams and barking of dogs, and then we got out of the train. And everything went so fast. Men separated from women. Children torn from the arms of mothers. The elderly chased like cattle. The sick, the disabled were handled like packs of garbage. My mother ran over to me and grabbed me by the shoulders, and she told me, ‘Leibele, I’m not going to see you no more. Take care of your brother.’”

After years of misery and suffering, only a few thousands had remained when the Soviet Army arrived on a snowy day in 1945. Most of those survivors were too weak to realize that they had been liberated. We must remember what happened and ensure that humanity always prevails over hateful savagery and oppression.

The resolution we are considering today, Mr. Speaker, commemorates the 65th anniversary of the liberation of Auschwitz and honors the victims who perished at the hands of the Nazis. It expresses gratitude to the people whose efforts helped defeat the Nazi regime. It reaffirms the commitment of the House to bolster Holocaust education here in the United States and abroad, and to ensure that what happened during the Holocaust is never allowed to happen again.

And it also urges all countries to enhance their efforts to fight bigotry, racism, intolerance, and anti-Semitism. We must heed the lessons of history, remain vigilant, and stand firmly against purveyors of hatred who incite

to violence against Israel, against the Jewish people, and all of us who stand for liberty and the fundamental rights of all human beings. As Israeli Prime Minister Netanyahu said at a ceremony last week which marked the 65th anniversary of the liberation of Auschwitz, and I quote: “We will always remember what the Nazi Amalek did to us, and we won’t forget to be prepared for the new Amalek, who is making an appearance on the stage of history and once again threatening to destroy the Jews. We will not take this lightly and believe that these are empty statements. We will never forget and always remember to stand guard.”

So as we commemorate the 65th anniversary of the liberation of Auschwitz, I urge my colleagues to keep those words in mind and work to support and ensure that the world will never again see another Holocaust. I would also like to use this opportunity to say that I will be introducing a bill this week that will open the door for Holocaust survivors to bring Holocaust-era insurance claims against insurance companies in the U.S. courts. This bill will force insurance companies to disclose the names of Holocaust insurance policy holders.

With that, Mr. Speaker, I urge my colleagues to render their full support to this resolution.

I reserve the balance of our time.

Mr. KLEIN of Florida. I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas, Judge POE, a member of our Committee on Foreign Affairs.

Mr. POE of Texas. Auschwitz was one of several if not many concentration camps that were established by the Nazis. In 1945, a young, 18-year old teenager who’d never been more than 50 miles from home showed up, along with other members of the Seventh Army, at a place called Dachau in Germany, and he helped liberate that concentration camp. That camp had been open from 1933 to 1945, where scientific experiments were done on people, ordered by the Nazis. This was the first concentration camp in Germany. That 18-year old that helped liberate that camp was my father. And he never talked much about World War II. But from time to time, even to this day, he mentions the word Dachau because that had such a tremendous impact on him.

I have had the opportunity, along with my son Kurt, to go to Germany to see this place where people were tortured, humiliated, and murdered by the Nazis. Auschwitz was one. There are many others. And yet we should remember all the places where people were tortured in the name of hate, and we should remember the survivors of these concentration camps, and we should remember them forever.

Ms. ROS-LEHTINEN. Mr. Speaker, I’d like to yield 2 minutes to the gentleman from California (Mr. ROYCE), the ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. I rise in support of this resolution commemorating the 65th anniversary of the liberation of Auschwitz. I’m an original cosponsor of this bill. But I’d like to thank the author of this resolution, Ms. ROS-LEHTINEN, and Chairman BERMAN as well for their leadership.

Mr. Speaker, during World War II, my father was part of the Allied Forces who liberated Dachau. It was a concentration camp of similar horrors to that of Auschwitz, as Mr. POE expressed. And when they took the camp, he took pictures to document the tragedy, to document the horror of what he witnessed, and he has used them ever since, even to this day, in terms of lecturing to high school classes.

Mr. Speaker, importantly, we are marking this anniversary. We do so to remember the Holocaust and its victims. Inevitably the refrain “Never Again” comes to our lips. But, unfortunately, we know that this type of terror continues. Maybe not on the magnitude that it occurred during the Holocaust, but in the North Korean police state, where 200,000 are held in a system of political concentration camps which are modern day gulags, and the pictures of those imprisoned in North Korea, malnourished, with striped pajamas, are jarringly familiar to those of us who saw those photographs, either at Dachau or at Auschwitz.

Of course, like Nazi Germany, many of the regimes that have no respect for their own, like North Korea, are hostile also to us. High school students my father has lectured about World War II often ask why the world was so asleep to Adolf Hitler’s horrors. Of course the world was only slowly learning about the depth of what was occurring in camps like Auschwitz. But with respect to today’s tragedies, we don’t have such an excuse.

Mr. Speaker, on the 65th anniversary of the liberation of Auschwitz, all of us, Congress and the administration, can resolve to do more in the cause of freedom, to do more to commit the United States to make certain that nothing like the Holocaust ever occurs again. And we can do more to remember the victims of that senseless slaughter.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and we yield back the balance of our time.

Mr. KLEIN of Florida. Mr. Speaker, I thank the gentlelady and the speakers this afternoon on this very important resolution. I urge Members of this Chamber to support this resolution and send a strong message worldwide, never again.



Mr. PENCE. Mr. Speaker, the Auschwitz concentration camp serves as a tragic reminder of the millions of innocent men, women and children who lost their lives in the Holocaust. Yet it also is a standing testament to all those who risked their own lives to defeat the Nazi regime.

I would like to thank the Ranking Member, Ms. ROS-LEHTINEN, for bringing this resolution to the floor, and I am proud to cosponsor H. Res. 1044, a resolution commemorating the 65th anniversary of the liberation of Auschwitz.

On January 27, 1945, Allied Forces liberated the Auschwitz concentration camp where victims were systematically murdered in gas chambers, starved, tortured and subjected to forced labor and cruel medical experiments. According to the U.S. Holocaust Memorial Museum, over one million people lost their lives at Auschwitz.

Auschwitz was the largest Nazi concentration and extermination camp, and its buildings have come to symbolize the sheer inhumanity of the Holocaust. As we mark the 65th anniversary of the liberation of Auschwitz, let us recommit ourselves to combating bigotry, racism, intolerance and anti-Semitism.

As the co-chair of the Congressional Anti-Semitism Caucus, I stand in support of the resolution. With its passage, we remember the truth of the Holocaust and say with one resounding voice, "Never again!"

Ms. KAPTUR. Mr. Speaker, this year we remember the 65th Anniversary of the liberation of the Auschwitz concentration camp by U.S. Armed Forces. After Auschwitz opened in 1940 the Nazi army wasted little time in rounding up Polish prisoners for imprisonment at this killing field.

Auschwitz-Birkenau, also known as Auschwitz II, was the largest killing center of all. SS authorities established it in the spring of 1942. It was not subordinated to the regional SS, but was part of the SS Economic-Administration Main Office.

"Block 10" was where the Nazis, including Mengele, the "Angel of Death," conducted unspeakable medical experiments on prisoners and "Block 11" was where people were lined up against a wall and shot.

Before the death camp's liberation on January 27, 1945, almost a million Jews from Poland and adjoining nations died there along with 21,000 Roma (gypsies) and countless homosexuals, communists and Soviet and Ukrainian POWs. At least 75,000 Poles were summarily executed. When all acts of horror ceased, the Nazis had murdered 1.1 million people at this site.

Mr. Marian Wojciechowski, a constituent and lifelong friend of mine, is a survivor of Auschwitz and Block 11. He served as an officer in the Polish cavalry and bravely fought Nazi tanks as they rolled into his homeland of Poland near the Czech border as World War II began on September 1, 1939.

He and colleagues in his unit fought with such valor against the invaders they were awarded Poland's highest military medal, the *Virtuti Militari*. On September 17, 1939, while in battle on the eastern front against the Soviet Army, he received a bullet wound to the head—but Marian survived.

For two years, Marian joined as a member of the Polish Underground Resistance (*Armia*

*Krajowa*), which worked closely with British and Polish intelligence to defeat the Nazis. Their bravery and sacrifice made them a prime target for the German Gestapo. He was captured and taken to Auschwitz when a letter from a member of the Underground Resistance addressed to him was intercepted by the Germans.

While a prisoner at Radom and then Auschwitz, Marian was brutally beaten, tortured, and subjected to nightmarish conditions. He became very ill and survived serious illness, even typhus. At times, he was beaten so severely that he would lose consciousness. The Nazis would revive him by pouring buckets of water on his head, and once he regained his senses, the Nazis would beat him some more to gain information about the Underground—but miraculously Marian survived.

Marian, now 95 years of age and commissioned as Lieutenant in the Polish Cavalry this past August during WWII commemorative ceremonies at Mokra, Poland, has described some of the horrific acts that he witnessed in that horrible place.

Amazingly Mr. Wojciechowski did what 1.1 million innocents were unable to do—he survived Auschwitz. He has taken it upon himself to be a keeper of the flame of historical remembrance as contained in the book, "Seven Roads to Freedom". His is a story of exceptional resilience, strength and the triumph of the human spirit, and love of liberty. As we reflect on the horrors of World War II, the Holocaust, and the Auschwitz concentration camp we honor and remember stories like his, mourn the stories which were never told, and reflect on the price of freedom.

Mr. WEINER. Mr. Speaker, I commend to my colleagues the remarks recently made by Julius Genachowski, the chairman of the Federal Communications Commission and head of the Presidential delegation that visited Auschwitz on the 65th anniversary of its liberation.

Drawing upon his strong personal connection to the atrocities that occurred there, Chairman Genachowski's remarks captured the spirit of the anniversary of the Auschwitz liberation, and highlighted our obligation to fight hatred and intolerance by never forgetting the stories of the prisoners of Auschwitz and the forces who freed them.

I would like to ask unanimous consent to insert Chairman Genachowski's remarks into the RECORD.

AUSCHWITZ: REMEMBRANCE AND RESPONSIBILITY  
(Oswiecim, Poland, Jan. 27, 2010)

Thank you to the government and people of Poland for hosting this important event, and to the International Auschwitz Council and the Auschwitz-Birkenau State Museum.

I'm grateful to President Obama for asking me to lead the delegation representing the United States on the occasion of the 65th anniversary of the liberation of Auschwitz. I'm privileged to be part of such a distinguished delegation, along with Assistant to the President Susan Sher, Ambassador Lee Feinstein, Special Envoy Hanna Rosenthal, and three extraordinary survivors of the Holocaust, each with powerful experiences and deeply noble lives: Mr. Roman Kent, Ms. Charlene Schiff, and Ms. Eda Sternberg-Powidzki.

I also welcome colleagues from the United States Department of Education, here to participate in the Education Ministers' Con-

ference on "Auschwitz: Memory, Responsibility, Education"—Matthew Yale, who is the department's Deputy Chief of Staff, and Phil Rosenfelt, who is Deputy General Counsel and the Secretary of Education's designated representative to the council for the Holocaust Museum.

As head of this delegation to Auschwitz, I was sent to mourn, to remember, to testify—for I have a connection with this part of Europe, and with the solemn grounds on which we stand today. Genachowski is a name pronounced easily in this part of the world. My family has roots in Poland, Ukraine, Hungary, Romania, and other nearby countries.

Roots like Bella Rabinovitch and her family, a Jewish family.

Bella was a mother of four—three grown girls and a boy—living in Belgium in the first half of the last century. Her husband, Chaim Ben Zion, was the Cantor in Antwerp's main synagogue. His gift was his voice, which he used to lead the congregation in prayer and to sing his beloved operas. Bella's children were married; young grandchildren were part of the family mix. A nice life for a girl originally from a poor rural village in the Ukraine.

But as the German invasion of Europe spread into Belgium, Bella's world began to crumble. One daughter and son-in-law fled the country, fearing the worst. Then Bella's husband and son were arrested and sent to a slave labor camp. Another son-in-law, Shimon, was picked up by the SS on a streetcar (his identity card checked; it was marked "J"). He brazenly escaped, and that night left the country with his wife, Bella's daughter Dina, and their five-year-old son Azriel.

Of course, the worst was yet to come.

Bella went into hiding with her remaining daughter, son-in-law, and grandson. Like so many others, they were eventually discovered. The Nazis gave Bella the choice to stay in Antwerp. She chose the gruesome transport with her family.

On April 19, 1942, Bella and what was left of her family in Belgium were packed onto a train along with 1,396 others. After three days in the cattle car, they arrived at Auschwitz-Birkenau.

The meticulous Nazi records are clear on the dates. But there is much we can only wonder about.

Did they see the sign "Arbeit Macht Frei" (so callously stolen recently, and fortunately recovered)? Did they know what was next? Did they recognize that smell in the air? When the train stopped they were unloaded into a line where fates were decided.

The records state that Bella Rabinovitch, along with Sara, Isaac and four-year-old Jacob were "Gazes a L'Arrivee"—gassed on arrival. Over 1,000 of the 1,400 passengers on that train were gassed on arrival.

Bella is not famous, but you knew her story already, a story with millions of different beginnings but one tragic ending.

Bella Rabinovitch was my great-grandmother. I am the descendant of a victim whose ashes reside on these grounds.

My father, Azriel Genachowski, was the five-year-old boy I told you about. His path to freedom with his parents was harrowing, and at several key moments over many months non-Jews risked their lives to save his.

Azriel Genachowski and my mother Adele are here today, with the American delegation. They survived the Nazi onslaught of Europe. They taught me what I have told you. They taught me what Simon Weisenthal once said, "Survival is a privilege which entails obligations."

Out of the ashes of the Nazi terror come many obligations.

As President Obama said last year upon visiting Buchenwald, a death camp his great uncle helped liberate as an army infantryman, "It is up to us to bear witness; to ensure that the world continues to note what happened here; to remember all those who survived and all those who perished, and to remember them not just as victims, but also as individuals who hoped and loved and dreamed just like us."

We must remember them not only with our words and prayers, but with our deeds—working to ensure that the sacred phrase "Never Again," never becomes mechanical language, never drains of meaning.

Elie Weisel teaches, "If we forget, we are guilty, we are accomplices."

We must remember the courageous prisoners, soldiers, resistance fighters, and ordinary civilians—Soviets, Poles, Germans, Danes, Americans, and so many others—who risked their lives and sacrificed so much to save others, reminding us of the boundless human capacity for good.

Our burden is even greater as those who liberated the camps are now in their eighties, and only a handful of concentration camp survivors remain.

As death is taking those whom genocide spared, we must respond to what Czeslaw Milosz called "the command to participate actively in history." We must renew our commitment to fight for freedom and against intolerance.

Anti-semitism, hatred, and racism remain deep and troubling facts of modern life, the world over. The memory of the atrocities committed at Auschwitz and throughout Europe must steel our resolve to fight every form of intolerance and inhumanity.

The Holocaust proves many sad truths. One is that modernity is not an inoculation against genocide.

The pillars of modernity—science and technology—are powerful forces. Perverted for evil by the Nazis, but also sources of unlimited hope, opportunity and transformative change.

My father, who eventually came to the United States to study engineering, taught me about the power of technology to transform lives for the better.

Let us fight so that technology is deployed to spread knowledge, to educate, to ensure that people in all corners of the world know of death-camp victims, survivors, and liberators.

Let us fight so that technology is used to shine a light on oppression and intolerance, to illuminate persecution and dehumanization, to take oppression and mass murder out of the shadows.

We know that the Nazis sought to shut off from the rest of the world the unspeakable killing that went on here. We know that for the Nazis control of the flow of information was an imperative, an SS boot on the free flow of news.

Let us fight for freedom. For fundamental freedoms disregarded too often and tragically in the 20th century, fundamental freedoms that, as Secretary of State Hillary Clinton has urged, we must enshrine as core principles in the 21st century—freedom of expression, freedom of worship, freedom from want, freedom from fear, and freedom to connect.

The freedom of information is essential, while also no substitute for the power of actual places to teach and instruct. It is a moral imperative to preserve Auschwitz and other physical sites of remembrance, because

they shock us into an understanding that ideas alone cannot.

As the survivors continue to leave us, places like this take on an even greater importance. Because places like Auschwitz aren't really mute. In their unspeaking way, they tell us of the unspeakable.

The former prisoners who first proposed a memorial and museum at Auschwitz-Birkenau knew this. This place, and others like it, stands as a refutation of those who insist the Holocaust never happened—a denial of the truth that is baseless, ignorant, and driven by hatred.

The great American writer Mark Twain said: "A lie travels halfway around the world before the truth puts its shoes on." Today's haters are using old and new tools to foster Holocaust denial and mass murder. Let us come together to counter those efforts. Let us work together to make sure the facts of the Holocaust and its lessons remain fresh for each new generation.

My daughter, Lilah, is five years old—the same age as my father when he and his parents made their escape from Nazi-occupied Belgium.

My son, Aaron, is three years old—the same age as his mom's father in Nazi-occupied Holland when his parents handed him over to be hidden by righteous non-Jewish heroes who risked their lives to save people they didn't know.

We preserve Auschwitz-Birkenau so that children all over the world like Lilah, Aaron, and their older brother Jake can visit and absorb the full dimensions of the unthinkable tragedy that occurred here.

Bella Rabinovitch is gone, but her spirit lives on in eight grandchildren, 21 great-grandchildren, and 45 great-great-grandchildren, each a living legacy to the victory over Nazi oppression. In Israel and throughout the world, Jews and other groups singled out by the Nazis for extermination survive and thrive.

Bella's spirit also lives on in those who liberated Auschwitz-Birkenau three years after her death; and in those here participating 65 years later in this multi-national, multi-generational recognition that the horrors she and so many others witnessed and suffered must never be permitted to recur.

We are humbled by the survivors. We honor the liberators. We mourn the victims.

In their name, we say: Yitgadal V'yitkadash Shme Raba.

In their name, we pledge to remember.

In their name, we pledge: Never Again.

Mr. AL GREEN of Texas. Mr. Speaker, I strongly support H. Res. 1044, a resolution commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp. Honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance are integral parts of this resolution. I would like to thank Representative ILEANA ROS-LEHTINEN for introducing this piece of legislation.

Before Allied forces arrived in Poland to liberate Auschwitz, on January 27, 1945, approximately 6 million Jews and other targeted groups were murdered by Nazi soldiers across Europe.

Auschwitz was the largest concentration camp in Poland. Between 1940 and 1945, 1.3 million Jews were deported by Nazi authorities to this extermination camp. Over 85 percent of the people sent there were tortured, starved and then systematically murdered in gas chambers.

This camp symbolizes a place of terror, for Jews, prisoners of war, people who were caught hiding the Jews and even those who had different political views from the Nazi Regime during the Holocaust.

America stands with the Jewish people, and has dedicated the Holocaust Memorial Museum, to recognize the people who lost their lives, as well as those who survived the Holocaust. Their strong resilience against the Nazi's inexorable plan of genocide and their dedication to their ideals in spite of great adversity was remarkable.

The Department of State Office of the Special Envoy to Monitor and Combat Anti-Semitism, along with several United States embassies and consulates has done an exceptional job at tracking anti-Semitism, bigotry, racism and intolerance. America and our partnering departments stand together with the Jewish people in solidarity to ensure the safety of all people and prevent our future from mirroring the atrocities of our past.

I urge my colleagues to continue their strong support of H. Res. 1044, commemorating the 65th anniversary of the liberation of the Auschwitz concentration camp in Poland.

Mrs. MALONEY. Mr. Speaker, I rise in support of H. Res. 1044, Commemorating 65th Anniversary of the Liberation of Auschwitz.

January 27, 2010 marked the 65th anniversary of the liberation of the Auschwitz-Birkenau concentration camp, where at least 1.1 million were murdered from 1940–1945. Last week, the United Nations, which is located in my district, commemorated the liberation with events designed to carry on the stories and lessons that Holocaust survivors have made their legacy.

Here in Congress, the resolution we pass today honors the victims of Auschwitz and other Nazi concentration camps. It also reaffirms Congress's commitment to enhance Holocaust education to ensure that what happened in Auschwitz is never allowed to happen again.

To that end, I have introduced separate legislation, the Simon Wiesenthal Holocaust Education Assistance Act (H.R. 2089), which would provide federal grants to educational organizations to teach students about the Holocaust: The legislation is named after the renowned survivor of the Nazi death camps who dedicated his life to documenting the crimes of the Holocaust.

Unfortunately, many students across the country have not learned about the Holocaust because their schools do not have the necessary funds or tools to teach them about this horrific event in humanity's history. It is imperative that students learn about the consequences of intolerance and hatred, so that we can truly say, "Never again."

As the numbers of Holocaust survivors dwindle, we must make sure their stories live on forever and that those who would deny the Holocaust never have the ability to rewrite history.

Mr. KLEIN of Florida. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1044, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLEIN of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### COMMUNICATION FROM THE HONORABLE TIM HOLDEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TIM HOLDEN, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
January 27, 2010.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents. This is in reference to the landfill in Blythe Township, Pennsylvania which I opposed due to environmental concerns.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TIM HOLDEN,  
Member of Congress.

#### COMMUNICATION FROM PROJECTS DIRECTOR, THE HONORABLE TIM HOLDEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from William Hanley, projects director, the Honorable TIM HOLDEN, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
January 27, 2010.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I have no responsive documents.

Sincerely,

WILLIAM HANLEY,  
Projects Director.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 1, 2010.

Hon. NANCY PELOSI,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, February 1, 2010 at 2:47 p.m., and said to contain a message from the President whereby submits his Budget of the United States Government for Fiscal Year 2011.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

#### BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2011—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-82)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

We begin a new year at a moment of continuing challenge for the American people. Even as we recover from crisis, millions of families are still feeling the pain of lost jobs and savings. Businesses are still struggling to find affordable loans to expand and hire workers. Our Nation is still experiencing the consequences of a deep and lasting recession, even as we have seen encouraging signs that the turmoil of the past 2 years is waning. Moving from recession to recovery, and ultimately to prosperity, remains at the heart of my Administration's efforts. This Budget provides a blueprint for the work ahead.

But in order to understand where we are going in the coming year, it is important to remember where we started just 1 year ago. Last January, the United States faced an economic crisis unlike any we had known in generations. Irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. Our Gross Domestic Product (GDP) was falling at the fastest rate in a quarter-century. Five trillion dollars of Americans' household wealth had evaporated in just 12 weeks as stocks, pensions, and home values plummeted. We were losing an average of 700,000 jobs each month, equivalent to the population of the State of Vermont. The capital and

credit markets, integral to the normal functioning of our economy, were virtually frozen. The fear among economists—from across the political spectrum—was that we risked sinking into a second Great Depression.

Immediately, we undertook a series of difficult steps to prevent that outcome. We acted to get lending flowing again so that businesses could get loans to buy equipment and ordinary Americans could get financing to buy homes and cars, go to college, and start or run businesses. We enacted measures to foster greater stability in the housing market, help responsible homeowners stay in their homes, and help to stop the broader decline in home values. To achieve this, and to prevent an economic collapse that would have affected millions of additional families, we had no choice but to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the rapid dissolution of the American auto industry—which faced a crisis partly of its own making—to prevent the loss of hundreds of thousands of additional jobs during an already fragile time. Many of these decisions were not popular, but we deemed them necessary to prevent a deeper and longer recession.

Even as we worked to stop the economic freefall and address the crises in our banking sector, our housing market, and our auto industry, we also began attacking the economic crisis on a broader front. Less than 1 month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it also began to lay a new foundation for long-term economic growth and prosperity. With investments in health care, education, infrastructure, and clean energy, the Recovery Act both saved and created millions of jobs and began the hard work of transforming our economy to thrive in the modern, global marketplace and reverse the financial decline working families experienced in the last decade. Because of these and other steps, we can safely say we have avoided the depression many feared, and we are no longer facing the potential collapse of our financial system. But our work is far from complete.

First and foremost, there are still too many Americans without work. The steps we have taken have helped stop the staggering job losses we were experiencing at the beginning of last year. But the damage has been done. More than seven million jobs were lost since the recession began 2 years ago. This

represents not only a terrible human tragedy, but also a very deep hole from which we have to climb out. Until our businesses are hiring again and jobs are being created to replace those we have lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That is why this Budget includes plans to encourage small businesses to hire as quickly and effectively as possible, to make additional investments in infrastructure, and to jump-start clean energy investments that will help the private sector create good jobs in America.

Long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health-care costs, a growing dependence on foreign oil, and an education system unable to prepare our children for the jobs of the future. In recent years, spending bills and tax cuts for the wealthy were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without regard for the consequences, Washington looked the other way.

As a result, the economy may have been working very well for those at the very top, but it was not working for the middle class. Year after year, Americans were forced to work longer hours and spend more time away from their loved ones, while their incomes flat-lined and their sense of economic security evaporated. Beneath the statistics are the stories of hardship I've heard all across America. For too many, there has long been a sense that the American dream—a chance to make your own way, to support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

Those days are over. In the aftermath of this crisis, what is clear is that we cannot simply go back to business as usual. We cannot go back to an economy that yielded cycle after cycle of speculative booms and painful busts. We cannot continue to accept an education system in which our students trail their peers in other countries, and a health-care system in which exploding costs put our businesses at a competitive disadvantage and squeeze the incomes of our workers. We cannot continue to ignore the clean energy challenge and stand still while other countries move forward in the emerging industries of the 21st Century. And we cannot continue to borrow against our children's future, or allow special interests to determine how public dollars are spent. That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for the future.

Already, we have made historic strides to reform and improve our schools, to pass health insurance reform, to build a new clean energy economy, to cut wasteful spending, and to limit the influence of lobbyists and special interests so that we are better serving the national interest. However, there is much left to do, and this Budget lays out the way ahead.

Because an educated workforce is essential in a 21st Century global economy, we are undertaking a reform of elementary and secondary school funding by setting high standards, encouraging innovation, and rewarding success; making the successful Race to the Top fund permanent and opening it up to innovative school districts; investing in educating the next generation of scientists and engineers; and putting our Nation closer to meeting the goal of leading the world in new college graduates by 2020. Moreover, since in today's economy learning must last a lifetime, my Administration will reform the job-training system, streamlining it and focusing it on the high-growth sectors of the economy.

Because even the best-trained workers in the world can't compete if our businesses are saddled with rapidly increasing health-care costs, we're fighting to reform our Nation's broken health insurance system and relieve this unsustainable burden. My Budget includes funds to lay the groundwork for these reforms—by investing in health information technology, patient-centered research, and prevention and wellness—as well as to improve the health of the Nation by increasing the number of primary care physicians, protecting the safety of our food and drugs, and investing in critical biomedical research.

Because small businesses are critical creators of new jobs and economic growth, the Budget eliminates capital gains taxes for investments in small firms and includes measures to increase these firms' access to the loans they need to meet payroll, expand their operations, and hire new workers.

Because we know the nation that leads in clean energy will be the nation that leads the world, the Budget creates the incentives to build a new clean energy economy—from new loan guarantees that will encourage a range of renewable energy efforts and new nuclear power plants to spurring the development of clean energy on Federal lands. More broadly, the Budget makes critical investments that will ensure that we continue to lead the world in new fields and industries: doubling research and development funding in key physical sciences agencies; expanding broadband networks across our country; and working to promote American exports abroad.

And because we know that our future is dependent on maintaining American leadership abroad and ensuring our se-

curity at home, the Budget funds all the elements of our national power—including our military—to achieve our goals of winding down the war in Iraq, executing our new strategy in Afghanistan, and fighting al Qaeda all over the world. To honor the sacrifice of the men and women who shoulder this burden and who have throughout our history, the Budget also provides significant resources, including advanced appropriations, to care for our Nation's veterans.

Rising to these challenges is the responsibility we bear for the future of our children, our grandchildren, and our Nation. This is an obligation to change not just what we do in Washington, but how we do it.

As we look to the future, we must recognize that the era of irresponsibility in Washington must end. On the day my Administration took office, we faced an additional \$7.5 trillion in national debt by the end of this decade as a result of the failure to pay for two large tax cuts, primarily for the wealthiest Americans, and a new entitlement program. We also inherited the worst recession since the Great Depression—which, even before we took any action, added an additional \$3 trillion to the national debt. Our response to this recession, the Recovery Act, which has been critical to restoring economic growth, will add an additional \$1 trillion to the debt—only 10 percent of these costs. In total, the surpluses we enjoyed at the start of the last decade have disappeared; instead, we are \$12 trillion deeper in debt. In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order.

That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend, eliminating what we don't need, and making the programs we do need more efficient. We are taking on health care—the single biggest threat to our Nation's fiscal future—and doing so in a fiscally responsible way that will not add a dime to our deficits and will lower the rate of health-care cost growth in the long run.

We are implementing the Recovery Act with an unprecedented degree of oversight and openness so that anyone anywhere can see where their tax dollars are going. We've banned lobbyists from serving on agency advisory boards and commissions, which had become dominated by special interests. We are using new technology to make Government more accessible to the American people. And last year, we combed the budget, cutting millions of dollars of waste and eliminating excess wherever we could—including outdated weapons systems that even the Pentagon said it did not want or need.

We continued that process in this Budget as well, streamlining what does

work and ending programs that do not—all while making it more possible for Americans to judge our progress for themselves. The Budget includes more than 120 programs for termination, reduction, or other savings for a total of approximately \$23 billion in 2011, as well as an aggressive effort to reduce the tens of billions of dollars in improper Government payments made each year.

To help put our country on a fiscally sustainable path, we will freeze non-security discretionary funding for 3 years. This freeze will require a level of discipline with Americans' tax dollars and a number of hard choices and painful tradeoffs not seen in Washington for many years. But it is what needs to be done to restore fiscal responsibility as we begin to rebuild our economy.

In addition to closing loopholes that allow wealthy investment managers to not pay income taxes on their earnings and ending subsidies for big oil, gas, and coal companies, the Budget eliminates the Bush tax cuts for those making more than \$250,000 a year and devotes those resources instead to reducing the deficit. Our Nation could not afford these tax cuts when they passed, and it cannot afford them now.

And the Budget calls for those in the financial sector—who benefited so greatly from the extraordinary measures taken to rescue them from a crisis that was largely of their own making—to finally recognize their obligation to taxpayers. The legislation establishing the Troubled Asset Relief Program (TARP) included a provision requiring the Administration to devise a way for these banks and firms to pay back the American taxpayer. That is why in this Budget we have included a fee on the largest and most indebted financial firms to ensure that taxpayers are fully compensated for the extraordinary support they provided, while providing a deterrent to the risky practices that contributed to this crisis.

Yet even after taking these steps, our fiscal situation remains unacceptable. A decade of irresponsible choices has created a fiscal hole that will not be solved by a typical Washington budget process that puts partisanship and parochial interests above our shared national interest. That is why, working with the Congress, we will establish a bipartisan fiscal commission charged with identifying additional policies to put our country on a fiscally sustainable path—balancing the Budget, excluding interest payments on the debt, by 2015.

This past year, we have seen the consequences of those in power failing to live up to their responsibilities to shareholders and constituents. We have seen how Main Street is as linked to Wall Street as our economy is to those of other nations. And we have seen the results of building an economy on a shaky foundation, rather than on the

bedrock fundamentals of innovation, small business, good schools, smart investment, and long-term growth.

We have also witnessed the resilience of the American people—our unique ability to pick ourselves up and forge ahead even when times are tough. All across our country, there are students ready to learn, workers eager to work, scientists on the brink of discovery, entrepreneurs seeking the chance to open a small business, and once-shuttered factories just waiting to whirl back to life in burgeoning industries.

This is a Nation ready to meet the challenges of this new age and to lead the world in this new century. Americans are willing to work hard, and, in return, they expect to be able to find a good job, afford a home, send their children to world-class schools, receive high-quality and affordable health care, and enjoy retirement security in their later years. These are the building blocks of the middle class that make America strong, and it is our duty to honor the drive, ingenuity, and fortitude of the American people by laying the groundwork upon which they can pursue these dreams and realize the promise of American life.

This Budget is our plan for how to start accomplishing this in the coming fiscal year. As we look back on the progress of the past 12 months and look forward to the work ahead, I have every confidence that we can—and will—rise to the challenge that our people and our history set for us.

These have been tough times, and there will be difficult months ahead. But the storms of the past are receding; the skies are brightening; and the horizon is beckoning once more.

BARACK OBAMA.

THE WHITE HOUSE, February 1, 2010.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUIGLEY) at 6 o'clock and 31 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4061, CYBERSECURITY ENHANCEMENT ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-410) on the resolution (H. Res. 1051) providing for

consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 4495, House Resolution 957, and House Resolution 1014, in each case by the yeas and nays.

Remaining postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## JIM KOLBE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4495, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 4495.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 26]

YEAS—390

|             |                |                 |
|-------------|----------------|-----------------|
| Abercrombie | Boswell        | Coble           |
| Ackerman    | Boucher        | Coffman (CO)    |
| Aderholt    | Boustany       | Cohen           |
| Adler (NJ)  | Brady (PA)     | Cole            |
| Akin        | Braley (IA)    | Conaway         |
| Alexander   | Bright         | Connolly (VA)   |
| Altmire     | Broun (GA)     | Conyers         |
| Andrews     | Brown (SC)     | Cooper          |
| Arcuri      | Brown, Corrine | Costello        |
| Austria     | Brown-Waite,   | Courtney        |
| Baca        | Ginny          | Crenshaw        |
| Bachmann    | Buchanan       | Crowley         |
| Bachus      | Burgess        | Cuellar         |
| Baird       | Burton (IN)    | Culberson       |
| Baldwin     | Butterfield    | Cummings        |
| Barrow      | Buyer          | Dahlkemper      |
| Bartlett    | Calvert        | Davis (CA)      |
| Barton (TX) | Camp           | Davis (KY)      |
| Bean        | Campbell       | Davis (TN)      |
| Becerra     | Cantor         | DeFazio         |
| Berkley     | Cao            | DeGette         |
| Berman      | Capito         | Delahunt        |
| Berry       | Capps          | DeLauro         |
| Biggert     | Capuano        | Dent            |
| Bilbray     | Cardoza        | Diaz-Balart, L. |
| Bilirakis   | Carnahan       | Diaz-Balart, M. |
| Bishop (GA) | Carson (IN)    | Dicks           |
| Bishop (NY) | Carter         | Dingell         |
| Bishop (UT) | Castle         | Doggett         |
| Blackburn   | Castor (FL)    | Donnelly (IN)   |
| Blumenauer  | Chaffetz       | Dreier          |
| Blunt       | Chandler       | Driehaus        |
| Bocchieri   | Childers       | Duncan          |
| Boehner     | Chu            | Edwards (MD)    |
| Bonner      | Clarke         | Edwards (TX)    |
| Bono Mack   | Clay           | Ellsworth       |
| Boozman     | Cleaver        | Eshoo           |
| Boren       | Clyburn        | Etheridge       |

Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (TX)  
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Hare  
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Hastings (FL)  
Hastings (WA)  
Heinrich  
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Herseth Sandlin  
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Honda  
Hoyer  
Hunter  
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Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
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LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
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Lewis (CA)  
Lewis (GA)  
Linder  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
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McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
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Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
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Polis (CO)  
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Putnam  
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Richardson  
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Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Roybal (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
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Sessions  
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Sherman  
Shuler  
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Simpson  
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Smith (NE)  
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Titus  
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Towns  
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Upton  
Van Hollen  
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Perlmutter  
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Wasserman  
Schultz  
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Waxman  
Weiner  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
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Woolsey  
Bonner  
Wu  
Yarmuth  
Young (AK)

Barrett (SC)  
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Brady (TX)  
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Davis (AL)  
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Deal (GA)  
Doyle  
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Ellison  
Emerson  
Engel  
Garrett (NJ)

NOT VOTING—43  
Grijalva  
Gutierrez  
Hall (NY)  
Hoekstra  
Kagen  
Kirk  
Kirkpatrick (AZ)  
Larson (CT)  
Lipinski  
Loeb sack  
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Melancon  
Moran (KS)  
Murtha  
Paulsen

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Forbes  
Fortenberry  
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Frank (MA)  
Franks (AZ)  
Frelinghuysen  
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Garamendi  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
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Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin

Lewis (CA)  
Lewis (GA)  
Linder  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

□ 1858

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### HONORING JIMMIE JOHNSON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 957, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 957.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 1, not voting 41, as follows:

[Roll No. 27]

YEAS—391

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren

Boswell  
Boucher  
Boustany  
Brady (PA)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Carter  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn

Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings  
Dahlkemper  
Davis (CA)  
Davis (KY)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Edwards (MD)  
Edwards (TX)  
Ellsworth  
Eshoo  
Etheridge

Fallin  
Farr  
Fattah  
Filner  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Guthrie  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin

Lewis (CA)  
Lewis (GA)  
Linder  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schauer  
Schiff  
Schmidt  
Schock  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shuler  
Shuster  
Simpson  
Sires  
Skelton  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Watson  
Watt  
Waxman  
Weiner  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NAYS—1

Schrader

## NOT VOTING—41

|              |                  |                |
|--------------|------------------|----------------|
| Barrett (SC) | Garrett (NJ)     | Paulsen        |
| Boyd         | Grijalva         | Radanovich     |
| Brady (TX)   | Gutierrez        | Rohrabacher    |
| Carney       | Hall (NY)        | Rush           |
| Cassidy      | Hoekstra         | Sánchez, Linda |
| Costa        | Kagen            | T.             |
| Davis (AL)   | Kirk             | Schakowsky     |
| Davis (IL)   | Kirkpatrick (AZ) | Shimkus        |
| Deal (GA)    | Larson (CT)      | Smith (WA)     |
| Doyle        | Lipinski         | Souder         |
| Ehlers       | Loeb sack        | Stark          |
| Ellison      | Massa            | Tiahrt         |
| Emerson      | Moran (KS)       | Waters         |
| Engel        | Murtha           | Young (FL)     |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1907

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH AMERICAN INCLUSION  
MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1014, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and agree to the resolution, H. Res. 1014.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 28]

## YEAS—389

|             |                |               |
|-------------|----------------|---------------|
| Abercrombie | Blackburn      | Capito        |
| Ackerman    | Blumenauer     | Capps         |
| Aderholt    | Blunt          | Capuano       |
| Adler (NJ)  | Boccieri       | Cardoza       |
| Akin        | Boehner        | Carnahan      |
| Alexander   | Bonner         | Carson (IN)   |
| Altmire     | Bono Mack      | Carter        |
| Andrews     | Boozman        | Castle        |
| Arcuri      | Boren          | Castor (FL)   |
| Austria     | Boswell        | Chaffetz      |
| Baca        | Boucher        | Chandler      |
| Bachmann    | Boustany       | Childers      |
| Bachus      | Brady (PA)     | Chu           |
| Baird       | Braley (IA)    | Clarke        |
| Baldwin     | Bright         | Clay          |
| Barrow      | Broun (GA)     | Clyburn       |
| Bartlett    | Brown (SC)     | Coble         |
| Barton (TX) | Brown, Corrine | Coffman (CO)  |
| Bean        | Brown-Waite,   | Cohen         |
| Becerra     | Ginny          | Cole          |
| Berkley     | Buchanan       | Conaway       |
| Berman      | Burgess        | Connolly (VA) |
| Berry       | Burton (IN)    | Conyers       |
| Biggert     | Butterfield    | Cooper        |
| Bilbray     | Buyer          | Costello      |
| Bilirakis   | Calvert        | Courtney      |
| Bishop (GA) | Campbell       | Crenshaw      |
| Bishop (NY) | Cantor         | Crowley       |
| Bishop (UT) | Cao            | Cuellar       |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Culberson       | Kildee          | Pastor (AZ)      |
| Cummings        | Kilpatrick (MI) | Paul             |
| Dahlkemper      | Kilroy          | Payne            |
| Davis (CA)      | Kind            | Pence            |
| Davis (KY)      | King (IA)       | Perlmutter       |
| Davis (TN)      | King (NY)       | Perriello        |
| DeGette         | Kingston        | Peters           |
| Delahunt        | Kissell         | Peterson         |
| DeLauro         | Klein (FL)      | Petri            |
| Dent            | Kline (MN)      | Pingree (ME)     |
| Diaz-Balart, L. | Kosmas          | Pitts            |
| Dicks           | Kratovil        | Platts           |
| Dingell         | Kucinich        | Poe (TX)         |
| Doggett         | Lamborn         | Polis (CO)       |
| Lance           | Langevin        | Pomeroy          |
| Donnelly (IN)   | Larsen (WA)     | Posey            |
| Dreier          | Latham          | Price (GA)       |
| Driehaus        | LaTourette      | Price (NC)       |
| Duncan          | Latta           | Putnam           |
| Edwards (MD)    | Lee (CA)        | Quigley          |
| Edwards (TX)    | Lee (NY)        | Rahall           |
| Ellsworth       | Levin           | Rangel           |
| Engel           | Lewis (CA)      | Rehberg          |
| Eshoo           | Lewis (GA)      | Reichert         |
| Etheridge       | Linder          | Reyes            |
| Fallin          | LoBiondo        | Richardson       |
| Farr            | Lofgren, Zoe    | Rodriguez        |
| Fattah          | Lowey           | Roe (TN)         |
| Finler          | Lucas           | Rogers (AL)      |
| Flake           | Luetkemeyer     | Rogers (KY)      |
| Fleming         | Luján           | Rogers (MI)      |
| Forbes          | Lummis          | Rooney           |
| Fortenberry     | Lungren, Daniel | Ros-Lehtinen     |
| Foster          | E.              | Roskam           |
| Fox             | Lynch           | Ross             |
| Frank (MA)      | Mack            | Rothman (NJ)     |
| Franks (AZ)     | Maffei          | Roybal-Allard    |
| Frelinghuysen   | Maloney         | Royce            |
| Fudge           | Manzullo        | Ruppersberger    |
| Galleghy        | Marchant        | Ryan (OH)        |
| Garamendi       | Markey (CO)     | Ryan (WI)        |
| Gerlach         | Markey (MA)     | Salazar          |
| Giffords        | Marshall        | Sanchez, Loretta |
| Gingrey (GA)    | Matheson        | Sarbanes         |
| Gohmert         | Matsui          | Scalise          |
| Gonzalez        | McCarthy (CA)   | Schauer          |
| Goodlatte       | McCarthy (NY)   | Schiff           |
| Gordon (TN)     | McCaul          | Schmidt          |
| Granger         | McClintock      | Schock           |
| Graves          | McCollum        | Schrader         |
| Grayson         | McCotter        | Schwartz         |
| Green, Al       | McDermott       | Scott (GA)       |
| Green, Gene     | McGovern        | Scott (VA)       |
| Griffith        | McHenry         | Sensenbrenner    |
| Guthrie         | McIntyre        | Serrano          |
| Hall (TX)       | McKeon          | Sessions         |
| Halvorson       | McMahon         | Sestak           |
| Hare            | McMorris        | Shadegg          |
| Harman          | Rodgers         | Shea-Porter      |
| Harper          | McNerney        | Sherman          |
| Hastings (FL)   | Meek (FL)       | Shuler           |
| Hastings (WA)   | Meeks (NY)      | Shuster          |
| Heinrich        | Melancon        | Simpson          |
| Heller          | Mica            | Sires            |
| Hensarling      | Michaud         | Skelton          |
| Herger          | Miller (FL)     | Slaughter        |
| Herseth Sandlin | Miller (MI)     | Smith (NE)       |
| Higgins         | Miller (NC)     | Smith (NJ)       |
| Hill            | Miller, Gary    | Smith (TX)       |
| Himes           | Miller, George  | Snyder           |
| Hinchee         | Minnick         | Space            |
| Hinojosa        | Mitchell        | Speier           |
| Hirono          | Mollohan        | Spratt           |
| Hodes           | Moore (KS)      | Stearns          |
| Holden          | Moore (WI)      | Stupak           |
| Holt            | Moran (VA)      | Sullivan         |
| Honda           | Murphy (CT)     | Sutton           |
| Hoyer           | Murphy (NY)     | Tanner           |
| Hunter          | Murphy, Patrick | Taylor           |
| Inglis          | Murphy, Tim     | Teague           |
| Inslee          | Myrick          | Terry            |
| Israel          | Nadler (NY)     | Thompson (CA)    |
| Issa            | Napolitano      | Thompson (MS)    |
| Jackson (IL)    | Neal (MA)       | Thompson (PA)    |
| Jackson Lee     | Neugebauer      | Thornberry       |
| (TX)            | Nunes           | Tiberi           |
| Jenkins         | Nye             | Tierney          |
| Johnson (GA)    | Oberstar        | Titus            |
| Johnson (IL)    | Obey            | Tonko            |
| Johnson, E. B.  | Olson           | Towns            |
| Johnson, Sam    | Oliver          | Tsongas          |
| Jones           | Ortiz           | Turner           |
| Jordan (OH)     | Owens           | Upton            |
| Kanjorski       | Pallone         | Van Hollen       |
| Kaptur          | Pascarell       | Velázquez        |
| Kennedy         |                 | Visclosky        |

|        |              |            |
|--------|--------------|------------|
| Walden | Weiner       | Wittman    |
| Walz   | Welch        | Wolf       |
| Wamp   | Westmoreland | Woolsey    |
| Watson | Whitfield    | Wu         |
| Watt   | Wilson (OH)  | Yarmuth    |
| Waxman | Wilson (SC)  | Young (AK) |

## NOT VOTING—44

|              |                  |                |
|--------------|------------------|----------------|
| Barrett (SC) | Garrett (NJ)     | Rohrabacher    |
| Boyd         | Grijalva         | Rush           |
| Brady (TX)   | Gutierrez        | Sánchez, Linda |
| Camp         | Hall (NY)        | T.             |
| Carney       | Hoekstra         | Schakowsky     |
| Cassidy      | Kagen            | Shimkus        |
| Cleaver      | Kirk             | Smith (WA)     |
| Costa        | Kirkpatrick (AZ) | Souder         |
| Davis (AL)   | Larson (CT)      | Stark          |
| Davis (IL)   | Lipinski         | Tiahrt         |
| Deal (GA)    | Loeb sack        | Wasserman      |
| DeFazio      | Massa            | Schultz        |
| Doyle        | Moran (KS)       | Waters         |
| Ehlers       | Murtha           | Young (FL)     |
| Ellison      | Paulsen          |                |
| Emerson      | Radanovich       |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1914

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber this evening. Had I been present, I would have voted "yea" on rollcall votes 26, 27 and 28.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall Nos. 26, 27, and 28, I was unavoidably detained and missed the votes. Had I been present and voting, I would have voted "yea" on rollcall votes Nos. 26, 27, and 28.

## PROVIDING AMOUNTS FOR FURTHER EXPENSES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN THE 111TH CONGRESS

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Resolution 1050 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the resolution is as follows:

H. RES. 1050

Resolved,

## SECTION 1. AMOUNTS FOR COMMITTEE EXPENSES.

For further expenses of the Committee on Standards of Official Conduct (hereafter in



this resolution referred to as the "Committee") for the One Hundred Eleventh Congress, there shall be paid out of the applicable accounts of the House of Representatives not more than \$600,000.

#### SEC. 2. SESSION LIMITATION.

The amount specified in section 1 shall be available for expenses incurred during the period beginning at noon on January 3, 2010, and ending immediately before noon on January 3, 2011.

#### SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Committee, signed by the Chairman of the Committee, and approved in the manner directed by the Committee on House Administration.

#### SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 2, 2010.

Hon. NANCY PELOSI,  
The Speaker, U.S. Capitol, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, February 2, 2010 at 4:58 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the national emergency with respect to Côte d'Ivoire first declared by Executive Order 13396 of February 7, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
Clerk of the House.

### CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CÔTE D'IVOIRE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-90)

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2010.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. Although considerable progress has been made in implementing this agreement, the situation in or in relation to Côte d'Ivoire poses a continuing unusual and extraordinary threat to the national security and foreign policy of the United States.

For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.  
THE WHITE HOUSE, February 2, 2010.

### HONORING THE SACRIFICE OF NAVY PETTY OFFICER SECOND CLASS XIN QI

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. I rise today to honor the sacrifice of Navy Hospital Petty Officer Second Class Xin Qi, who died in Helmand Province in Afghanistan on the 23rd day of January. Petty Officer Qi was assigned to the Operational Health Support Unit in Dallas, Texas, when he volunteered to deploy to Afghanistan with the Fourth Light Armored Reconnaissance Battalion out of Camp Pendleton. He was there for three months in his first tour in Afghanistan when a suicide bomber attacked while he was on a foot patrol in Helmand Province.

Simply 25 years of age, Petty Officer Qi is survived by his mother and his father. They are residents of my county, Shelby County, and he is the third casualty from Shelby County in the last few months and the second this year in Operation Enduring Freedom. We've had 13 heroic soldiers die in the Middle East since 2002.

Mr. Speaker, I ask that this House take a moment to remember the sacrifices of our Armed Forces, including the ultimate sacrifice of Petty Officer Xin Qi. I thank the family for their wonderful son and the sacrifice he's made for his country.

### A PLEA FOR HELP

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I rise to ask House Members within my voice maybe for some help. About three or four years ago we found a man in Savannah, Georgia, who's in his late forties, maybe early fifties, who does not have identity. We have no idea who he is or where he came from. But he is an intelligent, apparently college-educated, middle management type guy, maybe from Indiana. Mr. BURTON actually helped us on him a little bit because he has memories of Indiana and Denver, Colorado. We've talked to the FBI. They've done a background check. We've talked to Social Security. They've done a background check. We've gone to many Federal agencies and asked them for their assistance trying to identify this gentleman. He has no Social Security number so he can't get a job. And he is totally in abeyance, basically forced to be homeless if not for the charity of some people who've taken an interest in his case.

So if anybody knows of a way to identify somebody, I would respectfully ask you to please let me know what it is, and I will be glad to follow whatever lead you can give me. And I appreciate that and thank you very much.

### SEEKING THE RELEASE OF AMERICAN CITIZENS HELD IN IRAN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, each Nation is sovereign, but across the airwaves of American television today we saw flashed three Americans who have been held by the leadership in Iran, three innocent Americans who crossed, by mistake, on a hike into the sovereign area of Iran. I make a plea today for the President of Iran to release those individuals.

Today he sent a missive, a message to say that he would release them if we

release Iranians who are held in American jails. I believe that the right thing to do is to assess the innocence of these Americans, and to be able to engage in diplomacy on setting them free. If there is any cause for any innocent person who happens to be of Iranian descent that is here in the United States jails, I know that our leadership and criminal justice system will engage. But to hold hostage our innocent Americans who, by accident, during a hike, conspicuously crossed over and admitted it was a mistake is a shame on the international front and does not do justice to human rights around the world.

#### TRY KHALID SHEIKH MOHAMMED IN GUANTANAMO

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the administration made a tragic mistake when it decided to try Khalid Sheikh Mohammed and his confederates in a civilian courtroom in New York City. We now find that they realize there's been a mistake, but we don't know where they're going to go next. I'll give them a clue: If you didn't have Guantanamo Bay, you'd have to build it. That's the place he should remain. That's the place he should be tried. We should resume the military tribunals where he and his confederates had already indicated they wanted to plead guilty. We should forget this nonsense about bringing them to civilian courts in the United States. If it's too dangerous for New York, if it doesn't make sense for New York, it doesn't make sense for anywhere in the sovereign territory of the United States. Guantanamo is the perfect place for them to remain.

Do not close Guantanamo. Keep them there. Try them there. Give them their meeting with justice there as well.

Mr. Speaker, they're not attacking us because of Guantanamo Bay. They're attacking us because of the Statue of Liberty.

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#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### THE IRANIAN OPPOSITION PROTESTS ARE TO BE ADMIRER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, there's a grim update coming out of

the nation of Iran. Last week, the Government of Iran executed two of the 11 people who had been arrested and sentenced to death for peacefully protesting the government. They were hanged. Iran announced yesterday that nine more people sentenced to death will be hanged in the public square.

On Saturday, 16 more protestors went on trial for their lives. Hundreds of people were arrested in December when liberty advocates again protested in the streets of Iran by the thousands and at least eight people were murdered by the government.

What was their crime? Speaking out against the rigged presidential election last June, speaking out against a dictator who murders his own people, Ahmadinejad.

The people reject the Tiny Tyrant of the Desert, Ahmadinejad, and they're killed in the streets and sentenced by the government-controlled courtrooms to die for peacefully objecting to fraudulent elections.

So death by hanging from the Liberty Tree was their fate, but their silent voices are still heard proclaiming freedom throughout the land of Iran. They died martyrs for their country; they died for human dignity; they died alone but not for themselves alone but for every Iranian that believes in the human right of freedom.

Next week on February 11, Iran will mark the 31st anniversary of the Islamic Revolution. The revolution promised the people of Iran liberty, but it has imposed tyranny. The occasion is usually marked by government-run rallies throughout the country, but the leaders of the freedom movement are asking the people to once again risk their lives and stand in opposition to government tyranny and government-controlled rallies.

The government is accused by opposition leaders of executing two protestors to scare the people into silence on the anniversary of the revolution. Now, the Tiny Tyrant in the Desert, Ahmadinejad, says, The Islamic Revolution opened a window to liberty for the human race. What a lie. The Iranian Government doesn't know what the word "liberty" even means.

The head of the Islamic Revolution Guards in Tehran, Brigadier General Hossein Hamedani, warned in the media that the opposition movement would be barred from making an appearance on February 11. He said, "Any voice, color, or gesture which is different from that of the Islamic Revolution and from the Iranians' voice should be driven out of people's marches," saying violators would be "severely dealt with." So much for freedom of speech. So much for freedom to peaceably assemble and protest the government.

Plus, those in the media are being controlled as to what they can report, allowing only government propaganda

to be preached to the people. Is this what the Iranian Government calls liberty? This is tyranny by Dictator Ahmadinejad.

The United States should not remain silent about the oppressions of the Iranian people. The next great hope for the world and world peace is that the people of Iran remove their illegitimate regime and put in a government that is duly and legally authorized by the people. The United States should stand with the Iranian people with their request for freedom and let them know we support their voice for freedom over tyranny, liberty over oppression. And while the dictator may kill the body of those freedom fighters, he will not succeed in killing the spirit of freedom that they have proclaimed when they lived.

The Tiny Tyrant of the Desert, Ahmadinejad, is trying to intimidate his people and intimidate the world. He is trying to divert attention away from his unpopular government. He is threatening the world again saying Iran will "deliver a telling blow to global powers on February 11." Could this be a threat? Another advance in Iran's quest for nuclear weapons?

Our quarrel is not with the people of Iran. Our quarrel, the world's quarrel, is with the Government of Iran. The legitimate government of Iran is the world threat to peace. Ahmadinejad and his henchmen are waging internal war against the Iranian people, and he desires to rage war against other nations. We should join hands with the sons of liberty and the daughters of Iran in protest of tyranny, oppression, and murder in that country.

Iran needs a regime change because a nuclear Iran is not a nuclear option.

And that's just the way it is.

#### IMPROVING WOMEN'S RIGHTS IS THE KEY TO PEACE IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Secretary of State Hillary Clinton announced a new "Women's Action Plan" for Afghanistan last week. I want to praise Secretary Clinton for this critically important initiative because I believe that improving women's rights is one of the important keys to peace in Afghanistan and in many other parts of the world as well.

The action plan includes the following initiatives: improved security for women in Afghanistan; provide girls and women with better education; expand women's access to judicial institutions; improve women's health care; expand economic development opportunities for women; and increase women's participation in the political process in every level of government.

Mr. Speaker, there is a great need for those initiatives because women's rights have been ignored or destroyed in Afghanistan for many years, especially under Taliban rule. In Afghanistan, the lives of girls and women are at risk every single day because many laws actually don't exist to protect women, and there are many laws that actually discriminate against women. It's also important to remember that the health care is so poor in Afghanistan that it has the second highest mortality rate in the world. Hundreds of girls' schools in Afghanistan have also been destroyed by extremists. The list, Mr. Speaker, goes on and on.

But in the United States, we can help. We can help improve the lives of women in Afghanistan. If we do this, it would be a devastating defeat for the violent extremists in that country and a great victory for progress in Afghanistan.

As a State Department official said last week, "Progress is not possible if half a country's population is left behind. Afghan women must not be viewed simply as victims who need to be sheltered. They must be respected and valued as leaders—a reserve of talent that Afghan society needs to draw upon in order to prosper and succeed."

Mr. Speaker, I want to mention just one particular example of how women can help Afghanistan to prosper because when women are allowed to work, they invest up to 90 percent of their earnings in their family and communities. That's twice the rate of men. And it has a powerful multiplier effect.

So, Mr. Speaker, improving the status of women has been a central part of this SMART security platform which I have been urging for Afghanistan. I am convinced that SMART security would do far more to win the hearts and minds of the Afghan people than military action. That's why I have opposed President Obama's plan to send 30,000 more troops to Afghanistan. We don't need more troops. We need a new strategy.

This new strategy must focus on economic development, humanitarian aid, better education and health care, and human rights. We must encourage and we must help the Afghan people to build a better future and show that we, the United States, are on their side. Certainly women's rights must be at the heart of this new strategy. In fact, advancing women's rights might be the most effective anti-terrorist strategy we can have in Afghanistan.

So let's support Secretary Clinton's ideas, suggestions, by empowering the women of Afghanistan. It will help keep them safe and it certainly will keep us safer.

#### TEN THINGS EVERY AMERICAN SHOULD KNOW ABOUT PRESIDENT OBAMA'S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President of the United States, President Obama, is sending a budget up here that we've just found out about in the last couple of days. It's \$3.8 trillion in the fiscal year beginning October 1, and that's about a 30 percent increase in outlays since 2008: \$3.8 trillion.

The President's budget includes more than \$2 trillion in tax hikes at a time when this economy is really suffering with a nearly 20-percent jump in taxes in the first year alone, and it's going to hit tax increases on small businesses, investors, and families, and it's going to violate the President's campaign pledge.

The President's budget borrows too much from our kids and grandkids. Under the President's budget, the Federal Government will run a record budget deficit of \$1.6 trillion in fiscal year 2011; and throughout the next decade, the deficit will never go below \$700 billion a year. At the end of the decade in 2020, it will still be over \$1 trillion a year and the national debt's going to double within the next 5 years. We just can't sustain this kind of spending.

This President's proposed spending freeze that he talked about is a step in the right direction, but it's only \$15 billion. \$15 billion out of a budget of \$3.8 trillion is less than a drop in the bucket. So when he talks about freezing spending, that's not going to solve the problem. We need budget caps. We need spending caps that will be continual year in and year out if we're going to get in control of spending.

The President pushed through the stimulus package which ended up costing over a trillion dollars, and it hasn't helped unemployment at all. In fact, he said it was going to be no more than 8 percent, and it went up to 10½ percent and it's still over 10 percent right now.

The President says he wants to have another stimulus package. He calls it a jobs bill. It's going to cost billions of dollars more, and it's not going to create jobs; it's just going to increase the deficit more.

And CBO says that if we pass the energy tax he is talking about because of "climate change," it's going to increase taxes on energy by \$870 billion.

And then to cap everything off, the President continues to want to bring these terrorists to the United States for trial. These people are enemy combatants. As my colleague, DAN LUNGREN of California, talked about a while ago, they should be tried in a military court in Guantanamo where people won't be intimidated by them.

Can you imagine what it would be like to be on a jury with one of those

people? Everybody on the jury would be scared to death that their life is at risk if they render a decision to put those people to death or cause them a great deal of harm. So we really need to deal with them as an enemy combatant. We need to deal with them at Guantanamo with a military tribunal and give them the justice that they deserve.

This is what is going on with this administration right now, and I hope that the President might be paying attention—I can't address him because we can't address people outside the Chamber—but if he were listening tonight, I wish he would take all of these things to heart because the American people are very concerned about the direction of this country.

#### PRESIDENT OBAMA'S VISION FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I'd like to continue the theme that my colleague just had, and that is the President's vision for these United States over the next 10 years. That vision is exemplified in his budget that he brought to Congress yesterday, which, for fiscal year 2011, which doesn't start until October of this coming fall, which spent \$3.8 trillion, a record, it would generate another deficit of \$1.3 trillion in 2011; it would have some \$2 trillion in tax increases over the 10 years; and it would accumulate \$8.5 trillion in cumulative deficits during that 10 years. It would double the national debt.

Mr. Speaker, I would argue that that's not much of a vision for America that my grandkids really want to look at and want to see.

To put that in context, if you look at the cumulative deficits during the 8 years of the previous administration, they total \$2 trillion.

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To put that in context, if you look at the cumulative deficits during the 8 years of the previous administration, they totaled \$2 trillion, a number that we ought to be embarrassed about. But if you look at the deficit in the first 15 months of the current administration, it is \$1.8 trillion, and we will surpass the \$2 trillion number some time during this second quarter. If you look at just the first quarter deficit under this administration in 2010, in 15 months, it is larger than all but two annual deficits in our Nation's history. Again, Mr. Speaker, that is not a vision for America that my grandchildren would embrace, nor is it one that we ought to embrace on behalf of our grandchildren.

My appeal tonight is to the Budget Committee. The Budget Committee

now takes up the President's budget, and I would appeal to my former colleagues on the Budget Committee to simply ignore this flawed vision for America. It is unsustainable, and it is not one that is worthy of us to even consider in the least.

What I would ask the Budget Committee to do instead is to bring forth a budget that truly addresses what I believe is the single greatest threat to our way of life that we face these days, and that is the growth of this government as represented by spending growth, 29 percent growth in spending since 2008. And again, that is unsustainable. Our budget colleagues on the Budget Committee, Mr. Speaker, have the ability to do that. They have the ability to say let's put out a budget that truly does address this threat, this grave threat to our Nation's prosperity.

There are a couple of suggestions I would make. Let's roll back spending to fiscal 2008 levels and start the spending freeze there. Let's put a hiring freeze on today for all Federal Government agencies except perhaps DOD, Homeland Security, and maybe intel communities. That is a true action that every business and every family around this country knows exactly what it means and exactly why we have to do that.

I'm reminded of the folks, and you see them all the time, who are constantly searching for a way to lose weight. They are always looking for that new diet plan, and they are always willing to start, however draconian the plan might be, "tomorrow."

Well, Mr. Speaker, any of us can start a diet tomorrow, but we need a spending diet that starts today. And I ask that our Budget Committee brethren start that process. We need a spending diet that starts today, not 20 months from today when the President's statement of a freeze would actually start. His freeze won't start until October 1, 2011, and then it's a bit of a fig leaf at that.

Mr. Speaker, these are tough times. These are hard times. This isn't about being Republicans. This isn't about being Democrats. This is about a vision that we all ought to have for this country. That vision ought to include ways of fixing today's problems, however difficult those might be, with today's money. We have taken the process of using future generations' money to fix today's problem as far as it will go, and we simply cannot continue to do that.

Mr. Speaker, I would also ask that my colleagues consider a balanced budget amendment. If you were to ask me what is the most important constitutional amendment that we ought to be considering among that broad array of important constitutional amendments, it would be a balanced budget amendment that would force Congress to make those tough deci-

sions; not a commission out there that could be some sort of a facade to try to get it done, but a true balanced budget amendment that every State government except one has to operate under.

Municipalities, counties, families, and businesses have to operate under the exact same discipline. We ought to be doing the same thing. Mr. Speaker, I would call for both of those things tonight.

#### HONORING THE U.S. COAST GUARD CUTTER "MOHAWK"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to honor the brave work and the supreme dedication of the command and crew of the U.S. Coast Guard Cutter *Mohawk*.

The *Mohawk* has just returned from a 2-month deployment and is now home at Coast Guard Sector Key West. During their deployment, they were diverted to Haiti in response to the earthquake that hit on January 12. The *Mohawk* was the second cutter on the scene and the first to have Coast Guard crew members on the ground in Port-au-Prince.

On behalf of our grateful Nation, I thank each and every crew member for their role in this humanitarian mission. My most supreme appreciation goes out to Corpsman Second Class Elias Gomez. Corpsman Gomez will certainly be receiving commendations and awards in the coming months for his heroic actions in the gruesome scene that was Port-au-Prince.

Corpsmen Gomez set up a minihospital and triage directly in the streets of the capital. He set broken bones and he closed wounds, all the while having to create tools and making do with limited supplies. His actions were as resourceful, were as inventive and as innovative as they were lifesaving. Corpsman Gomez's "dirt medicine" was an example of American values at its finest. This great young American and father of four truly led by example, and I join with those whose lives he saved in thanking him for all that he has done.

Through efforts like those of Corpsman Gomez, the wonderful crew of the U.S. Coast Guard Cutter *Mohawk* helped save countless lives and performed their mission in accordance with the best traditions of the U.S. Coast Guard. Their assistance was both essential and invaluable.

We have all seen the devastation that is present at the island nation of Haiti, and it is beyond words. The United States has a unique duty to protect, to defend, and to support freedom, and all peoples, around the globe. As proven by the men and women of the U.S. Coast Guard Cutter *Mohawk*, this noble cause

lives on in our Nation's oldest continuous seagoing service.

The efforts of the command and crew of the *Mohawk* have supplied a lifeline of humanitarian assistance to Haiti and will certainly help ignite the spirit of hope for recovery in that devastated island nation.

Every day, I give thanks to our local Coast Guard personnel, no matter how they serve. Their efforts are first and foremost to safeguard our Florida coastline. This fact is never lost on me or anyone else in south Florida. We feel their presence every day and take comfort in the fact that the men and women of the Coast Guard Sector Miami, as well as the Sector Key West, truly lived their motto, "Always ready."

We as a nation can never repay those who serve, but we can take pride in knowing that those men and women have served not just our community but our neighbors in need as well. Their humanitarian mission reminds us all of what it means to be an American and why we should be so proud to say, every day, "I am an American."

The commitment of the U.S. Coast Guard is illustrative of how we must all do our part to help with continuing relief efforts in Haiti. To each and every crew member on the U.S. Coast Guard Cutter *Mohawk*, I say thank you: Commanding Officer Robert T. Hendrickson, Executive Officer John J. Driscoll, Corpsman Second Class Elias Gomez, and all of the crew as well as the families who support these heroes, thank you. Your works are testimony to our great Nation. "Always ready," and we thank you for it.

Thank you, U.S. Coast Guard. Thank you, Coast Guard Cutter *Mohawk*. Welcome home. Godspeed.

#### ATTORNEY GENERAL ERIC HOLDER MUST BE HELD ACCOUNTABLE IN WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, several weeks ago, our Nation received a very vivid reminder that Islamic terrorists are still at war with our Nation and are bent on killing innocent American citizens. On Christmas Day, an Islamic extremist attempted to blow up Northwest Flight 253 as it was on its final approach from Amsterdam into Detroit Metro Airport with a sophisticated bomb that was smuggled onto the plane in his underwear. This terrorist had been radicalized by al Qaeda on the Arabian Peninsula and trained in camps in Yemen.

Following his capture in Detroit, he was only questioned by FBI agents for a total of 50 minutes. Then, after that initial questioning, the bomber was

sent to the University of Michigan Burn Center, which is probably the best medical care in the entire world, all at taxpayer expense. Then Attorney General Eric Holder had to decide how to proceed.

Did Attorney General Holder and the Justice Department immediately share the information that they had gathered, the intelligence, with senior intelligence officials? No. Did Attorney General Holder declare this terrorist an enemy combatant and turn him over to the military for further questioning? No. Did Attorney General Holder have the FBI continue the questioning in order to obtain more actionable intelligence? No.

So what did Attorney General Holder have the FBI do? He instructed them to give full Miranda rights to this terrorist, including the right to remain silent, and gave him not one, not two, but actually three taxpayer-funded attorneys. And guess what? After he lawyered up, he shut up.

The Attorney General did this even though this terrorist had fresh, firsthand knowledge of al Qaeda on the Arabian Peninsula, even though he had previously given actionable intelligence. And now we have made it very difficult to obtain any further intelligence, intelligence that could have led to the disruption of other planned terrorist attacks or assistance in unwinding this terrorist network.

And we need to ask the question, "Why?"

I believe that Attorney General Holder has built a culture within the Justice Department that seems to put the rights of terrorists ahead of the safety of our Nation. Let us remember that prior to becoming the Attorney General, Eric Holder and his law firm represented many, many terrorists pro bono; that is, for free. These terrorists were held in the military justice system, and they argued for their transfer to the civilian justice system, wanting to give them full constitutional rights. As well, he has placed other attorneys who have also represented terrorists held by our government into high-ranking positions within the Justice Department.

The Attorney General, Mr. Speaker, has not answered questions as to why senior intelligence officials were not consulted on how to proceed or why this terrorist was not treated as an enemy combatant. Mr. Speaker, it almost seems like Attorney General Holder has gone into the Witness Protection Program with regard to the Christmas Day bomber. If this Congress is to do its duty to provide appropriate oversight in the handling of these issues, Attorney General Holder must answer these questions.

Unfortunately, the lack of his consulting with intelligence officials or senior national security officials is nothing new. Attorney General Holder

did not consult with senior military or intelligence officials before deciding to try Khalid Sheikh Mohammed and other 9/11 conspirators in New York City. He did not consult with the police commissioner or the mayor about security concerns before making that decision. And now New York officials have finally come forward and objected to this trial being held just a few blocks away from Ground Zero because of their security concerns and, of course, the cost that is associated as well.

The administration is now looking for new locations to hold this trial as well as budgeting \$200 million for the first year alone to cover security costs. So this decision not only makes us less secure and gives a terrorist a platform from which to spew their hateful, anti-American rhetoric, it will cost the United States taxpayers hundreds of millions of dollars, all to extend a pre-9/11 mindset that views terrorism as a criminal offense instead of illegal acts of war.

Mr. Speaker, I would respectfully offer some advice to President Obama and Attorney General Holder: Hand over the Christmas Day bomber to the military and intelligence officials and allow for an appropriate interrogation that will yield additional intelligence that will protect America, and keep Khalid Sheikh Mohammed and the other terrorists slated for civilian trials in New York City or wherever they end up at, keep them at Gitmo and try them before military commissions. Just over a year ago, they were prepared to plead guilty before military commissions, before Eric Holder made the decision to give them special rights. We could have executed one of them by now.

I sincerely hope that the President and his Attorney General rethink their current approach which, I believe, Mr. Speaker, is very dangerous for America.

#### AMERICA'S BEST DOING INCREDIBLE WORK IN AFGHANISTAN AND PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Mr. Speaker, I'm just back from a trip led by our colleague, STEVE LYNCH, to Afghanistan and Pakistan, and what we saw there, Mr. Speaker, was America's best doing incredible work. The U.S. military is clearly the best trained, best equipped and most disciplined fighting force in the world.

I'm committed to keeping it that way and to supplying them with the resources they need to get their work done. I'm also committed to confining their mission to achievable objectives and to the protection of America's national security interest.

There are many memorable moments from this trip, Mr. Speaker. When we stepped off the plane in Pakistan, the first person I saw was Lieutenant Colonel Rick Simmons of Pickens, South Carolina. Formerly the Veterans Affairs Officer of Pickens County, Colonel Simmons is now the Chief of Protocol in the Office of the Defense Representative to Pakistan.

Skipping a dinner with the delegation gave me the opportunity to have dinner with Colonel Simmons and seven other American service personnel at Simmons' apartment in Islamabad.

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In Kabul, Afghanistan, I talked with Susan Anderson, who is serving in the American Embassy as an economic analyst. Susan is a graduate of Union High School and the College of Charleston.

In Kandahar, I met two members of the National Guard unit from Wellford, South Carolina, which deployed recently to Afghanistan. Justin McAbee of Travelers Rest and Zack Gregg of Pelzer. Justin's home is about 5 miles from mine. Passing by Benson Road as I travel on Highway 25 North will remind me to pray for Justin and those serving with him.

He is on the explosive ordnance detonation team. When I thanked him for serving our country and tried to compliment him on doing his very dangerous work, he gave me the standard response of our incredible all-volunteer force: "It's my job, sir."

At a dinner hosted by America's ambassador, Mr. Eikenberry, with female members of the Afghan parliament, we were called on to offer comments. I used my remarks to remember Geoff Whitsitt of Travelers Rest, who was killed last month by an improvised explosive device in Afghanistan. I wanted them to hear his name in Afghanistan, exactly one week to the hour after the Upstate paused for his funeral. I wanted them to know how precious his life was to his parents, to his brother, and to our mutual friends. I wanted them to understand that Geoff died for the protection of America.

I told them that we were willing to give our treasure in Afghanistan to help build their nation because we are sure that, using our creativity and entrepreneurship, we will make the money back. But, I told them we are willing to give the lives of our sons and daughters only for America.

On this point, Mr. Speaker, we must be clear. While we are hunting down terrorists, we are going to give the Afghan people the opportunity to reject al Qaeda outsiders and to build a future free of the Taliban. The Afghan people should seize the opportunity, as it will not last indefinitely.

At present, more of America's best are arriving in Afghanistan. They are

there to kill terrorists. They are there to facilitate the work of an army of American civil servants and contractors who can show a way forward to a stable constitutional republic. They are there to serve America's national security interests by draining a terrorist cesspool.

But there will come a day when the brave men and women of America's Armed Forces will have completed their work. Not that they will have taken out every terrorist, for that would be impossible. But there will come a day when we will have destroyed enough of the terrorist networks in Afghanistan that America will be reasonably safe from murderous plottings, at least from within Afghanistan's borders.

Until then, we fight on, committed to finishing the job, clear-eyed and determined to avoid mission creep.

The trip also include crew rest stops in Romania and in Tunisia. In Tunisia, we visited the World War II North Africa American Cemetery and Memorial near Tunis, where 2,841 Americans are buried and 3,724 missing Americans are memorialized on a limestone wall called the Tablets of the Missing.

After a wreath-laying ceremony, the delegation walked among the graves. It was especially meaningful to walk among the graves with two of our young military escorts, Sergeant Rob Mennell and Sergeant Aaron Moss.

We tend to think of the members of the Greatest Generation as granddads, but they weren't granddads as they were serving in World War II. They were young, very young, as young as the two Army sergeants who were accompanying us on this trip.

I was grateful for the opportunity to tell those sergeants how much their service means to me and to all Americans, and I was grateful to remember why freedom is worth fighting for.

#### FORT HOOD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, I hail from Central Texas, and I am very, very proud to say that I have the largest military facility in the world in my district, Fort Hood, Texas. If you are in the Army, you know where Fort Hood is. In fact, I think if you find any 20-year veteran of the Army, you will find out they have been to Fort Hood, some of them once, twice, three, four times, because it is a huge training post. And it is the great place, as they call it, in Central Texas.

The great place had a great disaster happen to us on November 5 of last year, when Major Nidal Hasan attacked and killed 13 soldiers and a baby in the

womb, and wounded 43 others before two courageous police officers, responding to this violence at Fort Hood, came and basically shot the man and brought him down, one of them, a young lady, getting shot in the process. They got him captured. He is now the subject of much discussion around this House of Representatives.

And by the way, I don't know if anyone noticed. I was very surprised at the State of the Union to see those two officers sitting right up here with the First Lady of the United States, and I was very surprised also that they weren't introduced to the House. But if you noticed two police officers sitting by Michelle Obama, they weren't introduced at the State of the Union, but those were the two officers who responded to Major Hasan when he went on his shooting rampage. We honored them, and the President and the First Lady were honoring them as heroes of the United States, and rightfully so.

But I want us to first realize what happened at Fort Hood. And everybody says, Oh, come on. I know what happened. Sure, you listened to all the reports. But today I was talking with the mayor of Belton, which is actually the county seat of Bell County.

Fort Hood sits in two counties, Bell and Coryell County. Fort Hood is hundreds of thousands of acres and it straddles the county line between those two great counties. The combined population of the two counties is over 300,000 people. So this is a growing area of Texas, and much of that growth that is in the western part of Bell County and the eastern part of Coryell County is military folks that have retired and come back to live close to Fort Hood, or they are presently serving in the military in some form or fashion, or they got out and went to work for something that is related to the military in Central Texas.

We are a military community. We love our soldiers. I would argue that no place on Earth does more for the families and soldiers than Fort Hood, Texas.

I love to tell the story of being in a Rotary Club meeting back in 2003 or 2004, I don't remember what it was, but I know that the 4th Infantry Division was deployed overseas from Fort Hood at that time. And it was along about March, somewhere around that time, when I was going to give a talk to that Rotary Club. It is a huge club, meets in the morning. Hundreds of people were there. And one of the Rotarians got up and said, Ladies and gentlemen, I want to remind you, our soldiers are deployed. Baseball season is starting. Our coaches for our Little League, Pony, Colt, and other leagues where our kids play baseball are over fighting a war to protect our freedom, and we need coaches. So it is up to us Rotarians to stand in for those fathers and mothers who are not going to be able to coach their kids.

Now, that is a community that thinks outside the box to make sure that the kids and families of these deployed soldiers can live as normal a life as they can while these soldiers are deployed. I wanted to tell you that story, Members, because it tells you the heart of the Fort Hood community in an easy story.

But when I was visiting with the mayor of Belton today, you don't realize the ramifications of something like what this Major Hasan did.

First, we very quickly realized after the shooting and the days and weeks that came after the shooting that you had a lot of soldiers saying to themselves: Wait, a minute. This guy wasn't in some other Army. This guy was in my Army. He was in the same uniform I wear, and he shot my brother and sister soldiers and killed them and he was targeting soldiers to kill. Now, that plays upon the psyche of soldiers.

Now, let me explain to you how important this is at Fort Hood, Texas, because the Fourth Infantry Division deploys out of there, III Corps Command is at Fort Hood, and the 1st Cavalry Division, as well as various other organizations. All of these folks have been deployed multiple times. The people that are stationed at Fort Hood are war fighters, and they have been involved in this war since its inception, and they will continue to do their duty, which is a great strain upon their families and a great strain upon these individual soldiers. But they do it because it is the right thing to do and they know that.

These are our great generation. These are heroes, real true heroes. And do you know what? Just doing any job that is that stressful that many times repetitively wears upon you even if you weren't getting shot at or blown up. So this is a highly stressed, highly strung-out community.

When this happened at Fort Hood, first responders from all the surrounding communities headed to Fort Hood. SWAT teams headed for Fort Hood. And if you recall, if you were listening during the play-by-play as it was being developed, you heard people say there are some who say there were three shooters, and so they are looking for the other two. What I didn't realize until I was talking to the mayor of Belton—and Belton is like 26 miles from Fort Hood—he said that, because they didn't know if the other shooters had gotten out of the post and were loose in the community, they locked down all the schools where there were soldiers' children just in case this was a plan to spread out and kill family members.

And so we had, from high school down to elementary school, children locked down in the schools, and we were keeping people out and their parents couldn't pick them up. And the first responders' communications systems were overwhelmed with concerned

parents from two full counties, 300,000 people.

So what this man did at Fort Hood that day frightened all the kids in two counties. And there are tens of thousands of kids going to those schools in those counties, multiple high schools. These are our largest high schools in Texas. They were locked down.

I tell you all this because I want you to know that this was truly, not just a traumatic event for the Army, this was a traumatic event for the people who support the Army and for the families who are supported by the people who support the Army.

Now, the mental health professionals came in in droves, and a lot of great work was done, and I praise everyone who did that. But when I heard that story about these little kids locked down, let's take some little sixth-grade kid or fifth-grade kid, or maybe someone smaller, a first-grade kid who had the trauma of all of a sudden the doors were locked to his school and his mama couldn't pick him up or her mama couldn't pick her up. And then they started hearing why: There has been somebody shot over at Fort Hood.

Now, all these kids have soldiers at Fort Hood who are their parents. Some of them have two parents who are soldiers at Fort Hood. Now, there has got to be fear in the hearts of these little kids, and they want to know what happened. And when school is out and people are talking about it and they are watching it on television, they are trying to figure out what happened. And I am sure parents tried to sit down and explain it where they calmed the little children down. But I am going to argue with you or state to you here tonight that a recent report that was put out by a commission that was appointed by the Obama administration to tell us about the incident at Fort Hood, I would say if you read that report or you explained that report to little kids who were locked down at Fort Hood, you wouldn't even know that Mr. Major Nidal Hasan gave every indication that he was a radical Islamic Muslim terrorist, because it is not discussed in the report, and it should be.

□ 2015

I don't know who pulled the strings on this, but I know who is responsible, and that is the administration. We learned all kinds of things the Army needs to do differently and all kinds of things they need to talk about, the chain of command, yada, yada, yada, as my college-age girl would say. But we didn't hear anything about radical Islam. We didn't hear anything about this because, I would argue, and I think there are people across this country that are arguing, that it was because of political correctness. Political correctness.

Excuse me, at some point in time it is just good intelligence, good police

work to look at what makes up the chances are of the next terrorist attack. And to ignore it, and to act like you can't talk about it because you might hurt somebody's feelings—I tried sitting here tonight to remember as far back as I could, and I don't know how many years ago it was that the Munich Olympics was, but that was a radical Muslim terrorist attack. And every attack since that time has been a radical Muslim terrorist attack. So why can't we talk about the fact that our enemy seems to be, good intelligence seems to tell us, is radical Islamic terrorists?

Now, why in the world can you write a report about a guy who walked down a peaceable line, some of the people checking in from being at war, and some of the people checking out to go to war, doing their everyday duty of getting through that process of processing in, processing out, and this guy walks down the line shooting soldiers in uniform, shouting out, "Allahu Akbar," God is great, which is a part of the declaration of that religion. And I am not attacking that religion. But you can't talk about it. If you can't talk about it, you can't figure it out.

And to write a report with this many Americans killed where they should have been safe, and this many Americans wounded where they should have been safe, and not mention the profile of the guy that did the shooting, and to give me the excuse when I asked the question, well, we are afraid it will mess up their murder case. Well, let me tell you, I will state this again for the record, if you have got a law degree and you are supposed to be able to practice law and you can't prove a murder case where you got 200 eyewitnesses, you need to send your law degree back to law school and turn in your bar card because you are an ineffective lawyer. And there are at least 200 people that witnessed this guy shooting these folks.

So I mean give me a break. They don't have any proof problems to prove this case. That is not a reason not to talk about who did the shooting or who is alleged to do it. And I am an old judge, use the term alleged. It is perfectly good. But they don't even talk about who is alleged to have done the shooting or what kind of person that was.

What do we know about him now? I will have to give our news organizations a lot of credit. We know that he acted erratically for months before the attack. That he promoted radical Islamic views while at Walter Reed Hospital. That he exchanged emails with Anwar al-Awlaki, a Yemen cleric which we are reading about every day in the newspaper who is one of the now major promoters of terrorism. No action was taken against him when he would have debates with other members of the military, and his position was what our soldiers were doing in Iraq and Afghan-

istan was worse than what terrorist attacks do or the 9/11 attack. That the 9/11 attack doesn't equal America's war fighting efforts. And nobody reported him? In fact, they promoted him to get him out of their hair, to move him to another duty station so they didn't have to put up with him.

And it was all about Islamic terrorism, and yet our government writes a report and just fails to mention it. And what is really amazing, really amazing to me, I mean there are a lot of people pointing a finger at me and saying that guy is a right wing wacko. That is why he is standing up there. I won't shy away from the right wing part of it. I will shy away from the wacko part.

But I will tell you, who else has raised this question? Kind of interesting. Time Magazine has raised the question in an article, "Fort Hood Report: Why No Mention of Islam?" Now, that is certainly not a famous right wing radical group. I would call them leaning over pretty hard to the left. Here is another one. You sure wouldn't consider people at the San Francisco Chronicle to be right wing wackos, but here it is: "Political Correctness on Fort Hood at the Pentagon." And it is about why didn't they talk about who this guy was.

So that is one of the things I got up for. And I see I am joined by one of my dear friends, who is always there for me, PHIL GINGREY from Georgia. He and I are classmates. He always has something good to say.

Doc, I yield whatever time you would like to use.

Mr. GINGREY of Georgia. Judge CARTER, I thank you. I am glad to be with you tonight talking about a very, very serious issue. I will make the light comment before I begin and say that my good friend from Texas is not a right wing wacko, he is just a regular wacko. I am a right wing wacko from Georgia. But Judge CARTER is actually not right wing nor is he a wacko, Mr. Speaker.

What he is talking about tonight is extremely important. And I hope our colleagues on both sides of the aisle are listening. I know that my former colleagues on the House Armed Services Committee listened very carefully ever since this incident occurred. And now of course the judge is talking about this 50-page report that our Secretary of Defense, Robert Gates, ordered, commissioned to be done by a former Army Secretary and former Chief of Naval Operations.

And Judge CARTER, Mr. Speaker, I think expresses the view of probably most members of the House Armed Services Committee. I can't put words in their mouth, but I have served with them 6 years, loved being on that committee, led by the great chairman IKE SKELTON and our ranking member BUCK MCKEON from California. And it



is a great committee. And it is a bipartisan committee. It is probably the most bipartisan committee in the entire House of Representatives. I bet that is true on the Senate side as well.

But Judge CARTER is disappointed in this report, Mr. Speaker, and I am disappointed in this report. When we heard about this tragedy at Fort Hood in the great State of Texas at this Army military installation, which really is probably the epitome of the Army military installations—when you think about the Army you think about Fort Benning, the home of the infantry in my great State of Georgia down in Columbus, and you think about Fort Hood, probably the first two that come to your mind.

But we were briefed. We, all members of the House of Representatives, all 435 of us, had an opportunity to go to a briefing that the military, the people from Fort Hood, commanders, I forget their names, probably good I don't remember the names because I don't want to use them here tonight, but they were telling us, "Well, look, we responded correctly." Mr. Speaker, this is exactly what was said. "The response to this incident, you would be proud. Members of Congress, you would be proud. Everything, we got all the emergency teams in, we locked down." The judge is talking about locking down the schools and all that and making sure the kids were safe.

And they went on for about 30 minutes, describing how the response to this tragic attack, where this guy kills 14 and wounds 43 before we were able to take him down, and I want to say of course that we salute the heroism that was shown that day at Fort Hood, and I don't know who they were, but Judge CARTER probably does, and God bless them for what they did. But my concern at the time was how do we have ourselves in a situation where anybody that goes nuts—of course we know this situation was far more than just an incident of somebody going nuts. And that is the purpose of the hour tonight the judge is talking about. But we should have been able to take this guy out you would think after he had shot three or four people at the most. But that is kind of another story, Mr. Speaker.

I was just so concerned when I heard that briefing shortly after the incident that it was like the military was telling us, you know, you should be proud of the fact that we responded after the fact. And that is my whole point, Judge, in sharing a little bit of this time with you. It was like locking the barn door after the horse is long gone. And that is what we did. We did a good job of that.

But what the judge is talking about here tonight, Mr. Speaker, is that when you have clear evidence that someone is a radical, has become radicalized, and you have this information and you

don't share it—and indeed, as was pointed out tonight, Major Hasan was promoted during this time just right up through the ranks. You know, no holes on his promotion, no concern, because of, yes, I will say it, political correctness. They did not want to be in a position where let's say somebody could lose their job because they were calling out someone, blowing the whistle and saying this guy is showing signs of Islamic extremism. And we need to connect these dots, and somebody needs to examine this person and let a psychiatrist see him, the psychiatrist, Dr. Hasan. Doctor, you can't treat yourself, you need some help.

Well, and I think that what the judge is saying, Mr. Speaker, is that we have got to stop this political correctness nonsense. We did the same thing I think, in my humble opinion, on Christmas Day with the undie bomber, when a decision was made after 50 minutes by one or two FBI agents talking with someone in the Justice Department, and that someone most likely was the Attorney General, Eric Holder, and saying, all right, this is not a terrorist, let's Mirandize this guy. And so he immediately gets lawyered up, as the expression goes, and shuts up on the advice of counsel.

I was reading today, looking over the budget, the \$3.8 trillion budget proposal which the President delivered to Congress on Monday. And in that budget the line item section in regard to what we have always called, and I think the world has known the global war on terrorism and the amount of money that we want to fund for that, we call it overseas contingency operations or some such nonsense like that. Nowhere in that budget, no matter how many hundreds of billions of dollars we need to fight that war, do we call it a war on terror. Oh, God no. God forbid we do that because it is politically incorrect. We don't want to offend anybody. I say call a spade a spade.

And that is exactly, Mr. Speaker, what Judge CARTER is trying to point out to our colleagues tonight. Make sure people understand if we are serious about protecting this country, the security of this country, we are going to stop all this nonsense and we are going to call a spade a spade and we are going to fight terrorism where we find it.

Mr. CARTER. Reclaiming my time, we are going to call a terrorist a terrorist and say who he is, what he is, where he comes from, what his background is, and if religion has a part in it, what religion has a part in it.

□ 2030

We cannot afford—it's bad police work, if nothing else—to ignore that evidence. What do you tell that kid over at the high school when his dad is deployed and he asks his mom, he said, Wasn't this guy a soldier? Well, I can't

say what kind of soldier he was because we've got to be politically correct. But, yes, he was a soldier. But how do I know my dad is safe with other soldiers? How do I know?

Mr. GINGREY of Georgia. Judge, would you yield just for a second? Judge CARTER, I don't know whether you pointed this out before I got to the floor, but this guy, Major Hasan, was quoted as saying that sharia law should trump the United States Constitution. Am I correct on that?

Mr. CARTER. That is correct.

Mr. GINGREY of Georgia. I yield back.

Mr. CARTER. And this guy was radicalized. And now we're hearing—only from the news sources, not from the people in the administration that should be informing the public about this, but from news sources—we're hearing just how radicalized he was by conversations he's had. In fact, a Member of this House called a relative who went to medical school in the Army and happened to know the guy in medical school and said clear back in medical school he was talking about this stuff. That means we gave him—by the way, we paid for his medical education. And the good doctor from Georgia can tell you that's no small ticket right there. But we took this man and we put him through education and we educated him all the way through university, medical school, and all of his specialty stuff. The Army paid for that. You did. The taxpayers paid for that. And even then he was talking like this. Why can't we start being honest with ourselves and talk about these people? That's the issue.

You mentioned the Christmas Day bomber. Our good friend, Dr. BURGESS—maybe he doesn't want me to tell you this—but he said, There's a guy that ought to be the easiest guy in the world to interrogate because this guy has just set himself on fire in his crotch area. Now his choice is to go back to Yemen and get treated over there, or be treated by the best medical community on Earth, as was pointed out. It wouldn't be hard to say, Tell us what you know and we'll get you the best doctors, the best reconstruction surgeons in America. And we are the best. And the guy would gratefully share, it would seem to me, but not after you've lawyered him up after an hour.

So, once again, though, I would argue we're playing the political correctness game. We wouldn't do the same thing for a regular criminal defendant, I'll tell you that. I'll tell you that. So it's different. And I worry about the fact. And that comment about overseas contingency. If they can't identify the war on terror as the war on terror, then we've got some black-and-white-striped cats that they're welcome to come down to Texas and pet those cats, because their really skunks. If you don't

want to call them a skunk, call them a pussycat and start playing with them. See what happens to you. That's the same thing that happens to terrorists. If you're not going to call them a terrorist and point out what ideology is driving their thinking, then what are you going to do to identify your enemy and defeat your enemy? If you're not even going to call them an enemy, what are we doing?

I yield back.

Mr. GINGREY of Georgia. Thank you, Judge. I want to thank JOHN CARTER, Mr. Speaker, for introducing two pieces of legislation. I hope he'll discuss that with our Members tonight in regard to the Whistleblower Protection Enhancement Act. H.R. 4267 is the number of that bill, Mr. Speaker. And then the other one, equally important, the Fort Hood Families Benefits Protection Act, H.R. 4088. I know Judge CARTER, Representative CARTER, will talk about that as a great Member who is actually cochairman of the House Army Caucus.

So this is a labor of love on the part of this Member, Mr. Speaker. I can understand how upset he must be, as we all are, regarding this 50-page report. Here, again, distinguished cochair—the former Army Secretary, the former Chief of Naval Operations—who were charged by our Secretary of Defense, Secretary Gates, in a very timely manner to produce a 50-page report. But, you know, Mr. Speaker, this report, again, there's not a word in there in regard to terrorism, Islamic extremism. I don't know whether they scrubbed it before they did the report or they scrubbed it after they did the report.

It's so disappointing to see that you spend all that time saying, Well, maybe we need to streamline the way the sergeant talks to the lieutenant and the lieutenant talks to the captain and the captain talks to the major and the majors talk to the colonels and lieutenant colonels and then finally we get the information to the generals and to the admirals. That's all well and good, but it's almost like a deliberate attempt to miss the point.

The point is, as Judge CARTER has pointed out, Mr. Speaker, that we are dealing with an individual, in the case of Major Hasan, that is a terrorist. He has been radicalized. The judge has pointed out that there was information even from his time in the Army Medical School that he made radical statements. I mentioned just a second ago that he was quoted as saying that sharia law should trump our Constitution. Well, when you're commissioned as an officer in the military, when you enlist in the military, you make a pledge of fidelity to this country. And so the warning sign was there.

I will go back to the time, Mr. Speaker, when Representative CARTER, Judge CARTER, and I were freshmen Members of the 108th Congress. The 9/11 issue

had occurred shortly before we got here. And the families of those victims, over 3,000, insisted that we form a commission, a 9/11 Commission, and we really look into this. Quite honestly, President Bush at the time was a little reluctant. He felt like the Department of Homeland Security, the CIA, and the military intelligence could do all that.

In any regard, a commission was formed. And we were told by the commissioners that this was a problem in regard to Islamic extremism and we needed to do something about it. And to then come along with this report that was commissioned by Secretary Gates, I think, is a tremendous disservice and disappointment. And I will yield back to Judge CARTER.

Mr. CARTER. I thank my friend for yielding. I thank my friend for mentioning these two bills that we've got out here. I tried a whistleblower case back about the mid-nineties sometime. A very interesting case. I won't go into the details. But it involved some organizations that were major political players and major financial players in Texas and a little small accountant who made a right statement but had stepped on some good-old-boy toes and so they fired the guy when the truth was he was telling that there was a lot of money that they were losing. It showed me why we have whistleblower laws: so the little guy who discovers a wrong can be comfortable in going to right that wrong without fear of retaliation, of getting fired because he did—told about something that the big boys didn't like.

Well, we've got this Military Whistleblower Protection Enhancement Act. It protects military personnel from any negative action for reporting any regulation or law violation. Proposed protections for reporting ideologically based threat or actions a servicemember reasonably believes could be counterproductive or detrimental to the United States interests or security.

Basically, what we're saying to the ordinary soldier, to the soldier that was going through medical school with Mr. Hasan, to the soldier that was stationed with Mr. Hasan when he was a second lieutenant and then a first lieutenant and then a captain and as he got promoted to major, that somebody didn't have a fear that something would happen to their military career if they reported this guy was talking radical ideas to service people. He wasn't preaching religion to them. He was talking that blowing people up was good, fighting conventional war against terrorists was bad.

I mean, that's the kind of way he was talking. It didn't have anything to do with the Muslim religion. It had to do with terrorism being the right way to straighten out America. Excuse me? He was educated by the United States military. It kills me to hear that.

So I think it's a good bill. I hope we can get some action on it. I hope we

can get it written into law. And I'm going to be working on it. I feel confident. I have a lot of folks that are co-signers to that bill.

This other one is pretty simple, too, really. What we had—and I can say this almost without—and I don't know the names and background of every one of these soldiers, but I have personally talked to several of them and the general consensus is everybody that got shot had either just come back from Iraq or getting ready to deploy again to either Iraq or Afghanistan.

And the reason we had mixed units that day at that center is because normally units go through as a group as they deploy, but these were the guys that were absent for some purpose. May have still been on the training range or something else. So they had to go make up by getting all the paperwork shuffled to get ready to deploy. That's why you heard it wasn't just one outfit that had all the deaths. It was multiple outfits around the Army because there are multiple outfits stationed at Fort Hood.

Anyway, I would argue these were warriors either returning from the war or going to the war and an enemy soldier, terrorist, disguised in a uniform of the United States military, walked into our warriors as they were peacefully getting ready and processing paper and started killing soldiers. And I do argue that's a combat situation. Whether you're killing a soldier in Afghanistan or Iraq or whether you're killing a soldier in a center at Fort Hood, if your intent is to kill soldiers to keep them out of the war against terror, you are an enemy combatant killing our soldiers. Therefore, they should be treated with combat respect.

This incident should be like we did for what happened at the Pentagon when it was attacked on 9/11. We declared that to be an incident in combat in the war on terror and the people who did heroic acts there received the appropriate medals and the appropriate benefits for being injured or killed in a combat zone.

I think Fort Hood and the incident that happened with Major Hasan should be a combat zone; and I'm trying to do it by statute. But it's been done by act of the Defense Department. I think it's time for it to be done. There are a lot of Purple Hearts that ought to be awarded, at least 43 that we know of. There are a lot of folks that should get civilian medals that were civilians that were accidentally wounded in the misfires. And there are benefits that attach to being killed or injured in combat. I think these people ought to get it. Just because they just got back from another country but they got shot in our country by an enemy soldier, I would argue they still ought to be treated as if they were wounded in combat.

Mr. GINGREY of Georgia. If the gentleman will yield, and, Mr. Speaker, I

thank Judge CARTER for yielding. I don't think that the logic of this legislation is a stretch in any way. I'm sitting hear listening, Mr. Speaker, to my colleague from Texas describe this bill, Fort Hood Families Benefits Protection Act, H.R. 4088.

I would think that you ought to get 434 votes, if not 435, in the House of Representatives, and 100 in the Senate, Judge, is my opinion, because that Islamic extremist—and, as you say, camouflaged in an Army uniform with officer's insignia on that uniform—is every bit of an Islamic extremist as those characters in Afghanistan, in Iraq, aided and abetted, I think, by Iran, in many instances, that make those improvised explosive devices, that put them in the ground, that detonate them cowardly in a remote fashion and blow our young men and women to smithereens. I've had over 30 from my congressional district in the 11th of Georgia pay the last full measure. And that's what these 14 that were killed and 43 or whatever the number is in Fort Hood. Same thing. Exact same thing.

□ 2045

And so, Mr. Speaker, I commend them. I think it's absolutely right. They should have a status to ensure full benefits and eligibility for the Purple Heart and a civilian equivalent award for those who are civilians. They were killed not by just some ordinary nut. They were killed by an Islamic extremist in the same fashion that our men and women are being killed in Afghanistan and Iraq.

Mr. CARTER. That's exactly right. And reclaiming my time, once again—and I'm not going to mention who said this, but it was said at the time. And although I understand why it was said, I think it was inappropriate. A statement was made, I certainly hope this incident at Fort Hood doesn't affect the Army's diversity program.

Excuse me. We had folks that had risked their lives for our country killed in their own backyard by an Islamic terrorist, and I think that it's not the time to be worrying about whether somebody's feelings may have gotten hurt because we're talking about this guy being an Islamic terrorist. He is. That's a fact. Why can't we talk about it?

I understand people talking about profiling, and what they're talking about is, in its ultimate extent, what offends people is situations in our historic past where, for example, there has been a shooting on the square. It's been identified. It was an African American. Round up all African Americans because the profile is African American. And that's where the whole idea of profiling—and you can expand it to American Indian, to Hispanic, to Vietnamese—identifying a whole group as evil because one was bad. And that's

bad. And the police will tell you that that is not good police work.

But if the shooter is wearing a major's uniform, answers to the name of Hasan, and 200 people can identify him in a lineup for having done the shooting, then you ought to talk about what the guy looks like, where he comes from, what his background is, and what motivated him to do this, which is a radical religious belief, the bottom line. That's not being politically incorrect. That's being intelligent. I'm sorry. It's just common sense.

There's one thing I tell people back in Texas—I'm sure my friend in Georgia gets frustrated with it, too, sometimes. Inside this Beltway, the thing we lack the most seems to be common sense most of the time. Average American people know this, and I think that the Members of this House know that the folks back home know that this is something the administration should have addressed. Secretary Gates ordered it, but he's part of and takes his orders from the Commander in Chief, and they should be held responsible for their yielding the truth to political correctness. It's not the right thing to do. It harms those people who fearfully today, as I am talking, are standing in harm's way on our behalf, on my behalf, on your behalf, on everybody's behalf. They're doing the hard job.

There is a movie that's out that really is realistic. I'm going to quote it because I'm not trying to promote movies. But it makes you feel the stress that soldiers have to deal with when they have these explosive devices and having to deal with those explosive devices. It was so tense, my wife covered her head with a pillow because she just couldn't stand the tension of it. And then you think about it and say, You know, we eat in the mess hall at Fort Hood with these guys. They go through that every day, the stress. She covered her head with a pillow. These kids—kids—they deal with it every day. So they're not kids anymore when they go over there. They're men and women of courage and honor, and they understand what it means to be courageous.

So I think it's wrong for us to avoid describing our enemy to keep from stepping on somebody's toes. I have nothing against any—and when I say all this, let me preface this or finish this up by saying this is not about a religion. It's about a criminal defendant and his ID. And that's the way we should treat it. For that reason, I have raised this issue.

I will yield some more time to my friend from Georgia if he wishes to speak.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman again for yielding.

I just wanted to quote some of my friends on the Armed Services Committee, the ranking member—actually also on the Education and Labor Com-

mittee—Colonel JOHN KLINE. Colonel KLINE is a subcommittee Chair, I believe, on Armed Services as well. He has been there since we were elected in the 108th, back in 2003. So this is his eighth year on the Armed Services Committee. It is very appropriate that Colonel JOHN KLINE is there because of his service in the United States Marines.

But Judge CARTER, here is what Colonel KLINE said. Mr. Speaker, I want to quote this. "The American people recognize that the 9/11 Commission was correct when it said we have an enemy, and it's Islamist extremists—their words—and the concern is that we may not be paying attention to the fact that the alleged perpetrator was, in fact, an Islamic extremist."

Judge CARTER is telling us, Mr. Speaker—and certainly I agree with him—that this is not about diversity, the importance of diversity in the military. We all understand that. We all understand that. We have great men and women of all kinds of ethnic backgrounds, religious backgrounds. They have one thing in common: They swear, as we do, as Members of Congress, to uphold the Constitution and defend this country. And that will be continued to be held in common. But this business of being politically correct for fear of offending but not being able to say, He did it, and here is the evidence, and everybody knows it, and for fear that you are going to get reprimanded—and that's what Judge CARTER's other bill is all about, Mr. Speaker. So I thank him for giving me the opportunity to join a good friend on the floor to encourage our colleagues on both sides of the aisle.

There are 95 cosponsors. I hope tomorrow there will be 150, and the next day there will be 300, and that when this comes to a vote—and hopefully it will—we'll get a near—maybe we can put it on the suspension calendar and it will pass without controversy.

I yield back to my friend.

Mr. CARTER. I thank my friend for that comment, because what a heartwarming experience that would be for the families and some of the soldiers who were there and who are now in the combat zone to know that this Congress said, We recognize this was a combat situation. We acknowledge it unanimously. It is hard to get unanimous around here, but it would be nice. And I thank my friend for his participation.

Well, this is all a part of the chance that I get every now and then to talk about the rule of law and doing what's right and identifying what's wrong in this country and not being afraid to speak out and to point out when things are wrong. I want to end by saying that this is a wrong that needs to be righted, and this House and the Defense Department has the ability to right this wrong, and we should do it.

I want you to know that I consider Secretary Gates a friend. I have the highest respect for him. I had the highest respect for him when he was the top man at Texas A&M University when I represented that wonderful institution, and I still have the highest regard for him. But I do criticize and will continue to criticize letting political correctness interfere with making correct statements about what happened so that, if nothing else, the kids of these people in the Army who know that a major shot other people will have a good explanation as to why he did it and what the indications are as to why he did it so they're not worried about their mom or dad getting shot by another guy in uniform. That's a tragic situation.

I want to thank the Speaker for allowing me to have this time. I hope that we can right this wrong, and I hope that we can let common sense and right over wrong prevail in these two bills and in letting our heroes know what the right thing to do is and that we're going to do it.

#### TELEVISION HEALTH CARE NEGOTIATIONS

The SPEAKER pro tempore (Mr. OWENS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

Well, Mr. Speaker, here we are at the end of another workday on Capitol Hill. It's a snowy night outside in the Nation's Capitol, and we are having a conversation, you and I, here on the House floor. I will do most of the talking, but I know that my remarks must be addressed to the Chair, and they certainly are addressed to the Chair. But, Mr. Speaker, both you and I know that people can listen in on our conversation because the cameras of C-SPAN are here in the Chamber. And although they don't record the faces and presence of everyone else on both sides of the aisle who are here in the Chamber, they do record what we say here and they do record the conversation that goes on between us. And people across the country, whether it be late at night, as it is here on the east coast, or very early in the evening, as it is in the Mountain States or on the west coast, the people across the country have an opportunity to tune in and see what is happening on the floor of the people's House in their Nation's Capital.

It almost seems like it's always been that way, but it hasn't. March 19, 1979—if I've done my research correctly—was the first broadcast of the proceedings from the floor of the House. So not quite 30 years ago. In fact, we'll have the 30-year anniversary here in just a few weeks—I suspect that will be a big celebration—of the C-

SPAN cameras coming to cover the activities of the House. Yes, the other body as well. They cover the high-level meetings that go on here on Capitol Hill and, of course, meetings that are of importance in State legislatures across the country.

It is the public service access channel for all things government, and people of my generation, people who came of age during the Nixon administration and the Watergate years and the excesses of some of those activities, people of my generation equate C-SPAN with good governance. C-SPAN is sort of like the rainbow after the rainstorm which is the promise that we will never have to go through that again because C-SPAN is there, and C-SPAN will keep the lights on and C-SPAN will keep the sunshine in on the legislative process. And if what we are doing here in the people's House is not to the people's liking, they shall be aware of it, and they shall be able to register their displeasure and change some of our faces if they can't change our hearts, such as the ideal in the American democracy.

So C-SPAN is important. C-SPAN is equivalent with good governance. C-SPAN is equivalent with open governance. And that's why many of us, toward the end of the year, all of the things that were happening in the end of December and the beginning of January, were somewhat taken aback by the fact that Brian Lamb, the chief executive officer of C-SPAN, wrote a letter to the White House and said, Hey, let's bring the cameras in to all of these health care negotiations that are going on in the Capitol and the White House and points in between. We'll provide the camera. You provide the discussion, and the American people can tune in, if they like, and see if they like what they see or not.

Of course, Mr. Lamb's invitation was declined by both the White House and the Democratic leadership in both the House and the Senate, and the cameras stayed off and the deals were done in the dark. And as a consequence, arguably, that's one of the reasons why the health care bill still languishes out there somewhere. No one really is sure what its health or state is today. I submit to you that despite the effects of the election in Massachusetts 2 weeks ago, one of the main drivers of the lack of success was the lack of transparency during that debate and during that process.

It has been a year full of twists and turns as we watched how health care policy has risen and fallen and risen again and then fallen again through the course of many twists and turns this past year, but C-SPAN should have been there. In fact, we were promised that C-SPAN would be there. We weren't promised it once or twice or three times. We were promised over and over again. And we weren't prom-

ised that C-SPAN would be there by myself, Mr. Speaker, or yourself, Mr. Speaker. We were promised that C-SPAN would be in the room by the person who was then the candidate for the highest elected office in the land, who ultimately won that office and was inaugurated just a little over a year ago.

□ 2100

Barack Obama repeatedly said that he would invite the C-SPAN cameras into the room. We'll have everyone around a big table; everyone will get to see who's on whose side, and who's on the side of the special interests, and who's on the side of the people because C-SPAN will be there and C-SPAN will report dispassionately, and people will be able to make up their own minds; the ultimate we report, you decide scenario.

But it didn't happen that way. And as a consequence, whether you liked the health care legislation or didn't like the health care legislation, as a consequence, right now its fate is very, very much in limbo. What I wanted to do tonight was just sort of take us through some of the history that has gone on over this past year. I want to talk specifically about something that happened in my committee, the Committee on Energy and Commerce, last week on Wednesday when we heard a resolution of inquiry in the committee, and what the result of that hearing was and what people can actually look to next. But interwoven through this entire process is the fact that the whole reason we're having this discussion is because the lights were turned off, the cameras were silenced, and the American people could not participate, if they so chose, in at least the observation of the debate, in the observation of the deal-making, if you will, that occurred in both the House and the Senate and the White House as this bill worked its way through the process.

So it's no wonder that people were skeptical of this bill last summer. We heard about that in the summer town halls. It's no wonder that people were skeptical of this bill as it came through the House in November and then the Senate on Christmas Eve. And then it's no wonder that people continued to be skeptical as it worked its way ultimately to the nondecision that it has achieved today.

So here we have the quote from Brian Lamb on December 30, 2009, the CEO of C-SPAN, Brian Lamb sent a letter to the Congressional leadership requesting that they "open all important negotiations, including any conference committee meetings, to electronic media coverage because the legislation will affect the lives of every single American." I would just add to that every single American for the next three generations at least, so far-reaching was the scope of the legislation to be considered.

You know, several years ago, long before I was in any way active in politics, the first President Bush, the 41st President of the United States, made a very famous statement that perhaps he came to regret afterwards, which was "Read my lips—no new taxes." That one quote was replayed over and over and over again, and it may have at least participated in the event that cost the 41st president a second term in office. And we had the situation this past 2 years, while the current President was running where he repeatedly made statements about his commitment to transparency, about a new way of governing and, oh, by the way, we'll throw the doors and the window open, invite the C-SPAN cameras in, and you'll all be able to see what has transpired.

Going back on that word, I submit, will be every bit as significant as the "read my lips" quote has become. Well, let's go through a few of these, because, again, they are important. While the theme, thematically they're all very similar, there are differences. The first one, this is January 2008 at the Democratic debate: "Not negotiating behind closed doors, but bringing all parties together and broadcasting those negotiations on C-SPAN so the American people can see what the choices are, because part of what we have to do is enlist the American people in this process."

January 2008 the Democratic Debate. The second quotation on this board: "These negotiations will be on C-SPAN. The public will be a part of the conversation and will see the choices that are being made."

January 2008, to an editorial board at the San Francisco Chronicle. Important concepts that the then-presidential candidate and now President discussed at those venues, important concepts that he emphasized multiple times during the runup to the Presidential election. The third quote in our series: "I respect what the Clintons tried to do in 1993 in moving health reform forward. But they made one really big mistake, and that is, they took all their people and all their experts into a room and then they closed the door. We will work on this process publicly. It will be on C-SPAN. It will be streaming over the Net."

November 14, 2008, in a Google question-and-answer. This was after the actual presidential election had been won by Mr. Obama that this quote was made. You know, I stop for an observation here for a moment. I was a physician in practice in 1993 and 1994 when the Clintons very famously took everyone, the 500 folks, behind closed doors and made all these deals. It was kind of a little bit of levity around the doctors' lounge that one day a doctor would be elected President of the United States and bring 500 other doctors into a room and lock them all together and help

figure out a way that we could figure out how much to pay lawyers in the future. Okay. That's my attempt at humor for the night, Mr. Speaker.

Number 4: "We'll have these negotiations televised on C-SPAN so the people can see who is making arguments on behalf of their constituents and who is making arguments on behalf of the drug companies or the insurance companies." August 8, 2008, Virginia town hall. This is probably one, of all of the series of quotes, this is one of the most important, because, again, the presidential candidate was saying, Look, these negotiations are going to be going on. You're going to have people around the table, Members of Congress, Senators, and yes, the special interests will be there. In this case, the drug companies were mentioned. In this case the insurance companies were mentioned. There are other special interest groups of course, unions that negotiate through competitive bidding, negotiate insurance contracts, they might have an interest. An organization like the American Association of Retired Persons that sells insurance, they might have an interest around the table. But nevertheless, the special interests will be there because, after all, this is Washington, D.C., and the very least that the people should ask is that the cameras be turned on and the event be filmed so that they can watch it as it occurs, or they can refer back to it after the fact.

Many of these videos, of course, would have been captured in perpetuity up on YouTube or some other site, so the American people would have had an ability to look in there and gauge for themselves, hey, is my Senator really arguing more on behalf of the people of his or her State, or are they arguing more on behalf of the drug company or the insurance company, medical device company or the labor union? We didn't get that chance. It was promised to us but not delivered.

Number 5: "But here's the thing. We're going to do all these negotiations on C-SPAN so that the American people will be able to watch these negotiations." March 1, 2008, State of Ohio, town hall.

Number 6: "We will have a public process for forming this plan. It will be televised on C-SPAN. I can't guarantee you that it will be exciting, so that not everyone will be watching, but it will be transparent and it will be accountable to the American people." November 27, 2007, Keene Sentinel.

Number 7. "I want the negotiations to take place on C-SPAN." May 2008, Saint Petersburg Times. Number 8, "I'll put forward my plan. But what I'll say is, 'look, if you've got better ideas, I'm happy to listen to them.' But all this will have to be done on C-SPAN in front of the public." April 25, 2008, Indiana town hall.

What a great idea, Mr. President. I simply could not agree with you more.

Well, Mr. Speaker, as it turns out, in May of last year, May the 11th, the White House engaged in a major stakeholder meeting at the beginning of this health reform debate. The attendees at the White House in May were the Advanced Medical Technology Association, the American Medical Association, America's Health Insurance Plans, the Pharmaceutical Research and Manufacturers of America, the American Hospital Association, the Service Employees International Union.

Now, each of these individuals was there because, number one, they provide a service to the American people and they have a very strong interest in the process going forward of what was going to happen with health care reform. So I don't fault any of these groups to responding to the call of the White House. Hey, will you come down here and talk to us as we get this process started because we don't want to leave anyone not included in this process? So I think the fact that these six groups showed up down at the White House, I think that's fine. That's what the process was supposed to be about.

Now, when these participants emerged from the meeting, an agreement was announced that they would work to decrease by 1½ percentage points the annual health care spending growth rate, saving upwards of \$2 trillion over 10 years time. Since then, however, questions, questions that I have submitted, questions that others have submitted to the White House as to how this would be accomplished have simply been left unanswered. Now, whatever happened down at the White House last May, call them gentlemen's agreements, backroom negotiations, power politics, we know that they happened. What none of us in this Chamber and none of us in the other body know is what was agreed to.

Along the way I started to read and hear reports in the press about amendments being rejected in committee hearings and markups because of previously agreed-to deals. Now, in the other body, in the Senate Finance Committee's markup, Senator NELSON of Florida introduced an amendment regarding drug prices. The Senator from Delaware, Senator CARPER, arguing against that amendment said, whether you like PHARMA or not, we have a deal. We have a deal. Well, what deal? Who has a deal? Where was the deal made, and who was it made with?

Secondly, in the same markup, the Finance Committee endorsed a commission to slow Medicare spending. Now, I may not agree with the principle involved in that, but nevertheless, let's have this debate out in the open and let it win or lose on its merits. But in that same markup in the Senate Finance Committee they endorsed a commission to slow Medicare spending. However, the bill had to be

rescored and rewritten, had to go back to the Congressional Budget Office to be rescored to exclude hospitals because, according to Congress Daily, "They already negotiated a cost cutting agreement" with the White House. They had a deal. They had a deal. What deal? Who made that deal? Under whose authority was that deal made?

Number three, Senators DORGAN and MCCAIN introduced a floor amendment on prescription drug reimportation in December. According to *The Hill*, the newspaper that's circulated up here in the Capitol, according to *The Hill*, "A deal between the White House and the pharmaceutical industry held up and helped defeat the amendment." What deal? With who? On whose authority was this deal made?

Now, for all my affection for Senator MCCAIN, I disagree with him about reimportation. But at the same time, let's have that debate. Let's have that debate and let the people hear what the pros and cons are, but let's not carve up a deal behind closed doors. Even though my position arguably won in that exchange, that doesn't make me feel any better that some sort of deal was cut behind closed doors that then would not allow reimportation to be included or considered in the process.

□ 2115

You know, Mr. Speaker, here's the frustration: as a Member of Congress, the press seems to know more about these deals and this process than any of us in this body or the other body. The press knows more about this stuff than we do.

Now, while the Democratic majority was pushing a health reform bill through both Chambers of Congress and Members were expected to debate these far-reaching bills, real deals were being cut down at the White House; the real deals were being cut down in the Speaker's Office or over in the Majority leader's office with ample input by the White House, I might add, but all behind closed doors and very few people in the room besides a few select Members of the House and the Senate, of course the people from the White House, and of course respective staff members from those offices.

But none of us who were elected by the good and long-suffering people of the United States of America to represent their interests, none of us were included in that process on either side. Now, I am saying this as a Republican. We're in the minority, okay. We lost the last election. Maybe we don't deserve a place at the table. What about Democrats? Shouldn't Democrats who are freshman, Democrats who've been here four terms, five terms, six terms, shouldn't they have at least had the opportunity to at least know what was going on in those deals? To the best any of us know, no one from either side, outside of a few select persons in

Democratic leadership in the House and the Senate and, of course, the White House, was involved in those negotiations. They clearly circumvented the legislative process.

Now, the six groups that I referenced early in this discussion, while they were meeting at the White House, our very own Committee on Energy and Commerce was marking up what at the time was called H.R. 3200, which was the original health care bill that went through all three committees of jurisdiction of the House, a 1,000-page bill—eventually got a lot longer—but that's another story. But while we were marking this up, this stuff was going on down at the White House. And, again, none of us knew any of these things. Now, how could our markup be viewed with any integrity if the real deals were being cut at the White House?

And I'll tell you something else—and this is particularly, particularly troubling—we worked on that bill in good faith in committee. I submitted I can't tell you how many amendments. I prepared 50. A lot of my amendments were shot down along party lines. Okay. I get that. That's what the deal about partisan makeup is. That's why elections are important; and, Mr. Speaker, I hope people pay attention to that fact. But I did get some amendments accepted, and some of those passed on a voice vote where there was no objection from the other side. One in particular was a bill that took part of the old concept of the patient bill of rights from the late 1990s that if we're going to have a public option insurance company, patients should at least have the opportunity for internal and external review, that is, a review board from inside the insurance company or one outside the insurance company if they don't like the insurance that was rendered.

So internal and external review was a very important part of what was called the patient bill of rights legislation. Charlie Norwood from Georgia was the principle author of that concept along with JOHN DINGELL, who's the chairman emeritus on our committee. So clearly a bipartisan concept from within our committee.

I submitted an amendment that essentially embodied that internal/external review. It was accepted by the committee unanimously, and Mr. DINGELL and I both spoke on it in committee; and it seemed like, well, if nothing else, Charlie Norwood's legacy will be enclosed in this bill in the form of this amendment.

But we passed that bill out of committee July 31. We went home for our summer recess. We had the summer town halls, which are another story in and of themselves. Many people may remember some of the excitement around the country when the health care town halls were going on this summer.

Then we come back in September and most of October, and then we get a new copy of the bill. It's now 2,000 pages. You say, Well, it's 2,000 pages because you added a lot of amendments in committee. Yeah. But guess what? Those amendments were gone. They were struck from the bill. No discussion. No one called me up and said, Hey, look, we're sorry, but your amendment that you offered in committee kind of conflicts with some other language in the bill. We've got to take it out. No discussion as to what occurred, and that amendment was removed from the bill.

It wasn't just me. It wasn't just a personal vendetta against a relatively junior Member from Texas. Mr. WALDEN, who was going to be on the floor with me tonight, the ranking member of the Oversight and Investigation Subcommittee on Energy and Commerce, had amendments that he had gotten into the bill, and those were struck at the same time.

And you have to ask yourself, well, why would you strike an amendment on internal and external review? What's the purpose? Who gains there? Was there one of those six groups that were down at the White House that didn't like the language of the bill so they had to get it out of there? Was there someone in the Speaker's Office or on the Speaker's staff who had a problem with the fact that that language was in there? Was it perhaps a lingering bit of friction between the former chairman of the committee and the Speaker? No one knows. No one knows. All we're left with is to fantasize about what might have caused that relatively innocuous amendment to be stricken from the bill.

And, again, it wasn't just my amendment. Other amendments were stricken from the bill, too, and was it because they crossed some line with some of the deals that were struck with this group of six individuals down at the White House?

Now, after months of frustration with working on the bill through committee and getting amendments in and having them struck, I sent a letter to the White House in September, and I requested full disclosure on what had happened to those meetings in May and June specifically to the following areas: number one, a list of all agreements entered into in writing or in principle between any and all individuals associated with the White House and any and all individuals, groups, associations, companies, or entities who are stakeholders in health care reform, as well as the nature, sum, and substance of the agreements;

Number two, the name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations and the names and dates and titles of meetings that they participated in regarding negotiations with the



aforementioned entities in question one.

So we wanted to know who was there, and we wanted to know who negotiated and what the parameters of those negotiations were, who in the White House had the clout and the authority to make these decisions. And then, number three, the names of any and all individuals, groups, associations, companies, or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

So who were the stakeholders who were locked out of these meetings? We had six different groups around the table. Were there others who wished to be there but were not permitted? A question we just simply don't know how to answer today.

I noted in my letter that during the Democratic Presidential primary debate on January 31, 2008, then-candidate Obama said, That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process.

You know what? I agree with the President on that part. Part of what we have to do is enlist the American people in this process. And can there be any doubt, can there be any doubt after watching the anxiety in this country in August during the summer town halls, after watching the gubernatorial returns in November from New Jersey and Virginia and then 2 weeks ago the senatorial returns from Massachusetts, can there be any doubt that they failed to enlist the American people in this process? And as a consequence—as a consequence—the American people have said and keep saying, No, we don't want this health care bill, we don't trust a 1,000-page bill; we really don't trust 2,000-page bills and 2,700-page bills are simply out of the question. You guys never read it. You wouldn't take this insurance yourself. No way are we going to accept this.

And underneath it all, underlying it all, is the fact the American people were shut out of the room during the process after they had been promised a front row aisle seat to the proceedings on C-SPAN.

Now, I sent that letter to the White House in September. Answering my letter would have been the chance for the White House to prove to America that this actually was a good campaign promise and they really were for transparency down at the White House. But I didn't get an answer.

December 16, this House was rapidly trying to wrap up its business. The Weather Channel was forecasting a huge snowstorm for that weekend. Everyone in the House of Representatives

wanted to get out of here and to their district. They didn't want to be stuck here in the Nation's Capital for a single day more than necessary, and we were rapidly wrapping up our work. And on December 16 I introduced a resolution, House Resolution 983 for people who want to look it up at home, because it became clear to me that the White House had no intention of responding to my letter.

So I introduced a bill, which was a resolution of inquiry. Now, this is a kind of an uncommon parliamentary tool. It's very powerful, puts some power in the hands of the minority. We don't have many tools at our disposal, and we don't have many tools that are very powerful at our disposal; but, realistically, it was my only option. I had no place else to go because I had been rebuffed by the White House. I have been rebuffed in committee. I had been rebuffed at the Speaker's Office. I had nowhere else to go.

So to me it was very important that the details of any negotiations made behind closed doors be made public for all to see: the integrity of the process, literally the integrity of the whole health care reform effort, the whole health care reform legislation, the integrity of the whole health care reform legislation is in fact at stake.

Now, President Obama promised to run the most transparent and open administration in history, and his decision to sequester, his decision to hoard, his decision to hide and obscure this information from Congress and from the American people is, in fact, indefensible.

Now, on January 26, just last week, I got a letter from the White House. Months of silence. One hundred and nineteen days from the date I sent the letter, right before the scheduled markup of the resolution of inquiry, I did receive a response from the White House.

The response was 81 pages long. There was a two-page letter from White House counsel Robert Bauer. There were 24 pages printed off the White House Web site. Anybody can go get them and print them off. There is a thank-you letter from the President to the six groups for showing up on May 11. There were some blog posts. There were some speech transcripts. There were some press releases, 18 pages of already-published White House visitor logs, 36 pages of print-offs from Web sites of the six groups.

And you know, Mr. Speaker, I was pleased to finally get a response from the White House; but, you know, it wasn't what we were asking for in the resolution of inquiry, and it's not the information needed to really understand the scope of the agreements that were entered into.

Now think about it for a minute. You have these six very powerful groups—AdvaMed, Pharma, AMA, American

Hospital Association, the Service Employee International Union, all meeting down at the White House coming up with proposals to shave \$2 trillion off health care expenses over the next 10 years, \$2 trillion and no one wrote anything down. Mr. Speaker, do you believe that? That strains credulity, doesn't it? \$2 trillion in deals and just a handshake? Just a wink and a nod? Nothing written down? Nothing on paper?

Mr. Speaker, would you make a deal like that? More importantly, Mr. Speaker, would you ask the American people to accept a deal like that?

Well, last week on January 27, the Energy and Commerce Committee began a markup of the resolution of inquiry. The markup was called not by me but by the chairman of the committee because the committee had to consider this resolution, and if the committee failed to consider the resolution, it automatically becomes a privileged resolution: we come directly to floor of the House.

□ 2130

Now, in fact, HENRY WAXMAN, Chairman WAXMAN, the chairman of my committee, a Democrat on the other side of most issues, agreed to help. He agreed to help me. He agreed to help Ranking Member BARTON get answers, not to everything I submitted, but to six out of the ten things that I had requested. It certainly showed a step in the right direction. In fact, it was the first positive step toward getting any sort of sunlight onto these deals that were cut down at the White House.

So the committee will soon send a letter to the White House signed by Chairman WAXMAN and Ranking Member BARTON of the full committee asking for more information. What that information will comprise, number one, a list of all agreements entered into in writing as well as the details, including the sum and substance, of all deals and agreements; number two, the names of any individuals, groups, associations, or companies that attended meetings at the White House regarding health care; the name of the administration officials who attended the meetings on health care in the White House. As part of the release of visitor logs, we know who brings people into the White House. We just now want to know who met with the person who was being allowed in. The time and date of such health care meetings, and who, from the administration and from the outside groups was in attendance; written materials memorializing any agreements made during the meetings with administration officials and provided to outside participants; finally, number six, any paper or electronic communication, including emails in the possession of the Secretary of Health and Human Services or the staff of Health and Human Services, between



HHS and the health industry in regard to health reform negotiations or the White House deals.

That's what I will get. I asked for more than I actually will receive. What I will not get are written notes made by a stenographer or other note-taker of meetings with White House officials and/or outside groups memorializing discussions or agreements; number two, I will not get written material summarizing negotiations or agreements made with administration officials and outside groups and possessed by the Secretary of Health and Human Services or other officials within the Department of Health and Human Services; I will not get written material memorializing discussions between the President, his senior advisers and those in attendance written for the President and not provided to outside groups; and number four, I will not get internal emails within Health and Human Services and all agencies regarding the possible implementation of policies discussed at White House meetings in regard to health reform.

So those are some significant omissions. But the six things will be requested of the White House by the chairman, and for that we are very grateful. Of course, the White House will assert, if any of these other four had been included in that list, the White House would assert executive privilege and it likely would lead to a court fight, and likely the White House's assertion of executive privilege would be upheld.

But I will say one thing. It has certainly shown me some of the items that, in fact, I should be allowed to see occur because they are communications at the level of the Federal agency. Internal communications of the White House and internal communications between the President's advisers are not, are not going to be made available because that's White House executive privilege.

We've had the interposition of multiple czars this past year. Well, every Presidential administration has had czars. We've certainly seen a great number of those positions now come into being, and because of the position of the White House czar, those emails between the health care czar and the President's Chief of Staff, for example, the health care czar and anyone else in the President's inner circle, those emails are protected under executive privilege, so having the czar in the White House is another way of helping to keep that information from public view.

Information that comes from the Secretary of Health and Human Services through the Federal agency, that information is information that I was allowed to request. But information from the health care czar to the White House Chief of Staff is information that I will not receive. And that is a

shame because I really believe that within those communications, within those communications is really where these deals would occur.

But at least with the six things that are going to be allowed, at least with getting that information out into the open, certainly provides some additional places for, if the press is at all curious about this—they may not be, they have been relatively incurious about many of these aspects through the course of this last year. But if there is any curiosity on the part of the fourth estate, this will perhaps give them some direction to go into where they might inquire further to get additional information. It's an honest attempt to understand the deals that were made.

I'm a member of the American Medical Association. I pay my dues every year. I have to admit I was somewhat surprised when the AMA agreed to endorse the bill when it included none, none, zero, none of their top priorities. It didn't include anything about tort reform in the bill. It didn't include anything about SGR or physician payment reform. It didn't include anything about the ability of physicians to get together and negotiate price. None of that was included in the bills that we saw, and yet the AMA endorsed H.R. 3200 before it ever got to our committee for a markup.

What was in it for them? Why would they do this when their top issues were not included in the bill? That is something as an AMA member, not as a Member of Congress necessarily, but as an AMA member, I would like to know.

Last Monday, the President said: I didn't make a bunch of deals. Now, this claim contradicts everything that has been reported. If he didn't, somebody did. Who did? And again, on whose behalf and under what authority? There is nothing inherently wrong with the President engaging in such an important topic or encouraging groups to act in the best interest of the public. There is nothing wrong with the groups acting in their own self-interest or the self-interest of the members of their industry. But we don't know if the deals struck were in the best interest of the public. We don't know if the deals that were sealed were the best deals for the American people.

The American people certainly don't know because they were completely shut out of the process. Now, these questions will linger over my Committee of Energy and Commerce and the Senate Finance Committee. Indeed, this very House will have the specter of those questions lingering until we fill in its history. And it's really as simple as that. So my resolution of inquiry last week was simply to fill in a few of those pages in the historical record which otherwise are going to be lost to the sands of time.

Let me reiterate, this is not about the groups included in the resolution. I

know there are plenty of people on both sides who like to beat up on any number of people who are part of the six groups. There are people who like to beat up on unions. There are people who like to beat up on drug companies. This isn't about—this isn't about any of the people who responded to the President's call and went down to the White House that day to work for, arguably, what would be a good thing in reforming some aspects of our Nation's health care system.

The problem is that the American people didn't get to see what it was they had on the table, what the offers were, what the counteroffers were, what wasn't offered, and who agreed to what, who was on the side of the people and who was on the side of the special interests. As the President said, we didn't get to see that.

As it stands now, I asked, I want to know what the White House negotiated, with whom, and on what terms. I want to know how those deals influenced the legislative process. Certainly, there were several times where we bumped up against it. Certainly, the Senate Finance Committee did, and they were told, Hold on, you can't do that. We've got a deal. But did it also influence the legislative process when my amendments and GREG WALDEN's amendments were stripped out of the committee-passed bill and were stripped out of the Speaker's office never to see the light of day? So was that part of the legislative process influenced by those deals? We will never know if we don't get that information.

And I want to know why a President who committed himself to transparency feels really no need to heed requests for transparency by the committee; why the President who ran on transparency feels no need to heed a request for documents by an elected Member of Congress, why they think it is okay to just simply not respond to a letter, ignore it, and we hope it goes away.

Now, last week, the President, on one of the interviews, said that his lack of transparency was "a mistake." If true, if he feels it is a mistake, he can correct the mistake. It's not too late. He can correct the mistake by turning over the information requested, and, in fact, turning over all of the information, saying, Do you know what? We are not going to hide behind executive privilege here. If there is an e-mail between my Chief of Staff and the health care czar that you think is important, we're willing to let you see that as well. We're willing to let the American people see that, because we have nothing to hide.

If they don't do that, what are we left to surmise? That they've got something to hide. And what would they have to hide? I don't know. Here the fantasy can become worse than the reality. It would be better for the White

House to provide this information. Again, the truth, the truth will, in all likelihood, be much less significant than what each of us will be left to imagine on our own if we are not provided that information.

Now, to fully understand the policy choices going forward, we need to know what took place at the White House last year. I can't say it enough. I can't say it in enough different ways. The American people expect us to act in their interest rather than protect the business interests of those currying favor in Washington. We hear that all the time. In fact, we hear this President say that lobbyists won't have any access to his administration, and then we have secret deals with six groups that play a big role, a big role, in the cost of delivering health care in this country, and we don't get to see that.

If any member of those six groups down at the White House sought protections or made unreciprocated concessions to Washington politicians, I think the American people deserve to know. The American people would likely want to know that information. These negotiations may have produced consensus on policy changes that are proper and needed, but we will never be certain until the facts are known. And if the facts aren't known, then the reality is not known. And if the reality is not known, then the fantasy becomes the reality, the worst excess that you could imagine is probably what happened; otherwise, they would open the books and tell us.

Now, I will just leave you with the same thought one last time about the promises made during the Presidential campaign and after about how this process would be an open process, how this process would be an inclusive process, and inclusive not just to Members of Congress on both sides of the aisle, which it has not been, but an inclusive process that would include the American people; because, after all, these decisions on health care, yeah, they're tough, yeah, there are going to be likely some winners and losers in whatever is finally crafted by the House and Senate, but it's going to affect the delivery of health care. It's going to affect the life of every doctor, nurse, hospital administrator, every mother, father, child, every husband, wife, every citizen of the United States, not just next year, not just the year after that, and not just the year after that, but for the next three generations; how health care is delivered in the country, who gets what, who pays for it, when it's administered, who can't get what they need. All of that is going to be governed by language in this legislation.

And if there were outside influences on crafting that language in this legislation, we need to know about that be-

cause, otherwise, we don't know the questions to ask. We don't know whether to embrace or reject the legislation, because we simply don't know who, what, and where was involved in the process. And as a consequence, it makes it impossible, literally impossible, to evaluate the worth of this legislation.

So here we sit, on Groundhog Day, sort of revisiting what happened over the last year with health care reform. On February 2 of 2010, the passage of a comprehensive health care bill looks as unlikely as at any time in our history past of this Congress. A year ago, it looked like a certainty. Today, it looks extremely problematic.

□ 2145

And what is the one thing that could have given us a better bill, given us a better process, given people some reason to be behind this legislation that Congress is considering?

The one thing that could have happened that didn't was opening the process up, turning on the C-SPAN cameras, inviting them in to that big conference table in the Speaker's office or that big conference table in the majority leader's office over in the Senate, or that big conference table down in the Cabinet room at the White House. Turn those cameras on, let the American people see who was around that table, who was willing to talk, who was willing to give, who was only willing to get. That would bring powerful information to provide to the American people.

The President could have recruited, could have recruited from the American people, folks who like this legislation who would then ask for it. But, instead, they pushed everyone away, pushed them away from the table, turned off the camera, turned off the lights. "Don't look at the man behind the curtain. We know what is best for you. This bill will be good for you. Trust us. You will like this bill once we get it passed." Well, that is nonsense. The American people know that is nonsense.

Turn on the lights, turn on C-SPAN, let the people in, and let's give this bill the full public airing that it has deserved.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today on account of business in the district.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of business in the district.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of being unavoidably detained in Kansas.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. EHLERS (at the request of Mr. BOEHNER) for today on account of a family member's medical emergency.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, February 3, 4, and 9.

Mr. JONES, for 5 minutes, February 3, 4, and 9.

Mr. MORAN of Kansas, for 5 minutes, February 3, 4, and 9.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and February 3 and 4.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, February 3.

#### BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on January 29, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4508. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 3, 2010, at 10 a.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the first, second, third, and fourth quarters of 2009 pursuant to Public Law 95-384 are as follows:

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee           | Date    |           | Country      | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--------------------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                      | Arrival | Departure |              | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Stephen Elmore .....                 | 11/6    | 11/15     | Kenya .....  |                       | 1,344.00   |                  | 9,367.10   |                  |  |                  | 10,711.10  |
| Jeffrey Holland (CBO Detailee) ..... | 11/6    | 11/17     | Kenya .....  |                       | 1,344.00   |                  | 8,073.10   |                  |  |                  | 9,417.10   |
| Hon. Cynthia M. Lummis .....         | 11/24   | 11/27     | Kuwait ..... |                       | 159.00   |                  | 7,138.60   |                  |  |                  | 7,297.60   |
| Committee total .....                |         |           |              |                       | 2,847.00   |                  | 24,578.80  |                  |  |                  | 27,425.80  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, Jr., Chairman, Jan. 26, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee      | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|---------------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                 | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Daniel McGlinchey .....         | 10/2    | 10/7      | Turkey .....               |                       | 2,960.45   |                  | 8,244.60   |                  |  |                  |  |
| Sabahat Qamar .....             | 10/2    | 10/7      | Turkey .....               |                       | 2,960.45   |                  | 8,244.60   |                  |  |                  |  |
| Joseph Pinder .....             | 10/2    | 10/7      | Turkey .....               |                       | 2,960.00   |                  | 8,244.50   |                  |  |                  |  |
| Hon. Christopher John Lee ..... | 10/30   | 10/31     | United Arab Emirates ..... |                       | 484.30   |                  | 8,149.10   |                  |  |                  |  |
| Hon. Christopher John Lee ..... | 10/31   | 11/1      | Afghanistan .....          |                       | 15.00  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Hon. Christopher John Lee ..... | 11/1    | 11/2      | UAE .....                  |                       | 193.00   |                  |  |                  |  |                  |  |
| Hon. Erik Paulsen .....         | 12/12   | 12/14     | Kuwait .....               |                       | 448.00   |                  | 7,138.60   |                  |  |                  |  |
| Hon. Erik Paulsen .....         | 12/13   | 12/14     | Iraq .....                 |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Hon. Randy Neugebauer .....     | 12/4    | 12/5      | Kuwait .....               |                       | 466.00   |                  | 7,138.60   |                  |  |                  |  |
| Hon. Randy Neugebauer .....     | 12/5    | 12/7      | Afghanistan .....          |                       | 78.00  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Hon. Tom Price .....            | 11/25   | 11/26     | UAE .....                  |                       | 505.00   |                  | 9,463.50   |                  |  |                  |  |
| Hon. Tom Price .....            | 11/26   | 11/27     | Afghanistan .....          |                       | 28.00  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Hon. Tom Price .....            | 11/27   | 11/29     | Pakistan .....             |                       | 76.00  |                  | 438.60   |                  |  |                  |  |
| Committee total .....           |         |           |                            |                       |  |                  |  |                  |  |                  |  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. BARNEY FRANK, Chairman, Jan. 20, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date    |           | Country         | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|-----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                 | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Bradley W. Smith .....     | 11/9    | 11/14     | Macedonia ..... |                       | 1,000.00   |                  | 9,059.20   |                  | 480.00   |                  | 10,539.20  |
|                            | 11/14   | 11/15     | Vienna .....    |                       | 424.00   |                  |  |                  | 188.00   |                  | 612.00   |
| Bradley W. Smith .....     | 11/21   | 11/30     | Kenya .....     |                       | 2,503.01   |                  | 8,033.10   |                  | 1,125.45   |                  | 11,661.56  |
| Committee total .....      |         |           |                 |                       | 3,927.01   |                  | 17,092.30  |                  | 1,793.45   |                  | 22,812.76  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LOUISE M. SLAUGHTER, Jan. 19, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairman, Jan. 16, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALI BRODSKY.

February 2, 2010

## CONGRESSIONAL RECORD—HOUSE, Vol. 156, Pt. 1

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2009

| Name of Member or employee | Date    |           | Country       | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |               | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Harlon Watson .....        | 5/31    | 6/13      | Germany ..... |                       | 4,294.00   |                  | 7,584.35   |                  |  |                  | 11,878.35  |
| Harlon Watson .....        | 3/27    | 4/9       | Germany ..... |                       | 2,160.00   |                  | 7,584.64   |                  |  |                  | 9,744.64   |
| Committee total .....      |         |           |               |                       | 6,454.00   |                  | 15,168.99  |                  |  |                  | 21,622.99  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALI BRODSKY.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

| Name of Member or employee | Date    |           | Country       | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |               | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Barton Forsyth .....       | 8/2     | 8/9       | China .....   |                       | 1,534.97   |                  | 11,931.87  |                  |  |                  | 13,466.84  |
| Harlon Watson .....        | 8/8     | 8/22      | Germany ..... |                       | 3,377.58   |                  | 7,605.50   |                  |  |                  | 10,983.08  |
| Committee total .....      |         |           |               |                       | 4,912.55   |                  | 19,537.37  |                  |  |                  | 24,449.92  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALI BRODSKY

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee  | Date    |           | Country        | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-----------------------------|---------|-----------|----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                             | Arrival | Departure |                | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Harlon Watson .....         | 10/31   | 11/8      | Spain .....    |                       | 3,845.00   |                  | 8,690.20   |                  |  |                  | 12,535.00  |
| Joel Beauvais .....         | 11/1    | 11/8      | Spain .....    |                       | 3,605.00   |                  | 5,937.20   |                  |  |                  | 9,542.00   |
| Harlon Watson .....         | 9/25    | 10/11     | Thailand ..... |                       | 1,876.00   |                  | 8,623.30   |                  |  |                  | 10,499.00  |
| Michael Goo .....           | 9/25    | 10/11     | Thailand ..... |                       | 1,876.00   |                  | 4,388.10   |                  |  |                  | 6,264.00   |
| Hon. Edward J. Markey ..... | 10/23   | 10/25     | Denmark .....  |                       | 1,026.00   |                  | 8,961.00   |                  |  |                  | 9,987.80   |
| Gerard Waldron .....        | 10/23   | 10/25     | Denmark .....  |                       | 1,026.00   |                  | 8,961.00   |                  |  |                  | 9,987.80   |
| Gerard Waldron .....        | 12/16   | 12/20     | Denmark .....  |                       | 892.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 892.00   |
| Hon. Edward J. Markey ..... | 12/16   | 12/20     | Denmark .....  |                       | 892.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 892.00   |
| Jeff Duncan .....           | 12/16   | 12/20     | Denmark .....  |                       | 892.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 892.00   |
| Ana Unruh Cohen .....       | 12/14   | 12/20     | Denmark .....  |                       | 1,115.00   |                  | 8,325.00   |                  |  |                  | 9,440.00   |
| Harlon Watson .....         | 12/6    | 12/20     | Denmark .....  |                       | 3,122.00   |                  | 6,720.00   |                  |  |                  | 9,842.00   |
| Joel Beauvais .....         | 12/10   | 12/20     | Denmark .....  |                       | 2,230.00   |                  | 8,983.20   |                  |  |                  | 11,213.20  |
| Michael Goo .....           | 12/8    | 12/19     | Denmark .....  |                       | 2,453.00   |                  | 7,456.00   |                  |  |                  | 9,909.00   |
| Barton Forsyth .....        | 12/13   | 12/22     | Denmark .....  |                       | 2,007.00   |                  | 8,983.20   |                  |  |                  | 10,990.20  |
| Thomas Schreible .....      | 12/13   | 12/19     | Denmark .....  |                       | 1,338.00   |                  | 8,018.20   |                  |  |                  | 9,356.10   |
| Elan Burnham-Snyder .....   | 12/16   | 12/20     | Denmark .....  |                       | 892.00   |                  | 10,003.10  |                  |  |                  | 10,895.10  |
| Committee total .....       |         |           |                |                       | 29,087.00  |                  | 104,051.00   |                  |  |                  | 133,138.00   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

ALI BRODSKY.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee   | Date    |           | Country           | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                              | Arrival | Departure |                   | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Alcee L. Hastings ..... | 11/11   | 11/14     | Switzerland ..... |                       | 1,986.18   |                  | 8,198.40   |                  |  |                  | 10,184.58  |
| Alex Johnson .....           | 11/10   | 11/15     | Switzerland ..... |                       | 3,310.00   |                  | 6,109.60   |                  |  |                  | 9,419.60   |
| Committee total .....        |         |           |                   |                       | 5,296.18   |                  | 14,308.00  |                  |  |                  | 19,604.18  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, Jan. 27, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2009

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHARLES B. RANGEL, Jan 21, 2010.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5872. A letter from the Director, Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Electric Program: Definition of Rural Area (RIN: 0572-AC15) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5873. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Veterinary Accreditation Program [Docket No.: APHIS-2006-0093] (RIN: 0579-AC04) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5874. A letter from the NRCS Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Compliance With NEPA (RIN: 0578-AA55) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5875. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Supplemental Revenue Assistance Payments Program (RIN: 0560-AH90) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5876. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Paracoccus Pigment [Docket No.: FDA-2007-C-0456] (formerly Docket No.: 2007-C-0245) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5877. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC51) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5878. A communication from the President of the United States, transmitting the Budget of the United States Government for Fiscal Year 2011, pursuant to 31 U.S.C. 1105(a); (H. Doc. No. 111—82); to the Committee on Appropriations and ordered to be printed.

5879. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Prepaid Assessments (RIN: 3064-AD51) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5880. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action; Amended Definition of Post-Merger Net Worth (RIN: 3133-AD43) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5881. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal

Credit Unions; Underserved Areas (IRPS 08-2) (RIN: 3133-AD48) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5882. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — National Credit Union Share Insurance Fund Premium and One Percent Deposit (RIN: 3133-AD63) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5883. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — USERRA Benefits Under Title IV of ERISA (RIN: 1212-AB19) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5884. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5885. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Limitations on Guaranteed Benefits; Maximum Guaranteeable Benefit received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5886. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5887. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Current Good Manufacturing Practice for Positron Emission Tomography Drugs [Docket No.: FDA-2004-N-0449] (formerly Docket No.: 2004N-0439) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5888. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act [Docket No.: RM09-21-000; Order No. 731] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5889. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-292, "Advisory Neighborhood Commission Vacancy Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5890. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-296, "Hospital and Medical Services Corporation Regulatory Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5891. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-295, "High Technology Commercial Real Estate Database

and Service Providers Tax Abatement Act of 2010"; to the Committee on Oversight and Government Reform.

5892. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-302, "Anacostia River Clean Up and Protection Clarification Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5893. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-301, "Unauthorized Contract Stop Payment Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

5894. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-299, "Abe Pollin City Title Championship and Title Trophy Designation Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

5895. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-298, "Prevention of Child Abuse and Neglect Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

5896. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-297, "Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Temporary Approval Act of 2010"; to the Committee on Oversight and Government Reform.

5897. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-291, "Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010"; to the Committee on Oversight and Government Reform.

5898. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-290, "Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Act of 2010"; to the Committee on Oversight and Government Reform.

5899. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-289, "51st State Commission Establishment Act of 2010"; to the Committee on Oversight and Government Reform.

5900. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-288, "State Board of Education License Plate Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5901. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-287, "WMATA Compact Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5902. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-300, "Executive Grant-Making Authority Limitation Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

5903. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-286, "Heights on Georgia Avenue Tax Exemption Act of 2010"; to the Committee on Oversight and Government Reform.

5904. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-293, "District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5905. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-294, "Arthur Capper/Carrollburg Public Improvements Revenue Bonds Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

5906. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications and Management Measures for Petrale Sole [Docket No.: 0907301200-91412-03] (RIN: 0648-AY07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5907. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Winter II Period [Docket No.: 0809251266-81485-02] (RIN: 0648-XS93) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5908. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 090206144 9697 02] (RIN: 0648-XS73) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5909. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Longline and Purse Seine Fisheries in the Eastern Pacific Ocean in 2009, 2010, and 2011 [Docket No.: 0907231161-91189-01] (RIN: 0648-AY08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5910. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery [Docket No.: 080225267-91393-03] (RIN: 0648-AW49) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5911. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-groupers Fishery of the South Atlantic; Closure of the 2009-2010 Commercial Fishery for Black Sea Bass in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-SX56) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5912. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas [080724902-91404-02] (RIN: 0648-AX07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5913. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Clemente Island Northwest Harbor December and January Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0921] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by de Havilland, Inc.) Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0785; Directorate Identifier 2009-NM-125-AD; Amendment 39-16163; AD 2010-01-06] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes [Docket No.: FAA-2007-0186; Directorate Identifier 2007-NM-226-AD; Amendment 39-16156; AD 2009-26-17] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Riverton, WY [Docket No.: FAA-2009-0704; Airspace Docket No. 09-ANM-9] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Modification of Class E Airspace; Bishop, CA [Docket No. FAA-2009-0695; Airspace Docket No. 09-AWP-7] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; St. Louis, MO [Docket No.: FAA-2009-0543; Airspace Docket No. 09-ACE-9] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; West Branch, MI [Docket No.: FAA-2009-0696; Airspace Docket No. 09-AGL-18] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Albany, TX [Docket No.: FAA-2009-0631; Airspace Docket No. 09-ASW-19] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Red Oak, IA [Docket No.: FAA-2009-0801; Airspace Docket No. 09-ACE-11] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5923. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Qualification and Certifications of Locomotive Engineers; Miscellaneous Revisions [Docket No.: FRA-2008-0091, Notice No. 4] (RIN: 2130-AB95) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Altus, OK [Docket No.: FAA-2009-0540; Airspace Docket No. 09-ASW-17] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5925. A letter from the Senior Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Passenger Equipment Safety Standards; Front End Strength of Cab Cars and Multiple-Unit Locomotives [Docket No.: FRA-2006-25268, Notice No. 2] (RIN: 2130-AB80) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5926. A letter from the Lead Aerospace Engineer (Structures), Office of Aviation Safety, National Transportation Safety Board, transmitting the Board's final rule — Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5927. A letter from the Branch Chief, Border Security Regulations, Bureau of Customs and Border Protection, transmitting the Bureau's final rule — Importer Security Filing and Additional Carrier Requirements; Correction [Docket Number: USCBP-2007-0077] (RIN: 1651-AA70) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5928. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Temporary Rules Allowing Governmental Issuers to Purchase and Hold Their Own Tax-Exempt Bonds [Notice 2010-7] received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5929. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Arbitrage Treatment of Certain Guarantee Funds [Notice 2010-5] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5930. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2009 Cumulative List of Changes in Plan Qualification Requirements [Notice 2009-98]

received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5931. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Deadline to Adopt Certain Retirement Plan Amendments [Notice 2009-97] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5932. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 382 to Corporations Whose Instruments are Acquired and Disposed of by the Treasury Department Under Certain Programs Pursuant to the Emergency Economic Stabilization Act of 2008 [Notice 2010-2] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5933. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Sec. 409(a) to Changes to Nonqualified Deferred Compensation Plans to Comply with an Advisory Opinion of the Office of the Special Master for TARP Executive Compensation [Notice 2009-92] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 1051. Resolution providing for consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes (Rept. 111-410). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MURPHY of Connecticut (for himself, Ms. SUTTON, Mr. SCHAUER, and Mr. LIPINSKI):

H.R. 4553. A bill to amend the Buy American Act with respect to certain waivers under that Act, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts (for himself, Mr. WELCH, Mr. ELLISON, Mr. MICHAUD, Ms. FUDGE, Mr. HINCHEY, Mr. MCGOVERN, Mr. MCMAHON, Mr. CAPUANO, Mr. DOYLE, Mr. SERRANO, Mr. CARNAHAN, Mr. HALL of New York, Mr. HODES, Mr. BOUCHER, Ms. SHEA-PORTER, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Ms. SUTTON, Ms. PINGREE of Maine, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. LYNCH, Mr. ENGEL, and Mr. LOEBSACK):

H.R. 4554. A bill to reauthorize the Low-Income Home Energy Assistance Program for fiscal years 2011 through 2014, and for other

purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. STUPAK, Mr. DINGELL, Mr. JONES, Mr. SHULER, Mr. PRICE of North Carolina, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. KISSELL, Mr. ISRAEL, Mr. MASSA, Mr. ROTHMAN of New Jersey, Mr. KAGEN, Mr. TEAGUE, Mr. AL GREEN of Texas, Mr. HODES, Ms. JACKSON LEE of Texas, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, and Mr. GRIJALVA):

H.R. 4555. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. SHIMKUS, Mr. LEWIS of California, Mr. CALVERT, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. CAO, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. BOREN, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. WITTMAN, Mr. PAULSEN, Mr. WILSON of South Carolina, Mr. BOEHNER, Mr. POE of Texas, Mr. SHUSTER, Mrs. BLACKBURN, Mr. BRIGHT, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. ALEXANDER, Mr. GRIFFITH, Mr. MCHENRY, Mrs. CAPITO, Mr. ALTMIRE, Mr. LAMBORN, Mrs. SCHMIDT, Mr. PITTS, Mr. SULLIVAN, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. COFFMAN of Colorado, Mr. BOOZMAN, Mr. KING of New York, Mr. SMITH of New Jersey, and Mr. LANCE):

H.R. 4556. A bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 4557. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that schools have physical education programs that meet minimum requirements for physical education; to the Committee on Education and Labor.

By Mr. HOEKSTRA (for himself and Mr. CAMP):

H.R. 4558. A bill to designate as wilderness certain lands and inland waters within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Natural Resources.

By Mr. KISSELL (for himself, Mr. MEEKS of New York, Ms. FUDGE, Mrs. MALONEY, Ms. JACKSON LEE of Texas, Ms. GIFFORDS, Mr. MASSA, Ms. KILPATRICK of Michigan, Mr. OWENS, Mr. MCMAHON, and Ms. PINGREE of Maine):

H.R. 4559. A bill to establish a commission to review benefits provided by each State to disabled veterans; to the Committee on Veterans' Affairs.

By Mr. KRATOVIL:

H.R. 4560. A bill to amend title 31, United States Code, to increase transparency and accountability for earmarks, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to provide a limited exclusion from gross income for the discharge of indebtedness of individuals; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 4562. A bill to amend the Internal Revenue Code of 1986 to allow a temporary deduction for interest on unsecured credit card debt; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 4563. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. STARK, Ms. MOORE of Wisconsin, Ms. CHU, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. MEEK of Florida, and Mr. PASCRELL):

H.R. 4564. A bill to extend for 1 year the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. TEAGUE, Mr. ARCURI, and Mr. MINNICK):

H.R. 4565. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mr. HERGER, Mr. TIAHRT, Mr. LANCE, Mr. JONES, Mr. GARRETT of New Jersey, Ms. JENKINS, Mr. PAUL, Mr. CASTLE, and Mr. LAMBORN):

H.R. 4566. A bill to terminate authority under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mr. COOPER, Ms. DELAUNO, Mr. DICKS, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. KISSELL, Ms. LEE of California, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. WOOLSEY, and Mr. WU):

H.R. 4567. A bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. PASCRELL, and Mr. PLATTS):

H.R. 4568. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to carry out a pilot program under



which the Secretaries make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4569. A bill to amend the United States Housing Act of 1937 relating to the amount of rental assistance available under the veterans affairs supported housing program; to the Committee on Financial Services.

By Mr. SESTAK:

H.R. 4570. A bill to reauthorize the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4571. A bill to amend title 38, United States Code, to provide for an increase in the amount available for reimbursements payable by the Secretary of Veterans Affairs to State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.R. 4572. A bill to amend the Clean Air Act relating to greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. PAYNE, Ms. LEE of California, Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Mr. COHEN, Ms. PINGREE of Maine, Ms. CLARKE, Mr. HONDA, Mr. RANGEL, Mr. CONYERS, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. FILNER, Mr. McDERMOTT, Ms. FUDGE, Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. TOWNS, Mr. FATTAH, Mr. SERRANO, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Mr. KUCINICH, and Mr. FARR):

H.R. 4573. A bill to direct the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes; to the Committee on Financial Services.

By Mr. WU:

H.R. 4574. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. WU:

H.R. 4575. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4576. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to

protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

By Ms. EDWARDS of Maryland (for herself and Mr. CONYERS):

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States permitting Congress and the States to regulate the expenditure of funds by corporations engaging in political speech; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. BONNER):

H. Res. 1050. A resolution providing amounts for further expenses of the Committee on Standards of Official Conduct in the One Hundred Eleventh Congress; to the Committee on House Administration; considered and agreed to.

By Mr. BOREN (for himself, Ms. FALLIN, Mr. COLE, Mr. SULLIVAN, and Mr. LUCAS):

H. Res. 1052. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; to the Committee on Armed Services.

By Mrs. DAHLKEMPER:

H. Res. 1053. A resolution recognizing that women are equally affected by colon cancer; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama:

H. Res. 1054. A resolution commending and congratulating the University of West Alabama on the occasion of its 175th anniversary; to the Committee on Education and Labor.

By Mr. DOYLE (for himself, Mr. GINGREY of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. SHUSTER, Mr. MCGOVERN, Mr. MOLLOHAN, Mr. BARTON of Texas, Mr. ALTMIRE, Mr. MCNERNEY, Mr. SESTAK, Mr. WITTMAN, Ms. BALDWIN, Ms. WATSON, Mrs. DAHLKEMPER, Mr. CAPUANO, Mr. GRIFFITH, and Mr. BISHOP of Georgia):

H. Res. 1055. A resolution supporting the designation of National Robotics Week as an annual event; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. FALEOMAVAEGA):

H. Res. 1056. A resolution expressing support for designation of April as National Limb Loss Awareness Month; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BARTON of Texas, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURGESS, Mr. CARTER, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONAWAY, Mr. CONYERS, Mr. CUELLAR, Mr. DAVIS of Illinois, Ms. FUDGE, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. SAM JOHNSON of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. MARCHANT, Mr. MCCAUL, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MINNICK, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. NEUGEBAUER,

Ms. NORTON, Mr. OLSON, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PAUL, Mr. PAYNE, Mr. POE of Texas, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. RUSH, Mr. SCHIFF, Mr. SESSIONS, Mr. SMITH of Texas, Mr. YOUNG of Alaska, and Ms. WATSON):

H. Res. 1057. A resolution recognizing the National Basketball Association's (NBA) All-Star Game in the Greater Dallas Metroplex; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Ms. SPEIER, Ms. NORTON, and Ms. JACKSON LEE of Texas):

H. Res. 1058. A resolution honoring and praising the Sojourn to the Past organization on the occasion of its 10th anniversary; to the Committee on Education and Labor.

By Mr. MCMAHON (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. CLARKE, Mr. ACKERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. MEEKS of New York, Ms. WATSON, Mr. CROWLEY, Mr. KLEIN of Florida, Mr. CONNOLLY of Virginia, Mr. WOLF, Mr. ROHR-ABACHER, Mr. BROWN of Georgia, Ms. RICHARDSON, Mr. HIGGINS, Mr. OWENS, Mr. SIRE, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. BARROW, Mrs. DAHLKEMPER, Mr. COURTNEY, Mr. HEINRICH, Mrs. HALVORSON, Mr. HARE, Mr. LEE of New York, Mr. BOCCIERI, Mr. WALZ, Mr. ADLER of New Jersey, Mr. TONKO, Mr. HIMES, Mr. NADLER of New York, Mr. WU, Mr. TEAGUE, Ms. PINGREE of Maine, Mr. KISSELL, Ms. TSONGAS, Mr. WEINER, Mr. SERRANO, Mr. ISRAEL, Ms. KILROY, Mr. RYAN of Wisconsin, Ms. KOSMAS, Mr. BRALEY of Iowa, Ms. MARKEY of Colorado, Mrs. LOWEY, Mr. POLIS of Colorado, and Ms. DEGETTE):

H. Res. 1059. A resolution honoring the heroism of the seven United States Agency for International Development and Office of U.S. Foreign Disaster Assistance supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010 Haitian earthquake; to the Committee on Foreign Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. FALEOMAVAEGA, and Mr. BARRETT of South Carolina):

H. Res. 1060. A resolution congratulating Frank Buckles, America's last surviving WWI veteran, on his 109th birthday on February 1, 2010; to the Committee on Veterans' Affairs.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 1061. A resolution honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. "Joe" Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. JOHNSON of Georgia.  
 H.R. 208: Mr. AUSTRIA.  
 H.R. 272: Mr. CASTLE.  
 H.R. 305: Mr. KISSELL.  
 H.R. 333: Mr. BOUSTANY and Mr. McCOTTER.  
 H.R. 345: Mr. CALVERT.  
 H.R. 422: Mr. POMEROY.  
 H.R. 442: Mr. BONNER, Mr. COSTELLO, Mr. INGLIS, Mr. OWENS, Mr. LATOURETTE, and Ms. GIFFORDS.  
 H.R. 476: Mrs. NAPOLITANO and Ms. CHU.  
 H.R. 482: Mr. HODES and Mr. FALEOMAVAEGA.  
 H.R. 503: Mr. SIRE.  
 H.R. 519: Mr. GRIJALVA.  
 H.R. 634: Mr. MELANCON.  
 H.R. 635: Mr. ELLISON.  
 H.R. 690: Mr. PETRI, Mr. RODRIGUEZ, and Mr. PAYNE.  
 H.R. 734: Mr. HONDA, Mr. SHIMKUS, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. BROWN of South Carolina, and Mr. MOORE of Kansas.  
 H.R. 745: Mr. ROSS.  
 H.R. 775: Mr. COBLE.  
 H.R. 832: Ms. HIRONO.  
 H.R. 878: Mr. GRIFFITH and Ms. FOXX.  
 H.R. 1074: Mr. LATOURETTE, Mr. INGLIS, and Mr. BONNER.  
 H.R. 1083: Mr. FLEMING.  
 H.R. 1126: Mr. FRANK of Massachusetts.  
 H.R. 1177: Mr. MASSA.  
 H.R. 1179: Mr. ROSS and Mr. McCOTTER.  
 H.R. 1215: Mr. SESTAK.  
 H.R. 1240: Mr. SCOTT of Virginia.  
 H.R. 1310: Mr. LANCE.  
 H.R. 1326: Mr. KISSELL.  
 H.R. 1347: Mr. CUMMINGS.  
 H.R. 1362: Mr. THORNBERRY.  
 H.R. 1526: Mr. MURPHY of Connecticut, Mr. MELANCON, and Mr. POLIS.  
 H.R. 1552: Mrs. BONO MACK, Ms. RICHARDSON, Mr. CARNAHAN, and Mr. DUNCAN.  
 H.R. 1557: Mr. MEEK of Florida, Ms. MARKEY of Colorado, and Mr. TIM MURPHY of Pennsylvania.  
 H.R. 1693: Ms. LINDA T. SÁNCHEZ of California.  
 H.R. 1778: Mr. AL GREEN of Texas and Ms. PINGREE of Maine.  
 H.R. 1806: Mr. ROONEY and Mr. MCINTYRE.  
 H.R. 1884: Ms. LINDA T. SÁNCHEZ of California, Mr. WALZ, and Mrs. HALVORSON.  
 H.R. 1895: Mrs. CAPPS.  
 H.R. 2016: Mr. HONDA, Mr. PAUL, Mr. GUTIERREZ, and Mrs. CAPPS.  
 H.R. 2054: Mr. FRANK of Massachusetts.  
 H.R. 2057: Mr. CAO and Mr. THOMPSON of Mississippi.  
 H.R. 2067: Mr. McMAHON and Mr. CLAY.  
 H.R. 2084: Mr. MAFFEL.  
 H.R. 2085: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 2089: Mr. SNYDER, Mr. KAGEN, Mr. GRIJALVA, Ms. WATSON, and Ms. BERKLEY.  
 H.R. 2122: Mr. YOUNG of Alaska.  
 H.R. 2138: Ms. JACKSON LEE of Texas.  
 H.R. 2142: Mr. MURPHY of New York and Mr. QUIGLEY.  
 H.R. 2254: Mr. STUPAK, Mrs. CAPPS, Mr. GARRETT of New Jersey, Mr. BARTLETT, Mr. DONNELLY of Indiana, and Mr. SOUDER.  
 H.R. 2296: Mr. LATOURETTE and Mr. WOLF.  
 H.R. 2342: Mr. McCOTTER.  
 H.R. 2360: Ms. HERSETH SANDLIN and Mr. THOMPSON of California.  
 H.R. 2408: Mr. HASTINGS of Florida.  
 H.R. 2415: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2416: Mr. PATRICK J. MURPHY of Pennsylvania.  
 H.R. 2443: Mr. DEFazio.  
 H.R. 2478: Mr. CONAWAY and Mr. ROGERS of Michigan.  
 H.R. 2521: Mr. TIERNEY.  
 H.R. 2528: Mr. STUPAK.  
 H.R. 2546: Mr. MILLER of Florida, Mr. TANNER, Mr. PASTOR of Arizona, and Mr. WAMP.  
 H.R. 2556: Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. HERGER, and Mr. AKIN.  
 H.R. 2578: Mr. TOWNS.  
 H.R. 2600: Mr. WITTMAN.  
 H.R. 2616: Mr. SESTAK and Mr. AL GREEN of Texas.  
 H.R. 2626: Mr. STUPAK.  
 H.R. 2672: Mr. MILLER of Florida and Mr. ISRAEL.  
 H.R. 2849: Mr. LARSON of Connecticut, Mr. HIMES, Ms. ZOE LOFGREN of California, Ms. RICHARDSON, Mrs. CAPPS, Mr. SHERMAN, Mr. HONDA, Mr. SCHIFF, Mr. FILNER, Mr. BRADY of Pennsylvania, Ms. TITUS, Ms. DELAURO, Mr. FARR, Mr. THOMPSON of California, Ms. LEE of California, Mr. GEORGE MILLER of California, Ms. SPEIER, Mr. BERMAN, Mr. CARDOZA, Mrs. NAPOLITANO, Ms. WATSON, Mr. BLUMENAUER, Ms. CHU, and Ms. MATSUI.  
 H.R. 2941: Mrs. BLACKBURN, Mrs. CAPPS, Mr. TERRY, Ms. SCHWARTZ, Ms. MCCOLLUM, and Mr. HINCHEY.  
 H.R. 3012: Mr. THOMPSON of Mississippi.  
 H.R. 3025: Mr. MURPHY of New York.  
 H.R. 3043: Mr. CARNAHAN, Mr. BLUMENAUER, Mr. MOORE of Kansas, Mr. KISSELL, Mr. HASTINGS of Florida, Mr. ROTHMAN of New Jersey, and Mr. GUTIERREZ.  
 H.R. 3057: Mr. DEFazio.  
 H.R. 3077: Mr. JOHNSON of Illinois, Ms. MOORE of Wisconsin, and Mr. RUSH.  
 H.R. 3101: Mr. PAYNE.  
 H.R. 3212: Mr. LEE of New York.  
 H.R. 3257: Mr. JONES.  
 H.R. 3308: Mr. JONES.  
 H.R. 3431: Mr. CASSIDY.  
 H.R. 3485: Mr. LEE of New York.  
 H.R. 3519: Mr. MORAN of Virginia, Mr. MCGOVERN, and Ms. JENKINS.  
 H.R. 3554: Mr. MCINTYRE and Mr. TONKO.  
 H.R. 3560: Mr. ELLISON.  
 H.R. 3562: Ms. NORTON.  
 H.R. 3652: Mr. BUTTERFIELD.  
 H.R. 3682: Mr. SESTAK.  
 H.R. 3695: Ms. ROS-LEHTINEN and Mr. ROTHMAN of New Jersey.  
 H.R. 3712: Mr. LAMBORN, Mr. LYNCH, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mr. THORNBERRY, Mrs. CAPITO, and Mr. OWENS.  
 H.R. 3715: Mr. CUMMINGS and Mr. OWENS.  
 H.R. 3734: Mr. KLEIN of Florida and Mr. ELLISON.  
 H.R. 3758: Mr. DAVIS of Tennessee and Mr. CHANDLER.  
 H.R. 3764: Mr. PASTOR of Arizona, Mr. GUTIERREZ, and Mr. MORAN of Virginia.  
 H.R. 3777: Ms. SLAUGHTER.  
 H.R. 3790: Mr. ROGERS of Kentucky and Mr. CUMMINGS.  
 H.R. 3926: Mr. TERRY.  
 H.R. 3943: Mr. KING of New York, Mr. EHLERS, and Ms. CHU.  
 H.R. 3974: Mr. SERRANO, Mr. ISRAEL, Ms. BORDALLO, and Mr. HINCHEY.  
 H.R. 4014: Mr. COSTA, Mr. SCHIFF, Mr. MELANCON, and Ms. LINDA T. SÁNCHEZ of California.  
 H.R. 4036: Mr. TONKO, Mr. BISHOP of Georgia, Mr. TOWNS, and Mr. WU.  
 H.R. 4043: Mr. SCHIFF, and Mr. AL GREEN of Texas.  
 H.R. 4051: Mr. CARNEY, Mr. BOUCHER, Mr. KIRK, Mr. RODRIGUEZ, and Mr. PIERLUISI.  
 H.R. 4091: Mr. PASTOR of Arizona.  
 H.R. 4098: Mr. WELCH, Ms. BORDALLO, Mr. MELANCON, Mrs. BLACKBURN, Ms. WATSON, Mr. BARROW, Mr. QUIGLEY, and Mr. FOSTER.

H.R. 4123: Mr. CUMMINGS and Mr. MURPHY of New York.  
 H.R. 4127: Mr. TIAHRT.  
 H.R. 4140: Mr. HINCHEY.  
 H.R. 4149: Mr. AL GREEN of Texas.  
 H.R. 4163: Ms. MOORE of Wisconsin and Mr. AL GREEN of Texas.  
 H.R. 4177: Mr. DAVIS of Alabama.  
 H.R. 4183: Mr. FILNER.  
 H.R. 4196: Mr. AL GREEN of Texas, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. RICHARDSON, and Mr. MASSA.  
 H.R. 4197: Ms. GIFFORDS.  
 H.R. 4202: Mr. HOLT and Mr. FILNER.  
 H.R. 4241: Ms. PINGREE of Maine and Mr. ISRAEL.  
 H.R. 4247: Mr. TONKO, Mr. BISHOP of New York, Ms. WOOLSEY, and Ms. CHU.  
 H.R. 4255: Mr. LANGEVIN, Mr. BOOZMAN, Mr. DENT, Mrs. LOWEY, and Mr. BOSWELL.  
 H.R. 4256: Mr. BLUMENAUER and Mr. HIGGINS.  
 H.R. 4262: Mr. McCAUL, and Mr. YOUNG of Alaska.  
 H.R. 4269: Mr. LEWIS of Georgia, Mr. WEINER, Mr. COHEN, Ms. ZOE LOFGREN of California, and Mr. CUMMINGS.  
 H.R. 4278: Mr. MCGOVERN.  
 H.R. 4279: Mrs. CAPPS, Ms. BORDALLO, Mr. MICHAUD, and Mr. MURPHY of New York.  
 H.R. 4295: Mr. CARNAHAN.  
 H.R. 4296: Mr. MICHAUD, Ms. SHEA-PORTER, Mr. QUIGLEY, and Mr. TOWNS.  
 H.R. 4298: Mr. FARR, Mr. ELLISON, Mr. GRIJALVA, and Mr. GUTIERREZ.  
 H.R. 4321: Mr. BRADY of Pennsylvania.  
 H.R. 4324: Mr. WITTMAN, Mr. COSTA, and Mr. OWENS.  
 H.R. 4343: Mr. GUTIERREZ, Mr. FATTAH, Ms. WATSON, and Ms. RICHARDSON.  
 H.R. 4359: Mr. MASSA and Mr. COSTA.  
 H.R. 4373: Ms. ROS-LEHTINEN.  
 H.R. 4378: Mr. KLEIN of Florida and Mr. GRIJALVA.  
 H.R. 4386: Mr. COHEN, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, and Ms. HIRONO.  
 H.R. 4393: Mr. BACA.  
 H.R. 4394: Mr. WELCH, Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. ELLISON.  
 H.R. 4400: Mr. WELCH, Mr. CALVERT, Mr. MILLER of North Carolina, Mr. MCHENRY, Ms. MCCOLLUM, Mr. JONES, Mr. WATT, and Mr. CARNAHAN.  
 H.R. 4403: Mr. TONKO.  
 H.R. 4404: Mr. PAYNE.  
 H.R. 4405: Mr. WU, Ms. WOOLSEY, Mr. STARK, Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. ESHOO, Mr. MORAN of Virginia, Mr. DEFazio, Ms. CLARKE, and Mr. MCGOVERN.  
 H.R. 4415: Mr. BILBRAY, Mr. DUNCAN, and Mr. YOUNG of Alaska.  
 H.R. 4426: Mr. HOLT.  
 H.R. 4427: Mr. GRIFFITH, Mr. HELLER, and Mr. MASSA.  
 H.R. 4453: Mr. CAMP and Mr. ROE of Tennessee.  
 H.R. 4459: Mr. ALTMIRE.  
 H.R. 4463: Mr. TERRY, Mr. UPTON, and Mr. SCALISE.  
 H.R. 4475: Mr. TEAGUE.  
 H.R. 4490: Mr. LATTI, Mrs. BACHMANN, Mr. GALLEGLY, and Mr. HELLER.  
 H.R. 4496: Mr. MANZULLO.  
 H.R. 4503: Mr. BACHUS.  
 H.R. 4505: Mr. ISRAEL, Mr. OLSON, Mr. NEUGEBAUER, Mr. HALL of New York, and Mr. SMITH of Texas.  
 H.R. 4521: Mrs. CAPPS.  
 H.R. 4522: Mr. MORAN of Virginia, Ms. SHEA-PORTER, Ms. MCCOLLUM, Mr. WALZ, and Mr. WU.  
 H.R. 4527: Ms. SHEA-PORTER and Ms. SUTTON.

H.R. 4530: Mr. HINCHEY, Mr. DELAHUNT, and Mr. QUIGLEY.

H.R. 4534: Mr. JOHNSON of Georgia and Mrs. LOWEY.

H.R. 4537: Mr. WEINER and Mr. THOMPSON of Mississippi.

H.R. 4538: Mr. MCGOVERN, Mr. KAGEN, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. FARR, and Mr. CUMMINGS.

H.R. 4542: Mr. MCMAHON, Mr. LEE of New York, and Mr. BURTON of Indiana.

H.R. 4544: Ms. SHEA-PORTER.

H. Con. Res. 137: Mr. ELLISON and Ms. SPEIER.

H. Con. Res. 170: Mr. MILLER of Florida and Mr. WILSON of South Carolina.

H. Con. Res. 226: Mr. SCHIFF, Mr. MCGOVERN, Ms. BORDALLO, Mr. MILLER of Florida, and Mr. BUYER.

H. Con. Res. 227: Mr. CARDOZA, Ms. CLARKE, Mr. CLAY, Mr. WATT, and Mr. AL GREEN of Texas.

H. Con. Res. 230: Mr. PERLMUTTER and Mr. WILSON of South Carolina.

H. Res. 101: Mr. ELLSWORTH.

H. Res. 111: Mr. LEE of New York and Mr. SABLAN.

H. Res. 267: Ms. ESHOO.

H. Res. 274: Ms. MOORE of Wisconsin.

H. Res. 330: Mr. BISHOP of Georgia, Mr. DONNELLY of Indiana, Mr. MILLER of Florida, Mr. TAYLOR, Mr. DELAHUNT, Mr. WHITFIELD, Mr. ENGEL, Mr. MORAN of Virginia, Mr.

TOWNS, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. SHUSTER, and Mr. BUTTERFIELD.

H. Res. 440: Mr. THOMPSON of Pennsylvania and Mr. KISSELL.

H. Res. 633: Mr. AL GREEN of Texas.

H. Res. 704: Mr. HIGGINS, Mr. ROTHMAN of New Jersey, Mr. GRIFFITH, Mr. DEFazio, Mr. COLE, Mr. LEE of New York, Mr. POLIS of Colorado, and Mr. TONKO.

H. Res. 716: Mrs. MALONEY.

H. Res. 803: Mrs. EMERSON.

H. Res. 847: Mr. DEAL of Georgia.

H. Res. 872: Mr. SMITH of New Jersey, Mr. OLSON, and Mr. MCCOTTER.

H. Res. 898: Mr. HEINRICH.

H. Res. 925: Mr. WU.

H. Res. 929: Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Ms. KILPATRICK of Michigan, Mr. AL GREEN of Texas, and Mr. RUSH.

H. Res. 957: Mr. ETHERIDGE.

H. Res. 959: Mr. MORAN of Kansas.

H. Res. 975: Ms. RICHARDSON.

H. Res. 977: Mr. MILLER of Florida, Mr. BILBRAY, and Mr. BISHOP of Utah.

H. Res. 996: Mr. TONKO, Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. RANGEL, Mr. MCCAUL, Mr. ROTHMAN of New Jersey, Mr. OLVER, Mr. POLIS of Colorado, and Mr. HINCHEY.

H. Res. 1014: Mr. DAVIS of Alabama, Mr. ENGEL, Mrs. LOWEY, Mr. ELLISON, Mr. WILSON of South Carolina, Mr. SMITH of Washington, Mr. SOUDER, Mr. SHERMAN, and Mr. SESSIONS.

H. Res. 1032: Ms. JACKSON LEE of Texas, Ms. WATSON, Mr. AL GREEN of Texas, Mr. CARNAHAN, Mr. INGLIS, Ms. LORETTA SANCHEZ of California, and Mr. SHERMAN.

H. Res. 1034: Mr. GENE GREEN of Texas, Mr. POLIS of Colorado, Mr. ELLISON, Mr. COBLE, and Mr. STEARNS.

H. Res. 1040: Ms. ROS-LEHTINEN, Mr. NYE, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. PERLMUTTER, Mr. MCGOVERN, Mr. PALLONE, Ms. HERSETH SANDLIN, Mr. GRAYSON, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. FARR, Mr. PRICE of North Carolina, Mr. ROTHMAN of New Jersey, Mr. MCNERNEY, Mr. INSLEE, Mr. LARSEN of Washington, Mr. FILLNER, Mr. KIND, Ms. ESHOO, Ms. BALDWIN, Mr. FOSTER, Ms. WOOLSEY, Mr. BAIRD, Mr. ANDREWS, Mr. HONDA, Mrs. DAVIS of California, and Ms. BERKLEY.

H. Res. 1044: Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. FLAKE, Mr. BERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. ELLISON, and Mr. MCCAUL.

H. Res. 1046: Mr. SNYDER, Ms. EDWARDS of Maryland, Mr. BACA, Mr. RANGEL, Mr. HONDA, Mr. WU, Mr. SCOTT of Georgia, Mr. SESTAK, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. DEGETTE, Ms. JACKSON LEE of Texas, Mr. CAO, and Mr. FRANK of Massachusetts.

## EXTENSIONS OF REMARKS

### EARMARK DECLARATION

#### HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Defense Appropriations bill.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Defense Appropriations Bill

Account: Warfighter Sustainment Applied Research

Legal Name of Requesting Entity: Tulane University

Address of Requesting Entity: 6823 St. Charles Avenue, New Orleans, Louisiana 70118

Description of Request: I have secured \$800,000 for Tulane University. It is my understanding that the funding is for Tulane University to work with Xavier University, ONR, and other Department of Defense partners on a biosensors and risk assessment technologies program. Biosensors developed through this program will provide real-time information about the threats from bioterrorism and environmental pollutants, allowing DoD to respond more effectively and at less expense than other analytical methods. I certify that neither I nor my spouse has any financial interest in this project.

### EARMARK DECLARATION

#### HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Defense Appropriations bill.

Requesting Member: Congressman CHRISTOPHER JOHN LEE (NY-26)

Bill Number: H.R. 3326

Account: RDT&E, Army

Legal Name of Requesting Entity: Hauptman Woodward Medical Research Institute (HWI)

Address of Requesting Entity: 700 Ellicott St., Buffalo, NY 14203

Description of Request: Provide an earmark of \$2,000,000 for identification of new drug targets in multi-drug resistant bacteria causing opportunistic infections.

This project will address the recent rapid increase of severe opportunistic post-wound in-

fections in the warfighter caused by the drug and multi-drug resistant bacteria *Acinetobacter baumannii*. HWI will identify new antibacterial drug targets and develop novel lead drug compounds with the goal of acquiring effective treatments against difficult and dangerous infections.

Warfighters wounded during battle are highly susceptible to opportunistic infections, greatly complicating their treatment and recovery. Their susceptibility to post-wound infections is due to the difficulty in cleaning traumatic deep tissue wounds and the near impossibility of maintaining sterile conditions during front line medical care. Opportunistic infections of wounded warfighters greatly extend hospital stays and increase costs. Wounded warfighters are routinely treated immediately with antibiotics in an effort to prevent opportunistic infections. Unfortunately, the occurrence of drug and multi-drug resistant strains of *A. baumannii* is rapidly increasing. Currently, 50 percent of these infections are resistant to treatment by at least one antibiotic, and 1 in 10 infections can't be treated by any antibiotic in routine use. Infections by drug resistant strains of *A. baumannii* often result in limb amputation or even death.

This project will address this militarily important problem by identifying new drug targets within *A. baumannii*, determining the molecular structure of the proteins, and then identifying chemicals that will serve as the starting points for developing desperately needed new antibiotic drugs effective against multi-drug resistant *A. baumannii*. HWI has already identified and begun characterization of several proteins that are potential drug targets.

### PERSONAL EXPLANATION

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, January 26, 2010, I missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on Rollcall 17, "yea" on Rollcall 18 and "yea" on Rollcall 19.

IN HONOR OF THE NATIVE DAUGHTERS OF THE GOLDEN WEST, SAN JUAN BAUTISTA PARLOR NO. 179

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. FARR. Madam Speaker, I rise today to recognize the Centennial year of the Native

Daughters of the Golden West, San Juan Bautista Parlor No. 179. Over the past hundred years, the San Juan Bautista Parlor has furthered the aims of the Native Daughters of the Golden West by preserving California's history, improving its present, and ensuring a brighter future for all its citizens.

On February 23, 1910, NDGW Grand President Emma Lillie Humphrey presided over a ceremony to institute the San Juan Bautista Parlor. In 1934, the Parlor purchased an Adobe built in 1830 on Fourth St. It soon became known as the Native Daughters Adobe. The Parlor restored the building to a useful condition and continues to maintain this historic building. It remains the monthly meeting place of the Parlor and a focus for many activities for local organizations. Chief among these are its work with children's organizations, veterans and active military. Their weekly Yoga class at the Adobe promotes a healthy lifestyle for the community.

The Native Daughters of the Golden West Children's Foundation holds fundraising events to assist California's children with special medical needs that are beyond the family's means. Additionally, San Juan Bautista Parlor No. 179 gives a scholarship annually to students from the local high schools and sponsors students who participate in the state-wide NDGW California History essay contest.

The Parlor's activities reach beyond the borders of San Juan Bautista and San Benito County, CA. With their focus on California history, the Parlor has placed plaques designating historical landmarks, helped restore and preserve the beautiful monuments in the state's twenty-one missions, and is very active in fund raising activities for the missions. The Parlor also provides California Flags to local schools, libraries, VFW Posts, city and county government offices.

The internationally played card game "Pedro" was said to have been invented in San Juan Bautista and has been continuously played throughout California since the mid-1800's. Each month, the Parlor hosts a Pedro card party for the community which keeps the Pedro history alive.

Parlor No. 179 organizes several annual events that celebrate California's history. Fremont Peak Day, co-sponsored with local Posts of the Veterans of Foreign Wars, commemorates the Bear Flag Revolt of 1846, the engagement between the forces of John C. Fremont and General Jose Castro. An Admission Day community barbeque celebrates the date California became the 31st State: September 9, 1850.

Members of San Juan Bautista Parlor No. 179 are also involved in activities which promote recycling, energy awareness and water conservation, protecting and preserving California's natural resources and its environment.

Madam Speaker, I know my fellow members of the House will join me in congratulating the Native Daughters of the Golden West, San

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Juan Bautista Parlor No. 179 on their 100th anniversary. Their civic pride shines brightly and illuminates the many activities that improve the community and conserve and promote our heritage.

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HONORING MR. BRIAN ABRAM

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Brian Abram. Mr. Abram served his constituency faithfully and justly during his tenure as a member of the Chautauqua County Legislature, serving district 6.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Abram served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Abram is one of those people and that is why, Madam Speaker, I rise in honor of him today.

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HONORING NIC FIORE

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Nic Fiore. Mr. Fiore passed away on Tuesday, June 23, 2009 at the age of 88. A celebration and tribute to the life of Mr. Fiore and his wife, Midge, will be held on Saturday, December 5, 2009, at the Curry Village Pavilion in Yosemite Valley.

Mr. Nic Fiore was born on December 1, 1920, in Montreal, Canada. He was one of 12 children. After serving in the Canadian Army during World War II, he abandoned his dream of becoming a championship European bike racer and taught skiing in the Laurentian Mountains north of Montreal. In 1947, Mr. Fiore was recruited by Luggi Foeger, then ski school director at Badger Pass. He drove into Yosemite Valley for the first time on December 8, 1947.

Mr. Fiore originally planned on staying only 4 months at the Badger Pass ski area. One ski season became the next and he became more involved in various operations of the park. While teaching skiing in the winter, he worked in the hotels in the park over the summers, including serving as maitre d' of the Ahwahnee Hotel and managing the Glacier Point Lodge and the Wawona Hotel. In 1956, Mr. Fiore was named director of the Badger Pass Ski School, and in 1963 he also began managing Yosemite's five High Sierra camps in the wilderness back country. Mr. Fiore served as the director of the Yosemite's Ski

and Snowboard School at Badger Pass ski area for 45 years before assuming the role of "ski ambassador" in 2001.

Early in Mr. Fiore's career, he became concerned with the integrity of ski instructors. In the late 1940s, he joined the newly formed California Ski Instructors Association. Through the organization, he advocated for the creation of a national ski instructors association to promote the quality and consistency of instructors. In 1961, the Professional Ski Instructors of America was founded. Mr. Fiore remained vigilant in pushing the national organization to maintain high standards for the certification process of ski instructors. He served as executive director of the western division of the Professional Ski Instructors of America for nearly 30 years. For his tremendous service to Badger Pass Mr. Fiore has received various honors; including the prestigious Charlie Proctor Award in 1986 from the Sierra Chapter of the North American Ski Journalist Association.

While well into his 80s, Mr. Fiore skied nearly every day and taught occasional lessons during the 2003–2004 season. It is estimated that in his 50 years with Badger Pass, Mr. Fiore taught 100,000 guests how to ski. In 2004 Mr. Fiore underwent heart surgery and in May 2009 suffered from a stroke. Mr. Fiore was preceded in death by his wife, Midge. He is survived by his two daughters, Cindy and Nicole, as well as eight grandchildren.

Madam Speaker, I rise today to posthumously honor Nic Fiore. I invite my colleagues to join me in honoring his life and wishing the best for his family.

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KAZAKHSTAN'S VISION OF A MORE EFFECTIVE OSCE

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize Kazakhstan's new role as chairmanship of the Organization for Security and Co-operation in Europe, OSCE. The decision by the OSCE participating states to appoint Kazakhstan as its chair for 2010 marks the first time that a former Soviet state will take on this leadership role. The decision was not without controversy, and I would like to acknowledge the efforts made over the past two decades to establish democracy and a market economy. I look forward to full implementation of the promises of reform made by Kazakhstan at the 2007 OSCE Madrid Ministerial. In a January 2010 video address, President Nazarbayev told the OSCE Permanent Council that, "Kazakhstan as the holder of the OSCE Chairmanship is firmly committed to the fundamental principles and values of the OSCE." I welcome and applaud this statement as well as Chairman-in-Office Saudabayev's Permanent Council statement that, "further steps in the area of democratization in Kazakhstan will be fully in line with the goals and tasks that we have set ourselves during our Chairmanship."

This month, Kazakhstan Secretary of State–Foreign Minister Kanat Saudabayev has officially assumed his role as chairman-in-office

of the OSCE and I believe he will dedicate his efforts toward realizing Kazakhstan's vision and goals for the OSCE this year. I know Chairman-in-Office Saudabayev's objective is to make the organization even more valid, useful, and effective. I commend Kazakhstan's effective preparation for the chairmanship, and welcome the deepening cooperation between Kazakhstan and the U.S. to make the chairmanship a success.

On January 14, Chairman-in-Office Saudabayev outlined his country's plan for executing Kazakhstan's strategic vision. In light of increased threats to international security, including illicit drug trafficking and terrorism, Kazakhstan will focus on preventing conflicts that result in tragedy and disaster. It is important that the United States support these efforts. I also support Chairman-in-Office Saudabayev's intention to continue to focus on the OSCE's human dimension.

One area of focus for Kazakhstan as chairmanship of the OSCE will be to address issues pertinent to the developing situation in Afghanistan. In fact, Chairman-in-Office Saudabayev has stated that a principal goal is to help the Afghan people leave behind their militaristic world and develop a lasting peaceful and productive society. To achieve this Kazakhstan has donated \$50 million to a new program which will provide vocational training to 1,000 Afghans at Kazakh universities. Chairman-in-Office Saudabayev also intends to develop cooperative projects that strengthen the border and improve law enforcement practices, and I support increasing OSCE involvement in this regard.

Beyond the global peril of Afghanistan is the issue of nuclear disarmament. As a former Soviet state, Kazakhstan should be applauded for its decision to eradicate its inherited nuclear arsenal and for its example and leadership in nuclear nonproliferation. With the mantle of OSCE leadership, Chairman-in-Office Saudabayev will work with the OSCE to achieve increased global security.

I commend Kazakhstan for prioritizing the fight against the deplorable and growing concern of human trafficking, particularly that of children. Trafficking has become a major international concern that warrants the attention and cooperation of the OSCE states to develop effective solutions to eliminate such practices.

Chairman-in-Office Saudabayev has also expressed the need for increased tolerance and equality, especially with regard to religion, race, and gender. Various conferences and meetings are already in place to discuss the implementation of previous decisions concerning these areas. I plan to attend at least one of the conferences. And I will encourage colleagues to attend as well.

Finally, as many of my colleagues would agree, energy security remains a critical global concern. Kazakhstan, with its significant oil, gas and mining potential, plays a key role as a reliable energy supplier. The past two years has seen significant challenges to energy supply and distribution in the OSCE region and there is much that the OSCE could be doing to help mediate differences and encourage greater transparency in this area. I am confident that Chairman-in-Office Saudabayev will

bring to bear his country's experience and expertise in energy issues to create greater capacity for energy security both politically and institutionally in the OSCE.

I look forward to helping and following the progress of the OSCE under the leadership of Kazakhstan.

The priorities outlined by Chairman-in-Office Saudabayev demonstrate the challenges ahead for the OSCE. I wish Chairman-in-Office Saudabayev and the entire Republic of Kazakhstan well as the OSCE chairmanship. It is my hope that by the close of 2010, we will see Kazakhstan's OSCE leadership manifested through positive outcomes.

U.S. OFFICIAL ON COMMENCEMENT OF  
KAZAKHSTAN'S OSCE CHAIRMANSHIP

(By Robert O. Blake, Jr., Jan. 20, 2010)

As Kazakhstan begins to serve as the Chairman-in-Office of the Organization for Security and Cooperation in Europe this year, it is charting a course for a bright and promising future.

It is a future in which the United States and Kazakhstan together seek peace, security, economic development and prosperity. We seek democratic values and human rights that unite free nations in trust and in respect. We seek a region in which relations are good between neighbors, between Russia and China and Afghanistan and all others in the region and of course with the United States.

Kazakhstan has been a leader in international security since its earliest days of independence. After the end of the Cold War, the world applauded as Kazakhstan renounced its nuclear weapons, closed the nuclear test site at Semipalatinsk, and freely transferred over half a ton of weapons-grade uranium to secure sites outside the country under Project Sapphire.

This past December, we marked the sixteenth anniversary of the landmark Cooperative Threat Reduction Program in Kazakhstan and we continue to work in partnership with Kazakhstan to advance our common non-proliferation goals. In April President Obama will welcome President Nazarbayev and other world leaders to the Global Nuclear Security Summit he will host.

Since its independence, Kazakhstan has also set an example in the region with economic reforms that have attracted investment and created jobs. The Government of Kazakhstan is also making wise choices to develop multiple energy export routes and to diversify its economy to ensure that its vast oil wealth can become a source for social mobility, not social stagnation.

As Kazakhstan's economy continues to recover from the global economic downturn, it should again be an engine for growth within Central Asia. Afghanistan, Kyrgyzstan and Tajikistan would benefit immensely from Kazakhstan investment and energy supplies to stimulate growth and create jobs.

And Afghanistan needs the full partnership of Kazakhstan to overcome the destitution that extremists, warlords, and civil war have compounded over several decades. Kazakhstan is providing vital logistical support to the International Security Assistance Force through the Northern Distribution Network. We welcome Astana's decision to invest in Afghanistan's next generation of leaders by generously allocating \$50 million to fund scholarships for a thousand Afghan students to study in Kazakhstan.

Kazakhstan's OSCE Chairmanship is highly symbolic. The OSCE had long prided itself

for stretching from Vancouver to Vladivostok. Now, for the very first time, a major international organization is headed by a new country east of Vienna. It is a recognition that the OSCE draws its strength not only from Europe and the United States, but also from Central Asia, the Caucasus, and the Balkans.

The challenges facing the OSCE and the international community are real but our strength comes from facing those challenges collectively and with a common purpose. The United States looks forward to working with Kazakhstan this year to meet these challenges and achieve the goal of modernizing and strengthening the OSCE, for the benefit of all participating States.

Kazakhstan has successfully navigated the early stages of statehood. It has achieved a position of leadership on international security and economic development. And now, Kazakhstan, as the OSCE Chairman-in-Office has an unprecedented opportunity to lead Central Asia towards a future of democracy and to advance its own reform agenda to unleash the creative energy of its people.

With continued reform, Kazakhstan can become the nexus of Eurasia in the 21st century, the point where all roads cross. For thousands of years, along the ancient Silk Road, the communities of Central Asia facilitated the global exchange of ideas, and trade, and culture. In the process, they made historic contributions to our collective human heritage.

Today, as Kazakhstan assumes the OSCE mantle, it is poised and ready to break a fresh path for a new Silk Road, a great crossroads of reform linking the provinces of northern Russia to the ports of South Asia, the republics of Western Europe to the democracies of East Asia.

A strong and prosperous and democratic Kazakhstan can energize the global transmission of learning, trade and freedom across the steppes of Central Asia. Kazakhstan has a glorious past and can seize a hopeful future. The United States will continue to be Kazakhstan's steadfast partner.

HONORING MR. CHRISTOPHER  
PENFOLD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Christopher Penfold. Mr. Penfold served his constituency faithfully and justly during his tenure as the Town of Dunkirk Town Justice.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Penfold served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Penfold is one of those people and that is why, Madam Speaker, I rise in honor of him today.

INTRODUCTION OF LEGISLATION  
TO PROHIBIT ARTICLE III TRIAL  
FOR 9/11 MASTERMIND KHALID  
SHEIK MOHAMMED AND CO-CON-  
SPIRATORS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. WOLF. Madam Speaker, today I am introducing bipartisan legislation with Sen. LINDSEY GRAHAM to prohibit the use of Department of Justice funds for a civilian trial for Khalid Sheikh Mohammed—9/11 mastermind and murderer of journalist Daniel Pearl—and four other co-conspirators in any community in the U.S. I feel this legislation is critically needed in light of the attorney general's dangerous mismanagement of this trial. This legislation is similar to an amendment I offered to fiscal year 2010 appropriations legislation, but was defeated on a party-line vote late last year.

Last November, Attorney General Eric Holder unilaterally announced that Khalid Sheikh Mohammed and his four co-conspirators currently held at Guantanamo Bay would be tried in the heart of New York City in a civilian trial. Alarming, the attorney general did not consult with any local leaders, including New York City Police Commissioner Raymond Kelly or Mayor Michael Bloomberg. If he had, he would have better understood the dangers and cost of this approach. The trial, as planned, is estimated to cost taxpayers at least \$250 million per year—for a total expected cost of more than \$1 billion.

Upon reviewing the costs and security concerns from the New York City Police Department last week, Mayor Bloomberg stated, "It would be great if the federal government could find a site that didn't cost a billion dollars, which using downtown [New York City] will. [The trial] is going to cost an awful lot of money and disturb an awful lot of people." Shortly thereafter, scores of local, state, and congressional leaders from the New York region withdrew their support and encouraged the attorney general to reverse this reckless decision.

However, in light of this collapsing support from local leaders for the trial, I am concerned that the Obama Administration is now "venue shopping" for a new city to hold this trial in order to save face. This approach is no less dangerous, costly and disruptive to other communities under consideration than it was for New York City.

The legislation Sen. GRAHAM and I are introducing today would explicitly block this dangerous and wasteful trial from any domestic civilian court and, hopefully, compel the attorney general to work with Congress on a safer and more appropriate option. However, our legislation would still allow for a military commission at Guantanamo Bay or on a secure military base inside the U.S. This is a reasonable approach that allows the administration to try these murderous terrorists in an appropriate military commission. These detainees do not deserve more rights than an American service man or woman that is tried by military court.

Madam Speaker, I urge my colleagues to cosponsor this important legislation. The attorney general does not have a blank check to

try dangerous terrorists in the venue of his choice. This must be a decision made in consultation with local leaders, Congress and the American people.

HONORING INTELLIGENCE SPECIALIST FIRST CLASS PETTY OFFICER JAMES K. BROWN

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Intelligence Specialist First Class Petty Officer James K. Brown, who is retiring following twenty years of service in the United States Navy.

IS1 James K. Brown's storied military career began in August 1989 when he enlisted in the United States Navy. Soon after, Brown participated in Operation Desert Storm and Desert Shield, for which he earned the Combat Action Ribbon. In 1994, he reported to the USS *George Washington*, taking part in her maiden voyage to the Mediterranean. During this deployment and subsequent deployments, the command was engaged in Operation Southern Watch and operations in Kosovo.

In December 1999, he reported to the USS *Carl Vinson* as the Leading Petty Officer of Multi-Sensor Interpretation Branch. In October 2001, the USS *Carl Vinson* launched the first attack of the Global War on Terrorism into Afghanistan in response to the September 11 2001 attacks. During the second deployment, on station off the Korean peninsula, he participated in exercises FOAL EAGLE and TANDUM THRUST.

In December 2008, IS1 Brown reported to U.S. Naval Station Guantanamo as his last duty station in the United States Navy and is currently serving as the Leading Petty Officer and the Special Security Officer for the Naval Station and Tenant Commands.

Over the course of his twenty years of service, IS1 Brown has earned a Bachelor of Science degree in Intelligence Studies from the Joint Military Intelligence College in 2004 and earned Post Graduate Certificate in Intelligence in 2007 from the National Defense Intelligence College. Brown has also received the following awards and decorations: the Joint Service Achievement Medal, Navy and Marine Corps Achievement Medal, Combat Action ribbon, Good Conduct Medal, NATO Medal for Yugoslavia, and Joint Staff Identification Badge, along with several unit and campaign awards.

IS1 James K. Brown's military efforts were supported by his wife, Nichole, and their four children, Ashley, Alesha, Amber, and Zechariah.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating Intelligence Specialist First Class Petty Officer James K. Brown on reaching this important milestone.

HONORING MR. CHUCK CORNELL

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Chuck Cornell. Mr. Cornell served his constituency faithfully and justly during his tenure as a member of the Chautauqua County Legislature, serving district 12.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Cornell served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Cornell is one of those people and that is why, Madam Speaker, I rise in honor of him today.

HONORING SPRINGFIELD COLLEGE ON THE OCCASION OF ITS 125TH ANNIVERSARY

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. NEAL. Madam Speaker, it is my great pleasure to rise today to honor Springfield College, celebrating its 125th anniversary this year, and known worldwide as the Birthplace of Basketball.

Springfield College was founded in 1885 in Springfield, Massachusetts, as the School for Christian Workers, an independent institution that quickly emerged as a leading educator of YMCA professionals. Today, it offers a comprehensive array of undergraduate and graduate offerings and has an international reputation for educating leaders in the health sciences, human and social services, sport management and movement studies, education, business, and the arts and sciences.

Since its beginning, Springfield College has been guided by a philosophy called Humanics—education of the whole person, in spirit, mind, and body, for leadership in service to humanity.

Springfield College faculty members and alumni have changed the course of history in sports, physical education, and fitness. They invented not only basketball, but also volleyball, and were instrumental in founding physical education movements in countries around the globe. They have been legendary coaches, and have been in the vanguard of advancing intercollegiate sports for women. They have made indelible marks on the modern Olympics—more than 120 Springfield Collegians have participated as coaches, athletes, trainers, sport psychologists, administrators, and more.

In Greater Springfield, Massachusetts, Springfield College is deeply committed to its

community, and has received national recognition for exemplary community engagement. It has been named to the President's Higher Education Community Service Honor Roll and the Saviors of Our Cities list of the top 25 "best neighbor" urban colleges in the United States. It has received multiple awards from the National Association of Division III Athletic Administrators and Jostens, and has earned the Carnegie Foundation's Community Engagement Classification.

Madam Speaker, I ask my colleagues to join me in congratulating Springfield College on 125 years of excellence and leadership through service, and for being an institutional model of its Humanics philosophy.

H. RES. 1021, EXPRESSING CONDOLENCES FOR THE PEOPLE OF HAITI

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Ms. MCCOLLUM. Madam Speaker, I rise today to join my colleagues in support of H. Res. 1021, expressing condolences for the people of Haiti in the aftermath of last month's tragic earthquake. This catastrophe devastated an already impoverished nation. My thoughts and prayers are with the people of Haiti, their relatives, and the entire Haitian-American community.

Today, Congress conveys its solidarity with the people of Haiti in their hour of need, and we honor the men and women from around the world who have come to their aid. I applaud President Obama's swift and resolute response to this humanitarian crisis. The United States Government, in cooperation with the Government of Haiti, the United Nations, and the international community, has mobilized every available resource to save lives.

The American people have once again shown their generosity to those in need around the world. In the midst an economic downturn, families in Minnesota and across the United States have donated over \$200 million to help our neighbors in Haiti. Yesterday, I joined my colleagues to unanimously pass H.R. 4462, a bill that would make such charitable donations to Haiti tax deductible. This legislation will encourage even more Americans to join the relief effort.

Despite the rapid and robust global response, the months and years ahead will be extremely difficult for the people of Haiti. In the short term, the United States must continue to provide food, water, shelter, and medicine to victims of this catastrophe. It is also clear that Haiti needs a long-term strategy for recovery, and America and the international community must help. As a member of the State and Foreign Operations Appropriations Subcommittee, I will continue to support a comprehensive recovery and development strategy to help Haiti rebuild its infrastructure and increase economic opportunity for its citizens. As Haiti's neighbor, and as the wealthiest nation in the world, the United States must lead the international effort to help Haiti back onto its feet.



INTRODUCTION OF THE CANCER  
SCREENING COVERAGE ACT**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mrs. MALONEY. Madam Speaker, today I am reintroducing the Cancer Screening Coverage Act (CASCA). This legislation will increase the number of Americans who are covered for breast, cervical, prostate, and colorectal cancer screening.

According to the American Cancer Society, this year, more than 560,000 Americans are expected to die of cancer—this is more than 1,500 people a day. The number alone is unsettling, but even worse, is the fact that we have screening tools that can help identify cancers in its early stages and begin treatment sooner. Cancer screening allows for the detection of cancer in its earliest form, when the cost of treatment is the least. The survival rate among cancer patients is heavily dependent on improvements in treatment and the early diagnosis of cancer. Many advances have been made, but the key to survival is early detection. It is estimated that the rate of survival would increase from 80 percent to 95 percent if all Americans participated in regular cancer screenings. This bill will go a long way toward getting Americans screened.

Cancer is the second leading cause of death among Americans and accounts for 1 out of every 4 deaths in the United States. The American Cancer Society anticipates about 1,479,350 new cancer cases were diagnosed in 2009. In an effort to ensure that people are screened and that these screenings are covered by health insurance, I am reintroducing the Cancer Screening Coverage Act (CASCA). My bill will increase the access to cancer screening exams for patients of private insurance and the Federal Employees Health Benefits plan. The National Institutes of Health estimates overall costs of cancer in 2008 at \$228.1 billion and lack of health insurance prevents many Americans from receiving optimal care. My bill requires coverage of mammograms, clinical breast examinations, Pap tests and pelvic examinations, colorectal cancer screening procedures and prostate cancer screening. By increasing access to cancer screening and early detection, we can make certain that Americans are able to receive the proper medical treatment and reduce the number of deaths caused by cancer.

## IN MEMORY OF AMPARO OLGUIN

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. BACA. Madam Speaker, I rise today to honor the achievements of Mrs. Amparo Olguin, wife, mother, grandmother and devoted citizen of San Bernardino, California, who recently passed, on January 23, 2010, at 72.

Amparo possessed an unwavering dedication to the community, always looking for op-

portunities to help others. Throughout her life she constantly pursued academic degrees that would allow the community to prosper from her knowledge. Throughout her career she held numerous education, social and youth oriented positions: San Bernardino School District; Welfare Department, social service aide; City of San Bernardino, human relations assistant; Los Padrinos, youth intervention counselor; Casa Ramona Drop-In Center; Inland Congregations United for Change, project director, and other social service/education-related positions. She possessed a spirit and purpose which profoundly impacted the lives of those around her.

Amparo had a passion for alleviating the needs of families, youth, and children. That passion earned her the honor of receiving numerous accolades recognizing her services to the community. In 2002, the Inland Empire Chamber of Commerce honored her with the 46th Annual Latina of the Year award. In 2004, she received the Congressman JOE BACA Community Leadership Award, recognizing her outstanding services and leadership. In 2008, she received the Carol A. Mills award, for her heroism and involvement in the San Bernardino Valley College Drug and Prevention Program. She was always working to make a positive impact in her community.

She is survived by Felix, her husband of 56 years; her daughters Anna Flores and Marsha; her sons Felix Jr., Anthony and Michael; 10 grandchildren and 16 great-grandchildren.

The thoughts and prayers of my wife Barbara and children, Councilman Joe Baca, Jr., Jeremy, Natalie and Jennifer, and I are with the family at this time. I ask my colleagues to join me in remembering a dedicated leader. She will be greatly missed, and I extend my sincere condolences to her extended family upon the very sad loss of Mrs. Amparo Olguin.

## HONORING MR. JAMES COOPER

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. James Cooper. Mr. Cooper served his constituency faithfully and justly during his tenure as a member of the Poland Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Cooper served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Cooper is one of those people and that is why, Madam Speaker, I rise in honor of him today.

## PERSONAL EXPLANATION

**HON. JOHN A. BOCCIERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. BOCCIERI. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, January 26, 2010.

Rollcall No. 17 was a vote on H. Res. 990—Expressing support for designation of January 2010 as “National Mentoring Month,” Representative McCollum—Education and Labor. Had I been present I would have voted “yes.”

Rollcall No. 18 was a vote on H. Res. 1011—Recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month, Representative Halvorson—Energy and Commerce. Had I been present I would have voted “yes.”

Rollcall No. 19 was a vote on H. Res. 1003—Expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week, Representative Chu—Energy and Commerce. Had I been present I would have voted “yes.”

ACKNOWLEDGING CAROL NICHOLS  
ON HER RETIREMENT AND FOR  
HER SERVICE TO THE HOUSE**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement on February 1, 2010, I rise today to thank Carol Nichols of the Office of the Chief Administrative Officer, CAO, for her years of dedicated and outstanding service to the United States House of Representatives.

Since joining the House in 1992, Carol has served this great institution in a variety of capacities—some of which have been groundbreaking, and all of which have contributed to the enhancement of the functioning of a Member's Congressional office. When initially hired by the Clerk of the House, Carol became the first woman to work in the “shops” on the House side of the Congress, taking a position in the House Upholstery Shop. As Carol learned and perfected her craft as an upholsterer serving the needs of Congressional offices, she also gained a finer appreciation for the day-to-day operational dynamics and the equipment and furniture resource needs of a Member's office. In particular, she came to have a keen appreciation for the particular logistical challenges presented to a Member's office and the House during the Congressional Transition every two years, when many offices and staffs relocate to new space and are challenged with maintaining optimum functionality while furniture and equipment moves are underway.

With the establishment of the Office of the Chief Administrative Officer in 1995 and the partnership with the Architect of the Capitol's

Superintendent's Office, the CAO and AOC established joint Coordination teams to focus specifically on managing the office moves in a more collaborative and efficient manner during the 106th Congressional Transition, with the ultimate goal to reduce the office's down time experienced by the Member and the staff. Carol was assigned to the initial team of Move Coordinators—an assignment in which her attention to detail and exceptional organization skills proved invaluable. She brought a number of innovations and improvements to the process, and in preparation for the subsequent transition, Carol was appointed team lead of the Move Coordinators, for which she received recognition by being honored with the CAO's Distinguished Service Award. In every transition that followed through the 111th Congress, Carol served the House as the CAO's lead for the transition.

Carol's ability to manage large scale moves, to successfully coordinate the efforts of her team, to effectively troubleshoot problems, to anticipate the customer's needs and exceed their expectations, and to get the desired results and deliver solutions along the way became particularly helpful during the anthrax incident in the fall of 2001 as the House faced the challenge of relocating every Member's office from the House buildings in a matter of a few days. Carol played a critical role on the CAO team in setting up separate offices for every Member at an alternate location, and in managing their subsequent transition back to the House complex following the incident. Several years later, Carol served as the single point-of-contact for the CAO office in working with the Architect of the Capitol in coordinating and facilitating the relocation of offices and staff from the O'Neill House Office Building prior to its demolition.

With the CAO's creation of Office Coordinators and the House Office Service Center to work with Congressional offices day-in and day-out to manage more effectively their office logistical needs, Carol was promoted to serve as the initial Manager of the Office Coordinators. Carol completed her service to the House as the Director of the CAO Customer Service Center, where she has been responsible for the oversight of not only the Office Coordinators, but First Call, CAO Graphics, and Modular Furniture as well.

As Carol embarks on her retirement with her husband, Phil, who retired from the House in 2007 following 31 years of service, I am happy to extend to Carol the best wishes of the Members and employees of the House of Representatives for an enjoyable and fulfilling retirement. In recognizing her years of service to the House, I congratulate her on her unwavering commitment and exceptional performance over the years, and I personally thank her for making our lives in Congressional offices a bit easier through her contributions to the efficient management of the physical environment and logistics of our offices.

HONORING MS. DEBORA  
CARPENTER

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Debora Carpenter. Ms. Carpenter served her constituency faithfully and justly during her tenure as Ellington Tax Collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Carpenter served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Carpenter is one of those people and that is why, Madam Speaker, I rise in honor of her today.

EXPRESSING CONDOLENCES AND  
CELEBRATING THE LIFE OF MS.  
DOROTHY BLAIR

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor the life of Mrs. Dorothy "Dottie" Jones Blair, who passed away on January 19, 2010 at the age of 74.

Mrs. Blair was a pioneer in Dallas and diligently served her community through her hard work and determination. In the 1960's, Mrs. Blair became one of the first African American Certified Registered Nurse Anesthetists in the country and helped pave the way for many African Americans and women who would have this profession after her. In 1975, she helped to establish Concord Baptist Church where she was a charter member and co-teacher of the Smith-Blair Sunday school class for 33 years. Later she would found Holmes Street Inc., a nonprofit residential and outpatient treatment center for adolescent boys suffering from chemical dependency. Through the years, this center has served over 1,000 patients.

This remarkable dedication to the community garnered Mrs. Blair numerous awards, and in 2007 she was honored by the Minnie H. Goodlow Page Chapter of the National Council of Negro Women Inc. with the Mary McLeod Bethune Award for outstanding service. Additionally, she was a member of the South Dallas Negro Business and Professional Women's Club.

Madam Speaker, Mrs. Blair was a remarkable woman who never faltered in her willingness to help people. I ask my fellow colleagues to join me today in honoring this woman who gave so much to Dallas. She will be truly missed.

TONGUE POINT JOB CORPS  
CENTER

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. WU. Madam Speaker, I rise today to recognize the Tongue Point Jobs Corps Center on its 45th birthday. The Tongue Point Jobs Corps Center is located at the mouth of the Columbia River in Astoria, Oregon, which is in my district.

The Economic Opportunity Act of 1964 created the Job Corps Program. As the second Job Corps Center to open, Tongue Point Jobs Corps Center received its first students on February 2, 1965, exactly 45 years ago. In 1972, Tongue Point Jobs Corps Center was the pilot program for co-ed Jobs Corps centers, which is now the standard throughout the Corps.

To date, more than 25,000 students have come through Tongue Point's doors. Tongue Point is the largest Job Corps Center in the Northwest. On average, Tongue Point contributes \$11.2 million annually to the local community. Beyond obtaining job skills, Tongue Point students are also great citizens. During 2009, students performed 6,230 hours of community service in a variety of service areas.

I am proud to have Tongue Point Jobs Corps Center in my district and I am constantly amazed by the tangible benefits they provide for the students and the local community. They are a wonderful example of how the Job Corps Program provides meaningful education and job training to youth in need. As our country strives to create jobs, train a new skilled workforce and recover our economy, the Job Corps Program will help us succeed in our efforts and accomplish our goals.

HONORING MR. GEORGE  
BECLEROMI

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. George Becleromi. Mr. Becleromi served his constituency faithfully and justly during his tenure as a member of the Ellicott Town Council.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Becleromi served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Becleromi is one of those people and that is why, Madam Speaker, I rise in honor of him today.

HONORING GREG VAN WASSENHOVE, SANTA CLARA COUNTY AGRICULTURAL COMMISSIONER AND SEALER

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HONDA. Madam Speaker, today I rise to honor Greg Van Wassenhove, recently retired Agricultural Commissioner and Sealer of the County of Santa Clara. Throughout his many years of service, Greg has brought knowledge, strength and vitality not only to the agricultural community but to the many County departments that he has managed.

Greg Van Wassenhove graduated from the University of California at Santa Barbara with a degree in Biological Sciences in 1973, and in 1974 started work with the San Mateo County Agricultural Commissioner's Office. In 1983, Greg was appointed the Agricultural Commissioner/Sealer of Weights and Measures for Santa Clara County; and for the past 25 years, Greg has demonstrated a continuing commitment to pest prevention at the state and national levels. Greg has participated in numerous advisory committees relating to pest prevention, including the Governor's Blue Ribbon Panel on Eradication of Exotic Pests. Greg has collaborated with other County Agricultural Commissioners to develop common efforts on pest prevention, and has also worked with the Statewide County Agricultural Commissioners' Association to establish ongoing funding to prevent the introduction of invasive species and to control and eradicate pest populations once they were established. Greg has successfully contributed to the eradication of the Mediterranean fruit fly from San Mateo County and, on three occasions, in Santa Clara County.

For the past 35 years, Greg has dedicated himself to providing exceptional public services that promote and protect the agricultural industry of the State as well as consumers. He has worked in two urban counties where the control and prevention of invasive species introduction is critical to the local agricultural economy and the rest of the state. His cooperative efforts with industry as well as with all levels of federal, state and local government, including the development of an excellent working relationship with USDA, CDFA, and Congressional and State representatives, promoted programs that involved the prevention and control of invasive species. As an expert in the field of pest prevention, Greg's efforts helped lead to the development of the California High Risk Pest Exclusion Program and the Pest and Disease Management Section of the 2007 Farm Bill.

Greg has also led Santa Clara County's efforts to advocate for and protect its residents through his position as the County's Sealer of Weights and Measures, where Greg has enforced the laws which ensure that consumers are treated honestly and businesses are held accountable.

Finally, Greg has accepted any challenge presented to him. In addition to his other duties, Greg oversaw such diverse divisions of County government as Animal Control, Vector

Control, Integrated Waste Management, Environmental Health, Fire Marshall and Weed Abatement.

It is with great respect for, and in admiration of, Greg Van Wassenhove that I stand in honor today. His many years of service to the residents of Santa Clara County, the agricultural community, and the State of California are greatly appreciated and his legacy will benefit us for many years to come.

**HONORING JIM TAYLOR**

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor the life of Jim "Trooper" Taylor. Mr. Taylor passed away on Tuesday, November 17, 2009 at the age of 77 surrounded by family at his home in Fresno, California.

Mr. Jim Taylor was born in 1932 in the Ozark Mountains near Mt. Vernon, Missouri to Tom and Anne Taylor. As a young man, his family moved to Sanger, California where he attended Sanger High School. Upon graduating from high school, he attended Reedley College and later joined the United States Navy. Mr. Taylor served four years in the Navy and was Honorably Discharged. After his service to the Navy, he settled in the San Francisco Bay Area. While in San Francisco, Mr. Taylor met and married his life-long companion, Mary Jane.

In 1958, Mr. Taylor began a career in law enforcement. His first assignment was to the Stanislaus County Sheriffs Department as a Deputy Sheriff. After two and a half years, he joined the California Highway Patrol and was assigned as a resident officer to the High Desert Country at Ridgecrest. In 1962, he was transferred to Fresno, California. He was assigned to the twelve officer motorcycle squad for approximately four years. After serving many years on the road, Mr. Taylor became the Public Affairs Officer for the Fresno area. As the Public Affairs Officer, he initiated the "Trooper Taylor Report," a daily news report of the areas activities along with road and inclement weather conditions, which was picked up by many local radio channels.

Mr. Taylor was an avid World War II history buff, and read countless books on the subject. He loved the California State University, Fresno Bulldogs and attended football, basketball and softball games each season. He enjoyed traveling around the state following the Bulldogs along side his family and friends. He spent the majority of his time with his family and always looked forward to cooking for family events and Bulldog tailgates.

Mr. Taylor is preceded in death by his mother, father, brother, Leroy Tracy; sisters Lone Gass and Joyce Alfors; and grandson Scott Page. He is survived by his loving wife, Mary Jane; sons and daughter-in-laws, Tracy, Greg and Jeannie, Kevin and Renee, and Patrick; grandchildren, Teri, Darren, Daniel and his wife Alisa, Christopher, Jacob, Kelsi, Debbie and her husband Paul Gress and Dustin Johnson; great-grandchildren, Hayden, Danielle,

Austin, Kristen and Seth; brother, Bryan; sisters, Christine and Jennifer and numerous nieces and nephews.

Madam Speaker, I invite my colleagues to join me in honoring the life of Jim "Trooper" Taylor and wishing the best for his family.

**HONORING MR. EDWARD WRIGHT**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Mr. Edward Wright. Mr. Wright served his constituency faithfully and justly during his tenure as the Mina Town Attorney.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Mr. Wright served his term with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Mr. Wright was dedicated to this goal and that is why, Madam Speaker, I rise in honor of him today.

**HONORING GEORGE HAEUBER, MAPLE SHADE TOWNSHIP MANAGER, UPON HIS RETIREMENT**

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the retirement of Mr. George Haeuber with recognition of his outstanding contributions in government service.

Mr. Haeuber's devotion to public service began in March 1974 as Administrative Assistant to the Township Manager in the Township of Teaneck, New Jersey. From there he continued his public service as Borough Administrator of the Borough of Leonia, New Jersey. Mr. Haeuber became Township Manager of the Township of Maple Shade, Maple Shade, New Jersey in July 1984. As Township Manager, Mr. Haeuber served as chief administrative and executive officer of the Township, responsible for the day-to-day operations of the Township, and the preparation, presentation and administration of the Township budget. Mr. Haeuber supervised all aspects of municipal operations and provided for the effective and efficient fulfillment of Township Council policy.

Mr. Haeuber also pioneered the formulation of local self-insurance pools. He served from 1987 to 1992 as chairman of the Executive Committee of the Professional Municipal Management Joint Insurance Fund. He served as a member of the Executive Committee of the Statewide Municipal Excess Liability Joint Insurance Fund (MELJIF) from 1988 to 1992

and from 1996. He chaired the committee from 1997 to 1999. In addition, Mr. Haeuber was Fund Commissioner, Municipal Excess Liability Residual Claims Fund, and Chairman of MELJIF Audit Committee.

Mr. Haeuber's commitment to Maple Shade is also evidenced through his civic/community service affiliations. Mr. Haeuber is an active member of the Maple Shade Rotary Club, serving as its chairman in 1990–91, and Youth Chairman since 1986. Furthermore, Mr. Haeuber has been deeply involved in Boy Scouts of America Burlington County Council—Young Adults Division, as a member of the Council Exploring Committee from 1993 to 1998 and as chairman of the Service Team from 1993 to 1998.

Madam Speaker, the work of Mr. Haeuber is truly praiseworthy. I wish Mr. Haeuber the best of luck upon retirement and I thank him for his commitment to his community.

HONORING REVEREND DR.  
RONALD L. OWENS

HON. FRANK PALLONE, JR.  
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. PALLONE. Madam Speaker, I rise today to honor Reverend Dr. Ronald L. Owens and to congratulate him on his 20th Pastoral Anniversary with the New Hope Baptist Church in Metuchen, New Jersey. His presence in the church has uplifted his assembly and caused membership to grow tremendously. Its growth has been so large that the church now has a full time staff of five to six associate ministers, and more than thirty active ministries devoted to serving the community.

In his twenty years with the New Hope Baptist church, Dr. Owens has dedicated his life to service and leadership. As the first ever Chaplain of the Metuchen Police and Fire Departments, Pastor Owens counsels those who have experienced crisis and loss. He is also the President and CEO of the House Of Hope Community Development Corporation of New Jersey, a non-profit organization that provides permanent housing to families in need. Dr. Owens has held numerous positions with Baptist groups, including a period as the General Secretary for the General Baptist State Convention of New Jersey, an association of over 400 member churches.

Pastor Owens has been commended by several organizations for his efforts in the community. He was given the NAACP Merv Alexander Political Award for his leadership in Middlesex County. The YMCA of New Jersey also decorated Dr. Owens with the Minority Achievers Award. Alpha Phi Alpha, of which Dr. Owens is a life time member, presented him with the Martin Luther King award for outstanding academic achievement and community service. In addition to all of these tremendous achievements, Pastor Owens has retained a loving relationship with his wife Cheryl and raised two daughters, Tracy and Kimberly.

Madam Speaker, it is my hope that my colleagues will join me in thanking the Reverend Dr. Ronald L. Owens for his leadership and

service to New Jersey, as well as congratulate him on his 20th anniversary with the New Hope Baptist Church.

#### PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, on Thursday, January 21, 2010 I mistakenly voted "nay" on the vote on the Senate Amendments to H.R. 730, the Nuclear Forensics and Attribution Act. I intended to vote "yea." Please accept this letter as clarification.

#### INTRODUCTION OF THE ENERGY ASSISTANCE FOR AMERICAN FAMILIES ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, the Low-Income Home Energy Assistance Program, or LIHEAP, is a vital safety net for millions of Americans. This winter, a perfect storm of economic hardship, rising heating oil prices, and increased demand for home energy assistance is leading to a serious home energy crisis for millions of Americans. The Energy Assistance for American Families Act that I am introducing today would increase the level of funding for LIHEAP and expand its availability in order to protect millions of American families who are facing difficult choices this winter between paying for food or paying for fuel.

The Energy Assistance for American Families Act would increase the authorized funding level for LIHEAP to \$7.6 billion per year for fiscal years 2011 to 2014, an increase of \$2.5 billion over the last authorized level, enacted in 2005. The Energy Assistance for American Families Act would also extend the expanded eligibility levels that were included in the omnibus appropriations bills for fiscal years 2009 and 2010—giving states the option of helping families with incomes up to 75 percent of the State Median Income level.

According to the National Energy Assistance Directors Association (NEADA), states assisted 8.3 million households last year—more than a 33 percent increase in the number of households served from the previous year. In my home state of Massachusetts, LIHEAP funding helped 186,160 Massachusetts families in 2009, according to the Campaign for Home Energy Assistance.

However, overall demand for LIHEAP aid is rising this year, in large part due to the economic downturn. NEADA estimates that 10 million households may apply for assistance this year. Increasing the LIHEAP funding level will allow states to meet this increased demand and to continue to provide meaningful aid.

Energy prices are also on the rise—average household expenditures on heating oil this

winter are expected to increase to \$1,911 from \$1,864 last winter, according to the Department of Energy. The Energy Assistance for American Families Act will allow grants to continue to cover a significant portion of home heating bills.

Our economy may finally be heating up, but the effects of a recession, periods of cold weather, and rising energy prices are still having a chilling effect on millions of American families. Expanding LIHEAP's funding and availability is absolutely essential to help families who are struggling this winter.

#### HONORING THE RECIPIENTS OF THE CAMDEN COUNTY FREEDOM MEDAL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to commend the twelve recipient winners on receiving the 2010 Camden County Freedom Medal. I commend them on being honored for their commitment to their profession and their work on behalf of the community.

The Freedom Medal is awarded to extraordinary citizens of Camden County who have unselfishly contributed their time and effort to better their community and continue Martin Luther King, Jr.'s dream of bringing people together. Brief descriptions of these twelve recipient winners are below.

Dr. Mumtaz H. Bodla played a vital role in organizing fundraisers for several natural disaster relief projects. Dr. Bodla has also contributed to the food and clothing drive for the homeless in Camden County. His tireless dedication and time working for all of these causes has not only benefited them but certainly his own community is enriched by his presence and all of his hard work.

Mr. Kevin Jackson is a member of the M.E.N. (Men Empowering Nations) Board and serves as its Treasurer and invaluable mentor. He shares his extensive education, rich employment and entrepreneurial experience with the young men in positive ways. Mr. Jackson epitomizes Dr. King's beliefs and passes that onto the young men in the community.

Ms. Madeline Shilling was one of the earliest members of the Hi-Nella Fire Company's Ladies Auxiliary, for which she served as President. She has always been active with the skits the members of the Fire Company and Auxiliary put on for their Socials. As a dedicated volunteer over the years, Ms. Schilling has impacted and benefited her community.

Ms. Marilyn Torres is a community activist who has served in a myriad of capacities throughout the city of Camden. She served as Acting President/Chairperson of the Camden County Human Relations Commission, and was later elected to the position of Chairperson due to her esteemed leadership. Ms. Torres is dedicated to improving the quality of life in her community.

Mr. Timothy Chatten serves as the Section Chief of the Juvenile Unit of the Camden

County Prosecutor's Office. He has volunteered his services countless times in Biloxi, Mississippi after Hurricane Katrina. His remodeling, reconstruction, and handy work skills has helped dozens of families recovering from the disaster. His faithful commitment and personal sacrifice to these people has not gone unnoticed.

Ms. Marian Stoy has served as Hi-Nella Fire Hall Girl Scout leader, a member on the PTA local school board, and as an officer of the Hi-Nella Fire Company Ladies Auxiliary. The auxiliary, during her term, donated over ninety-six thousand dollars to the local Fire Company. Over this period of time, she was instrumental in instilling positive morals and values to hundreds of young girls.

Rev. Charles E. Giddins Sr. is the Senior Pastor of Victory Temple Community Church of God In Christ in Camden New Jersey. He has taught courses from Moody's Bible Institute and the American Bible College and also has held school bible study for city youth. Rev. Giddins established a Day Care program so that young mothers could go to work knowing that their children were safe. Rev. Giddins continues to serve and better his community as he answers the call of God.

Mr. Qasim Hussain has provided leadership as a member of The Pakistan-American Society of South Jersey. He has spent countless hours volunteering for several international natural disaster relief missions, while helping his own community with the yearly Christmas collection of food, clothing and toys for the homeless of Camden City. Mr. Hussain is not only a shining example for this community, but he has truly touched many lives by his dedication and generosity.

Ms. Christine Parry is the Chairperson for the Human Concerns Ministries at St. Andrew the Apostle Church in Gibbsboro. Ms. Parry volunteers the majority of her time to the Christian Cupboard, Prison Ministry, Nursing Home Companion Ministry and Local Outreach Ministry. Many lives and families have been assisted and touched by these various ministries and by Ms. Parry's unselfish service to the community.

Ms. Jennifer Storer is a lifelong resident of Camden County who unselfishly contributes to her community as a member of the Black Horse Pike Board of Education. She is a major force on the Policy and Planning Committee and the Facilities, Security and Transportation Committee as well. She also won the Renaissance Achievement Award for her leadership and service. Her dedication and service to the community, especially the youth, will continue to impact the community.

Mr. William and Mrs. Patricia McCargo have distinguished themselves as advocates for the rights of the underserved and the promotion of the equity and fairness as President and Corresponding Secretary of the Cherry Hill African American Civic Association. They are exemplary models of the vision and dreams of Dr. King. As Cherry Hill natives and graduates of Cherry Hill High School West, they know the meaning of qualitative education.

Madam Speaker, the work of these twelve individuals is truly praiseworthy. I congratulate the 2010 Camden County Freedom Medal winners on their accomplishment and I thank them for their commitment to their community.

## HONORING AFRICAN AMERICAN HISTORY MONTH

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. LARSON of Connecticut. Madam Speaker, it is with great respect and admiration that I rise to honor African American History Month. African American History Month was created to celebrate and remember the great achievements, advancements, sacrifices and contributions that the African American community has done for the United States of America.

This month has been, and continues to be, a beautiful and powerful reminder as to why the United States of America continues to be a beacon of freedom and success in the world. If you work hard, and stand true to what is right, to what you believe in, and heed the messages of our forefathers, you can overcome all obstacles in the face of hardship. To this, African American History Month is a testament.

The message of this month should not be unappreciated and it should not be forgotten. This month remains relevant in today's changing political and social landscape. The fruit of the African American Civil Rights Movement can still be seen today. Just forty years after the assassination of Dr. Martin Luther King, Jr., African Americans are now forces to be reckoned with in almost every field, whether business or academia, politics or the non-profit community. Once considered an impossible dream, an African American is now our own Commander and Chief in the White House.

It should be said, Madam Speaker, that learning about African American history is learning about the true history of America as a nation.

As such, I would like to ask my distinguished colleagues to join me in honoring and celebrating African American History Month this year.

## HONORING BETTE BELLE SMITH

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to posthumously honor the life of Bette Belle Smith. Mrs. Smith passed away on Sunday, November 29, 2009, at the age of 88.

Bette Belle Anderson was born at her family's home in Modesto, California on January 17, 1921, to Jim and Maysel Anderson. She was born severely pigeon-toed and the doctors recommended that she take ballet lessons to force her feet to turn outward. At the time, the closest dance teachers were in San Francisco. Her parents enrolled her in dance lessons, and drove her to San Francisco two weekends per month. Her father installed a barre at their home so she could practice.

In junior high school, Bette Belle invited a girl with a broken leg to come over to her home and practice ballet. This was the begin-

ning of the Smith's dancing school. With nearly one hundred students, the school outgrew her home; rehearsals were moved to the Elks Hall and Odd Fellows Hall. Recitals were held at Modesto High School, with an occasional small orchestra, thanks to the help of her brother. Her love for the performing arts endured throughout her life.

Mrs. Smith attended Modesto High School, Modesto Junior College and the University of California, Los Angeles. She left UCLA and returned to Modesto to help her parents after they were in a car accident. At this time, World War II was in full force and Mrs. Smith was the first in line to assist. She rolled bandages for the Red Cross, gathered a group of her former dance students to perform for convalescing soldiers at Awahnee Naval Hospital and what was then Hammond General Hospital in Modesto. After the war ended, she married Jean Smith, her longtime boyfriend. He had served in Hawaii and in the Gilbert Islands during the war, and they corresponded with many letters while he was away.

In 1954, Mr. and Mrs. Smith had their first child, Talbot, and thirteen months later she gave birth to twins, Mary and Tim. Being a mom was Mrs. Smith's number one priority, and volunteering was the second. She served on the Ensen Elementary School Parent Teacher Association, the Rainbow Girls Mothers Club and the Girl Scout Advisory Committee. She helped establish a Modesto chapter of American Field Service, an organization devoted to international student education. Mrs. Smith served on the Modesto Junior College foundation board, and volunteered with Omega Nu, The Salvation Army, International Festival and Inter-Faith Ministries. She visited with women from the Redwood Family Center who were recovering from drug and alcohol addictions. For many years she delighted hundreds of children as Mrs. Claus at the McHenry Museum, the Modesto Symphony and Ensen School. Of course, her love of the arts led her to work with the McHenry Museum Guild, serve on the Modesto Symphony board of directors and serve on the Gallo Center's original board of trustees as well as a fund development committee member. For 70 years she was an active member with the Modesto Symphony and was a driving force behind bringing the Gallo Center to Modesto.

At the age of 59, Mrs. Smith went to work. In 1978, a group of investors asked for her assistance in chartering the Modesto Banking Company. She agreed and coordinated sales events to raise capital for the company. Mrs. Smith was named Vice President of Business Development and Community Relations for the Modesto Banking Company, now U.S. Bank. Although she was working full time, Mrs. Smith continued to volunteer and encouraged others to do the same.

Due to the incredible amount of time that she donated to the city of Modesto and her community, Mrs. Smith has received many accolades. In 2000, California Governor Gray Davis named Mrs. Smith "Outstanding Older Worker of the Year." She has also been named the Soroptimist Woman of the Year, United Cerebral Palsy "Volunteer of the Year", American Legion "Man of the Year" (now called "Citizen of the Year"), United Way "Volunteer of the Decade," and received the Modesto Junior College Distinguished Alumni

Award. United Way has named an award in her memory, the "Bette Belle Smith Campaigner of the Year" award and the United Way building has also been named in her honor. In Modesto, Mrs. Smith is simply known as "Mrs. Modesto."

Madam Speaker, I invite my colleagues to join me in honoring the life of Bette Belle Smith and wishing the best for her family.

**HONORING GREGORY B. ROBERTS  
FOR FOUR DECADES OF SERVICE  
TO THE U.S. MILITARY AND IN-  
TELLIGENCE COMMUNITY  
THROUGH HIS LEADERSHIP IN  
THE DOD CONTRACTOR BASE**

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions of Gregory B. Roberts. On February 1, 2010, Mr. Roberts retired as President of L-3 Communication Systems-East after an amazing forty three-year career in the Aerospace and Defense industry. L-3 Communication Systems-East is located in my district and I have had the privilege to have known and worked with Mr. Roberts during the past 14 years.

Mr. Roberts is a graduate of the University of Virginia where he received a bachelor's degree in electrical engineering. He also received a master's degree in electrical engineering from the Polytechnic Institute of Brooklyn.

Mr. Roberts has held leadership roles in some of our most distinguished defense companies, including L-3 Communications, General Electric Aerospace—Reentry Systems, Martin Marietta, and later Lockheed Martin.

Mr. Roberts' provided the leadership that led to the development of numerous innovative and high technology solutions for U.S. government customers including secure communications technologies, maritime communications solutions, space-based communications, channel processing equipment, and re-entry and fusing systems for Minuteman and Peacekeeper missiles.

Those who know Mr. Roberts, know that throughout his career he has mentored our top scientists and engineers, and in doing so, has provided the country with our next generation of leadership talent.

Madam Speaker, Mr. Roberts has a proud record of service to our country and I am proud to call him my friend. I congratulate Greg Roberts for all his accomplishments and wish him the best in his retirement.

IN HONOR OF JOHN ALFRED  
"FRED" BENNETT

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. MURTHA. Madam Speaker, I rise today to mourn the passing of John Alfred "Fred"

Bennett and to pay tribute to his life of leadership and service. Mr. Bennett was a beloved husband, father, friend, and community leader in my district. He was born in Franklin Borough, Cambria County to James A. and Shirley R. Bennett. He grew up with a love of sports and was especially fond of the Pittsburgh Steelers. Mr. Bennett graduated from Greater Johnstown High School and later attended St. Francis University.

After serving his country honorably in the U.S. Army during the Korean War, Mr. Bennett came home to Johnstown, Pennsylvania. He was employed for more than 40 years by the Bethlehem Steel Corporation, where he worked in many positions. He was a delegate to the Johnstown Regional Central Labor Council, became one of the area's most pre-eminent Masons, and was a dedicated Elk.

A devout Christian, Mr. Bennett filled many leadership roles as a member of Mount Sinai Institutional Baptist Church. He served on the church's board of trustees and also participated as a member of the Male Chorus, Adult Gospel Choir, Lily of the Valley, and the John Bennett Singers.

Madam Speaker, Mr. Bennett was the former president and a lifetime member of the Johnstown Branch National Association for the Advancement of Colored People (NAACP), and also served as Chairman of the Civil Rights Committee of United Steelworkers of America 2634 Rod and Wire Mill.

At 78 years old, John Bennett lived a full and prosperous life. My thoughts and prayers are with his wife Rosemarie and his loving family.

**HONORING LORI YING, INTEL  
SCIENCE TALENT SEARCH FI-  
NALIST**

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize my constituent Lori Ying and congratulate her as she is named a finalist in the Intel Science Talent Search 2010. The Intel Science Talent Search is America's most prestigious science competition for high school seniors. Lori is one of only 40 finalists nationwide.

Lori's project, "Female Mating Patterns and Mate Quality in the Dengue Vector Mosquito, *Aedes aegypti*," studied whether or not mosquitoes that are genetically altered not to carry diseases like malaria and dengue fever can be viable mates for normal female mosquitoes.

As a student at South Side High School, Lori has participated in numerous science research programs including Columbia University's Summer High School Program, Cornell University Science Research Program and the Intel Science Talent Search. In addition, Lori is a member of the engineering club, the forensics club, the environmental and social awareness club and the Science Olympiads. She has been recognized by the National Honor Society, National Art Honor Society, National Foreign Language Society, and the National Science Honor Society.

As a senior member of the Education and Labor Committee, I am truly impressed by Lori's accomplishments. I am pleased to see that Lori values not only her education, but also service and volunteerism within her community. In her spare time, Lori is a volunteer for the Rockville Centre Public Library, where she writes book reviews for the library's Web site and reads books to children; the Big Chief School and Camp, where she works with 2nd graders over the summer and South Side High School Summer School, where she helps to teach third graders mathematics.

Madam Speaker, it is with pride and admiration I offer my congratulations to Lori Ying and commend her dedication to education and science.

**HONORING THE GLOUCESTER  
COUNTY CHAPTER OF THE NA-  
TIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE**

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions that the Gloucester County NAACP has made in our community. Today, I stand to celebrate the NAACP's centennial along with the Gloucester County chapter's 18th year in creating change and being an influential voice in America's conscience.

The honorees at December's Annual Freedom Fund Awards Banquet, Chazz Witherspoon, Benjamin T. Griffith, Dr. Sandra M. Butts, Angela Nolan-Cooper, Seth Williams, Dr. Angela M. Jones, Frank Brown, Councilwoman Crystal Evans, Gwendolyn DeVera, Dr. Willie and Mrs. Emily Carter, Loretta Winters, Tiffany Grandison, and LaTonya Nelson, are a testament to the strength of the South Jersey community and the Gloucester County NAACP. These men and women come from all walks of life. They are boxers and bankers, police officers and politicians, anesthesiologists and attorneys. Despite their varied backgrounds, they have much in common. All should be commended for dedicating their time and energy to service of their community.

The Gloucester County chapter of the NAACP was established in 1991. In its first 18 years, the Gloucester County NAACP has been influential in providing scholarships for minority students, coordinating voter registration drives, and encouraging students to reach their full potential.

In celebrating the centennial of the NAACP, we must recognize the important role that the NAACP has played both on a national and local level to ensure the political, educational, social and economic equality of all Americans.

Madam Speaker, the Gloucester County NAACP has made invaluable contributions to the South Jersey region. I congratulate the Gloucester County NAACP on achieving its 18th anniversary, and look forward to its continued successes in the future.

RECOGNIZING DEBORAH LYNN AS  
THE WALTON COUNTY EDU-  
CATIONAL SUPPORT PERSON OF  
THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mrs. Deborah Lynn as the Walton County, Florida Educational Support Person of the Year for the 2009–2010 school year. I am honored to recognize her achievements and her dedication to the students and teachers of Northwest Florida.

Mrs. Lynn, affectionately known as Ms. Debby by her students, is the school nurse for Freeport Elementary School. She supervises the school's clinic, provides first aid for injuries, maintains health records, and administers medicine. But what sets Mrs. Lynn apart from her peers is her initiative. She created Freeport's annual Summer Safety program for students which brings community organizations into the school to teach students about summer safety. Mrs. Lynn also coordinates with the Walton County Health Department all student health screenings, records, and H1N1 vaccines. Finally, she goes above and beyond to also serve the school staff by organizing a mobile mammogram bus to visit the school annually and arranging flu shots for teachers and school employees.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Deborah Lynn as the Walton County Educational Support Person of the Year. Her passion for her students is commendable and her dedication to her profession makes her deserving of this award. My wife Vicki and I wish Deborah and her family all the best for the future.

A TRIBUTE TO FIRST NORTHERN  
BANK ON ITS 100TH ANNIVERSARY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor First Northern Bank as it marked its 100th year in business yesterday, February 1, 2010.

First Northern Bank was established in 1910, and has remained faithful to its roots as an institution formed to address specific personalized needs. First Northern continues to serve such needs with a strong commitment to superior personal service, and commitment to support and reinvest in each of the communities the Bank serves. The Bank continues to maintain its commitment as a full service community bank serving the business, professional, personal, and real estate requirements of the people in Solano, Sacramento, Yolo, and Placer Counties—with a reach into neighboring El Dorado County.

Back in 1910, a group of local Dixon businesspeople believed they weren't getting

the kind of banking services they needed, so in the do-it-yourself tradition of an independent farming community, they voted on January 20th to open their own bank—an "enterprise with all local capital and no outside investment or affiliations."

Following a trip to San Francisco to purchase a safe and other supplies, their new bank opened for business a few days later on February 1, 1910, in a former ice cream parlor. After one month in business, the Bank had 93 accounts with deposits totaling more than \$75,000. Today, deposits have grown to more than \$650 million. Even though 100 years have passed, descendants of the Bank's founders are still shareholders and customers.

Over the years, First Northern Bank has contributed millions of dollars to the communities it serves, in the form of direct financial support and in-kind services.

I am pleased to recognize and congratulate First Northern Bank at this milestone, and anticipate many more successful years to come.

TRIBUTE TO PIKEVILLE MEDICAL  
CENTER

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to a world class hospital and the American Alliance of Healthcare Providers' 2009 "Hospital of the Year," Pikeville Medical Center.

Each year, the American Alliance of Healthcare Providers selects a recipient of its hospital of the year award. This year over 400 applicants across the country participated in this competition. These applicants underwent rigorous on-site surveys and interviews to measure each hospital's standards of conduct, improvement, management and training. I am proud to report that this top notch institution in the heart of Eastern Kentucky was judged to be the nation's most patient friendly hospital.

This distinguished recognition truly reflects an unwavering commitment to world class patient care by every one of Pikeville Medical Center's 1,700 employees. The honor of being named Hospital of the Year is simply the latest example of the Pikeville Medical Center's stellar reputation among its peers and fellow medical professionals; in fact, the hospital was also named a Hospital of Choice by the American Alliance of Healthcare Providers earlier this year. In addition, the hospital has been named one of Kentucky's Top 10 Places to Work for two consecutive years, and one of the nation's Best Places to Work by Modern Healthcare Magazine. The hospital has also been recognized by the Kentucky Center for Performance Excellence and the Commission on Cancer. Simply put, the Pikeville Medical Center is living proof that the best hospitals rely not only on technology, but on a labor force that is committed to their noble mission of "quality, regional health care in a Christian environment."

For 85 years, Pikeville Medical Center has served as a beacon of healing for the people of Pike County, Kentucky and the surrounding

regions. Since its humble beginnings in 1924, the hospital has expanded many times over to meet regional needs. Today, the Medical Center complex boasts many specialties and services such as its award winning cancer center, a cardiac rehabilitation center, a sleep studies laboratory, and a neonatal intensive care unit. The Pikeville Medical Center has also fashioned a teaching program that is second to none and will ensure that our talented young medical professionals will not have to leave Eastern Kentucky to learn and develop their skills.

Madam Speaker, I ask my colleagues to join me in honoring a fine example of patient care and community wellness, the Pikeville Medical Center. I congratulate the Center on this latest achievement and wish the employees and hospital leadership many more years of success.

RECOGNIZING PATRICIA TOY AS  
THE WALTON COUNTY TEACHER  
OF THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Patricia Toy upon receiving the Walton County, Florida Teacher of the Year Award. Patricia is a dedicated teacher and public servant, and I am honored to recognize her achievements.

Patricia Toy has an extensive career in education. She earned her bachelor's degree from Eastern Kentucky University and her Master's in Education from Georgetown College in Kentucky. Past teaching awards include the Who's Who Among American Teachers Award in 1998, 2000, and 2002, as well as the Outstanding Educator Award from the Kentucky Governor's Scholar Program in 2001. She has been a teacher for over 28 years.

In her third year at Paxton School in Walton County, Patricia now teaches seventh grade language arts and high school Spanish. Her tremendous dedication to the students of Paxton has earned her the Walton County Teacher of the Year Award for 2010.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Patricia Toy as the Walton Teacher of the Year. She is a true community leader and a great educator. My wife Vicki and I wish Patricia and her family all the best for the future.

HONORING MRS. ELEANOR  
DOUGHTY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. GRAVES. Madam Speaker, I rise today to honor a very special woman who resides in Missouri's 6th congressional district, Mrs. Eleanor Doughty, and congratulate the event of her 100th birthday.

Eleanor was born in St. Joseph, Missouri on January 29, 1910. The daughter of Frank and



Maude Culp, Eleanor attended school in St. Joseph and went on to earn a degree in Business Administration from Tarkio College.

In 1933, Eleanor married Gavin Doughty at Wyatt Park Baptist Church in St. Joseph, MO. Together, Eleanor and Gavin moved up north to Tarkio, MO where they remained married for 71 years and raised their four children, Mervyn Fisher, Gavin Jr., Wayne, and Carol. The family grew by leaps and bounds over the years to include 14 grandchildren, 28 great grandchildren, and 8 great great grandchildren.

Eleanor's life has been a testament to the kind of woman she is. Family and friends closest to Eleanor say, more than anything, she is a dedicated wife and loving mother. One of her proudest accomplishments was being able to raise such a wonderful family. These days a person is likely to find Eleanor visiting family, playing Bridge or Tile Rummy, reading a good book, or getting her daily exercise.

Madam Speaker, it is my honor to join with family and friends to congratulate Eleanor as she celebrates her 100th birthday. I congratulate Eleanor for her many contributions to her family, friends, and community and wish her many more joyful years.

DOLLY MILLENDER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and honor that I congratulate Ms. Dharathula H. "Dolly" Millender on a momentous milestone, her 90th birthday, which will be on February 4, 2010. Dolly will be celebrating this milestone with family and friends on Thursday, February 4, 2010, at The Stadium Restaurant in Gary, Indiana. For 50 years, Dolly's complete dedication and endless enthusiasm put forth toward her community has allowed her the opportunity to enrich the lives of countless people.

Dolly Millender was born on February 4, 1920, in Terre Haute, Indiana, to Dolly and Orestes Hood, and became a third generation Hoosier. Dolly's grandfather, Nicholas Hood, settled in Indiana after becoming free. From her family, Dolly learned the importance of community. They taught her to work unselfishly for the people of the community because it is "right" and it should not be done for any other ambition. It was during these early years that Dolly was taught to strive to make a difference in the lives of others. In 1941, Dolly went on to graduate with a Bachelor's degree in Education with a minor in Music from Indiana State Teacher's College, which is now Indiana State University. It was during her college years that she met her late husband, Justyn Millender. In 1944, Dolly and Justyn were married and later had two children, Naomi and Justine.

The family moved to Gary in 1950, and it was here that Dolly became a librarian at Pulaski Junior High, where she was fondly known as the "library lady." It was during this time that she became enthralled with the history of Gary and its roots. Dolly's passion for

history and selfless devotion to her community began to take shape, and her lifelong career as a historian and advocate for the community of Gary continued to grow. In 1967, Dolly wrote and published the first of her five books, *Yesterday in Gary*, which has become a collector's item today. Continuing her education, in 1969, Dolly went on to graduate from Purdue University with a Master's degree in Educational Media. Dolly then began her active political career as a precinct committeeperson and later became the first elected Gary City Councilwoman-at-large. She has held many impressive political positions throughout her career which include: library trustee, school board trustee, and Chief Executive Officer of the Gary Historical and Cultural Society, an unpaid position she continues to hold today. Dolly's many friends and family members share a common respect for her commendable qualities. For her many years of service dedicated to making the community of Gary a better place, Dolly is to be commended. She is a role model for us all.

Madam Speaker, Dolly Millender has always given her time and efforts selflessly to the community of Gary throughout her illustrious life. She has dedicated her time and effort to serving and inspiring her community and its people, and for this she is worthy of our deepest admiration. I respectfully ask you and my other distinguished colleagues join me in wishing Dolly a very happy 90th birthday.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT JONATHAN SHIVER

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Ms. GIFFORDS. I rise today to honor United States Army Sergeant Jonathan Shiver, who passed away on January 15, 2010.

Born March 4, 1985 to Paul Edward and Jennifer Ann Shiver in Tucson, Jonathan graduated from Buena High School in 2003 and attended Wyoming Technical College, earning his Associates Degree in 2004.

Jonathan joined the Army in June 2007—a day he said was the day that changed his life. He was an exemplary soldier, promoted to Sergeant in 2009 ahead of his peers.

His family described him as a caring soul who enjoyed spending time outdoors on fishing trips, listening to country music, playing cards, and spending time with his friends and family.

Assigned to the Army's Third Expeditionary Sustainment Command, he deployed to Iraq where he worked as a mechanic, orderly room clerk, and was later selected to be a General's aide. Jonathan earned numerous commendations and accolades during his career.

We remember Sergeant Jonathan Shiver and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Justin

made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe Jonathan and his family a debt of gratitude and it is vital that we remember him and his service to his country.

Sergeant Jonathan Shiver leaves behind his beloved wife Jasmine, his parents Paul and Jennifer of Sierra Vista, his sister Danielle of Phoenix, his grandmothers Brenda Jacobson of Sierra Vista and Marian Shiver of Texas and many aunts, uncles, cousins and friends.

HOBART CHAMBER OF COMMERCE  
2009 AWARD WINNERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to recognize the Hobart Chamber of Commerce award winners for 2009. These distinguished recipients will be honored during the Chamber's annual awards and installation banquet, which will take place on Thursday, February 4, 2010, at River Pointe Country Club in Hobart, Indiana.

The Hobart Chamber of Commerce utilizes members of the community in order to improve and develop business, industry, and the professions. Each year, the Chamber members and friends gather together to honor outstanding businesses and volunteers, and to commemorate specific accomplishments within the community. This year, the Chamber will honor the memory of Nancy Norris and Shirley Campbell, two remarkable individuals whose impact on the Hobart community will leave a lasting impression.

Continuing a tradition that dates back more than fifty years, the Chamber will honor its 2009 Outstanding Businesses. The first of the 2009 Outstanding Business award recipients is Alligator Construction. Alligator Construction first opened its doors nine years ago. Owners Dave and Maryann Ferner credit the support of their community for allowing them to grow from a window and siding company to a total remodeling company. Throughout Hobart and beyond, Alligator Construction's quality craftsmanship and commitment to meeting the customers' demands can be seen in the many successful projects they have undertaken. Regional Federal Credit Union, founded in 1961, is also being recognized as an Outstanding Business for 2009. Regional Federal Credit Union continues to flourish as a company committed to community involvement and volunteerism, as well as the promotion of financial education in the school system. The company has seen success and growth throughout Northwest Indiana by providing the community with excellent service in meeting the needs of their customers. The final Outstanding Business for 2009 is Strack and Van Til. What began in 1959 as a partnership between Nick Van Til and Ernie Strack, two local grocery store owners, has emerged as an organization now boasting an astonishing thirty super-market locations throughout Indiana and Illinois. Priding itself on quality products and

quality service, Strack and Van Til has been a leader not only in the grocery business but in the Northwest Indiana community as well. Each of these fine businesses is truly worthy of this tremendous honor.

During this year's banquet, the Hobart Chamber of Commerce will honor Ms. Virginia Curtis with the Lifetime Achievement Award. Ms. Curtis, a longtime resident of Hobart, has been a member of the Chamber for more than thirty years and currently serves on its board of directors. Ms. Curtis is credited as the driving force behind the city's Independence Day festivities and was even selected in 2009 as the Grand Marshal for the parade. Well known for her work as a staff writer for several local newspapers, Ms. Curtis also owned a local restaurant and now serves as the president of the Hobart Community Improvement Committee. For her selfless commitment to her community, I congratulate Ms. Virginia Curtis on this prestigious award.

The Hobart Chamber of Commerce will also congratulate Saint Mary Medical Center for an astonishing 103 years of service to the Northwest Indiana community. The hospital continues to be a leader in the healthcare field and has maintained excellence in providing quality care to those in need. For its outstanding service, Saint Mary Medical Center has received countless awards, including the Distinguished Hospital for Patient Safety Award and the 2008 Hobart Chamber of Commerce Large Business of the Year award. For their many years of service and for the many lives its dedicated staff has improved, I commend the Saint Mary Medical Center.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Hobart Chamber of Commerce 2009 award winners. For their dedication and commitment to the community of Hobart as well as Northwest Indiana, they are all worthy of the honors bestowed upon them.

#### EARMARK DECLARATION

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Aircraft Evaluation Readiness Initiative (AERI)

Provided: \$2,400,000

Account: Research, Development, Test and Evaluation—Air Force

Recipient: Iowa State University

Recipient's Street Address: 1750 Beardshear Hall, Ames, IA 50011-2035

Description: This project would continue a program to address a range of aircraft inspection needs to help extend the life of the aging Air Force fleet, as part of a partnership between the Center for Nondestructive Evaluation at Iowa State University and the Air Force Materials Laboratory at Wright Patterson Air Force Base.

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Project Name: Galfenol Energy Harvesting  
Amount Provided: \$2,800,000

Account: Research, Development, Test and Evaluation—Army

Recipient: ETREMA Products, Inc.

Recipient's Street Address: 2500 North Loop Drive, Ames, Iowa 50010

Description: The US Navy has a goal of reducing crew sizes, moving toward all-electric designs and increasing survivability of its vessels. A key strategy is the use of remote sensors to monitor areas and functions of a ship normally covered directly by personnel. The objective of the project is to develop this technology. Magnetostrictive materials like Galfenol offer a unique capability to harvest stray energy from routine ship vibrations and other sources which can power these sensors and the wireless radios used to transmit the data. Remote sensors would communicate information to a central processing station using a wireless network and thereby avoid adding the weight and complexity of additional wiring. An important benefit is the increased survivability of such a vessel in the event of an emergency or attack. By decentralizing command and control functions of a vessel through virtual control centers, damage to any one section of a vessel can be circumvented.

#### CONGRESS AND PROGRESS

#### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. FATTAH. Madam Speaker, I rise today to call to the attention of my colleagues an important and insightful commentary in the Sunday Washington Post—"A Very Productive Congress" by Norman Ornstein, resident scholar at the American Enterprise Institute.

Norman Ornstein is no raving liberal, nor is AEI considered among the ranks of progressive think tanks. Even more to the point, Ornstein is no fan of this august body. As the editor's note describes, he is co-author of "The Broken Branch: How Congress Is Failing America and How to Get It Back on Track." His study, co-written with Thomas Mann, was published in 2006 when, I might suggest, a great many in the House today would have readily agreed.

So it is significant and, frankly, a hopeful sign for progress in our democracy that Ornstein cites the high legislative achievement of the 111th Congress and the dramatic if overlooked success of President Obama since January 2009:

"... This Democratic Congress is on a path to become one of the most productive since the Great Society 89th Congress in 1965-66, and Obama already has the most legislative success of any modern president—and that includes Ronald Reagan and Lyndon Johnson," Ornstein writes. "The deep dysfunction of our politics may have produced public disdain, but it has also delivered record accomplishment."

Ornstein in particular praises the American Recovery and Reinvestment Act as a monumental achievement that would draw even greater recognition if it had been passed as a

series of separate programs to reshape and fund education reform, health information technology, an energy smart grid, far-reaching job recovery and much more—"Instead, the Congress did it in one bill."

I am a dedicated viewer of the Sunday talk shows. This past Sunday my channel surfing failed to locate a single commentator, legislator, scholar or talking head referencing the Ornstein essay. So I am sharing Norman Ornstein's article here in hopes that it will stimulate further discussion, appreciation of the Congressional leadership, and proper perspective of our accomplishments at both ends of Pennsylvania Avenue.

[From the Washington Post, Jan. 31, 2010]

A VERY PRODUCTIVE CONGRESS, DESPITE  
WHAT THE APPROVAL RATINGS SAY

(By Norman Ornstein)

When President Obama urged lawmakers during his State of the Union speech to work with him on "restoring the public trust," he was hardly going out on a limb. The Congress he was addressing is one of the least popular in decades. Barely a quarter of Americans approve of the job it's doing, according to the latest Gallup/USA Today poll, while 58 percent said it was below average or one of the worst ever, according to an NBC/Wall Street Journal survey last month.

It's not hard to find reasons why Americans are down on Capitol Hill, and why President Obama's approval rating has dropped below 50 percent in many polls. A year into the 111th Congress, unemployment remains at 10 percent, and many Americans are struggling to get by—even as they've watched Congress bail out banks and coddle the same bankers now salivating over massive new bonuses. At the same time, the public has had a front-row seat to the always messy legislative process on health care and other issues, and this past year that process has been messier, more rancorous and more partisan than at any point in modern memory.

There seems to be little to endear citizens to their legislature or to the president trying to influence it. It's too bad, because even with the wrench thrown in by Republican Scott Brown's election in Massachusetts, this Democratic Congress is on a path to become one of the most productive since the Great Society 89th Congress in 1965-66, and Obama already has the most legislative success of any modern president—and that includes Ronald Reagan and Lyndon Johnson. The deep dysfunction of our politics may have produced public disdain, but it has also delivered record accomplishment.

The productivity began with the stimulus package, which was far more than an injection of \$787 billion in government spending to jump-start the ailing economy. More than one-third of it—\$288 billion—came in the form of tax cuts, making it one of the largest tax cuts in history, with sizable credits for energy conservation and renewable-energy production as well as home-buying and college tuition. The stimulus also promised \$19 billion for the critical policy arena of health-information technology, and more than \$1 billion to advance research on the effectiveness of health-care treatments.

Education Secretary Arne Duncan has leveraged some of the stimulus money to encourage wide-ranging reform in school districts across the country. There were also massive investments in green technologies, clean water and a smart grid for electricity, while the \$70 billion or more in energy and environmental programs was perhaps the

most ambitious advancement in these areas in modern times. As a bonus, more than \$7 billion was allotted to expand broadband and wireless Internet access, a step toward the goal of universal access.

Any Congress that passed all these items separately would be considered enormously productive. Instead, this Congress did it in one bill. Lawmakers then added to their record by expanding children's health insurance and providing stiff oversight of the TARP funds allocated by the previous Congress. Other accomplishments included a law to allow the FDA to regulate tobacco, the largest land conservation law in nearly two decades, a credit card holders' bill of rights and defense procurement reform.

The House, of course, did much more, including approving a historic cap-and-trade bill and sweeping financial regulatory changes. And both chambers passed their versions of a health-care overhaul. Financial regulation is working its way through the Senate, and even in this political environment it is on track for enactment in the first half of this year. It is likely that the package of job-creation programs the president showcased on Wednesday, most of which got through the House last year, will be signed into law early on as well.

Most of this has been accomplished without any support from Republicans in either the House or the Senate—an especially striking fact, since many of the initiatives of the New Deal and the Great Society, including Social Security and Medicare, attracted significant backing from the minority Republicans.

How did it happen? Democrats, perhaps recalling the disasters of 1994, when they failed to unite behind Bill Clinton's agenda in the face of uniform GOP opposition, came together. Obama's smoother beginning and stronger bonds with congressional leaders also helped.

But even with robust majorities, Democratic leaders deserve great credit for these achievements. Democratic ideologies stretch from the left-wing views of Bernie Sanders in the Senate and Maxine Waters in the House to the conservative approach of Ben Nelson in the Senate and Bobby Bright in the House, with every variation in between. Finding 219 votes for climate-change legislation in the House was nothing short of astonishing; getting all 60 Senate Democrats to support any version of major health-care reform, an equal feat. The White House strategy—applying pressure quietly while letting congressional leaders find ways to build coalitions—was critical.

Certainly, the quality of this legislative output is a matter of debate. In fact, some voters, including many independents, are down on Congress precisely because they don't like the accomplishments, which to them smack of too much government intervention and excessive deficits. But I suspect the broader public regards this Congress as committing sins of omission more than commission. Before the State of the Union, the stimulus was never really sold in terms of its substantive measures; it just looked like money thrown at a problem in the usual pork-barrel way. And many Americans, hunkering down in bad times, may not accept the notion of "countercyclical" economic policies, in which the government spends more just when citizens are cutting back.

Most of the specific new policies—such as energy conservation and protection for public lands—enjoy solid and broad public support. But many voters discount them simply

because they were passed or proposed by unpopular lawmakers. In Massachusetts, people who enthusiastically support their state's health-care system were hostile to the very similar plan passed by Congress. Why? Because it was a product of Congress.

Well before Sen.-elect Brown's Bay State upset, it was clear that a sterling legislative record in the first half of the 111th Congress did not guarantee continuing action in 2010 or beyond. And now, Democrats' success at keeping 59 senators in line means little if they cannot find someone on the other side willing to become vote No. 60. With Republicans ebullient over the Massachusetts election, the likelihood is that they will feel vindicated in their "just say no" strategy, Obama's leadership lectures notwithstanding.

If the midterm elections in November turn out to be more like 1994, when Democrats got hammered, than 1982, when Republicans suffered a less costly blow, the GOP will probably be emboldened to double down on its opposition to everything, trying to bring the Obama presidency to its knees on the way to 2012. That would mean real gridlock in the face of a serious crisis. Given the precarious coalitions in our otherwise dysfunctional politics, we could go quickly from one of the most productive Congresses in our lifetimes to the most obstructionist.

And voters would probably like that even less.

#### EARMARK DECLARATION

#### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was included within the Joint Explanatory Statement of Managers to accompany the Amendment to the Senate Amendment to H.R. 3326, the Defense Appropriations Act of Fiscal Year 2010, which is commonly referred to as the Defense Appropriations Conference Report for Fiscal Year 2010 (even though no formal conference was held). To the best of my knowledge, these requests: (1) are not directed to an entity or program that will be named after a sitting Member of Congress; (2) are not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meet or exceed all statutory requirements for matching funds where applicable. I further certify that neither my spouse, nor I, have any personal financial interests in these requests.

Project Title: Senior Scout, Electro-Optical Infrared Capability Amount: \$4.8 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Army Aircraft Procurement  
Address of Requesting Entity: Utah Air National Guard, 169th Intelligence Squadron, and Lockheed-Martin, 7563 South 4470 West, West Jordan, Utah 84084.

Matching Funds: None  
Detailed Spending Plan: Not applicable.  
Description and Justification of Funding: Funding would provide for infra-red imaging

capabilities for better all-condition imagery of high-value intelligence target identification and location functions.

Project Title: Senior Scout, Line of Sight Datalink

Amount: \$2.4 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Army Aircraft Procurement  
Address of Requesting Entity: Utah Air National Guard, 169th Intelligence Squadron, and Lockheed-Martin, 7563 South 4470 West, West Jordan, Utah 84084.

Matching Funds: None  
Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding would upgrade the Senior Scout platform by incorporating line-of-sight equipment, antenna systems, and infrastructure components for increased data processing and dissemination capacity to meet greatly increasing military mission demands.

Project Title: Senior Scout, Remote Operations Capability

Amount: \$2.4 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Army Aircraft Procurement  
Address of Requesting Entity: Utah Air National Guard, 169th Intelligence Squadron, and Lockheed-Martin, 7563 South 4470 West, West Jordan, Utah 84084.

Matching Funds: None  
Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding would upgrade the Senior Scout intelligence platform by upgrading the remote data processing functionality, improving processing times and dissemination of crucial time-sensitive intelligence to end-users.

Project Title: Automated Composite Technologies and Manufacturing Center

Amount: \$9.6 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Defense Production Act Purchases  
Address of Requesting Entity: ATK, Inc., Freeport Center Building H-8, Clearfield, Utah 84016.

Matching Funds: None  
Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding would be used in partnership with the Ogden Air Logistics Center at Hill AFB, to continue multi-year effort to develop high tech cutting-edge carbon fiber placement and equipment in support of Air Force aviation platforms and weapons systems, leading to better technical competence within the government depot system in support of these systems.

Project Title: Dugway Field Test Improvements

Amount: \$3.6 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Army RDT&E  
Address of Requesting Entity: ITT, Inc., 8262 South 5260 West, South Jordan, Utah 84088.

Matching Funds: None  
Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding will incorporate cutting-edge radar and sensor technology into the capabilities of U.S. Army Dugway Proving Ground, Utah, for

use in its vital chemical and biological defense test mission, to allow for more accurate test characterization of biological and chemical threats. Project is in conjunction with the Space Dynamics Laboratory at Utah State University.

Project Title: Multiple Source Data Fusion for Dugway Proving Ground  
Amount: \$2 million  
Requesting Member: ROB BISHOP of Utah  
Bill Number: H.R. 3326  
Account: Army RDT&E  
Address of Requesting Entity: ITT, Inc., 8262 South 5260 West, South Jordan, Utah 84088.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding is needed to support the U.S. Army Dugway Proving Ground in its unique mission of chemical and biological defense testing, by supporting technology improvements to monitor and analyze chemical and biological stimulants, including development of stand-off referee instrumentation and data fusion methods.

Project Title: Precision Strike Munitions Advancement with Integrated Millimeter Wave Power Sources to Satisfy Army Strategic Goals

Amount: \$3.28 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Army RDT&E

Address of Requesting Entity: Innosys, Inc., 2900 South Main Street, Salt Lake City, Utah 84115.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding will be used to develop an integrated millimeter wave amplification portable power system to support autonomous operations of precision strike weaponry, such as micro UAVs and helicopters, providing warfighters with greater and more flexible weapons and tactical surveillance capabilities.

Project Title: Transitioning Stretch Broker Carbon Fiber to Production Programs

Amount: \$3.2 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Army RDT&E

Address of Requesting Entity: Hexcell, Inc., 6700 West 5400 South, West Valley City, Utah 84118.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding needed to continue industry efforts to develop advanced carbon fiber technology to allow for the forming of more geometrically complex weapons system and aviation components at the time of manufacture, and also to allow for the development of a Mil-HdBk-17 approved data base, which is necessary for the new technology to be certified for use on current and future defense program production.

Project Title: Unserviceable Ammunition Demilitarization via Chemical Dissolution at Tooele Army Depot

Amount: \$1.6 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Army RDT&E

Address of Requesting Entity: Battelle Memorial Institute, 4225 Lake Park Blvd., Suite 200, West Valley City, Utah 84120.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Project would continue efforts begun in FY09 to design and construct a prototype acid hydrolysis conventional munitions demilitarization process for the disposal of high-risk/high-cost unserviceable and obsolete ammunition stored at Tooele Army Depot, Utah, in a more environmentally responsible manner.

Project Title: CAD/CAM Aircraft Structural Overhaul Work Center

Amount: \$2.5 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Air Force RDT&E

Address of Requesting Entity: Mission Support, Inc., P.O. Box 160135, Freeport Center Building Z-15, Clearfield, Utah 84016.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding will be used to provide computer-aided design/computer aided manufacturing (CAD/CAM) technology in workstations for the Ogden Air Logistics Center at Hill AFB, Utah, for use primarily on legacy aircraft repairs of aviation component parts, such as the A-10 weapon system, increasing parts manufacturing accuracy and reducing repair and overhead costs to the government.

Project Title: UAV Sensor and Maintenance Development Center

Amount: \$3.92 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Air Force RDT&E

Address of Requesting Entity: Space Dynamics Laboratory at Utah State University, 1695 North Research Park Way, North Logan, Utah 84341.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding would provide technical assistance to the Ogden Air Logistics Center at Hill AFB, Utah, in the areas of developing, calibrating, and integrating various sensors and other payloads onto UAV platforms, which will facilitate future R&D development of UAV capability within the military.

Project Title: Compliance Tools Development for Metals in Antifouling Paints

Amount: \$800,000

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Navy RDT&E

Address of Requesting Entity: Kennecott Copper (Rio Tinto) and International Copper Association, 260 Madison Ave., New York, NY 10016.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding would be used to develop environmental modeling software tools to survey site-specific naval installations for buildup of harmful heavy metals in harbor sediments caused by paints and coatings on naval vessels at port. This tool will allow the navy to measure and monitor which coatings are best and most cost-effective for anti-fouling paints (some of

which contain copper), and allow the Navy to remain in compliance with environmental standards.

Project Title: Tomahawk Cost Reduction Initiative

Amount: \$3.28 million

Requesting Member: ROB BISHOP of Utah

Bill Number: H.R. 3326

Account: Navy RDT&E

Address of Requesting Entity: Williams International, Inc., 3450 Sam Williams Drive, Ogden, Utah 84401.

Matching Funds: None

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding is needed to incorporate new manufacturing technologies into the Tomahawk production line that will reduce the per-unit costs for future missiles. This funding has a quick pay-back period on this proven "weapon of choice" in many conflicts.

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## ON THE RECENT ARSON ATTACKS ON THE ETZ-HAYYIM SYNA- GOGUE ON THE ISLAND OF CRETE

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**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mrs. MALONEY. Madam Speaker, I rise today to strongly condemn the recent arson attacks on Jan. 5 and 16 targeting the historic Jewish synagogue in the port-city of Hania on the island of Crete.

The Etz-Hayyim Synagogue holds a library of religious books and functions as a museum and memorial in the ancient harbor city of Chania. Etz-Hayyim dates back to the Middle Ages and serves as one of the last Jewish monuments on the island of Crete, in addition to serving as a house of worship.

I applaud the Greek authorities' quick action and recent arrests of the suspected perpetrators of the attacks and urge the individuals responsible be swiftly brought to justice. The State Department has praised the Greek government for condemning the attacks and taking a strong stand against anti-Semitism and racism. I join them in their praise and congratulate the Greek government for its swift and decisive reaction.

These are only the most recent in a series of anti-Semitic incidents to surface in Greece from Veria to Ioannina and to Volos in the recent past. In fact, this type of virulent anti-Semitism continues to rise worldwide and must be met with equal defiance and determination to defeat those who would perform these despicable acts.

We must not let this type of anti-Semitism percolate as the world has seen the evil that stems from this type of hatred and bigotry. I stand firmly with Greece and the Jewish community of Hania, and Jewish communities around the world, and implore the international community to voice their outrage against this intolerance.

I urge my colleagues to do the same.

## PERSONAL EXPLANATION

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. YOUNG of Alaska. Madam Speaker, due to the death of my brother I was unable to participate in the legislative proceedings of the House during the week of January 18, 2010. If I had been present I would have voted the following:

Rollcall 6 was on a motion to suspend the rules and agree to congratulate the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health. Had I been present, I would have voted "aye."

Rollcall 7 was on a motion to suspend the rules and agree to congratulate the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship. Had I been present, I would have voted "aye."

Rollcall 8 was on a motion to suspend the rules and agree to commend the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship. Had I been present, I would have voted "aye."

Rollcall 9 was on a rule providing for consideration of H.R. 3254, H.R. 3342, and H.R. 1065. Had I been present, I would have voted "no."

Rollcall 10 was on a motion to suspend the rules and pass the Castle Nugent National Historic Site Establishment Act of 2010. Had I been present, I would have voted "aye."

Rollcall 11 was on a motion to suspend the rules and pass the Idaho Wilderness Water Resources Protection Act. Had I been present, I would have voted "aye."

Rollcall 12 was on passage of the Taos Pueblo Indian Water Rights Settlement Act. Had I been present, I would have voted "no."

Rollcall 13 was on passage of the Aamodt Litigation Settlement Act. Had I been present, I would have voted "no."

Rollcall 14 was on passage of the White Mountain Apache Tribe Water Rights Quantification Act of 2009. Had I been present, I would have voted "no."

Rollcall 15 was on a motion to suspend the rules and agree to express condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010. Had I been present, I would have voted "aye."

Rollcall 16 was on a motion to suspend the rules and concur in the Senate amendment—Nuclear Forensics and Attribution Act. Had I been present, I would have voted "aye."

RECOGNIZING THE PRINCE WILLIAM REGIONAL CHAMBER OF COMMERCE 2009 BUSINESSES OF THE YEAR

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the Prince William

Regional Chamber of Commerce 2009 Businesses of the Year.

The Businesses of the Year Awards are divided into eight categories. Each year, the Prince William Regional Chamber identifies a business for each category that best exemplifies the entrepreneurial and community spirit of the County. The winners represent some of Prince William's most heartening stories of success and charity.

I would like to extend my personal congratulations to the recipients of the 2009 Businesses of the Year Awards:

New Business of the Year: Dogtopia of Woodbridge.

Small Business of the Year: The Dog Eaze Inn.

Medium Business of the Year: Whitlock & Associates Wealth Management.

Large Business of the Year: R.W. Murray Co.

Home Based Business of the Year: ImageWerks.

Community Service Organization of the Year: Greater Prince William Community Health Center.

Cultural Arts Organization of the Year: Youth Orchestras of Prince William.

Community Outreach Award: Larry Hair Designers, Inc.

Madam Speaker, I ask that my colleagues join me in congratulating the 2009 Businesses of the Year and wishing them continued success. Strong businesses are the backbone of a healthy and robust economy, and we do our community a service to encourage their creation and growth.

THE RELEASE OF DANGEROUS DETAINEES FROM GUANTANAMO BAY

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. WOLF. Madam Speaker, I submit for the RECORD a letter that I received earlier today from Deputy National Security Adviser John Brennan in response to my many letters to him and the President on the release of dangerous detainees from Guantanamo Bay to unstable countries. In Mr. Brennan's letter, he confirms that detainee recidivism has dramatically grown from 13 to 20 percent over the last year. The administration has been suppressing this information for many months and I have urged the White House on several occasions to release it to the public.

He also challenges my concerns about the release of a detainee named Ayman Batarfi, who is connected to Osama bin Laden and al Qaeda's anthrax program. I also submit for the record a response to Mr. Brennan's letter by Mr. Thomas Joscelyn that was published on The Weekly Standard's Web site.

THE WHITE HOUSE,

*Washington, DC, February 1, 2010.*

DEAR REPRESENTATIVE WOLF: I am writing in response to questions you have raised in letters to the President on November 2, 2009, November 5, 2009, November 12, 2009, December 18, 2009, December 29, 2009, and January 12, 2010, as well as during a briefing I pro-

vided to Members of the House of Representatives on January 13, 2010. In particular, you have posed questions relating to the closure of the detention facilities at Guantánamo Bay and the Administration's counterterrorism efforts in Yemen. Let me take this opportunity to address these issues in greater detail.

The professional assessment of our military commanders and civilian leaders at the Department of Defense is that closing the detention facilities at Guantánamo is a national security imperative in the war against al-Qa'ida. Secretary Gates, Admiral Mullen, and General Petraeus have all stated that closing Guantánamo will help our troops by eliminating a potent recruiting tool. All three officials prosecuted this war under the previous Administration and continue to do so today.

With respect to detainees transferred abroad, this Administration has instituted the most robust review process ever applied to detainees at Guantánamo, including halting the "stove-piping" of classified information and requiring unanimous interagency decisions prior to every transfer. On January 22, 2009, the President signed Executive Order 13492, directing the consolidation of information from all agencies relating to Guantánamo detainees. As a result, Federal agencies for the first time have unprecedented access to a wide range of classified information collected from across the government.

The Executive Order also directed a comprehensive interagency review of all individuals at Guantánamo. To implement this directive, a task force was established with more than 60 career prosecutors, agents, analysts, and attorneys from across the government, including civilian, military, and intelligence officials. Every decision to transfer a detainee to a foreign country during this Administration has been made unanimously by all agencies involved with the review process after a full assessment of intelligence and threat information. This includes the Department of Defense, the Joint Chiefs of Staff, and the Office of the Director of National Intelligence, as well as the Departments of State, Justice, and Homeland Security.

A critical factor in considering the transfer of detainees abroad relates to security conditions in the receiving country. The situation in Yemen presents significant challenges in this respect, and as a result, we have been deliberate about transferring detainees there. The previous Administration transferred 13 detainees to Yemen, and this Administration has repatriated 7 to date. Although more than 90 Yemeni detainees remain at Guantánamo, the Administration temporarily suspended repatriations to Yemen earlier this month because of the specific security conditions and threat environment in that country.

During the briefing on January 13, you made allegations that one detainee repatriated to Yemen had been involved in weapons of mass destruction. As it has done in every case, the task force thoroughly reviewed all information available to the government about this individual and concluded that there is no basis for the assertions you made during this session. I am attaching a classified addendum to this letter that addresses your concerns directly.

We believe that significant improvements to the detainee review process have contributed to significant improvements in the results. According to the most recent report to

Congress pursuant to section 319 of the Supplemental Appropriations Act of 2009, the Intelligence Community assesses that 20 percent of detainees transferred from Guantánamo are confirmed or suspected of recidivist activity. This figure includes 9.6 percent of former detainees who are confirmed recidivists and 10.4 percent of former detainees who the Intelligence Community suspects, but is not certain, may have engaged in recidivist activities. I want to underscore the fact that all of these cases relate to detainees released during the previous Administration and under the prior detainee review process. The report indicates no confirmed or suspected recidivists among detainees transferred during this Administration, although we recognize the ongoing risk that detainees could engage in such activity.

The Administration has worked aggressively since President Obama's inauguration to fully support Yemeni stability. Although previous punitive policies left Yemen with little U.S. financial and military support, this Administration is attempting to correct this problem by significantly increasing our financial and military support to the Government of Yemen. In addition to assisting Yemen in countering al-Qa'ida in the Arabian Peninsula, we are examining political and fiscal reforms to improve the security conditions in Yemen and ensure that gains are lasting.

These issues are among the most challenging we face as a nation, and the Administration is committed to executing a careful and comprehensive approach that promotes the national security of the United States. I look forward to working with you in the future on these and other issues.

Sincerely,

JOHN O. BRENNAN,  
Assistant to the President for Homeland  
Security and Counterterrorism.

[From the Weekly Standard, Feb. 2, 2010]

BRENNAN IS WRONG ON BATARFI

(By Thomas Joscelyn)

Jake Tapper of ABC News has obtained a copy of a letter John Brennan, the assistant to President Obama for homeland security and counterterrorism, sent to congressional leaders Monday night. Brennan defends the administration's efforts to close Guantánamo in the letter. While conceding that the number of former detainees who are "confirmed" or "suspected" of returning to terrorism has risen to 20 percent, Brennan says that all of the recidivists were released during the Bush years. Brennan goes on to argue that the Obama administration has made "significant improvements to the detainee review process," implying that it is being more careful in determining which detainees can be transferred or released than its predecessor.

In the middle of his letter, Brennan inserts this curious paragraph: During the briefing on January 13, Representative Wolf made allegations that one detainee repatriated to Yemen had been involved in weapons of mass destruction. As it has done in every case, the task force thoroughly reviewed all information available to the government about this individual and concluded that there is no basis for the assertions Representative Wolf made during this session. I am attaching a classified addendum to this letter that addresses these concerns directly.

Brennan is referring to a Yemeni named Ayman Batarfi, who the administration repatriated to Yemen in December of last year. (I've written about Batarfi previously. See, for example, here and here.)

Brennan's characterization of Batarfi is surely wrong. Congressman Wolf got it right. And you don't need classified information to see that Wolf has the better of the argument.

The key is Batarfi's involvement in al Qaeda's efforts to develop anthrax. Intelligence authorities at Guantánamo consistently and repeatedly found that Batarfi played a role in al Qaeda's anthrax program while working for al Wafa—a "charity" that is really a front for al Qaeda. (Al Wafa has been designated an al Qaeda entity by both the U.S. and the UN.) During a hearing at Gitmo, Batarfi conceded he worked for al Wafa.

An October 31, 2005 memo prepared for Batarfi's first administrative review board (ARB) hearing at Gitmo says Batarfi "met a Malaysian microbiologist in Kandahar at the Haji Habbash guesthouse" in mid-August 2001. "The microbiologist wanted to equip a lab and train the Afghans to test blood." The authors of the memo added: "The same microbiologist was involved in developing anthrax for al Qaeda."

A November 28, 2006 memo contains the same allegations.

So does a December 28, 2007 memo, which adds (see the bottom of the page here and the top of the page here) that Batarfi "told another al Wafa employee to purchase four to five thousand United States Dollars worth of medical equipment for that individual"—that is, "the microbiologist who was involved in developing anthrax for al Qaeda."

The same December 28, 2007 memo also includes this sentence, in reference to Batarfi: "The detainee was identified as being a past participant in Al Qaeda's anthrax program and as having ties to al Qaeda."

Thus, on one hand, we have John Brennan's claim that "there is no basis for the assertions" that Congressman Wolf made about Batarfi's involvement in al Qaeda's WMD efforts and, on the other hand, we have the three memos written by authorities at Guantánamo over the span of more than two years.

Each of those three memos references Batarfi's involvement in al Qaeda's anthrax program.

There is more.

The U.S. government's unclassified files on Batarfi discuss his ties to a "Malaysian microbiologist" who was involved in trying to produce anthrax for al Qaeda. This individual is not named in the files, but is most likely al Qaeda's anthrax scientist, Yazid Sufaat.

Sufaat's background makes it clear why Gitmo officials were so troubled by Batarfi's ties to him.

Sufaat hosted two 9/11 hijackers at an apartment in Malaysia during the week they attended a key terrorist meeting. Sufaat also played host to Zacarias Moussaoui, who was scheduled to take part in the 9/11 attacks or a similar follow-on plot prior to his arrest in August 2001.

Sufaat was recruited to run al Qaeda's anthrax program by a top al Qaeda operative named Hambali, who is currently a high-value detainee being held at Guantánamo. Hambali introduced Sufaat to al Qaeda's number two, Ayman al Zawahiri. Zawahiri wanted to jumpstart al Qaeda's program for developing anthrax and asked Hambali for assistance in finding a suitable scientist.

Sufaat fit the bill. In 1987, he graduated from California State University at Sacramento with a bachelor's degree in biological sciences and a minor in chemistry. In 2001, Sufaat put his degree to work for al Qaeda. The 9/11 Commission found that he

spent "several months attempting to cultivate anthrax for al Qaeda in a laboratory he helped set up near the Kandahar airport," which was then a key facility controlled by Osama bin Laden.

Batarfi met Sufaat during this time period.

During one of Batarfi's ARB hearings, the following allegation was read aloud: "In mid-August 2001, [Batarfi] met a Malaysian microbiologist in Kandahar at the Hap Habbash guesthouse. This microbiologist wanted to equip a lab and train the Afghans to test blood."

Batarfi did not deny the allegation, instead he offered this answer: "He was a student, he was not a microbiologist. He wanted to complete his studies and he asked me [for help]. He was only here for four months and had wanted to learn from the people in the hospital how to use (sic) blood-testing equipment. He asked me if he could purchase this medical equipment from Pakistan because in Afghanistan there were not any facilities to purchase it. I told him we could purchase it through [the] al Wafa Office and donate it to the hospital instead of you getting the money from yourself."

One of the board members then asked, "What kind of medical equipment?" Batarfi responded: "It was [a] centrifuge, anti-placenta for blood groupings; it was [an] autoclave for blood spacement. It was very simple equipment. He said it was approximately \$5000."

Later, during that same ARB session, the following allegation was read: "The Detainee told another al Wafa volunteer to purchase four to five thousand United States Dollars worth of medical equipment for the Malaysian microbiologist."

Again, Batarfi responded: "... I told the Malaysian microbiologist, if you want to purchase the \$5000 worth of items for the lab it is better to purchase it through al Wafa and you give the money to Afghanistan to me and then send it to Pakistan because it is unsafe."

Note that Batarfi did not deny meeting with the "Malaysian microbiologist," who is most likely Sufaat, or that he authorized al Wafa's purchase of lab equipment for him. Instead, he claimed that the microbiologist was only a "student" who "wanted to complete his studies." Moreover, Batarfi said the equipment was for supposedly innocuous blood-testing.

But Sufaat was no student at the time. Sufaat had graduated from California State years earlier. And al Qaeda tasked Sufaat with finding a way to manufacture anthrax, which is not an assignment that would be given to a mere student. Batarfi's ties to Sufaat are particularly troubling because, after the September 11 attacks, U.S. authorities found that al Qaeda's biological and chemical weapons programs were far more advanced than previously suspected. It is certainly plausible, if not likely given the allegations made against Batarfi while he was at Gitmo, that the equipment Batarfi agreed to purchase for Sufaat was part of this program—possibly to test blood for anthrax infections.

Batarfi was aware of how serious the allegations concerning Sufaat were. During the same hearing, Batarfi protested:

"They put my case with the Malaysian guy because he was a microbiologist. But now I found they claim he was [in the] anthrax field. So I did not know anything about this charge. He was a student who did not complete his studies and he was in Afghanistan for only four months to work with the technicians about the lab test."



Thus, Batarfi's own testimony indicates he met with and approved the purchase of equipment for al Qaeda's anthrax scientist. Batarfi's denials were only tailored to convey his own supposed ignorance of what was really going on. But there is no reason we should take Batarfi's excuses at face value. Batarfi's denials are tissue-thin.

Indeed, Batarfi made a number of similar admissions in the context of hollow denials during his hearings at Gitmo. Batarfi admitted he purchased cyanide, but claimed it was for dental fillings. He admitted he worked for al Wafa, but claimed the al Qaeda-designated charity wasn't really an al Qaeda front. Batarfi admitted that he met with bin Laden in the Tora Bora Mountains in November 2001. But, Batarfi claimed, he sent a letter to someone (he does not say to whom) asking to meet with the "head of the mountain" and, somewhat magically, just happened to get a face-to-face sit down with the world's most wanted terrorist—at Tora Bora, in November of 2001—you know, when the whole world was looking for him. This was the second time Batarfi claims to have accidentally met bin Laden. The first time came at a funeral in Kabul when, again, bin Laden just happened upon the scene. Batarfi also admitted he stayed at various al Qaeda and Taliban guesthouses, but says he didn't realize they were facilities associated with Osama bin Laden at the time. Finally, Batarfi met the Taliban's health minister in 2001 because, well, that's just the sort of thing an al Wafa employee would do.

The bottom line is this: Congressman Wolf has good reasons to think Batarfi was involved in al Qaeda's anthrax program. Brennan says he has a classified assessment showing otherwise. The Obama administration should release it, so we can see how the detainee task force reached this conclusion. Did the task force take Batarfi's empty denials at face value?

In the meantime, there is plenty of evidence in the unclassified files, which are freely available online, showing that Brennan is wrong.

IN HONOR OF THE 50TH  
ANNIVERSARY OF CHILDHHELP

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Childhelp and to congratulate them on their 50th Anniversary.

Childhelp is one of the premier national organizations dedicated to leading the fight against child abuse and neglect. Founded in 1959 by Sara O'Meara and Yvonne Feddersen, Childhelp's approach focuses on prevention, intervention and treatment. The Childhelp National Child Abuse Hotline operates 24 hours a day, seven days a week, and receives calls from throughout the United States, Canada, the U.S. Virgin Islands, Puerto Rico and Guam. Childhelp's programs and services also include residential treatment services; children's advocacy centers; therapeutic foster care; group homes; child abuse prevention, education and training; and the National Day of Hope, part of National Child Abuse Prevention Month every April. Several of Childhelp's programs were firsts and continue to be studied by professionals worldwide as "models that work."

Sara O'Meara and Yvonne Feddersen continue to actively lead the organization and provide its vision, serving as Chairman/CEO and President, respectively. Their humanitarian commitment has been recognized throughout the world; Sara and Yvonne were nominated for the Nobel Peace Prize for three consecutive years, 2005, 2006 and 2007.

It is impossible to know how many lives have been touched by Childhelp, how many children protected, how many families strengthened. Although exact numbers may be difficult to identify, it is clear that Childhelp has filled a critical role in child abuse prevention and education. It would not have been possible for Childhelp to achieve its many successes without the dedication and commitment of their volunteers. They are the heart and soul of the organization; they are the links that keep the chain strong.

Madam Speaker, I ask my colleagues to join me in thanking Childhelp, especially the volunteers of this incredible organization, for their commitment to the most vulnerable members of our society, our children. I also ask that my colleagues join me in congratulating Childhelp on the occasion of its Golden Anniversary.

IN HONOR OF BISHOP DR. AUDREY  
F. BRONSON

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. SESTAK. Madam Speaker, the great Marian Anderson once said, "Leadership should be born out of the understanding of the needs of those who would be affected by it." In recognition of her investiture as the first woman President of the Black Clergy of Philadelphia and Vicinity, I would like to honor an extraordinary individual who personifies the "understanding leader" Ms. Anderson described, Bishop Dr. Audrey F. Bronson.

At the age of 14, this remarkable woman was called to begin her vocation as a preacher. In 1975, she was inspired to establish the Sanctuary Church of the Open Door serving the community of West Philadelphia. In September 1978, the successful Sanctuary Christian Academy was founded to produce students skilled in reading, writing, mathematics, language arts and computer science. Other ministries at the church include Sanctuary Bible Institute; Sanctuary Family Resource Center and Referral Service; Sanctuary Christian Day Camp; Dunlap Apartment Complex; and Sanctuary Outreach Ministries.

Bishop Bronson's spirituality, extraordinary intellect and selfless nature reflect the nurturing of her loving and learned parents and brother. Her father, Dr. Uriah Perry Bronson, was a minister and pastor of churches and principal of several schools in Florida. Her mother and step-mother were both teachers and church workers. Her brother, Dr. Oswald P. Bronson, a United Methodist minister, was pastor of several churches and President of the Interdenominational Theological Center in Atlanta, Georgia. He recently retired as President, Bethune-Cookman College, Daytona Beach, Florida and currently serves as Presi-

dent, Edward Waters College, Jacksonville, Florida.

Dr. Bronson received her bachelor of science degree in elementary education from Cheyney University; she also holds a master's degree in psychology from Howard University where she also became a candidate for a Ph.D. in psychology. She earned a doctor of ministry degree from New York Theological Seminary. She holds two honorary degrees from Bethune-Cookman College and a doctor of humane letters from the National Theological Seminary and College. Upon completion of her studies, Dr. Bronson returned to Cheyney in 1967 where she taught for 17 years as an associate professor of psychology. Since retiring from that position to devote her full energies to her growing church, she continues to be a valued member of the Cheyney family.

Her many other appointments include: Dean of the Philadelphia Urban Education Institute, a subsidiary of the African American Interdenominational Ministries, Inc. (AAIM, Inc.) of Philadelphia in association with the major seminaries of Philadelphia, Pennsylvania. Member of the Board of One Church, One Child, Inc., of Pennsylvania, a statewide organization that encourages members of African-American Churches to adopt African-American children. She was a member of the Mayor of Philadelphia's Transition Team and currently serves on the board of the Philadelphia Industrial Development Corporation and the Executive Committee of the Association of Theological Schools.

Dr. Bronson's faith has led her to minister in prisons; serve as a block captain; work to rid the community of drugs and violence; feed the hungry; and keep her church doors open seven days a week. She is a tireless agent of change ideally qualified to lead the Black Clergy of Philadelphia and Vicinity to new heights as it strives to "help the downtrodden" and those "pushed aside." In many ways, Dr. Bronson has been fulfilling this calling all her life. Early in the HIV/AIDS crisis, when some churches were turning away those afflicted with the disease, Dr. Bronson called on her fellow clergy members to accept those stricken by this terrible disease and to offer education and testing in their communities, a mission she plans on continuing in her new post.

Madam Speaker, I ask that this House acknowledge Bishop Dr. Audrey F. Bronson, as a testament to Marian Wright Edelman's observation that: "education is for improving the lives of others and for leaving your community and world better than you found it." Bishop Bronson's life of preaching, learning and teaching has made her a pillar of strength, wisdom, and civic spirit. She has empowered countless African-American families to live fuller, more purposeful lives through their faith in God and one another. With her new responsibilities at the helm of one of the premier spiritual collectives in the Commonwealth of Pennsylvania, her ability to guide, counsel and inspire across an entire metropolitan region is very welcome news.

Particularly during these very difficult times, she is the perfect "watchman on the wall."



## HONORING MARCELLA OBERTI

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to honor the life of Marcella Oberti upon her 100th birthday. A celebration will be held for Mrs. Oberti on her birthday, December 6th.

Mrs. Marcella Oberti was born on December 6, 1909, in San Francisco, California. Her mother was a native San Franciscan and her father was an immigrant from Genoa, Italy. At the age of 5, Mrs. Oberti participated in the 1913 Pan-Pacific Exposition. As a young girl, she attended Montessori Grammar Schools in San Francisco. Upon graduating from high school, she attended the University of California, Berkley, where she majored in English Literature and Language. She graduated from UC Berkley in 1932 and began working for Bank of America in the legal division.

In 1938, Mrs. Oberti married Frank Oberti and they moved to Madera, California. It was a large transition for her; adjusting from a large city life to rural country life. She became active in the community, joining various clubs and organizations. Mr. Oberti and his brothers were busy developing the Oberti Olive Company, which became Madera's largest industry at that time. The small company grew to include 220 acres, processing over 120 tons of olives per day.

Mr. and Mrs. Oberti have two children: Carla and Philip. Mr. Oberti passed away in 1984. Mrs. Oberti leads a busy life visiting San Francisco, playing bridge with friends, spending time with her family, friends and cat. She spends much of her time with Carla and her husband, Bill, Philip and his wife, Klina, her five grandchildren and her six great-grandchildren.

Madam Speaker, I invite my colleagues to join me in honoring Marcella Oberti upon her 100th birthday.

## HONORING VIRGINIA S. BAUER

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. PALLONE. Madam Speaker, today I rise to recognize Virginia S. Bauer of Red Bank, New Jersey. Ms. Bauer will be honored as a "Woman of Distinction" by the Girl Scouts of the Jersey Shore for her dedication and commitment to the families and victims of the September 11 terrorist attacks.

Ms. Bauer, a widow of the September 11 attack on the World Trade Center, worked closely with congressional leaders and the White House to pass legislation for September 11 victims in 2002, and initiated efforts to enact federal tax relief for surviving family members. Currently, Ms. Bauer is assisting in the creation of a new development plan for the World Trade Center site in lower Manhattan. Ms. Bauer also serves as senior vice president of Covenant House and is a commissioner of the Port Authority of New York and New Jersey.

The Girl Scouts is an organization dedicated to providing a nurturing environment for young girls to build character and skills for success in the future. It was founded by Juliette Gordon in 1912 in Savannah, Georgia, and has since grown by over three million members worldwide through its many regional chapters. The organization also honors women who represent diversity and leadership in their communities. The Girl Scouts of the Jersey Shore will present Ms. Bauer with a "Woman of Distinction" award on April 13, 2010.

Madam Speaker, I sincerely hope my colleagues will join me in thanking Ms. Bauer for the work she does in supporting my constituency, as well as congratulate her upon receiving the "Woman of Distinction" award from the Girl Scouts of the Jersey Shore.

## IN RECOGNITION OF THE CONTRIBUTIONS OF CITY OF FAIRFAX, VA, FIRE CHIEF THOMAS W. OWENS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor City of Fairfax Fire Chief Thomas W. Owens and to recognize his decades of public service.

Chief Owens has had a long and distinguished career in public safety. His journey began in 1969 when, at the age of 16, he joined the Sterling, VA, Volunteer Fire Department. During his 21-year tenure with that organization, he served in all operational capacities and eventually rose to the rank of Chief of the department.

Shortly after he began volunteering with the Sterling Fire Department, Chief Owens began his career as a professional firefighter in 1972 as a Firefighter/Station Office with Prince William County, VA, Fire and Rescue. Between 1972 and 1990, Chief Owens' held a number of positions with several municipal fire departments in the National Capital Region, including those in Prince William, Washington, D.C., Loudoun County, and Fairfax County.

In 1990, Chief Owens stepped down from his duties with the Sterling Volunteer Fire Department. That same year, he became the first Director of Fire and Rescue for the Frederick County, VA, Fire and Rescue Department. In 1998 Chief Owens returned to Northern Virginia as Assistant Fire Chief of the City of Fairfax Fire Department, and, in 2003, he was appointed Chief.

This impressive history of regional service tells only a small part of the Chief Owens story and barely captures his many contributions to our community. Under his leadership, emergency preparedness and public and professional education were top priorities. Chief Owens established a formal Life Safety Education Program which emphasized fire safety education for our most vulnerable residents, children and seniors. In addition, he created a citizen-based Community Emergency Response Team (CERT) with grant funding. His dedication to the continued education of emergency responders helped lead to an expansion

of the Public Safety Training Center, the strengthening of flammable liquids firefighting capabilities and the implementation of a swift water rescue program. Under the leadership of Chief Owens, the City established an Office of Emergency Management.

Chief Owens has had a permanent, indelible impact in another unique area. He led the efforts to strengthen and enhance the working relationship between the City of Fairfax Fire Department, the leaders of the Fairfax Volunteer Fire Department, Inc. and the City of Fairfax Professional Firefighters and Paramedics Association which fostered mutual respect, support and cooperation and resulted in second-to-none service to the residents of the City of Fairfax and the entire region. One highlight of this new partnership is a joint revenue-sharing program with the Fairfax Volunteer Fire Department to provide a sustained revenue source for fire truck and equipment replacement.

Chief Owens has served as a member of the policy steering committee for the Northern Virginia Emergency Response System, which guides the all-hazards emergency planning for the region. He also served as Chairman of the Northern Virginia Fire Chiefs Committee for six years, and he coordinated the city task forces that provided support services in the Gulf Coast region after Hurricane Katrina.

Madam Speaker, I ask my colleagues to join me in thanking Chief Owens for his years of dedication to public safety and his community and for his unwavering support of emergency responders under his command. We wish him the very best as he begins yet another chapter of his life as the Director of the Division of Fire Rescue Services for Frederick County, MD.

## EARMARK DECLARATION

**HON. JOHN ABNEY CULBERSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. CULBERSON. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the FY2010 Department of Defense Appropriations Act:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 3326

Account: Department of Defense, Air Force Research and Development, Test and Evaluation account.

Legal Name and Address of Requesting Entity: Rice University; 6100 Main Street, MS 603; Houston, TX 77005

Description of Request: Provide an earmark of \$3,200,000 to the Consortium for Nanomaterials for Aerospace Commerce and Technology, CONTACT, project to support nanotechnology research focused on four areas critical to the next generation of military power systems—Adaptive and Responsive Materials, Nano Energetics, Sensors, and Power Generation and Storage.

IN HONOR OF THE TOLLAND HIGH  
SCHOOL BOYS SOCCER AND BOYS  
CROSS COUNTRY STATE CHAM-  
PIONSHIP SEASONS

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. COURTNEY. Madam Speaker, I rise to congratulate the Tolland High School boys soccer team and the boys cross country team for winning the Connecticut Class M Championships, respectively. Their success is a fitting capstone to the determination of a group of young adults who started the season with the shared goal of a state championship.

Winning a championship was significant for the Tolland Soccer team on its own, but even more so after spending the entire season targeted by all opponents as a top ranked team. Playing in the competitive CCC East Conference while matching up against primarily class L and LL schools, Tolland posted a record 13 shutouts. And when it mattered most on November 21st, the team defeated Granby Memorial High School 2-1 to complete the only undefeated season of a Connecticut high school boys soccer team in 2009.

Tolland soccer was not alone in helping the town mark a noteworthy year. For a program boasting numerous historical achievements, the Tolland cross country team have solidified their mark in school history. Led by captains Kyle Sprague, Marcos Rodriguez, and Bryan Fowler the team won their second consecutive Class-M state championship on October 31, 2001. The team finished with an undefeated record of 17 wins and zero losses, with six runners earning all-conference status.

These back to back championship wins are a testament to the teamwork, dedication, and skill of these scholar athletes. I would like to congratulate their coaches, Jim Leahy and Brandon Elliot along with the entire Town of Tolland, the Recreation Department, and the Board of Education for fostering a healthy program of youth and scholastic athletics. To the parents, who for the past ten years have driven to hundreds of games and held pasta parties for young and hungry athletes, their role was also critical to this team's success.

This group of young adults have set the bar high for future Tolland teams, and met their goals through grit and determination. I wish all the players good luck with their future endeavors, and may they always appreciate the lesson that true rewards are achieved through surmounting significant challenges.

PERSONAL EXPLANATION

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Tuesday, January 26, and Wednesday, January 27, due to a death in my family. Had I been present for the nine votes which occurred, I would have voted "aye" on H. Res. 990, rollcall vote

No. 17; I would have voted "aye" on H. Res. 1011, rollcall vote No. 18; I would have voted "aye" on H. Res. 1003, rollcall vote No. 19; I would have voted "aye" on H. Res. 1038, rollcall vote No. 20; I would have voted "aye" on H. Res. 1024, rollcall vote No. 21; I would have voted "aye" on H.R. 4474, rollcall vote No. 22; I would have voted "aye" on H.R. 3726, rollcall vote No. 23; I would have voted "aye" on H.R. 4508, rollcall vote No. 24; and I would have voted "aye" on H. Res. 1020, rollcall vote No. 25.

IN RECOGNITION OF DAKOTA  
MISSILDINE BEING CROWNED  
THE 45TH MISS RODEO

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Miss Dakota Missildine who became the 45th Miss Rodeo on January 17, 2010.

Dakota is the 22-year-old daughter of Pam and Todd Missildine and has two younger brothers, Dallas and Austin. Dakota was raised on a horse farm in Grady, Alabama, and is no newcomer to the western way of life. She started competing at a young age and over the years moved up through the ranks, all while specializing in her favorite event, breakaway roping.

Dakota's platform is the Golden Heart, encouraging all to open their hearts and live by the Golden Rule. Dakota is accepting of everyone, and is looking forward to spreading that message to everyone while also creating more support for the rodeo.

On January 17th in Oklahoma City Dakota said, "I am honored to have this opportunity to represent cowboys and cowgirls across the United States and Canada and be their voice to the public."

All of us across Talladega County and East Alabama are deeply proud of Dakota Missildine and her outstanding accomplishments at such a young age. We are looking forward to see what good things will come from Miss Rodeo in 2010.

INDIAN ARTS AND CRAFTS  
AMENDMENT'S ACT OF 2010, H.R. 725

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Ms. McCOLLUM. Madam Speaker, I rise today in support of H.R. 725, the Indian Arts and Crafts Amendments Act of 2010.

Our history has been richly shaped by native cultures, and it is only appropriate we protect these important contributions of Native Americans and other indigenous people. American Indian and Alaska Native arts and crafts are devalued when unscrupulous merchants promote and market products as "Indian made" when they are not. To address

this problem, Congress passed the Indian Arts and Crafts Act of 1990 (PL 101-644), which is a truth-in-advertising law that makes it illegal to sell or produce any imitation Indian art or craft.

Despite these efforts, the sale of counterfeit Indian arts and crafts continues all too often and very few cases are investigated. Those who produce imitation Indian products should be investigated and punished, and the punishment needs to be sufficient to deter this fraudulent practice. These amendments strengthen penalties and allow Federal, State, and local law enforcement to investigate and enforce cases of imitation Indian goods.

As a member of the House Arts Caucus and of the Congressional Native American Caucus, I value the importance of Indian arts and crafts to the preservation and strength of Native American culture and tradition. For these reasons, I urge my colleagues to support H.R. 725.

TRIBUTE TO LT. JOSEPH M.  
MCCAFFERTY

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today to honor and remember Lt. Joseph M. McCafferty, for his outstanding service to the community of Lancaster and the state of Ohio. A 37-year veteran of the Lancaster Fire Department, he spent his life serving and ensuring the safety of others.

Joseph graduated from Lancaster City Schools and then joined the Lancaster Fire Department on June 1, 1973. During his career, he worked not only as a firefighter, but also as a paramedic and an engineer. He was promoted to the position of lieutenant on November 7, 1983.

An outstanding firefighter and 37-year veteran, Joseph was always willing to help and pass along his knowledge to new recruits. He also actively served the community, participating in "Fill the Boot" and the department's "Toys for Kids" program. He served as a Union officer and was a devoted family man who loved spending time with his grandchildren.

For his many years of exemplary service to the community and dedication to the Lancaster Fire Department, I join the people of Ohio's Seventh Congressional District in extending our deepest regrets to his wife; Vicki, children; Amy, Farah and Aaron and the many friends of Joseph M. McCafferty.

EARMARK DECLARATION

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 2, 2010*

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part

of H.R. 3326—the Department of Defense Appropriations Act, 2010.

Request as named in the report: Electrically Charged Mesh Defense Net Troop Protection System

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: Victory Solutions, Inc.

Address of Requesting Entity: 4900 Corporate Drive, Suite A, Huntsville, AL 35805.

Description of Request: \$7,500,000. The funding would be used for “D-NET” a Defense Net Troop Protection System designed to intercept and negate the serious insurgent and terrorist threat tactics employing Rocket Propelled Grenades (RPG), mortars, and small rocket munitions encountered by U.S. Combat Forces. This product could help save warfighters’ lives in hostile territories such as Afghanistan and Iraq through an innovative and low-cost system of defending vehicles against enemy attacks by further testing and prototype development of a system which has passed all tests so far and gotten favorable government program manager review, and which was developed with input from troops in the field. The spending plan for this Phase II of the program, to total \$7,500,000, is: Prototype Production and Field Test & Evaluation Program for integration and operational development. Further develop the D-Net technology based on Phase I R&D Tests to a Technology Readiness Level (TRL) worthy of deploying a limited quantity of “Field Prototypes” to Theater for field and operations test and evaluation.

FY2010 Task A: D-Net “Field Prototypes” (\$3.5M). Deliver to Army Logistics: 100 “Field Prototypes” of the D-Net Static Troop Protection System for Theater Deployment on military asset vehicle for field testing (Procurement of Prototypes delivered to Military. Develop, Build, Assemble, Kit Packaging within military requirements like HAZMAT etc, Deliver and Ship to War Zone to fill purchase for Field Test Program) (\$3.5M, or \$35K/unit).

Task B: Field Test Program, data collection and refinement (\$1.075M). Send science and engineering teams to Theater for collection of field data from Field Prototypes deployed (Data collection material \$125K, OCONUS Labor \$425K), interact with operating community for feedback, return to lab and refine the technology for better performance and utility (Re-engineer labor \$225K). Requires OCONUS travel (\$300K).

Task C: Threat Characterization (\$350K). Analyze and Perform trade Studies on Threat variants commonly engaged in Theatre scenarios. Engineering and analysis labor (\$350K).

Task D: Net Optimization & Continued R&D (\$1.3M); Range Test Net Materials (\$250K); Government Provided Range Test Facilities & Government Provided Threats for Tests (\$500K); Parametric Studies/Validation Labor/Salaries Engineering (\$250K) and Manufacturing labor (\$250K), Travel (\$50K).

Task E: Continue Launcher Development (\$870K). Ground and Aerial Launcher Design and Development R&D and Fabrication Material (\$320K); Testing (\$150K); Labor for Engi-

neering, Integration and Manufacturing for Platform Depot Requirements (\$400K).

Task F: Integration to Systems & Platforms (\$405K). Design and Integration Trade Studies, COTS Sensor Integration Analysis and Labor (\$250K); Material (\$75K), Travel to Platform Project Offices (\$80K).

Request as named in the report: Marine Corps MK 1077 Flatracks

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: SUMMA Technology, Inc.

Address of Requesting Entity: Headquartered at 140 Sparkman Drive, Huntsville, AL 35805. The manufacturing facility is in Cullman, Alabama.

Description of Request: \$3,000,000. The funding would be used for the MK1077 Flatrack. This is a revolutionary material handling system that provides the Marines with expedited logistical support while achieving significant manpower and equipment reductions. These racks and the containers they work with can be used to transport ammunition or other supplies in and out of areas quickly, thus greatly reducing the warfighter’s exposure to danger. This is a continuation of a multi-year procurement program, and the recipient company has a proven record of meeting the strict, structural requirements for this item. The USMC has a requirement for 3,500 MK1077 Flatrack units of which 1,000 units have been acquired to date. \$3,000,000 will provide approximately 347 additional units, bringing the inventory up to 1,347.

Request as named in the report: Waterside Wide Area Tactical Coverage and Homing

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Army

Legal Name of Requesting Entity: Miltec Corporation

Address of Requesting Entity: Miltec Corporation, located at 21232 Hwy 431, Guntersville, AL 35976

Description of Request: \$4,000,000. The funding would be used for development and integration of systems for the final test and demonstration of the WaterWATCH affordable underwater monitoring capability. Most waterfront facilities are unprotected due to cost considerations. Finalization of this product would make available a security system which installations at military bases and other critical infrastructure locations (such as nuclear power plants near waterways) could afford. WaterWATCH integrates many currently available components through the development of new software and the testing of these systems. Approximately \$60,000 would be needed for travel, approximately \$150,000 for hardware, and the rest for labor (software development and testing).

Request as named in the report: Protective Self-Decontaminating Surfaces

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense-Wide

Legal Name of Requesting Entity: Ventana Research Corp. (VRC) & Kappler, Inc., and Kappler, Inc.

Address of Requesting Entity: VRC at 2702 South 4th Avenue, South Tucson, AZ 85713–4816; and Kappler at 115 Grimes Drive, Guntersville, AL 35976–9364

Description of Request: \$2,000,000. The funding would be used for Prototype field validation tests of VRC-Kappler Chemical Biohazard Protective systems, lab tests of bacterial infections, diseases and contaminated human remains pouches (CHRP); to field and live test nerve gas and radiological agents (in order to design the suit to withstand such an attack by a hostile nation). Present decontamination processes are labor intensive and require lengthy downtimes. Field-tested prototypes of this fabric demonstrate cost-effective Chemical Biohazard protection for military personnel and civilian populations. Applications could be military, for homeland security, or for dangerous medical and rescue operations. The spending plan is Personnel: \$ 620,000; Materials: \$80,000; Equipment: \$120,000; travel: \$25,000; Govt Agency partnerships: Oversight and testing work: DTRA/CBT: \$90,000; AFRL/Tyndall AFB: \$250,000; USA NSRDEC: \$90,000; Preproduction, Live Agents Tests, \$ 825,000

Request as named in the report: Scenario Generation for IAMD Evaluation (SGIE)

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: QinetiQ North America Systems Engineering Group

Address of Requesting Entity: AMSRD–AMR–BA Bldg. 6263 Redstone Arsenal, AL 35898

Description of Request: \$4,200,000 for Scenario Generation for IAMD Evaluation (SGIE) in fiscal year 2010. The entity to receive funding for this project is QinetiQ North America Systems Engineering Group, located at 890 Explorer Boulevard, Huntsville, AL 35806. The funding would be used for 54 ground test cases identified in the IAMD TEMP and 7 flight test cases derived from ground test matrix. A scenario for each test case is required to capture the design specification as it is intended to perform in a battlefield situation. Taxpayer Justification: This program will contribute to the work of establishing an Integrated Air & Missile Defense System to protect against air breathing missile and cruise missile threats. This work will provide a network centric system to integrate a mix of sensors and shooters through a common IAMD battle command system.

Request as named in the report: Enhanced—Rapid Tactical Integration for Fielding of Systems Initiative (E–RTIFS)

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: PeopleTec, Inc.

Address of Requesting Entity: 4901–D Corporate Drive, Huntsville, AL 35805

Description of Request: \$3,900,000 for Enhanced Rapid Tactical Integration for Fielding of Systems (ERTIFS) in fiscal year 2010. The entity to receive funding for this project is

PeopleTec, Doug Scalf, Linda Maynor, located at PeopleTec, Inc., 4901-D Corporate Drive, Huntsville, AL 35805. The funding would be used to support early SoS testing to ensure that interoperability issues are corrected before software is released for formal AIC testing. The ABCS-BA will leverage and evolve ERTIFS to support four types of required Interoperability Tests: 1) Individual System, 2) System of Systems (e.g. Software Blocking), 3) Backwards Compatibility—Interoperability and 4) Regression Testing. Taxpayer Justification: The early identification of these issues will limit cost and schedule overruns on Aviation/Missile Systems prior to expensive hardware tests.

Request as named in the report: Swarms Defense Systems

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Southeast Systems Technology

Address of Requesting Entity: 4090 South Memorial Parkway, M/S 3427B, Huntsville, AL 35802

Description of Request: \$3,000,000 funding for SWARMS DEFENSE SYSTEMS in fiscal year 2010. The entity to receive funding for this project is Computer Science Corporation, located at 4090 S. Memorial Parkway, M/S 3427B, Huntsville, Alabama 35801. The funding would be used to close the gap between current and future Air Defense Systems dealing with enemy mortars, rockets, UAVs, and cruise missiles. Future threats exceed all requirements of current system and future AD plans. Taxpayer Justification: Swarms Defense is designed to protect soldiers and critical assets against enemy fire, especially high volume small munitions such as mortars, rockets, UAVs, cruise missiles, developing the critical technologies required to close the gap in current asset protection plans.

Request as named in the report: Tactical UAV, Heavy Fuel Engine

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Science and Engineering Services

Address of Requesting Entity: 4015 Pulaski Pike NW, Huntsville, AL 35810

Description of Request: \$2,000,000 for the Tactical UAV, Heavy Fuel Engine in fiscal year 2010. The entity to receive funding for this project is Science and Engineering Services, Inc., located at 4015 Pulaski Pike, Huntsville, AL 35810. The funding would be used for development of lightweight military fuel engines for UAVs. Scope includes building engines to perform platform integration and flight test for use in a military environment. Funding supports design and implementation of the process to military standards. Taxpayer Justification: Shadow UAS is ideal for providing direct information to commanders increasing awareness. Heavy fuel technology allows an engine to burn any fuel, diesel, JP5, JP8, gasoline, producing low emission, can be economically manufactured, and maintained

Request as named in the report: Army Responsive Tactical Space System Exerciser (ARTSSE)

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: J2 Technologies Inc.

Address of Requesting Entity: 4801 University Square, Suite 31, Huntsville, AL 35816

Description of Request: \$3,000,000 for Army Responsive Tactical Space System Exerciser (ARTSSE) in fiscal year 2010. The entity to receive funding for this project is J2 Technologies Inc., located at 4801 University Square, Suite 31, Huntsville, AL 35816-1815. The funding would be used to provide the hardware-in-the-loop test capability designed to address the need to define performance requirements, evaluate and execute Operationally Responsive Space programs thus ensuring the warfighter's continued access to space. Taxpayer Justification: Army Responsive Tactical Space System Exerciser (ARTSSE) provides technologies critical to maintaining access to space. ARTSSE supports an unfunded Army need to provide a responsive surge for space-based communication, surveillance, and reconnaissance, especially when a change in circumstances brought about by foreign-owned assets requires a response from the U.S. systems within hours or a few days in order to maintain protection of U.S. personnel and assets.

Request as named in the report: Autonomous Cargo Acquisition for Rotorcraft Unmanned Aerial Vehicles

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Advanced Optical Systems, Inc.

Address of Requesting Entity: 6767 Old Madison Pike, Suite 410, Huntsville, AL 35806

Description of Request: \$1,600,000 for Autonomous Cargo Acquisition for Rotorcraft Unmanned Aerial Vehicles in fiscal year 2010. The entity to receive funding for this project is Advanced Optical Systems, Inc., located at 6767 Old Madison Pike, Suite 410, Huntsville, Alabama 35805. The funding would be used to demonstrate fully unmanned cargo pickup and delivery under operational conditions. The work will leverage current developments for manned systems, and will cooperate with TRADOC and logistics personnel at Ft. Rucker and Ft. Lee. Taxpayer Justification: The Army needs to leverage rotorcraft unmanned aerial systems to provide unmanned pickup and delivery for logistics supply and weapons placement. Unmanned cargo operations would reduce both aircrew losses and costs.

Request as named in the report: On-Board Vehicle Power (OBVP)

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: DRS Training and Energy Management

Address of Requesting Entity: 110 Wynn Drive, Huntsville, AL 35805

Description of Request: \$3,100,000 for On-Board Vehicle Power (OBVP) in fiscal year 2010. The entity to receive funding for this project is DRS Training and Energy Management, located at 110 Wynn Drive Huntsville, AL 35805. The funding would be used for OBVP provides electric power for vehicles and mission electronics. OBVP fits the space inside the bell housing of vehicle transmissions. The system is capable of producing 30-70 kW. Increased power is needed for LED detection and weapon systems. Taxpayer Justification: Growth in energy requirements on the battlefield has created a critical need to accelerate this program to production readiness. The system can deliver mobile/exportable electric power from the vehicle engine for electric power gap requirements.

Request as named in the report: Extremely Large, Domestic Expendable and Reusable Structures (ELDERS)

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: Dpa Defense Production Act Purchases

Legal Name of Requesting Entity: ATK Aerospace Structures

Address of Requesting Entity: 751 County Road 989, Building 1000, Iuka, MS 38852

Description of Request: \$9,800,000 For Current domestic large-scale, composites production capacity is constrained by processing limitations associated with the large diameter of the items being manufactured. At the same time, the Air Force is making future plans to utilize structures with diameters in excess of nine meters. The current domestic industrial production capacity does not support this scale of extremely large composite launch structures. The ELDERS Title III program was initiated in FY2009 with \$8.0 million to scale up domestic composites manufacturing and processing capacity and support facilities to meet this critical emerging need in military space access. The three-phase program includes evaluation, modification and qualification of current automated production equipment and facilities, and the acquisition of necessary industrial capacity and processing capabilities.

In general, Title III activities serve to lower defense acquisition and life-cycle costs and to increase defense system readiness and performance through the use of higher quality, lower cost, and technologically superior materials and technologies. The ELDERS Program will increase the capacity for increasingly larger composite structures, including development and acquisition of higher performing composite processing equipment.

Request as named in the report: Adaptive Robotics Technology for Space, Air and Missiles [ART-SAM]

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Calhoun Community College

Address of Requesting Entity: 6250 Hwy. 31 North, Decatur Campus, Tanner, AL 35671

Description of Request: \$4,200,000 for Adaptive Robotics Technology for Space, Air and Missiles [ART-SAM] in fiscal year 2010. The entity to receive funding for this project is Calhoun Community College, located at 6250 US Highway 31 North, Tanner, AL 35671. The funding would be used for a joint venture with leadership from the U.S. Army Space and Missile Defense Command (SMDC) and Alabama Industrial Development Training (AIDT), and will establish national robotics research and development capability at Calhoun Community College to leverage government, industry, and academia partnerships and their respective investments. Additionally, funds will be used to procure instrumentation, components and test fixtures to provide a hands-on laboratory for experiments and process testing in an unmanned environment. Taxpayer Justification: The ART-SAM project, once operational, will develop robotics technologies, systems and products for a variety of SMDC projects, programs, and core mission needs. It will serve as an economic development catalyst for robotic research and development, training, operations and manufacturing. It will also support workforce development initiatives throughout the state.

Request as named in the report: Protective Self-Decontaminating Surfaces

Requesting Member: ADERHOLT  
Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—DW

Legal Name of Requesting Entity: Ventana Research Corp. (VRC)

Address of Requesting Entity: 139 Barnes Drive, Suite 2, Tyndall AFB, FL

Description of Request: \$1,600,000 for ACD&P project of self-decontaminating surfaces for long-lasting personnel (e.g. clothing) & shelter (e.g. hospitals) protection from Chem/Bio (& nerve gas) attacks. Light-activated decontaminating material produces singlet oxygen, a mild oxidant, to destroy CB agents. Demonstrated the material traps & stores excess singlet oxygen during periods of sun & artificial light. Stored singlet oxygen is released to provide indoor & outdoor protection of 8+ hours during no light & dark periods. Further, no protection loss demonstrated in intense Arizona sunlight 39+ hours during 100+ degrees days. Completed FY07 Individual Protection (IP) ATD milestones. Started FY08 IP ACD&P phase & initiated nerve gas protection ATD for ACD&P in FY10 and will continue ACD&P effort in FY09. Technology: Sun or artificial light activates the decontaminating material to produce singlet oxygen, a mild, short-lived oxidant that effectively destroys chemical/nerve & biological agents.

This long-lasting & durable capability for around-the-clock protection using sun or artificial light is the heart of the invention. Our FY10 request is prompted by the need for including nerve gas and nuclear decontamination capability. This will involve added-on tasks to the program in terms additional test and evaluation efforts. Nerve gas protection effort will address chemistry efforts and tests, nuclear protection disposable, absorbent materials.

Progress: 1) Mustard gas stimulant treated fabric tests demonstrated self-decontamination capability after exposure of 39 days to the in-

tense AZ summer sun; 2) Kappler Provent fabric treated with VRC Decon Dye Coating demonstrated standard industrial practice can be used for first-article production of garments for breathability, field laundering, & durability testing; 3) VRC Decon Dye Coating showed no adverse effect upon Provent fabric's breathability, an essential Joint Service Lightweight Integrated Suit Technology (JSLIST) Ensemble requirement; 4) Airtight seam-bonding process demonstrated with Provent Fabric dyed with VRC Dye Coating enables standard protective suit manufacturing procedures eliminating protective coating application after suit completion, a more costly approach; 5) NMR & UV-Visible Spectroscopy showed Ventana Decon Dye Coating efficiently traps visible light-generated singlet oxygen in repeated release & oxidation a mustard gas & VX stimulant to decontaminated product in darkness; 6) UV-Visible Spectroscopy demonstrated to be a more cost-effective QA tool than conventional NMR inspection; 7) Live tests will be performed at the Defense Science & Technology Laboratory (distl), Proton Down, UK, during the week of April 27, 2009, additional tests are planned for 2Q09 & 3Q09. Samples have been provided to Dr. Stephen Lee, Chief Scientist, Ofc. Director U.S. Army Research Office, for coordination & ITAR, export/import matters & permits.

The requested FY10 program under JPM-CBD's leadership addresses: 1) Perform ATDs on VRC Decon Dye coatings to add nerve gas & radiological agent (disposable garments & coatings) protection; 2) Conduct operational validity tests (ACD&P) of preselected Light-Activated CBNR Protective systems; 3) Continue pre-production of protection systems at Kappler & Ventana for several ACD&Ps of representative JUST materials, components & suits & upgrade facilities to full production status.

Request as named in the report: Remote Monitoring and Troubleshooting (RMAT) Project

Requesting Member: ADERHOLT  
Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: OP.N

Legal Name of Requesting Entity: Intergraph  
Address of Requesting Entity: 170 Graphics Drive, Madison, AL 35758

Description of Request: \$2,320,000 for RMAT will integrate with shipboard local control and monitoring systems by networking them together and providing secure shore-based remote monitoring of those systems in real time. Through the use of sensors, networks, and software-based controllers, RMAT will provide the means for monitoring and troubleshooting various shipboard systems that are vital to ship operations, and allow engineers from various shore-based locations to collaborate in a real-time secure environment. RMAT will enable faster response times and mitigation of damage caused by engineering casualties, blast, fire, flooding, and equipment malfunction. Implementation of RMAT will increase the level of sensor data fusion, situational awareness, and survivability of the ship, as well as its ability to successfully complete its mission. The change from analog systems and manual data collection will save thousands of man-hours every year. Without fund-

ing for this effort, a need will exist to continue maintenance of obsolete hardware-based control panels and large redundant watch-standing and damage control repair parties that rely on slow, outdated, and error producing control systems and information management techniques.

Request as named in the report: Transitioning Stretch Broken Carbon Fiber to Production Programs

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Hexcel Corporation

Address of Requesting Entity: 3300 Mallard Fox Drive, Decatur, AL 35609

Description of Request: \$3,200,000 for composite structure on existing military aircraft has saved weight and reduced O&M costs. However, a solution to the high cost and unrealized weight benefits of these structures is badly needed. Studies done in conjunction with the major aircraft manufacturers show that while composite material properties predict a weight savings of about 50% is achievable, only about 10–20% is being realized in today's designs. The problem is that the composite materials that are currently available in the marketplace cannot be formed into the complex geometries necessary to realize the true weight savings available. This results in pressure at the design stage to reduce the complexity of parts so they are more fabrication friendly. If the designer holds firm on the part complexity, automated fabrication techniques are often ruled out due to the challenges of forming complex geometries with these processes. The end result is added weight and cost to the structure. Stretch Broken Carbon Fiber (SBCF) technology affords more weight reduction opportunities than any other solution under evaluation by the DoD. SBCF product forms offer a pseudo plasticity akin to metals that makes the forming of complex geometries much easier. These products can be used in all of the automated composite processes currently being used by fabricators including fiber and tape placement and engineered textile approaches for fabricating net shape preforms used in resin infusion processes. The focus of this program will be two-fold. First, funding will be allocated to various composite part fabricators to develop robust processes to mold full size prototype parts with SBCF product forms. Second, funding will be allocated to generate a Mil-HdBk-17 approved database. Both tasks are necessary to take this technology into production.

Request as named in the report: Cooperative International Neuromuscular Research Group

Requesting Member: ADERHOLT

Bill Number: H.R. 3326—the Department of Defense Appropriations Act, 2010

Account or Provision: RDT&E—Defense—Army

Legal Name of Requesting Entity: Children's National Medical Center

Address of Requesting Entity: 111 Michigan Avenue, NW., Washington, DC 20010

Description of Request: \$3,280,000 for funds will be used for ongoing research and

testing using molecular patches, to see if the same improvements experienced by dogs in clinical trials can be extended to humans with muscle damage. The funds will be used for ongoing research and testing using molecular

patches, to see if the same improvements experienced by dogs in clinical trials can be extended to humans with muscle damage. This research benefits both warfighters (in terms of combating the effects of biological warfare at-

tacks), and also potentially the civilian population who suffer from similar muscle tissue deterioration.

## HOUSE OF REPRESENTATIVES—Wednesday, February 3, 2010

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Reverend Bertrain Bailey, St. John Missionary Baptist Church, Dallas, Texas, offered the following prayer:

God of our weary years, God of our silent tears, Thou who hast brought us thus far on the way; Thou who has by Thy might, led us into the light, keep us forever in the path, we pray. Lord, we intercede for our Nation at war and pray for Your comfort to the families whose sons and daughters have made the ultimate sacrifice, and we ask that You grant healing for the wounded.

We remember the sorrow and the suffering of the people of Haiti, who struggle from day to day with their backs against the wall, especially the children. We are thankful for the graciousness of our President of these United States, the House of Representatives, and the generosity of people around the world.

In this hallowed Chamber we seek the guidance of Your infinite wisdom for the House of Representatives to help solve the problems of our time and our great Nation. In the name of the One who loves the world. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. DRIEHAUS) come forward and lead the House in the Pledge of Allegiance?

Mr. DRIEHAUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### HONORING REV. BERTRAIN BAILEY

The SPEAKER. Without objection, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 1 minute.

There was no objection.

Ms. CORRINE BROWN of Florida. It is an honor to be here today with our

distinguished guest chaplain, Rev. Bertrain Bailey, who is Pastor of the St. John Missionary Baptist Church in Dallas, Texas, Ms. EDDIE BERNICE JOHNSON's constituent. Rev. Bailey is well known for his strong faith and the work he is doing in the Dallas, Texas, community. He has impacted the lives of thousands of congregation members, and I am pleased that he could be with us today in the House of Representatives to share his prayers and wisdom.

For over 130 years, the Missionary Baptist Church has been known for its tradition of serving the church family and community. During his time at St. John's, Rev. Bailey has proven an energetic and dynamic leader. His spirit and initiative have endeared him to current members and attracted new members. I am pleased to be able to share his faith and inspiration with my colleagues. I thank Rev. Bailey for his presence and his blessing.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

### PAYGO: EFFECTIVE TOOL FOR ADDRESSING DEFICIT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the House this week will consider legislation reestablishing statutory pay-as-you-go. That's PAYGO. In 1990, the Clinton administration turned the deficit into a record surplus, due in part by adhering to PAYGO, a principle that compels Congress to pay for what we buy. However, under a Republican President in Congress, PAYGO was waived and allowed to expire, clearing the way for policies that wiped out \$5.6 trillion of surplus and a huge debt financed by tax cuts for the wealthiest Americans that will have to be paid by the next generation. Restoring our national fiscal health will not be quick or easy, but restoring PAYGO is an important step towards that goal.

PAYGO has a history of bipartisan support. Democrats hope the Republicans will join us this week in supporting this proven tool for fiscal responsibility. I hope that they will not continue to be the Party of "No" and they'll have the principles invoked for PAYGO.

### "FOR THEE, BUT NOT FOR ME"

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, a very prominent, prestigious dignitary is visiting the United States from Canada this week—the Premier of Newfoundland and Labrador, Danny Williams is here. But there was no pomp and circumstance for Premier Williams. No red carpets, no dinners in his honor. You see, this isn't a state visit. It's a sneak visit. The Canadian Premier came to America to have heart surgery at an undisclosed hospital in an undisclosed location. According to officials, the premier couldn't have the heart surgery under Canada's government-run health care.

I wonder why? Williams has loudly proclaimed the benefits of Canadian socialized medicine. Was it the long waiting lines or the rationing that sent him to the United States? Maybe the Premier realized he couldn't receive competent treatment with Canadian state-controlled health care and came to America to, well—get well.

It seems the elites have one standard for the masses and another standard for themselves. As one writer put it, "State-controlled access for thee, but not for me." Government-run health care is unhealthy for Canadian Premiers and Americans as well.

And that's just the way it is.

### STATUTORY PAYGO

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. I rise today to urge the House to once again pass statutory pay-as-you-go legislation. I remind my colleagues of the history of PAYGO. Less than 20 years ago, PAYGO was used by a Republican Congress and a Democratic President to bring balance to the budget and begin paying down the debt from what were then record deficits. Unfortunately, during the Bush administration, PAYGO and other fiscally responsible policies were abandoned for tax cuts and expensive drug programs we didn't pay for. This week, we have the opportunity to once again vote for a return to fiscally responsible policies. We already voted for this on July 22, when we passed the Statutory Pay-As-You-Go Act of 2009, with a bipartisan majority.

Although this bill isn't perfect, it's very practical. It worked in the 1990s. It moved us from a record deficit to



record surpluses. It will work now. The fiscal and economic mismanagement that this Congress and the President inherited in January, 2009, must be addressed. Instituting statutory PAYGO is a concrete start to the fiscal reform American families struggling to balance their own budgets expect us to meet.

#### FINISH STRONG

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, the New Orleans Saints' first trip to the Super Bowl this Sunday has not only boosted the morale of Orleans and Jefferson Parish, but it has also changed the way New Orleanians think of their city and themselves. I am honored to convey New Orleanians' sentiments regarding the Saints to the world as the U.S. Representative of the Second District.

Mr. Ray Haeuser of New Orleans writes, "When the city was still full of water, the Saints were with us. When the city was full of despair, the Saints were there to encourage us. When the water had subsided and the streets were passable again, the Saints were walking around the city looking to help. When the future looked cloudy, the Saints kept cheering us on, and we began to realize that cheering for the Saints was, in fact, cheering for our shared future. The Saints have become a symbol of a city where pulling together can be a celebration every day."

Mr. Speaker, New Orleanians are mindful of the plight of the people of Haiti. But for this weekend, inspired by Mr. Haeuser and so many like him, we will cheer on our boys this Sunday with the President.

Who dat!

□ 1015

#### CLEAN ENERGY RACE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this morning America is engaged in a great race, and that is a race with China to see who will be preeminent in the creation of millions of new jobs in the new clean energy economy. The President is right: the Nation that leads the clean energy economy will lead the world economy, and he is right that we do not intend to finish second place in this race.

Now at this moment, there is something pending in the U.S. Senate to determine whether we will win this race. There is something that is absolutely fundamental to drive millions of dollars of investment to these new technologies in solar and wind and geothermal so that we will finish first in

this race, and that is to put a cap on carbon pollution. Because when we put a cap on carbon pollution, we will drive investment into the jobs of tomorrow. We must remain resolute. We call on the President to remain resolute. We have to deliver a cap on carbon so we can finish number one in the jobs race.

#### ENERGY AND JOBS

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, earlier this week, Congress received the White House's budget proposal. The President's budget more than doubles our national debt, drives spending to a record \$3.8 trillion, pushes the deficit to an unheard of \$1.6 trillion, and raises taxes by more than \$2 trillion over the next 10 years. It also includes \$36.5 billion in direct tax and fee increases on American oil, natural gas, and coal. These tax increases will only serve to reduce American energy production, increase energy prices, and destroy American jobs.

I support an all-of-the-above approach to our energy policy, one which encourages research and exploration for all forms of American-produced energy. Let's take this opportunity to do what is right for the future of our country by tapping into domestic energy resources and creating American jobs here at home.

#### VACATION IN VEGAS

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, things are very tough in Las Vegas right now. We have the second highest unemployment rate and the very highest mortgage foreclosure rate in the country. People are hurting. We rely on tourism to fuel our economy. It's our major industry.

So when the President singled out Las Vegas again by saying, "When times are tough, you tighten your belts. You don't blow a bunch of cash in Vegas," he is hurting the people I represent badly. What he should have said is that Las Vegas is the most amazing place to vacation. It's a bargain right now, and everyone should go and enjoy our wholesome family entertainment, our great hotels, our fabulous shows, great restaurants, shopping, convention space, gaming, our great weather. We're near the Grand Canyon and Red Rock Canyon and Hoover Dam. Las Vegas has it all. That's what the President should have said. Mr. President, words matter, and you need to watch what you say. Your words are hurting the businesses and the families that call Las Vegas home, and they're hurting me.

#### OBAMA'S BUDGET

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President's budget released on Monday is a blueprint for failure. It projects a \$1.6 trillion budget deficit for this year alone; and in its entire 10-year window, the annual deficit never falls below \$700 billion. The much vaunted spending freeze only covers some 13 percent of the budget and only accomplishes this goal by moving certain programs from discretionary to mandatory spending. Once the freeze is picked at by the free-spending leadership of the House and Senate, it will be reduced to a lukewarm puddle of even more deficit spending.

To make the tough decisions about balancing our budget, the administration looks to create a nonbinding commission. The President doesn't need a toothless commission when he already has the power to direct his Office of Management and Budget to create a blueprint for solvency. We need leadership. We need the buck to stop with the President, not with the commission of unelected economists, academics or bureaucrats.

#### SOLVING THE NATION'S FINANCIAL PROBLEMS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, while there continues to be signs of an improving economy, it is clear that Americans still need help. In my hometown of Wilson, North Carolina, unemployment rose to 12.5 percent in December. That's one out of eight, and 73 of my 100 counties are suffering unemployment rates of at least 10 percent.

President Obama's 2011 budget wisely provides for critical investments to spur job creation and strengthen long-term economic security. This budget includes \$100 billion in small business tax cuts, infrastructure and clean energy. This includes a new \$33 billion small business tax cut, an extension of the broadest tax cut in American history, the Making Work Pay tax credit. It also increases the child care tax break for middle-class families and eliminates the capital gains tax on investments by small businesses. I urge my colleagues to join me in working to ensure that we take the necessary and commonsense steps to solve these problems.

#### BIGGER BUDGET BLUNDERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, unemployment is still at double digits across the country; and in my home State of South Carolina, it is at a record high of 12.6 percent. Families are hurting, loosing jobs. With this dismal backdrop, why would the administration propose a budget that will increase taxes by more than \$2 trillion over 10 years, killing jobs? The budget is more spending, more taxes, and more borrowing.

Media across the country are even calling this budget bluff. In the San Francisco Chronicle, liberal economists question the deficit reduction measures. Economist Isabel Sawhill called such measures "totally depressing," saying it is "depressing" to see the administration abandon even the goal of a balanced budget. The Associated Press reports it as a deficit commission "without teeth." Politico reports it is "betting heavily on the symbolism of" a spending freeze filled with loopholes and is already being undercut by Washington Democrats.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### NO PAY RAISE FOR MEMBERS OF CONGRESS

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise today to once again urge my colleagues to cosponsor H.R. 4255, Stop the Automatic Pay Raise for Members of Congress in Fiscal Year 2011 Act. Representative RON PAUL and I introduced a bipartisan bill which has 117 cosponsors, because we think that at a time like this, it is simply unconscionable for Members to be seeking a pay raise.

Unless Congress acts, that is precisely what will happen. Americans are struggling. They're not getting a pay raise and neither should Congress. President Obama has frozen pay for senior White House officials. Chief Justice Roberts recently announced that he is not seeking a salary increase for Federal judges this year. Congress should follow suit. We hear an awful lot about fiscal discipline in this Chamber. We talk the talk. Mr. Speaker, it is past time for us to walk the walk. I urge my colleagues to do the right thing by cosponsoring H.R. 4255 and stop Congress from getting a pay raise.

#### BIPARTISANSHIP

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, my Republican colleagues and I were pleased to meet with the President last week about the many problems facing our Nation, the most important being that

folks across the country are without jobs. We can no longer pretend that exploding deficits, bigger government, more taxes, and generational debt will lead us out of this dire recession.

During his State of the Union speech, the President said that Republicans have presented no solutions. Later that week when we handed him a copy of the Republicans' "Better Solutions," without reading it he said that many of our ideas have already been incorporated into his bills. Which is true? I urge the President to immediately abandon the government takeover of health care and other industries. Instead, he should actually consider some of these commonsense ideas so that we can solve this country's problems in a bipartisan way by immediately cutting deficits and restoring the thing this country wants most—jobs, jobs, jobs.

#### IN SUPPORT OF THE PRESIDENT'S FY 2011 BUDGET REQUEST

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, on Monday the President unveiled his budget to help restart our economy and get our deficit under control after years of mismanagement by the previous administration. As we make the hard choices that are needed, we must remember where we started. When President Obama was sworn into office, our economy was on the brink of collapse, 700,000 Americans were losing their jobs every month, and our financial and housing markets were in free-fall.

Working with Congress, President Obama took immediate and extraordinary steps to repair this economic and fiscal mess that he inherited. A year later, our economy is slowly but surely recovering but too many families continue to struggle. Unemployment remains unacceptably high. That's why job creation and economic recovery are the central focus of the President's budget. It requests \$100 billion for a job creation package to help small businesses access credit and hire new workers.

It also invests in education, clean energy and our infrastructure, all essential for our long-term economic vitality. Finally, the President takes the first steps toward restoring the fiscal responsibility that had been lost in the past decade.

Mr. Speaker, after the mess we've inherited, we clearly have our work cut out for us, but the President's budget provides us with a good blueprint to meet these huge challenges.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Members are reminded not

to traffic the well while another is under recognition.

#### WE NEED A BALANCED BUDGET

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, Congress will raise the debt ceiling \$1.9 trillion to \$14.6 trillion this week. The deficit last year, \$1.5 trillion. The budget introduced on Monday is another \$1.5 trillion. We're over \$12 trillion in debt, on our way to \$20 trillion. The American people are saying, Enough is enough. Families and businesses in the last couple of years have had less revenues. They've made cuts. In the United States, 49 out of 50 Governors have had to balance their budgets. We need a constitutional balanced budget now. I would ask the President and congressional leaders to step up. Again, in the last 50 years, we've only balanced the budget five times. We need real leadership and real courage, and we need it right now. We need to make the cuts and get the budget in line.

#### MAKING ENDS MEET DURING THIS RECESSION

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DRIEHAUS. Mr. Speaker, though our economy is growing again, we still face record budget deficits and a growing national debt due to the revenue lost during the Great Recession, the reckless tax policies of previous Congresses and the steps we took to turn around the economy. The President's proposal to freeze discretionary spending is an important step to meet this challenge, but we must do more. As we begin the budget process for 2011, Congress needs to make tough choices about spending just like millions of American families are doing to make ends meet during this recession.

As Members of Congress, we need to quit pointing fingers and come together to be smarter about the way we spend taxpayer money. We must enact strict PAYGO principles, stop abusive no-bid contracts, and crack down on wasteful earmarks. Noisy rhetoric about wasteful spending isn't going to reduce the deficit, just as it doesn't create jobs or stimulate the economy.

So I urge lawmakers on both sides of the aisle to put aside politics and business as usual so that our current deficit challenge doesn't become the burden of future generations.

#### PRESIDENT OBAMA'S FY 2011 BUDGET

(Mr. GINGREY of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, on Monday, President Obama submitted his fiscal year 2011 budget to Congress with the claim that he was planning on restoring fiscal discipline to Washington. However, once you look beyond the rhetoric, it's clear that the budget the President delivered to Congress does not deliver on its promises.

Mr. Speaker, the President's budget request totaled a new record of approximately \$3.8 trillion in Federal spending—that's 25 percent of our GDP—and increased our deficit to \$1.6 trillion for the current fiscal year 2010. In order to pay for this record level of spending, the budget request increases taxes by approximately \$2 trillion over a 10-year period. His so-called spending freeze—well, that only applies to 13 percent of actual spending. With 10 percent of our workforce unemployed and over 15 million Americans out of work, there are families all across this country that are making sacrifices by cutting their expenses.

So, Mr. Speaker, we need a budget that recognizes that we cannot spend, tax, and borrow our way into prosperity. That's never worked. Unfortunately, the President's budget does not recognize this simple fact.

□ 1030

#### FISCAL RESPONSIBILITY

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, I was pleased the President called for fiscal responsibility and more responsible spending in his recent State of the Union address. In 2009, we saw a \$1.4 trillion budget deficit and will likely see the same this year. At over \$12 trillion, our deficit is simply unsustainable. Clearly, it is time for us to do something about it.

I believe there are reforms that can bridge the gap between Republicans, Blue Dogs, New Democrats, and Progressives; policies like accountability and transparency in the appropriations process and a Bipartisan Fiscal Commission. This year, we must come together to pass these and other important policies. PAYGO is an important first step. It has a proven track record of success and has helped us reach record surpluses in the 1990s.

I am hopeful that my colleagues, Republican and Democrat, will join me in supporting this important legislation. Getting America back on the path to fiscal responsibility will take time. But with an incremental, systematic, bipartisan approach, we can secure a robust and productive economy for generations to come.

#### OFFSHORE DRILLING

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, last week Americans were encouraged when President Obama mentioned offshore drilling in his State of the Union address; yet, it took only 5 short days for the President to reveal his true intentions on offshore drilling. The President's budget plan shows revenues for new offshore leases dramatically declining in the next 5 years. If more areas are opened to exploration, revenues would increase, not decrease. Less revenue means less exploration. This shows this administration has no intention of opening up new areas to offshore drilling.

In 2008, the decades-long ban on offshore drilling was ended because the public demanded it. As a result, we now have over 500 million new acres available for energy production. But this administration is purposely choosing not to act. The President's words don't match his actions. This administration's policies are preventing the creation of millions of new American jobs. Mr. Speaker, it's time for America to move forward with an all-of-the-above energy plan that includes new offshore drilling.

#### PAYGO: EFFECTIVE TOOL FOR ADDRESSING DEFICIT

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, we're going to be taking up PAYGO. It is an effective tool for addressing the deficit. It will strengthen fiscal responsibility.

Now, what does the legislation do? It requires that all new policies reducing revenues or increasing entitlement spending be offset over between 5 and 10 years. It ensures that we can afford to fund America's most important priorities such as education, clean energy, health care for future generations. It will force advocates of tax cuts to acknowledge their costs and show how they would pay for them. It would force a serious examination of wasteful subsidies in the budget and tax loopholes that can be eliminated to offset new worthwhile programs.

Mr. Speaker, I hope that Republicans and Democrats will join us this week in supporting this proven tool for fiscal responsibility.

#### FISCAL YEAR 2011 DEPARTMENT OF HOMELAND SECURITY BUDGET

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Mr. Speaker, in a moment in history where our Nation is facing the constant

threat of terrorism, we should be passing a budget that addresses those urgent needs. The administration's Department of Homeland Security budget does not.

In the midst of the Mexican cartel drug war raging on our border, the administration cuts 181 Border Patrol agents. At a time when our Coast Guardsmen are risking their lives in everyday places like Iraq and Haiti, this budget slashes active duty Coast Guard personnel by 1,100 people. And yet, we see budget increases to fund DHS bureaucrats in Washington, not security boots on the ground. And perhaps the most troubling, this budget devotes \$200 million to try Guantánamo Bay terrorists on U.S. soil.

These exorbitant expenditures on misguided priorities are taking away from the critical needs of other DHS programs. What we need is a budget that addresses our current security needs, not a budget that brings terrorists to our soil and endangers Americans.

#### COMPARED TO WHAT?

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we all remember the great line of Rodney Dangerfield. When asked, "How's your wife?" he said, "Compared to what?" Well, beginning last Friday, with President Obama's appearance before the Republican conference and this week with the introduction of the new budget, we have seen the "compared to what."

President Obama has an aggressive plan to create jobs and restore economic vitality. We want to provide credit to small businesses, job tax credits and very important incentives to both middle class working families and the businesses that create most of the jobs.

On the other side, we saw from Congressman RYAN their version of economic growth: Privatize Social Security, eliminate Medicare for everybody under 55, and give people vouchers to buy insurance which they won't be able to afford. And, of course, tax cuts across the board, which means more tax breaks for Bill Gates and Warren Buffett and the managers at AIG that just took \$100 million worth of bonuses.

We now see the "compared to what," and I hope that we continue to see the "compared to what." We will see who has a plan that will create economic growth for the American people.

#### PAYGO

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it's kind of interesting that my friends from the other

side keep beating up on Democrats. I think Bill Gates is a Democrat and I think the other gentleman that you mentioned is as well.

But let me just say this, Mr. Speaker. It is amazing on this floor how we have convoluted the thought process. You see, we have a PAYGO system on the Democratic side that says you have to pay for tax cuts. What is that assumption? That is, every time you have a tax cut, that's a tax expenditure. That's the other language they used to use. In other words, the premise is that every dollar in your pocket is owned by the government, and only when they, at their sufferance, allow you to keep it is it okay. So if you give a tax cut or you maintain tax rates at present levels, you have an obligation here to somehow say, Thank you. Thank you Federal Government. Thank you members of the leadership on the Democratic side. You've allowed me to keep my money if I can show how you pay for it.

It used to be the other way around, government only spends what it takes in; not saying that you, the average American, have an obligation to pay for whatever they want to do, and if you don't, you have to somehow pay for it. It is your money in the first instance.

#### RECOVERY ACT JOBS: TAMPA FAMILY HEALTH CENTERS

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, I rise today because the American Recovery and Reinvestment Act is putting people to work in my hometown of Tampa.

Last Thursday at the University of Tampa, President Obama announced a new jobs initiative that will put thousands and thousands of Floridians to work constructing one of the Nation's first segments of high-speed rail. And on Monday, I paid a visit to Tampa Family Health Centers to meet a number of the medical professionals who have been hired through the Recovery Act.

I visited with Dr. Mildred Perea, a pediatrician. Dr. Perea finished her residency at the University of South Florida in June. She was hired to work at the community health center in July because of the Recovery Act. And since that time, she's been treating children with H1N1 and referring them over to the new dental clinic that is now available because of the Recovery Act.

I also met Sophia Dorril, a hard-working medical receptionist who is grateful to have a job during this tough economy, and Zer Yang, a popular new medical assistant who switched professions, retrained, and is making a difference for our neighbors.

In Tampa alone, we're about to break ground on two new community health centers that are vitally needed in East Tampa and Egypt Lake. So more jobs are on the way.

The Recovery Act is putting folks to work in my hometown, work that is making a significant difference in the lives of children and families in my community.

#### CHRISTMAS DAY BOMBER IS A TERRORIST, NOT A STUDENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in a recent interview with ABC World News, President Obama referred to the Christmas Day bomber as a Nigerian student. But he is not just a student. He's a terrorist, a would-be mass murderer who almost killed 288 innocent civilians.

The administration is so concerned about being politically correct that they water down the truth about the terrorist threat facing Americans. Last year, the Obama administration instructed officials to replace the term "global war on terror" with "overseas contingency operation." Around the same time, Homeland Security Secretary Napolitano started referring to "terrorist attacks" as "man-made disasters." The administration also abandoned the use of "enemy combatants" when referring to terrorists detained at Guantanamo Bay.

It's time to stop watering down our words and start calling terrorists what they are, terrorists.

#### FISCAL RESPONSIBILITY

(Ms. KILROY asked and was given permission to address the House for 1 minute.)

Ms. KILROY. Mr. Speaker, in my household, just like the households of my neighbors and people in my community in Central Ohio, when we want to spend money, we have to figure out whether it fits within our budget. And as a local official, we also needed to make sure that our budgets were balanced and that we had the right kind of priorities in our budgets as we decided our spending plan. That's why passing pay-as-you-go legislation is so important.

It worked during the Clinton administration. We had to decide, Congress had to decide what the important priorities were, and it left a budget surplus at the end of the Clinton administration. During the Bush years, we saw the PAYGO legislation expire, and we saw that instead of making sure that we paid attention to the right kind of priorities, millions were given in tax cuts to the wealthiest, and our President was left with a budget deficit to confront.

Right now, if we pass PAYGO legislation, it will make sure that we can afford to fund America's most important priorities: Education, clean energy, jobs. And I hope that our colleagues across the aisle will join us in pay-as-you-go legislation.

#### ACTIONS SPEAK LOUDER THAN WORDS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last Wednesday night we all had a stirring address here in this Chamber from the President in which he proposed a 3-year spending freeze. And we all lauded the fact that the President was getting serious about the notion of reducing Federal spending in light of the fact that we have seen this 86 percent increase take place in the past year over spending the year before. The problem is this: We all were taught as children that actions speak louder than words.

The first bill that is to be coming to this House since the President gave his State of the Union message calling for the spending freeze is a measure which is denying an opportunity for our colleague from Dallas, Texas, Mr. SESSIONS, to propose a freeze in the level of spending. There are 17 amendments that have been made in order. The one amendment denied was the spending freeze amendment.

And so, Mr. Speaker, it's very important for us to note that it's easy to talk about the need for us to freeze spending, but when the first bill, the first bill that's coming to this House denies an opportunity to even debate it, it shows that actions do speak louder than words.

#### HEALTH CARE AND JOBS ARE IMPORTANT

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, last week we were honored, in the State of the Union, to hear President Barack Obama address in this hall a joint convention, and then he met with the Republican Caucus this week in what was a remarkable political instance of reaching out to the other side. Not since Bill Russell controlled the center for the Celtics have questions and thoughts been deflected in such a marvelous and a deft manner.

The President is concerned about health care and jobs, and in my community of Memphis, Tennessee, we need both. And each interest is represented in the MED, our charity hospital, our community hospital that's in danger of closing. It's the trauma center for the Midsouth. Because of the

cuts in Medicaid, or TennCare in Tennessee, and the lack of disproportionate share for our State which we could have taken care of in a conference committee report and gotten equality with Hawaii, the MED's in danger of closing. It will have ripples throughout the health community and the hospital community in the entire Midsouth, and it will threaten jobs.

Health care is jobs. Jobs are important. This administration and our government needs to put our economy in the right direction and do it and preserve health care and trauma centers and emergency rooms like the MED.

□ 1045

#### WALL STREET REFORM AND CONSUMER PROTECTION ACT

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the economic meltdown was one of the most disastrous economic events in the Nation's history. The banks were the main culprits, but the Republicans in Washington aided and abetted them by deregulating finances and turning the other way when problems surfaced.

Now the House has passed the Wall Street Reform and Consumer Protection Act. It ends bailouts by helping ensure taxpayers are never again on the hook for Wall Street's risky decisions. It protects families' retirement funds, college savings, homes and businesses' financial future from unnecessary risk by executives, lenders, and speculators. And it also protects consumers from predatory lending abuses, fine print, and industry gimmicks.

Mr. Speaker, we passed this bill in the House. It must pass in the Senate and go to the President. But we as Democrats are making a difference in trying to prevent another economic meltdown.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### ARCHITECT OF THE CAPITOL APPOINTMENT ACT OF 2010

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the

President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2843

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Architect of the Capitol Appointment Act of 2010".

#### SEC. 2. APPOINTMENT AND TERM OF SERVICE OF ARCHITECT OF THE CAPITOL.

(a) APPOINTMENT.—The Architect of the Capitol shall be appointed jointly by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, a member of the Senate to be designated by the majority leader of the Senate, and a member of the Senate to be designated by the minority leader of the Senate.

(b) TERM OF SERVICE.—The Architect of the Capitol shall be appointed for a term of 10 years, and may be reappointed for additional terms.

(c) CONFORMING AMENDMENT.—Section 319 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 1801) is repealed.

(d) EFFECTIVE DATE.—This section shall apply with respect to appointments made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on H.R. 2843.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. WASSERMAN SCHULTZ. I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 2843, the Architect of the Capitol Appointment Act. I thank the original cosponsors of this bipartisan legislation, including Ranking Member Representative ROBERT ADERHOLT of the Legislative Branch Appropriations

Subcommittee; Ranking Member ZACH WAMP, who I want to thank especially for initially cosponsoring this legislation with me when he was the ranking member of the Legislative Branch Appropriations Subcommittee; Representative TOM LATHAM, who is also a former ranking member of the Legislative Branch Appropriations Subcommittee—Mr. Speaker, maybe it's me, since I keep losing ranking members on the other side of the aisle. And it has been a pleasure to work with all of these gentlemen—Representative ROBERT BRADY, chairman of the Committee on House Administration, and his ranking member, Representative DAN LUNGREN, and of course former House Administration Ranking Member VERNON EHLERS.

This legislation effectively removes the appointment role of the Architect of the Capitol from the executive branch, placing it in the rightful hands of the legislative branch where it belongs.

Specifically, this bill provides for the joint appointment of the Architect of the Capitol by House and Senate leadership, both majority and minority, and the chairs and ranking members of each of the House and Senate committees of jurisdiction—including the Committees on Appropriations, House Administration, Senate Rules, and Transportation and Infrastructure.

This is a long overdue change. The Architect of the Capitol serves a legislative branch function and as such, he or she should be chosen by the legislative branch. By making this change, we can simplify a process that has caused unnecessary delays in choosing a permanent Architect.

Because of the delays in this process, we have had an Acting Architect in place since February of 2007. It is now February of 2010. And Mr. Hantman, the immediate past Architect, was appointed following a 2-year vacancy.

The Capitol campus is currently facing over \$1 billion in deferred maintenance. We've been working diligently over the last several years to address that backlog, and the Architect has been very helpful in coordinating and addressing that backlog, but we need to make sure that we establish some permanence and some consistency. It's critically important that a permanent Architect is selected so that he or she can face these issues with an eye to the future.

It's our hope that this bipartisan legislation becomes law so that Congress can play a direct role in selecting the right candidates for a legislative branch position of significant importance like this one.

I ask for all Members' support in passing this vital legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very simple bill. It returns the authority of managing our place to the Members of Congress. We are the legislative branch. The Capitol is our House. It is not the purview or within the province of the President of the United States. It seems strange, to say the least, that we have a process by which we do not direct who it is we establish as the person who is really the official caretaker of the Capitol.

The Architect suggests that you sit in a room designing architectural designs for the purpose of new additions and new buildings, and the Architect would be responsible for that under his direction. But he really takes care of this place. He is the top appointed official to make sure that the House of Representatives, the United States Senate and the entire Capitol complex runs.

And somehow, we have set up a situation in which there is input by the House, input by the Senate, and the tiebreaker is the President of the United States essentially, and that really doesn't make sense. We don't choose who the chief usher of the White House is—and when I say “chief usher,” people don't realize that's the person who runs the White House complex.

And so it just makes very, very good sense. And I congratulate the gentlelady for bringing this to our attention, the gentleman, Mr. WAMP, and the other cosponsors.

So I rise in support of this bill, which will, as we say, establish a bicameral process by which we appoint the Architect of the Capitol. The Architect has carried the responsibility of preserving and enhancing the Capitol complex since construction on the U.S. Capitol began in 1793. Following the construction of the Capitol Visitor Center, management and administration of that center was placed under the purview of the Architect—further cementing the Architect's role in support of the legislature and its operations.

So accordingly, it is, as I say, the appropriate process by which the Architect is appointed by a bipartisan, bicameral process free of decisionmaking responsibility by the executive branch. The appointment process will be better aligned with the mission of the Office by emphasizing the relationship between the Architect and the ongoing legislative operations of the Federal Government.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I'd like to thank the distinguished ranking member for his time and all of the benefits that he brings to the House of Representatives.

This reminds me of when I got here in 1995 and in the morning, you would hear the strange noise as they would

slide ice buckets down the floor up to the door of your office. And many of us thought, What are we doing paying people to deliver ice to our offices in 1995? And of course we ended that practice because it was an antiquated practice.

And if you study the history of this, this is an antiquated issue that has really never been resolved. The history of the Capital City and the need for the President to be involved in the appointment of the Architect of the Capitol that had responsibilities as we laid the city out is an issue of long ago but not today.

So I want to thank the original author, Ms. WASSERMAN SCHULTZ of Florida—who I don't agree with much these days—but I certainly agree with her a lot on this issue. And I thank her for her service because she and I came side-by-side to get the Capitol Visitor Center finally finished on time and with the revised budget. And it took extraordinary cooperation and work, and we did that. And frankly, it was because the legislative branch engaged in a very meaningful way to finally get our arms around all of those change orders and all of the delays and inefficiencies, and it just underscored the need for the legislative branch to drive the process. And it was by far the largest challenge that the Architect of the Capitol had seen in centuries, literally, to do the Capitol Visitor Center. And it reminded us of how important it is that we have in the House and Senate a cohesive and unified effort to oversee the Architect and the Architect's work.

In no way is this about an Architect. As a matter of fact, Stephen Ayers, the acting Architect, I think has done an outstanding job, and I hope will be made permanent under this new legislation which gives the legislative branch the total authority.

The gentlelady worked with me to make sure that the committees of jurisdiction—including this very committee that brings this bill to the floor today—is involved in the decision-making process so that it's not just the leaders either. These committees have their hands in these issues. There are bigger issues today in our country than this, but it doesn't mean we shouldn't keep the trains running on time. That is what this is, making sure that we're doing our job.

This is my 16th and final year here. I thank the gentleman from California. I have called him the conscience of the Republican minority today, and when he was in the majority I called him that because he was here early, he left to go back to California, he came back here. He has really provided extraordinary depth of knowledge and at times has been the conscience of the Republicans in the Congress. Extraordinary man.

Ms. WASSERMAN SCHULTZ is a tiger. This is one of those issues that few peo-

ple would grab the tiger by the tail, but she's that kind of person.

So we're doing this because it needs to be done. We're doing it for the legislative branch. We're doing it for efficiency and accountability and responsibility, and I urge passage.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I agree wholeheartedly with Mr. LUNGREN and Mr. WAMP. I couldn't have said it better myself.

It is incredibly important that we be good stewards of the Capitol complex and the facilities that we have the privilege to work in. It still amazes me every day when I walk up to the Capitol or past the Capitol when it's at night when it's all lit up or in the daytime. It's a structure that everyone who sees it marvels at it.

And it's our responsibility as the leaders of the, essentially, administrative committees that have responsibility for taking care of and funding the needs of the legislative branch to make sure that we are the ones that ultimately are held accountable and have the opportunity to coordinate the appointments of the Architect of the Capitol. It no longer makes sense—I am not sure that it ever made sense—to have the President of the United States be involved in what is essentially a legislative branch function, and it will make for a more efficient process and will enable us to preserve these facilities into the future for future generations.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I hope we have a unanimous vote in favor of H.R. 2843, and then I hope our colleagues on the other side of the aisle will see the wisdom of this and join us in reasserting the proper role of the legislative branch. And hopefully we can convince the President to give up this responsibility that I am sure does not weigh heavily on him at the present time.

This makes good sense. It ought to be accepted on a unanimous vote.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 2843, as amended, a bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes.

I extend my thanks to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), Chairwoman of the Appropriations Committee, Subcommittee on Legislative Branch, and the gentleman from Alabama (Mr. ADERHOLT), Ranking Member of the Subcommittee, as well as the gentleman from Pennsylvania (Mr. BRADY), Chairman, and the gentleman from California (Mr. LUNGREN), Ranking Member of the Committee on House Administration, for



their cooperation and willingness to work with the Committee on Transportation and Infrastructure on this bill.

The Committee on Transportation and Infrastructure has a long and productive association with the Office of the Architect of the Capitol. Under House rule X, section (r), the Committee on Transportation and Infrastructure has jurisdiction over the Capitol Building and the House and Senate Office Buildings, in addition to public buildings and occupied or improved grounds of the United States generally. Over the years, the Committee has worked with the Architect's office on developing the Capitol Hill master plan, Capitol Hill Building fire and life safety programs, parking studies, and most recently on requirements in the Energy Independence and Security Act of 2007 (P.L. 110–140) to ensure the energy efficiency of not only the House and Senate office buildings, but also to upgrade the Capitol Power Plant.

This bill provides congressional leaders with authority to appoint the Architect of the Capitol, and the appointments process includes House as well as Senate leadership, both majority and minority.

I urge my colleagues to join me in supporting H.R. 2843.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 2843, is a bipartisan initiative that would move the Architect of the Capitol selection process entirely to the legislative branch. This legislation has been amended from the version reported by the Committee on House Administration to include two additional House and two additional Senate Members. As amended, this legislation provides the following with authority to select the AOC: The Speaker of the House, the President Pro Tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, a Member of the Senate to be designated by the majority leader of the Senate, and a Member of the Senate to be designated by the minority leader of the Senate.

Under the current system, the office of the Architect has been vacant for nearly 3 years. The long delay in filling the position has been exacerbated by the complexities and uncertainties of the current law, and the involvement of the executive branch.

The Committee on House Administration believes that enactment of H.R. 2843 will streamline the selection process.

I urge my colleagues to support this legislation.

Mr. DANIEL E. LUNGREN of California. And urging support of that, I yield back the balance of my time.

Ms. WASSERMAN SCHULTZ. I yield back the balance of my time.

□ 1100

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes."

A motion to reconsider was laid on the table.

#### SOCIAL SECURITY DISABILITY APPLICANTS' ACCESS TO PROFESSIONAL REPRESENTATION ACT OF 2010

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4532) to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4532

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Disability Applicants' Access to Professional Representation Act of 2010".

#### SEC. 2. PERMANENT EXTENSION OF ATTORNEY FEE WITHHOLDING PROCEDURES TO TITLE XVI.

(a) IN GENERAL.—Section 302 of the Social Security Protection Act of 2004 (Public Law 108–203; 118 Stat. 519) is amended—

(1) in the section heading, by striking "temporary"; and

(2) in subsection (c), by striking "EFFECTIVE DATE." and all that follows through "The amendments" and inserting "EFFECTIVE DATE.—The amendments", and by striking paragraph (2).

(b) CLERICAL AMENDMENT.—The item relating to section 302 in the table of contents in section 1(b) of such Act is amended by striking "Temporary extension" and inserting "Extension".

#### SEC. 3. PERMANENT EXTENSION OF FEE WITHHOLDING PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTATIVES.

(a) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

"(e)(1) The Commissioner shall provide for the extension of the fee withholding procedures and assessment procedures that apply under the preceding provisions of this section to agents and other persons, other than attorneys, who represent claimants under this title before the Commissioner.

"(2) Fee-withholding procedures may be extended under paragraph (1) to any non-attorney representative only if such representative meets at least the following prerequisites:

"(A) The representative has been awarded a bachelor's degree from an accredited institution of higher education, or has been determined by the Commissioner to have equivalent qualifications derived from training and work experience.

"(B) The representative has passed an examination, written and administered by the Commissioner, which tests knowledge of the relevant provisions of this Act and the most recent developments in agency and court decisions affecting this title and title XVI.

"(C) The representative has secured professional liability insurance, or equivalent insurance, which the Commissioner has determined to be adequate to protect claimants in the event of malpractice by the representative.

"(D) The representative has undergone a criminal background check to ensure the representative's fitness to practice before the Commissioner.

"(E) The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under this title and title XVI. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.

"(3)(A) The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in paragraph (2).

"(B) Fees collected under subparagraph (A) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner determines appropriate.

"(C) The fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended for administering the prerequisites described in paragraph (2)."

(b) CONFORMING AMENDMENTS.—

(1) Section 1631(d)(2)(A) of such Act (42 U.S.C. 1383(d)(2)(A)) is amended—

(A) in clause (iv), by striking "and" at the end;

(B) in clause (v), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following new clause:

"(vi) by substituting, in subsection (e)(1)—



“(I) ‘subparagraphs (B) and (C) of section 1631(d)(2)’ for ‘the preceding provisions of this section’; and

“(II) ‘title XVI’ for ‘this title’.”.

(2) Section 303(e)(2) of the Social Security Protection Act of 2004 (Public Law 108-203; 118 Stat. 523) is amended by striking “AND FINAL REPORT” in the heading and by striking the last sentence.

(c) EFFECTIVE DATE.—The Commissioner of Social Security shall provide for full implementation of the provisions of section 206(e) of the Social Security Act (as added by subsection (a)) and the amendments made by subsection (b) not later than March 1, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 4532.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I yield myself as much time as I may consume.

I want to thank Mr. JOHNSON for being here and being able to work together to work this out.

As you know, Mr. Speaker, for the past several years, one of the top priorities of our Ways and Means Subcommittee on Social Security has been helping the hundreds of thousands of Americans who have been waiting sometimes over a year or two for a hearing on their disability case due to the large backlog. We have urged the Social Security Administration to make eliminating this backlog a top priority.

I want to thank Chairman OBEY for his commitment to ensuring that the Social Security Administration has resources to address the issue effectively.

We join today with Mr. JOHNSON, Mr. McDERMOTT, and Mr. LINDER on this bill to provide access to professional representation. The benefit application process can be very complicated, as many know; and this bill would help ensure that the applicants can get professional representation and help when they need it. It makes permanent an existing program to increase access to professional representation. And without the passage of this bill, the program would expire March 1.

It has the support of many organizations that are engaged in this effort. I would like to insert into the RECORD this morning a couple of letters from some of those people.

#### CONSORTIUM FOR CITIZENS WITH DISABILITIES, February 1, 2010.

Hon. JOHN TANNER,  
*Chairman, Subcommittee on Social Security,  
Committee on Ways and Means, House of  
Representatives, Washington, DC.*

Hon. SAM JOHNSON,  
*Ranking Member, Subcommittee on Social Security,  
Committee on Ways and Means, House of  
Representatives, Washington, DC.*

Hon. JIM McDERMOTT,  
*Chairman, Subcommittee on Income Security  
and Family Support, Committee on Ways  
and Means, House of Representatives,  
Washington, DC.*

Hon. JOHN LINDER,  
*Ranking Member, Subcommittee on Income Security  
and Family Support, Committee on  
Ways and Means, House of Representatives,  
Washington, DC.*

DEAR CHAIRMAN TANNER, CHAIRMAN McDERMOTT, RANKING MEMBER JOHNSON, AND RANKING MEMBER LINDER: On behalf of the undersigned members of the Consortium for Citizens with Disabilities (CCD) Social Security Task Force, we are writing in support of H.R. 4532, the “Social Security Disability Applicants’ Access to Professional Representation Act of 2010.” H.R. 4532 makes permanent two provisions included in the Social Security Protection Act of 2004 (SSPA), P.L. 108-203, designed to improve access to representation for claimants applying for Social Security disability and Supplemental Security Income benefits.

Section 302 of the SSPA authorized the withholding and direct payment of attorneys’ fees in Supplemental Security Income cases. Section 303 established a demonstration project to allow withholding and direct payment of fees to eligible non-attorney representatives. Both programs are scheduled to sunset on February 28, 2010. Because both programs have been successful, we are writing to support their permanent continuation.

#### WITHHOLDING AND DIRECT PAYMENT OF FEES IN SSI CASES

Section 302 of the SSPA amended section 1631(d)(2) of the Social Security Act to extend the Title II fee withholding and direct payment procedures to claims under Title XVI of the Act.

The CCD Social Security Task Force has long supported allowing SSI claimants to enter into voluntary agreements with attorneys which would allow SSA to withhold and provide direct payment of attorneys’ fees from past due SSI benefits. The SSPA established this provision and extended it to attorneys and non-attorney representatives who qualify under the Section 303 demonstration (described below). The SSA disability determination process is very complex and beyond the capacity, training, or experience of many claimants to negotiate without knowledgeable assistance. By ensuring that representatives will be paid a fee for successful work on a claimant’s behalf, this provision has helped to assure that a knowledgeable, experienced pool of representatives is available to claimants. The limit on fees and the involvement of SSA in establishing the fees helps to ensure that the fees are reasonable. Experience has demonstrated that this provision has increased opportunities for SSI claimants to obtain representation.

#### FEE WITHHOLDING FOR QUALIFIED NON- ATTORNEY REPRESENTATIVES

Section 303 of the SSPA established a demonstration program to examine the effectiveness of allowing non-attorney representatives to qualify for fee withholding. In order

to qualify, the non-attorneys must possess a bachelor’s degree (or equivalent experience) and malpractice insurance coverage; pass a background check; complete a test examining knowledge of the Social Security disability system; and maintain continuing education in areas directly related to Social Security disability programs. To date, the demonstration program has been successfully implemented. We believe that claimants benefit from the availability of qualified non-attorneys and we urge that the sunset date be lifted.

#### CONCLUSION

CCD appreciates your efforts to assure that claimants applying for Social Security disability and Supplemental Security Income benefits receive the benefits to which they are entitled. Access to an experienced and qualified representative to guide claimants through the lengthy and often-confusing process is key to a timely and well-informed decision by SSA. Since the SSPA was enacted, the provisions detailed above have proven their effectiveness in increasing claimants’ access to effective representation. For these reasons, we urge Congress to move quickly to extend and make permanent both programs so that there is no gap or delay which might affect claimants’ cases and/or their ability to receive knowledgeable assistance.

Sincerely,

MARTY FORD,  
*The Arc and United  
Cerebral Palsy Dis-  
ability Policy Col-  
laboration.*

PEGGY HATHAWAY,  
*United Spinal Associa-  
tion and National  
Spinal Cord Injury  
Association.*

SUSAN PROKOP,  
*Paralyzed Veterans of  
America.*

PAUL SEIFERT,  
*Council of State Ad-  
ministrators of Voca-  
tional Rehabilita-  
tion.*

Co-Chairs, CCD Social Security Task Force.

On behalf of:

American Council of the Blind  
Bazelon Center for Mental Health Law  
Community Access National Network  
Council of State Administrators of Vocational Rehabilitation

National Association for Disability Representatives

National Council for Community Behavioral Healthcare

National Council on Independent Living  
National Organization of Social Security Claimants’ Representatives

National Spinal Cord Injury Association  
Paralyzed Veterans of America  
Research Institute for Independent Living  
The Arc of the United States  
United Cerebral Palsy  
United Spinal Association

NATIONAL ASSOCIATION OF  
DISABILITY REPRESENTATIVES,  
Washington, DC, January 29, 2010.

Hon. JOHN TANNER,  
*Chairman, Subcommittee on Social Security,  
Committee on Ways & Means, House of Rep-  
resentatives, Washington, DC.*

Hon. SAM JOHNSON,  
*Ranking Member, Committee on Ways & Means,  
House of Representatives, Washington, DC.*

Hon. JIM McDERMOTT,  
*Chairman, Subcommittee on Income Security,  
Committee on Ways & Means, House of Rep-  
resentatives, Washington, DC.*

Hon. JOHN LINDER,  
*Ranking Member, Subcommittee on Income Secu-  
rity, Committee on Ways & Means, House  
of Representatives, Washington, DC.*

DEAR CHAIRMEN TANNER AND McDERMOTT  
AND RANKING MEMBERS JOHNSON AND LINDER:  
On behalf of The National Association of  
Disability Representatives (NADR), a profes-  
sional organization comprised of non-attor-  
neys and attorneys who assist people in ap-  
plying for disability income assistance from  
the Social Security Administration, I am  
writing to offer our strong support for H.R.  
4532, the "Social Security Disability Appli-  
cants' Access to Professional Representation  
Act of 2010." The legislation will make per-  
manent two provisions included in the Social  
Security Protection Act of 2004 (SSPA), P.L.  
108-203, designed to improve access to rep-  
resentation for claimants applying for Social  
Security disability and Supplemental Security  
disability benefits. Both programs are sched-  
uled to sunset on February 28, 2010.

#### WITHHOLDING AND DIRECT PAYMENT OF FEES IN SSI CASES

Section 2 of the proposed legislation  
amends Section 302 of the SSPA to perma-  
nently extend fee-withholding procedures for  
attorneys and qualified non-attorney rep-  
resentatives to claims under Title XVI of the  
Act. This provision of the SSPA has in-  
creased opportunities for SSI claimants to  
obtain representation and should be ex-  
tended. Without Title XVI fee withholding,  
the most vulnerable among us may be unable  
to get the help they need in negotiating the  
Social Security claims process.

#### FREE WITHHOLDING FOR QUALIFIED NON- ATTORNEY REPRESENTATIVES

Section 3 of the bill makes permanent a  
demonstration program established in Sec-  
tion 303 of the SSPA to examine the effec-  
tiveness of non-attorney representatives who  
qualify for fee withholding by possessing a  
bachelor's degree (or equivalent experience),  
passing an examination, securing liability  
insurance, undergoing a background check  
and demonstrating ongoing completion of  
qualified courses of continuing education.  
The Government Accountability Office re-  
leased a report in October 2007 analyzing the  
performance of non-attorney representatives  
in disability cases before the Social Security  
Administration. The study results indicated  
that non-attorney representatives who met  
the criteria necessary for fee withholding  
demonstrated levels of knowledge and suc-  
cess rates at least equal to that of practicing  
attorneys.

The demonstration program has proven to  
be extremely effective in improving access to  
qualified representatives for claimants. Just  
as important, many NADR members work  
with claimants from the initial application,  
which serves not only to expedite valid  
claims, but also to provide counseling that  
can weed out inappropriate cases before they  
enter the system. Once a claimant does enter  
the system, qualified representatives who

understand the requisite objective documen-  
tary needs can assist the claims examiner  
and adjudicators to gather this critical infor-  
mation in a timely manner. All this leads to  
savings of time and resources.

Access to an experienced and qualified rep-  
resentative to guide claimants through the  
lengthy and often-confusing disability-  
claims process is key to a timely and well-  
informed decision by SSA. For all these rea-  
sons, NADR urges the House to pass H.R. 4532  
as quickly as possible in order to ensure that  
these fee-withholding provisions remain in  
effect without interruption.

Sincerely,

SCOT E. WHITAKER,  
*President.*

NATIONAL ORGANIZATION OF SOCIAL  
SECURITY CLAIMANTS' REPRESENT-  
ATIVES,  
*Englewood Cliffs, NJ, February 3, 2010.*

Hon. JOHN TANNER,  
*Chairman, Subcommittee on Social Security,  
Committee on Ways & Means, House of  
Representatives, Washington, DC.*

Hon. SAM JOHNSON,  
*Ranking Member, Subcommittee on Social Secu-  
rity, Committee on Ways & Means, House  
of Representatives, Washington, DC.*

Hon. JIM McDERMOTT,  
*Chairman, Subcommittee on Income Security  
and Family Support, Committee on Ways  
and Means, House of Representatives,  
Washington, DC.*

Hon. JOHN LINDER,  
*Ranking Member, Subcommittee on Income Secu-  
rity and Family Support, Committee on  
Ways and Means, House of Representatives,  
Washington, DC.*

DEAR CHAIRMAN TANNER, CHAIRMAN  
McDERMOTT, RANKING MEMBER JOHNSON, AND  
RANKING MEMBER LINDER: We are writing in  
strong support of H.R. 4532, the "Social Secu-  
rity Disability Applicants' Access to Profes-  
sional Representation Act of 2010."

Applying for Social Security disability and  
Supplemental Security Income disability  
benefits can be a confusing, complicated, and  
difficult process. While claimants have the  
right to be represented, it is a hollow right  
if there is no realistic way to obtain rep-  
resentation.

The Social Security Protection Act of 2004  
(SSPA), Pub. L. No. 108-203, included two  
provisions intended to help claimants obtain  
representation: (1) the withholding and di-  
rect payment of fees in Supplemental Secu-  
rity Income (SSI) cases; and (2) establishing  
a demonstration project to allow eligible  
non-attorney representatives the option of  
withholding and direct payment of fees in  
both Title II and SSI cases. Under the SSPA,  
both of these provisions are scheduled to  
"sunset" after a five-year period, which  
would be March 1, 2010. Because both  
projects have been successful, we are writing  
to support their permanent continuation.  
H.R. 4532 accomplishes this goal.

Established in 1979, the National Organi-  
zation of Social Security Claimants' Rep-  
resentatives (NOSSCR) is an association of  
nearly 4,000 attorneys and paralegals who  
represent Social Security and SSI claimants  
seeking to obtain disability and income se-  
curity benefits. NOSSCR members are com-  
mitted to providing high quality representa-  
tion for claimants, to maintaining a system  
of full and fair adjudication for every claim-  
ant, and to advocating for beneficial change  
in the disability determination and adjudica-  
tion process.

#### WITHHOLDING AND DIRECT PAYMENT OF FEES IN SSI CASES

Section 302 of the SSPA amended section  
1631(d)(2) of the Social Security Act to ex-  
tend the Title II attorney fee withholding  
and direct payment procedures to claims  
under Title XVI of the Act. This provision  
became effective for SSI fees paid on or after  
February 28, 2005.

Extending the existing fee withholding and  
direct payment provisions for Title II cases  
to Title XVI cases has made a measurable  
difference in the ability of SSI claimants to  
obtain representation. SSA's statistics for  
the hearing level show representation of SSI  
claimants has increased in every year since  
the SSPA provision was implemented.

Section 302 includes a sunset provision.  
Under that provision, the amendments made  
by section 302 will not apply to claims for  
benefits with respect to which the claimant  
and the representative enter into the agree-  
ment for representation after February 28,  
2010.

Because the SSPA change has increased  
the opportunities for SSI claimants to ob-  
tain representation, we support the provision  
in H.R. 4532, which makes this provision per-  
manent.

#### NON-ATTORNEY REPRESENTATIVES

Section 303 of the SSPA directs the Com-  
missioner to carry out a five-year nation-  
wide demonstration project to determine the  
potential results of extending the fee with-  
holding and direct payment procedures that  
apply to attorneys under Titles II and XVI of  
the Social Security Act to non-attorney rep-  
resentatives who meet certain minimum pre-  
requisites specified in section 303 and any ad-  
ditional prerequisites that the Commissioner  
may prescribe.

Under the prerequisites specified in section  
303, individuals applying to participate in  
the demonstration project must have a bach-  
elor's degree or equivalent education, possess  
liability insurance or equivalent insurance  
adequate to protect claimants in the event of  
malpractice by the representative, pass a  
criminal background check ensuring fitness  
to practice before SSA, pass an examination  
testing knowledge of the relevant provisions  
of the Act and the most recent developments  
in Agency and court decisions, and demon-  
strate ongoing completion of qualified  
continuing education courses. In addition,  
the Commissioner has required that individ-  
uals applying to participate in the dem-  
onstration project show that they have suffi-  
cient prior experience representing claim-  
ants before SSA.

The five-year demonstration project on di-  
rect payment of fees to eligible non-attor-  
neys began on February 28, 2005, and also is  
scheduled to "sunset" at the end of five  
years. The demonstration project established  
by SSPA section 303 applies to claims for  
benefits with respect to which the agreement  
for representation is entered into after Feb-  
ruary 27, 2005 and before March 1, 2010.

We support the provision in H.R. 4532 that  
makes this provision permanent. We believe  
that, to date, the demonstration project has  
been successfully implemented by the con-  
tractor engaged by the Social Security Ad-  
ministration, CPS Human Resource Services.  
By all reports, the contractor has done a  
good job administering the demonstration  
project including periodic administration of  
the examination and ensuring that the other  
required criteria are met.

We appreciate your support for improving SSA's service for individuals who are applying for benefits by introducing and co-sponsoring H.R. 4532. We believe that making permanent the SSPA provisions regarding representation will benefit individuals with disabilities who file claims for benefits.

Very truly yours,

NANCY G. SHOR,  
*Executive Director.*

In addition, the good news is that the bill has no cost. It may even generate a little money—some say \$55 million over 10 years—from user fees paid by representatives who participate.

And so, Mr. Speaker, with that, I would ask that everyone support this legislation. It is, I think, something that will not only benefit people who are engaged in the system, but will cut down in many respects, hopefully, on some of the time people who are sick and disabled have to wait before their cases are adjudicated.

I am joined today by my colleagues, JIM McDERMOTT, Chairman of the Subcommittee on Income Security and Family Support, SAM JOHNSON, Ranking Member of the Subcommittee on Social Security, and JOHN LINDER, Ranking Member of the Subcommittee on Income Security and Family Support, in support of the Social Security Disability Applicants' Access to Professional Representation Act. This important, bipartisan legislation will help individuals with severe disabilities navigate the often lengthy and complex process of applying for Social Security and Supplemental Security Income (SSI) disability benefits.

For the last few years, one of the top priorities of the Ways and Means Subcommittee on Social Security has been helping the hundreds of thousands of Americans who have been waiting years for a hearing on their disability case due to large claims backlogs. We have urged the Social Security Administration (SSA) to make eliminating this backlog a top priority. I particularly want to thank Chairman Obey for his commitment to ensuring that SSA has the resources to address this issue.

By improving access to quality, professional representation for disability applicants, this bill would address another barrier individuals with severe disabilities face when they apply for disability benefits. Increasingly the availability of professional representation can also help speed the disability process, as representatives can help to ensure that SSA has the medical evidence needed to adjudicate cases, avoiding unnecessary delays.

Specifically, this bill would improve access to representation by making permanent a temporary provision to expand access that is due to expire on March 1.

For many years, attorneys who represent Social Security disability claimants have been able to have their fees withheld from the claimant's past-due benefits and paid directly to them by SSA. By providing a way to ensure that attorneys are paid if the claim is successful, this system has helped to ensure that disability applicants—even those who are very low income—have access to professional representation. This representation is particularly important for those applicants who appeal their case by seeking a hearing before an Administrative Law Judge. The fee paid to rep-

resentatives is limited to 25 percent of the claimant's past-due benefits, subject to a dollar cap, and is only paid if the claimant wins.

In 2004, Congress adopted a provision to temporarily expand this fee-withholding system in two ways: by extending the system to SSI claims, and also by allowing qualified non-attorney representatives to participate. To be a "qualified non-attorney," a representative must pass an examination administered by SSA and meet other criteria designed to protect applicants.

This expansion of the fee-payment system has been very successful, and disability groups and other stakeholders have strongly supported making it permanent. In addition, both SSA and the Government Accountability Office have examined the program to extend fee-withholding to non-attorney representatives and found it was working well.

The Social Security Disability Applicants' Access to Professional Representation Act would ensure that these successful programs continue. The bill has no cost, and even generates some savings—\$55 million over 10 years—due to user fees paid by representatives who participate.

Ensuring that individuals with severe disabilities have the help they need to navigate the complex benefit application process is a goal on which we can all agree. I urge you to support this bipartisan legislation to move us closer to this goal.

I want to thank, again, Mr. JOHNSON. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Filing for disability benefits isn't easy. There are deadlines to meet, complicated questions to answer, confusing forms to fill out, and doctor reports that need to be sent to Social Security. It's no wonder that close to two-thirds of all those who appear before an administrative law judge need a representative to help them navigate the complex process.

If benefits are paid, most representatives receive a fee of 25 percent of past due benefits, capped at \$6,000.

Since 1967, through a process known as "fee withholding," Social Security has withheld these fees from past due Social Security disability benefits and paid attorney representatives directly. However, non-attorney representatives and attorneys representing those applying for Supplemental Security Income, or SSI, benefits had to collect their fees from their clients.

This changed in 2004 when Congress passed the Social Security Protection Act. This legislation created a 5-year demonstration program that expanded fee withholding to SSI benefits and also allowed qualified non-attorneys to participate in fee withholding from Social Security and SSI benefits. The program expires March 1 of this year.

Both the Social Security Administration and the Government Accountability Office have studied these programs and found that they are working. Well qualified non-attorneys are

participating in fee withholding, and those applying for SSI benefits have greater access to representation. Now that the demonstration program is about to expire, advocates for those with disabilities and associations representing attorneys and non-attorneys alike support making these provisions permanent.

I agree. So I was pleased to join with Ways and Means Social Security Subcommittee Chairman JOHN TANNER, one of the great Democrats over there, along with Income Security and Family Support Subcommittee Chairman JIM McDERMOTT and Ranking Member JOHN LINDER, to introduce H.R. 4532, the Social Security Disability Applicants' Access to Professional Representation Act of 2010.

Not only does this bill help those filing for disability benefits; it also saves the taxpayers \$55 million over 10 years, as representatives pay the government a user fee for processing their payments.

I urge my colleagues to support this legislation. I also hope our subcommittees will do more to make filing for disability benefits easier. The more progress we can make, the more our constituents will avoid losing their hard-earned benefits to representatives in the first place.

I thank Mr. TANNER for helping us with this, and I appreciate your time this morning as well.

Mr. LINDER. Mr. Speaker, the bill before us, the Social Security Disability Applicants' Access to Professional Representation Act of 2010, will make permanent provisions first enacted in a demonstration program included in the Social Security Protection Act of 2004. The provisions allowed attorney fee withholding under Supplemental Security Income, SSI, and qualified non-attorney fee withholding under the Social Security and SSI programs. It also created standards for qualifying non-attorneys for participation in fee withholding.

This action has helped claimants as they work through the often complex and time-consuming disability process. Without action on this bill the provisions will expire on March 1, 2010.

The Social Security Administration, SSA, has received favorable feedback on the program from non-attorney representatives and has received no complaints from claimants. The Government Accountability Office studied the process and has raised no significant concerns.

In addition to support from disability advocates for making the provisions permanent, we received letters urging passage of the legislation from the National Association of Disability Representatives, NADR, and the Consortium for Citizens with Disabilities that Mr. TANNER entered into the RECORD earlier. At this time I would like to insert a letter of support into the RECORD from the National Organization of Social Security Claimants' Representatives.

Because attorneys and non-attorneys who participate in fee withholding are charged a fee by the SSA, preliminary estimates suggest the provisions would reduce the deficit over 10 years by approximately \$55 million.

Join me in supporting the Social Security Disability Applicants' Access to Professional Representation Act of 2010.

NATIONAL ORGANIZATION OF SOCIAL SECURITY CLAIMANTS' REPRESENTATIVES,

*Englewood Cliffs, NJ, February 3, 2010.*

Hon. JOHN TANNER,  
*Chairman, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Washington, DC.*

Hon. SAM JOHNSON,  
*Ranking Member, Subcommittee on Social Security, Committee on Ways and Means, House of Representatives, Washington, DC.*

Hon. JIM McDERMOTT,  
*Chairman, Subcommittee on Income Security and Family Support, Committee on Ways and Means, House of Representatives, Washington, DC.*

Hon. JOHN LINDER,  
*Ranking Member, Subcommittee on Income Security and Family Support, Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR CHAIRMAN TANNER, CHAIRMAN McDERMOTT, RANKING MEMBER JOHNSON, AND RANKING MEMBER LINDER: We are writing in strong support of H.R. 4532, the "Social Security Disability Applicants' Access to Professional Representation Act of 2010."

Applying for Social Security disability and Supplemental Security Income disability benefits can be a confusing, complicated, and difficult process. While claimants have the right to be represented, it is a hollow right if there is no realistic way to obtain representation.

The Social Security Protection Act of 2004 (SSPA), Pub. L. No. 108-203, included two provisions intended to help claimants obtain representation: (1) the withholding and direct payment of fees in Supplemental Security Income (SSI) cases; and (2) establishing a demonstration project to allow eligible non-attorney representatives the option of withholding and direct payment of fees in both Title II and SSI cases. Under the SSPA, both of these provisions are scheduled to "sunset" after a five-year period, which would be March 1, 2010. Because both projects have been successful, we are writing to support their permanent continuation. H.R. 4532 accomplishes this goal.

Established in 1979, the National Organization of Social Security Claimants' Representatives (NOSSCR) is an association of nearly 4,000 attorneys and paralegals who represent Social Security and SSI claimants seeking to obtain disability and income security benefits. NOSSCR members are committed to providing high quality representation for claimants, to maintaining a system of full and fair adjudication for every claimant, and to advocating for beneficial change in the disability determination and adjudication process.

#### WITHHOLDING AND DIRECT PAYMENT OF FEES IN SSI CASES

Section 302 of the SSPA amended section 1631(d)(2) of the Social Security Act to extend the Title II attorney fee withholding and direct payment procedures to claims under Title XVI of the Act. This provision became effective for SSI fees paid on or after February 28, 2005.

Extending the existing fee withholding and direct payment provisions for Title II cases to Title XVI cases has made a measurable difference in the ability of SSI claimants to obtain representation. SSA's statistics for the hearing level show representation of SSI claimants has increased in every year since the SSPA provision was implemented.

Section 302 includes a sunset provision. Under that provision, the amendments made by section 302 will not apply to claims for benefits with respect to which the claimant and the representative enter into the agreement for representation after February 28, 2010.

Because the SSPA change has increased the opportunities for SSI claimants to obtain representation, we support the provision in H.R. 4532, which makes this provision permanent.

#### NON-ATTORNEY REPRESENTATIVES

Section 303 of the SSPA directs the Commissioner to carry out a five-year nationwide demonstration project to determine the potential results of extending the fee withholding and direct payment procedures that apply to attorneys under Titles II and XVI of the Social Security Act to non-attorney representatives who meet certain minimum prerequisites specified in section 303 and any additional prerequisites that the Commissioner may prescribe.

Under the prerequisites specified in section 303, individuals applying to participate in the demonstration project must have a bachelor's degree or equivalent education, possess liability insurance or equivalent insurance adequate to protect claimants in the event of malpractice by the representative, pass a criminal background check ensuring fitness to practice before SSA, pass an examination testing knowledge of the relevant provisions of the Act and the most recent developments in Agency and court decisions, and demonstrate ongoing completion of qualified continuing education courses. In addition, the Commissioner has required that individuals applying to participate in the demonstration project show that they have sufficient prior experience representing claimants before SSA.

The five-year demonstration project on direct payment of fees to eligible non-attorneys began on February 28, 2005, and also is scheduled to "sunset" at the end of five years. The demonstration project established by SSPA section 303 applies to claims for benefits with respect to which the agreement for representation is entered into after February 27, 2005 and before March 1, 2010.

We support the provision in H.R. 4532 that makes this provision permanent. We believe that, to date, the demonstration project has been successfully implemented by the contractor engaged by the Social Security Administration, CPS Human Resource Services. By all reports, the contractor has done a good job administering the demonstration project including periodic administration of the examination and ensuring that the other required criteria are met.

We appreciate your support for improving SSA's service for individuals who are applying for benefits by introducing and co-sponsoring H.R. 4532. We believe that making permanent the SSPA provisions regarding representation will benefit individuals with disabilities who file claims for benefits.

Very truly yours,

NANCY G. SHOR,  
*Executive Director.*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 4532. This legislation will "permanently extend fee withholding procedures which allow Social Security and Supplemental Security Income (SSI) recipients to pay fees to lawyers and representatives in successful applications for benefits directly out of a claimant's benefits, such as SSI disability."

"The legislation would set the criteria for an eligible non-attorney representative, including

requirements that a representative have a bachelor's degree, pass an examination, have professional liability insurance, and undergo a criminal background check. In addition, the bill would allow the Social Security Commissioner to assess 'reasonable fees' on recipients participating in the program. The program, which was last extended in 2004, is set to expire on March 1, 2009."

Mr. Speaker, it is known that proper representation for Social Security is a must, in order for individuals to obtain their benefits. In some cases, many may not be able to afford attorneys, hence losing the capability to acquire benefits, which are directly related to the well-being of their life. I am very eager for this legislation to pass, so those citizens, who have desperate needs, would be able to have them met.

By extending and continuing this "fee withholding" procedure, which is the practice of the Social Security Administration, this would open the opportunity for citizens to receive the proper representation. It enables them to pay their representative through the awarded Disability Insurance, DI, or SSI benefits. In addition, the program has also increased annual federal revenue by approximately \$55 million, which is an added windfall.

So in conclusion, I support H.R. 4532 and I encourage my colleagues to follow my lead!

Mr. SAM JOHNSON of Texas. I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 4532.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TANNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PROVIDING FOR CONSIDERATION OF H.R. 4061, CYBERSECURITY ENHANCEMENT ACT OF 2009

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1051 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1051

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

□ 1115

The SPEAKER pro tempore. The gentleman from New York is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for purposes of debate only.

GENERAL LEAVE

Mr. ARCURI. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1051.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1051 provides for consideration of H.R. 4061, the Cybersecurity Enhancement Act of 2009. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides 1 hour of

general debate equally divided and controlled by the chair and ranking minority member of the Science and Technology Committee. The rule provides that the amendment in the nature of a substitute recommended by the Science and Technology Committee now printed in the bill shall be considered as an original bill for purposes of amendment and shall be considered as read.

The rule waives all points of order against the amendment in the nature of a substitute except those arising under clause 10 of rule XXI. The rule further makes in order only those amendments printed in the report. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall be subject to amendment, and shall not be subject to demand for division of the question. All points of order against the amendment except those arising under clause 9 or 10 of rule XXI are waived.

The rule provides one motion to recommit with or without instructions. The Chair may entertain a motion that the Committee rise only if offered by the Chair of the Science and Technology Committee or a designee. Finally, the rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

Mr. Speaker, the threat of cyberwarfare cannot be overstated. Cyberattacks target everything from classified government information to business and trade secrets to individual financial records. The motivation for these attacks can range from immature harassment to illicit financial gain. The scope can be similarly broad, from an individual computer or Web site to an entire network.

Investing in cybersecurity is the Manhattan Project of our generation. The only difference is that when we were doing the Manhattan Project, we were the only power with the technology. This time around, we are facing far more enemies that have the same level of technology that we do. In fact, nearly every high school hacker has the potential to threaten our unfettered use of the Internet. Just imagine what a rogue state committed to disrupting our cyberinfrastructure could do.

The National Institute of Standards and Technology is responsible for setting cybersecurity standards for non-classified Federal networks. The bill tasks NIST with developing cybersecurity awareness programs to educate individuals, small businesses, State and local governments, and educational institutions on how to implement cyber best practices. It is estimated that 80

to 90 percent of all cyberbreaches could have been avoided with this type of cybersecurity training.

The legislation also directs NIST to conduct research related to improving the security of information and network systems that support so many aspects of our day-to-day life, which many of us take for granted.

The most troubling cyberthreat may be the very real prospect of state-sponsored cyberattacks against sensitive national security information. Cyberexperts believe China is effectively targeting our government networks and that these attacks have resulted in at least one breach of Lockheed Martin's F-35 Joint Strike Fighter development program.

It is estimated that the Federal Government alone needs to recruit between 500 and 1,000 more cybersecurity professionals each year in order to address these threats. The Upstate New York district that I represent is on the front-line of defending our Nation in the cyberwar in which we are engaged. Utica College offers a bachelor of science degree in cybersecurities. Graduates of this program are employed across the country, working to secure the networks of government and private business alike. However, this program currently only graduates about 50 students per year into the cybersecurity field.

Clearly, simply maintaining the status quo will not be enough. Media reports of new attacks by cybercriminals are becoming more frequent and alarming. Just last week, following the State of the Union address, hackers, suspected to be from Brazil, defaced 49 House Member Web sites. Each day, 400,000 new "zombies" are activated. These are computers that are taken over by hackers and can be remotely controlled without the owner knowing it, and 1.5 million new malicious Web sites are identified each month. There are more than 1 billion new endpoints added to the Internet; 50 percent of those will be in China and 35 percent will be in India.

We are locked in a technological arms race with our cybercompetitors. In order to win that race, we must train individuals to look at warfare from an entirely new perspective. This effort goes to the heart of our national security because it requires us to create opportunities in our colleges and universities to train this new type of warfighter to defend our Nation from cyberthreats, a warfighter every bit as important to our security as a traditional armed soldier in the field. The training for this new generation of warfighters that defend us, not from land, sea, or air attacks, but from cyberattacks, is every bit as important as boot camp is for our soldiers. In fact, that is what this bill does, creates a boot camp for our future cyberwarfighters.

H.R. 4061 sets that course by authorizing funding for a Scholarship for Service program through the National Science Foundation that will provide scholarships for students pursuing cybersecurity fields. The scholarships would be provided for up to 1 to 2 years for students pursuing a bachelor's or master's degree and up to 3 years for students pursuing a doctoral degree in the cybersecurity field, provided that the recipient serves as a cybersecurity professional in government agencies for an equal amount of time. This investment in cybereducation is necessary to meet our enemies on the cyberfrontlines and repel their attacks.

Through increased workforce development and continued strengthening of our public-private partnerships, we can and will ensure that the IT systems, on which so much of our way of life depends, are safe from cyberattack. The Cybersecurity Enhancement Act contains the strategic plan necessary to focus our resources to meet these challenges.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from New York for yielding time.

I urge my colleagues to vote "no" on this structured rule that restricts my colleagues from offering amendments to the bill. We certainly are concerned about cybersecurity, but nothing is going to matter if we don't get our fiscal house in order.

The Democrats are basically wasting the American people's time by bringing this bill, which they know has widespread support, to the floor today, as it could, instead, have been on the suspension calendar for this week, leaving us more time to debate legislation that would address the major problems facing the American people and my constituents in North Carolina, such as the status of our economy and what are we going to do about dealing with the national security issues that are facing us in this country. Instead of using the suspension calendar productively, Democrats have consistently used the majority of our time debating legislation that is not relevant to the challenges that American families are facing on a daily basis.

Democrats have spent the majority of our time debating suspensions such as H. Res. 784, which honors the 2560th anniversary of the birth of Confucius. In doing so, the Democrats have set a higher priority on the 2560th anniversary of the birth of Confucius over solving the problems of the American people. I have nothing against Confucius, Mr. Speaker, but this resolution is not helping American families get back to work or put food on their kitchen tables.

In fact, Mr. Speaker, so far this year the Democrats have spent the majority of our time debating resolutions such

as H. Res. 1020, which honors the 95th anniversary of the signing of the Rocky Mountain National Park Act, and H. Res. 981, supporting development in Ukraine. Mr. Speaker, again, I have nothing in particular against these resolutions, but I would be remiss if I did not address the fact that Democrats are making these resolutions higher priorities of these topics than bringing forth commonsense solutions that will help Americans who are suffering across the Nation.

While the bill before us today authorizes several important programs, it also authorizes "such sums as may be necessary for activities to improve cybersecurity." When American families are facing tough economic challenges, Congress should be tightening its own belt and setting funding limits rather than authorizing blank checks on the backs of the American taxpayers. We can do better than this, and we owe it to the American people to do better than this.

This bill also provides for annual increases in authorization levels. At a time of record budget deficits, it is crucial that we hold the line on spending. The Obama administration likes to talk about fiscal restraint, but we have yet to see those words put into action. In fact, talk of fiscal restraint is nothing but talk.

This bill is a classic example of legislation that could be trimmed back by keeping the authorization levels static rather than increasing them each year. But the Democrats refuse to allow such restraint and instead continue to govern as though they are not aware of the fact that our Federal deficit is growing each day. Perhaps they are not aware. So many have been in Washington for so long that they are out of touch with average citizens and the common sense that our citizens represent.

My colleague, Mr. SESSIONS, offered an amendment that would maintain fiscal year 2011 authorization levels in the bill for 3 years instead of increasing them annually, but the Democrats on the Rules Committee rejected the amendment and did not allow for debate on it on the floor today.

This bill is also being brought forth today under a structured rule, adding to the record number of structured and closed rules the Democrats have arbitrarily used since they have been in the majority. Even though an open rule was requested for this bill, Democrats have chosen to stifle and control the debate today, and so we have another structured rule before us, eliminating both Republicans' and Democrats' ability to offer important amendments affecting their constituents. With this structured rule, the Democrats in charge have blocked at least 13 amendments that were submitted to the Rules Committee last night. If we had an open rule today, I am certain we would be debating many more.

After promising to have the most open and honest Congress in history, why has the Speaker consistently gone back on her word? Why are the Democrats, who are in charge and have a large majority, shutting off debate and silencing their colleagues from both sides of the aisle? Are they afraid of debate? Are they protecting their members from tough votes?

Regardless of their motives, one thing is clear: The Democrats in charge are doing the American people an injustice by refusing to allow their representatives to offer amendments on the floor of the people's House. The American people want to hear debate and are tired of the backroom dealmaking of the Democrats.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

I just want to say that my colleague talks about bipartisanship. And I want to say I can't understand how she can talk about a bipartisan bill, a bill that came out of the Science and Technology Committee with support from both sides of the aisle, and turn it into a partisan political fight. She is right, that is what Americans are tired of. And yet, during her statement she mentioned Democrats at least six times. I lost count after the sixth.

This is not a partisan bill. This is a bipartisan bill that is necessary for the security of our country. That is what people sent us to Washington for. They send us to Washington to make sure that we take steps to ensure that their way of life continues and that they are safe and secure.

This bill strategically places money into education so that we can educate the next generation of cyberwarfighters to protect the Internet and to protect people to be able to use the Internet.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Speaker, I speak today in support of H.R. 4061, the Cybersecurity Enhancement Act of 2009. I am a proud cosponsor of this bill, and I commend Congressman LIPINSKI for his work on this legislation.

Mr. Speaker, more and more Americans rely on the Internet every day. Businesses depend on it for commerce. Consumers depend on it to be able to engage in transactions to support small business all across this country. People network in hopes of finding a job or connecting with friends, exploring opportunities to find the financial means necessary to go to college. This means that every day more people rely on secure networks to keep their personal information safe to make sure that people aren't taking advantage of their privacy and exploiting them, exposing businesses to attacks, costing taxpayers thousands and thousands of



dollars, growing to millions and millions of dollars, with attacks every day.

□ 1130

We know that this costs the Federal Government money, Mr. Speaker, as more and more countries are looking to engage and find vulnerabilities in these networks just to do harm, to cost the American taxpayers more and more money. We need to make sure that we are truly investing and providing educational opportunities to young people, bringing in those who have some skill sets to teach them how to defend our country and defend business from all these cyber attacks that are costing us millions and millions of dollars every day. Because of our increasing dependence on technology, we must teach these students these important skills.

One provision of this legislation we are debating today will help train the force by establishing the Federal Cyber Scholarship for Service program. During committee markup, I successfully included an amendment to address any regional disparities that may exist to make sure that we are truly looking across the country, in small communities and rural America, to find these experts that can help us protect our country to make sure that small businesses aren't subject to those attacks.

My district in New Mexico is home to 17 different tribes, Mr. Speaker. New Mexico has 22. We need to make sure as they are developing their infrastructure that we provide them the opportunity to make sure they have these skill sets as well. We need to make sure that we are helping keep a vulnerable population engaged, that we are looking to create educational opportunities. But more importantly, Mr. Speaker, that we are standing up to those nations, to those people around the world that continue to try to find ways to attack this Nation. They found a way through cybersecurity. They are finding ways to be able to cost commerce money, to prevent business from happening, to stifle small business from growing.

We as a Congress need to make sure we stand with small businesses across the country and provide educational opportunities and work with them. I urge my colleagues to vote for this rule and urge my colleagues to support this legislation.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I certainly agree with my colleague from New York that the bill itself is not a partisan bill. I am not talking about the bill. I am talking about the rule. This is a very partisan rule. It didn't need to be a partisan rule. All the majority had to do was allow for amendments on the floor and it wouldn't have been a partisan rule. So I need to remind him that that is where the partisanship comes in. We are here debating the rule.

Mr. Speaker, while debt limit increases have been passed under both Republican and Democratic Presidents and Congresses, the acceleration in the accumulation of the debt that brought us to this point merits examination. In January of 2007, when NANCY PELOSI became Speaker of the House, the statutory debt limit stood at \$8.965 trillion. In less than 3 years, the debt limit has increased by more than 33 percent, representing an additional \$1 trillion of debt per year. By comparison, the statutory debt limit, which stood at \$40 billion in 1940, did not cross the \$1 trillion mark until 1981.

And it has been only 7 weeks since the Democrats voted to increase the debt limit by \$290 billion on December 16, 2009. In that time, House Democrats have passed seven resolutions congratulating sports figures or teams; passed 23 resolutions honoring individuals, entities, or causes; passed five bills naming post offices; authorized \$50 million to construct a new national park in the Virgin Islands, but passed zero bills to reduce spending or lower the deficit. Clearly, they are not serious about this serious issue facing this country.

Since taking office just 1 year ago, the President has increased the public debt by \$1.47 trillion, or 23 percent, from \$6.3 trillion to \$7.78 trillion. Under the administration's budget, the public debt will triple, jumping to \$17.5 trillion by 2019. Before President Obama's budget and stimulus were enacted, the CBO estimated that the public debt in 2019 would be \$9.34 trillion, or \$8 trillion less than it is now projected to be under President Obama.

While the President touts his commitment to fiscal responsibility, he is encouraging Congress to pass a \$1.9 trillion increase in the national debt limit, allowing the government to keep borrowing in order to keep on spending. The Senate has done it last week, and it is probably going to be brought to us tomorrow, where the Democrats will pass this. And I mention the Democrats being in charge and the Democrats doing this because it is important for the American people to know that the Democrats are doing this alone.

While the decline in Federal revenue as a result of the economic slowdown has contributed to the increase in the debt, the significant increases in Federal spending have also contributed to reaching the debt limit faster than anticipated. Record government spending in the form of both the first stimulus bill and increases in appropriations bills has been a recurring theme of the majority, and it is their responsibility alone because they have done it alone.

The record amounts of debt are a direct responsibility of a spending binge in the Democrat-controlled Congress and White House. In 1 year of controlling Washington, Democrats increased

the annual deficit by 308 percent, from \$458 billion to \$1.4 trillion.

A quick review of Democrats' spending increases in 2009 shows why the deficit exploded. In that year alone, House Democrats passed \$787 billion in, quote, "stimulus" spending, in addition to paying \$347 billion in interest on borrowing money we don't have, two omnibus spending bills totaling more than \$855 billion, and increased non-defense spending by 12 percent. Again, totally alone.

Faced with declining revenues, Democrats have pushed forward with the most irresponsible option by increasing spending and deficits rather than by lowering Federal expenditures. According to the House Appropriations Committee Republican staff, when all appropriations spending increases are combined, the Democrat majority has pumped over half a trillion dollars in additional spending into non-defense discretionary programs in three short years. This is over \$512 billion, or 127 percent more money for non-defense discretionary programs than they received in the last year of GOP control of the Congress.

In fact, the fiscal year deficit for just 2009 of \$1.417 trillion is the largest ever, and three times the size of the previous record-setting deficit, last year's figure of \$458 billion. It is no wonder that we hear Democrats such as the House majority whip, who recently proclaimed, "We have got to spend our way out of this recession." Statements like this make clear that the Democrats in charge have absolutely no concept of the value of money or how to meet a budget. It really is stunning that despite the economic turmoil caused by government spending too much, the ruling Democrats can't comprehend the consequences of spending money we don't have.

Although some rigid partisans may choose to ignore the election of Massachusetts Senator-elect SCOTT BROWN and try blaming the current spending largesse on George Bush, it is true that since President Obama's inauguration, the U.S. has had an average monthly deficit of \$122.6 billion. By comparison, from the year 2000 until 2008, the average annual deficit was \$196 billion, and we were fighting a war. So the Democrats' solution for a terrible problem is to make it much worse and just blame it on the other guy.

To that sentiment, Charles Krauthammer responds, "Let's just get this straight: The antipathy to George Bush is so enduring and powerful that it just elected a Republican Senator in Massachusetts. Why, the man is omnipotent. And the Democrats are delusional: SCOTT BROWN won by running against Obama, not Bush. He won by brilliantly nationalizing the race, running hard against the Obama agenda."

Unfortunately, the trend of increased Federal deficits will not come to an



end under the President's new fiscal year 2011 budget. According to the President's own estimates, his budget and spending plan will cause deficits to average \$905 billion for each of the next 10 years. Budget shortfalls incurred by the government fuel the rise in the Nation's debt because the government is forced to borrow money to meet the shortfall. In 2009, the budget deficit was \$1.4 trillion, the first time in history the deficit exceeded \$1 trillion, and the first time the deficit exceeded 10 percent of gross domestic product since World War II.

The consequences of this kind of reckless spending are worth highlighting. Today the cost of the national debt is \$39,870 for every man, woman, and child in the United States. According to the December 2009 Monthly Treasury Report, the Federal Government is projected to spend \$465.444 billion paying interest alone on the national debt in this fiscal year 2010. That amounts to \$1.275 billion per day, or \$1,530.75 for every one of the 304 million people living in the United States today. Just like paying interest on a credit card, these amounts are recurring and do nothing to actually reduce the debt principal.

Ironically, in March of 2006, then-Senator Obama warned his colleagues of the danger of raising the debt limit without addressing the underlying cause, explaining that, quote, "The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policies. Increasing America's debt weakens us domestically and internationally. Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. America deserves better." President Obama was against raising the debt limit before he was for it. We agree with then-Senator Obama, but we disagree with President Obama.

With that, I reserve the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

This is exactly what the American people are so tired of. My colleague talks about what the race in Massachusetts meant. It meant that people are tired with the partisan bickering. She just squandered all of the time that we could be here talking about cybersecurity and the importance of passing this bill with talking about politics. Of course she fails to point out the fact that much of the debt was incurred under President Bush, fails to point out the fact that now two wars are on the books.

But that is not what we are here to talk about. We are here to talk about cybersecurity. And I want to read a quote for you. Just yesterday Dennis Blair, the Director of National Intelligence, testified before the Senate Intelligence Committee. And he said, "Malicious cyber activity is occurring on an unprecedented scale with extraordinary sophistication." He went on to say, "Sensitive information is stolen daily from both government and private sector networks, undermining confidence in our information systems, and in the very information these systems were intended to convey." These statements make clear that we cannot afford to maintain the status quo.

In order to meet our enemies on the cyber front lines and repel their attacks, we must create a boot camp for our future cyber warfighters. The investments contained in H.R. 4061 will increase our cyber workforce development and continue to strengthen the public-private partnerships to defend the IT systems on which so much of our daily life relies. That is what the American people have sent us here to Washington to ensure. Cybersecurity enhancement contains the strategic plan necessary to focus our resources to meet the challenges which Director Blair spoke of yesterday.

H.R. 4061 will also strengthen partnerships between the Federal Government and the private sector to guarantee a secure and reliable infrastructure. The benefit of existing public-private partnerships is also on display in Upstate New York, in my very district. The Air Force Research Laboratory Rome Research Site, the Rome Lab as we call it, hosts the main offices of the Air Force Research Lab's Information Directorate.

Located at the former Griffiss Air Force Base in Rome, Rome Lab's scientists and engineers use the latest electronic and computer technology to demonstrate new ways to defend our information networks against attacks. In concert with Rome Lab, the Mohawk Valley is home to a number of companies that are engaged in cutting-edge cyber research, companies that will use the graduates who come out of college with degrees in cybersecurity. Large companies such as PAR Technology, BAE Systems, Booz Allen Hamilton, ITT Industries, Northrop Grumman, and smaller, home grown companies, such as Dolphin Technology, Black River Systems, Assured Information Security, New York State Technology Enterprises Corporation, Syracuse Research Corporation, and Research Associates of Syracuse.

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Together, the AFRL and these companies account for thousands of jobs in central New York; men and women doing critical research on our Nation to help fend off cyberattacks. There is

no doubt that these companies and the critical public-private partnerships that they have formed with the Air Force Research Laboratory will benefit from this program. But, more importantly, it's the American people that will benefit from this program.

The Cybersecurity Enhancement Act requires the White House Office of Science and Technology policy to convene an industrywide nongovernmental task force of businesses and universities to explore potential public-private collaborations on cybersecurity research and development. This will ensure that these collaborations continue to strengthen our Nation's cyber defenses. That is what we are here to debate. That is what the American people sent us to Congress for. And that is what we need to pass today.

I reserve the balance of my time.

Ms. FOXX. It's time for our colleagues to accept accountability. They've been in the majority for 3 years but they continue to blame George Bush in the same breath that they accuse me of being partisan. Since the Democrats regained the majority in the House, I have heard a number of Members come down to the floor and quote Supreme Court Justice Brandeis, saying, "Sunlight is said to be the best disinfectant." That quote is quite fitting today, considering that as we speak the majority has been drafting, behind closed doors, no sunshine in sight, health care legislation that will affect every American. What is going on behind these closed doors? We really do not know. We don't even know who is at the table. The American people deserve to know what is going on behind closed doors. We need to bring in the sunlight to a process that is shrouded with secrecy.

That's why I, along with a bipartisan group of 171 other Members, have co-sponsored H. Res. 847, a resolution by my friend and colleague Representative BUCHANAN, that expresses the sense of the House of Representatives that any meetings held to determine the final content of sweeping health care legislation be held in public view and not behind closed doors.

In order to help bring sunshine to a process that the majority continues to hide from public view, I will be asking for a "no" vote on the previous question so that we can amend this rule and allow the House to consider the Buchanan transparency resolution. This vote will give Members of the majority the chance to live up to their promise, as Speaker PELOSI said, "to lead the most honest, most open, and most ethical Congress in history." I know that Members are concerned that this motion may jeopardize consideration of the bill under consideration today, but I want to make clear: The motion I'm making provides for separate consideration of the transparency

resolution within 3 days so we can vote on the bill before us today, and then, once we are done, consider H. Res. 847.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I am reminded of the first rule that they teach you in trial advocacy class, and that is when you're trying a case and you don't have the facts on your side, talk about everything but the facts. And I feel that's what my colleague from North Carolina is doing today. Rather than say that we can work together in a bipartisan way on a bill that is good for all Americans, she would rather talk about everything else that there is. Well, we're not here to talk about everything else today. We are here to talk about cybersecurity and the importance of passing this bill for the American people.

As I said earlier, investing in cybersecurity is the Manhattan Project of our generation. Cyberthreats and attacks are real, and they threaten our financial and defense networks every day. Nearly every aspect of everyday life in our global society is dependent on the security of our cyber networks. We rely on these systems to carry virtually all our business transactions, control our electric grid, emergency communication systems, and traffic lights.

The Cybersecurity Enhancement Act reauthorizes and expands the programs aimed at strengthening the Nation's cybersecurity, including a new scholarship program to train the thousands of cybersecurity professionals that are needed to defend our Nation. In requiring a cybersecurity workforce assessment, this bill will also give us a clearer picture of our current cybercapabilities and identify what new skills and educational advances are needed in both the Federal Government and the private sector to combat future attacks.

H.R. 4061 requires NIST to undertake research and development programs to improve identity management systems, which include health information technology systems, in order to improve interoperability, authentication methods, privacy protection, and usability of these systems. These systems hold great potential for streamlining the delivery of services and care to individuals, but they must be secure in order to function properly and efficiently. This legislation will ensure that they are.

From the perspective of my district in upstate New York, it plays a critical

role in our Nation's cybersecurity, and this research and development work is often discussed publicly. Yet, the work done by contractors, subcontractors, and universities, in conjunction with Federal agencies, employs thousands across New York in cutting-edge R&D. But, more importantly, they are essential to defending America from cyberterrorist attacks and espionage. It is essential these public-private partnerships continue to flourish and they have the necessary manpower in place to protect our Nation from these threats.

The Cybersecurity Enhancement Act will make that happen not just for New York, but across the Nation. This is not a program for which we can afford to ask, How can we do this, but a program for which we must ask, How can we afford not to do this?

H.R. 4061 is supported by numerous organizations, including the U.S. Chamber of Commerce, Business Software Alliance, Software and Information Cable and Telecommunications Association, U.S. Telecom, TechAmerica, and Computing Research Association. This legislation enjoyed bipartisan support in committee, and I urge my colleagues on both sides of the aisle to support it.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1051 OFFERED BY MS. FOXX

At the end of the resolution, add the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 847) expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 847.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for

the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. ARCURI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 1051, if ordered; and suspending the rules with regard to H. Res. 1043, H. Res. 901, and H. Res. 1044.

The vote was taken by electronic device, and there were—yeas 238, nays 175, not voting 20, as follows:

## [Roll No. 29]

## YEAS—238

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Green, Al       | Napolitano       |
| Adler (NJ)     | Green, Gene     | Neal (MA)        |
| Altmire        | Grijalva        | Nye              |
| Andrews        | Hall (NY)       | Oberstar         |
| Arcuri         | Halvorson       | Obey             |
| Baca           | Hare            | Oliver           |
| Baird          | Harman          | Ortiz            |
| Baldwin        | Hastings (FL)   | Owens            |
| Barrow         | Heinrich        | Pallone          |
| Bean           | Herseth Sandlin | Pascarella       |
| Becerra        | Higgins         | Pastor (AZ)      |
| Berkley        | Himes           | Payne            |
| Berman         | Hinchey         | Perlmutter       |
| Berry          | Hinojosa        | Perriello        |
| Bishop (GA)    | Hirono          | Peters           |
| Bishop (NY)    | Hodes           | Peterson         |
| Blumenauer     | Holden          | Pingree (ME)     |
| Boccieri       | Holt            | Polis (CO)       |
| Boren          | Honda           | Pomeroy          |
| Boswell        | Hoyer           | Price (NC)       |
| Boucher        | Inslee          | Quigley          |
| Boyd           | Israel          | Rahall           |
| Brady (PA)     | Jackson (IL)    | Rangel           |
| Braley (IA)    | Jackson Lee     | Reyes            |
| Bright         | (TX)            | Richardson       |
| Brown, Corrine | Johnson (GA)    | Rodriguez        |
| Butterfield    | Kagen           | Ross             |
| Capps          | Kanjorski       | Rothman (NJ)     |
| Capuano        | Kaptur          | Roybal-Allard    |
| Cardoza        | Kennedy         | Ruppersberger    |
| Carnahan       | Kildee          | Ryan (OH)        |
| Carney         | Kilpatrick (MI) | Salazar          |
| Carson (IN)    | Kilroy          | Sanchez, Loretta |
| Castor (FL)    | Kind            | Sarbanes         |
| Chandler       | Kissell         | Schakowsky       |
| Chu            | Klein (FL)      | Schauer          |
| Clarke         | Kosmas          | Schiff           |
| Clay           | Kratovil        | Schrader         |
| Cleaver        | Kucinich        | Schwartz         |
| Clyburn        | Langevin        | Scott (GA)       |
| Cohen          | Larsen (WA)     | Scott (VA)       |
| Connolly (VA)  | Larson (CT)     | Sestak           |
| Conyers        | Lee (CA)        | Shea-Porter      |
| Cooper         | Levin           | Sherman          |
| Costa          | Lewis (GA)      | Shuler           |
| Costello       | Lipinski        | Sires            |
| Courtney       | Loeb sack       | Skelton          |
| Crowley        | Lofgren, Zoe    | Slaughter        |
| Cuellar        | Lowe y          | Snyder           |
| Cummings       | Lujan           | Space            |
| Dahlkemper     | Lynch           | Speier           |
| Davis (CA)     | Maffei          | Spratt           |
| Davis (TN)     | Maloney         | Stark            |
| DeFazio        | Markey (CO)     | Stupak           |
| DeGette        | Markey (MA)     | Sutton           |
| Delahunt       | Marshall        | Tanner           |
| DeLauro        | Matheson        | Teague           |
| Dicks          | Matsui          | Thompson (CA)    |
| Dingell        | McCarthy (NY)   | Thompson (MS)    |
| Doggett        | McCollum        | Tierney          |
| Donnelly (IN)  | McDermott       | Titus            |
| Doyle          | McGovern        | Tonko            |
| Drie haus      | McIntyre        | Towns            |
| Edwards (MD)   | McMahon         | Tsongas          |
| Edwards (TX)   | McNerney        | Van Hollen       |
| Ellison        | Meek (FL)       | Velázquez        |
| Ellsworth      | Meeks (NY)      | Visclosky        |
| Engel          | Melancon        | Walz             |
| Eshoo          | Michaud         | Wasserman        |
| Etheridge      | Miller (NC)     | Schultz          |
| Farr           | Miller, George  | Waters           |
| Fattah         | Mitchell        | Watson           |
| Filner         | Mollohan        | Watt             |
| Foster         | Moore (KS)      | Waxman           |
| Frank (MA)     | Moore (WI)      | Weiner           |
| Fudge          | Moran (VA)      | Welch            |
| Garamendi      | Murphy (CT)     | Wilson (OH)      |
| Gonzalez       | Murphy (NY)     | Woolsey          |
| Gordon (TN)    | Murphy, Patrick | Wu               |
| Grayson        | Nadler (NY)     | Yarmuth          |

## NAYS—175

|                 |                 |               |
|-----------------|-----------------|---------------|
| Aderholt        | Galle gly       | Moran (KS)    |
| Akin            | Gerlach         | Murphy, Tim   |
| Alexander       | Giffords        | Myrick        |
| Austria         | Gingrey (GA)    | Neugebauer    |
| Bachmann        | Gohmert         | Nunes         |
| Bachus          | Goodlatte       | Olson         |
| Bartlett        | Granger         | Paul          |
| Barton (TX)     | Graves          | Paulsen       |
| Biggett         | Griffith        | Pence         |
| Bilbray         | Guthrie         | Petri         |
| Bilirakis       | Hall (TX)       | Pitts         |
| Bishop (UT)     | Harper          | Platts        |
| Blackburn       | Hastings (WA)   | Poe (TX)      |
| Blunt           | Heller          | Posey         |
| Boehner         | Hensarling      | Price (GA)    |
| Bonner          | Herger          | Putnam        |
| Bono Mack       | Hill            | Rehberg       |
| Boozman         | Hoekstra        | Reichert      |
| Boustany        | Hunter          | Roe (TN)      |
| Brady (TX)      | Inglis          | Rogers (AL)   |
| Broun (GA)      | Issa            | Rogers (KY)   |
| Brown (SC)      | Jenkins         | Rogers (MI)   |
| Brown-Waite,    | Johnson (IL)    | Rohrabacher   |
| Ginny           | Johnson, Sam    | Rooney        |
| Buchanan        | Jones           | Ros-Lehtinen  |
| Burgess         | Jordan (OH)     | Roskam        |
| Burton (IN)     | King (IA)       | Royce         |
| Buyer           | King (NY)       | Ryan (WI)     |
| Calvert         | Kingston        | Scalise       |
| Camp            | Kline (MN)      | Schmidt       |
| Campbell        | Lamborn         | Schock        |
| Cantor          | Lance           | Sensenbrenner |
| Cao             | Latham          | Sessions      |
| Capito          | LaTourette      | Shadegg       |
| Carter          | Latta           | Shimkus       |
| Cassidy         | Lee (NY)        | Shuster       |
| Castle          | Lewis (CA)      | Simpson       |
| Chaffetz        | Linder          | Smith (NE)    |
| Childers        | LoBiondo        | Smith (NJ)    |
| Coble           | Lucas           | Smith (TX)    |
| Coffman (CO)    | Luetkemeyer     | Stearns       |
| Cole            | Lummis          | Sullivan      |
| Conaway         | Lungren, Daniel | Taylor        |
| Crenshaw        | E.              | Terry         |
| Davis (KY)      | Mack            | Thompson (PA) |
| Dent            | Manzullo        | Thornberry    |
| Diaz-Balart, L. | Marchant        | Tiahrt        |
| Diaz-Balart, M. | McCarthy (CA)   | Tiberi        |
| Dreier          | McCaul          | Turner        |
| Duncan          | McClintock      | Upton         |
| Ehlers          | McCotter        | Walden        |
| Emerson         | McHenry         | Wamp          |
| Fallin          | McKeon          | Westmoreland  |
| Flake           | McMorris        | Whitfield     |
| Fleming         | Rodgers         | Wilson (SC)   |
| Forbes          | Mica            | Wittman       |
| Fortenberry     | Miller (FL)     | Wolf          |
| Fox             | Miller (MI)     | Young (AK)    |
| Franks (AZ)     | Miller, Gary    |               |
| Frelinghuysen   | Minnick         |               |

## NOT VOTING—20

|              |                  |                |
|--------------|------------------|----------------|
| Abercrombie  | Gutierrez        | Rush           |
| Barrett (SC) | Johnson, E. B.   | Sánchez, Linda |
| Culberson    | Kirk             | T.             |
| Davis (AL)   | Kirkpatrick (AZ) | Serrano        |
| Davis (IL)   | Massa            | Smith (WA)     |
| Deal (GA)    | Murtha           | Souder         |
| Garrett (NJ) | Radanovich       | Young (FL)     |

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Messrs. TERRY, SMITH of Texas, WHITFIELD, and SMITH of Nebraska changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. McCOLLUM). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Ms. FOXX. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 176, not voting 20, as follows:

## [Roll No. 30]

## AYES—237

|                |                 |                 |
|----------------|-----------------|-----------------|
| Abercrombie    | Green, Al       | Napolitano      |
| Ackerman       | Green, Gene     | Neal (MA)       |
| Adler (NJ)     | Grijalva        | Nye             |
| Altmire        | Hall (NY)       | Oberstar        |
| Andrews        | Halvorson       | Obey            |
| Arcuri         | Hare            | Oliver          |
| Baca           | Harman          | Ortiz           |
| Baird          | Hastings (FL)   | Owens           |
| Baldwin        | Heinrich        | Pallone         |
| Barrow         | Herseth Sandlin | Pascarella      |
| Bean           | Higgins         | Pastor (AZ)     |
| Becerra        | Himes           | Payne           |
| Berkley        | Hinchey         | Perlmutter      |
| Berman         | Hinojosa        | Perriello       |
| Berry          | Hirono          | Peters          |
| Bishop (GA)    | Bishop (GA)     | Hodes           |
| Bishop (NY)    | Bishop (NY)     | Holden          |
| Blumenauer     | Blumenauer      | Holt            |
| Boccieri       | Boccieri        | Honda           |
| Boren          | Boren           | Hoyer           |
| Boswell        | Boswell         | Inslee          |
| Boucher        | Boucher         | Israel          |
| Boyd           | Boyd            | Jackson (IL)    |
| Brady (PA)     | Brady (PA)      | Jackson Lee     |
| Braley (IA)    | Braley (IA)     | (TX)            |
| Bright         | Bright          | Johnson (GA)    |
| Brown, Corrine | Brown, Corrine  | Kagen           |
| Butterfield    | Butterfield     | Kanjorski       |
| Capps          | Capps           | Kaptur          |
| Capuano        | Capuano         | Kennedy         |
| Cardoza        | Cardoza         | Kildee          |
| Carnahan       | Carnahan        | Kilpatrick (MI) |
| Carney         | Carney          | Kilroy          |
| Carson (IN)    | Carson (IN)     | Kind            |
| Castor (FL)    | Castor (FL)     | Kissell         |
| Chandler       | Chandler        | Klein (FL)      |
| Chu            | Chu             | Kosmas          |
| Clarke         | Clarke          | Kratovil        |
| Clay           | Clay            | Kucinich        |
| Cleaver        | Cleaver         | Langevin        |
| Clyburn        | Clyburn         | Larsen (WA)     |
| Cohen          | Cohen           | Larson (CT)     |
| Connolly (VA)  | Connolly (VA)   | Lee (CA)        |
| Conyers        | Conyers         | Levin           |
| Cooper         | Cooper          | Lewis (GA)      |
| Costa          | Costa           | Lipinski        |
| Costello       | Costello        | Loeb sack       |
| Courtney       | Courtney        | Lofgren, Zoe    |
| Crowley        | Crowley         | Lowe y          |
| Cuellar        | Cuellar         | Lujan           |
| Cummings       | Cummings        | Lynch           |
| Dahlkemper     | Dahlkemper      | Maffei          |
| Davis (CA)     | Davis (CA)      | Maloney         |
| Davis (TN)     | Davis (TN)      | Markey (CO)     |
| DeFazio        | DeFazio         | Markey (MA)     |
| DeGette        | DeGette         | Marshall        |
| Delahunt       | Delahunt        | Matheson        |
| DeLauro        | DeLauro         | Matsui          |
| Dicks          | Dicks           | McCarthy (NY)   |
| Dingell        | Dingell         | McCollum        |
| Doggett        | Doggett         | McDermott       |
| Doyle          | Doyle           | McGovern        |
| Drie haus      | Drie haus       | McIntyre        |
| Edwards (MD)   | Edwards (MD)    | McMahon         |
| Edwards (TX)   | Edwards (TX)    | McNerney        |
| Ellison        | Ellison         | Meek (FL)       |
| Ellsworth      | Ellsworth       | Meeks (NY)      |
| Engel          | Engel           | Melancon        |
| Eshoo          | Eshoo           | Michaud         |
| Etheridge      | Etheridge       | Miller (NC)     |
| Farr           | Farr            | Miller, George  |
| Fattah         | Fattah          | Mitchell        |
| Filner         | Filner          | Mollohan        |
| Foster         | Foster          | Moore (KS)      |
| Frank (MA)     | Frank (MA)      | Moore (WI)      |
| Fudge          | Fudge           | Moran (VA)      |
| Garamendi      | Garamendi       | Murphy (CT)     |
| Gonzalez       | Gonzalez        | Murphy (NY)     |
| Gordon (TN)    | Gordon (TN)     | Murphy, Patrick |
| Grayson        | Grayson         | Nadler (NY)     |

## NOES—176

|           |             |             |
|-----------|-------------|-------------|
| Aderholt  | Bachus      | Bilbray     |
| Akin      | Bartlett    | Bilirakis   |
| Alexander | Barton (TX) | Bishop (UT) |
| Austria   | Biggett     | Blackburn   |

Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger

Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hill  
Hunter  
Inggris  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kline (MN)  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer

Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)

## NOT VOTING—20

Bachmann  
Barrett (SC)  
Culberson  
Davis (AL)  
Davis (IL)  
Deal (GA)  
Gutierrez

Hoekstra  
Johnson, E. B.  
Kirk  
Kirkpatrick (AZ)  
Massa  
Murtha  
Radanovich

Reyes  
Rush  
Sánchez, Linda  
T.  
Smith (WA)  
Souder  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1227

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in

the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. McCOLLUM). Without objection, 5-minute voting will continue.

There was no objection.

## RECOGNIZING BRESCIA UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1043, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 1043, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 31]

YEAS—418

|             |                |                 |                  |                 |                  |
|-------------|----------------|-----------------|------------------|-----------------|------------------|
| Abercrombie | Brown, Corrine | Davis (AL)      | Gingrey (GA)     | Lynch           | Rohrabacher      |
| Ackerman    | Brown-Waite,   | Davis (CA)      | Gohmert          | Mack            | Rooney           |
| Aderholt    | Ginny          | Davis (IL)      | Gonzalez         | Maffei          | Ros-Lehtinen     |
| Adler (NJ)  | Buchanan       | Davis (KY)      | Goodlatte        | Maloney         | Roskam           |
| Akin        | Burgess        | Davis (TN)      | Gordon (TN)      | Manzullo        | Ross             |
| Alexander   | Burton (IN)    | DeFazio         | Granger          | Marchant        | Rothman (NJ)     |
| Altmire     | Butterfield    | DeGette         | Graves           | Markey (CO)     | Roybal-Allard    |
| Andrews     | Buyer          | Delahunt        | Grayson          | Markey (MA)     | Royce            |
| Arcuri      | Calvert        | DeLauro         | Green, Al        | Marshall        | Ruppersberger    |
| Austria     | Camp           | Dent            | Green, Gene      | Matheson        | Ryan (OH)        |
| Baca        | Campbell       | Diaz-Balart, L. | Griffith         | Matsui          | Ryan (WI)        |
| Bachmann    | Cantor         | Diaz-Balart, M. | Grijalva         | McCarthy (CA)   | Salazar          |
| Bachus      | Cao            | Dicks           | Guthrie          | McCarthy (NY)   | Sanchez, Loretta |
| Baird       | Capito         | Dingell         | Hall (NY)        | McCaul          | Sarbanes         |
| Baldwin     | Capps          | Doggett         | Hall (TX)        | McClintock      | Scalise          |
| Barrow      | Capuano        | Donnelly (IN)   | Halvorson        | McColum         | Schakowsky       |
| Bartlett    | Cardoza        | Doyle           | Hare             | McCotter        | Schauer          |
| Barton (TX) | Carnahan       | Dreier          | Harman           | McDermott       | Schiff           |
| Bean        | Carney         | Driedhaus       | Harper           | McGovern        | Schmidt          |
| Becerra     | Carson (IN)    | Duncan          | Hastings (FL)    | McHenry         | Schock           |
| Berkley     | Carter         | Edwards (MD)    | Hastings (WA)    | McIntyre        | Schrader         |
| Berman      | Cassidy        | Edwards (TX)    | Heinrich         | McKeon          | Schwartz         |
| Berry       | Castle         | Ehlers          | Heller           | McMahon         | Scott (GA)       |
| Biggert     | Castor (FL)    | Ellsworth       | Hensarling       | McMorris        | Scott (VA)       |
| Bilbray     | Chaffetz       | Emerson         | Herger           | Rodgers         | Sensenbrenner    |
| Bilirakis   | Chandler       | Engel           | Hersteth Sandlin | McNerney        | Serrano          |
| Bishop (GA) | Childers       | Eshoo           | Higgins          | Meek (FL)       | Sessions         |
| Bishop (NY) | Chu            | Etheridge       | Hill             | Meeks (NY)      | Sestak           |
| Bishop (UT) | Clarke         | Farr            | Himes            | Melancon        | Shadegg          |
| Blackburn   | Clay           | Fattah          | Hinchee          | Mica            | Shea-Porter      |
| Blumenauer  | Cleaver        | Filner          | Hinojosa         | Michaud         | Sherman          |
| Blunt       | Clyburn        | Flake           | Hirono           | Miller (FL)     | Shimkus          |
| Bocciari    | Coble          | Fleming         | Hodes            | Miller (MI)     | Shuler           |
| Boehner     | Coffman (CO)   | Forbes          | Hoekstra         | Miller (NC)     | Shuster          |
| Bonner      | Cohen          | Fortenberry     | Holden           | Miller, Gary    | Simpson          |
| Bono Mack   | Cole           | Foster          | Holt             | Miller, George  | Sires            |
| Boozman     | Conaway        | Fox             | Honda            | Minnick         | Skelton          |
| Boren       | Connolly (VA)  | Frank (MA)      | Hoyer            | Mitchell        | Slaughter        |
| Boswell     | Conyers        | Frank (AZ)      | Hunter           | Mollohan        | Smith (NE)       |
| Boucher     | Cooper         | Frelinghuysen   | Inglis           | Moore (KS)      | Smith (NJ)       |
| Boustany    | Costa          | Fudge           | Inslee           | Moore (WI)      | Smith (TX)       |
| Boyd        | Costello       | Gallegly        | Israel           | Moran (KS)      | Snyder           |
| Brady (PA)  | Courtney       | Garamendi       | Issa             | Moran (VA)      | Space            |
| Brady (TX)  | Crenshaw       | Garrett (NJ)    | Jackson (IL)     | Murphy (CT)     | Speier           |
| Braley (IA) | Crowley        | Gerlach         | Jackson Lee      | Murphy (NY)     | Spratt           |
| Bright      | Cuellar        | Giffords        | (TX)             | Murphy, Patrick | Stark            |
| Broun (GA)  | Cummings       |                 | Jenkins          | Murphy, Tim     | Stearns          |
| Brown (SC)  | Dahlkemper     |                 | Johnson (GA)     | Myrick          | Stupak           |
|             |                |                 | Johnson (IL)     | Nadler (NY)     | Sullivan         |
|             |                |                 | Johnson, Sam     | Napolitano      | Sutton           |
|             |                |                 | Jones            | Neal (MA)       | Tanner           |
|             |                |                 | Jordan (OH)      | Neugebauer      | Taylor           |
|             |                |                 | Kagen            | Nunes           | Teague           |
|             |                |                 | Kanjorski        | Nye             | Terry            |
|             |                |                 | Kaptur           | Oberstar        | Thompson (CA)    |
|             |                |                 | Kennedy          | Obey            | Thompson (MS)    |
|             |                |                 | Kildee           | Olson           | Thompson (PA)    |
|             |                |                 | Kilpatrick (MI)  | Oliver          | Thornberry       |
|             |                |                 | Kilroy           | Ortiz           | Tiahrt           |
|             |                |                 | Kind             | Owens           | Tiberi           |
|             |                |                 | King (IA)        | Pallone         | Tierney          |
|             |                |                 | King (NY)        | Pascarell       | Titus            |
|             |                |                 | Kingston         | Pastor (AZ)     | Tonko            |
|             |                |                 | Kissell          | Paul            | Towns            |
|             |                |                 | Klein (FL)       | Paulsen         | Tsongas          |
|             |                |                 | Kline (MN)       | Payne           | Turner           |
|             |                |                 | Kosmas           | Perlmutter      | Upton            |
|             |                |                 | Kratovil         | Perriello       | Van Hollen       |
|             |                |                 | Kucinich         | Peters          | Velázquez        |
|             |                |                 | Lamborn          | Peterson        | Vislosky         |
|             |                |                 | Lance            | Petri           | Walden           |
|             |                |                 | Langevin         | Pingree (ME)    | Walz             |
|             |                |                 | Larsen (WA)      | Pitts           | Wamp             |
|             |                |                 | Larson (CT)      | Platts          | Wasserman        |
|             |                |                 | Latham           | Poe (TX)        | Schultz          |
|             |                |                 | LaTourette       | Polis (CO)      | Waters           |
|             |                |                 | Latta            | Pomeroy         | Watson           |
|             |                |                 | Lee (CA)         | Posey           | Watt             |
|             |                |                 | Lee (NY)         | Price (GA)      | Waxman           |
|             |                |                 | Levin            | Price (NC)      | Weiner           |
|             |                |                 | Lewis (CA)       | Putnam          | Welch            |
|             |                |                 | Lewis (GA)       | Quigley         | Westmoreland     |
|             |                |                 | Linder           | Rahall          | Whitfield        |
|             |                |                 | Lipinski         | Rangel          | Wilson (OH)      |
|             |                |                 | LoBiondo         | Rehberg         | Wilson (SC)      |
|             |                |                 | Loeb sack        | Reichert        | Wittman          |
|             |                |                 | Lofgren, Zoe     | Reyes           | Wolf             |
|             |                |                 | Lowe             | Richardson      | Woolsey          |
|             |                |                 | Lucas            | Rodriguez       | Wu               |
|             |                |                 | Luetkemeyer      | Roe (TN)        | Yarmuth          |
|             |                |                 | Luján            | Rogers (AL)     | Young (AK)       |
|             |                |                 | Lummis           | Rogers (KY)     |                  |
|             |                |                 | Lungren, Daniel  | Rogers (MI)     |                  |
|             |                |                 | E.               |                 |                  |

## NOT VOTING—15

|                |                  |                |
|----------------|------------------|----------------|
| Barrett (SC)   | Kirkpatrick (AZ) | Sánchez, Linda |
| Culberson      | Massa            | T.             |
| Deal (GA)      | Murtha           | Smith (WA)     |
| Gutiérrez      | Radanovich       | Souder         |
| Johnson, E. B. | Rush             | Young (FL)     |
| Kirk           |                  |                |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

□ 1236

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING 49TH ANNIVERSARY OF THE INTEGRATION OF NEW ORLEANS SCHOOLS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 901, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Ms. FUDGE) that the House suspend the rules and agree to the resolution, H. Res. 901, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 32]

YEAS—416

|             |                |                 |
|-------------|----------------|-----------------|
| Abercrombie | Boswell        | Clarke          |
| Ackerman    | Boucher        | Clay            |
| Aderholt    | Boustany       | Clyburn         |
| Adler (NJ)  | Boyd           | Coble           |
| Akin        | Brady (PA)     | Coffman (CO)    |
| Alexander   | Brady (TX)     | Cohen           |
| Altmire     | Braley (IA)    | Cole            |
| Andrews     | Bright         | Conaway         |
| Arcuri      | Broun (GA)     | Connolly (VA)   |
| Austria     | Brown (SC)     | Conyers         |
| Baca        | Brown, Corrine | Cooper          |
| Bachmann    | Brown-Waite,   | Costa           |
| Bachus      | Ginny          | Costello        |
| Baird       | Buchanan       | Courtney        |
| Baldwin     | Burgess        | Crenshaw        |
| Barrow      | Burton (IN)    | Crowley         |
| Bartlett    | Butterfield    | Cuellar         |
| Barton (TX) | Buyer          | Cummings        |
| Bean        | Calvert        | Dahlkemper      |
| Becerra     | Camp           | Davis (AL)      |
| Berkley     | Campbell       | Davis (CA)      |
| Berman      | Cantor         | Davis (IL)      |
| Berry       | Cao            | Davis (KY)      |
| Biggart     | Capito         | Davis (TN)      |
| Bilbray     | Capps          | DeFazio         |
| Bilirakis   | Capuano        | DeGette         |
| Bishop (GA) | Cardoza        | Delahunt        |
| Bishop (NY) | Carnahan       | DeLauro         |
| Bishop (UT) | Carney         | Dent            |
| Blackburn   | Carson (IN)    | Diaz-Balart, L. |
| Blumenauer  | Carter         | Diaz-Balart, M. |
| Blunt       | Cassidy        | Dicks           |
| Boccieri    | Castle         | Dingell         |
| Boehner     | Castor (FL)    | Doggett         |
| Bonner      | Chaffetz       | Donnelly (IN)   |
| Bono Mack   | Chandler       | Doyle           |
| Boozman     | Childers       | Dreier          |
| Boren       | Chu            | Driehaus        |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Duncan          | Kucinich        | Peterson         |
| Edwards (MD)    | Lamborn         | Petri            |
| Edwards (TX)    | Lance           | Pingree (ME)     |
| Ehlers          | Langevin        | Pitts            |
| Ellison         | Larsen (WA)     | Platts           |
| Ellsworth       | Larson (CT)     | Poe (TX)         |
| Emerson         | Latham          | Polis (CO)       |
| Engel           | LaTourette      | Pomeroy          |
| Eshoo           | Latta           | Posey            |
| Etheridge       | Lee (CA)        | Price (GA)       |
| Fallin          | Lee (NY)        | Price (NC)       |
| Farr            | Levin           | Putnam           |
| Fattah          | Lewis (CA)      | Quigley          |
| Filner          | Lewis (GA)      | Rahall           |
| Flake           | Linder          | Rangel           |
| Fleming         | Lipinski        | Rehberg          |
| Forbes          | LoBiondo        | Reichert         |
| Fortenberry     | Loebsock        | Reyes            |
| Foster          | Loftgren, Zoe   | Richardson       |
| Fox             | Lowey           | Rodriguez        |
| Frank (MA)      | Lucas           | Roe (TN)         |
| Franks (AZ)     | Luetkemeyer     | Rogers (AL)      |
| Frelinghuysen   | Luján           | Rogers (KY)      |
| Fudge           | Lummis          | Rogers (MI)      |
| Galleghy        | Lungren, Daniel | Rohrabacher      |
| Garamendi       | E.              | Rooney           |
| Garrett (NJ)    | Lynch           | Ros-Lehtinen     |
| Gerlach         | Mack            | Roskam           |
| Giffords        | Maffei          | Ross             |
| Gingrey (GA)    | Maloney         | Rothman (NJ)     |
| Gohmert         | Manzullo        | Roybal-Allard    |
| Gonzalez        | Marchant        | Royce            |
| Goodlatte       | Markey (CO)     | Ruppersberger    |
| Gordon (TN)     | Markey (MA)     | Ryan (OH)        |
| Granger         | Marshall        | Ryan (WI)        |
| Graves          | Matheeson       | Salazar          |
| Grayson         | Matsui          | Sanchez, Loretta |
| Green, Al       | McCarthy (CA)   | Sarbanes         |
| Green, Gene     | McCarthy (NY)   | Scalise          |
| Griffith        | McCaul          | Schakowsky       |
| Grijalva        | McClintock      | Schauer          |
| Guthrie         | McCollum        | Schiff           |
| Hall (NY)       | McCotter        | Schmidt          |
| Hall (TX)       | McDermott       | Schock           |
| Halvorson       | McGovern        | Schrader         |
| Hare            | McHenry         | Schwartz         |
| Harman          | McIntyre        | Scott (GA)       |
| Harper          | McKeon          | Scott (VA)       |
| Hastings (FL)   | McMahon         | Sensenbrenner    |
| Hastings (WA)   | McMorris        | Serrano          |
| Heinrich        | Rodgers         | Sessions         |
| Heller          | McNerney        | Sestak           |
| Hensarling      | Meek (FL)       | Shadegg          |
| Herger          | Meeke (NY)      | Shea-Porter      |
| Herse           | Melancon        | Sherman          |
| Hill            | Mica            | Shimkus          |
| Himes           | Michaud         | Shuler           |
| Hinche          | Miller (FL)     | Shuster          |
| Hinojosa        | Miller (MI)     | Simpson          |
| Hirono          | Miller (NC)     | Sires            |
| Hodes           | Miller, Gary    | Skelton          |
| Hoekstra        | Miller, George  | Slaughter        |
| Holden          | Minnick         | Smith (NE)       |
| Holt            | Mitchell        | Smith (NJ)       |
| Honda           | Mollohan        | Smith (TX)       |
| Hoyer           | Moore (KS)      | Snyder           |
| Hunter          | Moore (WI)      | Space            |
| Inglis          | Moran (KS)      | Speier           |
| Inslee          | Moran (VA)      | Spratt           |
| Israel          | Murphy (CT)     | Stark            |
| Issa            | Murphy (NY)     | Stearns          |
| Jackson (IL)    | Murphy, Patrick | Stupak           |
| Jackson Lee     | Murphy, Tim     | Sullivan         |
| (TX)            | Myrick          | Sutton           |
| Jenkins         | Nadler (NY)     | Tanner           |
| Johnson (GA)    | Napolitano      | Taylor           |
| Johnson (IL)    | Neal (MA)       | Teague           |
| Johnson, Sam    | Neugebauer      | Terry            |
| Jones           | Nunes           | Thompson (CA)    |
| Jordan (OH)     | Nye             | Thompson (MS)    |
| Kagen           | Oberstar        | Thompson (PA)    |
| Kanjorski       | Obey            | Thornberry       |
| Kaptur          | Olson           | Tiahrt           |
| Kennedy         | Olver           | Tiberi           |
| Kildee          | Ortiz           | Tierney          |
| Kilpatrick (MI) | Owens           | Titus            |
| Kilroy          | Pallone         | Tonko            |
| Kind            | Pascrell        | Towns            |
| King (IA)       | Pastor (AZ)     | Tsongas          |
| King (NY)       | Paul            | Turner           |
| Kingston        | Paulsen         | Upton            |
| Kissell         | Payne           | Van Hollen       |
| Klein (FL)      | Pence           | Velázquez        |
| Kline (MN)      | Perlmutter      | Visclosky        |
| Kosmas          | Perriello       | Walden           |
| Kratovil        | Peters          | Walz             |

|           |              |            |
|-----------|--------------|------------|
| Wamp      | Weiner       | Wolf       |
| Wasserman | Welch        | Woolsey    |
| Schultz   | Westmoreland | Wu         |
| Waters    | Whitfield    | Yarmuth    |
| Watson    | Wilson (OH)  | Young (AK) |
| Watt      | Wilson (SC)  |            |
| Waxman    | Wittman      |            |

## NOT VOTING—17

|              |                  |                |
|--------------|------------------|----------------|
| Barrett (SC) | Johnson, E. B.   | Rush           |
| Cleaver      | Kirk             | Sánchez, Linda |
| Culberson    | Kirkpatrick (AZ) | T.             |
| Deal (GA)    | Massa            | Smith (WA)     |
| Gutiérrez    | Murtha           | Souder         |
| Higgins      | Radanovich       | Young (FL)     |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1243

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMEMORATING 65TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1044, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, H. Res. 1044, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 33]

YEAS—414

|             |             |                |
|-------------|-------------|----------------|
| Abercrombie | Berman      | Brady (TX)     |
| Ackerman    | Berry       | Braley (IA)    |
| Aderholt    | Biggart     | Bright         |
| Adler (NJ)  | Bilbray     | Broun (GA)     |
| Akin        | Bilirakis   | Brown (SC)     |
| Alexander   | Bishop (GA) | Brown, Corrine |
| Altmire     | Bishop (NY) | Brown-Waite,   |
| Andrews     | Bishop (UT) | Ginny          |
| Arcuri      | Blackburn   | Buchanan       |
| Austria     | Blumenauer  | Burgess        |
| Baca        | Blunt       | Burton (IN)    |
| Bachmann    | Boccieri    | Butterfield    |
| Bachus      | Boehner     | Buyer          |
| Baird       | Bonner      | Calvert        |
| Baldwin     | Bono Mack   | Camp           |
| Barrow      | Boozman     | Campbell       |
| Bartlett    | Boren       | Cantor         |
| Barton (TX) | Boswell     | Cao            |
| Bean        | Boustany    | Capito         |
| Becerra     | Boyd        | Capps          |
| Berkley     | Brady (PA)  | Capuano        |

|                 |                 |                  |                |                  |                |
|-----------------|-----------------|------------------|----------------|------------------|----------------|
| Cardoza         | Hare            | McIntyre         | Scott (VA)     | Stearns          | Visclosky      |
| Carnahan        | Harman          | McKeon           | Sensenbrenner  | Stupak           | Walden         |
| Carney          | Harper          | McMahon          | Serrano        | Sullivan         | Walz           |
| Carson (IN)     | Hastings (FL)   | McMorris         | Sessions       | Sutton           | Wamp           |
| Carter          | Hastings (WA)   | Morris           | Sestak         | Tanner           | Wasserman      |
| Cassidy         | Heinrich        | McNerney         | Shadegg        | Taylor           | Schultz        |
| Castle          | Heller          | Meek (FL)        | Shea-Porter    | Teague           | Waters         |
| Castor (FL)     | Hensarling      | Meeks (NY)       | Sherman        | Terry            | Watson         |
| Chaffetz        | Herger          | Melancon         | Shimkus        | Thompson (CA)    | Watt           |
| Chandler        | Herseth Sandlin | Mica             | Shuler         | Thompson (MS)    | Waxman         |
| Childers        | Higgins         | Michaud          | Shuster        | Thompson (PA)    | Weiner         |
| Chu             | Hill            | Miller (FL)      | Simpson        | Thornberry       | Welch          |
| Clarke          | Himes           | Miller (MI)      | Sires          | Tiahrt           | Westmoreland   |
| Clay            | Hinche          | Miller (NC)      | Skelton        | Tiberi           | Whitfield      |
| Cleaver         | Hinojosa        | Miller, Gary     | Slaughter      | Tierney          | Wilson (OH)    |
| Clyburn         | Hirono          | Miller, George   | Smith (NE)     | Titus            | Wilson (SC)    |
| Coble           | Hodes           | Minnick          | Smith (NJ)     | Tonko            | Wittman        |
| Coffman (CO)    | Hoekstra        | Mitchell         | Smith (TX)     | Towns            | Wolf           |
| Cohen           | Holden          | Mollohan         | Snyder         | Tsongas          | Woolsey        |
| Cole            | Holt            | Moore (KS)       | Space          | Turner           | Wu             |
| Conaway         | Honda           | Moore (WI)       | Speler         | Upton            | Yarmuth        |
| Connolly (VA)   | Hoyer           | Moran (KS)       | Spratt         | Van Hollen       | Young (AK)     |
| Conyers         | Hunter          | Moran (VA)       | Stark          | Velázquez        |                |
| Cooper          | Inglis          | Murphy (CT)      |                |                  |                |
| Costa           | Inslee          | Murphy (NY)      |                |                  |                |
| Costello        | Israel          | Murphy, Patrick  | Barrett (SC)   | Kirkpatrick (AZ) | Ryan (OH)      |
| Courtney        | Issa            | Murphy, Tim      | Boucher        | Larson (CT)      | Sánchez, Linda |
| Crenshaw        | Jackson (IL)    | Myrick           | Culberson      | Massa            | T.             |
| Crowley         | Jackson Lee     | Nadler (NY)      | Deal (GA)      | Matsui           | Smith (WA)     |
| Cuellar         | (TX)            | Napolitano       | Gutierrez      | Murtha           | Souder         |
| Cummings        | Jenkins         | Neal (MA)        | Johnson, E. B. | Radanovich       | Young (FL)     |
| Dahlkemper      | Johnson (GA)    | Neugebauer       | Kirk           | Rush             |                |
| Davis (AL)      | Johnson (IL)    | Nunes            |                |                  |                |
| Davis (CA)      | Johnson, Sam    | Nye              |                |                  |                |
| Davis (IL)      | Jones           | Oberstar         |                |                  |                |
| Davis (KY)      | Jordan (OH)     | Obey             |                |                  |                |
| Davis (TN)      | Kagen           | Olson            |                |                  |                |
| DeFazio         | Kanjorski       | Olver            |                |                  |                |
| DeGette         | Kaptur          | Ortiz            |                |                  |                |
| Delahunt        | Kennedy         | Owens            |                |                  |                |
| DeLauro         | Kildee          | Pallone          |                |                  |                |
| Dent            | Kilpatrick (MI) | Pascarell        |                |                  |                |
| Diaz-Balart, L. | Kilroy          | Pastor (AZ)      |                |                  |                |
| Diaz-Balart, M. | Kind            | Paul             |                |                  |                |
| Dicks           | King (IA)       | Paulsen          |                |                  |                |
| Dingell         | King (NY)       | Payne            |                |                  |                |
| Doggett         | Kingston        | Pence            |                |                  |                |
| Donnelly (IN)   | Kissell         | Perlmutter       |                |                  |                |
| Doyle           | Klein (FL)      | Perriello        |                |                  |                |
| Dreier          | Kline (MN)      | Peters           |                |                  |                |
| Driehaus        | Kosmas          | Peterson         |                |                  |                |
| Duncan          | Kratovil        | Petri            |                |                  |                |
| Edwards (MD)    | Kucinich        | Pingree (ME)     |                |                  |                |
| Edwards (TX)    | Lamborn         | Pitts            |                |                  |                |
| Ehlers          | Lance           | Platts           |                |                  |                |
| Ellison         | Langevin        | Poe (TX)         |                |                  |                |
| Ellsworth       | Larsen (WA)     | Polis (CO)       |                |                  |                |
| Emerson         | Latham          | Pomeroy          |                |                  |                |
| Engel           | LaTourette      | Posey            |                |                  |                |
| Eshoo           | Latta           | Price (GA)       |                |                  |                |
| Etheridge       | Lee (CA)        | Price (NC)       |                |                  |                |
| Fallin          | Lee (NY)        | Putnam           |                |                  |                |
| Farr            | Levin           | Quigley          |                |                  |                |
| Fattah          | Lewis (CA)      | Rahall           |                |                  |                |
| Filner          | Lewis (GA)      | Rangel           |                |                  |                |
| Flake           | Linder          | Rehberg          |                |                  |                |
| Fleming         | Lipinski        | Reichert         |                |                  |                |
| Forbes          | LoBiondo        | Reyes            |                |                  |                |
| Fortenberry     | Loebach         | Richardson       |                |                  |                |
| Foster          | Lofgren, Zoe    | Rodriguez        |                |                  |                |
| Fox             | Lowey           | Roe (TN)         |                |                  |                |
| Frank (MA)      | Lucas           | Rogers (AL)      |                |                  |                |
| Franks (AZ)     | Luetkemeyer     | Rogers (KY)      |                |                  |                |
| Frelinghuysen   | Luján           | Rogers (MI)      |                |                  |                |
| Fudge           | Lummis          | Rohrabacher      |                |                  |                |
| Gallely         | Lungren, Daniel | Rooney           |                |                  |                |
| Garamendi       | E.              | Ros-Lehtinen     |                |                  |                |
| Garrett (NJ)    | Lynch           | Roskam           |                |                  |                |
| Gerlach         | Mack            | Rothman (NJ)     |                |                  |                |
| Giffords        | Maffei          | Roybal-Allard    |                |                  |                |
| Gingrey (GA)    | Maloney         | Royce            |                |                  |                |
| Gohmert         | Manzullo        | Ruppersberger    |                |                  |                |
| Gonzalez        | Marchant        | Ryan (WI)        |                |                  |                |
| Goodlatte       | Markey (CO)     | Salazar          |                |                  |                |
| Gordon (TN)     | Markey (MA)     | Sanchez, Loretta |                |                  |                |
| Granger         | Marshall        | Sarbanes         |                |                  |                |
| Graves          | Matheson        | Scalise          |                |                  |                |
| Grayson         | McCarthy (CA)   | Schakowsky       |                |                  |                |
| Green, Al       | McCarthy (NY)   | Schauer          |                |                  |                |
| Green, Gene     | McCaul          | Schiff           |                |                  |                |
| Griffith        | McClintock      | Schmidt          |                |                  |                |
| Grijalva        | McCollum        | Schock           |                |                  |                |
| Guthrie         | McCotter        | Schrader         |                |                  |                |
| Hall (NY)       | McDermott       | Schwartz         |                |                  |                |
| Hall (TX)       | McGovern        | Scott (GA)       |                |                  |                |
| Halvorson       | McHenry         |                  |                |                  |                |

## NOT VOTING—19

|                |                  |                |
|----------------|------------------|----------------|
| Barrett (SC)   | Kirkpatrick (AZ) | Ryan (OH)      |
| Boucher        | Larson (CT)      | Sánchez, Linda |
| Culberson      | Massa            | T.             |
| Deal (GA)      | Matsui           | Smith (WA)     |
| Gutierrez      | Murtha           | Souder         |
| Johnson, E. B. | Radanovich       | Young (FL)     |
| Kirk           | Rush             |                |

□ 1250

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against anti-semitism, bigotry, and intolerance.".

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GORDON of Tennessee. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4061.

The SPEAKER pro tempore (Ms. RICHARDSON). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## CYBERSECURITY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1051 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4061.

□ 1254

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4061) to advance cybersecurity research, devel-

opment, and technical standards, and for other purposes, with Ms. MCCOLLUM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chairman, I yield myself such time as I may consume.

I would like to begin by thanking my colleagues, Dr. LIPINSKI, Dr. EHLERS, Mr. WU, Mr. SMITH and Mr. HALL for their contributions to the good bipartisan bill we are considering today. I would also like to take a moment to thank the various staffers who worked on this bill: Marcy Gallo, Travis Hite, Dahlia Sokolov and Mike Quear on the majority side; and Dan Byers and Mele Williams on the minority staff. We could not bring a good bill like this together without their help.

Last fall, the House passed a resolution recognizing National Cybersecurity Awareness Month. The resolution stated that we will need to build strong partnerships between Federal agencies, business and nongovernmental organizations and educational institutions in order to enhance the state of cybersecurity in the United States.

H.R. 4061 implements this principle of public-private partnerships in three areas: coordinating and prioritizing the Federal cybersecurity R&D portfolio, improving the transfer of cybersecurity technologies to the marketplace, and training an IT workforce that can meet the growing needs of both public and private sectors.

H.R. 4061 strengthens research and innovation partnerships through the requirement for a strategic plan for cybersecurity R&D that is based on an assessment of risk to our Nation and its population. In developing this plan, the Federal Government must solicit input from all stakeholders, including industry and colleges and universities. The plan must also describe how the agencies will support the transfer of promising technologies from our national labs and universities to the private sector.

Finally, the Federal agencies must convene a university-industry task force to explore collaborative models of cybersecurity. We need to get the best ideas of our scientists and engineers out of the lab and into the marketplace where they can contribute to our collective security and general economic growth.

H.R. 4061 builds educational partnerships to create a well-trained workforce and an informed public. Specifically, H.R. 4061 taps into our colleges and universities by providing scholarships to students pursuing degrees in

cybersecurity in exchange for their service in the Federal IT workforce. The legislation also requires NIST to disseminate the cybersecurity best practices to individuals and small businesses in a more user-friendly format.

But the Internet doesn't stop at our borders, which means that improving cybersecurity also requires international partnerships. H.R. 4061 addresses this by requiring NIST to develop a comprehensive international cybersecurity strategy that defines what cybersecurity technical standards we need, where they are being developed, and ensures that the United States is represented.

Many organizations support this legislation, including the U.S. Chamber of Commerce, U.S. Telecommunication Association, the National Cable and Telecommunications Association, the Business Software Alliance, the Association for Computing Machinery, the Computing Research Association, Sun Micro Systems, the University of Illinois at Urbana, the Georgia Institute of Technology, the Software and Information Industry Association, Applied Visions, Inc., Verisign, CA, Inc., Symantec Corporation, McAfee, Inc., and TechAmerica, among others.

But we have also had the support of our colleagues from New York and the chairman of the Oversight and Government Reform Committee, Mr. TOWNS. And at this point, I would like to insert an exchange of letters into the RECORD between myself and Mr. TOWNS.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

*Washington, DC, February 2, 2010.*

Hon. BART GORDON,  
*Chairman, Committee on Science and Technology, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 4061, the "Cybersecurity Enhancement Act of 2009".

H.R. 4061 contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform, including provisions related to the federal workforce. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill.

However, agreeing to waive consideration of this bill should not be construed as the Committee on Oversight and Government Reform waiving its jurisdiction over H.R. 4061. Further, the Committee on Oversight and Government Reform reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

EDOLPHUS TOWNS,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,

*Washington, DC, February 2, 2010.*

Hon. EDOLPHUS TOWNS,  
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN TOWNS: Thank you for your February 2, 2010 letter regarding H.R. 4061, the Cybersecurity Enhancement Act of 2009. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Oversight and Government Reform. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Oversight and Government Reform has jurisdiction in H.R. 4061. A copy of our letters will be placed in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,  
*Chairman.*

In conclusion, H.R. 4061 is a good, bipartisan bill that strengthens public-private partnerships, ensures an overall vision for the Federal cybersecurity R&D portfolio, trains the next generation of cybersecurity professionals, and improves the cybersecurity technical standards.

I urge my colleagues to support H.R. 4061.

Madam Chair, I reserve the balance of my time.

Mr. HALL of Texas. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 4061. We are all aware of the importance of cybersecurity and how it has grown dramatically in recent years, as most of the critical systems upon which we depend, from telecommunications to electricity to banking and commerce, rely on secure and reliable computing.

□ 1300

There are short-term policy actions that we can and must take to protect our networks, but over the long term the key to cybersecurity is winning the technological race against our adversaries. That is what this legislation is really aimed toward.

The Science and Technology Committee has a long record of leadership on these issues, dating back to the 1980s, led well by the gentleman from Tennessee, and the agencies and programs we oversee are critical to the success of Federal efforts to address cybersecurity weaknesses and their threats.

This bill will help to support these efforts through authorization of activities in three general areas: the first one being basic research at the Na-

tional Science Foundation; the second one, expanded NSF scholarships to increase the size and skills of the cybersecurity workforce; and third, increase R&D standards, development and coordination, and public outreach at the National Institute of Standards and Technology related to cybersecurity.

Now, these are modest but important changes that will help us do a better job of protecting our communications network, and I am pleased to join my fellow Texan, Mr. MCCAUL, as a cosponsor, along with two of our key subcommittee ranking members, Dr. EHLERS of Michigan and Representative SMITH of Nebraska.

I also want to note my appreciation for what this bill doesn't do. It avoids calling for any activities that could amount to being regulatory in nature. I think this is important. The committee heard from multiple outside witnesses that heavy Federal involvement in private sector cybersecurity processes would actually be counterproductive to security. I hope we can ensure this bill continues to restrain from such action as it moves through the legislative process.

This is a good bill, and it represents a small but important step in the government's overall efforts to address cybersecurity issues. I want to thank Chairman GORDON and our colleagues in the majority for working closely with the Republicans on this legislation, and I look forward to continued cooperative efforts as we move forward.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chair, I yield 5 minutes to the gentleman from Illinois, the primary sponsor of this good bipartisan bill, Dr. LIPINSKI, who has just gotten back from home and a 78 percent victory in his primary last night. Congratulations.

Mr. LIPINSKI. Madam Chair, I would like to begin by thanking Chairman GORDON for all his work on this bill and on the cybersecurity issue in general. This is, as the chairman said, a good bipartisan bill. I also want to thank Ranking Member HALL for his work and Dr. EHLERS, as we worked on the Research and Science Education Subcommittee on this bill.

Almost a year ago, President Obama called for a comprehensive 60-day review of U.S. cyberspace policy. This call and the expert recommendations contained in the resulting report led to a series of hearings in my Research and Science Education Subcommittee as well as the full Science and Technology Committee. We heard in these hearings about the various aspects of cybersecurity R&D, including the state of research programs, partnerships with the private sector, the IT workforce, and how both NIST and the NSF are responding to the review.

H.R. 4061 is built upon what we learned in these hearings and addresses



some of the critical issues raised in the 60-day review. Specifically, it aims to build strong public-private partnerships, improve the transfer of cybersecurity technologies to the marketplace, train an IT workforce for both the public and private sectors, and coordinate and prioritize Federal cybersecurity R&D.

Information technology is an integral part of all of our daily lives. Computers, cell phones, and Internet have greatly increased our productivity and connectivity. Unfortunately, this connectivity and dependence of our critical infrastructure on information technology have increased our vulnerability to cyberattacks. One month ago, we saw a coordinated foreign attack on Google's Web site. Last week, we also saw an infiltration on our House Web site. Last year, the Pentagon reported more than 360 million attempts to break into its network.

But it is not just the Pentagon or House of Representatives that needs to worry about cybersecurity. Cybercrime is a problem for businesses, large and small, and for every single American. The FTC estimates that identity theft costs consumers about \$50 billion annually, and that, even more alarmingly, it is the fastest growing type of fraud in the United States. And these aren't just individual criminals. Increasing globalization in the Internet means that sophisticated organized groups can mine information, selling it both nationally and internationally.

Improving the security of cyberspace is of the utmost importance and will take the collective effort of the Federal Government, the private sector, our scientists and engineers, and every American to succeed, and this bill takes an important step forward in doing this.

Last fall, as Chairman GORDON said, under the leadership of Congresswoman CLARKE, we passed a resolution recognizing National Cybersecurity Awareness Month. Among other things, this resolution contributed to an important education and awareness campaign, a national effort to make people aware of the problem and to make them think about what I like to call practicing good computer hygiene. However, Federal leadership is not only needed to increase public awareness, but also in research, education and in demonstrating how to secure our systems.

Chairman GORDON gave a very good summary of what is in this bill. I want to focus on one particular aspect a little bit, on education. By that, I mean educating individuals, educating companies, and educating the next generation of IT professionals. H.R. 4061 addresses this by building on existing partnerships, such as the NSF-sponsored Center for Systems Security and Information Assurance at Moraine Valley Community College in Palos Hills, Illinois, in my district. This single

school in my district has trained more than 600 cybersecurity faculty since 2003. Individuals are now teaching at community colleges and technical training programs nationwide.

In order to realize the full benefits of information technology, we not only need a highly skilled IT workforce, but also advances in basic R&D. Cyberthreats are constantly evolving, and cybersecurity R&D must evolve in concert through a combination of near-term fixes and long-term projects that build a more secure foundation. And because people are perhaps the weakest link in many IT systems, our research strategies need to include the social and behavioral sciences that can help us better understand how humans interact with technology. This is something that is often overlooked but is contained in this bill.

So, in closing, I just again want to thank Chairman GORDON for his work on this. I am very proud to be the author of this bill, and I urge its passage by the full House.

The CHAIR. The gentleman from Texas is recognized.

Mr. McCAUL. Madam Chair, I yield myself such time as I may consume.

I rise in support of this bill. I want to thank Ranking Member HALL and I want to thank my good friends across the other side of the aisle, Chairman GORDON and Mr. LIPINSKI, for, as usual, working in a bipartisan way to get good things done for the country. I think the American people deserve that, and they want to see more of that, of us up here in Washington.

I was proud to be the lead Republican sponsor on this bill as well because this issue is so important. A lot of times when you talk about cybersecurity, people's eyes kind of glaze over, and yet when we talk about cybersecurity, we are really talking about national security. We held hearings both in the Science and Technology Committee and on the Homeland Security Committee where we examined the vulnerabilities and the threats presented by cyberattacks, and it is very frightening.

When you talk to the top military advisers to the President, they will tell you one of the greatest threats we face as a Nation is a cyberattack and that we are vulnerable. And when we had hearings on the issue, we heard that just about every Federal agency, in fact every one, including the Pentagon, had been hacked into and this institution had been hacked into. And there have been major data dumps where information was stolen from countries that we cannot speak of in the well of the floor right now, but foreign countries stealing information from the United States Government.

There are really several areas. There are criminal enterprises who use cyberattacks to steal intellectual property, and then there is the realm of es-

pionage, where we have countries that go in and steal information from the United States Government, intellectual property, secrets within the government, data dumps the size of the Library of Congress. We had a classified program that was subsequently declassified that showed that through the click of a mouse power grids could be blown up.

Every critical infrastructure is tied to cybernetworks. Whether it be our utilities, our power grids, our financial institutions, whether it be air traffic controllers, virtually every sector is tied to the networks, to the Internet, and, therefore, is vulnerable. This bill I think is a good step forward in helping to protect our networks, certainly in the Federal Government.

Last year, I joined with Congressman JIM LANGEVIN from Rhode Island, working with CSIS, who had worked on the Iraq Study Group as well, to put together a team, a commission of experts across the Nation of cyberexperts to make recommendations to the next President of the United States. We made those recommendations to President Obama. I am pleased that this bill actually fulfills one of the main recommendations in that report, and that is to provide improving Federal cyberworkforces within the Federal Government. And this bill does a lot more than that.

Improving research and development, this bill establishes cybersecurity R&D grant programs that focus on technical and human behavioral aspects of cybersecurity. It improves our Federal cyberworkforce. It creates a scholarship program at NSF that can be repaid by Federal service. And, it improves coordination in the government. It gives NIST the authority to set security standards for Federal computer systems and develop checklists for agencies to follow. I think this is a very, very important point, because in our hearings, when we asked the Department of Homeland Security or representatives from the Department of Defense or NSA who is in charge of defending our networks, who is in charge, they couldn't answer that question, because there isn't one person in charge.

One of our recommendations was to have someone at the White House level be put in charge to coordinate the various agencies. And because there is no one in charge, there is the lack of coordination. So the very entities that have the offensive capability for cyberattack are not coordinating with the agencies that are tasked with defending the Nation from a cyberattack. I think that giving NIST the authority to set these standards for the first time is going to go a long way in protecting our networks inside the Federal Government.

It also reaches out to the private sector, which I particularly like about

this bill. It emphasizes the implementation of checklists by Federal agencies that they should remain flexible and technology neutral in working with the private sector. It improves coordination outside the government by creating a task force of the Federal Government universities who know this issue very well and the private sector to coordinate the research and development.

I think the idea of a public-private partnership rather than having bureaucrats in Washington make all these decisions is vitally important, to bring in the expertise of the private sector and the technology sector who know this issue very well. And, as Chairman GORDON mentioned, this has broad-based support from business groups outside in the private sector and from the technology sector in particular.

□ 1315

So with that, I think this is a great first step towards protecting our Federal networks. I again want to commend the great leadership on both sides of the aisle for making this happen today.

I reserve the balance of my time.

Mr. GORDON of Tennessee. First, I want to thank my friend from Texas for both his cosponsorship of this bill, but more importantly, his constructive, productive, bipartisan approach to bringing together this good bill.

I want to now yield 5 minutes to the gentleman from Oregon, primary sponsor of the bill, the chairman of our Technology and Innovation Subcommittee, Mr. WU.

Mr. WU. Madam Chair, I rise today in strong support of H.R. 4061, which will improve our Nation's cybersecurity by supporting research, create usable technical standards, and promote cybersecurity education. Cybersecurity is critically important, and I want to commend our chairman, Chairman GORDON, for bringing this legislation to the floor today and for his long term leadership on this issue.

The recent cyber attack perpetrated by China against Google and numerous other American companies is a stark reminder of the vulnerabilities we face in an electronically interconnected world. More and more of our personal information is making its way online. Everything from traffic control systems and air traffic control to manufacturing and banking depends on Internet networked systems.

Within the Science Committee, the Technology and Innovation Subcommittee, which I chair, has been exploring ways that the National Institute of Standards and Technology's expertise in information technology can be used to advance the administration's goal of securing cyberspace. Twenty-two years ago the Science and Technology Committee paved the way for Federal cybersecurity efforts with

the Computer Security Act of 1987, the first of 13 major laws related to cybersecurity. The 1987 bill charged NIST with developing technical standards to protect nonclassified information in Federal computer systems.

H.R. 4061 improves on these ongoing efforts by implementing recommendations made in the Cyberspace Policy Review and in a hearing my subcommittee held last October. The Cyberspace Policy Review and witnesses at our hearing stressed the importance of increased coordination as the Federal Government works on international technical standards, an education awareness campaign for all Internet users, and improved identity management systems. NIST has a leadership role to play in all three of these critical areas.

The U.S. Government must better coordinate its efforts to develop international cybersecurity technical standards. These responsibilities are currently divided among numerous agencies without any coordinated, consistent policy. A coordinated, consistent policy will ensure U.S. representatives operate with the overarching needs of our Nation in mind when they negotiate.

Witnesses testified before the Technology and Innovation Subcommittee that NIST is suited for the role of policy coordinator because of extensive technical expertise, established relationships with international bodies, and the fact that it is a nonregulatory body. Experts also called for a cybersecurity awareness and education campaign.

While NIST can be a valuable resource for Internet users by providing consumers with the same guidance it gives to Federal agencies, witnesses have noted that NIST guidance is often too technical for the average Internet user. The legislation before us today tasks NIST with developing a plan to make its standards and best practices usable by those with less technical expertise.

In simple terms, 70, 80, 90 percent of needed cybersecurity improvement can be achieved by using available methods and technology. Take simple steps. Do back up your data. Don't back up data and take it home in an open, unlocked car. It is like clicking your seatbelt before you drive or washing hands before a surgeon operates on a patient. Commonsense steps, available methods and technology; simply put, good computer hygiene.

We also know that cybersecurity cannot be improved without first improving identity management. Today's bill builds upon NIST's ongoing work on identity management systems, such as biometrics, by tasking NIST with improving the interoperability of these systems to encourage more widespread use. By focusing on the usability and privacy aspects of identity manage-

ment, this bill will encourage greater confidence in the general public that their personal information will be secure.

Madam Chair, securing cyberspace is a primary concern of each and every one of us. We cannot stand by and let the most powerful tool for connecting Americans with each other and the world remain a technologic wild west. It is time to fence the prairie to make it available to the technologic communities of the future.

I urge my colleagues to join me in supporting H.R. 4061 so that our communities and our constituents can be secure in the knowledge that they are safe when they go online.

Mr. MCCAUL. I yield as much time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Madam Chairman, when I first came to Congress in 1993, we had computers but we did not have Internet. In fact, if it wasn't for Al Gore maybe we still wouldn't have it. I don't need to bring that up.

But you know, the reality is most of us, and my friend Mr. GORDON will remember, did not have cell phones. And then I remember there was a discussion that I had with one Member about, "You know, I don't think it is fair for the taxpayers to pay for your cell phone. I think it is unnecessary."

And I remember when I got a cell phone I wanted to have a 912 area code, because I didn't want the folks back home to think I went Washington if I had the 202 area code. But now in essence everybody has a mobile phone, as they do Internet. I remember Stacy Hall, our receptionist, who was the IT person since she was the youngest in the office. She was probably 22, a UGA graduate. She got this thing called the Internet, and she started planning her weekends with her friends.

Now, there were about five other 21-, 22-year-old kids on the Hill who knew what email was. So they started swapping. And then I remember eventually she told our scheduler about, "You know, maybe you could use this like to schedule the Congressman." What a radical idea. And before you know it, 5 or 6 years down the road, everybody was addicted to it.

And then I remember 9/11, not many of us had a BlackBerry. But BlackBerrys had an ability to get out on the Internet a little bit better than cell phones, so BlackBerrys became an important thing. And I know Mr. GORDON and many of us here have seen all this grow, but now this phenomenal piece of equipment can find maps anywhere in the world. You can talk to somebody on the phone. You can take pictures and instantly send it to somebody. You can download music—although I have no idea how—and Internet people and look up things, Google online and Bing.

And can you only imagine what this will be 5 years from now. It is unbelievable.

I entered Michigan State University, and the calculator was a slide rule. We actually voted my freshman year not to allow calculators because the Texas Instruments, I think it was called an SR-10—can I get an amen over there? I know you must have had one. It was \$179. We voted in my chemistry class at Michigan State University not to allow calculators because most middle class kids could not afford it. And yet 4 or 5 years later you could get much better calculators that fit in your pocket for \$10.

Technology has evolved at such a rapid pace, and yet along with it so have the bad guys. It used to be that maybe some interested math genius with a twisted sense of humor in Indonesia would hack into the Department of Defense computers just to see if he could, not really caring how many F-22s were in production, but just wanted to know. But then eventually the bad guys became more organized, more sophisticated, botnets, computer systems that talked to each other and shared information. A way of hacking into the Department of Defense, the Department of Energy, the Centers for Disease Control, all kinds of government agencies with all kinds of sensitive information. But there is no need to stop there. Wall Street, financial information, other things that you could get out of universities, all of it is vulnerable.

And so this bill today is relevant because it shows that Congress is moving along with the technology to rise to the challenge. We need to have cybersecurity experts. So many of the cybersecurity experts that we have now come up through a law enforcement background and then they learn their computer training.

What this bill does is to reach out to that young 17-, 18-, 19-year-old, and identify them as being interested in this, and merge in all their talents and say come on in the classroom because we need you as a line of defense. Technology against technology has to have that wall in-between them, and that wall is a brilliant, well-trained human being. That is what this bill seeks to do.

In my own district, I have to brag a little bit, that Armstrong Atlantic University has a Cyber Security Research Institute. And it is working to bridge the gap so that the young people can have a viable career in cybersecurity. The program is to produce a more educated cybersecurity investigator with expertise in areas not only in technology but in law enforcement and law itself, and policy itself, and work with cyber forensics in order to produce the kind of professionals that we need to overcome the threat that we face as a Nation. We cannot be pas-

sive about this topic. We have to be proactive.

This bill shows one of the great bipartisan efforts of Congress, for us to come together and address something that is truly a national security threat. So I am proud to support it. If you want any more information, you can get it on my BlackBerry. I will be glad to download it for you.

Mr. GORDON of Tennessee. Madam Chairman, I want to thank my friend from Savannah for the history lesson there, and let him know that my 8-year-old daughter can be some help to him if he wants to download any of his music.

Mr. KINGSTON. If the gentleman would yield?

Mr. GORDON of Tennessee. She can help me, too.

Mr. KINGSTON. Especially if it is some of that good Tennessee music that you all produce.

Mr. GORDON of Tennessee. Madam Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), a member of the important Intelligence Committee.

Mr. RUPPERSBERGER. Madam Chair, I rise in support of H.R. 4061, the Cybersecurity Enhancement Act.

I want to thank Chairman GORDON, Congressman WU, Ranking Member HALL, and Congressman McCAUL for your bipartisan effort. You know, this is truly an example of working together on behalf of our citizens. If we could only do this on other issues such as health care and whatever, we would be a lot better off as a country. So thank you for your leadership, and let's continue this bipartisanship effort.

Cyber networks power almost everything we do, from our computers and cell phones and iPods to the electrical grid that allows us to turn on our lights. They also operate the classified military and intelligence networks that keep us safe and provide critical data to our troops in combat.

As a member of the Intelligence Committee and chairman of the Technical and Tactical Subcommittee, which oversees the technical aspects of cybersecurity, I know that protecting our cyber networks is a top economic and national security priority. We are under attack each and every day. These attacks have cost the U.S.A. \$1 trillion last year, and also put classified information in the hands of our enemies.

Cybersecurity is a tough challenge because the government does not own the Internet. In fact, 85 percent of cyber is held privately. We have to get the public and private sectors on the same page, and this bill does that. This bill directs the National Institute of Standards and Technology, the measurement laboratory for our Nation, based in Maryland, to develop international cybersecurity technical stand-

ards. It also charges NIST with creating education campaigns for the public, a critical component to meeting this challenge.

This bill also helps to ensure that we have the workforce in place to meet the new demands by providing scholarships to students who agree to work as cybersecurity specialists after graduation. The bill also funds faculty and curriculum development at U.S. colleges and universities to help with the shortage of qualified cyber professors.

□ 1330

I also support the amendment proposed by my Maryland colleague, Congressman KRATOVIL, to establish a National Center of Excellence for Cybersecurity to consolidate our resources into one cyberclearinghouse. Protecting our Nation's network is not a Democratic or Republican initiative; it is USA first.

The CHAIR. The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman 20 additional seconds.

Mr. RUPPERSBERGER. Let's pass H.R. 4061 and make sure our own cybernetworks don't become a new weapon in our enemies' arsenals.

Mr. McCAUL. I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Chairman, I yield 2 minutes to the co-chair of the House Cybersecurity Caucus, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding. Madam Chair, I rise today in strong support of the Cybersecurity Enhancement Act of 2009. I'd like to thank Chairman LIPINSKI and also Chairman GORDON for their efforts in bringing this important bill to the floor today.

In today's interconnected world, the American people expect their government's networks to have the same level of access and efficiency as the private sector. Further, building a more transparent and effective government requires leveraging new technologies to strengthen coordination between our Federal agencies, in addition to strengthening our communications with the citizens of our Nation. To achieve these goals, it is absolutely critical that our Federal networks and information systems are safe and secure.

Despite increased attention in recent years by the Congress and the administration on cybersecurity, our Federal networks remain exceptionally vulnerable still to attack. Securing them will require increased emphasis on coordination and technological advancements. I, of course, understand that the NSA and the very talented, dedicated workforce that work on cyberissues are the best in the world at what they do, but it will also require the United States to strengthen domestic cybersecurity talent and find new ways to leverage the expertise that exists in the

private sector. This will be a true force multiplier for us. This bill takes significant steps toward achieving those goals by strengthening Federal cybersecurity standards, increasing research and development, and evaluating how to improve our Federal cybersecurity workforce.

That being said, we as a Nation cannot afford to fail in these efforts, and I urge my colleagues to join me in supporting this very important piece of legislation.

Mr. McCAUL. Just in closing, I co-chair the Cybersecurity Caucus with Congressman LANGEVIN, and I want to commend him for his great work not only on the CSIS Commission but also on the caucus to try to raise awareness of this issue. It is a very, very important issue. I also want to thank Chairman GORDON, who I know is going to retire. We're going to miss him. But just the bipartisan spirit in which he has conducted himself on this committee to allow us to work together with the majority to get good legislation out of the Congress. As I said earlier, I think that's what the American people want. It's what they deserve. Certainly, there's no greater issue where Republicans and Democrats should come together than on issues impacting national security, which this bill does. We are Americans first. Again, this bill is a great step forward into furthering and protecting our Federal networks.

I hope, as with what happened with 9/11, we don't turn a blind eye and wait until there's a major denial of service attack before we start to pay attention to this issue. I think this bill, which I anticipate will pass the House overwhelmingly, is a great statement by the Congress that cybersecurity is important and that we can work together on this. I think, as Congressman WU talked about the attacks on Google recently, last Fourth of July we had a denial of service attack emanating that hit Korea and the United States. The disturbing thing about that attack was it was not to phish or to steal information, or perhaps espionage. Rather, it was intended to do harm. That denial of service attack was intended to shut down our networks. It was relatively unsophisticated.

But as we examine the denial of service attacks that we saw in Estonia, the denial of service attack in Korea and the United States just last Fourth of July, to me, that is an eye opener. It's just like before 9/11 we saw signs that the Congress needed to pay attention to. I think we have seen signs of that in the cyber-realm, and I hope we can work together across the aisle to further enhance and strengthen our cybernetworks, and in the private sector as well, so that we can avoid a cyber-9/11 attack in the United States.

So this is, again, a very important issue that, when you talk to leaders in

the military, they get it. They recognize it. They want to work with the Congress to better improve our cybersecurity. Again, let me just give my thanks to Chairman GORDON for allowing this to come out of the committee and come to the House floor. I urge my colleagues on both sides of the aisle to support this legislation.

I yield back the balance of my time. Mr. GORDON of Tennessee. In closing, let me just suggest to my friend from Texas that bipartisanship goes both ways, and I want to thank him for his great input in this bill, as well as Dr. EHLERS, Mr. HALL, Mr. WU, and Dr. LIPINSKI. It was a good team effort. And certainly our staffs were integral to having this be a successful bill. I agree with you—hopefully this will pass overwhelmingly and will send a message to the bad guys that we're on alert.

Mr. GOODLATTE. Madam Chair, I rise in support of H.R. 4061.

Recent attacks on Government networks have served to increase awareness that cybersecurity is not just about protecting computers, but also has implications for U.S. national security and economic well-being. Without confidence in our Nation's internet infrastructure and data security, I am concerned that our country will not be able to climb out of the current economic climate. As such, I was pleased when President Obama declared in a speech in May 2009 that U.S. critical information infrastructures are a "Strategic National Asset".

Unfortunately, since that speech, the Administration's actions have not been indicative of those necessary to protect such a "Strategic National Asset." While I appreciate that the President recently appointed Howard Schmidt as Cyber Coordinator, this appointment was long overdue.

Madam Chair, A recent GAO report stated that, "Pervasive and sustained cyber attacks continue to pose a potentially devastating threat to the systems and operations of the Federal Government." The report went on to further state that, "The ever-increasing dependence of Federal agencies on computerized systems to carry out essential, everyday operations can make them vulnerable to an array of cyber-based risks. Thus it is increasingly important for the Federal Government to have effective information security controls in place to safeguard its systems and the information they contain."

In response to this GAO report and extensive hearings by the House Science and Technology Committee, I am pleased to support the Committee's bi-partisan legislation and applaud its authors. Specifically, H.R. 4061 authorizes activities in three areas in support of increased Federal focus on cybersecurity. This legislation:

Continues support of basic research at the National Science Foundation (NSF);

Expands NSF scholarships to increase the size and skills of the cybersecurity workforce; and

Increases R&D, standards development and coordination, and public outreach at the National Institute of Standards and Technology (NIST) related to cybersecurity.

I also appreciate that this bill is not too overly burdensome and shies away from an overly regulatory approach. H.R. 4061 is a good first step as the 111th Congress addresses cybersecurity and I look forward to continuing this dialogue. I ask my colleagues to join me in support of H.R. 4061.

Ms. JACKSON LEE of Texas. Madam Chair, I rise today in support of H.R. 4061, "The Cybersecurity Enhancement Act of 2009," and I would like to thank my colleagues Representative LIPINSKI for introducing this measure, and Representative EHLERS, Representative WU, Representative SMITH and Representative HALL for their contributions to gain bipartisan support on this very important legislation that we are considering today.

This bill will help ensure a strategic plan for Federal Cybersecurity Research & Development (R&D) activities, strengthen public-private partnerships in cybersecurity, help train the next generation of cybersecurity professionals, and improve cybersecurity technical standards.

As we may recall, almost a year ago President Obama called for a comprehensive 60 day review of U.S. cyberspace policy. This review and the recommendations contained in the report led to a series of hearings on various aspects of cybersecurity R&D, including the state of research programs, partnerships with the private sector, the IT workforce, and how both NIST and the NSF are responding to the review.

H.R. 4061 is built upon these hearings, and addresses the issues raised in the 60-day review. Specifically, it aims to build strong public-private partnerships, improve the transfer of cybersecurity technologies to the marketplace, train an IT workforce for both the public and private sectors, and coordinate and prioritize Federal cybersecurity R&D. Of course cybersecurity research, standards setting, and education are only one piece of the recommendations of the 60-day report, and are only part of the solution. However, it is the beginning to a wide spread need to improving the security of cyberspace is that is one of the utmost importance and it will take the collective effort of the Federal Government, the private sector, our scientists and engineers, and every American to succeed.

Our Nation's cyber-infrastructure is an interconnected combination of private, public and Government networks. It is critical that Government and industry work closely to protect both the infrastructure and the future of innovation. Giving them the tools to ensure they can protect themselves—access to timely action-oriented information and availability of insurance for cyber incidents—as well as encouraging critical cybersecurity R&D here in the U.S., are the most important efforts our Administration can take to secure our cyber-infrastructure.

While we have been fortunate so far in avoiding a catastrophic cyber attack, last year the Pentagon reported more than 360 million attempts to break into its networks. A 2009 Consumer Reports study found that over the past two years, one in five online consumers has been a victim of cyber crime. In 2008 the Department of Homeland Security logged 5,499 such cyber attack incidents—a 40 percent increase over the previous year. A 2007

Government Accountability Office report estimates the total U.S. business losses due to cyber attacks exceed \$117.5 billion per year.

I urge your support of this bill for we are all aware of the growing number of internet security incidents, involving such things as computer viruses, denial of service attacks, and defaced Web sites. These events have disrupted business and government activities, and have sometimes resulted in significant recovery costs.

It is important that we take inventory of all systems that are vital to the functioning of the Nation, and do all we can to protect them. This certainly includes our computer networks systems that can be attacked anonymously and from far away. These networks are the glue that holds our Nation's infrastructure together. An attack from cyberspace could jeopardize electric power grids, railways, hospitals and financial services, to name a few.

Last fall, under the leadership of Congresswoman CLARKE, we passed a resolution recognizing National Cybersecurity Awareness Month. Among other things this resolution contributed to an important education and awareness campaign, a national effort to make people aware of the problem. However, Federal leadership not only needed to increase public awareness, but also in research, education, and in demonstrating how to secure our own systems. Again, H.R. 4061 ensures an overall vision for the Federal cybersecurity R&D portfolio, trains the next generation of cybersecurity professionals, and improves cybersecurity technical standards.

It is now time for a broad-reaching, forward-thinking approach and the successful passage of H.R. 4061 is the beginning to bridge the gap and collaborate and coordinate with the private sector to conquer the many challenges to improve our country's security through cybersecurity.

As a member of the Homeland Security Committee, I am committed to working with my colleagues, businesses, and educational institutions to enhance the development and implementation of existing and future cyber security standards that enhance the Nation's security. Madam Chair, I support H.R. 4061.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chair, today I rise in support of the Cyber Security Enhancement Act of 2009. Nearly 1 year ago, the administration called for a 60-day review of the national cyber security strategy. The report found that our Nation's digital infrastructure was largely at risk to a growing threat of cybercrime. Major advances in cyber security research and development were needed to address the report's findings. In order to protect against these sorts of intrusions I, along with other Members on the House Science and Technology Committee, worked to draft legislation that would address these findings.

During the Research and Science Education subcommittee markup on September 23, 2009, I amended this legislation to include a description of how the program will help contribute to a more diverse workforce by including women and minorities. This can be achieved by partnering Minority Serving Institutions, in addition to stakeholders in industry, academia, and other relevant organizations. Promoting broader participation of women and

underrepresented minorities will only benefit the intent of this legislation.

I urge the passage of the Cyber Security Enhancement Act of 2009 which addresses many of the concerns in the administration's review. By adopting a comprehensive national cyber security research and development plan we will drastically advance American innovation in cyber security. I am proud to have worked towards securing some of America's vulnerabilities in cyberspace while increasing public education in this area of technology.

Ms. ESHOO. Madam Chair, I rise today in support of H.R. 4061, the Cybersecurity Enhancement Act of 2009. First, my thanks to Chairman GORDON and Representative LIPINSKI for their work on this bill. The Cybersecurity Enhancement Act coordinates federal research and development in cybersecurity, focuses on developing a skilled cybersecurity workforce, and prominently positions the U.S. in the development of international cybersecurity technical standards. These areas should be priorities for all agencies in the federal government.

While these investments and initiatives will move us toward the goal of protecting our nation's information infrastructure and assets, there is more we must do to protect these essential resources.

There's been an alarming increase in the number of cyberattacks launched on the U.S. information technology industry, their employees, customers, and the U.S. citizens that leverage these innovative tools. In addition, many countries are beginning to implement specific regulations that discriminate against the U.S. by requiring our innovators to reveal the blueprints of their success as a condition of market entry. This is essentially the "hijacking" of intellectual property and is widespread around the world.

As a result, the attacks on these uniquely American assets not only jeopardize U.S. economic security, but our national security is also at risk. This is a threat to the continued economic growth and job creation by the information technology industry, much of which comes from my district. It also undermines the integrity of the networks across the globe which the U.S. depends on to secure sensitive information.

The cybersecurity initiatives in this legislation are a worthwhile effort which I support. It also is imperative that the growth engine of our innovation economy—our information technology that is delivered seamlessly and securely around the globe—is defended and protected by the U.S. government when a foreign entity attempts to compromise it.

Congress must move aggressively to ensure that any attempt at cyberattacks or "high-tech robbery" on any U.S. enterprise here and abroad is dealt with strongly and swiftly by the United States Government.

Madam Chair, I urge the adoption of the bill.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 4061, The Cybersecurity Enhancement Act of 2009. This legislation both addresses immediate national needs, and invests in the future. It will help protect the networks that power the nation's defense, underlie the nation's economy, and strengthen the connections of families across the nation. This legislation also helps develop our work-

force for the jobs of the future, supporting Scholarships for Service to develop the next generation of network defenders.

I have the honor and pleasure of representing both Fort Bragg and Pope Air Force Base, and I understand that our national defense requires secure networks. Trustworthy networking can be a matter of life and death for soldiers in the field and our intelligence at home.

Beyond securing military networks, this bill moves forward to protect all the critical information on the nation's networks. Our family photos, our children's grades, our life histories, our credit histories, and our retirement accounts all deserve a trustworthy network. Cybersecurity is not just a national security issue, it is an economic issue. The initiatives in this legislation will help those who participate in social networks, ecommerce, and online investments to better protect their virtual selves, their very real money, and even their children's digital domains.

Cybersecurity is also about American competitiveness and creating and preserving American jobs. As the former school superintendent in North Carolina, I know that education is the key to the future, both for students and our nation. This bill prioritizes funding for scholarships and training, so that today's students can fill tomorrow's jobs. I am pleased that the manager's amendment expanded funding for undergraduate scholarships in cybersecurity to support needed training to meet our national needs. I also applaud the expansion of Scholarships for Service. This initiative offers Americans who want to expand their skills a fair bargain: for every day we help pay for your education; you commit a day to defending the Federal networks.

This legislation will enhance our national understanding of the threats to public and private networks, and help develop the tools to address those threats. It will also enhance the ongoing efforts of the National Science Foundation and National Institute of Science and Technology to secure our digital lives.

Madam Chair, H.R. 4061 will help protect our nation's infrastructure, and our nation's future. I urge my colleagues to join me in supporting H.R. 4061.

Mr. VAN HOLLEN. Madam Chair, I rise in support of H.R. 4061, the Cybersecurity Enhancement Act of 2009.

I'd like to thank Representative LIPINSKI, Chairman GORDON and Ranking Member HALL for crafting this important piece of bi-partisan legislation.

Cybersecurity is a critical issue in a world with increasing reliance on information systems. So much of our personal lives, from bank accounts to medical records are online. And much of our world, from traffic signals to water purification, operate with industrial control systems that are vulnerable to hacking. Indeed, a Wall Street Journal article in April of this year reported that cyberspies had penetrated the U.S. electrical grid and left behind potentially-disruptive software programs and, more recently, the Chinese government was accused of being behind a number of cybersecurity attacks which targeted U.S. networks, including a breach of Lockheed Martin's F-35 fighter development program.

Congress takes this growing threat to the Nation's cyber network seriously and has

gathered here today to consider a bill designed to harness relevant U.S. government resources into a coordinated approach to the problem.

The Cybersecurity Enhancement Act of 2009 authorizes \$395 million for the National Science Foundation programs aimed at improving cybersecurity research—\$69 million in FY 2010, \$73.5 million in FY 2011, \$79 million in FY 2012, \$84 million in FY 2013, and \$90 million in FY 2014. It reauthorizes existing research and development programs and includes “identity management” as a new supported research area.

The bill reauthorizes cybersecurity workforce and traineeship programs at NSF, as well as cybersecurity research program, and authorizes \$609 million in FY 2010 through FY 2014, and \$319 million after FY 2014, for NSF programs.

A key player in the Nation’s cybersecurity effort will be National Institute of Standards and Technology, which has already done pioneering work in information security. I am proud to have NIST in my Congressional district.

This measure places a number of new requirements on NIST, which is responsible for setting cybersecurity standards for nonclassified Federal networks. Among its many important provisions is a requirement for NIST to develop a coordinated plan for U.S. involvement in the development of international cybersecurity technical standards that ensures adequate U.S. Government representation; the bill requires NIST to develop a cybersecurity awareness and education program that would disseminate best practices and technical standards for individuals, small businesses, state and local governments, and educational institutions; NIST is required to engage in research and development programs to improve identity management systems, which include health information technology systems; and, NIST is required to establish technical standards to improve interoperability, authentication methods, privacy protection, and usability of identity management systems.

The bill authorizes \$30 million in FY 2010 through FY 2014 for these programs.

According to the Office of Management and Budget and The Government Accountability Office, despite spending an estimated \$6 billion a year protecting nearly \$72 billion in information technology infrastructure and more than \$350 million in cybersecurity research and development each year, U.S. information technology infrastructure remains vulnerable to attacks, and agencies tasked with its protection are not fulfilling their responsibilities.

Dennis Blair, the director of national intelligence, told members of the Senate Select Intelligence Committee yesterday, that “in the dynamic of cyberspace, the technology balance right now favors malicious actors rather than legal actors, and is likely to continue that way for quite some time.”

Madam Chair, this bill and the important amendments we will also consider today are part of Congress’s ongoing efforts to meet this growing challenge to the cyber and national security infrastructure of the country. I encourage my colleagues to join me in supporting the bill.

Ms. JACKSON LEE of Texas. Madam Chair, I rise in support of H.R. 4061, the Cy-

bersecurity Enhancement Act of 2009, and I would like to thank my colleagues, Rep. LIPINSKI for introducing this measure, and Rep. EHLERS, Rep. WU, Rep. SMITH and Rep. HALL for their contributions to gain bipartisan support on this very important legislation that we are considering today.

This bill will help ensure a strategic plan for Federal Cybersecurity Research & Development (R&D) activities, strengthen public-private partnerships in cybersecurity, help train the next generation of cybersecurity professionals, and improve cybersecurity technical standards.

Our Nation’s cyber-infrastructure is an interconnected combination of private, public and government networks. It is critical that government and industry work closely to protect both the infrastructure and the future of innovation. Giving them the tools to ensure they can protect themselves—access to timely action-oriented information and availability of insurance for cyber incidents—as well as encouraging critical cybersecurity R&D here in the U.S., are the most important efforts our administration can take to secure our cyber-infrastructure.

We are all aware of the growing number of Internet security incidents, involving such things as computer viruses, denial of service attacks, and defaced Web sites. These events have disrupted business and government activities, and have sometimes resulted in significant recovery costs.

While we have been fortunate so far in avoiding a catastrophic cyber attack, last year the Pentagon reported more than 360 million attempts to break into its networks. A 2009 Consumer Reports study found that over the past two years, one in five online consumers has been a victim of cyber crime.

In 2009 the Department of Homeland Security logged 5,499 such cyber attack incidents—a 40 percent increase over the previous year. A 2007 Government Accountability Office report estimates the total U.S. business losses due to cyber attacks exceeds \$117.5 billion per year.

It is time for a broad-reaching, forward-thinking approach and the successful passage of H.R. 4061 is the beginning to an increased collaboration and coordination with the private sector to conquer this dilemma.

Almost a year ago President Obama called for a comprehensive 60 day review of U.S. cyberspace policy. This review and the recommendations contained in the report led to a series of hearings on various aspects of cybersecurity R&D, including the state of research programs, partnerships with the private sector, the IT workforce, and how both NIST and the NSF are responding to the review.

H.R. 4061 is built upon these hearings, and addresses the issues raised in the 60-day review. Specifically, it aims to build strong public-private partnerships, improve the transfer of cybersecurity technologies to the marketplace, train an IT workforce for both the public and private sectors, and coordinate and prioritize federal cybersecurity R&D. Of course cybersecurity research, standards setting, and education are only one piece of the recommendations of the 60-day report, and are only part of the solution. However, it is the beginning to a widespread need to improving the security of cyberspace is that is one of the utmost impor-

tance and it will take the collective effort of the federal government, the private sector, our scientists and engineers, and every American to succeed.

H.R. 4061 requires federal agencies participating in the NITRD program to develop, update, and implement a strategic plan guiding the overall direction of federal cybersecurity and information assurance R&D.

Requires the President to conduct an assessment of cybersecurity workforce needs across the federal government and formally authorizes the scholarship for service program.

Reauthorizes cybersecurity research and cybersecurity workforce and traineeship programs at NSF.

Requires the director of the Office of Science and Technology Policy to convene a university-industry task force to explore mechanisms for carrying out collaborative R&D.

Requires NIST to develop and implement a plan to coordinate U.S. representation in the development of international cybersecurity technical standards.

Requires NIST to develop and implement a cybersecurity awareness and education program for the dissemination of user-friendly cybersecurity best practices and technical standards.

As we work to improve our country’s security, it is important that we take inventory of all systems that are vital to the functioning of the nation, and do all we can to protect them. This certainly includes our computer networks systems that can be attacked anonymously and from far away. These networks are the glue that holds our nation’s infrastructure together. An attack from cyberspace could jeopardize electric power grids, railways, hospitals and financial services, to name a few.

Last fall, under the leadership of Congresswoman CLARKE, we passed a resolution recognizing National Cybersecurity Awareness Month. Among other things this resolution contributed to an important education and awareness campaign, a national effort to make people aware of the problem. However, federal leadership not only needed to increase public awareness, but also in research, education, and in demonstrating how to secure our own systems. Again, H.R. 4061 ensures an overall vision for the federal cybersecurity R&D portfolio, trains the next generation of cybersecurity professionals, and improves cybersecurity technical standards.

As a member of the Homeland Security, I am committed to working with my colleagues, businesses, and educational institutions to enhance the development and implementation of existing and future cybersecurity standards that enhance the nation’s security. I support H.R. 4061.

Ms. RICHARDSON. Madam Chair, I rise today in support of H.R. 4061, the Cybersecurity Enhancement Act, which addresses the recommendations of the Cyberspace Policy Review to improve cybersecurity in the Federal, private, and public sectors.

I would like to acknowledge Speaker PELOSI and Chairman GORDON for their leadership in bringing this important resolution to the floor. I would also like to thank my colleague Congressman LIPINSKI, who authored this legislation that will result in the development and implementation of a strategic plan guiding the



overall direction of Federal cybersecurity and information assurance research and development.

As a former member of the House Homeland Security Subcommittee on Emergency Threats, Cybersecurity and Science and Technology, I have been concerned about these issues. The rapid development of information technology has led to increased connectivity and productivity that has greatly benefited the U.S. economy. However, with these great advances comes the disadvantage of increased vulnerability of our information technology infrastructure. Reports of cyber crime, hacking, and viruses has steadily risen, heightening concerns over the adequacy of our cybersecurity measures and the need for further research and development.

My district, the 37th district of California, is heavily dependent on technology and computing networks, so I am pleased that H.R. 4061 is a bill that will improve cybersecurity in the Federal, private, and public sectors. This legislation achieves this goal by developing a skilled cybersecurity workforce, coordinating and prioritizing the Federal R&D portfolio, improving the transfer of cybersecurity technologies to the marketplace, promoting cybersecurity education and awareness for the general public, and coordinating U.S. representation in the development of international cybersecurity technical standards. My district, the 37th district of California, is heavily dependent on technology and computing networks, so I am pleased that . . .

In conclusion, Madam Chair, I support this legislation because with our increasing reliance on the internet, we need to make sure our cyber systems are secure. I am pleased that Congress is taking action to promote these improvements and adequately fund the areas of government responsible for our cybersecurity.

Madam Chair, I urge my colleagues to join me in supporting H.R. 4061.

Mr. GORDON of Tennessee. Madam Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 4061

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybersecurity Enhancement Act of 2009".

#### TITLE I—RESEARCH AND DEVELOPMENT SEC. 101. DEFINITIONS.

In this title:

(1) **NATIONAL COORDINATION OFFICE.**—The term National Coordination Office means the National Coordination Office for the Networking and Information Technology Research and Development program.

(2) **PROGRAM.**—The term Program means the Networking and Information Technology Research and Development program which has

been established under section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511).

#### SEC. 102. FINDINGS.

Section 2 of the Cyber Security Research and Development Act (15 U.S.C. 7401) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) Advancements in information and communications technology have resulted in a globally interconnected network of government, commercial, scientific, and education infrastructures, including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services.”;

(2) in paragraph (2), by striking “Exponential increases in interconnectivity have facilitated enhanced communications, economic growth,” and inserting “These advancements have significantly contributed to the growth of the United States economy”;

(3) by amending paragraph (3) to read as follows:

“(3) The Cyberspace Policy Review published by the President in May, 2009, concluded that our information technology and communications infrastructure is vulnerable and has ‘suffered intrusions that have allowed criminals to steal hundreds of millions of dollars and nation-states and other entities to steal intellectual property and sensitive military information’.”;

(4) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(5) by inserting after paragraph (3) the following new paragraph:

“(4) In a series of hearings held before Congress in 2009, experts testified that the Federal cybersecurity research and development portfolio was too focused on short-term, incremental research and that it lacked the prioritization and coordination necessary to address the long-term challenge of ensuring a secure and reliable information technology and communications infrastructure.”;

(6) by amending paragraph (7), as so redesignated by paragraph (4) of this section, to read as follows:

“(7) While African-Americans, Hispanics, and Native Americans constitute 33 percent of the college-age population, members of these minorities comprise less than 20 percent of bachelor degree recipients in the field of computer sciences.”.

#### SEC. 103. CYBERSECURITY STRATEGIC RESEARCH AND DEVELOPMENT PLAN.

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the agencies identified in subsection 101(a)(3)(B)(i) through (x) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)(i) through (x)) or designated under section 101(a)(3)(B)(xi) of such Act, working through the National Science and Technology Council and with the assistance of the National Coordination Office, shall transmit to Congress a strategic plan based on an assessment of cybersecurity risk to guide the overall direction of Federal cybersecurity and information assurance research and development for information technology and networking systems. Once every 3 years after the initial strategic plan is transmitted to Congress under this section, such agencies shall prepare and transmit to Congress an update of such plan.

(b) **CONTENTS OF PLAN.**—The strategic plan required under subsection (a) shall—

(1) specify and prioritize near-term, mid-term and long-term research objectives, including objectives associated with the research areas identified in section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C.

7403(a)(1)) and how the near-term objectives complement research and development areas in which the private sector is actively engaged;

(2) describe how the Program will focus on innovative, transformational technologies with the potential to enhance the security, reliability, resilience, and trustworthiness of the digital infrastructure;

(3) describe how the Program will foster the transfer of research and development results into new cybersecurity technologies and applications for the benefit of society and the national interest, including through the dissemination of best practices and other outreach activities;

(4) describe how the Program will establish and maintain a national research infrastructure for creating, testing, and evaluating the next generation of secure networking and information technology systems;

(5) describe how the Program will facilitate access by academic researchers to the infrastructure described in paragraph (4), as well as to relevant data, including event data; and

(6) describe how the Program will engage females and individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) to foster a more diverse workforce in this area.

(c) **DEVELOPMENT OF ROADMAP.**—The agencies described in subsection (a) shall develop and annually update an implementation roadmap for the strategic plan required in this section. Such roadmap shall—

(1) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated;

(2) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

(3) estimate the funding required for each major research objective of the strategic plan for the following 3 fiscal years.

(d) **RECOMMENDATIONS.**—In developing and updating the strategic plan under subsection (a), the agencies involved shall solicit recommendations and advice from—

(1) the advisory committee established under section 101(b)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)(1)); and

(2) a wide range of stakeholders, including industry, academia, including representatives of minority serving institutions, and other relevant organizations and institutions.

(e) **APPENDING TO REPORT.**—The implementation roadmap required under subsection (c), and its annual updates, shall be appended to the report required under section 101(a)(2)(D) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)(D)).

#### SEC. 104. SOCIAL AND BEHAVIORAL RESEARCH IN CYBERSECURITY.

Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) by inserting “and usability” after “to the structure”;

(2) in subparagraph (H), by striking “and” after the semicolon;

(3) in subparagraph (I), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new subparagraph:

“(J) social and behavioral factors, including human-computer interactions, usability, user motivations, and organizational cultures.”.

#### SEC. 105. NATIONAL SCIENCE FOUNDATION CYBERSECURITY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) **COMPUTER AND NETWORK SECURITY RESEARCH AREAS.**—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C.



7403(a)(1)) is amended in subparagraph (A) by inserting “identity management,” after “cryptography,”.

(b) **COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.**—Section 4(a)(3) of such Act (15 U.S.C. 7403(a)(3)) is amended by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

“(A) \$68,700,000 for fiscal year 2010;

“(B) \$73,500,000 for fiscal year 2011;

“(C) \$78,600,000 for fiscal year 2012;

“(D) \$84,200,000 for fiscal year 2013; and

“(E) \$90,000,000 for fiscal year 2014.”.

(c) **COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.**—Section 4(b) of such Act (15 U.S.C. 7403(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) in subparagraph (D), by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(E) how the center will partner with government laboratories, for-profit entities, other institutions of higher education, or nonprofit research institutions.”; and

(2) by amending paragraph (7) to read as follows:

“(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.”.

(d) **COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.**—Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is amended to read as follows:

“(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.”.

(e) **SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.**—Section 5(b)(2) of such Act (15 U.S.C. 7404(b)(2)) is amended to read as follows:

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.”.

(f) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY.**—Section 5(c)(7) of such Act (15 U.S.C. 7404(c)(7)) is amended to read as follows:

“(7) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.”.

(g) **POSTDOCTORAL RESEARCH FELLOWSHIPS IN CYBERSECURITY.**—Section 5(e) of such Act (15 U.S.C. 7404(e)) is amended to read as follows:

“(e) **POSTDOCTORAL RESEARCH FELLOWSHIPS IN CYBERSECURITY.**—

“(1) **IN GENERAL.**—The Director shall carry out a program to encourage young scientists and engineers to conduct postdoctoral research in the fields of cybersecurity and information assurance, including the research areas described in section 4(a)(1), through the award of competitive, merit-based fellowships.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.”.

#### **SEC. 106. FEDERAL CYBER SCHOLARSHIP FOR SERVICE PROGRAM.**

(a) **IN GENERAL.**—The Director of the National Science Foundation shall carry out a Scholarship for Service program to recruit and train the next generation of Federal cybersecurity professionals and to increase the capacity of the higher

education system to produce an information technology workforce with the skills necessary to enhance the security of the Nation’s communications and information infrastructure.

(b) **CHARACTERISTICS OF PROGRAM.**—The program under this section shall—

(1) provide, through qualified institutions of higher education, scholarships that provide tuition, fees, and a competitive stipend for up to 2 years to students pursuing a bachelor’s or master’s degree and up to 3 years to students pursuing a doctoral degree in a cybersecurity field;

(2) provide the scholarship recipients with summer internship opportunities or other meaningful temporary appointments in the Federal information technology workforce; and

(3) increase the capacity of institutions of higher education throughout all regions of the United States to produce highly qualified cybersecurity professionals, through the award of competitive, merit-reviewed grants that support such activities as—

(A) faculty professional development, including technical, hands-on experiences in the private sector or government, workshops, seminars, conferences, and other professional development opportunities that will result in improved instructional capabilities;

(B) institutional partnerships, including minority serving institutions; and

(C) development of cybersecurity-related courses and curricula.

(c) **SCHOLARSHIP REQUIREMENTS.**—

(1) **ELIGIBILITY.**—Scholarships under this section shall be available only to students who—

(A) are citizens or permanent residents of the United States;

(B) are full-time students in an eligible degree program, as determined by the Director, that is focused on computer security or information assurance at an awardee institution; and

(C) accept the terms of a scholarship pursuant to this section.

(2) **SELECTION.**—Individuals shall be selected to receive scholarships primarily on the basis of academic merit, with consideration given to financial need and to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

(3) **SERVICE OBLIGATION.**—If an individual receives a scholarship under this section, as a condition of receiving such scholarship, the individual upon completion of their degree must serve as a cybersecurity professional within the Federal workforce for a period of time equal to the length of the scholarship. If a scholarship recipient is not offered employment by a Federal agency or a federally funded research and development center, the service requirement can be satisfied at the Director’s discretion by—

(A) serving as a cybersecurity professional in a State, local, or tribal government agency; or

(B) teaching cybersecurity courses at an institution of higher education.

(4) **CONDITIONS OF SUPPORT.**—As a condition of acceptance of a scholarship under this section, a recipient shall agree to provide the awardee institution with annual verifiable documentation of employment and up-to-date contact information.

(d) **FAILURE TO COMPLETE SERVICE OBLIGATION.**—

(1) **GENERAL RULE.**—If an individual who has received a scholarship under this section—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section; or

(E) fails to fulfill the service obligation of the individual under this section,

such individual shall be liable to the United States as provided in paragraph (3).

(2) **MONITORING COMPLIANCE.**—As a condition of participating in the program, a qualified institution of higher education receiving a grant under this section shall—

(A) enter into an agreement with the Director of the National Science Foundation to monitor the compliance of scholarship recipients with respect to their service obligation; and

(B) provide to the Director, on an annual basis, post-award employment information required under subsection (c)(4) for scholarship recipients through the completion of their service obligation.

(3) **AMOUNT OF REPAYMENT.**—

(A) **LESS THAN ONE YEAR OF SERVICE.**—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

(B) **MORE THAN ONE YEAR OF SERVICE.**—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

(C) **REPAYMENTS.**—A loan described in subparagraph (A) or (B) shall be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a and following), and shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Director (in consultation with the Secretary of Education) in regulations promulgated to carry out this paragraph.

(4) **COLLECTION OF REPAYMENT.**—

(A) **IN GENERAL.**—In the event that a scholarship recipient is required to repay the scholarship under this subsection, the institution providing the scholarship shall—

(i) be responsible for determining the repayment amounts and for notifying the recipient and the Director of the amount owed; and

(ii) collect such repayment amount within a period of time as determined under the agreement described in paragraph (2), or the repayment amount shall be treated as a loan in accordance with paragraph (3)(C).

(B) **RETURNED TO TREASURY.**—Except as provided in subparagraph (C) of this paragraph, any such repayment shall be returned to the Treasury of the United States.

(C) **RETAIN PERCENTAGE.**—An institution of higher education may retain a percentage of any repayment the institution collects under this paragraph to defray administrative costs associated with the collection. The Director shall establish a single, fixed percentage that will apply to all eligible entities.

(5) **EXCEPTIONS.**—The Director may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this section whenever compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(e) **HIRING AUTHORITY.**—For purposes of any law or regulation governing the appointment of individuals in the Federal civil service, upon successful completion of their degree, students receiving a scholarship under this section shall be hired under the authority provided for in section 213.3102(r) of title 5, Code of Federal Regulations, and be exempted from competitive service. Upon fulfillment of the service term, such individuals shall be converted to a competitive service position without competition if the individual meets the requirements for that position.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation to carry out this section—

- (1) \$18,700,000 for fiscal year 2010;
- (2) \$20,100,000 for fiscal year 2011;
- (3) \$21,600,000 for fiscal year 2012;
- (4) \$23,300,000 for fiscal year 2013; and
- (5) \$25,000,000 for fiscal year 2014.

#### **SEC. 107. CYBERSECURITY WORKFORCE ASSESSMENT.**

Not later than 180 days after the date of enactment of this Act the President shall transmit to the Congress a report addressing the cybersecurity workforce needs of the Federal Government. The report shall include—

(1) an examination of the current state of and the projected needs of the Federal cybersecurity workforce, including a comparison of the different agencies and departments, and an analysis of the capacity of such agencies and departments to meet those needs;

(2) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, and an examination of the current and future capacity of United States institutions of higher education to provide cybersecurity professionals with those skills sought by the Federal Government and the private sector;

(3) an examination of the effectiveness of the National Centers of Academic Excellence in Information Assurance Education, the Centers of Academic Excellence in Research, and the Federal Cyber Scholarship for Service programs in promoting higher education and research in cybersecurity and information assurance and in producing a growing number of professionals with the necessary cybersecurity and information assurance expertise;

(4) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, and hiring flexibilities; and

(5) recommendations for Federal policies to ensure an adequate, well-trained Federal cybersecurity workforce.

#### **SEC. 108. CYBERSECURITY UNIVERSITY-INDUSTRY TASK FORCE.**

(a) **ESTABLISHMENT OF UNIVERSITY-INDUSTRY TASK FORCE.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cybersecurity through a consortium or other appropriate entity with participants from institutions of higher education and industry.

(b) **FUNCTIONS.**—The task force shall—

(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of

work focused on nationally significant challenges and requiring collaboration;

(3) define the roles and responsibilities for the participants from institutions of higher education and industry in such entity;

(4) propose guidelines for assigning intellectual property rights and for the transfer of research and development results to the private sector; and

(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

(c) **COMPOSITION.**—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cybersecurity.

(d) **REPORT.**—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress a report describing the findings and recommendations of the task force.

#### **SEC. 109. CYBERSECURITY CHECKLIST DEVELOPMENT AND DISSEMINATION.**

Section 8(c) of the Cyber Security Research and Development Act (15 U.S.C. 7406(c)) is amended to read as follows:

“(c) **CHECKLISTS FOR GOVERNMENT SYSTEMS.**—

“(1) **IN GENERAL.**—The Director of the National Institute of Standards and Technology shall develop or identify and revise or adapt as necessary, checklists, configuration profiles, and deployment recommendations for products and protocols that minimize the security risks associated with each computer hardware or software system that is, or is likely to become, widely used within the Federal Government.

“(2) **PRIORITIES FOR DEVELOPMENT.**—The Director of the National Institute of Standards and Technology shall establish priorities for the development of checklists under this subsection. Such priorities may be based on the security risks associated with the use of each system, the number of agencies that use a particular system, the usefulness of the checklist to Federal agencies that are users or potential users of the system, or such other factors as the Director determines to be appropriate.

“(3) **EXCLUDED SYSTEMS.**—The Director of the National Institute of Standards and Technology may exclude from the requirements of paragraph (1) any computer hardware or software system for which the Director determines that the development of a checklist is inappropriate because of the infrequency of use of the system, the obsolescence of the system, or the inutility or impracticability of developing a checklist for the system.

“(4) **AUTOMATION SPECIFICATIONS.**—The Director of the National Institute of Standards and Technology shall develop automated security specifications (such as the Security Content Automation Protocol) with respect to checklist content and associated security related data.

“(5) **DISSEMINATION OF CHECKLISTS.**—The Director of the National Institute of Standards and Technology shall ensure that Federal agencies are informed of the availability of any product developed or identified under the National Checklist Program for any information system, including the Security Content Automation Protocol and other automated security specifications.

“(6) **AGENCY USE REQUIREMENTS.**—The development of a checklist under paragraph (1) for a computer hardware or software system does not—

“(A) require any Federal agency to select the specific settings or options recommended by the checklist for the system;

“(B) establish conditions or prerequisites for Federal agency procurement or deployment of any such system;

“(C) imply an endorsement of any such system by the Director of the National Institute of Standards and Technology; or

“(D) preclude any Federal agency from procuring or deploying other computer hardware or software systems for which no such checklist has been developed or identified under paragraph (1).”

#### **SEC. 110. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY RESEARCH AND DEVELOPMENT.**

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

“(e) **INTRAMURAL SECURITY RESEARCH.**—As part of the research activities conducted in accordance with subsection (d)(3), the Institute shall—

“(1) conduct a research program to develop a unifying and standardized identity, privilege, and access control management framework for the execution of a wide variety of resource protection policies and that is amenable to implementation within a wide variety of existing and emerging computing environments;

“(2) carry out research associated with improving the security of information systems and networks;

“(3) carry out research associated with improving the testing, measurement, usability, and assurance of information systems and networks; and

“(4) carry out research associated with improving security of industrial control systems.”

#### **TITLE II—ADVANCEMENT OF CYBERSECURITY TECHNICAL STANDARDS**

##### **SEC. 201. DEFINITIONS.**

In this title:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) **INSTITUTE.**—The term “Institute” means the National Institute of Standards and Technology.

##### **SEC. 202. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.**

The Director, in coordination with appropriate Federal authorities, shall—

(1) ensure coordination of United States Government representation in the international development of technical standards related to cybersecurity; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to the Congress a proactive plan to engage international standards bodies with respect to the development of technical standards related to cybersecurity.

##### **SEC. 203. PROMOTING CYBERSECURITY AWARENESS AND EDUCATION.**

(a) **PROGRAM.**—The Director, in collaboration with relevant Federal agencies, industry, educational institutions, and other organizations, shall develop and implement a cybersecurity awareness and education program to increase public awareness of cybersecurity risks, consequences, and best practices through—

(1) the widespread dissemination of cybersecurity technical standards and best practices identified by the Institute; and

(2) efforts to make cybersecurity technical standards and best practices usable by individuals, small to medium-sized businesses, State, local, and tribal governments, and educational institutions.

(b) **MANUFACTURING EXTENSION PARTNERSHIP.**—The Director shall, to the extent appropriate, implement subsection (a) through the Manufacturing Extension Partnership program under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(c) **REPORT TO CONGRESS.**—Not later than 90 days after the date of enactment of this Act, the

Director shall transmit to the Congress a report containing a strategy for implementation of this section.

**SEC. 204. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.**

The Director shall establish a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns, to—

- (1) improve interoperability among identity management technologies;
- (2) strengthen authentication methods of identity management systems;
- (3) improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and
- (4) improve the usability of identity management systems.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-410. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-410.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HASTINGS of Florida:

Page 21, line 4, strike “and an” and insert “an”.

Page 21, line 8, insert “, and a description of how successful programs are engaging the talents of women and African-Americans, Hispanics, and Native Americans in the cybersecurity workforce” after “private sector”.

Page 23, line 11, insert “, and shall include representatives from minority-serving institutions” after “in cybersecurity”.

The CHAIR. Pursuant to House Resolution 1051, the gentleman from Florida (Mr. HASTINGS) and a Member in opposition each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. First, let me thank BART GORDON and this committee for the extraordinary work that they have done. And even though all of us are going to get an opportunity to say to the chairperson our thanks for his efforts here in Congress, I'd like to just personally thank him not only for the Cybersecurity Enhancement Act of 2009, but for substantial and substantive legislation throughout the course of his career.

I'm pleased to offer this amendment to address cybersecurity workforce

concerns and advance the development of technical standards. If we're going to do that, we need to consider all of the different innovative opportunities out there. I was disappointed, though, to discover the significant gender and racial disparities in the cybersecurity industry.

We know cyberspace touches practically everything and everyone, yet I find it mind-boggling that we haven't made more of an effort to include everyone in protecting it. Women now constitute 50.7 percent of the U.S. population as of 2008, and the U.S. Census Bureau found that only 14 percent of women pursue professional careers in science or technology. Other underrepresented groups mentioned in this amendment include African Americans, Hispanics, and Native Americans. All of these groups have historically been underrepresented in scientific and engineering occupations. The U.S. Census Bureau recorded African Americans as 28.2 percent of the U.S. population in 2008, yet these groups only represent a mere 10 percent of the science and technology industry.

In order to protect cyberspace, we need a strong vision and leadership. Both will require changes in policy, technology, education, and perhaps law. This bill will be recruiting the best and brightest, and we must ensure these opportunities are available to all Americans.

This amendment will address existing and potential racial and gender disparities in the industry. The first part of the amendment deals with the section on the cybersecurity workforce assessment. In this section, we require the President to transmit to Congress a report analyzing the cybersecurity workforce needs of the Federal Government. If we're going to take a good look at the sources and availability of cybersecurity talent in our country, then we must also take a more vigilant look at how we are including the talent of minorities.

According to a 1995 report by the National Research Council, “limited access is the first hurdle faced by women seeking industrial jobs in science and engineering, and while progress has been made in recent years, common recruitment and hiring practices that make extensive use of traditional networks often overlook the available pool of women.” Madam Chair, it is truly embarrassing that 15 years later, we find ourselves having made such little progress on this issue.

The second part of the amendment adds a requirement to include representatives from minority-serving institutions on the Cybersecurity University-Industry Task Force. In order to conduct a national dialogue on cybersecurity and develop more public awareness of the threat and risk, we need an integrated approach—one that

includes a diverse industry that can tackle our vulnerabilities while also meeting our economic needs and national security requirements.

Madam Chair, the United States needs a comprehensive framework to ensure a coordinated response and recovery by the government, the private sector, and our allies to a significant incident or threat. This amendment ensures that the process is accessible to our Nation's diverse talent.

In addition to thanking the committee, and especially Chairman GORDON, I'd like to thank our colleague, Congressman CIRO RODRIGUEZ of Texas for cosponsoring this amendment.

I urge my colleagues to support this effort.

Mr. MCCAUL. Madam Chair, I rise to claim time in opposition, although I do not intend to oppose this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Mr. HASTINGS and my colleague from Texas (Mr. RODRIGUEZ) are making improvements to this bill to ensure that the strategic plan takes into consideration the talents of women and minority populations in the cybersecurity workforce and that the University-Industry Task Force includes representatives from minority-serving institutions. I therefore urge support for this amendment.

I reserve the balance of my time.

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Mr. HASTINGS of Florida. Madam Chair, I yield 30 seconds to the distinguished chairperson of the committee.

Mr. GORDON of Tennessee. Madam Chairman, first of all, let me thank my friend from Florida for his very kind words. But more importantly, I want to thank him for introducing this important legislation. We can have the best technology in the world, but if we don't have the workforce to go with it, then the bad guys win. This will go a long way to improving and expanding our workforce, and I thank the gentleman for this amendment.

Mr. RODRIGUEZ. Madam Chair, I rise in support of the Hastings-Rodriguez Amendment to H.R. 4061, the Cyber Security Enhancement Act.

Our amendment aims to address the lack of minority representation in the cyber security industry. In addition it provides for a minority serving institution to participate in the university-industry task force authorized by this legislation.

Our country is blessed to have many top-notch universities already training our future cyber security experts. For example, a minority serving institution in my district, the University of Texas—San Antonio, is producing both undergrads and graduate degrees in information assurance and computer science. UTSA has been designated a Center of Academic Excellence in Information Assurance Education and a Center of Academic Excellence

in Information Assurance Research by the National Security Agency and Department of Homeland Security. Only 23 programs in the nation have achieved the research designation.

Universities like UTSA can play a major role in our national cyber policy and the training of our future cyber workforce. This underlying legislation will set us on our way to prepare our diverse workforce for our current and future needs.

I would like to thank my colleague Mr. HASTINGS for his partnership on this amendment. I urge my colleagues to support the Hastings/Rodriguez amendment and support H.R. 4061.

Mr. HASTINGS of Florida. Madam Chair, I yield back the balance of my time.

Mr. McCAUL. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. GORDON OF TENNESSEE

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-410.

Mr. GORDON of Tennessee. Madam Chair, as the designee of the gentleman from Colorado, I rise to offer his amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GORDON of Tennessee:

Page 13, line 22, insert "or, at the discretion of the Director, with appropriate private sector entities" after "technology workforce".

The CHAIR. Pursuant to House Resolution 1051, the gentleman from Tennessee (Mr. GORDON) and a Member in opposition each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Chair, one of the best ways for cybersecurity professionals to improve their skills is through meaningful and diverse experiences. This amendment would allow scholarship recipients to seek out internship opportunities in the private sector and then bring those experiences to their service in the Federal Government.

I want to thank my friend Mr. POLIS for this good amendment, and I urge my colleagues to support it.

I yield back the balance of my time. Mr. POLIS. Madam Chair, I rise today to offer an amendment to H.R. 4061, the Cybersecurity Act of 2009.

I would like to thank Chairman GORDON, his staff, and Representative LIPINSKI for their

leadership on a critical, bipartisan bill that will train the experts we need to tackle tomorrow's challenges and enable the United States to stay competitive in the realm of cybersecurity.

In a world of blogs and widgets, smart phones and e-mail, we are a global community growing ever closer and interconnected. The average citizen cannot help but be a part of an extended electronic family. Technological progress has enhanced our personal and work lives, regardless of our job or position.

As someone who has founded and run several small businesses, I can speak to the advantages of working in this age of e-commerce and how it has improved my ability to represent Colorado's Second Congressional District.

My amendment expands the proposed internship opportunities available to participants in the Federal Cyber Scholarship for Service Program to include placements in the private sector. I believe it will serve tomorrow's cybersecurity professionals and our national security interests to open up this program to a diversity of experience. For the future recipients of these scholarships, it will provide the occasion to serve not only in the Federal technology workforce, but also at the abundance of small, medium, and large businesses that help to make up our nation's economy.

My district provides a clear illustration of where institutions of higher education, small businesses, and the Federal Government can cooperate to benefit each other and the rest of the nation.

We have a thriving community of startups, lower than average unemployment, and a history of growing small businesses. With the collaboration of budding cybersecurity professionals from the University of Colorado, in Boulder, these companies can benefit from their education and, in turn, impart the practical knowledge that will build each student's portfolio of experiences.

Having gained and grown from these experiences, I am positive that their education in the private sector will help to provide unique solutions to daunting tasks during their time in the Federal Government. What originally seemed like a strategy only applicable to a small high-tech company in Boulder, can now serve as a useful tool when confronted with the task of fending off cyber attacks.

The state of cybersecurity is fast becoming one of the great challenges of the 21st century. It is apparent that despite increased spending on research and development, our technological infrastructure is still vulnerable. China's recent intrusion into Google's operations should serve as a call to preparedness for both the private sector and the Federal Government.

This past May, President Obama's "Cyberspace Policy Review" highlighted the importance of developing partnerships between the Federal Government and the private sector. We must heed his call to broaden the scope of our experience. The limits of cyber growth are constantly expanding and, consequently, so must our plans to address the plethora of issues that crop up.

As Secretary Clinton put it recently, "the Internet, though a blessing, can be a threat to those who would fall prey to cyber terrorism."

It is our job as inventors and stewards of the Internet to ensure unhindered access to information and technology that enriches the lives of everyone. By boosting our training capabilities we are ensuring a safe and free Internet experience, informed by the latest discoveries and implemented by practiced professionals.

This amendment helps to guarantee that we are addressing the long-term challenges inherent to cyber security. It will create ties with the private sector and cultivate a workforce with a skill set that will serve in a variety of scenarios.

Madam Chair, this amendment and this bill are critical to protecting our nation's sensitive information, ensuring a competent cybersecurity workforce and boosting our economic competitiveness. I urge passage of this amendment and the underlying bill.

Mr. McCAUL. Madam Chair, I rise to claim time in opposition, although I do not intend to oppose this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. As part of the Scholarship for Service program at NSF, scholarship awardees are to receive internships at Federal agencies. This amendment simply gives the director the discretion of allowing them to intern in the private sector. So, therefore, I support this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-410.

Mr. FLAKE. Madam Chair, I have an amendment at the desk, designated as No. 3 under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

Page 12, after line 25, insert the following new subsection:

(h) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section, and the amendments made by this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 1051, the gentleman from Arizona (Mr. FLAKE) and a Member in opposition each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chair, this amendment, I hope, is noncontroversial in nature. Section 105 of the bill would authorize appropriations for several National Science Foundation grant programs dealing with cybersecurity. For example, the bill authorizes nearly \$400 million through 2014 for computer and network security research grants. In addition, the bill would authorize

such sums as necessary to make grants related to computer and network security research centers and capacity building, Scientific and Advanced Technology Act grants, and traineeships and research fellowships. This amendment would simply prohibit any earmarking of the funds made available for these programs under this act.

It appears that the grants are already intended to be awarded on a "merit-reviewed competitive basis." But I think we still need this amendment because we've seen in the past, time and time and time and time again, that programs that were set up to be competitive accounts that are supposed to be competitive or merit reviewed are simply earmarked later. So if we have this language in it, it will make it less likely that these accounts are subject to earmarking. It's unfortunate that we have to take this step, I realize, but I think we should.

I agree with the President when he said last week that we need to "continue down the path to earmark reform" and that "restoring the public trust demands more." This is doing more. I think that we ought to go much further than this, but this is a good start.

I wish to yield as much time as he may consume to the ranking minority member for his comments.

Mr. McCAUL. Madam Chair, I rise in support of this amendment, and I also support the gentleman's position on earmarks. This amendment would prohibit the earmarking of the NSF and NIST cybersecurity activities authorized in this bill. It is well understood that awarding grants through merit-based competitive processes is the best way to fund science and technology, and cybersecurity is certainly no exception. This insulation from political influences is, in fact, an important reason why NSF and NIST have such a strong reputation overall both within and outside of the Federal Government.

Mr. FLAKE's amendment will help ensure that this model is being protected by incorporating it specifically into the statute. I urge my colleagues to support this amendment.

Mr. FLAKE. I thank the gentleman. Let me just say, I mentioned that we have had examples in the past. Let me just give one where programs that were supposed to be competitively awarded were, in fact, earmarked. Last year we established a grant program called the Emergency Operation Centers. It was established by Congress in FY 2008, in the Homeland Security bill. Last year in the spending bill, it showed that 60 percent of the funds in this grant program were earmarked. We simply can't allow that to happen here. This is a \$400 million authorization for this grant program, and we can't have it earmarked.

I reserve the balance of my time.

Mr. GORDON of Tennessee. I rise to claim time in opposition to the amendment, even though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Madam Chairman, I want to thank my friend for introducing this amendment. It certainly is accepted by the majority; and I want to assure him, as Mr. McCAUL can also, that this particular bill is clean as a whistle. There are no earmarks, NSF, NIST, or anywhere else. Again, I thank him for making sure that we get that clarified.

I yield the balance of my time to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Thank you, Chairman GORDON. Madam Chair, I rise today in support of the Polis amendment to H.R. 4061, the Cybersecurity Enhancement Act of 2009. We enjoyed working very closely with Chairman GORDON, his staff, Representative LIPINSKI; and I appreciate their leadership on this critical and bipartisan bill that will train the experts who we need to tackle tomorrow's challenges and enable the United States and the world to stay competitive in cybersecurity.

In a world of blogs and widgets, smartphones and email, we are truly a global community, growing ever-closer and ever-more interconnected. The average citizen cannot help but feel part of an extended electronic family. Technological progress has enhanced our personal and work lives regardless of our job or position. As someone who has founded and run several small technology-related businesses, I can speak to the advantages of working in the technology age and how it's improved my ability now on the political side to represent the people of Colorado's Second Congressional District.

My amendment expands the proposed internship opportunities available to participants in the Federal Cyber Scholarship for Service program to include placements in the private sector. I believe it will serve tomorrow's cybersecurity professionals and our national security interests to open up this program to a diversity of experience from the public and private sector. For the future recipients of these scholarships, it will provide the occasion to serve not only in the Federal technology workforce but also at the abundance of small, medium and large businesses that help make up our Nation's economy.

My district is a great example of where institutions of higher education, small business and the Federal Government cooperate to benefit one another and the rest of the Nation. We have a thriving community of startups, lower than average unemployment and a history of growing successful small busi-

nesses. With the collaboration of budding cybersecurity professionals from the University of Colorado in Boulder, these companies can benefit from their education and, in turn, impart the practical knowledge that will build each student's portfolio of experience. Having gained and grown from these experiences, I am positive that their education in the private sector will help promote unique solutions to daunting tasks during their time in the Federal Government. What originally seemed like a strategy only applicable to small high-tech companies in Boulder can now serve as a useful tool when confronted with the task of fending off cyberattacks from nation-states or rogue individuals.

The state of cybersecurity is fast becoming one of the greatest challenges of the 21st century. It's apparent that despite increased spending on research and development, our technological infrastructure is still vulnerable. China's recent intrusion into Google's operations should serve as a call for preparedness to both the private sector and the Federal Government.

This past May, President Obama's cyberspace policy review highlighted the importance of developing partnerships between the Federal Government and the private sector. The limits of cybergrowth are constantly expanding and so too must our plans to address the plethora of issues that crop up. As Secretary Clinton put it recently: "The Internet, though a blessing, can be a threat to those who would fall prey to cyberterrorism." It is our job, as inventors and stewards of the Internet, to ensure unhindered, free and secure access to enrich the lives of everyone.

By boosting our training capabilities, we are helping to ensure a safe and free Internet experience. This amendment helps to guarantee that we are addressing the long-term challenges inherent in cybersecurity. It will create ties to the private sector and cultivate a workforce for the future. Madam Chairman, this amendment and this bill are critical to protecting our Nation's sensitive information and ensuring our cybersecurity. I appreciate the Committee of the Whole for accepting this amendment and Mr. GORDON for offering it.

Mr. FLAKE. Just to conclude, I appreciate the majority's willingness to accept the amendment. Again, I appreciate the fact that there are no earmarks in this authorization. What we're seeking to do here is that when money is appropriated for these programs that are authorized here, that none of that money can be earmarked like we've seen in many, many, many bills before.

With that, I yield back the balance of my time.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MATHESON

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-410.

Mr. MATHESON. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MATHESON:

Page 9, line 23, strike "is amended" and insert "is amended—

(1)".

Page 9, line 25, strike the period and insert "; and".

Page 9, after line 25, insert the following new paragraph:

(2) by amending subparagraph (I) to read as follows:

"(I) enhancement of the ability of law enforcement to detect, investigate, and prosecute cyber-crimes, including crimes that involve piracy of intellectual property, crimes against children, and organized crime."

The CHAIR. Pursuant to House Resolution 1051, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Madam Chair, I will be very brief. You know, right now this legislation to enhance cybersecurity authorizes the National Science Foundation to assist in doing research that will help law enforcement look for issues related to intellectual property. I thought it would be helpful if we also included and amended this bill to enhance the ability of law enforcement to prosecute cybercrimes that involve crimes against children and organized crime.

So simply stated, that is the substance of this amendment. I think any of us who are parents of children right now have concerns about when kids are using the Internet and the amount of inappropriate material that's on it right now and the number of folks who are targeting children on the Internet. So I thought that would be a helpful amendment to this bill. I encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MCCAUL. Madam Chair, I rise to claim time in opposition, although I am not opposed to this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Madam Chair, NSF computer and network security research grants are intended to enhance computer security through basic hardware and software research in numerous areas, including the ability for law enforcement to detect, investigate, and prosecute cybercrimes.

This amendment merely highlights crimes against children and organized crime, such as cybercrimes, where these investments should be made. So I fully support this good amendment.

I yield back the balance of my time.

Mr. MATHESON. I yield back the balance of my time as well, Madam Chair.

The CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. ROSKAM

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-410.

Mr. ROSKAM. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROSKAM:

Page 8, line 20, insert "and community colleges" after "minority serving institutions".

Page 14, line 10, insert "and community colleges" after "minority serving institutions".

Page 21, line 6, insert ", including community colleges," after "institutions of higher education".

Page 23, line 10, insert ", including community colleges," after "institutions of higher education".

The CHAIR. Pursuant to House Resolution 1051, the gentleman from Illinois (Mr. ROSKAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. ROSKAM. I yield myself such time as I may consume.

Madam Chair, I thank the majority for making this amendment in order and a special thank you to the gentleman from Illinois (Mr. LIPINSKI) who was instrumental in putting this together.

The amendment is actually very straightforward and very, very simple. It just inserts the word or phrase "community college" at four different points in the bill.

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What this amendment is trying to do is to expand the pool of people that we're reaching out to to bring into this idea of taking on this great challenge of cybersecurity. In a nutshell, I'd like to read just a quick paragraph from a community college in my district, the College of DuPage, located in Glen Ellyn, Illinois. It says of this amendment that it will capitalize on the abilities of the exceptional faculty, talented students, and the state-of-the-art

facilities at the College of DuPage and institutions like it to produce careers and put in place systems to protect our country. And similarly, the amendment is supported by the American Association of Community Colleges.

But I think, putting this into a larger context, it's important, because if you look at where we're going as a Nation, and notwithstanding all the turmoil that we've seen regarding our economy and where we're attempting to go, and we're struggling with great unemployment rates and so forth, without question, it's the technology sector of our economy that's going to lead the way. And without question, we're going to need an underlying system that is secure. And so I think casting a wider net, including folks in the community college system who have proven themselves time and time again, to ultimately invite them into this solution, I think, is the way to go. It's a fairly straightforward amendment and it says that technology is important for our Nation and, ultimately, technology and cybersecurity are important for our Nation.

I yield to the gentleman from Texas (Mr. MCCAUL) for such time as he may consume.

Mr. MCCAUL. Madam Chairman, I'm pleased to strongly support this amendment. Our Nation's community colleges have played a crucial role in our technology and educational workforce. This amendment makes sure they are able to make recommendations and give advice to the Federal Government on the strategic plan. It emphasizes their eligibility as a potential institutional partner under the Scholarship for Service Program and really puts them at the table of the University-Industry Task Force.

So, with that, I strongly urge support.

Mr. ROSKAM. I thank the gentleman for his kind words.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. EDWARDS OF MARYLAND

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-410.

Ms. EDWARDS of Maryland. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. EDWARDS of Maryland:

At the end of the bill, insert the following new section:

SEC. 205. PRACTICES AND STANDARDS.

The National Institute of Standards and Technology shall work with other Federal, State, and private sector partners, as appropriate, to develop a framework that States



may follow in order to achieve effective cybersecurity practices in a timely and cost effective manner.

The CHAIR. Pursuant to House Resolution 1051, the gentlewoman from Maryland (Ms. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland.

Ms. EDWARDS of Maryland. Madam Chairman, I want to take this moment to thank Chairman GORDON and Ranking Member HALL and Representative LIPINSKI for their hard work on this really important bill and for consideration of this amendment. I probably, like lots of Americans, have faced the circumstance, even in this last month and a half, private information compromised first at a bank, then at a Federal agency, and then at a retail establishment, all within the span of a month and a half.

Threats such as identity theft, denial of service attacks, worms, viruses, the loss of sensitive information, and other malicious activity are a part of the ever-evolving cybersecurity threat to our country. It's important that we act swiftly to prepare our Nation for these threats and to anticipate the threats that we'll face in the years to come. It's not an easy task. We operate on a system of databases throughout this country that interact at the Federal, State, and local level and in the commercial sector.

This bipartisan bill really accomplishes all of these goals. And further, the amendment that I'm offering really encourages the National Institute of Standards and Technology to work with other Federal Government entities, State governments and the private sector partners to develop a framework that States may follow as they strengthen their cybersecurity standards.

One of the weaknesses identified as our committee marked up this legislation is the lack of collaboration between various entities concerned with cybersecurity. The underlying bill takes major steps to address this, but I believe that my amendment strengthens these measures and will lead to States that are many times on the front lines to make major progress toward keeping their networks and information safe; and, of course, that does trickle down to the local level and out into the commercial sector.

In my home State of Maryland, we just made a major commitment to cybersecurity, as many States have across this country, with varying standards of operation and security around the country. This amendment will ensure that States can use their resources much more efficiently. Security requirements and priorities are unique to each State and often times unique among government entities in the same State. My amendment recognizes this and allows States and the

standards to adapt with the changing threats and needs.

Madam Chairman, I urge my colleagues to support this amendment because we must encourage collaboration and innovation as we aim to address the multiple threats to our cybersecurity.

I reserve the balance of my time.

Mr. McCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR (Mr. MORAN of Virginia). Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. This amendment directs NIST to work with Federal, State, and private-sector partners to develop a framework that States may use to improve their cybersecurity posture. Developing such a framework for use in assisting States is certainly consistent with NIST's expertise and capabilities, and there is clearly a need for this expertise at the State level.

I should note, in working with the States, that we should, of course, expect that the NIST role remains limited to the development of guidance that the States may use, if they choose, avoiding any activities that are mandatory or binding in nature.

I'd like to yield to the gentlelady from Maryland (Ms. EDWARDS) to say if that's a correct statement. That is my understanding of this amendment.

Ms. EDWARDS of Maryland. That's correct.

Mr. McCAUL. Reclaiming my time then, I'm comfortable with the language in this amendment as written and very much support its passage.

I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Chairman, I'd like to yield 30 seconds to the chairman, the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. Mr. Chairman, I thank my friend from Maryland, and I want to thank her more importantly for introducing this commonsense constructive amendment that's going to provide additional tools for the States as they fight this issue, very well pointed out, this very difficult, day-to-day battle with cybersecurity.

Ms. EDWARDS of Maryland. Mr. Chairman, I would like to just conclude by saying that it's really important that we get this right at every level because of increasing threats to our cybersecurity, both internationally and here domestically. And I urge, again, my colleagues for careful consideration and approval of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PAULSEN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-410.

Mr. PAULSEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAULSEN: Page 7, line 15, strike "and".

Page 7, line 20, strike the period and insert "and".

Page 7, after line 20, insert the following new paragraph:

(7) outline how the United States can work strategically with our international partners on cybersecurity research and development issues where appropriate.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today to offer an amendment that would require that the cybersecurity strategic research and development plan to also include how we can work with international partners to make our technology infrastructure even safer.

Throughout most of our Nation's history, our security concerns have evolved around our national security of military security, intelligence, and protection of our borders. Now, over the past few decades, our technological advances and our ever-increasing reliance on that technology are increasingly important and have drastically expanded. This, naturally, makes our technology a likely target for attack by those that would like to harm the United States.

Furthermore, as Minnesota's Chief Information Officer, Gopal Khanna, says, "Cybersecurity is not just a Federal issue; it is also a national policy issue with huge global ramifications." And he is absolutely correct, Mr. Chairman. We must view the issue of cybersecurity from both a domestic and a foreign perspective. His article, "Mutually Assured Survival in Cyber Space," which I do intend to offer into the RECORD, outlines the critical importance of our Nation's cybersecurity infrastructure.

As Mr. Khanna states, a cybersecurity attack on our most vulnerable assets—that's the data and information that power our productivity and support the United States and global economies—will be utterly devastating. An attack would not only affect us here at home, but it would have a very adverse impact on our trading partners and the flow of commerce every day.



Today's technology-driven economy makes cybersecurity an essential national security issue, one with ramifications that stretch across our Nation and far beyond our borders. We must remember this as we look at ways to strengthen cybersecurity. We need to think about our alliances abroad in the general context of new geopolitical realities of the digital cyberworld in which we live and operate today, and this amendment recognizes those realities.

[From Governing, Sept. 8, 2009]

MUTUALLY ASSURED SURVIVAL IN CYBER SPACE

(By Gopal Khanna)

We must pool resources to focus on an all-encompassing national approach to defending our information infrastructure from attacks.

For the better part of the 20th century, America's greatest threat came from the expansionist strategies of Communism, with its values and aspirations so contradictory to our own free and open democratic society. At the heart of the conflict was the proliferation of nuclear arsenals and the horrific potential to kill millions with one strike. Baby boomers who were schoolchildren at the time remember the drills when they were instructed to hide under their desks in the event of an attack.

While nuclear proliferation is still a threat, America is beginning to recognize a sleeper threat of a different kind: the devastation that can result from the mass disruption of business communications and the workings of government through cyber attacks. As we reflect on the results of President Obama's 60-day Cyberspace Policy Review, policy makers and private-sector leaders need to come together to apply great effort and creativity in crafting safeguards against these vulnerabilities.

The series of apparently orchestrated attacks on U.S. Web sites in July—directed at such critical entities as the Treasury Department, Secret Service, Federal Trade Commission and New York Stock Exchange—is precisely why the U.S. should become a leader in thwarting cyber attacks on our national and international information infrastructure. In his May 29 remarks on securing the nation's information infrastructure, President Obama stated that “the status quo is no longer acceptable” and called our attention to the critical work ahead. To reiterate that point, last month Homeland Security Secretary Janet Napolitano emphasized how important the role of state and local governments will be in meeting today's cyber security threats and that “it is important to recognize that there is no international structure” where cyber crime is concerned.

The Cyberspace Policy Review has validated our understanding that it is not only corporate America that is now under siege, but the federal, state and local governments, private institutions and non-governmental organizations as well. Capable of wreaking a different sort of havoc, and easier to execute, today's menace comes from cyber security attacks on our most valuable assets—the data and information that power our productivity and support the economy of the United States and the world.

That is why we must pool resources to focus on an all-encompassing national approach to defending our assets within the context of the new geopolitical realities of

the digital world we live in. We need to apply all of our tools and our finest minds to harness our capabilities and competencies in the interest of protecting an infrastructure that supports our way of life. Just as ducking under desks would have done little to protect schoolchildren in the 1950s from a nuclear attack, simply hiding behind new software or the latest firewall will not protect us from tomorrow's range of cyber threats. We must do more.

To this end, the United States should take the lead in an international endeavor to address these threats; not only the risks to our own country but also the risks to our allies in free economies and open governments around the world. Every attack, regardless of its target, poses global dangers, due to the interconnections of digital infrastructure and networks as well as the interdependencies of national and regional economies, and imperils commerce and communications among all nations.

In the past, the doctrine of Mutually Assured Destruction acted as a deterrent to prevent a nuclear first-strike by either side. Both the United States and the Soviet Union knew that a strike would mean mutual annihilation. As a result, although the doctrine has not contained the spread of nuclear technology to rogue states, a nuclear weapon has not been detonated in military conflict since World War II.

We need to develop an analogous approach against these new dangers—one that fends off the cyber anarchy envisioned by some nation-states and fringe borderless entities.

The G-20 Summit in Pittsburgh this month is an ideal forum to establish America's leadership in cyber security. It's important that the international community come together to answer some basic, foundational questions about cyber attacks as a tactic of warfare: Should attacks of a cyber-nature be condemned in the same manner as chemical and biological weapons? How should a country respond to a cyber attack from another nation-state? How should the international community respond to such an attack?

The potential for mass disruption to all aspects of social, economic and political workings of nations requires that the G-20 country CIOs who are responsible for policies, practices and management of the digital infrastructure in their respective jurisdictions be a part of this discussion.

By working together, perhaps it will be understood that a cyber attack against one country is an attack against all countries, justifying a response—maybe even an international response. Time will tell if the international community will embrace as bold a deterrent as “Mutually Assured Survival in Cyber Space.” Still, now is the time to develop a doctrine of accountability and consequences that will serve as a deterrent to nation-states and rogue entities and prevent levels of cyber warfare that could jeopardize international trade, our government services, our security, our corporate and business interests, and most important, our open, democratic way of life.

I yield such time as he may consume to my colleague from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Chairman, I rise in strong support of this amendment. The gentleman is absolutely correct. The Internet knows no boundaries. This is not just an issue for the United States; it's a global issue that we need to address. This amendment simply states that the interagency cybersecurity

R&D plan required by the legislation outlines how the United States can work strategically with international partners on cybersecurity R&D.

Cybersecurity issues are certainly global in nature. Many of our closest allies face the same threats and vulnerabilities that we do. Thus, it makes sense that we should work to cooperate more closely with our international partners, and that is what this amendment will do. Therefore, I strongly urge support.

Mr. PAULSEN. I reserve the balance of my time, Mr. Chairman.

Mr. GORDON of Tennessee. Mr. Chairman, I claim the time in opposition to the amendment, even though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. GORDON of Tennessee. Mr. Chairman, I concur with Mr. MCCAUL in saying that cyberthreats know no boundaries. This is, again, a good commonsense amendment, and I thank the gentleman from Minnesota (Mr. PAULSEN) for introducing it, and we support the amendment.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Chairman, just in closing, I know that by working together on the commonsense approach—I thank the gentleman—I look forward to support of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. DAHLKEMPER

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-410.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. DAHLKEMPER:

Page 12, after line 25, insert the following new subsection:

(h) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS—MANUFACTURING EXTENSION PARTNERSHIP.—Section 5(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (I);

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

“(J) establishing or enhancing collaboration in computer and network security between community colleges, universities, and Manufacturing Extension Partnership Centers; and”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. Mr. Chairman, my amendment to H.R. 4061 expands computer and network security capacity, building grants to allow for collaboration between community colleges, universities, and Manufacturing Extension Partnership centers.

As we all know, cybersecurity is an issue that affects both our national security and our economic prosperity, and it poses a particular problem for our small businesses. Small and medium-sized businesses often cannot shoulder the costs of developing and maintaining the mechanisms needed to protect themselves from cybersecurity threats. Individually, the security of these firms may seem like a minor affair compared to larger economic and government entities; however, the 27 million small and medium-sized businesses across the country account for 95 percent of our Nation's business.

Collaboration will benefit all participants, from applied research and curriculum planning on the academic side to workforce training and better, more cost-efficient security measures for Manufacturing Extension Partnership centers and their industry partners.

I want to thank Representative GORDON, Ranking Member HALL, and Representative LIPINSKI for their leadership on this bill.

I urge my colleagues on both sides of the aisle to support the Cybersecurity Enhancement Act of 2009 and my amendment that will help small businesses, starting with our manufacturers, better confront the serious challenges of cyberspace security.

I reserve the remainder of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I'm not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. This amendment simply provides an establishing or enhancing cybersecurity collaboration between community colleges, universities, and NIST Manufacturing Extension Partnership centers, and is among the most eligible activities that may be supported by NSF cybersecurity research grants.

□ 1415

This collaboration between researchers and those that provide technical support regarding cybersecurity best practices is benefiting and should be encouraged. And therefore, I support the gentlelady from Pennsylvania's amendment.

I yield back the balance of my time.

Mrs. DAHLKEMPER. I yield as much time as he may consume to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON of Tennessee. I thank my friend from Pennsylvania.

This is a very important amendment to our committee's work. The community colleges have so much potential to offer us, and I think by bringing this to the table we're going to bring a whole other sector to getting involved. And once again, this goes back to workforce issues. We can have the best technology in the world, but if we don't have the workforce to go with it, then we're not going to be successful.

So I thank the gentlelady for this excellent amendment.

Mrs. DAHLKEMPER. I yield back the remainder of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mrs. DAHLKEMPER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Pennsylvania will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-410.

Mr. GARAMENDI. I rise for the purposes of offering an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. GARAMENDI:

Page 28, line 21, and page 29, line 1, redesignate subsections (b) and (c) as subsections (c) and (d), respectively.

Page 28, after line 20, insert the following new subsection:

(b) WORKSHOPS.—In carrying out activities under subsection (a)(1), the Institute is authorized to host regional workshops to provide an overview of cybersecurity risks and best practices to businesses, State, local, and tribal governments, and educational institutions.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, I yield myself such time as I may consume.

Long ago, I learned as a Boy Scout you need to be prepared, but to be prepared, you need knowledge and information. This amendment is all about knowledge and information for the public.

About 70 percent of Californians are linked to the Internet, but that Internet brings great problems. A new infected Web page is discovered every 5 seconds; a new spam-related Web page is discovered every 20 seconds. And additionally, there are some 2,500 e-mail

messages that contain infected information. So we best be prepared.

In order to do that, we need knowledge, and that is what this amendment is all about. It provides the opportunity for the Institute to carry out the Cybersecurity Awareness and Education Program by conducting workshops around the Nation. With those workshops available, the information can be disseminated and made available to individuals.

That is the thrust of the amendment, and I seek an "aye" vote.

I reserve the balance of my time.

Mr. MCCAUL. I rise to claim time in opposition to this amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. This amendment specifies that as part of its outreach and education efforts NIST may host regional workshops on cybersecurity risks and best practices for businesses, State, and local governments and educational institutions.

I think that's a good thing, and while I do not oppose this amendment, I'd like to note that NIST has a very modest budget for cybersecurity activities, of which outreach and education is just a small fraction.

Accordingly, in carrying out the section of this bill is my expectation that this should work to leverage this funding to benefit the largest number of entities and individuals as it can. I recognize workshops can also serve as a useful outreach tool and should be an option.

So with that point in mind, I do not object to this amendment.

I yield back the balance of my time.

Mr. GARAMENDI. The gentleman points out some very good points that there are issues about the budget. I am sure that the Institute will find the very best way to carry out this particular task.

I yield such time as he may consume to the chairman of the committee.

Mr. GORDON of Tennessee. First, let me thank my friend from California for an excellent amendment. It's an improvement to an already-good bill.

Mr. Chairman, I rise now to offer my condolences to the family of Judy Ruckel. Judy was the printer for the Committee on Science and Technology, and she unexpectedly passed away earlier this week. Because she worked from home, I did not know Judy as well as I do other members of the staff. She was a quiet, often unseen stalwart of the committee. Most staff members never questioned how the documents that are the record of our work get produced, and it's a testament to Judy that they never had to. Judy just took care of it.

When I first became chairman, I had no idea what a committee printer did.

I kept asking who the printer was, what did she do, where was her office. Universally I was told that Judy was the nicest, most caring person that you could ever have on your staff and that she was good at whatever she did and that I needed to have no concerns on that front. Everyone was right.

Judy's quiet presence and good work will be missed by all on our committee.

Mr. GARAMENDI. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-410.

Mrs. MCCARTHY of New York. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mrs. MCCARTHY of New York:

Page 28, line 20, insert “, especially with respect to novice computer users, elderly populations, low-income populations, and populations in areas of planned broadband expansion or deployment” after “educational institutions”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mrs. MCCARTHY of New York. I'd like to thank Chairman GORDON and Ranking Member HALL for bringing forward this important bill.

The images of growth and the Internet over the years has brought, and will continue to bring, new and exciting opportunities. While these opportunities, however, have new challenges for all of us, H.R. 4061, the Cybersecurity Enhancement Act of 2009 is an important bill that will foster safer and more productive Internet use nationwide.

I am so proud that the President, his administration, as well as my colleagues in Congress, have all made Internet innovation and security a priority. I am even more proud of the educational provisions in H.R. 4061 that, in my opinion, are vital to the successful growth and sustainability of the Internet and its many real-world applications.

Computer literacy may be something that some of us take for granted, but there are significant portions of our Nation that are unfamiliar with the full spectrum of dangers careless computer use can have.

Our daily lives have become increasingly reliant on the Internet, and over

the years, Congress has made substantial investments in its growth. It is only natural that Congress compliment this technological investment with targeted educational initiatives as well.

I am proud to offer, along with my esteemed colleague, Mr. KRATOVIL of Maryland, an amendment that will ensure that proper cybersecurity education efforts focus on those that need them most, namely new computer users, elderly and low-income populations, as well as those residing in areas of planned Internet expansion and deployment.

My amendment will do much to ensure that vulnerable populations receive due attention as part of a public awareness campaign for cybersecurity. According to the Pew Research Center, only a third of the elderly are considered to be Internet users. Moreover, the Pew Research Center finds that household income plays a significant factor in cyber literacy.

Too often we hear stories of those taken advantage of or ignorant to the dangers of the Internet. We have the opportunity to educate and prevent careless Web surfing.

Today, with my amendment, we, as a Nation, have an opportunity to ensure that those new and less experienced computer users are given the opportunity to be proactive members of the Internet community.

I reserve the balance of my time.

Mr. MCCAUL. I rise to claim time in opposition to this amendment, but do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Mr. Chairman, this amendment simply States that the NIST Cybersecurity Awareness and Education Program established in the bill helps makes the technical standards and best practices more usable for everyone, especially those new to computers: The elderly, those with low incomes, and those that may not have broadband quite yet, such as rural areas. Therefore, I do not oppose this amendment.

I would like to join Chairman GORDON at this point in time to offer my sincere condolences as well to the family of Judy Ruckel.

Judy served as a printer for the Science and Technology Committee since 2001 under both Republican and Democratic leadership. Day in and day out, Judy carried out her job with style and grace and never did she allow her struggle with diabetes to diminish her presence nor her performance.

Judy worked from home, but during her visits to our offices each week, she took time to look in on staff, inquiring about our families and challenges, always leaving a smile on the faces of those she came in contact with.

The job of managing countless hearing transcripts and markups and trans-

forming them into permanent records is absolutely critical to the life of our committee, and Judy did it to perfection. She is irreplaceable. Judy's suffering has ended, and we will miss her very deeply, and God be with her.

I yield back the balance of my time.

Mrs. MCCARTHY of New York. I'd like to yield as much time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Every year, hundreds of thousands of people fall victim to Internet fraud so it's really clear we need to improve our cybersecurity awareness and education.

There are some who are especially vulnerable to falling victims to this fraud. So I think that this amendment by Mrs. MCCARTHY and Mr. KRATOVIL is a very good amendment.

I know that certainly I have seen and have had experience with people, especially those who are elderly, falling victim to crimes. I've had them come to my office and have problems about that and trying to clear that up.

So I think this is an especially good amendment, and I urge my colleagues to support it.

Mrs. MCCARTHY of New York. I urge all of my colleagues to support the amendment. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-410.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, as the designee of Mr. SMITH from Washington, I rise to offer the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Ms. LORETTA SANCHEZ of California:

Page 21, line 21, insert “job security clearance and suitability requirements,” after “job classification.”

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. LORETTA SANCHEZ of California. I yield myself as much time as I may consume.

I rise in support of this amendment, which I am pleased to offer today on behalf of my colleague, Mr. SMITH of Washington, who is unable to be with us today due to a health issue.

I thank the gentleman for offering this amendment, which will strengthen our cybersecurity workforce, in turn protecting the security of our Nation.

Our country faces numerous cyberattacks each day, and as a result, we must ensure that our cyberworkforce not only possesses the knowledge and the skills necessary to defend our networks but also the ability to collaborate with the numerous departments and agencies within the Federal Government who lead the effort to combat these threats.

Information technology professionals at our civilian agencies who may not deal with classified information on a daily basis should be able to provide their expertise and have the ability to work with and discuss cyber-related issues with the Department of Defense and our intelligence community.

To that end, this amendment would modify Section 107 of the bill, which calls for the President to submit a report to Congress addressing the cybersecurity workforce needs of the Federal Government.

□ 1430

The amendment would require the report to also examine the current security clearance and job suitability requirements that may serve as a deterrent to hiring an adequately trained cyber-workforce.

Again, I want to wish Congressman SMITH a speedy recovery and encourage my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McCAUL. Mr. Chairman, I rise to claim time in opposition, although I'm not opposed to this amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. This amendment would include some additional factors to be considered in the assessment of the cybersecurity workforce and barriers to entry into that workforce. Job security clearance and suitability requirements are important factors to consider in this assessment. I thank the gentlelady for a constructive amendment.

I yield back the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have no other speakers, and I would just ask to move this and for my colleagues to vote on it. And I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-410.

Mr. LANGEVIN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. LANGEVIN:

Page 21, line 25, insert “, including recommendations on the temporary assignment of private sector cybersecurity professionals to Federal agencies” after “cybersecurity workforce”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I rise today to offer an amendment to H.R. 4061 that would expand private sector involvement in our cybersecurity efforts. By now we should all recognize the real danger our government faces from increasingly sophisticated cyberattacks, with threats ranging from mischievous hacking incidents to serious criminal activity or highly sophisticated cyber-penetration or attacks from nation-states.

Now, while the men and women of our Federal Government are incredibly talented and dedicate and work tirelessly to leverage the resources available to them to defend our government networks, the broad challenges inherent in cybersecurity and the often cumbersome government procurement process mean that they may not always have the specific expertise or capabilities or technology necessary to keep up with current threats.

This is very sobering in light of the fact that as we know, technology itself squares every 18 months, well, particularly on the human capital side. In such cases, the private sector can offer greater flexibility and a wider range of specialists, as well as agility. Current law does not allow, surprisingly, for security experts to share their cybersecurity expertise and knowledge with the men and women charged with defending our Nation's critical networks and data.

So my amendment directs the Presidential cybersecurity workforce assessment provided for in the bill before us today to study the possibility of permitting temporary assignments of private sector cybersecurity professionals to Federal agencies.

Now, these assignments would offer an important opportunity for the Federal Government to tap into a wider talent pool and improve private sector involvement and cooperation in protecting our Federal networks.

By creating easier access to that expertise through temporary assignments in the Federal Government, we can dramatically improve our ability to protect the public and private cyberinfrastructure. I think this really amounts to being a real force multiplier and a benefit to the American people and our Nation as a whole.

So I urge all of my colleagues to support this noncontroversial and commonsense amendment.

I reserve the balance of my time.

Mr. McCAUL. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. Let me tell you it is a point of personal privilege to commend the gentleman from Rhode Island for all of his great work in this particular area and how much I have enjoyed working with the gentleman, co-chairing the CSIS commission and also co-chairing the Congressional Cybersecurity Caucus. So thank you.

This amendment would modify the section of the bill requiring the President to transmit a cybersecurity workforce report to Congress, specifically by requiring that the President's review consider the potential for temporary assignment of private sector cybersecurity professionals as a means through which to meet Federal workforce needs.

These types of mechanisms, such as intergovernmental personnel agreements, have long been used by Federal agencies in various capacities; and they provide a flexible means through which to address workforce needs expeditiously.

Accordingly, it makes sense for the President's workforce assessment to consider and report on these mechanisms. So therefore, I support the gentleman's amendment.

I yield back the balance of my time.

Mr. LANGEVIN. Mr. Chair, I would just again reiterate the fact that we have some incredibly talented and dedicated men and women who work within the Federal Government already that are working day in and day out to protect what is a critical national asset, and that is our cyberassets, as the President has clearly identified is a critical national asset and very important to our Nation's security as well as to our economy. And yet we face the incredible challenge of staying one step ahead of the bad guys, if you will, which is becoming increasingly difficult.

This amendment would basically allow us to determine a way to allow private sector involvement to a greater degree while allowing, in a sense, detailees, if you will, or temporary assignments from the private sector to Federal Government agencies that would allow us to utilize their talent, again, acting as a force multiplier to making sure that we always have the best and the brightest and we are agile at being able to use the best talents available to us to make sure that we have robust cybersecurity in protecting, as I said, this critical national asset.

So with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–410.

Ms. LORETTA SANCHEZ of California. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. LORETTA SANCHEZ of California:

Page 7, line 15, insert “representing realistic threats and vulnerabilities” after “event data”.

Page 23, line 2, strike “rights and” and insert “rights.”

Page 23, line 3, insert “, and for the sharing of lessons learned on the effectiveness of new technologies from the private sector with the public sector” after “private sector”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, the challenge of defending our Nation on a constantly expanding cyberfront continues to grow.

As vice chair of the House Homeland Security Committee and chairwoman of the Armed Services subcommittee that oversees the Department of Defense cybermission, I have constantly tried to improve how we address the need for the next generation technology and personnel to defend our country against this 21st-century cyberthreat.

The underlying legislation, I believe, is an important step towards enhancing our Nation’s cybersecurity laws; and I have been a strong supporter of engaging the private sector in cybersecurity issues, especially when it comes to securing critical cyber-infrastructure.

To this end, the amendments that I am offering today would strengthen two existing provisions in the bill to further enhance the cybersecurity dialogue between the public and the private sectors. My amendment would add language to help facilitate access to realistic threats and vulnerabilities for our academic researchers during the development of the strategic plan that is in section 103 of the bill.

In addition, the amendment will strengthen section 108 by ensuring that the university-industry task force will propose guidelines for the private sector to provide feedback to the public sector on the effectiveness of the new

technologies. This sharing of “lessons learned” will help us to improve critical cybersecurity technologies.

I urge my colleagues to support this amendment and the underlying legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Let me say first I commend the gentlelady from California for the emphasis on the private sector. I think too often when we deal with this issue, we focus mainly on the government and not enough on the private sector where the majority of the critical infrastructures are in this country. So let me commend the gentlelady for bringing this forward.

This amendment makes two changes to the bill which I believe are good changes. First, it requires that the cybersecurity R&D strategic plan describe how interagency efforts will facilitate access to realistic threat and vulnerability data by academic researchers. Secondly, it tasks the university-industry R&D task force created by the bill to consider how best the public and private sectors can share “lessons learned on the effectiveness of new technologies.”

Both of these provisions make changes to the underlying bill that I believe improve the bill, and therefore I fully support its passage.

With that, I yield back the balance of my time.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield such time as he may consume to Mr. LIPINSKI of Illinois.

Mr. LIPINSKI. Mr. Chairman, I want to commend Ms. SANCHEZ for her work on this amendment and also on cybersecurity in general on the Homeland Security Committee. From my time as a university professor, I understand the importance, first of all, of the cooperation between the private sector and universities. It is something that I feel very strongly about. We need to improve that; and certainly in cybersecurity, it is especially important.

The other thing that I understand is the need to have information, and the more information sharing that we can have, the better we can do with cybersecurity.

This amendment helps accomplish both of those things, so I strongly encourage my colleagues to support and vote for this amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I believe that I have no further speakers, and therefore, I urge my colleagues to support my amendment and the underlying bill, and I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–410.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. CUELLAR: Page 7, line 15, strike “and”.

Page 7, line 20, strike the period and insert “; and”.

Page 7, after line 20, insert the following new paragraph:

(7) describe how the Program will strengthen all levels of cybersecurity education and training programs to ensure an adequate, well-trained workforce.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I want to rise in support of this particular amendment of the Cybersecurity Enhancement Act. I certainly want to thank Mr. LIPINSKI for all the leadership that he has provided on this bill and the staff that worked so hard. I certainly want to thank my good friend from Texas also, Mr. MCCAUL, who has worked very hard on this issue, especially on the homeland security. We appreciate your working on that, Mr. MCCAUL.

This legislation will greatly improve the cybersecurity in both the private and public sector. As any modern business, small or large, will tell you, we live in a highly interconnected, highly technological 21st century.

As a member of the Homeland Security Committee, I know that we are under attack from cyberthreats every single day. Sensitive security and intelligence information pass through the Internet 24 hours a day, 7 days a week. And more than \$1 trillion was spent last year fighting to keep this information safe. The more we rely on IT systems, the more we need to make the necessary investments to reduce cyber-risks and vulnerabilities.

My amendment today is simple. As we improve cybersecurity, we must help put Americans back to work.

□ 1445

My amendment requires that the advisory committee, as it produces a cybersecurity strategic research and development plan, determine how we

ought to strengthen all levels of cybersecurity education and training programs to develop a well-trained workforce that meets our Nation's cybersecurity needs. We must work to enlist our Nation's high schools, trade schools, colleges, and universities to bring more young people into this industry.

We can also use the cybersecurity education to harness the technological powers of our own young people to keep our Nation and our Nation's businesses safe. We have an opportunity to strengthen the IT infrastructure in our workforce by getting together in partnership with our Nation's schools.

In my home State of Texas, we are leaders in the cybersecurity operation. As Mr. MCCAUL understands, Texas invests in people and productive technology both in the public and private academic sectors. In San Antonio, for example, we have the National Center for Excellence for Cybersecurity, which has increased job numbers in the cybersecurity and information assurance industries in Texas. We can also replicate this particular model.

Mr. Chairman, as you know, we want to make sure that we repair our economy and help put people back to work. This is why we must strengthen our cyberinfrastructure both in business, education, and government alike. We can focus on these goals; that is, how can we secure the IT future and how do we put people back to work?

I urge all my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment. However, the good news is, Mr. CUELLAR, I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Let me first commend the gentleman from Texas, my dear friend and colleague, Mr. CUELLAR, on the outstanding work he has done in this area and on the Homeland Security Committee, and also his work with the Center for Excellence, in San Antonio, for cybersecurity. It is great for our great State of Texas.

This amendment requires a strategic plan to describe how the program will strengthen cybersecurity education and training efforts in order to ensure an adequate, well-trained workforce. The bill already has in place a robust workforce assessment requirement, but the robustness of our future cybersecurity workforce I believe is important enough to reemphasize it.

With that, I do not oppose this amendment. In fact, I strongly support it.

I yield back the balance of my time.

Mr. CUELLAR. Mr. Chairman, I just want to echo Mr. MCCAUL's words on

this, that we need to make sure that we support our business, both public and private. I think this amendment will accomplish that, especially working with our education.

Again, to the chairman, thank you very much, and to the staff who worked so hard on this.

I ask Members to support this particular amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CUELLAR. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT NO. 15 OFFERED BY MS. SHEA-PORTER

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-410.

Ms. SHEA-PORTER. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. SHEA-PORTER:

Page 15, line 11, strike "equal to the length of the scholarship" and insert "as provided in paragraph (5)".

Page 15, after line 24, insert the following new paragraph:

(5) LENGTH OF SERVICE.—The length of service required in exchange for a scholarship under this subsection shall be as follows:

(A) For a recipient in a bachelor's degree program, 1 year more than the number of years for which the scholarship was received.

(B) For a recipient in a Master's degree program, 2 years more than the number of years for which the scholarship was received.

(C) For a recipient in a doctorate degree program, 3 years more than the number of years for which the scholarship was received.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Ms. SHEA-PORTER. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank Chairman GORDON for his hard work on this bill. As a member of the House Armed Services Committee, I know just how important it is that we focus on cybersecurity and combating the threats that we face. It is an incredibly important area, and I commend him for his work.

Mr. Chair, as cyberattacks become increasingly common and alarming, the government needs more expert cybersecurity personnel to protect us. The Scholarships for Service program

is an important means to recruit such expert personnel. However, I believe that considering the high value of the education and security clearance, which is all provided at government expense, the current service obligation is insufficient to recover the significant Federal investment we are making.

My amendment extends the service obligation for recipients of cybersecurity scholarships or fellowships on a sliding scale depending on the degree program. Those in bachelor's degree programs would see their service requirement extend by 1 year to 3 years, those in a master's program by 2 years to 4 years, and those in a Ph.D. program by 3 years to 5 or 6 years, depending on the program.

Graduate students in cybersecurity programs need to have security clearances, and most students will need a clearance before beginning work in this field for the Federal Government. The cost of a clearance, which is a pricey \$15,000, is an investment by the taxpayers and should be recovered by the Federal Government through an extension of service.

Extending the work requirement will also help slow the revolving door from government to industry and promote retention of valuable employees. Because these employees will have a security clearance, which is generally good for 10 years, they may be tempted to take their expertise into the private sector where they can make higher salaries. This amendment will help ensure recruitment of those who want to serve in the government and will prevent this valuable program from being used solely as a bridge to private industry.

It is fair to scale the extra work commitment according to degree, because a graduate degree with a clearance is far more valuable than an undergraduate degree with a clearance. The longer the educational investment, the longer the service requirement should be. A Ph.D. graduate should serve longer than a master's graduate who should serve longer than a bachelor's graduate. The extension of service allows us to retain those we train at government expense for a longer time, leading to a positive impact on retention and on our cybersecurity.

My amendment will increase retention of our valuable personnel who are trained at taxpayer expense. It is a good deal for the government and the student and represents a wise use of taxpayer funds.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. The gentlelady from New Hampshire's amendment is one

that our side favored during the drafting of this legislation and one that we think makes the Scholarship for Service program at NSF even stronger. So I thank the gentlelady for bringing this amendment.

The intent of the program is to educate the Federal Government's future cybersecurity workforce. This amendment increases the amount of employment service a graduate will owe the Federal Government upon the completion of her or his education, ensuring a greater return on our initial investment.

Therefore, I support this amendment, and I encourage my colleagues to do so.

I yield back the balance of my time.

Ms. SHEA-PORTER. I yield to the chairman, the gentleman from Illinois (Mr. LIPINSKI) such time as he may consume.

Mr. LIPINSKI. Mr. Chairman, I want to thank the gentlelady from New Hampshire for her amendment. It certainly ensures that we retain individuals who are trained at government expense, making sure the Scholarship for Service program provides the best value for taxpayers, and it is certainly also a good value for those who are receiving their education. It is a good, commonsense amendment, and I urge my colleagues to support it.

Ms. SHEA-PORTER. I thank the chairman and his staff for the work on this bill. I urge my colleagues to support this amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MS. CLARKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-410.

Ms. CLARKE. Mr. Chairman, I rise to address the floor on my amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. CLARKE:  
Page 20, line 24, insert "the extent to which different agencies and departments rely on contractors to support the Federal cybersecurity workforce," after "agencies and departments."

Page 21, line 22, strike "and".

Page 21, line 23, redesignate paragraph (5) as paragraph (6).

Page 21, after line 22, insert the following:  
(5) a specific analysis of the capacity of the agency workforce to manage contractors who are performing cybersecurity work on behalf of the Federal Government; and

The Acting CHAIR. Pursuant to House Resolution 1051, the gentlewoman from New York (Ms. CLARKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. CLARKE. Mr. Chairman, today I rise to offer my amendment to H.R. 4061 and request that it be supported along with the underlying legislation.

I first want to commend Chairman GORDON, Ranking Member HALL, and Representative LIPINSKI, as well as Representative MCCAUL, for their leadership in bringing this important bipartisan bill to the floor today and for supporting this amendment.

The Federal Government currently relies heavily on contract employees for critical cybersecurity functions. For instance, according to the Department of Homeland Security's Inspector General, contractors accounted for 83 percent of the total staff of the Department's Office of the Chief Information Officer.

A July 2009 Booz Allen Hamilton assessment of the cyberworkforce, titled, "Cyber In-Security: Strengthening the Federal Cybersecurity Workforce," concluded the Federal Government needs more employees who can effectively manage the blended cybersecurity workforce of contractors and in-house employees.

Clearly, any assessment of the cybersecurity workforce should include an analysis of contract employees who perform cybersecurity functions for the government. My amendment to H.R. 4061, the Cybersecurity Enhancement Act of 2009, would do just that, amending section 107 of the bill to include an analysis of the extent to which Federal agencies rely on contractors to support the Federal cybersecurity workforce as well as each agency's capacity to manage these contractors.

The amendment is not intended to judge whether Federal cybersecurity functions should be performed by government or contractor employees. It simply requires that these considerations be included in the workforce study.

I hope that you will join me in supporting this amendment.

I would just like to add that, as chair of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I have become intimately aware of the cybersecurity challenges we face in the 21st century. I initially offered several other amendments which address the wide variety of challenges that we face, and I will work to address these issues through my subcommittee.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Let me first commend Ms. CLARKE for this amendment, but also her great work on the Homeland Security Committee as the chair-

woman of the Cybersecurity Subcommittee.

This amendment simply requires the present Cybersecurity Workforce Assessment Report include an analysis of the capacity of the overall agency workforce to manage contractors providing cybersecurity support to Federal agencies. Contractors are a significant component of our cybersecurity efforts, and assessing their role and agencies' capacity to manage them is very, very appropriate. Therefore, I support this amendment.

With the time I do have remaining, Mr. Chairman, I would like to yield to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman, and I thank him for his leadership on homeland security as well as as ranking member positioned on the Cybersecurity Committee. And I thank the chairwoman of the Cybersecurity Committee, and I thank her for this amendment which I rise to support.

I am the chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection. There is a great deal of overlap. So I thank Mr. LIPINSKI, Mr. EHLERS, Mr. WU, Mr. SMITH, Mr. HALL.

We have been fortunate as to not have a major catastrophic incident with cybersecurity, but this bill will help ensure a strategic plan for Federal cybersecurity research and development, strengthen public-private partnerships in cybersecurity, and help train the next generation of cybersecurity professionals and improve cybersecurity technical standards.

Ms. CLARKE's amendment is a very vital amendment, for it will help subject to the assessment of the President's committee the same assessment on employees. This will assess the contractors who are dealing with cybersecurity, including minority women and small contractors of which we hope will increase.

While we have been fortunate so far in avoiding a catastrophic cyberattack, last year the Pentagon reported more than 360 million attempts to break into its networks. A 2009 Consumer Reports study found that, over the past 2 years, one in five online consumers had been a victim of cybercrime. In 2008, the Department of Homeland Security logged 5,499 such cyberattack incidents, a 40 percent increase over the previous year. A 2007 Government Accountability Office report estimates that total U.S. business losses due to cyberattacks exceed \$117.5 billion per year.

This amendment will also put under scrutiny those contractors that are working in cybersecurity for the Federal Government, along with those employees. We have to be diligent in, one, making sure that this is a, if you will, securer technology that is being used



around the country and around the world, but we must also be diligent in increasing the R&D and making sure that contractors are adhering to the rules and guidelines that are equal to excellence, as we want our employees.

Let me ask my colleagues to support the underlying bill and this amendment, and as well to be reminded that this is part of the Nation's homeland security.

Mr. MCCAUL. Mr. Chairman, I yield back the balance of my time.

Ms. CLARKE. I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. This is a very good and thoughtful amendment, and I thank Ms. CLARKE for helping to ensure that the Federal workforce assessment that we require in our report is complete and thorough in its analysis. I would like to also thank Ms. CLARKE and her staff for working with the committee on this language, and I strongly support this amendment and urge my colleagues to vote for it.

Ms. CLARKE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Ms. CLARKE).

The amendment was agreed to.

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AMENDMENT NO. 17 OFFERED BY MR. BRIGHT

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111-410.

Mr. BRIGHT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BRIGHT:  
Page 27, after line 7, insert the following new section:

**SEC. 111. NATIONAL ACADEMY OF SCIENCES  
STUDY ON THE ROLE OF COMMUNITY COLLEGES IN CYBERSECURITY EDUCATION.**

Not later than 120 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the National Coordination Office, shall enter into a contract with the National Academy of Sciences to conduct and complete a study to describe the role of community colleges in cybersecurity education and to identify exemplary practices and partnerships related to cybersecurity education between community colleges and four-year educational institutions.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BRIGHT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment to the Cybersecurity

Enhancement Act, H.R. 4061. Put simply, this amendment would require the National Academy of Sciences to conduct a study on the role of community colleges in cybersecurity education. It would also identify best practices related to cybersecurity education between community colleges and 4-year educational institutions.

By now, we all recognize the need for the underlying legislation. It was made even more evident following the State of the Union last week, when numerous congressional Web sites, including mine, were hacked by foreign actors. Without a doubt, we need to improve our national cybersecurity infrastructure. As the United States transitions into a future which addresses such cybersecurity issues, it will become increasingly important that we adopt advanced job skills and technological savvy. Unfortunately, a high school diploma is often not enough to qualify for the jobs of tomorrow. Recognizing the need for additional education, workers often return to technical schools and community colleges to obtain advanced training.

My amendment will serve to strengthen the community colleges that already play an important role in many of our districts. As demand for a skilled cybersecurity workforce continues to rise, we must be ready to supply it. This amendment will ensure that community colleges will play a role in providing these personnel that will be needed in the future.

This amendment is also consistent with the President's vision for promoting post-secondary education. In his State of the Union address to Congress last week, President Obama called for every American to commit to at least 1 year or more of higher education or career training. Some of that training will happen in community college classrooms. This amendment could expand the options available in those classrooms across the country and make it easier for our constituents to commit to our shared goal of increased higher education.

As I worked my way through college when I was growing up, I began at the local Enterprise State Community College, which is located in my district. So I understand the value of 2-year institutions. My district alone is home to seven different community and technical colleges. And many Members of Congress are committed to preserving and protecting their role in our educational system. As we transition into 21st century jobs, it is vital that we also provide the resources to our community colleges that would allow them to change with the times. The amendment achieves that goal.

Mr. Chairman, this amendment is simple and straightforward. It ensures a level playing field for community colleges wishing to offer educational opportunities in the cybersecurity

field, and improves information sharing between 2-year and 4-year colleges. I urge its passage today.

I reserve the balance of my time, Mr. Chairman.

Mr. MCCAUL. Mr. Chairman, I claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. This amendment would require a National Academy of Sciences study on the role of community colleges in cybersecurity education, with an aim toward identifying best practices related to improving cybersecurity education through better linkages between community colleges and 4-year colleges and universities. It is important not to overlook the contributions of community colleges, as the gentleman stated, to our overall technical workforce, including those involved in computer and network security. This amendment is intended to help address that issue, and I strongly urge my colleagues to support it.

With that, I yield back the balance of my time.

Mr. BRIGHT. In closing, I would like to thank Chairman GORDON and his staff on the Science and Technology Committee for their attention to this issue and for working with my staff to draft this amendment. I would also like to thank Chairwoman SLAUGHTER and the Rules Committee for helping my staff put this together and allowing me to offer this amendment today on the floor.

Again, I urge all my colleagues today to support my amendment.

I yield back the remainder of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY  
OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 111-410.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. CONNOLLY of Virginia:

Page 28, line 12, insert “, including among children and young adults,” after “public awareness”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. I thank the Chair, and I yield myself such time as I may consume.

First of all, let me thank, Mr. Chairman, the leadership of Chairman GORDON and Ranking Member HALL and the floor managers, Mr. LIPINSKI of Illinois and Mr. MCCAUL of Texas. I appreciate very much their leadership.

Cybersecurity, Mr. Chairman, has been a growing concern, and recent events like the attack on Google and the hacking of Web sites maintained by Members of this very Chamber in the House highlight the urgency of today's action. As you know, the bill would expand research and development work in the field of cybersecurity, to provide for increased higher education opportunities, and to launch a much needed public awareness campaign on the importance of making our electronic communications and commerce as secure as possible in today's digital age.

My amendment, Mr. Chairman, would clarify that children and young adults should be an important target audience of that public awareness campaign, and must be included. Children and young adults are by far among the largest consumers of new media and technology, yet in many cases they are also the most naive when it comes to taking basic safety precautions when using this technology and these innovations, which makes it all the more important that we reach out to them specifically.

While children and young adults are among the most savvy users of technology, I fear they do not fully grasp the permanence of their actions, whether it is blogging, Facebooking, Tweeting, or posting videos on YouTube. The use and portability of information technology has exploded in the past decade. More than 80 percent of households, for example, in my district have Internet access. Technology has become a vital part of our everyday lives, particularly for the younger generation.

According to the Center for Education Statistics, 67 percent of preschool children have used a computer, and 23 percent of preschool children have used the Internet. Those figures of course jump exponentially higher once children reach school age, as technology becomes integrated into the classroom curriculum. By the time young people reach high school, 97 percent of them are using computers, and 80 percent are online regularly, which for parents of teenagers like myself, that may sound like a conservative figure.

I cannot emphasize enough, Mr. Chairman, how important it is for us to reach children at a young age, in the classroom, to develop a healthy sense of caution as we instruct them about the wonders of technology. That is particularly true in our science, technology, engineering and math-focused schools.

That is why in my district, Thomas Jefferson High School, ranked the

number one high school in the United States 3 years in a row, is churning out the innovators of tomorrow. I look forward to exploring future opportunities in this area with the committee and urge my colleagues to support this important legislation.

With that, I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. First let me say what a great amendment this is. As a Federal prosecutor, I encountered crimes against children and also as deputy attorney general for the State of Texas. While there, we formed an Internet crimes against children's task force. The threat to children, both from child pornography and online predators, as the gentleman knows, is very real. And while the Internet is a great tool for our youth, it also does present a vulnerability and a threat to them. That is why I am so glad to see this amendment.

It simply clarifies when we are promoting and educating people on the importance of cybersecurity, we must include children and young adults along with the other targeted audiences. So let me again thank the gentleman for bringing this. I strongly support it, and encourage my colleagues to do so.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. I yield to the gentleman from Illinois, the distinguished floor manager.

Mr. LIPINSKI. I want to commend the gentleman from Virginia for his amendment. Obviously, as the gentleman talked about, the Internet is great for children, young adults, provides so many opportunities, but we need to be very careful because we all know the dark side and the down side. So much more can be done and should be done to protect children, young adults. And Mr. CONNOLLY's amendment does that. So I want to urge my colleagues to support the amendment.

Mr. CONNOLLY of Virginia. I thank my distinguished colleagues, Mr. Chairman, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 19 OFFERED BY MRS.

HALVORSON

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 111-410.

Mrs. HALVORSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mrs. HALVORSON:

Page 15, line 2, strike "need and to" and insert "need, to".

Page 15, line 5, insert before the period at the end of paragraph (2) ", and to veterans. For purposes of this paragraph, the term "veteran" means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term "service-connected" has the meaning given such term under section 101 of title 38, United States Code.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Illinois (Mrs. HALVORSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mrs. HALVORSON. Mr. Chairman, I yield myself as much time as I may consume.

I rise to urge my colleagues to support my amendment to H.R. 4061, the Cybersecurity Enhancement Act of 2009. This amendment is simple, necessary, and beneficial to veterans. It will add veteran status as an additional item of consideration when selecting individuals for the Cyber Scholarship for Service program.

In light of recent attacks on both government and commercial technology infrastructure, it is critical that America be on the forefront of cybersecurity. Our veterans and servicemembers have a proven track record of successfully protecting American interests at home and abroad. The experiences and skills that our veterans have gained through their service are exactly what we need to improve our cybersecurity.

My amendment helps veterans continue their service to our country by increasing the likelihood that a veteran or servicemember will be selected for this competitive scholarship. The scholarship program will provide funding to individuals seeking B.A.s, M.A.s, and Ph.D.s in the field of cybersecurity. This amendment will allow our veterans and servicemembers to afford a better education and continue to serve their country.

Additionally, many veterans and servicemembers have already received cybersecurity and other relevant training during their service in the military. They are uniquely qualified to defend our Nation from cybersecurity threats we face. Furthermore, upon successful completion of their degree, scholarship recipients will be eligible for Federal employment in the field of cybersecurity. With thousands of veterans returning from service in Iraq and Afghanistan, and more than 20 percent of veterans under the age of 24 unemployed, it is critical that they are given every opportunity to continue serving their country.

Our veterans and servicemembers have sacrificed to protect our country and our freedom. We owe them all the assistance we can give them in helping them to better education and job opportunities in their civilian lives.

I would like to thank the committee and the chairman for working with my colleague from New Hampshire and me to introduce this amendment. Once again, I rise in strong support of the amendment, and I urge my colleagues to vote in support of it.

With that, I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Let me thank the gentlelady for bringing this amendment. My home State of Texas is the home to probably more active duty service and veterans than probably any other State in the country. I think this is a great idea, including Lackland Air Force Base, which provides a cybersecurity command.

It is very straightforward. It adds veteran status as an additional item for consideration by NSF when it selects individuals for scholarships under its Cybersecurity Scholarships for Service program. Therefore, I strongly support the gentlelady's amendment, and I urge its passage.

With that, I yield back the balance of my time.

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Mrs. HALVORSON. With that, I yield 1 minute to my colleague, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I was proud to work with my colleague, Representative DEBBIE HALVORSON, on this amendment. It is critical that we ensure every opportunity for our veterans who have served our country so admirably. This commonsense amendment makes sure their service is taken into consideration when being selected for the Federal Cyber Service Scholarship for Service. As a member of the Armed

Services Committee, I understand how critical it is that we defend against cyberattacks. That means that we need a workforce dedicated to protecting our country. Our men and women who have volunteered in our armed services have showed exceptional courage and dedication. That service should always be met with our gratitude and our support. This amendment ensures that when someone has served our country, we give that service due consideration when they ask to serve again.

I thank my colleague for offering this amendment, and I urge my colleagues to support it.

Mrs. HALVORSON. I yield the remainder of my time to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I'd like to thank Mrs. HALVORSON and Ms. SHEA-PORTER for their amendment and more broadly for all the work that they do on behalf of our veterans. It certainly is an issue of great importance. Last night, I had a father come to me and tell me that his son had come back from Iraq and was having trouble finding a job and was actually faced with re-enlisting because of his struggles in trying to find something. This amendment will certainly help there. Many of our veterans have technical backgrounds already. With some additional training, they are well positioned to continue serving their country by joining our Federal cybersecurity workforce, including at civilian agencies.

So I want to, again, commend Mrs. HALVORSON for her amendment, and strongly urge my colleagues to support it.

Mrs. HALVORSON. In closing, I just urge my colleagues to vote "yes," and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. HALVORSON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mrs. HALVORSON. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 20 OFFERED BY MS. KILROY

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111-410.

Ms. KILROY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. KILROY:

Page 14, line 10, strike "and".

Page 14, line 12, strike the period and insert "; and".

Page 14, after line 12, insert the following new subparagraph:

(D) outreach to secondary schools and 2-year institutions to increase the interest and recruitment of students into cybersecurity-related fields.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentlewoman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. I yield myself such time as I may consume. I rise today in support of my amendment to H.R. 4061, the Cybersecurity Enhancement Act of 2009, to expand outreach to high school and community colleges to help train and recruit the next generation of our Nation's cybersecurity and information technology workforce. One of the most important aspects of the Cybersecurity Enhancement Act is the establishment of the Scholarship for Service program currently administered by the National Science Foundation. The program would operate with the goal of recruiting and training our Nation's future cybersecurity professionals through scholarships for undergraduate and graduate students in cybersecurity fields, government internship opportunities for scholarship recipients, and competitive, merit-based grants for faculty development, institutional partnerships, and the development of cybersecurity courses at institutions of higher learning.

My amendment will expand the Scholarship for Service program by making merit-based grants available for outreach to high schools and community colleges. Reaching out to high schools will help raise awareness of this program, steering students at an earlier age toward academic and professional careers in information technology and cybersecurity that they might not otherwise have considered. Young people are way ahead of us in terms of information technology and the use of computers but they still need the encouragement and guidance to pursue a cybersecurity career path. That guidance can be made possible through these kind of competitive grants.

My amendment also will expand outreach to community colleges. Cybercriminals are increasingly targeting small businesses, schools, and State and local institutions that lack the capabilities to adequately defend themselves against sophisticated cyberattacks. Encouraging students at community colleges to consider degrees in cybersecurity-related fields will help ensure that we have a workforce capable of defending our Nation's computer systems and networks at the State, local, and national level.

As a member of the Homeland Security Committee's Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I strongly support the efforts of H.R. 4061 to build

our Nation's cybersecurity workforce, develop a strategic research plan for cybersecurity, and to secure our communications and information technology infrastructure.

I reserve the balance of my time.

Mr. McCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. I thank the gentlelady for this amendment. Certainly, our youth know the Internet and how to operate on it more effectively than anyone in this Chamber. This amendment adds an outreach to high schools and community colleges component to the characteristics of the Scholarship for Service program in an effort to attract more students to the program. I think it's a good idea. I support this amendment, and urge my colleagues to do so.

I yield back the balance of my time.

Ms. KILROY. I thank my colleague from Texas, who also serves with me on the Homeland Security Committee. I want to commend Chairman GORDON; Ranking Member HALL; Subcommittee Chair LIPINSKI, the sponsor of this legislation; and the Committee on Science and Technology for their hard work on H.R. 4061, to help build a strong cybersecurity workforce to protect and serve our Nation's communications and IT infrastructure. I look forward to continuing to work with my colleagues to ensure that the Nation's essential infrastructure is protected, and I urge my colleagues to support my amendment expanding cybersecurity outreach to high schools and community colleges as part of the Scholarship for Service program.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. KILROY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. KISSELL

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 111-410.

Mr. KISSELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. KISSELL: Page 11, lines 9 and 10, strike "Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is

amended to read as follows:" and insert "Section 5(a) of such Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (3)(A), by inserting ", including curriculum on the principles and techniques of designing secure software" after "network security"; and

(2) by amending paragraph (6) to read as follows:

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. It highlights the importance of curriculum in designing secure software. I would like to start out also by commending the chairman and ranking member for bringing this very timely and important piece of legislation to our attention. In North Carolina, we have many institutions, as there are across the United States, that are dependent upon secure software and informing our networks that are used in such a vital part of performing business on a day-to-day basis. Whether it's in our part of the world, it's the military, banking giants of America, education, or just corporations or businesses in general, or whatever, we're dependent upon networks and software for, once again, our day-to-day operations. However, Mr. Chairman, all too often we find that these networks are not as secure as they need to be.

A recent study done by Dr. William Chu, who is the department Chair at the University of North Carolina in Charlotte, which is a leading institution on secure software issues, Dr. Chu found that 97 percent—and he did this on a random basis—they looked at corporate Web sites. And on a random basis they looked to see if the security of those networks was sufficient to keep them from being compromised, and they found that they weren't. Ninety-seven percent of the time they weren't sufficiently secure to prevent this ability for hackers to compromise.

This is a wake-up call for us. So many of these amendments and this bill address that we've got issues here, and one of the ways that we can address these issues—it is in broad agreement—is that we need to improve the curriculum of our secure software. Now we would think this would be easily done in our colleges and universities. But, unfortunately, we find that this curriculum is not taught that consistently to a large degree to allow the programmers of tomorrow to learn how to secure software.

So this amendment is very simple. It instructs the director of NSF to put language into the mission statement of Computer and Network Security Capacity Building Grants language that

would highlight the importance of curriculum in designing secure software.

I reserve the balance of my time.

Mr. McCAUL. Mr. Chairman, I rise to claim time in opposition to the amendment, but I do not intend to oppose it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. McCAUL. This amendment simply clarifies that NSF's support for cybersecurity-related curriculum development at universities includes "curriculum on the principles and techniques of designing secure software." It's a good amendment that codifies and clarifies NSF's role in support of computer security curriculum development. I support this amendment. I urge my colleagues to do so.

I yield back the balance of my time.

Mr. KISSELL. Mr. Chair, this is a first step towards allowing our universities and colleges to be able to produce, once again, programmers of tomorrow to understand the importance of securing the software and the networks that are so important to us in so many ways. It's a first step; it is not the last step. But I do encourage my colleagues to support this and vote "yes" for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KISSELL. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. KRATOVIL

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 111-410.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. KRATOVIL:

Page 27, after line 7, insert the following new section:

#### SEC. 111. NATIONAL CENTER OF EXCELLENCE FOR CYBERSECURITY.

(a) IN GENERAL.—As part of the Program, the Director of the National Science Foundation shall, in coordination with other Federal agencies participating in the Program, establish a National Center of Excellence for Cybersecurity.

(b) MERIT REVIEW.—The National Center of Excellence for Cybersecurity shall be awarded on a merit-reviewed, competitive basis.

(c) ACTIVITIES SUPPORTED.—The National Center of Excellence for Cybersecurity shall—

(1) involve institutions of higher education or national laboratories and other partners, which may include States and industry;

(2) make use of existing expertise in cybersecurity;

(3) interact and collaborate with Computer and Network Security Research Centers to foster the exchange of technical information and best practices;

(4) perform research to support the development of technologies for testing hardware and software products to validate operational readiness and certify stated security levels;

(5) coordinate cybersecurity education and training opportunities nationally;

(6) enhance technology transfer and commercialization that promote cybersecurity innovation; and

(7) perform research on cybersecurity social and behavioral factors, including human-computer interactions, usability, user motivations, and organizational cultures.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. KRATOVIL. I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking Mr. GORDON, the chairman, and the ranking member for bringing the legislation to the floor. I rise in support of my amendment to the Cybersecurity Enhancement Act of 2009. Information technology has improved everything from the way we pay our bills to the way we communicate with our friends and neighbors. We are increasingly becoming a digital Nation where the strength and vitality of our economy, infrastructure, public safety, and national security are becoming more and more reliant on cyberspace. Of course, with that reliance on technology, as many have mentioned here today, come real concerns about the security of information traveling through cyberspace.

It's time we make every effort to secure and protect the privacy, finances, and resources of Americans who utilize information technology. I believe the underlying bill does much to accomplish this.

Mr. Chairman, I'm sure it won't surprise you, but I do believe that my amendment will enhance this bill by enhancing communication, collaboration, and cooperation between the public and private sectors. The amendment does so by requiring the director of the National Science Foundation to establish a National Center of Excellence for Cybersecurity. This Center would be awarded on a merit-based, comprehensive basis and would support the initiatives put forth by the underlying legislation to ensure the safety of our digital communications infrastructure. This National Center would be a partnership model involving government, private corporations, and academic institutions that will consolidate and co-

ordinate our national cybersecurity resources.

□ 1530

As the cybersecurity industry grows, there is an increasing demand for skilled workers and a severe shortage of workers qualified to fill these jobs. The center will serve not only as a clearinghouse for our national cybersecurity resources, but it will create jobs and train individuals in the skills needed to protect the economy, bolster our national security, and protect Americans from cybercriminals.

Mr. Chairman, I want to take a brief moment also to express my support for an amendment that was heard previously, offered by Representative MCCARTHY, that would emphasize education and awareness programs in cybersecurity for populations in areas of planned broadband expansion or deployment, such as areas like my district in Maryland's Eastern Shore. Mr. Chairman, I ask my colleagues to support both amendments and the underlying bill.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. While the statute that we are amending today already authorizes the director of NSF to provide grants for computer and network security research centers, I believe that the establishment of a National Center of Excellence dedicated solely to cybersecurity can only increase our defensive capabilities, provided that any funding that does go to the National Center does not come at the expense of other Centers of Excellence, of course. With that, I urge my colleagues' support for this amendment.

I yield back the balance of my time.

Mr. KRATOVIL. Mr. Chairman, I yield so much time as he may consume to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. First off, I want to commend Mr. KRATOVIL for his amendment. We have certainly seen Centers for Excellence do some very good work not only in the science and technology field, but I also know that in the transportation field, we have also seen that. I think this amendment that would establish a merit-based and a competitive-based Center for Excellence for Cybersecurity will be a great addition to our IT research in the country. I think it could be a very good enhancement to this bill, so I strongly support this amendment. I urge my colleagues to vote for this amendment.

Mr. KRATOVIL. I want to thank the gentleman from Texas for his support and also the gentleman from Illinois.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL). The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. LIPINSKI

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 111-410.

Mr. LIPINSKI. As the designee of the gentleman from Virginia, I rise to offer the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. LIPINSKI: Page 27, after line 7, insert the following new section:

**SEC. 111. CYBERSECURITY INFRASTRUCTURE REPORT.**

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report examining key weaknesses within the current cybersecurity infrastructure, along with recommendations on how to address such weaknesses in the future and on the technology that is needed to do so.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from Illinois (Mr. LIPINSKI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. LIPINSKI. Mr. Chairman, Mr. NYE's amendment calls on the GAO to examine key weaknesses within the Nation's cybersecurity infrastructure and to offer recommendations on how the Federal Government should address those weaknesses, and calling on the GAO will help to find those areas that are especially insecure. We certainly have heard enough times of where we have seen attacks, and attacks come from many different places, and there are attacks on many different cybersecurity systems. So I want to thank Mr. NYE for this amendment, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Mr. Chairman, this amendment would simply ask the General Accounting Office to examine the current cybersecurity infrastructure and report to Congress with recommendations on how to address any failings or weaknesses within the infrastructure and the technology available to do so. Therefore, I support this amendment, and I also urge my colleagues to do so.

I yield back the balance of my time.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. NYE).

Mr. NYE. I would like to thank my colleague for yielding. Mr. Chair, first I would like to thank Chairman GORDON and Ranking Member HALL for their important work on this bill, to improve our cybersecurity and strengthen the partnerships between the Federal Government and the private sector.

Cybersecurity is an issue of national security, and as we work to defend against the next generation of cyberthreats, the only way to make sure we're getting it right is to find out what we're doing wrong. That's why I have introduced an amendment to require the GAO to conduct a study, examining key weaknesses within the current cybersecurity infrastructure along with recommendations on how to address such weaknesses in the future and on the technology that is needed to do so.

Not only will this benefit Federal and private sector efforts to strengthen cybersecurity, but it will also help local cities and counties learn how to defend themselves against attacks on their networks and infrastructure.

In my district in Virginia, in the city of Hampton, we are doing exactly that. We are creating a regional Center of Excellence to help local communities improve their cybersecurity. This bill will help that effort, and the GAO report called for in my amendment will make it even stronger.

I would like to thank my colleagues for their support. I urge the rest of my colleagues to join me in supporting this amendment and in passing this bill.

Mr. LIPINSKI. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. LIPINSKI).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. OWENS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111-410.

Mr. OWENS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. OWENS:

Page 6, line 24, insert “, including technologies to secure sensitive information shared among Federal agencies” after “digital infrastructure”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from New York (Mr. OWENS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. OWENS. Mr. Chairman, I yield myself such time as I may consume.

I would first like to thank Chairman GORDON and the committee for their work on this important bipartisan legislation. My amendment would expand

the cybersecurity strategic R&D plan, created under H.R. 4061, by adding a component to address information sharing between Federal agencies.

Information technology has advanced rapidly in the last two decades, benefiting nearly every sector of our economy; but our dependence on IT in many ways increased our exposure to unconventional attacks. H.R. 4061 will help address our vulnerabilities by creating an overall vision for the Federal cybersecurity R&D portfolio. Improving the coordination of cybersecurity research and development activities is the first step in preventing a catastrophic attack on our IT infrastructure. Mr. Chairman, my amendment would improve the strategic R&D plan by including a component on technologies to secure sensitive information shared among Federal agencies.

Our Nation's security is at risk without protections in place to safeguard the flow of information within the Federal Government. I believe the amendment I am offering today gets at the heart of addressing this problem, and I urge its adoption.

With that, I reserve the balance of my time.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Mr. Chairman, this amendment simply states that “technologies to secure sensitive information among Federal agencies” shall be among the technologies addressed in the interagency cybersecurity R&D plan required by the bill. As I understand it, the gentleman's amendment is referring to information controlled by the Federal Government that is not classified but is still sensitive and particularly important to protect. This class of information is very substantial in numerous Federal agencies, including our research and development agencies, and I believe it's reasonable and appropriate to consider how best to pursue technologies that may assist in better protecting it without classifying the information outright. So therefore, I support the gentleman's amendment. I urge my colleagues to do so.

I yield back the balance of my time.

Mr. OWENS. In closing, I want to again thank the chairman, the ranking member, and the committee for their work. I urge support for my amendment and for the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 111-410.

Mr. HEINRICH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. HEINRICH:

Page 8, line 20, insert “National Laboratories,” after “minority serving institutions,”.

The Acting CHAIR. Pursuant to House Resolution 1051, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chair, this legislation is critical to our national security, and I want to thank Representative DAN LIPINSKI and Chairman BART GORDON for their leadership. We have made some incredible advancements in the use of technology in the 21st century; and with much of our Nation's public and private commerce taking place on the Internet, defending our cyberspace from cybercriminals and cyberterrorism has never been more vital to our national security.

In central New Mexico, Sandia National Laboratories dedicated roughly \$20 million last year to this very cause. Sandia has also created a program to train our future workforce by working directly alongside Sandia researchers to secure systems and examine attack modes. Sandia National Labs is a leader in defensive cybersecurity research and development for our Nation's intelligence community and has been home to countless high-level security advancements.

For decades, national laboratories across the Nation have worked to protect their own data and networks from intrusion. Of necessity, they have developed expertise in cryptography as well as sophisticated techniques to detect and thwart cyberattacks. This amendment simply includes our national labs as contributing stakeholders to the strategic management plan for cybersecurity research. Including our national labs and utilizing their cybersecurity expertise is critical to keeping our Nation's cyberspace secure, and I would urge my colleagues to support this amendment.

I reserve the balance of my time, Mr. Chair.

Mr. MCCAUL. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. MCCAUL. Let me say, Mr. Chairman, I believe this is our last amendment, and I want to commend the chairman for his perseverance through 25 amendments here today.

This amendment simply adds national laboratories to the list of stakeholders that the administration should engage in developing its strategic plan for R&D. I think it's a good idea. I urge support. I urge my colleagues to support it.

With that, I yield back the balance of my time.

Mr. HEINRICH. I simply urge my colleagues' support and yield to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I would like to thank Mr. HEINRICH for working with the committee on amendment language. I have visited Sandia. We also have great work going on in my own backyard at Argonne National Lab on cybersecurity. There is a lot of great work going on at all of our labs and contributing so much behind the scenes to things that we don't see. So I want to thank Mr. HEINRICH for his amendment. I urge my colleagues to support it.

But in closing, on their last amendment here, I also would like to thank Mr. MCCAUL for all of his work. This is the way the American people want to see us work, work together, Democrats and Republicans. We work very well together on the Science and Technology Committee. It's an important issue that impacts people in their everyday lives. The amount of time that all of us spend on the Internet, the vulnerabilities that are out there, hopefully through this work, I know that we can really make things better, make the Internet more secure so we have fewer problems with attacks not just on the government but on individuals.

Again, I would like to thank Mr. MCCAUL, Chairman GORDON, and everyone who has worked together on this.

Mr. MCCAUL. Will the gentleman yield?

Mr. LIPINSKI. I yield to the gentleman from Texas.

Mr. MCCAUL. Thank you. Mr. Chairman, I just wanted to personally commend the gentleman for the authorship of this bill. I was proud to be a lead sponsor of the bill. When it comes to security matters and, I think, a lot of science and technology matters, we work in a very bipartisan way. Again, I think that's what the American people really want and deserve out of this Congress. So I am glad that we saw a little bit of that bipartisanship here today on the House floor. And thank you for your leadership.

Mr. LIPINSKI. I thank the gentleman from Texas (Mr. MCCAUL), and I urge my colleagues to support this amendment and to support the bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The amendment was agreed to.

□ 1545

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-410 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Florida;

Amendment No. 3 by Mr. FLAKE of Arizona;

Amendment No. 8 by Mrs. DAHL-KEMPER of Pennsylvania;

Amendment No. 14 by Mr. CUELLAR of Texas;

Amendment No. 18 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 5, not voting 17, as follows:

[Roll No. 34]

AYES—417

|             |                |               |                 |                  |
|-------------|----------------|---------------|-----------------|------------------|
| Abercrombie | Blumenauer     | Cao           | Inslee          | Murphy (NY)      |
| Ackerman    | Blunt          | Capito        | Israel          | Murphy, Patrick  |
| Aderholt    | Bocchieri      | Capps         | Issa            | Murphy, Tim      |
| Adler (NJ)  | Boehner        | Capuano       | Jackson (IL)    | Myrick           |
| Akin        | Bonner         | Cardoza       | Jackson Lee     | Napolitano       |
| Alexander   | Bono Mack      | Carnahan      | (TX)            | Neal (MA)        |
| Altmire     | Boozman        | Carney        | Jenkins         | Neugebauer       |
| Andrews     | Bordallo       | Carson (IN)   | Johnson (GA)    | Norton           |
| Arcuri      | Boren          | Carter        | Johnson (IL)    | Nunes            |
| Austria     | Boswell        | Cassidy       | Johnson, Sam    | Nye              |
| Baca        | Boucher        | Castle        | Jones           | Oberstar         |
| Bachmann    | Boustany       | Castor (FL)   | Jordan (OH)     | Obey             |
| Bachus      | Boyd           | Chaffetz      | Kagen           | Olson            |
| Baird       | Brady (PA)     | Chandler      | Kanjorski       | Olver            |
| Baldwin     | Brady (TX)     | Childers      | Kaptur          | Ortiz            |
| Barrow      | Braley (IA)    | Chu           | Kennedy         | Owens            |
| Bartlett    | Bright         | Clarke        | Kildee          | Pallone          |
| Barton (TX) | Brown (SC)     | Clay          | Kilpatrick (MI) | Pascarell        |
| Bean        | Brown, Corrine | Cleaver       | Kilroy          | Pastor (AZ)      |
| Becerra     | Brown-Waite,   | Clyburn       | Kind            | Paulsen          |
| Berkley     | Ginny          | Coble         | King (IA)       | Payne            |
| Berman      | Buchanan       | Coffman (CO)  | King (NY)       | Pence            |
| Berry       | Burgess        | Cohen         | Kingston        | Perlmutter       |
| Biggett     | Burton (IN)    | Cole          | Kissell         | Perriello        |
| Bilbray     | Butterfield    | Conaway       | Klein (FL)      | Peters           |
| Bilirakis   | Buyer          | Connolly (VA) | Kline (MN)      | Peterson         |
| Bishop (GA) | Calvert        | Conyers       | Kosmas          | Petri            |
| Bishop (NY) | Camp           | Cooper        | Kratovil        | Pierluisi        |
| Bishop (UT) | Campbell       | Costa         | Kucinich        | Pingree (ME)     |
| Blackburn   | Cantor         | Costello      | Lamborn         | Pitts            |
|             |                |               | Lance           | Platts           |
|             |                |               | Langevin        | Polis (CO)       |
|             |                |               | Larsen (WA)     | Pomeroy          |
|             |                |               | Larson (CT)     | Posey            |
|             |                |               | Latham          | Price (GA)       |
|             |                |               | LaTourette      | Price (NC)       |
|             |                |               | Latta           | Putnam           |
|             |                |               | Lee (CA)        | Quigley          |
|             |                |               | Lee (NY)        | Rahall           |
|             |                |               | Levin           | Rangel           |
|             |                |               | Lewis (CA)      | Rehberg          |
|             |                |               | Lewis (GA)      | Reichert         |
|             |                |               | Linder          | Reyes            |
|             |                |               | Lipinski        | Richardson       |
|             |                |               | LoBiondo        | Rodriguez        |
|             |                |               | Loebuck         | Roe (TN)         |
|             |                |               | Lofgren, Zoe    | Rogers (AL)      |
|             |                |               | Lowe            | Rogers (KY)      |
|             |                |               | Lucas           | Rogers (MI)      |
|             |                |               | Luetkemeyer     | Rohrabacher      |
|             |                |               | Lujan           | Rooney           |
|             |                |               | Lummis          | Ros-Lehtinen     |
|             |                |               | Lungren, Daniel | Roskam           |
|             |                |               | E.              | Ross             |
|             |                |               | Lynch           | Rothman (NJ)     |
|             |                |               | Maffei          | Roybal-Allard    |
|             |                |               | Maloney         | Royce            |
|             |                |               | Manzullo        | Ruppersberger    |
|             |                |               | Marchant        | Ryan (WI)        |
|             |                |               | Markey (CO)     | Sablan           |
|             |                |               | Markey (MA)     | Salazar          |
|             |                |               | Marshall        | Sanchez, Loretta |
|             |                |               | Matheson        | Sarbanes         |
|             |                |               | Matsui          | Scalise          |
|             |                |               | McCarthy (CA)   | Schakowsky       |
|             |                |               | McCarthy (NY)   | Schauer          |
|             |                |               | McCauley        | Schiff           |
|             |                |               | McCollum        | Schmidt          |
|             |                |               | McCotter        | Schock           |
|             |                |               | McDermott       | Schrader         |
|             |                |               | McGovern        | Schwartz         |
|             |                |               | McHenry         | Scott (GA)       |
|             |                |               | McIntyre        | Scott (VA)       |
|             |                |               | McKeon          | Sensenbrenner    |
|             |                |               | McMahon         | Serrano          |
|             |                |               | McMorris        | Sessions         |
|             |                |               | Rodgers         | Sestak           |
|             |                |               | McNerney        | Shadegg          |
|             |                |               | Meek (FL)       | Shea-Porter      |
|             |                |               | Meeks (NY)      | Sherman          |
|             |                |               | Melancon        | Shimkus          |
|             |                |               | Mica            | Shuler           |
|             |                |               | Michaud         | Shuster          |
|             |                |               | Miller (FL)     | Simpson          |
|             |                |               | Miller (MI)     | Sires            |
|             |                |               | Miller (NC)     | Skelton          |
|             |                |               | Miller, Gary    | Slaughter        |
|             |                |               | Miller, George  | Smith (NE)       |
|             |                |               | Minnick         | Smith (NJ)       |
|             |                |               | Mitchell        | Smith (TX)       |
|             |                |               | Mollohan        | Smith (WA)       |
|             |                |               | Moore (KS)      | Snyder           |
|             |                |               | Moore (WI)      | Souder           |
|             |                |               | Moran (KS)      | Space            |
|             |                |               | Moran (VA)      | Speier           |
|             |                |               | Murphy (CT)     | Spratt           |



|               |            |              |
|---------------|------------|--------------|
| Stark         | Tierney    | Watson       |
| Stearns       | Titus      | Watt         |
| Stupak        | Towns      | Waxman       |
| Sullivan      | Tsongas    | Weiner       |
| Sutton        | Turner     | Welch        |
| Tanner        | Upton      | Westmoreland |
| Taylor        | Van Hollen | Whitfield    |
| Teague        | Velázquez  | Wilson (OH)  |
| Terry         | Visclosky  | Wilson (SC)  |
| Thompson (CA) | Walden     | Wittman      |
| Thompson (MS) | Walz       | Wolf         |
| Thompson (PA) | Wamp       | Wu           |
| Thornberry    | Wasserman  | Yarmuth      |
| Tiahrt        | Schultz    | Young (AK)   |
| Tiberi        | Waters     |              |

## NOES—5

|            |            |          |
|------------|------------|----------|
| Broun (GA) | McClintock | Poe (TX) |
| Mack       | Paul       |          |

## NOT VOTING—17

|                |                  |                |
|----------------|------------------|----------------|
| Barrett (SC)   | Kirkpatrick (AZ) | Ryan (OH)      |
| Christensen    | Massa            | Sánchez, Linda |
| Gohmert        | Murtha           | T.             |
| Gutierrez      | Nadler (NY)      | Tonko          |
| Johnson, E. B. | Radanovich       | Woolsey        |
| Kirk           | Rush             | Young (FL)     |

## □ 1611

Mr. PAUL of Texas changed his vote from “aye” to “no.”

Mrs. MALONEY and Mr. GARY G. MILLER of California changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TONKO. Mr. Chair, on rollcall No. 34 I was unavoidably detained. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIR (Mr. PIERLUISI). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 31, not voting 12, as follows:

[Roll No. 35]

## AYES—396

|             |             |              |
|-------------|-------------|--------------|
| Abercrombie | Berkley     | Boyd         |
| Ackerman    | Biggart     | Brady (PA)   |
| Aderholt    | Bilbray     | Brady (TX)   |
| Adler (NJ)  | Bilirakis   | Braley (IA)  |
| Akin        | Bishop (GA) | Bright       |
| Alexander   | Bishop (NY) | Broun (GA)   |
| Altmire     | Bishop (UT) | Brown (SC)   |
| Andrews     | Blackburn   | Brown-Waite, |
| Arcuri      | Blumenauer  | Ginny        |
| Austria     | Blunt       | Buchanan     |
| Baca        | Bocieri     | Burgess      |
| Bachmann    | Boehner     | Burton (IN)  |
| Bachus      | Bonner      | Butterfield  |
| Baird       | Bono Mack   | Buyer        |
| Baldwin     | Boozman     | Calvert      |
| Barrow      | Bordallo    | Camp         |
| Bartlett    | Boren       | Campbell     |
| Barton (TX) | Boswell     | Cantor       |
| Bean        | Boucher     | Cao          |
| Becerra     | Boustany    | Capito       |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Capps           | Heinrich        | Meeks (NY)       |
| Capuano         | Heller          | Melancon         |
| Cardoza         | Hensarling      | Mica             |
| Carnahan        | Herger          | Michaud          |
| Carney          | Hereth Sandlin  | Miller (FL)      |
| Carson (IN)     | Higgins         | Miller (MI)      |
| Carter          | Hill            | Miller (NC)      |
| Cassidy         | Himes           | Miller, Gary     |
| Castle          | Hinchey         | Miller, George   |
| Castor (FL)     | Hinojosa        | Minnick          |
| Chaffetz        | Hirono          | Mitchell         |
| Chandler        | Hodes           | Mollohan         |
| Childers        | Hoekstra        | Moore (KS)       |
| Chu             | Holden          | Moran (KS)       |
| Clay            | Holt            | Moran (VA)       |
| Cleaver         | Honda           | Murphy (CT)      |
| Coble           | Hoyer           | Murphy (NY)      |
| Coffman (CO)    | Hunter          | Murphy, Patrick  |
| Cohen           | Inglis          | Murphy, Tim      |
| Cole            | Inslee          | Myrick           |
| Conaway         | Israel          | Napolitano       |
| Connolly (VA)   | Issa            | Neal (MA)        |
| Cooper          | Jackson (IL)    | Neugebauer       |
| Costa           | Jackson Lee     | Norton           |
| Costello        | (TX)            | Nunes            |
| Courtney        | Jenkins         | Nye              |
| Crenshaw        | Johnson (GA)    | Oberstar         |
| Cuellar         | Johnson (IL)    | Obey             |
| Culberson       | Johnson, Sam    | Olson            |
| Cummings        | Jordan (OH)     | Olver            |
| Dahlkemper      | Kagen           | Ortiz            |
| Davis (AL)      | Kanjorski       | Owens            |
| Davis (CA)      | Kaptur          | Pallone          |
| Davis (IL)      | Kildee          | Pascarell        |
| Davis (KY)      | Kilpatrick (MI) | Pastor (AZ)      |
| Davis (TN)      | Kilroy          | Paulsen          |
| Deal (GA)       | Kind            | Pence            |
| DeFazio         | King (IA)       | Perlmutter       |
| DeGette         | King (NY)       | Perriello        |
| Delahunt        | Kingston        | Peters           |
| DeLauro         | Kissell         | Peterson         |
| Dent            | Klein (FL)      | Petri            |
| Diaz-Balart, L. | Kline (MN)      | Pierluisi        |
| Diaz-Balart, M. | Kosmas          | Pingree (ME)     |
| Dicks           | Kratovil        | Pitts            |
| Dingell         | Lamborn         | Platts           |
| Doggett         | Lance           | Poe (TX)         |
| Donnelly (IN)   | Langevin        | Polis (CO)       |
| Doyle           | Larsen (WA)     | Pomeroy          |
| Dreier          | Larson (CT)     | Posey            |
| Driehaus        | Latham          | Price (GA)       |
| Duncan          | LaTourette      | Price (NC)       |
| Edwards (TX)    | Latta           | Putnam           |
| Ehlers          | Lee (NY)        | Quigley          |
| Ellison         | Levin           | Rangel           |
| Ellsworth       | Lewis (CA)      | Rehberg          |
| Emerson         | Lewis (GA)      | Reichert         |
| Engel           | Linder          | Reyes            |
| Eshoo           | Lipinski        | Richardson       |
| Etheridge       | LoBiondo        | Rodriguez        |
| Faleomavaega    | Loebach         | Roe (TN)         |
| Fallin          | Lofgren, Zoe    | Rogers (AL)      |
| Farr            | Lowey           | Rogers (KY)      |
| Fattah          | Lucas           | Rogers (MI)      |
| Flake           | Luetkemeyer     | Rohrabacher      |
| Fleming         | Lujan           | Rooney           |
| Forbes          | Lummis          | Ros-Lehtinen     |
| Fortenberry     | Lungren, Daniel | Roskam           |
| Foster          | E.              | Ross             |
| Fox             | Lynch           | Roybal-Allard    |
| Frank (MA)      | Mack            | Royce            |
| Franks (AZ)     | Maffei          | Ryan (WI)        |
| Frelinghuysen   | Maloney         | Sablan           |
| Gallegly        | Manzullo        | Salazar          |
| Garamendi       | Marchant        | Sanchez, Loretta |
| Garrett (NJ)    | Markey (CO)     | Sarbanes         |
| Gerlach         | Markey (MA)     | Scalise          |
| Giffords        | Marshall        | Schakowsky       |
| Gingrey (GA)    | Matheson        | Schauer          |
| Gohmert         | Matsui          | Schiff           |
| Gonzalez        | McCarthy (CA)   | Schmidt          |
| Goodlatte       | McCarthy (NY)   | Schock           |
| Gordon (TN)     | McCaul          | Schrader         |
| Granger         | McClintock      | Schwartz         |
| Graves          | McCollum        | Scott (GA)       |
| Grayson         | McCotter        | Scott (VA)       |
| Green, Al       | McDermott       | Sensenbrenner    |
| Green, Gene     | McGovern        | Serrano          |
| Griffith        | McHenry         | Sessions         |
| Guthrie         | McIntyre        | Sestak           |
| Hall (TX)       | McKeon          | Shadegg          |
| Halvorson       | McMahon         | Shea-Porter      |
| Hare            | McMorris        | Shimkus          |
| Harman          | Rodgers         | Shuler           |
| Harper          | McNerney        | Shuster          |
| Hastings (WA)   | Meek (FL)       | Simpson          |

|            |               |              |
|------------|---------------|--------------|
| Sires      | Taylor        | Visclosky    |
| Skelton    | Teague        | Walden       |
| Slaughter  | Terry         | Walz         |
| Smith (NE) | Thompson (CA) | Wamp         |
| Smith (NJ) | Thompson (MS) | Wasserman    |
| Smith (TX) | Thompson (PA) | Schultz      |
| Smith (WA) | Thornberry    | Waxman       |
| Snyder     | Tiahrt        | Weiner       |
| Souder     | Tiberi        | Welch        |
| Space      | Tierney       | Westmoreland |
| Speier     | Titus         | Whitfield    |
| Spratt     | Tonko         | Wilson (OH)  |
| Stark      | Towns         | Wilson (SC)  |
| Stearns    | Tsongas       | Wittman      |
| Stupak     | Turner        | Wolf         |
| Sullivan   | Upton         | Wu           |
| Sutton     | Van Hollen    | Yarmuth      |
| Tanner     | Velázquez     |              |

## NOES—31

|                |               |               |
|----------------|---------------|---------------|
| Berman         | Hall (NY)     | Rothman (NJ)  |
| Berry          | Hastings (FL) | Ruppersberger |
| Brown, Corrine | Jones         | Ryan (OH)     |
| Clarke         | Kennedy       | Sherman       |
| Clyburn        | Kucinich      | Waters        |
| Conyers        | Lee (CA)      | Watson        |
| Crowley        | Moore (WI)    | Watt          |
| Edwards (MD)   | Nadler (NY)   | Woolsey       |
| Filner         | Paul          | Young (AK)    |
| Fudge          | Payne         |               |
| Grijalva       | Rahall        |               |

## NOT VOTING—12

|                |                  |                |
|----------------|------------------|----------------|
| Barrett (SC)   | Kirkpatrick (AZ) | Sánchez, Linda |
| Christensen    | Massa            | T.             |
| Gutierrez      | Murtha           | Young (FL)     |
| Johnson, E. B. | Radanovich       |                |
| Kirk           | Rush             |                |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

## □ 1622

Messrs. SHERMAN, KUCINICH, KENNEDY, BERRY, HASTINGS of Florida, CONYERS, Ms. EDWARDS of Maryland, and Ms. WATERS changed their vote from “aye” to “no.”

Ms. JACKSON LEE of Texas, Ms. BORDALLO and Mr. AL GREEN of Texas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 8 OFFERED BY MRS.

## DAHLKEMPER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 3, not voting 17, as follows:

[Roll No. 36]

## AYES—419

|             |            |           |
|-------------|------------|-----------|
| Abercrombie | Aderholt   | Akin      |
| Ackerman    | Adler (NJ) | Alexander |

|                |                 |                 |               |                  |                |                |                 |
|----------------|-----------------|-----------------|---------------|------------------|----------------|----------------|-----------------|
| Altmire        | Deal (GA)       | Kaptur          | Olver         | Royce            | Sutton         |                | [Roll No. 37]   |
| Andrews        | DeFazio         | Kennedy         | Ortiz         | Ruppersberger    | Tanner         |                | AYES—416        |
| Arcuri         | DeGette         | Kildee          | Owens         | Ryan (OH)        | Taylor         |                |                 |
| Austria        | Delahunt        | Kilpatrick (MI) | Pallone       | Ryan (WI)        | Teague         | Abercrombie    | Cuellar         |
| Baca           | DeLauro         | Kilroy          | Pascarell     | Sablan           | Terry          | Ackerman       | Culberson       |
| Bachmann       | Dent            | Kind            | Pastor (AZ)   | Salazar          | Thompson (CA)  | Aderholt       | Cummings        |
| Bachus         | Diaz-Balart, L. | King (IA)       | Paulsen       | Sanchez, Loretta | Thompson (MS)  | Adler (NJ)     | Dahlkemper      |
| Baird          | Diaz-Balart, M. | King (NY)       | Payne         | Sarbanes         | Thompson (PA)  | Akin           | Davis (AL)      |
| Baldwin        | Dicks           | Kingston        | Pence         | Scalise          | Thornberry     | Alexander      | Davis (CA)      |
| Barrow         | Dingell         | Kissell         | Perlmutter    | Schakowsky       | Tiahrt         | Altmire        | Davis (IL)      |
| Bartlett       | Doggett         | Klein (FL)      | Perriello     | Schauer          | Tiberi         | Andrews        | Davis (KY)      |
| Barton (TX)    | Donnelly (IN)   | Kline (MN)      | Peters        | Schiff           | Tierney        | Arcuri         | Davis (TN)      |
| Bean           | Doyle           | Kosmas          | Peterson      | Schmidt          | Titus          | Austria        | Deal (GA)       |
| Becerra        | Dreier          | Kratovil        | Petri         | Schock           | Tonko          | Baca           | DeFazio         |
| Berkley        | Driehaus        | Kucinich        | Pierluisi     | Schrader         | Towns          | Bachmann       | DeGette         |
| Berman         | Duncan          | Lamborn         | Pingree (ME)  | Schwartz         | Tsongas        | Bachus         | Delahunt        |
| Berry          | Edwards (MD)    | Lance           | Pitts         | Scott (GA)       | Turner         | Baird          | DeLauro         |
| Biggert        | Edwards (TX)    | Langevin        | Platts        | Scott (VA)       | Upton          | Baldwin        | Dent            |
| Bilbray        | Ehlers          | Larsen (WA)     | Poe (TX)      | Sensenbrenner    | Van Hollen     | Barrow         | Diaz-Balart, L. |
| Bilirakis      | Ellison         | Larson (CT)     | Polis (CO)    | Serrano          | Velázquez      | Bartlett       | Diaz-Balart, M. |
| Bishop (GA)    | Ellsworth       | Latham          | Pomeroy       | Sessions         | Visclosky      | Barton (TX)    | Dicks           |
| Bishop (NY)    | Emerson         | LaTourette      | Posey         | Sestak           | Walden         | Bean           | Dingell         |
| Bishop (UT)    | Engel           | Latta           | Price (GA)    | Shadegg          | Walsh          | Becerra        | Doggett         |
| Blackburn      | Eshoo           | Lee (CA)        | Price (NC)    | Shea-Porter      | Wamp           | Berkley        | Donnelly (IN)   |
| Blumenauer     | Etheridge       | Lee (NY)        | Putnam        | Sherman          | Wasserman      | Berman         | Doyle           |
| Blunt          | Faleomavaega    | Levin           | Quigley       | Shimkus          | Schultz        | Berry          | Dreier          |
| Boccheri       | Fallin          | Lewis (CA)      | Rahall        | Shuler           | Waters         | Biggert        | Driehaus        |
| Bonner         | Farr            | Lewis (GA)      | Rangel        | Shuster          | Watson         | Bilbray        | Duncan          |
| Bono Mack      | Fattah          | Linder          | Rehberg       | Simpson          | Watt           | Bilirakis      | Edwards (MD)    |
| Boozman        | Filner          | Lipinski        | Reichert      | Sires            | Waxman         | Bishop (GA)    | Edwards (TX)    |
| Bordallo       | Fleming         | LoBiondo        | Reyes         | Skelton          | Weiner         | Bishop (NY)    | Ehlers          |
| Boren          | Forbes          | Loeb sack       | Richardson    | Smith (NE)       | Welch          | Bishop (UT)    | Ellison         |
| Boswell        | Fortenberry     | Lofgren, Zoe    | Rodriguez     | Smith (NJ)       | Westmoreland   | Blackburn      | Ellsworth       |
| Boucher        | Fox             | Lowey           | Roe (TN)      | Smith (TX)       | Whitfield      | Blumenauer     | Emerson         |
| Boustany       | Frank (MA)      | Lucas           | Rogers (AL)   | Smith (WA)       | Wilson (OH)    | Blunt          | Engel           |
| Boyd           | Franks (AZ)     | Luetkemeyer     | Rogers (KY)   | Snyder           | Wilson (SC)    | Boccheri       | Eshoo           |
| Brady (PA)     | Frelinghuysen   | Lujan           | Rogers (MI)   | Souder           | Wittman        | Boehner        | Etheridge       |
| Brady (TX)     | Fudge           | Lummis          | Rohrabacher   | Space            | Wolf           | Bonner         | Faleomavaega    |
| Braley (IA)    | Gallely         | Lungren, Daniel | Rooney        | Speier           | Woolsey        | Bono Mack      | Fallin          |
| Bright         | Garrett (NJ)    | E.              | Ros-Lehtinen  | Spratt           | Wu             | Boozman        | Farr            |
| Broun (GA)     | Gerlach         | Lynch           | Roskam        | Stark            | Yarmuth        | Bordallo       | Fattah          |
| Brown (SC)     | Giffords        | Mack            | Ross          | Stearns          | Young (AK)     | Boren          | Filner          |
| Brown, Corrine | Gingrey (GA)    | Maffei          | Rothman (NJ)  | Stupak           |                | Boswell        | Fleming         |
| Brown-Waite,   | Gohmert         | Maloney         | Roybal-Allard | Sullivan         |                | Boucher        | Forbes          |
| Ginny          | Gonzalez        | Manzullo        |               |                  |                | Boustany       | Fortenberry     |
| Buchanan       | Goodlatte       | Marchant        |               |                  |                | Boyd           | Foster          |
| Burgess        | Gordon (TN)     | Markey (CO)     |               |                  |                | Brady (PA)     | Fox             |
| Burton (IN)    | Granger         | Markey (MA)     | Flake         | McClintock       | Paul           | Brady (TX)     | Frank (MA)      |
| Butterfield    | Graves          | Marshall        |               |                  |                | Braley (IA)    | Franks (AZ)     |
| Buyer          | Grayson         | Matheson        |               |                  |                | Bright         | Frelinghuysen   |
| Calvert        | Green, Al       | Matsui          | Barrett (SC)  | Johnson, E. B.   | Radanovich     | Brown (SC)     | Fudge           |
| Camp           | Green, Gene     | McCarthy (CA)   | Boehner       | Kirk             | Rush           | Brown, Corrine | Gallely         |
| Campbell       | Griffith        | McCarthy (NY)   | Christensen   | Kirkpatrick (AZ) | Sánchez, Linda | Brown-Waite,   | Garamendi       |
| Cantor         | Grijalva        | McCaul          | Foster        | Massa            | T.             | Ginny          | Garrett (NJ)    |
| Cao            | Guthrie         | McCollum        | Garamendi     | Murphy (CT)      | Slaughter      | Buchanan       | Gerlach         |
| Capito         | Hall (NY)       | McCotter        | Gutierrez     | Murtha           | Young (FL)     | Burgess        | Giffords        |
| Capps          | Hall (TX)       | McDermott       |               |                  |                | Burton (IN)    | Gohmert         |
| Capuano        | Halvorson       | McGovern        |               |                  |                | Butterfield    | Gonzalez        |
| Cardoza        | Hare            | McHenry         |               |                  |                | Buyer          | Goodlatte       |
| Carnahan       | Harman          | McIntyre        |               |                  |                | Calvert        | Gordon (TN)     |
| Carney         | Harper          | McKeon          |               |                  |                | Camp           | Granger         |
| Carson (IN)    | Hastings (FL)   | McMahon         |               |                  |                | Campbell       | Graves          |
| Carter         | Hastings (WA)   | McMorris        |               |                  |                | Cantor         | Grayson         |
| Cassidy        | Heinrich        | Rodgers         |               |                  |                | Cao            | Green, Al       |
| Castle         | Heller          | McNerney        |               |                  |                | Capito         | Green, Gene     |
| Castor (FL)    | Hensarling      | Meek (FL)       |               |                  |                | Capps          | Griffith        |
| Chaffetz       | Herger          | Meeks (NY)      |               |                  |                | Capuano        | Grijalva        |
| Chandler       | Herseth Sandlin | Melancon        |               |                  |                | Cardoza        | Guthrie         |
| Childers       | Higgins         | Mica            |               |                  |                | Carnahan       | Hall (NY)       |
| Chu            | Hill            | Michaud         |               |                  |                | Carney         | Hall (TX)       |
| Clarke         | Himes           | Miller (FL)     |               |                  |                | Carson (IN)    | Halvorson       |
| Clay           | Hinchey         | Miller (MI)     |               |                  |                | Carter         | Hare            |
| Cleaver        | Hinojosa        | Miller (NC)     |               |                  |                | Cassidy        | Harman          |
| Clyburn        | Hirono          | Miller, Gary    |               |                  |                | Castle         | Harper          |
| Coble          | Hodes           | Miller, George  |               |                  |                | Castor (FL)    | Hastings (FL)   |
| Coffman (CO)   | Hoekstra        | Minnick         |               |                  |                | Chaffetz       | Hastings (WA)   |
| Cohen          | Holden          | Mitchell        |               |                  |                | Chandler       | Heinrich        |
| Cole           | Holt            | Mollohan        |               |                  |                | Childers       | Heller          |
| Conaway        | Honda           | Moore (KS)      |               |                  |                | Chu            | Hensarling      |
| Connolly (VA)  | Hoyer           | Moore (WI)      |               |                  |                | Clarke         | Herger          |
| Conyers        | Hunter          | Moran (KS)      |               |                  |                | Clay           | Herseth Sandlin |
| Cooper         | Inglis          | Moran (VA)      |               |                  |                | Cleaver        | Higgins         |
| Costa          | Inslee          | Murphy (NY)     |               |                  |                | Clyburn        | Hill            |
| Costello       | Israel          | Murphy, Patrick |               |                  |                | Coble          | Himes           |
| Courtney       | Issa            | Murphy, Tim     |               |                  |                | Coffman (CO)   | Hinchey         |
| Crenshaw       | Jackson (IL)    | Myrick          |               |                  |                | Cohen          | Hinojosa        |
| Crowley        | Jackson Lee     | Nadler (NY)     |               |                  |                | Cole           | Hirono          |
| Cuellar        | (TX)            | Napolitano      |               |                  |                | Conaway        | Hodes           |
| Culberson      | Jenkins         | Neal (MA)       |               |                  |                | Connolly (VA)  | Hoekstra        |
| Cummings       | Johnson (GA)    | Neugebauer      |               |                  |                | Conyers        | Holden          |
| Dahlkemper     | Johnson (IL)    | Norton          |               |                  |                | Cooper         | Holt            |
| Davis (AL)     | Johnson, Sam    | Nunes           |               |                  |                | Costa          | Honda           |
| Davis (CA)     | Jones           | Nye             |               |                  |                | Costello       | Hoyer           |
| Davis (IL)     | Jordan (OH)     | Oberstar        |               |                  |                | Courtney       | Hunter          |
| Davis (KY)     | Kagen           | Obey            |               |                  |                | Crenshaw       | Inglis          |
| Davis (TN)     | Kanjorski       | Olson           |               |                  |                | Crowley        | Inslee          |

## NOES—3

## NOT VOTING—17

□ 1630

Messrs. FLAKE and PAUL changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 14 OFFERED BY MR. CUELLAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CUELLAR) on which further proceedings were postponed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 4, not voting 19, as follows:

Moran (VA) Rogers (KY) Spratt  
 Murphy (CT) Rogers (MI) Stark  
 Murphy (NY) Rohrabacher Stearns  
 Murphy, Patrick Rooney Stupak  
 Murphy, Tim Ros-Lehtinen Sullivan  
 Myrick Roskam Sutton  
 Nadler (NY) Ross Tanner  
 Neal (MA) Rothman (NJ) Taylor  
 Neugebauer Roybal-Allard Teague  
 Nunes Royce Terry  
 Nye Rumpersberger Thompson (CA)  
 Oberstar Ryan (OH) Thompson (MS)  
 Obey Ryan (WI) Thompson (PA)  
 Olson Sablan Thornberry  
 Oliver Salazar Tiahrt  
 Ortiz Sanchez, Loretta Tiberi  
 Owens Sarbanes Tierney  
 Pallone Scalise Titus  
 Pascarell Schakowsky Tonko  
 Pastor (AZ) Schauer Towns  
 Paulsen Schiff Turner  
 Payne Schmidt Upton  
 Pence Scheck Van Hollen  
 Perlmutter Schrader Velázquez  
 Perriello Schwartz Visclosky  
 Peters Scott (GA) Walden  
 Peterson Scott (VA) Walz  
 Petri Sensenbrenner Wamp  
 Pierluisi Serrano Wasserman  
 Pingree (ME) Sessions  
 Pitts Sestak Schultz  
 Platts Shadegg Waters  
 Poe (TX) Shea-Porter Watson  
 Polis (CO) Sherman Watt  
 Pomeroy Shimkus Waxman  
 Posey Shuler Weiner  
 Price (GA) Shuster Welch  
 Price (NC) Simpson Westmoreland  
 Putnam Sires Blumenauer  
 Quigley Skelton Whitfield  
 Rahall Smith (NE) Wilson (OH)  
 Rehberg Smith (NJ) Wilson (SC)  
 Reichert Smith (TX) Wittman  
 Reyes Smith (WA) Wolf  
 Richardson Snyder Woolsey  
 Rodriguez Souder Wu  
 Roe (TN) Space Yarmuth  
 Rogers (AL) Speier Young (AK)

## NOES—4

Broun (GA) McClintock  
 Flake Paul

## NOT VOTING—19

Barrett (SC) Lewis (GA) Rush  
 Christensen Massa Sánchez, Linda  
 Gingrey (GA) Murtha T.  
 Gutierrez Napolitano Slaughter  
 Johnson, E. B. Norton Tsongas  
 Kirk Radanovich Young (FL)  
 Kirkpatrick (AZ) Rangel

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are advised that 2 minutes remain on this vote.

□ 1638

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 4, not voting 18, as follows:

[Roll No. 38]

## AYES—417

Abercrombie Costello Hirono  
 Ackerman Courtney Hodes  
 Aderholt Crenshaw Hoekstra  
 Adler (NJ) Crowley Holden  
 Akin Cuellar Holt  
 Alexander Culberson Honda  
 Altmire Cummings Hoyer  
 Andrews Dahlkemper Hunter  
 Arcuri Davis (AL) Inglis  
 Austria Davis (CA) Inslee  
 Baca Davis (IL) Israel  
 Bachmann Davis (KY) Issa  
 Bachus Davis (TN) Jackson (IL)  
 Baird Deal (GA) Jackson Lee  
 Baldwin DeFazio (TX)  
 Barrow DeGette Jenkins  
 Bartlett Delahunt Johnson (GA)  
 Barton (TX) DeLauro Johnson (IL)  
 Bean Dent Johnson, Sam  
 Becerra Diaz-Balart, L. Jones  
 Berkley Diaz-Balart, M. Jordan (OH)  
 Berman Dicks Kagen  
 Berry Dingell Kanjorski  
 Biggert Doggett Kaptur  
 Bilbray Donnelly (IN) Kennedy  
 Bilirakis Doyle Kildee  
 Bishop (GA) Dreier Kilpatrick (MI)  
 Bishop (NY) Driehaus Kilroy  
 Bishop (UT) Duncan Kind  
 Blackburn Edwards (MD) King (NY)  
 Blumenauer Edwards (TX) Kingston  
 Blunt Ehlers Kissell  
 Boccieri Ellison Klein (FL)  
 Boehner Ellsworth Kline (MN)  
 Bonner Emerson Kosmas  
 Bono Mack Engel Kratovich  
 Boozman Eshoo Kucinich  
 Bordallo Etheridge Lamborn  
 Boren Faleomavaega Lance  
 Boswell Fallin Langevin  
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 Boustany Fattah Larson (CT)  
 Boyd Filner Latham  
 Brady (PA) Fleming LaTourette  
 Brady (TX) Forbes Latta  
 Braley (IA) Fortenberry Lee (CA)  
 Bright Foster Lee (NY)  
 Brown (SC) Foss Levin  
 Brown, Corrine Frank (MA) Lewis (CA)  
 Brown-Waite, Franks (AZ) Lewis (GA)  
 Ginny Frelinghuysen Linder  
 Buchanan Fudge Lipinski  
 Burgess Gallegly LoBiondo  
 Burton (IN) Garamendi Loeback  
 Butterfield Lofgren, Zoe Lotgren, Zoe  
 Buyer Gerlach Lowey  
 Calvert Giffords Lucas  
 Camp Gingrey (GA) Luetkemeyer  
 Campbell Gohmert Luján  
 Cantor Gonzalez Lummis  
 Cao Goodlatte Lungren, Daniel  
 Capito Gordon (TN) E.  
 Capps Granger Lynch  
 Capuano Graves Mack  
 Cardoza Grayson Maffei  
 Carnahan Green, Al Maloney  
 Carney Green, Gene Manzullo  
 Carson (IN) Griffith Marchant  
 Carter Grijalva Markey (CO)  
 Cassidy Guthrie Markey (MA)  
 Castle Hall (NY) Marshall  
 Chaffetz Hall (TX) Matheson  
 Chandler Halvorson Matsui  
 Childers Hare McCarthy (CA)  
 Chu Harman McCarthy (NY)  
 Clarke Harper McCaul  
 Clay Hastings (FL) McCollum  
 Cleaver Hastings (WA) McCotter  
 Clyburn Heinrich McDermott  
 Coble Heller McGovern  
 Coffman (CO) Hensarling McHenry  
 Cohen Herger McIntyre  
 Cole Herseth Sandlin McKeon  
 Conaway Higgins McMahon  
 Connolly (VA) Hill McMorris  
 Conyers Himes Rodgers  
 Cooper Hinchey McNeerney  
 Costa Hinojosa Meek (FL)

Meeks (NY) Price (NC) Smith (NJ)  
 Melancon Putnam Smith (TX)  
 Mica Quigley Smith (WA)  
 Michaud Rahall Snyder  
 Miller (FL) Rangel Souder  
 Miller (MI) Rehberg Space  
 Miller, Gary Reichert Spratt  
 Miller, George Reyes Stark  
 Minnick Richardson Stearns  
 Mitchell Rodriguez Stupak  
 Molloyhan Roe (TN) Sullivan  
 Moore (KS) Rogers (AL) Sutton  
 Moore (WI) Rogers (KY) Tanner  
 Moran (KS) Rogers (MI) Taylor  
 Moran (VA) Rohrabacher Teague  
 Murphy (CT) Rooney Terry  
 Murphy (NY) Ros-Lehtinen Thompson (CA)  
 Murphy, Patrick Roskam Thompson (MS)  
 Murphy, Tim Ross Thompson (PA)  
 Myrick Rothman (NJ) Thornberry  
 Nadler (NY) Roybal-Allard Tiahrt  
 Napolitano Royce Tiberi  
 Neal (MA) Rumpersberger Tierney  
 Neugebauer Ryan (OH) Titus  
 Norton Ryan (WI) Tonko  
 Nunes Sablan Towns  
 Nye Salazar Tsongas  
 Oberstar Sanchez, Loretta Turner  
 Obey Sarbanes Upton  
 Olson Scalise Van Hollen  
 Oliver Schakowsky Velázquez  
 Ortiz Schauer Visclosky  
 Owens Schiff Walden  
 Pallone Schmidt Walz  
 Pascarell Scheck Wamp  
 Pastor (AZ) Schrader Wasserman  
 Paulsen Schwartz Schultz  
 Payne Scott (GA) Waters  
 Pence Scott (VA) Watson  
 Perlmutter Sensenbrenner Watt  
 Perriello Serrano Waxman  
 Peters Sessions Weiner  
 Peterson Sestak Wolf  
 Petri Shadegg Woolsey  
 Pierluisi Shea-Porter Westmoreland  
 Pingree (ME) Sherman Whitfield  
 Pitts Shimkus Wilson (OH)  
 Platts Shuler Wittman  
 Poe (TX) Shuster Wolf  
 Polis (CO) Simpson Woolsey  
 Pomeroy Sires Wu  
 Posey Skelton Yarmuth  
 Price (GA) Smith (NE) Young (AK)

## NOES—4

Broun (GA) McClintock  
 Flake Paul

## NOT VOTING—18

Barrett (SC) Kirkpatrick (AZ) Sánchez, Linda  
 Castor (FL) Massa T.  
 Christensen Miller (NC) Slaughter  
 Gutierrez Murtha Speier  
 Johnson, E. B. Radanovich Wilson (SC)  
 King (IA) Rush Young (FL)  
 Kirk

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are reminded there are 2 minutes left on this vote.

□ 1645

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Chairman, I was absent from the House Chamber today, due to a family emergency. Had I been present, I would have voted "aye" on rollcall votes 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38.

Mr. MCGOVERN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BRIGHT) having assumed the chair, Mr. PIERLUISI, Acting Chair of the Committee of the Whole House on the state

of the Union, reported that that Committee, having had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, had come to no resolution thereon.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 45, INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-411) on the resolution (H. Res. 1065) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, which was referred to the House Calendar and ordered to be printed.

#### JIM KOLBE POST OFFICE

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, I rise today to commemorate the legacy of a former Member of Congress, Congressman Jim Kolbe. This body honors him with the passage of H.R. 4495, legislation to rename his hometown post office at 100 North Taylor Lane in Pataonia, Arizona.

Congressman Kolbe's record of service began as a page in this historic place of Congress for Senator Barry Goldwater. This experience would have a lasting impact on his appreciation for the virtue of public service, resulting in a long and distinguished career dedicated to cultivating a better Arizona, and in fact, a better Nation.

He spent his life in service in the United States Navy, the Arizona State legislature, and in the United States Congress for Arizona's Fifth and Eighth Congressional Districts. As our hometown newspaper, the Arizona Daily Star, noted upon his retirement in December of 2006, "He earned a reputation as a moderate in a partisan world, a voice working from the center."

Congressman Kolbe did not work from a predetermined list of party positions. He worked to unite his colleagues in finding solutions to important issues to Arizonans, from increased economic opportunity through trade to environmental conversation.

Mr. Speaker, I ask my colleagues to join with me in honoring this great figure, a man who served our community in Arizona, who served our Nation, Congressman Jim Kolbe, a true statesman and a beloved public figure.

#### COMMENDING PIUS BANNIS

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to applaud the outstanding work and selfless commitment of Mr. Pius Bannis. Mr. Bannis is the Field Office Director in Port-au-Prince for the U.S. Citizenship and Immigration Services. He has gone above and beyond the call of duty in the weeks since the horrific earthquake that devastated Haiti on January 12.

Working around the clock, Mr. Bannis has helped to process hundreds of adoption cases, helping to unite American families with their Haitian children in the aftermath of this tragic disaster. Mr. Bannis is a hero. Because of his tireless efforts and compassion, many of the most vulnerable children in Haiti are able to look toward a much brighter future.

I am inspired by the selfless dedication, and again thank Mr. Bannis, as well as all of the employees of the U.S. Citizenship and Immigration Services, for their extraordinary service in helping Haitian children.

#### HONORING ANTONIO MANGLONA BORJA

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, they say only the good die young. I don't know if only the good die young, but I do know that Antonio Manglona Borja from the island of Tinian in the Northern Mariana Islands was a very good man, and I do know that Antonia Manglona Borja has died much too young.

Tinian is a small island with a small number of families. Everyone knows everyone. And no one who lives there can fail to touch the lives of others. But some people have an impact on the community that is outsized, that makes their presence—and their absence—of greater significance.

Antonia Borja made his presence felt in so many ways: as an officer of the Department of Public Safety; as someone deeply involved with youth and adult sports; as a public representative on boards and commissions. Most of all, he was always there to give a hand to friends and neighbors in need.

Antonia Manglona Borja, Mr. Speaker. He was a good man. He died too young. And we all will miss him.

Mr. Speaker, They say only the good die young. I don't know if only the good die young. But I do know that Antonio Manglona Borja from the island of Tinian in the Northern Mariana Islands was a very good man. And I do know that Antonio Manglona Borja has died much too young.

So I rise today to honor him on the floor of the U.S. House of Representatives in the hope that knowing that Antonio was recognized in this way will give some comfort to his par-

ents—Elias Manibusan Borja and Rosa Manglona Borja, to his wife—Bernadine Palacios Borja, to their children—Anthony Silvestre, Kristine, and Dennis—and to all Antonio's many friends and family members who miss him.

Mr. Speaker, Tinian is a small island with a small number of families. Everyone knows everyone. And no one who lives there can fail to touch the lives of others.

But, of course, some people have an impact on the community that is outsized, that makes their presence—and their absence—of greater significance.

Antonio Borja made his presence felt in so many lives. As an officer of the Department of Public Safety, he helped to keep the peace on Tinian. He was there in moments of crisis and trauma for his community. He helped others and held them safe, when they were most in danger, most in need.

Mr. Borja learned the job of Public Safety Officer from the ground up, beginning as recruit in 1985 and quickly moving up the ranks to Captain in just nine years time. And Mr. Borja took what he learned as an officer and continued to contribute to the welfare of his community after his retirement nine years ago.

He was deeply involved with youth and adult sports. He served on the board of public corporations. Most of all, he was always there to give a hand to friends and neighbors in need.

Antonio Manglona Borja, Mr. Speaker. He was a good man. He died too young. And we all will miss him.

#### JUVENILE DIABETES

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute.)

Mr. BOCCIERI. Mr. Speaker, I rise today in recognition of the 3 million young Americans who courageously fight juvenile diabetes every day. Recently, I had the privilege of meeting three brave children from my northeastern Ohio district, Andrew Butterworth, Meghan Jordan, and Gaetano Cecchini, who suffer from juvenile diabetes, but take their condition with great humility and strength.

Each day 40 children are diagnosed with diabetes in the United States. The price to maintain treatment can cost thousands of dollars per year. While insulin is enough to keep that person alive, it doesn't prevent the potential side effects of kidney failure, blindness, amputations, and heart attacks.

When Meghan came to my office, she gave me a notebook with pictures and descriptions of her enjoying her life to her fullest, in spite of her condition. And she writes, "Having diabetes is physically and emotionally hard. I check my blood sugars at least five times a day and give myself 4 shots a day. My grandpa really helped me with diabetes, but he passed away, and I miss him very much. Promise to remember me and the children who have juvenile diabetes and help us find a cure."

We owe it to them to fight hard to make sure that juvenile diabetes and other debilitating diseases that affect our children are looked at, fought, and make sure that we can end them in a timely fashion.

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1700

### THE LAST DOUGHBOY AND THE WAR TO END ALL WARS

The SPEAKER pro tempore (Mr. BRIGHT). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. They called it the "war to end all wars"; 4.7 million Americans went over there to Europe in the great World War I, and 116,000 of them never came home. When they arrived back in the United States in 1918, thousands of them died from the flu that they had contracted in France. They called them "doughboys" because of the look of their uniform. One such person was an individual by the name of Frank Buckles.

Frank Buckles lied to get into the United States Army. He was 16. And he went from recruiter to recruiter to recruiter and finally convinced somebody he was 21. He got into the United States Army and went over there with the doughboys to end the war to end all wars. He drove an ambulance and rescued other Americans who were fighting that great war. He said, We were typical cocky Americans. No one wanted us around until the French and the British needed some help winning that war. And just 19 months after the first Yanks arrived, the guns fell silent.

Yes, that war ended on November 11, 1918. But that wasn't all for Frank Buckles. After he was discharged from the United States Army in 1918, he found himself in a place called Manila in the Philippines on December 8, 1941, when the Japanese attacked—the day after Pearl Harbor—and Frank Buckles was captured by the Japanese. For the next 39 months he was held as a prisoner of war in a Japanese concentration camp. He was finally freed on February 23, 1945, the day the Japanese had ordered his execution.

Frank Buckles is the last surviving doughboy from World War I. On Monday, he was 109 years old. He lives not far from here. Until he was 101, he drove his tractor on his farm in West Virginia. At this time I would like to insert into the RECORD a letter he wrote to the American people on Memorial Day of last year.

### LAST WORLD WAR I VET FRANK BUCKLES' MEMORIAL DAY LETTER TO AMERICANS

*(The following is a letter from Frank Buckles to the American Veterans Center and National Memorial Day Parade on Memorial Day, 2009.)*

DEAR AMERICANS: Though I am unable to be in our great nation's capitol today to pay honor to the many men and women who have fought and died protecting our freedom, I want you to know the depth of my gratitude to our service members and the deep personal significance Memorial Day has to me.

In 1918, I was sure there would never be another world war. But just 23 years later—the day after Pearl Harbor—I became one of 2,000 civilians who would spend the next 3 and a half years in a Japanese POW camp in the Philippines.

I was born in 1901 during the McKinley Administration in the heartland of America. I was thirteen when World War I broke out in Europe. For me the decision to join the service was an easy one. The hard part was finding someone who'd let me join.

I was just 16 and didn't look a day older. I confess to you that I lied to more than one recruiter. I gave them my solemn word that I was 18, but I'd left my birth certificate back home in the family Bible. They'd take one look at me and laugh and tell me to home before my mother noticed I was gone.

Somehow I got the idea that telling an even bigger whopper was the way to go. So I told the next recruiter that I was 21 and darned if he didn't sign me up on the spot! I enlisted in the Army on the 14th of August 1917. As a 16-year-old boy, you think you're invincible and I wanted to go where the action was.

One of the older sergeants told me the fastest way to get to France was to go into the Ambulance Corps. So that's what I did. There was never a shortage of blown-up bodies that needed to be rushed to the nearest medical care. The British and French troops were in bad shape—even guys about my age looked old and tired.

After three years of living and dying inside a dirt trench, you know the Brits and French were happy to see us "doughboys." Every last one of us Yanks believed we'd wrap this thing up in a month or two and head back home before harvest. In other words, we were the typical, cocky Americans no one wants around, until they need help winning a war.

But that's what makes America special—as much as we want to avoid war, we're ready to sacrifice everything if that's what it takes to make sure the bad guys don't win. America's entry into the war was decisive. Just 19 months after the first Yanks arrived, the guns fell silent.

The Armistice commenced on the 11th hour of the 11th day of the 11th month and battered troops on both sides crawled out of their trenches for the last time. When the armistice came, I thought the Europeans would be dancing in the streets. After the Armistice, I was assigned to deliver German POWs back to their homeland. Looking at their war-weary faces, I never dreamed that one day I'd find myself in the same position—but in much worse circumstances.

On December 7, 1941, the Japs bombed Pearl Harbor. Even before Congress declared war on Japan, young American men were lining up to enlist. At the time, I was working in the Manila office for a shipping firm called the White Star Line.

White Star was the line that had owned the *Titanic*. White Star also owned the *Carpathian*—the ship that had rescued the *Titanic*'s survivors . . . and the *Carpathian*

was also the ship that had taken me to the battlefields of France in 1917. You know, looking back I think I should have seen all those White Star connections as an omen of things to come. But I didn't.

The Axis war in Europe and Asia had been going on for the last several years. But General MacArthur had assured us that Manila was the safest city in the Orient. MacArthur was a great general, but this time he guessed wrong.

On December 8th, just one day after Pearl Harbor, a Japanese invasion took control of Manila. The Japanese took thousands of us foreigners to Los Banos, a prison camp 40 miles southeast of Manila. Along with 2,000 other foreign civilians, I was designated a prisoner of war.

For the next 3 and a half years, my fellow POW's and I had only two things on our minds. We wondered when MacArthur was going to return and how we were going to find something to fill our stomachs. The starvation at Los Banos was so bad, it is surprising that any of us survived. When The 11th Airborne finally freed us on February 23, 1945, we all looked pretty much like skeletons with skin on.

America goes to war to free, to liberate, to protect, and to bring justice to bear. I hope this Memorial Day, you take the time to thank the veterans you meet for their service to this country—the sacrifices that they have made to preserve your freedom.

May God bless you and God bless America!

FRANK BUCKLES,  
Corporal, World War I,  
U.S. Army (Retired).

After World War I was over with, that generation went into the Roaring Twenties, then the Great Depression, and then they were the fathers of the Greatest Generation that went off to the great World War II.

I mention Frank Buckles for several reasons. He's the last surviving doughboy. This is a picture of him that was taken not too long ago in front of the D.C. World War Memorial that's on the Mall. Now Frank Buckles is spending the rest of his life trying to do something for those doughboys in World War I. You see, on the great National Mall we have a memorial for the veterans of Vietnam, for the veterans of Korea, and for the veterans of the Greatest Generation, the World War II Memorial. But there is no memorial for the doughboys of World War I who served in these United States. In fact, this monument, this memorial for D.C. World War I veterans, is in the weeds. It's not taken care of by the Park Service.

And so what we are planning and what Frank Buckles desires is to have an expansion of this memorial and expand it to include all of those who served in the great World War I. He says, I feel as the last survivor a responsibility to bring recognition to all of the millions who fought in that war and are gone. I intend to give all my efforts and time I have left to see that a national memorial of World War I joins the other memorials on the National Mall. I am dismayed that this country has erected memorials for World War II, Korea, and Vietnam, yet there is no memorial for the war to end all wars.

So what we should do, Members of Congress and Mr. Speaker, we should erect a memorial for that war that occurred in the last century. We should erect it for the doughboys of that generation; for Frank Buckles, who is 109 years old, the last surviving doughboy. We owe it to them. There are no lobbyists for the World War I Memorial. Everybody's died. The only lobbyists are Members of Congress and school-children throughout this country, like Creekwood Middle School in Kingwood, Texas, that's raising money to pay for the memorial on the National Mall.

And so what we as Members of Congress do and need to do is to honor these great Americans that served in that great war—that war that we don't even talk much about in our history books anymore. We owe it to them. We owe it to Frank Buckles. We owe it to those doughboys.

And that's just the way it is.

#### TACKLING THE DEFICIT OF TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, this week, the President unveiled his 2011 budget, along with the promise to cut nonsecurity discretionary spending for 3 years. I actively support the President's initiative to rein in spending and to tackle our ever-growing deficit. However, the President and Congress must go further. In order to understand our next steps, we must understand how we got here.

Eight years of fiscal irresponsibility, a blatant disregard for pay-as-you-go budgeting, and sky-high tax cuts have left us with a debt that is over 50 percent of GDP. To add insult to injury, we work in a town that thrives on pet projects and individually directed spending. We recklessly spend on defense projects that are intended to keep us safe—the government's number one duty—but actually help make us vulnerable and that are often untested and ineffective. In a March, 2009, GAO report assessing selected weapons programs, researchers estimate that cost overruns totaled nearly \$300 billion. GAO continued to recommend that DOD move towards sound, knowledge-based acquisitions.

The President should continue on this path toward reform spending by recommending cutting programs like expensive warships, planes, and flawed missile defense systems that don't help in the fight against terror. Congress must also reassert its constitutional right to provide for the common defense by denying money to produce any weapon before it is thoroughly tested. If we are smart with our dollars, we will not only be safer but we will be stronger.

We're fighting two wars while simultaneously attempting to reassert our

power as a global economic influence. Now is not the time to pick and choose where we cut our spending. Now is the time to reinvent, streamline, and reform the way we do business in Washington. Now is not the time to protect sacred cows. Nothing should be beyond our scrutiny. Now is the time to subject tax expenditures to budget discipline. I agree with the President that we must extend middle class tax cuts, but end the support for those making over \$250,000 a year. And we must refocus domestic spending so that our number one priority is job creation.

Next month, the Secretary of the Treasury will submit to Congress and the President an audited financial report for the U.S. Government. Similar to those required of publicly traded companies, this report projects our unfunded liabilities, or the present value of future expenditures in excess of future revenues. This report helps us understand the true expense of promising to pay Social Security, Medicare, and Medicaid benefits at some future moment, even if no cash is disbursed today.

The 2008 report projects our unfunded liabilities at \$56 trillion. Our large and growing deficits continue to increase government debt levels as a percentage of GDP to unprecedented and unsustainable heights. The most troublesome and crippling outcome of all, however, is that in this process of unethical and unabashed spending we have lost the public's trust. Without this trust, we simply cannot govern.

Tackling this deficit of trust must be our first priority. "Let's try common sense," the President said. "Let's invest in our people without leaving them a mountain of debt. Let's meet our responsibility to the people who sent us here." Our responsibility, then, is to take the more difficult road—the road that includes reform, the road that includes reinventing government, and the road that includes the Members of this House leading by example.

#### ENHANCED INTERROGATION TECHNIQUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. You know, Mr. Speaker, today we had a hearing before the International Relations Committee and one of the subjects that was brought up was enhanced interrogation techniques. And waterboarding was brought up. One of my colleagues said, Boy, that's torture. That's why we shouldn't be using that.

Now Khalid Sheikh Mohammed, who personally cut the head off of Daniel Pearl, personally killed him, and he was personally involved in the 9/11 attacks that killed 3,000 Americans, he was waterboarded. Before he was

waterboarded, he said—and I want to read from a CIA memo. It said, "In particular, the CIA believes that it would have been unable to obtain critical information from numerous detainees, including Khalid Sheikh Mohammed and Abu Zubaydah, without using enhanced techniques." Both of them had expressed their belief that the United States population was weak and lacked resilience and would be unable to do what was necessary for preventing terrorists from succeeding in their goals.

Indeed, before the CIA used enhanced techniques in its interrogation, he said, when asked about future attacks, simply, "Soon you will know." Soon after he was subjected to the waterboarding, he became cooperative, and as a result we were able to stop an attack that was going to take place in Los Angeles where a plane was going to fly into a building.

Now we have said time and again that we don't believe in torture. And I don't believe in torture. But the definition of torture is in the eye of the beholder. They say waterboarding is terrible, and it's torture. But do you know—and I don't think many of my colleagues know this—that the Survival, Evasion, Rescue, and Escape training for our military personnel—and that's the Special Forces, the Navy SEALs, and pilots that fly in the military—they go through enhanced techniques like this, and they go through waterboarding. They have for 30 years. Now maybe they're stopping it now, but they, for 30 years, since Vietnam, went through waterboarding as a training technique. Nobody called it torture then, and we certainly weren't talking about a terrorist who cut somebody's head off and helped design the attack on the World Trade Center that killed over 3,000 people.

CIA Director General Michael B. Hayden said on Fox News Sunday last weekend that the use of these techniques against these terrorists made us, the United States of America, safer. It really did work. And the thing that bothers me, instead of using enhanced interrogation techniques to go after these terrorists to find out what's going on, we're instead bringing them from Guantanamo to New York City. Well, they've stopped that now because it's going to cost \$250 million, at least, and the mayor of the city said he doesn't want that to go on. But we were going to bring these terrorists that killed all these Americans and did all these horrible things like cutting off people's heads and hanging them from bridges in Fallujah, and we were going to bring them to New York. And we're providing them with legal help. We're providing them with guidance.

And this guy that flew into Detroit and tried to blow up an airplane with 230-some people on it, we gave him his Miranda rights. Then, after that, we went over to his home country and

brought his mother and father back so they could talk to him to convince him to talk to the American intelligence people. Is that the way you conduct intelligence gathering—giving them Miranda rights, bringing them to the United States after they've done these horrible things to Americans? They're terrorists.

We are in a war against terrorism and within bounds we should use every enhanced technique we can come up with to elicit information from these terrorists before they kill Americans. We should be going after them with everything we have instead of providing legal defense for them. They are not Americans. They're terrorists who want to destroy the United States of America. And we as Americans need to realize that and do whatever is necessary, including using enhanced interrogation techniques like waterboarding, which we've done with the military—our military—in order to save this country and protect it from terrorism.

□ 1715

#### FINANCIAL RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the economic pain in the Midwestern region of our country is not subsiding in any meaningful way. Approximately 600,000, over half a million Americans, are out of work in just our State alone and over 20 million Americans across our country. In our district, one county, Ottawa County, is suffering from an unemployment rate that exceeds 17 percent, and just yesterday another one of its largest employers, Silgan, announced it would close its plant.

There have been approximately 27,000 bankruptcies in just one county in my district. Bankruptcy is a desperate act, an act taken only when you see no other alternative. Today's New York Times talks about desperate measures that homeowners across our country are now taking. The front page article describes the growing number of Americans who are "under water" on their mortgages and the steps they are taking to cope with that situation. Being under water means you owe more on the house than it's worth. More and more homeowners who are under water are taking the desperate act of walking away from their homes, even in the winter.

When the real estate market started sinking in the middle of 2006, almost no Americans were under water on their mortgages. Now 3 years later, an estimated 4.5 million homeowners have reached what The Times calls "the critical threshold" where the home's value had fallen below 75 percent of the mortgage balance.

Frankly, as I predicted, the mortgage workout programs hastily adopted by this Congress are not working for the majority of Americans. Some would say this is purposeful to allow the five big Wall Street megabanks to further gain ownership over huge segments of the U.S. real estate market. The New York Times cites recent data that suggests the real estate market is stalling again, and the number of people who have fallen below this critical threshold is projected to climb to a peak of 5.1 million people by June.

Mr. Speaker, the figure would represent 10 percent of all Americans with mortgages: one in 10. This is unacceptable in America. And without improvement in the housing market, America is unlikely to see improvement in the overall economy because housing always leads us to recovery.

All of us are anxious to see more economic growth. The most recent gross domestic product showed that the American economy overall had grown at the fastest pace in 6 years, certainly better than the lost jobs of the Bush era. But now economists are saying that we're headed for a jobless recovery. That is unacceptable. Economist Peter Morici states that we will need 5 to 6 percent growth over the next 3 years to replace the jobs that have been lost during the recession, and Raymond Hodgdon, in his economic report out of Chicago, suggests the same number.

Our Nation got to these desperate times through the financial crisis. Our economy essentially functions on credit, and much of our credit was created through the securitization of loans which should lead to a discussion of the shadow banking system, a secretive, opaque netherworld where fraud can thrive even as it devastates the entire country.

Equally in the shadows is the Federal Reserve. Last week we had a hearing in the Oversight and Government Reform Committee with Secretary Geithner of Treasury on his role as president of the New York Federal Reserve Bank during the AIG bailout. The Secretary stated he had recused himself from such activities as the bailout of AIG once he was nominated as Secretary of the Treasury. But when I asked him for his recusal agreement for the record, he stated that there was no documentation. No recusal agreement exists—nothing legal, no waiver, nothing. He made decisions, and only he is accountable for them. There was a gasp in the room.

Beyond the shadowland of our Nation's financial system, our small community banks are struggling as bad loans from commercial and residential real estate continue to plague our financial system. The small community banks that have survived are trying to lend to small businesses which are the main engine of our economy, but they

cannot do so if the big banks are holding credit hostage. And turning to TARP is not the answer for our community banks because it isn't Treasury's job to pick winners and losers in the commercial marketplace. That should be a market function.

The end result is that small businesses are dying too. The small community banks cannot loan to local small business. Without access to credit, small business is letting people go, too; and they're becoming unemployed. And meanwhile, the Wall Street banks are just getting bigger, using Federal money to gain an edge on their competition.

Mr. Speaker, this situation is simply unacceptable, and it's time for Congress to rework legislation to allow people to stay in their homes and to begin creating jobs in this country so we can actually bring the deficit down as people pay their taxes to the Treasury of the United States.

[From the New York Times, Feb. 3, 2010]

NO HELP IN SIGHT, MORE HOMEOWNERS WALK AWAY

(By David Streitfeld)

In 2006, Benjamin Koellmann bought a condominium in Miami Beach. By his calculation, it will be about the year 2025 before he can sell his modest home for what he paid. Or maybe 2040.

"People like me are beginning to feel like suckers," Mr. Koellmann said. "Why not let it go in default and rent a better place for less?"

After three years of plunging real estate values, after the bailouts of the bankers and the revival of their million-dollar bonuses, after the Obama administration's loan modification plan raised the expectations of many but satisfied only a few, a large group of distressed homeowners is wondering the same thing.

New research suggests that when a home's value falls below 75 percent of the amount owed on the mortgage, the owner starts to think hard about walking away, even if he or she has the money to keep paying.

In a situation without precedent in the modern era, millions of Americans are in this bleak position. Whether, or how, to help them is one of the biggest questions the Obama administration confronts as it seeks a housing policy that would contribute to the economic recovery.

"We haven't yet found a way of dealing with this that would, we think, be practical on a large scale," the assistant Treasury Secretary for financial stability, Herbert Allison Jr., said in a recent briefing.

The number of Americans who owed more than their homes were worth was virtually nil when the real estate collapse began in mid-2006, but by the third quarter of 2009, an estimated 4.5 million homeowners had reached the critical threshold, with their home's value dropping below 75 percent of the mortgage balance.

They are stretched, aggrieved and restless. With figures released last week showing that the real estate market was stalling again, their numbers are now projected to climb to a peak of 5.1 million by June—about 10 percent of all Americans with mortgages.

"We're now at the point of maximum vulnerability," said Sam Khater, a senior economist with First American CoreLogic, the



firm that conducted the recent research. "People's emotional attachment to their property is melting into the air."

Suggestions that people would be wise to renege on their home loans are at least a couple of years old, but they are turning into a full-throated barrage. Bloggers were quick to note recently that landlords of an 11,000-unit residential complex in Manhattan showed no hesitation, or shame, in walking away from their deeply underwater investment.

"Since the beginning of December, I've advised 60 people to walk away," said Steve Walsh, a mortgage broker in Scottsdale, Ariz. "Everyone has lost hope. They don't qualify for modifications, and being on the hamster wheel of paying for a property that is not worth it gets so old."

Mr. Walsh is taking his own advice, recently defaulting on a rental property he owns. "The sun will come up tomorrow," he said.

The difference between letting your house go to foreclosure because you are out of money and purposefully defaulting on a mortgage to save money can be murky. But a growing body of research indicates that significant numbers of borrowers are declining to live under what some waggishly call "house arrest."

Using credit bureau data, consultants at Oliver Wyman calculated how many borrowers went straight from being current on their mortgage to default, rather than making spotty payments. They also weeded out owners having trouble paying other bills. Their estimate was that about 17 percent of owners defaulting in 2008, or 588,000 people, chose that option as a strategic calculation.

Some experts argue that walking away from mortgages is more discussed than done. People hate moving; their children attend the neighborhood school; they do not want to think of themselves as skipping out on a debt. Doubters cite a Federal Reserve study using historical data from Massachusetts that concludes there were relatively few walk-aways during the 1991 bust.

The United States Treasury falls into the skeptical camp.

"The overwhelming bulk of people who have negative equity stay in their homes and keep paying," said Michael S. Barr, assistant Treasury secretary for financial institutions.

It would cost about \$745 billion, slightly more than the size of the original 2008 bank bailout, to restore all underwater borrowers to the point where they were breaking even, according to First American.

Using government money to do that would be seen as unfair by many taxpayers, Mr. Barr said. On the other hand, doing nothing about underwater mortgages could encourage more walk-aways, dealing another blow to a fragile economy.

"It's not an easy area," he said.

Walking away—also called "jingle mail," because of the notion that homeowners just mail their keys to the bank, setting off foreclosure proceedings—began in the Southwest during the 1980s oil collapse, though it has never been clear how widespread it was.

In the current bust, lenders first noticed something strange after real estate prices had fallen about 10 percent.

An executive with Wachovia, one of the country's biggest and most aggressive lenders, said during a conference call in January 2008 that the bank was bewildered by customers who had "the capacity to pay, but have basically just decided not to." (Wachovia failed nine months later and was bought by Wells Fargo.)

With prices now down by about 30 percent, underwater borrowers fall into two groups. Some have owned their homes for many years and got in trouble because they used the house as a cash machine. Others, like Mr. Koellmann in Miami Beach, made only one mistake: they bought as the boom was cresting.

It was April 2006, a moment when the perpetual rise of real estate was considered practically a law of physics. Mr. Koellmann was 23, a management consultant new to Miami.

Financially cautious by nature, he bought a small, plain one-bedroom apartment for \$215,000, much less than his agent told him he could afford. He put down 20 percent and received a fixed-rate loan from Countrywide Financial.

Not quite four years later, apartments in the building are selling in foreclosure for \$90,000.

"There is no financial sense in staying," Mr. Koellmann said. With the \$1,500 he is paying each month for his mortgage, taxes and insurance, he could rent a nicer place on the beach, one with a gym, security and valet parking.

Walking away, he knows, is not without peril. At minimum, it would ruin his credit score. Mr. Koellmann would like to attend graduate school. If an admission dean sees a dismal credit record, would that count against him? How about a new employer?

Most of all, though, he struggles with the ethical question.

"I took a loan on an asset that I didn't see was overvalued," he said. "As much as I would like my bank to pay for that mistake, why should it?"

That is an attitude Wall Street would like to encourage. David Rosenberg, the chief economist of the investment firm Gluskin Sheff, wrote recently that borrowers were not victims. They "signed contracts, and as adults should also be held accountable," he wrote.

Of course, this is not necessarily how Wall Street itself behaves, as demonstrated by the case of Stuyvesant Town and Peter Cooper Village. An investment group led by the real estate giant Tishman Speyer recently defaulted on \$4.4 billion in debt that it had used to buy the two apartment developments in Manhattan, handing the properties back to the lenders.

Moreover, during the boom, it was the banks that helped drive prices to unrealistic levels by lowering credit standards and unleashing a wave of speculative housing demand.

Mr. Koellmann applied last fall to Bank of America for a modification, noting that his income had slipped. But the lender came back a few weeks ago with a plan that added more restrictive terms while keeping the payments about the same.

"That may have been the last straw," Mr. Koellmann said.

Guy D. Cecala, publisher of *Inside Mortgage Finance* magazine, says he does not hear much sympathy from lenders for their underwater customers.

"The banks tell me that a lot of people who are complaining were the ones who refinanced and took all the equity out any time there was any appreciation," he said. "The banks are damned if they will help."

Joe Figliola has heard that message. He bought his house in Elgin, IL, in 2004, then refinanced twice to get better terms. He pulled out a little money both times to cover the closing costs and other expenses. Now his place is underwater while his salary as cir-

ulation manager for the local newspaper has been cut.

"It doesn't seem right that I can rent a place somewhere for half of what I'm paying," he said. "I told my bank, 'Just take a little bite out of what I owe. That would ease me up. Isn't that why the President gave you all this money?'"

Bank of America did not agree, so Mr. Figliola, who is 48, sees no recourse other than walking away. "I don't believe this is the right thing to do," he said, "but I've got to survive."

[From *Enlightened Economics*, January 2010]

HODGDON ECONOMIC COMMENTARY

ECONOMIC RECOVERY 2010?

#### *Economic Outlook*

The Dow Jones (19%), the S&P 500 (24%) and NASDAQ (44%) were all up significantly in 2009. The stock market seems to be forecasting strong economic growth in 2010 and beyond. Unfortunately, it will require roaring economic growth (8%–10%) to justify these stock prices. This will not happen. Most economists are forecasting economic growth of 2%–4% (probably optimistic). This level of growth is too low to reduce the unemployment stock (20 million). It requires economic growth of 3%–4% just to absorb new entrants into the job market. The current level of unemployment is 10%. This level is understated because it does not include everyone that is unemployed. The real rate of unemployment is 17%.

The average first year economic recovery coming out of a recession is 6%. Usually the greater the recession, the greater the first year recovery, that will not happen this time.

The financial crisis that caused the economic collapse was the result of 30 years of inflated credit. This artificial credit took the form of securitized bank loans (The Shadow Banking System).

By 2008 the unregulated Shadow Banking System was larger than the regulated banking system (\$12 trillion). This inflated the role of consumer spending (70%) in the economy. The Shadow Banking System no longer exists and will not return, without serious financial regulatory reform.

In other words, the inflated level of credit that was artificially supporting the economy has been withdrawn and it will not return because the credit ratings and in many cases the securities themselves were fraudulent to begin with. The economy runs on credit. If you withdraw \$12 trillion in credit from the economy, the economic trajectory will be lower than it was before.

Consumer spending will not return to 70% of GDP either or anything close to it. Historically, each 1% decline in consumer spending cuts U.S. imports by 2.8%. The economy is on life support and the consumer will not come to the rescue this time.

All the money the Fed is pumping into the economy is propping the economy and the stock market up but it is not restoring the economy to previous artificial levels. And those artificial levels were not so great to begin with. For example, GDP growth for the decade just ended was slightly less than 2.0%. Core inflation for the decade just ended was about 2.4%.

Thus, real economic growth was slightly negative for the first decade of the new millennium. Let's call it zero to account for rounding errors. Not surprisingly, stock market growth for decade just ended was also zero.

This is why banks are not lending and borrowers are not borrowing. Banks are using

Fed money and low interest rates to restore their balance sheets and to reduce their risk exposure. Repaying debt in 2010 will continue to be attractive to borrowers and reducing risk exposure will continue to be attractive to lenders.

With consumer spending and lending remaining well below recent levels and unemployment remaining at historic levels, there is no chance of a roaring economic recovery. This also raises serious doubts over conventional concerns about inflation.

Inflation is a function of velocity not money supply growth.

THE MONETARY EQUATION IS:  $MV = PT$

Velocity increases when economic growth is very strong. Velocity declines when the economy contracts. There is no chance of velocity increasing anytime soon under current conditions.

Deflation remains a greater concern, which is why the Fed will not increase interest rates before the end of the year. Excess capacity in the U.S. and worldwide along with velocity continuing to fall will keep inflation low.

#### Real Estate Outlook

Excess inventories of houses for sale, the mortal enemy of prices, remain huge. And inventories may rise. A quarter of homeowners with mortgages are under water and 40% of homeowners who took out mortgages in 2006 are under water.

Since building costs don't change much over time, the volatility in house prices is really fluctuating land values. The collapse in land values the past two years will probably persist. The 30% decline in house prices nationwide has put the 5 percenters way under water. It took three decades for the financial sector to expand its leverage to the levels reached in 2007. Deleveraging will take at least 10 years.

Due to bad commercial as well as residential real estate loans, small banks are dropping like flies. Since small banks are the primary lenders to small business and since small business is the engine of job growth, it seems likely unemployment will remain high and slow economic growth will continue.

Excess capacity in commercial real estate and big refinancing requirements in coming years beginning in 2010 will continue to plague hotels, malls, warehouses and office buildings. Moody's/REAL Commercial Property Price Index fell 44% last October from 2007. Retailers closed 8,300 stores last year exceeding the previous peak of 6,900 (2001).

Most of the really bad loans in residential and commercial real estate were made in 2005-2006. Those loans will have to be refinanced in 2010-2012. It is estimated that as much as 50% of these commercial real estate loans will not roll over in 2010.

#### Economic Summary

Thus, the economic weather report for 2010 is for slow economic growth, high unemployment, falling real estate prices, continued deleveraging, more small bank failures and a huge supply of bad residential and commercial real estate loans needing to be refinanced. This is not a clear skies ahead or a return to business as usual forecast, as the stock market seems to have been forecasting.

#### Financial Outlook

The economy will eventually adjust to this lower economic trajectory but it will take time. The only thing that could speed up this process would be to identify the cause of the financial crisis (The Greatest Securities Fraud in History) and fix it.

Unfortunately, the Obama and Bush Administrations have covered up the cause of the financial crisis in order to protect those responsible. Perhaps the Financial Crisis Commission, which is investigating the cause of the crisis will identify the real cause of the crisis and recommend positive corrective actions. Absent that, we are looking at a sustained period of slow economic growth.

Throughout this crisis, President Obama, a gifted public speaker, has consistently spoken on behalf of "Main Street" but acted on behalf of "Wall Street". This strategy is based on the belief held by politicians and the investment banking cartel, which caused the financial crisis and is in complete control of the Administration, that you can fool "all the people all the time". It will come as no surprise that all of the President's key financial advisors work for or are surrogates for the investment banking cartel.

President Obama proposed prohibiting Big Banks from engaging in Proprietary Trading and Proprietary Hedge Funds.

"Main Street" was not impressed and "Wall Street" laughed

The reason "Wall Street" laughed is that proprietary trading and proprietary hedge funds had absolutely nothing to do with cause of the financial crisis and taking it away does nothing to help "Main Street" or curtail "Wall Street's" subsidized risk taking. While it is true that investment banks benefit from access to the Fed's discount window and bank deposits for trading purposes. This is the result of the repeal (1999) of Glass-Steagall, which was the ultimate cause of the financial crisis, along with the economic structure of the financial industry (cartels, oligopolies and duopolies). In other words, the President learned nothing from Massachusetts. Tinkering with symptoms of the financial crisis rather than its causes is just not good enough.

Moreover, it is not the size of banks that is the problem; it is their configuration and lack of regulation. That is the mixing of unregulated investment banks (gambling casinos) with regulated commercial banks is the problem. It is the combination of investment banks and commercial banks that makes banks "too big to fail" not their size.

There is no systemic risk from the failure of a stand-alone investment bank. The repeal of Glass-Steagall, which ushered in a decade of unparalleled risk taking and fraud by permitting investment banks and commercial banks to combine for the first time in 70 years created the "too big to fail" problem.

In the process of tinkering and ignoring the real problem the President managed to embarrass Paul Volcker, a great public servant, by making him take credit for this foolishness. This was not Volcker's Proposal. Volcker's Proposal was to bring back the Glass-Steagall Act, which was repealed by the Financial Destruction Act of 1999.

While it is true that Glass-Steagall would prohibit commercial banks from engaging in proprietary trading and hedge funds, it would prohibit a lot more than that. It would prohibit commercial banks from engaging in all investment banking activities. Proprietary trading and hedge funds are crumbs on the floor by comparison.

#### HONORING THE U.S. COAST GUARD CUTTER "INGHAM"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor one of the most decorated ships of the United States, the U.S. Coast Guard Cutter *Ingham*. For 52 years, the *Ingham* protected our shoreline. Entering service in 1935, the *Ingham* delivered critical assistance to the United States in World War II, Korea, and Vietnam.

The *Ingham* protected Allied ships that were ferrying supplies to Great Britain during the Second World War. With the American flag flying high on her mast, the *Ingham* battled stormy weather, dodged German U-boats, sank an enemy submarine, and eluded enemy aircraft. The *Ingham* also served in the Pacific, acting as the amphibious flagship for four of the Philippine Islands invasions. It was from aboard the *Ingham* that General MacArthur planned and oversaw the critical capture of Corregidor.

More recently and closer to home, in 1980 over 125,000 Cubans fled north from the oppressive Castro dictatorship in battered rafts and stormy weather. The *Ingham* was instrumental in rescuing many refugees adrift in these makeshift rafts and bringing seven refugee vessels to safety, saving 122 lives.

She is the only ship in our history to receive two Presidential citations and has been awarded an astounding 14 Battle Stars and 19 ribbons. The *Ingham* and the many crew members who have served both on and below her decks are a testament to our great Nation. A total of 912 casualties are honored on a memorial plaque on her quarterdeck. Having paid the ultimate price for our freedom, these men and women earned our respect.

When the *Ingham* was decommissioned in 1988, she was the second oldest American warship afloat. Now a floating museum, it is through the exhibits and memorials within the *Ingham* that we can honor and remember all of those 912 service men and women and all that they have done in the service of our Nation.

The *Ingham* is a national historic landmark and serves as a national memorial to all Coast Guard men and women killed in action. It is through the leadership of former Key West Commissioner Bill Verge, a retired U.S. Coast Guard Reserve member and a Vietnam veteran who serves as the executive director of the U.S. Coast Guard Cutter *Ingham* Memorial Museum, as well as Beth Nowell, development director for the museum, that the residents of Key West and I were able to welcome the *Ingham* to our maritime family with open arms. Towed in to stand tall alongside the active USS *Mohawk*, the *Ingham* will be open to the public as a living and breathing museum.

This historic ship has saved so many lives and helped shape the course of American history. She and her crews have performed every mission in the

best tradition of the United States Coast Guard. I give thanks to the unwavering dedication and work of the crew of the *Ingham* for over half a century of service. The *Ingham* is a demonstration of what it means to be an American and why we should always be proud to say so.

So please come to Key West and see for yourself this beautiful museum, a testament to the brave men and women of the U.S. Coast Guard.

#### SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I recently got some first-hand experience with the way in which the right-wing propaganda machine operates. The pattern appears to be to begin with a lie and then have that lie multiplied through an echo chamber that repeats it and repeats it.

In this case, a man named John Fund, who is an editorial writer at the Wall Street Journal, one of the most right-wing of our publications these days, on the editorial page just told a lie about me in November of last year. He gave a speech at Restoration Weekend. I don't know what they were restoring, but it certainly wasn't respect for the truth. And he said, "Democrats were very rattled by the November 3 election results. What do liberals do when they lose elections? They change the rules. In January, CHUCK SCHUMER and BARNEY FRANK will propose universal voter registration." "There'll be felon reenfranchisement too." "The Feds will tell the States, 'Take everyone on every list of welfare recipients you have, take everyone on every list of unemployed you have.'"

It's a lie. He made it up. It's not even a misinterpretation. It's not a quote taken out of context. It is a total myth. There is no such bill. There wasn't in November. Then right-wing echo chamber picks it up. The Washington Times, the voice of the Reverend Moon, says, SCHUMER and FRANK "have plans to ram through legislation that will produce universal voter registration." And they say it will be on the floor of the House in 2 weeks. It's the lie repeated. Glenn Beck joined in. Rush Limbaugh joined in.

This begins with a totally fictional accusation by John Fund with no basis whatsoever. It is then repeated by Glenn Beck and repeated by the Washington Times and repeated by Rush Limbaugh. None of them have checked what we were talking about, none of them seeing if it was accurate.

I was asked by a constituent why I had done that. My response was, Done what? I didn't do it. So I checked into it, and I found that the source of this was Mr. Fund's totally irresponsible

myth in November. So I wrote to Mr. Fund—and I put this letter in there—and said, I was puzzled to hear you say this. I checked. I now write to tell you that you are entirely wrong in your assertion about me, and in the absence of your being able to show any basis on which you made such a statement, to ask you to acknowledge that fact.

He is not only a liar; he is a coward. He wouldn't do it. My staff member, Mr. Gural, asked him, called him up and said, Well, what was this based on? He said, Oh, I made a mistake. Well, have you issued a retraction? Mr. Gural asked him. Oh, yeah, he said. Can we see a copy? Mr. Gural reasonably asked. Oh, I told a couple of people.

So here we are. Mr. Fund makes it up. It's a lie. It's a myth. There was nothing there. And it's to discredit all Democrats. His right-wing cohorts then echo it and echo it. The next thing you know, it's going to be coming on the floor in the House in 2 weeks. People hear it, and it's all over the blogs. This is the Democrats' disregard for the electoral process. And when we call Mr. Fund's attention to the fact that this was a lie, what does he say? Whoops. But he's not going to tell anybody about it.

Mr. Speaker, this is not the only case of this. And I know this has happened before; but because I was directly involved here, I am in a position to document this. It begins with a lie from this editorial writer from the Wall Street Journal. It is then a lie repeated by all of his right-wing colleagues. And then when he is nailed in the lie, he simply blithely refuses to do anything about it.

I hope people will take from this the lesson to be very skeptical when these right-wing propagandas—Limbaugh or Beck or the Washington Times or the Wall Street Journal editorial board—propagate these vicious smears.

#### PARTIAL TEXT OF JOHN FUND'S SPEECH AT RESTORATION WEEKEND NOVEMBER 21, 2009

Democrats were very rattled by the November 3rd election results. What do liberals do when they lose elections? They change the rules. In January, Chuck Schumer and Barney Frank will propose universal voter registration.

What is universal voter registration? It means all of the state laws on elections will be overridden by a federal mandate. The feds will tell the states, "Take everyone on every list of welfare recipients you have, take everyone on every list of unemployed you have, take everyone on every list of property owners, take everyone on every list of driver's license holders, and register them to vote regardless of whether they want to be."

By the way, there'll be felon reenfranchisement too. At that point, you have destroyed the integrity of the registration process.

Now they will sell this very cleverly. They will say, "Well, OK, ACORN did have some problems with voter registration. We shouldn't have these third party rogue groups out there. So let's put ACORN out of business. Let's register everybody."

Now the problem, of course, is there are a lot of duplicates. And there are a lot of people on those rolls who are illegal aliens. It's not a clean list. They don't care. So, this is the issue you haven't heard about. There's a reason you haven't heard about it. They don't want you to hear about it.

The path between the day this bill is introduced and the day it hits the House floor will probably be less than two weeks. Get ready for it. You can stop it. Don't get me wrong. But this is their stealth bill that is even more sneaky than the health care bill.

[From the Washington Times, Jan. 7, 2010]

#### EDITORIAL: LETTING CROOKS & ILLEGALS VOTE

Democrats have a political death wish. At least that's how it looks. There's no other explanation for their feverish push to take over the health care system when a huge majority of Americans are opposed to the plan. But facing an angry public, Democrats are scheming to find ways to manipulate the electoral process so they can cling to power even when voters want to kick the bums out.

Sen. Charles E. Schumer, New York Democrat, and Rep. Barney Frank, Massachusetts Democrat, have plans to ram through legislation that will produce universal voter registration. No matter what they claim, the rule changes will make it possible for illegal aliens to register to vote and for others to register multiple times.

The proposal is to register everyone on every welfare list, everyone getting unemployment insurance, everyone with a driver's license, everyone who has had run-ins with the legal system, everyone owning any property—basically everyone on every list the government keeps. People will be registered to vote whether or not they want to be registered. If individuals are on any public record, they will be automatically registered.

Obviously a lot of illegal aliens have driver's licenses, and many get other government benefits. Quite a few have rap sheets. People's names and other identification information are frequently recorded differently across these different lists, which means that one could be registered a separate time for every slight variation in how their personal information is kept on file.

The legislation is also expected to give felons the right to vote. Why Democrats insist on letting someone who has raped multiple women vote on social policy is beyond us. According to Democrats, robbers who have preyed on helpless victims—and even murderers—have the judgment to tell us how law enforcement should be run in this country.

In May 2005, Public Opinion Strategies surveyed felons who had their voting rights restored and nonfelons who voted in Washington state. Even after accounting for the voters' race, gender, education level, religious habits, employment, age and county of residence, the book *Freedomomics* found that "felons were 36 percent more likely than nonfelons with the same characteristics to have voted for [John] Kerry [a Democrat] over [George W.] Bush [a Republican] and 37 percent more likely to be registered Democratic."

For years, Democrats have fought against requiring photo IDs at polling places. The practice, which is simply a way to make sure voters are who they say they are, is used in about 100 other countries. Mexico, for example, has cracked down on voter fraud and is strict about requiring photo identification to vote. If Democrats have their way, it will be easier for Mexicans to vote in America than in their own country.

It speaks volumes about Democratic unpopularity that they have to look to criminals and illegal aliens to try to shore up their voting base.

HOUSE OF REPRESENTATIVES,  
Washington, DC, January 13, 2010.

Mr. JOHN FUND,  
*The Wall Street Journal*,  
New York, NY.

DEAR MR. FUND: I was puzzled during the last couple of weeks to be asked why I was supporting something called "universal voter registration," which supposedly would allow all sorts of undesirable people to register to vote. I was puzzled because I have had absolutely no involvement in such a proposal.

I asked my staff to check the source of the rumor, and we discovered that it is you. Apparently last fall, you invented a story that Senator SCHUMER and I planned to introduce such legislation. I've since learned that Senator SCHUMER is working on legislation regarding voting, but I am told that it does not remotely resemble your version of it. But more importantly to me is that I have had no involvement with this whatsoever, with Senator SCHUMER or anybody else.

You simply made this up with regard to me. I must tell you that I was not surprised, because this sort of fictionalized attack on political opponents has sadly become characteristic of many on the right. And once you lied about me in this regard, several of your right-wing colleagues in the media, including Rush Limbaugh, Glenn Beck and the Washington Times, repeated it.

I should note that, again not surprisingly, you made no effort to check with me or anybody who works with me to find out if what you said was true. You made your assertion with no factual basis and without any effort to verify it. To me, that qualifies as a lie.

So I now write not simply to tell you that you are entirely wrong in your assertion about me but, in the absence of your being able to show any basis on which you made such a statement, to ask that you acknowledge that fact.

BARNEY FRANK.

#### WE THE PEOPLE, BY CALEB MATHENA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. REICHERT) is recognized for 5 minutes.

Mr. REICHERT. Mr. Speaker, now more than ever, young people across this country understand the gravity of the issues that we face today as a Nation. Mr. Speaker, I would like to take some time this evening to share a poem that was written by a ninth grade student in Washington State. This ninth grade student just happens to be my grandson. His name is Caleb Mathena, and he has written a poem. He sent me the poem and said, Papa, what do you think about this? I didn't know that he was writing this poem, but I was pleased to get it; and I am pleased to share it with those who are listening. It's called "We the People."

"We the people of freedom and choice, we elected our main voice, hired to keep our country strong, our rights secure and list of options long. Why is it then that this has happened?

Why have they disregarded us in this matter? Thinking they know what's best or what we need, speeding through without the heed of what we choose, of what we demand, forgetting they are merely hired hands, easily removed, easily replaced.

"Perhaps that is what's best for these United States, knowing not humility, only selfish ideals. Now reacting blindly, regardless of how others feel. Secretly dealing, concealed by closed doors. Instead of candidly conveying, betraying what was promised before. What has it come to? Has it come to this? Where We the people are just dismissed?

□ 1730

As for me, I know that I won't be silent, won't just stand by. I will not watch as my country, our country is taken. I cannot nor will not sit back. I will not forsake it.

If we all stand up and state our thoughts, if we have the courage to secure our rights that our Founders painstakingly sought, if we wisely decide who would honestly be truly honest and unselfish leaders for our great country, surely then the land in which we live will remain free, free for my children's children to admire and see and say, "If my forefathers fought obtaining liberty for me, then I can surely do likewise to the utmost degree."

Mr. Speaker, this young man speaks words far beyond his 15 years on this Earth. He talks about liberty and freedom. This is the people's House, and sometimes we forget who we represent. Sometimes we forget who we work for. We work for the people of these United States. We must listen to these words and the words of our constituents; listen to the words of Caleb Mathena, a 15-year-old student, and all the people and citizens across this country; listen to the words of our constituents in our districts across the country and respect their wishes to preserve and protect the freedom that has been so bravely fought for by so many.

#### HONORING A LEGEND—BEN SPIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, here on the floor of the House of the United States House of Representatives, tribute must be paid to the incredible achievement of a constituent of the First District of Texas, from Longview—he's already a legend—Ben Spies. Ben won the 2009 FIM Superbike World Championship.

This brave and talented Texan started racing as an 8-year-old child with the Central Motorcycle Roadracing Association and, for good reason, has earned himself the nickname "Texas Terror." Ben is the second youngest

rider to win the American Motorcyclist Association Superbike Championship, and the fourth youngest rider with 20 AMA Superbike wins. He holds the third most all-time AMA Superbike wins, and boasts the longest AMA Superbike winning streak.

After coming off his third straight AMA Superbike Championship, Ben successfully beat the expected winner, Noriyuki Haga, at the 2009 FIM Superbike World Championship by six points with 11 poles in the 14 round series for a total of 28 races. The discipline, dedication and success that Ben has displayed to the sport of motocross racing over the past 16 years has truly set him apart as a true champion.

Ben Spies is to be congratulated upon his winning the 2009 FIM Superbike World Championship. He has no doubt blazed a trail for future successes with his steady hand, nerves of steel, and balance like nowhere found here in the House of Representatives.

May God bless and protect an American legend, Ben Spies.

#### HONORING THE FOUR CHAPLAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Mr. Speaker, I rise today to commemorate a sacred memory in our Nation's history. It was 67 years ago today when a terrible event occurred and a brilliant event occurred. It was 67 years ago, February 3, 1943. We now call this memory the Four Chaplains Day and honor this day in our Nation's memory because of the valor and because of the strength that was exhibited by four members of our armed services, four chaplains.

It was the *U.S.A.T. Dorchester*. The ship was a coastal liner converted to a U.S. Army troop transport for World War II, and it was with more than 900 men on board. It was a freezing night when the *Dorchester*, one of three ships in a convoy, was torpedoed. It was freezing, and it was about 1:00 in the morning when a terrifying shot was fired by a Nazi submarine 100 miles off the frigid coast of Greenland, and the ship quickly began to sink in the cold, cold waters. Many Americans were killed by the explosion. Others were trapped below deck.

As everyone started to panic, the four chaplains on board remained calm. They quickly passed out life vests to the young troops on board. They helped the wounded. They prayed with the troops that were on board. But then, tragically, when all the life vests had been distributed, there were more men than life vests, and the four chaplains, without skipping a beat, removed their own life vests that they had on their bodies and they handed them to the young troops who had none.

And as the ship went down, the four chaplains linked arms. And witnesses said they saw the chaplains, as young soldiers, fighting against the cold, swimming in the water. They saw the four chaplains with linked arms who embraced each other in a circle in the waters. They prayed for the troops who lost their lives and for those who would survive, and they prayed until the chaplains were no more.

The four chaplains were a Catholic, two Protestants, and a Jewish rabbi. Their names were Father John Washington, Catholic; Reverend Clark Poling, Dutch Reformed; Rabbi Alexander Goode, Jewish; Reverend George Fox, a Methodist. These four chaplains gave more than their spiritual guidance to the troops. They gave their lives on February 3, 1943.

It was a decade later that President Dwight Eisenhower remarked, he said, and I quote: And we remember that only a decade ago aboard the transport *Dorchester*, four chaplains of four faiths, together, willingly sacrificed their lives so that four other Americans might live. In the three centuries that separate the Pilgrims of the *Mayflower* from the chaplains of the *Dorchester*, America's freedom, her courage, her strength, and her progress have had their foundation in faith.

Eisenhower concluded: Today, as then, there is need for positive acts of renewed recognition that faith is our surest strength, our greatest resource. And in 1960, Mr. Speaker, Congress created a special Congressional Medal of Valor, never to be repeated again, and gave it to the next of kin of the immortal four chaplains. The Distinguished Service Cross and the Purple Heart were awarded posthumously in 1944.

May the greatest example of this greatest love fulfilling scripture that says, greater love hath no man than this, but that he lay down his life for his friend, may this Chamber, Mr. Speaker, this Congress, and the American people never forget the sacrifice of the four great chaplains. And may God forever bless and extend to them his peace for their memory.

#### CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

#### GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter and extend their remarks in the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I appreciate the opportunity to anchor this Special Order

hour for the Congressional Black Caucus, the CBC. Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Representative MARCIA L. FUDGE, and I represent the 11th Congressional District of Ohio.

CBC members are advocates for human rights and equality, nationally and internationally. Our members have played a significant role as local and regional activists, and continue to work diligently to be the conscience of the Congress.

As Members of Congress, CBC members also promote legislation to aid neglected citizens throughout the world. We understand that the United States, as a bellwether, has the ability to positively impact our neighbors abroad. This is why tonight we turn our attention to the grave situation in Haiti after last month's devastating earthquake.

Mr. Speaker, I now yield to my colleague and friend from the great State of New York, Representative CLARKE.

Ms. CLARKE. Mr. Speaker, let me also thank Congresswoman FUDGE for her outstanding work in managing the time of the Congressional Black Caucus, the Special Orders, and for her expertise and talent that she lends to all of the subject matter.

This particular Special Order on aid to Haiti is of great relevance to me. As we all know, on January 12, 2010, a 7.0 magnitude earthquake rocked the Caribbean nation of Haiti, leaving most of the nation in utter devastation. Critical infrastructure was destroyed, and the death toll continues to rise as I speak, with reports estimating over 150,000 people perished.

As one of my local council members, Mr. Jumaane Williams, stated, or phrased it, in Brooklyn, New York, we were victim to a 7.0 emotional aftershock as members of our vibrant Haitian American community come to grips with the utter death, destruction, and devastation faced in their homeland. As a Brooklyn native whose roots are firmly planted in my Caribbean heritage, this tragedy has hit home in more ways than I could ever imagine. New York is home to the second largest population of Haitian immigrants in the United States, most of whom reside in my district.

I would like to take an opportunity to just recognize the Congressional Black Caucus for the leadership that they've taken in Congress in ensuring that we remain focused and committed to assist Haiti and to tend to the injured, orphaned, hungry, and dispossessed as Haiti continues with its recovery efforts.

I would like to thank Chairwoman BARBARA LEE of the Congressional Black Caucus for her longtime leadership and commitment to fighting on behalf of Haiti. I also want to applaud her hard work in bringing the resolu-

tion to the floor that we just passed expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

I'd also like to thank Chairman CHARLES RANGEL and Majority Whip JIM CLYBURN for working quickly to get H.R. 4462 passed in the House. This legislation would allow all individuals who choose to donate during this time of crisis in Haiti to claim an itemized charitable deduction on this year's—2009, excuse me—tax return.

As Haiti continues to recover, my heart goes out to my Haitian sisters and brothers as they endure this tragedy. I also express my deep sympathy and support for their families.

Through all of the devastation, all of the trauma, the 11th Congressional District of New York, like the rest of this Nation and the global community, has demonstrated a unity of purpose in mobilizing goods, services, and volunteers to help their families and relations in Haiti.

While I will continue to applaud the humanitarian efforts for Haiti, it is important that we do not allow compassion fatigue to set in.

□ 1745

We must continue to uphold our commitment to helping our neighbors in the Caribbean. As a representative with the second-largest population of first- and second-generation Haitian immigrants located in my district, my office has been inundated and overwhelmed with calls from concerned constituents worried about their loved ones and their homeland. While my office has been vigorously working with the State Department to meet the needs of our constituents, there are many concerns that still need to be addressed.

For many Haitian Americans, a major issue is family reunification. Most of their family members have lost everything, many are sick, injured, and living on the streets; babies and the elderly are vulnerable to disease; a majority of them are traumatized by their experiences.

And since my constituents are blessed to live in the United States—many of them have obtained their citizenship—they have the capacity to take care of their family members, they have the wherewithal to console, comfort, and nurse their families back to health and support their material needs.

The only thing that impedes this reunification is that their family members are not American citizens and-or legal permanent residents and do not rank highly on the immigration priority list.

I would encourage the administration to address this issue and work to reunite family members who are suffering from this devastation.

And in response to this tragedy, on January 15, 2010, the Obama administration—which is to be commended for its quick action and its steadfast commitment—has granted temporary protected status to Haitian nationals currently in the United States. Unfortunately, there are those who try to take advantage and exploit those who seek to change their status, and I am concerned that there are fraudulent entities offering services and inflating the prices of the TPS application process for Haitians seeking it.

It is important that we empower our residents affected by the devastation with the information and resources they need to access this status. That is why just last week I joined my colleagues in the New York City congressional delegation, State delegation, and New York City delegation in the opening of the Haitian Family Resource Center at the Brooklyn armory. The center will be a one-stop resource center for families who have been impacted by the earthquake. It will offer Creole-speaking translation services, immigration assistance, and help with completing immigration applications, child guardianship, and custody services, legal assistance, and help in locating family members, mental health services, coordination of volunteer efforts, and daily accurate briefings on the status of relief efforts.

Know that I will continue to work closely with my colleagues, the Obama administration, and Caribbean officials to help this Nation recover from this natural disaster.

I want to thank you once again, my colleague, for sharing this time where we can share information with the Nation about what is taking place in Haiti and ask that they continue to hold this Nation, our Caribbean neighbors, in their prayers.

Ms. FUDGE. Thank you very much.

I just want to, as well, thank you for your passion on this issue and for all of the work that you have done, as you say, representing one of the largest Haitian-American groups in this country. So I would like to say thank you for all of us members of the CBC.

Mr. Speaker, as members of the CBC, we extend our deepest sympathy and our support to the people of Haiti. The nation, of course, recently experienced the largest recorded earthquake in its history. On January 12, the quake devastated many parts of the country, including the capital of Port-au-Prince. To put the earthquake in some kind of scale, it had a magnitude of 7.0 and a series of strong aftershocks. There have been at least 52 aftershocks at 4.5 magnitude or above. The damage is severe and catastrophic.

The government of Haiti is reporting an estimated 112,000 deaths and 194,000 injured. The New York Times reports that 225,000 homes were severely damaged or collapsed, and nearly one-third

of the country's population are currently at risk of long-term displacement and vulnerability.

In total, it is estimated that 3 million people have been negatively affected by the earthquake.

In the immediate wake of the earthquake, Haiti's President Rene Garcia Preval described conditions in his country as unimaginable and appealed for international assistance. Humanitarian assistance from the United States and from all over the world has been generous.

The United States in the first two weeks following the earthquake sent aid workers focused in three areas. First, these workers immediately searched for survivors and provided rescue assistance. Teams with heavy-lifting equipment, medical equipment, and triage supplies were moved into the country. Volunteers next addressed Haitians' critical needs for food, clean water, and sanitation, medical assistance, and emergency shelter. And thirdly, they provided emergency relief experts to set up infrastructure and logistics operations.

Numerous Americans have provided donations to fund these efforts. Also, the Congressional Black Caucus joined President Obama in calling for continued financial aid for Haiti's quake survivors. The sheer scale of the relief effort in Haiti has brought together a tremendous capacity and a willingness to help.

The massive humanitarian relief operation underway in Haiti has been hampered by a number of significant challenges, including a general lack of transportation, extremely limited communication systems, and damaged infrastructure. The relief effort is expected to last for many, many months and recovery and reconstruction will begin as soon as possible.

President Barack Obama assembled heads of U.S. agencies to begin working immediately on a coordinated response to this disaster. The U.S. Agency For International Development, better known as USAID, through the Office of Foreign Disaster Assistance, is the lead agency within the U.S. Government responding to this disaster.

On January 14, the administration announced \$100 million in humanitarian assistance to Haiti to meet the immediate needs on the ground. The Department of Homeland Security has temporarily halted the deportation of Haitians and granted temporary protective status for 18 months to Haitian nationals who were in the United States as of January 12, 2010.

President Obama has pledged an aggressive coordinated effort by the U.S. Government. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, and USAID have already mobilized to ensure that critical resources are positioned to support the response-and-re-

covery effort, including efforts to find and assist American citizens in Haiti. Members of the Congressional Black Caucus have proactively engaged to facilitate aid to Haiti.

Recently, I joined my colleagues in the House of Representatives to unanimously pass H.R. 4462. The resolution would allow individuals who made charitable contributions to those in Haiti to claim an itemized charitable deduction on their 2009 tax return instead of waiting until next year. The legislation also allows those who made donations via text message to use phone bills as proof of donation.

I was proud to be an original cosponsor of this bipartisan legislation. Representative MEEK coordinated a letter to Speaker PELOSI, Minority Leader BOEHNER, Appropriations Chairman OBEY, and Appropriations Ranking Member LEWIS requesting robust emergency funding to assist Haiti.

Immediate U.S. assistance to Haiti in the wake of the catastrophic earthquake is vital to support stability in that very fragile country. Representative MAXINE WATERS is introducing a bill to require the Treasury Department to cancel Haiti's debts. The government of Haiti cannot afford to invest in humanitarian relief, reconstruction, and development efforts while continuing to make payments on debts owed to multilateral financial institutions like the International Monetary Fund, the World Bank, and the Inter-American Development Bank.

Even before the earthquake, debt service payments to these institutions were a tremendous burden that interfered with the ability of the government of Haiti to meet the needs of its people.

The bill requires Secretary Geithner to support three specific actions that should be a part of the international community's response to this very, very terrible tragedy. The first is the complete cancellation of all remaining debts owed by Haiti to multilateral financial institutions; secondly, the suspension of Haiti's debt service payments to these institutions until such time as the debts are canceled; and thirdly, the provision of additional assistance to Haiti in the form of grants so that the country does not accumulate additional debts.

Representative MEEK, in coordination with Chairman SKELTON and Representative MACK, have introduced a resolution to commemorate the efforts of the United States Armed Forces, of local first responders, and other members of Operation Unified Response for their swift and coordinated action in response to the earthquake in Haiti. I am proud to say I have supported each of these initiatives.

There has been an outpouring of international support for Haiti. The first priority has been saving lives. That means getting water, food, shelter, medicine, and other basic supplies



to victims. Beyond the essentials are issues of security and debt repayments, both of which can undermine rebuilding efforts. The United Nations' Secretary General Ban Ki-moon sought approval from the Security Council to send an additional 3,500 security officers to Haiti. The officers are needed both to maintain public order and to guard deliveries of food and aid. So far, violence has been scattered, but fears of violence grow as the difficulties of living without water, food, and shelter mount.

As World Bank President Robert Zolick has said, outside support should be in the form of grants. Through grants, money can be appropriated according to goals and capacity while easing Haiti's debt burden. For example, Haiti owes about \$38 million to the World Bank. Mr. Zolick, however, announced that no debt repayments would be due for the next 5 years, and the World Bank is seeking to cancel all of Haiti's remaining debt owed to it.

Many relief organizations are accepting donations to send to Haitians. Cash donations are the most efficient and effective way to help the relief effort in Haiti right now. They allow humanitarian organizations to purchase—often within the affected region itself—the exact type and quantity of items needed by those affected by the crisis.

You can find organizations and ways to help through the White House's Web site, which is [www.whitehouse.gov](http://www.whitehouse.gov) or visit the U.S. Agency for International Development's Web site at [www.usaid.gov](http://www.usaid.gov), which has a list of nongovernmental organizations and instructions on how to help.

Mr. Speaker, Haiti is the world's first black-led republic and the first Caribbean state to achieve independence, in 1804. Haiti is still plagued by violent confrontations between rival gangs and political groups. Current President Rene Preval won the presidential election in February 2006 with 51 percent of the vote.

Haiti's serious underlying social problem, the wealth gap between the impoverished Creole-speaking majority and the French-speaking minority—1 percent of whom own nearly half of the country's wealth—remains unresolved.

Even prior to the earthquake, Haiti's infrastructure had all but collapsed and drug trafficking has become a major problem.

□ 1800

Today, Haiti is the poorest, least developed country in the Western Hemisphere and prior to the earthquake was ranked 149 out of 182 countries on the United Nations Human Development Index.

We've all seen the pictures on the TV of the children of Haiti. It is heart-breaking. We all recognize the urgent need for assistance to the smallest of the earthquake's victims. The out-

pouring of sympathy has led many to consider adopting a Haitian child. However, Mr. Speaker, the U.S. State Department recently announced that new adoption applications are not being processed. At this time, the main priority is reuniting children with their families. The process of determining whether a child is an orphan is a long and complicated one. The recent adoptions that have been processed were Haitian children who had previously been matched and cleared for entry into the United States.

Since last week, the U.N. Children's Fund, UNICEF, and its partners have identified and registered some 200 unaccompanied children found in orphanages and wandering in neighborhoods in Port-au-Prince. Based on the given information and photographs taken, workers will begin to trace the families of these children, if they exist. A similar registry was used after the 2004 tsunami in Indonesia and more recently in cyclone-hit Myanmar.

For now, the best assistance that individuals can provide is to make a financial contribution to a reputable relief or humanitarian organization working in Haiti.

Days after the earthquake, Secretary of Homeland Security Janet Napolitano announced the designation of Temporary Protective Status of Haitian nationals who were in the United States as of January 12, 2010. This designation will allow eligible Haitian nationals in the United States to continue living and working in our community for the next 18 months. TPS will provide a temporary refuge for Haitian nationals who are currently in the United States and whose personal safety would be endangered by returning to Haiti. Granting TPS to Haitians would provide them with the ability to work legally and contribute to the reconstruction of their country until it is safe for them to return.

Haiti has enormous potential, but rebuilding the country requires a coordinated strategy. Here in the U.S., we can support the transition from humanitarian assistance to reconstruction through cash-for-work programs, so Haitians can be paid for clearing roadways and reconstructing infrastructure. Haiti can also boost its private sector by investing in and building the infrastructure for power grids, ports and roads. Also important is revitalizing agriculture so that Haitians can replace food aid programs with food harvested from their own farms.

To jump-start the Haitian economy, in 2008 Congress passed the Haiti Opportunity through Partnership Encouragement Act, better known as the HOPE Act, which provides special rules for the duty-free treatment of select apparel imports which is Haiti's dominant manufacturing sector. With access to the United States market through this agreement, Haiti can cre-

ate jobs in its apparel and agricultural sectors.

Haiti's reconstruction must create jobs for Haitians, grow the Haitian economy, instill confidence in the government, and be managed transparently. This will require Haitians to unify, since foreign assistance can only go so far. The Haitian people working with their government must come together to rebuild a newer, stronger Haiti.

The difficulties faced by Haiti should not deter us from providing assistance. Our leadership and moral strength is only enhanced when we help others. Truly, we lift as we rise.

Mr. Speaker, I now yield to my good friend, distinguished colleague and one who knows much about the Haiti situation, Mr. DONALD PAYNE from New Jersey.

Mr. PAYNE. Let me express my appreciation to the gentle lady from Cleveland for calling this Special Order. She has been such a tremendous resource to the Congressional Black Caucus. And as we know, the Congressional Black Caucus has been very involved in Haiti for many, many years. For the 22 years that I have been a Member of this Congress, Haiti has always been number one on the agenda. And we went through the years when there were dictatorships, and then the elections and President Aristide being elected to office, and then his being deposed and the military, General Cedras, Biamby and those folks took over. And then President Clinton having the foresight to restore President Aristide; 22,000 U.S. troops went to restore democracy without us having even one casualty. And the current situation where President Aristide left and the new government of Preval. So we have been involved throughout the years.

Let me tell you that when we heard the news of the earthquake, 7.0 on the Richter scale, only 6 miles deep, bringing it so close to the surface it made the magnitude even greater, the aftershocks that continued, we immediately said we must do something and do something quickly and do something drastic. So since the earthquake, the Congressional Black Caucus has mobilized to holding emergency meetings regarding Haiti with USAID, the Department of State, nongovernmental organizations, and other stakeholders in the region to get a sense of the effort on the ground in order to take information back to our constituents and organize the legislative efforts in Congress.

On Wednesday, January 13, the CBC international task force called an emergency meeting with the CBC staff regarding the devastation in Haiti. USAID Deputy Administrator John Brause briefed staff about the U.S. response and the extent of the situation. Counselor Cheryl Mills, chief of staff to Secretary of State Clinton, briefed CBC



members on January 13 and January 15. The Congressional Black Caucus held a Haiti disaster assistance meeting with Members to discuss legislative efforts and opportunities that we could then move right into effect.

Various members of the Congressional Black Caucus hosted conference calls with their constituents to provide them with updates about relief efforts that were being made in our respective districts. We had tremendous interest in different parts and in our State of New Jersey, New Jersey for Haiti was formed, [www.nj4haiti.org](http://www.nj4haiti.org). And that organization, which I cochair with Senator Lesniak, said that we needed to move quickly into action. And Stan Neron, who is a social service worker in the city of Elizabeth was able to get the United Way of the Greater Union County to be partners in arranging drives for supplies and listed organizations that could receive contributions, Red Cross and other organizations, that were already doing work throughout the land.

And so as I indicated, the CBC jumped into our meetings at the conference calls. We had a Special Order following news on January 12. Immediately, members of the Congressional Black Caucus came to the floor to discuss the earthquake in Haiti and relief efforts and what we intended to do. And the following day, on the 14th of January, Congressional Black Caucus members were briefed via a conference call with David Meltzer, senior vice president for the international affairs of the American Red Cross. On the 15th of January, Congressional Black Caucus members were briefed through a conference call by the State Department for updates. And so we just remained very active.

The week of January 18 to 22, the Congressional Black Caucus leadership introduced and passed two bipartisan measures on Haiti in Congress. Tuesday the 19th, Chairwoman LEE, on behalf of the caucus, introduced legislation expressing condolences to and solidarity with the people of Haiti. And in the aftermath of this devastating earthquake, Chairman CHARLIE RANGEL of the important Ways and Means Committee introduced a bipartisan piece of legislation, H.R. 4462, that would allow individuals making a charitable contribution after January 11 and before March 1 to victims of the earthquake in Haiti to claim these charitable deductions on their 2009 tax returns. Absent this change, taxpayers would need to wait until next year to claim a deduction for these contributions on their 2010 tax forms. And so this will speed up deductions eligible for 2009.

The bill also makes it clear that taxpayers making a charitable contribution to victims of the Haiti earthquake through text messages would be able to rely on the cell phone bill while claiming charitable deductions, the first

time any activity or action of this nature has been done.

The CBC international task force held a staff meeting to discuss the next steps on Haiti on that day of January 19 and the committee that I am privileged to chair. On Wednesday, January 20, the CBC members were briefed by Ambassador Raymond Alcide Joseph, Haiti's Ambassador to the United States.

The legislation that we had, we are also in the process of developing. What we have done in our meetings, we've taken a look to see what we can do with the U.S. citizenship and immigration services to discuss TPS and humanitarian parole and other important items. The CBC looked at other issues. Representative HANK JOHNSON's office drafted a letter to Secretary Clinton and Gates detailing details about the use of security contractors as a part of ongoing relief. Congresswoman WATERS is working on Haiti debt cancellation of bills, and Representative MEEKS from New York is dealing with a Marshall Plan on Haiti. I intend to ask the Earth Institute at Columbia University, Dr. Sachs, to come to brief the Congressional Black Caucus about the future of Haiti and planning: How should new Haiti be planned? How should Port-au-Prince be redone? How should satellite cities be created? Because we feel that this is an opportunity now to right many of the wrongs that had happened in the past.

The House Foreign Affairs Committee will have a hearing on Haiti in the next few weeks, and Congressman MEEKS will be holding a hearing on international financial institutions and how they can assist Haiti. Congressman JOHN CONYERS has been in contact with the Air Force liaison. He is going to participate when the time is right in CBC members taking trips to Haiti to see firsthand what we should do. We've been reluctant from going down en masse because we wanted to have our agency people on the ground be free to do things that need to be done. However, when the time is right, we will have a large delegation of members of the CBC to go.

As you know on the 21st of January, the CBC held a press conference to discuss the congressional response to the earthquake. Our CBC met with TransAfrica, its director, Nicole Lee, and Melinda Miles working together for Haiti, NGOs that have been on the ground for many years to find out what is the position of the NGOs and how do they see the situation and how can they better assist as we move forward. CBC facilitated a call with NGO leaders working in Haiti with the Department of State to discuss NGO's experiences and concerns as the U.S. builds and executes recovery and relief and the rebuilding of Haiti. And we found that very instructive for the NGOs and for the Department of State.

On the 19th, the CBC international task force held a staff meeting to discuss the priorities again as relates to it. Congressman CUMMINGS, the chairman of the Subcommittee on the Coast Guard and Maritime Transportation, held a briefing regarding the United States Coast Guard and its ongoing work in Haiti.

□ 1815

We held a press conference at the Haitian Embassy. The CBC went and met with the Haitian Government and we talked about various problems. We wanted to take a look at the TPS guide. We looked at the CARACOM memo. We discussed Haiti's debt relief numbers from Treasury. We have dealt with the CBC constituency outreach guide. And these were all things, as I indicated, that the Congressional Black Caucus has done.

As I wind down, I just want to once again remind Americans that Haiti has been a tremendous part of the growth and the development of our Nation. As I have mentioned on the floor before, it was back in the late 1800s when the enslaved people of Haiti had a rebellion against the Government of France, and Napoleon's army, after 12 years' struggle, lost the war to Haiti; Haiti becoming the first country where enslaved people overthrew the power, European power, and became a republic, just the third republic ever in the world at that time.

So we have a tremendous amount of regard and respect for Haiti as they defeated the French, therefore causing France to lose much of the wealth that it gained from Haiti. Half of the sugar and coffee and cocoa, other products in Europe, 50 percent of them came from Haiti alone. Haiti produced more wealth to France than all of the 13 original colonies gave to the U.S. Government.

And so Haiti, once it became independent from France, France became cash poor. But it still had land in the Louisiana Territory and, as a result of their defeat, were forced to sell the Louisiana Territory, negotiated by Jefferson, to the United States. And that opened up the West for the United States.

As a matter of fact, France had armies of 20,000 persons where the U.S. Army was just about 5,000 strong. So the French had a more powerful military here in the Western Hemisphere and would have been a problem for the United States had not the treaty been made and France being forced to sell the Louisiana Territory.

Many other Haitians are involved in our history. The Battle of Savannah, where Haitians fought for our independence, valiantly losing lives but helping to turn the tide of the Revolutionary War. We know that Jean Baptiste Pointe du Sable, popularly known as the Father of Chicago, was a

Haitian colonist in North America, mixed French and Haitian ancestry, and he was the person that discovered Chicago and was really called the Father of Chicago back in 1968. So there are so many people of Haitian descent, and Haiti itself, that has a great deal to do with our development.

Finally, let me just mention this last point, that when World War II began, the U.S. started to become concerned about the dependence of rubber from a territory that was going to be controlled by the Japanese. By 1942, the Indonesians, the British-controlled rubber plantations provided 99 percent of the commercial rubber for the world. In the earliest stages of World War II, the United States realized the disastrous consequence if rubber plantations fell to Japan. This would cut off to the United States and its allies rubber supplies, an absolutely critical commodity, as you know, not only for the economy, but to keep a war effort moving forward.

The United States made some presentations in 1940 and 1941. We started to increase our rubber stockpiles. However, botanists went to Haiti to attempt to grow rubber trees in Haiti. The Haitian rubber project was not supposed to be a part of the war effort, but it really was. It was not something that was necessary if we were not concerned about rubber being cut off from the United States. What happened, though, is that much of the land was denuded. Natural habitat was destroyed. Ebony trees and plants that were natural in Haiti were taken out, and the attempt to grow rubber trees was started on large portions of land. There were some Haitian botanists who said that it would not work; however, the U.S. insisted on trying the experiment.

Today, one of the biggest problems in Haiti is erosion. It is because of deforestation, because people are dependent on wood for homes and heating. However, this dastardly situation started actually by the United States for the war effort with the attempt to grow foreign seeds that would not grow in that kind of topography. So, once again, as we look at the tremendous erosion that is abundant in Haiti today, the beginning of it happened to be at the time when the United States felt that it needed to have the growth of rubber trees in our hemisphere in a place that was close to the United States.

And so even, once again, as we look at how Haiti has impacted on the United States, this consequence of a negative development on the part of the U.S. Government I think once again is a reason that we should have a strong passion for our sister country Haiti.

So we will continue in New Jersey to continue to move forward with all of the many people that are involved. We

look forward to having a mass at the basilica near the end of the month of February. Our Governor is going to provide an office that we can work with to try to be sure that people who may be coming with TPS and other problems, family unification, parole, adoption, that we will be able to service these people who are crying out for help.

So with that, I see one of my colleagues here from the great State of Texas, Congresswoman SHEILA JACKSON LEE, who has really done a tremendous amount of work in this area and sits on important committees and certainly has a great deal to contribute.

At this time, Mr. Speaker, I yield to the gentlelady from Texas.

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for the remainder of the hour as the designee of the majority leader, approximately 16 minutes.

Ms. JACKSON LEE of Texas. Let me thank, first of all, the chairman of the Africa Subcommittee and Global Health Committee of the Foreign Affairs, Mr. PAYNE. There is no doubt of his recounting of the enormous history that has been involved around Haiti, but also the track record of the Congressional Black Caucus. So let me continue my remarks, and I will yield myself such time as I may consume.

Mr. Speaker, I note on this Congressional Black Caucus hour that two of our members have come to the floor: the chairwoman, the Honorable BARBARA LEE, and the member from California, chairwoman of the Financial Services Committee and recent returnee from Haiti, MAXINE WATERS.

So I will just recount, as the chairman just did, Chairman PAYNE, a lot of the work that we have done here in the United States. But also, in case many wonder why we are continuing this effort and why we have made a commitment as members of the Congressional Black Caucus to never give up and to never give out on Haiti and to view this as a long-term recovery and restoration is because the damage is so devastating. This reflects the early stages of the collapse of whole neighborhoods, literally the collapse of Port-au-Prince, and the devastating disaster that the people still face.

Today, as we are looking at recovery, there are Haitians lifting stones by hand, one by one, to remove some of the debris that is already there. Knowing that between 150,000 to 200,000 are known or expected dead, we know that behind this rubble there are lost loved ones who have yet to be accounted for. Some 4,000 Americans are unaccounted for. U.N. workers are unaccounted for. And so when we talk about this today or next week or maybe in March or in April, maybe in June, you will understand the magnitude of devastation.

I know that many of us can recall briefly the earthquake around northern California and San Francisco and Oakland. We remembered a baseball game that was either in session or not, one of the more stark earthquakes, and remember the response, the fear, the stopping of the game, the damage. But this was a 7.0 on the Richter scale. And to see all of the beauty of this island destroyed, all of the history. This is one of the islands that has some of the greatest history that one could imagine and people who are proud. This is where people live now. This is where our children live. This is where babies are born, on the streets of Port-au-Prince and elsewhere.

So we are not here for a reason that is made up. We are here because, as we speak, these are the homes of people who are living in a devastating condition. No, this was not a rich nation, but people worked every day. They wanted to provide for their families. They were not interested in handouts. They wanted to build their nation. Now, today, unlike we have ever experienced, we can see the overwhelming devastation here in Haiti. And, again, the tragedy is, who is still not found?

So I rise today to comment on the question: Why is America responding and why is the Congressional Black Caucus a conscience of that response?

Today, we were able to hear from the newly appointed USAID administrator as invited by the chairwoman, BARBARA LEE, and attended by forty-plus members of the Congressional Black Caucus, tightly fitting in a room, listening intently to how we can move this tragedy forward and helping the people.

America is responding. We will continue to respond with immediate humanitarian assistance to help the people of this struggling island to rebuild their livelihood. There is still no estimate of death or destruction, but the damage to buildings is extensive, and the number of injured or dead is estimated to be in the hundreds of thousands. We can already see that this is a continuing example.

We look forward to Haitians helping themselves. The United States Government has already contributed \$402 million in earthquake response funding for Haiti and has already deployed approximately 17,000 in military personnel, somewhat like the military personnel that was in Hurricane Katrina.

This is not an effort to remove the sovereignty of Haiti, and we are working very closely with President Preval, and we understand the sovereignty of this nation-state and we respect its leadership. And so we are moving quickly toward a Government of Haitilied effort. The U.N. World Food Program will provide commodities, non-governmental organizations will manage distributions, and U.S. military

will provide security escorts, but it will be led by the Haitian Government.

America and her allies have already initiated a comprehensive interagency response to the earthquake, and we believe it is important, as we mentioned today, that there be one general of all of these agencies: the State Department, Department of Defense, the Department of Homeland Security, the Coast Guard, and, of course, USAID. There has to be a way of organizing this effort.

I am very pleased to make note of the fact that in the meeting I made a request to the USAID administrator to respond to all of the churches that have been calling Members of Congress and calling the State Department, all of the faith community, churches, parishes, mosques, and others, and synagogues and other houses of faith who want to help. The USAID administrator indicated that they would appoint a faith liaison to be able to work with all of the religious bodies in order for them to do the right thing.

Right as we stand here today, there are a group of religious persons who are now held by the Haitian Government. To our knowledge, they are still there. Their representation was that they wanted to help the children. I don't disregard that fact. I am sure that there were good intentions. But we know, in the protection of these children, we must have order. We must have a regulation, regular order, if you will. There must be a process of giving relief and helping these children who are now orphaned. And the Haitian people love their children.

So I am looking for ways of temporarily deploying children for medical help. There must be an airlift for the second stage of surgeries that these children with broken arms and legs and bodily injury and gangrene have the ability to come for temporary care.

□ 1830

But we cannot have an irregular process of people going forward to try to secure these children. We want to help these religious leaders, who we believe had wonderful and good intentions. There are those in my community who have reached out to me to try and help them. But as we help them, we have to make sure that there is a precise way of dealing with the children.

Within days of last week's devastation, the Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts. There are many from around the world that are helping, and there are many who are working individually.

So I would make the point that we want to continue working with our faith community. When you hear us, there is a reason. They are in need for more resources. There is clearly a need of a long-term recovery and building

Haiti against this kind of devastation. And yes, I will continue to work to secure and protect the children of Haiti.

I close by yielding to the gentlelady by saying this. Allow me to thank the diaspora, all of the Haitian Americans all over the Nation. Let me particularly thank, with a heavy, heavy emphasis on their dedication, the Haitian American community in Houston, Texas, and all of the help that they have done. We look forward to them being able to go home to check on their relatives and to be of help. And let me thank the medical doctors of the Texas Medical Center, and two airplanes, doctors and nurses that I was able to secure to come down to Haiti and help within 48 hours of the earthquake. Let me make note of the Houston Rotarians as well, who are there to be of help. We will not give up on the people of Haiti and the nation of Haiti.

I rise today in order to highlight America's humanitarian response to the earthquake that struck Haiti on January 12th—just over 3 weeks ago. I want to commend each agency involved in the humanitarian response.

As you know, on Tuesday, January 12th, a massive, 7.0 magnitude earthquake struck Haiti near the capital of Port-au-Prince. There is still no official estimate of death or destruction, but the damage to buildings is extensive and the number of injured or dead is estimated to be in the hundreds of thousands.

America is responding, and will continue to respond with immediate humanitarian assistance to help the people of this struggling island nation rebuild their livelihoods. I send my condolences to the people and government of Haiti as they grieve once again in the aftermath of a natural disaster. As Haiti's neighbor, I believe it is the United States responsibility to help Haiti recover, and build the capacity to mitigate against future disasters.

To date, the United States Government has contributed nearly \$402 million in earthquake response funding for Haiti. It has also deployed approximately 17,000 military personnel in support of the relief effort. Subsequently, as part of the new Government of Haiti-lead effort, the U.N. World Food Program will provide commodities, nongovernmental organizations will manage distributions, and U.S. Military will provide security escorts.

America and her allies have already initiated a comprehensive, interagency response to the earthquake. The State Department, Department of Defense, Department of Homeland Security, Coast Guard, USAID—all worked overnight to ensure critical resources were positioned to support the response and recovery effort, including efforts to find and assist American citizens in Haiti.

Within days of the devastating earthquake, U.S. Southern Command deployed a team of 30 people to Haiti to support U.S. relief efforts in the aftermath of one of the largest natural disasters in the western hemisphere. The team included U.S. military engineers, operational planners, and a command and control group and communication specialists arriving on two C-130 Hercules aircraft. Since, there has been a tremendous interagency response with support and partnering with U.S. Em-

bassy personnel as well as Haitian, United Nations and international officials to assess the situation and facilitate follow-on U.S. military support.

Our friends in the international community must also be commended for their efforts. The United Nations is releasing \$10 million from its emergency funds. The European Commission has approved C3 million (\$4.37 million) with more funds likely. Countless other nations from Germany, to China, to Israel to Mexico to have also pledged support. I commend each of these nations for coming to our neighboring nation in dire need of assistance.

Many of my constituents have asked what they can do to help, or how they can find their loved ones. Those who are interested in helping immediately can text "HAITI" to "90999" and a donation of \$10 will be made automatically to the Red Cross for relief efforts. The donation will be charged to your cell phone bill.

The outpouring of support and funding from the American people was both instant and sustained. According to the Washington Post, the text messaging effort raised \$5 million in its first day, breaking the previous one-day record of about \$450,000. Text-message donations continue to play a larger-than-expected role in the push for earthquake relief in Haiti. As of late Sunday, the American Red Cross said that it had collected pledges of about \$103 million, including \$22 million through the text donation program. Each donor should be proud of their contribution to help their brothers and sisters in Haiti.

Financially, 2009 was not an easy year for many Americans. Although thousands of jobs were created and we are back on the road to economic recovery, Americans lived on tighter budgets than usual. On January 20th, Congress passed H.R. 4462 which accelerated the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti. This legislation will allow those Americans who have generously donated money to Haiti to receive their tax break this year instead of next year.

In January of 2005, Congress enacted this type of relief for individuals that made charitable contributions to victims of the Indian Ocean tsunami that occurred in late December of 2004. That bill (H.R. 241 in the 109th Congress) passed the House of Representatives without objection and subsequently passed the Senate by unanimous consent. I hope that this legislation, like our response to the 2004 tsunami, will encourage Americans to contribute more money to Haiti. As Haiti starts on its long recovery, every dollar is critically important. Americans have responded in great numbers, and I am proud to represent such a compassionate and generous nation.

Americans are not only giving their money, they are also giving their time and expertise as well. Immediately after the earthquake, I arranged for a team of seven doctors, six nurses, two techs, and two search and rescue volunteers to fly to Haiti and provide immediate humanitarian support. This team led by Dr. Richard Toussaint from Forest Park Medical Center in Dallas, Texas arrived in Haiti just after noon on Saturday. From there, the doctors made their way to Hospital SacreCoeur where, in roughly two days, they

performed about 70 amputations, surgically treated about 150 patients, and saw about 600 patients total. I commend this team of medical personnel for their selfless actions and willingness to spend their own time and money to come to the aid of people they had never met.

Additionally, I hosted a Houston-based Haiti relief effort called "Texans helping Haitians" with city leadership and the Haitian community in the aftermath of this horrible disaster. Groups included in the effort to provide supplies and medical assistance to Haiti were: Texas Medical Center, Texas Dental Association, Search and Rescue Organizations, the Haitian Multicultural Association, Haitian Caribbean Organization of Texas, Caribbean Impact Foundation, and Haiti Counts.

I also helped coordinate the safe return of six Houston Rotarians that were stranded in the mountains and we are now working with Office of Foreign Disaster Assistance on the transport of orphans to awaiting families here in the U.S.

Recently, I proposed a plan that would increase the ability of the U.S. to assist Haiti in its efforts toward reconstruction and stabilization to Dr. Rajiv Shah, the Administrator of the U.S. Agency for International Development.

This plan would create an oversight position within the USAID that would coordinate and regulate faith-based and non-profit organizations operating in the reconstruction efforts in Haiti. I also recommended the creation of a U.S. civilian corps, an extension of the American Peace Corps, that would be tasked the specific mission of assisting reconstruction efforts in Haiti. This civilian entity would serve as a supplemental contingent which could be incrementally dispatched as needed by U.S. Government agencies or nongovernment organizations.

Once again I stand in solidarity with the people of Haiti and will do everything in my power to assist them with rebuilding their country and livelihoods.

I will be happy to yield to the gentlelady from California to manage the rest of the time.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. LEE) is recognized for the remainder of the hour, approximately 10 minutes, as the designee of the majority leader.

Ms. LEE of California. Thank you very much.

Let me thank the gentlelady for yielding and for that very powerful presentation, and for your leadership and commitment to especially the children of Haiti.

Good evening. It has been just over three weeks since a devastating earthquake rocked the nation of Haiti, devastating its capital city Port-au-Prince and the surrounding area. The damage seems unfathomable, yet it is real. The loss of life is staggering and the destruction of homes and infrastructure is tremendous.

As Chair of the 42-member Congressional Black Caucus, I want to reiterate that our thoughts and prayers continue to be with the people of Haiti during this difficult time.

Since the earthquake of January 12 many members of the Congressional Black Caucus

have stood on the floor of this House to talk about and bring attention to the needs of the people of Haiti and the Haitian American community. We will continue to speak out and speak up on their behalf because the needs are urgent and they are real.

The Congressional Black Caucus has a long history of working with Haiti, and many of us have traveled to the country multiple times. Beyond our personal involvement with Haiti, the United States and Haiti share a long and historical relationship that began with the trans-Atlantic slave trade, which placed millions of people of African descent in human bondage throughout the Western Hemisphere.

Our brothers and sisters who found themselves in Haiti led the way to freedom and independence for the African Diaspora in the Caribbean and the Americas when they established the world's first "Black-led Republic," established by former slaves. It was also one of the first nations in the world to break the bonds of colonialism, providing inspiration to millions of oppressed peoples around the globe.

Haitians fought for their independence—and literally paid for their freedom by paying substantial tributes to their former colonizers, creating a financial hardship that has endured for generations and directly contributes to Haiti's underdevelopment today. The world has a historic and moral obligation to help the people of Haiti in their time of need.

During the current crisis, the CBC has worked closely with the Obama administration and nongovernmental organizations to provide whatever assistance we can to the humanitarian relief efforts underway. Just today, we met with USAID Administrator Rajiv Shah to voice our concerns and offer our continued partnership as the administration continues its ongoing emergency relief and begins to formulate a longer-term agenda for reconstruction.

And a week ago, members of the CBC met with Raymond Joseph, Ambassador of Haiti to the United States. During this meeting we communicated two overarching messages.

First, we reaffirmed our continued, ongoing commitment and solidarity with the Haitian people.

Second, we emphasized that the CBC would like to coordinate our work with that of President Obama's administration, the Government of Haiti, and the Haitian people to develop an overarching relief, reconstruction, and development agenda.

Given the CBC's long history with Haiti, our members have many ideas and initiatives—legislative or otherwise—that we believe can assist the government and the people of Haiti in relief and recovery and reconstruction efforts.

These include efforts to promote debt relief and to coordinate aid distribution on the ground.

But most importantly, we must establish a comprehensive assistance framework in partnership with the Government of Haiti and in coordination with other donors to promote the long-term development of Haiti. In short, we need a Marshall Plan for Haiti, with Haitian nongovernmental organizations and the Haitian Diaspora playing a vital role in its formulation and implementation.

To offer just one example, last year I introduced H.R. 417, the Next Steps for Haiti Act.

This legislation would create a professional exchange program to assign U.S. professionals, particularly in the Haitian Diaspora, to provide technical assistance to Haiti in critical development-related fields—such as healthcare, infrastructure, and disaster preparedness.

Initiatives such as these could go a long way towards empowering the Haitian people to rebuild and work towards the betterment of their country.

Moving forward, we are committed to working with the Haitian government and organizations on the ground—who know their country oh so well—to meet their short-, medium-, and long-term needs of their country. Once the cameras are gone, and Haiti is off the front pages and the 24-hour news cycle, we will continue to be there. We, the CBC, are in it for the long haul.

I would like to yield now to the gentlelady from California (Ms. WATERS), a Member of Congress who is not only a legislator, but also a great humanitarian. We saw her very recently in Haiti, as she went to Katrina to help those during the search and rescue phase, and is back now to join us tonight on the floor to talk about not only her recent experiences, but her long-standing commitment to Haiti and her work on Haiti. Thank you very much.

Ms. WATERS. I would like to thank the chairlady of the Congressional Black Caucus, BARBARA LEE, for the leadership that she has provided on this issue since this disaster. But of course BARBARA LEE has been involved in assistance to Haiti public policy-wise and with the other kinds of disasters that have confronted Haiti over a long period of time. And so I join with her in all of the efforts to do what we can to assist the poorest nation in the Western Hemisphere, Haiti.

I have spent a good part of my career trying to be of assistance public policy-wise and again when these disasters have struck Haiti. And so when the earthquake took place, we were all stunned, and we all immediately began to make inquiries of the USAID and the U.N. and the Red Cross, and all of those agencies responsible for disaster relief. And all of those inquiries and briefings having been going on every day, headed by Congresswoman BARBARA LEE.

I decided at one point I had to go to Haiti. I just had to be there to talk with some of the people that I have worked with over the past, to talk with President Preval, and to see what we could do additionally to be of assistance to our agencies.

I want to just tell you that USAID is working very, very hard. The U.N., working very, very hard. And I want you to know that USAID employees were sleeping on cots inside the embassy. Many of their homes were destroyed. Still, there were six missing persons when I was there from USAID and the State Department. In addition

to that, the U.N. lost 40 people, but yet they got up every day with this disaster, doing the best that they could. Are there problems? There certainly are, problems with logistics and coordination, all of that.

You have seen the images on television. You know how terrible this destruction was. The number of people, the thousands of people, up to estimates of 250,000 who have lost their lives. Well, it is worse than you even see on television. The destruction is massive. Looking at the buildings, they are just pancaked, the buildings that are in rumbles, the stone and debris that is in the street. It is absolutely heartbreaking and painful to experience.

However, we are doing everything that we can possibly do to give support. I have concentrated on debt relief for Haiti. Yesterday I introduced legislation to require the Secretary of the Treasury to use the voice, vote, and influence of the United States within the multilateral financial institutions to cancel all of Haiti's remaining debt. The bill has 30 cosponsors, including Chairwoman BARBARA LEE, DONALD PAYNE, and others.

I sent a letter to Treasury Secretary Timothy Geithner, urging him to support debt cancellation for Haiti. My letter was signed by 94 Members of Congress, including Majority Leader STENY HOYER, Financial Services Committee Chairman BARNEY FRANK, and Foreign Affairs Committee Ranking Member ILEANA ROS-LEHTINEN. Canceling Haiti's debt will free up the country's meager resources, allowing it to begin meeting its immediate and long-term needs.

Debt cancellation is critical for Haiti's future, and it is an important component of the overall aid we can provide. There is not enough time this evening to go through all that we need to share about debt relief, but this is a beginning.

Ms. LEE of California. Thank you very much. I want to thank the gentle lady from California again for her leadership, and also for once again leading the effort on debt relief. Because Haiti certainly should not have to repay any loans given the devastation that it has faced not only during this recent disaster, but in the past.

Congressman ED TOWNS, chair of the Government Reform Committee from the great State of New York, with a large Haitian American population, large Caribbean American population, also a minister, who has been a strong voice on behalf of the Haitian people throughout his life. Congressman ED TOWNS.

Mr. TOWNS. I would like to thank the gentlewoman from California, the chair of the Congressional Black Caucus, for her leadership.

Of course I know that the time is running out, but I really wanted to

take at least a minute to thank some people that I know have worked real hard to do whatever they could do to relieve in terms of every way to create an atmosphere and climate to get people involved in helping the people of Haiti. Gregory Jackson, who heads the Brownsville Recreation Center in Brooklyn, New York, has been very involved in terms of collecting all kinds of items. Vivian Bright, who heads the women's caucus, she has been collecting things to send to Haiti. And of course I want to salute them.

And then I want to thank Dealmid. Dealmid has put together all kinds of medical supplies. And of course I want to thank Warren Cohn for taking them down. And of course I want to thank the Bedford-Stuyvesant ambulance service, who went to Haiti right away and were able to save lives. And of course not only that, they were able to deliver babies and all of that. So I just want to thank them for their work, and to encourage them to continue.

Let me just say that there are 125,000 people from Haiti that live in New York. And we are not going to forget Haiti. We are going to make certain, the Congressional Black Caucus has indicated over and over, that we are going to be there.

Ms. LEE of California. Thank you very much. And let me again thank you for your leadership, Congressman TOWNS.

I want to just close this evening by first saying that as chair of the 42-member Congressional Black Caucus, I want to reiterate tonight that our thoughts and our prayers continue to be with the people of Haiti during this very difficult period. We know the Haitian people are resilient people and that they will move forward in rebuilding their country.

But we want to make sure that the people of Haiti understand that the Congressional Black Caucus stands with the people of Haiti as they move forward during this next phase of recovery and reconstruction. And we will be doing everything in our power to make sure that once, unfortunately, Haiti does not make the front page of the news, or the 24-hour news cycle ends with Haiti as the lead story, we will continue to be there. This Congress will continue to be there working as we move forward to develop a Haiti Marshall Plan. Thank you again.

I yield back the balance of my time.

#### THE FEDERAL BUDGET AND THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, our topic this evening, and one that I think has

received some coverage in the media, and is something that is of concern to many Americans, is the level of spending in the Federal Government, the budget that has been proposed, the size of deficits, and overall where the American economy stands. These are all very important topics. These topics could not be more timely.

The President has just released his new budget for the next couple of years. We can take a look and see exactly what the numbers are. So these questions, probably even more so because of the high level of unemployment, have a quite a number of Americans asking some very serious questions and have, I would say quite honestly, a number of people in elected office here in Washington, D.C., extremely concerned about the fact that we are not doing what we should do in terms of fiscal responsibility.

Now, one of the things that happens in the political world, and this may be a surprise to some people, but perhaps not to others, and that is that sometimes there is a significant gap between what people say and what they do. And so I prepared a few charts here just to give us an introduction to this subject about the budget, about spending, and about what is really true and what is really a significant factor, and what are more peripheral kinds of questions or issues.

Now, the first statement was made by the President, President Obama, in his State of the Union address here in this chamber not very many days ago. This was his comment. He said, "The true engine of job creation in this country will always be America's businesses, but government can create the conditions necessary for businesses to expand and hire new workers." Now, this particular statement is quite true. In fact, it corrects an extreme misconception that some in government would love to have passed onto the Americans, but in fact is not true. And that is that government never can create jobs.

Well, you say, Congressman AKIN, how is it that the government can't create jobs? Can't they take taxpayers' money, go out and hire somebody, and if they hire somebody doesn't that person have a job? Well, the answer is yes, but really no. What happens is when the government hires one person various economists would disagree a little bit on the exact number, but you take about 2 or 2.3 jobs out of the private sector for every job that you create in the public sector. So the government really doesn't create jobs, it simply takes money away from other people to hire someone. So when you say that the government is going to create jobs, that is actually economically false.

What the President says here is true, "The true engine of job creation in this country will always be America's businesses." That is true. In fact, he went

on to acknowledge that it is not just any business, but it particularly is small businesses. Someone has figured the statistic that 80 percent of American jobs are in companies that have 500 employees or less. So small business, that is 500 employees or less, is very much the place where jobs are created.

Now, we have some people in politics that are always blasting those rich guys, those people that own businesses. And we are going to tax the rich guy and make sure that he pays for everything. Well, there is only one little problem with that theory. And that is that a lot of the people that own those small businesses are reasonably well to do because they have successfully put a business together, have managed it, have taken considerable risks, have spent a whole lot of sleepless nights worrying about balancing the books, but somehow, in spite of all of that, they were successful. And they wake up 10 years later, after they created a small business, and they find out that they are a millionaire. Now, they may have started sleeping under a park bench somewhere, and a husband and wife look at each other, and there is a smile, and they look and they realize that their dream has come true.

□ 1845

The American Dream worked for the owner of some small businesses. And what that means is, because those people do have money, they can reinvest that money in their own business. And when they do, they'll add a wing on the building, add some new machine tools or a new process or new idea, and create jobs in America.

So what the President is saying is true—the true engine of job creation in this country will always be America's businesses. But government can create the conditions necessary for businesses to expand and to hire new workers. The government can do that. Maybe it would be more accurate to say that unless the government gets in the way, that's the natural cause of small businesses, to grow and to add additional jobs.

What are the kinds of things that the government can do to try to create those jobs? Well, they want to create an environment. It's a little bit like if you're trying to grow a plant, what do you want for a plant to grow? Well, you've got to have some water, you've got to have some sunshine, you've got to have the right temperature. You've got to have the soil conditions and chemistry more or less right. In the same way you can grow jobs in America if you keep certain basic factors and functions in perspective. We're going to go into that in a minute. But let's take a look.

This statement being true—these are the words, but here in fact are the actions of what is being proposed as you

go further into the speech. First of all, what is being proposed are \$2 trillion in tax increases over 10 years; \$2 trillion in tax increases. We're going to talk about that in a minute, because who's going to pay those \$2 trillion? Where's that money going to come from? You bet, it's going to be taxpayers.

And then we have this job-killing cap-and-tax legislation. My chart says cap-and-trade. People want to call it cap-and-trade. They really want to call it the global warming tax. But this cap-and-tax legislation puts a big tax on energy. Now guess who uses energy, aside from homeowners, aside from people who drive cars. Of course, small businesses. They use energy. Depending on the type of small business, some use a great deal of energy. And so you have here a proposal which is about an even portion of government redtape and government taxation. If I had to judge the bill, I think the redtape may be more onerous than the taxation, which is bad enough. The combination of the two are deadly to small businesses and deadly to job creation. We'll get into that in a minute.

What else is being suggested? We're going to have new taxes on employers who don't offer the government health insurance plan. So now what we're going to say to people if you're a businessman, Yeah, we're going to tax you on your energy, but we've got another tax, too, for you. That is, we're going to tax you on health insurance. And, guess what? You're going to pick up a big piece of the tab for this government-run health insurance plan, which supposedly only costs \$1 trillion.

Now that's not talking about the amount of cost shifting that's going to go to various State governments. But you have an extremely expensive proposal for government to take over one-fifth of the U.S. economy with this mandated, top down—I think I remember 400 or 500 times in this 3,000-page bill you have the "shall." The government shall do this, shall do that. And so this is another proposal which the President says he wants to move forward with. And then it increases taxes on small business owners who make over \$250,000. Well, a whole lot of small business owners can make over \$250,000. But, again, as I have mentioned, if you put the taxes on these people, they'll pay their taxes but they're not going to put that money, that tax money, back into their business to create jobs.

And so what we have here is the words that recognize that businesses create the jobs, and particularly small businesses create the jobs, but then in terms of action what we're doing is we're doing the very worst possible thing that you can do in terms of creating jobs and helping our economy. Let's take a look. You know, economics can be pretty boring sometimes. I try to make it as simple as I can.

I'd like to talk to you this evening a little bit about job killers. If you want

to kill a plant, you don't give it any water. If you want to kill a plant, you let it freeze. There's certain things you can do that makes it so that a plant dies. If you want to kill jobs, there's certain things you can do to kill them and there's also things you can to create them.

Let's talk about the first factor. It wouldn't surprise you perhaps that the one that I would think of first is taxes. Now how does taxation affect small business people? Well, it's this way. If you tax them more and more, they're going to have less money to put into their business and so they're going to have less money to hire people. And that's the same effect I was talking about. The government can tax and hire somebody, but when they do, they're taking that money away from the small business. And so while you add some government worker, you lose two employees from the local company.

And so tax increases are absolutely deadly, and they are going to be a big factor in unemployment. No big surprise. Other people have recognized this. This is not that complicated. This is not rocket science. This is not laser science. This is not quantum mechanics. It's simple lemonade stand-type economics. And other Presidents have recognized the problem. And so what did they do when they got into a recession and they're having trouble with unemployment? Well, JFK understood. He cut taxes. Ronald Reagan understood it. He cut taxes. And George Bush during the recession also cut taxes. In each of those situations the economy responded fairly rapidly to those tax cuts. And why? Because the small businessman is starting to get some money to plow into his business. So, first of all, taxes are a major factor. And if you raise taxes a lot, you're going to kill jobs.

What have we just got over here? We've got \$2 trillion in tax increases. We've got the cap-and-tax bill, the thing on taxing energy with all sorts of redtape in it. We also have the employers—the socialized medicine bill. Where the government to a large degree takes over health care, a trillion-dollar tag on that has to be picked up by a lot of small business people. And then you have, if that's not enough, increases on anybody making over \$250,000. That hammers small business people. And this list doesn't even mention the fact that the tax cuts on capital gains, dividends, and death taxes, which were put in place during the beginning of the last recession under Bush to help the economy, those are going to expire. So they're going to compound this problem. So here we have words. We understand that jobs are created in businesses, but we don't really understand because our actions are saying we're going to do just exactly what it takes in terms of tax policy to kill jobs.



The second factor if you want to kill jobs is redtape. Redtape means that it's more cost for businesses to do their work. If the government says, Yeah, but you've got to write a report; you've got to do this; to check with this; got to go to court to take care of this; you better do that; all of that red tape may not be a direct tax, but the net effect is it's costing a whole lot of time for an employer to try to comply with government redtape. Do you think we've got a fair amount of redtape in America?

Think about the amount the average citizen has in their own life and then multiply that significantly for the average business. And so redtape is another big factor. We have words. This sounds good and in fact this is even true. The trouble is the actions are the exact opposite.

I recognize that I've been joined by a good friend of mine, Congressman BISHOP, and I'd like to yield you some time if you'd like to talk a little bit about the budget. I'd like to get into tonight a couple of different things that have been said, comments that have been made about this budget. First of all, I want to get a scale of how big it is. Second of all, I'd like to talk a little bit about can you blame it on the previous administration. We keep hearing that it was President Bush's fault that we're in the economic problems. And then I'd like to get back to the job creation question. But I think you've got some specific examples from your district where there were jobs that we're talking about, and particularly an employer that is affected by this budget. Could you share with us, please?

Mr. BISHOP of Utah. Well, I thank the gentleman from Missouri for yielding. Yes, this presents a particularly interesting conundrum that we do have here. The President has talked about how our most important element is to create jobs. And it is. For our people we need jobs. I recognize, though, that much of what we have in this budget that you have already mentioned does not create jobs. It actually has a stifling impact on jobs.

Some things, though, in which jobs are our responsibility, we also have put a stifling influence just on the decisions we make. This budget is \$3.8 trillion. That's a whole lot of money. It's \$1.6 trillion more than we have. That's a whole lot of money that's going to go there. And in every one of the budgets that takes place it's about choices. In our own families we do the same thing. We have certain things we want and certain things we need. My problem with this budget right now, specifically in the areas that I am deeply concerned, is that we have a lot of stuff in here that we want that's being funded and a lot of things that we need that is not being funded.

One of the few constitutional responsibilities we have in this country is de-

fense. Last year, you and I were down here with others very frequently talking about missile defense. It is essential for this country. We cut missile defense. Once again, it was about prioritization. I think and I believe you thought we put our priorities in the wrong place. And you don't build a missile without people. When we cut our missile defense program, we took jobs away.

Unfortunately, in this particular budget, once again we go after another kind of missile program and have decided to take it out. What it simply means is this budget decides to go after NASA and take away the Constellation program and specifically the Ares 1 rocket. Now I hate to say this, but Time magazine determined what were the Fifty Best Inventions of the Year. And the number one invention was the Ares rocket. This is our process to replace the space shuttle. This is how we are moving into space exploration in the future. I hate to say this. I think space exploration is one of the core responsibilities of the Federal Government.

But in taking this out what you are doing is cutting 7,000 jobs nationwide of people involved in space, engineering, math, and science, which—once again, the President wants to encourage kids to study and to go into engineering, science, and math, but we don't have any responsibility of trying to encourage that on the real side. And where the problem comes is the people that make the motors for these rockets make the motors for our missiles.

Mr. AKIN. Let me just get the connect, because you're building up to something here. What you're saying is that there are solid rocket motors that are being built in America, which are very high-tech, and they're being built by a particular company. And they're used for the space program but they're also used for something else. Is that correct?

Mr. BISHOP of Utah. In defense.

Mr. AKIN. In defense. So it's not just space. It's also our defense.

I yield.

Mr. BISHOP of Utah. Both of those are core responsibilities of the government and one that this administration has decided to cut. And it's not necessarily that they are companies that are making these—there's actually two companies in America that do make those motors; one hasn't made any in a couple of decades. But it is people that do it. When you cut these programs—when you cut the missile defense last year and you cut this rocket program this year, the people with the expertise that we need to build the defense of this country are going to be gone. They're either going to find another job or, unfortunately, they're going to go on unemployment so we can pay them for not doing their jobs that we need to defend us.

This is one of the travesties of this particular budget. And it would be okay with me, perhaps, if they had come up with a new plan, a new role for NASA, something they are going to move us forward with, but they did not. All they did is simply cut the program, throw people out of work—if it goes through, I should say. We still have the right to say what it is. But this budget would cut the program, throw people out of work and, more importantly, fail for us to defend this country, which is our constitutional responsibility. It would fail to allow this country to move forward in space exploration and in defense because the industrial base of this country would be gone.

The acquisition guys over in the Pentagon understand it. They say it's not necessarily about jobs, it's about the kinds of jobs. And therefore it is important for the future of this country to have the right kinds of jobs in the industrial base. And it's not simply a spigot you can turn on when once again we decide, oops, maybe we had the wrong idea and we need more missiles to defend us against the Iranians and the North Koreans and who knows what else might be out there. You can't just pick it up again. If you lose the capability, you lose the capability. And, I'm sorry, in this budget we lose the capability we need to defend this country.

It's not just about the amount of money. It's about where we put our priorities and do we do what we need to do first and then cover the wants. I'm sorry; we're paying a lot of money for a lot of wants. Let me give you a simple example. If you took what we spent in the stimulus last year for ACORN alone, you could fund this program again and still have close to \$2 billion left over.

□ 1900

Mr. AKIN. Wait a minute. You are telling me that the ACORN program, the one where we've got people going to jail for voter fraud and all other kinds of strange and weird behavior, registering illegals, registering people that don't exist, turning them out to vote, and even on videotapes, we see them encouraging people to build brothels and to bring in underage illegal immigrants, that organization? You are saying that funding could be instead directed?

Mr. BISHOP of Utah. That program got more funding in the stimulus bill that was passed last year than it would take to carry on with this program moving forward.

Mr. AKIN. What you have said—and I just want to reinforce. There is a difference between jobs and jobs, is what you are saying. Some of these things are very high-tech kinds of jobs. They require building companies over a good number of years, building capabilities, putting that team together, and you've



got to have enough work to keep that team operating or else they just have to dissipate and go somewhere else. And if we need that capability for the defense of this Nation, that, in many of our opinions, is the primary function that we must perform here. There are a lot of other things that might be nice if the Federal Government did it, but if we have invading armies riding across our country, we're not very effective.

Mr. BISHOP of Utah. I think you are exactly right, and that's why, with all due respect, this is like a double disappointment to me. Not only are we spending too much and taxing too much, but we are not spending it in the right place.

Mr. AKIN. We're not even spending it in the right place. You know, that's a very, very visible kind of thing. You can see a solid rocket voter has a lot of technical kinds of aspects, how those have been developed, and we have an advantage on that from a technology point of view. Now you are basically saying that we're going to give that up for spending it on what, on something like ACORN? That's why a whole lot of people out there are really wondering what we're doing down here.

Congressman, thank you for joining us. I notice that we are joined by Dr. BURGESS, a good friend of mine. We're talking about the budget and about job creation and how those things connect. I also was trying to take apart a little bit because we hear some good words, and yet the actions of what we're doing don't seem to fit. So if you can join us, please.

Mr. BURGESS. I appreciate the gentleman yielding. When I heard what you were doing, I wanted to come down here and talk. You know, a week ago we heard from the President here in the House of Representatives, and he talked about this recession that he inherited. Okay, it's almost as if no President has ever had to deal with a recession before.

I don't know about you, but 20 years ago, we had a pretty bad recession where I lived in north Texas. In fact, I remember it very well because—I'm a doctor—the medical group that I was in was under such stress from this recession that it splintered apart, broke up. I found myself on January 1, 1990, beginning a whole new venture as a solo practitioner in obstetrics and gynecology in my town. And quite honestly, I wondered how I would make it. The recession was rough. We didn't have anyone coming down from Washington with a big bag of dollar bills saying, You guys doing all right? You need some more cash? We'll be glad to front it to you. At that time, the bad actors were the savings and loans that had imploded. But real estate markets had fallen, energy prices had fallen, and Texas was certainly upon hard times.

The reason this came to mind was the story recently about the number of

people in the administration who worked in a private sector job, and the number is astonishingly low. It's in the mid-single digits. No wonder when this administration looks around for solutions, their tendency is not to go to people who have actually done things in the past that have been creative and successful and created new jobs.

In February of 2000, I had ended my first month in this new medical venture, and I didn't have any money. I couldn't take any money home certainly because I didn't have any money, and I had nurses on my payroll that were depending upon me. Their families were depending upon me. It was a tough time. It was hard to borrow money. I went down to the bank and borrowed \$12,000 to meet payroll for that 2-week interval. The banker was not kind to me. He charged me 14 percent interest.

Mr. AKIN. Whoa, whoa, whoa. Stop just a minute. There wasn't somebody with bailout money from the Federal Government to come just give you some free money?

Mr. BURGESS. No, my bailout was my friendly banker who said—

Mr. AKIN. Fourteen percent interest?

Mr. BURGESS. For a 6-month loan.

Mr. AKIN. You can say that with a smile on your face today, but that banker wasn't too good a friend.

Mr. BURGESS. It was \$12,000 to meet—I realize here that \$12,000 doesn't even calibrate as budget dust with what we do. But \$12,000 was an enormous sum of money to me at the time. I'm not going to be able to take a paycheck home, but I had to be able to pay my employees. No money was coming across the counter because I'm an OB/GYN. You've got to wait a few months before the delivery occurs, and you get paid for the work. I was so scared—

Mr. AKIN. Sort of one of those 9-month lead time type of things.

Mr. BURGESS. Correct. I was so scared about what the future held for me. I did some mental calculations, and if it cost me \$25,000 a month just to pay my employees, what is my world going to look like in June? I'm borrowing for operational expenses, and I have got no way to really catch up that slack. Well, to make a very long story abbreviated, money did start coming in over the counter. That was the last money that I ever had to borrow.

But boy, I'll tell you what, when we come down here and we talk about this budget, I remember just how I felt those days. How was I going home to face my family? No paycheck. You talk about tightening your belt, there just wasn't a belt to tighten. We didn't have anything. I knew I had to continue to perform for my patients because I was obligated to do that. I knew I had to continue to perform for my employees because I was obligated to do that. I didn't ask any questions. I didn't whine about it. I went down and did what I

had to do, which was borrow \$12,000, and it scared me to death. It scared me to death.

And we're going to borrow \$1.9 trillion tomorrow just to meet our debt obligations for the next, what, 14 months? Are you kidding me? And the problem is, we've got an administration where no one has ever worked in the private sector. No one's ever had to go down and borrow that money, put their name on the line. No one's ever signed a paycheck on the front. All of their paychecks are signed on the back. That's our problem. Their natural tendency is to look for the government to get bigger because that's where the solutions come from.

No, the solutions come from the private sector, the small business entrepreneur, the doctor, the cardiologist, the saddlemaker, air conditioner repairman. That's what has made this country great. That's where the recovery of our economy lies, and we are fixing to kill the goose that laid the golden egg with this massive debt.

What's going to happen when we have to monetize \$1.9 trillion? What's going to happen to the interest rates? I paid 14 percent in February of 1990. You know what, that might look like a pretty good deal 10 years hence when we get to monetizing.

Mr. AKIN. You know, Dr. BURGESS, what you have communicated here, aside from being a doctor—we always put doctors sort of in a special category and maybe a little bit of an elevated platform. But what you have communicated is just the heart of a guy that has a business and how much risk you took and how you plowed into uncharted territory, just trusting that you could generate that business and then get the business going. And afterwards, you had employees. You provided a great product for people, and there are a whole lot of Texans who are thankful to Dr. BURGESS for delivering them. But you gave us an understanding of how that whole system works. And just like your one example, there are really thousands upon thousands of business owners that are looking at this thing, and saying, What in the world is going on?

Now we've talked about words and then actions. Here are some words, but families across the country are tightening their belts and making tough decisions. The Federal Government should do the same. Hey, that sounds pretty good. That's what you were just talking about, Doctor, that families have to tighten their belts and take a good look and make choices between one thing and another.

Congressman BISHOP just made a brilliant explanation of why the Federal Government is making lousy choices. Not only are we spending too much, taxing too much, borrowing too much, but we're also doing it for the wrong reasons. And that just doesn't make a whole lot of sense.

This is starting to get to the point where I think things are going to get interesting. We're going to bring on another witness, a fantastic young man who really does know something about budgeting. The big question I think that comes to a whole lot of Americans' minds is this question: When is too much too much? When do we get to the tipping point where the whole thing, just like a table, dumps and the whole economy just basically falls to pieces? You know, just like in your business, if you had borrowed too much, you could have pushed it too far. You intuitively knew that.

What happens when we start getting into this? We're saying that families across the country are tightening their belts, but we, sure as the dickens, are not because with our actions, we're going to double the debt in 5 years, raise the deficit to a record \$1.6 trillion this year. That's 10.6 percent of GDP.

Let's put this into perspective. It's one thing to have a deficit during a year; but when you compare the deficit to the overall product of the whole Nation, that's a significant statistic. And last year, we set a record. The year before we set a record. During the time George Bush was finishing and NANCY PELOSI had this Congress, we had a \$450-something billion deficit. That was big. That was 3.1 percent of GDP. That was too much spending. And then we come back around to '09 and what do we do? We go from \$4.5 billion—oh, billion isn't a big number anymore. Let's try trillion—to \$1.4 trillion of deficit. That's three times more with the current President, and when you look at it as a percent of GDP, 9.9 percent of GDP.

So now we've learned our lesson, right, for 2010. Certainly that was too much. No. No. We're going to go for \$1.6 trillion instead of \$1.4 trillion and 10.6 percent of GDP. When is enough enough?

My good friend Congressman HENSARLING, I don't want to pick on Texas too much, but you have really taken the lead on a number of these economic issues. We need some help tonight, and we need to ask that question, When is too much too much? Please help us.

Mr. HENSARLING. Well, I thank the gentleman for yielding, and I certainly appreciate his leadership tonight on an issue that is of great concern to every American. Every American who has children, every American who has grandchildren and are wondering, What is Washington doing drowning them in a sea of red ink? Again, when you say, How much is enough, we are already there. So I think it's been somewhat of a surreal experience for the American people as of late to see Washington go mad.

Never in the history of our Nation, do I believe, have I seen such an explosion of spending of deficits and debt. As a lot of the public know, the President of

the United States on Friday came and spoke to the Republicans in the House, and I give the President credit for doing it. I think it speaks well of his character that he would come and speak to us, something that our own Speaker I don't believe has ever done.

I had the opportunity to speak to the President at that exchange, and I asked our President, I said, Mr. President, your last budget that you submitted tripled the national debt over 10 years and took the cost of government from its historic level of roughly 20 percent of our economy up to 25 percent. I mean, we haven't seen such levels of government since World War II, the cost of government relative to the economy. I asked the President that question, and the President didn't answer. The President declined to answer the question on Friday. But you know what, he answered the question on Monday, and he answered the question with this document because on Monday, the President submitted his proposed budget for the United States of America for the next fiscal year and for the 9 years following.

Guess what we found out in this document? What we found out was that the answer to the question is a resounding "yes." President Obama has now said to the American people loud and clear, Yes, I will triple the national debt over 10 years. I will triple the national debt. Yes, I will take the level of government to levels we haven't seen since World War II, up to 25 percent of our economy. This is a breathtaking document. The levels of debt, the levels of deficit, the levels of spending are simply breathtaking. The largest budget in the American history, \$3.8 trillion.

Mr. AKIN. I would like to just butt in. I do butt in a few times. And before you jump a little bit further, one of the things that the President said—because I was at the meeting when you asked the question. One of the things that we heard was, Well, you know, I inherited a lot of this stuff. It was like saying, It's not my fault that I'm spending all of this money.

And this is hard for me to understand. I'm thinking, Look, you've got the previous President. He spent, with the Pelosi Congress, about \$450 billion, which you and I, gentleman, thought was too much. It was too much deficit, and we didn't like that. In fact, we vote against a lot of that kind of spending. But that is, in a sense, water over the bridge or down the river or wherever the water goes. Now he is taking that and triples it in his very first year.

□ 1915

How can you blame the guy that came before you when you were three times doing more than he did? Could you explain that, because I don't get it. How can you blame that on someone else?

Mr. HENSARLING. Well, I thank the gentleman for yielding, and it's an important point to make. Simply because, as opposed to leading, too often, frankly, we see the President, we see the Speaker, we see our colleagues on the other side of the aisle saying, Well, the truth is, you Republicans spent too much money.

Well, guess what? I agree. But only Congress, only Congress can spend money. Congress has the power of the purse. The only money the President can spend are those monies that are authorized by Congress. Now, the President can propose. The President may be given pots of money by Congress that he can allocate. But, ultimately, it is Congress that controls the power of the purse under our Constitution.

Now, we had 12 years where Republicans controlled Congress, wrote the budgets, wrote the spending bills. And I wasn't proud of the deficits that occurred in those years, but they averaged about \$104 billion a year.

Mr. AKIN. So, gentleman, just taking a look at some notes I had, this would be about from 1996 to the year 2007, and you total that up at about \$1.2 trillion. So that's 12 years of Republican deficit spending, more or less.

Mr. HENSARLING. Well, if the gentleman would yield, I think the most important point here—and we shouldn't spend, obviously, a lot of time on the blame game. The American people want solutions. But what we typically hear from our friends on the other side who aren't offering a solution to the fiscal crisis is that it's your fault.

Here's what I would say. I'm sorry that Republicans spent as much as they did, but our average deficit when we controlled spending was \$104 billion. We've now had 3 years for Democrats to control spending, and the average deficit is \$1.1 trillion.

And so, what I would tell the gentleman and the American people is that what was an annual deficit under Republicans has turned into a monthly deficit under Democrats. And again, I'm not proud of the spending. Many of us on this floor fought our own party leaders for more fiscal restraint. But as far as an order of magnitude, I mean, you can't even compare the two. When it comes to spending and deficits, Republicans are rank amateurs compared to Democrats.

Mr. AKIN. I'd like to interrupt you just so you can say that again, because that's really hard to get your mind around. In other words, what you're saying is that what Republicans spent in 1 year, the Democrats are averaging in 1 month, so they're 12 times faster spending money.

You have a chart, I see.

Mr. HENSARLING. Again, I thank the gentleman for yielding.

Now, this covers the last several years of when Republicans controlled

the budget. It's in the blue, and you can see declining budget deficits until the Democrats took control of Congress.

Mr. AKIN. So the blue in your chart were Republican, and those were the budgets, and the amount that's above the line was how much our deficit was, right?

Mr. HENSARLING. Correct.

And so, again, I'm not proud of the fact that there were deficits under Republican control, but look at the 3 years once the Democrats came into control. Look at what happened in 2007. Look at what happened in 2008. Look at what happened in 2009. And again, it just goes to show that what was an average annual deficit under Republicans has now become an average monthly deficit over Democrats.

Now, I know the President, again, is fond of saying, well, it's not my fault. I inherited a mess. Well, I have two observations. You know what I would say to the President? Yes, Mr. President, you're right. You inherited a mess. I agree. But guess what? When it comes to trillion dollar deficits, you inherited it from a Democratic Congress. And also, Mr. President, if I recall properly, you were a Member of that Democratic Congress. You were a United States Senator and your voting record was about as pro-spending as there was. So to some extent, if I had the opportunity to speak to the President again, I'd say, Mr. President, you kind of inherited the problem from yourself to some extent. But even if you didn't—let's just say that the administration is absolutely blameless—then why, Mr. President, are you making it worse?

Mr. AKIN. It's not just making it worse; it's tripling it in the very first year, tripling it from 450 billion all the way up to 1.4 trillion.

I'd like to come back to you, Congressman HENSARLING. I want to ask you that question that I was getting at, and that is—I think a lot of Americans want to know this—when do we hit some tipping point? Does anybody know? Is there a certain point here where we have to really pay attention, that we're going to get things so far out of kilter that the whole deck of cards is going to fall and there's nothing we can do? I'd like to get back to that.

But we have another guest from Florida joining us, Congressman POSEY, and I'd just encourage you to join us on this question about the budget, the tremendous level of spending, the tremendous level of taxing, and the tremendous level of debt that we're picking up.

Mr. POSEY. Well, I thank the gentleman from Missouri for recognizing me.

That's only half of it, and what they are spending and wasting is in the wrong direction. We just want to talk a little bit about the wrong direction

Congress is going, and I hope they won't go further in the wrong direction as they continue to follow the President in the wrong direction.

Now, I want to just remind you that when the President was in my district campaigning, he made a pledge—it's all over the Internet right now—that he would close the gap between the space shuttle program and the Constellation program. Initially, it was 3 years that we were going to outsource jobs to Russia to launch our astronauts. It was \$30 million per astronaut for ours and all the international other astronauts that we promised to launch. The gap was 3 years. The gap grew to 4 years, 5 years, 6 years, looking at 7 years now or maybe more. The cost the Russians are going to charge us now is \$50 million per astronaut. And when we have no more shuttles and no alternative launch vehicle of our own, Lord only knows what they're going to charge us.

But back to the campaign promise. The President promised that he would close this gap, the time period between the shuttle's last flight and the first Constellation flight of the Aries, where we could launch men on the Aries.

Mr. AKIN. So, in other words, for people that are not that familiar with the space program, what we're moving from is the old technology of the shuttle, which we see launched in those beautiful pictures with the hydrogen and oxygen central fuel on the main rocket engines and then the two solid boosters. So you see those two tanks on the sides of the aluminum, and I think it's ammonium chlorate or something. So you've got two solid motors, and you've got the hydrogen-oxygen in the center, those three take off. We're replacing that, right, with a new vehicle? Is that what you're talking about?

Mr. POSEY. Correct. And the new rocket would allow us to go back to the Moon as well as back and forth to the international space station as well as, ultimately, to Mars, our manifest destiny, if you would.

Mr. AKIN. So this is a more powerful system?

Mr. POSEY. More powerful than the Saturn V back in the Apollo days, actually, carry more people.

So the President promised that he would close this gap because, as the gentleman from Utah (Mr. BISHOP) mentioned, we will lose, if we don't close that gap, 7,000 of the best and brightest space team members this country has ever seen, and he would ensure that we remained first in space.

Now, space is the only thing the United States of America is universally, unequivocally, undeniably respected for around the globe. A lot of countries respect us for a few things. Some respect us for nothing. Some respect us for a lot of things. But the only thing that we're universally respected for, bar none, is our space program. We are first in space. And it's a

matter of national security. And it's a matter of economic security. We know all wars aren't fought with bullets and bombs anymore.

So the President made these two promises. They were witnessed and they're online. He also said, we need to lead in this global marketplace in high technology development, and we need to encourage more children to go into math and science. We know now that we are only training one-tenth the number of engineers that we need, and half of them are foreign students that we expect to go back to their own countries. And we know China is graduating 10 times more of these high-trained, highly specialized engineers than we are. That's not a good end game, by the way.

Mr. AKIN. I want to get you to your point. What you're saying is he made a promise that we're going to close this gap. Now, does the budget close the gap or not?

Mr. POSEY. Well, we'll get there. The first thing that happened is he accepted the resignation of Michael Griffin, the inspirational genius behind the Constellation program and the Aries rocket. And for 6 months, when they were having the meetings, the NASA chair remained empty without an administrator.

Mr. AKIN. So first of all, no administrator to replace him, which doesn't look like something is on the fast track.

Mr. POSEY. Six months later we got General Bolton. He's the new administrator, and he's a first-class guy and he'll do a good job. But as soon as Bolton was named, the President created a commission known as the Augustine Commission to tell us how we continue to explore space under current budget conditions.

The Augustine Commission met a number of times. They reported to the Science and Technology Committee, and they basically said in their report, you can't do that on the cheap. You just can't do what needs to be done to keep America first in space, much less close the gap. You can't do it on the cheap. It's going to take about another \$3 billion a year.

Well, we were certainly looking forward to that extra money being put into the program. For as little as 1 percent of the failed stimulus plan spending, we could have flown that shuttle for 5 years and closed that gap.

Mr. AKIN. So 1 percent of the stimulus bill, which was, I think, about \$800 billion or so, was it, the one that didn't work, at least the rocket motor probably would have gone. This one, we lit it and it fizzled.

Mr. POSEY. Well, you know, the stimulus bill was all about supposedly employing people. Now, these are not low-wage jobs in the space industry. I think the average, with benefits, is about 80,000 per, spread out all across

this country, and no State is spared the benefit of space technology that's been developed. However, while we are having people train to hold road signs that say "Stop" and "Go" to regulate traffic, we are getting rid of, literally giving the pink slips to the brightest and greatest scientific minds that we have.

And I want to take you back to Apollo and tell you what's going to happen to those people. We had the best engineers in the world who were laid off in Apollo literally pump gas at gas stations until their homes were foreclosed, and then they were forced to move on, never to return to the space program again. We had to completely rebuild the space program again, as Mr. BISHOP very eloquently discussed a little while ago.

Mr. AKIN. I was just going say that you are really, in a sense, making the same case that Congressman BISHOP just made; that is, you get some very, very highly trained people, you get the program all set up, it takes years, a whole lot of research to do it, and then you just cut it off at the knees.

I do have to move along because I wanted to recognize Mr. BISHOP on this point, and I promised I'd get back to Congressman HENSARLING. So let me come back to you, but we are getting a little close on time.

Congressman BISHOP.

Mr. BISHOP of Utah. I appreciate the gentleman from Florida and what he's saying. I think we're saying the same thing.

There are some core responsibilities the government would have to do, and the government has promised that they would do these. And the people working on the NASA side are the same kinds of people we need on the defense side. And one would think, as Mr. HENSARLING showed the amount of money that's being thrown around in this particular budget, with all that, with \$3.8 trillion, you could at least cover the needs, at least cover what we have to do.

Mr. AKIN. And gentlemen, both of you have made a very significant point. You're saying 1 percent of that stimulus bill—there wasn't a stimulus bill, of course. It didn't work, and stimulus bills don't work very well anyway. But 1 percent of that would have taken care of that promise, would have kept those very high-tech jobs in Florida, and would have—

Mr. POSEY. Around the country.

Mr. AKIN. Around the country. Okay. And of course the rocket motor, the solid rocket technology, these are places where the priority needs to be, the thing that—what government can provide for the national defense. It's not State governments. This is something that should be fundamental to our thinking down here.

Mr. BISHOP of Utah. If I could ask the gentleman from Missouri, because I appreciate you said the key word of

"priorities." Before we actually deal with our priorities, we have to look at what is in this budget and what isn't in this budget, and I think what the gentleman from Texas is going to show is we could have done better for the American people in this proposed budget, and we must. The status quo is not acceptable. The way we've been doing things is not acceptable. There has to be a better alternative.

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I would be happy to yield.

Mr. AKIN. I would like to yield to the gentleman from Texas, Congressman HENSARLING. I think you have a chart. You want to give us a visual picture. We've been talking some boxcar kinds of numbers, but sometimes a simple graph is worth an awful lot.

Mr. HENSARLING. I thank the gentleman for yielding one more time.

Again, the President, that budget that the President has submitted to the American people is simply breathtaking; breathtaking in its spending, breathtaking in its deficits, breathtaking in its debt.

This is a budget that will ultimately put us on the road to bankruptcy. There is no other way around it. And I am not exaggerating these points. But look at the trajectory of the spending under the President's proposed budget. And as we continue to run deficits, the red ink is there for a purpose. We have never seen spending at these levels.

Now the gentleman asked a question earlier. At what point do we reach the point where that red light is blinking? We're there. Most economists believe that you cannot sustain a debt to the economy or GDP ratio of over 3 percent, that anything over that long term is unsustainable. The President is proposing a \$1.6 trillion deficit, the largest in American history for this budget, which would weigh in at 10.6 percent of our economy, largest debt to the economy ratio since World War II. The deficit never falls below \$700 billion under his proposed budget plan. They average a trillion.

The deficits under this proposed budget will average a trillion dollars a year. And so the gentleman asks, is this sustainable? And the answer is no.

And what I really don't understand is we had Dr. Peter Orszag, who is the Director of the Office of Management and Budget, who writes this budget for the President. Had him before the Budget Committee yesterday. And in open committee, the Director of the Office of Management and Budget who wrote this said, Yes, it is unsustainable. He himself admits that long term this spending plan of the President of the United States is unsustainable for the American people, which begs the question, well, then, Mr. President, why don't you put a plan on the table to solve the problem? Where's the leadership?

This is a man who was elected to be President of the United States of America. His own director of Office of Management and Budget says this is fiscally unsustainable.

So what do they bring to the American people? They bring a "commission." I am happy to look at a commission if it's fair, if it's real; if it's not just a political figleaf. But it begs the question again. What the administration is counting on is we're going to have some commission, and they're going to propose something and maybe Congress will enact it and we will save money that way.

Again, I would say to the President, With all due respect, Mr. President, where is your plan? If you know that you're on the road to bankruptcy, why don't you put a plan on the table that solves it?

What else does the President suggest? They talk about a vaunted freeze. Well, unfortunately there is no freeze in the budget. After the \$1.2 trillion stimulus plan, after several hundred billion of omnibus spending plans, another omnibus spending plan, after the proposed almost \$2 trillion takeover of our health care system, after a proposed \$800 billion carbon tax, after increasing spending on what we call non-defense discretionary—basically the nondefense component of what Congress votes on every year—that has increased 84 percent in the last 2 years.

And my point is to the gentleman of Missouri is that after this explosion of spending, what we hear is the rhetoric of where we have a spending freeze. But guess what? When you look at it, 87 percent of the budget is not subject to the so-called freeze.

Second of all, the President decides, I am not even going to turn on the freezer for a full year. I am going to wait a full year before I turn on the freezer, and then I am going to turn it right back on after just a few years on 13 percent of the budget.

So when you crunch the numbers, what you discover is what the President's bold plan is to provide fiscal responsibility at a time of fiscal insanity is that he proposes to grow government by 49 percent over the next 10 years instead of 49.3 percent. Now, if that's a freeze, I would hate to see a spring thaw.

I will yield back.

Mr. AKIN. You've really answered the question. We are on some very, very shaky ground economically, and you're saying we're already there.

The thing that is frightening is—and this is something that just kind of amazes me—we got punished by voters to a large degree, from Republicans and Democrats, that said you guys are spending too much. And then what happens is we come down here and triple the rate of spending. No wonder people are mad. It's like the people in this Chamber are tone deaf.

Now, you certainly are not, gentlemen, and I am very thankful. I know the American public is thankful for the fact that you hold the line, and you're making clear what the priorities are and the fact that we can't just run out of control. It's a little bit like the guy that says, I am going to stop smoking next month; I am going to stop eating too much next month, and just continues with a pie eating contest.

Mr. HENSARLING. If the gentleman would yield one more time.

Not only has there been this explosion of debt and deficit, there is nothing to show for it but the deficit and debt. Where are the jobs? We're told that if we have this massive stimulus program that jobs would be created, unemployment would never go past 8 percent—and we are still mired in double-digit unemployment.

Mr. AKIN. The answer to that, as you know, it was a stimulus package. It stimulated the creation of a lot of government handouts and jobs, but it isn't going to fix the unemployment problem.

Congressman POSEY from Florida, I thank you for coming out tonight. Your expertise, particularly the expertise in your district. And Congressman BISHOP, and I just have got a minute or two and I will close with you in a couple of minutes.

Mr. POSEY. Just three quick points.

Not only are they spending too much, obviously, but they're spending it in the wrong direction. They're touting an extra \$6 billion that they're going to put into NASA to create 1,500 jobs. But I told you how 7,000 of them are going to be lost. How did that make any sense to anybody? It doesn't pass a straight-face test.

I love commercial launches. I support commercial launches, nongovernmental rockets, and the development of them. But we cannot give up a manned space flight program that works, and it's cost effective for us right now.

So I implore Congress to keep the President's promises honest and fulfill those promises that the President made. The President obviously is not willing to do that. I hope Congress is.

Thank you, sir.

Mr. AKIN. Thank you very much.

One of the things is we talk about this deficit budget and all, I think a lot of Americans may not understand we've got something stalking us here. People talk about this, that, and the other thing. If you want to talk about the fiscal concern that we need to be watching in our country, it comes from Medicare, Medicaid, and Social Security.

This is the budget that is being proposed. This is how much money we have in terms of receipts. This is the money that is coming into the government. This is what we're proposing spending. And if you take a look at

that, more than half of that is Medicare, Medicaid, and Social Security.

Those programs are called entitlements. What that means is we wrote some laws a long time ago. It's like a machine and somebody's turning the crank and it spends money, and it's spending more than half of what this budget shows and quite a bit more than what we have in terms of receipts. So that is a big question. And that is one of the things that we must deal with.

Congressman HENSARLING has been very direct in the fact that we need some solutions. We don't need to be on the same drug and drag it out until we're completely on our back. We have to start taking a look at these problems, take some sober-minded solutions and start moving forward with a plan. We've not seen that. We think American people want that leadership.

Mr. HENSARLING. I want to make it very clear. This isn't just us saying it. Listen to this. The Wall Street Journal yesterday, "All of this spending must be financed, so deficits and taxes are both scheduled to rise to record levels."

CNBC, "The deficit for this year would be 10.6 percent of the total economy, a figure unmatched since the country was emerging from World War II."

The New York Times, "The budget projects that the deficit will peak at nearly \$1.6 trillion in the current fiscal year, a post-World War II record. It would then decline but remain at economically troublesome levels in the remainder of the decade."

CNBC, "Part of a record \$3.8 trillion budget that would boost the deficit beyond any in the Nation's history."

It is unacceptable. We have better alternatives.

Mr. AKIN. Thank you, Congressman HENSARLING and Congressman POSEY. And I thank you, also, Congressman BISHOP, for joining us tonight.

Thank you, Mr. Speaker. I think that concludes our hour.

#### A REDUCED ROLE FOR THE FEDERAL GOVERNMENT IS NEEDED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I come to talk about a variety of issues.

You know, clearly the country faces tough times, clearly our States face very, very difficult times. And over the last few months we have had the opportunity to go and to listen to our constituents at the State level talk about some of the issues that are important to them.

My home State of Michigan is struggling today with 15 percent unemployment—the highest unemployment rate

in the country. And one of the things that we consistently hear about is, you know, Washington made us do this. I hear people talking about, you know, our State needs to raise taxes. Why? So we can get the Federal highway dollars. And what we forget is that those are our dollars to begin with. Those aren't Federal highway dollars. Those aren't Michigan highway dollars.

As a matter of fact, for 53 years, a State like Michigan has received 83 cents on the dollar—83 cents for every dollar that we sent to Washington for our gas tax. And now Washington tells us in tough times, to get that money back, you have to put up a State match. That is wrong.

In 2001, President Bush passed—with this Congress' help—legislation calling for an improvement in K-12 education. It was called No Child Left Behind, and it put the Federal imprint on our K-12 education system across the country and across the State of Michigan. That's wrong.

Why? Why do we need the Federal Government telling us how to run our schools at the State and at the local level? It's a community issue. It's a family issue. It's not a Federal issue. It's also not very efficient.

Just like in the highway bill, the Federal Government forces a State like Michigan to build things we don't need. We build overpasses, but they're for bicycles. We build fences not to protect motorists but to protect turtles.

You wonder and say, why are we doing this? This is our money. This is not the priority for our State to get our State moving.

So you have got issues with highways, you have got issues with education.

And it's not only that the money is being spent unwisely, but it's also being spent inefficiently.

Let me talk about No Child Left Behind, K-12 education.

I see my friend is going to join me. I welcome him. And, you know, I am talking a little bit about the bureaucracy and the need to return to federalism, and let me yield.

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Mr. AKIN. If it's all right, if you take a look at what's happened, over the last 50 years, this government here has just grown like Topsy. For a while, you and I were in the majority. We passed some conservative bills, and we did the best we could. They were mostly blocked by Senators. But I think what the public really wants is I think they want something different out of this city. I think that what they really want is for the Federal Government not to threaten them anymore. I think they want us to deconstruct. You mentioned the No Child Left Behind.

Mr. HOEKSTRA. Let me reclaim my time for just a second. I want to make it clear to the people in the Chamber,

and I want to make it clear to the people around the country and the people in Michigan, No Child Left Behind was a bill that I voted against because I believed in parental control, I believed in local control, and I believed in State control. I just want to make that clear because I might not have done that as I was describing what this Congress was doing.

I had voted to get rid of the Federal highway program or to basically deconstruct it. I want to deconstruct the Education Department and return the rights back to the States so the States can focus on what they need to do, but more importantly that the Federal Government can focus on what it needs to do, trade policy, national security and those types of things. I will yield back.

Mr. AKIN. Congressman, I really respect you for that vote because what I think a lot of people listening this evening might not understand is Congressman HOEKSTRA took the very first House bill of a Republican administration, it was their pet bill, and you had the guts to stand up, as a Republican, to the Republican administration, and say, no, because I believe education is a local control kind of issue.

Now I have to relay an amusing story because I voted "no" on it too, and some staffer made a mistake and invited me to the bill signing ceremony. So I actually sat in the bill signing ceremony for No Child Left Behind after having voted "no" the same way you did.

And I think that is precisely what the public wants. They want to take this place apart. Education can be done fine at a State level, and in my opinion, as a former State representative, I would say it ought to be done at the local level. But certainly we don't need a bunch of Washington bureaucrats telling us how to educate our kids. I couldn't respect you more for that independence of thought and the clarification understanding that that is just not a Federal priority.

Mr. HOEKSTRA. Reclaiming my time, I think you and I have had a discussion about this. But I really do believe, and I want to build off the thought that you had, is that our constituents want us to deconstruct Washington. They don't want us to tear it down. They want us to constructively go through the process and shed the things that are not Washington issues, move them back to States, move them back to communities, and move it back to individuals. And if we don't do that, they want to be able to hold us accountable.

You and I sat through much of 2009 where we saw an abomination probably much bigger than No Child Left Behind, the health care bill, which was going to take from you and from me, from our doctors, our hospitals, and our States the right to set our own

health care agenda. And we were going to probably construct, not deconstruct, but construct a new building here in Washington, D.C., probably several new buildings, filled with bureaucrats, who were then going to make the decisions that you and I historically made about our health care. I will yield.

Mr. AKIN. You are going to wonder where I'm going with this perhaps. Here is what I'm thinking about. I'm a guy that was an engineer. I like geology. And they talk about earthquakes. And they have a scale of how bad an earthquake is. And if you use a Richter scale, an earthquake of about 7 or 8 or 9 is one whale of an earthquake. And if you were to rate how bad legislation is in Congress, the one that you chose to talk about, that health care bill, I would rate that as probably the worst bill I have seen in 22 years. And it is high enough on that Richter scale that when it got done, American civilization would have been shaken so badly, there wouldn't have been much of it left. That was really a bad one.

My rating number two, and I just want to see where you are on rating these things, whether you are the same scientist that I would be, and I would say that that cap-and-tax bill was another one that would be not quite as bad but still a real mess of a bad bill. What do you think?

Mr. HOEKSTRA. I have seen this up close and personal in Michigan. And you may have remembered over the last 18 months that as President Obama was developing his economic strategy, he had the Governor of Michigan sitting next to him quite frequently. And I thought that's a good strategy because he could then ask and say, Governor, did you try this in Michigan? And if the answer was "yes," he would say, well, we won't do that at the Federal level.

But it seems to be that whether it's cap-and-trade, cap-and-tax, whether it is health care, what we have seen is in Washington, we have adopted many of the same policies that our Governor in Michigan adopted, and the end result is we have seen unemployment grow, we have seen huge deficits that at the end of the year are fixed but they are cut, they are massive cuts in the size of government, we are losing population, so we are seeing our citizens leave.

And now we are starting to see that at the Federal level. We are going to have a whole set of massive new tax increases that the President and the Democrats in Congress are going to let the tax cuts expire, meaning it's an effective increase in taxes. Was it 41 new taxes in the budget? I don't remember what the number was. Do you know?

Mr. AKIN. Well, there were quite a number of them. Some of them were small. But you add the whole thing together, you're talking about trillions of dollars in tax increases.

Mr. HOEKSTRA. Trillions of dollars. And you and I at the beginning of 2009

we saw unemployment at just under 8 percent.

Mr. AKIN. But if we didn't pass that stimulus bill, we might see unemployment go over 8 percent is what we were told.

Mr. HOEKSTRA. Right. And we are now at?

Mr. AKIN. Ten-something, and that's not counting the people that have given up looking for a job.

Now what you're talking about is it used to be said that America was a great experiment. And to a degree, we could be an experiment, because different States could try things, and if it was a lousy idea, if you had any brains, you wouldn't repeat a dumb idea. And so we tried this kind of government control of health care in Massachusetts and Tennessee, and here we turned around, and it didn't work worth a hoot for them, and we're trying to do this at the Federal level. And you're saying that in the case of Michigan you have a governor that seemed to have majored in some bad ideas, and you're saying, why in the world are you going to perpetrate ideas that don't work?

Mr. HOEKSTRA. I want to talk with you briefly about an experiment. You and I have had the opportunity to briefly discuss this idea. What is happening right now in grass-roots America is very, very healthy. People are engaged. And as they have gone through the last year, they saw the passage of a stimulus bill, \$787 billion, then they saw a cap-and-tax bill passed in the middle of the night where they added 400 pages in the middle of the night at the last minute.

Mr. AKIN. Three hundred pages at 3 o'clock in the morning. And we are sitting here in this Chamber trying to find a copy of the bill, and a copy of the bill doesn't exist as we are debating it. Now that's a new record, I suppose.

Mr. HOEKSTRA. Then they give us a 2,000-page health care bill, and it gets over to the Senate and they give the Senator from Louisiana \$300 million.

Mr. AKIN. Is that the "Louisiana purchase"?

Mr. HOEKSTRA. The Louisiana purchase. Then we have the deal for Nebraska which says even though you're, as a State, you're pretty healthy—you only have an unemployment rate of under 5 percent—but you don't have to pick up this unfunded mandate that the other 49 States are going to get. As a matter of fact, those other 49 States, including the State of Michigan, are going to pay for your unfunded mandate because I need your vote. So you get your deal.

Mr. AKIN. What do you think the public thinks about that kind of thing?

Mr. HOEKSTRA. Well, we know what they think because we saw it a couple of weeks ago in Massachusetts where they said this is absolutely wrong and we're going to stop it. And effectively what the people of Massachusetts did,

in that momentous Tuesday night, they had the opportunity to change history, because after watching this House, this Senate and this administration for 12 months, they said, No more. They effectively recalled their Democrat Senator and replaced it with someone who they believed would listen more closely to their demands and their desires and to start deconstructing Washington.

That's the proposal that I have in that I said I've been through this before. I was through this in 1993 and 1994. I introduced legislation back then. I called it a voters' bill of rights. And as I was sitting with constituents in my district, and I heard them say, Congressman—most of them call me PETE—and they said, PETE, we call our Senators. We talk to them about the stimulus bill. We talk to them about health care. We talk to them about cap-and-trade. We talk about them bringing Gitmo to Standish, Michigan, and we always get the same thing. They answer, they are rude, and then they hang up. And then they said, PETE, there's nothing we can do to hold these folks accountable. The earliest we can do anything is 2012 and these bad things may happen.

And as I've been listening to them, I asked my staff to go back and get these voters' bill of rights, because I introduced them, we thought through them. It's populism. My colleagues here on the floor don't like it. But one of the lead things that we proposed in 1994, 1995, and 1996 was a bill that said one of the keystones of the voters' bill of rights says that when you call your Senator or your Representative, and they arrogantly answer the phone, are rude, then hang up, and then vote wrong, which traditionally means they are voting for bigger government and taking rights away from the individuals, rights away from the States, you now have an option.

The option is that when you leave the meeting where you're talking about this and someone gives you a piece of paper that has a few lines on it and you say, get some voters to sign those lines, and then at the top it says, this is a recall of Senator so-and-so, or a recall of Representative so-and-so, it allows the voters to exercise accountability throughout the process. I wrote an op-ed that hopefully we are going to get published soon. What it does is it allows the people to take back ownership of their government.

Michigan is a recall State. I had a mini-town hall meeting yesterday, and I ran into a township official. She is being recalled. It's very, very tough for people when they're recalled. But it clearly humbles people when they recognize that the voters can come back and if they don't like what we are doing, the voters can stand up and say, no, it's time for you to come home because you no longer understand who

you work for, and it's time for us to have an opportunity to send someone to Washington that will listen to us.

Mr. AKIN. That's an interesting proposal. It shows a lot of imagination on your part. It doesn't make you popular with the establishment here; but then again, a bunch of us have been pretty establishment from the beginning because we understand that you do need to deconstruct. As you say, it's not to destroy all of government but to carefully prune out all of these things that have grown like Topsy through the years.

Mr. HOEKSTRA. It's about making it more efficient. You and I know that with No Child Left Behind, when the taxpayer from Michigan, the taxpayer from Lansing, the taxpayer from Detroit, the taxpayer from Holland and the taxpayer from Sault Sainte Marie sends a dollar to Washington for education, it goes through the bureaucracies. It goes through the State bureaucracies. And at every juncture, a PacMan comes out and takes a piece and takes another piece; and by the time it gets to the classroom, there may only be 60 to 65 cents left.

Mr. AKIN. Now you're starting with the assumption that the 65 cents is actually going to do some good and is not possibly harmful. And I would even bet that some of the programs coming out of Washington just in and of their nature are harmful.

One of the things that I think particularly the Washington establishment has misunderstood and perhaps some of our national media, they would like to write off a whole lot of Americans as, well, they are just a bunch of crazy TEA party people or something. What I have seen of that movement to me it seems like it defies party labels. And it is a very broad spectrum of Americans who are saying, enough already and this idea of deconstructing. I think they get sick of, we talked about 300 pages of amendments at 3 o'clock in the morning.

Here is another thing that sort of bugs me—and tell me what you think about it. We have this deal called a farm bill. It's really not a farm bill. It's this deal that is made between food stamps and farmers and this and that, and it's all put together, and it's set up from a political point of view to pass. But what has happened is, if you really looked at the individual component parts, most people would say, I don't like it. And yet by packaging this stuff up, we end up with that much more Federal spending, and I think it's that kind of thing that those Americans are starting to pay attention to. I will tell you what should spook the people down here in the establishment: they are starting to read some of the legislation. And that's a scary thought.

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Mr. HOEKSTRA. That's a scary thing, and that is exactly the type of

process that people don't like. And they don't like the fact that when the President comes out and says during a campaign, when we get to the health care negotiations, it is going to be on C-SPAN so that we can see whether the gentleman is arguing for his voters, fighting for his constituents, or whether that person over there is fighting for the insurance companies or fighting for the unions or whatever. And it is kind of like, we get to there and you are watching C-SPAN at 11:30 at night, and someone walks up to the microphone and says, Hey, we have got a deal.

Mr. AKIN. What deal? Transparency?

Mr. HOEKSTRA. It is like, you are announcing this at 11:30 at night and there is only a few of us that have nothing better to do and we are watching C-SPAN so we know, but nobody else will, and they'll find out in the morning?

But that is the transparency. That is where I think this concept of recall gets real power. Recall says I think two things. It says to Washington, stop the midnight deals.

The other thing I think that provides a tremendous amount of power and authority is it tells Washington, stop the power grab. Stop taking the stuff away from the States and away from us as individuals.

We need to put something back in the process so that the "rights of States" has real meaning, has real teeth. Right now, we go through the appropriations process, the States are all at the pig's trough, the feeding trough, trying to get as much money as they can, get more than the next guy. It is kind of like, no, don't send the money here, ever. And if we have the opportunity for citizens to potentially recall their Representatives and their Senators, it creates potentially a whole new dynamic of putting States' rights back at the forefront.

Mr. AKIN. Let me ask you a question, because I know you are a proud resident of Michigan. I just want to say, speculatively, what would happen if you were the Governor of Michigan and somebody came to you with this health care bill, and the Congressional Budget Office, because it had been carefully written, said it was a \$1 trillion bill, but when you looked at it, you said, "Well it is \$1 trillion to the Federal, but it has got unfunded mandates for the State of Michigan"? And you have probably got a balanced budget in some sort of amendment in Michigan. Wouldn't that make you frustrated if we are dumping the real cost of something down onto the States?

Mr. HOEKSTRA. You are exactly right, and this is where Governors need to stand up and say no. I think with the health care bill, I think wasn't there a movement in like 29 States or something where State legislators were saying, No, we don't want it.

And why? In the State of Michigan, we calculated, or Heritage or someone



calculated that the unfunded mandate for Medicaid alone was \$700 million.

Mr. AKIN. That is a huge amount for a State budget.

Mr. HOEKSTRA. It is a huge amount for a State budget. But it happens every program. You know, we promise health care for all. No child left behind. No worker left behind. Everybody has a job. We put a little bit of money into the pot and then we pass it down to the States, and then the States get it and they say, Whoa, we thought you were going to pay for all of this.

That has been the biggest complaint about No Child Left Behind. Right? All of these mandates, and you didn't give us the money to implement it. Give us more money. It's kind of like, No, don't give us more money. Let us keep our money. Get rid of the mandates, and we will run our own schools.

Mr. AKIN. That is a novel idea.

Mr. HOEKSTRA. It is a novel idea.

Mr. AKIN. You know, it was interesting. When we were looking at that No Child Left Behind, it was my first kind of introduction to insider ball in Washington, DC, and the Department of Education. And there were all of these programs in the Department of Education, and each one was funded.

Mr. HOEKSTRA. Over 600. We counted them. Across the government, there were over, I think, 650 different education programs, and you say, Why?

Mr. AKIN. What we attempted to do, and I think you were part of negotiating, trying to get this bill to be something that we could be proud of. And I think the deal was, How about we do this? How about we let the local superintendent of his school take a look at all 600-something of these programs, take the money that he could get for all of them, and if he wants to, direct it all to one or two of his favorite programs that meet the needs of their individual schools instead of having the red tape of 600 different Federal programs?

And that seemed like a pretty logical thing, because each superintendent could take a look at their school and their own needs, and they could take the money and channel it in an effective way.

Guess what the establishment down here said?

Mr. HOEKSTRA. No. We don't trust them.

Mr. AKIN. Exactly. We know more what they are doing than they do.

Mr. HOEKSTRA. So what we do is we tell Ypsilanti, we tell Midland, we tell Traverse City, At least a portion of the money that you get from Washington, you will all run it the same way. And it is kind of like, Wow—

Mr. AKIN. Whether the program works or not.

Mr. HOEKSTRA. These are three very, very different communities with very different needs and challenges right now. Why are we trying to put

them all into one straitjacket? Don't we really trust the local officials? And, more importantly, are you telling us you don't trust local parents to take ownership over their schools?

Dick Armey, our former colleague, used to say, The people that I want running my schools are the people who know the names of my kids. That is the local folks.

Mr. AKIN. That paints a picture. Doesn't it?

Mr. HOEKSTRA. It paints a picture. Because if you come to Washington and you ask, Do you know the kids in the fifth grade at South Middle School or West Middle School? And it is kind of like, What town?

Well, in Holland.

No, I don't. And they have gone through consolidation and all of that.

The names of the schools aren't that important. What is important is, Do you know the names of the kids at Muskegon Heights? in Bay City? in Mackinaw? And the answer will be, No. As a matter of fact, I can't even find some of those places on the map if I have to look, is what you will get from the Education Department.

I have always wanted to go to the Education Department and start with the Secretary, say, Mr. Secretary, what State are you from? Well, I know he is from Illinois. He is from Chicago. He is not far from Michigan. He actually probably understands the Midwest and he understands large, urban school districts.

Okay. Do you have anybody in your office, the secretariat or whatever that is from Michigan?

No, I don't think so.

Then you go to the undersecretaries. And, Do you have anybody that is from Michigan?

How far do I have to go down before I find somebody in the position of authority that is maybe from my State that may have a little bit of understanding of my State? Now, we have over 9 million people living in Michigan, so that person might understand a piece of Michigan but not the whole State.

And then you kind of go through and say, I wonder how long it would take me to find somebody from the Second Congressional District. Then, I wonder how long it would take me to find somebody from my hometown who understands that right now the community is facing a \$2 million shortfall, that we have got issues with our public schools. The public schools are asking for a \$70 million bond issue, and that they would understand the challenges. I don't think I will find anybody from Holland.

To Washington, our kids are a number at best. In Holland, it is "Aaron." They know the names of the kids.

Mr. AKIN. Of course, that whole discussion suggests the Founders were a little smarter than we gave them cred-

it for. There is nothing in the Constitution that justifies the creation of a Federal Department of Education in the first place. It was, I think, more of a concession to the NEA teachers union. And I am not sure if they got a very good deal anyway.

Mr. HOEKSTRA. I can tell you, we worked with the NEA, the National Education Association. We worked with them, BARNEY FRANK and I. BARNEY FRANK, one of my colleagues from the other side of the aisle, we fought this issue, and he came at it from a very different standpoint than where I did.

Mr. AKIN. I would assume.

Mr. HOEKSTRA. We came at it from the right and the left. But we came together because we both saw the inherent problems with this bill, and we had an amendment that we were hoping that if the NEA, if the National Education Association had joined with us and supported it, I think we would have passed our amendment and we would have a very different No Child Left Behind framework than what we have today. But they were kind of neutral. They didn't take a position, which also tells something to our constituents: If you are not involved in the process, someone else will decide the future for you.

What the NEA found out is that they didn't participate actively in fighting this bill. And now, I just talked to a group of students, I think it was Monday morning, or they were at one of the lunches. There were 18 students there. They were there with their teacher. They were advanced AP students, out of school. They were there at lunch in Wayland, Michigan.

I said, I voted against No Child Left Behind. And that always surprises a lot of the teachers in my district, because they thought that I was just lockstep with the President. Of course HOEKSTRA voted with the President. No, I voted against the bill. And the loudest applause comes from the NEA member, the teacher, because he has seen what it has done to his local schools. And we have just gone through, and we are in the process of duplicating exactly what happened with No Child Left Behind with this new program called Race to the Top.

What does Race to the Top do? In Michigan—and I just kind of laid back a little. If people asked me, I would say, If I were you, I wouldn't go for the money. But the State went for the money because you had to do some reforms. The reforms were good. But if the reforms were good, we should have done them anyway. We should not have waited for Washington to bribe us to do this, because now that we are involved in this Race to the Top process, we are also finding out, well, this is No Child Left Behind all over again. Because what Race to the Top does is the same

thing as No Child Left Behind. It promised a pot of gold at the end of the rainbow.

And now local school districts are starting to take a look at this and they are saying, This isn't so good. No one told us that we are going to get X amount of dollars, but that to implement the mandates that come with Race to the Top it is going to cost us more than X. So, actually, we are going to get this Federal money and we are going to get the mandates that come along with it, and now to implement these mandates it is going to cost us extra money to do it when we are already being squeezed.

Sounds like No Child Left Behind. Sounds like health care.

Mr. AKIN. The thing that surprises me, because I was a State legislator in the State of Missouri for 12 years. It seems like the States never seem to catch up to the scam.

Mr. HOEKSTRA. It is kind of like Charlie Brown. How many times are you going to pull the football away?

Mr. AKIN. It is kind of like Lucy with the football and Charlie Brown trying to kick the football. There is always a string on the piece of cheese, and they say, Come on, mouse, get the cheese. Then they reel the string in. And they have been doing this for I don't know how many years.

If you were Governor, wouldn't you think it would be smart in some States to say, I have seen this before. I really don't want you telling me how to run our schools. I don't want you telling me how to do the things that our State knows how to do for ourselves far better. You can just keep your money down in Washington, D.C. It is not a temptation to us anymore, and we are going to run a clean and efficient State where we really do things. Our objective is going to be one of the top performing States all across America, and this is a competition where we are going to start right now by saying no to a whole lot of government red tape.

Mr. HOEKSTRA. And what you will see again is the States becoming incubators of ideas. Missouri or Michigan, we will compete, and you will get some great ideas, we will get some great ideas. You will have some bad ideas and we will have some bad ideas. We will try them. Some things will work, some things will not. And then we will be looking around at the other States and saying, Hey, what are you doing that works? And when we find something that says, Your community is not exactly like ours, but if we kind of take what you have done, there is a lot of good stuff there, and if we put that into place in Grand Rapids, with a few tweaks, we think that is going to help us; we think that is going to help make our schools in Grand Rapids better.

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Mr. AKIN. You know what is exciting is you are talking about that spirit of

ingenuity that Americans have. One of the things people down here in the institutional part of our government, they think everybody has got to have a Ph.D. and be an expert in this or that. And what I have seen so often in Americans, you use just a little bit of common sense, and as you are saying, you take that ingenuity and that can do spirit and just get the red tape and the government chains off of them and let them start to solve their problems.

Mr. HOEKSTRA. The other thing that we will see is we will see that at a State level you can respond. When something doesn't work, you change it. You and I are both very familiar that there is a key component of No Child Left Behind that does not work. What is it? It says we are going to measure this year's first grade class and their performance, and we are going to compare it to last year's first grade class and their performance.

I say, well, you know, this could be 27 kids and this could be 27 kids, but they may be very, very different kids. And as a matter of fact, I was looking at that. And right after No Child Left Behind passed, I went to one of my schools, because they invited me to come in. And I knew where the school was, and I thought that this was in a relatively stable neighborhood. And they were explaining to me some of their issues. And they said Congressman, you know, we don't even have these 27 kids all year. We have 27 kids when we begin the year, we have 27 kids in this class when we end the year, but there may be 20 to 25 kids that have come in and out of this class. And you kind of look at them and say I thought this was a pretty stable neighborhood. They said you don't understand. We have got these types of things in the neighborhood, and this is a very transient population.

Mr. AKIN. How in the world could any statistics mean anything when you have got the situation you are talking about?

Mr. HOEKSTRA. Right. But the standard has been in place for 8 years. Everybody knows it is wrong and it doesn't work. Technology has moved to the point where it says we can track Johnny individually. And if he moves from one school to another, we can track his specific performance. We ought to be tracking the specific performance of every kid in the classroom versus a group of kids that is in and out and all of that.

But after 8 years, what is the measurement? The same one that passed in 2001 that everybody agrees doesn't work. But it is what, it is implemented in all 50 States, and it is the criteria that determines whether you are a good school or you are—only Washington can use these terms—a failing school.

For the teachers that are in this school that have a 70 percent turnover

of kids in their classroom during the year, you know, they may not measure up very well to the arbitrary standards that were put in place here in Washington, D.C., but they may be some of our most committed and talented teachers because they are dealing with different kids in the classroom.

You know, every couple of weeks a new child comes in, a couple leave, and it is like, wow, this kid has different skills than the two that have left. I have got to figure out exactly, you know, is this kid excelling in math? You know, he has got great math skills, but I got to help him in reading. You know, you got to do a whole assessment. But the current model doesn't allow for those kinds of differences.

Mr. AKIN. Is that current model something that could be changed? Let's say you were to, a State were to basically say hey, we are going to start over again. We are going to do a different approach. Is that the kind of thing a State could really be innovative on, or has the Federal Government just got them locked down?

Mr. HOEKSTRA. Absolutely. What you want to have happen is you and I both want accountability. But as technology changes, and as teaching changes, and as practices in the classroom changes, you know, I want Missouri developing an accountability model, I want Michigan developing an accountability model, I want Illinois developing an accountability model. And then every year I want to get together and say, you know, here is what is working for us, but we got some problems in this area. We just don't appear to be getting it right. What are you doing?

And then Missouri may come back and say, well, you know, we had those same kinds of issues 3 years ago, and here is what we did, and this appears to make our accountability system better. But you know, here is where we are running into a problem right now. So you have that learning going on, and then you get together and you say, you know, well, what is the best way to put in performance pay for teachers? How do you recognize the differences in a classroom where you begin the year with 27 kids in the classroom and at the end of the year they have the same 27 kids? You know, how do you measure teachers' performance in a classroom like that versus the teacher who is in a classroom where they have got the 70 percent turnover? You can't treat them the same. You can't have the same kind of measurement. You know, how do you deal with that? That is the kind of ingenuity and creativity that we need to be seeing going on across the country.

Someone sent me an email message tonight talking about the video learning, the high-tech learning and those types of things. And there are people

that are experimenting with that at higher level, at the community colleges, our high schools and all that. You know, it is like somebody ought to really try that and see what works. Do a little experimentation.

Mr. AKIN. I couldn't help thinking about what you are saying and getting me excited a little bit about this. If I were in Missouri, I think it would be a Show Me Progress or something. They call us the Show Me State. And I think one of the ways that would really be pretty interesting and might change the paradigm quite a bit would be if you really want to give bonuses to teachers, why don't you let the parents of the students have a say in how their performance would be?

Because I will tell you, if you think back about all of your teachers that you have had, I can't remember too much stuff the teachers taught me, but I can sure remember the people and the characters that I respected because of the way they lived their lives. And there were some that were just really, really treasures. They were like State treasures. They were such wonderful people. And I still remember them to the day. And I think sometimes I am guilty, I should have gone back and thanked them for putting up with a little brat like me.

And if the parents have some chance to direct those bonuses, I am sure that would probably politically knock the train off the track. But there is an idea. Because those parents know whether their kids are getting the real stuff or not.

Mr. HOEKSTRA. And I am not saying that bonuses for teachers are the way to go. But we ought to be working with teachers, with parents, and with others to have these laboratories around the country. And that doesn't mean that every class is a laboratory and you are trying the whole thing brand new. It means what you are saying is every year, every month, every week we are going to be focused on having continuous improvement. That if we can learn from other States, if we can learn from other schools, if we can learn from other countries we are always going to be on the cutting edge of improving our schools.

Right now where are we? Where do our superintendents look? Where do our State education bureaucrats look? Now they have to look to some old bill that was passed in 2001 that tells them how to run their schools. You won't find that in business anymore. You won't find businesses operating on a model that was in place in 2001. If they were still operating in the same practices, the same technology and all of these kinds of things that they were operating on in 2001, guess what, in 2010 they would be out of business. They could no longer compete.

So whether it is education, whether it is infrastructure, you know, the

whole gamut. You want to do the same thing with job training. You know, as a starter, I have got bills to do this. It is kind of like highway money goes back to the States, the gas tax money. It doesn't need to come here. Send a penny out of every dollar, let the 435 of us here fight over one penny of gas tax, not a dollar of gas tax.

All right. Then same thing with K-12 education. Send us the money back. We will get 35 cents more of every dollar to put into the classroom. And then it is really a win-win. You know, send me 90 cents of every education dollar. You save 10 percent, I get 25 cents more going into the classroom. It is a win for all of us. Get rid of the bureaucracy and the paperwork. Put the emphasis on the kids. And then do it with job training. I have got bills on all three of those areas. And the bottom line is if you don't do it, recall.

Mr. AKIN. Recall. You know, if you take a look at what the Federal Government was like when it was originally created, as I recall there were really only four laws. One of the laws was against piracy on the high seas. One of the laws was against counterfeiting, because the Federal Government printed the money. There was a law against being a traitor or a spy to your country. All of those laws had in common that it was really a Federal authority, as opposed to something that could be handled by the States. But the States had all the laws that hang him if he steals a horse or whatever the different State laws were. All of your laws almost were at a State level.

Where now what has happened is people somehow think that all of the intelligence moved to Washington, D.C., and they have got all of these Federal laws, statute books full. Then you have got all of these bureaucracies full of rules and regulations. Somehow we have got to start taking this place apart and sending that authority to the State level. And with all due respect, gentlemen, a lot could go to the local and the parental level as well.

Mr. HOEKSTRA. Absolutely. You know, because you take a look at a State like Michigan, and I think it is probably the same in Missouri, and you take a look at the State and you say, well, my State this year is starting the year off with—or they are looking at their next budget year and they are saying we are going to have somewhere between a \$1.2 and a \$1.4 billion deficit for the next budget year, which they got to get done later this calendar year. And you look at it and say, well, you got a \$47 billion budget. You know, finding \$1.2, finding \$1.4 billion in savings, you know, 2, 3 percent? That shouldn't be that hard.

And then you start looking at the reality and say, well, out of that \$47 billion, 19 of it is direct money from Washington, D.C. All right. Well, that

is off the table. Then you take a look at it and say, well, but you know, with that highway money we get that is part of that \$19 billion, it requires that we have the State match. And this money that we got for K-12, you know, that comes from No Child Left Behind, it controls some of the spending of the rest of the budget.

And you start looking at it and saying, well, now all of a sudden I have got a \$1.2 or \$1.4 billion deficit and I have got maybe \$10, \$11 billion that I can work with. And it is like, no, there are efficiencies that we can find in all of those areas if that money never left the State and we were given the authority.

Because you know, the other thing that we talk about, the money comes from Washington, but what then happens? That is not the end of the line. If the money comes from Washington, then—actually, Washington collects the money.

Mr. AKIN. It came from your and my taxpayers.

Mr. HOEKSTRA. You and I paid it and our constituents paid it. All right. And it is gone. It comes to this place here. We then decide what we are going to do with it.

Now, if our people in our communities or our States want to get the money back, a lot of times what do they have to do? What do they have? All of my school districts have what they call grant writers, somebody they pay \$30 to \$35,000 to, and there is a very good performance measure.

Mr. AKIN. Do they get the grant?

Mr. HOEKSTRA. You know, we are paying you \$35,000 a year. If you get \$36,000 in grants coming back to the school district, you have been a good investment. So they have to apply for the money. And they may not get it. But you know, a lot of times it is a competition to get the money. So a lot of the application money is wasted. The money then comes back to the State, goes to our local schools, we lose 35 percent. Once it is in the classroom, once it is being built to build a turtle fence or build a bike overpass that we don't need, then we have to send a report back to Washington telling them what we did with the money. I have always wanted to find the person who reads it. Okay. Does anybody really read the report?

And then every once in a while, and perhaps too often, you will find the next thing. You will find the auditor going back to a local school district or a local government agency and say, "Prove it. Prove that you spent the money the way that you applied for it and the way that you developed and moved it forward."

Mr. AKIN. I tell you there is plenty of work to do. And it just needs some energy, some innovation both in Washington, D.C., but also at the State levels. What is the situation in Michigan

in terms of unemployment? Do you have the same kind of problems there that other people are facing?

Mr. HOEKSTRA. Actually, we don't have the same kind of problems. Our problems are much more severe than anybody else's. We lead the country in unemployment. And we have done that for a number of years.

□ 2030

I think the last unemployment number in Michigan was 14.8 percent. But for the last 12 to 18 months we've been in the 14, 15 percent unemployment. Well above any other State. That really doesn't include the people that have stopped working. It doesn't include the people that are underemployed. It also doesn't include the number of people—when I come here to Washington every week, I'm always amazed by the number of people who are on the plane, or as I'm talking to the people in my district, the number of people who I run into and say, Pete, I'm in Michigan. I'm committed to Michigan. But I'm gone 2 weeks at a time from my wife and my kids because the only place I can find a job is somewhere else. I'm working somewhere other than Michigan. Some of them stay because they're so committed. Others stay because, obviously, in a State that has declining population, by definition you have a housing surplus, meaning that it's hard for them to sell their homes.

The vision that we have for Michigan is to bring Michigan back. Michigan is a great State. Missouri is a great State. This is a great country. I think you and I are committed to believing that with the right kind of leadership either at the Federal level or at the State level, there's no reason we ought to be enduring 10 percent at a national level or 15 percent at a State level. Go back to the principles that we employed back in 1994. It's accountability back to the people. That's what the Contract with America was all about. I tried to get recall as part of the Contract with America. I wish we had. I wish voters today had the opportunity to recall their representatives and their senators.

But what we did in 1995 and 1996, we didn't increase spending, we didn't do a stimulus bill like that, we didn't do cap-and-trade, we didn't do health care. We didn't do all these massive government spending programs. We basically froze spending. We cut taxes. We reformed government. We reformed welfare. And we did it with a Republican Congress and a Democrat President. We were able to focus on what the American people wanted, what they needed, and we had an era of prosperity that helped a lot of people. But the formula is simple: Give more money back to the American people, reform government, and control spending.

Mr. AKIN. You know, your simple little phrase—sometimes a simple

phrase is very effective. You talked about, bring Michigan back. Or, bring Missouri back. The tragedy is that what you just said in a few sentences explains how to do it. It's not like this is that complicated. You don't have to be too bright to say, If you want jobs, you've got to have some company that's going to provide the jobs. And you don't have to be too bright to say that if you tax the hide off of the guy that owns the little business, he is not going to have any money to build a new wing or to buy a new machine tool or to add the new process to create the new jobs. It's not that complicated.

But the trouble is we get these people down here who are so institutional, and they think we know what to do. We're going to tax the rich guy and redistribute the money. And somehow that makes the economy better.

I mean that stimulus bill, the whole logic behind it was totally flawed. Yet, what you have just said in a sentence or two, gentleman, you put your finger on exactly what has to be done. And it's got to kill you to go back to Michigan. You love your State, you love the people in the State. And you understand what it takes to make it work. And people are just tone deaf.

Mr. HOEKSTRA. I don't think people are tone deaf. I think people in the State sense that—

Mr. AKIN. The Federal Government is tone deaf.

Mr. HOEKSTRA. Just like the gentleman demonstrated in Massachusetts, the people are not tone deaf. They think we are. And they know Washington is.

Mr. AKIN. That's what I meant.

Gentleman, that's the problem down here. Washington, D.C., as an institution has become tone deaf. And you've got solutions. You know what the solutions are. You can fix the problem in Michigan, you can fix the problem in Missouri. It's as simple as what JFK did, what Ronald Reagan did, what Bush did, and that is get off the spending, get off the taxing, and give the American public a chance.

Mr. HOEKSTRA. Here's how we start our op-ed. I like our title. Of course, I helped write it. We call it "Storming the Castle." On January 19, the people of Massachusetts stormed the castle of the political elite and toppled it to the ground. After months of abuse and neglect and being shut out of the lofty parapets of the U.S. Senate, they took a stand and sent a strong, undeniable message to the Democrat-controlled castle of American politics. Enough is enough.

I think that sums it all up. That's where the American people are today. That's where grassroots America is today. That's where they were in 1993 and 1994. In 1993 and 1994, they got involved. When I meet with these folks, I do ask them the question: How different would this country be today if

the involvement that we saw in 1993 and 1994, the insightful, knowledgeable involvement—I mean these people understand the issues. They know where they want to go. If that involvement we saw in 1993 and 1994, and the involvement that we're seeing in 2009 and 2010, how different would this country have been if they had stayed involved through that whole timeframe?

And that's partly our responsibility by not motivating them enough and inviting them into the process. But if they would be involved in the process, we wouldn't be talking about whether we should be passing legislation or passing a constitutional amendment that would give them the authority to recall their Federal elected officials. We'd already have it. It would now be working its way through the States. I think it's so healthy to have these people involved in the process and involved in a knowledgeable way, because they do recognize that if they don't show up, someone else will run this country. They recognize that government is run by those who show up on election day.

Mr. AKIN. You know, the interesting thing is, as you make government bigger, it makes the citizens smaller. And it's gotten to the point now where that government has got to be trimmed. And I think people are ready to do it. I would like to just say that I appreciate your leadership these years that I've shared in the Congress with you, Congressman HOEKSTRA, and for the fact that you have consistently, before it was popular, you have always been in this position of trying to deconstruct the unnecessary elements of the Federal Government. And I think that in a sense that you and I have seen a time where more voters are going to think, Boy, I wish there were more Congressmen Hoekstras in the way that they vote and the way they keep taking the tough choices, regardless of political party, to do what is right and send that decisionmaking back to the local citizens. Send that tax dollar, let him keep it in his pocket, and keep the government small.

Mr. HOEKSTRA. I thank my colleague, Congressman AKIN. This is a time where we've got the great State of Michigan, the great State of Missouri, the Show-Me State. It's now time for this Congress to show the people of Missouri, to show the people of America, and to show the people of Michigan where we're headed. And if we don't do it, guess what? They will show us on election day. And they will storm the castle by saying, Enough is enough.

With that, Mr. Speaker, I yield back the balance of my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF FRIDAY, JANUARY 29, 2010, AT PAGE 897

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added her name to the following discharge petition:

Petition 5 by Mrs. BLACKBURN on the bill (H.R. 391): EDWARD R. ROYCE.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHRISTENSEN (at the request of Mr. HOYER) for today on account of medical reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. REICHERT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, February 10.

Mr. JONES, for 5 minutes, February 10.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. CASSIDY, for 5 minutes, February 9.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today and February 4.

Mr. BROUN of Georgia, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, February 10.

Mrs. BACHMANN, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, February 9.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

#### ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), the House adjourned until to-

morrow, Thursday, February 4, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5934. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — General Administrative Regulations; Subpart X-Interpretations of Statutory and Regulatory Provisions received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5935. A letter from the NRCS Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — State Technical Committees received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5936. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Business Systems-Definition and Administration (DFARS Case 2009-D038) (RIN: 0750-AG) received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5937. A letter from the Assistant Secretary, Department of Defense, transmitting a report pursuant to the National Defense Authorization Act for FY 2010; to the Committee on Armed Services.

5938. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners [Docket No.: DEA-275F] (RIN: 1117-AA99) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5939. A letter from the Program Manager, NRДАР Program (DOI Office of the Secretary), Department of the Interior, transmitting the Department's final rule — Natural Resource Damages for Hazardous Substances (RIN: 1090-AA97) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5940. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events [NRC-2007-0008] (RIN: 3150-AI01) received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5941. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5942. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5943. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pur-

suant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5944. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5945. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5946. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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5992. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5993. A letter from the Deputy Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation: Restrictions on Foreign

Acquisition (HSAR Case 2009-004) [Docket No.: DHS-2009-0081] (RIN: 1601-AA57) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5994. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limits in Longline Fisheries in 2009, 2010, and 2011 [Docket No.: 090130102-91386-02] (RIN: 0648-AX59) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5995. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery of the South Atlantic; Red Snapper Closure [Docket No.: 090508900-91414-02] (RIN: 0648-AX75) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources).

5996. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-

5985. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act

XS30) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5997. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No.: 0808041043-9036-02] (RIN: 0648-SX77) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5998. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Rescission of Prohibition on Atlantic Herring Fishing in Management Area 2 [Docket No.: 061228342-7068-02] (RIN: 0648-XT19) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5999. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #8, #9, #10, #11, and #12 [Docket No.: 090324366-9371-01] (RIN: 0648-XS52) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6000. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XT10) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6001. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New Jersey [Docket No.: 090206144-9697-02] (RIN: 0648-AT09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6002. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gear Restriction for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XS87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6003. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No.: 061228342-7068-02] (RIN: 0648-XT07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6004. A letter from the Deputy Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001] [Docket No.: DHS-2009-0017] (RIN: 1601-AA55) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6005. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Public Assistance Eligibility [Docket ID: FEMA-2006-0028] (RIN: 1660-AA45) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1065. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt (Rept. 111-411). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CORRINE BROWN of Florida:

H.R. 4577. A bill to direct the President, acting through the National Disaster Medical System, to reimburse States for expenses incurred in providing treatment for health conditions and illnesses resulting, directly or indirectly, from the earthquake in Haiti on January 12, 2010; to the Committee on Energy and Commerce.

By Mr. CANTOR:

H.R. 4578. A bill to amend title 23, United States Code, to allow vehicles operated by members of the Armed Forces (including reserve components thereof) serving on active duty and vehicles operated by law enforcement officials to use high occupancy vehicle facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 4579. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in phase one of the South San Diego County Water Reclamation Project, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY of Massachusetts (for himself, Mr. MORAN of Virginia, and Ms. LORETTA SANCHEZ of California):

H.R. 4580. A bill to amend the Homeland Security Act of 2002 to authorize the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. BACHUS, Mrs. CAPITO, Mr. ISSA, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. NEUGEBAUER, and Mr. HENSARLING):

H.R. 4581. A bill to require the Inspector General of the Federal Housing Finance Agency to submit quarterly reports to the Congress during the conservatorship of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on Financial Services.

By Mr. BACA:

H.R. 4582. A bill to require Federal agencies and certain government-sponsored enterprises to reserve residential real estate owned for purchase by owner-occupants and other buyers using public funds for a period of at least 15 days; to the Committee on Financial Services.

By Mr. BOCCIERI:

H.R. 4583. A bill to amend the Federal Election Campaign Act of 1971 to require certain campaign-related communications which are paid for by certain tax-exempt organizations or political organizations to include a statement naming their five largest donors, and for other purposes; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 4584. A bill to authorize the Secretary of Labor to award grants for worker training, technology development, and applied research in the wind energy industry production and energy efficient construction, retrofitting, and design industries; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. GENE GREEN of Texas, and Mr. PASCRELL):

H.R. 4585. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Ways and Means.

By Mr. MARCHANT (for himself, Mr. MCHENRY, Mr. LAMBORN, Mrs. LUMMIS, Mr. POSEY, Mr. HENSARLING, Mr. BURGESS, Mr. KING of Iowa, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. CAMPBELL, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. GINGREY of Georgia, Mr. PITTS, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Ms. FALLIN, Mr. AKIN, and Mr. BRADY of Texas):

H.R. 4586. A bill to require, as a condition for modification of a home mortgage loan held by Fannie Mae or Freddie Mac or insured under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. NEUGEBAUER:

H.R. 4587. A bill to amend the Congressional Budget Act of 1974 to require spending limits be imposed when the statutory limit on the public debt is increased; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY:

H.R. 4588. A bill to provide that the detention facility at Naval Station, Guantanamo Bay, Cuba remains open indefinitely and to require that individuals detained at the facility be tried only by military commission, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be



subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 4589. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4590. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to ensure the safety of school meals by enhancing coordination with States and schools operating school meal programs in the case of a recall of contaminated food; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 4591. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself and Mr. PERRIELLO):

H.R. 4592. A bill to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. COSTELLO, Mr. LOBIONDO, Mr. BARROW, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. SHULER, Mr. JONES, Mr. KILDEE, Mr. MOORE of Kansas, Mr. CLAY, Mr. FATTAH, Mr. HARE, Mr. REYES, Ms. SHEA-PORTER, Ms. JACKSON LEE of Texas, Mr. KAGEN, and Mr. BRADY of Pennsylvania):

H.R. 4593. A bill to amend part B of title XVIII of the Social Security Act to waive Medicare part B premiums for certain military retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Georgia (for himself, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. JONES, Mrs. MYRICK, Mr. ROONEY, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. MANZULLO, Mr. PITTS, Mr. MCCOTTER, and Mr. DUNCAN):

H.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States to balance the Federal budget; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. BAIRD, Mr. DEFAZIO, Mr. DICKS, Mr. LARSEN of Washington, and Mr. SCHRADER):

H. Res. 1062. A resolution recognizing the Coast Guard Group Astoria's more than 60

years of service to the Pacific Northwest, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mrs. BLACKBURN, Mr. ROONEY, Mr. LAMBORN, Mr. PRICE of Georgia, Mr. DUNCAN, Ms. JENKINS, Ms. FALLIN, Mr. AKIN, Mr. COLE, and Mr. WITTMAN):

H. Res. 1063. A resolution expressing the sense of the House of Representatives that a mandate imposed by the Federal Government requiring individuals to purchase health insurance is unconstitutional; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. FRANK of Massachusetts, Ms. LEE of California, Mr. PAYNE, Mr. HINCHEY, Mr. POLIS of Colorado, Mr. SCOTT of Georgia, Mrs. MALONEY, Mr. DOYLE, Mr. MORAN of Virginia, Mr. STARK, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. TOWNS, Mr. SIREN, Mr. WU, Mr. SHERMAN, Mr. BLUMENAUER, Mr. ACKERMAN, Mr. MCGOVERN, Mr. COHEN, Mr. WAXMAN, Mr. ELLISON, Mr. ISRAEL, Mr. MCMAHON, Mr. ENGEL, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, Mr. HONDA, Mr. DELAHUNT, Ms. LINDA T. SANCHEZ of California, Mr. JACKSON of Illinois, and Mr. GRIJALVA):

H. Res. 1064. A resolution expressing the sense of the House of Representatives that the "Anti-Homosexuality Bill, 2009" under consideration by the Parliament of Uganda, that would impose long term imprisonment and the death penalty for certain acts, threatens the protection of fundamental human rights, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MEEK of Florida (for himself, Mr. SKELTON, Mr. MACK, Mr. MCKEON, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. CORRINE BROWN of Florida, Mr. COOPER, Mrs. DAVIS of California, Ms. FUDGE, Mr. LANGEVIN, Mr. MCINTYRE, Mr. TIM MURPHY of Pennsylvania, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. RUSH, Mr. SNYDER, Mr. SPRATT, Mr. TAYLOR, Ms. WATERS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. KISSELL, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. CONAWAY, Mr. ORTIZ, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. NYE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. LAMBORN, Ms. PINGREE of Maine, Mr. BOREN, Mr. OWENS, Ms. TSONGAS, Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. LOEBSACK, Ms. BORDALLO, Mr. MURPHY of New York, Mr. MASSA, and Mr. WITTMAN):

H. Res. 1066. A resolution recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-Au-Prince and surrounding cities on January 12, 2010; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS of Texas (for himself, Mr. CARTER, Mr. CONAWAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL, Mr. RODRIGUEZ, Mr. SMITH of Texas, Mr. ORTIZ, Mr. SESSIONS, Mr. GENE GREEN of Texas, Mr. REYES, and Mr. GONZALEZ):

H. Res. 1067. A resolution honoring Colonel Robert Howard for his lifetime of service to the United States; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Res. 1068. A resolution condemning the Government of the Islamic Republic of Iran for executing human rights activists; to the Committee on Foreign Affairs.

By Mr. LANCE (for himself, Mr. HOLT, Mr. EHLERS, Mr. LOBIONDO, and Mr. PASCRELL):

H. Res. 1069. A resolution congratulating Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics; to the Committee on Science and Technology.

By Ms. NORTON:

H. Res. 1070. A resolution expressing gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System of the Federal Emergency Management Agency for their unyielding determination and work as first responders to victims of disasters and other incidents, including the victims of the recent earthquake in Haiti, and for other purposes; to the Committee on Transportation and Infrastructure.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 293: Mr. ROE of Tennessee.

H.R. 311: Mr. PAULSEN.

H.R. 389: Ms. CHU, Mr. HARE, and Mrs. MCCARTHY of New York.

H.R. 417: Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. CASTOR of Florida, Mr. ELLISON, Mr. GUTIERREZ, Ms. KILROY, and Ms. LINDA T. SANCHEZ of California.

H.R. 424: Mr. EHLERS.

H.R. 476: Ms. NORTON, Mr. FRANK of Massachusetts, and Mr. THOMPSON of Mississippi.

H.R. 501: Mr. BRADY of Pennsylvania.

H.R. 519: Mr. ROTHMAN of New Jersey.

H.R. 574: Mr. ELLISON.

H.R. 618: Ms. HIRONO and Mr. ROTHMAN of New Jersey.

H.R. 734: Ms. JACKSON LEE of Texas.

H.R. 745: Mr. DONNELLY of Indiana.

H.R. 816: Mr. WILSON of South Carolina and Mr. COHEN.

H.R. 886: Ms. JACKSON LEE of Texas.

H.R. 1024: Mr. MAFFEI.

H.R. 1079: Ms. PINGREE of Maine, Mr. ROTHMAN of New Jersey, and Ms. SUTTON.

H.R. 1175: Mr. OWENS.

H.R. 1189: Mrs. MCCARTHY of New York.

H.R. 1240: Mr. GENE GREEN of Texas.

H.R. 1318: Mr. QUIGLEY.

H.R. 1343: Mr. ROYCE.

H.R. 1378: Mr. REICHERT and Mr. TERRY.

H.R. 1402: Ms. BEAN.

H.R. 1551: Mr. INSLEE.

H.R. 1552: Ms. ROS-LEHTINEN.

H.R. 1616: Ms. WOOLSEY.

H.R. 1646: Mr. FRANK of Massachusetts and Ms. PINGREE of Maine.

H.R. 1826: Mr. GARAMENDI, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Ms. WATSON, and Mr. LANGEVIN.

H.R. 1868: Mr. UPTON, Mr. MANZULLO, Mr. GRIFFITH, and Mrs. MILLER of Michigan.

H.R. 1927: Mrs. DAVIS of California.

H.R. 1964: Mr. HINCHEY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2243: Mr. KILDEE.

H.R. 2266: Mr. MELANCON.

H.R. 2305: Mr. GRIFFITH, Ms. FOXX, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2413: Mr. HINCHEY and Mr. PRICE of North Carolina.

H.R. 2421: Mr. BUTTERFIELD, Mr. CARNAHAN, Mr. CUELLAR, Mr. DRIEHAUS, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. MARKEY of Massachusetts, Mr. POMEROY, Mr. TAYLOR, and Mr. THOMPSON of Mississippi.

H.R. 2533: Mr. JONES.

H.R. 2546: Mr. PETERSON.

H.R. 2547: Mr. GARY G. MILLER of California.

H.R. 2565: Mr. WITTMAN.

H.R. 2672: Mr. KAGEN.

H.R. 2737: Mr. TURNER and Ms. RICHARDSON.

H.R. 2799: Mr. COHEN, Mr. LUETKEMEYER, and Mr. OLVER.

H.R. 2849: Mr. STARK, Ms. WOOLSEY, Ms. LINDA T. SANCHEZ of California, Mr. FATTAH, Mr. MCNERNEY, and Mr. GARAMENDI.

H.R. 2850: Mrs. LOWEY and Mr. DAVIS of Tennessee.

H.R. 2882: Mr. SESTAK.

H.R. 2906: Mr. DENT, Mr. WELCH, and Mr. PERRIELLO.

H.R. 2941: Mr. BUTTERFIELD.

H.R. 2964: Mr. GRIFFITH.

H.R. 3097: Ms. RICHARDSON.

H.R. 3202: Mr. SARBANES.

H.R. 3240: Mr. WAMP.

H.R. 3249: Mr. ELLISON.

H.R. 3286: Mr. MCINTYRE and Mr. SHERMAN.

H.R. 3308: Mr. TERRY.

H.R. 3381: Mrs. MCCARTHY of New York.

H.R. 3421: Mr. DELAHUNT, Mr. RUSH, and Mr. CLEAVER.

H.R. 3486: Mrs. MILLER of Michigan, and Mr. GARY G. MILLER of California.

H.R. 3710: Mr. KISSELL and Mr. McDERMOTT.

H.R. 3721: Mr. FILNER.

H.R. 3734: Mr. ENGEL.

H.R. 3745: Mr. ELLISON.

H.R. 3749: Mr. YOUNG of Alaska.

H.R. 3764: Mr. MAFFEI.

H.R. 3933: Mr. COSTELLO.

H.R. 3995: Mr. CONYERS, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. RICHARDSON, Mr. WU, Ms. WATERS, and Mr. LYNCH.

H.R. 4051: Mr. SESTAK, Mr. PETERSON, and Ms. FOXX.

H.R. 4085: Ms. BERKLEY, Mr. CONNOLLY of Virginia, Mr. ADLER of New Jersey, and Mr. INSLEE.

H.R. 4099: Mrs. CAPPS.

H.R. 4127: Mr. AKIN, Mr. LUETKEMEYER, and Mr. HENSARLING.

H.R. 4132: Ms. CHU and Mr. CALVERT.

H.R. 4150: Mr. MARCHANT and Mr. THORNBERRY.

H.R. 4153: Mr. ADLER of New Jersey.

H.R. 4196: Mr. KAGEN.

H.R. 4199: Ms. SHEA-PORTER, Mr. REHBERG, and Mr. GRIFFITH.

H.R. 4206: Mr. ABERCROMBIE.

H.R. 4241: Mr. BISHOP of New York, Mr. COHEN, and Mr. DAVIS of Tennessee.

H.R. 4247: Mr. HINOJOSA, Mr. POLIS of Colorado, and Mr. PIERLUISI.

H.R. 4255: Mr. PETRI.

H.R. 4262: Mr. OLSON.

H.R. 4263: Mr. WELCH.

H.R. 4274: Mr. CONYERS and Mr. BRADY of Pennsylvania.

H.R. 4296: Mr. MCNERNEY and Mr. DONNELLY of Indiana.

H.R. 4302: Mr. FOSTER, Mr. FILNER, Mrs. DAVIS of California, Mr. CHILDERS, and Mr. CARDOZA.

H.R. 4312: Mr. BURTON of Indiana, Mr. NEUGEBAUER, and Mr. FRANKS of Arizona.

H.R. 4325: Mr. HINCHEY and Mr. SERRANO.

H.R. 4359: Mr. BISHOP of New York.

H.R. 4402: Ms. SLAUGHTER, Mr. SERRANO, Mr. RANGEL, Mr. HINCHEY, Mr. BACA, and Mr. SIRE.

H.R. 4403: Mr. FRANK of Massachusetts.

H.R. 4415: Mr. CASTLE.

H.R. 4476: Mr. DENT.

H.R. 4504: Mr. QUIGLEY.

H.R. 4505: Mr. CULBERSON and Mr. MASSA.

H.R. 4512: Mr. PERRIELLO.

H.R. 4517: Mr. FILNER and Mr. WALZ.

H.R. 4522: Mr. FILNER.

H.R. 4527: Mr. PERRIELLO, Ms. MOORE of Wisconsin, Ms. CASTOR of Florida, and Mrs. DAHLKEMPER.

H.R. 4530: Mr. WEINER.

H.R. 4531: Mr. MCMAHON, Mr. PETERS, and Mr. MASSA.

H.R. 4532: Mr. DAVIS of Illinois, Ms. ROSELEHTINEN, Mr. CROWLEY, Mr. BLUMENAUER, Mr. LEVIN, Mr. POMEROY, and Mr. LEWIS of Georgia.

H.R. 4533: Ms. JACKSON LEE of Texas.

H.R. 4542: Mr. LOBIONDO and Mr. ALTMIRE.

H.R. 4549: Mr. LUJÁN, Ms. FUDGE, and Mr. PASCRELL.

H.R. 4566: Mr. FRANKS of Arizona, Mr. LUETKEMEYER, Mr. FORTENBERRY, Mr. GINGREY of Georgia, Mr. PITTS, Mr. ROE of Tennessee, Mr. LEE of New York, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Mr. RYAN of Wisconsin, Ms. FALLIN, Mr. AKIN, Mr. POSEY, Mr. BRADY of

Texas, Mr. MARCHANT, Mr. MCHENRY, Mrs. LUMMIS, Mrs. BACHMANN, Mr. HENSARLING, Mr. KING of Iowa, Mr. ROONEY, and Mr. JORDAN of Ohio.

H.R. 4573: Ms. WOOLSEY, Mr. MEEKS of New York, Mr. WATT, and Mr. OLVER.

H.J. Res. 13: Mr. FILNER.

H. Con. Res. 96: Mr. TURNER.

H. Con. Res. 137: Mr. WEINER.

H. Con. Res. 144: Ms. SLAUGHTER.

H. Con. Res. 193: Mr. BARROW.

H. Con. Res. 198: Ms. JACKSON LEE of Texas, Mr. SMITH of Washington, Mr. HINCHEY, Ms. LORETTA SANCHEZ of California, Mr. CARNEY, Ms. RICHARDSON, Mr. FOSTER, Mr. CONNOLLY of Virginia, Mr. ROONEY, Mr. TERRY, and Mr. SHULER.

H. Con. Res. 233: Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, and Mr. HASTINGS of Florida.

H. Res. 213: Mr. BERMAN, Ms. WATSON, Mr. AL GREEN of Texas, Mr. ELLISON, Mr. ORTIZ, and Mr. RUSH.

H. Res. 440: Mr. OLSON.

H. Res. 510: Mr. LANCE, Mr. MOORE of Kansas, and Mr. OLVER.

H. Res. 947: Ms. WATSON.

H. Res. 949: Mrs. McMORRIS RODGERS and Mr. LATTA.

H. Res. 1016: Mr. HONDA, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. RUSH, and Mr. HINCHEY.

H. Res. 1019: Mr. CALVERT, Mr. LOBIONDO, Mr. ROHRBACHER, and Mr. MCCAUL.

H. Res. 1026: Mr. SMITH of Texas, Mr. BOOZMAN, Mr. MCCOTTER, Mr. DUNCAN, Mr. HALL of Texas, and Mr. TERRY.

H. Res. 1032: Mr. GALLEGLY, Ms. WOOLSEY, Mr. SIRE, Mr. ORTIZ, Mr. REYES, Mr. LUJÁN, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. PAYNE.

H. Res. 1033: Mr. MACK, Mr. WU, Mr. CONAWAY, Mr. EHLERS, Mr. KIRK, Mr. MCCAUL, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. UPTON, Mr. WALDEN, Mrs. EMERSON, Mr. CAO, Mr. COBLE, Mr. CASTLE, Mr. TIBERI, Mrs. BIGGERT, Mr. PLATTS, Mr. KENNEDY, and Mr. DEAL of Georgia.

H. Res. 1036: Ms. WATSON, Mr. WILSON of South Carolina, and Mr. WOLF.

H. Res. 1040: Mr. COHEN, Mr. FRANK of Massachusetts, Mr. KING of New York, Mr. ETHERIDGE, Mr. HINCHEY, Mr. LARSON of Connecticut, Mr. DICKS, Mr. HALL of New York, Mr. BRADY of Pennsylvania, Mr. DINGELL, Mr. KILDEE, Mr. MOORE of Kansas, Mr. WEINER, Mr. ENGEL, Mr. DeFAZIO, Ms. DeGETTE, Mr. McDERMOTT, and Mr. RAHALL.

## EXTENSIONS OF REMARKS

## HONORING RILEY WALTER

## HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Riley Walter upon thirteen years of dedicated service to the Board of Directors of the Central Valley Business Incubator. Mr. Walter was recognized by the Central Valley Business Incubator annual Holiday Party on Thursday, December 10, 2009.

Mr. Riley Walter has served the Fresno community for almost thirty years. For over twenty-five years he has specialized in bankruptcy and reorganization matters, with a particular concentration on agricultural cases, business litigation and emerging businesses. Mr. Walter also volunteers to a number of local organizations, providing his legal expertise.

Mr. Walter is a past president of the Central California Bankruptcy Association and the San Joaquin Valley Chapter of the Federal Bar Association. He is the past director of the California Bankruptcy Forum and the California Receiver's Forum and is past co-chair of the Agribusiness Committee of the Business Law Section of the California State Bar. Mr. Walter is a certified Business Bankruptcy specialist, accredited by the American Board of Bankruptcy Certification and a Fellow, American College of Bankruptcy, Class XIII.

Mr. Walter is the author of numerous articles on insolvency and bankruptcy. He is frequently requested to speak to business, agriculture and financial groups. For the past five years, he has been named a "Northern California Super Lawyer." Currently, Mr. Walter is a member of the Board for the Central Valley Business Incubator, he is active with the Fresno Business Council and the Lyles Center for Entrepreneurship and Innovation as well as other civic and legal organizations.

Madam Speaker, I rise today to commend and congratulate Riley Walter for his dedicated service to the Central Valley Business Incubator and the greater Fresno area. I invite my colleagues to join me in wishing Mr. Walter many years of continued success.

## IN MEMORY OF RICHARD CLAREY

## HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Ms. WOOLSEY. Madam Speaker, I rise with sadness today to honor Richard Clarey of Petaluma, California, who passed away January 19, 2010 at the age of 78. Rich was very involved with his family, his work, his union, and his community, especially its children.

Born and raised in rural Iowa, Rich enlisted during the Korean Conflict and was stationed with the U.S. Army at Ft. Hood, Texas. After moving to California, he began training as an electrician in 1957. Twenty years later he was elected business manager of the International Brotherhood of Electrical Workers Local 551 where he fought to improve the lives of working families, advocating for fair treatment, good wages, retirement benefits, and health care. Upon his retirement in 1996, IBEW Local 551 had over 600 members in six counties.

Rich was involved with his church and other civic organizations, including serving a stint on the Cotati school board to ensure that the local kids would get the best possible education. But he is probably best known to a generation as a Little League coach. For 25 years he made sure his young charges played their best and had a good time doing it. He also coached CYO basketball and cheered his own children and grandchildren at various sporting events.

Rich had a wide circle of friends who appreciated his friendly manner, strong character, and Irish story telling. In recent years, he took pleasure in the spirited discussions at Friday morning coffee socials. He particularly enjoyed spending time with his large family and working on his 10-acre farm in Petaluma where he used both his skills as a craftsman and his background as an Iowa farmer.

Rich's first wife Shirley predeceased him in 1987. He is survived by his wife Jean, sons Mitch, Mark, and David; daughters Cyndi, Sue, Bobbi, and Edie; 21 grandchildren; and five great grandchildren.

Madam Speaker, Richard Clarey exemplified what is best in our local communities. He truly cared about people and pitched in where he could to make their lives better. He touched his family, his colleagues, and his many friends. I will miss him, and I am proud to have known him.

## AMERICANS FEEL LESS SAFE

## HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. SMITH of Texas. Madam Speaker, recent polls show that the public is very concerned with the Obama administration's handling of national security.

The latest Investor's Business Daily poll findings show that Americans believe President Obama's policies are soft on terror. The percentage of Americans who feel safe has declined significantly—from 82 percent a year ago, to 67 percent this month.

Additionally, the Pew Research Center recently released findings showing terrorism is the third most important issue to American voters, after jobs and the economy.

This is due in part to the mishandling of the Christmas Day terrorist attempt. Instead of gaining valuable intelligence, Abdulmutallab was given Miranda rights, a move that 61 percent of Americans disagree with. Additionally, Americans continue to overwhelmingly oppose closing Gitmo 2-to-1.

It is clear President Obama's policies have made Americans less safe. And according to the polls, the American people know it.

## IN HONOR OF CASSANDRA LAWRY AND THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

## HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. CASTLE. Madam Speaker, I rise today in recognition of the Uni-Capitol Washington Internship Programme. This program provides Congressional offices with not only tremendous Australian students and employees, but also wonderful people, and I am pleased to have hosted a number of students—including our most recent student, Cassandra Lawry—over the past several years.

The Uni-Capitol Washington Internship Programme was founded in 1999 to offer students from Australia's top universities the opportunity to learn and appreciate the American political system, serve as ambassadors for their country and gain valuable academic and professional experience. Each year, after competing for admission into this highly selective program, these students put their studies on hold and come to Washington, D.C. to intern for eight weeks, largely at their own expense. The Uni-Capitol Washington Internship Programme is not only beneficial for the Australian students, but also for their new co-workers, who are able to gain insight from their unique perspective on political issues.

This year, I have the privilege of hosting Cassandra Lawry. Cass comes to us from Sylvania in New South Wales and is currently completing her bachelor's degree at Wollongong University, where she is studying history and politics. During her time here, Cass has attended briefings, drafted constituent correspondence and assisted my staff with various other administrative duties. Cass's work ethic and positive attitude have made her a great addition to our team. She hopes that experience gained from her internship on Capitol Hill will provide valuable knowledge that she can use in the completion of her degree when she returns home. Following graduation, Cass plans on returning to Washington, D.C. to work on Capitol Hill.

Once again, I thank and commend Cassandra Lawry for her outstanding service to my office and this country, as well as the Uni-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Capitol Washington Internship Programme for connecting us with numerous other dedicated students like her. I look forward to continuing our partnership for many years.

IN RECOGNITION OF THE CONSTRUCTION ASSOCIATION OF MICHIGAN ON CELEBRATING ITS 125TH ANNIVERSARY

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. PETERS. Madam Speaker, I rise today to recognize the Construction Association of Michigan on the occasion of its 125th anniversary. As a Member of Congress, it is both my honor and privilege to recognize this important milestone. In the Association's 125 years of operation it has grown to become both the oldest and largest regional construction association in the United States.

This historic occasion is even more impressive when considering the Association's modest beginnings. The Association was originally founded by 21 prominent Detroit-area construction industry leaders as the Builders and Traders Exchange in 1885. Their vision was to create an organization to provide assistance, information and service to the Michigan construction industry as well as foster opportunities for industry growth and development of relationships between the Michigan construction industry and their clients.

That spark of a vision 125 years ago of what could be has grown into an organization of over 3400 members, which acts as a critical element in creating, perpetuating, and strengthening profitability, efficiency and integrity within the Michigan construction industry. The services that CAM offers to their members now extends to providing leadership and guidance in such significant issues as economic development, continuing education, complete safety training programs and ongoing legislative relations and public awareness efforts.

Madam Speaker, in these tough economic times it is the work of organizations such as CAM that is critical in helping to shepherd their members and our men and women in the construction industry through the perils of economic instability. The 125th anniversary of CAM's founding is indeed a historic milestone for Michigan's construction industry. I would again like to offer my heartiest congratulations to the executive board for achieving such an impressive milestone and I look forward to CAM's continued success in its future endeavors, as well as many many more years of productive service to the State of Michigan.

GROW AMERICA'S SMALL BUSINESSES ACT

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. KENNEDY. Madam Speaker, last fall, after eight years of the previous administration

looking the other way while Wall Street and the big banks gambled, we faced a near collapse of our financial system.

Now, while we pick up the pieces, small businesses in Rhode Island and across the country are struggling to find credit.

The lifeblood of our economy can't afford to wait until the banks are ready to lend again.

Instead of waving fees, guaranteeing loans and doing cartwheels to make banks lend to small businesses, it's time we cut out the middle-man.

It's time we let the SBA lend directly to small businesses, so that our local economies aren't dependent on the decisions of Wall Street.

We don't need Wall Street middle-men slowing down lending to small businesses and skimming profits at the same time.

By lending 20 billion dollars directly to small businesses, the SBA can provide cost-effective help to struggling communities.

There's another way to cut out the middle-man. Let's let small business owners lend to themselves by passing the GROW America's Small Businesses Act.

PERSONAL EXPLANATION

**HON. STEVE KAGEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. KAGEN. Madam Speaker, I was detained in Wisconsin due to weather and missed votes on Tuesday, February 2, 2010. Had I been present for votes on that day, I would have voted "yes" on Rollcall 26, on H.R. 4495—To designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; "yes" on Rollcall 27, on H. Res. 957—Honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion; and "yes" on Rollcall 28, on H. Res. 1014—Recognizing and supporting the goals and ideals of North American Inclusion Month.

IN HONOR OF THE LADIES AUXILIARY OF THE SEAFORD VOLUNTEER FIRE DEPARTMENT

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to the Ladies Auxiliary of the Seaford Volunteer Fire Department as they celebrate their 75th anniversary in the state of Delaware on February 6, 2010.

The Ladies Auxiliary was formed on February 18, 1935, after Mrs. William B. Huston called a group of firemen's wives and friends together with the purpose of forming an organization to support the Seaford Volunteer firemen. Originally known as the 'Seaford Ladies' Volunteer Auxiliary, the women chose Mrs. Huston as their first president, with Mrs. Sallie Robinson, Mrs. Malcolm Orr, Mrs. Norris Tull,

Miss Florence Culver, and Mrs. Charles Marvel supporting the Ladies Auxiliary in other officer positions. The first years saw the women making do with limited means. Without a formal kitchen until 1942, the Ladies Auxiliary used Mary and Charlie Marvel's kitchen to prepare coffee and refreshments for fire scenes.

While the main reason for organizing was to provide refreshments for the firemen during emergency situations, the Ladies Auxiliary of the Seaford Volunteer Fire Department has taken on a great deal more since its formation. Over the last 75 years, they have raised funds to benefit the fire company as well as the town of Seaford, hosting numerous events and fundraisers such as fashion shows, concession stands, banquets, and annual bake sales, craft shows and penny parties. And since the dedication of the new fire house in 1950, the Ladies Auxiliary and the Seaford Volunteer Fire Department have hosted the Delaware Volunteer Firefighter's Association State Convention three times. In 2001, the Ladies Auxiliary began a 'junior' members program for students age 13 and over. Though the Ladies Auxiliary has experienced change over the years, their goal has always remained the same—to serve the volunteer firemen and community of Seaford in any way that they can.

On this 75th anniversary, I would like to recognize the unequalled devotion of the Ladies Auxiliary of the Seaford Volunteer Fire Department. Since 1935, the women of the Ladies Auxiliary have volunteered their time, their energy, and their hearts in support of the Seaford Volunteer Fire Department and its surrounding community. I commend them for their tireless dedication and immeasurable contributions, and I wish them all the best on this momentous occasion.

IN HONOR AND REMEMBRANCE OF ANN KILBANE WING

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Ann Kilbane Wing, beloved wife of the late George C. Wing; and cherished mother, grandmother, great-grandmother and friend to many. Mrs. Kilbane Wing's life centered around her family, faith and her community.

Mrs. Kilbane Wing was a graduate of St. Joseph Academy. Shortly after WWII, she married the love of her life, George Wing. Together, they raised their son, Patrick J. Wing. In 1948, the same year Patrick was born, Mrs. Kilbane Wing became a member of the Federated Democratic Women of Ohio. She was a life-long member, and served as President. Mrs. Kilbane Wing also served as member and President of the VFW Ladies Auxiliary 7th District. Her involvement in politics, particularly in the Democratic Party, extended from Greater Cleveland to throughout the State of Ohio, where she held several key political positions. Mrs. Kilbane Wing was elected as a member of the State Democratic Central Committee,

representing the 23rd District of Ohio and also served as a Cuyahoga County Democratic Executive Committee Member and Democratic Precinct Committeeperson. She also held the role of Parma Heights Democratic Club City Leader for more than fifty years.

Mrs. Kilbane Wing brought energy, warmth, integrity and a great sense of humor to all of her endeavors. She was a devoted wife and mother, a passionate volunteer, and a dedicated employee. For ten years, she worked as the Administrative Assistant to the Treasurer at St. Ignatius High School. She also worked at the IRS for nearly ten years, and worked for many years at the Cuyahoga County Sheriff's Office. Her keen business sense, strong interpersonal skills and unwavering work ethic was noted by many. She was appointed by the Cuyahoga County Commissioners to the position of Business Manager for Cuyahoga County Social Services. In addition, her Catholic faith was a life-long source of strength and comfort. She was an active member and volunteer at Holy Family Parish for more than sixty years.

Madam Speaker and Colleagues, please join with me to honor and remember Ann Kilbane Wing, whose joyous life, dedication to family, faith and community, will always be cherished. I honor the memory of her husband, the late George Wing; and I offer my deepest condolences to her son, Patrick J.; to her granddaughter, Trini; to her great-grandchildren, Hayley, Aaron, Chloe and Joseph; and to her extended family members and many friends. Those who know her will remember her love for family, her commitment to community, and her warm smile and compassionate heart.

#### RECOGNIZING SENATOR CAROLYN ALLEN—PLANNED PARENTHOOD AWARD RECIPIENT

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to applaud the tireless work of Arizona State Senator Carolyn Allen on behalf of women's reproductive rights. This week, Planned Parenthood will honor Senator Allen's commitment to ensuring all Arizona women have the right to seek reproductive services.

In her 16 years of public service at the Arizona Legislature, Senator Allen has continuously displayed tenacity in promoting women's rights. Despite facing loud opposition and political pressure, Senator Allen has never shied away from separating from party lines to support reproductive freedom. A staunch believer in woman's right to choose, Senator Allen opposed legislation that would hinder a woman's ability to seek these vital services. Again and again, Senator Allen stood up against her party and stood with the women of Arizona. Her unwavering dedication has earned Senator Allen the respect and admiration of many of her peers.

As the quest for reproductive freedom continues, Senator Allen's exhaustive efforts remind us of all the dedicated individuals who

diligently work behind the scenes to promote and protect a woman's right to choose. I am humbled to have such a charismatic advocate as a colleague and a friend.

Madam Speaker, please join me once more in congratulating Senator Carolyn Allen as she is honored with this well-deserved recognition.

#### HONORING THE LITHUANIAN INDEPENDENCE DAY COMMEMORATION

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Lithuanian Independence Day Commemoration. The celebration was organized by the Lithuanian American Council of Chicago and will take place at the Lithuanian Center in Chicago, Illinois on February 14, 2010.

The Lithuanian American Council has a proud legacy of action in the Lithuanian American community. Lithuanian Americans have a presence in Chicago, Illinois lasting more than a century. Chicago is home to the greatest concentration of Lithuanian Americans, and I am proud to have so many people of Lithuanian descent in my district. The organization of this event pays due respect to the courageous act of proclaiming a newly independent Lithuanian state in 1918. Although true independence was put on hold until after World War I and the fall of Germany, this single rebellious act paved the way for what has become a free and democratically governed state. Lithuanian Americans have reason to celebrate their heritage proudly, and to remember with great pride the signing of the Act of Independence of Lithuania on February 16, 1918.

I ask you to join me in honoring the Lithuanian Independence Day Commemoration on this important occasion.

#### HONORING THE HEROES OF THE COOPER UNIVERSITY HOSPITAL UPON THEIR RETURN FROM HAITI

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. ANDREWS. Madam Speaker, I rise today to honor Cooper University Hospital for their heroic response to the Haiti Earthquake disaster. The staff of Cooper University Hospital has shown incredible compassion for the victims of the tragedy and for this they deserve great praise.

When the 7.0 earthquake devastated Haiti on January 12, Cooper University Hospital did not hesitate to mobilize an 18-member medical relief team. This team of 18 doctors, nurses, and technicians worked at the Haitian-Dominican Republic border, providing life-saving care under harrowing circumstances. They provided anesthesia, set broken bones, performed surgery and worked to significantly reduce the local mortality rate.

The team has returned home, but their efforts continue. Cooper University Hospital is making plans to bring two Haitian children to Camden for surgery. Even now, the hospital is preparing to send 6,000 sets of canes, crutches, and walkers to Haiti.

Madam Speaker, the service of these 18 people should not go unrecognized. I want to personally thank them for the humanitarian assistance they have provided and I am grateful Cooper University Hospital has continued their long tradition of caring for those in need.

#### HONORING TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. CASTLE. Madam Speaker, it is with great pride that I rise today to acknowledge my home state of Delaware for its promotion of February as Teen Dating Violence Awareness and Prevention Month (TDVAPM).

Dating violence amongst adolescents is a serious and sobering matter. In the U.S., one in three adolescent girls is a victim of physical, emotional, or verbal abuse from a dating partner. In fact, females between the ages of 16 and 24 are the most vulnerable to intimate partner violence, experiencing abuse at almost triple the national average; a resonating two-thirds of teens who experience abuse never tell anyone. These statistics underscore the vital importance of TDVAPM—an opportunity to rededicate ourselves to raising awareness and promoting prevention.

Combating the serious and often overlooked issue of teen dating violence begins with us. We have the power to educate and empower the young people in our communities and in our states. They must be given examples of healthy relationships. They must be taught that speaking out against physical and emotional abuse is crucial and necessary. Their attitudes must be changed away from supporting violence to embracing mutual respect. This is our responsibility—as elected officials and as parents and teachers and mentors—and these are the goals of TDVAPM.

In Delaware, the Teen Dating Violence Awareness and Prevention Initiative has, since its inception, been recognized as the full month of February, and this year marks the first time it will be recognized as such on a national level. Since 2006, Delaware schools and organizations have been partnering together for this worthy cause, demonstrating a commitment to ending teen dating violence and supporting the victims and survivors among us.

Delaware's Teen Dating Violence Awareness and Prevention Month Planning Committee, along with Child, Inc., the Delaware Coalition against Domestic Violence and the Delaware Victims' Rights Task Force, work diligently to not only raise public awareness, but provide young people with the resources they need to receive help and to break the cycle of violence. Today, I wish to thank and recognize these groups and the many other

organizations and individuals involved in this initiative. They are proof that prevention is possible—through empowerment and education.

**HONORING ANDY KYLE, WWII  
VETERAN**

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. POE of Texas. Madam Speaker, the city of Liberty in the Second District of Texas is proud to honor one of its oldest and bravest Veterans of WWII. Andy Kyle has lived an adventurous life full of courage, honor, and spirit all throughout his 95 years. In East Texas he is known as an arrowhead collector, donating the majority of his finds to the Sam Houston Regional Library. He and his late wife Kay were married for nearly 50 years with two daughters, Andrea and Libby.

Andy holds a very distinguished wartime record for his service during WWII. Because he was over the age for pilot school he went to the Army Air Corps for mechanic training completing a 2½ and a half year program in only 6 months. Soon thereafter he became the Crew Chief on a C-47 Dakota transport plane. He served as Crew Chief for 2 years during combat operations in North Africa, Sicily, Italy, England, and France.

As a member of the 50th Troop Carrier Squadron, Andy took on the role of dropping paratroopers and supplies into the war zone. Oftentimes this meant carrying flammable gasoline. One of Andy's great feats was flying 55-gallon drums of gasoline to the East coast of Italy to resupply African American pilots.

The 50th Troop also participated in the infamous invasion of Normandy on D-Day where his plane dropped fully geared paratroopers to the drop zone in France. It was during the Battle of the Bulge that Andy's squadron received the most hits. Of the 13 planes, 6 were lost in trying to aid the Allied Forces. It was a costly victory for the Allies as well as a personal loss for Andy who lost his brother-in-law JG and his other friend Junior Price. Andy still carries pictures of the monument erected in their honor, showing what a caring and honorable soul he is.

Madam Speaker, Andy is one of our many veterans who gave so much to honor our country by serving in a time of war. It is because of his courage and dedication to the United States that we, the Second District of Texas, honor him today.

**THE PRINCIPLES OF THE OATH  
AND LAW OF THE BOY SCOUTS  
OF AMERICA**

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. SHUSTER. Madam Speaker, I rise today to recognize the principles of the Oath and Law of the Boy Scouts of America. This

year marks the Centennial Celebration of the founding of the Boy Scouts of America. On February 8th, 2010 the Penn's Woods Council will be promoting "The Rededication to the Principles of the Scout Oath and Law Ceremony" at the County Courthouses in Pennsylvania's Bedford, Blair, Cambria, Somerset, and Indiana Counties.

The Oath and Law of the Boy Scouts bind the 55 million alumni of the organization at all levels of participation. Among these alumni: lawyers, doctors, industrialists, educators, labor leaders, military leaders, astronauts, and Presidents of the United States. The principles of the Oath and Law propelled them to the tops of their professions, and in some cases to the stars. The Oath expects Scouts to be patriotic, obedient, generous, and upstanding. Indeed, the law requires them to be: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. These principles make good scouts, and they make good citizens.

And that is the greatest legacy of 100 years of the Scout Law and Oath. As Scouts learn the Law and Oath, repeat them, adopt the principles within them, and live them, they learn at the same time how to be good Americans. The accomplishments of many of our citizens drew on the timeless virtues they developed as Scouts. Such a record of good work deserves another 100 years. I applaud the Boy Scouts of America for their excellent virtues and their success in living them. I commend the Penn's Woods Council for its work in central Pennsylvania. I hope they continue to contribute to our country for years to come.

**HONORING CLAUDE LAVAL III**

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Claude Laval upon his retirement as the Chairman of the Board of Directors for the Central Valley Business Incubator. Mr. Laval will be honored on Thursday, December 10, 2009.

Mr. Claude Laval was born and raised in Fresno, California. Upon his graduation from Fresno High School, he attended and graduated from Stanford University. After returning to the Central Valley, Mr. Laval had a calling to help develop the greater Fresno area. Mr. Laval established the Claude Laval Corporation over thirty years ago. The company has become a worldwide leader in water technology with a strong reputation for supplying water filtration equipment around the world and leading the company into a range of industrial, commercial and agricultural markets. He currently serves as Chairman of Claude Laval Corporation, while his daughter, Melinda Laval, serves as President.

In addition to his responsibilities with his own business, Mr. Laval has served as Chairman of the Board of Directors of the Central Valley Business Incubator (CVBI) since inception in 1996. The mission of CVBI is to nurture and develop entrepreneurs through an integrated network of incubation and business de-

velopment partners providing access to comprehensive services aimed at creating sustainable high growth ventures. Under Mr. Laval's leadership, CVBI has created over two thousand five hundred jobs, raised millions of dollars in start-up capital and hundreds of students have completed various entrepreneur training programs offered by the organization.

In March 2007, the Claude Laval Water and Energy Technology (WET) Incubator was established under the CVBI umbrella. The WET Incubator was designed to establish the Central Valley as a world wide leader in water and energy innovation. With almost three years into the project, the WET Incubator houses five on-site members and has been very successful in its endeavors. Finally, Mr. Laval is also serving as the Chair of the International Center for Water Technology (ICWT). ICWT was established to provide education and research to assist in developing innovative solutions and technologies to improve water use efficiency.

Madam Speaker, I rise today to commend and congratulate Claude Laval for his years of dedicated service to the Central Valley Business Incubator and business and water leadership in the greater Fresno area. I invite my colleagues to join me in wishing Mr. Laval many years of continued success.

**PERSONAL EXPLANATION**

**HON. CHRISTOPHER P. CARNEY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. CARNEY. Madam Speaker, on Tuesday, February 2, I was unable to cast my vote on three suspension bills.

Had I been present, I would like the RECORD to reflect that I would have voted:

"yes" on rollcall Vote 26; "yes" on rollcall vote 27; and "yes" on rollcall vote 28.

**TRIBUTE TO SPECIAL AGENT  
RALPH BLINCOE**

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. COBLE. Madam Speaker, I rise to pay tribute to Special Agent Ralph Blincoe, Deputy Director, Management and Administration, of the Naval Criminal Investigative Service (NCIS), who will retire from that agency on February 27, 2010, after 28 years of highly distinguished service.

Mr. Blincoe began his career as a Special Agent in 1982 with the then-named Naval Investigative Service (NIS) after graduating cum laude from Guilford College in Greensboro, NC. After being selected for and completing the first NIS special agent basic class to graduate from the Federal Law Enforcement Training Center's Criminal Investigator Training Program, Mr. Blincoe assumed his first duty assignment in San Diego, CA. While there, he served on the narcotics squad and, became dedicated to investigating procurement fraud

matters. Mr. Blincoe was the first NCIS case agent to work a Group I undercover fraud operation with the FBI code-named "Sandfish," which resulted in the conviction of multiple contractors and naval personnel for kickbacks and bribery. In 1986, Mr. Blincoe was short-toured from his assignment in Hawaii and transferred to the first of three NCIS Headquarters tours to become the co-case agent on Operation Iron Eagle, a massive effort focused upon corruption and irregularities committed by members of Seal Team 6, resulting in numerous indictments and convictions of civilians and military members including famed Navy Seal Richard Marcinko. For his efforts, Mr. Blincoe received a Navy Special Act Award and the Department of Defense Inspector General's Award for Investigative Excellence.

Following Supervisory Special Agent tours at NCISRA Washington, D.C., and Jacksonville, FL, Mr. Blincoe was reassigned as the Supervisory Special Agent at Rota, Spain. Mr. Blincoe believes his three years in Spain were amongst the best of his life due to the excellent staff, great work, and close working relationships he developed with the Spanish law enforcement and intelligence agencies. It was also in Spain where Mr. Blincoe led a dedicated team of NCIS personnel whom were credited with saving the lives of two naval officers. As a result, Mr. Blincoe was awarded the Navy Superior Civilian Service Medal. In 1995, Mr. Blincoe moved to Naples, Italy and served as an Assistant Special Agent in Charge.

In 1997 Mr. Blincoe was transferred back to NCIS Headquarters and then in 1999 was appointed the Deputy Assistant Director for Criminal Investigations. It was during this time period that he was selected to be the Navy's lead for the removal of hundreds of protestors from the Navy's bombing range at Vieques Island, Puerto Rico. This highly emotional crisis received daily international media attention, involved multiple federal agencies, and briefings to the senior-most levels of government. The removal plan was flawlessly executed and Mr. Blincoe received the Navy's Meritorious Civilian Service Medal for his efforts.

After tours as the Special Agent in Charge at NCISFO Washington and as the Assistant Director for Administration, Mr. Blincoe was selected to be the first NCIS Executive Assistant Director for Combating Terrorism following the tragic events of 9/11. It was during this time period that Mr. Blincoe was promoted to the Senior Executive Service and has noted that he is particularly proud of the development of the counterterrorism strategies he and his team put together shortly after 9/11, many of which still endure today. Following his 2004 to 2006 assignment as the Executive Assistant Director for Atlantic Operations in Norfolk, VA, Mr. Blincoe returned to Washington for the final time when he was selected by Former NCIS Director Thomas Betro to be the Deputy Director for Operations, a position he held during one of the most demanding operational tempos in the agency's history. Some highlights of that time period include the Haditha/Hamdan investigation, the Chi-Mak and Ariel Weinmann espionage investigations, and the rebuilding of the NCIS economic crimes and proactive criminal operations programs. In 2008, Mr. Blincoe moved to the Management

and Administration position and focused much of his time in the areas of leadership development, increasing diversity, the upcoming BRAC moves to Quantico and Fort Meade, and improving the expeditionary communications capability of NCIS.

In retirement, Mr. Blincoe intends to initially volunteer his time and energy to various charitable causes in the greater Washington, D.C., area and then explore employment opportunities in the private sector. Madam Speaker, I would like to take this opportunity to thank Mr. Blincoe for his 28 years of outstanding public service and to wish him fair winds and following seas as he begins the next chapter of his life.

#### RECOGNIZING NINA HUMPHRIES OF ZEPHYRHILLS, FLORIDA

#### HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Nina Humphries of Zephyrhills, FL. On February 1, 2010, Nina did something that all of us strive to do, but that very few of us will ever accomplish; she celebrated her 105th birthday.

Nina Humphries was born February 1st, 1905 in Ontario, Canada. She originally came to the United States to attend nursing school in Buffalo, New York.

Widowed by her late husbands George Clayton and Ed Humphries, Nina cherishes the time she spends with her family. She has two children, Anita and Robert, six grand children, and four great grand children.

Madam Speaker, on February 5th, the city of Zephyrhills will honor Nina's life achievements. I ask you to join me today in honoring her on the floor of this House. May we all have the good fortune to live as long as she.

#### TRIBUTE TO RALPH "BUZZ" COHO, OUTSTANDING ROTARIAN

#### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Mr. PITTS. Madam Speaker, this week I will be proud to attend a dinner honoring an outstanding member of our community in the 16th District of Pennsylvania, Ralph "Buzz" Coho.

Born on the Fourth of July, Ralph likes to be known as a genuine Yankee Doodle Dandy who loves his community and his country.

He served his country with honorable service in the United States military and served his community as an honest businessman.

Ralph is known as "Mr. Rotary" around Lancaster County and has been an outstanding ambassador for the organization since 1934 when he first joined the Lancaster club at the age of nineteen.

Twenty years later he formed the Lancaster Northeast Rotary Club.

In his time with Rotary International, he has championed the formation of 11 clubs in District 7390.

In 2004, he was awarded the District 7390 Lifetime Achievement Award.

In both his business and his personal affairs he has faithfully honored the Rotary Four-way Test: Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? And, will it be beneficial to all concerned?

He is still very active with Rotary International and three clubs in his district are honoring him with an honorary flagpole in front of the new Manheim Township library.

A flag flown over the United States Capitol will wave in honor of Ralph "Buzz" Coho.

I am pleased to honor this upstanding and outstanding member of our community and thank him for his decades of exemplifying the Rotary motto, "service above self."

#### ASSISTANCE TO HAITI

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Mr. HONDA. Madam Speaker, I rise today to commend the compassionate work of the tens of thousands members of the U.S. armed forces, federal agencies, NGOs, international organizations, and volunteers on the ground providing direct assistance to the people of Haiti. Our brothers and sisters from the island nation of Haiti are facing an unimaginable human catastrophe as the country works to recover from the magnitude-7 earthquake that struck on January 12, 2010, the largest recorded in Haiti in over a century. By providing critical services ranging from emergency medical care and food distribution to helping maintain security, these men and women represent the best of the humanitarian character and make us all proud.

It is prudent, then, that we match their bravery and selflessness in the epicenter of the disaster with a compassionate, multi-pronged response. President Obama quickly brought the focus of the relevant federal agencies onto Haiti, and Congress has acted swiftly to encourage the American people to contribute to the effort by passing H.R. 4462, which would allow taxpayers to deduct charitable cash donations for the relief of victims of this tragic event on their 2009 income tax returns.

Further, I recognize that the Government of Haiti cannot afford to invest in humanitarian relief, reconstruction, and development efforts, while continuing to make payments on debts owed to multilateral financial institutions like the International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank. Even before the earthquake, debt service payments to these institutions were a tremendous burden that interfered with the ability of the Government of Haiti to meet the needs of its people. For this reason, I have long been a supporter of efforts to cancel Haiti's debts owed to these multilateral financial institutions, and I have reiterated my call for debt cancellation in the wake of the earthquake. In addition, many of my colleagues and I have joined the effort to extend temporary protected status to Haitian nationals who are currently in the U.S. so that they can assist their fellow countrymen and women through remittances and other support.



The effect of the earthquake on Haiti is reflected not only in the thousands of buildings destroyed, but more accurately in the cost of human lives and families devastated. According to United Nations Secretary-General Ban Ki-moon, "[o]f Haiti's 9 million people, initial reports suggest roughly a third may be affected by the disaster." The international humanitarian and security response has already provided much needed shelter, food, and medical support. As these initial efforts unfold, the need expands into maintaining security, reestablishing the democratically elected government, and providing sustainable services to the people of Haiti. To help fulfill this need, I am a proud cosponsor of the Next Steps for Haiti Act (H.R. 417). Introduced by my dear friend Congresswoman BARBARA LEE, H.R. 417 would support the capacity building efforts by the Haitian government and civil society, supporting President Obama's commitment to support the people of Haiti in their efforts to not only recover from this human catastrophe but also to hold on to and work hard toward their vision of a strong economy and democracy.

Once again, Madam Speaker, I join my colleagues in expressing my condolences to the victims' families, both here at home and on the island, and encourage all Americans to help in Haiti's rescue, recovery and empowerment.

#### PERSONAL EXPLANATION

##### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. PUTNAM. Madam Speaker, on Tuesday, January 26, 2010, I was not present for 3 recorded votes. I would have voted the following way: roll No. 17—"yea"; roll No. 18—"yea"; roll No. 19—"yea".

#### PAYING TRIBUTE TO TRAIL- BLAZING TUSKEGEE AIRMAN LEE ARCHER

##### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate the legacy of Lee Archer, who—despite facing a host of racial injustices—tirelessly defended our Nation as a member of the Tuskegee Airmen, the first African American unit of the U.S. Army Air Corps. Archer died last Wednesday in New York City at the age of 90.

The Harlem-raised Airman is credited with defeating four-and-a-half enemy aircrafts. He has been awarded the Distinguished Flying Cross, the Air Medal with 18 Clusters, the Presidential Unit Citation, and a host of other accolades honoring his service to this country. Most recently, Archer and his fellow Tuskegee Airmen were conferred the Congressional Gold Medal, the highest honor bestowed by Congress.

Before Archer retired from the military in 1970, he flew 169 combat missions—three times the typical number for white pilots—and attained the rank of lieutenant colonel. Archer's deftness at piloting was incontestable; nonetheless, enlisting in the Army Air Corps proved to be no easy feat for him. In 1941, he was rejected from pilot training on the sole basis of his race. Originally deemed too intellectually inept to fly a plane, Blacks were not allowed to join the Army Air Corps until the 1940 appointment of Col. Benjamin O. Davis, Sr., as the Army's first Black brigadier general. Archer graduated from pilot training in 1943 and joined the all-Black Tuskegee Airmen. The experiences of Archer's father, a World War I veteran, taught Archer that willingness to lay down one's life for his country does not necessarily assuage the racism that he faces. In a 2008 interview with the Journal News, Archer stated of his father: "he came home from World War I and nothing had changed despite the fact that he fought his butt off for our country."

Lee Archer's devotion to breaking barriers extended far beyond his experiences in the U.S. Military. After retiring from the military in 1970, the New York University-educated Archer was named Corporate Vice President of one of America's most successful companies, General Foods, thereby making Archer one of the first Black executives of a major American corporation. In 1987, his legacy was broadened when he founded Archer Asset Management, a venture capital firm. Archer's successes as an entrepreneur, executive, and serviceman are unparalleled.

Notwithstanding the bigotry and racism that he faced in his attempts to defend his country, Lee Archer became an imperturbable force in the U.S. Military. Archer and his comrades proved that African Americans, too, possess an extraordinary capacity to provide exemplary service to our Nation. Although he was not always able to take advantage of the principles of freedom and equality upon which this Nation was founded, he assiduously defended these principles, and invariably impacted the future of our country.

#### PERSONAL EXPLANATION

##### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. LARSON of Connecticut. Madam Speaker, on February 2, 2010, I missed roll-call votes 26, 27, and 28. Had I been present, I would have voted "yea" on all.

#### CONGRESS SHOULD GET A BETTER HANDLE ON THE EPA

##### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. SKELTON. Madam Speaker, in 2007, the U.S. Supreme Court ruled in *Massachusetts v. EPA* that the U.S. Environmental Pro-

tection Agency, or EPA, had authority under the Clean Air Act to regulate greenhouse gas emissions. Since that time, EPA has been putting in place a framework to do just that.

I do not agree with the Supreme Court. Congress never explicitly granted EPA the authority to regulate greenhouse gases, like carbon dioxide, under the Clean Air Act. That law was enacted years ago and was meant to eliminate lead in the air and to reduce smog.

Because of the Supreme Court's ruling, the EPA has put in motion the process of writing complex rules to regulate emissions from both mobile and stationary sources in the United States—meaning both from automobiles, mobile, and from factories, farms, and power plants, stationary.

I have serious concerns with the powers given to the EPA by the 2007 Supreme Court ruling, and many people in Missouri's Fourth Congressional District share my view, particularly relating to possibly costly regulations of stationary emitters.

In recent years, Congress has been working to get a better handle on EPA and to create a different approach to confronting global climate change, an issue that many scientists and national security experts have concluded could be a real threat to America's long-term domestic and international interests.

In most cases, the discussion in Congress and throughout the country regarding the need for action to slow climate change has been very non-partisan, with Republicans, Democrats, and Independents agreeing that some sort of shift in energy policy should occur. There has been tremendous debate, however, regarding just how best to gain better oversight of EPA while reducing potentially harmful emissions.

After hearing for years from farmers, rural electric cooperative members, and others about their fear of the EPA in this area, I voted in 2009 for legislation that would, among other things, prevent EPA from regulating greenhouse gas emissions on farms and elsewhere and would instead create a market based trading system, called cap and trade, designed to cap these emissions over time.

The legislation that passed in the House, H.R. 2454, the American Clean Energy and Security Act, would also promote homegrown, clean burning renewable fuels by eliminating regulatory requirements at EPA that unfairly restrict renewable energy production in rural America. In particular, it would temporarily stop the EPA from holding U.S. producers responsible for land use changes in other countries, expand the definition of what qualifies as renewable biomass, and include a program to help fund the installation of blender pumps that will help make clean-burning renewable fuels more readily available in America. These provisions are valuable for rural America, which is why it was important to keep this bill moving forward and not to let it die in the House.

I realize H.R. 2454 contained other controversial provisions, some of which I did not support. That is why I pledged at the time to work with my colleagues to refine the bill or to oppose it during final deliberations if that was not possible.

In particular, I was skeptical of the so-called cap and trade system envisioned under H.R.

2454. I have met with Fourth District residents about cap and trade since the vote and am more convinced than ever there is little support for it in my district. In fact, many rural Missourians are downright fearful of the unintended consequences associated with cap and trade.

This year, Congress must set aside cap and trade and instead piece together a scaled back, bipartisan energy bill that gets a better handle on EPA; strengthens America's renewable fuels policies for ethanol, biodiesel, and biomass; encourages responsible domestic exploration of oil and natural gas; expands clean nuclear energy; ensures America's propane industry, which is vital to rural America, remains a key priority; imposes a reasonable renewable electricity standard, with close consultation with utilities, that requires use of renewable fuels in addition to coal and natural gas; and invests in clean energy research and development that will benefit colleges and universities, non-profits, and businesses and allow the United States to become a leader in renewable energy jobs.

Right now, it appears that even a scaled back energy bill is on shaky ground in the Senate. While Senator JEFF BINGAMAN, a Democrat from New Mexico, and Senator LISA MURKOWSKI, a Republican from Alaska, have passed a bipartisan bill out of the Senate Energy and Natural Resources Committee, more recent attention has focused on a bill introduced by Senator BARBARA BOXER of California and passed out of the Senate Environment and Public Works Committee. The more liberal tone of the Boxer legislation has, frankly, alienated conservative Democrats, such as I.

Legislative stalemate combined with aggressive actions by EPA to regulate greenhouse gas emissions without explicit authority from Congress make more urgent Congress' need to assert leadership and to make clear that EPA does not have authority to regulate these sorts of emissions under the Clean Air Act.

That is why I have introduced bipartisan legislation in the House to address this very serious issue.

On February 2, 2010, I introduced H.R. 4572, a bill to prohibit EPA from regulating greenhouse gas emissions under the authority of the Clean Air Act. My bill would also stop EPA from holding U.S. producers and renewable fuels industries responsible for land use changes in other countries and would expand the definition of what qualifies as renewable biomass under U.S. energy law.

Congressman COLLIN C. PETERSON, the Chairman of the House Agriculture Committee, and Congresswoman JO ANN EMERSON, R-Missouri, joined me as original cosponsors of H.R. 4572. This legislation will send a clear message that many of us in Congress are just plain concerned about what EPA is trying to do under the authority of the Clean Air Act and are ready to do something about it.

I am very hopeful that H.R. 4572 will become law or will be included in any sort of scaled back energy bill that could conceivably be drafted this year. In my view, enacting common sense, bipartisan energy legislation, like the bill I have introduced, will help build consensus among the American people and Congress on energy and environmental policy

issues and would allow for the United States to reduce greenhouse gas emissions over time.

HONORING THE SERVICE OF HIS  
EXCELLENCY ZHOU WENZHONG,  
AMBASSADOR EXTRAORDINARY  
AND PLENIPOTENTIARY OF THE  
PEOPLE'S REPUBLIC OF CHINA  
TO THE UNITED STATES

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to honor the service of my good friend, His Excellency Zhou Wenzhong, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to the United States. Ambassador Zhou is completing his term as Ambassador to the United States after more than five years of service.

During his long and distinguished career working for China's Ministry of Foreign Affairs, Ambassador Zhou has been deeply involved in building United States-China relations serving as Attaché and then Third Secretary of the Embassy of the People's Republic of China to the United States from 1978 to 1983, Deputy Consul General in San Francisco from 1987 to 1990, Deputy Director General of the Department of North American and Oceanian Affairs from 1993 to 1994, Consul General in Los Angeles from 1994 to 1995, Minister of the Embassy of the People's Republic of China to the United States from 1995 to 1998, Assistant Minister of Foreign Affairs from 2001 to 2003, Vice Minister of Foreign Affairs from 2003 to 2005 and, most recently, Ambassador Extraordinary and Plenipotentiary of the People's Republic to the United States from 2005 to 2010.

Ambassador Zhou has effectively represented his country with honor by ensuring constructive cooperation and effective communication between United States and Chinese leaders through many initiatives including the establishment of new senior-level political dialogues such as the United States-China Strategic and Economic Dialogue.

Ambassador Zhou has also been a strong advocate for deeper United States-China economic relations, helping Chinese companies to increase their investments in the United States and demonstrating to Americans the opportunities presented by markets in China. Ambassador Zhou has personally visited nearly every state in the United States to meet with American businesses and workers to promote bilateral economic relations.

Through frequent and productive communications with the United States Congress and by strengthening the United States-China Interparliamentary Exchange, Ambassador Zhou has helped foster mutual understanding and respect between the two governments.

Ambassador Zhou has also helped to inform America's understanding of China by overseeing numerous educational and cultural events during his time as Ambassador and, during his tenure, there has been a dramatic increase in people-to-people exchanges as more United States citizens travel to China

and more Chinese citizens visit the United States.

For these and many other reasons, I pay special tribute to Ambassador Zhou and commend him for his leadership and tireless efforts in promoting goodwill between our governments and people. I offer Ambassador Zhou and his dear wife, Madame Xie, my sincere best wishes as they return to their home in China. They will be greatly missed.

H. RES. 1023

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Mr. SULLIVAN. Madam Speaker, I rise to state for the RECORD that today I introduced H. Res. 1023, challenging the constitutionality of the House and Senate passed health care bills with respect to the individual mandate requiring American citizens to purchase government approved health insurance. My resolution also demands the removal of the individual health insurance mandate from any final healthcare reform bill that Congress considers.

H. Res. 1023 builds off the efforts of at least 36 state legislatures, including Oklahoma, that are looking to limit or oppose health mandates in the House and Senate passed health care reform bills that would require purchase of government approved health insurance. These state actions are in direct opposition to the draconian national health care reform measures that are currently under consideration by the House and Senate.

Throughout the healthcare debate, the Administration and this Congress have largely ignored the most fundamental question of all—whether or not the Federal Government is overstepping its constitutional bounds by taking over our healthcare system. Even back in 1994, the nonpartisan Congressional Budget Office, CBO, wrote that it would be an unprecedented form of Federal action for Congress to mandate that all individuals are required to purchase health insurance. I introduced this resolution to send a strong message that the personal mandates in both the House and Senate passed healthcare bills are unprecedented and unconstitutional—nowhere in the Constitution is Congress given the power to force Americans to purchase a good or service or enter into a contract—which these bills would do.

By forcing Americans to purchase government approved health insurance, the Administration and the Democrat majority are essentially saying that you don't have a right to choose what health insurance plan is best for you, your family or your business—I strongly disagree.

There are better ways to bring health insurance to the uninsured. There are incentives that Congress could pass right now with bipartisan support—such as allowing individuals to purchase insurance across state lines to reduce cost, and offering tax deductions for individuals and families who are uninsured—that would make purchasing insurance easier and cheaper for all Americans. Unfortunately, the

House and Senate passed healthcare bills coerce and compel individuals to purchase insurance with tax penalties and possible prison terms.

#### PERSONAL EXPLANATION

### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Wednesday, January 27, 2010.

I would have voted "no" on roll call vote No. 20 (on agreeing to H. Res. 1038, which provides for consideration of H.R. 3726 and H.R. 4474), "aye" on rollcall vote No. 21 (on motion to suspend the rules and agree to H. Res. 1024), "aye" on rollcall vote No. 22 (on passage of H.R. 4474), "no" on rollcall vote No. 23 (on passage of H.R. 3726), "aye" on rollcall vote No. 24 (on motion to suspend the rules and agree to H.R. 4508), "aye" on rollcall vote No. 25 (on motion to suspend the rules and agree to H. Res. 1020).

#### HONORING REZA ASSEMI

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Reza Assemi upon being awarded with the "You Get It Award" by the Greater Fresno Area Chamber of Commerce and Image Fresno Coalition. Mr. Assemi will be honored on Wednesday, December 16, 2009 in Fresno, California.

Mr. Reza Assemi was raised in Fresno, California. He attended Bullard High School and California State University, Fresno where he earned a Bachelor's degree in Philosophy. After college, he resided in both San Francisco and Los Angeles seeking a viable art community where he could live and work. In 2000, with an idea in mind, Mr. Assemi returned to Fresno with a vision for creating a thriving arts community in downtown Fresno. With his father as a financial partner, Mr. Assemi purchased the former Red Cross Building and in sixteen months the Pearl Building was up and running as a true multi-use building. The Pearl Building now serves as a place for artists to live, work and show their work to the public. It also has a community space with plenty of room to bring in guest artists and show their work without opening the doors to private living spaces.

Shortly after developing the Pearl Building, Mr. Assemi took on a redevelopment project for the Vagabond Motel, also located in downtown Fresno. The building is about a block away from the Pearl Building, making the site perfect for creating a community and helping the area grow. This is also a mixed use project; the site also serves as a commercial space, affordable housing, and artist spaces at

market rate rent. Since then, Mr. Assemi has completed one project after another.

In the ten years since moving back to Fresno, Mr. Assemi has brought nearly two hundred residential units to downtown Fresno. His most recent project, the Iron Bird Lofts, was completed December 1, 2009. He has already begun looking to his next project, restoring a historic downtown Fresno building to create twenty-three residential lofts. His vision for establishing a viable, economically stable neighborhood and thriving arts community has made Mr. Assemi a pioneer in the downtown development of Fresno.

Madam Speaker, I rise today to commend and congratulate Reza Assemi for his tremendous contributions to the revitalization of downtown Fresno and upon being awarded the "You Get It Award." Invite my colleagues to join me in wishing Mr. Assemi many years of continued success.

#### MEDIA GIVE OBAMA BETTER COVERAGE THAN BUSH

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. SMITH of Texas. Madam Speaker, the national media gave President Obama about twice as much favorable news coverage as they gave former President George W. Bush during the first year of their presidencies, according to a study by the Center for Media and Public Affairs.

The analysis revealed that while around half the stories about President Obama were positive, just 25 percent of stories about President Bush were favorable.

Not surprisingly, the New York Times gave President Obama the most favorable coverage, followed by Time Magazine and Newsweek.

It's no wonder seven out of ten Americans say the national media are promoting the Obama presidency, according to a recent public opinion poll.

The national media should give Americans the facts, not tell them what to think.

#### INTRODUCTION OF THE SMALL BUSINESS JOB CREATION TAX ACT 2010

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mrs. MALONEY. Madam Speaker, since the recession began in December 2007, 8 million jobs have been lost in America. The unemployment rate has more than doubled since then to 10% and the underemployment rate is at 17%. To keep pace with population growth, 127,000 jobs must be created each month just to keep unemployment from rising. Historically, small business has generated 64 percent of net new jobs over the past 15 years, according to the Small Business Administration.

That is why today, along with Congressman GENE GREEN, I am introducing the Small Business

Job Creation Tax Act 2010. This bill will provide tax cuts to employers who increase their payroll over one year based on a percentage of that increase.

This legislation will provide businesses a tax cut worth 15 percent of the cost of a new job. Small businesses would receive an additional 5%, allowing them to deduct 20% of their increased payroll costs. The tax cut would be structured based on a firm's quarterly payroll increase over the previous year, meaning companies would also have an incentive to expand part-time workers to full-time, or eliminate salary cuts instituted during the downturn. This would also provide protection against fraud by preventing employers from firing and re-hiring employees to claim the tax cut. The legislation would also contain additional protections against abuse by including a limit on the tax cut claimed by any one firm to \$500,000 and excluding mergers or acquisitions where no new jobs are actually created.

In his State of the Union Address, President Obama stressed the importance of creating jobs. I cannot think of a more important action we can take as a Congress than creating incentives for businesses to grow their job force. I urge my colleagues to support this important legislation.

#### THE BREWERS EXCISE AND ECONOMIC RELIEF ACT OF 2009

### HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. SHERMAN. Madam Speaker, I have co-sponsored the Brewers Excise and Economic Relief Act of 2009, H.R. 836. I have been informed that it is highly unlikely that this bill will reach the floor of the House. Accordingly, it is highly unlikely that we will act to reduce the tax on beer.

I also have been informed that co-sponsorship of the Brewers Excise and Economic Relief Act is the best way to demonstrate to congressional leadership that there is not support in the House for any increase on the tax on beer. I am told that this is the intended message of some, and perhaps most, of the 242 cosponsors of the bill.

I am quite mindful of the large national debt. Still, I wish to be counted among those who are opposed to an increase in the tax on beer.

#### OUR UNCONSCIONABLE NATIONAL DEBT

### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,360,943,989,345.48.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,722,518,243,051.68 so far this Congress.

Last week, the Congressional Budget Office released their Budget and Economic Outlook: Fiscal Years 2010–2020. They estimate a deficit of \$1.3 trillion for fiscal year 2010. This debt and its interest payments we are passing to our children and all future Americans.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 4, 2010 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### FEBRUARY 5

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for January 2010.

SH-216

##### FEBRUARY 9

9:30 a.m.

Armed Services

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for Defense Authorization and the Future Years Defense Program.

SD-G50

10 a.m.

Budget

To hold hearings to examine the economic outlook and risks for the Federal budget and debt.

SD-608

Energy and Natural Resources

To hold hearings to examine financial transmission rights and other electricity market mechanisms.

SD-366

Environment and Public Works

To hold hearings to examine the nominations of William D. Magwood, IV, of Maryland, William Charles Ostendorff, of Virginia, and George Apostolakis, of Massachusetts, all to be a Member of the Nuclear Regulatory Commission.

SD-406

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine child prostitution and sex trafficking in the United States.

SD-226

10:30 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine foster care and family services in the District of Columbia, focusing on challenges and solutions.

SD-342

2:30 p.m.

Armed Services

To receive a closed briefing on policies, procedures, and practices relating to the transfer of detainees held at the Guantanamo Detention Facility.

SVC-217

Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Transportation.

SR-253

Environment and Public Works

To hold hearings to examine the nominations of Arthur Allen Elkins, Jr., of Maryland, to be Inspector General, Environmental Protection Agency, Earl F. Gohl, Jr., of the District of Columbia, to be Federal Cochairman of the Appalachian Regional Commission, and Sanford Blitz, of Maine, to be Federal Cochairperson of the Northern Border Regional Commission.

SD-406

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of Public Law 111-11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

SD-366

##### FEBRUARY 10

9:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

Homeland Security and Governmental Affairs

To hold hearings to examine the proposed budget request for fiscal year 2011 for the Department of Homeland Security.

SD-342

Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

4 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

#### FEBRUARY 11

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program.

SD-366

11:30 a.m.

Energy and Natural Resources

Business meeting to consider any pending nominations.

SD-366

#### FEBRUARY 23

9:30 a.m.

Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.

SD-G50

#### FEBRUARY 25

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SVC-217 following the open session.

SD-G50

#### MARCH 2

2 p.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation from Disabled Veterans of America.

345, Cannon Building

#### MARCH 4

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.

345, Cannon Building

#### MARCH 9

9:30 a.m.

Armed Services

To hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SH-216

Veterans' Affairs

To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.

SD-G50

#### MARCH 11

9:30 a.m.

Armed Services

To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program;

with the possibility of a closed session  
in SR-222 following the open session.

SD-G50

9:30 a.m.

Veterans' Affairs

To hold hearings to examine legislative  
presentations from AMVETS, National  
Association of State Directors of Vet-

MARCH 18

erans Affairs, Non Commissioned Offi-  
cers Association, Gold Star Wives, The  
Retired Enlisted Association, Fleet Re-  
serve Association, Vietnam Veterans of  
America, and Iraq and Afghanistan  
Veterans of America.

SD-G50

# HOUSE OF REPRESENTATIVES—Thursday, February 4, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

In thanks and gratitude we breathe the life-giving spirit of a new day, a day filled with creative potential and possibility.

As on the first day, may this day be "in the beginning." May we see the goodness and abundance of creation. May we embrace the name given to us, Human—from the Earth. May we look into the eternal waters and see in our own reflections the image of the name that cannot be named, the eternal living presence we call by many names. May we see both the human and the divine in ourselves and every other person. May we see the eternal presence of life in all creation.

May the light of the first day be our guiding vision for every day, particularly within the deliberations and decisions among the minds, spirits, and imagination of these Chambers, leading us to see and respect the sacred dignity and worth of everyone and everything, everywhere.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

## AIG BONUSES

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to express my disappointment and dismay with AIG's decision to pay \$100 million in bonuses to executives. These are not just any employees but those from the financial products division, the same group that created the flimsy derivatives that caused such a catastrophe for our economy in late 2008.

With taxpayer dollars allowing to keep AIG afloat and ordinary Americans facing 10 percent unemployment, I don't know who would have thought this announcement would be well-received by the American people. It may be that these bonuses were legally obligated before the AIG crash, but I'm sure that all the brainpower that created AIG's complicated financial products can figure out a way, as the American people would, to simply say "no."

## CONGRATULATING THE MIAMI-DADE COUNTY FIRE RESCUE URBAN SEARCH AND RESCUE TEAM FOR THEIR EFFORTS IN HAITI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. My sincerest thanks and congratulations to the Miami-Dade County Fire Rescue Urban Search and Rescue team for their heroic efforts in aiding the relief work in Haiti. Their courage and dedication to helping save lives are examples for us all. Under the leadership of Division Chief Dave Downey, an 80-man team was sent to Haiti 1 day after it was ravaged by a magnitude 7.0 earthquake.

I would like to commend Miami-Dade Fire Rescue, under the direction of

Fire Chief Herminio Lorenzo, for their courageous commitment and dedication to saving lives in south Florida and worldwide. As a result of their work in Haiti, lives have been saved and many more individuals have been aided.

Their selfless dedication and sense of mission are testaments to our Nation's highest principle. The team's experience in disaster relief efforts during Hurricane Katrina, in the aftermath of 9/11, and the 1999 earthquake in Turkey, as part of the national Urban Search and Rescue Response System, were invaluable to their rescue efforts in Haiti. Congratulations to all.

## FISCAL RESPONSIBILITY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Last week I joined with several of my colleagues in the Blue Dog and Populist Caucuses to call for a budget plan that is fiscally responsible. As I have said before, along with the President, if the American family has been tasked with tightening its belt, in this time of economic recovery, then so should Congress.

Pay-as-you-go legislation is on the floor today, and I have never been more optimistic about this key piece of legislation being passed and Congress returning to a time where a balanced budget was the goal, not outrageous deficit spending like that which was done under the previous administration.

I have also promised to work with the members of the Populist Caucus to ensure that big banks and Wall Street firms are held accountable for damage they have done to hardworking American families. If it is the fault of these huge banks and firms that we are in this situation, then they should pay to get us out of it.

I am proud to join with both the Blue Dog and Populist Caucuses in promoting fiscal responsibility and a new, responsible way forward for this country's economic future.

## DIGGING THE DEEP HOLE OF DEBT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, today we are voting on whether or not to raise the debt limit so the government can borrow more money. Borrowing and spending is out of control.

This is one of my kid's old credit cards. When it reached the spending limit, it meant there was no more room on the credit card for one of my four kids to spend more money. So when it reached the limit, they begged Daddy to raise the limit so they could spend more money. And if I raised the limit, spending always increased until that new limit was reached.

Today we're voting on whether or not to add \$1.9 trillion more to the national credit card limit. So what happens if we say "no" to all the borrowing? We might have to quit spending money. Do the American people really want their government spending and borrowing less money? I think they do.

This is my congressional voting card. I will be using this card to vote against more debt on the American people. When you find yourself in a financial hole, stop digging.

Don't borrow more money and buy a backhoe and dig a deeper hole of debt. And that's just the way it is.

#### YUCCA MOUNTAIN JOHNNY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Madam Speaker, on behalf of Yucca Mountain Johnny and the people of the State of Nevada, I want to thank the President for putting the kibosh on the Yucca Mountain project, which would have shipped 77,000 tons of toxic nuclear radioactive waste across 43 States to be buried in a hole in the Nevada desert, where we have groundwater problems, seismic activity, volcanic activity, no radiation standards, no way to safely transport the waste, and no canister that currently exists that could store the waste without corroding.

The President came to Nevada 20 times during the campaign and pledged to stop Yucca Mountain. This week, he honored his pledge. The people of the State of Nevada are grateful that he ended this expensive, dangerous, foolish project.

On behalf of Yucca Mountain Johnny, and myself, we thank you, Mr. President. Way to go.

#### CASH FOR COURTROOMS

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Remember September 11, 2001? Two planes hit the World Trade Center. One plane crashed into the Pentagon and another was stopped from hitting its targets in Washington by the brave action of its passengers. All together, thousands died—civilians and soldiers—in that terrorist attack of war.

Now, Khalid Sheikh Mohammed, the self-professed mastermind of this act,

and his four co-conspirators are to be tried for this act. But the administration wants to take them out of the detention facility at the Navy base Guantanamo and try them in a civilian court, not a military court. To sweeten the deal, the administration is offering \$200 million in a cash for courtrooms deal.

No amount of Federal funds can compensate for the risk this trial would place on the people of New York, Pennsylvania, Virginia, or any other State that would seem to have jurisdiction. This unnecessarily jeopardizes the safety of the citizens, the jurors, and the judges in those communities.

Mohammed and his coconspirators should be tried not in a civilian court for the terrorist acts of war. The American people get it. They want them to be judged by a military court. Why doesn't Washington get it, too?

#### POPULIST CAUCUS BLUEPRINT ON RECOVERY

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, I rise today as a founding member of the Populist Caucus to urge my colleagues to support the plan to create jobs and rein in Wall Street. We must end these big corporate bonuses to executives at financial firms that were bailed out by the taxpayers.

Just yesterday, it was reported that AIG is spending another \$100 million in bonuses. The people who helped to get us into this mess should not be rewarded while their companies still owe money to the American people.

That is why the Populist Caucus is supporting H.R. 4426, the Wall Street Bonus Tax Act. This bill would tax the bonuses of the bailed-out companies to help small businesses by providing direct lending and other financial assistance.

In addition, the Populist Caucus is supporting H.R. 4191, the Let Wall Street Pay for Restoration of Main Street Act. This bill would create a small transaction fee on certain trades—not the small trades of individual investors or retirement accounts—and it would use those funds to support job creation and to pay down the debt.

Madam Speaker, Wall Street has gone right back to their old ways, but small businesses and families are still suffering. Wall Street must now help small businesses and workers. These bills would help, and I urge my colleagues to support them.

#### FREE TRADE AGREEMENTS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, recently the Economist Magazine had an article in which they said it was time for the President to get tough, and in it, it pointed to the fact that he needed to be serious about the trade issue. It congratulated him for not taking a step backward toward protectionism. But the fact of the matter is, by doing nothing, we are taking a step backward.

Now I'm glad to see that the Secretary of Commerce, Mr. Locke, is today launching an initiative which will encourage greater trade. Well, it's wonderful to say that we need to focus on a small business, 21st century, export-oriented trade policy, but the fact is the only way that we can do that is if we pry open new markets for union and nonunion workers in the United States of America at companies like Caterpillar, Whirlpool, and other companies. We can do that by doing what the President failed to do in his State of the Union message after making a great statement about trade, and that is: send up the agreements that are pending that have been signed for Panama, Colombia, and South Korea. The votes are here if we could have that on the floor of the House ASAP so that we create good American jobs.

□ 1015

#### REINSTATING FISCAL DISCIPLINE

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, working families and small businesses across New Mexico face difficult budgeting decisions. And when it comes to the Federal budget, we owe it to them to spend within our means and without unreasonable borrowing. This legislation, referred to as PAYGO, mandates that the Federal Government pay for new tax cuts and spending by finding savings elsewhere.

In the 1990s, PAYGO helped turn massive deficits into record surpluses, but that policy was abandoned by the Bush administration. After not paying for two wars, two tax cuts, and a new entitlement program, we now face a growing deficit. I am an original cosponsor of PAYGO legislation because we have to get this deficit under control. For the sake of our children and for our financial future, we must reinstate fiscal discipline in Washington.

I urge my colleagues to support this bill.

#### THE BUDGET

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's \$3.8 trillion



budget proposal sets a lot of new records—record spending, record deficits, record debt. We can't tax, spend, borrow, and bail out our way to recovery. If we could, we wouldn't have 10 percent unemployment after passing a multibillion-dollar stimulus package and raising the debt limit to \$14.3 trillion. That's \$47,000 for each American.

Americans are sick and tired of the Democrats' tax-and-spend agenda. Unfortunately, this President's budget only proposes more of the same. It's time for a new approach to fixing our economy. Let's focus on balancing the budget and lowering taxes for small businesses. That's the way to grow the economy and finally create jobs. Congress should never vote for anything less.

#### CYBERSECURITY ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to House Resolution 1051 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4061.

□ 1017

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, with Ms. BALDWIN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 3, 2010, amendment No. 18 printed in House Report 111-410, offered by the gentleman from Virginia (Mr. CONNOLLY), had been disposed of.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 19 by Mrs. HALVORSON of Illinois;

Amendment No. 20 by Ms. KILROY of Ohio;

Amendment No. 21 by Mr. KISSELL of North Carolina;

Amendment No. 24 by Mr. OWENS of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 19 OFFERED BY MRS. HALVORSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Mrs. HALVORSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mrs. HALVORSON:

Page 15, line 2, strike "need and to" and insert "need, to".

Page 15, line 5, insert before the period at the end of paragraph (2) "and to veterans. For purposes of this paragraph, the term "veteran" means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term "service-connected" has the meaning given such term under section 101 of title 38, United States Code.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 15, as follows:

[Roll No. 39]

AYES—424

|              |               |                    |                    |                 |                   |
|--------------|---------------|--------------------|--------------------|-----------------|-------------------|
| Ackerman     | Burton (IN)   | Deal (GA)          | Grayson            | Marchant        | Roskam            |
| Adler (NJ)   | Butterfield   | DeFazio            | Green, Al          | Markey (CO)     | Ross              |
| Akin         | Buyer         | DeGette            | Green, Gene        | McCarthy (MA)   | Rothman (NJ)      |
| Alexander    | Calvert       | Delahunt           | Griffith           | Marshall        | Roybal-Allard     |
| Altire       | Camp          | DeLauro            | Grijalva           | Massa           | Royce             |
| Andrews      | Campbell      | Dent               | Guthrie            | Matheson        | Rush              |
| Arcuri       | Cantor        | Diaz-Balart, L.    | Hall (NY)          | Matsui          | Ryan (OH)         |
| Austria      | Cao           | Diaz-Balart, M.    | Hall (TX)          | McCarthy (CA)   | Ryan (WI)         |
| Baca         | Capito        | Dicks              | Halvorson          | McCarthy (NY)   | Sablan            |
| Bachmann     | Capps         | Dingell            | Hare               | McCaul          | Salazar           |
| Bachus       | Capuano       | Doggett            | Harman             | McClintock      | Sánchez, Linda T. |
| Baird        | Cardoza       | Donnelly (IN)      | Harper             | McCollum        | Sanchez, Loretta  |
| Baldwin      | Carnahan      | Doyle              | Hastings (FL)      | McCotter        | Sarbanes          |
| Barrow       | Carney        | Dreier             | Hastings (WA)      | McDermott       | Scalise           |
| Bartlett     | Carson (IN)   | Driehaus           | Heinrich           | McGovern        | Schakowsky        |
| Barton (TX)  | Carter        | Duncan             | Heller             | McHenry         | Schauer           |
| Bean         | Cassidy       | Edwards (MD)       | Hensarling         | McIntyre        | Schiff            |
| Becerra      | Castle        | Ehlers             | Herger             | McKeon          | Schmidt           |
| Berkley      | Castor (FL)   | Ellison            | Herseth Sandlin    | McMahon         | Schock            |
| Berman       | Chaffetz      | Ellsworth          | Higgins            | McMorris        | Schrader          |
| Berry        | Chandler      | Emerson            | Hill               | Rodgers         | Schwartz          |
| Biggert      | Childers      | Eshoo              | Himes              | McNerney        | Scott (GA)        |
| Bilbray      | Christensen   | Etheridge          | Hinche             | Meek (FL)       | Scott (VA)        |
| Bilirakis    | Chu           | Faleomavaega       | Hinojosa           | Meeks (NY)      | Sensenbrenner     |
| Bishop (GA)  | Clarke        | Fallin             | Hirono             | Melancon        | Serrano           |
| Bishop (NY)  | Clay          | Farr               | Hodes              | Mica            | Sessions          |
| Bishop (UT)  | Cleaver       | Fattah             | Hoekstra           | Michaud         | Sestak            |
| Blackburn    | Clyburn       | Filner             | Holden             | Miller (FL)     | Shadegg           |
| Blumenauer   | Coble         | Flake              | Holt               | Miller (MI)     | Shea-Porter       |
| Blunt        | Coffman (CO)  | Fleming            | Honda              | Miller (NC)     | Sherman           |
| Boccieri     | Cohen         | Forbes             | Hoyer              | Miller, Gary    | Shimkus           |
| Boehner      | Cole          | Fortenberry        | Hunter             | Minick          | Shuster           |
| Bonner       | Conaway       | Foster             | Inglis             | Mitchell        | Simpson           |
| Bono Mack    | Connolly (VA) | Fox                | Inslee             | Mollohan        | Sires             |
| Bordallo     | Conyers       | Frank (MA)         | Issa               | Moore (KS)      | Skelton           |
| Boren        | Cooper        | Franks (AZ)        | Jackson (IL)       | Moore (WI)      | Slaughter         |
| Boswell      | Costa         | Frelinghuysen      | Jackson Lee        | Moran (KS)      | Smith (NE)        |
| Boucher      | Costello      | Fudge              | (TX)               | Moran (VA)      | Smith (NJ)        |
| Boustany     | Courtney      | Gallagher          | Jenkins            | Murphy (CT)     | Smith (TX)        |
| Boyd         | Crenshaw      | Garamendi          | Johnson (GA)       | Murphy (NY)     | Smith (WA)        |
| Brady (PA)   | Crowley       | Garrett (NJ)       | Johnson (IL)       | Murphy, Patrick | Snyder            |
| Brady (TX)   | Cuellar       | Lujan              | Johnson, Sam       | Murphy, Tim     | Souder            |
| Braley (IA)  | Culberson     | Lummis             | Jones              | Myrick          | Space             |
| Bright       | Cummings      | Lungren, Daniel E. | Jordan (OH)        | Nadler (NY)     | Speier            |
| Broun (GA)   | Dahlkemper    | Gonzalez           | Kagen              | Napolitano      | Spratt            |
| Brown (SC)   | Davis (AL)    | Goodlatte          | Kanjorski          | Neal (MA)       | Stark             |
| Brown-Waite, | Davis (CA)    | Gordon (TN)        | Kaptur             | Neugebauer      | Stearns           |
| Ginny        | Davis (IL)    | Granger            | Kennedy            | Norton          | Stupak            |
| Buchanan     | Davis (KY)    | Graves             | Kildee             | Nunes           | Sullivan          |
| Burgess      | Davis (TN)    |                    | Kilpatrick (MI)    | Nye             | Sutton            |
|              |               |                    | Kilroy             | Oberstar        | Tanner            |
|              |               |                    | Kind               | Obey            | Taylor            |
|              |               |                    | King (IA)          | Olson           | Teague            |
|              |               |                    | King (NY)          | Olver           | Terry             |
|              |               |                    | Kingston           | Ortiz           | Thompson (CA)     |
|              |               |                    | Kirk               | Owens           | Thompson (MS)     |
|              |               |                    | Kirkpatrick (AZ)   | Pallone         | Thornberry        |
|              |               |                    | Kissell            | Pascarell       | Tiahrt            |
|              |               |                    | Klein (FL)         | Pastor (AZ)     | Tiberi            |
|              |               |                    | Kline (MN)         | Paul            | Tierney           |
|              |               |                    | Kosmas             | Paulsen         | Titus             |
|              |               |                    | Kratovil           | Payne           | Tonko             |
|              |               |                    | Kucinich           | Pence           | Towns             |
|              |               |                    | Lamborn            | Perlmutter      | Tsongas           |
|              |               |                    | Lance              | Perriello       | Turner            |
|              |               |                    | Langevin           | Peters          | Upton             |
|              |               |                    | Larsen (WA)        | Peterson        | Van Hollen        |
|              |               |                    | Larson (CT)        | Petri           | Velázquez         |
|              |               |                    | Latham             | Pierluisi       | Visclosky         |
|              |               |                    | LaTourette         | Pingree (ME)    | Walden            |
|              |               |                    | Latta              | Pitts           | Walz              |
|              |               |                    | Lee (CA)           | Poe (TX)        | Wamp              |
|              |               |                    | Lee (NY)           | Polis (CO)      | Wasserman         |
|              |               |                    | Levin              | Pomeroy         | Schultz           |
|              |               |                    | Lewis (CA)         | Posey           | Waters            |
|              |               |                    | Lewis (GA)         | Price (GA)      | Watson            |
|              |               |                    | Linder             | Price (NC)      | Watt              |
|              |               |                    | Lipinski           | Putnam          | Waxman            |
|              |               |                    | LoBiondo           | Quigley         | Weiner            |
|              |               |                    | Loeb               | Rahall          | Welch             |
|              |               |                    | Loebsack           | Rangel          | Westmoreland      |
|              |               |                    | Lofgren, Zoe       | Rehberg         | Whitfield         |
|              |               |                    | Lowey              | Reichert        | Wilson (OH)       |
|              |               |                    | Lucas              | Reyes           | Wilson (SC)       |
|              |               |                    | Luetkemeyer        | Richardson      | Wittman           |
|              |               |                    | Lujan              | Rodriguez       | Wolf              |
|              |               |                    | Lummis             | Roe (TN)        | Woolsey           |
|              |               |                    | Lungren, Daniel E. | Rogers (AL)     | Wu                |
|              |               |                    | Lynch              | Rogers (KY)     | Yarmuth           |
|              |               |                    | Mack               | Rogers (MI)     | Young (AK)        |
|              |               |                    | Maffei             | Rohrabacher     |                   |
|              |               |                    | Maloney            | Rooney          |                   |
|              |               |                    | Manzullo           | Ros-Lehtinen    |                   |

## NOT VOTING—15

|                |                |               |
|----------------|----------------|---------------|
| Abercrombie    | Edwards (TX)   | Platts        |
| Aderholt       | Engel          | Radanovich    |
| Barrett (SC)   | Gutierrez      | Ruppersberger |
| Boozman        | Johnson, E. B. | Thompson (PA) |
| Brown, Corrine | Murtha         | Young (FL)    |

□ 1049

Messrs. STEARNS and SAM JOHNSON of Texas changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 20 OFFERED BY MS. KILROY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KILROY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. KILROY:

Page 14, line 10, strike “and”.

Page 14, line 12, strike the period and insert “; and”.

Page 14, after line 12, insert the following new subparagraph:

(D) outreach to secondary schools and 2-year institutions to increase the interest and recruitment of students into cybersecurity-related fields.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 4, not voting 16, as follows:

[Roll No. 40]

## AYES—419

|             |              |                 |
|-------------|--------------|-----------------|
| Abercrombie | Boozman      | Childers        |
| Ackerman    | Bordallo     | Christensen     |
| Aderholt    | Boren        | Chu             |
| Adler (NJ)  | Boswell      | Clarke          |
| Akin        | Boucher      | Clay            |
| Alexander   | Boustany     | Cleaver         |
| Altmire     | Boyd         | Clyburn         |
| Andrews     | Brady (PA)   | Coble           |
| Arcuri      | Brady (TX)   | Coffman (CO)    |
| Austria     | Braley (IA)  | Cohen           |
| Baca        | Bright       | Cole            |
| Bachmann    | Brown (SC)   | Conaway         |
| Bachus      | Brown-Waite, | Connolly (VA)   |
| Baird       | Ginny        | Conyers         |
| Baldwin     | Buchanan     | Cooper          |
| Barrow      | Burgess      | Costa           |
| Bartlett    | Burton (IN)  | Costello        |
| Barton (TX) | Butterfield  | Courtney        |
| Bean        | Buyer        | Crenshaw        |
| Becerra     | Calvert      | Crowley         |
| Berkley     | Camp         | Cuellar         |
| Berman      | Campbell     | Culberson       |
| Berry       | Cao          | Cummings        |
| Biggert     | Capito       | Dahlkemper      |
| Bilbray     | Capps        | Davis (AL)      |
| Bilirakis   | Capuano      | Davis (CA)      |
| Bishop (GA) | Cardoza      | Davis (IL)      |
| Bishop (NY) | Carnahan     | Davis (TN)      |
| Bishop (UT) | Carney       | DeFazio         |
| Blackburn   | Carson (IN)  | DeGette         |
| Blumenauer  | Carter       | Delahunt        |
| Blunt       | Cassidy      | DeLauro         |
| Boccheri    | Castle       | Dent            |
| Boehner     | Castor (FL)  | Diaz-Balart, M. |
| Bonner      | Chaffetz     | Dicks           |
| Bono Mack   | Chandler     | Dingell         |

|                 |                  |                  |
|-----------------|------------------|------------------|
| Doggett         | Kirkpatrick (AZ) | Paulsen          |
| Donnelly (IN)   | Kissell          | Payne            |
| Doyle           | Klein (FL)       | Pence            |
| Dreier          | Kline (MN)       | Perlmutter       |
| Driehaus        | Kosmas           | Perriello        |
| Duncan          | Kratovil         | Peters           |
| Edwards (MD)    | Kucinich         | Peterson         |
| Edwards (TX)    | Lamborn          | Petri            |
| Ehlers          | Lance            | Pierluisi        |
| Ellison         | Langevin         | Pingree (ME)     |
| Ellsworth       | Larsen (WA)      | Pitts            |
| Emerson         | Larson (CT)      | Poe (TX)         |
| Eshoo           | Latham           | Polis (CO)       |
| Etheridge       | LaTourette       | Pomeroy          |
| Faleomavaega    | Latta            | Posey            |
| Fallin          | Lee (CA)         | Price (GA)       |
| Farr            | Lee (NY)         | Price (NC)       |
| Fattah          | Levin            | Putnam           |
| Filner          | Lewis (CA)       | Quigley          |
| Fleming         | Lewis (GA)       | Rahall           |
| Forbes          | Linder           | Rangel           |
| Fortenberry     | Lipinski         | Rehberg          |
| Foster          | LoBiondo         | Reichert         |
| Fox             | Loeb             | Reyes            |
| Frank (MA)      | Lofgren, Zoe     | Richardson       |
| Franks (AZ)     | Lowey            | Rodriguez        |
| Frelinghuysen   | Lucas            | Roe (TN)         |
| Fudge           | Luetkemeyer      | Rogers (AL)      |
| Gallegly        | Lujan            | Rogers (KY)      |
| Garamendi       | Lummis           | Rogers (MI)      |
| Garrett (NJ)    | Lungren, Daniel  | Rohrabacher      |
| Gerlach         | E.               | Rooney           |
| Giffords        | Lynch            | Ros-Lehtinen     |
| Gingrey (GA)    | Mack             | Roskam           |
| Gohmert         | Maffei           | Ross             |
| Gonzalez        | Maloney          | Rothman (NJ)     |
| Goodlatte       | Manzullo         | Roybal-Allard    |
| Gordon (TN)     | Marchant         | Royce            |
| Granger         | Markey (CO)      | Rush             |
| Graves          | Markey (MA)      | Ryan (OH)        |
| Grayson         | Marshall         | Ryan (WI)        |
| Green, Al       | Massa            | Sablan           |
| Green, Gene     | Matheson         | Salazar          |
| Griffith        | Matsui           | Sánchez, Linda   |
| Grijalva        | McCarthy (CA)    | T.               |
| Guthrie         | McCarthy (NY)    | Sanchez, Loretta |
| Hall (NY)       | McCaul           | Sarbanes         |
| Hall (TX)       | McCollum         | Scalise          |
| Halvorson       | McCotter         | Schakowsky       |
| Hare            | McDermott        | Schauer          |
| Harman          | McGovern         | Schiff           |
| Harper          | McHenry          | Schmidt          |
| Hastings (FL)   | McIntyre         | Schock           |
| Hastings (WA)   | McKeon           | Schrader         |
| Heinrich        | McMahon          | Schwartz         |
| Heller          | McMorris         | Scott (GA)       |
| Hensarling      | Rodgers          | Scott (VA)       |
| Herger          | McNerney         | Sensenbrenner    |
| Herseth Sandlin | Meek (FL)        | Serrano          |
| Higgins         | Meeks (NY)       | Sessions         |
| Hill            | Melancon         | Sestak           |
| Himes           | Mica             | Shadegg          |
| Hinchey         | Michaud          | Shea-Porter      |
| Hirono          | Miller (FL)      | Sherman          |
| Hodes           | Miller (MI)      | Shimkus          |
| Hoekstra        | Miller (NC)      | Shuler           |
| Holden          | Miller, Gary     | Shuster          |
| Holt            | Miller, George   | Simpson          |
| Honda           | Minnick          | Sires            |
| Hoyer           | Mitchell         | Skelton          |
| Hunter          | Mollohan         | Slaughter        |
| Inglis          | Moore (KS)       | Smith (NE)       |
| Inslee          | Moore (WI)       | Smith (NJ)       |
| Israel          | Moran (KS)       | Smith (TX)       |
| Issa            | Moran (VA)       | Smith (WA)       |
| Jackson (IL)    | Murphy (CT)      | Snyder           |
| Jackson Lee     | Murphy (NY)      | Souder           |
| (TX)            | Murphy, Patrick  | Space            |
| Jenkins         | Murphy, Tim      | Speier           |
| Johnson (GA)    | Myrick           | Spratt           |
| Johnson (IL)    | Nadler (NY)      | Stark            |
| Johnson, Sam    | Napolitano       | Stearns          |
| Jones           | Neal (MA)        | Stupak           |
| Jordan (OH)     | Neugebauer       | Sullivan         |
| Kagen           | Norton           | Sutton           |
| Kanjorski       | Nunes            | Tanner           |
| Kaptur          | Nye              | Taylor           |
| Kennedy         | Oberstar         | Teague           |
| Kildee          | Obey             | Terry            |
| Kilpatrick (MI) | Olson            | Thompson (CA)    |
| Kilroy          | Olver            | Thompson (MS)    |
| Kind            | Ortiz            | Thornberry       |
| King (IA)       | Owens            | Tiahrt           |
| King (NY)       | Pallone          | Tiberi           |
| Kingston        | Pascrell         | Tierney          |
| Kirk            | Pastor (AZ)      | Titus            |

|            |              |             |
|------------|--------------|-------------|
| Tonko      | Wamp         | Whitfield   |
| Towns      | Wasserman    | Wilson (OH) |
| Tsongas    | Schultz      | Wilson (SC) |
| Turner     | Waters       | Wittman     |
| Upton      | Watson       | Wolf        |
| Van Hollen | Watt         | Woolsey     |
| Velázquez  | Waxman       | Wu          |
| Visclosky  | Weiner       | Yarmuth     |
| Walden     | Welch        | Young (AK)  |
| Walz       | Westmoreland |             |

## NOES—4

|            |            |
|------------|------------|
| Broun (GA) | McClintock |
| Flake      | Paul       |

## NOT VOTING—16

|                 |                |               |
|-----------------|----------------|---------------|
| Barrett (SC)    | Engel          | Radanovich    |
| Brown, Corrine  | Gutierrez      | Ruppersberger |
| Cantor          | Hinojosa       | Thompson (PA) |
| Davis (KY)      | Johnson, E. B. | Young (FL)    |
| Deal (GA)       | Murtha         |               |
| Diaz-Balart, L. | Platts         |               |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1058

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Madam Chair, on rollcall No. 40, had I been present, I would have voted “aye.”

## AMENDMENT NO. 21 OFFERED BY MR. KISSELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. KISSELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. KISSELL: Page 11, lines 9 and 10, strike “Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is amended to read as follows:” and insert “Section 5(a) of such Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (3)(A), by inserting “, including curriculum on the principles and techniques of designing secure software” after “network security”; and

(2) by amending paragraph (6) to read as follows:

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 6, not voting 10, as follows:

[Roll No. 41]

## AYES—423

|             |             |             |
|-------------|-------------|-------------|
| Abercrombie | Bachmann    | Berry       |
| Ackerman    | Bachus      | Biggert     |
| Aderholt    | Baird       | Bilbray     |
| Adler (NJ)  | Baldwin     | Bilirakis   |
| Akin        | Barrow      | Bishop (GA) |
| Alexander   | Bartlett    | Bishop (NY) |
| Altmire     | Barton (TX) | Bishop (UT) |
| Andrews     | Bean        | Blackburn   |
| Arcuri      | Becerra     | Blumenauer  |
| Austria     | Berkley     | Blunt       |
| Baca        | Berman      | Boccheri    |

|                    |                  |                 |                   |                |               |                    |                 |
|--------------------|------------------|-----------------|-------------------|----------------|---------------|--------------------|-----------------|
| Boehner            | Fleming          | Lewis (GA)      | Quigley           | Schrader       | Thompson (CA) | [Roll No. 42]      | Inslée          |
| Bonner             | Forbes           | Linder          | Rahall            | Schwartz       | Thompson (MS) |                    |                 |
| Bono Mack          | Fortenberry      | Lipinski        | Rangel            | Scott (GA)     | Thornberry    | AYES—430           | Israel          |
| Boozman            | Foster           | LoBiondo        | Rehberg           | Scott (VA)     | Tiahrt        | Abercrombie        | Cuellar         |
| Bordallo           | Fox              | Loebsack        | Reichert          | Sensenbrenner  | Tiberi        | Ackerman           | Culberson       |
| Boren              | Frank (MA)       | Lofgren, Zoe    | Reyes             | Serrano        | Tierney       | Aderholt           | Cummings        |
| Boswell            | Franks (AZ)      | Lowe            | Richardson        | Sessions       | Titus         | Adler (NJ)         | Dahlkemper      |
| Boucher            | Frelinghuysen    | Lucas           | Rodriguez         | Sestak         | Tonko         | Akin               | Davis (AL)      |
| Boustany           | Fudge            | Luetkemeyer     | Roe (TN)          | Shadegg        | Towns         | Alexander          | Davis (CA)      |
| Boyd               | Gallely          | Luján           | Rogers (AL)       | Shea-Porter    | Tsongas       | Altmire            | Davis (IL)      |
| Brady (PA)         | Garamendi        | Lummis          | Rogers (KY)       | Sherman        | Turner        | Andrews            | Davis (KY)      |
| Brady (TX)         | Garrett (NJ)     | Lungren, Daniel | Rogers (MI)       | Shinkus        | Upton         | Arcuri             | Davis (TN)      |
| Braley (IA)        | Gerlach          | E.              | Rohrabacher       | Shuler         | Van Hollen    | Austria            | Deal (GA)       |
| Bright             | Giffords         | Lynch           | Rooney            | Shuster        | Velázquez     | Baca               | DeFazio         |
| Brown (SC)         | Gingrey (GA)     | Mack            | Ros-Lehtinen      | Simpson        | Viscosky      | Bachmann           | DeGette         |
| Brown-Waite, Ginny | Gohmert          | Maffei          | Roskam            | Sires          | Walden        | Bachus             | Delahunt        |
| Buchanan           | Gonzalez         | Maloney         | Ross              | Skelton        | Walz          | Baird              | DeLauro         |
| Burgess            | Goodlatte        | Manzullo        | Rothman (NJ)      | Slaughter      | Wamp          | Baldwin            | Dent            |
| Burton (IN)        | Gordon (TN)      | Marchant        | Roybal-Allard     | Smith (NE)     | Wasserman     | Barrow             | Diaz-Balart, L. |
| Butterfield        | Granger          | Markey (CO)     | Royce             | Smith (NJ)     | Schultz       | Bartlett           | Diaz-Balart, M. |
| Buyer              | Graves           | Markey (MA)     | Ruppersberger     | Smith (TX)     | Waters        | Barton (TX)        | Dicks           |
| Calvert            | Grayson          | Marshall        | Rush              | Smith (WA)     | Watson        | Bean               | Dingell         |
| Cantor             | Green, Al        | Massa           | Ryan (OH)         | Snyder         | Watt          | Becerra            | Doggett         |
| Cao                | Green, Gene      | Matheson        | Ryan (WI)         | Souder         | Waxman        | Berkley            | Donnelly (IN)   |
| Capito             | Griffith         | Matsui          | Sablan            | Space          | Weiner        | Berman             | Doyle           |
| Capps              | Grijalva         | McCarthy (CA)   | Salazar           | Speier         | Welch         | Berry              | Dreier          |
| Capuano            | Guthrie          | McCarthy (NY)   | Sánchez, Linda T. | Spratt         | Westmoreland  | Biggart            | Driebeaus       |
| Cardoza            | Hall (NY)        | McCaul          | Sanchez, Loretta  | Stark          | Whitfield     | Bilbray            | Duncan          |
| Carnahan           | Hall (TX)        | McCollum        | Sarbanes          | Stearns        | Wilson (OH)   | Bilirakis          | Edwards (MD)    |
| Carney             | Halvorson        | McCotter        | Scalise           | Stupak         | Wilson (SC)   | Bishop (GA)        | Edwards (TX)    |
| Carson (IN)        | Hare             | McDermott       | Schakowsky        | Sullivan       | Wittman       | Bishop (NY)        | Ehlers          |
| Carter             | Harman           | McGovern        | Schauer           | Sutton         | Wolf          | Bishop (UT)        | Ellison         |
| Cassidy            | Harper           | McHenry         | Schiff            | Tanner         | Woolsey       | Blackburn          | Ellsworth       |
| Castle             | Hastings (FL)    | McIntyre        | Schmidt           | Taylor         | Wu            | Blumenauer         | Emerson         |
| Castor (FL)        | Hastings (WA)    | McKeon          | Schock            | Teague         | Yarmuth       | Blunt              | Eshoo           |
| Chaffetz           | Heinrich         | McMahon         |                   | Terry          | Young (AK)    | Bocieri            | Etheridge       |
| Chandler           | Heller           | McMorris        |                   |                |               | Boehner            | Faleomavaega    |
| Childers           | Hensarling       | Rodgers         |                   |                |               | Bonner             | Fallin          |
| Christensen        | Herger           | McNerney        | Broun (GA)        | Flake          | McClintock    | Bono Mack          | Farr            |
| Chu                | Herseth Sandlin  | Meek (FL)       | Campbell          | Lewis (CA)     | Paul          | Boozman            | Fattah          |
| Clarke             | Higgins          | Meeks (NY)      |                   |                |               | Bordallo           | Filner          |
| Clay               | Hill             | Melancon        |                   |                |               | Boren              | Flake           |
| Cleaver            | Himes            | Mica            | Barrett (SC)      | Gutierrez      | Thompson (PA) | Boswell            | Fleming         |
| Clyburn            | Hinche           | Michaud         | Brown, Corrine    | Johnson, E. B. | Young (FL)    | Boucher            | Forbes          |
| Coble              | Hinojosa         | Miller (FL)     | Ellsworth         | Murtha         |               | Boustany           | Fortenberry     |
| Coffman (CO)       | Hirono           | Miller (MI)     | Engel             | Radanovich     |               | Boyd               | Foster          |
| Cohen              | Hodes            | Miller (NC)     |                   |                |               | Brady (PA)         | Fox             |
| Cole               | Hoekstra         | Miller, George  |                   |                |               | Brady (TX)         | Frank (MA)      |
| Conaway            | Holden           | Minnick         |                   |                |               | Braley (IA)        | Franks (AZ)     |
| Connolly (VA)      | Holt             | Mitchell        |                   |                |               | Bright             | Frelinghuysen   |
| Conyers            | Honda            | Mollohan        |                   |                |               | Broun (GA)         | Fudge           |
| Cooper             | Hoyer            | Moore (KS)      |                   |                |               | Brown (SC)         | Gallely         |
| Costa              | Hunter           | Moore (WI)      |                   |                |               | Brown-Waite, Ginny | Garamendi       |
| Costello           | Inglis           | Moran (KS)      |                   |                |               | Buchanan           | Garrett (NJ)    |
| Courtney           | Issa             | Moran (VA)      |                   |                |               | Burgess            | Gerlach         |
| Crenshaw           | Isa              | Murphy (CT)     |                   |                |               | Burton (IN)        | Giffords        |
| Crowley            | Jackson (IL)     | Murphy (NY)     |                   |                |               | Butterfield        | Gingrey (GA)    |
| Cuellar            | Jackson Lee      | Murphy, Patrick |                   |                |               | Buyer              | Gohmert         |
| Culberson          | (TX)             | Murphy, Tim     |                   |                |               | Calvert            | Gonzalez        |
| Cummings           | Jenkins          | Myrick          |                   |                |               | Camp               | Goodlatte       |
| Dahlkemper         | Johnson (GA)     | Nadler (NY)     |                   |                |               | Campbell           | Gordon (TN)     |
| Davis (AL)         | Johnson (IL)     | Napolitano      |                   |                |               | Cantor             | Granger         |
| Davis (CA)         | Johnson, Sam     | Neal (MA)       |                   |                |               | Cao                | Graves          |
| Davis (IL)         | Jones            | Neugebauer      |                   |                |               | Capito             | Grayson         |
| Davis (KY)         | Jordan (OH)      | Norton          |                   |                |               | Capps              | Green, Al       |
| Davis (TN)         | Kagen            | Nunes           |                   |                |               | Capuano            | Green, Gene     |
| Deal (GA)          | Kanjorski        | Nye             |                   |                |               | Cardoza            | Grijalva        |
| DeFazio            | Kaptur           | Oberstar        |                   |                |               | Carnahan           | Guthrie         |
| DeGette            | Kennedy          | Obey            |                   |                |               | Carnahan           | Hall (NY)       |
| Delahunt           | Kildee           | Olson           |                   |                |               | Carney             | Hall (TX)       |
| DeLauro            | Kilpatrick (MI)  | Oliver          |                   |                |               | Carson (IN)        | Halvorson       |
| Dent               | Kilroy           | Ortiz           |                   |                |               | Carter             | Heinrich        |
| Diaz-Balart, L.    | Kind             | Owens           |                   |                |               | Castle             | Heller          |
| Diaz-Balart, M.    | King (IA)        | Pallone         |                   |                |               | Castor (FL)        | Hensarling      |
| Dicks              | King (NY)        | Pascarell       |                   |                |               | Chaffetz           | Herger          |
| Dingell            | Kingston         | Pastor (AZ)     |                   |                |               | Chandler           | Herseth Sandlin |
| Doggett            | Kirk             | Paulsen         |                   |                |               | Childers           | Higgins         |
| Donnelly (IN)      | Kirkpatrick (AZ) | Payne           |                   |                |               | Christensen        | Heinrich        |
| Doyle              | Kissell          | Pence           |                   |                |               | Chu                | Heller          |
| Dreier             | Klein (FL)       | Perlmutter      |                   |                |               | Clarke             | Hensarling      |
| Driebeaus          | Kline (MN)       | Perriello       |                   |                |               | Clay               | Hoyer           |
| Duncan             | Kosmas           | Peters          |                   |                |               | Cleaver            | Hunter          |
| Edwards (MD)       | Kratovil         | Peterson        |                   |                |               | Clyburn            | Inglis          |
| Edwards (TX)       | Kucinich         | Petri           |                   |                |               | Coble              |                 |
| Ehlers             | Lamborn          | Pierluisi       |                   |                |               | Coffman (CO)       | Himes           |
| Ellison            | Lance            | Pingree (ME)    |                   |                |               | Cohen              | Hinche          |
| Emerson            | Langevin         | Pitts           |                   |                |               | Cole               | Hinojosa        |
| Eshoo              | Larsen (WA)      | Platts          |                   |                |               | Conaway            | Hirono          |
| Etheridge          | Larson (CT)      | Poe (TX)        |                   |                |               | Connolly (VA)      | Hirono          |
| Faleomavaega       | Latham           | Polis (CO)      |                   |                |               | Conyers            | Hodes           |
| Fallin             | LaTourette       | Pomeroy         |                   |                |               | Cooper             | Hoekstra        |
| Farr               | Latta            | Posey           |                   |                |               | Costa              | Holden          |
| Fattah             | Lee (CA)         | Price (GA)      |                   |                |               | Costello           | Holt            |
| Filner             | Lee (NY)         | Price (NC)      |                   |                |               | Courtney           | Honda           |
|                    | Levin            | Putnam          |                   |                |               | Crenshaw           | Hoyer           |
|                    |                  |                 |                   |                |               | Crowley            | Hunter          |
|                    |                  |                 |                   |                |               |                    | Inglis          |

## NOES—6

## NOT VOTING—10

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
Members have 2 minutes remaining in this vote.

□ 1106

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 24 OFFERED BY MR. OWENS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. OWENS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

## Amendment No. 24 offered by Mr. OWENS:

Page 6, line 24, insert “, including technologies to secure sensitive information shared among Federal agencies” after “digital infrastructure”.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 430, noes 0, not voting 9, as follows:

|                 |                  |               |
|-----------------|------------------|---------------|
| Miller, George  | Reichert         | Smith (WA)    |
| Minnick         | Reyes            | Snyder        |
| Mitchell        | Richardson       | Souder        |
| Mollohan        | Rodriguez        | Space         |
| Moore (KS)      | Roe (TN)         | Speier        |
| Moore (WI)      | Rogers (AL)      | Spratt        |
| Moran (KS)      | Rogers (KY)      | Stark         |
| Moran (VA)      | Rogers (MI)      | Stearns       |
| Murphy (CT)     | Rohrabacher      | Stupak        |
| Murphy (NY)     | Rooney           | Sullivan      |
| Murphy, Patrick | Ros-Lehtinen     | Sutton        |
| Murphy, Tim     | Roskam           | Tanner        |
| Myrick          | Ross             | Taylor        |
| Nadler (NY)     | Rothman (NJ)     | Teague        |
| Napolitano      | Roybal-Allard    | Terry         |
| Neal (MA)       | Royce            | Thompson (CA) |
| Neugebauer      | Ruppersberger    | Thompson (MS) |
| Norton          | Rush             | Thornberry    |
| Nunes           | Ryan (OH)        | Tiahrt        |
| Nye             | Ryan (WI)        | Tiberi        |
| Oberstar        | Sablan           | Tierney       |
| Obey            | Salazar          | Titus         |
| Olson           | Sánchez, Linda   | Tonko         |
| Olver           | T.               | Towns         |
| Ortiz           | Sanchez, Loretta | Tsongas       |
| Owens           | Sarbanes         | Turner        |
| Pallone         | Scalise          | Upton         |
| Pascrell        | Schakowsky       | Van Hollen    |
| Pastor (AZ)     | Schauer          | Velázquez     |
| Paul            | Schiff           | Visclosky     |
| Paulsen         | Schmidt          | Walden        |
| Payne           | Schock           | Walz          |
| Pence           | Schrader         | Wamp          |
| Perlmutter      | Schwartz         | Wasserman     |
| Perriello       | Scott (GA)       | Schultz       |
| Peters          | Scott (VA)       | Waters        |
| Peterson        | Sensenbrenner    | Watson        |
| Petri           | Serrano          | Watt          |
| Pierluisi       | Sessions         | Waxman        |
| Pingree (ME)    | Sestak           | Weiner        |
| Pitts           | Shadegg          | Welch         |
| Platts          | Shea-Porter      | Westmoreland  |
| Poe (TX)        | Sherman          | Whitfield     |
| Polis (CO)      | Shimkus          | Wilson (OH)   |
| Pomeroy         | Shuler           | Wilson (SC)   |
| Posey           | Shuster          | Wittman       |
| Price (GA)      | Simpson          | Wolf          |
| Price (NC)      | Sires            | Woolsey       |
| Putnam          | Skelton          | Wu            |
| Quigley         | Slaughter        | Yarmuth       |
| Rahall          | Smith (NE)       | Young (AK)    |
| Rangel          | Smith (NJ)       |               |
| Rehberg         | Smith (TX)       |               |

## NOT VOTING—9

|                |           |               |
|----------------|-----------|---------------|
| Barrett (SC)   | Engel     | Radanovich    |
| Brown, Corrine | Gutierrez | Thompson (PA) |
| Cassidy        | Murtha    | Young (FL)    |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members have 2 minutes remaining in this vote.

□ 1115

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. BALDWIN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes, pursuant to House Resolution 1051, she reported the bill back to the

House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 5, not voting 6, as follows:

[Roll No. 43]

YEAS—422

|                |                 |                  |
|----------------|-----------------|------------------|
| Abercrombie    | Capito          | Ellison          |
| Ackerman       | Capps           | Ellsworth        |
| Aderholt       | Capuano         | Emerson          |
| Adler (NJ)     | Cardoza         | Engel            |
| Akin           | Carnahan        | Eshoo            |
| Alexander      | Carney          | Etheridge        |
| Altire         | Carson (IN)     | Fallin           |
| Andrews        | Carter          | Farr             |
| Arcuri         | Cassidy         | Fattah           |
| Austria        | Castle          | Filmer           |
| Baca           | Castor (FL)     | Fleming          |
| Bachmann       | Chaffetz        | Forbes           |
| Bachus         | Chandler        | Fortenberry      |
| Baird          | Childers        | Foster           |
| Baldwin        | Chu             | Fox              |
| Barrow         | Clarke          | Frank (MA)       |
| Bartlett       | Clay            | Franks (AZ)      |
| Barton (TX)    | Cleaver         | Frelinghuysen    |
| Bean           | Clyburn         | Fudge            |
| Becerra        | Coble           | Gallegly         |
| Berkley        | Coffman (CO)    | Garamendi        |
| Berman         | Cohen           | Garrett (NJ)     |
| Berry          | Cole            | Gerlach          |
| Biggert        | Conaway         | Giffords         |
| Bilbray        | Connolly (VA)   | Gingrey (GA)     |
| Bilirakis      | Conyers         | Gonzalez         |
| Bishop (GA)    | Cooper          | Goodlatte        |
| Bishop (NY)    | Costa           | Gordon (TN)      |
| Bishop (UT)    | Costello        | Granger          |
| Blackburn      | Courtney        | Graves           |
| Blumenauer     | Crenshaw        | Grayson          |
| Blunt          | Crowley         | Green, Al        |
| Bocciari       | Cuellar         | Green, Gene      |
| Boehner        | Culberson       | Griffith         |
| Bonner         | Cummings        | Grijalva         |
| Bono Mack      | Dahlkemper      | Guthrie          |
| Boozman        | Davis (AL)      | Hall (NY)        |
| Boren          | Davis (CA)      | Hall (TX)        |
| Boswell        | Davis (IL)      | Halvorson        |
| Boucher        | Davis (KY)      | Hare             |
| Boustany       | Davis (TN)      | Harman           |
| Boyd           | Deal (GA)       | Harper           |
| Brady (PA)     | DeFazio         | Hastings (FL)    |
| Brady (TX)     | DeGette         | Hastings (WA)    |
| Braley (IA)    | Delahunt        | Heinrich         |
| Bright         | DeLauro         | Heller           |
| Brown (SC)     | Dent            | Hensarling       |
| Brown, Corrine | Diaz-Balart, L. | Hesler           |
| Brown-Waite,   | Diaz-Balart, M. | Hersteth Sandlin |
| Ginny          | Dicks           | Higgins          |
| Buchanan       | Dingell         | Hill             |
| Burgess        | Doggett         | Himes            |
| Burton (IN)    | Donnelly (IN)   | Hinchey          |
| Butterfield    | Doyle           | Hinojosa         |
| Buyer          | Dreier          | Hirono           |
| Calvert        | Driehaus        | Hodes            |
| Camp           | Duncan          | Hoekstra         |
| Campbell       | Edwards (MD)    | Holden           |
| Cantor         | Edwards (TX)    | Holt             |
| Cao            | Ehlers          | Honda            |

|                  |                 |                  |
|------------------|-----------------|------------------|
| Hoyer            | McMahon         | Salazar          |
| Hunter           | McMorris        | Sánchez, Linda   |
| Inglis           | Rodgers         | T.               |
| Inslee           | McNerney        | Sanchez, Loretta |
| Israel           | Meek (FL)       | Sarbanes         |
| Issa             | Meeks (NY)      | Scalise          |
| Jackson (IL)     | Melancon        | Schakowsky       |
| Jackson Lee      | Mica            | Schauer          |
| (TX)             | Michaud         | Schiff           |
| Jenkins          | Miller (FL)     | Schmidt          |
| Johnson (GA)     | Miller (MI)     | Schock           |
| Johnson (IL)     | Miller (NC)     | Schrader         |
| Johnson, E. B.   | Miller, Gary    | Schwartz         |
| Johnson, Sam     | Miller, George  | Scott (GA)       |
| Jones            | Minnick         | Scott (VA)       |
| Jordan (OH)      | Mitchell        | Serrano          |
| Kagen            | Mollohan        | Sessions         |
| Kanjorski        | Moore (KS)      | Sestak           |
| Kaptur           | Moore (WI)      | Shadegg          |
| Kennedy          | Moran (KS)      | Shea-Porter      |
| Kildee           | Moran (VA)      | Sherman          |
| Kilpatrick (MI)  | Murphy (CT)     | Shimkus          |
| Kilroy           | Murphy (NY)     | Shuler           |
| Kind             | Murphy, Patrick | Shuster          |
| King (IA)        | Murphy, Tim     | Simpson          |
| King (NY)        | Myrick          | Sires            |
| Kingston         | Nadler (NY)     | Skelton          |
| Kirk             | Napolitano      | Slaughter        |
| Kirkpatrick (AZ) | Neal (MA)       | Smith (NE)       |
| Kissell          | Neugebauer      | Smith (NJ)       |
| Klein (FL)       | Nunes           | Smith (TX)       |
| Kline (MN)       | Nye             | Smith (WA)       |
| Kosmas           | Oberstar        | Snyder           |
| Kratovil         | Obey            | Souder           |
| Kucinich         | Olson           | Space            |
| Lamborn          | Olver           | Speier           |
| Lance            | Ortiz           | Speier           |
| Langevin         | Owens           | Spratt           |
| Larsen (WA)      | Pallone         | Stark            |
| Larson (CT)      | Pascrell        | Stearns          |
| Latham           | Pastor (AZ)     | Stupak           |
| LaTourette       | Paulsen         | Sullivan         |
| Latta            | Payne           | Sutton           |
| Lee (CA)         | Pence           | Tanner           |
| Lee (NY)         | Perlmutter      | Taylor           |
| Levin            | Perriello       | Teague           |
| Lewis (CA)       | Peters          | Terry            |
| Lewis (GA)       | Peterson        | Thompson (CA)    |
| Linder           | Petri           | Thompson (MS)    |
| Lipinski         | Pingree (ME)    | Thornberry       |
| Lofgren, Zoe     | Pitts           | Tiahrt           |
| Lowey            | Platts          | Tiberi           |
| Lucas            | Poe (TX)        | Tierney          |
| Luetkemeyer      | Polis (CO)      | Titus            |
| Lujan            | Pomeroy         | Tonko            |
| Lummis           | Posey           | Towns            |
| Lungren, Daniel  | Price (GA)      | Tsongas          |
| E.               | Price (NC)      | Turner           |
| Lynch            | Quigley         | Upton            |
| Mack             | Rahall          | Van Hollen       |
| Maffei           | Rangel          | Velázquez        |
| Maloney          | Rehberg         | Visclosky        |
| Manzullo         | Reichert        | Walden           |
| Marchant         | Reyes           | Walz             |
| Markey (CO)      | Richardson      | Wamp             |
| Markey (MA)      | Rodriguez       | Wasserman        |
| Marshall         | Roe (TN)        | Schultz          |
| Massa            | Rogers (AL)     | Waters           |
| Matheson         | Rogers (KY)     | Watson           |
| Matsui           | Rogers (MI)     | Watt             |
| McCarthy (CA)    | Rohrabacher     | Waxman           |
| McCarthy (NY)    | Rooney          | Weiner           |
| McCaul           | Ros-Lehtinen    | Welch            |
| McClintock       | Roskam          | Westmoreland     |
| McCollum         | Ross            | Whitfield        |
| McCotter         | Rothman (NJ)    | Wilson (OH)      |
| McDermott        | Roybal-Allard   | Wilson (SC)      |
| McGovern         | Royce           | Wittman          |
| McHenry          | Ruppersberger   | Wolf             |
| McIntyre         | Rush            | Woolsey          |
| McKeon           | Ryan (OH)       | Wu               |
|                  | Ryan (WI)       | Yarmuth          |
|                  |                 | Young (AK)       |

NAYS—5

|            |         |               |
|------------|---------|---------------|
| Broun (GA) | Gohmert | Sensenbrenner |
| Flake      | Paul    |               |

NOT VOTING—6

|              |            |               |
|--------------|------------|---------------|
| Barrett (SC) | Murtha     | Thompson (PA) |
| Gutierrez    | Radanovich | Young (FL)    |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1135

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4061, CYBER-SECURITY ENHANCEMENT ACT OF 2009

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 4061, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore (Ms. BALDWIN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 45, INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1065 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1065

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The question of adoption of the motion shall be divided between concurring in the matter preceding title I of the Senate amendment and concurring in the matter comprising titles I and II of the Senate amendment. The first portion of the divided question shall be considered as adopted. If the second portion of the divided question fails of adoption, then the House shall be considered to have made no disposition of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

##### GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1065.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, the resolution provides for consideration of the Senate amendment to H.J. Res. 45, the debt limit and statutory PAYGO resolution. The rule makes in order a motion offered by the majority leader or a designee that the House concur in the Senate amendment. The rule waives all points of order against the motion except those arising under clause 10 of House rule XXI and provides 1 hour of debate on the motion. The rule divides the question between concurring in the matter preceding title I of the Senate amendment and concurring in titles I and II of the amendment. The first portion of the question shall be considered as adopted. If the second portion fails, then the House will be considered to have made no disposition of the Senate amendment.

Madam Speaker, this vote is both historic and difficult. It is historic because it is reinstating the pay-as-you-go law, or PAYGO. This is one tool in the effort to reduce the deficit and return fiscal common sense back to our budget. And it is difficult because this resolution includes a \$1.9 trillion increase in the debt limit.

Now, let me begin with the debt limit. None of us are eager to increase the debt limit. But we have a responsibility to take action. The Treasury Department has informed Congress that the United States will reach the current statutory limit on the national debt on February 11. That is next Thursday. If the debt limit is not increased before that date, Treasury will not be able to meet the obligations of the U.S. Government.

Simply, Madam Speaker, if we don't act, then we will default. Now, I can't think of a more reckless or irresponsible act. Defaulting is not an option. If the United States defaults, investors will lose confidence that the U.S. will honor its debts in the future. They would likely demand higher interest rates to compensate for the higher risk of purchasing Treasury securities. And this would increase the cost of Federal borrowing, result in even greater budget deficits, and require higher taxes and fewer government services. A greater portion of U.S. wealth would be

transferred to overseas creditors, to China, India, and Saudi Arabia. And it is also possible that those creditors would demand that the U.S. borrow in other currencies rather than dollars, putting in peril the very value and stability of the American dollar.

It is clear that the responsible course of action is to raise the debt limit. It is also clear that we are in this position because of the policies that have been implemented over the past decade. Ten years ago, Madam Speaker, we had a budget surplus. Since then, our country was attacked and the worst recession in our lifetimes took a severe economic toll on our Nation's economy. But we also had two wars that were unpaid for, tax cuts, mostly for the wealthy, that were unpaid for, and a prescription drug benefit that was unpaid for. Yes, Republicans and Democrats have had to increase the debt limit because of these policies and events. And unfortunately, we have to do it again today.

Now, I know there will be those who want to use this vote as a way to demagogue this issue. There will be those on my side of the aisle who will detail how the policies of the last 8 years put us in this position, and there will be those who use this debate to claim that the recession is the fault of the Democrats. We can have that debate, and we will have that debate. But at the end of the day, Madam Speaker, it is my hope that nobody in this Chamber would put our Nation at such financial and economic risk simply because of politics.

My friend from Massachusetts and my colleague, Congressman RICHARD NEAL, said it best in the Rules Committee last night: "If you voted to go to war in Iraq and Afghanistan, if you voted for the tax cuts that went mostly to the wealthiest in this country, or if you voted for the Recovery Act, then you have to vote to raise the debt ceiling." Simply put, the American people want us to solve our Nation's problems. And increasing the debt limit is the responsible action. But it doesn't address the underlying problem. And that is the problem of the deficit.

That is where statutory PAYGO comes in. Statutory PAYGO requires all new policies be offset. That means paid for. In plain English, we have to pay for what we buy. While it is not the only step we can take, this is a solid step towards fiscal discipline.

Now, why is PAYGO so important? It is important because our fiscal health and long-term economic prosperity depend upon it. We must find a balance between short-term deficit spending to speed along our economic recovery with longer-term fiscal discipline.

Dick Cheney, Madam Speaker, famously said that deficits don't matter. Well, I believe that they do matter, and I am glad to hear that my Republican friends now agree with Democrats that deficits do matter. I trust that at the

end of the day they will vote that way too. But whether you vote for this resolution or not, you must at least admit that President Obama and the Democrats are facing this problem head-on. We are making sure we responsibly meet our financial obligations. We are instituting PAYGO so that we pay for the programs that we are funding. And we expect President Obama to formalize a debt commission soon to make other recommendations to bring down our debt. These are important steps, and these are real steps.

I urge my colleagues to do the right thing, to vote for this rule and this resolution.

I reserve the balance of my time.

□ 1145

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, no surprise, I rise in opposition to this closed rule. The charade of Speaker PELOSI running "the most open, honest, and ethical Congress" is once again confirmed today that that's not happening. That is not happening here again on the floor, and it's related to this activity that we went through in the Rules Committee upstairs just yesterday.

At a time of record deficits and record unemployment, my colleagues on the other side of the aisle are simply trying to blame Republicans and George Bush rather than looking at their own responsibility of what they have done in the last year that has placed enormous, enormous financial strain on this country. Never once did they talk about that responsibility, that they led this country, saying, We must go and spend this money because it will lend itself to jobs. And we're going to have the stimulus bill. We're going to call it the stimulus bill.

The President went all over the country and Members of Congress went all over the country and sold this. It didn't work it. It didn't work. It didn't work big time. I didn't hear any offer of, Whoops. As Vice President BIDEN said, We guessed and it didn't work.

I think it would have been appropriate this morning for the gentleman from Massachusetts or anybody from the Democratic Party to stand up and say, You know, we did guess. I know those Republicans told us this wouldn't work, but we really guessed and we guessed wrong. The Vice President has the guts to say that. I think this body should say the same thing, rather than trying to blame this on George Bush.

Today, we're here to raise the debt limit an additional \$1.9 trillion. Now, the first question is: My gosh, why so much? Because so much burden and debt has been added. The bottom line is we're only here because what our friends Speaker PELOSI and the Democratic Party have done did not work. They took out a monster loan that is

not paying off. But today, there is not even a vote. It's required, but not even a vote or a debate on the issue of raising the debt limit. In fact, the majority party has used deceitful procedural games to hide the fact that they are raising the debt limit again, for the sixth time, six times since they took control of the House. Why, you ask? Well, it's to give their members political coverage and a vote on statutory PAYGO again. I guess we're going to keep blaming George Bush, President Bush, for this.

The bottom line is, Madam Speaker, as I speak to each of the Members here on the floor today, this is about raising the statutory debt limit \$1.9 trillion. And my colleagues and I are going to spend the time today discussing the current economic climate, the reason why things aren't working. The majority's principles and priorities of spending and taxing and borrowing and the President's fiscal year 2011 budget—\$3.6 trillion—that was just released this week tell the reason why.

Madam Speaker, we've told you over and over again, if you take the investor out of the equation, if you tax the American people, if you destroy job creators, if you go at employers and have a battle with them, they will get it. They will quit employing people.

Our President seems to have, every time I watch him, he's always after somebody. He's always got a problem; the bankers, the doctors, insurance. Every time I look up, our great President, Barack Obama, has an ax to grind with somebody, and it's generally employers. And then he wants to turn around and say, How come we don't have any jobs? Oh, we're going to get those. We'll get those. This is America. We can do anything.

But the policies are not creating jobs; they're creating debts. They're creating circumstances where this country has to again today borrow for the debt limit and pass a bill here today that says we're going to raise the debt limit \$1.9 trillion so our government doesn't go belly up. Madam Speaker, that is over \$46,000 per American family, just what we're doing now. Since September 2007, the year our friends the Democrats took control, over \$3.8 billion, on average, has been added to the national debt every single day.

The President's budget borrows too much, taxes too much, and spends too much. But what it does is it kills the goose that lays the golden egg. Then we wonder why we don't have jobs in this country.

The \$3.6 trillion budget represents nearly a 30-percent increase in total outlays since 2008. The budget includes more than \$2 trillion in job-killing tax hikes, with nearly a 20-percent jump in the first year alone. I get it. I get it as an individual taxpayer, and that's why I virtually sold all my stock. I got out

of the stock market because this administration and this Congress want to kill economic growth and opportunity, and I can't take that and everybody else can't take that. And so that's why you're seeing employers and others say, Enough is enough. That's what we're saying here today.

This tax includes taxes on small businesses, investors, and families earning less than \$250,000 a year, also. I thought we heard the President say that he was going to give everybody a tax cut. They keep talking about it. Boy, it's a great idea to float. Sure wish you'd deliver on that one. But let's also go to the high side. We need investors to be in the game, Madam Speaker. We need investors, and this bill taxes the stuffings out of them.

Additionally, the President's budget runs up a record budget deficit again. We're going to vote on it again. Democrats, Yea, we support the President. All these great priorities. The national debt is predicted to double once again over 5 years and triple by 2019, and that's a mistake. Interest alone would set the American taxpayer back roughly \$6 trillion, just the interest over the next decade.

The American people want Congress, want Washington to rein in borrowing, taxing, and spending. They don't want more of it. They want Congress to stop talking about what they will do about helping jobs and to actually make the environment better. There's still an experiment going on out there, Madam Speaker, and people are not buying it because they are concerned about Washington and what they're going to do next. Taxing, spending, and borrowing is not a way to start this new year.

During last week's State of the Union, President Obama stated, Starting in 2011, we will prepare to freeze government spending for 3 years. Great. Great, Mr. President. That was Thursday night. I went upstairs just yesterday and I offered an amendment in the Rules Committee on H.R. 4061, the Cybersecurity bill, the first bill right out of the bag, and I took the President up on that and said, Hey, I think we ought to have an amendment added to the bill, since the bill doesn't do it, that would have frozen spending just on two programs for 3 years. My amendment would have saved a paltry \$47 million. That's all, just \$47 million. I know it's not a lot. And you would not have believed the calls at me about how out of line I was and how this was the most important thing in the history of our country.

This body is not prepared to make tough decisions. This body is not prepared even to cut \$47 million after we clapped for the President just the other day. This Democrat majority continues to pursue initiatives and policies that will lead to more unemployment and bigger and more deficits. This administration and the Democratic majority

promised the American people they would aim for jobs and economic recovery, health care, cleaner energy, better education. That list goes on and on and on. And I will tell you what we've got for it: record deficits, record spending, and record unemployment.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, my Republican colleagues are impressive. They're impressive in their ability to cover their tracks. They make a mess; they cover their tracks. They make a bigger mess; they cover their tracks. They drove this economy into a ditch. They're trying to cover their tracks. Well, that's fine for playing politics on the House floor, but the facts are a stubborn thing. The facts are that \$4 trillion of Bush tax cuts were unpaid, \$4 trillion: \$700 billion for the Bush prescription drug bill, unpaid for; \$3.5 trillion in mandatory revenue costs of the Bush economic collapse that we had to endure because of the lousy economy; record job losses in the Bush economy.

Now, the fact of the matter is that we are faced with difficult economic times, and I would like to think that my colleagues on the other side of the aisle would at least take some responsibility in helping to fix things. My colleague talks about the Recovery Act as if it meant nothing.

According to the nonpartisan Congressional Budget Office, the Recovery Act is already responsible for as many as 2.4 million jobs through the end of 2009. An analysis by the Council of Economic Advisers also found that the Recovery Act is responsible for about 2 million jobs, and that's not counting the jobs that were saved. In my home city of Worcester alone, 500 teachers and support staff would have been laid off without the Recovery Act; 22 cops would have been laid off and 17 firefighters. My colleagues on the other side of the aisle would say, Fire them. Fire the teachers. Fire the cops. Fire the firefighters. That's irresponsible.

So I also point out that former McCain advisor Mark Zandi said that the stimulus was key to the strong fourth quarter growth in the U.S. economy. We just heard the news from the Department of Commerce that the U.S. economy grew at 5.7 percent from October through December, a better than expected gain.

And this is what Mark Zandi, the Republican advisor, said: I think the stimulus was key to the fourth quarter. It was really critical to business fixed investment because there was a tax bonus depreciation in the stimulus that expired in December and juiced up fixed investment. And also, it was very critical to housing and residential investment because of the housing tax credit. And the decline in government spending would have been measurably

greater without the money from the stimulus, because the stimulus was very, very important to the fourth quarter. That's a Republican advisor, McCain advisor, Mark Zandi.

Now, I would just say, Madam Speaker, that those of us who voted for the Recovery Act have a responsibility to vote "yes" on this rule. But I would also say that those who voted for the wars in Iraq and Afghanistan, wars that were not paid for, somehow it's okay to ask all of our men and women to sacrifice, but we do nothing. But those wars were not paid for. But if you voted for the Bush tax cuts, the \$4 trillion that was unpaid for, at least have the responsibility to come to the floor and do the right thing.

So I would urge my colleagues, Madam Speaker, to vote for this rule and vote for PAYGO. During the Bush years, no one talked about the deficit except to say that it didn't matter. That was Dick Cheney and some of my other colleagues. It does matter. We need to get the deficit under control. We need to help grow this economy. Statutory PAYGO is one way to do it.

I reserve the balance of my time.

□ 1200

Mr. SESSIONS. Madam Speaker, by the way, I like this PAYGO thing that my friends, the Democrats, are pushing. But when it comes down to it, they waive PAYGO on a regular basis.

Madam Speaker, at this time I yield 2 minutes to the gentleman from Chico, California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I rise in strong opposition to this rule and to the underlying bill. Excessive debt helped bring about the current economic downturn, and the American people know it. Working families have to make difficult choices every day to balance their budgets, yet Congress still refuses to make the tough choices needed to balance the Federal budget.

The legislation before us authorizes the Federal Government to go \$2 trillion deeper in debt. In place of real fiscal discipline, it offers a phony pay-as-you-go rule that is full of loopholes and exceptions and does nothing to tackle our government's long-term structural deficits. The good news is that we can take real action to start cutting the deficit today. At a time when our economy is hurting and Washington continues to pile debt on future generations, it's simple common sense to stand up and say enough is enough.

By defeating the previous question and voting "no," the House will have an opportunity to consider the End TARP Act, legislation I introduced along with Mr. PAULSEN and Mr. TIAHRT that would finally bring TARP to an end and immediately reduce the amount of money the government must borrow. A vote for this rule is a vote in favor of the status quo in Washington. The American people have spoken, and

it's time the House acts to reduce unnecessary spending.

Madam Speaker, I urge a "no" vote. Mr. MCGOVERN. Madam Speaker, at this time I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the Budget Committee.

Mr. ANDREWS. Madam Speaker, I would like to thank my friend from Massachusetts for yielding.

The constituents that I listen to know that both parties are responsible for borrowing a lot of money. They know that we borrowed a significant amount of money in recent times. They also know that the minority party voted to borrow and increase the national debt by 70 percent during the term of the prior President. They know that this is the worst economic times we've had since the Great Depression. They don't know this by reading the newspaper. They know it by reading the balance in their checking account or reading the foreclosure notice that came in the mail yesterday or reading the want ads because they're looking for a job. They know this.

They know that us saying the Republicans did wrong and the Republicans saying we did wrong isn't going to fix their problems. So what they know is they want to hear us talk about what to do about this burgeoning problem of the national debt. Here is our answer: We first believe that the best way to reduce the debt and reduce the deficit is to get people back to work so that individuals and families are able to pay taxes and so that businesses are able to pay taxes off of their profits.

The best deficit- and debt-reduction program is full employment. We have nothing like full employment, nothing like it at all. We've lost huge numbers of jobs, and our plan to do something about it has been this: First, we believe that we should cut taxes for middle-class families so they have more money to spend. That's what we did last year, and the President proposes to do it again this year. Second, we believe that we should cut taxes for small businesses so they can reinvest in their businesses. That's what we voted for last year. We're prepared to do it again. We believe that we should put people back to work, rebuilding our roads and our bridges, rail systems, clean water systems, clean energy. That's what we voted to do last year.

We are a long way from succeeding in this effort, but here is what has happened: In the last quarter of 2009, nearly 800,000 Americans lost their jobs. Tomorrow we will hear the reports for the month of January. They won't be good. But they will be a lot better than 800,000 people losing their jobs, which is what happened in the last quarter of the year before last year. We've seen growth in the fourth quarter at 5.7 percent. That means nothing to you if you're still looking at the want ads,



but it means that there is reason to think that jobs are on the way.

And what have we heard about this? The chief economic adviser to President MCCAIN's Presidential campaign said that the key factor of that growth taking place was the recovery bill that we passed last February. Those are his words, not mine. The nonpartisan Congressional Budget Office, as Mr. MCGOVERN said, estimates that as many as 2.4 million jobs have been created as a result of the recovery bill. We have a long way to go. We have laid out our plan to get there. Frankly, the minority has not laid out a plan, and we look forward to them doing so.

The second thing that you need to do is to restrain and reduce spending. Most people will agree that the number one spending problem is entitlements, and the number one entitlement problem is health care. There are two ways to reduce health care spending. The first way is to restrain spending right now in existing programs. That's what we did. In November, a bill came to this floor to reform the country's health care system that would have stopped what I believe are wasteful payments to health care providers and people making money off the system to the tune of \$480 billion, real deficit reduction that we all voted for. No one—with one exception—on the other side voted to do that.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. ANDREWS. I thank the gentleman. The second way to reduce health care costs is to change the health care system so there is more competition, so that insurance companies have to compete for people's business and keep costs down that way. We'll all have a chance to vote on a bill that does that next week.

And yes, the third thing that I think you have to do is to raise some revenue. The President and most of us ran on this proposition. We do believe that couples who make more than \$250,000 a year and individuals who make more than \$200,000 a year should be asked to pay the tax rates that they paid before the Bush tax cuts of 2001. Now we heard in 1993 that this would ruin the economy. It would cause calamity. It would be the end of the American economy as we know it. Mr. Gingrich said this. Others said this. They were wrong. After they said these things, the economy created 23 million new jobs. When we followed their way, the economy lost jobs in the succeeding 8 years.

The American people want to know what we intend to do, and we've said what we intend to do. We know it can be better.

Mr. SESSIONS. Madam Speaker, it's a good thing we're here on the floor of the House where we're exempt from

things like deceptive practices, because this body would be guilty today. Here we are with the Statutory Pay-As-You-Go Act of 2010. Madam Speaker, 32 pages of this 56-page bill are exemptions to pay-as-you-go. So 32 pages are—Oh, we say we're going to have pay-as-you-go—but 32 of the 56 pages are, I'm sorry, but it does not apply to the following items. Madam Speaker, that's deceptive.

Madam Speaker, at this time I yield 3 minutes to the favorite son of Dallas, Texas, the gentleman Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding. Madam Speaker, I heard one of my Democratic colleagues say that today is a historic day, that there is a historic opportunity. And yes, history is being made today because never in the history of America has the debt limit been increased to \$14.294 trillion. Here we are again, just a few months later, enacting yet another increase in the debt limit. The new debt limit, again, \$14.3 trillion, costing every American household over \$120,000.

What do I hear from my Democratic colleagues? Well, we hear the old blame game. That's the first thing that we hear. We hear a lot of names from the past. Well, facts are pesky things, Madam Speaker. Listen, there is blame to go around. My party spent too much money. I have a chart right here. It's Congress that controls the purse strings, as we all know. And when the Republicans controlled Congress—this is the blue—these were our deficits. They averaged about \$104 billion a year. I'm embarrassed about that. It's much too high. Now in their 3 years of control by the Democrats, we have deficits that are averaging over \$1 trillion, \$1.1 trillion. That's the difference. What was once our annual deficits have become their monthly deficits, Madam Speaker. That's totally unacceptable.

More history was made earlier this week when the President submitted his proposed budget that so many of my friends on the other side of the aisle decided to embrace. It made history. It is breathtaking in its red ink. It spends \$3.8 trillion. The largest budget in American history is being proposed. It proposes a \$1.6 trillion deficit, the highest deficit in the history of our Nation, over 10 percent of our economy. We haven't seen debt-to-economy ratios like this since World War II. It triples the national debt in just 10 years. Yes, this is a historic day because, once again, we are here to accommodate the spending agenda of the Democrats with a historic new increase in the debt limit.

Madam Speaker, I will just ask this question: Where are the jobs? We were told that if we went off and if we passed this government stimulus plan, that somehow unemployment would never go above 8 percent. What do we have? We have an extra \$1 trillion in

debt from that act, and we are still mired in double-digit unemployment. You cannot spend, borrow and bail out your way to prosperity.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. SESSIONS. I yield the gentleman 1 additional minute.

Mr. HENSARLING. I thank the gentleman. Again, we have seen it. It's almost a year later, and yet the Democrats continue to try more of the same. Borrow, spend, bail out your way into prosperity. And what do we have? Again, an additional \$1.2 trillion in debt, and over 3 million more of our fellow countrymen have lost their jobs.

Small businesses are wondering who's going to pay for all this? They're concerned about the \$2 trillion take-over of health care. Who's going to pay for that? They're concerned about the threatened \$800 billion carbon tax, the energy tax. Who is going to pay for that? The omnibuses. Is it any wonder that jobs are not being created in America?

I speak, Madam Speaker, to small businessmen and investors every week, and they tell me, We're too scared to create jobs in this environment. Are we going to have rapid inflation? Are there going to be huge tax increases? Are Congress and the President going to vilify us once again? And my colleagues wonder where, where are the jobs.

You cannot borrow and spend and bail out your way to prosperity.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS), another member of the Budget Committee.

Mr. EDWARDS of Texas. Madam Speaker, getting sailing lessons from the captains of the economic Titanic may be interesting but not very helpful. Let's get serious. Allowing the U.S. Treasury to default on our Nation's debt for the first time in history is not a responsible option. It would devastate our economy, our stock market, and our children's futures. Republicans know it, and Democrats know it. We all know it.

The responsible action is to start getting control of our deficits today, and we can do that by passing the pay-as-you-go law. Pay-as-you-go is a principle that citizens understand and live by every day. It's a principle that helped Congress in the late 1990s turn the largest deficits in American history, created by some of those who have just spoken, into the largest surpluses in American history.

Unfortunately, the Republican House leadership killed the House pay-as-you-go rule that had worked so well. It killed it in 2002. And what happened? The largest surpluses in our history turned into the largest deficits in American history. The Republican-led Congress passed massive unpaid-for tax

cuts and the largest expansion of Medicare without paying for a dime of that. Those two actions alone added \$6 trillion to our national debt over a period of just one decade, \$6 trillion, most of which was borrowed from the Chinese and other foreign governments. It's time to put some discipline back into our Federal budget processes, and that is what pay-as-you-go is all about.

I am proud to have initiated the effort to make this law, this PAYGO, not a temporary law but a permanent law. Had we done that in the 1990s, we wouldn't be facing the terrible deficits that we hear decried today. Pay-as-you-go works for families, pay-as-you-go works for businesses, and then in the 1990s, it worked for the American people in the Federal budget. And when we pass this into law, it will work once again and help us get these intolerable Federal deficits back under control and preserve our children's futures.

Mr. SESSIONS. Madam Speaker, once again, a hyperbole that does not match the action. Out of the 56 pages of this bill, 32 pages are exemptions to pay-as-you-go, 32 of the 56 pages that our good friends are touting as the answer and the right way to do it. But most intriguing is that we've heard that the way to do it is the way it's being done here, because it's open and honest.

□ 1215

There is not even a vote on the debt limit; it's self-executed in the rule. So let's go and vote for PAYGO and talk about how responsible we are. Oh, at the same time, make sure we fund what we've done, \$1.9 trillion. The Rules Committee is pretty good up there, Madam Speaker. Know how to hide things. Know how to obfuscate the real facts of the case. The facts of the case are the American people know what's going on. They K-N-O-W what is going on. Over the last year, I've heard from constituents also, and they want a good economy and they want jobs. And the Democrat majority is simply not stepping up to this.

I'm going to encourage a "no" vote on the previous question and a "no" vote on the rule when it's our time to get that done. Just so our colleagues understand this, we're going to have a vote on this one here today.

Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Lubbock, Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I rise today to express great concern on behalf of our children and our grandchildren who are going to bear the burden of this expansion of our national debt. Today we're going to vote on the sixth increase in the debt limit in the past 2½ years. After today we will have added \$4 trillion to the government credit limit. Who's going to pay this bill? Congress must address the root of

this debt limit increase. It's the spending.

I want to point to a chart here that the President the other night came and talked to us about his spending freeze. So here is the impact of the freeze on spending. I know it's a little hard to tell, but if you look real closely, you see that you get a 49.27 percent growth in spending without the freeze, but with the freeze you get a 49.01 percent increase in spending.

It's a gimmick. This whole PAYGO thing is a sham. We just had a gentleman in New York that was doing a kind of a sham transaction, and he's probably going to—in fact, he is in prison for a Ponzi scheme. That's what this whole situation is is a Ponzi scheme, because what we're doing is we're borrowing and spending and borrowing and spending; we're borrowing the money to make the interest payments on the debt that we already have. And what do the Democrats want to do? They want to borrow some more money.

If you were serious about spending, I offered two amendments yesterday to the Rules Committee that would have put some caps on spending, would have begun to decelerate the growth of government. Those rules, are they eligible to be considered on this floor today? No, they were denied.

You see, if we keep putting off and playing the Ponzi scheme game, we're going to keep running up the debt for our children and our grandchildren. What does PAYGO really mean, the PAYGO vote that we're going to have? It means the American people get to pay and the Democrats get to go spending, taxing and borrowing, just like they've been doing since they took control of this House 3 years ago. But they want you to think today that they have brought some real reform to this body. We passed PAYGO in 2007. Guess what we've done since we've passed PAYGO? We've raised the debt limit five times. And, in fact, in 1998, of the bills that came across this floor, 98 percent of the time, PAYGO was either waived or exempted from that.

And as the gentleman pointed out a while ago, and I appreciate him doing that, a majority of the text of this bill isn't about how we're going to cut spending; it's about the things that we're going to waive that aren't going to be subject to PAYGO. So if we're serious about cutting spending in this country because we're serious about this debt, then why aren't we taking steps that really are going to address spending? The reason that they don't want to address spending is they don't intend to cut spending. They intend to raise taxes. I encourage my colleagues to vote against the rule.

Mr. MCGOVERN. Madam Speaker, this debate is laughable. During the Republican-controlled Congress and under President Bush from 2002 to 2006

the debt limit was raised by over \$3 trillion. That's just a fact. You can't deny that. Secondly, why are they so against PAYGO? Why are they so against being responsible? Because they have an alternative plan. And we saw the outline of that alternative plan in the Budget Committee the other day, and their plan is to try to reduce the deficit and balance the budget by going after Medicare and Social Security, privatizing Medicare, privatizing Social Security, letting Medicare wither on the vine, going after these programs, which is something they have tried to do time and time again.

But let me just say this for the record: while the Democrats control this Congress, we're not going to let you destroy the two most important social programs that have ever been enacted in this country.

At this time I'd like to yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I find it interesting that our colleagues on the other side of the aisle, the Republicans, say that this is a sham. You know what? It was the law for a decade under the Clinton administration, and I guess it wasn't a sham because the first thing the Republicans did was to repeal PAYGO so that they could run up the massive deficits of the Bush years. We're asking to put this back in place because this is how we cleaned up the unsustainable deficits of the Reagan years. This is how we got, for the first time, a surplus for this country that evaporated in the Republican irresponsibility. PAYGO's not a sham. There's no more sacred cows.

The fact of the matter is, you'll have to choose your priorities. Our priorities may be different, but you don't get to charge them off to the future. You're either going to pay for them, you're going to raise revenues, or you're going to cut something else. The fact is it worked and it worked and it worked and it worked and the deficit came down. And the fact of the matter is, I offered this in 1983, but it couldn't get to Congress because they thought it was too tough. Finally, under President Clinton we did it and the deficits came down, and we left you with an inheritance of \$5 trillion that you squandered, you wasted. And now you want not to play by the rules. The rules are you should pay as you go.

Mr. SESSIONS. Madam Speaker, I'd love to engage the gentleman if he would take the time; but I'd like to ask him, if he says it's so good, why are 32 of the 56 pages exemptions to PAYGO? And I would like to find out if this is so real—

Mr. GEORGE MILLER of California. I'll be happy to respond because those were some of the same exemptions that existed in the law, and the fact is the deficit came down. We erased the \$300 billion annual deficits of the Reagan

administration. We did it over time, and we left you \$5 trillion that you squandered.

Mr. SESSIONS. Good. I'd like the gentleman to address why are 32 of the 56 pages—

Mr. GEORGE MILLER of California. It's the same law we had before.

Mr. SESSIONS. Oh, we're going to blame it on Ronald Reagan now. I reclaim my time and I appreciate the gentleman for blaming this on Ronald Reagan. I tell you what, I would be very pleased to engage in a dialogue with the gentleman if you'll answer one question.

Mr. ANDREWS. Yes, sir.

Mr. SESSIONS. Why are you down on the floor, your party saying this is the real deal and yet 32 of the 56 pages exempt spending?

Mr. ANDREWS. May I answer the question?

Mr. SESSIONS. I would enjoy the gentleman doing that. I yield to the gentleman.

Mr. ANDREWS. They do not exempt spending. Here's what they say. As the gentleman knows, the structure of this bill is that increases in mandatory spending or decreases in revenue must be offset. There are four exceptions, the so-called "doctor fix," the SGR payments; middle class tax cuts; the estate tax fix, which I think both parties have tried to support.

Mr. SESSIONS. Then why are we—we did the same thing but now it's okay for you.

Mr. ANDREWS. If I may, I'm trying to answer. Would the gentleman yield so I could answer?

Mr. SESSIONS. I am engaging with the gentleman.

Mr. ANDREWS. The pages the gentleman is talking about are what are called the sequestration rules; and what that means is, if the Congress violates pay-as-you-go, and it spends more than it should under those rules, then there is an automatic reduction in spending to make the so-called score card balance out, to make sure things are brought into balance. Sequestration has happened once in the years that pay-as-you-go were in effect. It was when Mr. Darman was Budget Director. It has never happened before. What these rules say is if there's a sequestration, there are certain programs that are off limits to the sequestration. But they're not exceptions to the PAYGO rule.

Mr. SESSIONS. I appreciate the gentleman. You know, I think the best evidence, and reclaiming my time, I think the best evidence that this is not working is the deficit rising from \$161 billion in 2007, to \$1.4 trillion last year and \$1.6 trillion this year; \$161 billion in '07 to last year, \$1.4 trillion and this year \$1.6 trillion.

I would say that the preponderance of the evidence does not support the hypothesis. Today, in this rule, we

didn't really debate the debt limit about being honest about the vote; but we're going to go ahead and have an opportunity, Madam Speaker, when my colleagues vote "no" on the previous question, that we will be allowed to amend this rule to consider an end to the TARP Act to stop the bailouts which are a part of this problem. This act would immediately terminate the Troubled Asset Relief Program and reduce the debt ceiling by the amount of remaining authorized TARP funds, which is nearly now \$200 billion.

We cannot continue what we're doing, spending taxpayer dollars and having these bailout programs. This is an ineffective program.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, America is calling for fiscal responsibility. And I welcome the gentleman from Tyler, Texas (Mr. GOHMERT) to speak for 2 minutes.

Mr. GOHMERT. Madam Speaker, we can agree on some things. Default is not responsible is one of them. It isn't responsible. But there are things that can be done to avoid defaulting other than raising the massive debt ceiling beyond anything anybody ever dreamed of before. And we keep being told that Clinton gave you a balanced budget. The President does not vote on a balanced budget. He signed, and wasn't real happy there at first about signing a balanced budget that was pushed over there by the Republican majority that was voted in in 1994 because of the Democrats' irresponsibility.

And so things went well as the Republicans did what they were elected to do for a time. But you are right: when President Bush got elected, 9/11 happened, and the spending began anew, and it was not responsible as it should have been. And when I was elected in 2004, one of the things that we dealt with was too much spending. And it continued. And some of us fought to bring it down, but it was not enough.

And as a result, the Democrats have been in charge since 2007. And so pay-as-you-go—let me tell you, I was asked earlier today by our whip, ERIC CANTOR. You know, we checked our records. You voted for this one of the times they brought it up last year. Why'd you do that? And I said, it was my mistake. I thought they were serious. But they keep waiving and exempting, keep adding it to bills, and here it is back again. They won't fool me again because I know they're not serious about it anymore.

We heard from Art Laffer, who was the architect behind turning around

double-digit inflation, double-digit unemployment, double-digit interest rates. How'd he do it? He cut taxes 30 percent. And Art Laffer 2 weeks ago said you want to deal with this deficit? You have so much in the way of assets in the western part of the country. You own most of the country. Start selling some assets. That's what people do who are responsible.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional minute.

Mr. GOHMERT. What responsible people do, and I appreciate being lectured on responsible, is they bring down spending immediately. You don't have a President or a head of a household saying we're going to get responsible next year. Yeah, that's it. Next year. No, you do it now. You don't keep going on. And I'll give you a personal, very personal example. We have three kids who have been going through college. We owe a lot on student loans. We have a home that I'm not in 4 or 5 days out of the week. I love that home. I hoped that home would be my home the rest of my life. But we're putting it up for sale because it's an asset; it will allow us to pay off debt.

Let's start selling some of our assets. But instead, oh, no. Last week we voted to buy a bunch of the Virgin Islands. We voted in here, because of the majority, we're going to buy homes in foreign countries for rare dogs and cats. We're going to buy homes for cranes that don't live in this country. It's time to get responsible all right. Let's vote down this bill, and let's come back and be responsible immediately.

Mr. MCGOVERN. Madam Speaker, again I remind my colleagues of \$4 trillion in Bush tax cuts that weren't paid for. And during the Republican-controlled Congress under President Bush from 2002 to 2006 the debt limit was raised by over \$3 trillion. I didn't hear any complaints at that time. My colleague talks about selling assets. The problem is the assets they want to sell are Social Security and Medicare, and we don't want any part of it.

I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

□ 1230

Mr. FATTAH. Let me thank my colleague for yielding me this time.

If we roll the tape back, I can hear, as if it was yesterday, Alan Greenspan, Chairman of the Fed, testifying before this Congress—and right after President Bush was sworn into office—about the fact of this \$5 trillion surplus and the opportunity to pay off the debt. We were having a discussion about whether it would be good for our economy—this is in the record of this Congress—whether it would be good for our economy to pay off all of our debt or rather we should leave some debt on the

books. That is what was projected. It was said at the end of the Bush Presidency, we can be an entirely debt-free country. Well, here we are today in a much different situation.

Now, if you want a balanced budget, then you should follow those people who know how to get us there. Democrats led the way under President Clinton, and we had a surplus. We had a balanced budget. We were paying down national debt. And that is where we are returning our country to, which is a responsible fiscal policy.

And as we see the economic turnaround, gross domestic product, 6 percent in the negative a year ago. We saw \$700,000 lost in January a year ago. What we see now is a 5.7 percent increase in gross domestic product. We see purchasing orders up, manufacturing up, in today's report, by 1 percent, which is the second month in a row. We see home sales up. We see a country on the rebound.

And the fact of the matter is that PAYGO, as structured under this rule, not only says that you have to pay as you go, it also directs the Government Accountability Office to look for duplicative programs in the Federal budget that can be cut.

Now, I am going to be offering additional legislation next week on dealing with the debt that has been accumulated by the Republican President and the Republican majority over the last 6 years of the Bush administration, and we can do even more.

Mr. SESSIONS. Madam Speaker, if I could engage Mr. MCGOVERN for the purpose of letting him know that I am down to my final few minutes, I have two additional speakers. He has a lot of time remaining. I would ask that he engage his speakers and his time as we roll it down.

Mr. MCGOVERN. May I inquire how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Texas controls 3 minutes, and the gentleman from Massachusetts controls 9 minutes.

Mr. MCGOVERN. I yield myself 2 minutes, Madam Speaker.

Madam Speaker, we don't even need lectures from the Republicans on fiscal discipline. We did it, and we're going to do it again. And the President and the leadership here of this House has outlined how we're going to do it.

But I want to point out that my colleagues on the other side don't like statutory PAYGO. They don't want to pay for tax cuts for rich people or for corporations or for big oil companies because they have a different plan, and their plan is to reprise the Bush-era proposal to privatize Medicare and Social Security.

In the Budget Committee the other day, the ranking Republican introduced his plan, which makes it very clear that he wants to privatize Social Security and Medicare. Ezra Klein of

The Washington Post writes, This proposal would take Medicare from costing an expected 14.3 percent of GDP in 2080 to less than 4 percent. That's trillions of dollars not going to health care for seniors. The audacity is breathtaking.

The Congressional Budget Office said of that proposal that starting in 2021, new enrollees would no longer receive coverage through their current program but instead would be given a voucher with which to purchase private health insurance. CBO says traditional benefits would be reduced below those scheduled on the current laws for many workers who are aged 55 or younger in 2011.

Peter Orszag, the Director of OMB, says, The proposal takes the Medicare program and, for those 55 and below, turns it into a voucher program and that it introduces individual accounts privatizing Social Security.

Madam Speaker, we have some challenges before us, but I would like to think that we can all agree that balancing the budget by letting Medicare wither on the vine and privatizing Social Security and destroying two of the most important social programs in the history of the country is not the way to go. And so that is the choice.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield myself an additional 30 seconds.

We do what's fiscally responsible and enact the statutory PAYGO and pay as you go. If you want to increase education programs or programs for health care, you have to find an offset. You have to cut another program to find additional revenue. If you want to give tax cuts to rich people, you've got to pay for it. But I think that's the responsible way to go. Going their way, going after Medicare and Social Security, is the wrong way. We've seen this movement before. We don't want to go there.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, spin zone. I love it. The gentleman is talking about all these Republicans want to privatize Social Security and Medicare. We're responsible. Well, what the gentleman forgot is it's the Democrats' proposal that takes \$400 billion out of Medicare, \$400 billion. Those are not only talking points from the 1990s that the gentleman is hung up on, it's not truthful.

I would like to yield to the gentleman from Minnesota (Mr. PAULSEN) 1 minute.

Mr. PAULSEN. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong opposition to this self-executing rule which will raise our national debt to nearly \$2 trillion. That's 12 zeros. I urge Members to vote "no" on the previous question so that we can immediately have the House consider H.R.

4566, the END TARP Act, that will end the TARP bailout program once and for all, saving taxpayers about \$200 billion.

In the most recent report, the Special Inspector General of TARP himself said the program has failed to boost bank lending and it's also failed in halting the spread of home foreclosures. If the program isn't helping small businesses, if the program isn't helping homeowners, two of its major goals, why do we consider to throw hundreds of billions of dollars of taxpayer money at it?

It's time we got serious about fixing our national fiscal house and spending problems. I urge Members to vote "no" on the previous question so that they can bring up the END TARP Act. We can end the bailouts once and for all and not raise the debt ceiling by nearly \$2 trillion.

Mr. MCGOVERN. Madam Speaker, I again inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts controls 6½ minutes and the gentleman from Texas controls 1½ minutes.

Mr. MCGOVERN. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, we have had an enlightening debate here today, and I guess the difference between Democrats and Republicans couldn't be clearer and this debate couldn't come at a better time.

My colleagues on the other side of the aisle believe that we should balance the budget by going after Medicare and Social Security. They introduced an alternative budget in the Budget Committee. It's there in black and white. It's easy to understand. No one denies it. The gentleman from Texas (Mr. HENSARLING) who was on the floor earlier was on MSNBC talking about the need to "reengineer Social Security," which is a code word for privatization.

My colleagues on the other side say they don't support PAYGO and they don't support increasing the debt limit. I guess that means they'd rather play politics than act responsibly to fix the problems that this country faces.

President Obama said that fixing this economy would not be easy and it would not happen overnight, and that's clear. He took office and he implemented a bold plan to jump-start the economy, and in the fourth quarter, we saw the U.S. economy grow at a 5.7 percent rate. Mark Zandi, the cofounder of Moody's Economy.com and former McCain economic adviser, said, We're headed in the right direction. The recovery has begun. I think prospects are that job growth will continue and we will have enough job growth to bring up unemployment and then good things will happen. That's a Republican economist.

Instead of working together to fix the economy, my Republican colleagues have decided to try and use

this recession for political gain. They've obstructed and opposed all efforts to jump-start the economy. They voted against the Recovery Act, which put millions of people to work and saved millions of jobs. They would have rather fired cops and firefighters and teachers. They would have denied new emerging industries the important money to hire more people. They voted against the jobs creation bill and, except for one brave vote, against the health care bill that, according to CBO, would reduce the deficit. Instead, they have dusted off the tired old standbys: corporate tax cuts and privatization of Social Security and Medicare. Unfortunately, they're stuck in the past and are simply repeating the mistakes that put us here in the first place.

Madam Speaker, we were elected to do responsible things, to do what's right. We were elected to solve problems and to make this country a better place. Democrats say we cannot default on our debt and that we will reduce that debt through PAYGO, bending the cost curve of health care and freezing spending.

I believe we need to look at all parts of Federal spending, including wasteful and unnecessary spending at the Defense Department, but it's clear we need to prioritize our spending. In fact, Democrats say we're going to cut capital gains—something that Republicans have been touting for years—but Republicans are opposing that, too, simply because President Obama is proposing it.

Madam Speaker, there is a time and a place for politics, and I get that. But to paraphrase JOHN MCCAIN, sometimes you have to put the country first. It's unfortunate that my Republican colleagues would rather play politics instead of acting responsibly to attack our country's problems.

Madam Speaker, at this time I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, in the remaining time, I would just like to say that I think the American people are watching and they are listening, and they heard a good debate here on the floor about these corporations that Republicans try and get all of these tax breaks for. I'd like to remind the gentleman those are called employers, and employers in this country have the second highest tax rate of any country in the world.

Darn right Republicans are trying to cut taxes, because we want the American people to get employed again, and attacking employers is the key thrust of what the Democratic objective is all about. No wonder we've lost jobs. We're attacking employers, attacking employers. The President, the gentleman Mr. HOYER, the Speaker, Mrs. PELOSI, attacking employers. No wonder we've got an unemployment problem.

But this budget is filled with reckless spending and unsustainable debt. Don't

blame that on somebody else. Accept the responsibility yourself. This is the biggest budget we've ever had. And for the President to come and say, as a takeaway, Just as you know, American people, we're going to start this spending process to where we freeze spending, it's really a joke.

The bottom line is the American people know what the problem is. They've clued in on it. They even know the pages of the bills where they have seen the majority party try and take advantage of the taxpayer, rip health care out from their advantage where they could have their own health care, take dollars away from their employers and tax them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I will tell you, the Republican Party is going to stand up for jobs again today.

Mr. MCGOVERN. Madam Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Massachusetts controls 3½ minutes.

Mr. MCGOVERN. I yield myself 1 minute.

Before I yield to our last speaker, let me again just remind my colleagues what this debate is about. It is about whether we should pay as we go. That is what families do. That is what we should do here. I don't know why that's a radical idea in the Republican Conference, but it's the responsible thing to do.

My friends on the other side are responsible for creating this economic mess. They should share that responsibility with us now to get this economy out of the ditch.

And one final thing, Madam Speaker, trying to balance the budget by going after Social Security and Medicare is the wrong way to go. These are important programs that provide important benefits, mostly to our senior citizens, and we should not allow them to wither on the vine and be subject to a Republican budget that would basically take a meat-ax to those programs. That is the wrong way to go.

□ 1245

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. MCGOVERN. I yield myself an additional 30 seconds, Madam Speaker.

Madam Speaker, again, I would remind my colleagues that we are facing tough times, but tough times require tough decisions. And statutory pay-as-you-go to basically pay our way is the responsible thing. We can't keep on adding to our deficits and to our debt. We have responsibility to our kids and our grandkids. I would ask my Republican colleagues to join with us. If they don't want to do it, then I guess we will have to do the responsible thing on our own.

Again, I would urge my colleagues to vote for the rule.

I yield the remaining time to our distinguished majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

The last time we voted on this issue, the floor was packed on both sides of the aisle. And I observed at that time that, and I repeat today, I really doubt that there are any of the 435 of us, Madam Speaker, who believe that this matter that is included in this rule ought to be defeated. I would hope that's the case.

The gentleman who represents the minority party on the Rules Committee has confronted this issue in the past. He confronted it in 2002. He confronted it in 2003. He confronted it in 2004 and again in 2005. On each of those occasions, he voted to increase the debt limit. His party was in charge. Unfortunately, my party voted against it at that point in time because we weren't in charge.

The point I make is that the American public too often believes that we do not do what we think is the responsible thing for our country but what we think is the right thing to do from the perspective of our party. They are not impressed by that kind of action. In fact, not only did Mr. SESSIONS vote to increase the debt limit on numerous occasions, many of us voted against it essentially for the same reasons, because we said the other party had incurred liabilities with which we did not agree. In fact, I'm sure all 435 of us could say we incurred certain liabilities in which we did not agree.

But the fact of the matter is that America, voting through its representatives in the House and in the Senate, incurred those liabilities. Creditors throughout the world relied on the fact that the United States of America, the world's wealthiest Nation, would, in fact, pay its bills.

I will say that in the future when this issue comes up, I will not repeat again the mistakes that I made in the past. I said that last time. And if it so happens at some time in the future the other party is in control and we come to the necessity of ensuring that America can pay its bills, it will be my intention to vote with the majority party to increase the debt limit—not because I want to see us deficit spend; I don't. I voted for constitutional amendments to balance the budget to constrain the spending of this body.

In a few minutes, I will speak strongly in favor of adopting statutory PAYGO, which is made in order by this rule. Statutory PAYGO will be a constraint on the spending that this Congress votes for, a restraint to bring in line spending on mandatory items with the revenues and abilities that we have.

And so I say to both sides of the aisle, this is not a vote about party.

This is a vote about country. There is no one in this room, no one who has raised his or her hand to defend and protect the Constitution of the United States, not one of us who honestly can say that it is an alternative available to us to not ensure that America can pay its bills. That's what this is about.

That's why my friends on the Republican side, when you were in charge, you voted, in some cases almost to a person, almost unanimously, to increase the debt five times under President Bush.

Very frankly, I tell my friends on the Republican side, when President Bush was in office, we did the same thing you're going to do today. We pretended that somehow because we did not agree with the policies that had led us to the place where we had incurred those debts that somehow we would take no responsibility for paying those debts. Ladies and gentlemen, our creditors around the world on whom we are now relying in order to fund our government don't really care about our partisan politics. They do care, however, about the will that we have to meet our responsibilities to pay our bills and to meet our obligations to them.

Everybody understands that if we did not increase this debt limit, at some point in time, not too long thereafter, checks to Social Security recipients would have to stop, checks to veterans would have to stop, and checks to employees who work for the government would have to stop. No one thinks that's a rational alternative. We may think there ought to be less or more, but no one thinks that we ought to have none.

And so I say to my colleagues this is a vote for American responsibility, not Republican responsibility or Democratic responsibility, but for American responsibility.

Both of us—both of us have pursued politics in this matter. The American public is hopeful, as we all can see, that at some point in time we all realize that playing politics is not the policy that Americans want us to pursue. They want us to pursue the well-being of our country and of our citizens. We've incurred debts. We expect people to pay the debts they owe us, and they, in turn, expect the same. That's what this vote is about.

And so there are not a lot of Members on this floor. I hope a lot of Members, Madam Speaker, are watching, because I hope when they come to this floor to vote for this rule, which will deem the authorization of the ability of America to meet its responsibilities, that they will vote for their country, for our citizens, and for our responsibility. It's the right thing to do.

Every one of us on each side of the aisle, Republican or Democratic, knows it's the right thing to do. Let's do the right thing. I urge support of this rule. I urge support of the statutory PAYGO

provision made in order by this rule, which will say that, notwithstanding the fact that we have authorized additional debt, we are also, at the same time, going to constrain the incurring of additional debt beyond that which we are prepared to pay for. That's what families have to do. That's what we need to do.

Vote for this rule. It's the right thing to do.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1065

OFFERED BY MR. SESSIONS

At the end of the resolution, add the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the bill (H.R. 4566) to terminate authority under the Troubled Asset Relief Program, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion or demand for division of the question except: (1) two hours of debate equally divided and controlled by the chairmen and ranking minority members of the Committee on Financial Services and the Committee on Ways and Means; and (2) one motion to recommit. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4566.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a

vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Suspending the rules and adopting House Resolution 1022;

Ordering the previous question on House Resolution 1065;

Adopting House Resolution 1065, if ordered;

Suspending the rules and passing H.R. 4532.

The first and third electronic votes will be conducted as 15-minute votes. Remaining electronic votes will be conducted as 5-minute votes.

## HONORING MEDGAR EVERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1022, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1022.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 44]

YEAS—426

|                |                 |                 |
|----------------|-----------------|-----------------|
| Abercrombie    | Cassidy         | Fudge           |
| Ackerman       | Castle          | Gallegly        |
| Aderholt       | Castor (FL)     | Garamendi       |
| Adler (NJ)     | Chaffetz        | Garrett (NJ)    |
| Akin           | Chandler        | Gerlach         |
| Alexander      | Childers        | Giffords        |
| Altmire        | Chu             | Gingrey (GA)    |
| Andrews        | Clarke          | Gingrey (GA)    |
| Arcuri         | Clay            | Gonzalez        |
| Austria        | Cleaver         | Goodlatte       |
| Baca           | Clyburn         | Gordon (TN)     |
| Bachmann       | Coble           | Granger         |
| Bachus         | Coffman (CO)    | Graves          |
| Baird          | Cohen           | Grayson         |
| Baldwin        | Conaway         | Green, Al       |
| Barrett (SC)   | Connolly (VA)   | Green, Gene     |
| Barrow         | Conyers         | Griffith        |
| Bartlett       | Cooper          | Grijalva        |
| Barton (TX)    | Costa           | Guthrie         |
| Bean           | Costello        | Hall (NY)       |
| Becerra        | Courtney        | Hall (TX)       |
| Berkley        | Crenshaw        | Halvorson       |
| Berman         | Crowley         | Hare            |
| Berry          | Cuellar         | Harman          |
| Biggart        | Culberson       | Harper          |
| Bilbray        | Cummings        | Hastings (FL)   |
| Bilirakis      | Dahlkemper      | Hastings (WA)   |
| Bishop (GA)    | Davis (AL)      | Heinrich        |
| Bishop (NY)    | Davis (CA)      | Heller          |
| Bishop (UT)    | Davis (IL)      | Hensarling      |
| Blackburn      | Davis (KY)      | Herger          |
| Blumenauer     | Davis (TN)      | Herseth Sandlin |
| Blunt          | Deal (GA)       | Higgins         |
| Boccieri       | DeFazio         | Hill            |
| Boehner        | DeGette         | Himes           |
| Bonner         | Delahunt        | Hinchey         |
| Bono Mack      | DeLauro         | Hinojosa        |
| Boozman        | Dent            | Hirono          |
| Boren          | Diaz-Balart, L. | Hodes           |
| Boswell        | Diaz-Balart, M. | Hoeckstra       |
| Boucher        | Dicks           | Holden          |
| Boustany       | Dingell         | Holt            |
| Boyd           | Doggett         | Honda           |
| Brady (PA)     | Donnelly (IN)   | Hoyer           |
| Brady (TX)     | Doyle           | Hunter          |
| Braley (IA)    | Dreier          | Inglis          |
| Bright         | Driehaus        | Inslee          |
| Broun (GA)     | Duncan          | Israel          |
| Brown (SC)     | Edwards (MD)    | Issa            |
| Brown, Corrine | Edwards (TX)    | Jackson (IL)    |
| Brown-Waite,   | Ehlers          | Jackson Lee     |
| Ginny          | Ellison         | (TX)            |
| Buchanan       | Ellsworth       | Jenkins         |
| Burgess        | Emerson         | Johnson (GA)    |
| Burton (IN)    | Engel           | Johnson (IL)    |
| Butterfield    | Eshoo           | Johnson, E. B.  |
| Buyer          | Etheridge       | Johnson, Sam    |
| Calvert        | Fallin          | Jones           |
| Camp           | Farr            | Jordan (OH)     |
| Campbell       | Fattah          | Kagen           |
| Cantor         | Filner          | Kanjorski       |
| Cao            | Flake           | Kaptur          |
| Capito         | Fleming         | Kennedy         |
| Capps          | Forbes          | Kildee          |
| Capuano        | Fortenberry     | Kilpatrick (MI) |
| Cardoza        | Foster          | Kilroy          |
| Carnahan       | Fox             | Kind            |
| Carney         | Frank (MA)      | King (IA)       |
| Carson (IN)    | Franks (AZ)     | King (NY)       |
| Carter         | Frelinghuysen   | Kingston        |

|                  |                  |               |
|------------------|------------------|---------------|
| Kirk             | Moore (WI)       | Schiff        |
| Kirkpatrick (AZ) | Moran (KS)       | Schmidt       |
| Kissell          | Moran (VA)       | Schock        |
| Klein (FL)       | Murphy (CT)      | Schrader      |
| Kline (MN)       | Murphy (NY)      | Schwartz      |
| Kosmas           | Murphy, Patrick  | Scott (GA)    |
| Kratovil         | Murphy, Tim      | Scott (VA)    |
| Kucinich         | Myrick           | Sensenbrenner |
| Lamborn          | Nadler (NY)      | Serrano       |
| Lance            | Napolitano       | Sessions      |
| Langevin         | Neal (MA)        | Sestak        |
| Larsen (WA)      | Neugebauer       | Shadegg       |
| Latham           | Nunes            | Shea-Porter   |
| LaTourette       | Nye              | Sherman       |
| Latta            | Oberstar         | Shimkus       |
| Lee (CA)         | Obey             | Shuler        |
| Lee (NY)         | Olson            | Shuster       |
| Levin            | Olver            | Simpson       |
| Lewis (CA)       | Ortiz            | Sires         |
| Lewis (GA)       | Owens            | Skelton       |
| Linder           | Pallone          | Slaughter     |
| Lipinski         | Pascrell         | Smith (NE)    |
| LoBiondo         | Pastor (AZ)      | Smith (NJ)    |
| Loeb             | Paul             | Smith (TX)    |
| Loeb             | Paulsen          | Smith (WA)    |
| Lofgren, Zoe     | Payne            | Snyder        |
| Lowey            | Pence            | Souder        |
| Lucas            | Perlmutter       | Space         |
| Luetkemeyer      | Perriello        | Speier        |
| Lujan            | Peters           | Spratt        |
| Lummis           | Peterson         | Stark         |
| Lungren, Daniel  | Petri            | Stearns       |
| E.               | Pingree (ME)     | Stupak        |
| Lynch            | Pitts            | Sullivan      |
| Mack             | Platts           | Sutton        |
| Maffei           | Poe (TX)         | Tanner        |
| Maloney          | Polis (CO)       | Taylor        |
| Manzullo         | Pomeroy          | Teague        |
| Marchant         | Posey            | Terry         |
| Markey (CO)      | Price (GA)       | Thompson (CA) |
| Markey (MA)      | Price (NC)       | Thompson (MS) |
| Marshall         | Putnam           | Thornberry    |
| Massa            | Quigley          | Tiahrt        |
| Matheson         | Rahall           | Tiberi        |
| Matsui           | Rangel           | Tierney       |
| McCarthy (CA)    | Rehberg          | Titus         |
| McCarthy (NY)    | Reichert         | Tonko         |
| McCaul           | Reyes            | Towns         |
| McClintock       | Richardson       | Tsongas       |
| McCollum         | Rodriguez        | Turner        |
| McCotter         | Roe (TN)         | Upton         |
| McDermott        | Rogers (AL)      | Van Hollen    |
| McGovern         | Rogers (KY)      | Velázquez     |
| McHenry          | Rogers (MI)      | Visclosky     |
| McIntyre         | Rohrabacher      | Walden        |
| McKeon           | Rooney           | Walz          |
| McMahon          | Ros-Lehtinen     | Wamp          |
| McMorris         | Roskam           | Wasserman     |
| Rodgers          | Ross             | Schultz       |
| McNerney         | Rothman (NJ)     | Waters        |
| Meek (FL)        | Roybal-Allard    | Watson        |
| Meeks (NY)       | Royce            | Watt          |
| Melancon         | Ruppersberger    | Waxman        |
| Mica             | Rush             | Weiner        |
| Michaud          | Ryan (OH)        | Welch         |
| Miller (FL)      | Ryan (WI)        | Westmoreland  |
| Miller (MI)      | Salazar          | Whitfield     |
| Miller (NC)      | Sánchez, Linda   | Wilson (OH)   |
| Miller, Gary     | T.               | Wilson (SC)   |
| Miller, George   | Sanchez, Loretta | Wittman       |
| Minnick          | Sarbanes         | Woolsey       |
| Mitchell         | Scalise          | Wu            |
| Mollohan         | Schakowsky       | Yarmuth       |
| Moore (KS)       | Schauer          | Young (AK)    |

NOT VOTING—7

|           |               |            |
|-----------|---------------|------------|
| Cole      | Radanovich    | Young (FL) |
| Gutierrez | Thompson (PA) |            |
| Murtha    | Wolf          |            |

□ 1320

Ms. CORRINE BROWN of Florida and Mr. SCHAUER changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 45, INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The SPEAKER pro tempore (Mr. PAS- TOR of Arizona). The unfinished business is the vote on ordering the previous question on House Resolution 1065, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 195, not voting 5, as follows:

[Roll No. 45]

YEAS—233

|                |                  |                  |
|----------------|------------------|------------------|
| Abercrombie    | Etheridge        | Marshall         |
| Ackerman       | Farr             | Massa            |
| Adler (NJ)     | Fattah           | Matheson         |
| Altmire        | Filner           | Matsui           |
| Andrews        | Foster           | McCarthy (NY)    |
| Arcuri         | Frank (MA)       | McCollum         |
| Baca           | Fudge            | McDermott        |
| Baird          | Garamendi        | McGovern         |
| Baldwin        | Gonzalez         | McMahon          |
| Barrow         | Gordon (TN)      | McNerney         |
| Bean           | Grayson          | Meek (FL)        |
| Becerra        | Green, Al        | Meeks (NY)       |
| Berkley        | Green, Gene      | Melancon         |
| Berman         | Grijalva         | Michaud          |
| Berry          | Hall (NY)        | Miller (NC)      |
| Bishop (GA)    | Halvorson        | Miller, George   |
| Bishop (NY)    | Hare             | Mollohan         |
| Blumenauer     | Harman           | Moore (KS)       |
| Boren          | Hastings (FL)    | Moore (WI)       |
| Boswell        | Heinrich         | Moran (VA)       |
| Boucher        | Herseth Sandlin  | Murphy (CT)      |
| Boyd           | Higgins          | Murphy (NY)      |
| Brady (PA)     | Hill             | Nadler (NY)      |
| Braley (IA)    | Himes            | Napolitano       |
| Brown, Corrine | Hinchey          | Neal (MA)        |
| Butterfield    | Hinojosa         | Oberstar         |
| Capps          | Hirono           | Obey             |
| Capuano        | Hodes            | Olver            |
| Cardoza        | Holden           | Ortiz            |
| Carnahan       | Holt             | Owens            |
| Carson (IN)    | Honda            | Pallone          |
| Castor (FL)    | Hoyer            | Pascrell         |
| Chandler       | Inslee           | Pastor (AZ)      |
| Chu            | Israel           | Payne            |
| Clarke         | Jackson (IL)     | Perlmutter       |
| Clay           | Jackson Lee      | Peters           |
| Cleaver        | (TX)             | Peterson         |
| Clyburn        | Johnson (GA)     | Pingree (ME)     |
| Cohen          | Johnson, E. B.   | Polis (CO)       |
| Connolly (VA)  | Kagen            | Pomeroy          |
| Conyers        | Kanjorski        | Price (NC)       |
| Cooper         | Kaptur           | Quigley          |
| Costa          | Kennedy          | Rahall           |
| Costello       | Kildee           | Rangel           |
| Courtney       | Kilpatrick (MI)  | Reyes            |
| Crowley        | Kilroy           | Richardson       |
| Cuellar        | Kind             | Rodriguez        |
| Cummings       | Kirkpatrick (AZ) | Ross             |
| Davis (AL)     | Kissell          | Rothman (NJ)     |
| Davis (CA)     | Klein (FL)       | Roybal-Allard    |
| Davis (IL)     | Langevin         | Ruppersberger    |
| Davis (TN)     | Larsen (WA)      | Rush             |
| DeFazio        | Larson (CT)      | Ryan (OH)        |
| DeGette        | Lee (CA)         | Salazar          |
| Delahunt       | Levin            | Sánchez, Linda   |
| DeLauro        | Lewis (GA)       | T.               |
| Dicks          | Lipinski         | Sanchez, Loretta |
| Dingell        | Loeb             | Sarbanes         |
| Doggett        | Loeb             | Schakowsky       |
| Donnelly (IN)  | Lofgren, Zoe     | Schiff           |
| Doyle          | Lowey            | Schrader         |
| Edwards (MD)   | Lujan            | Schwartz         |
| Edwards (TX)   | Lynch            | Scott (GA)       |
| Ellison        | Maffei           | Scott (VA)       |
| Engel          | Maloney          | Serrano          |
| Eshoo          | Markey (CO)      | Sestak           |
|                | Markey (MA)      |                  |



Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak

## NAYS—195

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Dahlkemper  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Driehaus  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry

## NOT VOTING—5

Gutierrez  
Murtha

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1332

So the previous question was ordered.

Wasserman  
Tanner  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paul  
Paulsen  
Pence  
Perriello  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schauer  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 212, not voting 5, as follows:

[Roll No. 46]

## AYES—217

Abercrombie  
Ackerman  
Altmire  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Gordon (TN)

Green, Al  
Green, Gene  
Grijalva  
Hall (NY)  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Klein (FL)  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McMahon  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver

Adherholt  
Adler (NJ)  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Bartlett  
Barton (TX)  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Bocieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Donnelly (IN)  
Dreier  
Driehaus  
Duncan  
Ehlers  
Ellsworth  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly

## NOES—212

Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Grayson  
Griffith  
Guthrie  
Hall (TX)  
Halvorson  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hodes  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Kissell  
Kline (MN)  
Kosmas  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maffei  
Manzullo  
Marchant  
Markey (CO)  
Massa  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary

## NOT VOTING—5

Gutierrez  
Murtha

□ 1351

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SOCIAL SECURITY DISABILITY APPLICANTS' ACCESS TO PROFESSIONAL REPRESENTATION ACT OF 2010

The SPEAKER pro tempore (Ms. BALDWIN). The unfinished business is

the vote on the motion to suspend the rules and pass the bill, H.R. 4532, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 4532.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 6, not voting 15, as follows:

[Roll No. 47]

YEAS—412

|                |                 |                  |
|----------------|-----------------|------------------|
| Ackerman       | Coble           | Hall (TX)        |
| Aderholt       | Cohen           | Halvorson        |
| Adler (NJ)     | Cole            | Hare             |
| Akin           | Conaway         | Harman           |
| Alexander      | Connolly (VA)   | Harper           |
| Altmire        | Conyers         | Hastings (FL)    |
| Andrews        | Cooper          | Hastings (WA)    |
| Arcuri         | Costa           | Heinrich         |
| Austria        | Costello        | Heller           |
| Baca           | Courtney        | Hensarling       |
| Bachmann       | Crenshaw        | Hergert          |
| Bachus         | Crowley         | Herseth Sandlin  |
| Baird          | Cuellar         | Higgins          |
| Baldwin        | Cummings        | Hill             |
| Barrett (SC)   | Dahlkemper      | Himes            |
| Barrow         | Davis (AL)      | Hinchee          |
| Bartlett       | Davis (CA)      | Hinojosa         |
| Barton (TX)    | Davis (KY)      | Hirono           |
| Bean           | Davis (TN)      | Hodes            |
| Becerra        | Deal (GA)       | Hoekstra         |
| Berkley        | DeFazio         | Holden           |
| Berry          | DeGette         | Holt             |
| Biggert        | Delahunt        | Honda            |
| Bilbray        | DeLauro         | Hoyer            |
| Billirakis     | Dent            | Hunter           |
| Bishop (GA)    | Diaz-Balart, L. | Inglis           |
| Bishop (NY)    | Diaz-Balart, M. | Inslee           |
| Bishop (UT)    | Dicks           | Israel           |
| Blackburn      | Dingell         | Issa             |
| Blumenauer     | Doggett         | Jackson (IL)     |
| Blunt          | Donnelly (IN)   | Jackson Lee      |
| Boccieri       | Doyle           | (TX)             |
| Bonner         | Dreier          | Jenkins          |
| Bono Mack      | Driehaus        | Johnson (GA)     |
| Boozman        | Duncan          | Johnson (IL)     |
| Boren          | Edwards (MD)    | Johnson, E. B.   |
| Boswell        | Edwards (TX)    | Johnson, Sam     |
| Boucher        | Ehlers          | Jones            |
| Boustany       | Ellison         | Jordan (OH)      |
| Boyd           | Ellsworth       | Kagen            |
| Brady (PA)     | Emerson         | Kanjorski        |
| Brady (TX)     | Engel           | Kaptur           |
| Bralley (IA)   | Eshoo           | Kennedy          |
| Bright         | Etheridge       | Kildee           |
| Broun (GA)     | Fallin          | Kilpatrick (MI)  |
| Brown (SC)     | Farr            | Kilroy           |
| Brown, Corrine | Fattah          | Kind             |
| Brown-Waite,   | Filner          | King (NY)        |
| Ginny          | Flake           | Kingston         |
| Buchanan       | Fleming         | Kirk             |
| Burgess        | Forbes          | Kirkpatrick (AZ) |
| Burton (IN)    | Fortenberry     | Kissell          |
| Butterfield    | Foster          | Klein (FL)       |
| Buyer          | Fox             | Kline (MN)       |
| Calvert        | Frank (MA)      | Kosmas           |
| Camp           | Franks (AZ)     | Kratovil         |
| Cantor         | Frelinghuysen   | Kucinich         |
| Cao            | Fudge           | Lamborn          |
| Capito         | Gallely         | Lance            |
| Capps          | Garamendi       | Langevin         |
| Capuano        | Garrett (NJ)    | Larsen (WA)      |
| Cardoza        | Gerlach         | Larson (CT)      |
| Carnahan       | Giffords        | Latham           |
| Carney         | Gingrey (GA)    | LaTourette       |
| Carson (IN)    | Gonzalez        | Latta            |
| Carter         | Goodlatte       | Lee (CA)         |
| Cassidy        | Gordon (TN)     | Lee (NY)         |
| Castle         | Granger         | Levin            |
| Castor (FL)    | Graves          | Lewis (CA)       |
| Chaffetz       | Grayson         | Lewis (GA)       |
| Chandler       | Green, Al       | Lipinski         |
| Childers       | Green, Gene     | LoBiondo         |
| Chu            | Griffith        | Loeb             |
| Clarke         | Grijalva        | Loeb             |
| Cleaver        | Guthrie         | Lowey            |
| Clyburn        | Hall (NY)       | Lucas            |

|                 |                  |               |
|-----------------|------------------|---------------|
| Luetkemeyer     | Pallone          | Shea-Porter   |
| Lujan           | Pascarell        | Sherman       |
| Lungren, Daniel | Pastor (AZ)      | Shimkus       |
| E.              | Paul             | Shuler        |
| Lynch           | Paulsen          | Shuster       |
| Mack            | Payne            | Simpson       |
| Maffei          | Pence            | Sires         |
| Maloney         | Perlmutter       | Skelton       |
| Manzullo        | Perriello        | Slaughter     |
| Marchant        | Peters           | Smith (NE)    |
| Markey (CO)     | Peterson         | Smith (NJ)    |
| Markey (MA)     | Petri            | Smith (TX)    |
| Marshall        | Pingree (ME)     | Smith (WA)    |
| Massa           | Pitts            | Snyder        |
| Matheson        | Platts           | Souder        |
| Matsui          | Poe (TX)         | Space         |
| McCarthy (CA)   | Polis (CO)       | Speier        |
| McCarthy (NY)   | Pomeroy          | Spratt        |
| McCauley        | Posey            | Stark         |
| McCollum        | Price (GA)       | Stearns       |
| McCotter        | Price (NC)       | Sullivan      |
| McDermott       | Putnam           | Sutton        |
| McGovern        | Quigley          | Tanner        |
| McHenry         | Rahall           | Taylor        |
| McIntyre        | Rangel           | Teague        |
| McKeon          | Rehberg          | Terry         |
| McMahon         | Reichert         | Thompson (CA) |
| McMorris        | Reyes            | Thompson (MS) |
| Hill            | Richardson       | Thornberry    |
| McNerney        | Rodriguez        | Tiahrt        |
| Meek (FL)       | Roe (TN)         | Tiberi        |
| Meeks (NY)      | Rogers (AL)      | Tierney       |
| Melancon        | Rogers (KY)      | Titus         |
| Mica            | Rohrabacher      | Tonko         |
| Michaud         | Rooney           | Towns         |
| Miller (FL)     | Ros-Lehtinen     | Tsongas       |
| Miller (MI)     | Roskam           | Turner        |
| Miller (NC)     | Ross             | Upton         |
| Miller, Gary    | Rothman (NJ)     | Van Hollen    |
| Miller, George  | Roybal-Allard    | Velázquez     |
| Minnick         | Royce            | Visclosky     |
| Mitchell        | Ruppersberger    | Walden        |
| Mollohan        | Ryan (OH)        | Walz          |
| Moore (KS)      | Ryan (WI)        | Wamp          |
| Moore (WI)      | Salazar          | Wasserman     |
| Moran (KS)      | Sanchez, Linda   | Schultz       |
| Moran (VA)      | T.               | Waters        |
| Murphy (CT)     | Sanchez, Loretta | Watson        |
| Murphy (NY)     | Sarbanes         | Watt          |
| Murphy, Patrick | Scalise          | Waxman        |
| Murphy, Tim     | Schakowsky       | Weiner        |
| Myrick          | Schauer          | Welch         |
| Nadler (NY)     | Schiff           | Westmoreland  |
| Napolitano      | Schmidt          | Whitfield     |
| Neal (MA)       | Schock           | Wilson (OH)   |
| Neugebauer      | Schrader         | Wilson (SC)   |
| Nunes           | Schwartz         | Wittman       |
| Nye             | Scott (GA)       | Wolf          |
| Oberstar        | Scott (VA)       | Woolsey       |
| Obey            | Sensenbrenner    | Wu            |
| Olson           | Serrano          | Yarmuth       |
| Oliver          | Sessions         | Young (AK)    |
| Ortiz           | Sestak           |               |
| Owens           | Shadegg          |               |

NAYS—6

|              |           |            |
|--------------|-----------|------------|
| Campbell     | Gohmert   | Lummis     |
| Coffman (CO) | King (IA) | McClintock |

NOT VOTING—15

|             |            |               |
|-------------|------------|---------------|
| Abercrombie | Davis (IL) | Rogers (MI)   |
| Berman      | Gutierrez  | Rush          |
| Boehner     | Linder     | Stupak        |
| Clay        | Murtha     | Thompson (PA) |
| Culberson   | Radanovich | Young (FL)    |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1401

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was absent from the House Chamber today, due to a family emergency. Had I been present, I would have voted "yea" on rollcall votes 39 through 47.

## INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. HOYER. Madam Speaker, pursuant to House Resolution 1065, I call up the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the resolving clause and insert the following:

*That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof \$14,294,000,000,000.*

## TITLE I—STATUTORY PAY-AS-YOU-GO ACT OF 2010

### SEC. 1. SHORT TITLE.

This title may be cited as the "Statutory Pay-As-You-Go Act of 2010".

### SEC. 2. PURPOSE.

The purpose of this title is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

### SEC. 3. DEFINITIONS AND APPLICATIONS.

As used in this title—

(1) The term "BBEDCA" means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term "outyear" means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term "AMT" means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term "EGTRRA" means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term "JGTRRA" means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term "budgetary effects" means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed "costs" and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed "savings". Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, "modifications to substantive law" refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term "debit" refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term "entitlement law" refers to a section of law which provides entitlement authority.

(7) The term "PAYGO legislation" or a "PAYGO Act" refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term "timing shift" refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

#### SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

##### (a) PAYGO ESTIMATES.—

##### (1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage."

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage."

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Commit-

tees, the conference report or amendment between the Houses shall include the following statement: "The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses."

##### (2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

##### (A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled "Budgetary Effects of PAYGO Legislation" which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

##### (iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

##### (B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled "Budgetary Effects of PAYGO Legislation" which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled "Bud-

etary Effects of PAYGO Legislation" by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

##### (b) CBO PAYGO ESTIMATES.—

##### (1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

##### "(3) CBO PAYGO ESTIMATES.—

"(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

"(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation."

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking "Reports on".

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(d) Scorekeeping Guidelines.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985."

##### (c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

##### (2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well

as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

(3) **LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.**—

(A) **PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.**—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) **PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.**—For provisions eligible for a current policy adjustment under subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) **FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.**—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) **INCLUSION OF STATEMENT.**—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled “Budgetary Effects of PAYGO Legislation”, submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) **OMB PAYGO SCORECARDS.**—

(1) **IN GENERAL.**—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) **ESTIMATES IN LEGISLATION.**—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) **OMB PAYGO ESTIMATES.**—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a), OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) **5-YEAR SCORECARD.**—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) **10-YEAR SCORECARD.**—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) **COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.**—Neither scorecard main-

tained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled “Community Living Assistance Services and Supports Act”, which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) **LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.**—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) **AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.**—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) **EMERGENCY LEGISLATION.**—

(1) **DESIGNATION IN STATUTE.**—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) **DESIGNATION IN THE HOUSE OF REPRESENTATIVES.**—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) **POINT OF ORDER IN THE SENATE.**—

(A) **IN GENERAL.**—When the Senate is considering a PAYGO Act, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) **SUPERMAJORITY WAIVER AND APPEALS.**—

(i) **WAIVER.**—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(C) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) **FORM OF THE POINT OF ORDER.**—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a PAYGO Act, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such mate-

rial contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) **EFFECT OF DESIGNATION ON SCORING.**—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

## SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) **ANNUAL REPORT.**—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) **SEQUESTRATION ORDER.**—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

## SEC. 6. CALCULATING A SEQUESTRATION.

(a) **REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.**—

(1) **IN GENERAL.**—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) **PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.**—Subject to the exemptions set forth in section 11, OMB shall determine the

uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) **OUTLAY SAVINGS.**—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

#### **SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.**

(a) **PURPOSE.**—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as “Payment for Physicians’ Services”);

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109-280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than \$200,000 for a single filer and \$250,000 for joint filers.

(b) **DURATION.**—This section shall remain in effect through December 31, 2011.

(c) **MEDICARE PAYMENTS TO PHYSICIANS.**—

(1) **CRITERIA.**—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Security Act (as scheduled on December 31, 2009, to be in effect

for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(d) **ESTATE AND GIFT TAX.**—

(1) **CRITERIA.**—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) **DURATION OF POLICY ADJUSTMENT.**—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(e) **AMT RELIEF.**—

(1) **CRITERIA.**—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in para-

graph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) **DURATION OF POLICY ADJUSTMENT.**—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(f) **PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.**—

(1) **CRITERIA.**—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 or less for joint filers in tax year 2010, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers with

these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of \$200,000 or less for single filers and \$250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) **ADJUSTMENT.**—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) **LIMITATION.**—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) **INDEXING FOR INFLATION.**—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting “calendar year 2008” for “calendar year 1992” in subparagraph (B) of such section.

(h) **GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.**—

(1) **MIDDLE CLASS TAX CUTS.**—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legislation, those provisions shall be estimated in the order in which they appear.

(2) **AMT.**—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

#### SEC. 8. APPLICATION OF BBEDCA.

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274

of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to “this part” or “this title” shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to “section 254” shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to “section 252 or 253” shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to “section 251, 252, or 253” shall be interpreted as referencing section 4 of this title.

#### SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking “the expenses the Federal deposit insurance agencies” and inserting “the expenses of the Federal deposit insurance agencies”.

(b) Section 256(k)(1) of BBEDCA is amended by striking “in paragraph (5)” and inserting “in paragraph (6)”.

#### SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking “origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.” and inserting in lieu thereof “origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.”.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

“(1) **CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.**—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

“(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

“(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.”.

(3) by inserting after paragraph (1) the following:

“(2) **UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.**—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.”;

(4) by inserting after paragraph (3), as redesignated, the following:

“(4) **TIMING OF SUBSEQUENT SEQUESTRATION ORDER.**—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).”;

(5) in paragraph (6), as redesignated, to read as follows:

“(6) **SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.**—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

“(A) the part C growth percentage under section 1853(c)(6);

“(B) the part D annual growth rate under section 1860D–2(b)(6); and

“(C) application of risk corridors to part D payment rates under section 1860D–15(e).”;

and (6) by adding after paragraph (6), as redesignated, the following:

“(7) **EXEMPTIONS FROM SEQUESTRATION.**—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

“(A) **PART D LOW-INCOME SUBSIDIES.**—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

“(B) **PART D CATASTROPHIC SUBSIDY.**—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

“(C) **QUALIFIED INDIVIDUAL (QI) PREMIUMS.**—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.”.

#### SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) **DESIGNATIONS.**—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking “1998” and inserting in lieu thereof “2010”.

(b) **SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.**—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

“(a) **SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.**—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

“(b) **VETERANS PROGRAMS.**—The following programs shall be exempt from reduction under any order issued under this part:

“All programs administered by the Department of Veterans Affairs.

“Special Benefits for Certain World War II Veterans (28-0401-0-1-701).

“(c) **NET INTEREST.**—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

“(d) **REFUNDABLE INCOME TAX CREDITS.**—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.”.

(c) **OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.**—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

“(g) **OTHER PROGRAMS AND ACTIVITIES.**—

“(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:



"Activities resulting from private donations, bequests, or voluntary contributions to the Government.

"Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

"Administration of Territories, Northern Mariana Islands Covenant grants (14-0412-0-1-808).

"Advances to the Unemployment Trust Fund and Other Funds (16-0327-0-1-600).

"Black Lung Disability Trust Fund Refinancing (16-0329-0-1-601).

"Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93-454 (1974), as amended (89-4045-0-3-271).

"Claims, Judgments, and Relief Acts (20-1895-0-1-808).

"Compact of Free Association (14-0415-0-1-808).

"Compensation of the President (11-0209-01-1-802).

"Comptroller of the Currency, Assessment Funds (20-8413-0-8-373).

"Continuing Fund, Southeastern Power Administration (89-5653-0-2-271).

"Continuing Fund, Southwestern Power Administration (89-5649-0-2-271).

"Dual Benefits Payments Account (60-0111-0-1-601).

"Emergency Fund, Western Area Power Administration (89-5069-0-2-271).

"Exchange Stabilization Fund (20-4444-0-3-155).

"Farm Credit Administration Operating Expenses Fund (78-4131-0-3-351).

"Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78-4171-0-3-351).

"Federal Deposit Insurance Corporation, Deposit Insurance Fund (51-4596-0-4-373).

"Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51-4065-0-3-373).

"Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51-4458-0-3-373).

"Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51-4457-0-3-373).

"Federal Home Loan Mortgage Corporation (Freddie Mac).

"Federal Housing Finance Agency, Administrative Expenses (95-5532-0-2-371).

"Federal National Mortgage Corporation (Fannie Mae).

"Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20-1713-0-1-752).

"Federal Payment to the District of Columbia Pension Fund (20-1714-0-1-601).

"Federal Payments to the Railroad Retirement Accounts (60-0113-0-1-601).

"Federal Reserve Bank Reimbursement Fund (20-1884-0-1-803).

"Financial Agent Services (20-1802-0-1-803).

"Foreign Military Sales Trust Fund (11-8242-0-7-155).

"Hazardous Waste Management, Conservation Reserve Program (12-4336-0-3-999).

"Host Nation Support Fund for Relocation (97-8337-0-7-051).

"Internal Revenue Collections for Puerto Rico (20-5737-0-2-806).

"Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

"Medical Facilities Guarantee and Loan Fund (75-9931-0-3-551).

"National Credit Union Administration, Central Liquidity Facility (25-4470-0-3-373).

"National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25-4476-0-3-376).

"National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25-4473-0-3-371).

"National Credit Union Administration, Credit Union Share Insurance Fund (25-4468-0-3-373).

"National Credit Union Administration, Credit Union System Investment Program (25-4474-0-3-376).

"National Credit Union Administration, Operating fund (25-4056-0-3-373).

"National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25-4469-0-3-376).

"National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25-4475-0-3-376).

"Office of Thrift Supervision (20-4108-0-3-373).

"Panama Canal Commission Compensation Fund (16-5155-0-2-602).

"Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15-0100-0-1-153).

"Payment to Civil Service Retirement and Disability Fund (24-0200-0-1-805).

"Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97-0850-0-1-054).

"Payment to Judiciary Trust Funds (10-0941-0-1-752).

"Payment to Military Retirement Fund (97-0040-0-1-054).

"Payment to the Foreign Service Retirement and Disability Fund (19-0540-0-1-153).

"Payments to Copyright Owners (03-5175-0-2-376).

"Payments to Health Care Trust Funds (75-0580-0-1-571).

"Payment to Radiation Exposure Compensation Trust Fund (15-0333-0-1-054).

"Payments to Social Security Trust Funds (28-0404-0-1-651).

"Payments to the United States Territories, Fiscal Assistance (14-0418-0-1-806).

"Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

"Payments to widows and heirs of deceased Members of Congress (00-0215-0-1-801).

"Postal Service Fund (18-4020-0-3-372).

"Radiation Exposure Compensation Trust Fund (15-8116-0-1-054).

"Reimbursement to Federal Reserve Banks (20-0562-0-1-803).

"Salaries of Article III judges.

"Soldiers and Airmen's Home, payment of claims (84-8930-0-7-705).

"Tennessee Valley Authority Fund, except nonpower programs and activities (64-4110-0-3-999).

"Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14-5265-0-2-452), Tribal Trust Fund (14-8030-0-7-452), White Earth Settlement (14-2204-0-1-452), and Indian Water Rights and Habitat Acquisition (14-5505-0-2-303).

"United Mine Workers of America 1992 Benefit Plan (95-8260-0-7-551).

"United Mine Workers of America 1993 Benefit Plan (95-8535-0-7-551).

"United Mine Workers of America Combined Benefit Fund (95-8295-0-7-551).

"United States Enrichment Corporation Fund (95-4054-0-3-271).

"Universal Service Fund (27-5183-0-2-376).

"Vaccine Injury Compensation (75-0320-0-1-551).

"Vaccine Injury Compensation Program Trust Fund (20-8175-0-7-551).

"(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

"Black Lung Disability Trust Fund (20-8144-0-7-601).

"Central Intelligence Agency Retirement and Disability System Fund (56-3400-0-1-054).

"Civil Service Retirement and Disability Fund (24-8135-0-7-602).

"Comptrollers general retirement system (05-0107-0-1-801).

"Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14-9924-0-2-303).

"Court of Appeals for Veterans Claims Retirement Fund (95-8290-0-7-705).

"Department of Defense Medicare-Eligible Retiree Health Care Fund (97-5472-0-2-551).

"District of Columbia Federal Pension Fund (20-5511-0-2-601).

"District of Columbia Judicial Retirement and Survivors Annuity Fund (20-8212-0-7-602).

"Energy Employees Occupational Illness Compensation Fund (16-1523-0-1-053).

"Foreign National Employees Separation Pay (97-8165-0-7-051).

"Foreign Service National Defined Contributions Retirement Fund (19-5497-0-2-602).

"Foreign Service National Separation Liability Trust Fund (19-8340-0-7-602).

"Foreign Service Retirement and Disability Fund (19-8186-0-7-602).

"Government Payment for Annuitants, Employees Health Benefits (24-0206-0-1-551).

"Government Payment for Annuitants, Employee Life Insurance (24-0500-0-1-602).

"Judicial Officers' Retirement Fund (10-8122-0-7-602).

"Judicial Survivors' Annuities Fund (10-8110-0-7-602).

"Military Retirement Fund (97-8097-0-7-602).

"National Railroad Retirement Investment Trust (60-8118-0-7-601).

"National Oceanic and Atmospheric Administration retirement (13-1450-0-1-306).

"Pensions for former Presidents (47-0105-0-1-802).

"Postal Service Retiree Health Benefits Fund (24-5391-0-2-551).

"Public Safety Officer Benefits (15-0403-0-1-754).

"Rail Industry Pension Fund (60-8011-0-7-601).

"Retired Pay, Coast Guard (70-0602-0-1-403).

"Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75-0379-0-1-551).

"Special Benefits for Disabled Coal Miners (16-0169-0-1-601).

"Special Benefits, Federal Employees' Compensation Act (16-1521-0-1-600).

"Special Workers Compensation Expenses (16-9971-0-7-601).

"Tax Court Judges Survivors Annuity Fund (23-8115-0-7-602).

"United States Court of Federal Claims Judges' Retirement Fund (10-8124-0-7-602).

"United States Secret Service, DC Annuity (70-0400-0-1-751).

"Voluntary Separation Incentive Fund (97-8335-0-7-051).

"(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

"Biomass Energy Development (20-0114-0-1-271).

"Check Forgery Insurance Fund (20-4109-0-3-803).

"Credit liquidating accounts.

"Credit reestimates.



"Employees Life Insurance Fund (24-8424-0-8-602).

"Federal Aviation Insurance Revolving Fund (69-4120-0-3-402).

"Federal Crop Insurance Corporation Fund (12-4085-0-3-351).

"Federal Emergency Management Agency, National Flood Insurance Fund (58-4236-0-3-453).

"Geothermal resources development fund (89-0206-0-1-271).

"Low-Rent Public Housing—Loans and Other Expenses (86-4098-0-3-604).

"Maritime Administration, War Risk Insurance Revolving Fund (69-4302-0-3-403).

"Natural Resource Damage Assessment Fund (14-1618-0-1-302).

"Overseas Private Investment Corporation, Noncredit Account (71-4184-0-3-151).

"Pension Benefit Guaranty Corporation Fund (16-4204-0-3-601).

"San Joaquin Restoration Fund (14-5537-0-2-301).

"Servicemembers' Group Life Insurance Fund (36-4009-0-3-701).

"Terrorism Insurance Program (20-0123-0-1-376).

"(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"Academic Competitiveness/Smart Grant Program (91-0205-0-1-502).

"Child Care Entitlement to States (75-1550-0-1-609).

"Child Enrollment Contingency Fund (75-5551-0-2-551).

"Child Nutrition Programs (with the exception of special milk programs) (12-3539-0-1-605).

"Children's Health Insurance Fund (75-0515-0-1-551).

"Commodity Supplemental Food Program (12-3507-0-1-605).

"Contingency Fund (75-1522-0-1-609).

"Family Support Programs (75-1501-0-1-609).

"Federal Pell Grants under section 401 Title IV of the Higher Education Act.

"Grants to States for Medicaid (75-0512-0-1-551).

"Payments for Foster Care and Permanency (75-1545-0-1-609).

"Supplemental Nutrition Assistance Program (12-3505-0-1-605).

"Supplemental Security Income Program (28-0406-0-1-609).

"Temporary Assistance for Needy Families (75-1552-0-1-609)."

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

"(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

"GSE Preferred Stock Purchase Agreements (20-0125-0-1-371).

"Office of Financial Stability (20-0128-0-1-376).

"Special Inspector General for the Troubled Asset Relief Program (20-0133-0-1-376).

"(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

"Federal-Aid Highways (69-8083-0-7-401).

"Highway Traffic Safety Grants (69-8020-0-7-401).

"Operations and Research NHTSA and National Driver Register (69-8016-0-7-401).

"Motor Carrier Safety Operations and Programs (69-8159-0-7-401).

"Motor Carrier Safety Grants (69-8158-0-7-401).

"Formula and Bus Grants (69-8350-0-7-401).

"Grants-In-Aid for Airports (69-8106-0-7-402)."

## SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

## SEC. 13. LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.

(a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

## TITLE II—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

### SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and government-wide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

MOTION OFFERED BY MR. HOYER

Mr. HOYER. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Hoyer moves that the House concur in the Senate amendment to House Joint Resolution 45.

The SPEAKER pro tempore. Pursuant to House Resolution 1065, the motion shall be debatable for 1 hour equally divided and controlled by the majority leader and the minority leader or their designees.

The gentleman from Maryland (Mr. HOYER) will control 30 minutes. The gentleman from Michigan (Mr. CAMP) will control 15 minutes, and the gentleman from Wisconsin (Mr. RYAN) will control 15 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. I thank the Speaker, and I yield myself 1 minute.

Ladies and gentlemen of the House, as we have on numerous occasions, we

just raised the liability, or the ability, of the United States to pay a substantial amount. What we are doing now that we have not done in the last decade is to adopt a fiscal constraint at the same time, a fiscal constraint to get us to wherever Americans want us to be, and that is to fiscal balance, to a fiscally responsible government and a fiscally responsible country to match the fiscal responsibility of most of our citizens.

The House has just voted that our country should pay the bills it already incurred. Those obligations, of course, come from actions America has already taken. Those actions cannot be changed, so it was necessary to pay the bill. But we can and must confront our record debt going forward. We can and must set a more responsible path fiscally for our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. I yield myself 3 additional minutes.

A New York Times analysis found that 90 percent of our deficit is due to the policies of the previous administration, the extension of those policies, and the economic downturn. However we believe America got into this mess, this Congress can begin getting America out of it. That is why Congress must pass one of the most proven deficit cutting tools we know, statutory pay-as-you-go legislation or, as it is affectionately known, PAYGO.

Now, let me point out this chart to my right, your left. The deficits are when we did not have statutory PAYGO in effect. Now, when statutory PAYGO was put into effect in 1990, we still had deficits, but you can see that we started reducing those deficits almost on a straight line. And then in 1997 we went into surplus, fiscal year 1998, and we went into surplus for the next 4 years under PAYGO. Unfortunately, you will see that in 2001 it was decided that we would waive PAYGO, and then in 2003 it was decided by the then majority party that we would eliminate statutory PAYGO. And you can see the result. We returned to deep deficits.

So what we are voting on on the floor has demonstrably made a difference, has demonstrably helped America discipline its finances and bring surpluses. As I said, when George Bush took office from President Clinton, he, his administration, based upon the past record of the Clinton administration, said we had a \$5.6 trillion surplus. Unfortunately, for the country, when President Bush left office we had an almost \$8 trillion deficit confronting us.

PAYGO compels Congress to find savings for the money it spends, so it keeps our deficit from increasing. Under PAYGO we'll be required to find savings to balance any new tax cuts or entitlement spending, which makes this law essential, essential to the wise

prioritization that responsible budgeting demands and, indeed, that our fellow citizens expect. As the Concord Coalition, a bipartisan fiscal responsibility group, put it, and I quote, "PAYGO requires anyone proposing tax cuts or entitlement expansions to answer the question, How do you pay for it? Going through this process will force an explicit trade-off between spending, taxes and debt, which is exactly the priority-setting exercise that the budget process should and must facilitate." We all know that such deliberate priority-setting steps stops us from passing our bills on to our children.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 2 additional minutes.

Under President Clinton, PAYGO helped turn record deficits into a \$5.6 trillion projected surplus. We also know that PAYGO was disregarded, waived and finally allowed to expire under the last administration. And as I have pointed out on this chart, our deficits exploded and, indeed, our economy was hurt as well as those deficits exploded. Some argue that the PAYGO legislation on the floor today is too weak. But I'd point out that it brings our country more fiscal discipline than it has seen in nearly a decade.

The perfect ought not to be the enemy of the good. PAYGO can't get us out of our fiscal hole, but it can keep us from digging it deeper. When my Republican colleagues raise their concerns about our growing debt, I absolutely agree with them. They're right. All of us understand this debt is not sustainable. But it's not enough to complain about the debt; we have to do something about it. If my colleagues are sincere in their concerns, I hope they'll work with us to pass PAYGO and contribute to the bipartisan fiscal commission announced by President Obama. I hope you'll participate in that commission, helping us get our country to fiscal balance.

America's dangerous fiscal condition threatens our prosperity and our place in the world. If my colleagues will forgive a Democrat for paraphrasing Ronald Reagan, there are no easy answers to this mess, but there is a simple answer. The answer lies in recommitting ourselves to the principle that has served our prosperity so well in the past, the principle of responsibility. Ronald Reagan was right. Let us pass this legislation.

In closing, let me say, Madam Speaker, that so many people are responsible for this day; the Blue Dogs, I want to congratulate them. In a minute I'm going to yield to ALLEN BOYD who has led this effort on behalf of the Blue Dogs for such a long and successful time.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HOYER. I yield myself 30 additional seconds.

I also want to congratulate an extraordinary individual who worked for an individual who's not on this floor, Charlie Stenholm, who deserves a portion of the credit this day for this legislation. And he was assisted, as I am now assisted, as all of the House is assisted, by an extraordinary member of our staff, Ed Lorenzen. Ed, I want to thank you personally for the extraordinary efforts you have made to get us to this day.

Madam Speaker, I designate Mr. BOYD of Florida to control the remainder of the time.

The SPEAKER pro tempore. The gentleman will be recognized.

The Chair recognizes the gentleman from Michigan.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

If this so-called PAYGO legislation fails, there is no increase in the debt limit and you cannot separate the two concepts. If this legislation passes, the debt limit increases by an astounding \$1.9 trillion, the largest one-time increase in the debt limit ever. Since the majority came into control of Congress 3 years ago, the debt limit has been increased by over \$5.3 trillion, or by nearly 60 percent. Despite this massive heap of debt thrust on the American people, Democrats plan to pile on even more debt next year.

According to the President's newest budget proposal, the amount of debt subject to the limit will increase by nearly \$1.4 trillion from fiscal year 2010 to fiscal year 2011. A number that large is hard to put into perspective, but let me offer a few points of reference. The President intends to increase the debt in just 1 year by an amount equal to the entire GDP of Canada. This 1-year increase in the debt is larger than the GDP of India, Mexico, Australia, or South Korea. It is larger than the GDP of Ireland, Poland, and Belgium combined. We've heard a lot of talk recently from the President about the need to get America's fiscal house in order. However, according to the President's own budget, Congress will have to raise the debt limit again before 2011 is over.

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Even more disturbing is the fact that under the President's proposed budget, debts subject to this limit will exceed the size of the entire U.S. economy by 2013 and remain more than U.S. GDP through the next decade and presumably for years to come.

Experts on both sides of the political spectrum agree that this kind of runaway debt threatens the very foundation of America's economy. Yesterday, the market provided a stark warning

as credit rating agency Moody's stated the U.S. AAA bond rating is threatened by deficits driving up this debt.

I hear a lot from the President, from my colleagues in the majority, about inherited deficits and debt, but let's be clear. According to the President's own budget, the largest deficit in U.S. history will be under a Democratic administration and a Democratic majority in Congress. A Democratic President and a Democratic Congress plan a 1-year increase in the debt larger than the size of major economies around the world.

This isn't about what anyone inherited. It is about what this President and the Democrats in Congress planned for America: too much spending, too much taxing, and too much debt.

My friends on the other side are fond of the analogy that raising the debt limit is necessary in the same way that someone who has eaten in a restaurant must now pay the bill. That analogy is misleading. It is more accurate to say that having sat down at a restaurant with enough money for a decent meal, Democrats decided to go on an eating binge. It's simply irresponsible for Democrats to spend the American people's money in this fashion.

Rather than letting this massive debt increase pass, I urge Congress to examine its out-of-control spending habit this year rather than after the election, as the President suggests with his so-called deficit commission.

I urge this House to restore responsible spending. Vote "no" on the largest one-time increase in the debt limit ever.

I reserve the balance of my time.

Mr. BOYD. Madam Speaker, I yield myself 1 minute.

I rise in favor of this PAYGO legislation. This has been a priority of mine and my Blue Dog colleagues for many, many years, and I am proud to stand here today where we're on the brink of final passage of this very important legislation.

Madam Speaker, PAYGO was the very first bill that President Obama sent to Congress last year, and the progress we made in the last year would not be possible without his support. And I want to thank the President for weighing in and supporting fiscal responsibility.

I also want to take a moment to thank the leaders of the House who have been so important, particularly Speaker NANCY PELOSI, who has a commitment to fiscal responsibility, Majority Leader STENY HOYER, who you've already heard from, and also chairman of the Budget Committee, the gentleman from South Carolina, JOHN SPRATT.

My Blue Dog colleagues and I will continue to advocate for tools to bring our fiscal house in order because this is only the very first step. It is a small step, and it will not solve all of our

problems that have been created over the last decade, but we will continue to advocate for tools that will pave the way for long-term economic stability.

I reserve the balance of my time.

Mr. CAMP. I yield 1½ minutes to the distinguished gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. These congressional Democrats just aren't listening. After Massachusetts, voters sent a signal on behalf of this country of no more spending, we are too deep in debt, a here-we-go-again. And when they sent the signal that government should be open and the people ought to have a say today, they snuck into this bill an increase in the debt limit to make sure there wouldn't be an embarrassing up-or-down vote on this bill the way the public demands it to be.

When they were in charge, it was a different story. As the majority leader, highly respected STENY HOYER, said, Democrats, raising the debt limit is immoral. This policy of borrow and spend is not only irresponsible, it's immoral and it must stop. He was exactly right.

When our Speaker—again, highly respected Speaker—took that gavel 3 years ago, the debt limit in America was \$29,000 for every man, woman, and child. Today, just 3 years later, it's \$45,000 for each one of you, and it's going up and up and up each year.

And I will tell you, when they say, No, no, the Republicans, Democrats share the blame, Democrats have incurred twice as much of that debt to date, and it's going to skyrocket under their control. And what's even more frustrating is, with the new President's budget, that deficit is going to triple over future years.

And I will finish with this. PAYGO. PAYGO is to fiscal responsibility what ethics is to the former Governor of Illinois, Mr. Blagojevich. PAYGO, since it's been put in place 3 years ago, our deficits have increased tenfold.

I urge defeat of this bill.

Mr. BOYD. Madam Speaker, it is my pleasure and privilege to yield 2½ minutes to the Budget Committee chairman, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, to supplement my remarks about statutory PAYGO, I would like to include in the RECORD the attached section of the bill.

Madam Speaker, at the outset of the 1990s, the Congress passed the Budget Enforcement Act for a simple purpose: to ensure that the Budget Summit Agreement we just passed was actually carried out. Among its provisions was a new rule called PAYGO, pay-as-you-go.

I can remember how our critics disdained our resort to budget process instead of making hard substantive decisions. They said we were dodging the hard choices, choices we had to make if

we were going to wipe out the deficit. But by the end of the 1990s, the budget was in surplus for the first time in 30 years, and it was clear that for the budget process, rules we would put in place like PAYGO played a big part in our fiscal success.

Republicans were in the majority in 2002 when the Budget Enforcement Act expired, and they chose not to reinstate PAYGO because they knew it would impede passage of their tax-cutting agenda. Without these process rules in place, the budget plunged from a surplus of \$236 billion to a deficit of \$413 billion in the year 2004. When Democrats took back the House, we made PAYGO a rule of the House the first day we convened the 110th Congress.

The Obama administration, the current Congress have inherited an economy in crisis and a colossal deficit, swollen by recession and recovery measures both. As these measures pull us out of recession, we should turn our attention on our longer-term fiscal fate.

Statutory PAYGO works. It's proven to work. It reins in new entitlement spending. It reins in tax cuts as well. Both tend to be long lasting, easy to pass, hard to repeal. By insisting on offsets and insisting on deficit neutrality, PAYGO buffers the bottom line, and Lord knows it needs it now. Its terms are complex, but at its core is a commonsense rule that everyone can understand: When you are in a hole, stop digging.

Statutory PAYGO was first put in place with bipartisan support, renewed on a bipartisan basis in 1997. When the House passed it in July, the rule PAYGO, two dozen Republicans joined 241 Democrats in voting for it.

We recall and invite you to cast another vote today for statutory for fiscal responsibility. Vote for statutory PAYGO. It will help us reduce the deficit, both short-term and long-term. And while it can't solve all of our problems—it's no panacea—it does represent one solid step forward towards getting things back on the path of fiscal sustainability and fiscal responsibility.

Madam Speaker, as Chairman of the Budget Committee I am submitting for the RECORD a section-by-section analysis of the Statutory Pay-As-You-Go Act of 2010 that the House is considering today as part of the Senate amendments to H.J. Res. 45. The Statutory Pay-As-You-Go Act of 2010 establishes points of order in the House of Representatives only to the extent that it does so explicitly.

#### SECTION-BY-SECTION ANALYSIS OF THE STATUTORY PAY-AS-YOU-GO ACT OF 2010

Section 1—Short Title: The title of this Act is the "Statutory Pay-As-You-Go Act of 2010."

Section 2—Purpose: The purpose of the Statutory Pay-As-You-Go Act (PAYGO) of 2010 is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

Section 3—Definitions and Applications: Section 3 sets forth definitions of terms used in the PAYGO statute. Many terms are defined by cross-references to the standard definitions used in other budget laws, including the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act (BBEDCA) of 1985. Terms that are of particular importance include:

Budgetary effects. Budgetary effects are defined as the amount by which PAYGO legislation changes mandatory outlays or revenues relative to the baseline. The budgetary effects of changes in tax or mandatory spending law are measured relative to what revenues or mandatory spending would otherwise have been if not for the legislation, as measured by the baseline (as defined in section 257 of BBEDCA). Off-budget effects (i.e., Social Security trust funds and the Postal Service fund) and debt service are not counted as budgetary effects. "Mandatory spending" and "direct spending" (the term used in the statutory language) are synonymous.

PAYGO legislation/PAYGO Act. Legislation, or provisions thereof, that increases or reduces revenues, or increases or reduces the cost of mandatory programs, is called PAYGO legislation or a PAYGO Act. In this Act, the terms are used interchangeably. PAYGO legislation is subject to statutory PAYGO.

Legislation subject to PAYGO also includes provisions in annual appropriations bills that change revenue or mandatory spending law in appropriations bills. Changes in mandatory spending law are considered discretionary in the current and budget years because the Appropriations Committees can offset the costs or use the savings by adjusting funding levels for discretionary programs in those years. But mandatory spending provisions in appropriations bills having outyear budget authority effects—that is, effects in those years after the budget year—are considered PAYGO legislation. This is generally consistent with the existing point of order in the Senate against ChIMPs (Changes in Mandatory Programs). However, such provisions for which the mandatory outlay effects net to zero over the period consisting of the current year, the budget year, and the four subsequent years shall not be counted as having budgetary effects.

Timing shift. A timing shift involves a shift of costs from within the PAYGO window, i.e., the ten-year period covered by the PAYGO scorecard, to outside the window (or savings from outside the window to within the window). More technically, the term is defined to refer to a delay of the date on which mandatory outlays would otherwise occur from the ninth outyear (the last year taken into account in the PAYGO calculation) to the tenth outyear (not taken into account in the PAYGO calculation) or an acceleration of the date on which revenues or offsetting receipts or collections would otherwise occur from the tenth outyear to the ninth outyear. Timing shifts are not counted for purposes of statutory PAYGO to prevent gaming the PAYGO scorecard.

Section 4—PAYGO Estimates and PAYGO Scorecards: Section 4 establishes procedures for determining the budgetary effects of legislation subject to PAYGO. These budgetary effects are entered by OMB on the PAYGO scorecards, as defined in section 4(d), and are used to determine whether a sequestration order must be issued.

Estimates of budgetary effects are made either by Congress or OMB. Subsection (a) establishes the procedures Congress must follow in order for its estimate of budgetary

effects of legislation to be used for PAYGO enforcement. If Congress follows these procedures, the Congressional estimate of budgetary effects shall be used by OMB. If Congress does not follow these procedures, the budgetary effects of legislation subject to PAYGO shall be estimated by OMB. Subsection (b) establishes the procedures by which the House and Senate Budget Committees obtain estimates from CBO, and the procedures to be used by CBO for making estimates. Subsection (c) outlines the additional procedures to be followed by CBO or OMB, as applicable, when adjusting the estimates of budgetary effects for legislation that qualifies for a "current policy" adjustment under section 7 of this Act. Subsections (d)–(f) relate to procedures used by OMB for PAYGO estimates and enforcement. Subsection (g) addresses procedures for legislation designated as an emergency for the purpose of statutory PAYGO.

The Chairmen of the Budget Committees in each House are authorized to submit estimates of budgetary effects for printing in the Congressional Record. If such estimates are submitted, they shall establish the budgetary effects of the legislation as described below. Printing the statement in the Congressional Record ensures that the estimate of budgetary effects is, at the time of the vote on the bill that is enacted into law, unambiguous, fixed, and knowable, for Members, for OMB, and for the public.

(a) PAYGO Estimates. Congress can establish the budgetary effects of PAYGO legislation by following a two-step process. First, the text of PAYGO legislation must include one of the statements prescribed in paragraphs (1)(A), (B), or (C). Second, the Chairman of the relevant Budget Committee must submit for printing in the Congressional Record a statement of the budgetary effects of the legislation, also referred to as the "cost estimate" or "score." A Congressional estimate must satisfy both of these requirements to be valid. If Congress fails to follow this procedure for legislation that is subsequently enrolled and signed by the President, or chooses not to provide an estimate of budgetary effects, the OMB estimate of a PAYGO Act's budgetary effects is used for PAYGO enforcement.

The statements prescribed in paragraphs (1)(A), (B), or (C) establish a reference in the legislative text of PAYGO legislation to an estimate of budgetary effects to be submitted for printing in the Congressional Report before a vote on passage. The statement may be included in the original text of the legislation, or by amendment as may be allowed under the regular procedures in either House. The estimate need only be submitted for printing in the Congressional Record before a vote on passage. The actual estimate of budgetary effects is never inserted into the legislative text of PAYGO legislation. This process avoids the need to amend PAYGO legislation to include an updated estimate of budgetary effects if amendments are adopted.

This two-step process avoids the Constitutional concerns identified in *Bowsher v. Synar*, 479 U.S. 714 (1986) and *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983) because Congress will establish the budgetary effects of the PAYGO Act through the legislative process, not after enactment. An unambiguous and fixed estimate available prior to a vote is incorporated by reference in the PAYGO legislation. Matters incorporated by reference are binding on the executive branch. See *Hershey Foods v. USDA*, 158 F. Supp. 2d 37, 41 (D.D.C. 2001), *aff'd* on

*other grounds*, 293 F.3d 520 (D.C. Cir. 2002); see also *United States v. Sharpnack*, 355 U.S. 286, 293 (1958).

1. Required Designation in PAYGO Acts: One of three statements must be included in legislation subject to PAYGO for the Congressional estimate to be entered by OMB on the PAYGO scorecard. The statements provide the basis in the legislative text for incorporating the Congressional estimate by reference into the PAYGO Act.

The three statements address three possible scenarios under which a PAYGO Act may be signed by the President: (1) legislation is originated by the House and passed without amendment by the Senate; (2) legislation is originated by the Senate and passed without amendment by the House; and (3) legislation is agreed upon by both Houses after differences are resolved by a conference committee or by amendments between the Houses.

Statement (1)(A) refers to an estimate provided by the House Budget Committee Chairman. This statement would be included in legislation originated in the House of Representatives. If the House Budget Committee Chairman submits a statement of budgetary effects for printing in the Congressional Record before the vote on passage in the House, the budgetary effects of that legislation will have been set by the House. If the Senate then passes the House bill without amendment, the House PAYGO estimate will be placed on the PAYGO scorecard by OMB. Similarly, if the Senate originates and passes PAYGO legislation with the statement prescribed in (1)(B), and the Chairman of the Senate Budget Committee submits a statement of budgetary effects for printing in the Congressional Record before the Senate votes, the House of Representatives will have accepted the Senate estimate as controlling if it passes the Senate bill without amendment.

One House may strike the statement inserted in the legislative text by the other House and replace it with the statement referring to the estimate submitted by the Chairman of its Budget Committee. In doing so, the second House has rejected the first House's estimate. A disagreement between the Houses on the estimate of budgetary effects becomes a matter in dispute between the Houses to be resolved by the House and Senate Budget Committees.

The statement in (1)(C) refers to an estimate of budgetary effects jointly submitted to the Congressional Record by the Chairman of the House and Senate Budget Committees. This statement must be included in a conference report, or amendments between the Houses, when the Houses resolve the differences in their budgetary estimates. Where differences between the Houses are to be resolved in a process of amendments between the Houses, the requirement of a joint statement prevents the House acting first from having an advantage in negotiations. The joint statement also underscores that different estimates of the budgetary effects of legislation must be resolved to the satisfaction of the Chairmen of both Budget Committees if Congress wants a Congressional estimate to be placed on the PAYGO scorecard.

Presumably not all PAYGO legislation will contain a Congressional estimate of budgetary effects. For example, the budgetary effects of a particular PAYGO Act may be so small that Congress chooses not to complete an estimate. It is also possible that the Houses cannot come to an agreement on an estimate of budgetary effects. Absent a des-

ignation pursuant to section 4(a)(1) and estimate submitted pursuant to section 4(a)(2), the estimate made by OMB post-enactment will be entered on the PAYGO scorecards.

In some cases, one piece of PAYGO legislation could have multiple designations and estimates throughout the legislative process—the first by the originating House, the second by the second House acting upon the legislation, and a third by the conference committee. For the purpose of directing OMB as to what amounts are to be entered on the PAYGO scorecards, the only estimate that matters is the one contained in the version of the legislation passed by both Houses and presented to the President for signature. Conversely, the omission by one or both Houses of a designation and estimate earlier in the legislative process, for whatever reason, has no bearing on the validity of an otherwise valid estimate appropriately referenced in a PAYGO Act signed by the President.

2. Determination of Budgetary Effects of PAYGO Acts: In order for Congress's estimate of budgetary effects to bind OMB, a valid statement must be submitted for printing in the Congressional Record by a Chairman of the Budget Committee, or by the Chairmen jointly, as applicable. However, the Chairmen are not obligated to submit a statement. The statement, if submitted, must be titled "Budgetary Effects of PAYGO Legislation."

The Chairmen of the Budget Committees retain full discretion over the Congressional estimate of budgetary effects for the purposes of enforcing this Act, consistent with Section 312 of the Congressional Budget Act. The Congressional Budget Office will continue to provide estimates to the Budget Committees.

It is the responsibility of the Budget Committee Chairmen to ensure that statements of budgetary effects are submitted for the Congressional Record in a timely manner, and that they identify with specificity any previously submitted statement for the same legislation that it supersedes. A previous statement is no longer valid and is superseded when that House adopts an amendment to a PAYGO Act after the statement has been submitted. Any subsequent amendment, regardless of its budgetary effects, will invalidate a previously submitted estimate.

In the case of a conference report, a statement of budgetary effects is not valid if it is first submitted for printing in the Congressional Record after one House passes the report. It is incumbent on both Houses to ensure that prior to a vote in either House on PAYGO legislation leading to enrollment and presentation to the President, there is an unambiguous, fixed, and knowable statement of budgetary effects.

3. Procedure in the Senate: It is in order in the Senate for the Legislative Clerk to read the statement of budgetary effects into the record of proceedings once it has been submitted by the Chairman of the Senate Budget Committee. This reading provides an added assurance that all Senators have been given notice of the Congressional estimate of the budgetary effects prior to a vote on passage of legislation. Notice to Senators will also be provided by printing the estimate in the Congressional Record. As a practical matter, votes on some legislation subject to PAYGO may be taken after the statement has been submitted for the Congressional Record, but before it has been printed. If the vote will be taken after the statement has been printed, the Senate may waive the reading of the estimate by unanimous consent.

4. Jurisdiction of the Budget Committees: When Congress follows the procedure set forth in this section, the designated legislation is not subject to a point of order under section 306 of the Congressional Budget Act. (Section 306 generally bars the consideration of legislation dealing with matters within the jurisdiction of the Budget Committee unless it has been reported by the committee, or the committee has been discharged from further consideration.) The inclusion of the statements specified in (1)(A), (B), and (C)—without modification—in legislation subject to PAYGO avoids a point of order under section 306. If different language is used, for example, or if an authorizing committee includes some other budgetary provision, a point of order under section 306 would be in order. This is consistent with Senate precedent that “directed scoring” language in legislation is within the jurisdiction of the Budget Committees.

(b) CBO PAYGO Estimates. Subsection (b) amends Section 308 of the Congressional Budget Act of 1974 to establish a procedure by which Congress may request that CBO estimate the budgetary effects of PAYGO legislation. Consistent with section 312 of the Congressional Budget Act, and existing Congressional practice and procedure, the Chairmen of the Budget Committees are responsible for requesting estimates from the Congressional Budget Office. CBO shall prepare its estimates consistent with section 257 of BBEDCA, but shall not count timing shifts as those are defined in section 3(8) of this Act. CBO estimates shall also be scored in accordance with the scorekeeping guidelines determined under section 252(d)(5) of BBEDCA.

(c) Current Policy Adjustments for Certain Legislation. Section 4(c) establishes procedures for making adjustments to the estimates of budgetary effects for legislation in four policy areas: (1) physician payments under section 1848 of the Social Security Act; (2) the Estate and Gift Tax; (3) the Alternative Minimum Tax; and (4) certain middle class tax cuts provided in EGTRRA and JGTRRA. The criteria for determining whether legislation, or provisions of legislation, qualify for current policy adjustments are set forth in section 7.

1. In General: If the Chairman of either Budget Committee determines that legislation meets the criteria set forth in section 7 of this Act, that Chairman shall request that CBO adjust its estimate of budgetary effects. If OMB estimates the budgetary effects of legislation that meets the criteria of section 7 because Congress has not provided a valid estimate, then OMB shall adjust its estimate of budgetary effects.

2. Adjustments: For qualifying legislation or provisions of legislation, CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects no more than the amount of the budgetary effects of that legislation or provision as allowed in the applicable part of section 7. The amount that may be excluded is determined with reference to the amounts previously excluded pursuant to the same subsection of section 7. In other words, if the cost of a particular provision, when added to the costs or savings of all other provisions that previously qualified for an adjustment under that subsection of section 7 exceeds the maximum amount allowable for the subsection, the excess costs shall not be excluded from the estimate of budgetary effects. In implementing these adjustments, CBO shall use CBO’s baseline estimates; this requirement is not intended to apply to estimates prepared by OMB. If CBO

makes an adjustment, its estimate shall state the unadjusted and adjusted costs, and an updated total of all costs previously excluded under the same provisions of section 7.

3. Limitation on Availability of Excess Savings: The intent of the current policy adjustment is to give Congress flexibility to extend certain current policies with budgetary effects over specified periods of time. Savings from the extension of current policies with budgetary effects less than allowed under section 7—in other words extensions that generate savings in comparison with the extension of current policy—cannot be used to offset costs of other legislation. This paragraph establishes two rules that reinforce the prohibition on the fungibility of savings relative to the current policy extensions.

A. Excess savings cannot be used to offset the budgetary effects of PAYGO legislation that would not otherwise qualify for a current policy exemption under section 7. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset the cost of a new entitlement program.

B. Excess savings in one of the policy areas specified in section 7 cannot be used to offset the budgetary effects of a more expensive policy extension in another policy area. For example, if Congress were to enact only a one-year fix for the Alternative Minimum Tax, the difference in revenue generated by a two-year and one-year fix of the AMT cannot be used to offset a reduction in the estate and gift tax that costs more than is otherwise provided in section 7. In other words, savings among the policies in sections 7(c), (d), (e), and (f), and among the subparagraphs of section 7(f)(1), are not fungible.

4. Further Guidance on Estimating Budgetary Effects: To determine adjustments for the budgetary effects for qualifying legislation, CBO or OMB, as applicable, shall use the conventions concerning the stacking order of estimates of the interactive effects of AMT relief and extension of the middle class tax cuts set forth section 7(h).

5. Inclusion of Statement: Any adjustments for current policy legislation shall be explained by the appropriate Chairman of the Budget Committee in the statement “Budgetary Effects of PAYGO Legislation” submitted for printing in the Congressional Record.

(d) OMB PAYGO Scorecards. The subsection outlines OMB’s responsibilities under statutory PAYGO. OMB will maintain two “PAYGO scorecards,” available to the public, that maintain a running tally of the budgetary effects of enacted legislation subject to PAYGO. In making entries onto the scorecards, OMB will use the “look-back” and “averaging” rules discussed below.

OMB will use the Congressional estimate of the budgetary effects of a PAYGO Act if one was incorporated pursuant to section (4)(a). If not, OMB will enter its own estimates on the scorecards.

The scorekeeping and baseline rules for current policy adjustments are the same as those that apply to CBO and OMB for estimating all legislation subject to PAYGO. OMB estimates must be consistent with the scorekeeping approaches described in section 308 of the Congressional Budget Act, as amended by section 4(b) of this Act, and the current policy adjustments in section 7. In other words, OMB and CBO estimates should be made using the same rules and

scorekeeping conventions. However, CBO will use the baseline as defined by section 257 of the Congressional Budget Act, while OMB will use the economic and technical assumptions included in the latest budget submitted by the President.

OMB will maintain two PAYGO scorecards, one covering a five-year period and the other covering a ten-year period beginning in the budget year.

OMB shall not include on either PAYGO scorecard any net savings generated by subsequently enacted legislation titled “Community Living Assistance Services and Supports Act” (CLASS Act). The CLASS Act was included in the Senate- and House-passed health care reform bills and would establish a federal insurance program for long-term care. OMB shall also not include any net savings generated by subsequent amendments to that Act, if enacted.

(e) Look-Back to Capture Current Year Effects. To take into account any budgetary effects of PAYGO legislation in the current year (i.e., the year of enactment if before October 1st), a “look-back” rule is included. The rule provides that budgetary effects in the current year are to be treated as if they were budgetary effects in the budget year (which is the year subsequent to the current year). This is why the averaging provision described below actually sums eleven years of costs (the current year, the budget year, and the nine outyears) and divides the sum by ten. This look-back provision similarly applies to the five-year scorecard.

(f) Averaging Used to Measure Compliance Over 5-Year and 10-Year Periods. For the budget year and the applicable four or nine outyears, OMB is to enter the annual average budgetary effect associated with PAYGO legislation. For instance, a bill that pays for itself over ten years will have a total, and thus average, score of zero, so zero would be entered in each column of the ten-year PAYGO scorecard. If a bill enacted in FY10 costs a net of \$10 billion over FY2010–FY2020, OMB would insert +\$1 billion in each of the ten columns on the PAYGO ledger (FY11 through FY20). The same PAYGO legislation could well have different averages over five years and over ten. For example, if a bill enacted this session costs \$2 billion through 2015 and \$10 billion through 2020, the five-year scorecard would record entries of \$0.4 billion for each of 2011 through 2015, while the ten-year scorecard would record entries of \$1 billion for each of 2011 through 2020.

(g) Emergency Legislation. If legislation subject to PAYGO contains an emergency designation, the budgetary effects of provisions that are designated as emergencies shall not be placed on the PAYGO scorecards by OMB. The designation should refer to subsection (g)(1) of this Act. The procedure for challenging a statutory emergency designation for PAYGO enforcement reflects the current practices for challenging emergency designations under Congressional budget rules. In the Senate, an emergency designation is subject to a point of order that may be waived upon a vote of 3/5 of the members duly chosen and sworn. If the Senate does not waive this point of order, the emergency designation is struck from the legislation. Both this section of this Act and clause 10 of rule XXI of the Rules of the House of Representatives require the Chair to put the question of consideration with respect to a measure containing a provision expressly designated as an emergency for the purposes of pay-as-you-go requirements. As a result of this duplication of nearly identical requirements, the two should be interpreted to

merge and thereby require the Chair to put just one question of consideration in satisfaction of both requirements.

Section 5—Annual Report and Sequestration Order: Section 5 defines the timing of the annual PAYGO report and, if one is needed, the sequestration order. OMB is to produce an annual PAYGO report, which shall include up-to-date PAYGO scorecards and a description of any sequestration if required. The report is to be released no more than 14 days (excluding weekends and legal holidays) after Congress adjourns to end a session.

If the annual report shows a debit (i.e., net budgetary cost) on either PAYGO scorecard for the budget year, the President is required to issue an order sequestering budgetary resources from non-exempt mandatory programs sufficient to fully pay off that debit. If it shows a debit on both the five-year and ten-year scorecards, the sequestration must pay off the larger debit. If the President issues this order, then the PAYGO annual report must contain its details, including such information as the outlay reductions that would occur in the budget year and the subsequent fiscal year for each affected account.

Because the PAYGO statute creates a permanent law, the two scorecards are permanent. In effect, they will record all PAYGO legislation enacted from the date the bill becomes law. The cost estimates of individual PAYGO bills, however, will eventually slide off the scorecards since only the five-year or ten-year costs are recorded on those scorecards. For example, a PAYGO bill enacted later this year will show cost or savings entries of the same size (the average amount through 2015) for each fiscal year 2011 through 2015 on the five-year scorecard. Next year, new PAYGO legislation will add entries to the five-year scorecard covering years 2012–2016. The entries made this year in the 2012–2015 columns of that scorecard will remain on that scorecard, however. If those entries are net savings, the savings will be available to cover costs in new legislation, but if they are net debits, avoiding a sequestration at the end of each of the next four sessions of Congress will require that the net debits be worked off by the enactment of new offsetting savings. The same approach applies to the ten-year scorecard.

Section 6—Calculating a Sequestration: Section 6 describes how sequestration is to be implemented if triggered. Many mandatory programs, such as Social Security, veterans' disability and other benefits, and major low-income entitlements, such as Supplemental Security Income and Medicaid, are totally exempt from sequestration. Only programs in the unified budget are subject to sequestration.

With the exception of Medicare, non-exempt mandatory programs would be cut by a uniform percent, such that the outlay savings produced in the budget year and the subsequent fiscal year would be sufficient to fully offset the budget-year debit on the PAYGO ledger. Medicare can be cut by no more than four percent. If a larger cut is needed to offset the debit on the PAYGO ledger, the uniform percentage cut to the other non-exempt mandatory programs would be increased so that the sequester of Medicare and the other non-exempt programs would together produce sufficient savings to offset the budget-year debit. Sequestrations are temporary, not permanent, and with a few exceptions occur only in the budget year.

For most non-exempt mandatory programs, the uniform sequestration percentage

reduces budgetary resources by a specified percent over the course of the entire fiscal year. If a sequestration starts a month or more into the fiscal year because Congress adjourns in November or December, then the reduction during the remaining 9, 10, or 11 months of the fiscal year will be larger than the uniform percentage so that the average sequestration over the year equals the required uniform percentage.

In the case of Medicare, the sequestration lasts for a full 12 months even if it takes effect after the beginning of the fiscal year, in which case it will run into the start of the next fiscal year. This means the uniform percentage cut in payments to providers or insurance plans will not be higher at any time than the four-percent limit (or the calculated uniform percentage, if lower).

In the case of price support payments for crops, the sequestration for any given crop will start at the beginning of the next crop year. As a consequence, sequestrations for crops will not all be running concurrently, and some sequestrations may occur partly in the following fiscal year.

Section 7—Adjustments for Certain Current Policies:

(a) Purpose. Section 7 establishes a temporary rule to adjust the estimates of the budgetary effects of PAYGO legislation in four policy areas: Medicare physician payments, the estate tax, the Alternative Minimum Tax, and the 2001 and 2003 income tax cuts for the middle class. In each of these areas, current policies have either expired at the end of 2009 or will expire by the end of 2010. This section allows for an adjustment so that the cost of extending specified individual policies for a defined period (two years for estate tax and AMT, five years for Medicare physician payments, and permanently for the middle-class tax cuts) is not counted for statutory PAYGO purposes.

This scoring rule applies only for the purposes of statutory PAYGO. For other purposes, including the Congressional Budget Act and the congressional PAYGO rules, existing scoring rules and points of order apply.

General approach. The statute authorizes a maximum adjustment to the estimate of budgetary effects of PAYGO legislation in the four specified policy areas equal to the difference between:

The cost of continuing a specified policy under current law as of December 31, 2009, consistent with baseline calculations under section 257 of BBEDCA, which, for each of the four policy areas, would assume that the specified policy has expired (AMT and estate tax), or will expire by the end of 2010 (all other policies); and

The projected cost of the specified policy assuming the policy continues beyond its scheduled expiration date.

The cost of continuing these policies over the specified period is larger than the cost of letting them expire, as would happen under current law. The adjustment allows Congress to address these policies without having the cost added to the PAYGO scorecard. The difference between these two estimated costs is the maximum adjustment that may be used to offset the cost of legislation addressing each specified policy for the purposes of PAYGO enforcement. If the estimate of the legislation has a greater budgetary effect than the maximum amount of the adjustment, then the adjustment can be used to offset a portion of its cost. The additional cost would be counted for statutory PAYGO purposes. If a less costly policy is enacted, any remaining amount in the adjustment

cannot be used to offset the cost of policies in other areas (as specified in Section 4(c)(3) of the PAYGO statute).

In addition, the adjustments in each policy area are further limited to prevent using the full amount of the available adjustment to offset the cost of a more generous policy for a shorter period. Under this limitation, the amount of the adjustment is estimated consistent with the time period covered by the eligible policy action.

Duration. This section expires on December 31, 2011, so any policies eligible for an adjustment must be enacted by that time in order to receive the adjustment.

(c)–(f) Policy areas eligible for adjustment. For statutory PAYGO purposes, legislation addressing four policy areas qualifies for a current policy adjustment to the estimate of that legislation's budgetary effects.

(c) Medicare Physician Payments. Under current law, the Sustainable Growth Rate (SGR) formula requires physician payments under Medicare part B to be cut automatically by over 21 percent after February 28, 2010. Section 7(c) provides a maximum adjustment equal to the difference between the cost of freezing through December 31, 2014, the Medicare Part B payment rates to physicians at the 2009 rate, and the cost of allowing the automatic cuts to occur after February 28, 2010. Legislation providing relief from the scheduled SGR cut—including legislation that reforms or supersedes the SGR formula—would only be scored for PAYGO purposes to the extent that it costs more than this five-year freeze at 2009 levels. If legislation to reform or supersede the SGR formula through or beyond 2014 is enacted that costs less than a five-year freeze in the years through 2014, any remaining amount in the adjustment could be used to offset costs of that policy after 2014, but the total adjustment cannot exceed the maximum adjustment amount of a five-year SGR freeze.

Estate and gift tax. Under EGTRRA, the estate tax exemption was gradually increased and the tax rate gradually lowered so that by 2009, the exemption level was \$3.5 million for an individual, with amounts above the exemption level taxed at a 45 percent rate. In 2010, the estate tax is repealed, replaced with a new tax on inherited assets with unrealized capital gains. In 2011, with the expiration of EGTRRA, the estate tax will return, with the pre-2001 law parameters of a \$1 million exemption for an individual and a top rate of 55 percent.

The maximum adjustment in section 7(d) is equal to the difference between the revenues expected from continuing the 2009 estate tax policy, with the nominal exemption level indexed for inflation, through December 31, 2011, and the revenues expected under the 2010 repeal and 2011 return to pre-2001 law. In other words, legislation restoring the estate tax would be scored for PAYGO purposes only to the extent that it costs more than implementing the 2009 policy (indexed) in 2010 and 2011. Because the cost of estate tax policy through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

Alternative Minimum Tax. A "patch" for the AMT was provided in the Recovery Act, increasing the 2009 AMT exemption to \$70,950 for couples and \$46,700 for singles in order to prevent the number of taxpayers affected by the AMT from exploding from about four million to about 30 million. This patch expired at the end of 2009.

Section 7(e) provides a maximum adjustment equal to the difference between the



revenues expected from adjusting the the AMT exemption levels through 2011 in order to hold the number of taxpayers affected by the AMT at 2008 levels (about 4.2 million), and the revenues expected assuming the expiration of the 2009 AMT patch. Because the cost of AMT relief through 2011 will have budgetary effects beyond 2011, this section clarifies that the adjustment is intended to capture the full budgetary effects in all years resulting from the two-year policy change.

(f) 2001 and 2003 middle-class tax cuts. The 2001 and 2003 income tax reductions enacted under EGTRRA and JGTRRA, as subsequently amended through December 31, 2009, are scheduled to expire at the end of 2010. Section 7(f) provides 12 adjustments for policies benefiting the middle class as they are in effect in 2010. The specific middle-class policies are:

- 10 percent bracket;
- Child Tax Credit, including the expansion in the Recovery Act;
- Marriage penalty relief, including the relief EITC expansion in the Recovery Act;
- Adoption credit;
- Dependent care credit;
- Employer-provided child care credit;
- Education tax benefits;
- 25 percent and 28 percent brackets;
- 33 percent bracket, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less;

Reduced rates on capital gains and dividends, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less;

Repeal of the personal exemption phase-out and the limitation on itemized deductions, but only for individuals with incomes of \$200,000 or less, and couples with incomes of \$250,000 or less; and

Section 179 expensing for small businesses, allowing up to \$125,000 of qualified property to be expensed, phasing out for property over \$500,000.

The maximum adjustment for the policies in section 7(f) is equal to the difference between the revenues expected if the specified policy were in place after 2010 and the revenues expected if the related provisions expired as scheduled.

(g) Indexing for Inflation. Amounts indexed for inflation are done in accordance with the cost-of-living adjustment rules in section 1(f)(3) of the Internal Revenue Code of 1986. That provision in the Code designates the Department of Labor's Consumer Price Index for all-urban consumers (usually expressed as CPI-U) as the measuring standard. Amounts indexed for inflation in this Act are the nominal exemption amount under the estate tax, as well as the income thresholds for income tax brackets, the rates for capital gains and dividends, the personal exemption phase-out, and the limitation on itemized deductions.

(h) Guidance on Estimates and Current Policy Adjustments. Estimates of budgetary effects of certain tax policies can vary depending on the order in which those policies are enacted into law. The PAYGO statute lays out three rules for addressing costs associated with the interaction of these various provisions.

I. For the interaction between AMT relief and the middle-class tax cuts, all interaction costs are scored as part of AMT relief. Specifically, estimates for determining the AMT adjustment must assume that all of the middle-class tax cuts eligible for a PAYGO adjustment have been enacted, even if these tax cuts have not yet been enacted.

II. Estimates for determining the adjustment for the middle-class tax cuts must assume that AMT relief follows current law as of the end of 2009—that is, they must assume that the 2009 AMT patch expired at the end of 2009, even if AMT relief beyond 2009 has already been enacted.

III. To address the interaction between individual middle-class tax provisions included in the same piece of legislation, provisions must be scored in the order in which they appear in the legislation.

Section 8—Application of BBEDCA: Section 8 specifies how various provisions of BBEDCA, including the special sequestration rules in section 256 of BBEDCA and the baseline rules in section 257 of BBEDCA, apply to this new PAYGO statute.

Section 9—Technical Corrections: Section 9 corrects typographical errors in the text of BBEDCA.

Section 10—Conforming Amendments: Section 10 makes conforming amendments to section 256 of BBEDCA. This section establishes special rules for sequestration for certain mandatory programs or updates the special rules to reflect programs as they now exist.

Section 11—Exempt Programs and Activities: Section 11 lists mandatory programs and activities that are exempt from sequestration. Exemptions under this Act are consistent with the exemption list that was first created in 1990.

That said, the exemption list has been updated to address accounts that have had their account names or numbers changed since 1990, or have been merged or divided. Further, new accounts (since 1990) have been treated the same way that analogous accounts were treated. For example, in the 1990 law the major low-income programs such as Medicaid were exempted from sequestration. The Children's Health Insurance Program (CHIP), new since 1990, is in the same category as Medicaid and also exempt.

The list has been expanded to clarify the treatment of certain transportation programs, notably federal-aid highways and grants-in-aid for airports. The budgetary treatment of these programs is split. They receive mandatory contract authority through authorization bills, but are treated as discretionary programs because their annual spending is controlled by obligation limitations in appropriations bills. These programs are exempt from sequestration to the extent they are controlled by obligation limitations. Remaining mandatory resources in these programs are subject to sequestration.

Finally, as noted in Section 6, non-exempt accounts are subject to a single, uniform percentage cut if a sequestration is required (except Medicare, where the cut is limited to four percent). Under the 1990 law, if a small sequestration was needed, four programs would have been the first ones sequestered: special milk, vocational rehabilitation state grants, student loans, and foster care/adoption assistance. Because this PAYGO statute eliminated this rule, the first three of those programs are treated as any non-exempt account would be treated. But the foster care account is included in the exempt list on the grounds that it is like other low-income programs that were exempted from sequestration in the 1990 law.

Section 12—Determinations and Points of Order: Section 12 affirms that nothing in this Act is intended to limit the authority of the Budget Committee Chairmen to make determinations and estimates of the costs or savings of legislation. In addition, the section

authorizes CBO to consult with the Budget Committees to resolve any ambiguities in the interpretation of the Act.

Mr. CAMP. At this time, Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a distinguished member of the Ways and Means Committee.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, as Yogi Berra once said, It's déjà vu all over again. No way. It is déjà vu all over again.

Just a few months ago, the Democrats marched us down here to the House floor to raise the debt ceiling by over a quarter of a trillion dollars. But that wasn't enough. Here we are again, 90 days later, this time for a whopping \$1.9 trillion debt limit increase.

For the uninitiated, a century ago Congress very wisely instituted a statutory cap on the amount that the Federal Government could borrow. Unfortunately, Congress being Congress, this body raised that cap dozens of times during the 20th century and has apparently carried that tradition into this new decade with spectacular new fashion.

As my colleagues on the other side of the aisle are no doubt clamoring over themselves to point out, both parties have done it in times of war and times of crisis, and more recently, this Democrat majority has made spending more of a priority than saving. In short, Madam Speaker, excuses don't make it right.

I wanted to mention PAYGO. I actually voted for PAYGO. I was one of 18 Republicans who, when the Democrats took over, I voted for PAYGO. Unfortunately, this Democrat leadership has waived it so often it has become very ineffective. They waive it more than they implement it.

So I ask my colleagues, don't be misled by so-called PAYGO language, because it simply isn't real.

Mr. BOYD. Madam Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank my colleague.

We're all entitled to our own opinions but not to our own facts, and it is a fact that the day President Obama put his hand on the Bible to be sworn in as President of the United States, he inherited a \$1.3 trillion deficit, a record deficit in this country.

This is an opportunity for all of us to stop just talking about the deficit and debts and actually do something about it. For the first time since 2002, Congress will bring, as a matter of law, the commonsense proposition that the Federal Government should pay for what it buys. And the history of success on this is clear. When the Congress lived under the PAYGO rules in the 1990s, we did turn deficits into record surpluses. After PAYGO was abandoned, deficits skyrocketed, our national debt clearly doubled.



Much has been made by the other side of the aisle about the deficit in the first year of the Obama administration. The Congressional Budget Office analysis is pretty clear that the contributors to that were two wars, unpaid for; a record mandatory prescription drug bill, unpaid for; and, of course, two tax cuts that disproportionately benefited the wealthiest Americans, all on our national credit card, all running us deeper into the red.

This legislation says enough is enough, and it says that virtually any new policy that reduces revenue or increases mandatory spending will have to be offset elsewhere in the budget. That is just common sense to every American family. And it says that if for some reason we don't abide by that discipline, you're going to have an across-the-board enforcement mechanism that will sequester the funds.

It's time to do what every family has to do and pay as we go.

Mr. CAMP. Madam Speaker, I yield to the gentleman from North Carolina (Mr. COBLE) for purposes of a unanimous consent request.

Mr. COBLE. I thank the gentleman from Michigan, and I rise in opposition to this reckless spending proposal.

We simply cannot afford to continue on the same course.

Our current debt is \$12.36 trillion. I have opposed past efforts to increase the debt limit, and again today I will vote against raising the limit.

The amount is staggering, \$1.9 trillion.

It will raise the limit to \$14.294 trillion—an incomprehensible figure.

Our economy is out of sync—currently we have no comprehensive plan for energy, the federal budget or making our manufacturing base competitive in the global market.

In addition Madame Speaker, I am mystified by the attempt today to force members to simultaneously vote on the debt limit increase and the proposed pay-go rules.

These types of shenanigans—particularly on something as significant as a \$1.9 trillion debt ceiling increase—are exactly why Americans have lost faith in their government.

Now is not the time to increase our debt ceiling—vote “no” on H.J. Res. 45. It will force the government to focus on the economy and it will start restoring some faith in the Congress.

Mr. CAMP. I yield 2 minutes to the gentleman from the Ways and Means Committee from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. In this time of record debt, high unemployment, and uncertain economic conditions, a focus on fiscal responsibility is critical—real fiscal responsibility, not words like “commonsense” but applying it in a real policy.

For months, President Obama and the majority have talked about the importance of this responsibility, responsibility by tripling Federal spending and then saying we're going to have a freeze. The President has suggested a spending freeze, and we've heard a lot

about bending the cost curve with health care reform. But, Madam Speaker, I think we all know that actions speak louder than words.

The fine print in this so-called PAYGO bill is a \$2 trillion increase in the national debt. Just read the bill and you see the truth. It's very different from the rhetoric that we hear. Instead of being true to their word, the majority has increased spending by an unprecedented 66 percent over the last year and pushed the deficit to \$1.4 trillion in 2009, an 800 percent increase over the last administration.

Instead of listening to the American people's pleas that Congress focus on the economy and jobs, they spent the last year pushing an unpopular, ineffective, and wildly expensive government takeover of health care. Instead of taking action on steps that would halt unsustainable spending in Washington, majority leaders are about to vote to increase our debt limit by \$1.9 trillion, the largest one-time increase of the debt in the history of the United States of America.

□ 1430

Madam Speaker, the American people are tired of tightening their budget and counting pennies while the Federal Government continues along a path of irresponsible spending, risky borrowing, and staggering debt.

Washington has a spending problem. It's time to end it. And these days, it seems more like an addiction. Instead of more broken promises to cut spending and reduce the deficit, it's past time for President Obama and Democratic leaders to respond to the American people to end this tyranny of runaway spending in Washington.

Mr. BOYD. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, you hear a lot about when the debt was incurred. I think it's important that we all understand that the policies that were put in place that caused that debt to be incurred started in 2001 with the economic package. Subsequently, we had the war, and then we had a recession. All that came from 2001 to 2007. That was under the policies of the previous administration and the previous Congress. So I want the Members to keep that in mind.

GENERAL LEAVE

Mr. BOYD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BOYD. Madam Speaker, I would like to yield 1 minute now to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I thank Mr. BOYD for yielding.

Let me start by commending our leadership for calling this legislation to the floor to restore the same budget enforcement rules that lead to the record budget surpluses that we enjoyed in the 1990s.

While I commend the Senate for finally approving PAYGO, following our lead in passing it at the beginning of the last Congress, I am deeply disappointed that the Senate could not summon the support to add the national deficit reduction commission to this bill.

The fact that several Senate Republicans who cosponsored the deficit commission, including the minority leader, voted against their own legislation illustrates the deficit of trust mentioned by the President in his State of the Union and is yet another example of the corrosive forces that fuel growing public cynicism about our political process.

Following the Senate's inaction on this issue, I applaud the President's intent to issue by Executive Order a commission to attack the bipartisan deficit, and I am encouraged by reports that the Speaker of the House and the Senate majority leader will call the commission's recommendations to a vote.

Madam Speaker, only strong leadership will propel us to overcome the challenges we face. I urge my colleagues to support this legislation.

Mr. CAMP. Madam Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. Madam Speaker, I thank the gentleman.

The scene and the content of this debate is really like a bad movie in a lot of ways. You rewind the tape and we have ultimately had this conversation about a year ago when the Democratic majority, Madam Speaker, said to the American public, look, we want to borrow \$1 trillion, and with that trillion, trust us, it's going to be great. Jobs are going to be created. The sun is going to come out. The tulips are going to be there, and it's all going to be fabulous.

It didn't work out that way. Eleven percent unemployment in the State of Illinois, the difference between the promise of the borrowing, 8 percent unemployment, has now eclipsed to 11 percent in Illinois. And in my home State, Madam Speaker, that means 200,000 people have taken on debt and haven't been rescued. They weren't rescued in December when the majority said we're going to raise the debt limit again, and they're going to be rescued by this. This is a classic underperformance.

And the majority, with all due respect, hasn't recognized the failure of the stimulus. In fact, they don't even like to use the word “stimulus,” Madam Speaker.

So in this context, I say let's stop this madness. Let's get back to our first priorities. Our first priorities are to be a nation of disciplined spenders, and we ought not to empower folks to borrow and create more and more debt into the future.

Mr. BOYD. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH) who is also a cosponsor of the original PAYGO legislation.

Mr. WELCH. Two points. Number one, my question is, what is the other side afraid of? There are certain caricatures that they just want tax cuts, we just want spending. The bottom line is that whatever your intention, no matter how good and noble you think it is, you have to pay for it. The two wars, two tax cuts, and \$2.3 trillion in deficits that we inherited and a \$750 billion bailout of Wall Street requested by President George Bush and Henry Paulson have to be paid for. The stimulus that's being ridiculed is the only thing that conservative and liberal economists have acknowledged has diminished the decline in the economy.

Good intentions are not a substitute for fiscal responsibility. We are acknowledging that. We have different goals. We have to fight those out. But why, despite whether your goal is a tax cut or a spending program, won't you agree to pay for it? That's what this legislation is about.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Madam Speaker, I rise today in strong opposition to this bill, a \$2 trillion increase of our debt limit to more than \$14 trillion. Over the past 3 years, it is the Democratic Party that has controlled both Houses of Congress, and we have seen the debt limit increased dramatically, six times, totaling \$5.3 trillion, an increase of 60 percent in only 3 years.

In fiscal year 2007, the Federal Government spent approximately \$2.7 trillion; in 2009, \$3.5 trillion, and last week we were sent a new budget proposal by the President that would even break that record. We must take concrete action to get our spending under control and get our economy moving again.

I fear that unless we take such action, the government's bond rating will be reduced, an event that could have catastrophic results for our markets.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from Indiana (Mr. HILL), a real leader on this issue for all of his years in Congress.

Mr. HILL. I thank my friend for yielding the time.

Madam Speaker, I rise in strong support of this legislation. This is legislation that we Blue Dogs have been fighting for for many, many years. And it's very satisfying that it is coming to fruition today.

I'm not here to play the blame game. There's a lot of blame to go around about our Nation's budget deficit. What we need is an instrument that gets us back on a pathway of fiscal responsibility. And we know that PAYGO works. It worked in the 1990s. And I should also say that it was a Republican President who proposed it. President Bush, Senior, was the one that thought this was a good idea. President Clinton thought it was a good idea. And it resulted in budget surpluses.

Now we've got problems with our Nation's budget deficit. There's no question about that. This is the instrument that gets us back on track to fiscal responsibility. And so I join my colleagues on this side of the aisle, and I would hope a few others on that side of the aisle, to get us back on that path.

This is the right thing to do, and after many years, it's finally a reality.

Mr. CAMP. At this time, Madam Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. It's time for a little bit of truth-telling about their side and about our side.

Truth-telling about our side is that back when we were in charge, we didn't do so well on controlling runaway Federal spending. My colleagues who know me well know that I many times found myself at cross purposes in fighting the President of my own party and some leadership in my own party in some of those big spending fights. But under the last administration, we doubled the national debt. I want to stipulate that.

But frankly, that's no excuse for what's happening today, Madam Speaker. Over the last 3 years, the Democratic majority has literally broken the ceiling on fiscal responsibility, and, as I just admitted, that ceiling was pretty high.

Since Democrats took control of Congress in January 2007, the national debt has increased by \$3.96 trillion, a 42 percent increase in 3 years. To keep up with this spending binge, Congress has increased the debt limit five times over the last 3 years, three times since the current administration took office 1 year ago.

The statutory debt increase that comes before us today, \$1.9 trillion, is the largest one-time debt increase in U.S. history. This is the fifth increase, as I mentioned, in the last 19 months. This one-time increase in the debt limit of \$1.9 trillion is actually larger than the entire GDP of almost every country in the world. It's larger than the GDP of Canada, Russia, Spain or Brazil, and it's larger than the GDP of Australia and Poland combined.

The American people are looking at this extraordinary gusher of spending and debt, and they're asking the question, When will it stop? And the answer, as we look at the budget that the administration submitted earlier this

week, is no time soon. I hasten to add the administration just this week announced plans for a budget, \$3.8 trillion in scope with a \$1.6 trillion deficit, \$2 trillion in higher taxes.

And let me say with respect, the American people looking in ought not to be deceived by the promises of fiscal discipline known as PAYGO. The truth is the bill before us today is about 58 pages long, and 32 of those pages are all the programs that are exempted from the PAYGO requirements. Forty percent of Federal spending is exempted from the fiscal discipline fix that we are being told is encompassed in PAYGO. The truth is what "PAYGO" really means here in Washington is that you pay and they go on spending.

The fact is what we see here is a failure of leadership. President Obama, as a United States Senator, said in March of 2006 when he came out against raising the debt limit in a vote, The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government's recklessness. America has a debt problem and a failure of leadership.

So said then-Senator Barack Obama in March 2006.

Let me suggest he was right then, and his words are equally true today.

The American people long for us to put our fiscal house in order. They long for us to embrace true fiscal discipline and reform. They long for this administration and this Congress to lead us away from the brink of fiscal disaster. This PAYGO, this debt ceiling vote is no solution, and I urge its opposition.

Mr. BOYD. Madam Speaker, I yield myself 1 minute.

Madam Speaker, PAYGO, when it was put in place in the past in the 1990s, was put in place with bipartisan votes. It is my hope that the gentleman from Indiana will work with us in a bipartisan way.

The first thing we must do is understand exactly what PAYGO does. He said, for example, that PAYGO has a list of exemptions which wouldn't affect current spending programs. Well, PAYGO has nothing to do with current spending. It speaks to additional and new entitlement, mandatory spending programs and-or tax reductions, changes in law.

So the first thing we should do, Madam Speaker, is get a good understanding about exactly what PAYGO does do—stop digging the hole, and then we can begin to fill in the hole and reach fiscal responsibility, reach a balanced budget like we did back in the 1990s.

Madam Speaker, with that, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, every day families across the country make sacrifices to stay within their household budgets. They know you can't spend what you haven't saved. But for the past decade, Congress has failed to grasp that simple premise. That failure has led to what the President has aptly described as a deficit of trust. It's hard to govern when you don't have the public trust, and it's hard to borrow when you have lost the trust of world markets.

During the 1990s, PAYGO forced Members to make hard decisions. However, PAYGO rules were waived in 2001 on the theory that we could pay for two wars with two tax cuts. Today, thanks to years of hard work by the Blue Dogs, we're taking the first step to win back the public trust.

Madam Speaker, today I am a Blue Dog.

Mr. CAMP. Madam Speaker, I yield the balance of my time to Mr. RYAN to control.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin will control the time.

There was no objection.

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore. Thirty seconds were remaining, so you have 15 minutes and 30 seconds that you control.

□ 1445

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, the vote we are having here today is not a vote for PAYGO, or whatever we want to call it. It is a vote to raise the debt ceiling. It is a vote to raise the debt ceiling by \$1.9 trillion. The majority might argue this isn't about the debt, but let's not be fooled. This is about a debt ceiling. Treasury has to raise it because we have had this incredible spending spree, and we are on an unsustainable trajectory of more debt.

Now, let's take a look at where we are right now. Right now, the burden of the debt on our economy is 60 percent. That is worse than what is required in Europe, because under this budget that is passing, it goes up to 77 percent of our economy by the end of the President's budget. Now, already, foreigners hold about half of our debt, and China lends us the most. The problem we have, Madam Speaker, is that the Chinese aren't going to keep lending us all their money.

Let me tell you a little bit about what will happen to America. The debt trajectory we are on will weaken America. The debt goes to catastrophic levels in this country which will destroy our economy—that is a tough word—and for sure give the next generation an inferior standard of living. These are facts. They are not opinions.

Now, one thing that I find interesting about PAYGO is the budget that we are living under right now doubles and triples our debt in 10 years, and it is all PAYGO compliant. The debt skyrockets under the current budget, and it all does so within PAYGO. And if you actually look at the President's budget, it says: with this PAYGO rule, not only will the debt triple in 10 years, but we will have another \$473 billion under PAYGO to spend on top of that. That is what PAYGO does, Madam Speaker.

PAYGO has been in place before. We have seen it. It started in 2007 when the Democrats took over Congress. At that time, when PAYGO was put in place, we had a \$161 billion deficit. We have a \$1.6 trillion deficit now. Forty percent of the entire budget is exempt from PAYGO. It does not do a thing at all to reduce the deficits. In fact, what PAYGO does is it locks in the deficits at its current levels, and it doesn't address the spending crisis.

Not only is spending growing at an unsustainable rate, not only are entitlements growing themselves right into bankruptcy, not only are we looking at bankruptcy of Medicare, Society Security, and Medicaid right around the corner. PAYGO is ripe with loopholes. It exempts 40 percent of spending, as I mentioned. It exempts mandatory spending on appropriation bills. It exempts all spending designed as emergencies, and more than 160 programs are exempt from its enforcement.

The point is this, Madam Speaker: my greatest concern is that if we pass this illusion of fiscal control, that will replace any real fiscal spending control whatsoever. It is good talk. It sounds good. When you look at the details, it accomplishes nothing. And when it is ever applied, it is only to chase higher spending with higher taxes. We should reject this and start over.

I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, the American public must be baffled by the charges and countercharges going back and forth. I would just invite, Madam Speaker, those listening to make their own decision based on two facts.

First is that the gentleman from Kentucky said a few minutes ago that the present administration had tripled the Federal spending. I would invite people to go look at the record, which says that the 2008 budget was \$2.9 trillion. The proposed budget for this year is \$3.7 trillion. That is not tripling.

Second, in the years in which we have had the PAYGO rule in effect, we have accumulated 30 percent of the Federal debt. In the years we have not had it in effect, we have accumulated 70 percent of the Federal debt.

Choose based upon the record and I think people will see that voting "yes"

on this commonsense legislation is the right path.

Mr. BOYD. Madam Speaker, may I inquire how much time each side has.

The SPEAKER pro tempore. The gentleman from Florida controls 12 minutes. The gentleman from Wisconsin controls 12½ minutes.

Mr. BOYD. I reserve the balance of my time.

Mr. RYAN of Wisconsin. At this time, I yield 2 minutes to the gentlewoman from Wyoming, a distinguished member of the Budget Committee, Mrs. LUMMIS.

Mrs. LUMMIS. Madam Speaker, two points I would like to make. One is this is not the same statutory pay-as-you-go as was in effect in the 1990s. During the years that President Clinton was working with a Republican Congress, they did balance the budget and they did create a surplus, but they did it using a statutory pay-as-you-go mechanism, or perhaps it was a nonstatutory pay-as-you-go mechanism, that actually didn't have as many exemptions as this one does. The fact that we are using a statutory pay-as-you-go terminology that really doesn't limit in any way spending to be paid for is simply disingenuous.

The other point I would like to make is about our debt limit. We don't have to raise the debt limit today, the debt ceiling. What we would have to do is put strict spending caps on ourselves, roll back the budget to fiscal year 2008 levels; we would have to pull in stimulus money, TARP money, and other expenditures that have either been returned to the government or not yet made. And we wouldn't even have to raise this debt ceiling.

So this is an issue of lacking fiscal responsibility. We are in a situation of borrow-as-you-go, not pay-as-you-go.

Mr. BOYD. Madam Speaker, I yield myself 15 seconds.

I would like to remind the gentlelady from Wyoming that we did borrow-as-you-go since 2001, and we want to do pay-as-you-go starting now.

It is my privilege to yield 1 minute to the gentlewoman from Pennsylvania, the vice chair of the Budget Committee, Ms. SCHWARTZ.

Ms. SCHWARTZ. Today, the House will take a major step in efforts to balance the Federal budget. Like American families and businesses, Congress must be fiscally responsible and pay for what we spend.

Our focus this year is twofold: restoring our economy and reducing the deficit. PAYGO legislation is an essential step in the process of cutting the deficit. Growing jobs and restoring fiscal discipline is not easy or quick, particularly given the financial situation we inherited.

In 2002, Republicans allowed PAYGO to expire and turned budget surpluses into a deficit for 2009 of \$1.3 trillion. How did this happen? They grew annual

spending by over 8 percent. They passed the largest expansion of entitlements without paying for it. They started and didn't pay for two wars. And they gave and did not pay for tax cuts for the wealthiest 1 percent of Americans. Collectively, these actions added \$8 trillion to the national debt.

We must agree, and we should, as Republicans and Democrats, agree to pay for what we spend as an important step in putting our Nation back on track towards fiscal discipline and responsible budgeting. I would say vote "yes" for PAYGO legislation.

Mr. RYAN of Wisconsin. Madam Speaker, at this time I yield 2½ minutes to the distinguished gentleman from Texas (Mr. HENSARLING), the vice ranking member of the Budget Committee.

Mr. HENSARLING. Madam Speaker, already in just 2 years, an 84 percent increase in enacted spending, 84 percent, a \$1.2 trillion stimulus bill that has us mired in 10 percent unemployment, a \$450 billion omnibus bill, another \$400 billion omnibus bill. The explosion of spending is unprecedented in our Nation's history. And that leads us to the vote that is before us today. Increase the debt limit for the third time in 12 months; increase it another \$1.9 trillion, our Democratic colleagues say, so that we can increase the burden per household \$16,214. Where will it all end?

And now, just this week, we hear from the President of the United States: we haven't spent enough. Let's spend some more. Let's propose a budget that will simply triple—triple—the national debt over 10 years.

Madam Speaker, the American people are tired of the spending, tired of the debt, tired of the deficits, and certainly tired of the bailouts.

And don't take my word for it, Madam Speaker. Let's hear what CNBC had to say about the matter of the President's budget: "part of a record \$3.8 trillion budget that would boost the deficit beyond any in the Nation's history."

The New York Times: "The budget projects that the deficit will peak at nearly \$1.6 trillion." It goes on to say: "and remain at economically troublesome levels over the remainder of the decade."

Wall Street Journal: "All of this spending must be financed, and so deficits and taxes are both scheduled to rise to record levels."

And so what do we hear? We hear from our Democratic friends, well, let's have PAYGO.

Well, what did we learn about PAYGO? Number one, they have already had a House rule for 2 years. And at least as practiced in the last fiscal year, 98 percent, Madam Speaker, 98 percent of all spending was either waived or it was exempt. PAYGO is a budget fig leaf.

Well, what does the President suggest? He says let's freeze spending. But what we discover when we run the numbers is that he doesn't turn on the freezer for a year. He turns it off quite soon after that. And when you plug in the numbers, it is a difference between growing government 49.27 percent versus 49.01. They are bankrupting America. Reject this vote and reject this debt limit.

Mr. BOYD. Madam Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Madam Speaker, the elements of this bill are critically important. Pay-as-you-go is essential. It is critically essential at this point in the issues being dealt with by this country.

If you look back over the course of the last several years, you will see how this huge deficit has gone up over and over again.

Let me just give a couple of examples of the way in which the huge debt that we have now has increased under the leadership of the opposition on the other side of the aisle here, and the previous President.

One of those was the military invasion of Iraq, which was completely unjustified. There was no justification for it whatsoever. The price of that is approaching now \$1 trillion.

Another issue that was dealt with in the context when they were in the majority was the tax cuts for the wealthiest people in America. Those tax cuts have now created the greatest concentration of wealth in the hands of the wealthiest 1 percent of Americans that this country has ever experienced since 1929, 1930. Now, we know what brought that about, and we know the same kind of circumstances that we are dealing with now.

Let me just give another example. They are not very much in favor of things like health care. Take, for example, what they tried to do with Medicare back in 2003 and how the price of that has gone up so much. They introduced prescription drug provisions in the Medicare program, but they would not allow for the negotiation of any price. They would just say that whatever the drug companies want to charge you, that is what you are going to have to pay. And that price is now going up to somewhere in the neighborhood of \$700 billion.

All of that has created the huge deficit that we have; and if you look at the way in which that deficit has adversely affected this economy, you see it over and over again. In housing, for example: over the course of the last 1½ years, the housing situation in this country has gone desperate. All of these things need to be changed. This bill will deal with it constructively and effectively, and it should be passed unanimously.

Mr. RYAN of Wisconsin. Madam Speaker, at this time I yield 2 minutes

to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding, and I want to say the concept of PAYGO sounds great, but it is an absolute fig leaf when you look at the practicality of it only applying to 2 percent of the budget. It's just not a genuine proposal.

But I want to say this: I think it is good to have this discussion. But both parties have been spending too much money, and not just Congress, but the Federal Reserve. Just think about 2008. Bear Stearns bailout, \$29 billion. A Bush stimulus bill in May of 2008, \$168 billion. The Fannie Mae bailout, \$200 billion. The AIG bailout, \$85 billion, going now to \$140 billion. And that was under the Democrat majority in the House, and President Bush signed it into law. So both parties have been in this mix.

And then comes President Obama. A \$787 billion stimulus bill that brought our unemployment from 8 percent to 10 percent. An omnibus spending bill, \$410 billion. A health care proposal that costs over \$1 trillion. Cap-and-trade that will cost American households \$1,500 per house. And another stimulus bill that the Democrats, under Speaker PELOSI, just passed in December of about \$60 billion.

□ 1500

Ladies and gentlemen, both parties are guilty, but this is the essence of it. It is a tripling of the national debt. Therefore, we have a debt ceiling. The debt ceiling is a mechanism, an outside trigger to force Democrats and Republicans to come together and cut spending. But instead what do we do? We move the trigger. And the result is this. And guess who inherits it. The children. And Gen X and Gen Y, who will already not get Social Security because it is going broke, and Medicare that has \$39 billion in unobligated debt right now. We are not facing what we need to do.

Instead of moving the debt ceiling, we need to be going back into our spending and cutting spending, not kicking the can down the road for another Congress, another election, and another generation. Vote "no" on this. Let's stay over the weekend and start coming together to cut the budget.

Mr. BOYD. Madam Speaker, I yield 1 minute to the gentleman from North Dakota, a fellow Blue Dog, Mr. POMEROY.

Mr. POMEROY. I thank the gentleman for yielding and commend him so much for the leadership he has shown on budget matters. Receiving fiscal lectures from this crowd is a little bit like getting investment advice from Bernie Madoff. You know, when George Bush took the Presidency, the debt was \$5.6 trillion. And under majorities in the House and Senate, with

a Republican President, the debt doubled. Part of the reason is the expiration of pay-as-you-go budgeting principles. Don't take my word for it. The record is clear.

When we adhered, on a bipartisan basis, with the Bush I agreement, the budget '97 agreement, and the Democrat-passed '93 agreement to pay-as-you-go, we set the path towards surplus. When pay-as-you-go expired, Katy bar the door, and the deficits exploded.

Now, as we get our hands around this fiscal situation, my friend Mr. RYAN is in part right when he says that this is not a full measured response. You know, we have got a long journey. We have got to begin with a solid step. Restoring pay-as-you-go budget principles is that step.

Mr. RYAN of Wisconsin. I yield myself 2 minutes.

Madam Speaker, we need to step up to the plate. Look at what is happening with the current government right now. I have three children. They are 5 years old, 6 years old, and our oldest just turned 8. For the last 40 years, the size of our government has been remarkably consistent, about 20 percent of the economy. Meaning we have taken 20 cents out of every dollar made in America to go to the Federal Government. When my three children are my age, the current government we have right now, this is before you would even pass the President's budget, that current government goes to 40 percent of our economy. You will have to take 40 cents out of every dollar made in America just to keep the government we have now in place at that time, doubling the taxes on the next generation.

I asked the Congressional Budget Office what would the income tax rates have to be to support all of this when my kids are my age? The lowest tax bracket, which is now at 10 percent, they said that would have to go to 25 percent. The middle income tax brackets for middle income families go up to 66 percent. Top tax bracket on small businesses, 88 percent.

Madam Speaker, we know we are crashing our economy with this borrow-and-spend mentality. And all of that is PAYGO compliant. This is not budget discipline, it is an illusion. Let's come together and fix this problem.

With that, I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege to yield 1½ minutes to the gentleman from Tennessee, a great leader on this issue for many, many, many years, leader of the Blue Dogs, Mr. TANNER.

Mr. TANNER. You know, if we accept that everything that everybody has said on both sides of the aisle is true, that is still not, in my view, a good financial reason to vote against this bill. It may be a good political reason, but it is not a good financial reason.

Yes, this bill is imperfect, but it is a first step. PAYGO only applies to those laws that are enacted that either demand by the law itself that Federal revenues be altered or that spending be changed. It does not affect discretionary spending and so forth. It is a first step. This bill is not perfect. But whatever your reason is is not a good reason, financially speaking, to vote against something that is good. Perfect? No. But the perfect is always the enemy of the good in a legislative body.

And so unless one wants to talk politics, if one wants to talk finances, I cannot think of a good financial reason to say, "Well, let's just do this if this is all we can do." It is a good first step, and it ought to be taken.

Mr. RYAN of Wisconsin. Madam Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Wisconsin controls 5 minutes, and the gentleman from Florida controls 6½ minutes.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege now to recognize the Speaker of the House, and yield 1 minute to the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I thank him for his extraordinary leadership on this important issue, an issue of importance to our country, to our economic stability, to our fiscal soundness, and to our children and our grandchildren.

This is an issue, pay-as-you-go, who could oppose this great idea? It has a provenance in the Democratic Party that goes back over 30 years, but it has been in practice in a bipartisan way over time. To my progressive friends, I say that Congressman GEORGE MILLER of California introduced a resolution in 1982 at the Democratic convention, mid term convention in Philadelphia, calling for pay-as-you-go. It was passed and adopted as part of the Democratic platform, a measure for fiscal soundness, recognizing that even those of us who see a role in government, a limited role in government and investments in our children's future know that it must be paid for or else we are heaping debt onto our children. That was in '82.

It wasn't until later, with a Republican President, President Bush, and a Democratic Congress, that PAYGO was implemented. Then later, under a Democratic President, President Clinton, and a Republican Congress, PAYGO was implemented. All of those times it brought down the deficit and, in the case of President Clinton, it led to a path, a trajectory of \$5.6 trillion in surplus.

It hit, I wouldn't say a bump in the road, I would say a giant mogul when President Bush came in with a Republican Congress and the Republican

President abandoned PAYGO. And now for the past 8 years, up until 2009, January, we have had these growing deficits. Here we are again sweeping up behind to get rid of the trajectory that we are on of increasing the deficit.

So here it is. It is an historic day. I am so very happy. When I became Speaker of the House, the very first day we passed legislation that made PAYGO the rule of the House. Today we will make it the law of the land. I talked about the progressive provenance of this idea, but because of the extraordinary leadership of the Blue Dog coalition in the Congress, this pay-as-you-go is part of a blueprint for fiscal responsibility that has been their mantra and which they have made the mantra of the House Democrats, and I hope today in a bipartisan way of the House of Representatives.

I commend Mr. BOYD for his relentless leadership on this subject; BARON HILL, author of the legislation; JIM MATHESON, STEPHANIE HERSETH SANDLIN, the leadership of the Blue Dog coalition; and a person who has been a relentless and articulate spokesperson on this issue, JOHN TANNER, whom I had the honor of following in this debate. As I say, the Blue Dogs have made this a priority.

But it is out there also with subjecting spending to the harshest scrutiny. Every Federal dollar that is spent must be subjected to scrutiny to make sure the taxpayer gets his or her money's worth. Subject the spending to scrutiny. And that is what President Obama is proposing with his freeze and cuts.

Pay-as-you-go. This largely applies to the entitlements, which are the largest part, biggest increases in the deficit. And third, the commission to review the entitlements and how we can control cost. This is an obligation that we have to our children. It is an important part of the work that we do, to be able to make difficult, difficult choices on how we make investments, understanding that they must be paid for.

So the luxury of just heaping bills with projects or whatever, or in terms of new entitlements especially in terms of PAYGO, that day is over unless it is paid for. So how is it a reflection of the values of our country; how important it is to meeting the needs of the American people. Would we put it before something else? That is what this is about, about prioritizing so that we can get on a path of deficit reduction, reducing the national debt, reducing the debt service, hundreds of billions of dollars of interest on the debt, which gets us really nothing in return.

So the time is long overdue for this to be taken for granted that the Federal Government will pay as it goes, that we will be on a path of deficit reduction, and that every action that we take in any bill that we take will have

to meet the test. Does this reduce the deficit? Does this create jobs? Does this grow our economy? Does this stabilize our economy well into the future? Central to all of that, and a very strong pillar of fiscal responsibility, is this PAYGO legislation that we have here today.

I couldn't be more thrilled for what this means about the fundamentals of how we govern, how we choose, and how we honor our responsibility to future generations to reduce the deficit. With all the respect and admiration and gratitude to our Blue Dog coalition for being so persistent in passing this, and my congratulations, if I may, to the Senate for passing the bill. It has taken a while, but they are there, and now after this and it goes to the President, it will be the law of the land. I think this is cause for celebration.

Mr. RYAN of Wisconsin. At this time, Madam Speaker, I would like to yield 3 minutes to the distinguished minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Wisconsin, the ranking member, for yielding.

Madam Speaker, it would be recklessly naive to go about our business in Washington pretending there won't be severe consequences for the mountains of debt we are piling up. Yet today it is evident that this kind of willful ignorance is sweeping across Washington. We are set to lift our Nation's debt burden to \$14 trillion.

Madam Speaker, I would ask my colleagues in this chamber if they know how many zeroes 14 trillion has. I would ask the American people if they know how many zeroes are in 14 trillion. It is 14 trillion. It is beyond comprehension to be talking about numbers this big. More precisely, the limit is 1, 4, 2, 9, 4, 0, 0, 0, 0, 0, 0, 0, 0.

It is a travesty. The writing is on the wall. Congress needs to wake up and realize that the future of American prosperity is in dire straits, mortal danger. As Americans hunker down to weather the economic storm, Democrats in Congress boosted Federal spending by 12 percent. Madam Speaker, we have heard a lot about the majority's PAYGO scheme, but this will not affect any spending that has already happened.

□ 1515

In fact, it will perpetuate the problem by locking in that spending going forward. And the majority's solution to offset all of their spending is more tax increases, which will kill jobs at the time we need them most. Supporters of this legislation will pull the wool over the American people's eyes and claim the mantle of fiscal responsibility, but the American people aren't buying it. By voting in favor of this PAYGO bill, the majority will be increasing the debt burden on our children and grand-

children by \$1.9 trillion. Strip away the sweet-sounding rhetoric, and that's what this bill is all about.

Madam Speaker, I just end with this rhetorical question: How effective can this so-called panacea really be when the debt has risen by \$5.4 trillion since the majority imposed PAYGO in this very House over 3 years ago?

Mr. BOYD. Madam Speaker, it is my privilege to yield 1 minute to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, as a member of the Blue Dog Coalition, I'm proud to stand in support of statutory PAYGO. Pay-as-you-go legislation was a key factor, as we have heard, in delivering the budget surpluses of the 1990s. The Republican-controlled Congress allowed pay-as-you-go to expire in 2002, contributing to the dramatic turnaround from a projected surplus of \$5.6 trillion when President Clinton left office to a projected deficit of more than \$11 trillion at the end of the last administration.

Restoring statutory PAYGO will help bring our country out of the red and back into the black. As the saying goes, a journey begins with the first step. I'm proud to cast this vote as Washington takes the first step back to fiscal responsibility and sensible spending. Our path to fiscal responsibility starts today. Restoring PAYGO is the first step to enforcing fiscal discipline and removing the burden of Federal debt from the American people. It's my hope this will be the first of many steps that both Democrats and Republicans take to balance our budget and be good stewards of taxpayer funds.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. BOYD. Madam Speaker, it is my privilege now to yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I rise in support of the statutory PAYGO act. This bill, which I'm proud to co-sponsor, will help restore fiscal discipline by enacting into law the most basic principle of responsible accounting, that every dollar spent must be offset by a dollar earned or saved. This is the way that American families balance their finances, and this same principle should apply to the Federal budget.

This legislation is particularly important at a time when Congress also faces the troubling task of raising the statutory debt limit. I am truly dismayed by the need to raise the ceiling of our national debt, which already exceeds \$12 trillion. We simply cannot keep borrowing our way to a better future. It is time that we take decisive action to reduce our Federal deficit while continuing to invest in our economy and combat unemployment.

In Rhode Island, the unemployment is now 12.9 percent, the third highest in

the country. Put simply, Rhode Islanders are still looking for jobs, but they are also looking for a government they can trust to live within its fiscal means. This is going to require the will and cooperation of Democrats, Republicans, and Independents alike to solve our budgetary challenges. Today, it begins by passing the statutory pay-as-you-go act.

I urge my colleagues to support this measure and send a strong message to the American people that the days of fiscal irresponsibility are over.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself the balance of my time.

The Speaker of the House came and just said something to the effect that this was a proud moment, a happy occasion, a bill she's really excited about. The bill we're about to vote on, Madam Speaker, raises the national debt ceiling by \$1.9 trillion. Even if I were a supporter of this bill, I wouldn't be proud of it.

I'm taking a look at the President's budget. On page 172, table S-9, the President's PAYGO proposal says that at the end of the budget window we can spend another \$473 billion. So we're saying all the debt that's going up, the tripling of the national debt that we're giving to our kids and grandkids, not only does that comply with PAYGO, we can go ahead and spend another \$473 billion on top of it.

This, Madam Speaker, is a fiscal charade. Real people from both parties need to step up and solve this problem. I have thrown out a few ideas of my own. I hope other Republicans and Democrats do the same. Because, Madam Speaker, if we don't tackle this problem, it's going to tackle us.

Our constituents sent us here to be a part of a solution and not a part of the problem. We know irrefutably we're going to bequeath this mountain of deficit and debt onto the next generation. Both of our parties share the blame. No one party corners the virtue on fiscal responsibility. But we're going to, together, have to come down here and fix this problem once and for all. And doing this doesn't do it. Doing this is a cop-out. Doing this raises the debt limit \$1.9 trillion and gives us a fiscal cop-out so we can go talk tough in the election about how we did this and that while we bequeath the next generation an inferior standard of living.

I didn't come here to make sure that my three kids are going to have a life that's worse off than ours. Nobody here wants that. So let's get this fixed, defeat this bill, come together, and do real fiscal discipline. The American people are under attack. We overspend.

Mr. BOYD. Madam Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman controls 3½ minutes.

Mr. BOYD. Madam Speaker, I yield myself the balance of my time.



Madam Speaker, it's been a good debate, and I join my colleague and friend Mr. RYAN of Wisconsin in a call for working together in a bipartisan way to solve these problems. Madam Speaker, that's the only way that we will solve this massive problem that we have. I don't think any of us take pleasure—I know Mr. RYAN doesn't and I don't—in being here and talking about having to raise the debt ceiling because of policies we have put in place in the past that have incurred a tremendous deficit and mounting debt in this country. I would be less pleased if I had voted for those policies, and I would be embarrassed.

I can give you an example: the economic package of 2001 that carried us down this trail; subsequently, 9/11; subsequently, Medicare prescription drug programs unpaid for; wars that we continued to cut taxes while we were committing our troops overseas and hundreds of billions of dollars to prosecute those wars.

Madam Speaker, we have to stop this foolish policy of spending more than we take in. Congress has consistently shown that we don't have the will to discipline ourselves when it comes to spending the revenue. Pay-as-you-go legislation is a tool that will put us back on the right path to fiscal responsibility. It worked in the past, as others have said, put in place first by George W. Bush, Sr., along with the Democratic Congress, and then later on by President Clinton with the Republican Congress. We can do it again if we work in a bipartisan way. This is a great first step, though.

For those who criticize the legislation as having too many exemptions, I'm very pleased to hear Mr. RYAN and others say they've changed their tune about exemptions, because I've got some vote sheets here that show that they voted to enact spending programs or mandatory programs that we had paid for, but they voted against the bill when it's paid for and then voted for it when it's not paid for. So I assume that means that they have taken a different approach into how we're going to do business in the future. This pay-as-you-go legislation not only will encourage that, but will require it statutorily.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of this resolution. Not because it is good practice for us to continue increasing the national debt limit, but because for the first time since it expired under the previous administration, we are making PAYGO a statutory requirement.

In addition to other efforts by the Obama administration and Congress, PAYGO requirements will help us get our financial house back in order from the mess that was handed to us by the previous administration.

After two wars, and tax cuts that were not paid for, the \$5.6 trillion dollar surplus we experienced in 2000 turned into a \$1.3 trillion deficit.

In the 1990s, the Clinton administration turned the deficits accumulated in the two pre-

vious presidencies into record surpluses. One of the key tools in this transformation was the PAYGO rule, which required Congress to find savings for the dollars it spent.

Unfortunately, after President Clinton left office, the next administration and Congress regularly waived PAYGO rules and ultimately allow them to expire in 2002.

After waiving and allowing these rules to expire, we saw the surplus built by the Clinton administration vanish, and deficit spending resume—spending that will have to be repaid by our children and grandchildren.

A New York Times analysis attributes 90% of that deficit to the economic downturn, Bush administration policies, and the extension of those policies. According to that analysis, only 7% of the deficit is attributable to the Economic Recovery Act passed early last year, which economists largely agree was a necessary emergency response to this recession.

Madam Speaker, this is just good policy. For eight years, under the previous administration, we saw deficit spending spiral out of control. Now many of those responsible for that spending are criticizing the majority and the current administration for its spending policies, complaining that it is piling up debt for the next generation.

Today those individuals have a chance to vote for legislation that ensures any future programs are paid for, and reestablish the rules that led to control in government spending and budget surpluses in the 1990s.

I am an original cosponsor of the PAYGO legislation that passed the House last July, and I urge all my colleagues to join me in supporting this bill to set our nation back on a path to sustainable spending policies that will ensure we do not have to continue increasing the debt limit indefinitely.

Mr. LEVIN. Madam Speaker, I rise in strong support of the provisions in the bill before the House that restore the pay-as-you-go budget rules.

The PAYGO rules simply require that new entitlement spending and new tax cut proposals be fully paid for with offsetting savings. Failure to do so would result in mandatory spending cuts. These rules were instrumental to the successful effort to rein in soaring deficits in the 1990s and resulted in balanced budgets during the final years of the Clinton administration. Unfortunately, the pay-as-you-go rules expired in 2002 and the Bush administration and the then Republican majority in Congress refused to renew them. Our nation's fiscal health has paid a heavy price for that refusal.

Yesterday, the House Ways and Means Committee heard testimony from the Director of the Office of Management and Budget. Specifically, Dr. Orszag testified that the large deficits we confront today in large measure reflect the failure to pay for policies in the past. Dr. Orszag said, "More than half of these deficits can be linked to the previous administration's failure to pay for the 2001/2003 tax cuts and the prescription drug bill. Over the next ten years, these two unpaid-for policies are slated to add \$5.8 trillion to the deficit, including interest expense on the additional associated debt."

Returning to the budget discipline of the pay-as-you-go rules is common sense and will

help ensure that we don't repeat the reckless tax and spending mistakes of the past.

Mr. HOLT. Madam Speaker, I rise today to discuss our national debt.

Let's look at the facts of how we got here. Just 10 years ago, the National Debt clock was turned off and we were having serious conversations about what would happen after we paid down the debt. Our nation was running a budget surplus in 1998, starting a stretch of surpluses that lasted through 2001. Our nation's fiscal house was in order. How then, have we gone from surpluses to significant deficits?

Some would have us believe that the national debt suddenly appeared in the past year. If only it was that easy. The national debt level we see today is the result of 8 years of poor decisions. Earlier this decade, the Republican-controlled Congress voted to slash taxes for the wealthy and charge it to the national debt. The same party voted to create a prescription drug benefit and charge the entire cost to the national debt. I voted against both of these laws because they were fiscally irresponsible. The previous President decided to pursue two wars on borrowed money and charge it to the national debt. In contrast, the policies that we have adopted this Congress to pull our economy out of the recession are responsible for less than 16 percent of this and last years' deficit.

Because of the irresponsible decisions of the recent past, we entered this recession with our fiscal house not in order. With our economy nearing collapse, our government had a choice to make. Facing the worst economic crisis in 75 years, we could have done nothing. Yet, this was not a responsible option. During times of great hardship, our government cannot shrink away from helping our citizens and helping our economy recover. This required federal investment. Leading economists have made clear that these investments were vital and that the best way to reduce the deficit in the long-term is through a strong economy.

One major reason for the debt we see today is because President Bush and the Republican-controlled Congress allowed the "pay-as-you-go" law to expire. Every family understands this principle—you must pay for what you buy. I am saddened that Congress forgot this simple lesson earlier this decade. This is only one tool, but it is a strong one to return our nation back to fiscal stability. It forces Congress to identify inefficient or ineffective programs whose funding can be cut to fund higher priorities, such as health care, education, and clean energy.

The bill we consider today restores this budgetary safeguard and makes the "pay-as-you-go" principle law. In the 1990s, the last time that "pay-as-you-go" was the law, we turned the massive deficits of the 1980s into record surpluses. In 2007, I was pleased that the House of Representatives restored this principle in the House rules when Democrats regained control of the House. While this rule was a good first step, today's legislation goes further by applying automatically to legislation and will cut spending if Congress does not do so.

In addition, this bill would require the Government Accountability Office, GAO, to review



all programs and initiatives to find any duplicative or wasteful programs. The GAO would report what they find to Congress so that we can eliminate the wasteful programs and merge any duplicative ones.

I will continue to work to ensure taxpayer money is well spent. I helped write the Student Aid and Fiscal Responsibility Act, which will reduce our debt by \$10 billion by eliminating wasteful subsidies for banks to offer student loans. I am pleased that many other major bills being considered, including health reform and climate legislation, have been paid for and would reduce the debt as well. I have fought every year to cut billions from the flawed missile defense program, which never produced a reliable technology; I have supported reducing agricultural subsidies that too often go to the wealthiest producers instead of small family farmers; and I have advocated for eliminating subsidies to private insurance companies for providing the same services that Medicare already provides to seniors. These are all common-sense steps to reduce wasteful government spending.

This legislation sends a message to the American people that the government is committed to putting the country back on stable economic footing. I will vote for this bill and will work for our government to regain its fiscal discipline.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.J. Res. 45, the Statutory Pay-As-You-Go Act, PAYGO.

As a former small business owner, I know the importance of keeping your books balanced and your budget in order. The PAYGO Act's concept is simple, if you propose new spending or reduced revenues it must be paid for by reducing spending in other areas.

Today's vote in favor of Statutory PAYGO is one of the most important actions Congress has taken towards ensuring economic discipline and restoring a balanced federal budget. PAYGO does not solve all of our budget problems overnight, but it has a history of bipartisan support and proven results dating back to the 1990s. During my first term, PAYGO helped right the ship and put our nation on a path toward replacing deficits with surpluses.

PAYGO has a proven track record of success, turning deficits in record surpluses under President Clinton. As we work to address the deficits we have inherited from the last administration, PAYGO is a key part of our effort to restore balance.

As a member of the House Budget Committee, I support Statutory PAYGO, and I urge my colleagues to join me in voting for the passage of H.J. Res. 45.

Mr. BOYD. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1065, the previous question is ordered.

The question of adoption of the motion is divided. The first portion of the divided question is on concurring in the matter preceding title I of the Senate amendment.

Pursuant to House Resolution 1065, the first portion of the divided question is adopted.

The second portion of the divided question is: Will the House concur in the matter comprising titles I and II of the Senate amendment?

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RYAN of Wisconsin. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the second portion of the divided question will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 960.

The vote was taken by electronic device, and there were—yeas 233, nays 187, not voting 14, as follows:

[Roll No. 48]

YEAS—233

|                |                  |                  |
|----------------|------------------|------------------|
| Abercrombie    | Edwards (TX)     | Lowey            |
| Ackerman       | Ellison          | Lujan            |
| Adler (NJ)     | Ellsworth        | Lynch            |
| Altmire        | Engel            | Maloney          |
| Andrews        | Eshoo            | Markey (CO)      |
| Arcuri         | Etheridge        | Markey (MA)      |
| Baca           | Farr             | Marshall         |
| Baird          | Fattah           | Massa            |
| Baldwin        | Poster           | Matheson         |
| Barrow         | Frank (MA)       | Matsui           |
| Bean           | Fudge            | McCarthy (NY)    |
| Becerra        | Garamendi        | McCollum         |
| Berkley        | Giffords         | McDermott        |
| Berman         | Gonzalez         | McGovern         |
| Berry          | Gordon (TN)      | McMahon          |
| Bishop (GA)    | Grayson          | Meek (FL)        |
| Bishop (NY)    | Green, Al        | Melancon         |
| Blumenauer     | Green, Gene      | Michaud          |
| Bocchieri      | Grijalva         | Miller (NC)      |
| Boren          | Hall (NY)        | Miller, George   |
| Boswell        | Halvorson        | Mollohan         |
| Boucher        | Hare             | Moore (KS)       |
| Boyd           | Harman           | Moran (VA)       |
| Brady (PA)     | Hastings (FL)    | Murphy (CT)      |
| Braley (IA)    | Heinrich         | Murphy (NY)      |
| Brown, Corrine | Hereth Sandlin   | Murphy, Patrick  |
| Butterfield    | Higgins          | Nadler (NY)      |
| Capps          | Hill             | Napolitano       |
| Capuano        | Himes            | Neal (MA)        |
| Cardoza        | Hinchee          | Oberstar         |
| Carnahan       | Hinojosa         | Obey             |
| Carney         | Hirono           | Olver            |
| Carson (IN)    | Hodes            | Ortiz            |
| Castor (FL)    | Holden           | Owens            |
| Chandler       | Holt             | Pallone          |
| Childers       | Honda            | Pascarell        |
| Chu            | Hoyer            | Payne            |
| Clarke         | Inslee           | Pelosi           |
| Cleaver        | Israel           | Perlmutter       |
| Clyburn        | Jackson (IL)     | Perriello        |
| Cohen          | Jackson Lee      | Peterson         |
| Connolly (VA)  | (TX)             | Pingree (ME)     |
| Conyers        | Johnson (GA)     | Polis (CO)       |
| Cooper         | Johnson, E. B.   | Pomeroy          |
| Costa          | Kagen            | Price (NC)       |
| Costello       | Kanjorski        | Quigley          |
| Courtney       | Kaptur           | Rahall           |
| Crowley        | Kennedy          | Rangel           |
| Cuellar        | Kildee           | Reyes            |
| Cummings       | Kilpatrick (MI)  | Richardson       |
| Dahlkemper     | Kilroy           | Rodriguez        |
| Davis (AL)     | Kind             | Ross             |
| Davis (CA)     | Kirkpatrick (AZ) | Rothman (NJ)     |
| Davis (IL)     | Kissell          | Roybal-Allard    |
| DeFazio        | Klein (FL)       | Ruppersberger    |
| DeGette        | Kratovil         | Rush             |
| Delahunt       | Langevin         | Ryan (OH)        |
| DeLauro        | Salazar          | Salazar          |
| Dicks          | Larson (CT)      | Sanchez, Linda   |
| Dingell        | Lee (CA)         | T.               |
| Doggett        | Levin            | Sanchez, Loretta |
| Donnelly (IN)  | Lewis (GA)       | Sarbanes         |
| Doyle          | Lipinski         | Schakowsky       |
| Driehaus       | Loebach          | Schauer          |
| Edwards (MD)   | Lofgren, Zoe     | Schiff           |

|             |               |             |
|-------------|---------------|-------------|
| Schrader    | Space         | Velázquez   |
| Schwartz    | Speier        | Visclosky   |
| Scott (GA)  | Spratt        | Walz        |
| Scott (VA)  | Sutton        | Wasserman   |
| Serrano     | Tanner        | Schultz     |
| Sestak      | Teague        | Watson      |
| Shea-Porter | Thompson (CA) | Watt        |
| Sherman     | Thompson (MS) | Waxman      |
| Shuler      | Tierney       | Welch       |
| Sires       | Titus         | Wilson (OH) |
| Skelton     | Tonko         | Woolsey     |
| Slaughter   | Towns         | Wu          |
| Smith (WA)  | Tsongas       | Yarmuth     |
| Snyder      | Van Hollen    |             |

NAYS—187

|                 |                 |               |
|-----------------|-----------------|---------------|
| Aderholt        | Gerlach         | Murphy, Tim   |
| Akin            | Gingrey (GA)    | Myrick        |
| Alexander       | Gohmert         | Neugebauer    |
| Austria         | Goodlatte       | Nunes         |
| Bachmann        | Granger         | Nye           |
| Bachus          | Graves          | Olson         |
| Barrett (SC)    | Griffith        | Pastor (AZ)   |
| Bartlett        | Guthrie         | Paul          |
| Barton (TX)     | Hall (TX)       | Paulsen       |
| Biggert         | Harper          | Pence         |
| Bilbray         | Hastings (WA)   | Peters        |
| Bilirakis       | Heller          | Petri         |
| Bishop (UT)     | Hensarling      | Pitts         |
| Blackburn       | Herger          | Platts        |
| Blunt           | Hoekstra        | Poe (TX)      |
| Boehner         | Hunter          | Posey         |
| Bonner          | Inglis          | Price (GA)    |
| Bono Mack       | Issa            | Putnam        |
| Boozman         | Jenkins         | Rehberg       |
| Boustany        | Johnson (IL)    | Reichert      |
| Brady (TX)      | Johnson, Sam    | Roe (TN)      |
| Bright          | Jones           | Rogers (AL)   |
| Broun (GA)      | Jordan (OH)     | Rogers (KY)   |
| Brown (SC)      | King (IA)       | Rogers (MI)   |
| Brown-Waite,    | King (NY)       | Rohrabacher   |
| Ginny           | Kingston        | Rooney        |
| Buchanan        | Kirk            | Ros-Lehtinen  |
| Burgess         | Kline (MN)      | Roskam        |
| Burton (IN)     | Kosmas          | Royce         |
| Buyer           | Kucinich        | Ryan (WI)     |
| Calvert         | Lamborn         | Scalise       |
| Camp            | Lance           | Schmidt       |
| Campbell        | Latham          | Schock        |
| Cantor          | LaTourette      | Latta         |
| Cao             | Lee (NY)        | Sensenbrenner |
| Capito          | Sessions        | Shadegg       |
| Carter          | Lewis (CA)      | LoBiondo      |
| Castle          | LoBiondo        | Shimkus       |
| Chaffetz        | Lucas           | Shuster       |
| Coble           | Luetkemeyer     | Simpson       |
| Coffman (CO)    | Lummis          | Smith (NE)    |
| Cole            | Lungren, Daniel | Smith (NJ)    |
| Conaway         | E.              | Smith (TX)    |
| Crenshaw        | Mack            | Souder        |
| Culberson       | Maffei          | Stearns       |
| Davis (KY)      | Manzullo        | Sullivan      |
| Deal (GA)       | Marchant        | Taylor        |
| Dent            | McCarthy (CA)   | Terry         |
| Diaz-Balart, L. | McCauley        | Thornberry    |
| Diaz-Balart, M. | McClintock      | Tiahrt        |
| Dreier          | McCotter        | Tiberi        |
| Duncan          | McHenry         | Turner        |
| Emerson         | McIntyre        | Upton         |
| Fallin          | McKeon          | Walden        |
| Filner          | McMorris        | Wamp          |
| Flake           | Rodgers         | Waters        |
| Fleming         | McNerney        | Weiner        |
| Forbes          | Mica            | Westmoreland  |
| Fortenberry     | Miller (FL)     | Whitfield     |
| Fox             | Miller (MI)     | Wilson (SC)   |
| Franks (AZ)     | Miller, Gary    | Wittman       |
| Frelinghuysen   | Minnick         | Wolf          |
| Gallegly        | Mitchell        | Young (AK)    |
| Garrett (NJ)    | Moran (KS)      |               |

NOT VOTING—14

|            |            |               |
|------------|------------|---------------|
| Cassidy    | Linder     | Stark         |
| Clay       | Meeks (NY) | Stupak        |
| Davis (TN) | Moore (WI) | Thompson (PA) |
| Ehlers     | Murtha     | Young (FL)    |
| Gutierrez  | Radanovich |               |

□ 1549

Messrs. TAYLOR, SMITH of Nebraska and MCINTYRE changed their vote from "yea" to "nay."

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from “nay” to “yea.”

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 48, had I been present, I would have voted “yea.”

Stated against:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 48, I was unavoidably detained. Had I been present, I would have voted “nay.”

#### NATIONAL STALKING AWARENESS MONTH

The SPEAKER pro tempore (Mr. CARSON of Indiana). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 960.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 960.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 2950.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, S. 2950.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ADJOURNMENT FROM FRIDAY, FEBRUARY 5, 2010, TO TUESDAY, FEBRUARY 9, 2010

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, February 5, it adjourn next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1600

#### HAPPY BIRTHDAY, SECRETARY UDALL

(Mr. LUJÁN asked and was given permission to address the House for 1 minute.)

Mr. LUJÁN. Last week, former Secretary of the Interior and Representative Stewart Udall celebrated his 90th birthday. The proud father of Senator TOM UDALL and uncle of Senator MARK UDALL, Secretary Udall now resides in my home State of New Mexico.

Stewart Udall's legacy is visible throughout our country from his time as Interior Secretary for Presidents Kennedy and Johnson. It is visible in the lands he protected and the laws he enacted, groundbreaking law that protected our water, air, and animals in their natural habitats. In his tenure, the United States enacted the Clear Air Act, the Wilderness Act, the Endangered Species Act, and many others.

When he left public office, he continued his work, taking up the cause of Navajos who suffered the effects of uranium mining. Secretary Udall advocated for the passage of early legislation to protect harmed uranium miners and their families while instigating cleanup efforts.

Secretary Udall let compassion and common sense guide his career in public service. He is a great American and a great New Mexican.

Happy birthday, Secretary Udall.

#### SHORT-SIGHTED DECISION ON F-22S

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, on Friday, January 29, Russia's fifth-generation fighter jet, with stealth capabilities, successfully completed its first test flight. This is an ominous development indeed, as it comes on the heels of the Obama administration's decision to terminate production of our own fifth-generation air superiority fighter, the F-22A Raptor.

The administration's decision to end the F-22 program at 187 aircraft was clearly not driven by military requirements, as a longstanding Air Force requirement for the F-22, developed to meet the national military strategy, is 381. While President Obama and Secretary Gates were expending great capital in shorting the Air Force by nearly 200 F-22s, it should be clear to all of us what the Russians have been doing.

Air superiority is not something we should take for granted, Madam Speaker, for owning the skies is what enables us to own the battlefield. The President's shortsighted decision on the F-22 ignores the possibility that at some

point in the future, we could find ourselves in conflict with a conventional military power that could challenge our air superiority, a possibility I don't think any of us would like to imagine.

#### EXECUTIVES, SMALL BUSINESS OWNERS, AND UNION MEMBERS SAY “ENFORCE IMMIGRATION LAWS”

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, according to a new Zogby poll, senior executives, business owners, and members of union households think the best way to deal with illegal immigration is to enforce the law. When asked to choose between enforcement or a pathway to citizenship with conditions, 59 percent of executives, 67 percent of small business owners, and 58 percent of union households chose enforcement. When asked whether more immigrants are needed to address our job needs or if there are enough Americans to fill them, 61 percent of executives, 65 percent of small business owners, and 72 percent of union households said there are plenty of Americans available to fill unskilled jobs.

These findings are no surprise. Citizens and legal immigrants should not be forced to compete with illegal immigrants for scarce jobs.

#### WHAT AMERICANS WANT FROM THE GOVERNMENT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, today Congress voted to raise the national debt limit to \$14.3 trillion, or \$121,000 per American family today. The vote is the third debt increase since the Democrats took control of Congress and they have passed a debt increase three times in the last 12 months. This is a burden to small businesses and communities, will hurt our economic growth and prosperity for years to come, will raise interest rates and hurt our ability for our communities to gain jobs.

This is irresponsible, and yet it's merely a symptom of the problem. The problem is that Washington cannot control its spending.

We need folks in Congress who will look at the budget line by line, as the President pledged in the last campaign, and look at how to root out waste, fraud, and abuse, and curb the growth of government and balance our budget. That is what the American people want, and that is what I am fighting for.

### PAYGO PROTECTS THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, many people might not be focused on the work that was done today and led by the Democratic Caucus, and I think it's important to reinforce what we did today. We protected the American people. We protected our veterans. We protected our seniors with Social Security and Medicare. We protected the most vulnerable, our children.

As everyone knows, our children have, many times, the least opportunity for health care reform except for the work that we did just a few months ago when we worked to enroll some 11 million more children in the Children's Health Insurance Program. But at the same time as we move forward, we know more and more children are uninsured.

The PAYGO work that we did and the work that we did addressing the question of this Nation's deficit was clearly not a selfish act; it was a selfless act. And that is to say to our seniors, We'll never forget you. We'll never abandon your Medicare and Social Security.

Our veterans have offered themselves on behalf of this Nation, and we will never, never forget our veterans and our soldiers. And we certainly will not forget the most vulnerable in our society who need food stamps and medical care.

We did the right thing today, and I am proud to have voted "yes."

### SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

### LIVING WITHIN OUR MEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Madam Speaker, everywhere I go in Wisconsin, people are saying the same thing: Government must live within its means. I agree. After all, being fiscally responsible is the Wisconsin way.

People all across northeast Wisconsin pay their bills on time, and they're tired of seeing their money wasted on bailouts for Wall Street speculators. Everyone, and I mean everyone, is rightfully angry, and so am I. We simply don't believe in rewarding failure in Wisconsin, and that is why I voted against every single bailout that came along.

And never forget, never forget how we fell into this mess.

When I was elected in 2006, the people in power in Washington, D.C., were pursuing borrow-and-spend policies, policies that drove our economy into the ditch without paying a single dime for them. Without paying for a single dime, the previous administration spent money we did not have on two wars—two wars at the same time—two tax cuts for the rich, gigantic handouts to big drug companies on Wall Street, and a trillion-dollar bailout for their friends on Wall Street in the big banks, and asking, asking our children and grandchildren to pay for it all.

Well, enough is enough. We must live within our means. Our government must invest in our own people right here at home, not on Wall Street and not overseas. We must rebuild our own economy and grow the jobs. We need to work our way back into prosperity.

When voting for any legislation, I only have the best interests of my constituents in Wisconsin in mind. The pay-as-you-go rules which were enacted today will be successful, as they were in the 1990s, and this is exactly the medicine we need today to begin to turn today's enormous debts into future surpluses. That is why I strongly support the passage of pay-as-you-go rules, just as I have seven times previously during my public service.

It's really a simple, responsible thing to do. Washington must live within its means and pay its bills on time, just as we do around our own kitchen tables every month across Wisconsin.

Mandatory pay-as-you-go rules are critical to reducing our national debt. Over time, these responsible spending rules will contain Federal expenditures and balance our budgets, for when government attempts to spend money on one program, it must either raise revenues or cut spending on another program. It's just that simple. Live within our means.

### DOES CONGRESS HAVE THE COURAGE TO CONFRONT THE ECONOMIC THREAT TO AMERICA'S FUTURE?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, in the next hour we're going to be talking about a subject that has caught the attention of Americans. It's, generally speaking, a boring subject, but now it's not become boring anymore, and that is the problem with the Federal Government overspending, the problem with the budgets that have been proposed, the problem of the financial trajectory of our country and the threat that that trajectory poses.

I'd like to step back in time a little bit as a Republican to talk about the fact that over a 12-year period, Republicans had deficit spending in a number of years at about a hundred billion dollars or maybe a little more. If you put that all together over 12 years, you have over a trillion dollar amount of deficit spending.

But what we're looking at in 1 year now is over a trillion dollars. In other words, the Democrats are spending more in 1 year than we did in 12 years, or you could say that they're spending enough in 1 month to compensate for every year of the Republicans.

Now, the past President was criticized that he overspent; he spent too much money. His biggest deficit was in 2008 with the Pelosi Congress at about \$450 billion of excessive spending.

Just the number of billion dollars, it's hard for us to recognize how does that relate to something. So let's put it in perspective and take a look at it as a percent of the gross domestic product of our country.

The \$450 billion deficit with the Pelosi Congress and President Bush, that number would be about 3.1 percent of GDP. That is actually fairly average for many different years and different Presidents.

The 2008 deficit was followed by 2009, of course, and it was, again, the Pelosi Congress, but this time the Obama administration. And after all kinds of criticism of the Republicans for spending too much money, the budget was \$1.4 trillion of deficit. That is three times worse than the worst year of President Bush.

□ 1615

Now we have heard all kinds of complaints that it was the Republicans' fault and all of these kinds of things. And yet the choice to spend that much deficit was still a choice, a choice made by our President and our current Congress under Speaker PELOSI, \$1.4 trillion.

Now let's connect that, because \$1 trillion is an awful lot of money, and it's very hard for us to understand. How does that connect to gross domestic product? Well, it turns out that 9.9 percent of our gross domestic product was in debt. That's almost 10 percent, just under 9. That's the highest level since World War II. That is an incredible level of deficit spending.

Now the question in people's minds becomes, okay, I'm not used to thinking in terms of billions and trillions of dollars. So how do we put this in perspective? And what does it mean to just the average citizen on the street? Well, one of the things it means is that we are really pushing the financial solvency of our country. We are getting to the point where we are spending money so rapidly, beyond our means, that we are driving ourselves into a condition of bankruptcy which could cause a

massive collapse of our entire economic system. Nobody knows exactly when or what could trigger that kind of event.

These are very serious questions we are going to be discussing in the next hour. And I'm thankful to see Congressman WOLF, a very highly respected Congressman from this area. He is also going to share with us something about the situation with this budget and what it means.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Virginia (Mr. WOLF) is recognized for 54 minutes as the designee of the minority leader.

Mr. WOLF. Madam Speaker, Dietrich Bonhoeffer, a Lutheran pastor executed for his efforts in the Nazi resistance during World War II, once said, "the ultimate test of a moral society is the kind of world that it leaves to its children." These are timeless words that resonate deeply today as our Nation struggles to confront our growing national debt.

The release this week of President Obama's fiscal year 2011 budget projects a deficit of nearly \$1.6 trillion, equivalent to 10.6 percent of economic output. I am convinced that addressing ballooning debt is not only an economic issue, but there is also a moral component to this issue that goes to the heart of who we are as Americans. Yet I wonder if we in Congress, America's political leaders, have lost the will to make the tough decisions necessary, decisions that could well require sacrifice.

The generation of Americans who came of age during the era of Dietrich Bonhoeffer has been affectionately called the Greatest Generation. Many of them have made unimaginable sacrifices, including their lives, for their children and their children's children. If we remember the legacy that we've inherited, the giants on whose shoulders we stand, I believe we, too, can be moved to do our duty. It will not be easy, but that which is worth doing rarely is.

However, should the 111th Congress fail to address the financial tsunami approaching our shores, it will be judged by history as a dysfunctional, fundamentally broken institution that neglected its responsibilities not only to its constituents we came here to serve, but to those future generations of Americans.

We are on that precipice.

It has been almost 4 years since I first came to the floor of the House proposing an independent bipartisan commission to address unsustainable Federal spending. The SAFE Commission, short for Securing America's Future Economy, would operate in an authentic and transparent way, holding a series of public meetings across the country to hear from the American

people. It would put everything on the table, entitlements and all other spending and tax policy. Its recommendations would not be made in a vacuum or over a weekend locked up at Andrews Air Force Base.

At the time of introduction, and still today, it is the only debt reduction commission legislation in play that mandates public engagement on this scale. It also would force Congress to vote up or down on the legislative package born from the commission's work. There would be no avoiding of hard choices.

When I first introduced the bill in the spring of 2006, I discussed the looming financial crisis facing our country and said that the longer we put off fixing the problem, the more bitter the medicine required to fix it would be. I also sought to address the objections of some who said the problem was too big to fix, too risky, particularly in a congressional election year, and an abdication of congressional responsibility.

At face value, there may be some merits to some of those objections, but these arguments ring hollow for the future that we face. They paralyze the Congress from moving forward. They allow the Congress to blindly continue to spend. They provide an excuse for the status quo. They allow us to stick our heads in the sand, all to the detriment of the country.

Consider that from 2011 to 2020, the Congressional Budget Office projects staggering cumulative deficits of \$6 trillion. Our Nation is broke. The national debt is now over \$12 trillion and growing at rates that haven't been matched since World War II. Amazingly, the House earlier today followed the Senate action to increase the Federal debt limit to a staggering \$14.294 trillion.

Significantly, these deficits are not first and foremost wartime deficits. Rather, we have amassed enormous unfunded obligations to ensure future entitlement benefits that, when added with liabilities like the debt, total nearly \$57 trillion. That means every man, woman, and child owes \$184,000.

Legitimate credit rating agencies have threatened in recent weeks to downgrade the United States from its current Triple A bond rating. The latest warning came just this week from Moody's, a top Wall Street credit agency, reacting to the President's budget. Moody issued a report saying "unless further measures are taken to reduce the budget deficit further or the economy rebounds more vigorously than expected, the Federal financial picture as presented in President Obama's February 1 budget will at some point put pressure on AAA government bond rating."

This news comes on the heels of Spain, Greece, and Dubai all seeing their credit ratings downgraded. Losing this "gold standard" would make it

even more difficult to borrow money, would shake confidence in the dollar, and could lead to a situation where the dollar is no longer the primary international reserve currency. If that were to happen, prices for everything traded internationally, including food and oil, would go up.

Just this week, The Washington Post featured a piece by Allan Sloan, Fortune magazine's senior editor-at-large. He focused on a recent report from the Congressional Budget Office that shows that for the first time in 25 years, Social Security is taking in less in taxes than it is spending on benefits. Sloan writes, "Instead of helping to finance the rest of the government, as it has done for decades, our Nation's biggest social program needs help from the Treasury to keep benefit checks from bouncing—in other words, a taxpayer bailout." He concludes, "this year's Social Security cash shortfall is a watershed event. Until this year, Social Security was a problem for the future. Now it's a problem for the present."

Social Security and Medicare are amassing huge deficits and are ill-prepared for the coming flood of new baby boom retirees. When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today.

The American people understand the depth of the country's spending problems and are leaps and bounds ahead of Congress in acknowledging the need to deal with this issue. A national survey taken in November revealed that 70 percent of those polled said a bipartisan commission is the best way to tackle the growing budget deficits and national debt. Seventy percent is a pretty convincing number.

Every Member of Congress knows how serious the Federal Government's spending is. But where are those willing to deal with it? The lyrics in Simon and Garfunkel's song "The Boxer"—"man hears what he wants to hear and disregards the rest"—aptly describe the mood on Capitol Hill when it comes to addressing Federal spending.

Every day that passes without action is a day that entitlement spending continues to diminish vital discretionary dollars currently being used for domestic and foreign priorities.

But where will the money to meet the needs of the American people come from if these dollars continue to shrink because mandatory spending is taking a growing piece of that pie? If we do not begin to rein in spending, every penny of the Federal budget will go to interest on the debt and entitlement spending by 2028. The implications are staggering. The New York Times ran an article on the front page the day after the President's budget was submitted to Congress which captured this approaching reality. It said, "unless

miraculous growth, or miraculous political compromises, creates some unforeseen change over the next decade, there is virtually no room for new domestic initiatives for Mr. Obama or his successors."

What does that mean in real terms?

Do you care about national defense and homeland security in a post-9/11 world? There will not be any money left. Do you care about improving our Nation's crumbling transportation infrastructure? There won't be any money left. Do you care about returning a man to the Moon? There will not be any money left. Do you care about this country leading the way in scientific innovation and technological advancement? There will not be any money left. Do you care about finding a cure for cancer, Alzheimer's, autism and Lyme disease? There will not be any money left.

Do you care about helping the vulnerable populations around the world, the orphan, the widow, the HIV/AIDS patient? There will not be any money left. Do you care about sending aid to countries devastated by natural disasters like Haiti after the earthquake? There will not be any money left. No money. Zero. Every penny of the Federal budget will go to interest on the debt and entitlement spending.

The sheer size of the Federal deficit and national debt are astounding. But the narrative that will accompany these numbers if Congress continues to do nothing will be even more devastating. Its implications are not just economic but also encompass our national security.

Wall Street Journal columnist Gerald Seib made just this point last week. He wrote, "the Federal budget deficit has long since graduated from nuisance to headache to pressing national concern. Now, however, it has become so large and persistent that it is time to start thinking of it as something else entirely: A national security threat."

Foreign lenders already own nearly 40 percent of our domestic economy. Our biggest "bankers" are China, Japan and oil-exporting countries like Saudi Arabia. Saudi Arabia was home to the 9/11 terrorists. Saudi Arabia's Wahhabi brand of Islam is taught in some of the most radical mosques and madrassas around the world, including along the Pakistan-Afghanistan border. Saudi Arabia continues to view floggings and beheadings with a sword as legitimate means of punishment. They have repressed women. They persecute Christians and those of the Jewish faith. Their textbooks are filled with hateful messages about minority faiths. Is this a country that we want to be beholden to?

What about communist China, which routinely violates the basic human rights and religious freedom of its own people, where Catholic bishops, Protestant pastors and Tibetan monks are

jailed for practicing their faith? I've seen how they plundered Tibet with my own eyes.

The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations. According to the FBI, Chinese intelligence services "pose a significant threat both to the national security and to the compromise of U.S. critical national assets." Weapons that entities of the People's Republic of China supplied to Iran were "found to have been transferred to terrorist organizations in Iraq and Afghanistan."

China is a major arms supplier and source of economic strength to the regime in Sudan. They have been the major obstacle to ending the genocide in Darfur. Our efforts to exert diplomatic pressure against Iran's nuclear weapons program have been thwarted by China's opposition to the U.N. Security Council sanctions against Iran. Do we really want China to be our banker?

These foreign countries, with vastly different aims than our own, could end up negatively influencing U.S. foreign policy by threatening to dump our currency in the world market. Such actions would not be a historical anomaly. Recall 1956 in the Suez Canal crisis, which some believed signaled the end of Britain and France as world powers. Egypt announced that it was going to nationalize the canal, which outraged the British and French, who then devised a plan to use military force to keep control. The U.S. wanted to avert conflict at any cost. And President Eisenhower threatened to sell the U.S. reserves of the British pound, which would essentially result in the collapse of the British currency. The British changed course.

Is it conceivable to imagine the Saudis threatening to dump our currency if we don't withdraw from the region? Is it conceivable to imagine China threatening to dump our currency if we don't stop pressing nuclear-armed North Korea?

Simply put, we are presently borrowing hundreds of billions of dollars from countries which pursue aims that are at odds with our national interest and values, both directly and indirectly.

□ 1630

How did America reach this unsustainable spending level? There is plenty of blame to go around for lack of action from both political parties. It has been an equal opportunity spending society.

I tried to get the Bush administration on board from July 2006 to April 2008. I then wrote Treasury Secretary Paulson more than a dozen letters imploring him to embrace the bipartisan SAFE process. Two months before then, President-elect Obama took the oath of office. I wrote to ask him to

support the SAFE Commission initiative, which Congressman JIM COOPER and I were advocating as the best way forward to rein in America's debt.

Last week, after years of effort, the commission finally got its day of debate on the Senate floor, and we came as close as we have gotten to creating this bipartisan panel legislatively. The Senate considered a measure put forward by Senators CONRAD and GREGG, in many ways companion legislation to the SAFE Commission. During the debate, Senator CONRAD pointed to a recent *Newsweek* cover story, "How Great Powers Fall: Steep Debt, Slow Growth, and High Spending Kills Empires—and America Could Be Next."

He quoted from the article that "this is how empires decline. It begins with a debt explosion. It ends with inexorable reduction in the resources available for the Army, the Navy, and the Air Force. If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next 5 to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power." Sobering words, but hardly alarmist.

Senator GREGG in his floor speech also described before us in stark terms. He said, "We are on an intolerable path, a path of unsustainability, a path which leads us down the road to a Nation which is less prosperous and has a lower standard of living than what we received from our parents."

Similar to the remarks of Senators CONRAD and GREGG, underscoring the crisis we face, The New York Times story referenced earlier also reports candidly about this same issue and cites historical precedent.

The Times reported: "The United States could begin to suffer the same disease that has afflicted Japan over the past decade. As debt grows more rapidly than income, the country's influence around the world erodes."

Charles Krauthammer in October also described the prospect of America's decline but laid it squarely in our laps to choose. He said, "For America today, decline is not a condition. Decline is a choice. Two decades into the unipolar world that came about with the fall of the Soviet Union, America is in the position of deciding whether to abdicate or retain its dominance. Decline, or continued ascendancy, is in our hands."

Last year, the well-respected Center for the Study of the Presidency and Congress, published a report titled, "Saving America's Future: A Challenge to the American People." It paints a stark and troubling picture of our Nation's challenges. One of its recommendations was to create a bipartisan commission to deal with the looming financial crisis.

At the press conference unveiling the report, the study panel's cochairman, Norm Augustine, the former chairman

and CEO of Lockheed Martin, voiced a similar warning. He said, "In the technology-driven economy in which we live, Americans have come to accept leadership as the natural and enduring state of affairs. But leadership is highly perishable. It must be constantly re-earned."

"In the 16th century, the citizens of Spain no doubt thought they would remain the world leader. In the 17th century, it was France. In the 19th century, Great Britain. And in the 20th century, it was the United States."

"Unless we do something dramatically different, including strengthening our investments in research and education, the 21st century will belong to China and India."

George Will's column in *The Washington Post* today echoes these themes of China's ascent. He cites Robert Fogel, a Nobel Prize-winning economist, who predicts that "by 2040, China's GDP will be \$123 trillion, or three times the entire world's economic output in 2000. China's 40 percent share of the global GDP will be almost triple that of the United States' 14 percent."

Despite these alarm bells these statements set off, the Senate failed to approve the Conrad-Gregg amendment. The vote was close. A majority was on board, but the final tally came up seven votes short: 53-46. I salute Senators CONRAD and GREGG, as well as the other 44 Senators who voted for the commission, for the profiles in courage they showed.

In the aftermath of that defeat, the President, who only at the 11th hour had endorsed Conrad-Gregg, proposed in his State of the Union address the creation of a fiscal commission by executive order. His budget document reflected that proposal, though only in broad terms without any formal language or timeline.

When I first heard that he was considering such a plan, I came to the House floor to voice my skepticism about an executive commission without congressional approval. Those concerns are undiminished as more details have emerged.

One of the most authentic provisions of the SAFE Commission is its mandate for an up-or-down vote in the Congress. The establishment of fiscal commission by executive order that does not require Congress to vote on its findings is what could be called "big hat, but no cattle," a big hat used for political cover for elected officials who aren't willing to make tough choices in an election year.

Simply put, a commission established through executive order will make it look like Washington is finally doing something to address runaway spending, but without the teeth to require action. It will amount to nothing more than another report collecting dust on the bookshelf. It will not make a difference. A real commission must

be authentic, accountable, and transparent. It must involve the American people. It must require legislative action.

A commission through executive order fails on all those counts. It will be viewed by the American people as cover for the billions of dollars added to the deficit in recent spending legislation, such as the \$787 billion in economic stimulus that has failed to move the unemployment rate below 10 percent, or the nearly \$1 trillion in health care reform being negotiated behind closed doors, or other huge budget breakers widely unpopular in the eyes of the American people.

And if by some miracle Congress were forced to vote on the recommendations of such a fiscal commission, it would be after November with a lame duck Congress filled with Members who are retiring and may have already secured new jobs as lobbyists, or those who were defeated. Where would the accountability to the constituents be that they represent?

Just this week, the President submitted a budget that includes unprecedented spending and borrowing: some \$1.4 trillion in new taxes, \$8.5 trillion in additional deficits, \$3.8 trillion in government spending this year alone, and \$100 billion proposed for another dubious stimulus package, and all submitted with the claim that the administration's fiscal commission will put the country on a fiscally sustainable path. Where is the credibility?

There has been much analysis of Senator-elect SCOTT BROWN's upset victory in Massachusetts. For the record, SCOTT BROWN, too, has voiced his support for the bipartisan commission and said if he had been seated before the vote on Conrad-Gregg, he would have voted for the amendment.

One thing that the pundits and politicians in Washington ought to take away from his election is that the American people lack trust in their elected officials and have grown weary of the status quo. The American people want their voices to be heard. The American people are deeply concerned about record spending. The American people expect more from their elected leaders. We have to prove to them that we are listening.

I am among those who believe that Republicans can and will regain a majority in the House; and when we do, I am hopeful that we will have the courage to prove to the American people that we are listening. We must take the bold action necessary to address runaway spending, something that we failed to emphasize in recent years.

To Members of my own party who prefer to bide their time in the hope that we are successful in November, I respectfully submit we cannot wait to deal with this growing threat to our economy and standard of living. In fact, I have been deeply disappointed

that many with whom I typically find common cause, Americans for Tax Reform and *The Wall Street Journal*, among them, have been some of the most vocal in their opposition to the commission idea, stating their fear that it would ultimately prove to be a vehicle for tax increases.

Interesting, they have found themselves keeping company with MoveOn.org, the service employees union SEIU, and AFL-CIO, and NOW, all of whom have come out opposed to our legislation. Those organizations' reason, of course, is entirely opposite, with the fear the commission would cut their closely guarded spending programs.

Yes, MoveOn.org, which maliciously and unnecessarily launched personal attacks on respected Army General David Petraeus. Remember the General Betray Us ads? And the same Service Employees International Union, whose president Andy Stern was the most frequent visitor to President Obama's White House in the first months of his Presidency and turned out more than 100,000 volunteers to fund his campaign. And the same AFL-CIO which is pushing organized labor's agenda and legislation that would strip workers of their right to a secret-ballot election when it comes to union representation.

During the Senate consideration of the Conrad-Gregg measure, Senator VOINOVICH, an early champion of the commission, aptly described the political landscape: "Since the possible passage of this commission has become a reality, special interest groups on both sides of the aisle have assailed it as terrible. The taxpayer organizations on the right warn that the commission will increase taxes. The liberal groups on the left warn it will result in cuts to Social Security, Medicare, and other government programs. If the left and the right is so unhappy," Senator VOINOVICH said, "with this, this has to be good legislation."

I want to be absolutely clear: I am a fiscal conservative. I worked with senior staff at the Heritage Foundation, a bastion of conservatism, among others, in drafting the SAFE Commission legislation. I believe that the economy grows when people keep more of their hard-earned money, and my voting record reflects this belief. I do not favor tax increases.

In fact, I would support a short-term moratorium on Social Security payroll taxes as the ultimate economic stimulus to put more of taxpayers' hard-earned money back into their hands so they can invest in the economy. This would cost less than a so-called stimulus and would create jobs.

As sometimes happens around here, positions are staked out before the actual bill text is ever read. So I encourage my colleagues, especially on my side of the aisle, to actually read the SAFE Commission bill. It is a bipartisan process.

The legislation text protects the minority by requiring a supermajority, 12 of 16 of the commission's members, to be in agreement before any legislative recommendations are sent to Congress for an up-or-down vote. I do not believe that minority Members are likely to be appointed to this type of commission by the Republican leadership. PAUL RYAN, ranking member on the House Budget Committee, and DAVE CAMP, ranking member of the House Ways and Means Committee, they would not waiver in their opposition to tax increases. To say that this would bring about tax increases, it is wrong.

Senator GREGG underscored this point during consideration of the Conrad-Gregg amendment. Senator GREGG said, "One presumes that whoever goes on this task force, if chosen by the leaders of their party in the Senate, whether Senator REID or Senator MCCONNELL, or leaders of the party in the House, Ms. PELOSI or Mr. BOEHNER, is going to reflect fairly aggressively the viewpoints and philosophies of the different parts. It will be a bipartisan report, or it will not be a report at all. Then it comes to the Congress, and has to be voted up or down by a supermajority. Once again, it basically moots the ability to game it. One side can't game the other. The proposal must be bipartisan and fair."

In short, without Republican support, any attempt to raise taxes would never see the light of day on the House floor. The SAFE bill was carefully crafted to ensure a bipartisan process and to protect the rights of the minority party.

Given the enormity of the challenge, the commission needs to be able to look at every component of our fiscal policy to fairly assess where we stand and how we can best move toward a sound financial future. In looking at revenues, the legislative language is clear that any changes in the Tax Code must help simplify the system and stimulate increased economic growth and, thereby, tax revenue. But what no one is saying is that by opposing the commission concept altogether, and failing to put forward any viable alternative, those who most adamantly oppose tax increases essentially ensure they will happen down the road.

The issue is that if we don't do something now about the deficit, the debts that continue to mount at record levels will guarantee tax increases in the future. The longer it takes to address this issue, the more draconian the options will be when Congress is forced, which they will most surely be, to change course.

I have repeatedly challenged colleagues on both sides of the aisle who question the SAFE Commission to come up with another solution to the deficit and debt crisis that can pass Congress.

Without a special process like the SAFE Commission, which is based on

the successful Federal base-closing process, I am convinced Congress will never put a mechanism in place to control government spending.

Quite frankly, both parties have failed to face up to the entitlement challenges in recent years. Given the enormity of the country's financial turmoil, I remain convinced that the bold steps needed to control deficit spending will never be taken through regular order in a Congress that is so politically controlled by special interests. Our entire political system is now so polarized that many only think in terms of red or blue ideology at the expense of a shared national interest.

Time is growing short. If lawmakers are serious about the debt and the deficit, issues that Americans are increasingly worried about, Congress will halt the budget gimmicks, the slick talking points, and muster the political will to have an honest conversation with the American people about where we are, where we are headed, and what changes need to be made to get us back on track.

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That is what the SAFE Commission-like process is all about, a national conversation. The people of this country deserve an honest assessment about their Federal Government's future government savings account and checkbook, a discussion driven not by politics but by statesmanship. The American people deserve a discussion which elevates the Nation's sights.

The consequences of inaction are simply too great to put this issue on hold and rely on a fake commission. We need a process that will produce measurable results, a process that will foster a renaissance in the country, will allow us to honestly tell our children that the foundation of America that they are inheriting is just as strong and just as promising as the America that our parents left us. I long to be able to tell my five children and my 15 grandchildren that that is the case.

Abraham Lincoln, one of our Nation's most admired and greatest Presidents once said, "You cannot escape the responsibility of tomorrow by evading it today." Yet that is exactly what Congress is poised to do if it fails to act.

In closing, Madam Speaker, nearly 4 years ago I visited the site of George Washington's crossing the Delaware River in anticipation of the Battle of Trenton. The iconic scene is depicted in the painting which hangs in the west wing of the White House. Washington was down to only 3,000 soldiers, and the cause of liberty looked to be headed for defeat. Yet with great courage and sacrifice, Washington and his forces were successful in changing the direction of the American Revolution, and therefore the course of history.

Their legacy is a rich one, and it is ours. If we are mindful of this legacy,

of the sacrifices of so many previous generations of Americans, I believe we will move to take action. I believe that we will rise in our midst, profiles in courage. I believe we will make the sacrifices necessary for the betterment of this country.

I close with the words of Washington himself, the cautionary words from his 1796 farewell address. He said, "We should avoid ungenerously throwing upon posterity the burden of what we ourselves ought to bear." Indeed, this is our burden to bear. I ask my colleagues, will we falter under its weight or rise above it as befitting this great Nation?

And with that, Madam Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Mr. HOYER) for today and February 3 on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KAGEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MCHENRY) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, February 11.

Mr. JONES, for 5 minutes, February 11.

Mr. MCCLINTOCK, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. BROWN of Georgia, for 5 minutes, today.

#### ADJOURNMENT

Mr. WOLF. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Friday, February 5, 2010, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:



6006. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-8053] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6007. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Rule Regarding Principal Trades with Certain Advisory Clients [Release No. IA-2965; File No. S7-23-07] (RIN: 3235-AJ96) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6008. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles [FNS-2008-0033] (RIN: 0584-AD65) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6009. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Methyl Esters of Conjugated Linoleic Acid (Cis-9, Trans-11 and Trans-10, Cis-12-Octadecadienoic Acids) [Docket No.: FDA-2003-F-0398] (Formerly Docket No. 2003F-0048) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6010. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standard; Air Brake Systems [Docket No.: NHTSA-2009-0038] (RIN: 2127-AK44) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6011. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No.: NHTSA-2007-2832; Notice 3] (RIN: 2127-AK66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6012. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Italy (Transmittal No. 0C-09), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

6013. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Australia (Transmittal No. 06-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6014. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of United Arab Emirates (Transmittal No. 08-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 136-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6016. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 158-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6017. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 152-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6018. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 138-09 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6019. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the heading "Loan Guarantees to Israel" in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on Foreign Affairs.

6020. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's final rule — Extending Period of Optional Practical Training By 17 Months For F-1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students With Pending H-1B Petitions [DHS No.: ICEB-2008-0002; ICE No. 2124-08] (RIN: 1653-AA56) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 727 Airplanes [Docket No.: FAA-2009-1104; Directorate Identifier 2009-NM-167-AD; Amendment 39-16121; AD 2008-04-10 R1] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters [Docket No.: FAA-2009-1008; Directorate Identifier 2008-SW-62-AD; Amendment 39-16063; AD 2009-22-10] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135K, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2007-0083; Directorate Identifier 2006-NM-266-AD; Amendment 39-16137; AD 2009-26-02] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes [Docket No.: FAA-2009-1162;

Directorate Identifier 2009-CE-066-AD; Amendment 39-16136; AD 2009-26-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters [Docket No.: FAA-2009-1124; Directorate Identifier 2009-SW-35-AD; Amendment 39-16128; AD 2009-25-09] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30700; Amdt. No. 3351] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No.: FAA-2009-1118; Directorate Identifier 2008-SW-60-AD; Amendment 39-16126; AD 2009-25-07] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimum and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30699 Amdt. No. 3350] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6029. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalties [Docket No.: PHMSA-2009-0411] (RIN: 2137-AE48) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC225LP Helicopters [Docket No.: FAA-2009-1089; Directorate Identifier 2009-SW-16-AD; Amendment 39-16101; AD 2009-09-51] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 and Model 427 Helicopters [Docket No.: FAA-2009-1123; Directorate Identifier 2009-SW-03-AD; Amendment 39-16127; AD 2009-25-08] (RIN: 2120-AA64) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243 Airplanes and Model A330-341, -342, and -343 Airplanes [Docket No.: FAA-2009-1109; Directorate Identifier 2009-NM-068-AD; Amendment 39-16123; AD 2009-25-04] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0682; Directorate Identifier 2008-NM-200-AD; Amendment 39-16131; AD 2009-25-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600 Series Airplanes [Docket No.: FAA-2009-1112; Directorate Identifier 2009-NM-237-AD; Amendment 39-16132; AD 2009-25-12] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Area Navigation (RNAV) Route Q-108; Florida [Docket No.: FAA-2009-0885; Airspace Docket No. 09-ASO-17] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2009-1113; Directorate Identifier 2009-NM-238-AD; Amendment 39-16133; AD 2009-25-13] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Colored Federal Airways; Alaska [Docket No.: FAA-2009-0824; Airspace Docket No. 09-AAL-11] (RIN: 2120-AA66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Jet Route J-20; Florida [Docket No.: FAA-2009-0888; Airspace Docket No. 09-ASO-23] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Manokotak, AK [Docket No.: FAA-2009-0694; Airspace Docket No. 09-AAL-15] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clarks Point, AK [Docket No.: FAA-2009-0197; Airspace Docket No. 09-AAL-4] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Elim, AK [Docket No.: FAA-2009-0200; Airspace Docket No. 09-AAL-

5] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Point (Pt.) Thompson, AK [Docket No.: FAA-2009-0457; Airspace Docket No. 09-AAL-10] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No.: 071106659-8716-02] (RIN: 0693-AB59) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6044. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — FY 2010 Measurement, Science and Engineering Research Grants Programs; Availability of Funds [Docket No.: 091121401-91402-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6045. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 091121400-91403-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. POE of Texas, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. DELAUNO, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. JACKSON LEE of Texas, Ms. WOOLSEY, Ms. WATSON, Mr. HARE, Mr. WELCH, Mr. PAYNE, Mr. ELLISON, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. POLIS of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. RUSH, Mr. GRIMALVA, Mr. FILNER, Mr. MOORE of Kansas, Mr. BERMAN, Mr. MAFFEI, and Ms. MCCOLLUM):

H.R. 4594. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. WOLF):  
H.R. 4595. A bill to establish the Internet Freedom Foundation, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself, Mr. KLEIN of Florida, Mr. PENCE, Mr. GARAMENDI, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROHR-ABACHER, Mr. MEEK of Florida, Mrs. BLACKBURN, and Mr. KIRK):

H.R. 4596. A bill to allow for enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims; to the Committee on Foreign Affairs, and in addition to the Committee on the Ju-

diciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. HALL of New York, Ms. KAPTUR, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. WELCH, and Mr. YARMUTH):

H.R. 4597. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER (for herself, Ms. BEAN, Mr. POMEROY, Mr. WELCH, Mr. ALTMIRE, Ms. KOSMAS, Mr. RYAN of Ohio, Mr. SCHRAEDER, Mr. BRIGHT, Ms. SCHWARTZ, Mr. DRIEHAUS, Mr. PETERS, Ms. RICHARDSON, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. GRAYSON, Mr. MCMAHON, Mr. DONNELLY of Indiana, and Mr. SHUSTER):

H.R. 4598. A bill to amend the Small Business Act to improve the Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. VAN HOLLEN, Ms. LINDA T. SANCHEZ of California, Mr. WALZ, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. DOGGETT, Mr. PASCRELL, and Mr. POMEROY):

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to provide an elective payment for specified energy property; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. McKEON, Mr. SMITH of Texas, Mr. KING of New York, Mr. HOEKSTRA, Mr. LEWIS of California, Ms. GRANGER, and Mr. PENCE):

H.R. 4600. A bill to prohibit the use of funds to transfer or release an individual detained at Guantanamo Bay Naval Base to the custody of another country; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER:

H.R. 4601. A bill to amend the Public Health Service Act to establish the Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. BOCCIERI:

H.R. 4602. A bill to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the "Emil Bolas Post Office"; to the Committee on Oversight and Government Reform.

By Mr. HOEKSTRA:

H.R. 4603. A bill to require the Secretary of Homeland Security to expand the humanitarian parole policy announced on January 18, 2010, to children legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti prior to the earthquake on January 12, 2010, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.R. 4604. A bill to direct the Secretary of the Army to prevent the spread of Asian carp in the Great Lakes and the tributaries of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 4605. A bill to amend the Internal Revenue Code of 1986 to require that certain entities exempt from taxation (including business leagues and chambers of commerce) disclose sources and amounts of contributions; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 4606. A bill to amend the Internal Revenue Code of 1986 to expand the purposes for which Build America Bonds may be issued; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 4607. A bill to amend the Richard B. Russell National School Lunch Act to improve the purchase and processing of healthful commodities for use in school meal programs; to the Committee on Education and Labor.

By Mr. MAFFEI:

H.R. 4608. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow multiemployer plans to amortize losses from certain fraudulent investment schemes over a 40-year period; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:

H.R. 4609. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business.

By Mr. PASCRELL (for himself and Ms. JENKINS):

H.R. 4610. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 4611. A bill to provide dollars to the classroom; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 4612. A bill to amend title 39, United States Code, to provide that the procedures governing the closure or consolidation of postal branches and stations shall be the same as those applicable in the case of post offices; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. MINICK):

H.R. 4613. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Natural Resources.

By Mr. TEAGUE (for himself and Mr. SCHIFF):

H.R. 4614. A bill to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Ms. WATSON (for herself, Mr. STARK, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Ms. BORDALLO, Ms. CHU, Mr. HONDA, Mr. FALCOMA, and Mr. PAYNE):

H.R. 4615. A bill to amend the Federal Food, Drug, and Cosmetic Act to require

dentists to provide patients with a fact sheet before performing any dental restoration work, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT:

H. Con. Res. 234. Concurrent resolution expressing the sense of Congress that there should be a freeze on new discretionary non-defense, non-homeland security, non-intelligence spending whenever there is a Federal budget deficit; to the Committee on the Budget.

By Mr. AKIN:

H. Res. 1071. A resolution amending the Rules of the House of Representatives to require a three-fifths vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

By Mr. CASSIDY:

H. Res. 1072. A resolution recognizing Louisiana State University for 150 years of service and excellence in higher education; to the Committee on Education and Labor.

By Mr. DONNELLY of Indiana (for himself and Mr. SOUDER):

H. Res. 1073. A resolution supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. ACKERMAN, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. CONYERS, Mr. WOLF, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. ENGEL, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. ROHRBACHER, Mr. NADLER of New York, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. HARMAN, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Mr. SNYDER, Ms. LEE of California, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BACA, Mr. ISRAEL, Mr. MATHESON, Mr. MILLER of Florida, Mr. SIREN, Ms. WATSON, Mr. MICHAUD, Mr. GRIJALVA, Mr. CLEAVER, Mr. LIPINSKI, Mr. COHEN, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. HODES, Mr. SHULER, Mr. HALL of New York, Ms. FUDGE, Mr. NYE, Ms. BORDALLO, Mr. POLIS of Colorado, Mr. CAO, Mr. KLEIN of Florida, Ms. SCHWARTZ, Mr. PETERS, Mr. CONNOLLY of Virginia, Ms. MARKEY of Colorado, and Ms. ROYBAL-ALLARD):

H. Res. 1074. A resolution honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations; to the Committee on Foreign Affairs.

By Mr. LUETKEMEYER (for himself, Mr. BLUNT, Mr. CLEAVER, Mr. GRAVES, Mr. SKELTON, Mr. AKIN, Mrs. EMERSON, Mr. CLAY, Mr. CARNAHAN, Ms. JENKINS, Mr. SULLIVAN, Mr. TIAHRT, Mr. MASSA, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. PENCE, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, Mr. LUCAS, Mr. FOSTER, Mr. KISSELL, Mr. MCCOTTER, Mr. SMITH of Washington, and Ms. FALLIN):

H. Res. 1075. A resolution commending the members of the Agri-business Development Teams of the National Guard for their efforts, together with personnel of the Department of Agriculture and the United States

Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. OBERSTAR, Mr. MICA, and Mr. NYE):

H. Res. 1076. A resolution expressing gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System of the Federal Emergency Management Agency for their unyielding determination and work as first responders to victims of disasters and other incidents, including the victims of the recent earthquake in Haiti, and for other purposes; to the Committee on Transportation and Infrastructure.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ENGEL, Ms. RICHARDSON, Ms. LEE of California, Mr. GARAMENDI, and Mr. WU.

H.R. 240: Mr. LUETKEMEYER, Mr. CHAFFETZ, and Mr. KINGSTON.

H.R. 390: Ms. LUMMIS.

H.R. 391: Mr. WITTMAN.

H.R. 463: Mr. GUTIERREZ.

H.R. 470: Mr. GRAVES.

H.R. 504: Mr. HOLT.

H.R. 510: Ms. TITUS.

H.R. 690: Ms. MOORE of Wisconsin.

H.R. 994: Mr. SMITH of Texas.

H.R. 1067: Mr. TOWNS and Mr. WEINER.

H.R. 1074: Mr. JOHNSON of Illinois and Ms. GRANGER.

H.R. 1079: Mr. GONZALEZ, Mr. MATHESON, Mr. SHIMKUS, Mr. SMITH of Washington, Mr. TIM MURPHY of Pennsylvania, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. REYES, Mr. WEINER, Ms. MATSUI, Mr. TAYLOR, Mr. INSLEE, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, Ms. ESHOO, Mr. STUPAK, Mr. DOYLE, Mr. BUTTERFIELD, Mr. MELANCON, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. HALL of Texas, Mr. UPTON, Mrs. BONO MACK, Mr. MACK, Mrs. EMERSON, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. CONYERS, Mr. TONKO, Mr. BRADY of Texas, Mr. THOMPSON of Mississippi, Ms. TSONGAS, and Mr. HODES.

H.R. 1161: Ms. NORTON.

H.R. 1175: Mr. MILLER of Florida.

H.R. 1194: Mr. ROGERS of Michigan, Ms. MATSUI, Ms. ROYBAL-ALLARD, Mr. COOPER, Mrs. MALONEY, and Mr. AL GREEN of Texas.

H.R. 1228: Mr. MARSHALL.

H.R. 1240: Mr. LYNCH.

H.R. 1304: Mr. ROYCE.

H.R. 1378: Mr. BURGESS, Ms. MATSUI, and Mr. DOYLE.

H.R. 1490: Ms. LEE of California.

H.R. 1507: Ms. MCCOLLUM.

H.R. 1552: Mrs. DAHLKEMPER and Mr. CASTLE.

H.R. 1585: Mr. HALL of Texas.

H.R. 1706: Ms. KILROY.

H.R. 1744: Mr. PERRIELLO, Mr. BACHUS, Mr. DAVIS of Tennessee, and Mr. WILSON of South Carolina.

H.R. 1799: Mr. BERRY and Mr. YOUNG of Alaska.

H.R. 1800: Mr. MORAN of Virginia and Mr. ELLISON.

H.R. 1874: Mr. ELLISON.  
 H.R. 1894: Mr. WEINER.  
 H.R. 1964: Mr. SCOTT of Georgia.  
 H.R. 1987: Mr. McCAUL.  
 H.R. 2006: Mr. ROTHMAN of New Jersey.  
 H.R. 2064: Mr. ROYCE.  
 H.R. 2067: Ms. CHU.  
 H.R. 2109: Mr. MEEK of Florida, Mr. FILNER, and Mr. WEINER.  
 H.R. 2110: Mr. THOMPSON of Mississippi.  
 H.R. 2156: Mr. BROWN of South Carolina.  
 H.R. 2255: Mr. DUNCAN.  
 H.R. 2256: Mr. McDERMOTT and Mr. THOMPSON of Mississippi.  
 H.R. 2291: Mrs. MCCARTHY of New York.  
 H.R. 2296: Mr. JOHNSON of Illinois.  
 H.R. 2305: Mr. WALDEN.  
 H.R. 2377: Mr. LOEBSACK.  
 H.R. 2406: Mr. GRIFFITH and Mr. TURNER.  
 H.R. 2421: Mr. COOPER, Mr. DELAHUNT, Ms. HERSETH SANDLIN, Mr. PERLMUTTER, and Ms. WATERS.  
 H.R. 2546: Mr. FRANK of Massachusetts.  
 H.R. 2556: Mr. NEUGEBAUER, Mr. CULBERSON, and Mr. BURTON of Indiana.  
 H.R. 2565: Mrs. DAHLKEMPER and Mr. BOREN.  
 H.R. 2692: Mr. LATHAM.  
 H.R. 2699: Mr. BISHOP of New York.  
 H.R. 2724: Mr. LANGEVIN and Ms. SLAUGHTER.  
 H.R. 2730: Ms. MOORE of Wisconsin.  
 H.R. 2733: Ms. SCHWARTZ and Mr. GERLACH.  
 H.R. 2764: Ms. NORTON.  
 H.R. 2799: Mr. MICHAUD.  
 H.R. 2882: Mr. THOMPSON of Mississippi and Mrs. NAPOLITANO.  
 H.R. 2937: Ms. KILROY, Mr. SESTAK, and Mr. KILDEE.  
 H.R. 2941: Mr. THOMPSON of Mississippi, Mr. CONYERS, and Mr. LATHAM.  
 H.R. 2999: Ms. MARKEY of Colorado.  
 H.R. 3047: Ms. SUTTON.  
 H.R. 3212: Mr. HOLT.  
 H.R. 3238: Mr. HINCHEY.  
 H.R. 3245: Mr. KISSELL.  
 H.R. 3257: Mr. MILLER of Florida.  
 H.R. 3286: Mr. NEAL of Massachusetts and Mr. SNYDER.  
 H.R. 3355: Mr. INSLEE.  
 H.R. 3486: Mr. DUNCAN, Mr. WITTMAN, and Mr. PITTS.  
 H.R. 3510: Mr. ETHERIDGE, Mr. HINCHEY, Mr. CONYERS, and Mr. AL GREEN of Texas.  
 H.R. 3519: Mr. BARROW.  
 H.R. 3526: Mr. ELLISON and Ms. EDWARDS of Maryland.  
 H.R. 3560: Mr. POLIS of Colorado.  
 H.R. 3578: Mr. MORAN of Kansas, Mr. BOUCHER, and Mr. HODES.  
 H.R. 3592: Mr. LARSON of Connecticut.  
 H.R. 3668: Mr. RAHALL, Mr. FORBES, Mrs. BIGGERT, Mr. MARCHANT, Ms. TSONGAS, Mr. COSTELLO, Ms. SLAUGHTER, Mr. OWENS, Mr. CONNOLLY of Virginia, Mr. PAULSEN, Mr. EHLERS, and Mr. JOHNSON of Illinois.  
 H.R. 3705: Mr. GONZALEZ, Ms. RICHARDSON, Ms. ZOE LOFGREN of California, Mr. BRADY of Pennsylvania, and Mr. OLVER.  
 H.R. 3712: Ms. NORTON and Mr. MILLER of Florida.  
 H.R. 3715: Mr. BRALEY of Iowa and Mr. KANJORSKI.  
 H.R. 3745: Mr. SERRANO.  
 H.R. 3758: Mr. BOREN.  
 H.R. 3786: Mr. ISRAEL.  
 H.R. 3952: Mr. DUNCAN.  
 H.R. 4051: Mrs. EMERSON.  
 H.R. 4099: Mr. PERLMUTTER.  
 H.R. 4104: Mrs. CHRISTENSEN.  
 H.R. 4106: Mr. PERLMUTTER.  
 H.R. 4112: Mr. GUTHRIE.  
 H.R. 4115: Ms. PINGREE of Maine.  
 H.R. 4116: Mr. CASTLE.

H.R. 4123: Mr. POLIS of Colorado.  
 H.R. 4140: Ms. NORTON and Mr. POLIS of Colorado.  
 H.R. 4196: Mr. THOMPSON of Mississippi, Mr. CAO, and Mr. SCOTT of Virginia.  
 H.R. 4224: Mr. MEEKS of New York.  
 H.R. 4226: Mr. CHANDLER, Mr. LANCE, and Mr. GERLACH.  
 H.R. 4230: Mr. POLIS of Colorado.  
 H.R. 4233: Mr. BOREN.  
 H.R. 4241: Mr. HELLER and Mr. DUNCAN.  
 H.R. 4247: Mrs. NAPOLITANO.  
 H.R. 4248: Mr. JONES.  
 H.R. 4255: Mr. JONES and Mr. LATHAM.  
 H.R. 4262: Mr. GRIFFITH.  
 H.R. 4268: Mr. JOHNSON of Georgia.  
 H.R. 4287: Mr. ROTHMAN of New Jersey.  
 H.R. 4296: Mr. SCHOCK.  
 H.R. 4324: Ms. BERKLEY, Mr. HELLER, and Mr. TEAGUE.  
 H.R. 4353: Mr. BRADY of Pennsylvania and Mr. NADLER of New York.  
 H.R. 4360: Ms. ROYBAL-ALLARD, Mr. GARY G. MILLER of California, Mrs. CAPPS, Ms. WOOLSEY, Mr. BECERRA, Ms. LEE of California, Mr. BILBRAY, Mr. HONDA, Ms. WATERS, Ms. MATSUI, Mr. GEORGE MILLER of California, and Ms. ESHOO.  
 H.R. 4386: Ms. WOOLSEY, Mr. HONDA, Ms. SUTTON, and Mr. GUTIERREZ.  
 H.R. 4391: Mrs. MCCARTHY of New York.  
 H.R. 4403: Mr. OWENS.  
 H.R. 4415: Mrs. MYRICK and Mr. BOEHNER.  
 H.R. 4427: Mr. OLSON.  
 H.R. 4429: Ms. BERKLEY, Mr. ROTHMAN of New Jersey, and Mr. MASSA.  
 H.R. 4437: Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. DEFazio, Ms. WOOLSEY, Mr. KISSELL, Mr. LOEBSACK, and Mr. CHANDLER.  
 H.R. 4442: Mr. ROGERS of Alabama.  
 H.R. 4453: Mr. WITTMAN.  
 H.R. 4459: Mrs. MYRICK.  
 H.R. 4472: Mr. PETERS and Mr. LATTA.  
 H.R. 4490: Mr. MACK.  
 H.R. 4503: Mr. BURTON of Indiana.  
 H.R. 4504: Mr. WU.  
 H.R. 4522: Mr. BOCCIERI.  
 H.R. 4527: Mr. BOCCIERI.  
 H.R. 4529: Mrs. LUMMIS and Mrs. MYRICK.  
 H.R. 4530: Mr. NYE.  
 H.R. 4533: Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. TOWNS, Mr. OBERSTAR, Mr. FARR, Mr. FILNER, Mr. HASTINGS of Florida, and Mr. ELLISON.  
 H.R. 4541: Mr. PASTOR of Arizona, Ms. ROSLEHTINEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. AL GREEN of Texas, and Mr. PETERSON.  
 H.R. 4542: Mr. SAM JOHNSON of Texas and Mr. DUNCAN.  
 H.R. 4544: Mr. HODES.  
 H.R. 4552: Mr. STARK and Ms. SUTTON.  
 H.R. 4554: Mr. BUTTERFIELD, Mr. TIERNEY, and Mr. PERRIELLO.  
 H.R. 4556: Mr. CHAFFETZ, Mr. PENCE, Mr. COBLE, Mr. FORBES, Mr. OLSON, Mr. FRANKS of Arizona, Mr. TERRY, Mr. ROE of Tennessee, Mr. McCAUL, Mr. GERLACH, and Mr. UPTON.  
 H.R. 4564: Ms. LINDA T. SANCHEZ of California and Ms. SUTTON.  
 H.R. 4568: Mr. CONYERS.  
 H.R. 4571: Mr. BISHOP of New York.  
 H.R. 4573: Mr. BACHUS, Ms. KILROY, and Mr. GRIFFITH.  
 H.J. Res. 66: Mr. MARSHALL.  
 H. Res. 111: Mr. CULBERSON.  
 H. Res. 173: Mr. LUETKEMEYER.  
 H. Res. 213: Mr. FILNER, Mr. POLIS of Colorado, Mrs. CAPPS, Mr. HARE, Mr. GUTIERREZ, and Ms. LORETTA SANCHEZ of California.  
 H. Res. 267: Mr. ROYCE.  
 H. Res. 526: Mr. RAHALL, Mr. CONYERS, Ms. CASTOR of Florida, Mr. CARSON of Indiana, Mr. PLATTS, Mr. SHULER, Ms. DEGETTE, Mr. CLYBURN, Mr. GEORGE MILLER of California, and Mr. HASTINGS of Florida.

H. Res. 577: Mr. MILLER of Florida, Mr. SCHIFF, Mr. DRIEHAUS, Mr. MAFFEI, Mr. BISHOP of Utah, and Mr. STEARNS.  
 H. Res. 771: Mr. DRIEHAUS and Mr. ROTHMAN of New Jersey.  
 H. Res. 904: Ms. KOSMAS, Mr. PETERSON, Ms. SUTTON, and Mr. MURPHY of New York.  
 H. Res. 925: Mr. LOBIONDO, Mr. BISHOP of Utah, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. BARTLETT, Mr. PAUL, and Mr. HALL of New York.  
 H. Res. 927: Mr. McCAUL.  
 H. Res. 929: Mr. SESTAK.  
 H. Res. 935: Mr. HIGGINS and Mr. FARR.  
 H. Res. 975: Ms. FUDGE.  
 H. Res. 997: Mr. PATRICK J. MURPHY of Pennsylvania.  
 H. Res. 1006: Mr. BOOZMAN, Mr. WAMP, Mr. HUNTER, and Mr. MCCARTHY of California.  
 H. Res. 1026: Mr. GINGREY of Georgia, Mr. PITTS, Mr. BARTLETT, Mr. AKIN, Mr. LAMBORN, and Mrs. BACHMANN.  
 H. Res. 1032: Mrs. NAPOLITANO.  
 H. Res. 1034: Mr. SCALISE.  
 H. Res. 1036: Mr. CARTER, Mr. REHBERG, Mr. PENCE, Mr. TAYLOR, Mr. LUCAS, Mr. PASTOR of Arizona, Mr. AUSTRIA, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLSON, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BURGESS, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. GERLACH, Ms. FOXX, Mr. COBLE, Mrs. CAPITO, Mr. KING of New York, Mr. EDWARDS of Texas, Mr. POE of Texas, Ms. FALLIN, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, Mr. CAPUANO, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. MEEK of Florida, Ms. BORDALLO, Mr. POMEROY, Ms. ROS-LEHTINEN, and Mr. BROWN of South Carolina.  
 H. Res. 1039: Mr. PAUL, Mr. OLSON, Mr. HIGGINS, Mr. DREIER, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. ROSKAM, Mr. CASTLE, Mr. LANCE, Mr. ALEXANDER, Mr. TERRY, Mr. YARMUTH, Mr. ROONEY, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. McHENRY, Mr. BOCCIERI, Mr. JORDAN of Ohio, Mr. LUETKEMEYER, Mr. MILLER of Florida, Mr. SMITH of Nebraska, Ms. ROS-LEHTINEN, Mr. McMAHON, Mr. DRIEHAUS, Mr. GARAMENDI, Mr. GRIFFITH, Mr. ADLER of New Jersey, Mr. KRATOVIL, Mr. WAMP, Mr. DENT, Mr. CAMP, Mr. SCHOCK, Ms. JENKINS, Mr. KING of New York, Mr. NEUGEBAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, and Mr. BUCHANAN.  
 H. Res. 1040: Mr. SARBANES.  
 H. Res. 1046: Mr. FILNER, Ms. KILROY, Mr. CARSON of Indiana, Ms. WATSON, Ms. BERKLEY, Mr. DRIEHAUS, Mr. MORAN of Virginia, Mr. POLIS, Mr. MEEK of Florida, Mr. ENGEL, Ms. CHU, and Mr. ELLISON.  
 H. Res. 1048: Mr. KIRK, Mrs. MALONEY, Mr. MASSA, Mr. TAYLOR, Mr. SARBANES, Mr. TEAGUE, Ms. KILROY, Mr. CASSIDY, Mr. CAO, Mr. KILDEE, Mr. CARNEY, Mr. HUNTER, Mr. SHUSTER, Mr. LEE of New York, Mr. LOBIONDO, Mr. McKEON, Mr. MILLER of Florida, Mrs. McMORRIS RODGERS, Mr. ROONEY, Mr. BOREN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ARCURI, Mrs. CAPITO, Ms. HERSETH SANDLIN, Mr. PENCE, Mr. LOEBSACK, Mr. BARTLETT, Mr. MACK, Mr. BAIRD, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. FRANKS of Arizona, Mr. ALEXANDER, Mr. KLINE of Minnesota, Mr. JONES, Mr. COBLE, Mr. SHIMKUS, Mr. CARTER, Mr. THORNBERRY, Ms. FOXX, Mr. MARCHANT, Mr. FLEMING, Mr. BONNER, Mr. TERRY, Mr. SMITH of Washington, Mr. BURGESS, Mr. NYE, Mr. MURPHY of New York, Mr. CARNAHAN, Mr. CLEAVER,

Mr. SERRANO, Ms. NORTON, Mr. HINCHEY, Mr. BROUN of Georgia, Mr. LANCE, Ms. ROSELEHTINEN, Mr. POE of Texas, Mr. GRIFFITH, Mr. PUTNAM, Mr. HELLER, Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. DINGELL, Mr. MELANCON, Mr. COOPER, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. WALZ, Mr. ISRAEL, Mr. PERLMUTTER, Mr. TONKO, Ms. BEAN, Mr. PIERLUISI, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. DENT, Mr. GERLACH, Ms. JENKINS, Mr. INGLIS, Mr. BACHUS, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. SHADEGG, Mr. LEWIS of California, Mr. GALLEGLY, Mr.

FORBES, Mr. REICHERT, Mr. AKIN, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. GINGREY of Georgia, Mr. SENSENBRENNER, Mr. BLUNT, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Kansas, Mrs. SCHMIDT, Mr. KING of Iowa, Mr. GRAVES, Mr. SMITH of New Jersey, and Mr. RUPPERSBERGER.

H. Res. 1053: Mr. GRIJALVA and Mr. MCGOVERN.

H. Res. 1063: Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. BOEHNER, Mr. TIAHRT, and Mr. GOODLATTE.

H. Res. 1067: Mr. NYE, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. LORETTA SAN-

CHEZ of California, Mr. BOREN, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. HEINRICH, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. PASTOR of Arizona, Mr. HONDA, Mr. BECERRA, Mr. FARR, Mr. SPRATT, Mr. GRIJALVA, Mr. FILNER, Mr. MEEKS of New York, Ms. GRANGER, Mr. CUELLAR, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. STARK, Mr. BOSWELL, Mr. ROSS, Mr. ELLSWORTH, Mr. DOGGETT, Mr. ABERCROMBIE, Mr. THORNBERRY, Mr. OLSON, Mr. NEUGEBAUER, Mr. TAYLOR, Mr. DICKS, Mr. ETHERIDGE, Mr. SALAZAR, Mr. JONES, and Mr. POE of Texas.

**SENATE—Thursday, February 4, 2010**

The Senate met at 12 noon and was called to order by the Honorable KAY R. HAGAN, a Senator from the State of North Carolina.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, in whom we live and move and have our being, we invoke Your divine presence among us. Draw our Senators nearer to You and to one another as You give them the gift of Your peace that is beyond all human understanding. Lord, give them also courage, fortitude, and stability that will keep them firm and steadfast in the face of difficulties. May they serve with fidelity the cause of our Nation and of our common humanity. Help them to build alliances with others who seek to bring sense and system to our disordered world. We pray in Your holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KAY R. HAGAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KAY R. HAGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. HAGAN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Madam President, following leader remarks, there will be 20

minutes for debate prior to a vote on confirmation of the nomination of Patricia Smith to be Solicitor for the Department of Labor.

Upon disposition of that nomination, there will be 2 hours for debate prior to a vote on invoking cloture on the nomination of Marcia Johnson to be Administrator of General Services. Under a previous order, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to a vote on her confirmation.

For the information of Senators, Senator KIRK will give his farewell speech at 3:45 p.m. or thereabouts today. Senator-elect BROWN will be sworn in at 5 p.m. today.

I say publicly for Senator KIRK that I am not sure I will be able to be here. The President has called something at the White House and I have to be there. I will do my utmost to be back by 5 for the swearing in of Senator BROWN.

**CONFIRMATION OF PRESIDENTIAL NOMINEES**

Mr. REID. Madam President, since I last asked unanimous consent to have confirmed three important nominations—one, the top intelligence official at the Department of Homeland Security, the other a top intelligence official at the State Department, and the third the highest ranking member of the entire Pentagon—I said three and there are actually four I asked unanimous consent on, and the fourth is an individual who would be the U.S. Representative to the Conference on Disarmament. All these positions are dealing with these programs the United States should be involved in, but we had an objection from the Republicans.

There are people out there, evil people, trying to do damage to our country every day, every week, every month, every hour. It is hard for me to comprehend that people with impeccable records, such as Philip Goldberg, an appointee of President Bush to be Ambassador to Bolivia, who has an outstanding record of doing things for our country, is being objected to as being the person assigned by the White House and Secretary Clinton to be in charge of intelligence at the State Department.

Caryn Wagner, who is eminently qualified, I have never heard anything suggested that there is anything wrong with her background or qualifications. Yet there is objection to her being the person who deals with the safety of our homeland.

Laura Kennedy is the woman nominated to be the U.S. Representative to

the Conference on Disarmament. We are a nuclear power, and the United States doesn't have anybody at these conferences.

Finally, GEN Clifford Stanley to be Under Secretary of Defense. This man would be the third highest ranking person at the Pentagon. One of the things he is responsible for is making sure all our troops around the world have everything they need. He is responsible for making sure the 30,000 people who are headed for Afghanistan can go to Afghanistan when deemed ready to go by the Pentagon. That is his job. There is no one to do that. I can't imagine anybody objecting to that, but they have done so.

There isn't enough time in the world—the Senate world, at least—to move cloture on every one of these. We have spent all this week on two people. Today is Thursday. I know we were interrupted yesterday because of the retreat, but we have spent all day on Monday, Tuesday, and now Thursday on two nominees, one to be the Solicitor at the Department of Labor—that is the lawyer for the entire Department of Labor—and the one we are working on today is to have someone run the General Services Administration. The Federal Government is the largest real estate holder in the world, and the General Services Administration manages that. Yet we have no one to run that.

So we have had to file cloture. Everyone within the sound of my voice understands it takes a long time to do that. We have to lay it down, file cloture, 2 days, 30 hours. It is not right, and I hope we can get more cooperation.

I have been someone who has tried hard not to have the President do recess appointments, but what alternative do we have? What alternative do we have? We have on the calendar dozens of people who are being held up—dozens—and I have only picked out a few; these very sensitive people, dealing with the safety and security of our country. I think it is without explanation why this is happening.

Again, I ask unanimous consent that the Senate consider the following nominations, en bloc, and we proceed to executive session, Calendar No. 561, GEN Clifford Stanley to be Under Secretary of Defense; Calendar No. 603, Laura Kennedy to be U.S. Representative to the Conference on Disarmament; Calendar No. 614, Philip Goldberg to be Assistant Secretary of State for Intelligence and Research; Calendar No. 615, Caryn Wagner to be Under Secretary for Intelligence and Analysis at

## EXECUTIVE SESSION

the Department of Homeland Security; that the nominees be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, any statements relating to the nominations appearing at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, and I am going to have to do that, I wish to indicate Senator SHELBY has been in discussions with the administration over an issue with which I am not terribly familiar, and I believe that is the genesis of his objection. He is not able to be here at the moment to state his position. Maybe in discussions with him, we can make some progress on these, sooner rather than later, but for the moment I am constrained to object on his behalf.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, I understand the objection of the Senator, the Republican leader, but I don't know what my friend, Senator SHELBY—and I say that because he is my friend—I don't know what problems he has. Whatever it is, I would almost bet a lot it is nothing that would be comparable to holding up these extremely sensitive positions keeping our country safe. I think it is outlandish, and I can't imagine this is the right thing to do.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### WELCOMING SENATOR BROWN OF MASSACHUSETTS

Mr. McCONNELL. Madam President, a little earlier today the Massachusetts Secretary of State formally certified the election of SCOTT BROWN as the new Senator and the newest Member of this body. He will come to Washington and be sworn in on the Senate floor, as is customary, later today. We all look forward to welcoming him. The people of Massachusetts are eager to have Senator BROWN working on their behalf, and Republicans look forward to having him join our conference. This was certainly a high-profile election, but now it is time to get to work.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate, equally divided and controlled between the Senator from Iowa, Mr. HARKIN, and the Senator from Wyoming, Mr. ENZI, or their designees.

Who yields time?

The Senator from Wyoming.

Mr. ENZI. Madam President, I rise, again, in opposition to the nomination of Patricia Smith to serve as the Solicitor of the Labor Department. As I noted on Monday, the Framers crafted a system of checks and balances to ensure that each government branch has a means to review the actions of other branches. In the Senate, one of those checks is our constitutional duty to provide advice and consent on executive branch nominations.

The leader earlier talked about the amount of time it takes for cloture on people. It does take quite a while, but it is part of the process. I can tell you, when there is a hearing on a person, if there are 270 questions to start with and the other people in a similar position have a couple dozen questions, you know there is a little bit of a problem that could develop with that one person, depending on how they answer or don't answer the questions.

This isn't something new. This isn't something that happened just this year. I was chairman of the HELP Committee for 2 years and then ranking member for 2 years. During that time, President Bush had an appointment as the FDA Commissioner that was stopped. We never even got him to the floor. We had an MSHA Director—I think it was the first MSHA Director—who worked in a mine. That was the mining safety person. We had a Surgeon General and others. Then the schedule was set up so there were no recesses so there couldn't be recess appointments. So this is an ongoing matter and both sides should take note of that and ask the person making the nominations to come up with reasonable nominations, not people who have an agenda already set out that will result in the kind of conflicts we have had on some of these nominations.

This advice and consent is a responsibility I take seriously. Nominees before the Senate must be qualified and

present their credentials to us completely and honestly. Senators have an obligation to confirm nominees who possess the strength of character and experience required for a position of public trust. I rarely oppose Presidential nominees and to date have supported over 50 nominees reviewed in the HELP Committee since the President was inaugurated. I believe the President is ultimately responsible for the conduct of his administration, so he has a right to select his team, up to a point.

New York commissioner of labor Patricia Smith's long record of public service—which my colleagues in the majority have discussed in detail—would ordinarily have made her a bipartisan choice to lead one of the most important offices in the U.S. Labor Department. Unfortunately, her misleading testimony to the HELP Committee has caused me to lose confidence in her nomination.

I spoke on Monday about the specific factual inconsistencies, and on Tuesday I discussed a number of other concerns about Ms. Smith's agency and a program she created and implemented in New York. I have also posted a 41-page report detailing my concerns with Ms. Smith's nomination on the HELP Committee Web site.

The report found that Ms. Smith misled the HELP Committee over the course of several months.

That report may be found at [http://help.senate.gov/imo/media/doc/2010\\_02\\_011.pdf](http://help.senate.gov/imo/media/doc/2010_02_011.pdf).

The majority acknowledges that there are factual inconsistencies between what Ms. Smith said before the HELP Committee and official documents from the State of New York. The suggestion that the rationale for these inconsistencies lies in the fact that Ms. Smith was busy running a large agency and cannot really be held accountable for this small program is simply not supported by the facts. Official documents show the following: Ms. Smith named the program. She personally met with the union organizer and community organizing advocates developing it with her subordinates in November 2008. She personally met with the five trade associations concerned about the program. She personally promoted the program in speeches, internally to her staff and to the media.

Ms. Smith was involved in close to 100 communications about the program, either being referenced or as a sender or recipient. Moreover, she admits her program was the topic of numerous personal discussions she had with the New York Governor's Office:

Beginning in the late fall of 2008, I also discussed the pilot on numerous occasions with Jeff Mans, the Deputy Secretary to the Governor for Labor and Financial Regulation. I have no written notes from the conversations and can not tell you on what days the discussions took place as I speak with Mr. Mans at least three times a week and there



was never a conversation specifically devoted to the pilot. The purpose of the conversations was to apprise him of the Labor Department's ideas for the pilot and to get the approval of the Governor's office. . . . I had a telephone conversation with the Assistant Counsel David Weinstein of the Governor's counsel's office, and Deputy Secretary Mans, on February 4th. I answered questions about how the program operated.

I have heard the suggestion from the other side of the aisle that because the program does not appear illegal or immoral, Ms. Smith should get a pass for her factual inconsistencies. However, the question of whether Wage and Hour Watch was ethical or legal is irrelevant to whether Ms. Smith's testimony was inaccurate or misleading.

The majority also argues there was a possible breakdown between Ms. Smith and her deputy that caused the misleading testimony. Ms. Smith, however, has worked with her deputy for more than five years. Moreover, if confirmed, Ms. Smith would be in charge of legal compliance for a Department whose budget projects spending ten times what she oversees in New York—\$104.5 billion in 2010. Leaving aside the extensive documentation showing she was heavily involved in this program, I ask my colleagues: why would we consider expanding her responsibility tenfold when she has been unable to oversee her subordinates effectively in New York?

In August, I noted my concerns to President Obama, and offered my assistance in ensuring a qualified replacement would be confirmed quickly. I also joined nine Republican HELP Committee members in urging Chairman HARKIN to refrain from approving this nominee in committee and made the same offer of assistance in ensuring a qualified replacement is given a swift review and confirmation. I was forced to insist on a full debate on her nomination, which advanced on a party-line vote this past Monday.

It is clear that Ms. Smith's statements misled the committee. It is also apparent that each inconsistent statement in effect downplayed concerns held by Republican members. Most disturbing, however, is that her written committee responses suggest Ms. Smith knew her testimony was misleading as early as July 2009 but did not correct the problem until contacted by a majority staff in September—more than 2 months later.

I strongly believe that confirming someone as a head legal officer for a Cabinet agency under these circumstances sends the wrong message to the American people and the career staff she will oversee. I am also particularly disappointed that such a controversial nominee is being forced through before newly elected Senator SCOTT BROWN is sworn in. These sorts of actions may be part of the reason public confidence in Congress and the government is so low.

I urge my colleagues to oppose this nomination.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I have listened again to my friend, and he is my friend. We worked together on a lot of issues, and we will continue to work together on issues. I have listened to Senator ENZI's comments, and I was thinking, is there anything new here? We have heard all this before, on and on and again. No matter how many times you repeat it, it just doesn't seem to hold much water.

I grant Ms. Smith made two mistakes in her testimony, two mistakes when she appeared before the committee—which she corrected. One of those had to do with the origins of the program. When she was asked about this, she thought at that time that the program really had kind of originated among her staff. What she found out was that some of her staff had been talking to outside groups about this. The idea seemed to come from just a meeting of different people, but both within her agency and outside, so Ms. Smith corrected that. That is hardly a cause for her not assuming this position. Again, why would she want to mislead the committee on that when there was nothing wrong with it? So the idea came from an outside group—so what? It doesn't make any difference. She was just trying to answer honestly where she thought the idea had originated within her agency. So, again, she corrected that, as we let people do.

The second one had to do with the expansion of the program. I read the testimony, I read the record more than once on that. She has answered that in writing back. It was a question by Senator BURR about whether she had plans for expansion, something like that. She said no to that.

What she meant to say—and when she reread it, she answered in writing—she had not authorized an expansion of the program. Yes, she had discussions with her staff and maybe others about, if the pilot program actually worked and was successful, yes, they would plan to expand it. But they had to get the pilot program through first to see what went wrong, what went right, does it need to be changed, does it need to be modified before there can be an expansion. So, again, she corrected the record on that, saying she had not authorized an expansion of the program at that point.

Again, there were two minor mistakes corrected in writing. That is hardly a cause for denying her this position. As I pointed out yesterday, we correct the RECORD all the time around here when we speak on the Senate floor because maybe I made a mistake in

what I really wanted to say, I didn't say it correctly. I probably should not say this, but sometimes reporters don't kind of get the nuance of what we wanted to say, perhaps, and how we wanted say it. So we correct the RECORD all the time. It is done all the time around here between what you say and what you read in the CONGRESSIONAL RECORD because human beings make mistakes. So, again, hardly a cause for denying Patricia Smith this position.

Again, I daresay I have not heard anyone question her qualifications. She is eminently well qualified for this position. As I said the day before yesterday—and I put in the RECORD a number of letters from business groups in New York supporting her, saying she was fair and judicious, worked with them. She has run the department of labor in New York—I think an \$11 billion agency with about 4,000 employees. No one has ever questioned her ability to run that agency.

We have heard: Well, if she didn't know what was going on with this little \$4,000 pilot project, then she can't run an agency. You know, again, we always delegate to staff—especially if you have large stuff and you are running big things—about little things like that that they can do.

Again, I heard my friend say she knew about this program. Of course she knew about the program, she knew about the pilot program. Frankly, I think she was kind of excited about the program to see whether it would work and if it was a legitimate, good program that would work to help inform people of their rights under the law. Surely, my friend is not saying that is something that should not be done—help people, inform them of their rights, or to report violations of the law. Surely, no one is saying no one, if they see a violation of the law, should not report it. But that is what this Wage Watch was supposed to do.

She made it clear in her statement of January 2009—in her statement, not staff's statement but her statement and her e-mail to her subordinates—that this was not an investigative arm, they were not replacing staff, this was merely an informational group, and also to see if there were any violations of law, to report it. Surely, no one can say that is not a legitimate function of volunteer groups.

Again, we are here to vote on final passage of the nomination of Patricia Smith for Solicitor of the Department of Labor. I am glad we can finally bring this to a close. It has gone on too long. We have been considering it on the floor since Monday, postcloture. In all that time, there has been very little by way of debate. We have only had two Republican Members come to this floor to speak and explain why they oppose this critical nomination.

There is nothing new about Patricia Smith that we have learned since Monday. Indeed, nothing has emerged that we didn't know when we voted her out of committee back in September. We know she is well qualified, extremely. Everyone acknowledges this. She has an impressive record of accomplishments at the New York Department of Labor. She is strongly supported by local leaders and even the local business community. Again, this, too, is undisputed. And as I said, she corrected in writing these two errors she made when she testified before the HELP Committee last year.

In the 4 months that have passed since the Republicans first threatened to filibuster her nomination, we have not learned one new piece of information that can change anyone's mind about whether she is a qualified candidate to serve as Solicitor of Labor. All the last 4 months of delay has achieved is to keep her out her job and hamper the Department of Labor's ability to perform its important function.

That is not what this process is supposed to be about. This government cannot function if we, as Senators entrusted with the important power to advise and consent on Presidential nominations, abuse that power—I repeat, abuse that power by using extraordinary procedural tactics to block the nominations of qualified people. The filibuster, as I understand it, was supposed to be reserved for extreme cases when there are critical public policy issues at stake, where the country may be divided on them. It is not supposed to be a routine delay tactic for every nominee the minority party disagrees with or that one person—not the entire group but one person—disagrees with.

The American people are getting fed up, and they should be. We cannot even get routine business conducted around here anymore. American families are sitting around the kitchen table worried about a lot of things—about their health care, about their kids' education, and more than anything, about their jobs—if they don't have one, about when they are going to get one, and if they have one, can they keep it. How they are going to pay their bills if they become unemployed? We can't help them, we can't help the families of America by spending day after day of time here in quorum calls, with the lights on, the electricity running, people here, and we do nothing, we just sit here because the Republican side has engaged in a filibuster. Playing these procedural games does not advance our country one bit.

We can, however, help our families by attacking the jobs problem with every weapon in our arsenal, and that includes a fully staffed and strong Department of Labor. While I am sorry it has come to this, this long filibuster

and all these days wasted, I am glad this process has come to an end. It is time to vote so we can let Patricia Smith get to work, so we can get back to the business here of helping our families across America.

I yield the floor.

Mr. ENZI. Madam President, what is the time situation?

The ACTING PRESIDENT pro tempore. The Senator from Wyoming has 2 minutes 40 seconds. The Senator from Iowa has 34 seconds.

Mr. ENZI. Madam President, this argument about using the filibuster—I have to say that both sides have used the same cloture techniques. I think if you check with the Bush nominees, we usually withdrew those and put someone else in. Of course, that had something to do with the relative size of the majorities.

But the problem here is with how the program was run. We keep talking about whether it was legal. It probably was legal, but there are some things done there that I don't think the average person wants done to them. The Wage and Hour program was to recruit and train union organizers and public interest groups to go into businesses with compliance literature and interview employees to discover violations of the wage and hour law. It was expanded to include OSHA.

The State of New York gives participants materials to disseminate and official cards identifying them and their group as part of a program for when they enter businesses and speak with the employers and employees. As part of this process, union and community organizers were directed to gather personal telephone numbers, vehicle license plates and home addresses of business owners, as well as details about the employees working there. Labor organizers and community activists were allowed to use this information for their own organizing activities. State identification cards were provided to the individuals, but the State conducted no background check on those they trained and provided identification cards. Is that the kind of program we would expect Ms. Smith to federalize if she became a Solicitor?

A deep concern to me is how Ms. Smith described the decision not to conduct vetting or background checks for the Wage and Hour Watch participants who could collect this personal information. When questioned about it, she explained there is no formal vetting process for the New York State Department of Labor to partner with an entity. They did not consider the possibility of background checks on the groups, but ultimately rejected the idea after inquiring as to why the Neighborhood Watch groups were subjected to background checks. The department was informed that the groups participating in this more sensitive crime prevention partnership are not

subject to a check. But there is a major difference in the way they work. The National Sheriff's Association Neighborhood Watch Program, unlike the Wage and Hour, is purely an observe and report program. Calling the police about suspicious activity in a public area is different than investigating the wages and hours of individual employees and recording their personal contact information.

So for these reasons, and the ones I have given on previous occasions, and that Senator ISAKSON has given and members of the committee have expressed, I urge my colleagues to oppose the nomination.

I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Let me put one thing to rest here. No one on Wage Watch was authorized to enter any business unless the business owner agreed to that. The only exception is if the public was allowed. Sure, they could go into a department store or a restaurant or someplace such as that where the general public went. But they could not go into any business without the business owner's permission, and they could do nothing other than what the general public can do right now.

We need more people doing what these volunteers were doing and making sure that people's rights are respected.

Mr. LEAHY. Madam President, today, the Senate will finally have an up-or-down vote on the nomination of Patricia Smith to be Solicitor General for the Department of Labor. Earlier this week the Senate voted to invoke cloture and end the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up or down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even non-controversial nominees.

Every single Republican Senator who voted on Monday voted against cloture and to keep filibustering this well-qualified nominee. Every single Republican voted to obstruct the Senate from doing the business of the American people. Wasn't it just a few years ago that Republicans were demanding up or down votes for nominees, and contending that filibusters of nominations were unconstitutional? Not a single Republican voted for cloture and to stop the filibuster of this nomination.

The obstruction and delay does not stop there. Since 60 Members of the Senate voted to invoke cloture and bring the debate to a close, Republican Senators have insisted on delaying the vote for several additional days. This afternoon, that up-or-down vote finally takes place.

After the Senate is finally able to consider the Smith nomination, we will then have the opportunity to end the filibuster of another nomination, that of Martha Johnson to head the General Services Administration, GSA. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar, many being held up for purely political purposes.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.

On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.

\* \* \* \* \*

Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republicans in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on

issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican practice of making supermajorities the new standard to proceed to consider many non-controversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect. Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in the first year of a Presidency since 1953, a year in which President Eisenhower only made nine nominations all year, all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. The Senate could have considered and confirmed another 10 judicial nominees that had all been reported by the Senate Judiciary Committee. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed all last year, less than half of what we achieved during the second half of President Bush's first tumultuous year.

We have confirmed only two more judicial nominees so far this year. Republicans have objected to consideration of the nomination of Joseph Greenaway of New Jersey to the Third Circuit, a nomination reported unanimously from the Senate Judiciary Committee last October. His would be the next judicial nomination to consider and confirm, but Senate Republicans object.

Even after years of Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominees, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations compared to only 14 during President Obama's first two years. In the second year of President Bush's first term, the Democratic majority proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

We continued to be fair and continued working to reduce judicial vacancies even during President Bush's last year in office. With Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in nine of the 13 Federal circuits.

The Republican Senate minority has resumed its strategy to put partisan politics ahead of the needs of the American people for courts that can provide justice. Last year was worse than the 1996 session when they allowed confirmation of only 17 judicial nominees. The years of demands from Republican Senators for up-or-down votes for every nominee apparently only applied to those nominated by a Republican president.

As matters stand today, judicial vacancies have spiked again as they did due to Republican obstruction in the 1990s, and are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today. That is the true measure of how far behind we have fallen. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges. The rule of law demands more. The American people deserve better.

Among the nominees ready for Senate approval are nine Federal judicial nominees reported by the Senate Judiciary Committee. Two would fill vacancies on the Third Circuit, three would fill vacancies on the Fourth Circuit, and there are nominees to fill vacancies on the First, Second and Sixth Circuits, as well as a district court nominee to Wisconsin. The delay in considering them is also part of this effort to delay and obstruct. Judge Greenaway, about whom Senators LAUTENBERG and MENENDEZ spoke again this week, was reported by unanimous consent back in October, four months ago. Nobody has come forward to explain why his nomination is being stalled. He is a good judge. Senator SESSIONS praised him at his confirmation hearing. Judge Greenaway is one of the many outstanding judicial nominations reported by the Senate Judiciary Committee that remain stalled on the Senate Executive Calendar. They should have been confirmed last year

and would have but for Republican objection. When considered, they will be confirmed but not before being needlessly delayed for months.

They insisted on debate on the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. Republicans insisted on hours of debate for the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. For at least 2 additional months, Judge Beverly Martin's nomination was stalled because Republicans would not agree to consider it before January 20. Judge Martin had the strong support of both of her home State Republican Senators, Senator CHAMBLISS and Senator ISAKSON, and the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary. Still, Republicans delayed her consideration.

None of the nine Federal circuit and district court nominations pending as of this morning on the Senate Executive Calendar should be controversial. Six were reported by the Senate Judiciary Committee without a single dissenting vote. One had 1 negative vote, one had 3 negatives votes and the nominee from Tennessee supported by Senator ALEXANDER had 4 negatives votes but 15 in favor, including three Republicans. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed unanimously by the Senate once they were finally allowed to be considered. That obstruction and delay continues.

The American people deserve better. The cost will be felt by ordinary Americans seeking justice in our overburdened Federal courts. President Obama has reached across the aisle and worked with Republican Senators, including Senators LUGAR, MARTINEZ, SHELBY, SESSIONS, THUNE, ALEXANDER, BURR, CHAMBLISS and ISAKSON. I wish Senator Republicans and the Senate Republican leadership would reconsider their tactics of obstruction and delay and work with us and with the President.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor?

Mr. HARKIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Ohio (Mr. VOINOVICH), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Utah (Mr. BENNETT).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 18 Ex.]

YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Franken    | Mikulski    |
| Baucus    | Gillibrand | Murray      |
| Bayh      | Hagan      | Nelson (NE) |
| Begich    | Harkin     | Nelson (FL) |
| Bennet    | Inouye     | Pryor       |
| Bingaman  | Johnson    | Reed        |
| Boxer     | Kaufman    | Reid        |
| Brown     | Kerry      | Rockefeller |
| Burr      | Kirk       | Sanders     |
| Byrd      | Klobuchar  | Schumer     |
| Cantwell  | Kohl       | Shaheen     |
| Cardin    | Landrieu   | Specter     |
| Carper    | Lautenberg | Stabenow    |
| Casey     | Leahy      | Tester      |
| Conrad    | Levin      | Udall (CO)  |
| Dodd      | Lieberman  | Udall (NM)  |
| Dorgan    | Lincoln    | Warner      |
| Durbin    | McCaskill  | Webb        |
| Feingold  | Menendez   | Whitehouse  |
| Feinstein | Merkley    | Wyden       |

NAYS—37

|           |          |           |
|-----------|----------|-----------|
| Alexander | DeMint   | McCain    |
| Barrasso  | Ensign   | McConnell |
| Bond      | Enzi     | Murkowski |
| Brownback | Graham   | Risch     |
| Bunning   | Grassley | Roberts   |
| Burr      | Gregg    | Sessions  |
| Chambliss | Hatch    | Shelby    |
| Coburn    | Inhofe   | Snowe     |
| Cochran   | Isakson  | Thune     |
| Collins   | Johanns  | Vitter    |
| Corker    | Kyl      | Wicker    |
| Cornyn    | LeMieux  |           |
| Crapo     | Lugar    |           |

NOT VOTING—3

|         |           |           |
|---------|-----------|-----------|
| Bennett | Hutchison | Voinovich |
|---------|-----------|-----------|

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

#### NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate prior to a vote on the motion to invoke cloture on the Johnson nomination, with the time equally divided and controlled between the leaders or their designees.

The clerk will report the nomination.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to urge my colleagues in the strongest terms to vote for cloture on the nomination of Martha Johnson to be Administrator of the General Services Administration. The point of cloture is to allow this critical agency to finally have a permanent leader. It would be the first time in nearly 2 years and could potentially save America's taxpayers billions of dollars in the bargain.

Let me give a few examples of what is at stake, which is to say what the General Services Administration can do for us. Last year, Federal agencies bought \$53 billion worth of goods and services, and they did so through contracts negotiated by the General Services Administration, the GSA. Having GSA negotiate these procurements lets the individual agencies focus on their core missions, doing what we or previous Congresses created them to do. It also allows the Federal Government to leverage our buying power because if the buying is occurring from one central agency, we can get, in conventional terms, volume discounts, leading to lower costs and, therefore, savings to the taxpayers.

We need strong leadership at GSA to ensure these savings are a reality. For example, in 2007, GSA awarded the NETWORX contracts to provide telephone network and information technology services to all Federal agencies. That is a program estimated to be valued at, at least, \$68 billion in the course of its 10-year lifetime. These contracts will allow agencies to take full advantage of the new technologies their colleagues in the private sector use every day to increase efficiency and lower costs. But without a permanent Administrator at GSA, agencies have been slow to move to the NETWORX services, costing taxpayers more than \$150 million to date and an additional \$18 million every month.

Given GSA's wide responsibilities in providing information technology and telecommunications services, I am concerned that we lack a confirmed Administrator at a time when we are also trying, of course, to strengthen our cyber-defenses. Government Web sites, such as private Web sites, are constantly under attack. GSA needs to play and can play a very important role in ensuring that our Federal IT systems are resistant to those cyberattacks. Furthermore, because of the government's buying power, GSA's purchases will have a natural positive spillover effect in the private sector.

In other words, GSA, by its own requirements associated with purchases,

can drive technologies that then become more available to the general public, and I am thinking here specifically of technologies that can defend against cyber-attack on private companies as well as on public Web sites.

Here is another example about another function of the GSA. GSA is effectively the government's landlord, with 8,600 buildings and assets under its control that are valued at more than \$500 billion. It is one of the largest, if not the largest, property management organizations in the world.

Another of GSA's roles is to help other agencies dispose of buildings and property they no longer need. Across the government, these numbers are both stunning and unsettling. There are different agencies that own thousands of buildings worth about \$18 billion that are not being used.

Every day I hear Members come to the floor saying we need to work hard to trim the fat from the Federal budget so we can cut the deficit. I agree. Yet the GSA—the very agency established to help make government operations more cost efficient—has been languishing without a leader for over half a year and I think in that sense is losing some opportunities to save some money.

What is frustrating is that a hold has been placed on this nominee for reasons that have nothing to do with her qualifications or her personal history. That is why I am glad Senator REID filed a cloture motion and we have forced this nomination to the floor. It is important, in a totally nonpartisan way, that we get a full-time Administrator in here at GSA.

Martha Johnson's nomination received the unanimous support of the Homeland Security and Governmental Affairs Committee in June of last year—more than half a year ago. So that says she had total bipartisan support in our committee based on her experience and qualifications, and I am confident she has wide bipartisan support in the full Senate as well. I hope and trust we will see that when the vote occurs on cloture and final confirmation at around 3 o'clock.

I hope this nomination is a call to action and common sense—and not only bipartisan cooperation but the cooperation of every Member here who has the right to hold up nominations but ought to think about the public interest and the national interest when they do this—that we cannot continue the practice of holding nominees “hostage,” as President Obama said yesterday, for reasons that are parochial and unrelated to the nominee's ability to do the job they have been nominated for. I think these kinds of actions damage the Senate as an institution and further reduce the public's respect for how we do our business.

I wish to remind my colleagues at this point how well qualified this nomi-

nee is. To begin with, Ms. Johnson is a former Chief of Staff of the GSA. So she already knows the agency inside and out and will be ready to roll up her sleeves and get to work on day one—no on-the-job training needed. This is crucial both to the efficiency and morale of an agency that has not had a permanent Administrator since April of 2008—almost 2 years. April 2008 was the time when the former Director was asked to resign by the previous administration. GSA has since been run by five acting Administrators who could not act with the same authority as a Presidentially appointed, Senate-confirmed person in that top job.

But both before and after her government service, Martha Johnson's career shows a quite extraordinary mix of work in the public, private, and academic sectors that we should want in government service. Ms. Johnson holds a BA in economics and history from Oberlin College and an MBA from Yale Business School. She also taught some classes during this time.

After graduating from Yale, Ms. Johnson began her career in the private sector as a manager at Cummins Engines Company. She then had a series of other management positions in the private sector and was asked by President Clinton to become Associate Deputy Secretary of Commerce, and then Chief of Staff of GSA from 1996 to 2001.

Since leaving government service in 2001, Ms. Johnson has served as a vice president for the Council for Excellence in Government—a nonpartisan, nonprofit organization dedicated to increasing the effectiveness of government at all levels—and, most recently, she served as a vice president for Computer Sciences Corporation.

This is an extraordinarily experienced and qualified nominee, and that is why I think she deserves—and I think will receive—broad bipartisan support when this matter comes to a vote at around 3 o'clock.

It is past time for GSA to finally have a permanent Administrator, and we happen to have a nominee here who is remarkably well suited for the job. I urge my colleagues in the Senate to vote “yes” on cloture, and then we can have a final vote and get this able person on the job working for the American people and I think help us not only manage the Federal Government's activities better but to save billions—literally billions—of dollars for the American taxpayers.

I thank the Chair and yield the floor.

I would yield, if I might, to my friend and colleague from Louisiana whatever time she needs to speak at this time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Chair and thank the Senator from Connecticut for yielding the re-

mainder of his time. I understand he has an hour under his control, and I intend to take the full measure of the hour that is left, first speaking in favor of the nominee who he has so eloquently described in terms of her background and experience and the arguments he is making about trying to bring more civility and bipartisanship to this body and the importance of getting some of these very important Federal officials appointed so government can work better and more efficiently.

It has been my pleasure to serve with the chairman now for several years on the Homeland Security Committee, and I am familiar with the work he and his ranking member, SUSAN COLLINS, the Senator from Maine, have done together. They have shown a real example of bipartisanship, and I would hope his calls for this nominee to move forward without delay and not be held up would be heeded.

#### LOUISIANA FMAP FORMULA

Mr. President, I am on the floor to speak about a different subject, one that is very important to the State of Louisiana and the people of our State—an issue that has been mischaracterized for months now in all sorts of venues—and I thought taking an opportunity today, for a couple of hours, to go through the request by the State of Louisiana for a change or realignment of our FMAP formula, the formula that funds our Medicaid system, would be good to do.

It is good to do for several reasons, the most important of which is not to bring up this subject again for further review to try to clear anything that people have said about me. I have been in public office now for 30 years. People have said all sorts of things about me as a public official. I would venture to say every Member of this body has been called some very choice names. That is actually not why I am here, to defend myself. The RECORD will do that.

What I am here to do is to defend the people of Louisiana and to express clearly and strongly why and how our delegation came forward, united in a very public way, to press our case here in Washington—the only place this can be fixed—why we felt as a delegation, strongly united Democrats and Republicans, to press this case to the Federal Government to get some immediate and necessary and urgent relief for the people of our State.

I make no apologies for leading this effort. I do not back up an inch from the yearlong effort we have undertaken. I am here today because I actually do not have any idea at the moment what will happen to the health care bill we have worked on for the better part of a year. I do not know if we are going to have a bill. I do not know if it is going to be the Senate version or the House version. I do not know if it is going to be a bill passed by 60-plus

people or more on the Senate side and a wide majority in the House. I do not know if there is going to be reconciliation that is used. Those discussions are happening actually right now above my pay grade.

But what is in my pay grade, what I actually do get paid to do here, is to represent the people of Louisiana, and I intend to do that for the better part of this hour and for the rest of the day because there has been some great misunderstanding about this in the national media—not much in the mainstream media but on the fringes; but sometimes those fringes can be quite loud, and I would like to try my best to silence them a little bit at this point. The mainstream media has been, for the most part, taking their time to understand, and I appreciate it.

I most certainly appreciate the newspapers in my State that actually know more about this than any media outlets. They would because they have covered it longer, have editorialized generally in my favor and the favor of our delegation that has stood strong, except two members who have folded on this issue.

So I want to start to try to take everyone through chronologically the timeframe. First of all, I have been, and the State of Louisiana has been, criticized for a “secret” deal, for something that happened at the very end of the process that people did not know about.

I wish to call everyone’s attention to a Times-Picayune headline—this is the newspaper in New Orleans—a Times-Picayune headline, dated January 11, 2009. We are in February of 2010, so this was a year ago. This was a year ago. I also would call to the attention of my critics that this date is actually almost 2 weeks before President Obama was ever sworn into office, just to remind people.

This meeting, called by my Governor, who is a Republican Governor, happened in a public place, in the Governor’s mansion in Baton Rouge and five members of our delegation were there, and the entire delegation was represented. It was reported at length in several papers. In the Times-Picayune, this is the headline: “Jindal reviews wish list with LA delegation; aid for recovery, health care stressed.” This is the other headline: “Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.” Let me repeat that: “Governor Jindal Stresses Urgent Need for Federal Government to Fix Faulty FMAP Rate.” Not special FMAP rate, not FMAP rate problems that every State is fixing, but faulty FMAP. I will explain why we think it is faulty in a minute.

“The Advocate,” August 29. This was in July. These meetings continued through the year: Jindal, Republican Governor; LANDRIEU, Democratic Senator, Pushed for Federal Funding Fix.

So I wish to put my critics on notice. I am going to submit letters and documents and these articles. Nothing about this effort was secret. Nothing. If there is one Member of this body, either the junior Senator from Louisiana, or the great Senator from Arizona, or any other Senator who would like to come and talk to me about this “secret” effort, I would look forward to hearing their comments on the floor of this Senate sometime today because I am staying here today until 6 or 7 o’clock, until we go out of session tonight. I thought it would be good to spend the better part of the day.

If anyone, if any Senator, wants to come down and say they thought this was some kind of secret arrangement, I think the editors of our newspapers would be very interested since they have been reporting on it since the first meeting on January 11, 2009.

Secondly, I wish to show a letter signed by our entire delegation to make another point. My critics have said: Oh, there she goes again, Senator LANDRIEU, just running off on her own making all sorts of terrible things and making the State of Louisiana look bad.

I have spent 30 years of my life trying to represent the people of my State and make them look good. Even when they were wrong, I have defended them. When they were right, I praised them. When I was wrong, I apologized; and when I was right, I was very proud of my work. Never—never—in my life have I ever or will ever throw the people of my State under a bus to save my reputation or my job.

I know who I am inside. I don’t need anyone to remind me of the goodness I have inside. My parents do that. My husband does that. My children do that for me every day. I most certainly don’t need anyone—and I don’t need this job badly enough; maybe some people do, I don’t—to throw the people of my State under a bus to protect myself politically.

I wish to show everyone a letter dated May 4, and I am going to read every single signature because I am actually proud to lead this delegation. I only have one Democrat besides myself, but other than about one member of this delegation, we have some pretty extraordinary leaders. I am proud of them. Some are very conservative and some are very liberal and some are in the middle. We have a very diverse delegation.

I signed this letter; RODNEY ALEXANDER signed this letter, a member of the Appropriations Committee; CHARLIE MELANCON signed this letter, a Member of Congress; BILL CASSIDY is a Member from Baton Rouge; DAVID VITTER, the Senator; CHARLES BOUSTANY from Lafayette; STEVE SCALISE from Jefferson Parish; and JOHN FLEMING from Shreveport and JOSEPH CAO, a Vietnamese-American Member of Con-

gress from the New Orleans area signed this letter.

This was made public. Actually, some Members put out their own press releases. The letter is to Secretary Sebelius, who was finally sworn in after being held up for months:

We write to you today to follow up on an April 9 letter your office received from Louisiana Secretary Alan Levine.

That is our Secretary.

While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana’s case is unique.

We believe Louisiana’s case is unique.

As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the health care system in the New Orleans area. These extensive recovery efforts have inflated Louisiana’s per capita income, but they were only temporary and do not accurately reflect the increases to incomes in industries not related to the hurricane recovery.

Since the FMAP formula per capita to calculate how much each state will receive, we are greatly concerned that the post hurricane per capita income increase would significantly impact our State’s FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that our state is facing.

This is an example of one letter—I have many others—signed by our entire delegation asking the officials here, from the White House to Kathleen Sebelius to other powerful Members, to please look at Louisiana’s situation because ours alone among the 50 States was unique, and I will explain why in a minute.

So the fact that this was a secret is a lie. The fact that it wasn’t supported by our delegation is a lie.

Now I wish to explain what our problem is, and this map explains it—or chart—better than I can. As anyone knows how this Federal formula works for Medicaid, Medicaid is a voluntary program to a certain extent that States can enter into to cover their very poor. The Federal Government says: If you want to do that, if you are a wealthy State, we will pick up 50 percent of your effort. If you are a moderately wealthy State, we will pick up 60 percent of your effort. And if you are one of the poorest States in the Union—not that Louisiana isn’t an extraordinary State, but we have high poverty relative to other States, just like Mississippi and Alabama, West Virginia. We know who our cohorts are. We have been at this a long time.

For us, the Federal Government says: If you try to cover your poor, we will pick up 70 percent for you, which is the right thing to do. The Federal Government should help the poorest States a little bit more than the wealthier States. It is actually what is taught in the Bible. I wish we would follow it a little bit more around here.



So for years, this is what has occurred. In 1999, the Federal Government paid 70 cents of every dollar. You can see, basically, that it is done by an income calculation. Because our income—we have gotten a little bit richer here, you can see, a little bit richer, a little bit poorer, a little bit richer. But all of a sudden, because of a unique set of circumstances that happened because of Katrina and Rita and Ike and Gustav—not because of any politics here but because of hurricanes and levee breaks and a catastrophic flood and an influx of Federal dollars that came to help, which we are grateful for—our calculations were terribly distorted and skewed when the new calculation was made. As a result, the Federal Government's portion would have fallen to 63 percent. So from an average of about 70, we would have fallen to 63 percent. That doesn't sound like a lot, but it would have meant about a \$400 million to \$600 million—very roughly, \$400 million to \$600 million difference.

Either the people of my State would have had to cut \$400 million to \$600 million out of programs today or they would have had to raise \$400 million to \$600 million in taxes. That is a lot of money even in Washington where we throw around \$1 billion and \$1 trillion like it is nothing.

I can promise you, there are people sitting around their kitchen tables in Louisiana way down in Tibido and way up in Mansfield, LA, thinking: Where are we going to come up with \$500 million? This is terrible, Senator. We didn't do anything. We are not that much richer. We are actually still struggling from the recovery. Does anyone in Washington understand that we did not get—we are not 40 percent richer than we were 2 years ago? Does anybody know up there that we are still struggling with this recovery?

I assured them I knew, and our delegation knew, and that I knew some people who might be understanding. I mentioned to them actually that I would bring this to HARRY REID, I said, because he is a good man. He has a good heart. I thought if I explained this to him and to Kathleen Sebelius, who is a very good Secretary, and got their staffs to look at it, perhaps they would agree with us that we needed some special assistance. I thought there might be one person—one person with a heart on the other side of the aisle. I still think there may be. But, I said, let's just try.

So our delegation went to work and, lo and behold, then we have a health care bill coming along. It is a bill that some people like and some people don't, but it is most certainly germane to my subject. It is most certainly germane to my subject.

So I say: This is nice. I know we are going to be on health care. Let's see what we can do to get this in this

health care bill. I don't know what the bill is going to look like. I don't know if I can vote for it when it finally comes. I don't even know if I am going to be for it. But it is a health care bill. This is a health care amendment.

Some people have actually criticized me and said: You know, the Senator put it on the wrong bill. The Senator discussed this at the wrong time. The Senator has ruined the efforts of the State to get help because she asked for this amendment.

Was I supposed to ask for it on a transportation bill? Was I supposed to ask for a Medicaid fix on a jobs bill? Was I supposed to ask for it on a lands bill? Forgive me for asking for a health care amendment on a health care bill.

So I did. We pursued it openly, we pursued it bipartisanship, and we pursued it intelligently and smartly on the health care bill. And I assured my Republicans privately and publicly: I know you are not for the bill. You don't have to vote for the bill. I may not vote for the bill. I didn't know I was going to vote for the bill until the very end. I am going to talk about why I decided to vote for the bill.

I said: But no matter how we vote on this bill, let's really make a case as strong as we can that this should be fixed. We basically agreed to do that, and the record will show that.

So at some point later, as the debate moved over to the Senate, I was asked to present, on any number of occasions, just as every Senator was asked, what are the things that I think are the most important in this health care bill as we begin the debate. I wasn't on the HELP Committee. I am not on Finance. So those of us not on HELP and not on the Finance Committee submitted our documents, which I am going to release today to the leader, and said: These are the things that we think are most important.

This was always on that list. I am proud it was on the list, but what I want people to realize is it wasn't the only thing on the list. It wasn't the first thing on the list. It wasn't on the list in any letter or correspondence that said if this doesn't get on, I am not voting for the bill. In every correspondence, in every public meeting, and in every private meeting, I pressed for this issue, but never did I say at any time that if this wasn't in the bill, I wouldn't vote for it, or if it was in the bill that I would vote for it because I don't believe in that.

As strongly as I feel about this provision and the merits of it, I would never have asked my colleagues—I did ask my colleagues to understand a few other things, and they can tell you that I said this in any number of meetings and, unfortunately, some of them were locked up with me for days. So they actually got to hear this over and over again.

I said: I cannot vote for this bill unless it drives down costs. I cannot vote

for this bill if there is a government-run, public delivery system. I will not vote for this bill if there is an employer mandate. I can only vote for this bill if it extends coverage to people who don't have it in a way they can afford it where they have choices in the private sector.

I said that speech 100 times in my State. I was on the radio. I was on this floor. My colleagues have heard it any number of times. I said to my colleagues: If you are going to cover children who can stay on their parents' insurance—if the underlying bill, whether it comes from the Senate or the House, is going to cover children up to 26 years old, which is a very good reform—something I think the American people support, and most certainly the people in my State would love to be able to do until they are 26—I said I would be hard-pressed to vote for bills if you left out children who don't have parents. Since I am the cochair of the adoption caucus and cochair of the foster care caucus, with Chairman GRASSLEY, I felt very empowered to speak those words to the leaders here. Part of my job that I have taken on myself is to try to represent children in foster care. I don't do a very good job every day, and sometimes I don't do the job I should do for them. I try my best. When we are in those meetings, when they have no one speaking for them—they most certainly don't have any money to hire a lobbyist. They most certainly have no parents here advocating for them. But I said if you are going to put that in the bill so every child in America gets to stay on their parents' health insurance until they are 26—do you all realize we have 22,000 children who graduate or come out of our foster care system who don't have any parents? I said: What are we going to do for them? They said: We don't know. We think we will leave them out. I said: If you want my support for this bill, that has to be in there.

I said that on the floor and in meetings. This was not in that conversation. This was. We need it. We believe we have a \$400 million to \$600 million fix. We would love you to fix it all. We would love the full \$600 million, but we would appreciate whatever you can do to help us. Frankly, the reason we should fix it is not only will it be good for Louisiana, but by chance if any other State—when the earthquake hits Memphis, and it will some day, or when it hits California, and it will some day—do you know what. If this is in the law, they will not have to pay double for their Medicaid 3 years after that disaster because there will be this adjustment that says, if your rates are arbitrarily or artificially distorted by the fact that you have an increase in public assistance coming into your State, we will not count you as having a 40-percent increase in income. It will help. Contrary to what the Senator



from Arizona says, it doesn't just affect Louisiana. For the time being, it does, but in the future it would affect a lot of other States. That is the right thing to do.

Nobody should be punished for having a disaster. Why would you punish that? This money—this \$400 million is to protect the poorest children in my State—children who lost their parents in floods, lost grandparents in floods, children who lost siblings in the floods, children who are still not back in their houses. Why would we punish these children, these disabled people, the poor people on Medicaid because the Federal Government's levees broke? Why would we do that? I don't think we want to.

I am not going to stand by silently while the people of Louisiana are criticized for asking for something in a public way, describing our situation, expressing that we are unique among the States in this, and asking for assistance. I think the White House understands this. I know that Kathleen Sebelius understands this. I am most certainly confident the leadership on the Democratic side understands it. I am very interested in what the Republican leadership has to say about this. They have been very quiet.

If this isn't the place to ask for it, where is the place? I would like to go there. If this isn't the time to ask for it, what is the time? This budget is being crafted right now by my legislators—not 2 years from now but right now. They are either going to know they have \$350 million to work with or they are not. They are either going to raise \$350 million on the backs of my people who can hardly pay the taxes they are paying now or they are going to cut off more from the elderly, the poor or the disabled who rely on Medicaid. So if this isn't the time, when would I come?

To close, because I have a few more minutes, I am going to leave with the one statement my Governor made publicly on this for the record. Being in public office takes more than being intelligent, more than a fancy resume—it takes guts. Some people have more of those than others. This is what my Governor said on November 20 to CNN:

The bill is awful, but it is unfair to criticize Senator Landrieu or the rest of our delegation for fighting to correct this injustice to Louisiana. Our entire delegation is working together across party lines to correct this flawed formula.

This is the one statement he made. I see my colleague from Missouri here to speak about other matters. I am going to rest for a moment. I will be on this floor until 6 o'clock today. I am not leaving. If any Senator from the Democratic side or the Republican side wants to debate me on any aspect of this, I kindly ask them to let's get this over with today. I look forward to seeing them. I will be here until 6 o'clock.

If they don't come, then I hope they will keep their mouths shut about something they know nothing about.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I rise to shed some light on the situation going on at the General Services Administration, the GSA, a tangled mess of bureaucracy I have been fighting for the last 5 years. In the past, I worked very cooperatively with GSA, but for some reason, somehow, they have gotten themselves and us into a situation that is untenable.

Yesterday, the President accused me of holding hostage the nominee to be Administrator, Martha Johnson. I feel no joy in holding up this nominee, but the hostage I am concerned about is not the one looking for this distinguished position in Washington. Instead, the hostages I am worried about are the 1,000 people working in a Federal office building dump in Kansas City at the mercy of an agency that refuses to act to remedy a problem they acknowledge exists. Again, the hostage, with due respect, is not Martha Johnson; the hostages are the 1,000 Kansas City workers at the Bannister Federal Complex.

As Senators, we have a few tools at our disposal to carry out our responsibilities. One of these important responsibilities is oversight of the Federal Government. One of those tools is to force the Senate to debate and actually vote on an issue rather than be just a rubberstamp to the administration.

While he has criticized me for using this oversight tool, the President wielded it himself when he was a Senator in this very Chamber.

Senator REID, our distinguished leader, shares some responsibility in delaying Martha Johnson's confirmation. You see, the Johnson nomination actually passed out of committee in May. Was she ever called up for a vote? No, because until July—when I formally placed a hold on the nominee—the Senator from Nevada, according to Congress Daily, delayed her confirmation to ensure that taxpayer dollars were still being used to send Federal employees to Las Vegas.

Senator REID has his priorities regarding the delay on this nomination, and I have mine. He wants more Federal employees able to come to Las Vegas, and I certainly understand his reason; it is very important for his State. I want Federal employees in Kansas City to work in a building with a roof that doesn't leak and doesn't have other risks of contamination.

Some are complaining about the delay of this nominee. The truth is, the majority leader could have confirmed Martha Johnson in May, June or July. In addition, he waited until Thursday to file cloture, and he could have

picked any date in the last 7 months to do so, but he waited until last Thursday. We had thought we made progress, and every time we thought we made progress, somebody in the administration pulled back that small step of progress.

There are many reasons why a Senator might wish to place a hold on a nominee that are related to our oversight responsibilities. I think it is important to have debates such as this not only when the qualifications of the nominee are at stake but when a Federal bureaucracy stops being responsive and serving of the people in the communities in which they work. That is the real issue.

Martha Johnson's qualifications are not in doubt. But as you will hear, the GSA is not being responsible to the people of Kansas City and, most specifically, to the Federal workers there.

The history goes back about 5 years. It is part of a larger plan to move all tenants out of the dilapidated Bannister Federal Complex. GSA initiated a plan to construct a new building in downtown Kansas City in order to move the jobs out of the complex. That was a long time ago, and at the time they were looking for a lease-to-own process.

The community of Kansas City—the leadership, elected officials, the employees, and Kansas City's financial community—had worked with the GSA to get a building—a new building to replace the Bannister Federal Complex.

The existing building, by any stretch of the imagination, is extremely expensive to operate, will be sparsely occupied, is not conducive as a good workplace, and must be replaced.

After 3 years, the plan brought together, with GSA's participation, the leadership of the Kansas City community at all levels, from the mayor to the council, to the business community, the Finance Committee that was going to put up the money. They came together, and they got a commitment that financing would be available to construct on a lease-construction basis.

What happened? With no warning, GSA called up the Environment and Public Works Committee the week of the markup, when it was supposed to be approved, and effectively put their own hold on the project they developed and approved, citing GSA's shift away from proceeding on a lease-construction basis.

For anyone following the project, this latest move by GSA was very difficult to understand. After all, 3 months earlier, in June of 2008, GSA was holding roundtables with real estate developers on the value of lease-construction plans and telling them how they could seek and pursue such projects.

In scrapping their own plan, GSA ensured that after all other tenants vacated the inefficient, 5.2-million-

square-foot complex, more than 1,000 Federal employees would be stuck working there.

That is about 5,000 square feet per employee. This nonsensical plan would cost taxpayers \$13 million to \$15 million annually just to mothball unused space and operate shared heating and cooling equipment. That is \$13,000 to \$15,000 a year per employee for the unused space.

GSA was so convinced this was the best path forward that for 9 months, they even went so far as to conduct an analysis to justify the continued use of the Bannister Complex. But then, in a 60-day analysis, "GSA concludes that the Bannister Complex should be a mid-term hold (approximately 15 years)." This translates into nearly 10 years of continuing to run a complex at 20-percent capacity. Does that make sense? I cannot figure any building manager, any responsible party in the private sector or in government who thinks that works out. It does not take a mathematician to figure out the numbers. They are not good for the taxpayers. Put pencil to paper on that. Pencil it out. Anybody can do that. However, yet again, GSA decided to change its mind in September of 2009. This time, GSA agreed to their original position that a new building in Kansas City was GSA's "preferred option."

Bear with me. I know this is getting confusing because we have been confused.

Imagine how the Kansas City community feels after being jerked around for 5 years, where we sat down and worked with the staff, and a very helpful staff decided—laid out the path forward. That sounds like a good idea. Everybody at home was on board. The Kansas City community was on board, the officials, and we said, fine. Then somebody in the administration, whether GSA or above, put a halt to every one of those steps forward—every single one of them. Every time they laid out something, nothing happened. We are beginning, quite honestly, to feel like Charlie Brown. Every time we get ready to kick the football, somebody in the administration moves it.

Where are we now, now that the GSA went back to their original objective that they earlier rejected? Unfortunately, we are not one step closer to a new building for these workers. GSA has still taken no action, still has put nothing on paper, has made no commitments.

Is there a way forward? What is their way forward? Let the people of Kansas City know what you are going to do, how you are going to do it, and when you are going to do it. We cannot even find that out from them. There is no official plan out of GSA. GSA clearly agrees that the new Federal building is needed, so it should not be asking too much for somebody who represents them and the community to be told

their plan. Yet they have stubbornly refused to produce one.

I met with Ms. Martha Johnson. I have worked with the PBS Commissioner. They are fine people, wonderful people. I think they are very qualified. But I have asked repeatedly that GSA come up with an official plan to move Kansas City forward. They refused. Bureaucracy has broken its word once again, and I want a chance to tell my colleagues what they have done.

My bottom line, the reason I am on the floor today opposing this nomination is quite simple: As Missouri's senior Senator, my job is to fight on behalf of the people who sent me here. My job is to make sure bureaucrats in Washington do their job and serve the people across the Nation and in Kansas City.

GSA continues to ignore the Kansas City community. My efforts have always been about keeping 1,000 jobs in Kansas City, not blocking one position in Washington.

But my colleagues should be aware that there is more bad news at this very same Bannister Federal Complex. At the same time GSA has been unwilling to move forward on a new building, they have also apparently been unresponsive to the ongoing health concerns of their employees and tenants at the Bannister Federal Complex. In the next day or so, tests will come back on the levels of trichloroethylene, or TCE, a dangerous carcinogen, at the Bannister Complex. These tests were called for after a local TV station reported unexplained illnesses afflicting Bannister workers and a possible link to toxins, such as TCE and beryllium, at the complex. While the pending results of these tests are of great concern—they are of great concern to the employees and their families, but most of all, we are hearing from parents whose children were in a daycare center at the complex. They want to know to what their children might have been exposed.

These scares and reports are coming more and more frequently to us from the Bannister Complex. It is alarming that I learned about this information not from GSA but from the media. Based on media reports, the implications for the health of these workers could be very serious, so I have called for an investigation. I even asked the inspector general of GSA to get to the bottom of these alarming health allegations.

I will work with the proper authorities on all levels of government—the Environmental Protection Agency, the Missouri Department of Natural Resources, the Missouri Department of Health, the Agency for Toxic Substances and Disease Registry—to uncover any additional information. It goes without saying that I will demand more transparent and comprehensive testing throughout the Bannister Com-

plex. For the safety of the workers, we need to know what is going on, what is happening at Bannister, what has gone on in the past, who knew about it, why they did nothing about it, and how to move immediately to protect those potentially at risk.

The bottom line is that these workers deserve answers. The situation at GSA tells the American people that all they can expect out of Washington right now is business as usual, keep going forward, don't listen to the people we are supposed to serve, a government that is out of touch with their concerns and slow to act. I do not support business as usual. For these reasons, I will vote against the nomination and ask my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### DEPARTMENT OF DEFENSE NOMINATIONS

Mr. LEVIN. Mr. President, I wish to take a few minutes to express my frustration and my dismay at the roadblocks which have been placed in the way of Senate nominations for key positions at the Department of Defense. These obstructions take place at a time when these nominees—there are four of them—are critically needed by the Department of Defense. We are a nation at war. Our national security interests require us to end these obstruction tactics and immediately fill these four positions with highly qualified patriots.

Each of these nominees has been favorably reported to the Senate by unanimous vote from the Committee on Armed Services. They responded to extensive advance policy questions. They appeared at a hearing of our committee. Nobody has informed me of any concern about the qualifications of any one of these four nominees. Yet there is an objection here on the floor of the Senate every time these nominations are considered for confirmation. If any Senator has a concern about any of these four Defense Department nominees, I wish they would let me know about those concerns so we can address those concerns. We have heard from nobody. We have unanimous approval by the Armed Services Committee of four Defense nominees. They have been sitting on our calendar since December 2—over 2 months—while these positions go unfilled and we are in the middle of two wars.

One of these nominees is retired Marine Major General Clifford Stanley. He was nominated to be Under Secretary of Defense for Personnel and Readiness. This position is critically important. It is responsible for our military readiness. It is responsible for our total force management. It is responsible for military and civilian personnel requirements that need to be filled. This position is responsible for pay and benefits. Let me repeat this. The pay and

benefits of our military personnel is the responsibility of the person who has been nominated for this position, and he has been sitting waiting for confirmation for 2 months. What kind of a message is this to the men and women who put on the uniform of this country? Military and civilian personnel training is the responsibility of this office, military and civilian family matters, exchange, commissary, non-appropriated fund activities, personnel requirements for weapons support, National Guard and Reserve personnel matters, and health care for the military and their families.

General Stanley was the first African-American regimental commander in the Marine Corps. He has served with honor and distinction. He is now retired. We are lucky we can get someone such as General Stanley to come back into public service to fill this position. Yet there has been a hold on his nomination since December 2.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff have both made personal appeals to me and to other Members, including, I think, the leadership of this body, to confirm General Stanley so he can perform those essential duties which I have outlined. His nomination, again, was unanimously supported by our committee. Our distinguished Presiding Officer is a wonderful member of our committee. No one, again, has brought any problem with this nomination to my attention. No one has said he is not qualified. I think there is unanimous consensus that he is extraordinarily well qualified.

While we have servicemembers, who have volunteered to serve, and their families under great stress, they are fighting for our interests in two wars, we have a critically important person who is awaiting confirmation for a position which affects every one of their lives. It is unconscionable that these roadblocks were placed in the way of these nominees.

Another critical nomination is that of Frank Kendall III, who was nominated to be Deputy Under Secretary of Defense for Acquisition and Technology. The individual confirmed to this position is responsible for assisting the Under Secretary of Defense for Acquisition Technology and Logistics in supervising Department of Defense acquisition, establishing policies for acquisition, including the procurement of goods and services, research and development, developmental testing, and contract administration.

We have all these problems with contracts, with testing, with development, with cost overruns. We reformed our law now so that we have much better acquisition rules in place to try to see if we can't get rid of some of these cost overruns.

We have a nominee to fill the position of Deputy Under Secretary of De-

fense for Acquisition and Technology, and our friends on the other side of the aisle—someone over there—have a hold on his nomination for, I know, no reason related to his qualifications. There has been no issue about his qualifications, about any of the four of these nominees. Again, we have a critical position. As I indicated, particularly we have acquisition reform which we just adopted. It is so essential to control the cost of our national defense. Mr. Kendall's nomination, like General Stanley's nomination, has been before this Senate since December 2, over 2 months.

Another nomination is that of Erin Conaton to be the Under Secretary of the Air Force. We all know her. She is on the staff of the House Armed Services Committee. Nobody has raised an issue about her. We are lucky to have her. Yet there is a hold from the other side of the aisle for some unspecified reason, nothing to do with her. But here she is in a position which is so important to the Air Force.

If designated by the Secretary, the Under Secretary of the Air Force serves as the Department of Defense Executive Agent for Space. She also serves as the chief management officer of the Air Force—we have all these problems, and our Presiding Officer knows about the problems of auditing and knows about the management and the business problems we have in our defense units. He knows it from experience in the Senate. He knows from his own personal life experience how important this is. And we cannot get the woman—who probably is as knowledgeable about this subject as anyone, based on all of her years over at the House Armed Services Committee—we cannot get her off the Senate calendar.

Terry Yonkers has been nominated to be Assistant Secretary of the Air Force for Installations and Environment. This Assistant Secretary is responsible for overall supervision for all matters relating to Air Force installations, environment, and logistics, including planning, acquisition, sustainment and disposal of Air Force real property and natural resources, environmental program compliance, energy management, safety and occupational health of Air Force personnel.

These are important, vital positions to the well-being of our men and women in uniform. It is unconscionable that one or more people on the other side of the aisle continue to put holds on these nominations. They cannot find any problem with their qualifications because there is none. It is just endless holds, endless filibuster threats, endless roadblocks that stop these and so many other nominations. But these are Defense Department nominations in the middle of two wars, and these roadblocks have to be removed.

I hope we will take up all four of these nominations immediately. We

have servicemembers volunteering to risk their lives in defense of the Nation. The least we can do—the least we can do—as a Senate is to confirm nominees for the critical positions to lead the Department of Defense.

Again, finally—and I know my great friend from Illinois is sitting 3 feet away from me and has made the same suggestion, as he has pressed so hard to get these roadblocks removed—if anybody has a problem with these nominees, would they please come to the floor and tell us. They can tell us, hopefully, publicly, but they could tell us privately. We have heard nothing. These nominees—all four of them—were unanimously approved in the Armed Services Committee. So we don't know of any problem. We know their qualifications, and they are extraordinary in every one of their cases.

This filibustering that is going on around here and the threat of filibustering and the constant roadblocks that are thrown up in front of these nominees is unconscionable. It goes beyond anything I have ever seen around here in 32 years. We all know there are people who object to nominees, but, hopefully, usually because they have an objection against something the nominee has done or said. In this case, there is nothing like that. This is some unrelated matter, apparently, which has caused somebody to hold them hostage while they try to extract some concession out of somebody.

It seems to me, as a body, we simply have to find a way where we can get our nominations back on a reasonably decent track. I say that, with greater emphasis, when in the middle of two wars we have four essential nominees.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEVIN. Yes.

Mr. DURBIN. I would tell the Senator I am not 100 percent pure. I have held up a nomination in the past, but I always state my purpose. The two I can recall immediately were to get agencies to do things they said they would have done long before and, in fact, they did them and I released my hold immediately. It was issuing a report. It wasn't a matter of filling a job or a project or something such as that. So it has been done. But I think if it is done with transparency and in a timely way, we can live with it. In this situation, we are seeing our Executive Calendar stacked with nominations.

There was one in particular, which I spoke about the other morning, that struck me—Dr. Stanley, who is trying to take a position with, if I am not mistaken, manpower and readiness.

Mr. LEVIN. In charge of it; right.

Mr. DURBIN. For the Department of Defense. If I remember correctly, this gentleman has served 33 years in the U.S. Marine Corps, was a major general, and he was the first African-American regimental commander in

the history of the U.S. Marine Corps. It is clear he is qualified. There is no question about his patriotism and love of this country. The fact he would go through this process—let them go through every aspect of every corner of his life to prepare him for this nomination—and then be held up on the floor by the Senator from Alabama, I would ask the Senator: When he was considered before your committee, did anyone question this man's ability or his service to our Nation?

Mr. LEVIN. Quite the opposite. His references were superb. Not only was there no objection raised, it was quite the opposite. We were delighted he was willing to come out of retirement and serve. This is a real find. These nominees are performing a real public service, in many cases taking a lot less money in pay than they could get in the private sector.

I agree with my good friend from Illinois too. Many of us—I will not say all of us—including myself, have placed holds on nominations. That is not unusual. But usually there is some reason you have that you are willing to disclose and you want to take up with the nominee or you want some report that has not been filed that was promised. You want something that relates to the nominee. The objections here, the roadblocks here have nothing to do with these nominees. There is no objection to these nominees.

I see my good friend from Vermont has come to the floor. He has to live with this a lot more than I have to with this. This is probably 20 percent of my time. He has roadblocks in front of the Judiciary Committee nominees that take up probably more than half Senator LEAHY's time.

Mr. LEAHY. If my two friends will yield on that point, it has gone way beyond anything I have seen in my 35 years in the Senate, by either Democrats or Republicans. It is ridiculous.

I will give one example—not my committee, but I mentioned it the other day. During the height of the H1N1 flu, every morning you could pick up the paper or hear of children—little children—dying while there was an anonymous hold by the Republicans on the Surgeon General. You would think, particularly at a time such as that, you would want to have everybody you could have there. This was blocked for months and months and months. Finally, the hold was lifted and she was confirmed unanimously.

We have had judges supported by both parties, and the nominations have come out of the committee. The distinguished deputy majority leader is a member of the committee, and he knows they have come out unanimously. Yet they are held up for months. We finally vote cloture, waste 3 days of the public's time—at a cost of tens of thousands, hundreds of thousands of dollars—only to then have a vote and it be virtually unanimous.

I mean, this is being childish. It goes beyond misusing a parliamentary procedure. It becomes childish.

I thank my two colleagues for letting me speak to this.

Mr. LEVIN. I yield my time.

Mr. DURBIN. Mr. President, I know my colleague from Vermont is going to take the floor, but I would ask for his indulgence.

I ask unanimous consent to be recognized for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAREWELL TO SENATOR KIRK

Mr. DURBIN. Mr. President, in my era in politics, one of the most frightening things you could ever hear when you were about to go into an event was when the host of that event called you to the side and said: You will be speaking following Ted Kennedy. That was the worst news you could receive. No one in the world wanted to follow Ted Kennedy. He was that good and well loved and a man who had given his life to public service and to the State of Massachusetts.

Well, our friend, PAUL KIRK, who is seeing his tenure in the Senate come to an end either today or this week had the unfortunate responsibility to follow that great man. But if there was ever a person who could stand and take the job, it was PAUL KIRK. He came to the Senate not just as a former staffer of Senator Ted Kennedy after Senator Kennedy passed away but as truly a very close friend of Senator Kennedy.

On the day he was sworn in, Senator PAUL KIRK of Massachusetts said he assumed his duties feeling “the profound absence of a friend” but a “full understanding of his devotion and understanding of public service.”

PAUL KIRK promised to be a voice and a vote for the causes which Senator Kennedy believed in, and for 4 months and 10 days he has honored that promise to his old friend and to the people of Massachusetts.

I will tell you that PAUL KIRK, in his short time here, has served with dignity and integrity. We thank him and his wife Gail, who made a personal sacrifice to let her husband come and take up this responsibility for this important chapter in his life and this important chapter in the history of the Senate.

I think it is fair to say PAUL KIRK never dreamed he would be a Senator. He graduated from Harvard Law School in 1964. He worked as an assistant district attorney in Massachusetts. He came to Washington in 1968 and worked on Senator Robert Kennedy's Presidential campaign. He considered quitting politics, as many people did, after Robert Kennedy's political assassination. But Ted Kennedy convinced him to pick up the fallen standard and carry on Bobby's work.

For the next 8 years, PAUL KIRK worked in this Senate as one of Ted

Kennedy's closest aides. He was with Senator Kennedy in 1980, when the last of the Kennedy brothers ran for President. I remember that so well as the downstate coordinator of the Ted Kennedy for President campaign in Illinois.

In 1985, PAUL KIRK took on the challenge of chairing the Democratic National Committee in the middle of the Reagan era—quite a political challenge for any Democrat. He served as co-chairman of the Commission on Presidential Debates, and he has been chairman of the John F. Kennedy Library Foundation since 1992.

PAUL KIRK is a good fellow, with a great sense of humor. I can tell you what has been said about him. He has never been known for excitement. One friend said of Paul Kirk several years ago: Behind that quiet exterior is a quiet interior. He is that sort of person—soft spoken but effective. He may not speak in a lion's roar, as Ted Kennedy did, but his reverence for America and his belief in this great Nation and his sense of justice is just as strong. On the Saturday before Thanksgiving, during the historic effort to break the filibuster on health care reform, Senator PAUL KIRK came to the floor and told the story of a young woman from Somerville, MA, who had finished college, prepared for graduate school, and who suffered organ failure. In many States, that woman might have quickly found herself in a critical state and in medical debt and surely she wouldn't have been able to find insurance.

But because of Massachusetts's first in the Nation, near universal health care program, PAUL KIRK told us that young woman could still obtain affordable health care, even though she now has what is characterized as a pre-existing condition that will require her to be on medication for the rest of her life.

Senator Kennedy was proud of what Massachusetts, his home State, had achieved in health care. Ensuring that Americans in every State had decent, affordable health care, PAUL KIRK said, was the “cause of his life.” It has been Senator KIRK's consuming goal in the Senate, and I hope it will soon become a reality. We are too close to a solution on health care—and the need is too great—for us to stop now.

In 1968, when Ted Kennedy became majority whip—the position I now hold in the Senate—then-majority leader Mike Mansfield welcomed him to the leadership by saying: “Of all the Kennedys, the Senator is the only one who was and is a real Senate man.” Part of what made Ted Kennedy a real Senate man was his personality and his inexhaustible patience and optimism. Part of it was his knowledge of how the Senate works and part was his great staff.

The Kennedy staff has always been known as the A-Team in the Senate. They are smart, they are talented,

they are dedicated, and after they leave Ted Kennedy, they go places unimaginable for most staffers because they are so highly regarded. Some have been with Senator Kennedy for decades and continue with Senator KIRK, including the legendary Carey Parker, the Senator's chief speech writer; Michael Myers, whom I know well from his activities on the floor, the Senator's staff director on the HELP Committee, who worked so hard on health care reform. He has been amazing.

I wish to thank all the staffers for Senator KIRK, and previously for Senator Kennedy, for carrying on that standard of justice and fairness. I thank them as a group for their service to Massachusetts and to America. It is because of them, and countless others whom Senator Kennedy touched, myself included, we have been enlisted in the Kennedy causes and the Kirk causes with a great deal of pride.

A special thank-you to the Kennedy family—especially Vicki, Kara, Ted, and Patrick, Caroline and Curran—for sharing so much of the man they loved with the Nation he loved.

Finally, I wish to welcome to the Senate—and in a short time he will come to be sworn in—Senator SCOTT BROWN. As Senator Kennedy would have said, if he were here: *faillite*. He was always eager to reach across the aisle and find solutions to the problems we face. I look forward to an opportunity to do the same with Senator BROWN in the Senate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see my friend from Wyoming on the floor, and he has been recognized, but I ask unanimous consent that when he finishes, I be recognized for 10 minutes to speak about Vermonters who have been in Haiti helping with the devastation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I yield myself 10 minutes of Senator BOND's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NEW CLIMATE CHANGE ALLEGATIONS

Mr. BARRASSO. Mr. President, there has been significant attention given to efforts by the United Nations to establish a global climate change agreement. The effort has been based, in large part, on information contained in reports prepared by the United Nations Intergovernmental Panel on Climate Change.

Supporters repeatedly cite figures and conclusions in the U.N. reports to justify a complete overhaul of the world economy. Supporters have been steadfast in claiming the report is conclusive, in claiming the scientific data is solid, and in claiming the integrity of the findings are above reproach. Any

mistakes identified and pointed out are minimized and ignored.

They have been singing this song for years. The U.N.'s top climate official is Dr. R.K. Pachauri, and the chorus of defenders of the U.N. reports have grown louder in recent months as the house of cards they have built is falling apart.

There have been disclosures of e-mails that show scientists manipulated the sciences; there have been nonscientific materials utilized to reach scientific conclusions; there has been scientific conclusions that are not properly peer reviewed. Each week, the list of errors grows. The excuses from Dr. Pachauri, the man in charge of the U.N. climate change reports, well, they have been wearing thin.

I come to the floor as a Senator who serves on both the Energy Committee and the Environment and Public Works Committee. I come to the floor to tell you and our Nation the United Nations' scientists are manipulating data to further political goals—political goals of passing a climate change accord that will cost the world billions.

This is not my accusation. The person making the charge is the person who verified the false conclusion.

It is better to hear it in the person's own words:

His name is Dr. Murari Lal. Dr. Lal is a retired Indian academic, now a consultant. He was one of the four lead authors of the Asia chapter of the U.N. report.

He is also behind the bogus claim in United Nations climate change reports that Himalayan glaciers will have melted by 2035.

He admitted that this scientific "fact" as climate change supporters like to state, was included in the report "purely to put political pressure on world leaders."

Let me repeat—he said this so called "fact" was included in the United Nations report "purely to put political pressure on world leaders."

According to Dr. Lal, "It related to several countries in this region and their water sources."

"We thought that if we can highlight it, it will impact policy makers and politicians and encourage them to take some concrete action."

The so called "fact" in the report is just not true.

On January 21, the Economist stated that when informed about the error the United Nations "did nothing" and the claims were "airily dismissed by Rajendra Pachauri."

The Times of the U.K. reports a second factually inaccurate conclusion. It reports that the United Nations wrongly linked global warming to natural disasters.

In an article written by Jonathan Leake, he stated that: The United Nations climate panel faces new controversy for wrongly linking global

warming to an increase in the number and severity of natural disasters such as hurricanes and floods.

The original link between climate change and natural disasters was based on an unpublished report. According to the Times the report "had not been subjected to routine scientific scrutiny"—and ignored warnings from scientific advisers that the evidence supporting the link was "too weak."

Despite the warnings once again, the United Nations Intergovernmental Panel on Climate Change included the fiction in its report.

Today the claim by the U.N. that global warming is already affecting the severity and frequency of natural disasters is a large part of the political debate across this country.

How many politicians made the claim that Hurricane Katrina was the result of climate change? Well now they know the inconvenient truth.

According to the Times of the U.K., the actual authors of the claim on natural disasters withdrew the claim—but the United Nations did not.

Every day new scandals emerge about the so called "facts" in the U.N. reports.

Claims that ice is disappearing from the world's mountain tops were apparently based on a student dissertation and an article in a mountaineering magazine.

It was revealed that green activists with little scientific experience were the source for unsubstantiated claims that global warming might wipe out 40 percent of the Amazon rainforest.

These revelations are in addition to the released e-mails by the Climatic Research Unit at East Anglia University. These are the e-mails that first raised serious questions about the conduct of U.N. and even U.S. scientists.

These e-mails demonstrate a coordinated effort by trusted climate scientists to suppress dissenting views and manipulate data and methods to skew the U.N. reports to reach a politically correct view of the impact of climate change.

Scientists at the Climatic Research Unit said that they "admitted throwing away much of the raw temperature data on which their predictions of global warming are based."

The lack of any raw data prevents other scientists from checking their work and raises additional questions about the accuracy of the data used in the U.N. reports.

The actions by scientists and others to suppress data that contradicts their conclusions is misleading, unethical and unacceptable.

Their conduct needs to be investigated.

Senator INHOFE and I have written U.N. Secretary Moon to have the U.N. conduct an independent investigation into the original climate gate revelations.

That request has not been acted upon.

Revelations of ongoing scientific fraud at the United Nations Intergovernmental Panel on Climate Change is disturbing.

Concrete action by world leaders is needed.

The integrity of the data and the integrity of the science has been compromised.

Today, I call for government delegations of the U.N.'s general assembly and U.N. Secretary Moon to pressure Dr. Rajendra Pachauri to step down as head of the United Nations Intergovernmental Panel on Climate Change.

It is time to conduct an independent investigation into the conduct of the Intergovernmental Panel on Climate Change.

Dr. Pachauri should be removed from any involvement with the investigation.

Recent reports over the weekend raise questions about whether or not Dr. Pachauri knew of the false information in the U.N. report months prior to the disclosure.

These claims, first reported in the Times of the U.K., stated that:

Pachauri was told that the Intergovernmental Panel on Climate Change assessment that glaciers would disappear by 2035 was wrong, but he waited two months to correct it.

If proved true, this would mean that Pachauri failed to alert the world to this mistake before the December Copenhagen conference.

Investor's Business Daily in an editorial stated:

If we're serious about restoring science to its rightful place, the head of the UN's panel on climate change should step down. Evidence shows he quarterbacked a deliberate and premeditated fraud.

Walter Russell Read, project director for Religion and Foreign Policy at the Pew Forum was quoted in Investor's Business Daily Tuesday February 2 as saying:

After years in which global warming activists had lectured everyone about the overwhelming nature of the scientific evidence, it turned out that the most prestigious agencies in the global warming movement were breaking laws, hiding data and making inflated, bogus claims resting on, in some cases, no scientific basis at all.

President Obama, Secretary of State Clinton, and U.N. Ambassador Rice need to apply all the necessary pressure to ensure that Dr. Pachauri is removed.

I also call on President Obama to direct his cabinet to stop supporting any policies that relied in whole and in part on the fraudulent United Nations reports.

It is time to have the scientific data behind such policies independently verified.

Administration policies relating to climate change will cost millions of Americans their jobs.

We need to get this right.

To continue to rely on these corrupted U.N. reports is an endorsement of fraudulent behavior.

It is a signal to the American people that ideology is more important than their jobs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

HAITI

Mr. LEAHY. Mr. President, on January 22 I spoke in this Chamber about the earthquake that struck Haiti on January 12 and the unprecedented devastation it caused. We now know that an estimated 3 million people have been affected, including some 700,000 people displaced from Port-au-Prince and living under plastic or other makeshift shelter. As many as 200,000 more may have died; tens of thousands have suffered injuries, including many whose limbs had to be amputated, some as the only way to save their lives and to extricate them from the rubble. Hundreds of thousands of children have lost one or both of their parents. It is hard to quantify the scale of human suffering.

Think of it. Thousands of commercial buildings, 200,000 homes, the presidential palace, the national cathedral as well as the parliament building, the government ministries, U.N. headquarters were either heavily damaged or destroyed. Roads, ports, and communication infrastructure were extensively damaged.

Ninety percent of the schools in Port-au-Prince have been destroyed. This rebuilding is going to take years, even with the help of the international community, the United States, working side-by-side with the people of Haiti.

The generosity of the American people as well as people from so many other countries has been extraordinary. Hundreds of millions of dollars have been raised from private organizations, foundations, corporations, and individuals, including schoolchildren. There have been countless tons of donations of food, clothing, medicines, and other supplies. It is especially heartening to see the commitment and dedication of volunteers, many of whom after they received word of the earthquake immediately began to pack their bags to travel to Haiti to help any way they could—not sure of where they would stay but knowing they had skills that were needed.

One such group is the Vermont Haiti Relief Team. It includes members of the Vermont Haiti Project and the Vermont Federation of Nurses and Health Professionals. They traveled to Haiti. I talked with some of them who helped with the recovery, I heard and read their stories, I have seen the photographs they sent back. Here is one photograph—the nurses are carrying, obviously, a patient on a stretcher.

As a Vermonter, as an American, I could not be more proud of the life-saving work they are doing. Our little State of Vermont, as far north from Haiti as it could be—right up there on the Canadian border—answered the call to help a neighbor in the hemisphere.

On January 20, 11 volunteer doctors, nurses, and other health professionals from Vermont arrived in Jimani, Dominican Republic. That is a remote border town where some of the injured from Haiti were taken immediately after the earthquake and where many more have arrived.

The Vermont health workers joined other doctors and nurses to care for hundreds of patients in the hospital. They coordinated helicopter and ambulance transports, they established clinics to evaluate and treat injuries. They cared for over 250 amputees. They worked tirelessly to meet the needs of the victims and their families.

What they did helped immeasurably. I look at this one photograph—at one of the nurses helping this child. Some couldn't speak the language. None of them knew the people before they went there. All they knew was that the Haitians are fellow human beings, suffering, and they felt, as we do in Vermont and in so many other places: If your neighbor is hurting, you are hurting, and so you help your neighbor. They went and helped.

It is life-saving work. But it is also life-changing work. These Vermonters will return home having endured, improvised, and made a difference through the experience of a lifetime. How many of us can say we have done something that made such a difference in someone's life? They have, but their own lives have also been changed.

They were confronted with hundreds of injured people. They had just a handful of medical personnel, no supplies, and they worked around the clock with volunteers from Haiti, the Dominican Republic, and many other countries. Sometimes the electricity worked, sometimes it did not. Death surrounded them. But many of those who would have died survived because of the care of these Vermonters.

The team also traveled to Fond Parisien, Haiti, where a clinic was established. They worked with Haitians and other relief organizations to create a wound clinic, and a hospital for hundreds of displaced persons.

After 2 weeks working in difficult conditions, the first team of Vermonters is coming home. They are exhausted physically and emotionally, but they are proud of the help they provided to their Haitian patients and of being able to represent Vermont in the relief effort. This Vermonter is proud of them and proud of a second team that has now arrived in Haiti and has begun working.

The Vermont Haiti Relief Team hopes to continue to send volunteers

for 2-week rotations to support the hospital in Jimani and the clinic in Fond Parisien for the next 3 to 6 months.

I have been to Haiti. I know what a poor country it is. My wife Marcelle is a registered nurse, now retired. She has gone to those hospitals. She has seen how little there is to work with. She knows that somebody coming with the equipment that's needed, the supplies that were lacking, what a difference that makes.

Marcelle and I are very impressed with the commitment of those Vermont volunteers. It is emotionally and physically exhausting, but no less rewarding. I thank them for their hard work and dedication, for their selfless example.

What happened in Haiti was as great a natural disaster as any one of us will ever hear of. But what it has done is spark the generosity of people everywhere. The help has to continue. I will make sure of that as chairman of the State and Foreign Operations Subcommittee.

Thanks to this small group of Vermonters who went down there, lives were saved, lives were changed, children were rescued. We Vermonters are proud.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the nomination of Martha Johnson occur at 2:45 p.m., with the time until then divided equally; with the provisions of the order governing this nomination remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask further unanimous consent that upon disposition of the nomination of Martha Johnson, and the Senate resuming legislative session, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes, except when Senator KIRK is recognized, he be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BLACK HISTORY MONTH

Mr. BURRIS. Mr. President, we remember the giants of American history, those who led troops into battle, or rose to high office, or gave their lives for something greater than themselves; the warriors, the statesmen, the heroes who fought to defend our values and our freedoms.

We quote their words and etch their names into stone. We rightfully honor their place in the annals of history.

But the quiet moments of our history are often overlooked.

There are many unsung heroes whose actions give shape to our national identity. Too frequently, these brave men and women are pushed to the margins or relegated to obscurity.

That is why I am here today to honor one woman who did not fight in wars, give great speeches, or perish on the battlefield.

Make no mistake: those pursuits are noble, and it is right that we honor them.

But our quiet heroes have just as much claim to our national attention, and also deserve our respect and praise.

So today I would ask my colleagues to pause and to think of just such a quiet American hero:

She never wore a uniform, though in a sense she led a great and diverse army. She never rose to high office, although she paved the way for others, including myself to do so.

Rosa Parks began her life in a world that largely considered her to be undeserving of equal rights. She knew the injustice of segregation, and was no stranger to racism and hatred.

She grew up poor in Tuskegee, AL, where she wasn't even allowed to ride the bus to school.

But, thanks to a life of principled activism, and a moment of quiet courage on a city bus in Montgomery, this poor country girl would grow into a strong woman whose name became synonymous with "freedom" and "equality."

And when she passed away, not on a foreign battlefield, but quietly in her home, at the age of 92, she was mourned by her friends and neighbors from back home in Alabama, but also by an entire nation, in a funeral held at the National Cathedral and lasting a full 7 hours.

Such was the impact that Rosa Parks had on our social and political landscape.

Such was the indelible mark left by her decision, on that first day of December in 1955, to say "no."

To refuse to accept that she was a second-class citizen.

To claim what was rightfully hers as an American, not by force, and not by attacking or degrading her fellow man, but by insisting, with quiet conviction: I am your equal. I am any man or woman's equal.

On that day, she knew that her cause was just. She had unshakable faith not only in the righteousness of her beliefs but in the heart and soul of this great nation that its people would turn away from bigotry and hate, that unjust laws could be changed, and that the great promise of America lives not in the imperfect here and now, but in our ability to define who we wish to become, to chart our own course, and remake our destiny.

Rosa Parks was not alone in this belief. There were many others, from all backgrounds and walks of life, who shared a similar faith in American ideals.

But, by refusing to give up her seat on that bus in Montgomery, Rosa Parks brought those ideals to life.

She helped give wings to a movement that grew, and gathered steam, and inspired millions to work tirelessly on the side of justice and equality.

Today, Rosa Parks would have celebrated her ninety-seventh birthday. Just this morning, I joined Leader REID and our Congressional colleagues to commemorate this milestone.

And as we observe Black History Month, I can think of no finer way to begin this time of remembrance and celebration than by honoring the legacy of a great American like Rosa Parks.

So I ask my colleagues to join me in remembering this quiet pioneer and millions of others like her, ordinary people who are not afraid to reach for extraordinary things.

Regular folks who see this country and this world as they are, but are not afraid to imagine what they can be.

Few of these unsung heroes will ever see their names in print, or etched into our collective history, but all remind us of the enduring greatness of the United States of America and the fundamental goodness of our fellow human beings.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule



XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of the General Services Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 82, nays 16, as follows:

[Rollcall Vote No. 19 Ex.]

YEAS—82

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Feingold   | Mikulski    |
| Barrasso  | Feinstein  | Murkowski   |
| Baucus    | Franken    | Murray      |
| Bayh      | Gillibrand | Nelson (NE) |
| Begich    | Graham     | Nelson (FL) |
| Bennet    | Hagan      | Pryor       |
| Bingaman  | Harkin     | Reed        |
| Boxer     | Inhofe     | Reid        |
| Brown     | Inouye     | Roberts     |
| Brownback | Johanns    | Rockefeller |
| Burr      | Johnson    | Sanders     |
| Burris    | Kaufman    | Schumer     |
| Byrd      | Kerry      | Shaheen     |
| Cantwell  | Kirk       | Snowe       |
| Cardin    | Klobuchar  | Specter     |
| Carper    | Kohl       | Stabenow    |
| Casey     | Landrieu   | Tester      |
| Coburn    | Lautenberg | Thune       |
| Collins   | Leahy      | Udall (CO)  |
| Conrad    | LeMieux    | Udall (NM)  |
| Corker    | Levin      | Vitter      |
| Cornyn    | Lieberman  | Voinovich   |
| DeMint    | Lincoln    | Warner      |
| Dodd      | Lugar      | Webb        |
| Dorgan    | McCain     | Whitehouse  |
| Durbin    | McCaskill  | Wyden       |
| Ensign    | Menendez   |             |
| Enzi      | Merkley    |             |

NAYS—16

|           |           |          |
|-----------|-----------|----------|
| Alexander | Grassley  | Risch    |
| Bond      | Gregg     | Sessions |
| Bunning   | Hatch     | Shelby   |
| Chambliss | Isakson   | Wicker   |
| Cochran   | Kyl       |          |
| Crapo     | McConnell |          |

NOT VOTING—2

Bennett                      Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 16.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, with the storm fast approaching, I think it is to everyone's advantage we complete our work today. So I am convinced this will be the last vote of the day. Now, I would say this. I have been working with Senators GRASSLEY and BAUCUS, and, of course, the Republican leader, trying to get something keyed up for Monday, and I think we are making a lot of progress in that regard.

It appears we are going to have a cloture vote on a nominee on Monday. I already talked to the Republican leader about this several days ago. We are also going to move forward on a jobs package Monday. We are either going to do one on a bipartisan basis—I sure hope we can do that; it really would be good for the country and good for us—if not, we will have to do one that will be my amendment rather than an amendment of a bipartisan group of Senators. So I hope we can do that. But we will have that worked out later today more than likely. But this will be the last vote for the day.

Madam President, we also are working on someone to replace Judge Alito in the New Jersey Circuit, and his name is Joseph Greenaway. We hope that can also be done on Monday.

Mr. LEAHY. Madam President, in order to vote on the nomination of Martha Johnson to head the General Services Administration, the Senate was required to overcome the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many others who have been denied up-or-down votes in the Senate by the anonymous obstruction of Republicans refusing to agree to time agreements to consider even noncontroversial nominees. There have been as many filibusters of nominations as there have been confirmations of Federal judges in President Obama's first 2 years in office.

This 15th filibuster is three times as many as there were in the entire first 2 years of the Bush administration. Was it not just a few years ago that Republicans were demanding up-or-down votes for nominees, and contending that filibusters of nominations were unconstitutional? Again, the 15 filibusters of nominations matches the total number of Federal judges confirmed in President Obama's first 2 years in office.

In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. By this date during President Bush's first term, the Senate had confirmed 31 circuit and district court nominations, compared to only 14 during President Obama's first 2 years. In the second year of President Bush's first term, the

Democratic majority in the Senate proceeded to confirm 72 judicial nominations, and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

The obstruction and delay does not only affect judicial nominees and our Federal courts. Martha Johnson is the second executive branch nominee this week that has been filibustered by Republicans. Her nomination has been stalled on the Senate Executive Calendar since June 8 due to the opposition of a single Republican Senator over a dispute with GSA about plans for a Federal building in his home State. The will of the Senate and the needs of the American people are held hostage by a single Senator.

Overall, as of this morning, there were more than 75 judicial and executive nominees pending on the Senate Executive calendar.

Yesterday, at the Democratic Policy Committee's issue retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible and to commit to work with us, both Republicans and Democrats, to get these nominees confirmed. So far since taking office, the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

Well, this is going to be a priority. Look, it's not just judges, unfortunately, Pat, it's also all our federal appointees. We've got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.

On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—Evan Bayh, Democrat; Dick Lugar, Republican; all recommended. How long did it take us? Six months, six, seven months for somebody who was supported by the Democratic and Republican senator from that state. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.

Let's have a fight about real stuff. Don't hold this woman hostage. If you have an objection about my health care policies, then let's debate the health care policies. But don't suddenly end up having a GSA administrator who is stuck in limbo somewhere because you don't like something else that we're doing, because that doesn't serve the American people.

I could not agree more with President Obama. This should not be the way the Senate acts. Unfortunately, we have seen the repeated use of filibusters, and delay and obstruction have become the new norm for the Republican in the Senate. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100

filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican minority must believe that this partisan playbook of obstruction will reap political benefit for them and damage to the President. But the people who pay the price for this political calculation are the American people who depend on the government being able to do its job. I hope that Republican Senators will rethink their political strategy and return to the Senate's tradition of promptly considering noncontroversial nominations so that we can work together to regain the trust of the American people.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services?

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Georgia (Mr. ISAKSON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 20 Ex.]

#### YEAS—96

|           |            |            |
|-----------|------------|------------|
| Akaka     | Conrad     | Johnson    |
| Alexander | Corker     | Kaufman    |
| Barrasso  | Cornyn     | Kerry      |
| Baucus    | Crapo      | Kirk       |
| Bayh      | DeMint     | Klobuchar  |
| Begich    | Dodd       | Kohl       |
| Bennet    | Dorgan     | Kyl        |
| Bingaman  | Durbin     | Landrieu   |
| Bond      | Ensign     | Lautenberg |
| Boxer     | Enzi       | Leahy      |
| Brown     | Feingold   | LeMieux    |
| Brownback | Feinstein  | Levin      |
| Bunning   | Franken    | Lieberman  |
| Burr      | Gillibrand | Lincoln    |
| Burris    | Graham     | Lugar      |
| Byrd      | Grassley   | McCain     |
| Cantwell  | Gregg      | McCaskill  |
| Cardin    | Hagan      | McConnell  |
| Carper    | Harkin     | Menendez   |
| Casey     | Hatch      | Merkley    |
| Chambliss | Inhofe     | Mikulski   |
| Cochran   | Inouye     | Murkowski  |
| Collins   | Johanns    | Murray     |

|             |          |            |
|-------------|----------|------------|
| Nelson (NE) | Schumer  | Udall (CO) |
| Nelson (FL) | Sessions | Udall (NM) |
| Pryor       | Shaheen  | Vitter     |
| Reed        | Shelby   | Voinovich  |
| Reid        | Snowe    | Warner     |
| Risch       | Specter  | Webb       |
| Roberts     | Stabenow | Whitehouse |
| Rockefeller | Tester   | Wicker     |
| Sanders     | Thune    | Wyden      |

#### NOT VOTING—4

|         |           |
|---------|-----------|
| Bennett | Hutchison |
| Coburn  | Isakson   |

The nomination was confirmed.

#### CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall 20, I voted "no." It was my intention to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, on rollcall vote 20, I voted "no." My intention was to vote "aye." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above orders.)

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from North Dakota is recognized.

#### JOHNSON NOMINATION

Mr. DORGAN. Madam President, I will be brief. The vote that just occurred was a vote on the nomination of Martha Johnson, of Maryland, to head the General Services Administration. That vote was reported by the committee unanimously to the U.S. Senate on June 8 of last year—June 8 of last year. It has been blocked since that moment, and now we have a vote. We didn't have a vote in July, August, September, October, November, December, or January; we had it now, 7 or 8 months later. After blocking it for 7 or 8 months, 92 Senators voted yes. Explain to the American people how you block a nomination for 7 months that you support. Try to explain that. In my judgment, it is a shameful disrespect for good government to block nominations for month after month after month.

The same is true with individual issues that are brought to the floor of the Senate. I will give you a couple of examples. An appropriations bill was blocked on the floor of the Senate, and then 80 people voted yes. A credit card holders' bill of rights was blocked in the Senate, and then 90 people voted yes. The Department of Defense appropriations was filibustered in the Senate, and then 88 Senators voted yes on that.

If ever there were a demonstration for all to see how unbelievably broken this process is, it is today, once again, that after 7 or 8 months, a very qualified candidate, reported out unanimously from the committee of jurisdiction to head the GSA now gets 92 people to vote yes, which means we have a lot of people who block things they intend to vote for later. It is an unbelievable example of why this place doesn't work. A minimum amount of cooperation, in my judgment, would go a long way to helping make this place work the way it should. This nomination should have taken 10 minutes on the floor of the Senate last June after it was reported out unanimously by the committee of jurisdiction.

If I sound irritated by what is going on, I think a good many Members of the Senate are irritated by what I believe is a show of disrespect for good government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

#### MEDICAID READJUSTMENT RATE

Ms. LANDRIEU. Madam President, I know that under the previous arrangement, the Senator from Massachusetts will be giving his farewell remarks. I would like to speak for the next 4 minutes prior to him coming to the floor.

I spoke on the floor earlier explaining to my colleagues and providing some additional information about the fair resolution the Senate came to to help Louisiana and any other State that would have been similarly impacted through a very difficult Medicaid readjustment rate. I spoke at length this morning about that.

I want to show this chart that clearly outlines our particular and unique and disastrous situation. Since 1999, and before, the State of Louisiana—and the occupant of the chair was a Governor, so she knows—paid approximately 30 percent of our Medicaid dollars and the Federal Government picked up about 70. We are in the lower one-third of States on a per capita basis and have been since the Civil War, and we remain that way to this day.

What happened after Katrina and Rita was, because of the great generosity not only of this body and the Congress and the former President and the current President and private sector dollars—billions and billions of dollars poured into our State, driving our

per capita income up an unprecedented 40 percent. That has never happened in the history of the Medicaid Program. The State that comes closest to a per capita increase, I believe—or several States increased by only 14 percent.

The bottom line is, if our delegation had not sought some fix, some arrangement, some workout of this problem, the people of Louisiana, who have been impacted by the largest disaster in recent memory, would have had to pay \$472 million more for basically the same program. The formula was flawed.

The point I want to make in my final minute is this: I am proud to lead this effort to fix this. The effort was not a secret effort; it was a public effort—called for by the Republican Governor, Bobby Jindal, in a press conference 2 weeks before Barack Obama was sworn in as President—to talk about this issue in a public forum, not a private forum. It was not a last-minute effort; it started a year ago. It was not a special deal for me; it was a timely and fair resolution for the people of Louisiana—one which they still deserve.

The consequences of failure, in my final 15 seconds, are that the people of Louisiana, if this is not fixed—a health care issue on a health care bill—if it is not fixed, the people of Louisiana will have to either cut \$472 million out of our budget this year—and that is a lot of money out of a budget, even by Washington standards—or raise taxes.

I will continue to come to the floor to speak proudly, openly, and forcefully about this issue. I thank the Senator from Massachusetts for allowing me to clarify a few points.

I ask unanimous consent to have a group of documents printed in the RECORD to substantiate what I have said today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA, DEPARTMENT  
OF HEALTH AND HOSPITALS, OFFICE  
OF THE SECRETARY,

*Baton Rouge, LA, April 6, 2009.*

Hon. CHARLES E. JOHNSON,  
Interim Secretary, U.S. Department of Health  
and Human Services, Washington, DC.

DEAR SECRETARY JOHNSON: Since Hurricanes Katrina and Rita struck the gulf coast in 2005, several federal agencies, including the Department of Health and Human Services, have contributed significant financial resources in the recovery effort. Many of the initiatives continue, and we are grateful for the ongoing work being done by HHS to assist Louisiana.

I write today to share with you what seems to be an unintended consequence of the bold financial initiatives undertaken since 2005. Billions of dollars have been infused into Louisiana's economy following the damage caused by the failure of the federal levee system—dollars for which we are grateful, but which we also know are temporary by their nature. Unfortunately, as calculations are performed by the federal government to determine federal participation for Medicaid, it has become clear the federal formula for es-

timation of federal match for Louisiana has become significantly artificially skewed by the infusion of these dollars into the calculation of per-capita income.

Louisiana's federal match for Medicaid typically has been expected to range somewhere between 69.6 percent and 73 percent with very small variations from year-to-year. However, according to forecasts provided by Federal Funds Information to States (FFIS), and our own calculations, it appears our FMAP will decline for FFY 10 from its current nearly 72 percent to 67.6 percent, and then again for FFY 11 to 63.1 percent. Similarly, our enhanced match for CHIP will decline from 80 percent to 74 percent. According to FFIS, these calculations are based on what appears to be a 42 percent increase in Louisiana's per-capita income from 2005–2007—an increase otherwise not typical by any reasonable definition of income without the inclusion of the multitude of one-time recovery dollars included by the BEA in their calculations.

The federal formula for FMAP is deliberately established by Congress to utilize a three-year running average so as to avoid such sudden spikes or decreases. Even with such safeguards, however, Louisiana is facing the largest decrease in FMAP in the nation, and at an alarming rate, based on currently forecast expenditures, which assume significant current-year and proposed reductions in spending for the next fiscal year, the lost federal match will annualize to an estimated \$700 million. Importantly, this lost federal revenue is net of the stimulus—meaning it is a reduction from our Medicaid program in addition to the reduction that will take place when the stimulus expires.

The projected major reduction in FMAP will converge by January, 2011 to pose a cataclysmic challenge upon the expiration of the stimulus. Many states are in a position to plan for the loss of stimulus dollars, particularly if their FMAP is remaining in a static state. In fact, FFIS estimates 21 states will see an increase in their FMAP in FFY 11, while other states are protected by the floor. However, with Louisiana literally going from an 80 percent stimulus FMAP rate to a 63 percent FMAP beginning in January, 2011, the sudden decrease is simply not manageable without a sudden and dramatic blow to our program, its providers and, most importantly, to the 26 percent of our population—mostly children—who rely upon the financial solvency of the program.

Louisiana has a very honored tradition of enrolling our lowest income children in health coverage, with only 5 percent of our children currently being estimated to be without coverage. Thanks in large part to the approval of HHS, we expanded access to children up to 250 percent of the federal poverty level in January, 2008, and have enrolled more than 25,000 additional children in our programs since that time. We have been singled out as the state that has the best track record of retaining these children in coverage. Clearly, Governor Jindal is committed to making additional progress in improving the health outcomes for our population, but such significant reductions in federal funding—particularly resulting as a consequence of our hurricane recovery—can only disrupt this program. . . .

*Washington, DC, May 4, 2009.*

Secretary KATHLEEN SEBELIUS,  
Department of Health and Human Services,  
Washington, DC.

DEAR SECRETARY SEBELIUS: We write to you today to follow up on an April 9 letter to

your office from Louisiana Department of Health and Hospitals Secretary Alan Levine regarding potential reductions to Louisiana's Medicaid Federal Medical Assistance Percentage (FMAP).

While many states will face challenges to their Medicaid programs in the coming years, we believe that Louisiana's case is unique. As you may be aware, our state is still rebuilding from Hurricanes Katrina and Rita in 2005 as well as Hurricanes Gustav and Ike in 2008, including the rehabilitation of the healthcare system in the New Orleans area. These extensive recovery efforts have inflated Louisiana's per capita income, but were only temporary and do not accurately reflect the increases to incomes in industries not related to hurricane recovery.

Since the FMAP formula uses per capita income to calculate how much each state will receive in Medicaid funding, we are greatly concerned that the post-hurricane per capita income increases could significantly impact our state's FMAP allocation. We ask that you meet with Secretary Levine to develop a solution to the unique problem that is facing our state.

Sincerely,

Mary Landrieu, U.S. Senator; Rodney Alexander, Member of Congress; Charlie Melancon, Member of Congress; Bill Cassidy, Member of Congress; David Vitter, U.S. Senator; Charles Boustany, Member of Congress; Steve Scalise, Member of Congress; John Fleming, Member of Congress; Anh "Joseph" Cao, Member of Congress.

#### SENATE CONCURRENT RESOLUTION NO. 137

Whereas, in 2005 and 2008, Louisiana was struck by hurricanes Katrina, Rita, Gustav, and Ike, collectively requiring billions of dollars of federal and private assistance to the state; and

Whereas, the people of Louisiana are grateful for the support of the American people and of the United States Congress as the state is recovering from these catastrophic events; and

Whereas, coastal states, such as Florida, Mississippi and Texas, and other states, such as Iowa, have recently experienced significant disasters related to either hurricanes or flooding, and coastal states can reasonably expect to experience similar calamities in the future; and

Whereas, after a disaster resulting in massive and wide spread damage to public and private property, economic activity may temporarily significantly increase as the state and local communities endeavor to rebuild; and

Whereas, due to the increased economic activity resulting from hurricanes Katrina and Rita, Louisiana's per capita personal income saw an unusual and extraordinary increase of forty-two percent from 2005 through 2007; and

Whereas, the per capita personal income for Louisiana grew by six point eight percent from 2000 through 2005; and

Whereas, the bureau of economic analysis of the U.S. Department of Commerce stated in its 2007 report entitled State Personal Income, that "Louisiana grew ten point five percent in 2007, down from twenty point six percent in 2006," and that "these growth rates are substantially higher than any other state"; and

Whereas, the bureau further reported that, "the rental income component of Louisiana personal income was boosted by five point four billion dollars of Road Home subsidies from the U.S. Department of Housing and

Urban Development," and that much of the per capita personal income gain in Louisiana "is accounted for by the Road Home subsidies which average nearly twelve hundred fifty dollars per Louisiana resident"; and

Whereas, evidence shows that even though the per capita personal income had grown by forty-two percent from 2005 through 2007, median income has remained stable which indicates that real personal income has not grown in a sustained way; and

Whereas, the bureau of economic analysis captures not only the economic activity generated by the receipt of government disaster relief payments but receipt of insurance payments that would not have occurred but for the hurricanes—activity which, when included in the overall calculations of per capita personal income are extremely difficult to disaggregate for attribution to specific causes as the spending percolates throughout the economy; and

Whereas, the increased economic activity in Louisiana in 2006 and 2007 is clearly a direct result of the rebuilding that occurred in the aftermath of hurricanes Katrina and Rita and this economic activity led to a corresponding increase in per capita personal income in Louisiana in 2006 and 2007; and

Whereas, accurate considerations of per capita personal income are important because federal law establishes the formula by which the FMAP for each state is determined based on a comparison of each state's per capita personal income to the per capita personal income of the United States as calculated by the bureau of economic analysis; and

Whereas, when a state's per capita personal income increases relative to the average of the United States, the state's FMAP decreases; and

Whereas, according to the federal formula, the increase in per capita personal income in Louisiana in 2006 and 2007 will have the unintended consequence of reducing Louisiana's FMAP for federal fiscal years 2010 and 2011; and

Whereas, Louisiana's FMAP will decrease to 67.61% in federal fiscal year 2010 and to 63.16% in federal fiscal year 2011, a total decrease of 6.53% over two years, the largest decline of any state; and

Whereas, Louisiana's FMAP is temporarily enhanced to eighty percent as a result of the enactment of the American Recovery and Reinvestment Act of 2009 (ARRA), but that enhanced FMAP will terminate on December 31, 2010; and

Whereas, Louisiana's FMAP will drop precipitously from eighty percent to sixty-three point sixteen percent on January 1, 2011, and this loss in federal match will annualize to approximately one billion dollars; and

Whereas, Louisiana has demonstrated a significant commitment to its programs for providing health care access to the poor by investing in substantial sums of state general fund dollars through Medicaid, SCHIP and a statewide system of public hospitals, all of which to combine to provide a safety net for a state with low income and significant provider access problems, and such a drastic reduction in Louisiana's FMAP will have devastating impact on the state's infrastructure for caring for the poor; and

Whereas, the presumed purpose for using the per capita personal income as a basis for the calculation of FMAP is to ensure resources are directed to states which are more likely to have low-income populations, and thus, a more significant burden on the Medicaid program; and

Whereas, Louisiana's Medicaid program has not seen a decrease in enrollment after

hurricanes Katrina and Rita, but rather an increase, and thus, from an economic perspective, it is clear the purpose for utilizing per capita personal income as the primary driver of the state's FMAP cannot be accurately and fairly applied to Louisiana during the period following the temporary increase in economic activity; and

Whereas, the Louisiana Legislature does not accept that it is the intention of the United States Department of Health and Human Services or the United States Congress, through an artifact of the FMAP formula, to financially penalize Louisiana and other states working to rebuild their communities after major disasters. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation to adjust the Federal Medical Assistance Percentage rules to ameliorate the unintended negative impact caused by the infusion of disaster relief funding, both public and private, into Louisiana's and other state's economies following major disasters. Be it further

*Resolved*, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

Ms. LANDRIEU. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KIRK. Madam President, I ask unanimous consent to speak for the time I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PUTTING POLITICS ASIDE

Mr. KIRK. Madam President, I rise for the honor of speaking on the floor of this Senate Chamber for the last time. With the swearing-in of Senator-elect SCOTT BROWN of Massachusetts scheduled for later this afternoon, my time as a Senator is nearing its close.

I repeat for the record, my most sincere congratulations to SCOTT BROWN on his impressive victory. We have worked together to assure that he and the people of Massachusetts were well served during the transition, and I wish him all the very best in his service to the Senate.

Under the saddest of circumstances—the loss of our colleague and our close friend Senator Ted Kennedy—my appointment to this office has allowed me to serve my Commonwealth and country in ways I could not have imagined a few months ago. It has enabled me to work closely with many old and new Senate friends—women and men who have been sent by their constituents to work together to make our Nation a better place.

These months have helped me to understand even more personally why Senator Ted Kennedy devoted his public life to the work of the Senate, why he took such pride in its history and its accomplishments, why he reached across the aisle to find common cause

with allies who shared his hopes, and why, from time to time, he called upon this body to reach beyond the politics of the moment to achieve a greater good for the country's future. The lessons of his legacy will live on in this Chamber and in the institute devoted to the study of the Senate that will bear Ted Kennedy's name.

I discovered when just a boy how emotionally difficult it was to say goodbye. So I learned to use two other words that come much easier at times such as this. Those two words are "thank you."

I was not elected to this post, but I am deeply grateful to the people of Massachusetts who, through their elected representatives, gave me the opportunity to serve them. Particular thanks are owed to senate president Therese Murray and house speaker Bob DeLeo for their leadership in enabling Gov. Deval Patrick to appoint an interim Senator. I will always be grateful to Governor Patrick for his confidence in me.

It was my special gift to have had Senator Kennedy's trust and friendship since signing on as a member of his Senate staff some 40 years ago. But following his death, to be encouraged by his family—his devoted wife Vicki, his daughter Kara, his son Ted, Jr., and his son PATRICK—to consider an appointment to succeed the man whom they so loved and who achieved so much in this body is an honor for which no words of thanks are adequate.

I will forever be grateful to my friends and colleagues JOHN KERRY, CHRIS DODD, and so many others, for their warm and generous welcome to the Senate. We shared a bond of sorrow with every other Senator at the realization that, after 47 years of legendary service, Ted Kennedy would no longer be occupying this desk. It was a time of emotional stirring, to be sure. But I found resolve in the certainty that Senator Kennedy himself would be the first to urge us to persevere, and that attention to Senate duties was the most obvious way I could honor his memory.

In undertaking those duties, I thank the majority leader HARRY REID and his entire leadership team for their encouragement, support, and wise counsel. I thank the assistant majority leader, DICK DURBIN of Illinois, for his very generous remarks about me on the floor earlier today.

I thank my Senate freshman colleagues who have been a source of strength to me and I predict will be a source of strength and leadership in this great body in the years to come; to all my colleagues on both sides of the aisle; to the officials of the Senate, the Secretary, the Parliamentarians, the clerks and reporters; to the Sergeant at Arms, the doorkeepers; to the secretaries for the majority and minority and their able staffs; to the Chaplain;

and, of course, to the pages. Each and all of you have been extraordinarily thoughtful to me, patient with your tutelage and generous with your kindness and courtesies, and I will remember each of you with affection and appreciation.

Finally, I wish to thank the Kennedy-Kirk staff. The Kennedy staff has enjoyed a reputation of professional excellence through the years. Why? Because they strove to match their boss's unmatched work ethic and his tireless quest for excellence in the Senate. They shared Senator Kennedy's commitment to do all within one's ability to make America a better and more just society and to make a positive difference in the lives of its people.

I am grateful that many Kennedy staffers were willing to stay on as Kirk staffers. It has been my pleasure to share a special bond with them and with the capable young recruits who joined our ranks to begin their public service with this short-term freshman Senator.

My special thanks go to Senator Kennedy's and my chief of staff, Eric Mogilnicki, who managed our collective efforts with calm and competence during months of distraction and heartache; to Barbara Souliotis, director of our Massachusetts office who served Senator Kennedy and the constituents of Massachusetts with devotion and distinction from his very first campaign in 1962 until this very day; and to Carey Parker, with whom I began my own Senate service over 40 years ago. Carey was the loyal and wise legislative assistant constantly at Senator Kennedy's side helping to craft and guide a legislative legacy that shall remain a standard of excellence for the ages.

Madam President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD at the conclusion of my remarks a list of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KIRK. Madam President, these are outstanding public servants who have my heartfelt appreciation and every best wish for the future.

Over 3 months ago, in my maiden speech from this desk, I chose to speak about Senator Kennedy's top legislative priority—to make quality health care affordable and accessible to all Americans. Since then, much has been accomplished in both Houses of Congress to bring us closer to that long awaited goal.

Following the election results in Massachusetts over 2 weeks ago, it was suggested that we let the dust settle before deciding what our next steps should be on health care reform. But we must not let so much dust settle that it buries all the sensible and necessary ideas that have been suggested. Comprehensive health care reform

must remain an urgent priority of the 111th Congress.

But before we move forward on the path to health care reform and the many other critical issues that demand our attention, I respectfully submit that the Senate—and by that I mean each individual Senator—must pause to answer this question: Will the majority and minority walk that path together and work together on the business of the people we represent or will the people we represent watch the Senate that belongs to them revert to the calculated, politically polarizing standoff that has alienated the country during these past few months?

With the results from Massachusetts, much has been made of the fact that the numbers have changed in the Senate, and that is true. The numbers have changed. But the American people are asking a more important question: Will anything else change? Will the Democratic majority, despite its still solid numerical advantage, be forced to cling to a 60-vote strategy as the only path to forward progress on matters small and large, procedural as well as substantive? Will the Republican minority misread the Massachusetts results as vindication of a strategy to just say no to any measure proposed by a Democratic President of the United States or by their colleagues on this side of the aisle?

In my first speech from this desk as the 100th Member and the most junior Member and the 60th Democratic vote, I said I was hopeful that a newcomer's perspective would be received as a constructive contribution to the debate and that the debate should not be about one party reaching 60 votes; it should be about 100 Senators reaching out to each other to reform a system that better reflects the true values and character of our Nation.

Now some 4 months later, I feel obliged to repeat this observation to my colleagues, Democrats as well as Republicans.

Bipartisan comity and collaboration must replace the polarization that threatens to poison the atmosphere and impede the work of this body. The Senate is in need of its own form of climate change, and only Senators of good will and of good faith and of both parties can bring that about.

The American people are filled with anxiety, anger, and impatience. They are facing issues of job security, health security, retirement security, home security, tuition security, and the list goes on. Their crises should not be dividing their Senate; it should be uniting it.

When the American families we are honored to represent are imperiled by economic hardship and uncertainty, they expect Democrats, Republicans, and Independents to work together in their common interest. And they deserve no less.

Lest anyone be misled by the message of the Massachusetts election, they should examine the exit polls. Voters were asked if the Senator-elect should join his Republican colleagues and try to block the President and congressional Democrats or should he work with them in a bipartisan manner. Among all voters, cooperation won by more than 3 to 1, 76 percent to 21 percent. And among those voters who supported the Senator-elect, bipartisan cooperation was preferred to obstruction by almost 2 to 1—61 percent to 36 percent.

I spent a part of my career as national chairman of one of our two major political parties. It was my job to be partisan. It was my job to weigh each decision, asking whether or how it might give us a political advantage in the short run or in the next election. That is what party chairmen are expected to do. That is not what Senators are expected to do.

There is always the possibility that my closing remarks will be dismissed by some as idealistic or unrealistic or partisan or as just a perspective of a short termer who doesn't understand how the process works.

To them, I respectfully suggest that they listen as well to the words of the last Republican Senator elected from Massachusetts. This is what Senator Edward W. Brooke, an elder statesman of the Republican Party, said when he received Congress's highest civilian honor, the Congressional Gold Medal, less than 3 months ago:

I'm here to tell you that politics is not an evil thing. It's a good thing. And when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. . . . Not only this country, but this world looks to you.

Then, turning away from his audience to directly address the majority and minority leadership of both Houses of Congress, Senator Brooke said this:

When Republicans and Democrats get together, they can do anything. And the country is waiting for you to do anything. They just want relief. You have the responsibility, you have the authority, you are the people on Earth that are going to save this country and save the world. Think about that. We've got to get together. We have no alternative. There's nothing left. It's time for politics to be put aside on the back burner.

Madam President, I submit Senator Brooke is correct. We have no alternative. The Republican and Democratic Members of the Senate have no alternative but to work together in a bipartisan spirit with a level of civility and cooperation that is equal to the dignity of this institution and to the magnitude of what is at stake for American families.

The Senate is at its best and is rewarded fairly by the electorate when it reflects a spirit of teamwork and collaboration that brings results for the people it is meant to serve. We have

seen it throughout history. We have seen it in statesmen such as Ted Kennedy and Ed Brooke. We have seen it in so many others who have served in this Chamber with distinction. I know—I know—there are Senators of good will of both parties who long for that spirit today.

We are among the very few who are privileged to serve in this historic body. As I complete my own duties here, I could not leave with a clear conscience without urging all my colleagues to seize this opportunity and this mutual obligation to take the long view, to put partisan politics aside, to come together in good faith and good will to better serve the institution we revere, the people we represent, and the Nation we love.

Madam President, with gratitude for the privilege of serving the people of Massachusetts in the Senate, for the last time, I yield the floor.

#### EXHIBIT 1

STAFF OF U.S. SENATOR PAUL G. KIRK, JR.

(Jan. 25, 2010)

Larry E. Bageant, Bethany Bassett, Eileen M. Brogan, Ronny A. Carlton, Aubre Marie Carreon Aguilar, Thomas D. Crohan, Shawn M. Daugherty, Daniel G. Doherty, John E. Dutton, Jorie Feldman, Michael George, Stephen Gregory, Lauren P. Janes, Royal F. Kastens, Kathleen C. Kruse, Ashley Lerner, Keith Maley, Sean M. Malone, Meagen L. Manning, James M. McCarthy, Eric J. Mogilnicki, Terrence J. Mullan, Carey W. Parker, Patrick N. Rodenbush, Alejandro R. Rodriguez, Julie M. Ryder, Graham D. Shalgian, Donna Smerlas, Barbara A. Souliotis, Tristan D. Takos, Ella M. Tibbs, Thomas B. Walsh, Colleen Wider, Emily A. Winterson.

**THE PRESIDING OFFICER.** The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank my colleague, PAUL KIRK, for his eloquent and important comments to the Senate. He said a moment ago he hoped a newcomer's perspective would be a constructive contribution to the debate. I think all my colleagues would agree that whether in the caucus or in his maiden speech before the Senate or in his comments just now, PAUL KIRK has made an important contribution to the Senate.

Shortly after his oath of office last September, I said PAUL was smart, modest, polite, civil, and willing to share credit, and despite all that, I still thought he would be a terrific Senator. I think all of us would agree he has been a terrific Senator in a short span of time.

At a time of enormous upheaval in Massachusetts, a time of mourning, there was no one who was more suited for the moment than PAUL KIRK, and there was no one who understood the meaning of the moment better than PAUL KIRK—Ted Kennedy's friend of 40 years.

Everyone would agree PAUL hit the ground running. He was familiar with Teddy's staff and was able to bring

highly qualified people himself. He had a command of all the issues that were facing the Senate. He had a special understanding of the politics that are played in Washington. PAUL was always aware, as he said with his dry wit, that he was a short-timer, but in his months here he didn't decide to come and be satisfied to simply serve out the term. He led, just as he expressed to us he knew people expected him to.

He cast an all-important vote, obviously, in the Senate's historic passage of comprehensive health care reform. But, frankly, much more important than a decisive vote, he provided a clear and compelling voice in the Democratic caucus for important features of the health care reform bill, especially the Community Living Assistance Services and Supports Act—or the CLASS Act, as it is known. That is an act PAUL fought hard for, based on his commitment to providing much needed insurance support to Americans with disabilities, allowing them to live independently in their communities. It was a cause, I might add, that marked Ted Kennedy's life but also PAUL's.

PAUL didn't just work on health care reform. As a Member of the Senate Armed Services Committee, he asked tough and prescient questions of the Secretary of State, of the Defense Secretary, of the Chairman of the Joint Chiefs of Staff, Admiral Mullen, about the military mission in Afghanistan—the kind of questions of which I know his mentor, Ted Kennedy, would have been proud.

He also cosponsored legislation to achieve greater parity in domestic partner benefits between the Federal workforce and the private sector employees. He worked with me to extend unemployment insurance benefits that will benefit as many as 40,000 Massachusetts residents, as well as get \$80 million in Federal grants for community health care centers in Massachusetts.

In all this—and PAUL spoke about it a few minutes ago—he was served by this amazing array of staff who are assembled behind him. He was served superbly by Senate staffers he inherited from Ted Kennedy and those he brought to the Senate. These outstanding men and women deserve our thanks, as he has given them all our thanks in the Senate and well wishes for the next chapter in public service.

In one of his early speeches in the Senate, PAUL KIRK spoke at length about his friend, Ted. He said Senator Kennedy was not one to sit idly by—he acted; he acted to help as many people as possible. Well, the same can now be said also of Senator PAUL KIRK, though obviously for a much shorter period of time. He was not one to sit idly by. In the short time he has been here, he did act, and he has helped as many people as possible.

When he was selected to replace his friend in the Senate, I was reminded

then—and I think I mentioned this on the floor—of Ted Kennedy's fondness for the poet Robert Frost and a line from one of his poems. Frost wrote:

Men work together, I told him from the heart, whether they work together or apart.

Teddy and PAUL worked together for much of their lives. Even though they have been apart these past months, they have never stopped working together in the spirit and in the causes that PAUL has embraced in his time here.

As I think about the comments he just made, in talking about what we need in the Senate, I couldn't help but look across the aisle and not see a Senator there. I regret that. Senator INOUE, seated to my right, has served here much longer than most of us—and Senator LEAHY, who was just here, and Senator DODD—but I think we were all part of the Senate a number of years ago when that never would have been the case.

So it is what it is. I hope they hear his comments. I hope all our colleagues will reach for this moment Senator KIRK has asked us to and, in doing so, will keep faith not just with his service but with the service of our dearly beloved friend, Ted Kennedy.

I wish to thank PAUL KIRK for his service to the people of the country and the Commonwealth of Massachusetts and the way in which he kept faith with the spirit of the law which sent him here. I think he has served us all well, and we will miss him.

I yield the floor.

I suggest the absence of a quorum.

**THE PRESIDING OFFICER** (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### THANKING SENATOR KIRK

Mr. KAUFMAN. Mr. President, before I speak on the issue I came to speak about, I have to take a minute to speak about PAUL KIRK and Gail Kirk and how much they have given this country for many years and what a great honor it has been for me to serve in the Senate with PAUL. He embodies all that is good about this country. He is someone who has incredible intellect, judgment, and he is a lot of fun to be around.

I want to tell you, whatever you do, PAUL and Gail, we all send you our best.

PAUL has been maybe not a long-term Senator but a great Senator.

Thank you.

#### RESTRICTING FREEDOM OF EXPRESSION

Mr. KAUFMAN. Mr. President, on Tuesday night the Senate spoke with



one voice expressing serious concern about ongoing attempts by China and other countries to restrict press and Internet freedom and condemning the recent cyber-attacks against Google in China.

In a bipartisan effort, a truly bipartisan effort, we unanimously passed S. Res. 405, introduced by myself and Senators BROWNBACK, CASEY, KYL, FEINGOLD, LIEBERMAN, MCCAIN, SPECTER, and WEBB—a broad spectrum of the Senate who all agree on this issue. This resolution reaffirms the centrality of freedom of expression and the press as cornerstones of U.S. foreign policy. It frames such freedoms as part of U.S. efforts to promote individual rights and voices concern over the ongoing efforts by many countries, and I mean many countries, to restrict free expression, highlighting the attempts to censor, restrict, and monitor access to the Internet.

The impetus for this resolution was a recent cyber-attack on Google's corporate infrastructure and at least 34 companies, reportedly originating in China. Google has evidence to suggest that a primary goal of this attack was to access Gmail accounts of Chinese human rights activists, journalists, and dissidents.

Even worse, this attack was only one of many recent attempts to exploit security flaws and illegally access computer networks of numerous individuals and institutions. These cyber-attacks are unconscionable violations of national security interests in addition to violations of intellectual property rights. With the passage of this resolution, countries from which such attacks originate or countries which take steps to restrict or monitor the Internet should consider themselves on notice.

The resolution calls on the Chinese Government to conduct a thorough review of the recent attacks and to make this investigation and its results transparent.

This is not just about cyber-warfare, and it is not just about China. This resolution highlights a much broader and far-reaching problem of state-sponsored efforts to restrict free and unfettered access to the Internet.

As technology continues to develop, an increasing number of governments have employed repressive tactics to monitor and control the Internet. In countries such as Iran and China, a growing effort has been made to silence the voices of their citizens and restrict the free flow of information. According to the 2009 "Freedom on the Net" report conducted by Freedom House, the Government of China employs a sophisticated, multilayered, and wide-ranging apparatus to curtail Internet freedom. It also employs legal and economic means to coerce Internet service providers, Web hosting firms, and mobile phone companies to delete and censor online content.

Finally, it requires domestic Chinese and foreign companies with subsidiaries in China—such as Google but many others—to adjust their business practices to allow for increased filtering and supervision by the Government of China, which limits the data available on search engines.

This resolution urges companies to engage in responsible business practices in the face of such pressure from foreign governments by refusing to aid in the curtailment of free expression and welcomes the diplomatic initiative announced by Secretary Clinton in her January 21 speech on Internet freedom to support the development of technology aimed at censorship circumvention.

Finally, the resolution highlights violations of a free press in China, such as the ongoing jamming of Radio Free Asia, Voice of America, and other international broadcasters, despite the unimpeded broadcast in the United States of Chinese state-run medial outlets. We allow China to broadcast to the CCTV and the Radio China outlets into the United States completely unfettered. Yet they jam all of our broadcasts by Voice of America and Radio Free Asia into their country. This is not fair, this is not reciprocity, and it is not becoming of a nation that hopes to become one of the great nations of the world.

It pays tribute to the professional and citizen journalists who persevere in their dedication to report in China despite the extremely high rate of imprisonment among journalists.

The freedoms highlighted in this resolution are not just an inherent good, they are also a practical benefit. As Secretary Clinton recently said:

... countries that restrict free access to information or violate the basic rights of Internet users risk walling themselves off from progress.

I am grateful for the widespread support and passage of S. Res. 405, and I thank the other cosponsors for their leadership. The United States must not sit back as voices in China, Iran, and around the world are silenced. It is my hope this resolution will help to promote an environment of expanded freedoms, especially when it comes to the Internet and the press.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

#### CERTIFICATE OF ELECTION

The VICE PRESIDENT. The Chair lays before the Senate the certificate

of election to fill the unexpired term created by the death of the late Senator Edward M. Kennedy of the Commonwealth of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS

##### CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that on the nineteenth day of January, two thousand and ten Scott P. Brown was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator for the unexpired term ending at noon on the third day of January, two thousand and thirteen, to fill the vacancy in the representation from said Commonwealth in the Senate of the United States caused by the death of Senator Edward M. Kennedy.

Witness: His Excellency, the Governor, Deval L. Patrick, and our seal hereto affixed at Boston, this fourth day of February in the year of our Lord two thousand and ten.

DEVAL L. PATRICK,  
By His Excellency,  
Governor.

WILLIAM FRANCIS GALVIN,  
Secretary of the Commonwealth.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-elect will now present himself at the desk, the Chair will administer the oath of office.

The Senator-elect, escorted by Mr. KERRY and Mr. KIRK, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FINANCIAL AND ECONOMIC REFORM

Mr. KAUFMAN. Mr. President, since the financial meltdown in 2008, America and Congress have remained stuck at a crossroads. Not since the Great Depression of the 1930s have we experienced a financial and economic crisis of such magnitude that it forces us as a society and lawmaking body to reconsider the legal and institutional underpinnings of our financial system.

The history of our Nation shows we have been at this crossroads before. At times, we have made the right decision,



but, sadly, at other times we have made the wrong one.

Throughout the 19th century and the early part of the 20th century, the complacency of government and the contrivances of powerful, moneyed interests prevented us from achieving fundamental reform of our financial and monetary structures. The result was, our history was replete with all-too-frequent banking panics.

Regrettably, it took well over a century before we heeded the clarion call for reform.

The shared experience of the Great Depression thrust us into the harsh reality that the status quo was bankrupt. Out of the ashes of that crisis, we built a legal and regulatory edifice that has endured for decades.

One of the cornerstones of that edifice was a federally guaranteed insurance fund to back up bank deposits. Another was the Glass-Steagall Act which established a firewall between commercial and investment banking activities. Other rules were imposed on investors to tamp down rampant speculation, such as margin requirements and the uptick rule on short selling.

For the next 50 years, the United States experienced relative financial calm and economic growth, with the normal business cycle providing the usual ups and downs, of course.

The edifices built in the 1930s served us well until the 1980s and the savings and loan crisis, which itself was brought on by the rollback of rules that applied to thrifts.

Unfortunately, the passage of time, and even after the shock of the S&L failures, the ideology of market fundamentalism began to sweep across our regulatory environment, erasing the clear lessons of history.

Those market fundamentalists argued that our financial actors could police themselves, that their own self-interest in remaining financially viable would create sufficient incentive to do thorough due diligence, far exceeding the ability of regulators to limit excessive risk by rulemaking.

Systematically, these fundamentalists worked to dismantle many of the prudent New Deal-era banking reforms. Their crowning achievement: the repeal of Glass-Steagall in 1999.

Wall Street and Washington were possessed by this *laissez faire* ethos over the past 20 years. But it was this philosophy and the fountainhead of decisions that sprang from it that led us blithely, and perhaps blindly, down the path to our current crisis.

Even Alan Greenspan, the avatar of the deregulatory mindset, has now admitted this dominant concept of self-regulation was ill-conceived.

In a speech just 1 year ago this month before the Economic Club in New York, the former Fed Chairman of 19 years conceded that the "enlightened self-interest" he had once as-

sumed would ensure that Wall Street firms maintain a "buffer against insolvency" had failed.

The sheer complexity of today's trading instruments and the supposed risk management tools used to ensure them against collapse was, he said, "too much for even the most sophisticated market players to handle properly and prudently."

Mr. Greenspan, perhaps more than anyone else, should have known better. But instead of playing the role of the markets' fire chief, he played that of head cheerleader. For example, Mr. Greenspan applauded the trend of financial disintermediation, proclaiming that new innovations would allow risks to be dispersed throughout the system.

Unfortunately, he failed to realize that products such as credit default swaps sometimes perversely encouraged banks to become empty creditors, since banks holding these default instruments could end up making more money if people and companies defaulted on their debts than if they actually paid them.

Of course, this was just the tip of the iceberg. Despite having the power to write and enforce consumer protection standards, the Federal Reserve did nothing to combat deteriorating origination standards in mortgage and consumer loans.

Mr. Greenspan signed off on regulations that gave banks the ability to set their own capital standards. He allowed banking institutions to leverage excessively by gorging on short-term liabilities and, in some cases, creating off-balance-sheet entities to warehouse their risky assets.

In the wake of Wall Street excess and dereliction of duty by its regulators, financial ruin descended upon our country. Ultimately, it took extraordinary actions—including a multibillion-dollar taxpayer bailout—to prevent us from falling into the abyss of a second Great Depression. We narrowly avoided that fate.

But now, when Congress should be hardest at work rebuilding the edifice that served us so well for decades, we are not. Instead, we are being lulled into a false sense of security.

Many of Wall Street's biggest financial institutions, just a few months ago saved from oblivion by U.S. taxpayers, have already recovered. In some cases, they are even making record profits. Once again, they are back to their old tricks, in particular remaining obsessively fixated on short-term trading profits, with the help of zero percent loans from the Fed window, to drive their recovery.

In fact, much of the competition was killed off in the crisis so that once stronger banks are now stronger still, allowing them to charge customers higher transaction fees, from equities to bonds to derivatives.

Many on Wall Street are engaged in high-frequency trading strategies

which, as the Chicago Federal Reserve branch wrote just this week, pose a systemic risk.

Fair and transparent markets are a cornerstone of American democracy. But institutions on Wall Street are riven by obvious conflicts of interest, as banks and nonbanks continue to profit, even by taking positions directly adverse to those of their clients, and too big to fail remains a critical problem.

Many on Wall Street are telling us it is too late to unscramble the egg, that we cannot separate banking and trading entities that over the past 10 years have become inextricably intertwined. But the Nation is counting on the Congress to do what is right. We must restore and preserve the credibility of our financial markets. We simply cannot fail to undertake what should be a dramatic reformation of our financial regulatory system.

Especially as a depression—which is how today's economy feels to millions of Americans who lost their jobs, their homes, their retirement savings—continues across this country, we simply cannot squander the time for fundamental reform. We can never let a financial disaster happen again.

So what must we do? Mr. Greenspan has called for heightened Federal regulation of banks and other financial institutions. But that is not at all sufficient.

That is why I was deeply gratified last month when the Obama administration took an important step in pushing Congress in a stronger direction. The President put forward a plan that has been suggested by Mr. Greenspan's predecessor at the Fed, Paul Volcker. It went well beyond Mr. Greenspan's call for mere heightened regulation.

Chairman Volcker's plan would ban commercial banks from engaging in proprietary trading that does not benefit their clients. In other words, as Mr. Volcker explained, banks should stick to banking, providing both credit to those who need it and an efficient global payment system, without which, of course, our worldwide economy cannot work.

It is axiomatic to say banks should exist to serve their customers, not as platforms on which an elite class of traders make their careers and their mind-boggling bonuses.

Sound advice, Mr. Chairman.

Remarkably, some on Wall Street and in Washington have been arguing that proprietary trading did not cause the crisis, even though the crisis began on Wall Street with the collapse of a Bear Stearns hedge fund, even though all of the major firms involved in the crisis built up major proprietary positions in collateralized debt obligations and other securities.

As Professor Roy Smith of New York University, a former Goldman Sachs partner, said:

Those weren't client-driven trades. They decided to take them themselves. The idea that proprietary trades were a trivial part of the losses at the banks is just not realistic.

This is from a New York University professor and former Goldman Sachs partner.

These same critics are now looking to poke holes in the Volcker proposal—to put it to death by a thousand cuts. They state that proprietary trading can't be distinguished from normal market-making activities. They add that customer money is oftentimes invested alongside some of the firm's capital in proprietary ventures. Before it is even considered in Congress, they found facile arguments to undermine the very spirit of the proposal. These critics would leave the decisionmaking to the regulators, and I could not disagree more. We should not leave the decisionmaking to the regulators.

So while I applaud Chairman Volcker's direction, I believe we need to go even further. We cannot pass the buck to our regulatory agencies. We have tried that before. They punted their responsibilities to the credit rating agencies and to the banks themselves, and we were left with disastrous consequences.

As a recent feature in the *Economist* stated, the big issue we face is "not how to make regulation cleverer, but how to protect taxpayers from a huge bill when all the precautions fail and a bank steps into the void."

Congress needs to draw hard lines that get directly at the structural problems that afflict Wall Street and our largest banks. We must draw lines that divide financial institutions which are "too big to fail." And we must draw lines that end the conflicts of interest that literally and inevitably serve to corrupt some of our most important financial institutions.

I have been around the Senate for 37 years, and I know laws are usually not written with hard-and-fast lines. Laws are a product of legislative compromise, which often means they are vague and ambiguous, and we often justify our vagueness by saying that the regulators to whom we grant statutory authority are in a better position to write the rules and then to apply those regulatory rules on a case-by-case basis. Many times, they are right, but this is not one of those times.

If Congress fails to draw hard lines that deliver on real systemic reforms, regulators cannot be counted upon to do what is needed. We need brick and mortar, not human judgment, to cleave the banks from investment banking again. We need stone walls, not regulatory oversight, to prevent institutional conflict of interests that inevitably bring financial disaster to millions of Americans. We must create a system, as the saying goes, of laws and not of men. While Congress is by nature a compromiser, we must do better

than our usual legislative ambiguity. We must provide those agencies—the Fed, the SEC, the FDIC, the OCC, the CFTC, and others—the statutory clarity and the bright lines they need to enforce the law.

That is why Congress needs a bold and clear plan that ends taxpayer bailouts for Wall Street and eliminates the problem of too big to fail. In my view, the core part of that plan must include three critical features:

First, we must reimpose the kinds of protections we had under Glass-Steagall, completely separating traditional commercial banking activities from the activities of investment banks.

Second, we must impose size and leverage constraints on the nonbank players to ensure they never again—never again—become too big to fail.

Third, we must address the fundamental conflict of interest in modern investment banking that permits proprietary trading to come before serving customers.

I was proud to join Senators CANTWELL and MCCAIN in sponsoring a bill that would reimpose Glass-Steagall. By statutorily splitting apart massive financial institutions that house both banking and securities operations, we will go a long way toward fixing too big to fail.

As important as reimposing the protections of Glass-Steagall, we must also understand that the financial world has changed enormously since it was last in place. An investment bank is no longer an advisory business where small partnerships jealously guard their capital. Instead, it is dominated by highly leveraged behemoths that trade for their own account. So while Glass-Steagall firewalls protect federally insured deposits and eliminate the conflicts in combining commercial and investment banking, it wouldn't eliminate the possibility of a large, leveraged, and interconnected firm such as Lehman Brothers from creating havoc in the financial system.

For that reason, Congress must take other prudential steps. We can begin with the other concept put forward by the Obama-Volcker proposal—placing limits on debt. Wall Street banks were able to fly too high on borrowed wings by leveraging their threadbare capital base well over 30 times—30 times—allowing a firm such as Lehman Brothers to finance a trillion-dollar balance sheet of illiquid trading assets through short-term debt. I repeat, we cannot depend upon regulators and their discretionary judgments to ensure this does not happen again. Instead, we need a strict limit on the size of investment banks' liabilities. There is already such a limit in place for bank deposits. No individual bank can hold more than 10 percent of the size of the total national deposits. That deposit limit can be applied to nonbank liabil-

ities such that no investment bank can have liabilities equal to more than 10 percent of total deposits. With this limit, we can ensure that never again will the so-called shadow banking system eclipse the real banking system.

Two other problems in the current crisis were the questionable quality of bank capital and the arbitrary nature of regulators' risk-based capital assessments. Lehman Brothers, in fact, had more than double its required capital only days before it failed, in part due to a loosening of the definition of capital and in part due to unrealistic valuations of how risky Lehman's assets actually were.

We can eliminate those problems with a simple statutory leverage requirement that is based upon banks' core capital; that is to say, their common stock plus retained earnings. Such a requirement would supplement regulators' more highly calibrated risk-based assessments. In short, it would provide a sorely needed gut check that ensures regulators don't miss the forest for the trees when assessing the capital adequacy of a financial institution.

Finally, as many of my colleagues know, I have focused a lot on the problems associated with conflicts of interest, including those at banking institutions. One of the key problems is that proprietary trading poses an inherent conflict of interest. Instead of seeking the best prices for their clients' orders, brokers can trade against or even in front of them—a potential profit motive that could disadvantage their customer and put them at a conflict of interest with their customer.

Given that, we need to think critically about how we can address the conflicts inherent in the modern investment banking model that place the traditional businesses of merger advice and securities underwriting under the same roof with proprietary trading, hedge funds, and private equity investments. For example, under this business model, it has become commonplace for a firm to underwrite securities and then short them—or sell them—within a week to protect themselves. This and other problematic practices need to be restricted. Chairman Volcker is absolutely right that proprietary businesses are not appropriate for commercial banks.

More to the point, it is becoming clear that we need stronger protections against conflicts of interest at investment banks, which play a critical role in providing clients with advice on mergers, equity offerings, and debt offerings, as well as in providing liquidity and making markets in securities.

Of course, there are some who will claim that all these remedies are too prescriptive; that they constitute too much regulation. It is too late to unscramble the eggs, they say, so let's move on, or let's leave it to the regulators to develop appropriate rules and

remain flexible. That is the road to another financial disaster.

If Congress fails to impose the needed structural and institutional change, the same systemic risks to our financial system remain; indeed, they will get worse with each financial crisis because the Federal safety net gets bigger and bigger. And when the next crisis occurs—and it will—the legislative pendulum will suddenly shift direction and it will fall hard on Wall Street, very hard, if we and Wall Street do not act together in a realistic and constructive spirit first.

Frankly, I am always astounded that I continue to hear those arguments about overregulation when, in fact, we have had precious little regulation, particularly since Glass-Steagall was eliminated a decade ago.

Risk taking is a fundamental part of finance. Without risks, markets just do not work. But the balancing act between safety on one side and growth and innovation on the other cannot tilt too far in the wrong direction. If we don't act, as sure as I am standing here, the short-term trading profits on Wall Street today threaten to become the losses borne by the rest of America down the road.

As Chairman Volcker said at the Banking Committee hearing this week, if we do not heed his warning, the next disaster may not take place in his lifetime, but it will come, and his soul will come back to haunt us all. The American people already know this basic truth, even if Wall Street does not. They may not understand the complexities of the banking system, and, indeed, only a handful of math Ph.Ds can follow the complex algorithms that help create much of today's exorbitant trading profits. But people do know banks are not designed to be trading machines. They know banks should make their money taking deposits and lending money, which in turn provides capital for growth, creates jobs, and provides opportunities for more jobs and more growth. You can call it populism, but you can also call it good-old common sense, borne once again in the lessons of hard economic times brought about by Wall Street excesses. That common sense needs to be returned to our national financial system. We must shrink bankers' outside sense of entitlement and return to a more realistic vision of their role in society. Bankers are not traders, nor should they be. Bankers should be too safe to fail, not so large that we cannot permit their failure.

We must structurally reform the conflicts of interest that threaten to erupt again in crisis and great financial loss. We must build again the edifices that will keep the American economy safe from financial crisis for decades to come. We must do it now. Americans deserve no less.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EARNED-INCOME TAX CREDIT

Mr. BROWN of Ohio. Mr. President, a week or so ago we marked Earned-Income Tax Credit Awareness Day, a day to highlight a vital tool for Americans working their way out of poverty. These are challenging economic times. The costs of food, housing, transportation and, basic necessities increase while wages stagnate. We know for the last 10 years, even before this recession, even in times of relative prosperity where profits were up and there was growth in the economy, most people's wages were flat even though costs went up. Tuition especially, energy costs, health care costs have meant difficult times for a decade; obviously more acutely difficult now. That is one of the reasons the earned-income tax credit, one of the most important tax cuts for our Nation, is so important.

The EITC is designed to fill that gap that so many working families suffer from. It provides millions of Americans, including hundreds of thousands of Ohioans, from Bellaire to Van Wert, from Ashtabula to Middletown—provides hundreds of thousands of Ohioans earning low to moderate wages, a potentially lifesaving tax credit. If you work and you play by the rules but you earn low wages, the earned-income tax credit can provide for your children, help you build economic security, help you extend your reach for the American dream.

According to a recent study, the earned-income tax credit has lifted more children above the poverty line than any government program. The earned-income tax credit, again, is available for people who have jobs and get a tax credit as a result of that job. In 2005, more than 22 million U.S. households applied for the earned-income tax credit. They received on average \$1,800 a household. An estimated 2.6 million children were lifted above the poverty line because of the earned-income tax credit.

This is no handout. This is earned. It is the earned-income tax credit because people in lower wage jobs are working hard and playing by the rules and doing the right thing. The American Recovery and Reinvestment Act has increased the earned-income tax credit refund, expanding it to help thousands more Ohioans. Approximately 875,000 Ohio families qualify for the earned-income tax credit, but as much as 20 percent do not take advantage of it. They do not know about it or they do not

know how to apply for it. That is 175,000 working families from Chillicothe to Dayton, from Maumee to Bryan; 175,000 working families in my State have earned the earned-income tax credit but they are not receiving it.

There are millions of dollars on the table, if you will, millions of dollars in tax credits for Ohio's working families. These are the criteria: If you earned less than \$48,000 last year, depending on the size of your family, you could be eligible to receive an earned-income tax credit of up to about \$5,000. Even if your income is lower than the threshold for filing taxes, file them anyway to obtain the earned-income tax credit. That is all you have to do. You earned it, you absolutely earned it, just ask for it.

I encourage people who are not sure to call my office or call the offices of your Senators or your Congress men and women around the country.

The Presiding Officer from Illinois has been very active in this, and his office is available also to make sure in his State that these families who work hard, play by the rules—maybe they are making \$20,000 \$30,000, \$40,000 a year; they are struggling—can get several thousand dollars tax credit, money in their pocket as they work to pursue the American dream.

We have seen what the earned-income tax credit can do for working families. In Hamilton County, southwest Ohio, the Cincinnati area, a woman and her three children became homeless after she lost her job. But because of her work, the wages she earned, she qualified for the earned-income tax credit. Every dime of her \$2,000 earned-income tax credit went back into her pocket to help her overcome the daunting economic challenges she faced—\$2,000 which went, for somebody at that income level, so very far.

An elderly couple was grateful they qualified for the earned-income tax credit. They used the \$3,700 to cover a tragic occurrence, a grandchild's funeral expenses, expenses otherwise beyond their reach.

There are hundreds of thousands of stories like this across Ohio and across our Nation. I encourage Ohioans in Ashtabula and Bellaire and Zainsville and Springfield and Xenia who may be eligible for the earned-income tax credit to visit the IRS tax site at [www.irs.gov](http://www.irs.gov) or call 1-800-906-9887 and find a local Volunteer Income Tax Assistance Center. Remember, if you think you might be eligible for the earned-income tax credit, it is a tax credit that, if you are working and you are working hard and playing by the rules and you are not making a lot of money—not just minimum wage, but if you are not making more than \$30,000 or \$40,000 a year, even up to \$48,000 year—you should call that number or visit the Web site, [irs.gov](http://irs.gov). The Volunteer Income Tax Assistance Center, or

VITA, is a vital and free resource for working families where accountants and tax experts volunteer their time to help you file your taxes so you can receive the EITC.

In Lorain, OH, in my home county, where President Obama visited just 10 days ago, in a program which we began when I was a Member of Congress, a couple visited a free tax preparation center after trying to do their taxes on their own. They found help; they qualified for the EITC. They received a refund of \$5,000, which helped replace the roof of their house which required replacement.

To receive EITC, all you have to do is file your taxes. That is it. You earned it, just ask for it. Spread the word, Mr. President, and all of my colleagues and anyone listening—spread the word about the earned-income tax credit. It is a bridge out of poverty that serves millions of families across Ohio and across the Nation. Remember, you earned it.

#### HEROIC ACTIONS OF NEVADA'S FEDERAL AGENTS

Mr. REID. Mr. President, I rise today with a heavy heart to pay tribute to the heroic actions of eight Federal agents at the Lloyd D. George Federal District Courthouse in Las Vegas, NV.

On January 4, 2010, an armed man entered the Lloyd D. George Federal District Courthouse and opened fire at the Federal agents securing entrance to the building. The Federal agents fought to ensure the safety of the employees, occupants, and visitors of the courthouse. On that day, Stanley Cooper gave the ultimate sacrifice.

Stanley Cooper, 72, was a Court Security Officer at the courthouse. Stanley was born in Tulsa, OK, where he began his career in public service in 1960. After four years, Stanley moved to Las Vegas, NV, to serve in the Las Vegas Metropolitan Police Department. Stanley retired as a sergeant after 26 years with the LVMPD. Soon after, he began work as a court security officer with the U.S. Marshals Service. He was a quiet man whose passion and dedication for serving the people of his community was only surmounted by his love for his family. Stanley Cooper died valiantly in the line of duty to protect the lives of those around him. I offer my most heartfelt condolences to the families, friends, and loved ones of Stanley Cooper.

Alongside Stanley Cooper were Deputy U.S. Marshal Richard Gardner, U.S. Marshal Dave Del Berti, Court Security Officer Jack Eklund, Court Security Officer Arthur Gennaro, Court Security Officer Michael Gerrity III, Court Security Officer William Sherman, and Detention Officer Justin Cord. Richard Gardner, 48, was treated and released for injuries he sustained during the shooting. Richard serves as

Deputy U.S. Marshal at the Lloyd D. George Federal District Courthouse. These eight brave men pursued the gunman as he fled across the street to the Historic Fifth Street School, where he was later subdued.

Law enforcement personnel put their lives at risk every day to protect our communities, and we should all be grateful for their sacrifices. On the morning of January 4, these eight men showed the bravery, sense of duty, and valor of true heroes. Selflessly, they put themselves in harm's way to subdue the gunman, preventing harm to innocent bystanders.

I am humbled today to honor these eight men for their extraordinary bravery, dedicated service to the citizens of the great State of Nevada, and the heroic measures they took to save the lives of others. My thoughts and prayers are with those affected by this tragedy. As we grieve, may all of us find strength in the courage and compassion shown by the federal agents during this tremendously difficult time.

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to the brave men who literally fought off evil on January 4, 2010, at the Lloyd D. George Federal Building in Las Vegas, NV. On that tragic day, an armed assailant entered the lobby of the courthouse with clear objectives, to kill as many innocent people as he possibly could. Court Security Officer Stanley Cooper went to work that day with the same vision and determination he had every day; that was to keep the employees and visitors to the Federal building safe as they went about their lives. Tragically, Stan was fatally wounded by the gunman as he faithfully stood his watch at the security check point that morning.

Stanley Cooper was a quiet and gentle man who dedicated his life to the service and protection of others. He retired after 26 years as an officer with the Las Vegas Metropolitan Police Department and then chose a life of service again as a court security officer. Stan will always be remembered as a hero, not only because he gave his life in that one terrible moment on January 4 but also because he gave his life every day in the selfless act of serving others.

The other court security officers on duty that day, along with members of the U.S. Marshals Service and a detention officer, acted swiftly and bravely to subdue the gunman and protect the countless innocent lives that were in harm's way. Deputy U.S. Marshal Richard J. "Joe" Gardner was wounded in the ensuing battle as he and the other officers valiantly fought off the deadly attack.

It is with utmost gratitude that I take a moment to remember and commend the life of a true hero, Officer Stanley Cooper, and to thank Deputy U.S. Marshal Joe Gardner, the court

security officers, the U.S. deputy marshals, the Las Vegas Metropolitan Police Department officers, and all law enforcement officers who responded to the heinous assault at the Lloyd D. George Federal Building on January 4, 2010, for their brave and courageous actions. Stan and the other officers answered the call of duty that day without concern for themselves or their own safety. Their sacrifice and courage will not be forgotten.

May God grant Stan's beloved family and friends peace and comfort in this time of loss, and may He continue to protect all the men and women in law enforcement who selflessly serve and protect others.

#### REMEMBERING ROGELIO DARIAS

Mr. REID. Mr. President, I rise today to mourn the passing of one of Nevada's finest entertainers, Rogelio Darias. Known in Las Vegas and throughout the world as simply the "The Bongo King," Rogelio brought smiles to all those within earshot with his rhythmic talents. Mr. Darias passed away on January 20, 2010, at the age of 93.

Born in Santa Clara, Cuba, Rogelio first began his storied career as a percussionist in a band with his siblings, Pedro and Diego, at the tender age of eight. Their musical group, known as the "Hermanos Darias" quickly garnered the attention of music producers throughout Cuba, and it was not long before young Rogelio was swept away to the big city of Havana, where he pursued further his musical career. He soon began working with Havana's most well-known musicians, such as Maestro Ernesto Lecuona and Chiquito Orefiche, and performing both on the radio station Cadena Azul Chain and at the National Theater.

Rogelio's mastery of the his craft became world famous, and before long he was traveling to Europe, Asia, and Africa, spreading his "bongo gospel" to people of all races, nationalities, and creeds. Notwithstanding his world-wide fame, Mr. Darias continually sought to better himself as a musician. He spent several months living in the Africa's Belgian Congo, where he studied the authentic African rhythms created by the local indigenous population. Years later he also worked alongside Polynesian musicians in Hawaii, as well as Japanese musicians in Tokyo. His love of any and all music, and insatiable appetite for knowledge undoubtedly contributed to Mr. Darias' seemingly endless musical talents and knowledge.

By the 1960s, the Bongo King had arrived in Las Vegas, one of the world's foremost performing arts centers. During his time in Las Vegas, Rogelio established himself as one of the most sought-after musical collaborators in the industry. His incredible beats were in high demand by stars such as

Liberace and Charo, with both of whom he toured. Hollywood also came calling, and as a result Rogelio performed for both Johnny Carson and Merv Griffin and their respective hit shows.

In spite of his worldwide fame and incredible accomplishments, Rogelio Darias remained a loyal friend and family member to those who knew him best. His passing has come as a great tragedy to all those people who depended on him for a laugh and a smile. Las Vegas lost a monumental entertainer in the passing of Rogelio Darias. The Bongo King will be deeply missed by all of Las Vegas, and countless music-lovers throughout the world.

#### BUDGET DEFICITS

Mr. KYL. Mr. President, I recommend to my colleagues a Robert Robb column, published in the Arizona Republic, February 3, 2010.

In it, Robb points to the massive deficits in President Obama's budget and argues that the administration has no grounds on which to pass the blame.

He explains that the deficits President Obama recommends from 2011 on are entirely his own, driven by vast new spending, and that they are far higher than historical deficits.

Robb writes that, even though President Obama's budget projects that the recession will be over by 2011, he proposes that Federal spending continue at nearly 24 percent of gross domestic product through 2020, far beyond the historical average of around 20.5 percent.

He also points out an enormous increase in the debt as a share of GDP:

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

Robb recommends returning spending to its historical average as a means of getting the deficit under control.

I ask unanimous consent to have this article be printed in the RECORD and urge my colleagues to consider the facts and arguments contained in it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Feb. 3, 2010]

#### OBAMA DEFICITS NOT BUSH'S FAULT

(By Robert Robb, Columnist)

The Obama administration undoubtedly wants the budget message to be all the good things it wants to do for the American people, except those who make the mistake of earning too much money.

There's a second stimulus, rechristened a jobs program. Health care reform, repositioned as an attack on the insurance industry's dirty deeds. New middle-class tax breaks. More spending on education. Lots more spending on infrastructure and clean energy.

The budget is intended to position the Democratic Party as the friend of the middle-class. But the message is blotted out by all the red ink.

Obama likes to depict himself as a deficit victim. He inherited a huge deficit and a deep recession. Not his fault.

Certainly the Republicans during the Bush years were fiscally irresponsible. But within historical bounds. The deficits in Obama's budget are beyond historical bounds and are his alone.

Even with Bush's tax cuts, federal revenues in 2007 were at the average as a percentage of GDP, 18.5 percent, going back to 1960. The deficit was just 1.2 percent of GDP, historically on the low side. Accumulated federal debt was 36 percent of GDP.

Then the recession hit. From 2008 to 2009, federal spending increased 18 percent. This was a budget year that straddled the Bush and Obama presidencies. But the spending increase was driven by anti-recession measures, predominately the Bush stimulus and bailouts.

Obama supported these measures. In fact, his complaint about the Bush stimulus was that it was too small.

This raises a question of political ontology: If Obama agreed with Bush, is it still just Bush's fault?

The Bush tax cuts expire this year. Except for the legacy costs of the Iraq war, Obama is free to recommend changing anything Bush did. The deficits he recommends from 2011 on are purely his own.

And they are massive, and driven by spending.

Obama purposes that the federal government spend over 25 percent of GDP in 2011, compared to a historical average of around 20.5 percent. He justifies this as necessary to continue to fight the recession.

Obama, however, projects that the recession will be fully over in 2011 and robust growth under way. Yet he proposes that federal spending continue to be nearly 24 percent of GDP through 2020.

In other words, rather than wind down the additional recession spending after recovery, Obama is proposing that it simply become a new, higher base.

After the World War II debt was reduced, accumulated federal debt never exceeded 50 percent of GDP until 2009, when it reached 53 percent. Under Obama's recommendations it would grow to 77 percent by 2020.

If Obama were to recommend a path to return spending to its historical share of economic output, in 2020 the deficit would be just \$255 billion, about what the federal government spends each year on large capital projects, and just 1 percent of GDP. In other words, not a problem. And federal spending would have still increased by more than 4 percent a year since 2008.

Instead, Obama recommends a 2020 deficit of over \$1 trillion and a troubling 4.2 percent of GDP.

Rather than recommend deficit reducing measures himself, Obama wants to turn the job over to a bipartisan commission. Republicans suspect a rat, an attempt to get them to support even larger tax increases than Obama is already proposing.

They are right. Under Obama's budget, revenues are already projected to be 19.6 percent of GDP, much higher than the historical average. Yet he still proposes trillion dollar deficits.

The problem is spending. Obama wants to do too much of it.

#### FREE GUN LOCKS

Mr. LEVIN. Mr. President, I would like to take this opportunity to commend the Wayne County Sheriff's Of-

fice on its newly announced initiative to provide gun trigger locks free of charge to firearm owners in the Metro Detroit area. Partnering with local religious leaders and Project Child Safe, an organization that provides gun locks to law enforcement agencies, the Sheriff's Office seeks to reduce the number of firearm-related accidents that occur in the home.

Every year, far too many children get access to guns in homes across the United States, often with fatal consequences. According to the Centers for Disease Control, in 2006, 154 children and teens died as a result of unintentional shootings, and in 2008, 3,997 children and teens were injured by a firearm unintentionally. It is imperative that gun owners across the country safely store their weapons out of the reach of children to prevent these tragic accidents. Safe storage includes keeping guns unloaded, using trigger locks, storing guns in a locked, safe place away from children, and storing ammunition in a separate, locked place.

Providing gun owners with trigger locks and educating them on gun safety and storage has become even more important with the recent increase in the number of gun owners, specifically the number of concealed weapon permit holders. According to Wayne County Sheriff Benny Napoleon, there are currently 41,687 concealed weapon permit holders in Wayne County. There were 13,843 permit applications in 2009, up from 9,300 in 2008, and so far in 2010, the Sheriff's Office has seen an average of 61 requests per day. In light of this dramatic increase, we must do everything we can to reduce the risk guns pose to children.

Commonsense gun safety legislation, such as mandatory child safety locks, could help reduce the number of tragic accidents that kill and injure young Americans. Again, I applaud the efforts of the Wayne County Sheriff's Office on their distribution of free gun trigger locks to gun owners in the Metro Detroit community.

#### REMEMBERING FREYA VON MOLTKE

Mr. LEAHY. Mr. President, I rise to speak in memory of Freya von Moltke, an extraordinary woman and long-time resident of Norwich, VT, who passed away this January 1 at the age of 98.

In 1929, at the age of 18, Freya met the young lawyer Helmuth von Moltke, and 2 years later she married him. Freya earned her own law degree in 1935 but never practiced; law had already begun to lose its meaning as Hitler and the Nazi party tightened their grip on power. It was for the same reason that Helmuth gave up his dreams of becoming a judge and of working closer to the family estate in Kreisau, in Silesia, now a part of Poland. Instead, he opened a small law office in

Berlin, where he could remain independent of the regime without drawing attention to himself. He and Freya divided their time between the family estate and his apartment in Berlin.

In the last years before the war, they traveled to South Africa to visit Helmuth's mother's parents in South Africa. On those trips they spoke openly of what the Nazi regime was capable of, and were constantly urged not to return to Germany. But they felt responsible, for their broader family, the estate, and Germany's fate; they felt they had no choice but to return. Helmuth's work as an attorney came to an end at the outbreak of the war in 1939, when he was drafted into the German army's intelligence service. Freya settled into overseeing the farm in Kreisau in his absence, and the flood of letters between them began. Helmuth came home whenever he could. They welcomed their first son Helmuth Caspar, in 1937 and their second, Konrad, in 1941.

It was clear to the von Moltkes from the beginning that the Nazi regime was criminal, but moving from opposition to active resistance was a giant step. When Helmuth told Freya that he knew he had to do what he could to resist, she gave him her complete support. Slowly Helmuth gathered a loose group of friends and friends of friends, people who could be trusted, people who represented almost every class and interest group outside the Nazi party. He spent his evenings in Berlin meeting with them in small groups, discussing what would eventually have to be done to undo the damage to Germany by the Nazis. Only on a few memorable occasions did they all dare to meet together; Freya and Helmuth invited the whole group to gather for seemingly innocent weekends in Kreisau. There they were able to hammer out together their plans for the longed-for day when the Nazi regime would finally fall—their plans for a new Germany, a democratic Germany embedded in a renewed and democratic Europe. Freya not only participated in the discussions; she also took care of everyone's room and board.

Early in 1944, Helmuth was imprisoned for warning an acquaintance of his imminent arrest. In July of that year, many of his friends participated in an attempt to assassinate Hitler. It failed, and many of them lost their lives immediately. In the aftermath, the Gestapo began to uncover the connections leading from one resistance group to another, including the one they called the "Kreisau Circle." Most of the surviving members of the group soon joined Helmuth in prison. Most were tried before the infamous People's Court, convicted, and sentenced to death. Helmuth himself was executed in January of 1945.

Between her trips to Berlin to make appeals for Helmuth's life, Freya took

in a growing group of their friends' widows and children at Kreisau. In the face of the Soviet advance, she moved them all into nearby Czechoslovakia, only to find that it was safer to move them home again. Through the intervention of British friends, she and her children at last managed to leave Kreisau for Berlin, but they soon left Germany for South Africa, where Freya made her living as a social worker.

In 1956, unable to tolerate apartheid any longer, Freya returned to Germany. In Berlin she began her work to keep the memory of the German resistance to Hitler alive; she also began to transcribe Helmuth's letters, which, along with the minutes of the Kreisau Circle's meetings, she had hidden from the Gestapo in the beehives on the estate. She published Helmuth's final letters from prison very soon after the end of the war. In 1988, many of the thousands of letters he had written her between the summer of 1939 and his death appeared in English as "Letters to Freya."

It was in September of 1960 that Freya moved to Norwich, VT. She moved to Norwich to join her close friend—and her husband's—Eugen Rosenstock-Huussy, whose wife had died the year before. Freya lived with him until his death in 1973, and after his death she founded a nonprofit to keep his books in print; she was president of that group until the 1990s, by which time they had over 60 titles in print. Freya served for years on the board of the Co-op supermarket in Hanover, NH, and with friends from the Co-op board she went on to found the Twin Pines Cooperative Housing Foundation, the first group to try to develop affordable housing in that part of Vermont and the first in the State to establish a tenant-owned housing cooperative.

At 75, after many years in Norwich, Freya became an American citizen and an active member of the League of Women Voters. At 93 she agreed to speak in Berlin on the 60th anniversary of the failed assassination attempt, but for many years she had spoken in Vermont high schools about what she and her husband and their friends had done and the need for courage in the face of injustice in any society. Students from one school she visited for years sent flowers to her funeral.

It is no simple feat for a foreigner to become accepted as a "natural" part of a small town in northern New England, but Freya did it. In 1985, the owner of Dan & Whit's general store in Norwich ran into her in the post office. He reacted to the flood of unfamiliar faces by telling her, "Let them come. We were here first." His gallant inclusion of her as a "native" after only 25 years in town moved Freya deeply. Her own hospitality is reflected in the sign she tacked to her unlocked kitchen door at the age of 90: "To Everybody! Please,

walk in! Push hard. Find me upstairs if I don't respond."

Freya was firm in her belief that the territory Germany had lost, the land her family had lost, was the price Germany had to pay for the crimes of the Nazi regime. But she had hopes for what had been the family estate. In 1988, a group of young people in East Germany had the idea of making the former von Moltke estate a place where people from divided Europe could meet and get to know each other; they found friends in Poland, but also in West Germany, in Holland and the United States. Only a year later, a friend of their Polish friends became the prime minister of Poland and invited the chancellor of Germany to meet him for a mass of reconciliation in Kreisau. The two men agreed to fund the restoration of Kreisau, now called Kryzowa. The German chancellor had invited Freya to accompany him, but she said she would wait until the Poles invited her, which they soon did. In her final years, she lent her name and her blessing to a foundation to support the new Kreisau, which with support from the German and Polish governments has grown in 20 years from the dream of a few young people to an international meeting place that hosts about 100 events a year, attended by some 10,000 young people from all over Europe.

Freya von Moltke was an inspiration to all who knew her. She was a wonderful friend and neighbor, and she enriched the lives of countless citizens of our State. She lived a long and fruitful life; she will be missed by admirers around the world, but most of all by the Vermonters who knew and loved her.

#### TRIBUTE TO MIKLOS HARASZTI

Mr. CARDIN. Mr. President, in my capacity as Chairman of the Commission on Security and Cooperation in Europe, I am pleased to commend Miklos Haraszti, the OSCE Representative on Freedom of the Media, for his years of dedicated service in the cause of advancing freedom of expression and media. An accomplished writer and journalist as well as a courageous human rights activist in his native Hungary for decades prior to the end of the Cold War, he was elected to parliament in the early 1990s. Since his appointment to his current position in 2004, Mr. Haraszti has been an outspoken champion for beleaguered journalists throughout the OSCE region.

Mr. Haraszti's periodic reports have proven invaluable in tracking trends regarding laws, policies and practices governing freedom of expression and media in the participating states. He has been vigilant in monitoring and reporting on issues arising from the adoption of "extremism" laws in a growing number of OSCE countries.



The Representative on Freedom of the Media has likewise been a strong voice in calling for decriminalization of defamation and a critic of attempts by some regimes to restrict the Internet and new media technologies. Most importantly, he has responded to specific urgent situations and cases, including instances involving the harassment, physical attacks, and even murder of journalists. He has never shied away from naming names, he has never played favorites, and he has been a voice for those whom governments would like to silence.

Next month Mr. Haraszti will conclude his service as the OSCE Representative on Freedom of the Media. You can write a great mandate for a high-level official, but if you don't appoint the right person to the job, you won't get results. Mr. Haraszti has been the right person for the right job and we have been very fortunate that he has given 6 years to serve the great good in the OSCE region.

The OSCE participating States will be hard pressed to find an individual to match his professionalism, passion, and integrity. I join my colleagues at the Helsinki Commission in expressing our deep appreciation to Miklos Haraszti, a tireless advocate for freedom of expression and media, for his service and we wish him the best in his future pursuits.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CURTIS STEWART AND PEGGY CLAYTON CHAPMAN

• Mrs. LINCOLN. Mr. President, today I congratulate Curtis Stewart and Peggy Clayton Chapman as the 2009 Man and Woman of the Year, as named by the Dumas Chamber of Commerce.

I was pleased to be on-hand as Curtis and Peggy were recognized last month during the Annual Dumas Chamber of Commerce Banquet. I have felt a long kinship to Dumas, and I am grateful for the friendships I have made there.

Dumas is a community with a great spirit of volunteerism and caring. Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to both Curtis and Peggy.●

##### TRIBUTE TO THE JASON SMITH FAMILY

• Mrs. LINCOLN. Mr. President, today I congratulate the Jason Smith family for being named the Desha County Farm Family of the Year for 2009.

I have felt a long kinship with Desha County, and I am grateful for the friendships I have made there.

As a seventh-generation Arkansan and farmer's daughter and as chairman of the Senate Agriculture Committee, I

understand firsthand and appreciate the hard work and contributions of our farm families. Agriculture is the backbone of Arkansas's economy, creating more than 270,000 jobs in the State and providing \$9.1 billion in wages and salaries. In total, agriculture contributes roughly \$15.9 billion to the Arkansas economy each year.

Our farm families are critical to our Nation's economic stability. We must work to continue the farm family tradition, so families such as the Smith family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability.

I salute the Smiths and all Arkansas farm families for their hard work and dedication.●

##### RECOGNIZING MONTICELLO'S EDUCATORS

• Mrs. LINCOLN. Mr. President, today I recognize Monticello's Educators of the Year: Dr. Juan Serna, assistant professor of physics at the University of Arkansas at Monticello; Cindy Flemister, a second grade teacher at Drew Central Elementary School; and Wanda Jackson, a third grade teacher at Monticello Elementary School.

These educators represent the best of our Arkansas educational system, and I am pleased to see them receive these recognitions.

The University of Arkansas at Monticello selected Dr. Juan Serna, an assistant professor of physics, as its educator teacher of the year. Serna, who is responsible for the pre-engineering program at UAM, completed his Ph.D. at the University of Arkansas in 2005. His research interests are in mathematical physics and quantum optics.

The Drew Central Educator of the Year is Cindy Flemister, a second grade teacher at Drew Central Elementary School. According to her coworkers, Cindy was chosen for her "extraordinary kindness, open-mindedness, tolerance, and patience as she works with students or visits with parents."

The Monticello School District's Educator of the Year is Wanda Jackson, a third grade teacher at Monticello Elementary School. According to her fellow teachers, Wanda believes that all students are capable of learning and achieving. They say her dedication to student success is evident from the moment you enter her classroom, where she provides lessons and activities tailored to meet the specific needs of her students.

As a mother of twin boys and as an aunt with many nieces and nephews, I know firsthand that no child is alike. They each have unique personality traits and different abilities. They also have their own learning habits and interests. I have heard from many Ar-

kansas teachers, administrators, parents, and students who have expressed the same view.

There is no issue more intricately connected to the future prosperity of our Nation than the quality of our schools. I am proud to see our Arkansas educators, especially those in Monticello, offer every child the chance to achieve his or her full potential.●

##### RECOGNIZING HOT SPRINGS ARKANSAS

• Mrs. LINCOLN. Mr. President, today I wish to honor the town of Hot Springs in my home State of Arkansas. Hot Springs was recently voted the "Best Attraction in Arkansas" by the readers of Southern Living magazine, one of the largest lifestyle magazines in the country.

I have always felt a close connection to the community of Hot Springs. I have many fond memories of the trips to Hot Springs that my parents took me and my siblings on when we were young. Exploring the downtown shops, restaurants, and National Park bathhouses was always exciting. We also spent untold hours on the area lakes boating, swimming, and fishing. I am pleased that I am able to continue experiencing those wonderful memories with my own children, who I know will someday look back on their childhood days spent in Hot Springs, as I have, as some of the most happy times of their lives.

In 1832, Congress set aside the natural hot springs site as a Federal reservation, making Hot Springs National Park America's "first resort." Hot Springs provides opportunities for camping, fishing, hiking, and boating on its lakes and in its forests. Hot Springs is also known for its vibrant arts community, with a variety of art galleries and antique shops, along with the nationally recognized Hot Springs Documentary Film Festival and Hot Springs Music Festival. Hot Springs is also home to Oaklawn Park, which offers thoroughbred racing each, spring and simulcast racing throughout the year.

I salute the residents of Hot Springs for their efforts to maintain the heritage, beauty, and history of their community. I join all Arkansans to express my pride in this jewel of Arkansas.●

##### RECOGNIZING MAINE MANUFACTURING LLC

• Ms. SNOWE. Mr. President, manufacturers across the country have been hit hard in this current downturn. In fact, the manufacturing sector has lost 2.1 million jobs since the beginning of the recession in December 2007—roughly 15 percent of its total employment. That is why it is heartening to see that a small manufacturing company in my home State of Maine is hiring new employees and seeking to grow its product



line. Today I recognize this firm, Maine Manufacturing LLC in Sanford, for the tremendous work it is doing to hasten an economic recovery in the region by putting people back to work.

Maine Manufacturing, which specializes in the production of several disposable laboratory supplies like filters and centrifuge tubes frequently used in research and university labs as well as pharmaceutical and biotech companies, was founded in 2008 by Craig Cunningham, who formerly served as the director of engineering for Whatman Inc.'s Sanford plant. Whatman, a British laboratory equipment maker that is now part of GE Healthcare, announced in September 2008 that it would be shutting its Sanford plant over the course of the next year, leaving over 200 employees without work. Seeking to mitigate the negative effects in the local community, Mr. Cunningham and his colleague, William Emhiser, requested that GE Healthcare operate the plant until early 2010 and keep roughly 70 employees until that time, allowing Maine Manufacturing to fully take over the facility. GE Healthcare agreed, and on January 4, 2010 Maine Manufacturing took over six product lines from the company.

Mr. Cunningham's company started very small, with three full-time employees and four part-time workers just a year ago. To grow his business, Mr. Cunningham applied for and received a \$100,000 community development block grant, which provided working capital to the company and afforded his business the opportunity to purchase critical new equipment. The grant also allowed Maine Manufacturing to create 12 new jobs. To further increase its workforce, the company recently offered jobs to 66 employees who previously worked at GE Healthcare. While creating quality jobs for Mainers, Maine Manufacturing is simultaneously becoming a major supplier to GE Healthcare, producing filters and other parts the company uses to manufacture larger products. Additionally, the company hopes to expand even more in the coming years to become a recognized leader in its industry.

Because the recession has hit small businesses the hardest, it is all the more impressive that Maine Manufacturing has made such tremendous strides in growing, expanding, and hiring over the past year. These firms employ just over half of all employees in the private sector, and Maine Manufacturing has provided them with a model for successful job growth in coming years, which will be essential to the revitalization of the American economy. I am grateful for the actions of Craig Cunningham and William Emhiser to create necessary jobs for Maine workers, and I look forward to hearing future good news about their impressive company.●

#### RECOGNIZING THE UNDERWATER OPERATIONS INDUSTRY

● Mr. VITTER. Mr. President, today I wish to honor the underwater operations industry, especially the Marine Technology Society and the Association of Diving Contractors International.

The Marine Technology Society was founded in 1963. Throughout its 40-plus years of existence, it has stayed true to its guiding purpose: "to promote awareness, understanding, advancement and application of marine technology." Founded in 1968 the Association of Diving Contractors played an essential role in creating the first safety standards for commercial divers. The association today has member companies hailing from 41 different nations all pledging to abide by the ADCI Consensus Standards for Commercial Diving Operations.

The commercial underwater industry encompasses the support of deep sea divers, ROV operators, technical support, retail dealers, the shipping industry, the energy industry, universities, research facilities, equipment manufacturers, families, and a support system that extends to all avenues of the labor market. This diverse community and unique segment of industry work tirelessly toward maintaining and supporting safe underwater operations throughout the world. The commercial underwater industry affects the development of dams, bridges, oil platforms, pipelines, underwater, geological research, outer space, and even the entertainment industry.

The industry is especially vital to Louisiana. From our seafood industry to one of the Nation's largest provider of offshore energy, our waterways and shorelines are of great importance to our economy. Underwater operations allow these industries to run smoothly.

Underwater operations conducted from the deepest seas to inland waterways throughout the world are a vital component in ongoing industrial development globally. It is important that Federal and State government and citizens worldwide recognize the value of the underwater operations industry to the continued progress of humanity.

Thus, today, I am proud to applaud such an important industry, and thank them for their contributions to the State of Louisiana, our Nation, and the rest of the world.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests a concurrence of the Senate:

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office".

At 4:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2843. An act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the

House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes; to the Committee on Rules and Administration.

H.R. 4495. An act to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 850. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks (Rept. No. 111-124).

S. 952. A bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events (Rept. No. 111-125).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

\*Sharon Y. Bowen, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2012.

\*Orlan Johnson, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

\*Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

\*Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association.

\*David W. Mills, of Virginia, to be an Assistant Secretary of Commerce.

\*Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

\*Kevin Wolf, of Virginia, to be an Assistant Secretary of Commerce.

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

Kathleen S. Tighe, of Virginia, to be Inspector General, Department of Education.

\*Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

\*Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

\*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for

the term of five years expiring December 16, 2014.

By Mr. LEAHY for the Committee on the Judiciary.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

Christopher H. Schroeder, of North Carolina, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 2983. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer Social Security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 2984. A bill to direct the Secretary of Health and Human Services to revise regulations implementing the statutory reporting and auditing requirements for the Medicaid disproportionate share hospital ("DSH") payment program to be consistent with the scope of the statutory provisions and avoid substantive changes to preexisting DSH policy; to the Committee on Finance.

By Mr. PRYOR:

S. 2985. A bill to amend the Internal Revenue Code of 1986 to establish a new Small Business Startup Savings Account; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

By Mr. ENSIGN:

S. 2987. A bill to amend title XVIII of the Social Security Act to extend the exceptions process for one year with respect to the caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Mr. ENSIGN:

S. 2988. A bill to amend title XVIII of the Social Security Act to extend the exceptions process for two years with respect to caps on payments for therapy services under the

Medicare program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DeMINT (for himself, Mr. GRAHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISC, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. JOHANNES, Mrs. MCCASKILL, Mr. KYL, Mr. GRASSLEY, and Mr. SESSIONS):

S. 2990. A bill to establish an earmark moratorium for fiscal years 2010 and 2011; to the Committee on Rules and Administration.

By Mrs. MCCASKILL (for herself and Ms. COLLINS):

S. 2991. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 2992. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Finance.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARDIN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. LAUTENBERG, Mr. LEAHY, Mrs. BOXER, Mr. MENENDEZ, and Mr. SPECTER):

S. 2993. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. WEBB):

S. 2994. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER:

S. 2997. A bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. MENENDEZ):

S. 2998. A bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored

immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. UDALL of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. REID, Mr. KERRY, Mr. HARKIN, Mr. FRANKEN, Mr. BROWN, Mr. BEGICH, Mr. LEVIN, Mr. DURBIN, Mrs. GILLIBRAND, Mr. REED, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, Mr. KIRK, Ms. STABENOW, Mr. CASEY, Mr. AKAKA, Mr. BURRIS, Mrs. BOXER, Mr. SCHUMER, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. JOHNSON, Ms. MIKULSKI, Mrs. MURRAY, Mr. KAUFMAN, Mr. WYDEN, Mr. BINGAMAN, Mr. SPECTER, Mr. CARDIN, Mr. MERKLEY, Ms. CANTWELL, and Mrs. SHAHEEN):

S. 3000. A bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months; to the Committee on Finance.

By Mr. WARNER:

S. 3001. A bill to require the Secretary of Commerce to establish a loan program to assist in the locating of information technology and manufacturing jobs in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the "National Institute of Finance", that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEMINT (for himself, Mr. GRAMHAM, Mr. COBURN, Mr. MCCAIN, Mr. LEMIEUX, Mr. BURR, Mr. CRAPO, Mr. RISCH, Mr. CHAMBLISS, Mr. CORNYN, Mr. ENSIGN, Mr. VITTER, Mr. KYL, Mr. INHOFE, and Mr. SESSIONS):

S.J. Res. 27. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR:

S. Res. 407. A resolution congratulating the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Res. 408. A resolution designating February 3, 2010, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS):

S. Res. 409. A resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes; to the Committee on Foreign Relations.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 410. A resolution supporting and recognizing the goals and ideals of "RV Centennial Celebration Month" to commemorate 100 years of enjoyment of recreation vehicles in the United States; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 332

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 448

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 448, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 557

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 570

At the request of Mr. VITTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 570, a bill to stimulate the economy and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 633

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 841

At the request of Mr. KERRY, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1027

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1027, a bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1173

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1173, a bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1441

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1441, a bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members.

S. 1458

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1458, a bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of

families and the provision of permanent parental care for orphans.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1859

At the request of Mr. ROCKEFELLER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2750

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2750, a bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten.

S. 2772

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a co-

sponsor of S. 2772, a bill to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety.

S. 2794

At the request of Mr. SCHUMER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2794, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the donation of wild game meat.

S. 2870

At the request of Mr. INOUE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2870, a bill to establish uniform administrative and enforcement procedures and penalties for the enforcement of the High Seas Driftnet Fishing Moratorium Protection Act and similar statutes, and for other purposes.

S. 2909

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2909, a bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes.

S. 2912

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2912, a bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 2959

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2959, a bill to amend the Federal Election Campaign Act of 1971 to protect Federal, State, and local elections from the influence of foreign nationals.

S. 2962

At the request of Mr. DODD, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2962, a bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 403

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 403, a resolution expressing the sense of the Senate that Umar Farouk Abdulmutallab should be tried by a military tribunal rather than by a civilian court.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. BOXER, Ms. SNOWE, and Ms. COLLINS):

S. 2982. A bill to combat international violence against women and girls; to the Common on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to express my support for the International Violence Against Women Act, introduced today by Senators KERRY, BOXER, SNOWE, and COLLINS. I am proud to be an original cosponsor on this legislation simply because it has the power to save the lives of women and girls around the world while increasing our safety here at home.

This bill is particularly significant because it would be a very significant effort by the U.S. to tackle this egregious and widespread problem. One out of every three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

Ranging from rape to domestic violence and acid burnings to dowry deaths and so-called honor killings, violence against women and girls is an extreme human rights violation, a public health epidemic and a barrier to solving global challenges such as extreme poverty, HIV/AIDS and conflict. It devastates the lives of millions of women and girls—in peacetime and in conflict—and knows no national or cultural barriers.

Women who are abused are not only more likely to face serious injury or death because of abuse, but are at much greater risk of dying in pregnancy, having children who die in childhood, and contracting HIV/AIDS.

What many people don't realize though is that violence against women and girls is a major cause of poverty. Women are much more likely to be among the world's poorest, living on a \$1 a day or less, and the violence they face keeps them poor. It prevents them from getting an education, going to work, and earning the income they need to lift their families out of poverty. In turn, women's poverty means they are not free to escape abuse, perpetuating a vicious cycle that keeps women from making better lives for themselves and their families.

In Nicaragua, for example, a study found that children of victims of violence left school an average of 4 years earlier than other children. In India, it has been found that women who experienced even a single incident of violence lost an average of 7 working days. Sometimes, the workplace itself can be a source of abuse: in Kenya, 95 percent of the women who had experienced sexual abuse in their workplace were afraid to report the problem for fear of losing their jobs.

Greater economic opportunity and earning capacity not only allows women an option of escaping violent situations, but more importantly, it increases equality and mutual respect within households, reducing women's vulnerability to abuse in the first place.

Women around the world are working desperately to change the laws and customs in their countries that routinely allow women and girls to be raped, beaten or deprived of any legal rights, even the ability to see a doctor or leave the house alone. But they need our help.

IVAWA is a good step in that direction.

The bill was developed in consultation with more than 150 expert organizations, including the input of 40 women's groups from all around the world.

Highlighting the cross-cutting nature of the issue of violence, the bill is supported by a diverse coalition of almost 200 NGOs, including Amnesty International USA, Women Thrive Worldwide, Jewish Women International, Family Violence Prevention Fund, CARE, United Methodist Church, and Refugees International.

This bill would direct the State Department to create a comprehensive 5-year strategy to reduce violence against women and girls in up to 20 countries and provide vital funds to foster programs in these countries that address violence in a coordinated, comprehensive way. It would do this by reforming legal and health sectors, helping to change social norms and attitudes that condone rape and abuse, and improving education and economic opportunities for women and girls.

Because violence against women is often rampant in countries embroiled in conflict or crisis, this bill also requires that the U.S. act in cases of extreme outbreaks of violence against women and girls, like the horrific levels of rape experienced by women in the Democratic Republic of Congo.

This legislation is necessary because this is not an academic issue—we must remember that the scourge of gender-based violence effects real women around the world.

But there are solutions.

When Dulce Marlen Contreras started her organization with seven of her friends, the first thing on her mind was how to help the women of Honduras protect themselves from domestic violence. A daughter of farmers in the rural region of La Paz, Honduras, Marlen was tired of watching the women of her community endure widespread alcoholism and household abuse.

In 1993, Marlen founded the Coordinadora de Mujeres Campesinas de La Paz, or COMUCAP, to raise awareness about women's rights. The organization started by educating women in the community about their rights and training them to stand up for themselves.

As time went on, Marlen noticed something was missing. While awareness-building was critical, in order to reduce violence for the long-term COMUCAP had to attack the problem at its root: poverty. "We realized that until women are economically empowered, they will not be empowered to escape abuse for good," says Marlen. Seeing this link changed the way COMUCAP approached its work. It started training women to grow and sell organic coffee and aloe vera, helping them to earn an income for their families.

Initially the reaction from the community was hostile—women's empowerment was seen as a threat to families. As COMUCAP's programs grew, however, they started seeing results—the more money women made,

the more power they were able to assert in the household.

As the community started to view the women of COMUCAP as economic contributors to its families, more and more women made decisions jointly with their husbands and stood up for themselves and their children in the face of abuse. Today COMUCAP provides employment and income to over 256 women in its community. Household violence has reduced drastically within the families of COMUCAP.

This example clearly illustrates that violence against women is preventable and that there are proven solutions that work. Even more inspiring, there are many thousands of local organizations like COMUCAP worldwide, which work within their own communities to support women in violent situations, help them find ways to support themselves and change cultural attitudes within their communities.

By supporting funding to overseas women's organizations to enable them to work independently, IVAWA encourages this type of grassroots sustainability that will be crucial to any permanent solution to violence.

Violence has a profound effect on the lives of women and girls, and therefore, all communities around the world. As a member of the Senate Foreign Relations Committee, I am committed to continue to work with my colleagues to fight to end it and to provide any assistance and resources necessary to achieve this goal.

By Ms. LANDRIEU:

S. 2986. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005 and Hurricanes Gustav and Ike of 2008. Almost 5 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. As chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. "Ray" Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that need this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June. Pre-

Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit in June, the Bergerons were down to two employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

As of June when I met with them, the Bergerons had a \$225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until he is 101 years old. But just yesterday, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees earlier last year.

The Bergerons' story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the economic downturn, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these "pioneer" businesses are the ones rebuilding communities need the most because they serve as anchors. If residents see the Bergerons' gas station, or their favorite restaurant, open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2010. I thank my colleague Representative CHARLIE MELANCON for introducing the House companion bill. Our legislation would provide targeted assistance to as many as 22,000 businesses in Louisiana, Mississippi, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to \$15,000 of interest payments over 3 years, helping to create or save up to 81,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those "pioneer" businesses that were the first to re-open after the disaster. The program would end on December 31, 2010.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as \$1,000 per month. For example, for a \$114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as \$400 in monthly interest. In one year, this adds up to \$4,800 and almost \$14,500 in 3 years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, \$15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extravagant bonuses. I, for one, believe it is time to help these Main Street businesses, as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods, which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89-917 that, "The overwhelming magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes."

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89-339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its



committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, "This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas." Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above \$500—due on the loan over a period of 3 years, but not to exceed \$1,800 in interest. The bill was signed into law in November 1965 and Congress later approved \$35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our State. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 in Louisiana alone. Katrina was also the costliest natural disaster in U.S. history, with more than \$81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid-2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana. With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other "pioneer" businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergerons' story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in

2008, and the economic downturn. My home State of Louisiana was slow to feel the brunt of the credit crunch and economic meltdown, but last year we began to see the drying up of investments and the shrinking of consumers' pocketbooks. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these three states hardest hit by Katrina, Rita, Gustav and Ike. Given the urgent needs of many of these impacted businesses, I will be reaching out to my colleagues in Texas, Louisiana, and Mississippi to hopefully gain their support for quick passage of this assistance. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the fifth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to relieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 22,000 Main Street business owners and their estimated 81,000 employees in the Gulf Coast.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Hurricanes Small Business Disaster Relief Act of 2010".

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "covered disaster loan" means a loan—

(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

(C) made to a business located in a declared disaster area;

(3) the term "declared disaster area" means an area in the State of Louisiana, the

State of Mississippi, or the State of Texas for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

(4) the term "program" means the Southeast Hurricanes Small Business Disaster Relief Program established under section 3; and

(5) the term "small business concern" has the meaning given that term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

#### SEC. 3. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

(1) for not more than 3 years; and

(2) in a total amount of not more than \$15,000.

(b) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program by a small business concern—

(1) with not more than 50 employees; or

(2) that resumed business operations in—

(A) a declared disaster area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, during the period beginning on September 1, 2005, and ending on October 1, 2006; or

(B) a declared disaster area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008, during the period beginning on September 1, 2008, and ending on January 1, 2009.

(c) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after December 31, 2010.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this Act.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 2989. A bill to improve the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I am pleased today to be introducing the Small Business Contracting Improvements Act of 2010, legislation designed to protect the interests of small businesses and boost their opportunities in the Federal marketplace.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I have focused a considerable amount of energy promoting the interests of small businesses in the federal contracting arena. The legislation I am introducing today marks a critical step forward in this process.

As the largest purchaser in the world, the Federal Government is uniquely positioned to offer new and reliable business opportunities for our Main Street businesses. Government contracts are perhaps one of the easiest and most inexpensive ways the government can help immediately increase sales for America's entrepreneurs, giving them the tools they need to keep



our economy strong and create jobs. By increasing contracts to small businesses by just 1 percent, we can create more than 100,000 new jobs—and today, we need those jobs more than ever.

But the reality is, small businesses need all the help they can get accessing Federal contracts. In fiscal year 2007, according to the Federal Procurement Data System, the Federal Government missed its 23 percent contracting goal by .992 percent. That .992 percent represents more than \$3.74 billion and 93,500 jobs lost for small businesses. The numbers are even worse the next fiscal, in fiscal year 2008 the Federal Procurement Data System reported that the government missed its goal by 1.51 percent—meaning more than \$6.51 billion and 162,700 jobs lost. While these numbers tell the stark story of why this legislation is vital for our small businesses and our overall economy, they are still only a part of the story of why this legislation is needed.

Our small businesses have been taking the brunt of this economic downturn. In this past year, small businesses accounted for more than 85 percent of job losses. This fact was vividly illustrated to me this weekend when I met with Louisiana business owners and officials. A small business owner who spoke at our meeting told of how he was down from 20 plus employees to three. He was clear that if he had access to federal work he would begin staffing up tomorrow. That is the reason I am introducing this legislation today. These contracting opportunities represent job creation for small businesses in a way that is unique. When large businesses get new work they typically spread that work among existing employees. When small businesses get these contracts they must staff up to meet the increased demand.

Furthermore, last night President Obama made the case that small businesses need to be the focus of our recovery. I have heard over and over again that small business is the engine that drives our economy. Well, if that is true, then it is time to give that engine some gas. President Obama set the right tone last night and today our bill looks to act on his words and fill that tank as we consider improvements in four key areas.

The first area I attempt to make improvements in is the area of contract bundling. Although contract bundling may have started out as a good idea, it has now become the prime example of the old saying that too much of a good thing can be very, very bad. The proliferation of bundled contracts coupled with the decimation of contracting professionals within the government threatens to kill small businesses' ability to compete for federal contracts.

Our bill looks to address those issues by ensuring: accountability of senior agency management for all incidents of bundling; timely and accurate report-

ing of contract bundling information by all federal agencies; and improved oversight of bundling regulation compliance by the Small Business Administration, SBA.

The bill also ensures that contract consolidation decisions made by a department or agency, other than the Defense Department and its agencies, provide small businesses with appropriate opportunities to participate as prime contractors and subcontractors.

Another way that this bill attempts to tackle the issue of bundling is by creating a joint venture and teaming center at the SBA. This center will provide technical support to associations and businesses who are interested in bidding on larger contracts as part of small business teams or joint ventures. The bill will also ease regulations that serve as a disincentive for small businesses who want to enter into teaming relationships with one another.

The second area that this bill attempts to address is subcontracting. The Committee has heard from many businesses about the challenges that some small business subcontractors face when dealing with prime contractors. Business owners have related that the way subcontracting compliance is calculated creates opportunity for abuse. They also related that many small businesses will spend time, money and effort preparing bid proposals to be a part of a bid team and that once the contract is won they never heard from the prime contractor again. Many also complain about a lack of timely payments after they have completed work.

This bill attempts to deal with some of these issues by including provisions designed to prevent misrepresentations in subcontracting by prime contractors. To accomplish this, the bill: provides guidelines and procedures for reviewing and evaluating subcontractor participation in prime contracts and provides for speedier payments to small business subcontractors who have successfully completed work on behalf of the prime contractor.

The third area I intend to update is the acquisition process. This bill aims to increase the number of small business contracting opportunities by including additional provisions to reduce bundled contracts by reserving more contracts for small business concerns. The bill accomplishes this by: authorizing small business set-asides in multiple-award, multi-agency contracting vehicles; directing the Office of Federal Procurement Policy to issue guidelines to analyze the use of government credit cards for the purpose of meeting small business goals; and requiring that agencies include meeting small business contracting goals in the performance evaluation of contracting and program personnel.

The last area that I tackle in this legislation is small business size and

status integrity. The Committee has heard from a number of small businesses about large businesses parading as small businesses. It is imperative that small business contracts go to small businesses. Small businesses may be losing billions of dollars in opportunities because of size standard loopholes.

This bill attempts to address these issues by making additions to the Small Business Act that are designed to strengthen the government's ability to enforce the size and status standards for small business certification. To achieve this, the new section: establishes a presumption of loss to the federal government whenever a large business performs a small business contract; requires that small businesses annually certify their size status; requires the development of training programs for small business size standards; requires a detailed review of the size standards for small businesses by the SBA within one year; and directs GAO to study the effectiveness of the mentor-protégé program.

It is well past time to provide greater opportunities for the thousands of small business owners who wish to do business with the Federal Government. I believe that this legislation is a good step toward opening those doors of opportunity. I hope all of my colleagues will join me in supporting this bill and I look forward to working with them as we work to move this legislation forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2989

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Contracting Revitalization Act of 2010".

#### **SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

#### **TITLE I—CONTRACT BUNDLING**

- Sec. 101. Leadership and oversight.
- Sec. 102. Consolidation of contract requirements.
- Sec. 103. Small business teams pilot program.

#### **TITLE II—SUBCONTRACTING INTEGRITY**

- Sec. 201. GAO recommendations on subcontracting misrepresentations.
- Sec. 202. Small business subcontracting improvements.

#### **TITLE III—ACQUISITION PROCESS**

- Sec. 301. Reservation of prime contract awards for small businesses.
- Sec. 302. Micro-purchase guidelines.
- Sec. 303. Agency accountability.
- Sec. 304. Payment of subcontractors.
- Sec. 305. Repeal of Small Business Competitiveness Demonstration Program.

#### TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

- Sec. 401. Policy and presumptions.  
 Sec. 402. Annual certification.  
 Sec. 403. Training for contracting and enforcement personnel.  
 Sec. 404. Updated size standards.  
 Sec. 405. Study and report on the mentor-protégé program.

#### SEC. 3. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

#### TITLE I—CONTRACT BUNDLING

##### SEC. 101. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(q) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any contract award above the substantial bundling threshold of the Federal agency a provision soliciting bids by teams and joint ventures of small business concerns.

“(2) AGENCY POLICIES ON REDUCTION OF CONTRACT BUNDLING.—The head of each Federal agency shall—

“(A) not later than 180 days after the date of enactment of this subsection, publish on the website of the Federal agency the policy of the Federal agency regarding contracting bundling and consolidation, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

“(B) not later than 30 days after the date on which the head of the Federal agency submits data certifications to the Administrator for Federal Procurement Policy, publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Director of Small and Disadvantaged Business Utilization for each Federal agency shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Federal agency has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Federal agency selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall implement an electronic procurement center representative program.

##### SEC. 102. CONSOLIDATION OF CONTRACT REQUIREMENTS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

##### “SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been, are being, or will be provided to, or will be performed for or would typically be performed for, the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited;

“(3) the term ‘Federal agency’ does not include the Department of Defense or any agency of the Department of Defense;

“(4) the term ‘multiple award contract’ means—

“(A) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(B) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

“(5) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

“(1) IN GENERAL.—The head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency

with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

“(C) determines that the consolidation of contract requirements is necessary and justified.

“(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

“(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is substantial in relation to the total cost of the procurement.

“(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

“(A) quality;

“(B) acquisition cycle;

“(C) terms and conditions; and

“(D) any other benefit.”.

##### SEC. 103. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “Center” means the Center for Small Business Teaming established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Center) relating to—

(A) customer relations and outreach;

(B) submitting bids and proposals;

(C) team relations and outreach; and

(D) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Center for Small Business Teaming within the Administration to carry out a pilot program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—The Center may make grants to eligible organizations to assemble teams of small business concerns to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—

(1) IN GENERAL.—The Center shall work with eligible organizations receiving a grant under this section to identify appropriate contracting opportunities for teams or joint ventures of small business concerns.

(2) RESTRICTED COMPETITION.—A contracting officer of a Federal agency may restrict competition for any contract for the procurement of goods or services by the Federal agency to teams or joint ventures of small business concerns if determined appropriate by the contracting officer.

(e) **TERMINATION.**—The authorities under this section shall terminate 5 years after the date of enactment of this Act.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants by the Center under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

## **TITLE II—SUBCONTRACTING INTEGRITY**

### **SEC. 201. GAO RECOMMENDATIONS ON SUBCONTRACTING MISREPRESENTATIONS.**

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(o) **PREVENTION OF MISREPRESENTATIONS IN SUBCONTRACTING; IMPLEMENTATION OF RECOMMENDATIONS OF COMPTROLLER GENERAL.**—

“(1) **STATEMENT OF POLICY.**—It is the policy of Congress that the recommendations of the Comptroller General of the United States in Report No. 05-459, concerning oversight improvements necessary to ensure maximum practicable participation by small business concerns in subcontracting, shall be implemented Government-wide, to the maximum extent possible.

“(2) **CONTRACTOR COMPLIANCE.**—Compliance of Federal prime contractors with subcontracting plans relating to small business concerns shall be evaluated as a percentage of obligated prime contract dollars and as a percentage of subcontracts awarded.

“(3) **ISSUANCE OF AGENCY POLICIES.**—Not later than 180 days after the date of enactment of this subsection, the head of each Federal agency shall issue a policy on subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.”.

### **SEC. 202. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.**

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal, unless the small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.”.

## **TITLE III—ACQUISITION PROCESS**

### **SEC. 301. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.**

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) **GOVERNMENT-WIDE ACQUISITION CONTRACTS.**—Not later than 180 days after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator shall jointly, by regulation, establish criteria for Federal agencies for—

“(1) setting aside part or parts of a multiple award contract (as defined in section 44), Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) setting aside orders placed against multiple award contracts, Federal supply schedule contracts, and other Government-wide acquisition contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserving 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”.

### **SEC. 302. MICRO-PURCHASE GUIDELINES.**

Not later than 1 year after the date of enactment of this Act, the Controller of the Office of Federal Financial Management shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

### **SEC. 303. AGENCY ACCOUNTABILITY.**

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;

(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;

(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;

(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—

(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:

“(F)(i) Each procurement employee or program manager described in clause (ii)—

“(I) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals; and

“(II) shall have as a significant factor in the annual performance evaluation of the procurement employee or program manager, where appropriate, the success of that procurement employee or program manager in small business utilization, in accordance with the goals established under this subsection.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

### **SEC. 304. PAYMENT OF SUBCONTRACTORS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(11) **PAYMENT OF SUBCONTRACTORS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered contract’ means a contract re-

lating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) **NOTICE.**—

“(i) **IN GENERAL.**—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which—

“(I) the Federal agency has paid the prime contractor; or

“(II) the prime contractor has submitted a request for payment to the Federal agency.

“(ii) **CONTENTS.**—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(iii) **PUBLIC AVAILABILITY.**—The head of each Federal agency shall, after redacting information identifying any subcontractor, make publicly available any notice made under clause (i).

“(C) **PERFORMANCE.**—A contracting officer for a covered contract shall consider the failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) **CONTROL OF FUNDS.**—A contracting officer for a covered contract may restrict the authority of a prime contractor that has a history of untimely payment of subcontractors (as determined by the contracting officer) to make expenditures under or control payment of subcontractors for a covered contract.”.

### **SEC. 305. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.**

(a) **IN GENERAL.**—The Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

## **TITLE IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY**

### **SEC. 401. POLICY AND PRESUMPTIONS.**

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) **PRESUMPTION.**—

“(1) **IN GENERAL.**—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) **DEEMED CERTIFICATIONS.**—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

“(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of a director, officer, or counsel on the same page on which the certification is contained.

“(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”.

#### SEC. 402. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

“(u) ANNUAL CERTIFICATION.—

“(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the ORCA database of the Administration, or any successor thereto.

“(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the ORCA database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.

“(3) DETERMINATION OF SIZE STATUS.—The small business size or status of a business concern shall be determined at the time of the award of a Federal—

“(A) contract, except that, in the case of interagency multiple award contracts (as defined in section 44), small business size or status shall be determined annually, except for purposes of the award of each task or delivery order set aside or reserved for small business concerns;

“(B) subcontract;

“(C) grant;

“(D) cooperative agreement; or

“(E) cooperative research and development agreement.”.

#### SEC. 403. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, shall develop courses concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by this Act, is amended by adding at the end the following:

“(v) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the head of each relevant Federal agency and the Inspector General of the Administration shall issue a Government-wide policy on prosecution of small business size and status fraud.”.

#### SEC. 404. UPDATED SIZE STANDARDS.

Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall—

(1) conduct a detailed review of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2));

(2) make appropriate adjustments to size standards under that section to reflect market conditions; and

(3) make publically available information regarding—

(A) the factors evaluated as part of the review conducted under paragraph (1); and

(B) the criteria used for any revised size standards promulgated under paragraph (2).

#### SEC. 405. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

Ms. SNOWE. Mr. President, as ranking Member of the Senate Committee on Small Business and Entrepreneur-

ship, I rise today, along with Senator LANDRIEU, to introduce the Small Business Contracting Revitalization Act of 2010. This critical piece of legislation is the direct result of consensus-building and compromise, and continues the bipartisan tradition of the Small Business Committee. I also wish to thank Chair LANDRIEU for her partnership with me in forging this truly crucial measure as we work toward contracting parity for small business, and for her tireless leadership on all concerns confronting small businesses today.

The Small Business Contracting Revitalization Act of 2010 retains critical procurement provisions that originate in the comprehensive contracting bills I introduced or cosponsored in the 109th and 110th Congresses which were unanimously voted out of the Small Business Committee. This particular legislation will serve to minimize the use of contract bundling and consolidation of contracts by the Federal Government, and increase the ability of small businesses to fairly compete for such contracts through a host of key improvements, including allowing small businesses to join together in teams to bid on certain procurement opportunities. Additional requirements will help to ensure prompt payment from prime contractors to subcontractors, and make it easier for the Federal Government to prosecute businesses who fraudulently identify themselves as small companies.

Since the mid-1990s, with the enactment of acquisition streamlining reforms and the downsizing of the Federal procurement workforce, small businesses have faced a litany of hurdles that have deprived them of Federal contracting dollars. One such impediment is contract bundling which takes contracting opportunities out of the hands of deserving small businesses by grouping numerous small contracts and bundling them into one large award. Ill-equipped to manage the demands of these consolidated awards due to a lack of resources, small business owners again find themselves crowded out of the Federal contracting process. Consequently, the bipartisan measure we are introducing today reflects the recommendations made by the Government Accountability Office, GAO, to impose stricter reviews and more comprehensive reporting of bundled contracts, encourages small business teaming to bid on larger contracts, and promotes Federal agency publishing and use of best practices. Additional obstacles to successful small business contracting include “bait and switch” tactics used by prime contractors who use small firms in developing bids but do not subcontract with them once a contract has been awarded. Our bill will address this concern as well as other ongoing problems such as large businesses posing as

small businesses, flawed reporting data, and agencies who fail to meet their small business contracting goals.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I am further dismayed by the myriad ways that government agencies have time and again egregiously failed to meet the vast majority of their small business statutory “goaling” requirements. It is unconscionable that the statutory goal for only one category of small business—small disadvantaged businesses—has been met, and that goals for the three other programs—HUBZones, women-owned small businesses, and service-disabled veterans-owned businesses—have never been achieved.

Consider that, in 2007, small businesses were eligible for \$378 billion in Federal contracting awards, yet received only \$83 billion. This blatant failure to utilize small businesses, thus preventing them to secure their fair share of Federal contracting dollars, has resulted in firms losing billions of dollars in contracting opportunities. But 23 percent is only a base goal—we must strive to exceed it, not just meet it.

In the last two years alone, the Small Business Committee has held numerous hearings and roundtables to identify and explain small business’ contracting concerns. In addition, the GAO and the Small Business Administration’s Inspector General have issued multiple reports addressing small business Federal contracting deficiencies. Our legislation builds on the contracting provisions of previous Small Business Committee contracting bills by endowing the SBA with additional tools to meet the demands of an ever-changing 21st century contracting environment.

That said, I am greatly encouraged by the latest statistics relating to Federal contracting dollars awarded to small businesses from the funds appropriated under the American Recovery and Reinvestment Act, ARRA. Preliminary reports show that, as of February 1, 2010, small businesses have received over 29 percent of the ARRA Federal contracting dollars, well-exceeding the imposed 23 percent statutory goal. This begs the question, if the Federal government can not only meet but exceed these requirements for the Recovery Act, why can’t these goals be met year in and year out? The simple answer is they can. I am hopeful that this administration will make a conscious effort to reverse the government-wide failure to meet small business goals on a consistent basis.

I am confident that this legislation will result in the changes necessary to reduce fraud and waste while paving the way for the Federal government to maximize the use of America’s innovative small businesses in the contracting arena. Again, I want to recog-

nize Senator LANDRIEU for her leadership in this matter, and for her continuing commitment to the small business community.

By Mr. CARPER (for himself, Mr. ALEXANDER, Ms. KLOBUCHAR, Ms. COLLINS, Mrs. FEINSTEIN, Mr. GREGG, Mrs. SHAHEEN, Mr. GRAHAM, Mr. KAUFMAN, Mr. SCHUMER, Mr. LIEBERMAN, and Ms. SNOWE):

S. 2995. A bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector; to the Committee on Environment and Public Works.

Mr. ALEXANDER. Mr. President, today Senator CARPER and I have joined with Senators KLOBUCHAR, COLLINS, GREGG, KAUFMAN, GRAHAM, FEINSTEIN, SHAHEEN, SCHUMER, LIEBERMAN, and SNOWE to introduce the Clean Air Act Amendments of 2010.

This bill is about clean air and the effect of sulfur dioxide, nitrogen oxides, and mercury emissions of coal-fired power plants on health, jobs, and tourism. This bill does not address carbon emissions.

To me the most important aspect of this bill is that for the very first time it puts into federal law requirements that we cut mercury emissions by 90 percent from coal plants, which produce 50 percent of our electricity today.

This bill will reduce sulfur dioxide, nitrogen oxides, and mercury emissions from power plants by directing EPA to cut mercury emissions at least 90 percent through the best available technology and strengthening national limits on emissions of sulfur dioxide and nitrogen oxides from power plants with new trading systems that will enable cost-effective reductions of these two pollutants.

For Tennesseans this is a bill about our health, it is about tourism in our State and it is about our jobs.

400,000 Tennesseans have asthma that is affected by the dirty air in our state. Sulfur dioxide and nitrogen oxides can trigger asthma attacks and cause chronic lung problems. 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

The more we learn about mercury the more we understand that it gets in our food supply, it gets in our water supply, some of it comes from our coal plants and it especially affects women and children. Nationwide, EPA estimates this bill will save more than 215,000 lives and more than \$2 trillion in health care costs by 2025.

In our State, we are privileged to have the most visited national park in America, the Great Smoky Mountains National Park—we are intensely proud of it. But we want the 10 million tourists who come there every year to see the blue haze that the Cherokee Indi-

ans used to sing about, not the smog that is produced by dirty air blowing into our State and some of the dirty air that we produce.

Finally we have become an automobile State. When auto parts suppliers move to Tennessee and want to locate near the Nissan plant or near the Volkswagen plant, one of the first things they have to do is to get a clean air permit. Our State simply cannot clean up our air all by ourselves without strong national standards to require the rest of the country to stop producing dirty air that blows into our State. So for Tennesseans this is about our health, about our tourism and our mountains, and this is about our jobs.

The Environmental Protection Agency says the bill will only cost electricity consumers about 1.5 percent to 2.5 percent increases in their utility bills by 2020. This may only be about \$2 a month per customer. I think \$2 a month is worth it for savings of \$2 trillion in health care costs.

In summary, this bill helps save hundreds of thousands of lives, saves trillions of health care dollars, enables communities to meet new EPA air quality requirements and create new jobs, and protects the scenic beauty of some of our greatest natural treasures.

Cleaner air is something we can all support and I ask my colleagues to join Senator CARPER and me in this effort.

Mr. President, I ask unanimous consent that a description of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CLEAN AIR ACT AMENDMENTS OF 2010

TO REDUCE SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS FROM POWER PLANTS

Sponsors and Cosponsors: Carper, Alexander, Klobuchar, Collins, Gregg, Kaufman, Graham, Feinstein, Shaheen, Schumer, Lieberman, Snowe.

#### Background on the Pollutants:

1. Sulfur dioxide (SO<sub>2</sub>) is a gas that can quickly trigger asthma attacks, but is most dangerous as one of the primary raw ingredients in particle pollution. SO<sub>2</sub> converts in the atmosphere into microscopic fine particles that can lodge deep in the lungs—and increase the risk of dying early, trigger heart attacks, strokes, and may cause lung cancer.

2. Nitrogen oxides (NO<sub>x</sub>) are the key contributor to ozone smog, which causes respiratory illness and harms crops and ecosystems.

3. Mercury is a neurotoxin. High exposure to mercury can harm the brain, heart, kidneys, lungs and immune systems, especially in children and pregnant women. Also harms crops, wildlife, and streams.

#### What this bill does:

Codifies the Clean Air Interstate Rule (CAIR) for 2010 and 2011—setting SO<sub>2</sub> and NO<sub>x</sub> standards for eastern states.

Strengthens national limits on emissions of SO<sub>2</sub> and NO<sub>x</sub> from power plants and creates new trading systems that will enable cost-effective reductions of these two pollutants.

Directs EPA to cut mercury emissions at least 90% through the best available technology.

Why it is needed—

**Jobs:** Clean air targets promote job creation in engineering, construction, and manufacturing of advanced clean air technologies. Targets help communities meet air quality standards, so new manufacturers can get clean air permits, build new facilities, and hire new workers.

In Chattanooga, Tennessee, for example, it will allow more auto part suppliers to build facilities near the new Volkswagen plant and employ thousands of Tennesseans.

**Health:** Cleaner air means residents are less likely to have chronic lung disease, asthma, or lung cancer.

Nationwide, EPA estimates this bill will save more than 215,000 lives and more than \$2 trillion in health care costs by 2025.

In Tennessee, 400,000 Tennesseans with asthma are at a daily risk due to poor air quality.

In Delaware, over 18,000 children with asthma are living in areas of poor air quality.

**Tourism:** Millions of people a year visit the Great Smoky Mountains National Park to see the “Blue Haze” not the smog from dirty air. Tennessee has over 85 million tourists visit the state each year, generating over \$14 billion for the State of Tennessee.

**Certainty:** Clear targets provide certainty for public health protection and for power

sector investment. Predictability allows companies to find the most cost-effective ways to employ clean air technologies.

**How it works:** Through the use of emissions control equipment, such as “scrubbers” on smokestacks, and other technologies, the bill would require utilities to:

Cut SO<sub>2</sub> emissions by 80 percent (from 7.6 million tons in 2008 to 1.5 million tons in 2018).

Cut NO<sub>x</sub> emissions by 53 percent (from 3 million tons in 2008 to 1.6 million tons in 2015).

Cut mercury emissions by at least 90 percent no later than 2015.

#### CLEAN AIR ACT AMENDMENTS OF 2010

##### Clean Air Act Amendments of 2010

|                      |  |
|----------------------|--|
| Sulfur Dioxide ..... | Codifies CAIR for 2010 and 2011.<br>National Caps<br>Beginning in 2012—3.5 million tons emission cap.<br>Beginning in 2015—2.0 million tons emission cap.<br>Beginning in 2018—1.5 million tons emission cap.<br>Builds on Acid Rain national trading program. |
| Nitrogen Oxide ..... | Codifies CAIR for 2010 and 2011.<br>National Caps<br>Beginning in 2012—1.79 million tons emission cap.<br>Beginning in 2015—1.62 million tons emission cap.<br>Creates two regional trading programs—for the East and the West.                                |
| Mercury .....        | Directs EPA to cut mercury emissions from coal plants by at least 90% by 2015 through maximum available control technology enforcement.  |
| Carbon Dioxide ..... | Not included in this legislation.  |

By Ms. COLLINS (for herself, Mr. PRYOR, Mr. VOINOVICH, and Ms. LANDRIEU):

S. 2996. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, the law granting the Federal Government, for the first time, the authority to regulate the security of the nation's highest risk chemical facilities is due to expire at the end of this fiscal year. Given the success of this law and its vital importance to all Americans, I am introducing legislation today with Senators PRYOR, VOINOVICH, and LANDRIEU to reauthorize it.

The U.S. is home to an astonishing number of facilities that manufacture, use, or store chemicals for legitimate purposes. From pharmaceuticals to cosmetics, soaps to plastics and all manner of industrial, construction, and agricultural products, chemicals enable the manufacture of more than 70,000 products that improve the well-being of the American people.

The chemical industry is enormous, diverse, and vital to the American economy. It approaches half a trillion dollars annually in sales. It is one of our largest exporters, with exports totaling \$174 billion annually. It directly employs more than 850,000 people nationwide and supports millions more indirectly.

These facilities are vital parts of our economy and society. But, to our enemies, they can be potential chemical weapons. Like the airliners of September 11th, it would only take an attack on a few, or even one, to cause a horrifying loss of life.

In 2005, as Chairman of the Homeland Security and Governmental Affairs Committee, I held a series of hearings to examine the terrorist threat to the nation's chemical facilities and the devastating consequences that could arise from a successful attack. As a result of those hearings, I introduced comprehensive, bipartisan legislation to provide the Department of Homeland Security with the authority necessary to set and enforce security standards at high-risk chemical facilities in the U.S. That bill formed the basis for chemical security legislation signed into law in 2006 as part of the Department of Homeland Security Appropriations Act, 2007.

Specifically, section 550 requires the Department to issue rules requiring all high-risk chemical facilities to conduct vulnerability assessments, develop site security plans to address identified vulnerabilities, and implement protective measures necessary to satisfy risk-based performance standards. Section 550 also directs the Secretary of Homeland Security to review and approve those vulnerability assessments and site security plans and to audit and inspect covered chemical facilities for compliance with the performance standards. It also permits the Secretary to shut down covered facilities that are non-compliant.

In April 2007, the Department published interim final rules, known as the Chemical Facilities Anti-Terrorism Standards, CFATS, setting forth the requirements that high-risk chemical facilities must meet to comply with the law. Among other things, CFATS establishes 18 risk-based performance standards which facilities must meet to be in compliance with the law. These standards cover items such as securing the perimeter and critical tar-

gets, controlling access, deterring the theft of potentially dangerous chemicals, and preventing internal sabotage.

CFATS, however, does not dictate specific security measures. Instead, the law allows chemical facilities the flexibility to choose the security measures or programs that the owner or operator of the facility decides would best address the particular facility and its security risks, so long as these security measures satisfy the Department's 18 performance standards.

Since publishing CFATS in 2007, the Department has worked aggressively and diligently on implementation. The Department has hired and trained more than 100 chemical facility field inspectors and headquarters staff. Indeed, by the end of Fiscal Year 2010, the Department hopes to employ more than 260 CFATS staff. And, to date, the Department has received over \$200 million in funding to support CFATS.

Given the daunting challenges of establishing such a comprehensive regulatory program from scratch, the Department wisely decided to implement CFATS in phases, beginning with those facilities presenting the very highest security risks.

To determine which facilities presented the highest risks, the Department first required chemical plants that possessed certain threshold quantities of specified chemicals to complete an online security assessment—called “Top-Screen.” Based on the Top-Screen and any other available information, the Department then ascertained whether a facility “presented a high level of security risk” and preliminarily divided such facilities into four tiers of escalating risk. While all covered facilities must satisfy the Department's performance



standards, the security measures sufficient to meet them are more robust for those facilities in the higher tiers, such as Tiers 1 and 2.

For chemical facilities that qualified as "preliminarily high risk," the Department required the preparation and submission of security vulnerability assessments. These assessments enabled the Department to identify more accurately each facility's risk and, thus, to assign final risk tier rankings. Based on these final tier rankings, these facilities must develop site security plans and submit to inspections or audits to ensure their compliance.

The men and women of the Department have processed a tremendous amount of information in a relatively short period of time. According to the Department, since establishing CFATS, it has reviewed almost 38,000 Top-Screen submissions and notified more than 7,000 facilities of their high-risk designations and preliminary tiers.

As of December 2009, CFATS covered only 6,000 facilities. Some facilities closed; others made material modifications that altered their risk profile. Of those remaining, the Department has assigned final tiers to almost 3,000—including all of the facilities in Tiers 1 and 2—and is now reviewing their site security plans.

Although the Department remains in the midst of implementing CFATS, it has generally received positive reviews for its work. The private sector has become a partner in the program's success. The collaborative nature of the program has been praised by many experts as a model for security-related regulation.

Notwithstanding the Department's success in administering the CFATS program and the considerable costs that facilities have incurred in complying with it, some now want to "swap horses in midstream" by radically overhauling the law.

Indeed, in November 2009, the House of Representatives passed legislation that would dramatically alter the nature of CFATS, requiring the Department to completely rework the program and stop its considerable progress—dead in its tracks. Among other things, the House bill would direct the Secretary of Homeland Security to establish new risk-based performance standards, require covered chemical facilities in Tiers 1 and 2 to implement so-called "inherently safer technology", IST, and allow third-party lawsuits against the Department over CFATS implementation.

Unfortunately, Mr. President, the changes proposed by the House will in no way enhance the nation's security. They will, however, impose unnecessary and costly burdens on the economy and destroy the collaborative public-private partnership critical to CFATS' success.

The House provision that would allow the Department to mandate that

certain chemical facilities implement IST is an example. IST is an approach to process engineering involving the use of less dangerous chemicals, less energetic reaction conditions, or reduced chemical inventories. It is not, however, a security measure. And because there is no precise methodology by which to measure whether one technology or process is safer than another, an IST mandate may actually increase or unacceptably transfer the risk to other points in the chemical process or elsewhere on the supply chain.

For example, it is my understanding that after careful evaluations of the available alternatives, many drinking water utilities have determined that gaseous chlorine remains their best and most effective drinking water treatment option. Their decisions were not based solely on financial cost considerations, but also on many other factors, such as the characteristics of the region's climate, geography, and source water supplies, the size and location of the utility's facilities, and the risks and benefits of gaseous chlorine use compared to those inherent with the use of alternative treatment processes.

According to one water utility located in an isolated area of the Northwest, if Congress were to force it to replace its use of gaseous chlorine with sodium hypochlorite, then the utility would have to use as much as seven times the current quantity of treatment chemicals to achieve comparable water quality results. In turn, the utility would have to arrange for many more bulk chemical deliveries, by trucks, into the watershed. The greater quantities of chemicals and increased frequency of truck deliveries would heighten the risk of an accident resulting in a chemical spill into the watershed. In fact, the accidental release of sodium hypochlorite into the watershed would likely cause greater harm to soils, vegetation and streams than a gaseous chlorine release in this remote area. Because the facility is so isolated from population centers, the gas released in the event of an accident would almost certainly dissipate before reaching populated areas.

Forcing chemical facilities to implement IST could wreak economic havoc on some facilities and affect the availability of products that all Americans take for granted. For instance, according to October 2009 testimony by the Society of Chemical Manufacturers and Affiliates before the House Committee on Energy and Commerce, mandatory IST would negatively restrict the production of pharmaceuticals and microelectronics, unnecessarily crippling those industries.

Moreover, the increased cost of a mandatory IST program could encourage chemical companies to transfer their operations overseas, costing thousands of American jobs.

To be clear, some owners and operators of chemical facilities will want to use IST. But the decision to implement IST should be that of the owner or operator, not a Washington bureaucrat.

In fact, the evidence is quite compelling that many chemical facilities, based on an assessment of many complex factors, have already taken steps to avoid the use, storage, and handling of extremely dangerous chemicals in favor of safer alternative processes. The Department's own data indicate that nearly 1,000 facilities voluntarily adopted safer alternative processes.

Notwithstanding all of the other changes to CFATS passed by the House, the mandatory IST requirement itself will bring CFATS to a screeching halt. This is neither necessary nor wise. Congress should not dictate specific industrial processes under the guise of security when a facility may choose other alternatives that meet the Nation's security needs.

That is precisely why Senators PRYOR, VOINOVICH, LANDRIEU, and I are introducing the Continuing Chemical Facilities Antiterrorism Security Act of 2010. Instead of directing the Department to start again from scratch, our legislation would reauthorize section 550 for five more years. Such an extension would provide the Department with sufficient time to fully implement the CFATS program in its current form. It would also provide a stable regulatory environment to encourage chemical innovation and industry confidence.

Our legislation also contains two improvements, both of which are based on similar provisions from the Security and Accountability For Every, SAFE, Port Act of 2006. The first would direct the Secretary to establish a voluntary Chemical Security Training Program to enhance the capabilities of Federal, State, and local governments, chemical industry personnel, and governmental and nongovernmental emergency response providers to prevent, prepare for, respond to, mitigate against, and recover from acts of terrorism, natural disasters, and other emergencies that could affect chemical facilities. The second would create a voluntary program to test and evaluate these capabilities.

Not only is the chemical industry vital to our country's economy, but also it is the linchpin to the important advancements and innovations in critical fields such as science, technology, agriculture, medicine, and manufacturing.

As one of the co-authors of the first chemical security law, no one is more conscious than I am of the risks that attacks on chemical facilities pose to the nation. The Department has done a remarkable job developing a comprehensive chemical security program.

If our true intent is to secure high-risk facilities, then it is incumbent



upon Congress to allow the Department to continue doing its job implementing CFATS.

By Mr. UDALL, of Colorado:

S. 2999. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bill to improve the management of our public lands by increasing the fines and penalties associated with violations of law—and regulation—governing the use of these lands.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an expanded use and enjoyment of our public lands. These uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such uses. As a result, many of our public lands are being damaged.

While most users are responsible and law-abiding, some either knowingly or inadvertently violate these rules and damage these precious natural resources, which harms wildlife, increases run-off and sediment loading in rivers and streams, diminishes the enjoyment of other users, and impacts sensitive high-alpine tundra, desert soils, and wetlands. In addition, as we have seen over the past decade, the careless use of fire can catastrophically damage homes and habitat, and can result in the tragic loss of life.

Often times, when these violations occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under the Federal Land Policy and Management Act of 1976, the Bureau of Land Management is limited to a fine of \$1,000 no matter how great the damage. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such knowing violations to \$100,000, and possible imprisonment, and for other non-willful violations to \$5,000. The bill is similar to one that I cosponsored in previous Congresses. The need for this legislation was demonstrated by incidents in several states, including some in Colorado.

For example, in the summer of 2000, two recreational off-road vehicles ignored closure signs while four-wheel driving on Bureau of Land Manage-

ment land high above Silverton, CO. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with others to pull them out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, “alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it’s helpless against big tires.”

Despite the extent of the damage, the violators were only fined \$600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event in the mountains near Boulder, CO, that became popularly known as the “mudfest.”

Two Denver radio personalities announced that they were going to take their off-road four-wheel drive vehicles for a weekend’s outing on an area of private property along an existing access road used by recreational off-road vehicles. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from \$66,000 to hundreds of thousands of dollars.

Most of the “mudfest” damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a \$50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, and is an ineffective deterrent for future similar behavior.

These are but two examples. And these violations are not just limited to off-road vehicle use. Regrettably, there have been many more such examples not only in Colorado but also throughout the west from a range of public land uses. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, it would amend the Federal Lands Policy and Management Act and other relevant laws governing the Forest Service, the National Park Service, and the Fish and Wildlife Service to authorize these agencies to assess

greater fines on those who violate laws and regulations governing the use of these special lands. The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess up to \$100,000 in fines, or up to 12 months in jail, or both, for violations of these laws and regulations. In addition, the bill establishes that any reckless use of fire on these public lands shall be punishable by fines of no less than \$500.

This bill augments another bill, S. 720, the Federal Land Restoration, Enhancement, Public Education, and Information Resources Act or the Federal Land REPAIR Act, which I have introduced this session with my colleague Senator BENNET. S. 720 would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper recreational use of our federal lands.

With the increase in fines established by this bill, along with the authorization to apply these funds to restoring damaged lands under the REPAIR Act, these public land agencies could restore address impacts on these public lands. Specifically, these bills would allow the public land agencies to repair damaged wildlife habitat, replant wetland vegetation, re-vegetate scarred lands, repair trails, roadways, and embankments to stem erosion and restore riparian ecosystems, and install barriers and other security measures to help deter violations in the first place.

Together, these bills can go a long way to giving the federal public land agencies the tools they need to better protect and restore these sensitive and critical lands for the use and enjoyment for generations to come. I ask my colleagues to support this bill.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 3002. A bill to amend the Federal Food, Drug, and Cosmetic Act to more effectively regulate dietary supplements that may pose safety risks unknown to consumers; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to introduce the Dietary Supplement Safety Act of 2010 with my colleague Senator DORGAN. This bill would strengthen the Food and Drug Administration’s, FDA, regulation of dietary supplements to ensure the safety of the millions of Americans who use them daily. The proposed legislation would require manufacturers of dietary supplements to register with the FDA and disclose a full list of ingredients contained in each supplement. Currently, these companies do not have to submit such information before their products are offered for sale to consumers.

A little over a year ago the NFL suspended six players, including two players from one of the teams competing this Sunday, for violating the league's anti-doping policy. Several of the players were surprised that they tested positive for a banned substance because they used a dietary supplement they believed to be safe and legal. Additionally, a recent GAO study, GAO-09-250, found that a record number of young Americans are using dietary supplements naively believing these supplements are safe and approved by the FDA for sale. However, FDA does not have a pre-market approval process. In a recent article published in *The New York Times*, it was reported that Americans spent almost \$24 billion on dietary supplements last year. Close to \$3 billion of that total is estimated to have come from manufactures that frequently advertise their products as alternatives to anabolic steroids, which are used for increasing muscle mass and strength.

The current regulatory process does not adequately address the problem. Manufactures of dietary supplements are not required to demonstrate that their product is safe and effective before it is offered for sale to the public. The dietary supplement industry is one that is mostly self-regulated. However, manufacturers have failed to disclose to their customers key ingredients that may harm a consumer's health.

For this reason, the proposed bill would require manufacturers to register the locations they manufacture these supplements, the products they are making, and disclose the ingredients found in their products with the FDA. Furthermore, dietary supplement companies would be required to provide a 75 day pre-market notice to the FDA not only for New Dietary Ingredients, but for all products containing steroids, including hormones, pro-hormones, and hormone analogues, and must establish that the product is safe for its intended use.

Lastly, the proposed legislation provides the FDA with mandatory recall authority if a product is found to be unsafe or harmful. Had this provision been in place earlier, the FD might not have taken 10 years to ban ephedra, a dietary ingredient that accounted for 64 percent of all adverse reactions in 2001, despite accounting for 1 percent of all total dietary supplement sales. It has been reported that use of ephedra contributed to the deaths of Baltimore Orioles pitcher Steve Bechler and Minnesota Vikings player Korey Stringer. Sadly and unfortunately, there are numerous stories of amateur athletes who took this supplement and experienced serious health problems.

Legitimate dietary supplement companies should have nothing to fear from this legislation. These additional requirements are critical to the FDA's ability to evaluate the safety of par-

ticular dietary ingredients and to quickly identify and notify all dietary supplement manufacturers and consumers of ingredients with known safety risks. People's lives and dreams have been significantly impacted by illegitimate supplements. The purpose of the bill is not to create a sweeping regulatory structure, but instead a targeted structure that provides for openness, transparency and safety. All Americans should know the ingredients of any dietary supplement they use and the FDA must have the tools necessary to ensure the safety of all Americans.

I am proud that this legislation is supported by all the major sports leagues, including Major League Baseball, the National Basketball Association, the National Football League, and the National Hockey League. Additionally, the legislation is supported by the United States Anti-Doping Agency, the United States Olympic Committee, the American College of Sports Medicine, National College Athletic Association, NCAA, and the PGA Tour. I hope my colleagues will join these organizations in supporting this needed legislation.

By Mr. DODD:

S. 3003. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, today I rise to introduce the Shaken Baby Syndrome Prevention Act of 2010, important legislation that promotes awareness and prevention of Shaken Baby Syndrome/Abusive Head Trauma, a devastating form of child abuse that results in the severe injury, disability or death of hundreds of children each year.

Child abuse and neglect is a well-documented tragedy for some of our youngest and most vulnerable citizens. According to the National Child Abuse and Neglect Data System, NCANDS, 794,000 children were victims of abuse and neglect in 2007. Babies are particularly vulnerable; in 2007, children aged 12 months or younger accounted for nearly 40 percent of all child abuse and neglect fatalities and children aged 4 years and younger accounted for almost 77 percent. Yet even these disturbing statistics may not paint an accurate picture; most experts agree that child abuse is widely under reported.

Abusive head trauma, including Shaken Baby Syndrome, is the leading cause of death of physically abused children, in particular for infants younger than one. When a frustrated caregiver loses control and violently shakes a baby or impacts the baby's head, the trauma can kill the child or cause severe injuries, including loss of vision, loss of hearing, brain damage, paralysis, and/or seizures, resulting in

lifelong disabilities and creating profound grief for many families.

Far too many children have experienced the horrible devastation of Shaken Baby Syndrome. A 2003 report in the *Journal of the American Medical Association* estimates that as a result of Shaken Baby Syndrome, an average of 300 U.S. children will die each year, and 600 to 1,200 more will be injured, of whom 2/3 will be infants younger than one. Medical professionals believe that thousands of Shaken Baby Syndrome cases are misdiagnosed or undetected, as many children do not immediately exhibit obvious symptoms after the abuse.

Prevention programs can significantly reduce the number of cases of Shaken Baby Syndrome. For example, the upstate New York SBS Prevention Project at Children's Hospital of Buffalo has used a simple video to educate new parents before they leave the hospital, reducing the number of shaken baby incidents in the area by nearly 50 percent.

In Connecticut, a multifaceted prevention approach involving hospitals, schools, childcare providers, and community-based organizations in awareness and training activities, including home visits and targeted outreach, has raised awareness and encouraged prevention across the state. Hospitals in many states educate new parents about the dangers of shaking a baby, yet it is estimated that less than 60 percent of parents of newborns receive information about the dangers of shaking a baby. Without more outreach, education, and training, the risk of Shaken Baby Syndrome will persist.

With the introduction of the Shaken Baby Syndrome Prevention Act of 2010, I hope to reduce the number of children injured or killed by abusive head trauma, and ultimately to eliminate Shaken Baby Syndrome. Our initiative provides for the creation of a public health campaign, including development of a National Action Plan to identify effective, evidence-based strategies for prevention and awareness of SBS, and establishment of a cross-disciplinary advisory council to help coordinate national efforts.

The campaign will educate the general public, parents, child care providers, health care professionals and others about the dangers of shaking, as well as healthy preventative approaches for frustrated parents and caregivers coping with a crying or fussy infant. The legislation ensures support for families who have been affected by SBS, and for families and caregivers struggling with infant crying, through a 24-hour hotline and an informational website. All of these activities are to be implemented through the coordination of existing programs and/or the establishment of new efforts, to bring together the best in current prevention, awareness and education practices to be expanded into

areas in need. Awareness is absolutely critical to prevention. Families, professionals and caregivers responsible for infants and young children and must learn about the dangers of violent shaking and abusive impacts to the head.

Additionally, this bill will include a study to identify the current data collected on Shaken Baby Syndrome and examine the feasibility of collecting uniform, accurate data from all states regarding the incidence rates of Shaken Baby Syndrome, the characteristics of perpetrators, and the characteristics of victims. It is my hope that having this information will enable us to better reach those who may be at risk for Shaken Baby Syndrome and, thus, prevent Shaken Baby Syndrome.

On behalf of the victims of Shaken Baby Syndrome, including Cynthia Gibbs from New York, Hannah Juceum from California, Sarah Donohue from New York, Kierra Harrison from Nevada, Miranda Raymond from Pennsylvania, Taylor Rogers from Illinois, Cassandra Castens from Arizona, Gabriela Poole from Florida, Amber Stone from New York, Bennett Sandwell from Missouri, Jamison Carmichael from Florida, Margaret Dittman from Texas, Dalton Fish from Indiana, Stephen Siegfried from Texas, Kaden Isings from Washington, Joseph Wells from Texas, Dawson Rath from Pennsylvania, Macie McCarty from Minnesota, Jake Belisle from Maine, Benjamin Zentz from Michigan, Chloe Salazar from New Mexico, Madison Musser from Oklahoma, Daniel Carbajal from Texas, Nykkole Becker from Minnesota, Gianna D'Alessio from Rhode Island, Brynn Ackley from Washington, Rachael Kang from Texas, John Sprague from Maryland, Ryan Sanders from Virginia, David Sedlet from California, Reagan Johnson from Virginia, Skipper Lithco from New York, Brittny Sheets from New York, Madilyne Wentz from Missouri, Nicolette Klinker from Colorado, Brianna Moore from West Virginia, Shania Maria from Massachusetts, Dayton Jones from Pennsylvania, Breanna Sherer from California, Evelyn Biondo from New York, Kenneth Hardy from Pennsylvania, Alexis Vazquez from Florida, Joshua True from Washington, Stephen David from California, Michael Blair from Arkansas, Olivia Thomas from Ohio, Kaleb Schwade from Florida, Aiden Jenkins from Pennsylvania, Isabella Clark from Pennsylvania, Aaron Cherry from Texas, Dominic Morelock from Ohio, Emmy Cole from Maine, Chelsea Forant from Massachusetts, Joshua Cross from Ohio, Gavin Calloway from Maryland, Christopher Daughtrey from North Carolina, McKynzee Goin from Oregon, Bryce McCormick from Florida, and many other innocent lives lost or damaged, I look forward to working with my colleagues to see that this leg-

islation becomes law so that we can expand efforts to eradicate Shaken Baby Syndrome.

By Mr. BROWN:

S. 3004. A bill to require notification to and prior approval by shareholders of certain political expenditures by publicly traded companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BROWN of Ohio. Mr. President, last month, the Supreme Court ruled that corporations, U.S. or multinational, are equivalent to people and should be able to spend an unlimited amount of company money on political campaigns.

I bet the framers of our constitution could not only tell the difference between businesses and people, but could predict the result if businesses are permitted to spend without limit to elect their favorite politicians.

The top three Fortune 500 companies brought in an average profit of more than \$27 billion last year. The average Ohio household brought home an income of about \$48,000.

If you believe our government should be by the people and for the people—flesh and blood people—then corporations already have far more influence on our political process than they should.

In 2009, corporations spent \$3.3 billion lobbying Congress to influence insurance legislation and prescription drug legislation and financial reform legislation and the list goes on. Now they will be able to spend unlimited funds to elect their favorite candidates to Congress, getting in on the ground floor in the hopes that legislation they don't like will never see the light of day.

Grassroots organizations like, conservative organization and Families USA, whose members are real people with real concerns, will be left in the dust by the drug industry and other deep pocketed special interests.

The bottom-line is that our democratic form of government will sit on a cushion of corporate cash. If Corporate America wants to decide who runs our country, they will have a billion ways to do it.

Congress has—and must exercise—its constitutionally granted authority to minimize the negative impact of this decision. Today, I introduced The Citizens Right to Know Act, legislation that is intended to reduce the incentive for corporations to buy out the political process. It would also put a stop to foreign influence on U.S. elections.

To protect shareholder investments, this legislation would require all the shareholders of a corporation to vote for election spending before it happens, with approval by a majority of shareholders. Each shareholder would get one vote per share of common stock held. If shareholders know that millions or billions in potential dividends

are about to be spent on campaign ads, they may help instill some reason into the, elected, leadership of the corporations they own.

It would also require corporate CEOs to do what political candidates do when they pay for political advertising: political candidates face the camera and tell the public that they sponsored the commercial. Corporate CEOs would have to do the same for their political advertisements. Issue organizations or trade groups would have to disclose their three top corporate contributors, and to disclose funding information for certain radio and print ads on their website. Shedding sunlight on the political shenanigans of billion dollar corporations may do a world of good in dampening the effects of their spending.

Finally, the bill would close a loophole that permits foreign investors, including foreign governments, to influence U.S. elections by channeling money through a U.S. affiliate. Any company that has a 51 percent or greater ownership stake from a foreign entity, be it a foreign individual, business association, or government, would be prohibited from spending money to influence. I think we can all agree that foreign governments should not have the same right to contribute to campaigns as the American people, and it would be outrageous if they could spend money to influence the outcome of the Presidential or any other race.

Americans—true, red blooded Americans—should decide who represents them in our democratic system. Billion dollar corporations make important contributions to our nation, but tilting our democratic system their way is not one of them.

By Mr. REED:

S. 3005. A bill to create an independent research institute, to be known as the “National Institute of Finance”, that will oversee the collection and standardization of data on financial entities and activities, and conduct monitoring and other research and analytical activities to support the work of the Federal financial regulatory agencies and the Congress; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the National Institute of Finance Act of 2010, which would create an Institute to provide our financial regulators with the data and analytic tools needed to prevent and contain future financial crises.

By establishing this new Institute, my bill offers the foundation for a new approach to financial regulation that would better protect Americans from the financial storm they are currently struggling through.

Over the past 18 months, we have learned that our regulators did not have the appropriate tools or knowledge to address risks that cut across

different markets and sectors of the financial system. The recently passed House financial regulatory reform bill and other proposals take an important step in filling this huge regulatory gap by establishing centralized systemic risk oversight. However, any new regulatory structure will be ineffective unless we also equip it with a strong, independent, and well-funded data, research, and analytic capacity to fulfill its mission.

The idea for the National Institute of Finance has been endorsed by a dedicated group of the Nation's top academic researchers, economists, and statisticians—including Nobel Laureate Harry Markowitz—who recognize that any financial regulatory reform is incomplete without a much stronger data, research, and analytic capability.

To further explore these issues, I asked the National Academy of Sciences in August to study the data and tools needed for systemic risk regulation. Among the Academy's findings: that the U.S. currently lacks the technical tools to monitor and manage systemic financial risk with sufficient comprehensiveness and precision. That market efficiency, in addition to regulatory capacity, would be enhanced by improved intelligence about what is going on in the system as a whole. And that existing capabilities are not a sufficient foundation for systemic risk management.

The bill I introduce today addresses these significant weaknesses by creating the National Institute of Finance, whose mission will be to support the community of financial regulatory agencies by collecting and standardizing the reporting of financial market data; performing applied and essential long-term research; and developing tools for measuring and monitoring systemic risk.

The Institute would house a data center that would collect, validate and maintain key data to perform its mission, including a central database to map the interconnections between financial institutions, along with details on their transactions and positions, and their valuation of their assets and liabilities. By working with banks and other firms to standardize the format of such data and by providing standard reference data, such as databases of legal entities and financial products, the Institute would reduce the costs to regulators and financial institutions from the currently fragmented and disorganized systems used to collect and store such information.

Second, the Institute would contain a research and analysis center to develop the needed metrics and then measure and monitor systemic risk posed by individual firms and markets. This new Institute would house some of the country's most-well-respected researchers to collect and analyze the data needed to understand what is hap-

pening in our financial markets, to conduct investigations of market disruptions, and to work with regulators to identify new and dangerous trends.

It would conduct and help coordinate applied research on financial markets and systemic risk, a field that is not well-represented right now at the Federal Reserve or within our other regulatory agencies. It would also develop the metrics and tools our regulators need to measure and monitor systemic risk and help policymakers by conducting studies and providing advice on the impact of government policies on systemic risk.

Finally, the Institute would provide independent periodic reports to Congress on the state of the financial system, ensuring that we are kept apprised of the overall picture of our markets more effectively than we have been in the past. The domino effect caused by the recession will continue to cripple Rhode Island families and Americans across the country unless we put in place a strong new infrastructure and shore up our financial markets.

I hope my colleagues will join me in strengthening our financial system by cosponsoring this legislation and supporting its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3005

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Institute of Finance Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States is experiencing the worst economic and financial crisis since the Great Depression. The nature of the current crisis is systemic. It was set in motion not by the actions of any single entity, but by a loss of confidence throughout the financial system as a whole.

(2) Such catastrophic events revealed significant shortcomings in the legal tools available to financial policymakers. The scale and systemic nature of the crisis calls for a thorough review of the United States' system of financial regulation, to assess its capacity to understand, monitor, and respond to systemic threats. It is critical that financial regulators have the legal tools they need to act quickly, decisively, effectively, and when appropriate, preemptively, to prevent systemic financial crises in the future and to mitigate their negative impact, should they recur.

(3) The recent catastrophic events in financial markets also revealed significant gaps in the information and analytic tools available to regulators and policymakers charged with ensuring the health of the financial system.

(4) Systemic risk involves interactions among financial entities in addition to features of individual firms. Therefore, to understand and monitor the buildup of systemic risk in the financial system requires information about such interactions among institutions.

(5) Operational methods do not exist by which to measure systemic risks in the United States financial system. Nor do proven operational techniques exist by which regulators can identify the buildup of systemic risks in the United States financial system.

(6) Regulators do not have effective methodologies for assessing the effects of particular regulatory actions or approaches on the overall health of the financial system.

(7) Financial regulators do not have the data needed to map the networks of counterparty relationships through which systemic contagion could spread. Nor do they have the analytic tools required to translate such data into useful, actionable information.

(8) Notwithstanding noteworthy efforts from the research community, sustained, large-scale programs of applied research and development necessary to create operational systems for understanding, measuring, and monitoring systemic risk in financial systems have not emerged.

(9) There is a substantial amount of high-quality research in academia in relevant disciplines, including financial economics, statistics, and operations research, but such research tends to focus on theoretical or conceptual innovations that are not immediately reducible to operational practice.

(10) The incentives confronting academic researchers work against the production of research that does not yield novel theoretical insights or computational techniques.

(11) The challenges of gaining access to data and obtaining funding from government and industry for academic research severely restrict the number of academics working on understanding and monitoring systemic risk in the financial markets.

(12) Some of the largest commercial firms make substantial investments in research and development in the area of quantitative finance, but such commercial research programs are targeted almost exclusively at applications that create commercial value for the firms undertaking the substantial investments necessary to support the programs, and focus primarily on techniques for pricing particular financial instruments and managing firm-specific risks.

(13) Financial institutions that sponsor research programs usually protect the results of investigations as commercial trade secrets. Even those results that might be useful in application to the analysis of systemic risk are generally not available to the public.

(14) No organization anywhere has access to the comprehensive transaction-level data that are necessary to map the network of counterparty relationships in the financial system. Absent such data, it is not possible to evaluate the primary counterparty risks, the extent to which any given firm is vulnerable to the failure of one of its counterparties, or broader counterparty network risks.

(15) It is not possible to understand, assess, or predict how the collapse of one or more institutions might set off a cascade of failure that destabilizes the entire financial system.

(16) Without intelligence about the network of counterparty relationships and the liquidity provided by the members of the

counterparty network, it is difficult even to identify reliably the set of institutions that regulators should deem to be systemically important.

(17) Notwithstanding statutory mandates that call for sharing of information among regulatory agencies, United States financial regulators do not require that firms report data in a uniform standard format. The lack of compatibility in the data formats used by different agencies implies in practice that agencies find it difficult and expensive to integrate data from multiple sources.

(18) In periods of financial crisis such as that experienced in the 2 years preceding the date of enactment of this Act, absence of data comparability becomes a critical handicap, in that dispersed information cannot quickly be integrated into a comprehensive framework that could help reveal the condition of the financial system as a whole. Without a capacity quickly to compare and integrate financial data of diverse types from multiple sources, regulators are unable to analyze the state of the financial system accurately and comprehensively. Nor are they able to foresee, and potentially head off, the onset of a financial crisis.

(19) The events of September 2008 offer a sobering example of the consequences that can flow from an inability quickly to integrate financial data from diverse sources. During several critical days in that month, senior Government officials contemplated the possible consequences of allowing the failure of Lehman Brothers Holdings, Inc. Insofar as the content of their deliberations is accessible in the public record, there is little evidence that such officials had at their disposal an intelligence system that could illuminate the potential consequences of alternative choices. Notwithstanding that the United States Government, through its several agencies, collects a broad range of information from financial firms, the events of September 2008 revealed that, at this most critical juncture, these data and accompanying analytics could not provide financial officials with the information they needed.

(20) The creation of a system for collecting and organizing a comprehensive financial transaction database that employs standardized formats is feasible.

(21) The Enterprise Data Management Council, an industry consortium, is on record as advocating both the feasibility and desirability of bringing uniform standards to the collection, reporting, and management of financial transaction data.

(22) A leading financial firm has developed for its internal use a system that incorporates comprehensive reference databases of all legal entities in its counterparty network and of all of the many types of financial instruments in which it transacts. Using the system, the firm can compute its exposure to many of their counterparties within an hour.

(23) A leading information technology firm has developed a prototype of an operational system that would support a comprehensive database of financial instruments and transactions across the entire economy, and in collaboration with other private sector firms and public sector entities, is in the process of developing a prototype system for maintaining the needed system-wide reference databases.

(24) The community of financial regulators can realize substantial benefits by consolidating into one entity the highly technical tasks of establishing and maintaining uniform standards for reporting financial data,

organizing and managing high-volume flows of financial data, providing analytic and high performance computational services, performing applied research and development activities, and conducting, coordinating, and sponsoring essential long term, fundamental research in the field of financial analysis and regulatory intelligence.

(25) Such technical tasks benefit from increasing economies of scale, the total cost of providing such services to the regulatory community promises to be lower if one agency is tasked to provide all of such data, instead of creating redundant and less effective units in each of the several financial regulatory agencies.

(26) An entity that provides access to data and analytic tools to all regulatory agencies on a common basis would help to ensure that all agencies are receiving accurate, consistent, comparable data and analytic tools that can be modified for agency-specific needs.

(27) The creation of an entity that creates shared data and analytic services will provide a natural and regular vehicle for the exchange of research and collaboration between regulatory agencies.

(28) The emergence of uniform standards for referencing and reporting financial transactions would generate substantial benefits for the financial services industry. There is, at present, no consistent, comprehensive, and universal system for coding, transmitting, and storing financial transaction data. Data reside typically in unconnected databases and spreadsheets, using multiple formats and inconsistent definitions. The routine conduct of business obliges firms to incur substantial costs to translate and transfer data among otherwise incompatible systems. In addition, this data incomparability impedes the ability of companies to assess their risks accurately. The adoption of a common language for data coding and handling would dramatically reduce costs for processing transactions and carrying out other administrative tasks. Standardized reporting would also enable firms to map their counterparty relationships more clearly and more easily understand their credit exposures to other firms, a development that promises improvements in risk management practices across the industry.

(29) In August 2008, the Counterparty Risk Management Policy Group called for the financial industry to move rapidly toward real-time reconciliation and confirmation of financial transactions. Industry experts believe that this change would yield substantial benefits to firms individually, to the financial services industry, and to the economy as a whole. Achieving this goal would not be possible, however, without industry-wide adoption of common standards for coding and handling financial transaction data. Despite the clear benefits of data standardization and despite years of effort by the industry, through consortia such as the Enterprise Data Management Council, the financial services industry has not been able to make meaningful progress towards the goal of universal adoption of uniform, consistent standards for data handling.

(30) Efforts to see a common set of standards for financial data adopted universally are impeded by so-called "network effects". The benefits of adoption for any one firm depend on the extent to which other firms adopt the same common language. For any one institution, the full benefits are distinctly limited until a critical number of participants in the industry adopt the same standards. In light of these network effects,

the adoption of a single data handling standard by all industry participants presents a daunting coordination challenge. Each individual firm is discouraged from making the substantial investments required to upgrade its own systems, unless and until they receive assurance that others in the industry will follow suit. Many firms are deferring significant upgrades to their systems until well-defined industry-wide standards are accepted.

(31) The financial services industry's historical experience strongly suggests that the industry is unlikely to achieve universal adoption of a single data-handling standard on its own initiative, through either the decentralized actions of industry participants or through voluntary coordination at the urging of industry consortia or trade associations. Standardization of financial data will require an external mandate.

(32) The new data standards promulgated for reporting by firms will emerge as the de facto standard for data management in the finance industry, a standard on which firms could converge. Firms could then be confident of realizing a significant return on the investment needed to update their internal systems, knowing that other industry participants were doing likewise.

(33) The establishment of Federal requirements for the maintenance and provision of reference databases and reporting of transactions and position data to a central repository would assure individual institutions of a significant return on the investment needed to update their internal systems. Firms would benefit from not having to maintain their own unique reference databases, standardized reporting would greatly reduce the cost of reconciling trades and other back office activities, and it would give firms a clear map of their counterparty relationships, which would facilitate better risk management across the industry.

(34) Once achieved, the universal adoption of standard protocols for handling financial transaction data promises to generate significant and sustained improvements in the efficiency and productivity of the financial services industry in the United States. Such improvements will help to secure and maintain the international leadership position of United States capital markets.

(35) United States regulators must never again find themselves confronting a financial crisis without the full set of legal, data, and analytic tools they need to understand, measure, monitor, and respond intelligently to systemic risks that threaten the stability (of the United States financial system).

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the financial regulatory community is equipped fully with the data and analytic tools it needs to fulfill its responsibility to safeguard the United States financial system;

(2) to reduce the likelihood of another systemic financial crisis occurring;

(3) to restore integrity and confidence to the financial markets of the United States;

(4) to provide for the security of the United States economy from potential external threats to the United States financial system;

(5) to improve the efficiency of the financial markets in the United States;

(6) to reduce the cost and increase the effectiveness of coordinated financial regulation in the United States;

(7) to help maintain the leadership position of the United States as home to the most efficient, competitive, and productive capital markets in the world; and

(8) to help restore and maintain conditions in the United States financial system that will support the creation of wealth and prosperity in the United States.

### SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) **FINANCIAL REGULATORY AGENCY.**—The term “financial regulatory agency” means any Federal regulatory agency or body charged with regulating, examining, or supervising a financial entity or activity, including any financial systemic risk council or agency established by Congress.

(2) **INSTITUTE; DIRECTOR; BOARD OF DIRECTORS.**—The terms “Institute”, “Director”, and “Board of Directors” mean the National Institute of Finance, the Director thereof, and the Board of Directors thereof, respectively.

(3) **FINANCIAL ENTITY.**—

(A) **IN GENERAL.**—The term “financial entity” means any corporation, partnership, individual, or other organizational form, whether public or private, used to engage in any type of financial activity that may contribute to systemic risk, including any bank, savings association, credit union, industrial loan company, trust, pension fund, holding company, lender, finance company, mortgage broker, broker-dealer, mutual fund or other investment company, investment adviser, hedge fund, insurance company, clearinghouse or other central counterparty, exchange, and any other entity or institution that the Director determines, at the formation of the Institute, are necessary for the Institute to complete its duties under this Act.

(B) **DIRECTOR AUTHORITY.**—The Director may, by rule, add new types of entities or institutions to be treated as financial entities for purposes of this Act.

(4) **SYSTEMIC RISK.**—The term “systemic risk” means the risk that a failure or default by a financial entity or entities, or exposures to a financial product or products or activity will produce—

(A) significant disruptions to the operations of financial markets;

(B) the spreading of financial losses and failures through the financial system; or

(C) significant disruption to the broader economy.

(5) **FINANCIAL CONTRACT.**—The term “financial contract” mean a legally binding agreement between 2 or more counterparties, describing rights, and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties.

(6) **FINANCIAL INSTRUMENT.**—The term “financial instrument” means a financial contract in which the terms and conditions are publicly available, and the roles of 1 or more of the counterparties are assignable without the consent of any of the other counterparties, including common stock of a publicly traded company, government bonds, and exchange traded futures and options contracts.

(7) **FINANCIAL ENTITY REFERENCE DATABASE.**—The term “financial entity reference database” means a comprehensive list of financial entities that may be counterparties to financial transactions or referenced in the contractual structure of a financial instrument. For each financial entity, the database shall include, but not be limited to a unique identifier, and sufficient information to differentiate the entity from every other entity, including an exact legal name and an address for each company, and an exact legal name and a social security number for each American citizen. For financial entities that are legally owned by or otherwise contained

within other financial entities, the database shall include such information.

(8) **FINANCIAL INSTRUMENT REFERENCE DATABASE.**—The term “financial instrument reference database” means a comprehensive list of unique financial instruments. For each financial instrument, the database shall include a unique identifier and a comprehensive description of the contractual structure of the instrument as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include the financial and economic obligations and rights, both express and implied, and including through legal agreements such as netting agreements, established among all of the counterparties having identified roles in the contract, including advisors, principals, trustees, custodians, guarantors, prime brokers, executing brokers, clearing brokers, and issuers of securities. An electronic copy of the prospectus for each financial instrument for which a prospectus was created or distributed shall also be contained in the database.

(9) **FINANCIAL TRANSACTION DATA.**—The term “financial transaction” means the explicit or implicit creation of a financial contract where at least one of the counterparties is required to report to the Institute. The data describing the transaction shall include the structure of the contract created in the transaction, as well as all express terms governing the interpretation and implementation of the contract, including jurisdiction, force majeure, and dispute resolution. The contractual structure shall include clearly identified counterparties, clearly identified financial instruments (when used as part of the structure of the contract), and the financial and economic obligations and rights, both express and implied, established among all of the counterparties with identified roles in the contract.

(10) **POSITION DATA.**—The term “position” means a financial asset or liability held on the balance sheet of a financial entity. A new position is created, or the quantity of an existing position is changed, by the execution of a financial transaction involving the financial entity as a counterparty. Position data include—

(A) the counterparty identifier;

(B) a contract identifier;

(C) the role of the counterparty on the transaction;

(D) a quantity, if applicable;

(E) a location, if applicable; and

(F) the valuation of the position for the purposes of the books and records of the financial entity.

### SEC. 4. ESTABLISHMENT OF NATIONAL INSTITUTE OF FINANCE; ADMINISTRATIVE MATTERS.

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—There is established the National Institute of Finance, which shall be an independent establishment, as that term is defined in section 104 of title 5, United States Code.

(2) **MISSION.**—The mission of the Institute is to support the Federal financial regulatory agencies, including any systemic risk council or agency established by Congress, by—

(A) collecting and providing data;

(B) standardizing the types and formats of data reported and collected;

(C) performing applied research and essential long-term research;

(D) developing tools for risk measurement and monitoring;

(E) performing other related services; and  
(F) making the results of its activities available to financial regulatory agencies.

(b) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Institute shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **TERM OF SERVICE.**—The Director shall serve for a term of 15 years.

(3) **EXECUTIVE LEVEL AND PENSION.**—The position of the Director shall be at level II of the Executive Schedule, and a Director who serves a full term, or becomes disabled and unable to fulfill the responsibilities of the Director after serving at least 10 years, shall receive a pension at retirement equal to the salary of that person in the last year of the term, and that pension shall increase in subsequent years with the increase in the cost of living.

(4) **VACANCY.**—In the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the new Director is appointed and confirmed.

(5) **PROHIBITION ON DUAL SERVICE.**—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(6) **RESPONSIBILITIES, DUTIES AND AUTHORITY.**—The Director shall have sole discretion to fulfill the responsibilities and duties and exercise the authorities described in this Act, except in cases where specific authorities have been given to the Board of Directors.

(c) **BOARD OF DIRECTORS.**—The Board of Directors of the Institute shall be comprised of the Director, the Secretary of the Treasury, and the head of each financial regulatory agency.

(d) **MEMBERSHIP OF THE DIRECTOR ON THE BOARD OF DIRECTORS.**—The Director shall serve as a voting member of the Board of Directors and as a member of any financial systemic risk regulatory council or agency established by Congress.

(e) **FUNDING.**—

(1) **ANNUAL BUDGET.**—The Director, in consultation with the Board of Directors shall establish the initial annual budget. For all other annual budgets, the Director shall submit an annual budget for the Institute to the Board of Directors not later than April 30 of each year. The Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. Each time a budget is rejected, the Director shall submit a revised budget to the Board of Directors within 60 days, and the Board of Directors may, without amendment, reject the budget with a two-thirds majority vote. If the Board of Directors fails to reject the budget within 60 days of submission by the Director, the budget shall be automatically approved. If a new budget is not approved before the existing budget expires, the most recent approved budget shall continue on a pro rata basis. Each submitted budget and all votes by the Board of Directors on each budget shall be part of the public record of the Board of Directors.

(2) **ASSESSMENTS.**—The Institute shall be funded through assessments on the financial entities required to report data to the Institute. The formula by which the budgetary costs are allocated among the reporting entities shall be determined by the Board of Directors. If the Board of Directors fails to establish the formula within 60 days of submission of a budget by the Director, the Director shall determine the formula by which the

budgetary costs are allocated among the reporting entities for that year.

(3) INITIAL FUNDING AND START UP.—During the first 4 years of the operation of the Institute, the Institute shall have authority to borrow against future assessment revenue from the Federal Financing Bank. Such borrowed funds shall be paid back to the Federal Financing Bank over a term not to exceed 20 years. The Secretary of the Treasury, and any financial regulatory agency, may second personnel to the Institute to assist the operations of the Institute.

(f) EXCEPTED SERVICE AGENCY.—The Institute shall be an excepted service agency.

(g) PERSONNEL.—The Board of Directors may fix the compensation of Institute personnel, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates. The rates of pay and benefits shall be competitive with and comparable to the rates of pay and benefits at Federal financial regulatory agencies that are not covered by title 5, United States Code.

(h) NON-COMPETE.—The Director and staff of the Institute, who have had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Institute, may not, for a period of 1 year after last having access to such transaction or position data or business confidential information, be employed by or provide advice or consulting services to a financial entity, regardless of whether it is required to report to the Institute. Individual staff members who notify the Director of their intention to terminate their employment with the Institute and to seek employment with a prohibited employer or in a prohibited activity, shall be transferred for a period of 12 months to a position that does not provide access to transaction or position data or other business confidential information. For staff whose access to business confidential information was limited, the Board of Directors may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(i) ADVISORY BOARDS.—The Institute shall maintain any advisory boards that the Director determines are needed to complete the mission of the Institute.

(j) FELLOWSHIP PROGRAM.—The Institute may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Institute, to perform research and to provide advanced training for Institute personnel.

(k) EXECUTIVE SCHEDULE MATTERS.—Section 5312 of title 5, United States Code, is amended by adding at the end the following new item:

“Director of the National Institute of Finance.”.

#### **SEC. 5. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.**

(a) IN GENERAL.—The Institute shall carry out its programmatic responsibilities through—

(1) the Federal Financial Data Center (in this Act referred to as the “Data Center”); and

(2) the Federal Financial Research and Analysis Center (in this Act referred to as the “Research Center”).

(b) FEDERAL FINANCIAL DATA CENTER.—

(1) GENERAL DUTIES.—The Data Center shall collect, validate, and maintain all data necessary to carry out its duties, as described in this Act.

(2) RESPONSIBILITIES.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(A) a financial entity reference database;

(B) a financial instrument reference database; and

(C) formats and standards for reporting financial transaction and position data to the Institute.

(3) DATA TO BE COLLECTED.—Data referred to in paragraph (1)—

(A) shall include for each financial entity—

(i) comprehensive financial transaction data on a schedule determined by the Director;

(ii) comprehensive position data on a schedule determined by the Director;

(iii) for each financial instrument in the financial instrument reference database or for any other obligation of a financial entity that is contingent on the value of an observable event, where the observable event is not widely available to the public, the level and changes in the level of these observable events, on a schedule determined by the Director; and

(iv) any other data that are considered by the Director to be important for measuring and monitoring systemic risk, or for determining the soundness of individual financial entities; and

(B) may include data regarding policies and procedures, governance, incentives, compensation practices, contractual relationships, and any other information deemed by the Director to be necessary in order for the Institute to carry out its responsibilities under this Act; and

(C) the Board of Directors may, by a two-thirds vote, exclude financial entities, which, as a group, will not contribute to systemic risk for reasons such as size, nature of their assets and liabilities, volume of transactions, or other reasonable purposes, from reporting data. Notwithstanding such exclusions, financial entities shall comply with all reporting requirements or ensure that reporting requirements are met for any assets or part of their balance sheets that are sold to create a financial instrument or obligation, as described in subparagraph (A)(iii).

(4) INFORMATION SECURITY.—The Director and the Board of Directors shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(5) CATALOGUE OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalogue of the financial entities and instruments reported to the Institute.

(6) AVAILABILITY TO THE FINANCIAL REGULATORY AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to any financial regulatory agency represented on the Board of Directors, as needed to support the regulatory responsibilities of such agency.

(7) OTHER RESPONSIBILITIES.—The Data Center shall oversee the management of the data supply chain, from the point of issuance, in order to ensure the quality of all data required to be submitted to the Institute.

(8) OTHER AUTHORITY.—The Institute shall, after consultation with the Board of Directors provide certain data to financial industry participants and the general public to increase market transparency and facilitate research on the financial system, so long as intellectual property rights are not violated,

business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system.

(c) FEDERAL FINANCIAL RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research Center shall develop and maintain the independent analytical capabilities and computing resources—

(A) to measure and monitor systemic risk;

(B) to perform independent risk assessments of individual financial entities and markets;

(C) to analyze and investigate relationships between the soundness of individual financial entities and markets and the soundness of the financial system together as a whole; and

(D) to provide advice on the financial system.

(2) RESPONSIBILITIES.—The Research Center shall—

(A) develop and maintain metrics and risk reporting systems for system-wide risk;

(B) develop and maintain metrics and risk reporting systems for determining the soundness of financial entities;

(C) monitor, investigate, and report changes in system-wide risk levels and patterns to the Board of Directors and Congress, including through the collection of additional information that the Director deems necessary to understand such changes;

(D) conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(E) benchmark financial risk management practices and promote best practices for financial risk management;

(F) at the direction of the Board of Directors, or any member of the Board of Directors, for firms under that member's purview, develop, oversee, and report on stress tests or other tests of the valuation and risk management systems of any of the financial entities required to report to the Institute;

(G) maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(H) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on financial markets and products, including advice regarding risks to consumers posed by financial products and practices;

(I) at the direction of the Director, at the discretion of the Board of Directors, or at the request of Congress, investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Board of Directors and Congress; and

(J) at the direction of the Board of Directors or at the request of Congress, conduct studies and provide advice on the impact of policies related to systemic risk.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORT.—Commencing 2 years after the date of the establishment of the Institute, the Institute shall prepare and submit an annual report to Congress, not later than 120 days after the end of each fiscal year.

(2) CONTENT.—The report required by this subsection shall assess the state of the financial system, including an analysis of any threats to the financial system, the status of the Institute's efforts in meeting its mission, and key findings from its research and analysis of the financial system.



(3) ADDITIONAL REPORTS.—At the sole discretion of the Director, the Director may initiate and provide additional reports to Congress regarding the state of the financial system. The Director shall notify the Board of Directors of any additional reports provided to Congress.

#### SEC. 6. ADMINISTRATIVE AUTHORITIES OF THE INSTITUTE.

The Institute may—

(1) require financial entities to report all data and information in conformance with reporting standards, as determined by the Institute, that are necessary to fulfill the responsibilities of the Institute under this Act;

(2) require reporting on a worldwide basis from the financial entities and affiliates thereof that are organized in the United States;

(3) require reporting of United States-based activities by financial entities that are not organized in the United States;

(4) enforce and apply sanctions on all financial entities required to report to the Institute that fail to report data requested by and in standards, frequency, and time frames, as determined by rule or regulation by the Institute;

(5) share data and information, as well as software developed by the Institute, with other financial regulatory agencies, as determined appropriate by the Board of Directors, where the shared data and software shall be maintained with at least the same level of security as is used by the Institute, and may not be shared with any individuals or entities without the permission of the Board of Directors;

(6) purchase and lease software;

(7) sponsor and conduct research projects; and

(8) assist, on a reimbursable basis, with financial analyses undertaken at the request of governmental agencies, other than financial regulatory agencies.

#### SEC. 7. CIVIL PENALTIES.

Any person or entity that violates this Act or fails to comply with a rule, regulation, or order of the Institute issued under this Act shall be subject to a civil penalty in an amount established by the Institute and published in the Code of Federal Regulations. Each such violation or failure shall constitute a separate civil offense.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 407—CONGRATULATING THE CONCORDIA UNIVERSITY-ST. PAUL VOLLEYBALL TEAM ON WINNING THEIR THIRD CONSECUTIVE NCAA DIVISION II WOMEN'S VOLLEYBALL NATIONAL CHAMPIONSHIP

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 407

Whereas on December 5, 2009, Concordia University won the 2009 NCAA Division II Women's Volleyball National Championship;

Whereas the victory marks the third straight NCAA Division II Women's Volleyball National Championship for Concordia University;

Whereas the Concordia University program is the first in the history of Division I or II women's volleyball to win 3 consecutive National Championships;

Whereas Concordia University won the match against Western Texas A&M in 3

straight sets, capping off a perfect 37-0 season and continuing the NCAA-record 74 match win streak for Concordia University;

Whereas on November 7, 2009, Concordia University won their 7th consecutive Northern Sun Intercollegiate Conference Volleyball Championship;

Whereas with the undefeated season, head coach Brady Starkey's career record with Concordia University is 240-20;

Whereas Concordia University had 5 players named to the 2009 NCAA Women's Volleyball Championship All-Tournament Team, Maggie McNamara, Mary Slinger, Cassie Haag, Emily Palkert, and Megan Carlson; and

Whereas nearly 2000 fans attended the championship match in support of the Concordia University team: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Concordia University-St. Paul volleyball team on winning their third consecutive NCAA Division II Women's Volleyball National Championship; and

(2) recognizes—

(A) the achievements of the players, coaches, students, and staff whose hard work and dedication helped Concordia University win the 2009 NCAA Division II Women's Volleyball National Championship; and

(B) Concordia University President Dr. Robert Holst and Athletic Director Tom Rubbelke, who both have shown great leadership in bringing success to Concordia University.

#### SENATE RESOLUTION 408—DESIGNATING FEBRUARY 3, 2010, AS “NATIONAL WOMEN AND GIRLS IN SPORTS DAY”

Ms. SNOWE (for herself, Mrs. MURRAY, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 408

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92-318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit,

talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates February 3, 2010, as “National Women and Girls in Sports Day”; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the people of the United States to observe “National Women and Girls in Sports Day” with appropriate ceremonies and activities.

Ms. SNOWE. Mr. President, I rise to submit the National Women and Girls in Sports Day resolution. As we celebrate the 24th anniversary of National Girls and Women in Sports Day, I am pleased to be joined by colleagues, Senator MURRAY, Senator MIKULSKI, and Senator BINGAMAN.

The celebration of National Girls and Women in Sports Day began in remembrance of Olympic volleyball player Flo Hyman for her athletic achievements and her commitment to ensuring equality for women's sports. Tragically, Hyman died of Marfan's Syndrome in 1986 while competing in a volleyball tournament. In that same year, I introduced a joint resolution commemorating the first National Women in Sports Day in 1987. With today marking the 24th anniversary of this celebration, we continue to honor all girls and women, recognizing past and current achievements in athletics, as well as the positive influence of sports participation and the continuing struggle for equality and access for women in sports.

We undoubtedly have a plethora of women athletes who deserve our admiration and appreciation with the upcoming 2010 Winter Olympics in Vancouver. Just a few weeks ago, the most decorated female skier in U.S. history Lindsey Vonn was named the 2009 Sports Woman of the Year by the United States Olympic Committee. That remarkable achievement occurred on the heels of earning the distinction of Female Athlete of the Decade by NBC's Universal Sports. While her athletic talent alone make both these awards certainly well-deserved, Ms. Vonn is also widely respected for her indomitable tenacity and resilience: In

the 2006 Olympic Winter Games she continued her race despite a horrific crash and earned the Olympic Spirit Award. No doubt she will carry her "Olympic Spirit" in this year's competition as well.

It is clear that while we celebrate the tremendous progress women's sports have made since the commencement of National Girls and Women in Sports Day, we cannot sit on the sidelines. As reflected in this year's theme, "Stay Strong, Play On", we must continue to build on the outstanding successes in sports participation by girls and women over the past several decades. Again, I applaud the girls and women across the state of Maine and our country for their participation and leadership in athletics as we celebrate National Girls and Women in Sports Day—today and every day.

**SENATE RESOLUTION 409—CALLING ON MEMBERS OF THE PARLIAMENT IN UGANDA TO REJECT THE PROPOSED "ANTI-HOMOSEXUALITY BILL", AND FOR OTHER PURPOSES**

Mr. FEINGOLD (for himself, Mr. COBURN, Mr. CARDIN, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 409

Whereas a bill introduced on October 14, 2009, by a member of Parliament in Uganda would expand penalties for homosexuality to include the death penalty and requires citizens to report information about homosexuality to the police or face imprisonment;

Whereas many countries criminalize homosexuality, and in some countries, such as Iran, Nigeria, Saudi Arabia, and Sudan, the penalty for homosexuality includes the death penalty;

Whereas the United States, in seeking to promote the core American principles of equality and "Life, Liberty, and the pursuit of Happiness," has long championed the universality of human rights;

Whereas religious leaders in the United States, along with representatives from the Vatican and the Anglican Church, have stated that laws criminalizing homosexuality are unjust; and

Whereas the people and Government of the United States recognize that such laws undermine our commitment to combating HIV/AIDS globally through the President's Emergency Plan for AIDS Relief (PEPFAR) by stigmatizing and criminalizing vulnerable communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on members of the Parliament in Uganda to reject the "Anti-Homosexuality Bill" recently proposed in that country;

(2) urges the governments of all countries to reject and repeal similar criminalization laws; and

(3) encourages the Secretary of State to closely monitor human rights abuses that occur because of sexual orientation and to encourage the repeal or reform of laws such as the proposed "Anti-Homosexuality Bill" in Uganda that permit such abuses.

**SENATE RESOLUTION 410—SUPPORTING AND RECOGNIZING THE GOALS AND IDEALS OF "RV CENTENNIAL CELEBRATION MONTH" TO COMMEMORATE 100 YEARS OF ENJOYMENT OF RECREATION VEHICLES IN THE UNITED STATES**

Mr. BAYH (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States own a recreation vehicle (referred to in this preamble as an "RV"), and over 30,000,000 RV enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas RV vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including RV manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in good-paying jobs across all 50 states;

Whereas traveling in an RV offers the freedom, comfort, and flexibility to see all parts of the United States, from historic landmarks and National Parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the RV into the marketplace in the United States will be celebrated June 7, 2010, at the RV/MH Hall of Fame in Elkhart, Indiana: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports and recognizes the goals and ideals of "RV Centennial Celebration Month" to commemorate 100 years of enjoyment of recreation vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreation vehicle vacations.

**NOTICE OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources

The hearing will be held on Monday, February 15, 2010 at 2:30 p.m., at the Corbett Center (Ballroom-Eastside) on the campus of New Mexico State University, in Las Cruces, New Mexico.

The purpose of the hearing is to receive testimony on S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 10:30 a.m., to conduct a hearing entitled "Prohibiting Certain High-Risk Investment Activities by Banks and Bank Holding Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 4, 2010 in room S-216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The President's Fiscal Year 2011 Budget."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 4, 2010, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 4, 2010, at 9:30 a.m., to conduct a hearing entitled "Keeping Foreign Corruption Out of the United States: Four Case Histories."

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION  
POLICY AND CONSUMER RIGHTS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights be authorized to meet during the session of the Senate on February 4, 2010, at 2:30 p.m., in SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Comcast/NBC Universal Merger: What Does the Future Hold for Competition and Consumers?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, AND  
ENVIRONMENTAL HEALTH

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Toxics, and Environmental Health be authorized to meet during the session of the Senate on February 4 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL DEVELOPMENT AND FOREIGN  
ASSISTANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 4, 2010, at 3 p.m., to hold an International Development and Foreign Assistance Subcommittee hearing entitled "Haiti Reconstruction: Smart Planning Moving Forward."

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

NOMINATION OF CRAIG BECKER  
TO BE A MEMBER OF THE NA-  
TIONAL LABOR RELATIONS  
BOARD

Mr. REID. Mr. President, I ask unanimous consent that it be in order to move to executive session to consider Calendar No. 688, the nomination of Craig Becker.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The legislative clerk read the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

Harry Reid, Tom Harkin, Benjamin L. Cardin, Debbie Stabenow, Bill Nelson, Al Franken, Barbara Boxer, Amy Klobuchar, Mark Begich, Byron L. Dorgan, Dianne Feinstein, John D. Rockefeller IV, Edward E. Kaufman, Roland W. Burris, Daniel K. Akaka, Sheldon Whitehouse, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at 2 p.m., Monday, February 8, the Senate proceed to executive session and resume consideration of Calendar Nos. 468 and 688, with the time until 5 p.m. equally divided and controlled between the leaders or their designees; and that the debate time run concurrently with respect to Calendar No. 468 and the cloture motion with respect to Calendar No. 688; that at 5 p.m., the Senate proceed to vote on confirmation of the nomination of Joseph Greenaway; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action; that upon disposition of the Greenaway nomination, the Senate then proceed to vote on the motion to invoke cloture on the Becker nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the Senate now resume legislative session.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

ORDERS FOR MONDAY,  
FEBRUARY 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, February 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, on Monday, the Senate will debate, concurrently, the nominations of Joseph Greenaway to be U.S. circuit judge for the Third Circuit and Craig Becker to be a member of the National Labor Relations Board until 5 p.m., with the time equally divided and controlled between the two leaders or their designees.

At 5 p.m., the Senate will proceed to vote on the confirmation of the Greenaway nomination and then immediately proceed to a cloture motion on the Becker nomination.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator DODD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING SENATOR PAUL KIRK

Mr. DODD. Mr. President, first I wanted to say a few words to welcome our new colleague, SCOTT BROWN, who has joined our ranks as a Member of the Senate from the Commonwealth of Massachusetts. I wasn't able to be here at 5 p.m. when he was sworn into office, but I wish him the very best. I had a good conversation with him a couple weeks ago after his election and look forward to serving with him.

I rise this evening to honor a good friend and a legendary public servant. Although he only served here a short time, PAUL KIRK has been a public servant for decades. I wish to tell him and his wife Gail and their family what a remarkable contribution in a few short weeks PAUL KIRK has made as a Member of the Senate.

PAUL is an American who will never get the kind of attention he deserves for the rich life of public service he has led throughout his career. That won't bother him one bit because that is who PAUL KIRK is. For over half a century, he has been motivated not by a desire to seek recognition or to receive it but by a passion for progress and a deep love of his own country.

PAUL came to Washington last fall with the impossible task of succeeding our dear friend Ted Kennedy as Senator from Massachusetts. PAUL did so

not in the hopes of filling Teddy's shoes but in continuing to blaze the path forward that Ted Kennedy forged more than four decades ago when he arrived as a new Member of this body. As a U.S. Senator, PAUL KIRK has served the Commonwealth with great dignity and humility. Although he was only among our ranks for a few short months, all of us will miss him in this Chamber. He left such a good and lasting impression of his service.

PAUL's time here is just one of many roles he has played in service to our Nation and our democracy. In 1965, many years ago, PAUL KIRK entered public service as an assistant district attorney in Massachusetts. But it wasn't long before PAUL's story became intertwined with the Kennedy family in Massachusetts.

In 1968, PAUL worked on Robert Kennedy's Presidential campaign, and the very next year he joined the Senate staff of Bob's brother Ted. Thus began the kind of a partnership that has moved mountains throughout our history. As a Senate staffer, the political director of Teddy's Presidential campaign, and the chairman of our own Democratic Party, PAUL served alongside Ted Kennedy as Teddy and his remarkable staff over those four decades fought battle after battle on behalf of the American people.

PAUL has always understood the importance and power of the American story. That is why he has served for a decade as chairman of the National Democratic Institute of International Affairs, working to spread and support democracy around the world so that every nation could know what it is to be truly free. And he has worked to strengthen our own democracy as well, as the longtime cochairman of the Commission on Presidential Debates.

As we all know, PAUL KIRK is a very proud Democrat, but he is even prouder as an American. In an age when it seems as if partisanship can overwhelm even our most fundamental Democratic values, PAUL KIRK has stood for fair play and open debate for decades.

Many Americans first met PAUL KIRK after Teddy passed away, when PAUL so elegantly conducted that remarkable memorial service at the Kennedy Library in Boston. They saw in him the passion that led him to join Ted Kennedy in the cause of progress and also the quiet dignity of a man for whom the work would go on, even after the passing of his very dear friend.

As a U.S. Senator, they have seen him take up the torch of issues that mattered to Teddy and to the people of Massachusetts and to the American people, none more important, of course, or dear to PAUL's heart than the fight to reform our health care system, a fight that will have to continue in his absence.

PAUL has been assisted in this difficult job by a core of public servants,

the names of whom are unfamiliar to most and the likes of which we might not see again, the staff he inherited from Ted Kennedy. Whether you are a Democrat or Republican—I say this to new Members—the older Members of this Chamber, Democrats and Republicans, will tell you that to know the Kennedy staff was to respect how talented and professional that staff was, how fairly they treated every Member of this body and every staff member. It was the core reason for their success legislatively, because they had such respect for individual Members, the staff who works here, and for the ideas people brought to the debate. They too, of course, deserve our appreciation and recognition as well.

I congratulate Senator SCOTT BROWN and welcome him to this Chamber. It is a remarkable opportunity he will have to represent the Commonwealth of Massachusetts. I look forward to working with him in the coming days and weeks. Senator BROWN comes to fill a seat from which great things have been done for the people of Massachusetts and our country. I think there might be no greater compliment I can pay to the man whom we welcomed last year than to say to Senator BROWN: We wish you the very best in filling Ted Kennedy's shoes and PAUL KIRK's shoes as well.

To my friend PAUL, I thank you for your service, not just the service you performed in this Chamber but a lifetime of service you have given to our country and the many more years of service I know you will be able to provide. To his wife Gail, I thank you for sharing your husband with the country over these past months. I wish you all the best as you look forward as well to the future.

To our colleagues who have come to know PAUL's decency and professionalism, I urge we follow his example, not just in dogged pursuit of good legislation that moves our country forward but in the effort to make this Chamber a place where good ideas and good conscience can once again trump pettiness and partisanship. Let us be guided in our work not just by Teddy's passion but by the selfless spirit of service that has made PAUL KIRK such a fine U.S. Senator and a very good American.

I thank PAUL for his service. I said to him the other day that my only regret is that he hasn't been able to serve here a longer time because I think he would have made a remarkable contribution to our country. He did in a short time, but I have a feeling that had he been here for a number of years, the country would be a better place today. It already is because of his service. It could have been even better. I wish him the very best.

I yield the floor.

ADJOURNMENT UNTIL MONDAY,  
FEBRUARY 8, 2010, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, February 8, 2010.

Thereupon, the Senate, at 6:54 p.m., adjourned until Monday, February 8, 2010, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### MARINE MAMMAL COMMISSION

DARYL J. BONESS, OF MAINE, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2013. (REAPPOINTMENT)

### DEPARTMENT OF COMMERCE

LARRY ROBINSON, OF HAWAII, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE WILLIAM J. BRENNAN, RESIGNED.

### THE JUDICIARY

ELIZABETH ERNY FOOTE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE TUCKER L. MELANCON, RETIRED.

MARK A. GOLDSMITH, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE JOHN CORBETT O'MEARA, RETIRED.

MARC T. TREADWELL, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE HUGH LAWSON, RETIRED.

JOSEPHINE STATON TUCKER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE ALICEMARIE H. STOTTLER, RETIRED.

### DEPARTMENT OF JUSTICE

DAVID B. FEIN, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE KEVIN J. O'CONNOR, RESIGNED.

TIMOTHY Q. PURDON, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE DREW HOWARD WRIGLEY.

PARKER LOREN CARL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE DENNIS MICHAEL KLEIN.

KERRY JOSEPH FORESTAL, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE PETER MANSON SWAIM.

GERALD SIDNEY HOLT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE G. WAYNE PIKE.

CLIFTON TIMOTHY MASSANELLI, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE ROBERT GIDEON HOWARD, JR.

SCOTT JEROME PARKER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE CLYDE R. COOK, JR.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

#### *To be vice admiral*

REAR ADM. SALLY BRICE-O'HARA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

#### *To be vice admiral*

REAR ADM. MANSON K. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

#### *To be vice admiral*

REAR ADM. ROBERT C. PARKER

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be colonel*

WALTER T. ANDERSON  
MATTHEW J. ANS

JOHN G. BAKER  
JAVIER J. BALL  
JAY M. BARGERON  
RICHARD T. BEW  
EDWARD W. BLIGH  
BRANTLEY A. BOND  
ROBERT V. BOUCHER  
CHAD M. BREEDEN  
RANDOLPH J. BRESNIK  
LEX A. BROWN  
RICKY F. BROWN  
PETER D. BUCK  
PATRICK C. BYRON  
JAMES C. CALEY  
AARONPAUL CAMELE  
MICHAEL L. CARTER  
DAVID P. CASEY  
MICHAEL S. CEDERHOLM  
ROGER L. CORDELL  
ROBERT P. COTE  
JOSEPH A. CRAFT  
MICHAEL T. CUCCIO  
STEVEN M. CUNNINGHAM  
KEITH M. CUTLER  
JAMES D. DAVIS  
DAN E. DOWSE  
TERENCE J. DUNNE  
DAVID J. ESKELUND  
MATTHEW D. FERINGA  
JAMES G. FLYNN  
ALLEN S. FORD  
TIMOTHY C. FRANTZ  
MICHAEL J. GANN II  
BRADFORD J. GERING  
JOHN R. GILTZ  
JAMES F. GLYNN  
ROBERTO J. GOMEZ  
JEFFERY O. GOODES  
MICHAEL J. GOUGH  
CHARLES S. GRAY  
DUDLEY R. GRIGGS  
JIMMIE G. GRUNY  
ROBERT M. HAGAN  
STEPHEN W. HALL  
JAMES B. HANLON  
HUNTER H. HOBSON  
ADAM P. HOLMES  
SCOTT S. JENSEN  
MATTHEW L. JONES  
ROBERT W. JONES  
RONALD F. JONES  
CHRISTOPHER A. KEANE  
KURT A. KEMPSTER  
JAMES R. KENNEDY  
JEFFREY S. KOJAC  
DAVID A. KREBS  
GERRY W. LEONARD, JR.  
WILLIAM R. LIEBLEIN  
WILLIAM S. LUCAS  
WILLIAM J. MACKAY  
ROBERT L. MANION, JR.  
JOSEPH A. MATOS III  
BRENDAN B. MCBREEN  
ROGER J. MCFADDEN  
FRANK N. MCKENZIE  
ANDRE L. MERCIER  
PAUL D. MONTANUS  
JAMES M. MORRISROE  
NATHAN I. NASTASE  
DWIGHT C. NEELEY  
RONALD D. NEFF  
MARK W. NELSON  
KYLE J. NICKEL  
SEAN P. ODOHERTY  
DANIEL P. OHORA  
TIMOTHY J. OLIVER  
RICHARD T. OSTERMEYER  
JOHN A. OSTROWSKI  
DAVID M. OWEN  
MICHAEL S. PALERMO, JR.  
CHRISTOPHER J. PARKHURST  
ALEX G. PETERSON  
NEAL F. PUGLIESE  
ROBERT L. RAUENHORST  
JAMES P. RETHWISCH  
DOMINIC E. ROBERTS  
MICHAEL D. ROBINSON  
PAUL P. RYAN  
NEIL C. SCHUEHLE  
SUSAN B. SEAMAN  
WILLIAM H. SEELY III  
ROBERT C. SHERRILL  
OLIVER B. SPENCER  
NICHOLAS A. SPIGNESI  
MATTHEW G. STCLAIR  
KRIS J. STILLINGS  
JAMES B. STOPA  
VICTOR S. STOVER  
ROBERT L. TANZOLA III  
CHRISTOPHER D. TAYLOR  
WILLIAM R. TIBBS  
TERENCE D. TRENCHARD  
ROGER B. TURNER, JR.  
RICK A. URIBE  
HAROLD R. VANOPDORP, JR.  
JOHN C. VARA  
PATRICK L. WALL  
MARK M. WALTER  
ANNE M. WEINBERG  
CLIFFORD J. WEINSTEIN  
FRANK E. WENDLING  
CHARLES A. WESTERN

JOSEPH S. WHITAKER  
CURTIS L. WILLIAMSON III  
KENNETH M. WOODARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES MA-  
RINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

STEPHEN J. ACOSTA  
AARON W. ADAMS  
BRAD J. AIELLO  
DAVID M. ANGERSBACH  
MIGUEL A. AVILA  
RAYMOND P. AYRES III  
BRANDEN G. BAILEY  
ROBERT O. BAILEY  
TIMOTHY M. BAIRSTOW  
DANIEL J. BAKER  
HEZEKIAH BARGE, JR.  
WILLIAM J. BARTOLOMEA  
CHARLES J. BASHAM  
DANIEL L. BATES  
ARTHUR R. BEHNKE, JR.  
ROBERT H. BELKNAP II  
CLAY A. BERARDI  
GUY G. BERRY  
CEDRIC C. BEVIS, JR.  
ETHAN C. BISHOP  
PETER D. BLADES, JR.  
JEFFREY M. BOLDUC  
DANIEL J. BRADLEY  
PHILLIP M. BRAGG  
HENRY J. BREZILLAC  
NGAIO I. BROWN  
STEPHEN C. BRZOSTOWSKI  
MICHAEL S. BURKS  
ALBERT S. CALAMUG  
TOMAS CARLOS  
JANO R. CARLSON  
CHARLES R. CASSIDY  
MICHAEL S. CASTELLANO  
THOMAS H. CHALKLEY  
ANDREW G. CHAPMAN  
MICHAEL M. CHO  
KEVIN E. CLARK  
CRAIG C. CLEMANS  
BRIAN CLEMENS  
DEVIN L. CLEPPER  
KEVIN G. COLLINS  
CHAD J. COMUNALE  
JAMES B. COOKSEY  
AARON M. CUNNINGHAM  
ALISON L. DALY  
EDWARD J. DANIELSON  
VALERIE C. DANYLUK  
JEFFREY L. DAVIS  
WILLIAM R. DELORENZO  
DOUGLAS S. DEWOLFE  
STEPHEN M. DICKERSON  
JASON P. DOIRON  
MARK T. DONAR  
DARRYL W. DOTSON  
DOUGLAS D. DOWNEY  
DARREN E. DOYLE  
ERIC R. DROWN  
KEVIN M. DUFFY  
MATTHEW A. DUMENIGO  
WADE J. DUNFORD  
THOMAS J. DUNN III  
JUSTIN S. DUNNE  
PETER C. DUNNING  
JOHN R. DUPREE  
BRIAN M. DWYER  
BRIAN W. ECARIUS  
BRIAN D. EHRLICH  
JERRY J. ESTELL  
BRIAN W. EVANS  
DAVID R. EVERLY  
HOWARD C. EYTH III  
ROBERT B. FANNING  
SEAN B. FILSON  
ROBERT B. FINNERAN  
PATRICK L. FITZGERALD  
SHAUN T. FITZPATRICK  
JOHN D. FLEMING  
JEFFREY M. GAGNON  
KELVIN W. GALLMAN  
PATRICK C. GALLOGLY  
RAYMUNDO R. GAMBOL  
HARRY L. GARDNER  
ROBERT J. GEORGE  
HIETH D. GIBLER  
CLIFFORD W. GILMORE  
BRETT A. GIORDANO  
MICHAEL D. GONZALEZ  
CHRISTEON C. GRIFFIN  
JEFFREY D. GROHARING  
DARRY W. GROSSNICKLE  
JASON S. GUELLO  
TREVOR HALL  
ERIC J. HAMSTRA  
EDDY I. HANSEN III  
BRIAN J. HARDY  
ROGER A. HARDY  
BRADLEY J. HARMS  
BRENDON G. HARPER  
TIFFANY N. HARRIS  
DANIEL P. HARVEY  
GREGORY R. HAUCK  
RICHARD HAWKINS  
EDWARD J. HEALEY, JR.  
KEVIN M. HEARTWELL

SHAWN R. HERMLEY  
MANLEE J. HERRINGTON  
GLEN R. HINES, JR.  
SHANNON V. HOLLOWAY  
DANNY L. HOWARD, JR.  
DARYL S. HURST  
KEVIN H. HUTCHISON  
JAMES M. ISAACS  
ERIC S. JAKUBOWSKI  
THOMAS F. JASPER, JR.  
SHANNON L. JOHNSON  
WILLIAM W. JOHNSON  
GREGG M. JOHNSTON  
GILBERT D. JUAREZ  
JASON W. JULIAN  
HENRY JUNE, JR.  
IVAN J. KANAPATHY  
TRAVIS S. KELLEY  
JESSE A. KEMP  
MICHAEL G. KERKHOVE  
CHRISTOPHER A. KRAJACICH  
MICHAEL R. KROHMER  
ROBERT M. KUDELKO, JR.  
DWAIN D. LAMIGO  
KRISTEN A. LASICKAHANER  
JON M. LAUDER  
RICHARD B. LAWSON  
WILBUR LEE  
DOUGLAS LEMOTT, JR.  
DANIEL J. LEVASSEUR  
JASON A. LEVY  
JOHN C. LEWIS  
DEVIN O. LICKLIDER  
MATTHEW E. LIMBERT  
GLEN P. LINDSTROM  
JOSE M. LOPEZ II  
CHRISTOPHER C. LYNCH  
PAUL D. MACKENZIE  
GIAN F. MACONE  
VICTOR I. MADUKA  
BRADLEY M. MAGRATH  
PETER J. MAHONEY  
AIMEE G. MARES  
RICHARD E. MARIGLIANO  
FRANK Q. MARILAO  
ROBERTO J. MARTINEZ  
JOHN J. MAZZARELLA  
PATRICK W. MCCUEN  
SCOTT D. MCDONALD  
MATTHEW R. MCGATH  
HEIDI J. MCKENNA  
JAMES A. MCLAUGHLIN  
ROBERT T. MEADE  
PAUL F. MEAGHER  
SCOTT O. MEREDITH  
NATHAN M. MILLER  
ODELL MILLER III  
TODD M. MILLER  
SCOTT C. MITCHELL  
DARON M. MIZELL  
MARTA J. MOELLENDICK  
ROSS A. MONTA  
KEVIN L. MOODY  
BILLY R. MOORE, JR.  
DAVID E. MOORE  
JAY E. MOORMAN  
COBY M. MORAN  
PATRICK C. MORAN  
NICHOLAS A. MORRIS  
MATTHEW T. MORRISSEY  
DAVID C. MORZENTI  
JEFFREY V. MUNOZ  
KEVIN F. MURRAY  
KYLE D. MURRAY  
MICHAEL D. MYERS  
MATTHEW R. NATION  
SCOTT A. NICHOLSEN  
PAUL D. NOYES  
GEORGE NUNEZ  
DOUGLAS B. OGDEN  
MATTHEW J. PALMA  
JEFFREY B. PALMER  
ROBERT G. PALMER  
KEITH A. PARRELLA  
BREVEN C. PARSONS  
TROY M. PEHRSON  
BRADLEY S. PENNELLA  
JASON S. PERRY  
KRISTIAN D. PFEIFFER  
MARK A. PICKETT  
TIM B. POCHOP  
MICHAEL D. PORTER  
ANDREW T. PRIDY  
STEPHEN PRITCHARD  
EDWARD L. QUINN, JR.  
CHRISTOPHER K. RAIBLE  
WILLIAM A. RASGORSHEK  
HUGH J. REDMAN  
JACKSON L. REESE  
MATTHEW A. REILEY  
MICHAEL D. REILLY  
RYAN W. REILLY  
ROBERT F. REVOIR  
STEPHEN C. RIFFER  
JAMES A. RIGHTER  
MATTHEW B. ROBBINS  
GEORGE M. ROBINSON  
CESAR RODRIGUEZ  
JAMES A. RYANS II  
MATTHEW R. SALE  
TODD B. SANDERS  
MATTHEW R. SASSE

BRIAN S. SCHENK  
SCOTT D. SCHOEMAN  
WILLIAM A. SCHUTZ II  
HECTOR SHEPPARD, JR.  
BRAD J. SHERMAN  
ROBERT W. SHERWOOD  
JOHN R. SIARY  
CORY G. SIMMONS  
CHARLES E. SMITH  
JASON E. SMITH  
JOHN E. SMITH  
PHILIP B. SMITH  
PAUL F. SPANGENBERGER  
DEMETRY P. SPIROPOULOS  
DAMIAN L. SPOONER  
DAVID M. STEELE  
KYLE M. STODDARD  
KARL J. STOETZER  
MATTHEW W. STOVER  
CHAD M. SUND  
CHRISTOPHER J. TEAGUE  
JAMES J. TOTH

JAMES R. TRAVER  
PHILIP J. TREGLIA  
STEVEN R. TURNER  
MICHAEL S. TYSON  
MARK E. VANSKIKE  
VERNON T. VEGGEBERG  
SCOTT A. VOIGTS  
ROBERT S. VOLKERT  
KIPP A. WAHLGREN  
JORDAN D. WALZER  
ANDREW B. WARREN  
LAWRENCE A. WASHINGTON  
DEREK J. WASTILA  
PATRICK D. WAUGH  
BRENT A. WEATHERS  
DAVID A. WEINSTEIN  
BENJAMIN D. WILD  
MICHAEL F. WILONSKY  
ANDREW R. WINTHROP  
DANIEL J. WITTNAM  
THOMAS D. WOOD  
MATTHEW A. WOODHEAD

HAROLD C. YOUNG  
LUIS R. ZAMARRIPA

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## CONFIRMATIONS

Executive nominations confirmed by  
the Senate, Thursday, February 4, 2010:

### GENERAL SERVICES ADMINISTRATION

MARTHA N. JOHNSON, OF MARYLAND, TO BE ADMINIS-  
TRATOR OF GENERAL SERVICES.

### DEPARTMENT OF LABOR

M. PATRICIA SMITH, OF NEW YORK, TO BE SOLICITOR  
FOR THE DEPARTMENT OF LABOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT  
TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-  
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY  
CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

RECOGNIZING MEKONG PLAZA  
AND ITS CELEBRATION OF THE  
VIETNAMESE TET NEW YEAR**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to recognize the many contributions that the Mekong Plaza has made to the City of Mesa and surrounding communities. In just over a year since its Grand Opening, Mekong Plaza has proven to be a distinctive and uniquely wonderful element of Mesa's community. The grocery store and many shops and restaurants serve as a window into the Southeast Asian culture, showcasing Vietnamese food, clothing, culture and hospitality.

I especially want to recognize that, this year, all of the proceeds from Mekong Plaza's annual Vietnamese Tet New Year Celebration—the largest such event in Arizona—will be donated to provide services to the needy and to assist public safety through the non-profit CARE Partnership and the Mesa Public Safety Foundation.

I am truly privileged to represent such a strong cultural fixture in our district and will continue to treasure the plaza's addition to Mesa's diversity. As many in the Vietnamese community decorate their homes with flowers and share special cuisine to start the New Year, I am honored to share in their celebration. Again, I am proud to serve the Mekong Plaza and am eager to see its continued success and growth.

I urge you, Madam Speaker, to join me in rising to congratulate the tenants and management team at Mekong Plaza for their tremendous service and contributions to Mesa and the surrounding community.

RECOGNIZING OF THE COLUMBUS  
DOWNTOWN LIONS CLUB**HON. MARY JO KILROY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. KILROY. Madam Speaker, I rise today to honor the Columbus Downtown Lions Club for its dedication to the improvement of the Columbus area. The Columbus Downtown Lions Club, which was officially re-chartered by Lions Club International on December 9, 2009, is committed to building a safer, healthier, and stronger community through volunteerism and support for local initiatives.

The Lions Club International was founded in 1917 and today is the world's largest service club organization. The club, originally known for fighting blindness, continues that legacy today by conducting vision screenings, equip-

ping hospitals and clinics, distributing medicine and raising awareness of eye disease. Lions Club International also supports community projects for children and schools through scholarships, recreation programs and mentoring.

The Columbus Downtown Lions Club was originally chartered on June 17, 1920, and served the local community for over eighty years until it was disbanded in 2007 due to insufficient membership. I am proud of the individuals who have restarted this organization and committed themselves to continuing its legacy of volunteerism and generosity. I am excited and thankful in anticipation of the valuable service that this club will provide to our community.

In the long-standing tradition of Lions Club involvement in central Ohio, the Columbus Downtown Lions Club has already begun to build relationships that will foster future volunteer activities. This Saturday, during the Downtown club's official charter celebration, the Downtown club will make a contribution to Honor Flight, an organization that pays for and organizes trips for our World War II veterans so that they can see firsthand our Nation's capital and their monuments. The members of the Columbus Downtown Lions Club are building a valuable network of service-minded individuals who will serve as role models and leaders in our community for decades to come.

With the re-chartering of the Columbus Downtown Lions Club, the Lions community has once again demonstrated its generosity, compassion, and commitment to making a difference in the city of Columbus. I am proud to recognize and honor this organization and all of its dedicated volunteers for their exemplary record of service and their future contributions to the betterment of central Ohio.

IN HONOR OF THE LIFE'S WORK  
OF SARAH D. "SALLY" STEWART**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. SPEIER. Madam Speaker, it is with an abundance of appreciation and admiration that I pay tribute to the life's work of Dr. Sarah D. "Sally" Stewart, who recently retired—after 26 years—from the Sequoia Union High School District Board of Trustees. She leaves the district having served longer than any other trustee in the district's history and, prior to her service there, served eight years on the Board of the Portola Valley School District.

During her impressive tenure, Sally became known as a thoughtful and energetic board member who always saw the big picture. Educational opportunities, principles and challenges have evolved quite a bit over the past

three-plus decades and Sally always kept one step ahead, urging her colleagues to embrace new ideas and ever striving to serve the myriad needs of students, parents, educators and the community.

Sally distinguished herself through her passionate contributions to the underserved youth of East Palo Alto. She provided leadership and guidance to the Youth Court and was instrumental in the founding of two nonprofit organizations, including what eventually became EdSource, a foundation dedicated to providing access to quality education for all children and encouraging an informed and involved citizenry to strengthen California's schools.

Dr. Stewart's commitment to education transcended the boundaries of her own community. She served on the San Mateo County School Boards Association, where she instituted the J. Russell Kent Awards to recognize the work of area teachers. She served as President of the California School Boards Association and the California Commission on Teacher Credentialing and has given her time, energy and intellect to numerous charities, causes and campaigns that benefit children and education at all levels.

Next month, Sally will be duly honored with her induction into the San Mateo County Women's Hall of Fame.

Sally was born in Albany, New York in 1932 and received her Bachelor of Arts from New York's Smith College. She also received a Ph.D. in Medical Microbiology from Stanford University.

Madam Speaker, Sally Stewart is one of those rare public servants whose quiet and competent leadership gives others something to aspire to. For decades I have stood in awe of her capacity to understand the intricacies of school finance and the subtleties of achieving district-wide academic excellence. While I regret to see her go, she has certainly earned her retirement. No doubt she will spend her newly-found free time doing more reading, walking her beloved dog and continually pushing for reforms that improve California's educational system.

Our nation owes Sally Stewart a debt of gratitude. I would also like to extend my thanks to her sons—Ed and Willie—and her two grandchildren—Teddy and Sam—for sharing this remarkable woman with the greater community for so many years.

Imagine how much better our nation's schools would be if every community had a Sally Stewart. But since there is only one, I am selfishly grateful that she chose the San Francisco Peninsula to call home.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



HAPPY NEW YEAR TO THE ORGANIZATION OF CHINESE-AMERICANS

**HON. JASON ALTMIRE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. ALTMIRE. Madam Speaker, I would like to wish the Pittsburgh Chapter of the Organization of Chinese-Americans a happy and healthy New Year for the year 4708, the year of the Tiger.

I hope this New Year brings the Chinese-American community of Pittsburgh much joy and thanksgiving. I am thankful for the positive impact this organization has had on the lives of Chinese-Americans and Pittsburgh as a whole. Chinese-Americans have greatly contributed to the progress of Pittsburgh as well as the entire nation. I am very honored for this opportunity to wish them a very happy 4708.

I ask my colleagues in the United States House of Representatives to join me in wishing the members of the Organization of Chinese-Americans a very happy and prosperous New Year.

**EARMARK DECLARATION**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: O&M, Air National Guard

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured \$2,160,000 for the South Carolina Air National Guard Controlled Humidity Protection. CHP will be used to control humidity in aviation support facilities that house spare parts, tools, support and test equipment, munitions, and weapons. Traditional methods of corrosion control primarily mitigate the effect of moisture by employing corrective technologies to counteract existing corrosion damage. Such corrective methods are expensive, time consuming, and create additional serious challenges such as excess hazardous materials and hazardous waste. The most cost effective solution to the corrosion problem is through prevention, not correction. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: AGY Holding Corporation

Address of Requesting Entity: 2556 Wagener Rd., Aiken, SC 29801

Description of Request: I have secured \$1,600,000 for the AGY Holding Corporation's Next Generation High Strength Glass Fibers for Ballistic Armor Applications. This program accelerates the development of next generation high strength glass fibers used in composite armoring materials. This means lighter, stronger composite vehicle armor without sacrificing the ballistic protection needed to maximize soldier survivability. Additionally, this program supports the domestic industrial base for armor materials production. Some of the glass fiber used in composite vehicle armors is manufactured outside the U.S. Developing the next generation high strength glass fibers at AGY will reduce dependency on foreign sources for a critical material, and also save U.S. jobs. Next generation high strength glass fibers can also be utilized by the commercial sector to lighten and improve armoring used on law enforcement vehicles and armored bank cars, resulting in better protection for personnel, improved fuel economy, and reduced emissions. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: XRD Inc. (XRDI)

Address of Requesting Entity: 103 Industrial Village Rd., Beaufort, SC 29906

Description of Request: I have secured \$1,600,000 for XRDI's Tactical Unmanned Aerial Vehicle (UAV) Heavy Fuel Engine. Funding would be used for implementing XRDI's lightweight military fuel engine for a Tactical UAV Heavy Fuel Engine program. The scope would include building sufficient engines to flight test and evaluate this technology for use in the U.S. Military environment. The funding would support economic development in the region and create more jobs for Beaufort, South Carolina by replacing an engine that is currently purchased from a foreign entity and is not heavy fuel capable. The funds would also support further development, design, and implementation of the manufacturing process to build this engine to military standards and support criteria. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

**THE MORE MEMORIALS TO OUR MILITARY THE BETTER**

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. POE of Texas. Madam Speaker, as I mentioned yesterday, Corporal Frank Buckles

is the last surviving doughboy that served in World War I. He is 109 years old this week. To put things in perspective, he has lived half of America's history since the signing of the Constitution.

At the age of 16, he enlisted to serve in World War I. He lied to be able to serve his country. He was a corporal in the U.S. Army in Europe.

After the war was over he later found himself in the Philippines at the start of WWII. The day after the attack on Pearl Harbor Frank Buckles was captured by the Japanese and became a prisoner of war. He was a POW for 39 months. After WWII was over he went to West Virginia where he lives on his farm to this day.

The United States has memorials, museums, and tributes to the Americans who have served in all of our wars. There are even WWI memorials in other places in the country such as the one in Kansas City.

However, there is not one on the National Mall in the Nation's Capitol for all WWI Veterans. On the National Mall there are memorials that pay tribute to 3 of the great wars in the past century. They were built in reverse order to honor those who sacrificed to protect America's freedom and liberty. They are the Vietnam Memorial, the Korean War Memorial and WWII memorial.

I do not believe we can build too many monuments in honor of our Veterans. We need to build a memorial on the National Mall commemorating the World War I Veterans and thus complete the tribute to those who have served in all 4 of the major wars of the last century. This memorial will be built using private donations not taxpayer's money.

We owe it to all those who gave their lives to protect ours; we owe it to those who served in WWI and to the last surviving doughboy of that war, Corporal Frank Buckles, to build this memorial on the national mall.

And that's just the way it is.

**CONGRATULATING THE BOY SCOUTS OF AMERICAN AND THE NORTHEAST ILLINOIS COUNCIL OF THE BOY SCOUTS OF AMERICA ON THE 100 YEAR ANNIVERSARY**

**HON. MELISSA L. BEAN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. BEAN. Madam Speaker, I rise today to congratulate the Boy Scouts of America and all current and former Scouts across the world, on the occasion of the organization's 100 year anniversary. This Sunday, I will join the Northeast Illinois Council of the Boy Scouts of America as they celebrate with a Centennial Concert and Talent Show in Lake Villa located in Illinois' Eighth Congressional District.

Partnering with local churches, schools, businesses, and other community organizations, the Boy Scouts have touched the lives of tens of millions of young people throughout the past century. Young men involved in Scouting are taught valuable skills in the areas

of personal leadership, career development, and outdoor survival. In addition, Scouting offers participants the opportunity to form life-long friendships and benefit from the guidance of positive adult role models serving as troop leaders.

The Boy Scouts program teaches young men the values of responsible citizenship and community service. Year after year, I am impressed by the number of projects benefiting my district undertaken by area Scouts. It is especially inspiring to see those young men hoping to become Eagle Scouts take it upon themselves to develop a service project and organize their peers to carry it out. It comes as no surprise that such a high number of former Scouts go on to serve as leaders in our armed forces, government, businesses and community organizations across the country.

Once again, I congratulate the Boy Scouts on reaching such an impressive milestone and the Northeast Illinois Council for organizing Sunday's celebration. I look forward to watching today's Scouts become tomorrow's leaders.

#### RECOGNIZING THE ACHIEVEMENTS OF THE UNION CITY TORNADOES

**HON. JOHN S. TANNER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. TANNER. Madam Speaker, I rise today to honor the Union City High School football team on its first-ever state championship in the 2009 Class 1A Blue Cross Blue Shield Bowl held in December. The Tornadoes beat the four-time state champions, the South Pittsburg Pirates, by a score of 31–29.

The Purple and Gold were down the entire game, until Keylon Hyde intercepted the ball in the third quarter, which started a 67-yard drive that put the Tornadoes ahead 28–21.

Following a touchdown by South Pittsburg in the fourth quarter, Union City was down 28–29 with 3:25 left to play. Union City struck back with a 68 yard 12-play drive which set up a field goal opportunity for the Tornadoes' kicker, Jorge Guerris. Guerris scored a 22-yard field goal with only two seconds left in the game and clinched the championship title for the team.

The Tornadoes have done exceptionally well with a final record of 12–2. The state championship win marked the team's ninth straight victory of the season. This win was also the first time a rural West Tennessee public school had won the Class 1A championship in 20 years.

I would like to specifically applaud Coach Darren Bowling for leading this exceptional team and fullback Josh Nicks for setting a state championship game record of 47 carries and for being the offensive MVP of the game.

As an alumnus of Union City High School, I am proud of the accomplishments the Tornadoes have made this year, and I look forward to rooting on the Purple and Gold next season.

#### RECOGNIZING THE LIFE OF ARTHUR WILLIAMS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Arthur Williams, a World War II veteran, a Tuskegee Airman, and a true American hero. Arthur spent a lifetime dedicated to his country, his community, and a loving father, and I am proud to honor his life of service.

Born in 1918 in Hattiesburg, Mississippi, Arthur grew up and lived in Pensacola, Florida. He joined the Army Air Corps at the height of World War II in 1942, hoping to become a pilot. A color blindness kept Arthur out of the sky, but would not keep him from serving his country. He entered the Army Air Corps Mechanic Training School in Lincoln, Nebraska, and graduated number one in his class in 1943. Arthur became a mechanic for the revered Tuskegee Airmen out of Tuscaloosa, Alabama, where he served honorably until 1946. These Airmen flew 1,500 combat missions during World War II and received 95 Distinguished Flying Cross awards among them. For his service as part of the Tuskegee Airmen, Arthur was awarded the Congressional Gold Medal, our nation's highest civilian honor, in 2007.

After his military duty, Arthur continued to serve his country. In 1963, he became the first African-American supervisor at the Pensacola Naval Air Station Reworks facility. He went back to school to earn his Associate in Arts degree from Pensacola Junior College and became a licensed real estate broker. An active member of the community, Arthur enjoyed singing in the Mount Zion Baptist Church choir and being a part of the American Legion Post 193. In April of 2008, Arthur was one of the veterans who participated in the inaugural Emerald Coast Honor Flight Program to bring WWII veterans from Northwest Florida to Washington, D.C. to see their memorial.

Madam Speaker, on behalf of the United States Congress, I am humbled to recognize Arthur Williams as a World War II hero and a community leader. Our nation is proud and grateful for his courage, service, and patriotism. My wife Vicki and I offer our prayers for his entire family, including his son, Charles, his six grandchildren, two great-grandchildren, and entire extended family and friends as we remember and honor the life of Arthur Williams. He will be truly missed.

#### EARMARK DECLARATION

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I secured as part of H.R. 3326 (Conference Report).

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force

Legal Name of Requesting Entity: American Freedom Fuels and Chemicals, LLC

Address of Requesting Entity: 2704 Old Rosebud Drive, Suite 160; Lexington, KY 40509

Description of Request: Appropriate \$3,920,000 for development of a single clean fuel for the Department of Defense (DOD). Seventy-four percent of DOD's energy consumption is for mobility. From sixty to seventy-six percent of total DOD petroleum product purchases are for jet fuel. JP–8, primarily used for air operations, makes up about fifty percent of the total fuel product purchased by DOD. A \$10 per barrel increase in the price of oil adds \$600 million/year to the cost of Air Force operations.

The benefit to DOD and the taxpayer is reduced fuel costs, particularly for aviation. Additionally, development of a viable synthetic fuel has the potential to eliminate DOD's historic reliance on costly petroleum from foreign sources.

#### EARMARK DECLARATION

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. KINGSTON. Madam Speaker, I submit the following:

Nanophotonic Biosensor Detection of Bioagents and Pathogens

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3326, Department of Defense Appropriations Bill, FY 2010

Account: Research, Development, Test, and Evaluation for the Army

Legal Name of Requesting Entity: The University of Georgia

Address of Requesting Entity: 111 Carlton St.—AHRC, Athens, GA 30602

Description of Request: The funding would be used to develop a rapid and sensitive means of detecting bioagents and pathogens that cause disease and rising mortality rates, particularly those that pose threats as agents for bioterrorism and military personnel. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

#### A TRIBUTE TO CLOVERPORT, KENTUCKY

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. GUTHRIE. Madam Speaker, I rise today to honor a historic and beautiful place in the Commonwealth of Kentucky—Cloverport. On Wednesday, February 11, 2010, Cloverport will celebrate the 150th anniversary of its incorporation.

Cloverport, originally a pioneer community called Joe's Landing, was established by Joe Huston in 1798 and renamed Cloverport in 1828.

Like many other places in the Commonwealth, Cloverport is rich in history, especially Civil War history. Joseph Holt, a major figure in the Civil War, was born and is buried six miles north of Cloverport. Holt was Postmaster General and briefly served President James Buchanan as Secretary of War. He also served Abraham Lincoln as his Judge Advocate General.

I always enjoy visiting Cloverport. Cloverport Days is one of my favorite fall events, giving the town an opportunity to come together and showcase its incredible hospitality and all it has to offer.

I am proud to represent the citizens of Cloverport and they should be celebrated for their contributions for making Kentucky such a wonderful place to live and visit. Madam Speaker, I ask my colleagues to join me in honoring Cloverport and congratulating them on 150 amazing years.

#### RECOGNIZING THE SERVICE OF SPECIALIST DAVID OLIVER

##### HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. MCCLINTOCK. Madam Speaker, today I honor the service of one of our nation's brave soldiers, Specialist David Oliver. Spc. Oliver was severely injured in Afghanistan during operation Enduring Freedom and is currently undergoing a lengthy rehabilitation at Walter Reed Medical Center here in D.C.

A graduate of Casa Roble High School, Specialist Oliver enlisted in the Army immediately upon graduation eager to serve his country and continue his family's tradition of service—David's father was a firefighter in Sacramento County, his brother serves in the Marines and his sister in the Air Force. After enlisting, Specialist Oliver was deployed to Iraq and upon completion of his assignment there he volunteered to serve in Afghanistan where he suffered his wounds.

I am extremely humbled to know there are men and women of his caliber who are so willing to risk their lives in order to protect our great country. I consider it a great honor and privilege to represent Specialist David Oliver and I urge my colleagues to join me in recognizing his great service and sacrifice.

#### PERSONAL EXPLANATION

##### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. WOOLSEY. Madam Speaker, on February 3, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 34. Had I been present, I would have voted:

Rollcall No. 34: Yes—Hastings of Florida Amendment.

#### TRIBUTE TO RECREATIONAL EQUIPMENT, INC. (REI)

##### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. REICHERT. Madam Speaker, I rise today to recognize a company headquartered in the Eighth Congressional District that has been recognized this month by Fortune magazine as one of the "100 Best Companies to Work For." Recreational Equipment, Inc., REI, was ranked 14th on Fortune's 2010 list. With this year's acknowledgment, REI is now one of only five companies nationwide to appear on Fortune's list every year since it was first unveiled in 1998.

Headquartered in Kent, Washington, REI employs 9,137 people across the country and takes care of them through a variety of health care options, store discounts, paid sabbaticals for veteran employees, and generous retirement plan contributions. REI produces state-of-the-art outdoor equipment and clothing for people to enjoy everything our country's landscape has to offer. Additionally, the company promotes a culture of sustainability and is committed to protecting our precious natural resources and lush, open spaces.

In selecting companies for this list, Fortune collects random employee interviews and written surveys to determine an organization's willingness and ability to care for its employees. REI's consistent recognition is a testament not only to its sound business model but also its dedication to providing for the well-being of its people. Businesses like REI are the heart and soul of the American economy. We should do everything possible to promote the innovation and sound practices of our job creators, and I believe Fortune's "100 Best" list is a valuable tool to do that. I offer my heartfelt congratulations and thanks to President and CEO Sally Jewell and her many employees for setting the gold standard that other companies would be wise to follow.

#### HONORING ERIC DAVID BROOKS, INTEL SCIENCE TALENT SEARCH FINALIST

##### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize my constituent Eric David Brooks and congratulate him as a finalist in the Intel Science Talent Search 2010. The Intel Science Talent Search is America's most prestigious science competition for high school seniors. Eric is one of only 40 Finalists nationwide.

Eric's project, "Transition from Indolent to Metastatic Prostate Cancer Characterized through the Health Disparity between African American and Caucasian American Men," studied the racial and genetic factors affecting the metastatic potential of prostate cancer.

As a student at George W. Hewlett High School, Eric participates in numerous activities

and clubs. He is a member of the Math Olympiads and Mock Trial Team. Eric is also the news editor of the school newspaper. In addition, he is a cellist with the Long Island Youth Orchestra and part of the chamber and pit orchestras at George W. Hewlett High School. As a senior member of the Education and Labor Committee, I am truly impressed by Eric's accomplishments.

Madam Speaker, it is with pride and admiration I offer my congratulations to Eric David Brooks and commend his dedication to education and science.

#### IN MEMORY OF MS. PAULA SMITH

##### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. CLAY. Madam Speaker, I rise today in honor of Ms. Paula Smith, a trail-blazing business woman and beloved member of the St. Louis community, who recently passed, on January 28, 2010, at 76. Ms. Smith devoted over 30 years of her life to public service and worked tirelessly to better the lives of those around her.

At the age of 16, Ms. Smith dropped out of high school, but she later earned a high school equivalency diploma and then went on to receive a degree in economics from Washington University. Ms. Smith's education did not end here; she earned a master's in business administration from St. Louis University and did graduate work at Harvard. Ms. Smith's dedication to her education was a testament to her entrepreneurial spirit and allowed her to contribute to the St. Louis community, as well as to society as a whole.

Ms. Smith's career in public service began in 1981, when then Governor Christopher S. "Kit" Bond appointed her director of the state Department of Labor and Industrial Relations. At that time she was the only woman and the only African-American in the Governor's cabinet. Throughout her career Ms. Smith broke barriers and defied expectations, proving to those around her that she was capable of making an impact in the most profound way.

After serving the Governor for several years Ms. Smith was summoned to Washington by President Ronald Reagan to run the Wage and Hour Division of the Department of Labor. In 1990 Ms. Smith returned to St. Louis and started her own business: she opened a consulting company and used her years of experience in Washington and as an employee of Kit Bond to make a difference in St. Louis.

Throughout her life Ms. Smith demonstrated a commitment to improving life for those around her; she strove for social justice and fought to ensure equality for all. She was passionate about her civic and philanthropic work and determined to make a profound impact in her own community. Ms. Smith's powerful legacy lives on through her three children. Her daughter, Cheryl Walker of St. Louis, is now a lawyer and her two sons, Dwayne and Dwight Bosman, are both well-known jazz musicians.

Madam Speaker, I am honored to pay tribute to Ms. Smith; a woman who always strove to make a difference and succeeded. I ask my

colleagues to join me in honoring Ms. Paula Smith, an amazing woman whose legacy will forever be remembered. I extend my sincerest condolences to her family and friends. She will be greatly missed.

ACKNOWLEDGING CORPORAL PATRICK C. FIELDS FOR HIS OUTSTANDING SERVICE

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. MCCLINTOCK. Madam Speaker, I rise to acknowledge Corporal Patrick C. Fields for his outstanding service in the United States Marine Corps Reserve and his work in my DC office. In 2003, after playing football for the Ducks, Corporal Fields graduated from the University of Oregon with a Bachelor of Science in Political Science. In 2005, he enlisted in the United States Marine Corps Reserve and after graduating Recruit Training, and Marine Combat Training Patrick joined the 3rd Civil Affairs Group, Camp Pendleton, California to work as a Field Radio Operator.

In 2006, Corporal Fields was assigned to Detachment One, Team Two and deployed to Al Anbar Province, Iraq, in support of Operation Iraqi Freedom as a Radio Operator and a Civil Affairs Non-Commissioned Officer, and became Team Chief for Det One Team 2-2 in the City of Karabilah.

After returning from Iraq, Cpl. Fields deployed in support of Cobra Gold in 2007 (Thailand), MedFlag in 2008 (Republic of Mali), and Balikatan in 2009 (Philippines). He served in a variety of billets ranging from Radio Operator to Civil Affairs Team Chief during that time and worked with various foreign and U.S. forces and agencies related to the civil affairs mission.

Cpl. Fields was promoted to his present rank in October of 2008, and maintains the billet of Civil Affairs Non-Commissioned Officer. His personal decorations include the Navy and Marine Corps Achievement Medal and the Army Achievement Medal. In his civilian occupation, Cpl. Fields was a Field Engineer for ARB Inc., a heavy industrial construction firm that specializes in power plant, refinery and pipeline construction.

Corporal Fields did all of this before coming to Washington, DC to work in my office during the fall/winter of 2009. From day one, Patrick developed a great rapport with the rest of the staff and all constituents who came in the door or who he spoke to on the phone. His positive attitude and friendly personality made him a favorite tour guide and great addition to the office.

Cpl. Fields is now scheduled to be mobilized in support of Operation Enduring Freedom with eventual deployment to the Afghan Theater of Operations. I appreciate his brave service in defense of our freedom and wish him the best and continued safety in his next assignment.

RECOGNIZING BELMONT CITY MANAGER JACK CRIST

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Jack Crist, who recently retired from his post as City Manager of Belmont, California.

Jack has served his Nation and his community in many ways. In 1965, he joined the United States Army, earning his Army Aviator wings a year later. He went on to fly 375 combat missions in Vietnam, resupplying Special Forces units along the treacherous border between Vietnam and Cambodia. Upon returning home, Jack trained pilots at Fort Ord before being discharged in 1969.

He graduated from San Jose State University with a degree in Economics and upon earning his CPA license, joined the City of Sacramento as Chief Accountant. His excellent work in that rapidly growing city inspired the local leaders to promote him to the post of Director of Finance, a job he held for ten years before being named Deputy City Manager. After a long run in that post, Jack moved to Modesto to become City Manager, finally landing in the post for which I honor him tonight: City Manager of Belmont.

During Jack's tenure, he oversaw the reorganization of the fire department through the establishment of a Joint Partnership Agreement with neighboring San Carlos. He also helped the City Council draft and implement the Nation's strictest no-smoking ordinance.

Jack and Margaret, his wife of more than forty years, are tireless travelers and no doubt, Jack's retirement will afford them time for more adventures. A consummate family-man who spends his free time plotting the Crist genealogy, he will surely be able to spend more time in Ohio—with daughter Patricia, her husband Roger and grandkids Kyle and Jack—and Texas, where daughter Jacklyn lives with her husband Michael and baby Nicolas.

Madam Speaker, City Manager Jack Crist has served his fellow citizens to the utmost of his ability, whether in municipal government or wearing the uniform of the United States Army. For these reasons and so many more, I commend him and wish him a long, healthy and fascinating retirement.

TRIBUTE TO ANNE HINES FARISH—"THE MATRIARCH OF MONROEVILLE"

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. BONNER. Madam Speaker, it is with sadness and many fond memories that I rise today to acknowledge the recent passing of Anne Hines Farish of Monroeville, Alabama, a dear friend and extraordinary public servant.

Anne Farish passed away January 18, 2010, at her home after a battle with cancer. She was 83.

Her hometown newspaper, The Monroe Journal, called Anne Farish the "Matriarch of Monroeville." For the former mayor, who viewed everyone in her hometown as family, this title is certainly well chosen.

A native of Monroeville, Anne grew up the oldest of four daughters of the late Dr. Jack and Mrs. Irma Hines. Dr. Hines was Monroeville's mayor for 16 years and his presence no doubt had an influence upon his eldest daughter, who eventually followed in his footsteps.

Anne graduated from Monroe County High School in the same class as Nelle Harper Lee, another beloved daughter of Monroeville and Pulitzer Prize winning author of "To Kill a Mockingbird." Upon graduation, Anne attended Auburn University, and her late husband, Dick, served as Monroeville's postmaster for many years.

Anne will be remembered for so many things. She was indeed a political trail blazer. She was the first woman elected to the Monroeville City Council—serving from 1984 to 1992. Following that, she was the first woman elected as mayor of Monroeville—where she led the city for four terms (1992 to 2008).

During her tenure, Monroeville built its first industrial park, added to its recreational parks and constructed a new City Hall and police station.

Anne was also a successful businesswoman, owning her own brokerage firm, The Farish Agency.

As I noted when Anne retired from public service in 2008, she was the epitome of a "Steel Magnolia," a real southern lady, strong and persevering and someone who was truly an institution among the residents of Monroeville.

Everyone who knew Anne will surely miss her. Monroeville has truly lost a beloved member of its family. My condolences and prayers go out to her family, including her son, William Clifford (Christie) Farish; sisters, Rose Marie Hines Bush, Temple Hudson Hines Lazenby, Irma Jacqueline Hines Nobles; her two grandchildren and extended family.

I join with all of Monroeville and Monroe County in mourning the loss of this remarkable lady and very dear friend.

IN TRIBUTE THE LOS PADRES COUNCIL, BOY SCOUTS OF AMERICA

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. GALLEGLY. Madam Speaker, I rise in tribute the Los Padres Council, Boy Scouts of America, as the Boy Scouts celebrate 100 years on February 8, 2010.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law.

Today's Boy Scouts are tomorrow's leaders, as evidenced by the fact that more than 200 members of the 111th Congress were Boy Scouts or adult leaders, including myself. Boy

Scouts alumni also include 179 U.S. astronauts, 35.5 percent of the United States Military Academy cadets, 30.5 percent of United States Air Force Academy cadets and 25 percent of United States Naval Academy midshipmen.

In 2005, the Boy Scouts of America and the Youth and Family Research Center produced a report on the "Values of Americans, A Study of Ethics and Character." The report found:

"Compared with men who were never Scouts, men who were Scouts five or more years as youth are more satisfied with their present lives and occupations, have sustained lifelong friendships, and place a higher value on family relationships. Men who were Scouts also earn higher incomes, achieve higher levels of education, and attend religious services more often than men who were never Scouts.

"Boys who are or were Scouts also agree that Scouting is a positive influence in their life. Scouting has helped them gain self-confidence, leadership skills, determination, and social interaction skills. Scouting has also impacted their academic skills. Scouting activities have helped Scouts improve their reading, science, engineering, physical fitness, and emergency preparedness skills. In addition, boys who are Scouts report earning higher grades than do boys who were never Scouts."

Furthermore, the report also found that, "Scouts are also more likely to make the most ethical decisions, not the easiest. Scouts are more likely to volunteer to be a leader, practice responsible recycling procedures, and take part in community service. They are also more likely to report a classmate with a gun and are less likely than non-Scouts to drink alcohol."

It is clear that the Boy Scouts of America has had a positive impact on our youth for a century. The Los Padres Council, which reaches across Santa Barbara and San Luis Obispo Counties, is at the forefront of training tomorrow's leaders by serving more than 9,000 Cub Scouts, Boy Scouts, and Venturers.

Madam Speaker, I know my colleagues will join me in paying tribute to the Boy Scouts of America and the Los Padres Council for their dedication to molding our youth into responsible and high-achieving citizens.

CONGRATULATING WHITE RIVER  
VALLEY HIGH SCHOOL

**HON. BRAD ELLSWORTH**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate White River Valley High School in Switz City, Indiana for being recognized as one of the top high schools in the nation by U.S. News & World Report.

White River Valley High School has developed a well-deserved reputation of academic excellence in Greene County and beyond. Students have maintained a 90.7 percent average on state tests and nearly 96 percent of them graduate. With success like this, it is no surprise that White River Valley High School is one of only 30 high schools in Indiana to be recognized this year.

The students sitting in classrooms today will be the scientists, engineers, teachers and leaders of tomorrow. The quality of education they receive has a direct impact on the strength of our economy, our communities, and our country in the future. If their success so far is any indication, I think that future looks bright.

White River Valley High School is preparing students in Greene County to go out and make a difference in our world. I am proud of their accomplishments and grateful for their continued contributions to the Switz City community.

ON 17TH ANNIVERSARY OF ENACT-  
MENT OF THE FAMILY AND  
MEDICAL LEAVE ACT

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. WOOLSEY. Madam Speaker, tomorrow is the 17th anniversary of the enactment of the Family and Medical Leave Act (FMLA). This landmark legislation, signed by President Clinton, established for the first time a minimum labor protection to help families balance their work and family lives. Under the law today, covered workers are entitled to up to twelve weeks of job-protected unpaid leave for the birth or adoption of a child, or to care for themselves or for a seriously ill family member.

Recently, legislation authored by Senator CHRISTOPHER DODD and myself to provide FMLA for military families has been signed into law. These are the only changes to the FMLA in its history, but as a result covered workers are entitled to up to twenty-six weeks of unpaid leave to care for seriously injured or ill family members in the armed services. In addition, workers are also entitled to up to twelve weeks of leave for matters relating to the deployment of a family member. And in 2009, President Barack Obama signed into law provisions Senator DODD and I had introduced in this Congress entitling family members of wounded or ill veterans the same twenty-six weeks of leave accorded active servicemembers.

More than hundred million job-protected leaves have been taken as a result of the FMLA. However, only a small percentage of those workers entitled to the leave actually utilize it, and the number one reason why is that it is unpaid.

We lag far behind other countries in providing "family friendly" policies, such as paid leave, to our workers. That's why in successive Congresses I have introduced H.R. 3047, The Balancing Act, which establishes a host of supports families need to balance their work and family lives.

President Obama recognizes the need for "family-friendly" supports, and I was also pleased to learn that his budget for Fiscal Year 2011 proposes \$50 million for a State Paid Leave Fund that will provide competitive grants to help states launch paid-leave programs. In May 2009, I introduced H.R. 2339, the Family Income to Respond to Significant

Transitions (FIRST) Act, which provides \$1.5 billion to states to start or improve paid-leave programs

On this anniversary of the FMLA, it's good to reflect on how far we have come. But with half of women in the workplace, we need to move forward and enact legislation that provides paid leave and other supports to working families.

**"YOU CAN'T SUCCEED AT DEFICIT  
REDUCTION WITHOUT REALLY  
TRYING"**

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. FRANK of Massachusetts. Madam Speaker, there is wide agreement that we should be taking tough measures to reduce the budget deficit. There appears at present to be a powerful myth that this can be done without attacking the biggest single area of increase in the federal budget in recent years, the military budget.

The transition from the Clinton to the Bush administration, which meant a transition from a surplus to a deficit situation, had as its single most important cause a decision by President Bush to fight two wars with five tax cuts. While President Obama has not repeated that same pattern, his announcement that he is going to begin deficit reduction, while exempting the ever-increasing military budget from the same scrutiny that goes to other Federal expenditures, means either that deficit reduction in both the near and long term is either doomed to failure, or that devastating cuts will occur in virtually every Federal program that aims at improving the quality of our lives.

I intend to work with many others to make the case that over the next 10 years we can save substantial amounts of money—a trillion or more of currently proposed expenditures—by reexamining some of the fundamental premises of American military policy. Some of those are based on Cold War assumptions—the need for three separate delivery systems for several nuclear weapons, which was designed in an era of confrontation with the Soviet Union. We also must suggest the notion that America can be the world's pacifier, policemen etc. Our security interest must be protected, and there are beleaguered nations threatened with hostile, foreign assaults where our support is justified. But our range of commitments goes far beyond that and must be scaled back.

There are also obviously places where the current military budget can be cut, even before we begin to reduce the level of commitments. In the very useful publication Congress Daily for Monday, February 1st a thoughtful and experienced journalist, who is an expert on the military budget, George C. Wilson, cogently rebuts the President's assertion that military requirements mean that we cannot subject the huge and growing Pentagon budget to the kind of scrutiny that goes elsewhere. Note that Mr. Wilson is talking primarily about a budget aimed at the current level commitments. A serious review of those commitments, which

should result in a reduction in their scope, would allow us to go much further in reduction, reaching the magnitude of savings that are needed for us to be able to have the military budget make a substantial contribution to deficit reduction.

Madam Speaker, no issue before us is more important than the need for people to include a realistic assessment of military spending in any effort to reduce the deficit much less this year, or over the next ten. I ask that George C. Wilson's extremely well-argued article, which makes such an essential contribution in this debate, be printed here.

[From the Forward Observer, Feb. 1, 2010]

FATTEST LADY SINGING

(By George C. Wilson)

In declaring in his State of the Union address that he won't cut the Pentagon budget, President Obama is like a trainer telling the fattest lady in his class that she need not do her exercises. Why didn't Obama order the fat Defense Department to join the government-wide effort to reduce the deficit by killing off weapons that no longer make sense?

Two-thirds of our casualties in the Iraq War were inflicted by hidden bombs that the bad guys set off by cell phones or other simple devices available at Radio Shack. Neither our new aircraft carriers costing \$12 billion apiece nor our new F-22 fighter aircraft costing \$350 million a plane can keep our troops from being killed or wounded by cheap improvised explosive devices.

This doesn't mean that deficit cutters should cancel such super weapons willy nilly. More conventional wars than the ones in Iraq and Afghanistan may well be in America's future. But Obama and Congress should at least order Defense Secretary Gates and his deputies to justify every major weapon by explaining what red-hot threat out there justifies spending fresh billions on it.

The GAO drew a good road map for conducting such a review last year in its devastating report on Pentagon cost overruns. Entitled "Defense Acquisitions: Assessments of Selected Weapon Programs; the GAO studied 96 major weapons in 2008 and discovered that the contractors' original price tag had nothing to do with reality.

The cost overruns on the weapons studied totaled \$296.4 billion. Just making the contractors, not the taxpayers, eat their own cost overruns would reduce the deficit by almost \$300 billion.

Instead of making such a demand, Obama last Wednesday gave defense contractors, their overseers in the Pentagon and Congress a pass: "Starting in 2011 we are prepared to freeze government spending for three years. Spending related to our national security, Medicare, Medicaid and Social Security will not be affected. But all other discretionary government programs will."

Where is Congress in this supposed war against the deficit that Obama just declared? The Founding Fathers in Article I, Section 8 of the U.S. Constitution gave Congress the power to "provide for the common defense," not the president.

When are the lawmakers going to start cutting Pentagon programs like outrageously expensive warships, planes that soar over the price tags contractors originally put on them and missile defenses that have a lot bigger flaws than Toyota's stuck gas pedals?

"Never," is the answer I get from some of the walking wounded who fought in past battles of the Pentagon budget. They say any

weapons, whether justified by today's threats or not, get protected by lawmakers as long as they provide jobs back home.

Congress, these vets contend, to reassert its constitutional right to provide for the common defense, should deny money to produce any weapon before it is thoroughly tested; forbid congressional add-ons to the Pentagon budget unless CBO and GAO have determined what the pet project would cost and, if deemed worthy, conduct an open competition to build it; forbid any congressional staffer from vaulting to a job in the Pentagon or defense industry.

Obama did take one step toward making congressional wheeling and dealing on add-ons more transparent by declaring in his address that "I'm calling on Congress to publish all earmark requests on a single Web site before there's a vote so that the American people can see how their money is being spent." That might help some but not much. Voters in the lawmaker's district or state might not object to getting earmarked for goodies.

As one who has studied the military-industrial-political-intelligence complex for almost 50 years now from the front row seat a defense reporter gets, I think the deficit, unemployment, cost overruns on weapons that don't work and/or have nothing to do with winning the war against terrorists—along with voter disgust with Washington's spending binge—will eventually force the president and Congress to rein in their spending on dubious weapons.

The overseers will realize that real national security means fixing the national economy, not letting the Defense secretary and Army, Navy, Air Force, and Marine Corps continue to drive the taxpayers to the poor house in Cadillacs.

As one who spent seven and a half months on an aircraft carrier, let me fuel the eventual battle of the Pentagon budget by asking right here and now whether it makes sense in these economic times to build all three of the new carriers of the class named after the late President Gerald R. Ford.

In its latest Selected Acquisition Report, the Pentagon projects that three of these Ford class carriers will cost a total of \$35 billion, or almost \$12 billion each. A pilot who really knows carriers from taking off and landing on them thousands of times told me that the bad guys could disable the carrier flight deck with comparatively cheap missiles or do what our own Navy frogmen have already done: Sneak aboard a carrier at night undetected by climbing up its steel sides on magnetic shoes. "They can make it rain longer than we can swim; the pilot said of those bent on dethroning the queen of the Navy fleet.

#### HONORING THE LIFE OF M. HOLLIS CURL

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BONNER. Madam Speaker, I rise today to express my deep personal sadness at the passing of M. Hollis Curl, a longtime friend, an award winning journalist, and perhaps Wilcox County, Alabama's greatest advocate.

Hollis, the editor and publisher of The Wilcox Progressive Era in my hometown of Camden, Alabama, passed away on February 2, 2010 at the age of 74.

It's been said that real newspapermen bleed ink. I have no doubt that Hollis would fit into that category. While he would downplay his life's work as mere "newspapering," no one could ever question that Hollis was a consummate professional born with a lifetime love for print journalism and a remarkable passion for his community.

Hollis began his "newspapering" career as a young man by hawking copies of his hometown paper, The Red Bay News, from a shoeshine stand. During World War II, his family moved to Oak Ridge, Tennessee, where he got a paper route carrying the Knoxville News Sentinel. Not satisfied with selling other people's papers, he soon started his own neighborhood publication—a single sheet which he sold for five cents a copy.

Hollis attended Ole Miss and following college, he worked at newspapers in Tennessee before returning to Alabama in 1960 to join The Dothan Eagle. From there, he moved to Butler, where he served as publisher for The Choctaw Advocate and began winning awards from the Alabama Press Association (APA). He purchased The Choctaw Advocate in 1968, and later, he co-owned The Demopolis Times.

In 1969, he and his wonderful wife, Glenda, bought The Wilcox Progressive Era in Camden, a newspaper that decades earlier had been in my family. Throughout the years, Hollis Curl also owned newspapers in Montevallo and Marion.

Hollis gained national recognition in 1997 when he was selected by Sigma Delta Chi as the first weekly newspaper editor to receive the Ethics in Journalism Award presented at the National Press Club in Washington, D.C. In addition, the Alabama Press Association awarded Hollis with its first Lifetime Achievement Award.

Over his four-decade-long career in Camden, Hollis took more than a few politicians to task on his editorial page and in his award-winning, weekly column, "For What It's Worth." A proud and lifelong Democrat, Hollis penned the very first editorial endorsement for my candidacy for Congress back in 2002, even though I was running as a Republican in a congressional district that was different from his own.

Hollis was perhaps best known to those outside of Wilcox County for the national publicity he received for his tireless efforts to restore ferry service to Gee's Bend, Alabama—an area that for nearly 40 years had been isolated from the county seat of Camden. The resumption of the ferry—which took many years of hard lobbying on the part of local residents, backed by Hollis' powerful voice—meant the prospect of a better life for many.

Madam Speaker, I join all of Wilcox County—and everyone else who was privileged to call Hollis a friend—in expressing my deepest sympathies to his wife, Glenda, their children, Mark and Julie, and their grandchildren. Thank you for sharing this extraordinary person with us for all these years. You all are in our prayers.

ACADEMY NOMINEES FOR 2010  
11TH CONGRESSIONAL DISTRICT  
NEW JERSEY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. FRELINGHUYSEN. Madam Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

My Academy Review Board is composed of six local citizens (several of whom are Academy graduates and veterans) who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the Board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 60 outstanding

high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of two days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year our board interviewed 38 applicants. Nominations included 10 to the Naval Academy, 9 to the Military Academy, 7 to the Merchant Marine Academy, and 9 to the Air Force Academy—the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2010

11TH CONGRESSIONAL DISTRICT NEW JERSEY

*Air Force Academy*

Michael J. Crampton, Kinnelon, Kinnelon H.S.

Ian R. Enriquez, Long Valley, West Morris Central H.S.

Menachem M. Feltzenberg, West Point, Homeschooled

Sergio R. Jimenez, Lake Hopatcong, Jefferson H.S.

Andrew Lim, Randolph, Randolph H.S.

Rebecca M. Lobrovich, Montville, Montville H.S.

Michael M. Longhi, Succasunna, Seton Hall Prep

Jacob H. Podolnick, Flanders, Mt. Olive H.S.

Jaemin Seo, Whippany, Whippany Park H.S.

*Merchant Marine Academy*

Vincent M. Falcone, Short Hills, Millburn H.S.

Robert A. Femia, Jr., Kinnelon, Georgetown Prep

Dalton R. Harbula, Parsippany, Parsippany Hills H.S.

Brandon Hatzel, Montville, Montville H.S.

Andrew J. Kratsch, Caldwell, James Caldwell H.S.

Daniel P. Pierce, Caldwell, James Caldwell H.S.

John C. Ramirez, Morris Plains, Seton Hall Prep

*Military Academy*

Kimberly M. An, Oak Ridge, Jefferson H.S.

Austen Boroff, Chatham, Chatham H.S.

Lindsey G. Danilack, Montville, Montville H.S.

Timothy A. Dore, Madison, Madison H.S.

Kung Min Han, Short Hills, Millburn H.S.

Tyler M. Lahey, Chester, West Morris Mendham H.S.

Danielle E. Martinez, East Hanover, Academy of St. Elizabeth's

Natalie R. Miller, Chester, West Morris Mendham H.S.

Stasia M. Rogacki, North Caldwell, Mt. St. Dominic's Academy

*Naval Academy*

Brayden R. Abbey, Sparta, Pope John XXIII H.S.

Charles D. Boles, Chatham, Chatham H.S.

David A. Guerin, Millington, Koinonia Academy

Matthew Infante, Chester, Delbarton School

Marykate B. Moore, Chatham, Villa Walsh Academy

John E. Muti, Mountain Lakes, Mountain Lakes H.S.

Gregory Oh, Madison, Madison H.S.

Christopher M. Rec, Long Valley, West Morris Central H.S.

Mark J. Santamaria, Randolph, Randolph H.S.

Kevin C. Sullivan, Mountain Lakes, Mountain Lakes H.S.

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. BOOZMAN. Madam Speaker, contained in H.R. 3326, the Department of Defense Appropriations Act for FY 2010, is funding for investment in projects in Arkansas, which I requested for FY 2010. The legislation contains funding for the development of Nanotechnology for Anti-Reverse Engineering in the FY10 Defense Appropriations bill, Research, Development Test & Evaluation, Navy, account by Space Photonics, Inc., 700 Research Center Blvd., Fayetteville, AR 72701. This project will develop and integrate nanotechnology-based anti tamper solutions for unmanned aerial vehicles and prepare for flight qualification. Anti tamper capability is required for all DoD new start programs as of 2001, all pre-planned product improvement (P3I) or technology insertion efforts, and all programs that did not reach Milestone B by May 1, 2000. U.S. anti tamper technology must continually evolve and improve to keep ahead of the capabilities of our adversaries. As such, developing and maintaining a strong technology base is a stated objective for the DoD anti tamper program. Electronics are a major area of vulnerability in weapon systems, particularly advanced microchip and circuit design used on sensors and communications equipment flying on UAVs.



Nanotechnology is proving to be a very promising area for AT solutions. Nanotechnology based technologies and techniques have the potential to be undetectable and have been demonstrated to inhibit circuit exploitation and/or reverse engineering. Nanotechnology techniques can also support passive self-destruction of devices.

Funding was also included for Silicon Carbide Power Modules for the F-35 Joint Strike Fighter by Arkansas Power Electronics International, Inc., 535 W. Research Center Blvd., Fayetteville, AR 72701. This project will produce flight-qualified silicon carbide (SiC) motor drives for aircraft flight control systems. SiC electronics are required to accommodate the high power densities and voltages necessary for motor drive operation. The Air Force's More Electric and All Electric Aircraft (MEA/AEA) design philosophy mandates the replacement of costly and bulky mechanical hydraulic aircraft flight control systems with lighter weight, high-reliability, low-maintenance electric motors and drives. SiC motor drives provide an order of magnitude size reduction and high temperature operational capability for the F-35's flight control surface actuator drives, which are critical components of the aircraft's combat performance capability.

Conversion to SiC motor drives can contribute significantly to meeting aircraft weight reduction targets for the production version of the F-35, as well as enable improved performance of UAVs and hybrid electric military vehicles. For these reasons, I believe these to be an appropriate investment of taxpayer dollars.

#### DIXIE-NARCO ADDS JOBS

##### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. WILSON of South Carolina. Madam Speaker, Dixie-Narco, Inc. is a company in South Carolina's Second District that produces vending machines. In late 2007, Dixie-Narco Company was acquired by Crane Corporation and they make 65 percent of all of the vending machines in North America.

I want to thank Dixie-Narco for their economic commitment to our great state and I look forward to working with them to continue to grow jobs in South Carolina. I have enjoyed working with business, state and local officials to help secure these jobs led by Eric Fast, President, CEO, and Director of Crane Company, Marty Martin of Barnwell County Development Commission, Mayor Tommy Rivers of Williston, Danny Black and Kay Maxwell of Southern Carolina Alliance, and Joe Taylor of the State Department of Commerce. But mostly, I want to thank the employees at Dixie-Narco's Williston facility for their strong work ethic—which led to the company's expansion from 500 employees to now nearly doubling.

100 millions Americans use vending machines each day and companies like Dixie-Narco are revolutionizing the industry. They offer substantial design improvements for increased volumes, dependable reliability, and increased productivity.

We appreciate Dixie-Narco adapting to this changing economy and working to promote

this green industry that doesn't require customers to drive from the workplace or school for products.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

#### TRIBUTE TO WILLIAM EDWARDS

##### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. REICHERT. Madam Speaker, today I rise to speak about a young man in the Eighth Congressional District who earned recognition as a semifinalist in this year's Intel Science Talent Search.

Intel's Science Talent Search is our country's oldest and most prestigious pre-college science competition, and attracts some of the brightest students across the nation. Intel provides each semifinalist with a \$1,000 award and does the same for each individual school represented.

William Edwards, a student at Bonney Lake High School and a resident of Lake Tapps, WA, earned his place on this prestigious list along with 299 other innovative and inventive minds from around our Nation. It is a thrill to congratulate a hard-working and intelligent young man, William, for standing alongside the best our Nation has to offer in the fields of math, science and technology. William serves as an example of excellence, and encourages a spirit of curiosity and innovation that we must continue to foster among young people across this great nation.

The competition encourages students to tackle the challenging scientific questions of both the present and the future. I thank Intel for its leadership in this endeavor and congratulate their success in this annual competition.

#### HONORING THE LIFE OF THE REV- EREND FATHER JOSEPH W. KUKURA

##### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to honor the extraordinary life of Father Joseph Kukura, President of the Catholic Health Care Partnership of New Jersey, who passed away on February 1, 2010.

Fr. Kukura was a scholar, an ethicist, a trusted counselor, a generous and intelligent man of faith, and a friend to many. As a parish priest at Corpus Christi in Hasbrouck Heights, as director of the Bergen County Catholic Youth Organization and through his role with the Catholic Health Care Partnership of New Jersey he served the people of my district and the entire state of New Jersey for many years. He will be greatly missed.

Madam Speaker, I know that my colleagues will join with me in honoring the life of this

special man. We should all be so fortunate to leave such a wonderful legacy. I enter his obituary, which appeared in the Newark Star-Ledger on February 3, 2010, into the RECORD.

[From the Newark Star-Ledger, Feb. 3, 2010]

Rev. Joseph W. Kukura, 69, formerly of Hasbrouck Heights, a priest of the Archdiocese of Newark for 43 years, entered eternal life on Feb. 1, 2010. Rev. Kukura was the current president of the Catholic Health Care Partnership of New Jersey in Princeton, where he served for the past 10 years. "Father Joe," as he was affectionately known, was a graduate of St. Peter's Prep High School in Jersey City, and attended Seton Hall University and the Catholic University in Leuven, Belgium. Father Joe was ordained into the priesthood on June 24, 1967. As a young priest, he served at Corpus Christi R.C. Church in Hasbrouck Heights for five years, focused on youth and family ministry, and soon gained a large and faithful following in the parish. As director of the C.Y.O. in the early 1970's, he initiated powerful and popular retreat programs for high school youth. He also served as a member of the team ministry at St. Joseph's R.C. Church in Oradell. Father Joe then entered the doctoral program in moral theology at Catholic University in Washington, D.C. From there, he joined the faculty at Immaculate Conception Seminary, where he taught Christian Ethics for 15 years. He left the seminary to serve for 10 years as vice president for pastoral services at the Catholic Health Association, a national organization of Roman Catholic hospitals, headquartered in St. Louis, Mo. Father Joe returned to New Jersey in 1994, and continued his service through the Catholic Health Care Partnership of N.J., where he provided ethical consultation to New Jersey's Catholic hospitals. Father Joe served in various parishes as a visiting weekend priest, including Blessed Kateri Tekakwitha in Sparta, St. Pio in Lavallette and St. Aloysius in Jackson. He maintained contact with many of his former parishioners, officiating at their weddings, baptizing their children, burying their loved ones, and attending special events. Always there when needed, his generous and loving spirit drew people close to him and his Christ-like example drew them closer to God. His motto was "it's the little things that count" and he lived it by his thoughtful and loving presence in the lives of those who shared his love and became his "parish." Father Joe was the loving son of the late Anna and Joseph Kukura of Bloomfield, and a dear friend to many.

#### HONORING THE WORK OF POLLY DYER, A WASHINGTON STATE ENVIRONMENTAL LEADER

##### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. INSLEE. Madam Speaker, I rise today to honor Polly Dyer for her more than fifty years of leadership and hard work improving and protecting the environment of our nation.

Polly, along with her husband John, played a leading role in the passage of the 1964 Wilderness Act, which preserved millions of acres of land throughout the nation—the equivalent of almost 10 percent of Washington's land mass. She has made a special contribution to

the protection and enhancement of the Olympic National Park and to the underwater domains of the Pacific Coast National Marine Sanctuary. Her efforts directly contributed to the development and preservation of the North Cascades National Park. She had a major role in the creation of the North Cascades Conservation Council, the Puget Sound Alliance, and was a key player in the formation of the Puget Sound Water Quality Authority.

My family and I have hiked the trails and slept under the stars on land she fought hard to save for future generations. We know and honor the great heritage she is preserving for our nation.

Polly Dyer has mentored, inspired and nurtured several generations of wilderness leaders in Washington State. On and off the trail, in and out of the halls of Congress, Polly Dyer is the exemplar of a wilderness leader. Thank you, Polly Dyer, for everything that you have done.

RECOGNIZING THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO ON ITS 20TH ANNIVERSARY

**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. LoBIONDO. Madam Speaker, I rise today to recognize the Transportation Trades Department, AFL-CIO as it marks its 20th anniversary as an advocate for our Nation's transportation workers. TTD serves an important role in helping policymakers and the American public understand the critical need to improve transportation and to support the men and women who help keep our Nation moving.

As the Representative for the 2nd Congressional District of New Jersey, transportation is one of my top priorities. My State's transportation needs are growing and ever-changing. I frequently hear my constituents speak of their frustration at the steep personal and financial costs of transportation delays and inefficiencies. Our Nation's quality of life and our economic vitality are closely linked to the quality of our transportation networks. As Ranking Member of the Subcommittee on Coast Guard & Maritime Transportation, I know how important it is to have safe and secure ports and waterways. It is critical that our Nation invest in this vital part of our economy, and that the men and women who work in the maritime industry are given the respect and support that they need to carry out their important work.

I am proud to work closely with TTD in pursuit of these shared goals. TTD is a serious, substantive organization—one truly committed to achieving results, not scoring political points. TTD understands that the transportation needs of our Nation know no partisan boundaries, whether it is average Americans traveling or commuting to work, or businesses needing reliable delivery of goods and services. Our entire Nation, regardless of region and local leadership, stands to gain from a safer, more modern transportation network, run by experienced, well-trained workers. TTD

recognizes this and helps guide our shared bipartisan commitment to sensible transportation policies.

I congratulate TTD for its many accomplishments during its 20-year history. Transportation workers are at the core of our Nation's economic engine, and they have a well-respected voice and ally in the Transportation Trades Department, AFL-CIO. I look forward to continuing to work closely with them in the years to come.

FAFSA SEASON

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to draw attention to the Free Application for Federal Student Aid, FAFSA, which helps make college a possibility for many young Americans.

The 2010–2011 form is now available and has been improved by eliminating 22 questions and 17 Web screens from the overall application.

These improvements—which will lessen obstacles for accessibility and financial aid—will help achieve President Obama's goal of generating the highest number of college graduates by 2020.

The Student Aid and Fiscal Responsibility Act which I proudly supported, further enhances FAFSA and brings us a step closer towards accomplishing the President's goal.

Every student, regardless of their parents' economic status, should be able to attend college.

For years I have teamed up with schools and stakeholders to sponsor "FAFSA Nights" for parents and students; in my district.

This year I will hold a total of three "FAFSA Nights" in my district. The first two events drew close to 500 people and we anticipate that over 300 will attend the third event.

I encourage my colleagues to hold similar events.

PERSONAL EXPLANATION

**HON. J. GRESHAM BARRETT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Tuesday, February 2, 2010 and Wednesday, February 3, 2010.

For Tuesday, February 2, 2010, I would have voted "Aye" on Rollcall vote #26 (on motion to suspend the rules and agree to H.R. 4495), "Aye" on Rollcall vote #27 (on motion to suspend the rules and agree to H. Res. 957), "Aye" on Rollcall vote #28 (on motion to suspend the rules and agree to H. Res. 1014).

For Wednesday, February 3, 2010, I would have voted "No" on Rollcall vote #29 (on ordering the Previous Question to H. Res. 1051), "No" on Rollcall vote #30 (on agreeing

to H. Res. 1051, which provides for consideration of H.R. 4061), "Aye" on Rollcall vote #31 (on motion to suspend the rules and agree to H. Res. 1043), "Aye" on Rollcall vote #32 (on motion to suspend the rules and agree to H. Res. 901), "Aye" on Rollcall vote #33 (on motion to suspend the rules and agree to H. Res. 1044), "Aye" on Rollcall vote #34 (on agreeing to the Hastings (FL) amendment to H.R. 4061), "Aye" on Rollcall vote #35 (on agreeing to the Flake amendment to H.R. 4061), "Aye" on Rollcall vote #36 (on agreeing to the Dahlkemper amendment to H.R. 4061), "Aye" on Rollcall vote #37 (on agreeing to the Cuellar amendment to H.R. 4061), "Aye" on Rollcall vote #38 (on agreeing to the Connolly (VA) amendment to H.R. 4061).

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS AS THEY CELEBRATE THEIR 90TH ANNIVERSARY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. DeLAURO. Madam Speaker, it is with great pleasure that I rise today to extend my sincere congratulations to the League of Women Voters as they celebrate their 90th anniversary. This is a remarkable milestone for this outstanding organization and I am glad to have this opportunity to pay tribute to their many invaluable contributions.

Founded in 1920, just before the 19th Amendment was ratified, the League of Women Voters was designed to help women carry out their new responsibilities as voters—to engage them in government and to encourage them to use their newfound rights to shape public policy. Though they encourage their members to be political themselves, this grassroots organization has a long and proud history of nonpartisanship which has allowed them to play a unique role in our communities and the national debate. At its core, the League has always been about educating voters and sharing with them how their voice can impact public policy at every level of government.

What began as a "mighty political experiment" has grown into one of the most respected and dynamic advocacy organizations in the country. With more than 900 state and local leagues—represented in each of the fifty states as well as the District of Columbia, Puerto Rico, the Virgin Islands, and Hong Kong—the League continues to build on the successes of the past. Through its grassroots citizen network, the League and its members are making innumerable contributions to our communities. Whether sponsoring local candidate forums or weighing in on the issues facing our nation, the organization is remaining true to its most basic purpose—to make democracy work for all citizens.

Though it grew out of the women's suffrage movement, over its ninety year history the League of Women Voters has grown into an advocacy organization for all of America's citizens. It has remained committed to ensuring that Americans fully participate in the political

process and use their power as voters to effect meaningful change in public policy. It is organizations like the League of Women Voters that make our nation—our democracy—so strong.

Today, as they reflect on the ninety years that have passed, the League of Women Voters can be proud of all that they have accomplished. I wish them all the best as they celebrate their 90th anniversary and extend my deepest thanks and appreciation to the organization and its thousands of members for their dedication, commitment and good work.

#### THE 150TH ANNIVERSARY OF THE FOUNDING OF THE IMMACULATA CATHOLIC CHURCH IN CIN- CINNATI

#### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mrs. SCHMIDT. Madam Speaker, I rise to recognize the 150th Anniversary of the founding of the Immaculata Catholic Church in Cincinnati.

On December 9, 1860, Archbishop John B. Purcell celebrated the Immaculata Church during a special High Mass. This first mass marked the fulfillment of a heavenly promise that Archbishop Purcell made as a passenger aboard a ship sailing through a storm. As the storm raged, he promised to build a church on the most prominent point in Cincinnati.

While most Catholic churches were built by local communities, the Immaculata Church was quite different. Archbishop Purcell actually purchased the land, donated the stone, and supervised construction from start to finish. And, just to be certain that his promise was fulfilled, he urged parishioners to walk up the hill where the church was being built, and pray for its success along the way.

In 1970, the Immaculata Parish joined together with neighboring Holy Cross Parish. While the parish's name changed to Holy Cross Immaculata, its traditions continued. Each year, an estimated 10,000 individuals walk up the church's steps on Good Friday, stopping to say a prayer on each step.

Madam Speaker, I ask you to join me in celebrating the 150th Anniversary of the Immaculata Church and wish the parish continued success in the future.

#### COMMENDING THE LORD'S PLACE FOR ITS 3RD ANNUAL SLEEPOUT EVENT

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commend the astonishing accomplishments of The Lord's Place, a non-profit organization dedicated to saving hundreds of thousands of men, women, and children from the unrelenting grasp of homelessness. Currently our Nation is faced with the

sad reality of more than half a million Americans without a place to call home, and some without any shelter at all. To make my district aware of the sheer magnitude of this problem, The Lord's Place will host its 3rd Annual SleepOut event on February 5, 2010, aimed at both fundraising for a solution and giving Americans a glimpse into the lives of the thousands of homeless men, women, and children sleeping either in a shelter or on the streets every night.

For decades now, the steps taken by The Lord's Place have improved the lives of homeless families and individuals throughout Palm Beach County. The organization's main goal is to provide and secure economic stability for homeless men, women, and children, and for 30 years they have hosted events and organized programs aimed directly at fulfilling their mission. I admire the work of the volunteers and staff members at The Lord's Place. On a daily basis these hardworking and devoted individuals organize programs, which leave the most forgotten members of our society with a place to call home every night and walk away with something far more valuable than a hefty paycheck.

This Friday night, the dedicated staff members and volunteers of The Lord's Place will aim to make the more fortunate members of our community aware of a typical night endured by homeless families and individuals. The 3rd Annual SleepOut in downtown West Palm Beach will feature a performance, presentation, and finally a movie before the participants call it a night and attempt to sleep through the bitter cold conditions faced by so many homeless men, women, or children. The main focus of the SleepOut is what The Lord's Place calls the "2% Solution." If just 2 percent of our community commits to addressing the problem of homelessness, this critical issue can and will be resolved as a result of the community's hard work.

I would like to extend my gratitude to those men and women who stepped out of their comfort zones and helped raise both awareness and funds for the mission of The Lord's Place. I commend The Lord's Place for helping to break the vicious cycle that has created homelessness in our community. It is because of their perseverance and compassion that a future in which the right to basic shelter is available to every man, woman, and child in Palm Beach County.

As American citizens, it is not only our desire to help those in need. It is our duty to provide every homeless man, woman, and child with a warm place to sleep at night and an opportunity to sustain economic stability.

Madam Speaker, I am truly honored to recognize The Lord's Place for all that they do to help the Palm Beach County community and I wish them much success during their 3rd Annual SleepOut.

#### EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF MIL- DRED "BILLIE" FRAUMAN

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Mildred "Billie" Frauman who passed away on January 25, 2010.

Mrs. Frauman was always conscious of the community around her and never faltered in her civic duty. She was born in 1921 and received degrees from the University of Chicago and Oklahoma University, and after settling in Dallas she became an advocate for racial tolerance and understanding in a city that was becoming increasingly diverse. She served as the area director of the American Jewish Committee and was later honored by this group with its Community Relations Achievement Award. Additionally, she was an officer on the board of Temple Emanu-El and served as its Sisterhood president.

One of the most remarkable things about Mrs. Frauman was her ability to confront difficult situations with strength, ease, and grace. At a racially volatile time in Dallas, she conducted several workshops for the city of Dallas, the Dallas Police Department, and the Dallas Independent School District on ways to meet the challenges of change in a diverse community. This service benefitted Dallas immensely and helped to make it a more understanding and cosmopolitan city.

Madam Speaker, I ask my fellow colleagues to join me today in recognizing Mrs. Frauman whose work and commitment to Dallas will never be forgotten.

#### THANKING THE JUNIOR CLASS OF HAY SPRINGS HIGH SCHOOL

#### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I would like to take the time to recognize a group of students from Nebraska's Third District, who have decided to put aside personal benefit in order to help those in need. The junior class at Hay Springs High School, like high schools throughout the nation, spent the school year raising funds for their annual prom. However, this class has decided to forgo their "expensive" prom to help the less fortunate.

A destructive earthquake struck the island of Haiti in January, causing tremendous damage and loss of human life. The survivors now face collapsed buildings, limited resources, and a ruined country.

For the entire school year, the junior class have sold magazines, offered soup suppers, and held raffles to help finance prom. Their fund raising efforts earned them more than \$5,000, but this money will not be used to support their prom. Rather, it has been designated for a non-profit organization helping in

the recovery by setting up hospitals and schools in Haiti.

When such a devastating event takes place, we must come together as a people in order to help the less fortunate. I want to take this opportunity to thank the junior class of Hay Springs High School for their selflessness and their willingness to help in a time of crisis.

#### PERSONAL EXPLANATION

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on February 2, 2009. If I were present for rollcall votes, I would have voted "yea" on each of the following:

Roll 26, February 2, 2010: On Motion to Suspend the Rules and Pass: H.R. 4495, To designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the Jim Kolbe Post Office.

Roll 27, February 2, 2010: On Motion to Suspend the Rules and Agree: H. Res. 957, Honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion.

Roll 28, February 2, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1014, Recognizing and supporting the goals and ideals of North American Inclusion Month.

#### EARMARK DECLARATION

#### HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. AKIN. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the RECORD regarding the conference report on H.R. 3326, Department of Defense Appropriations Act, 2010.

Project: Adaptive-Defense HIPPIE (High-speed Internet Protocol Packet Inspection Engine) on a Chip.

Account: Department of Defense, Army, RDT&E

Legal Name of Requesting Entity: TechGuard Security, LLC

Address of Requesting Entity: 743 Spirit 40 Park Drive, Chesterfield, MO 63005

Description of Request: Provide \$1,004,000 to enhance the Army's Cyber Security. This project puts the rapid and power-conserving High-speed Internet Protocol Packet Inspection Engine's (HIPPIE) security capability on a silicon chip. This funding will allow for development of a Nano-power supply and a nano-memory capability. It will enhance the coalition warrior and the U.S. Warfighter's communication security and access control through discreet deployment with secure remote-controlled chip-level destruction in the event a device is compromised. This enhanced capability at the chip-level allows for deployment directly

into the hands of the warfighter engaged in traditional and irregular warfare.

Project: Aircrew Body Armor and Load Carriage Vest System

Account: Other Procurement—U.S. Air Force

Legal Name of Requesting Entity: Eagle Industries.

Address of Requesting Entity: 1000 Biltmore Drive, Fenton, MO 63026

Description of Request: To provide \$2,400,000 to issue the Aircrew Body Armor Load Carriage Vest System, an integrated body armor vest system, to aircrew personnel. The system provides fire retardancy and ballistics protection from a wide array of threats including small arms fire, fragmenting shrapnel and spall, while decreasing the heat stress and weight burdens faced by airmen. Currently issued aircrew flight equipment survival vests are not body armor-compatible due to weight, heat, and survivability concerns. Current issue is not fire retardant and fails to meet the present needs of the U.S. Air Force. Of the \$3 million, approximately 25 percent is for materials; 25 percent is for labor; and 50 percent is for armor and armor integration.

This request is consistent with the intended and authorized purpose of the U.S. Air Force—Other Procurement account. If funded in full, this is a one-time funding request with the goal of the Air Force using internally budgeted funding to continue fielding the system to aircrew personnel.

Project: Air Filtrations Systems for Helicopters

Account: Department of Defense, Army, Aircraft Modifications

Legal Name of Requesting Entity: Aerospace Filtration Systems, Inc.

Address of Requesting Entity: 4 Research Park Dr, Suite 200, St. Charles, MO, USA

Description of Request: To provide \$800,000 to install barrier filtration systems on National Guard aircraft. This request would allow the National Guard to obtain dramatic savings by reducing engine replacements and thus maintenance, keeping overall engine performance from being reduced due to erosion and Foreign Object damage (FOD), and increasing readiness rates of the ARNG fleet. The earmark will address a portion of the ARNG fleet to include: AH-64A APU Barrier Filter—32 Aircraft, AH-64D APU Barrier Filter—48 Aircraft, CH-47 APU Barrier Filter—80 Aircraft, and OH-58A/C Engine Barrier Filter—50 Aircraft.

AFS Barrier Filtration Systems capture 99 percent of the dirt and debris that would otherwise enter the engine or APU and cause a significant loss of performance. This prevents engines/APU's from being removed from the aircraft for costly maintenance or overhaul. Engine overhaul costs could cost as much as \$300,000 on one engine. By extending the life of the engine/APU up to 11 times, the savings from one installation kit could be as high as \$6.6M on one AH-64 helicopter alone. AFS barrier Filters in use by the U.S. Army in the deserts of Iraq and Afghanistan have been proven extremely effective. These kits have allowed engines to reach TBO and have been a major part of unprecedented readiness rates for the aircraft fleets.

Project: Backpack Medical Oxygen System (BMOS)

Account: Department of Defense, Air Force, RDT&E

Legal Name of Requesting Entity: Essex Cryogenics of Missouri Inc.

Address of Requesting Entity: 8007 Chivvis Drive St. Louis, MO 63123-2395

Description of Request: To provide \$800,000 for improving Air Force oxygen generation technology for emergency field medical rescues. With modification, the Backpack Medical Oxygen System (BMOS) is the system that satisfies the USAF Requirement for a small deployable oxygen generator system. This spiral development program for the BMOS system will significantly decrease the time and funds required to field critical capabilities needed today by our warfighters. The U.S. Air Force requirement for oxygen is a minimum of 93 percent pure oxygen at 6 liters per minute for critically injured personnel and the BMOS satisfies that requirement.

Project: Hyperspectral Imaging for Improved Force Protection (HYPER-IFP)

Account: Department of Defense, Army, RDT&E, (CERDEC, NVESD, Special Projects)

Legal Name of Requesting Entity: Clean Earth Technologies, LLC.

Address of Requesting Entity: 13378 Lakefront Drive, Earth City, MO, USA

Description of Request: To provide \$1,600,000 for the Hyper-IFP (Hyper spectral Sensor for Improved Force Protection) Program. The introduction of a Hyper-IFP in FY08 is allowing the detection and recognition of humans (with a near zero false alarm rate) and providing indication of other certain physiological triggers that can indicate that a person is under extreme stress such as contemplating "bad" behavior. To date successful development, test and evaluation has been done in the lab, though these systems have not been fully optimized for theatre operation or for costs. The continued funding of Hyper-IFP will operationalize and integrate the knowledge gain in the lab and apply it in a true-fielded application at an affordable cost. The Hyper-IFP system will also be environmentally hardened to allow field deployment and allow integration with other FP sensors in the last quarter of 2009. Hyper-IFP is focused on the missions of Perimeter Security, Suicide Bomb Detection and Urban Route Recon. Utility will be demonstrated through an evaluation in both the Southwest border and contingency mission in Southwest Asia. This effort will require leveraging the current Force Protection sensor suite designs for the missions cited to maintain interoperability. In the end, this request focuses on both achieving data verification, and the delivery of sufficient hardware to validate the Technical Data package for re-procurement as well as demonstrate the system's ability to deploy to DoD/DHS users for the missions described. The Night Vision Electronic Sensors Directorate, Ft. Belvoir Virginia, is very supportive of this project.

HONORING THE TALL PINE  
COUNCIL**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Tall Pine Council as they celebrate the 100th anniversary of the Boy Scouts of America. To mark the occasion an exhibition at the Alfred P. Sloan Museum in Flint, Michigan will begin on Monday, February 8th to honor the contributions of Boy Scouts and the Tall Pine Council.

W.D. Boyce incorporated the Boy Scouts of America on February 8, 1910 and a tradition of service, character development, citizenship and physical fitness began. The Boy Scouts of America spread and by 1912 there were troops in all states. Over the past 100 years the Boy Scouts of America has performed invaluable service to the people of our nation. They provided nationwide service during the 1918 influenza epidemic and collected over 1 million items of food and clothing to help the needy and suffering during the 1930s. Boy Scouts worked with the Office of Civil Defense Mobilization as messengers, emergency medical personnel and firewatchers during World War II. This tradition of service continues today with the Boy Scouts of America partnering with the Salvation Army, the American Red Cross and Habitat for Humanity for the national Good Turn for America program to address the problems of hunger, homelessness and poor health. In addition, Boy Scouts are assisting with relief efforts for the victims of the earthquake in Haiti.

The first troop in the Flint area was formed in 1912 at the Oak Park Methodist Church. Troops operated independently until 1917 when the Flint Council was formed. Approximately 248 scouts participated in activities during this time. During the Council's first five years there were 63 units formed and 2,720 boys participated including spending time at the Boy Scout Camp on Lobdell Lake. The Flint Council quickly grew and eventually covered Genesee, Lapeer and Shiawassee Counties. In 1937 the Council was renamed the Tall Pine Council. Currently the Tall Pine Council operates Camp Holaka near Lapeer and Camp Tapico near Kalkaska.

Over the past 100 years the Boy Scouts of the Tall Pine Council have joined their fellow scouts working for our nation by selling bonds during the two World Wars, distributing get-out-the-vote door hangers, collecting food and working on community beautification projects. They raise money through their annual popcorn sales to support their packs and troops. During 2009, the Tall Pine Council served over 11,000 youngsters, 77 boys earned the Eagle Scout distinction and 200 boys earned the Cub Scout's Arrow of Light Award. More than 3,000 adults serve as role models and mentors, I have served as a Boy Scout adult volunteer, and a member of my staff, Lucetia Manwaring, is currently a Cub Scout Den Mother.

Madam Speaker, I ask the House of Representatives to rise with me and applaud the achievements, perseverance and pride of the

Tall Pine Council and the Boy Scouts of America. For 100 years they have helped youngsters grow into enthusiastic, caring men committed to community service, and preserving our natural resources. I commend them for the wonderful work they do and hope they will continue for many, many years to come.

ON THE RETIREMENT OF JOHN  
HOSKINS**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. SKELTON. Madam Speaker, it has come to my attention that John Hoskins has recently retired as the Director of Missouri's Department of Conservation after a career in conservation that spans more than three decades. A steadfast steward of Missouri's beautiful natural resources, Mr. Hoskins has spent his life protecting our environment so that future generations may enjoy Missouri's God-given beauty.

A lifelong Missourian, Mr. Hoskins grew up on a small Ozark farm where he learned the value of a clean environment and the special connection we enjoy with our natural surroundings. After graduating with a bachelor's degree from Southeast Missouri State University in 1975, he went on to complete a Master of Public Administration degree at my alma mater, the University of Missouri.

Throughout his tenure with the department, Mr. Hoskins has balanced competing priorities with a fixed budget. Under his leadership, the department has expanded conservation education facilities across the state and created new school programs to teach young Missourians the importance of caring for our precious natural resources.

On a personal note, the magazine of the Department of Conservation, the Missouri Conservationist, has been a mainstay of my office for many years now. My fellow Missourians and I have long enjoyed the magazine's interesting articles and the beautiful pictures of Missouri's great outdoors.

Madam Speaker, I trust my fellow members of the House will join me in recognizing John Hoskins, a man who has dedicated his life to the effective stewardship of Missouri's environment.

IN RECOGNITION OF THE 20TH AN-  
NIVERSARY OF THE TRANSPOR-  
TATION TRADES DEPARTMENT,  
AFL-CIO**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. THOMPSON of Mississippi. Madam Speaker, this year marks the 20th anniversary of the Transportation Trades Department of the AFL-CIO (TTD). It is my distinct pleasure to honor TTD, as it has firmly established itself as an effective advocate for American workers and is a well-respected leader in transportation policy debates.

The threats facing the United States in the 21st Century require all of us to be on the frontlines. Accordingly, TTD has brought workers together from across all sectors of the transportation industry. From aviation to surface transportation, threats to transportation security are broad and cross-cutting, and TTD has helped to bring diverse groups of workers together to speak with a clear, strong voice on issues of common concern.

As Chairman of the House Committee on Homeland Security, I know how important transportation workers are to the National homeland security mission. On September 11, 2001, transportation workers witnessed the destruction firsthand, and some workers' lives were, unfortunately, cut short. Since that day, under the leadership of TTD, these men and women have become educated and effective allies and advocates in improving our homeland security. TTD workers are on the front lines, working under stressful, rapidly-changing conditions. Under my leadership, the Committee has taken efforts to support these tireless and dedicated workers by providing them with the tools, training, and protections they deserve. To keep our homeland secure, transportation workers must be trained, prepared, and supported.

TTD has been a strong advocate for ensuring that workers have the training and tools they need to protect their passengers from harm, and their freight shipments from foul play. It has helped workers be free to identify security gaps in an appropriate manner without fear of retribution from their employer. TTD has also been a leading proponent for a strong federal investment in transportation security, one that recognizes that all modes must be fully secured. And it has been invaluable as background check and security credential programs are created for workers—making certain that we are improving security, not just making it more difficult for people to do their jobs.

We are continually reminded that our efforts to strengthen transportation security are far from complete. In these complicated times, the bold and effective voice of TTD is needed more than ever. I congratulate TTD on the important progress it has made on behalf of workers in its first 20 years, and look forward to working with them in the years ahead.

SUPPORT FOR NORTH AMERICAN  
INCLUSION MONTH**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to commend Representative TOWNS on H.R. 1014 which recognizes and supports the goals and ideals of North American Inclusion Month. I urge my colleagues to support this resolution which demonstrates Congress' support for ensuring that all individuals are included in communities across the Nation. I would also like to commend Yachad and the Union of Orthodox Jewish Congregations of America for their continued support of disabled Americans.

I recently introduced two bills that support the ideals and goals of North American Inclusion Month, H.R. 4533, the Technology Bill of Rights and H.R. 1408, the Inclusive Home Design Act.

The Technology Bill of Rights would allow the blind and visually impaired equal access to rapidly advancing electronics, which millions of Americans use every day. Because the blind are currently not able to interact with many new technologies, they must overcome barriers of which other Americans may not even be aware.

The visually impaired are not able to use touch screens and visual displays, which have replaced knobs and buttons on many appliances. They face challenges in choosing new stoves, microwaves, fax machines, and cell phones. These technologies have become essential for many Americans, and inaccessibility has challenged the independence of and work opportunities of the blind. Even in good economic times, the blind face enormous barriers in their attempts to join the workforce, because of the inability to use many office technologies that require visual interaction. The recent economic downturn has amplified these hurdles to employment.

H.R. 4533 would ensure blind and visually impaired Americans equal access to these new technologies. The bill would mandate that consumer electronics, home appliances, kiosks, and electronic office technology are designed with nonvisual access components so that they are usable by all people. There are already inexpensive mechanisms that have been created which manufacturers can use to ensure equal access. This includes text-to-speech technology that has unfortunately not seen widespread implementation. This bill would increase the implementation of existing technologies and create new jobs as new technologies are developed to ensure that products are accessible for the visually impaired.

The Inclusive Home Design Act would mandate that all new homes built with the assistance of Federal funds would be accessible for the disabled. This legislation is based on the principle of integrating basic accessibility, establishing "visitability" standards, and allowing elderly Americans to "age in place" rather than being forced to move, be institutionalized, or spend thousands of dollars on home renovations. This is a sustainable, affordable, and inclusive design approach. It would require the new homes to meet four accessibility standards. First, it would require at minimum one accessible entrance into the home. Second, doorways on the first floor must be large enough to accommodate wheelchairs. Third, at least one bathroom must be wheelchair accessible. Finally, the light switch and thermostats are required to be at a reachable height for those in a wheelchair. I am proud to have the support of Access Living and the Paralyzed Veterans of America in passing this legislation.

I encourage my colleagues to support the resolution recognizing North American Inclusion Month, and I look forward to continuing to work with them to ensure equal access for all.

# HONORING THE LIFE OF RICHARD "DICK" SPOTO, FORMER PRINCIPAL AND HEADMASTER

## HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the life and contributions of Richard "Dick" Spoto—and to acknowledge his dedication to the teachers, students and his neighbors in the Tampa Bay Area.

Mr. Spoto was born in Tampa, Florida in 1917. He was the youngest of 13 children born to Guiseppina and Pietro Spoto. He started his 41-year career in education as the assistant football coach at Hillsborough High and then the head coach at Jefferson High until he became the county's first director of health and physical education in 1949. Shortly after, Mr. Spoto returned to school and received his master's degree in administration from the University of Florida in 1952.

Mr. Spoto realized soon after receiving his masters that his true calling resided in the school system. So he returned to become principal of Tampa Bay Boulevard Elementary from 1953–1961, then Sligh Junior High from 1961–1966 and finally Hillsborough High from 1966–1970. After leaving the school district, he went to work as headmaster at Saint Mary's Episcopal Day School before retiring in 1980.

For 41 years, Mr. Spoto was dedicated to enriching the lives of his students and colleagues. His mentor and friend Richard "Norm" Pettigrew, with whom he created the group Athletes from the Past, described him as "a friend to everyone—an inspiration really . . . he would instill good habits and kept you on track."

While Mr. Spoto may be gone his lifelong commitment to athletics and education has been celebrated with many honors, culminating in 2005 with the dedication of Richard C. Spoto High School.

Mr. Spoto is survived by his two daughters, Susan Spoto Shobe, Elizabeth "B.J." Spoto-Russell along with his four grandchildren, Ashley Shobe Gilkison, David C. Shobe Jr., Kathleen Elizabeth Johns, and Allison Elayne Russell and his two great-grandchildren, Richard "Bo" Gilkison and Elizabeth Marie Johns. The Tampa community honors the life of Mr. Spoto for his outstanding contributions as an educator.

His service to the Tampa Bay community has made a lasting mark that will not soon be forgotten.

## THE RENEWABLE ENERGY EXPANSION ACT

## HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 2010

Mr. BLUMENAUER. Madam Speaker, the impacts of a changing climate are far-reaching, representing a threat not only to our natural ecosystems but to our national security as

well. To help avoid the worst effects of carbon pollution, consumers must have a dependable supply of energy that is clean, renewable, and American. The right combination of tax incentives, regulatory changes, and investment in research and development for cleaner energy can expand the renewable energy market, put renewable energy on an equal footing with traditional fossil fuels, and create good domestic jobs in the clean energy industry.

During the economic crisis, renewable energy investors were unable to take advantage of tax credits offered by the federal government to spur renewable energy investment and production. For example, many industry analysts anticipated that in 2009 wind power development would drop by as much as 50% from 2008 levels, with equivalent job losses.

To avoid this outcome, the federal government shifted its tax credit contribution to these projects into cash grants for qualifying projects. This program was extremely successful: in 2009, as a result of these policies, the U.S. wind industry broke all previous records by installing nearly 10,000 megawatts of new generating capacity in 2009. Other renewable energy providers reported similar gains.

This grant program expires on December 31, 2010. The legislation that I am introducing today, the Renewable Energy Expansion Act, will ensure that these benefits are not lost and will ensure that consumers continue to gain better access to sources of clean, renewable energy.

The Renewable Energy Expansion Act allows taxpayers to elect to receive a tax credit that functions as a direct payment for investing in or producing renewable energy. The amount of the payment is tailored to equal the subsidy provided under the American Recovery and Reinvestment Act's energy grant program. The legislation provides taxpayers the option to receive this new credit or to use the ARRA-created grant program, depending on which program best matches their needs. The legislation also ensures the smooth continuation of our underlying commitment to clean, renewable energy by carrying forward existing guidance and making technical changes to improve the underlying program. Finally, the legislation extends the credit until January 1, 2013.

The legislation makes several technical improvements to the underlying grant program. First, it eliminates an unintended consequence of the normalization rules that limited the ability of regulated utilities to develop renewable power facilities, even if the project otherwise met the prudency tests required by their public utilities commissions. I look forward to seeing added renewable power capacity in my state as a result.

Second, the legislation also improves the investment climate for renewable projects by streamlining access to these investments by investment funds with tax-exempt investors. The proportional disallowance rules that are part of the legislation provide an important balance between protecting federal investments while opening up increased sources of development capital for renewable power developers. In that same vein, this legislation adopts changes that will increase the ability for real estate investment trusts to access

these investments and I look forward to an expanding pool of investment capital for these projects in the future.

Finally, it is important to emphasize that the regulatory guidance that has been developed under the American Revitalization and Recovery Act's section 1603 grant program will be adopted by this legislation. It is important for the renewable energy industry—and for the investment community that supports it—to have certainty in the nature of the federal commitment. Having built a smoothly functioning guidance structure under the 1603 program, it provides no benefit to unsettle that understanding. It is my expectation that within 60 days of the enactment of this legislation the Treasury Department will issue guidance integrating the existing guidance into this new framework.

This legislation will help transition America to a clean energy economy. I look forward to working with my colleagues to realize that goal.

HONORING KATHERINE O. HENDERSON, RECIPIENT OF THE 2009 MILKEN EDUCATOR AWARD

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Katherine O. Henderson for receiving the 2009 Milken Education Family Foundation National Educator Award.

Ms. Henderson, a teacher at West Ashley High School in Charleston, joins a prestigious group of Milken Educator Award recipients, and I am proud to have one of my constituents recognized as one of these talented educators. She has made a remarkable impact on the youth of South Carolina through her innovative teaching strategies and inspirational teaching quality. Not only has she provided models of excellence for the profession, but has motivated students, colleagues and members throughout her community.

The Milken Educator Awards motto states, "The future belongs to the educated." With that said, thank you, Katherine O. Henderson, for your outstanding commitment and influence on the future generations of South Carolina's First District.

EARMARK DECLARATION

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding projects received as part of the Department of Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army.

Legal Name of Receiving Entity: Auburn University/Frontier Technology, Inc.

Address of Receiving Entity: 102 Samford Hall, Auburn, AL 36849/1400 Commerce Blvd., #27, Anniston, AL 36207

Description of Request: Provide \$2,800,000 for the Enhanced Military Vehicle Maintenance System Demonstration Project. Auburn University and partner Frontier Technology, Inc. will partner and use these funding will go towards system analysis, development, integration, validation and training, as well as toward field installation, optimization and support. Additionally, these efforts should create new high tech jobs, and will continue to demonstrate that Auburn University is a premier research and development university. The Enhanced Military Vehicle Maintenance System identities difficult to detect failure modes that must be serviced while the vehicle is undergoing maintenance. It models vehicle conditions to ensure that the vehicle is restored to an optimum state of operation prior to return to service. This technology can be modified for various military vehicles to detect problems not typically reported using threshold or trend systems. It detects problems before they happen, preventing breakdowns in battlefield environments. The system successfully verifies that vehicles repaired at the Depot have been restored to an optimum state of operation prior to redeployment. The system provides the cutting edge, cost effective technology that helps ensure more rapid and reliable deployment of critical military vehicles during this period when our equipment is under extreme and extended use. Auburn and FTI are now starting to implement the system at Anniston.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: OM, Army

Legal Name of Receiving Entity: Intergraph Corporation

Address of Receiving Entity: 170 Graphics Drive, Madison, AL 35758

Description of Request: Provide \$4,000,000 for the Fort Benning National Incident Management System (NIMS)—Compliant Installation Operations Center. Funding will be used to establish a NIMS-compliant installation operations center, hardware, software, services and training at Fort Benning, Georgia. This funding will go towards meeting the implementation of a NIMS-compliant installation operations center that will directly support Homeland Security Presidential Directive (HSPD)-5 by providing interoperability and cross-jurisdiction capabilities among local and multi-state response agencies. The request will allow Fort Benning to create a NIMS-compliant state-of-the-art operations center. This system will provide Fort Benning with the critically needed capability to track and protect new incidents and existing activities. The final solution will integrate first responder force protection and the fire fighting common operational picture into one comprehensive command and control/decision support capability that will provide visibility to the commander to gain status and direct response, analyze the current anti-ter-

rorism and force protection mission, and allow for appropriate reporting to other operations centers throughout the country.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: John C. Calhoun Community College

Address of Receiving Entity: P.O. Box 2216, Decatur, Alabama 35609

Description of Request: Provide \$3,360,000 for the ART-SAM (Adaptive Robotics Technology for Space, Air and Missiles). Funding will be used to establish a national robotics Research and Development center at the Robotics Technology Park, located at Calhoun Community College, to develop robotics capability for space, air, and missile defense missions for a variety of the U.S. Army Space and Missile Defense Command (SMDC) projects, programs, and core mission needs. This funding will go towards implementation of the infrastructure and development of robotic hardware and software. This includes evaluating initial concepts for implementation, establishing operational capability, and demonstrating initial operational capability. This is the first year funding will be needed; this project will be accomplished over a three year funding cycle. Alabama's 3rd District will be impacted indirectly, and the opportunities for job creation and workforce development across the state are considerable. Additionally, the strong military-oriented mission for ART-SAM should apply directly to military operations and associated personnel in District 3. The implications of the ART-SAM vision will be readily apparent to any District 3 constituent already involved in battlefield simulation and robotics.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: QinetiQ North America—Systems Engineering Group

Address of Receiving Entity: 890 Explorer Blvd., Huntsville, AL 35806

Description of Request: Provide \$3,360,000 for Scenario Generation for Integrated Air and Missile Defense Evaluation. This funding will be used for the Army Aviation and Missile Research Development and Engineering Center, Software Engineering Directorate (SED) for development of ground test scenarios required to execute the Integrated Air and Missile Defense (IAMD) Battle Command System Milestone B Test and Evaluation Master Plan (TEMP). Funding for this scenario development effort addresses a portion of a documented AMD UFR associated with System of Systems development and acquisition funding profile. Investment in this scenario development during FY10 will maintain the critical milestone schedule, including Milestone C and Initial Operational Capability (IOC).

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3326, Department of Defense Appropriations Act for Fiscal Year 2010 Account: RDT&E, Army

Legal Name of Receiving Entity: PeopleTec, Inc.



Address of Receiving Entity: 4901-D Corporate Drive, Huntsville, AL 35806

Description of Request: Provide \$3,120,001 for the Enhanced Rapid Tactical Integration for Fielding of Systems (ERTIFS). Funding will leverage and evolve ERTIFS developed Aviation and Missile interoperability technologies and systems. Funding will be used for engineering and development of the Army Battle Command System—Brigade Architecture (ABCS-BA), procurement, integration and testing of the ABCS-BA hardware, and ABCS-BA project to support four additional types of required interoperability Tests: 1) Individual System, 2) System of Systems (e.g., Software Blocking), 3) Backwards Compatibility—Interoperability and 4) Regression Testing.

IN RECOGNITION OF NATIONAL  
WEAR RED DAY TO PROMOTE  
WOMEN'S HEART HEALTH AND  
HEALTH PARITY

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. PETERS. Madam Speaker, I ask my colleagues to join me as I recognize National Wear Red Day this Friday, February 5, to raise awareness of and support women's heart health.

Heart disease is the number one killer of women. In Michigan, more than 43 women die each day from heart disease and stroke. In fact, since 1984, more women than men die of heart disease each year and the gap between men and women's survival continues to widen.

These deaths are largely preventable. For too long, medical professionals and the public at large have viewed heart disease as a "man's disease." This attitude is still manifested today. Women comprise only 24 percent of participants in all heart-related studies. Women wait longer than men to go to an emergency room when having a heart attack and physicians are slower to recognize the presence of heart attacks in women because "characteristic" patterns of chest pain and EKG changes are less frequently present. After heart attack, women are less likely than men to receive beta blockers, ACE inhibitors and aspirin—therapies known to improve survival. This contributes to a higher rate of complications after heart attacks in women, even after adjusting for age. Consequently, 38 percent of women, compared to 25 percent of men, will die within one year of a first recognized heart attack.

Heart health is just one area of the health care disparities between men and women, so the Wear Red Campaign is critical to leveling that playing field. But along with heart health, we must do more to ensure health parity for women in all aspects of health care. So, I am so proud today to stand with the American Heart Association and the hundreds of thousands of women and men who support this important cause and I am proud to continue to fight in Congress and support health parity for women in all aspects of health care.

PERSONAL EXPLANATION

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. NADLER of New York. Madam Speaker, due to other business, I missed one vote on February 3, 2010. Had I been able to, I would have voted "yea" on rollcall vote No. 34, an amendment offered by Mr. HASTINGS (D-FL) to the Cybersecurity Enhancement Act of 2009 (H.R. 4016).

INNOVATIVE EFFORT TO IN-  
CREASE EMPLOYMENT OF PEO-  
PLE WITH DISABILITIES

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. SCHAKOWSKY. Madam Speaker, I would like to draw my colleagues' attention to a new and extremely innovative campaign to encourage businesses to employ workers with disabilities. I also want to congratulate Health and Disability Advocates for overseeing the campaign. Health and Disability Advocates, a non-profit organization located in Chicago, is a leading voice on disability issues and, under the talented leadership of Barbara Otto, has been a valuable resource for Illinois and the nation.

As of December 2008, 54.4 million people in the United States—18.7 percent of our population, or nearly one in five Americans—reported some level of disability. Official figures show that unemployment among persons with a disability was 13.8 percent this past November, compared to 9.5 percent among non-disabled people, but this doesn't include many people who are too discouraged to even look for work. When disabled persons are employed, promotion opportunities may be scarce.

The cost of employing a person with a disability is minimal, averaging only \$313 in 2007. Employees with disabilities had nearly identical job performance ratings to those without disabilities according to a 2007 study by DePaul University researchers. Employers say that employing a disabled person is well worth the expense, finding these individuals to be loyal, reliable, and hard-working, serving long tenures with low absenteeism rates. Additionally, hiring disabled employees serves to diversify the work environment, which has an overall positive impact.

Health and Disability Advocates has undertaken a campaign to highlight the importance of hiring people with disabilities that is imaginative and persuasive. I hope that my colleagues will take an opportunity to read the following article that ran in the New York Times on January 29 to read about it.

USING HUMOR IN A CAMPAIGN SUPPORTING  
DISABLED PEOPLE

A national effort to encourage businesses to employ workers with disabilities is not your father's hire the handicapped campaign.

One difference is that the new ads are paid rather than pro bono, with an estimated

budget of \$4 million for the first two quarters of 2010. The ads will appear on television, in print, online and outdoors; there is also a sponsorship deal with NPR.

The ads are being financed largely by agencies in 30 states that provide employment services as well as health and human services to their citizens who are disabled. The agencies have set a goal of raising \$10 million for the campaign's budget for the full year.

Typically, ads that seek to make a case for employing people with disabilities run as public service announcements. That makes them dependent on the kindness of media outlets to place them prominently on television, in print or online.

"We'll never have enough money to oversaturate the media," said Barbara Otto, executive director at Health and Disability Advocates in Chicago, which is overseeing the campaign, "but we wanted to do something different, something that didn't look like a P.S.A."

To that end, the campaign takes a light-hearted tack rather than a sober or earnest tone. The ads try to challenge conventional wisdom about workers with disabilities by offering humorous examples of people with "differences" already employed.

For instance, in a television commercial, a worker in a wheelchair points out her colleagues who "you could label as 'different.'" Among them are a woman dressed in a nightmare wardrobe of clashing patterns, who is "fashion deficient"; a klutzy young man at the copier, who is "copy incapable"; and a shouting man who suffers from "volume control syndrome."

The punch line of the commercial is that the worker in the wheelchair is different, too: Her skills at a basic office function are so bad that she is labeled "coffee-making impaired."

Print ads introduce employers to a man in a suit whose awkward dance moves make him "rhythm impaired" and an awkward man who is hard to understand because he is "jargon prone."

The text of the ads elaborates on the point the campaign strives to make.

The ad with the worker who is rhythm impaired declares: "Just because someone moves a little differently doesn't mean they can't help move your business forward. The same goes for people with disabilities."

The ad with the jargon-spouting worker reads: "Just because someone talks differently doesn't mean they don't bring something of value to the conversation. The same goes for people with disabilities."

The tongue-in-cheek differences in each ad appear as Dymo-style labels across the faces of the employees, to set up the theme of the campaign, "Think beyond the label." The theme is repeated in the address of a microsite, or special Web site ([thinkbeyondthelabel.com](http://thinkbeyondthelabel.com)), where additional information is available about, as the home page puts it, "just how silly labels can be."

The concept was tested, Ms. Otto, said "to get that employment decision-maker thinking that everyone in the workplace is different," but not so much that it would make anyone—with disabilities or otherwise—feel uncomfortable.

"We knew it needed to be disruptive," Ms. Otto said, "but we wanted it to be tasteful." In the research, "people said they liked the funny and human tone," she added.

The tenor of the campaign was endorsed by the actor in the wheelchair, Alana Wallace, who is an advocate for people with disabilities as well as a performer.

"I knew I needed to be a part of this campaign," Ms. Wallace said, because "there were enough of the pity-party approaches" to the subject.

The commercial "speaks to our similarities in that we all have a label someone could put on us," she added. "We never use the word 'disability' throughout the entire ad."

Among those collaborating on the campaign are Wirestone; Kelly, Scott & Madison; and Fuor Digital, a unit of Kelly, Scott & Madison, all based in Chicago.

"People go through life labeling other people: 'the funny guy,' 'the bald guy,' 'the girl with the glasses,'" said Brian Addison, director for brand strategy at Wirestone. "The labels can go from harmless to hurtful."

"We're saying, before you label someone, think twice whether it correlates to productivity in the workplace," he added.

In developing the creative approach, "we wanted it to be on that fine line of provocative but not polarizing," Mr. Addison said, adding that he believed the campaign accomplished being "human instead of being overly serious."

The ads are being concentrated in media outlets preferred by the intended audience of people who ought to, as the campaign suggests, "evolve your work force," those who influence hiring decisions at small, midsize or large companies. They include senior managers, executives and staff members of human resources departments and hiring managers.

The commercial is to run during Sunday morning news programs on ABC, CBS and NBC and on cable channels like BBC America, CNN, ESPN and HLN.

The print ads are to appear in publications like Fast Company, HR Magazine, Inc., Time, The Wall Street Journal and The Week.

Among the Web sites scheduled to run the digital ads are CNN.com, ESPN.com and WSJ.com. There will also be search-engine marketing tied to keywords on Web sites like Google.

#### THANKING THE YOUTH OF ARNOLD, NEBRASKA, FOR DONATIONS TO HAITI

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. SMITH of Nebraska. Madam Speaker, I would like to take a few moments today to acknowledge a great group of Nebraska students who have graciously put forth efforts to aid the people of Haiti in their time of need.

After the destructive earthquake which hit the island of Haiti, many are surviving without basic necessities. A third-grade class in Arnold, Nebraska had been studying citizenship when the crisis in Haiti occurred. When a student suggested the class aid in the efforts to help Haiti recover from the earthquake, the rest of the class sprung into action.

The students gathered as many clothes, blankets, medical supplies and shoes as they could and teamed up with the Grain Train, an organization which has been sending supplies to the Haiti orphanages for years.

Their efforts should not go unnoticed, and I am grateful to have such outstanding students doing what they can to extend Nebraska's "Good Life" worldwide.

#### TRIBUTE TO WILLIAM COELHO FOR HIS OUTSTANDING SERVICE TO THE COMMUNITY

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join the community of Milford, Connecticut as they gather to pay tribute to William "Bill" Coelho—an outstanding individual who has dedicated countless hours to enriching the lives of others and making his community a better place to live, work, and grow.

Bill is an extraordinary man whose generosity, compassion, and commitment to public service has touched the lives of many. He, like so many of us, learned about the importance of community service and caring for others from his parents, Rose and Julio Coelho. Bill has taken those lessons and dedicated a lifetime to improving the quality of life for friends, neighbors, and strangers alike. He is a reflection of the very best of our community.

Bill is a legend in Milford—particularly in the sports community. He was an All-State tackle and Heavyweight Division State Champion at Milford High School where the gymnasium would be packed to witness his next conquest. As an adult, raising his own family in Milford, Bill organized the Milford Raiders Football Program and started a Wrestling Clinic for young athletes. Through these programs, Bill has helped to instill in hundreds of our young people the value of team work, practice, camaraderie, sportsmanship, and commitment to excellence—skills that will serve these young people well as they begin to leave their own mark on the world.

The difference that Bill has made in the lives of others is immeasurable. However, what he means to this community is reflected in the faces of all of those who have gathered this evening to pay him tribute and support him in his time of need. Bill has been struggling with lung cancer for some eighteen months now. I have no doubt that Bill will win his battle—if nothing else, Bill is a fighter, determined to regain his health and to continue his work in our community.

For the many invaluable contributions he has made and his lifetime of service to the

community, I am proud to stand today and extend my deepest thanks and appreciation to William "Bill" Coelho. My very best wishes to Bill, his wife, Deb, and his son, Zachary as they share this very special evening of friendship and support.

#### JANUARY, 2010: NATIONAL MENTORING MONTH

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 4, 2010*

Mr. REICHERT. Madam Speaker, today I rise in support of National Mentoring Month. On the 26 of January, this House passed a resolution supporting the goals and ideals of National Mentoring Month, which we recognize each January. Last year I honored an organization that operates in and around the Eighth Congressional District that truly exemplified the spirit of selflessness and community that we look for in our Nation. This year, I've selected another honorable organization to highlight.

Big Brothers Big Sisters of Puget Sound is a wonderful organization. Despite rough economic times they have persevered and continue working to match boys and girls in Western Washington with willing and energetic mentors to build relationships that sometimes last a lifetime. In 2009 alone, Big Brothers Big Sisters of Puget Sound made and funded more than 2,000 matches in Western Washington. "Bigs" head to their "littles" schools or neighborhoods to study or play. "Bigs" in Western Washington may go to Safeco Field with their "little" to watch the Mariners play, or board a ferry to get an up-close glimpse of the beautiful Puget Sound.

It is during difficult economic times that wonderful organizations such as Big Brothers Big Sister can "slip under the radar" and struggle mightily—and silently—while trying to achieve their goals. I encourage everyone to support your local chapter of Big Brothers Big Sisters, and any other businesses, or nonprofit, religious or civic organizations who put the youngest among us first. We all know the devastating stories of young people whose futures are derailed because of poor decision-making, violence, or apathy. Mentoring holds a remedy. Mentoring is proven to change lives—the lives of "bigs" and "littles" alike.

In 2009, Patrick D'Amelio took over for Tina Podlowski as President and CEO of Big Brothers Big Sisters of Puget Sound. I look forward to working with Patrick on issues of mentoring and education, and I wish him all the best in the coming year. Again, I encourage this body to support mentoring across our great Nation, because the work done by our mentors is invaluable and lasting.

## HOUSE OF REPRESENTATIVES—Friday, February 5, 2010

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our lifelong teacher, law-giver and guide, we praise You and bless You for all those who are a part of the education and spiritual formation of the children of this Nation.

May parents, teachers and school administrators be the best teachers both by what they say and by the way they live.

Inspire children to be industrious and responsible in their schoolwork. Grant our young people determination and perseverance, especially when the subject matter they face seems complex or difficult.

May those in higher education aspire to be good and even great leaders in the future. May they seek every opportunity to investigate, to learn and to excel. Make their homes true schools of love and their classrooms true adventures in learning more about their character and about the world in which they live.

By their endeavors, Lord, and advancements, may they give You honor and glory now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt.

### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 4, 2010 she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 45. Increasing the statutory limit on the public debt.

H.R. 730. To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m., on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 9 o'clock and 5 minutes a.m.), under its previous order, the House adjourned until Tuesday, February 9, 2010, at 12:30 p.m., for morning-hour debate.

### RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 27, 2009, through January 5, 2010, shall be treated as though received on February 5, 2010. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acrylic acid-benzyl methacrylate-1-propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]—, monosodium salt copolymer; Tolerance Exemption [EPA-HQ-OPP-2009-0662; FRL-8801-1] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6047. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Iowa Advisory Committee; to the Committee on the Judiciary.

6048. A letter from the Attorney General, Department of Justice, transmitting advising of the proceedings in the case of EMILY'S LIST v. FEC, No. 08-5422 (D.C. Cir), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CLARKE (for herself, Mr. TOWNS, Mr. ENGEL, Mr. RANGEL, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. HONDA, and Mr. LEWIS of Georgia):

H.R. 4616. A bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. WALZ:

H.R. 4617. A bill to amend the Emergency Economic Stabilization Act of 2008 to require institutions to segregate funds received under the Troubled Asset Relief Program and to amend the Federal Election Campaign Act of 1971 to prohibit the use of any such funds for expenditures or electioneering communications under such Act; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. LINDA T. SANCHEZ of California, Mr. OBERSTAR, Mr. STARK, Mr. PASCRELL, Mr. HIGGINS, Mr. THOMPSON of California, Mr. FILNER, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. DELAURO, Mr. NEAL of Massachusetts, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. BERKLEY, Mr. FRANK of Massachusetts, Mr. SKELTON, Mr.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CROWLEY, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. LEVIN, Mr. KIND, Mr. OBEY, and Mr. WAXMAN):

H. Res. 1077. A resolution expressing the sense of the House of Representatives against severe changes to Social Security; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. BOOZMAN, and Mr. MCHENRY):

H. Res. 1078. A resolution commending the nonprofit organization Cell Phones for Soldiers for its resolute and continuing service to members of the Armed Forces and their families; to the Committee on Armed Services.

# PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HINCHEY introduced a bill (H.R. 4618) for the relief of Emilio Maya and Analia Maya; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2110: Mr. SOUDER.  
H.R. 2849: Ms. HARMAN.

H.R. 4196: Mr. CUMMINGS.  
H.R. 4386: Ms. MCCOLLUM.  
H.R. 4400: Mr. PAULSEN, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. MARSHALL, and Mr. BARROW.

## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition.

Petition 5, by Mrs. BLACKBURN on the bill H.R. 391: Patrick T. McHenry.  
Petition 9, by Mr. BUCHANAN on House Resolution 847: Don Young.

## EXTENSIONS OF REMARKS

HONORING THE CAREER OF  
KERRY DUMBAUGH, A SPE-  
CIALIST AT THE CONGRES-  
SIONAL RESEARCH SERVICE

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 5, 2010*

Mr. BERMAN. Madam Speaker, today we honor the accomplishments of Kerry Dumbaugh, a Specialist in Asian Affairs at the Foreign Affairs, Defense and Trade Division of the Congressional Research Service. Ms. Dumbaugh recently retired after 26 years at CRS and a total of 30 years in the legislative branch. Congress has benefitted immeasurably from her expertise, analysis, insights and timely responses. She has helped legions of legislators understand the profound changes that have taken place in China and in United States-Chinese relations.

Ms. Dumbaugh joined CRS in 1984 at a time when China's political and economic systems were deeply opaque and the economic experiments that would transform the country were in their early years. Her comprehensive research and writing on developments in Chinese politics, economics, human rights and a range of other issues informed Members of Congress and their staff about the dizzying changes that have continuously transformed the region through the years. During her time at CRS, Ms. Dumbaugh also served as head of the Asia and Latin America sections, helping shape the work of other analysts covering those disparate regions.

Ms. Dumbaugh has been a frequent university lecturer and an active participant in academic and policy discussions on China and the Asia-Pacific. She has received numerous awards in recognition of her work at CRS. I want to take a moment to thank Ms. Dumbaugh for her indispensable contributions to the United States Congress, and to let her know that we wish her well in her future endeavors.

### PERSONAL EXPLANATION

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 5, 2010*

Mr. GUTIERREZ. Madam Speaker, I was absent from the House chamber today, due to a family emergency. I would have voted "yea" on roll call votes 39 through 48.

### EARMARK DECLARATION

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 5, 2010*

Mr. TURNER. Madam Speaker, Member requests associated with the fiscal year 2010 defense appropriations bill (H.R. 3326).

Project—Advanced Technical Intelligence Center (ATIC)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3326

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Advanced Technical Intelligence Center for Human Capital Development (ATIC)

Address of Requesting Entity: 2685 Hibiscus Way, Suite 110, Beavercreek, OH 45431

Description of Request:

I am requesting \$5,200,000 for Advanced Technical Intelligence Center (ATIC) in fiscal year 2010. The entity to receive funding for this project is Advanced Technical Intelligence Center for Human Capital Development (ATIC), 2685 Hibiscus Way, Suite 110, Beavercreek, OH 45431. The funding being requested will enable ATIC to continue and expand its mission to educate future technical intelligence experts while conducting basic research necessary to sustain technology advancements in support of the Intelligence Community and the warfighter.

MARKING A MILESTONE, REPRESENTATIVE JOHN MURTHA BECOMES LONGEST SERVING MEMBER OF CONGRESS FROM THE COMMONWEALTH OF PENNSYLVANIA

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 5, 2010*

Mr. KANJORSKI. Madam Speaker, on behalf of Representative JASON ALTMIRE, Representative ROBERT A. BRADY, Representative CHRISTOPHER P. CARNEY, Representative KATHLEEN A. DAHLKEMPER, Representative CHARLES W. DENT, Representative MICHAEL F. DOYLE, Representative CHAKA FATTAH, Representative TIM HOLDEN, Representative TIM MURPHY, Representative TODD RUSSELL PLATTS, Representative ALLYSON Y. SCHWARTZ, Representative JOE SESTAK, Representative BILL SHUSTER, Representative GLENN THOMPSON, and myself, we rise today to acknowledge and celebrate a milestone in the Commonwealth of Pennsylvania.

Thirty-six years ago today, our colleague, Representative JOHN "JACK" P. MURTHA (PA-12), was elected to the United States House of Representatives to fill the seat vacated by

the death of former Representative John P. Saylor.

Tomorrow, he surpasses the career of our former colleague, Representative Joseph M. McDade (PA-10), and officially becomes the longest serving Member of Congress ever from the Commonwealth of Pennsylvania.

JACK has dedicated his life to serving our country both in the military and in the halls of Congress. A former Marine, he became the first Vietnam War combat veteran elected to the United States Congress.

When he arrived here in 1974, he quickly attracted the attention of then Majority Leader, and future Speaker, "Tip" O'Neill, who became JACK's mentor. Tip taught him that "all politics is local," which has enabled him to become an effective advocate for his own Congressional district and for initiatives throughout our State.

JACK's contributions to Pennsylvania are endless. When Pennsylvania's Children's Health Insurance Program (CHIP) was slated to be eliminated by Federal regulations, JACK convinced the Clinton administration to be more flexible and ultimately saved the program. When our steel industry was in crisis, he convinced the Reagan administration to impose higher tariffs on foreign steel, giving domestic producers an edge. When the Philadelphia Shipyard was threatened with closure, he secured funding to keep ship production going. When the U.S. Army was forming Stryker Brigades, JACK helped convince Army leaders to field one within the Pennsylvania National Guard, creating the first and only brigade of its kind in the reserve component. When the National Park Service wanted to construct a new museum and visitor center at Gettysburg, he secured funding to make the project possible. When a decades-long mine fire threatened the residents of Centralia, PA, JACK worked to secure funding to buy the town and relocate the residents. When the healthcare benefits of retired miners were in trouble, he twice secured funding to help save their benefits from termination. When Flight 93 crashed in Stonycreek Township, PA, JACK was there the next day to survey the scene and later introduced legislation, which was enacted, establishing a national memorial to honor the passengers and crew. When he found out that diabetes was becoming an epidemic in the military and throughout Pennsylvania, JACK secured over \$150 million for research, prevention, education and outreach programs.

As the Dean of our Congressional Delegation, JACK exemplifies the hard work and dedication seen throughout our Commonwealth. He has always been there when Pennsylvania needed him. JACK is emblematic of the hard-working Pennsylvanians that he has represented for 36 years, as well as those that each of us represent. He has led our delegation with passion and perseverance. We look forward to continue working with him, and congratulate him on this milestone.

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HONORING THE CAREER OF  
LARRY NIKSCH, A SPECIALIST  
AT THE CONGRESSIONAL RE-  
SEARCH SERVICE

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 5, 2010*

Mr. BERMAN. Madam Speaker, today we honor the accomplishments of Larry Niksch, a Specialist in Asian Affairs at the Foreign Affairs, Defense and Trade Division of the Congressional Research Service. Mr. Niksch is re-

tiring after 46 years of Federal service, including 43 years at CRS. The United States Congress has benefitted immensely from his expertise, analysis, insights and timely responses, which have covered a wide array of issues concerning the world's most populous and fastest growing region, from India to Japan and nearly all nations in between.

Mr. Niksch has served during 23 Congresses, and has written extensively on issues ranging from the War in Vietnam, the democratic changes that transformed Asia in the 1980s, years of nuclear diplomacy with North Korea and countless other issues. He has helped inform Members of Congress and their

staff as they considered the challenges and opportunities facing the United States in the region. He also served as head of the Asia and Latin America section at CRS, helping shape the work of numerous analysts covering those disparate regions.

Mr. Niksch has been a frequent and active participant in policy discussions surrounding North Korea and East Asian security, and has received many awards recognizing his comprehensive work at CRS. I take this moment to thank Mr. Niksch for his countless contributions to the United States Congress, and to let him know that Congress wishes him well in his future endeavors.

**SENATE—Monday, February 8, 2010**

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, God of power and love, the snow-covered Earth reminds us of Your majesty and might, and we thank You for Your sustaining power. Because of You, we live and move and breathe and have our being. Forgive us when we fail to hear You whisper in nature's declarations as the heavens speak of Your glory and the skies show forth Your handiwork. Lord, continue to order the steps of our lawmakers so that their thoughts, words and actions will be acceptable to You. Give them such wisdom that Your will may be done on Earth even as it is done in Heaven. Infuse us all with a positive spirit as we face the challenges of this day and the week ahead. We pray in Your loving Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 8, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MODIFICATION OF EXECUTIVE CALENDAR ORDERS**

Mr. REID. Mr. President, this has been a historic storm. I was in Nevada. I left Friday morning, early, and had a beautiful weekend there—highs in the low 60s. But getting back here was another story. It was very, very difficult, and though I am here, a lot of Senators simply have not been able to get here.

Staff is also under great duress to get here. The subway—the Metro, as we call it—which is so important to people who live and work here, is basically only an underground transit vehicle now. Anything above the ground is not working. So if you live right in DC, you might be all right, but if you are either in Maryland or Virginia, you can't get here if you have to depend on the subway.

As a result of that, we have had to change things. Even those who get here have extreme difficulty in driving. The police and authorities are still recommending that people not go on the roads. They are dangerous and difficult, and some, especially if you get off the main drag, are impassable. As a result of that, Mr. President, we are going to have to change things around here. And as you know, all the reports are that there is a 90 percent chance we are going to have another big storm tomorrow.

Having said that, Mr. President, as in executive session, I ask unanimous consent that the orders with respect to Calendar Nos. 468 and 688 be modified to provide that the orders be delayed to occur at 2 p.m., Tuesday, February 9, under the same conditions and limitations as provided under the original order of February 4, 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**MESSAGE FROM THE HOUSE**

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House:

H.R. 730. An act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

**ADDITIONAL COSPONSORS**

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

**ORDER OF PROCEDURE—EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, after any leader remarks, the Senate proceed to executive session as provided for under the modified order of February 4.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RECESS UNTIL 2 P.M. TOMORROW**

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m., Tuesday, February 9.

There being no objection, the Senate, at 2:05 p.m., recessed until Tuesday, February 9, 2010, at 2 p.m.



## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 9, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## FEBRUARY 10

9:30 a.m.

## Energy and Natural Resources

Business meeting to consider any pending nominations; to be immediately followed by a hearing to examine the President's proposed budget request for fiscal year 2011 for the Department of the Interior.

SD-366

## Homeland Security and Governmental Affairs

To hold hearings to examine the proposed budget request for fiscal year 2011 for the Department of Homeland Security.

SD-342

## Banking, Housing, and Urban Affairs

## Security and International Trade and Finance Subcommittee

To hold hearings to examine equipping financial regulators with the tools necessary to monitor systemic risk.

SD-538

## Veterans' Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs.

SR-418

10 a.m.

## Budget

To hold hearings to examine setting and meeting an appropriate target for fiscal sustainability.

SD-608

## Judiciary

To hold hearings to examine combating cyber crime and identity theft in the digital age.

SD-226

## Environment and Public Works

## Water and Wildlife Subcommittee

To hold hearings to examine collaborative solutions to wildlife and habitat management.

SD-406

2:30 p.m.

## Armed Services

To receive a closed briefing on the status of the Nuclear Posture Review.

SVC-217

## Environment and Public Works

To hold hearings to examine the nominations of Marilyn A. Brown, of Georgia, Barbara Short Haskew, of Tennessee, Neil G. McBride, of Tennessee, and William B. Sansom, of Tennessee, all to be a Member of the Board of Directors of the Tennessee Valley Authority.

SD-406

## Foreign Relations

To hold hearings to examine foreign policy priorities in the fiscal year 2011 International Affairs budget.

SH-216

4 p.m.

## Judiciary

To hold hearings to examine certain nominations.

SD-226

## FEBRUARY 11

9:30 a.m.

## Armed Services

To resume hearings to examine the "Don't Ask, Don't Tell" policy.

SD-G50

## Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program.

SD-366

10 a.m.

## Commerce, Science, and Transportation

To hold hearings to examine aviation security, focusing on passenger screening technology and advanced screening methods.

SR-253

## Environment and Public Works

To hold hearings to examine global warming impacts, including public health, in the United States.

SD-406

## Health, Education, Labor, and Pensions

To hold hearings to examine a stronger workforce investment system for a stronger economy.

SD-430

## Homeland Security and Governmental Affairs

To hold hearings to examine the lessons and implications of the Christmas day attack, focusing on watchlisting and pre-screening.

SD-342

## Foreign Relations

## International Operations and Organizations, Human Rights, Democracy and Global Women's Issues Subcommittee

To hold hearings to examine the future of U.S. public diplomacy.

SD-419

## Judiciary

Business meeting to consider S. 1789, to restore fairness to Federal cocaine sentencing, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1765, to amend the Hate Crime Statistics Act to include crimes against the homeless, S. 1554, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to prevent later delinquency and improve the health and well-being of maltreated infants and toddlers through the development of local Court Teams for Maltreated Infants and Toddlers and the creation of a National Court Teams Resource Center to assist such Court Teams, H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 2772, to establish a criminal justice reinvestment grant program to help States and local jurisdictions reduce spending on corrections, control growth in the prison and jail populations, and increase public safety, and the nominations of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General, Genevieve Lynn May, to be United States Marshal for the Eastern District of Louisiana, and James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics, all of the Department of Justice, and Nancy D. Freudenthal, to be United States District Judge for the District of Wyoming, Denzil Price Marshall Jr., to be United States District Judge for the Eastern District of Arkansas, Benita Y. Pearson, to be United States District Judge for the Northern District of Ohio, and Timothy S. Black, to be United States District Judge for the Southern District of Ohio.

SD-226

## Joint Economic Committee

To hold hearings to examine the economic outlook.

SH-216

2:15 p.m.

## Indian Affairs

Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine the President's proposed budget request for fiscal year 2011 for tribal programs and initiatives.

SD-628

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2:30 p.m.  
 Homeland Security and Governmental Affairs  
 Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee  
 To hold hearings to examine the census, focusing on a progress report on the Census Bureau's preparedness for the enumeration.  
 SD-342

Intelligence  
 To hold closed hearings to consider certain intelligence matters.  
 SH-219

FEBRUARY 23

9:30 a.m.  
 Armed Services  
 To hold hearings to examine proposed defense authorization request for fiscal year 2011 for the Future Years Defense Program.  
 SDG-50

FEBRUARY 25

9:30 a.m.  
 Armed Services  
 To hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a

closed session in SVC-217 following the open session.  
 SD-G50

MARCH 2

2 p.m.  
 Veterans' Affairs  
 To hold hearings to examine a legislative presentation from Disabled Veterans of America.  
 345, Cannon Building

MARCH 4

9:30 a.m.  
 Veterans' Affairs  
 To hold hearings to examine legislative presentations from the Paralyzed Veterans of America, Jewish War Veterans, Military Order of the Purple Heart, Ex-Prisoners of War, Blinded Veterans Association, Military Officers Association of America, Air Force Sergeants Association, and the Wounded Warrior Project.  
 345, Cannon Building

MARCH 9

9:30 a.m.  
 Armed Services  
 To hold hearings to examine U.S. European Command and U.S. Africa Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program;

with the possibility of a closed session in SR-222 following the open session.  
 SH-216

Veterans' Affairs  
 To hold hearings to examine a legislative presentation from Veterans of Foreign Wars.  
 SDG-50

MARCH 11

9:30 a.m.  
 Armed Services  
 To hold hearings to examine U.S. Northern Command and U.S. Southern Command in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.  
 SD-G50

MARCH 18

9:30 a.m.  
 Veterans' Affairs  
 To hold hearings to examine legislative presentations from AMVETS, National Association of State Directors of Veterans Affairs, Non Commissioned Officers Association, Gold Star Wives, The Retired Enlisted Association, Fleet Reserve Association, Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.  
 SDG-50

## HOUSE OF REPRESENTATIVES—Tuesday, February 9, 2010

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 9, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

### COMMUNITY BANKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. LARSEN) for 5 minutes.

Mr. LARSEN of Washington. Madam Speaker, small businesses are the number one source of new job growth in our country, and their success will be critical to our Nation moving out of economic recession and toward recovery. One of the key drivers of small business success is access to capital. Unfortunately, the credit crunch has prevented them from accessing the capital they need to grow and to create jobs.

The Recovery Act and Small Business Administration lending programs such as 504 loans, 7(a) loans, and America's Recovery Capital, or ARC loans, are helping to stem the tide of job loss and getting our economy moving again, but more needs to be done. In order to expand the availability of credit to small businesses, we must strengthen our community banks to allow them to lend to deserving small businesses.

Our Nation's community banks play a vital role in small business lending, but the financial crisis has hamstrung their ability to make these loans. I

look forward to seeing how the administration's Small Business Lending Fund proposal will help our local community banks provide loans to give small businesses access to the tools they need to build their own businesses and to start hiring again.

I have heard from many community banks in my district that Federal regulatory policies are also inhibiting their ability to lend. These banks are struggling because Federal regulators are requiring them to increase capital above already well-capitalized levels and shrink their balance sheets. As a result, they are forced to restrict their lending activity in order to meet these standards. So I have urged the Treasury Department and the FDIC to review the effect that the current regulatory environment has on community bank lending in order to ensure an appropriate balance between prudent and necessary regulation and a robust lending market.

In northwest Washington, the state of commercial real estate is also threatening their economic recovery. Community banks in my district have been devastated by these troubled real estate loans. This problem must be addressed so that we can free up much-needed capital for our banks to jumpstart their small business lending.

While I appreciate the FDIC's October guidance on prudent commercial real estate loan workouts, I am concerned that this guidance is not yet working to stabilize the CRE market. The Treasury Department and FDIC must take further measures to address this problem and ensure the guidance is fully implemented. I urge my colleagues to address this problem head-on so we can help our community banks lend to small businesses, which will in turn create jobs and launch us on a path towards long-term economic growth.

### THE 2011 BUDGET IS A SPENDING AND DEBT TSUNAMI

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, last week President Obama unveiled his new budget for fiscal year 2011. I am afraid this budget will result in more of the same runaway spending that led to a record \$1.4 trillion deficit last year. Just like the budget the President introduced a year ago, this budget spends too much, taxes too much, and borrows

too much. It includes \$3.8 trillion in Federal spending for 2011, a record high. It projects a \$1.6 trillion deficit, a record high. It assumes \$2 trillion in tax hikes over the next 10 years, a record high. And it estimates \$14 trillion in government debt that will be inherited by our children and grandchildren. In fact, the President's budget will more than double the Federal Government's public debt.

One of the most touted parts of this budget is its call for a spending freeze, which is a good idea. Just like the millions of Americans who have adjusted their budgets, the Federal Government should respond to record deficits by halting its spending expansion. But unfortunately, this budget freeze is merely papering over our record Federal deficits. Instead of a meaningful freeze, the proposed freeze in the budget covers only one-eighth of the Federal budget. That means that more than 80 percent of the Federal Government will continue to grow under this so-called freeze.

A freeze that allows the vast majority of programs to stay on the path of unsustainable growth will not solve our budget problems. And so this budget predicts another year of record deficits. More than one in three dollars spent by the Federal Government next year will be borrowed. With such astonishing deficits and debt, we need much more than a freeze on one-eighth of government spending.

We should be taking a hard look for underperforming areas where we can reduce spending. Congress could also start tackling our debt problem by immediately passing strict budget caps that will limit Federal spending each year. Unfortunately, this looks unlikely to happen also. Instead, Democrats in Congress, along with President Obama, appear to be dead set on pushing a trillion-dollar government takeover of health care and another multi-billion-dollar stimulus plan.

Just last week, Democrats in Congress showed their true colors by passing a \$1.9 trillion increase in the national debt limit, making way for more deficit spending. After all, reckless spending requires reckless borrowing. Federal spending on so-called discretionary programs increased 84 percent over the past 2 years. These increases have been financed entirely by new debt. The time has come to stop these out-of-touch spending increases so we don't have to keep jacking up the national debt.

The President's budget lacks the sort of spending accountability Americans

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

want from Washington. It contains more spending, more debt, and more taxes, which will not restore our economy or help the unemployed in North Carolina and around the country find work. Government growth and exploding debt are just more of the same big government policies that Americans are weary of watching in Washington. While President Obama's budget does get some things right, it unfortunately gets most things wrong. As North Carolina taxpayers continue to tighten their belts, we can do better than \$1.6 trillion in new debt for more wasteful Washington spending.

Republicans are ready to go line by line through the Federal budget to cut wasteful spending. The debts Congress is racking up are not going to go away if we don't get a handle on spending. And during a time of double digit unemployment, the American people want solutions that will encourage economic growth and help create jobs, not just more debt for our children and grandchildren to pay off.

Madam Speaker, we cannot borrow, spend, and tax our way back to a growing economy.

#### COPPER BASIN JOBS PROJECT AND FOUR FORESTS RESTORATION INITIATIVE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Arizona (Mrs. KIRKPATRICK) for 5 minutes.

Mrs. KIRKPATRICK of Arizona. Madam Speaker, as we face the challenges of a stalled economy and a record debt, it is critically important that we find ways to create jobs without spending millions of dollars. I rise today in support of large scale job creating projects in greater Arizona that would require Federal action, not Federal money: the Copper Basin Jobs Project and the Four Forests Restoration Initiative.

The Copper Basin Jobs Project will create more than 1,000 well-paying, 21st century jobs in District 1, jump-starting our recovery and diversifying our economy. The Four Forests Restoration Initiative would create more than 600 jobs across greater Arizona, revitalizing key industries while preserving our environment and protecting our communities from wildfires.

These projects will produce new opportunities for our families, and serve as economic engines for my district and the entire State. They will attract new businesses and investment, creating jobs, not handouts. That is why they have both earned support from across the region, across the State, and across party lines.

Last week I had the opportunity to share the value of these projects with U.S. Agriculture Secretary Tom Vilsack. We traveled across greater Arizona to meet with stakeholders on

each project and visit with folks in the communities that will benefit from these projects. It was a real milestone for our efforts. Arizonans were able to make their voices heard on the projects and let the Secretary know about the positive impact they could have on our economy.

Along with the communities, I would like to thank the Secretary for his time. I hope his trip helped him gain a better understanding of these projects and what they can do for Arizona. Efforts like these will help in the downturn and get folks back to work. Creating jobs has to be our top priority. And these projects are my top priority.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

#### PRAYER

Chaplain Phillip Lee, Marine Forces Reserve, New Orleans, Louisiana, offered the following prayer:

Almighty God, Supreme Judge of the world, thank You for our military members, for the security they provide to our Nation and the hope they bring to hurting places on distant shores. Give each one clear ears, sharp eyes, a keen mind and a heart full of courage to accomplish the mission they are assigned. Heal them when they are injured; sustain their families and friends as they too endure war's tragedies and tensions caused by spiritual wickedness in high places and the darkness of this world.

Today help us to silence the roaring lions and charging bears who seek to rule the globe with terrorism. Empower us by every righteous means to foster peace on Earth and good will to all. Guide those entering this room today to be faithful, and full of faith, while performing their duties on behalf of the American people. And as weariness tugs at the soul, may each person mount up as on the wings of an eagle.

We ask that You give particular comfort to the family of John Murtha today, former Marine and citizen Congressman for 14 terms who passed away yesterday.

By Your grace, anchor us now in the Rock who leads us to be holy, reconciling us to Your purposes and ways. Remind us never to forget that we are

Americans promoting freedom, responsible for our actions, and dedicated to the principles that make us free; free indeed. Keep us trusting in You, God, and then the United States of America.

We ask You all this, Supreme and Eternal Commander in Chief, because Thine is the kingdom, and the power, and the glory forever. Semper Fi. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. LARSEN) come forward and lead the House in the Pledge of Allegiance.

Mr. LARSEN of Washington led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. LARSEN of Washington. Madam Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 235

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, February 9, 2010, through Saturday, February 13, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 22, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, February 10, 2010, through Sunday, February 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 22, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### CONDITIONAL ADJOURNMENT TO FRIDAY, FEBRUARY 12, 2010

Mr. LARSEN of Washington. Madam Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 1 p.m. on Friday, February 12, 2010, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 235, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Is there objection to the request of the gentleman from Washington?

There was no objection.

#### ADJOURNMENT

Mr. LARSEN of Washington. Madam Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Friday, February 12, 2010, at 1 p.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 235, in which case the House shall stand adjourned pursuant to that concurrent resolution.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6049. A letter from the Secretary, Department of Health and Human Services, transmitting Report to Congress on Head Start Efforts to Prevent and Reduce Obesity in Children; to the Committee on Education and Labor.

6050. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Act Discretionary Activities for Fiscal Year 2005, pursuant to Section 680 of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

6051. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 122-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6052. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 093-09, certification of a

proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6053. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 052-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6054. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period April, 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6055. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on competitive sourcing efforts for fiscal year 2009; to the Committee on Oversight and Government Reform.

6056. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Pandemic and All-Hazards Preparedness Act Usage of Act's Antitrust Laws Exemption; to the Committee on the Judiciary.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mrs. CAPPS, and Ms. MATSUI):

H.R. 4619. A bill to amend the Communications Act of 1934 to create a pilot program to bridge the digital divide by providing vouchers for broadband service to eligible students, to increase access to advanced telecommunications and information services for community colleges and head start programs, to establish a pilot program for discounted electronic books, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to encourage hiring unemployed individuals; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. TOWNS, and Mr. CLAY):

H.R. 4621. A bill to protect the integrity of the constitutionally-mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 4622. A bill to amend the Immigration and Nationality Act to provide for enhanced penalties for certain Federal officials who are alien smugglers, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4623. A bill to extend for 2 years the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. VISCLOSKEY, Mr. DONNELLY of Indiana, Mr. PENCE, Mr. BURTON of Indiana, Mr. CARSON of Indiana, and Mr. ELLSWORTH):

H.R. 4624. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office"; to the Committee on Oversight and Government Reform.

By Mr. THORNBERRY:

H.R. 4625. A bill to establish a commission to conduct a study and make recommendations concerning ways to improve the civil service and organization of the Federal Government; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H. Con. Res. 235. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CAO (for himself, Mr. BOUSTANY, Mr. MELANCON, Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. SCALISE, Mr. BILBRAY, Mr. BURGESS, Mr. HARPER, Mr. TURNER, Mr. SHUSTER, Mr. SESSIONS, Mr. NUNES, Mr. BROWN of South Carolina, Ms. FUDGE, Ms. RICHARDSON, Mr. BRADY of Texas, Mr. GRIFFITH, Mr. HONDA, Mr. CASTLE, Mr. TAYLOR, and Mr. BONNER):

H. Res. 1079. A resolution congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history; to the Committee on Oversight and Government Reform.

By Mr. SCALISE (for himself, Mr. CAO, Mr. ALEXANDER, Mr. CASSIDY, Mr. FLEMING, Mr. BOUSTANY, Mr. ROSKAM, Mr. TAYLOR, Mr. SESSIONS, Mr. BONNER, Mr. GRIFFITH, Mr. BURGESS, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. SULLIVAN, Mr. TERRY, Mr. WHITFIELD, Mr. MELANCON, and Mrs. BONO MACK):

H. Res. 1080. A resolution congratulating the New Orleans Saints upon their winning Super Bowl XLIV; to the Committee on Oversight and Government Reform.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 503: Mr. WITTMAN.

H.R. 678: Mr. LEE of New York, Mr. MURPHY of New York, Mr. LARSEN of Washington, Mrs. MCCARTHY of New York, and Ms. ESHOO.

H.R. 3365: Mr. COHEN.

H.R. 4269: Mr. ALTMIRE and Mr. FRANK of Massachusetts.

H.R. 4440: Mr. MICHAUD.

H.R. 4464: Mr. DEAL of Georgia.

H.R. 4580: Mr. CARNAHAN.

H. Res. 704: Mr. DAVIS of Illinois, Mr. SMITH of New Jersey, Mr. SALAZAR, and Mr. KANORSKI.

**SENATE—Tuesday, February 9, 2010***(Legislative day of Monday, February 8, 2010)*

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, whose power is unsearchable and whose judgments are a great deep, we quiet our hearts today in Your presence.

Give to our lawmakers a reverential awe of You, which is the beginning of wisdom. May they use this wisdom to amend the defective, leading people to choose life and blessings. Lord, let this high place of governance become the audience chamber of Your presence, as You provide our Senators with courage in the midst of fear, faith in the midst of doubt, and hope in the midst of despair.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, the issue before the Senate today is what we do

with Mother Nature. Mother Nature has been very difficult to deal with. The Presiding Officer, being from the State of Alaska, is used to this kind of weather, but most of us are not. We have one snowstorm and that is usually it for the year, but we have had a series of them this year. Maybe it is a result of the Senator from Alaska bringing the weather with him.

What we are trying to do—we don't have it worked out yet—we may be able to get consent to start the judge vote pretty soon and have that run for a reasonable period of time and then have the second vote be open for some considerable period of time so that people, if they are here, could vote on both and then go home if they are Washington residents or some people who are having trouble getting here could be here on time to vote on that. We are close to being able to work that out.

I would also say we are contemplating, if we can work out the procedural difficulties, not being in session tomorrow. We have some things we have to work out prior to that time because, as most everyone knows, we have been working on a bill to end this work period. It is really a nice piece of legislation. It started with a bipartisan jobs tax credit with HATCH and SCHUMER; we have a section 171 small business tax issue that small businesses are really looking for; we have a highway bill extension; and we also have Build America Bonds.

We also, prior to the end of this month, have to do some things that are extremely important to the country. We have to extend the PATRIOT Act. We have a number of other things we have to extend. We have only been able to get agreement to extend those for short periods of time, but they need to be done—some tax extenders. We have to do a number of those things. We hope we can merge the two. We will make that determination, how we are going to do that, in the next few hours. We have a message that we can use from the House, so we do not need permission to move to that.

The issue before the Senate and the decision I have to make after speaking to the Republican leader is what we do when we come back here on Thursday. We will have an intervening day. I would rather not be in session tomorrow if, in fact, we have to file cloture on that package I just talked about. I have told everyone what I think would be the appropriate way to do it is to get on that bill and to have some amendments on both sides. I hope we

can do that. We really need to finish the bill this week. I hope we can do that in a reasonable time.

It appears from what I have been able to determine that the storm will end sometime early tomorrow evening. The problem is, the streets in the DC area are pretty difficult, so we would have to make sure everyone has time Thursday to get here. There are some people who live in the suburbs when they are in Washington, so we have to make sure they have time to get here.

Anyway, we are working on these issues. We have the Presidents Day recess. I hope we do not have to work into the weekend to complete that. It is really difficult to put all this stuff over. People's lives are really on the line with our being able to create some jobs. The four things I have been talking about we have been told by the Congressional Budget Office would create jobs immediately—not next year but now.

So I hope we can work through this. I have had one discussion already with the Republican leader today, and I will have some more before the day is out. That is about the best information I can give Senators for the time being.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

**REPUBLICAN SUPPORT**

Mr. MCCONNELL. If I may, I missed the first part of what my friend was saying, but I think I understand the gist of it because we had an opportunity to talk a couple of times today.

The dilemma we currently have on the proposal the majority leader is referring to is that I believe it is the case that not all members of the Finance Committee are yet fully aware of what the package may look like. We also do not have an entire conference that understands it yet. If we are talking about a roughly \$80 billion package, no matter how it may be labeled—whether it is another stimulus, whether it is a jobs bill, whether it is a combination of both—I would say to my friend that my members need to be able to feel as if they understand what they are being called upon to support. So the sooner we could get the parameters of the final package, the better.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. I hope to be able to get something to the Republican leader very soon. I was told an hour ago that the document is completed. I hope that is the case.

I do say to everyone in the Senate at this time that we want to work through this in an orderly way. I want to make sure both the Republican conference and the Democratic conference have a chance to see the bill. That is fair and that is what we need to do. But I do say to everyone, in addition to that, if, in fact, there is a procedural deadlock we find ourselves in Thursday because of filing cloture on this package—I have explained to everyone that I have no intention of trying to jam anybody on this. It is a jobs bill. We have to let the American people know we are really trying hard to get something done that will create jobs immediately. So I will do my very best to make sure everybody has an opportunity to see everything on this proposed legislation.

If we wind up Thursday on this legislation, I will continue being as cooperative as I can be to make sure people who want to change this in some way legislatively will be able to do that. I may, as I have already indicated to everybody, have to stop amendments in order to get to where we are on Thursday. But I will be happy to open up the vehicle and have people offer amendments. I have no concern at this stage about, frankly, whether the amendments are germane or relevant, just if people want to offer amendments on some subject and to have the ability on both sides to do that, we should be able to do that.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATIONS OF JOSEPH A. GREENAWAY, JR., TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, AND CRAIG BECKER, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the following two matters, which the clerk will report.

The legislative clerk read the nominations of Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, and Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

The ACTING PRESIDENT pro tempore. Under the previous order, the

time until 5 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PAYING DOWN THE DEBT

Mr. KYL. Mr. President, recent warnings from Moody's that the United States will have to begin addressing our debt in order to avoid downgrading our triple-A bond rating mean that we have to get serious about doing something about the latest deficit and debt projections. The President's new budget proposal estimates that the Federal deficit for fiscal year 2010 will be roughly \$1.6 trillion, the largest in American history. It also projects that the deficit we will accumulate over the next decade will increase the U.S. national debt by \$8.5 trillion. By the year to 2020, our total public debt will have surpassed \$18 trillion and will make up an astounding 77 percent of gross domestic product.

We all agree that this debt poses a major threat to America's future prosperity, and we all agree that slashing debt should be a top national priority. How can we do it? There are four principal ways to reduce government debt: No. 1, inflate the dollar; No. 2, raise taxes; No. 3, cut spending; and No. 4, increase economic growth. Let me briefly discuss each.

First, inflation. Inflation is tempting for governments looking to mitigate their debt problem, but its economic consequences are catastrophic. As President Ronald Reagan famously said, inflation is "as violent as a mugger, as frightening as an armed robber, and as deadly as a hit man." Although America has not experienced painfully high consumer price inflation since the late 1970s and early 1980s, we all remember what it took to kill that inflation: soaring interest rates and a deep recession, the worst since the Second World War. As former Wall Street Journal editor George Melloan notes in his new book, "The Great Money Binge," inflation is "a tax no one can escape." And it is one that disproportionately hurts lower and middle-income Americans and older Americans with savings.

Taxes, a second option for trimming our debt burden, would have to be raised significantly. But, of course, raising taxes is the last thing we should do amid a tentative economic recovery. For evidence of what taxes do to a shaky economy, look at what happened during Japan's lost decade. In the early 1990s, the Japanese experienced a stock market crash, a financial crisis, and a recession. The government took several steps to address the down-

turn. Among other things, it reduced income taxes. Then, just as the Japanese economy was recovering—thanks partly to these tax cuts—the government raised taxes. The result: Japan fell back into recession. I hope the administration keeps this history in mind before raising taxes at the end of the year, as President Obama has pledged to do.

A third way to lower the national debt would be to cut Federal spending, which is always painful for Congress but particularly in a situation such as this one is absolutely necessary. The administration has been touting a temporary spending freeze that would begin next year, but this freeze would apply only to discretionary nondefense spending which comprises a small fraction of the total budget, about 13 percent. Moreover, this freeze doesn't go into effect until the next fiscal year, and it would not apply to the new stimulus bill the Senate will soon take up. There is a lot of waste in government, and we have to look even harder for additional ways to save and be more responsible with Americans' money. Spending less is the only real way to work off the debt in the long term.

The fourth way to get out of this debt is through economic growth, but this debt explosion could have a significantly negative impact on our ability to grow by leading to higher interest rates and squelching investment. Economists Carmen Reinhart and Kenneth Rogoff lay hard numbers to this claim in a new paper entitled "Growth in a Time of Debt." They write:

When gross external debt reaches 60 percent of GDP, annual growth declines by about 2 percent; for levels of external debt in excess of 90 percent of GDP, growth rates are roughly cut in half.

Remember, the President's budget projects debt to reach 77 percent of GDP by 2020. So even though growth could eventually enable us to manage and, over time, reduce and perhaps even eliminate our debt, there is a point at which the amount of debt itself inhibits growth, our ability to grow, and obviously we have to tackle the problem of increasing debt, increasing spending, even if we are to hope to grow our way out of the debt problem we have.

Over the long term then, the only way to permanently lower our debt is to hold Federal spending in check and promote strong economic growth such as through lower taxes. This has proven to work time and time again.

Whether we look to the 1920s, the 1960s, or the 1980s, history shows us that reducing marginal income tax rates is a highly effective way to stimulate an economic expansion. To that end, I hope the administration decides to make the 2001 and 2003 tax cuts permanent.

I also hope it reconsiders its plan to raise taxes on U.S. multinational corporations. The administration argues



that many U.S. corporations are keeping their profits overseas. But as the Cato Institute economist Chris Edwards pointed out, the reason that U.S. multinationals are moving their profits abroad is that America has the second highest corporate tax rate in the developed world. Only Japan has a higher rate.

Lowering corporate income taxes would spur investment and job creation at home and make us more competitive abroad. Keeping marginal tax rates where they are would enable small business entrepreneurs to begin hiring and expanding. That is the key to recovery and to debt reduction.

So, again, strong growth and spending discipline is the only sustainable solution to the debt problem. I urge my colleagues to keep this in mind as we continue to debate this matter.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Mr. Craig Becker to be a member of the National Labor Relations Board. Mr. Craig Becker is the first person—I repeat, the first person—nominated for a term on the National Labor Relations Board who comes directly from a labor organization.

Mr. Becker is an officer and associate general counsel of two of our Nation's largest unions, the AFL-CIO and the SEIU. These unions clearly have a substantial interest in the most important decisions presently pending before the Board.

Now, it is one thing to come from private law practice representing employers or unions as clients under the circumstances. It is quite another to come to the Board directly from being an officer and associate general counsel of a labor organization with, as mentioned, substantial interests in multiple matters pending or that will be pending before the Board.

Last week's hearing was clearly necessary, as it revealed that while Mr. Becker will recuse himself for a period of 2 years, and only for 2 years, from those instances when his former employers, the international unions, are a party in a Board proceeding, he did not commit to recuse himself from cases raising issues in which the internationals are involved or impacted, and he did not commit to recuse himself from cases involving the locals of those two international unions.

Parties before the Board, whether union or employer, have a right to a fair and impartial tribunal. The confirmation of an officer and associate general counsel of two of our Nation's largest unions for a term on the National Labor Relations Board will make the appearance of justice and many of the decisions in which he participates impossible to achieve.

Further, to the extent he interprets the act to adopt the policy imperatives

of the SEIU or the AFL-CIO and not those expressed by Congress in the act, he will further undermine the Board and sow cynicism in the labor/management community as well as amongst workers whose rights to engage in protected concerted activity or refrain from doing so are protected under the act.

Mr. Becker's writings suggest that he believes the Board can implement provisions of the Employee Free Choice Act into labor law through decisions of the Board. This view suggesting the Board can do what Congress has not authorized should raise concerns with my colleagues on both sides of the aisle.

Let me read a quote from Mr. Becker's colleague, Mr. Stewart Acuff, the AFL-CIO's director of organizing from a February 3, 2010, posting on the Huffington Post. This is just last week.

We are very close to the 60 votes we need. If we are not able to pass the Employee Free Choice Act, we will work with President Obama and Vice President Biden and their appointees to the National Labor Relations Board to change the rules governing forming a union through administrative action to once again allow workers in America access to one of the most basic freedoms in a democracy.

This is clear. This is clear. Mr. Becker's colleague, Mr. Acuff, clearly indicates what Mr. Becker's agenda would be, which would be to violate what is absolutely only a prerogative of the Congress of the United States. This type of bias is why the most respected business groups in America are opposing Mr. Becker's nomination. A statement opposing Mr. Becker's nomination from the National Association of Manufacturers, the Nation's largest industrial trade association, states:

The NAM firmly believes that NLRB members charged with administering our nation's labor laws should protect the principles of fairness and balance that characterize our labor law system. Employees should have the right to information from both employers and union officials and the time to review that information in order to better make important decisions that impact their jobs and families.

Unfortunately, Mr. Becker's interpretation of our labor laws does not reflect these principles and casts serious doubt on his ability to administer our nation's laws in an unbiased manner. We are particularly concerned with Mr. Becker's writings in academic journals that argue that the NLRB should limit the ability of employers to communicate with their employees during union organizing campaigns. Specifically, Mr. Becker has claimed in a 1993 Minnesota Law Review article that "the core defect in union election law . . . is the employer's status as a party to labor representation proceedings."

Mr. Becker has asserted views that the NLRB should rewrite union election rules in favor of union organizers. Such policy decisions should only be determined by Congress. The NAM is particularly concerned that if confirmed, Mr. Becker would seek to advance aspects of the jobs-killing Employee Free Choice Act through actions of the NLRB.

From the U.S. Chamber of Commerce, that has only opposed three nominees in the last 30 years, I quote from the U.S. Chamber's statement:

This is only the third time in more than 30 years that the Chamber has opposed a nominee to the Board, most recently the 1993 nomination of William B. Gould. Mr. Becker has written prolifically about the National Labor Relations Act, the law he would be charged with interpreting and enforcing should he be confirmed. Many of the positions taken in his writings are well outside the mainstream and would disrupt years of established precedent and the delicate balance in current labor law. These positions have raised significant concerns in the employer community. Among those concerns are the extent to which Mr. Becker would restrictively interpret employers' free speech rights and the extent to which he would seek to expand the use of intermittent strikes and other forms of work stoppages that disrupt the right of employers to maintain operations during labor disputes.

There may be no one ever nominated to the NLRB more opposed by the business community in the entire history of the NLRB. Are we to believe that the President could not find a single person in America who would not elicit this kind of response due to their bias? Last week, over 500 employers signed a letter opposing Mr. Becker's nomination; 23 major business associations oppose Mr. Becker's nomination.

Mr. Becker's views speak for themselves. But his supporters on the left have explained in full view why they are attempting to seat Mr. Becker. From the authors in the left-leaning publication, *The Nation*, "Obama's Pro-Union Nominations to the Labor Relations Board Stalled," January 20, 2010:

The battle over nominations to the NLRB, even more than EFCA, may be what really determine the extent of labor's gains under Obama. Should Obama persevere and see his nominations confirmed, there is reason to believe that much of what organized labor hopes to accomplish via EFCA will be realized through the rule-making power of the NLRB.

If there was any doubt about the euphoria on the left, look no further than what Wade Rathke, the chief organizer of Community Organizations International, formally Acorn International, founder and chief organizer of Acorn, and founder and chief organizer of Local 100, Service Employees International Union, recently wrote:

For my money Craig [Becker's] signal contribution has been his work in crafting and executing the legal strategies which have allowed the . . . effective organization of informal workers—home health and home day care—has been the great, exceptional success story within the American labor movement for our generation, leading us to the [forced dues] of perhaps a half-million such workers in unions such as SEIU, AFSCME, CWA, and the AFT.

Becker is "the key lawyer from the beginning in the early 1980s who was able to piece together the arguments and representation that allowed those of us involved in trying to organize home health care workers in Illinois, Massachusetts, and elsewhere. . . . [Becker's] role was often behind the scenes devising the strategy with the organizer and

lawyers, writing the briefs for others to file, and putting all of the pieces together, but he was the go-to-guy on all of this."

Rathke concludes:

I can remember Keith Kelleher negotiating the subsidy for the SEIU Local 880 in Chicago and always making sure there was the money for the organizers, but that SEIU was also willing to allow access to Craig. . . .

I just received this, from Alison Reardon of the Service Employees International Union, who came out with an e-mail today that reads:

Senator, your attendance is crucial to appointing Craig Becker to the National Labor Relations Board. Please attend Thursday's HELP [executive] Session to report out President Obama's nomination of Craig Becker for Senate confirmation. This is the highest priority for organized labor, and Majority Leader Reid will file Cloture on Friday 2/5, and has assured us [the] Senate will vote to end debate at 5 p.m. Monday 2/8.

So when this President was elected, he said he would govern from the center. If Craig Becker's nomination is approved, we will see the undermining of a longstanding practice in labor law that should be the prerogative of the United States Congress.

If the Congress of the United States, in its wisdom, or ignorance, decides to pass EFCA, then that is an act of Congress. It should not happen. Card check should not happen because of an unelected bureaucracy, and the National Labor Relations Board is the one to do it. Mr. Becker would have that, obviously my conclusion, on his agenda.

I urge my colleagues to vote no on the cloture motion on Mr. Becker's nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you take a look at the history of this great Nation, at least in my lifetime, you cannot miss what happened to America immediately after World War II. Veterans came back from that war, thousands of them, and they were greeted with the GI bill, which opened the door for them to buy homes, start businesses, start an education, and find good jobs.

It may have been one of the most amazing, progressive, positive things we have ever done in our Nation's history: to take a war effort and bring it home to create an economic effort in America. Businesses were springing up in every direction. Workers were finding jobs and building homes. It was a wonderful time in our Nation's history.

Parallel to that GI bill and economic development was the rise of unionism in America. More and more workers were able to go into their workplace and bargain collectively for the basics that people need: safety in the workplace, a living wage. So if you work 40 hours a week, you can make enough money to take care of yourself and raise a family, retirement benefits,

health care benefits. These all came about at that same period of time after World War II. The rise of the American economy, with the returning veterans, and the rise in the number of people who were belonging to labor unions, in parallel, brought the middle class into reality in America.

It was a positive force across our Nation. I know a little bit about it with my own personal family experience. My mother, my father, my two brothers, and I worked for a railroad in east St. Louis, IL. Dad was a labor organizer. He was not a high-ranking official, but he was a proud member of the Brotherhood of Railway Clerks; mom the same. I worked various times in summer jobs at that same railroad. I knew I was going to get not a lavish salary but a decent salary for my work and have good conditions because that union had sat down and bargained so I would be recognized as an employee and protected in terms of the work I did. It made sure I was fairly paid.

The same thing was true of many other families, union families, all across America. My mom and dad made it to the 8th grade. They sent their boys on to high school and to college and I managed to finish law school. It was the American dream, and American unions played a big role in realizing that dream.

Now what has happened? Fewer and fewer Americans belong to labor unions. Fewer and fewer Americans are able to bargain collectively for decent wages and working conditions and the basic benefits we would expect. What did we see happening across America as a result of that trend? A growing disparity in terms of the wages earned by working people and the amount of money being paid to those who were the officers of corporations. That disparity has reached shocking, if not disgraceful, levels, where people who are at the highest rungs of corporate America are drawing salaries and bonuses dramatically higher than the people who work for them, who actually are productive and doing a good day's work.

Many of us believe there is an imbalance here. It is an imbalance that has been created deliberately over the years. As business interests have had more power in Washington, they have made it increasingly difficult for workers to exercise their rights in their workplaces to organize and speak for themselves. The agency that is supposed to be the referee in this battle is the National Labor Relations Board. They look for unfair practices by either the workers attempting to organize or the business which is being organized. They basically stand by a principle which we all respect; that is, if a majority of the workers want to bargain collectively, they should have the right to do that, to organize in a union, if they wish it.

But we know what happens. When organizers come to many businesses—not all of them but many of them—and try to speak to the employees and tell them: Here is what we can offer for you if you will join our union, if you will join with your other coworkers in bargaining together, many times they are not only shunned, they are sent away. If they are fortunate enough to come up with a majority of workers who want to move toward unionizing, they find themselves facing legal battles, one after the other, going on for literally years, until you literally wear out the people who are trying to organize that plant.

Complicit in that many times has been the National Labor Relations Board. Without effective and forceful enforcement of the laws that exist, without a sense of urgency in decision-making, this agency has allowed so many workers in America to fall by the wayside and not have a chance to stand for themselves. Occasionally, it reaches outrageous levels. We saw that in the case of Lilly Ledbetter, a person who was in a management position, incidentally, at a tire manufacturer down in Alabama. She was being discriminated against in the workplace. The laws could not protect her—at least they did not protect her—and she took her case to court. The Supreme Court of the United States threw her case out, even though she clearly had been discriminated against. We had to change the law in America because discrimination does take place in the workplace and because we say in this country people should be treated fairly.

Now the unions come to us and say: We want to change the way we organize the workplace. They put together the Employee Free Choice Act. That is their term for the legislation that has been offered. It offers a new alternative to gauging whether a majority truly wants to organize a workplace. That bill has been considered in the other body. It has not been called in this body, and it is unlikely it will ever be called or passed in its original form. But many of us realize it is only fair to make some changes in the way these workplaces are organized, so if a majority of workers truly do want to organize, they have that right, they are not harassed and intimidated, threatened and fired because they are exercising their right under the law to consider belonging to a union or voting in favor of belonging to a union.

Part of this whole discussion relates to the National Labor Relations Board. Before the Senate today is the nomination of Craig Becker from the State of Illinois to be a member of the National Labor Relations Board. You have just heard Senator MCCAIN come and talk about Mr. Becker's activities. Senator MCCAIN is my friend. He and I see America and perhaps the world in slightly different perspectives from

time to time, and we certainly do in this case.

The Senator from Arizona was critical of Mr. Becker, saying, well, he was an active organizer for the Service Employees International Union. That is a fact. The fact is, he worked for them in an effort to try to organize workplaces, and in many respects he was successful. That was his job. It was nothing illegal. It was an honorable, legal effort on his part to give voice to employees who otherwise did not have one. Some of the service employee unions, incidentally, represent people with very modest jobs, people who may be doing custodial work or basic maintenance work or who are overlooked in many organizing efforts. So Mr. Becker was fighting for them. He was fighting to give folks who otherwise would not have a chance at least a voice, if not a fighting chance, to be treated with some dignity in the workplace.

Right now, we know what the facts are when it comes to the National Labor Relations Board. If you are in the process of organizing a workplace, and there is a violation of the law, the National Labor Relations Board will take 2 years before they make a decision on a violation of the labor laws—2 years. Well, things change in 2 years, and the owners of businesses know that. So making a violation and waiting 2 years buys them the time to try to change the sentiment in the workplace. It takes 1 year from actually having an organizing petition that is signed before the National Labor Relations Board makes its decision.

Craig Becker knows that. He comes before us because we believe and the President believes he would be a good person on the National Labor Relations Board. It is hard to look at his background and say he is not qualified. He clearly is qualified.

We know the National Labor Relations Board administers the primary law governing labor relations in the private sector. It normally has five Members. It currently has only two sitting members, and it is often deadlocked on issues. It has led to many legal questions being raised about the validity of the Board's decisions.

Craig Becker is an accomplished lawyer and academic. As associate general counsel for the Service Employees International Union, Craig Becker worked to protect the rights of workers to organize. He has argued labor and employment law cases at most levels of the Federal court system, including in the Supreme Court of the United States. Is there anyone who questions this man is qualified for this job? He taught labor law at UCLA, the University of Chicago, and Georgetown University. His research and academic work is well respected and cited by many others in the field.

He was first nominated to fill one of the three openings at the NLRB in July

2009. He was renominated by President Obama just last month. Both last year and last month, the HELP Committee—which is chaired by my friend, Senator TOM HARKIN of Iowa, who will be on the floor with the ranking minority member, Senator ENZI—approved his nomination. Since he was nominated, Mr. Becker has responded to over 300 written questions from Republican Senators—more than nearly any other nominee. I do not know how many questions are asked of Supreme Court nominees, but when you ask 300 questions, it is pretty clear it goes beyond needing some information. The idea is to try to trip up the nominee or ask so many questions you will wear them out. He has met personally with every interested Senator who has wanted to ask him his own personal views. He has addressed the concerns of Senators in congressional hearings—only the second time an NLRB nominee, incidentally, had a second hearing in the last 25 years.

Throughout this process, Mr. Becker has stated his belief that Congress creates labor laws, not the NLRB. I guess there is a parallel to this whole argument about judicial activism, where the argument is being made on the Republican side that if Mr. Becker is brought to the National Labor Relations Board, he is going to make the law. He said, clearly, he will not, his job is to basically interpret the law as written and to implement the law as Congress has passed it. He said, repeatedly, if confirmed, he will apply the law fairly and impartially.

Confirming Craig Becker will allow the NLRB to move forward with its congressionally mandated duties, and I am certainly going to support his confirmation.

I struggle when I hear my Republican colleagues say: Well, it is not fair. When a Democrat is elected President, he might appoint someone to the National Labor Relations Board who is more friendly to the labor unions than a Republican appointee. Is that a stunning revelation to anyone? What we are looking for are honest people who have no prejudice against either side and who will try to make the system work and make the National Labor Relations Board work.

When I look at some of the statistics about what is going on—the number of contested decisions issued by the National Labor Relations Board, on a 4-year average, is 426; and the time it takes them, the processing time from charge to Board decision is 782 days, more than 2 years—it tells me they have broken down in terms of their basic responsibility under the law.

If we keep it at two members, and people can question the validity of any of their decisions, then those who want to make sure the National Labor Relations Board is not an effective working force in our government may have

their way. I hope they do not. I certainly hope we will reach a point where we will approve this man who has stood before the HELP Committee and this Senate on two separate occasions, answering all the questions that have been offered. He comes with solid credentials, in terms of his legal knowledge as well as his life experience. He is a person who I know has worked hard to help those less fortunate who are looking for a chance for a living wage and decent working conditions.

Are we going to say anyone who comes to the National Labor Relations Board who has worked for a labor union is disqualified? Is that the position being taken by some? I hope not. That is fundamentally unfair. It is akin to saying anyone who owned a business could not be a member of the National Labor Relations Board. I would not agree with that.

I think we need fairness and balance and impartiality. I think Craig Becker will bring that. So I hope my colleagues will join me in supporting his nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, first of all, just to amplify the record on the Lilly Ledbetter case, the Supreme Court did not rule against Ms. Ledbetter. They upheld the statute of limitations of 180 days for claims filed under civil rights laws. She had come to the court, not a few months after the alleged incident, but years and years later. Only then did she try to make a case. The Court was upholding the law which this Congress passed.

Secondly, I rise, reluctantly, to oppose the nomination of Craig Becker, and I do so based on experience, not based on a whim, not based on politics but based on what I have experienced in the past 6 months in terms of confirmation in labor-related positions.

As you may know, I am from Atlanta, GA. That is the home of Delta Air Lines that has recently merged with Northwest Airlines to form the largest airlines in the United States of America. The National Mediation Board oversees labor issues with regard to the industry.

In the merger of Delta and Northwest, the merger of two different companies with different cultures—Delta less organized and Northwest more—one of the major questions about that merger as it related to labor law was what would the law be to govern a unionization vote, in this case, of the flight attendants. Northwest flight attendants were organized; Delta's were not. For the 75-year history of the Railway Labor Act in the United States of America, the principle of the National Mediation Board called for a majority vote of all members of the company in the employee class, meaning if there were 1,000 flight attendants

in the class, it would take 501 votes to pass a motion to organize.

As we considered the nominees for the National Mediation Board in the HELP Committee last year, I spent extensive time questioning the two Democrat nominees who were nominated for the Board. I pressed them on this very issue trying to ensure that we had what Senator DURBIN referred to; that is, absolutely equal treatment and not a bias in terms of determination of labor decisions. I listened to these appointees over and over again say they would be fair, they would not be biased, and they did not have a preconceived position, and I voted for them.

Within weeks of being seated, they issued a proposed rule at the behest of labor unions, voting 2 to 1 to change the 75-year-old policy. In the face of a unionization vote getting ready to take place at the world's largest airline, they are attempting change the 75-year policy of the National Mediation Board. If they are successful, they will allow a simple majority of the number of people voting to replace the current policy which is a majority of the total number of employees in the class. In the case of the example I gave before in which if there were 1,000 people in the class, under existing law it would take 501 to organize. That is fair. By changing to a majority of those voting if only 100 voted, it would only take 51 to vote to organize the entire class of 1,000 employees within a company. That is a radical shift in the balance between labor and management, without any changes on the ground to merit such a departure from precedent.

Secondly, many on the other side are always talking about the Employee Free Choice Act and how we ought to make it easier to organize. In 2008, which is the last year for which I have statistics, 67 percent of all unionization votes under existing law were in favor of organizing. EFCA amounts to a solution toward a problem we don't have.

Mr. Becker is a very gifted, talented attorney. I sat in for Senator ENZI as ranking member at the confirmation hearing we had in the HELP committee 2 weeks ago, and I asked him about these specific questions. He was very careful and crafty in his answers. I came away not convinced that the statements of Mr. Acuff, the statements of Mr. Iglitzin, and the statements of former NLRB Member Gould were inaccurate. Each of those pro-union experts has written that Mr. Becker's appointment offers an opportunity to do by regulatory authority what could not be done on the floor of the Senate in terms of card check and government-written first contracts. This concern, combined with the National Mediation Board's refusal to obey 75 years of precedent leads me to only one conclusion. Out of an abundance of caution, I am going to vote

against the confirmation of Mr. Becker in hopes the administration will send a nominee to the floor who is committed to a balanced treatment of both organized labor and management in this country.

Mr. President, I am grateful for the time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I wish to submit for the record a list of nearly 675 organizations that have written in opposition to Mr. Becker's nomination. These groups represent the backbone of our Nation's economy and the catalysts we will need to create new American jobs. They believe Mr. Becker's stated views represent a threat to economic growth, and they oppose Mr. Becker as a nominee for the National Labor Relations Board.

I ask unanimous consent that this list be printed in the Record immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. Thank you, Mr. President. I am going to oppose cloture of the nomination of Craig Becker to be a member of the National Labor Relations Board. My colleagues know it is very unusual to have a cloture vote on a HELP Committee nominee, but this will be the second in as many weeks. In fact, these two nominees are the only HELP nominations I have opposed. Over 40 HELP nominees have been swiftly confirmed after appropriate consideration in this Congress, but these two nominees are problematic, and instead of withdrawing the nominations as has been done in previous administrations, the majority is attempting to force them through.

Craig Becker was first nominated last July, and controversy surrounding his nomination has only grown since then. A review of decades of writings by Mr. Becker has revealed that he has advocated for the most radical theories of labor law, pursuing policies such as mandatory unionization where an employee would choose which union to join, not whether to join a union; and questioning whether an employer has a right to any involvement at all in the unionization questions in his workplace.

In addition to his writings, Mr. Becker has spent the majority of his career serving as counsel to the two largest labor organizations in America, which has raised questions about his ability to fairly adjudicate cases involving those unions.

On these issues and others, members of the HELP Committee raised a number of serious concerns. It has been cited as a negative that Republicans on the committee submitted hundreds of written questions to Mr. Becker, and it is certainly true that we did ask a lot

of questions. Last year, Mr. Becker answered 276 questions for the record. Following his hearing this month, he was sent more than 100 more.

The fact that we have submitted over 400 questions and after three rounds of questions still do not believe we have gotten definitive answers is merely another sign of the deep concerns about this nominee. Last week, the chairman noted Mr. Becker has faced more questions than Supreme Court Justice Sonia Sotomayor. I am not sure I understand the relevance of this fact. I have yet to find the constituent who is urging us to ask fewer questions of our nominees to positions of high public trust.

Furthermore, if a nominee garners a greater level of public scrutiny and larger than usual volumes of questions, we should ask why. This unique scrutiny should be a signal that the individual has raised a great level of concern and controversy. A nominee as controversial as Craig Becker should not go forward, and for that reason I will oppose cloture today.

The Health, Education, Labor, and Pensions Committee has had other nominees who, right or wrong, became controversial. Some of those occurred while I was chairman. Yet not once did I force through a nominee on a party-line cloture vote. We faced partisan opposition for nominees for Surgeon General, the Food and Drug Administration, and the Mine Safety and Health Administration. Oftentimes there appeared to be very little basis for that opposition to my side of the aisle. But because of the strong opposition, the nominees were not confirmed.

In the final 2 years of the last administration, the majority leader held pro forma sessions to even prevent recess appointments, and now the majority, in their control of the calendar, has taken the last 2 weeks to try to jam through partisan, controversial nominees while the public is seeking solutions to the many economic problems facing our Nation.

I wish to point out that there is another way. There are three current vacancies at the National Labor Relations Board, and the HELP Committee has unanimously approved the President's other two nominees. If the Senate wanted to confirm two new members to the Board, it could have easily done so today. In fact, it could have done so last year. One of these nominees, Mark Pearce, is a labor-side attorney who has spent his career representing labor unions. The other is a Republican nominee with management-side experience in addition to tenures on the staff of the National Labor Relations Board and in the Senate as my labor policy director, Brian Hayes. Yet these nominees did not inspire objections from HELP members on either side of the aisle.

Both Mr. Hayes and Mr. Pearce met with Senators, answered written questions—not nearly as many because there weren't the same degree or amount of concerns—and convinced us that they were well qualified and able to be impartial. Clearly, being linked to interest groups such as labor unions and having opposing policy positions is not disqualifying for nominees before the HELP Committee. The problem with Mr. Becker's nomination is not that he works for unions or that he supports policies which many of us oppose. We have approved dozens of nominees with whom we disagree.

The problem is this nominee has shown in his writings and in his responses to the committee that his thinking is far outside the mainstream. This nominee has failed to convince us that he will not attempt to circumvent Congress and impose card check-style measures administratively to tilt the playing field against employers.

For 7 months Senators have been attempting to address and analyze concerns raised by the employer community and others regarding Mr. Becker's writings, particularly the potential for radical changes in labor law that he has advocated and argued can be implemented without congressional authorization. We have also heard concerns about the nominee's position on refusal, since he spent more than two decades working with the Nation's two largest labor organizations.

There were additional questions about Mr. Becker's status as both an employee of a labor union and as an adviser to the President's transition team. There were questions about Mr. Becker's possible authorship of Executive Orders in that capacity, one of which limited the information given to employees about their right to refrain from paying certain union dues.

Finally, there were concerns about Mr. Becker's role as SEIU associate general counsel and the SEIU's involvement with the scandal surrounding ACORN and former Illinois Governor Rob Blagojevich. Senators attempted to address all of these concerns through interviews, written questions, and a hearing. However, not all of the concerns were favorably resolved, and last Thursday, the nomination was reported out on a party-line vote.

I have made numerous attempts to alleviate concerns about Mr. Becker's stated plans to reinterpret the National Labor Relations Act to limit the ability of employers to participate in the process or otherwise tilt the playing field unfairly against employers. However, his answers have been far from reassuring.

When asked if he would ever support imposing the main provisions of the card check bill through regulatory fiat, he left the door open. He answered that while the statute might be interpreted

to not permit the Board to uniformly strip employees of the ability to have secret ballot elections, impose mandatory binding arbitration, and raise penalties on employers, if presented with arguments that it would, he would keep an open mind.

He also told me he believed the Board could impose "quickie elections"—one of the main card check alternatives that has been discussed. He said he was open to requiring employers to provide personal contact information for all of their employees to any union that asked. He also made it clear he would be open to broadening the use of mandatory bargaining orders in cases where there is no showing that a union has the support of a majority of employees.

Despite the hundreds of written questions he has answered, Mr. Becker has failed to convince me he would not enter into the job with a preconceived agenda to unfairly tilt the playing field against employers, altering the delicate balance of current labor law.

The relative freedom from industrial strife that has allowed America to prosper since enactment of the National Labor Relations Act in 1935 is dependent on a balance between the rights of employees to collectively bargain and the right of employers to control their workplace. It is essential that we not allow the balance to be upended now. In this critical time for our economy, our Nation is dealing with a 9.7-percent unemployment rate, and more than 11 million Americans are drawing unemployment benefits.

Comparative studies have shown that enactment of the card check provision will increase unemployment, making the situation only worse. Because of the Board's broad and important agenda, we simply cannot take the risk of supporting this nominee.

Two recent developments have given me additional pause in reviewing Mr. Becker's nomination. First, despite Mr. Becker's vague assertions, there have been several recent articles and statements from his own movement that confirm all our concerns. In *The Nation* magazine, another union lawyer wrote that all of the card check provisions and the card check alternative provisions I discussed earlier can be achieved without congressional authority and stated this as a reason to confirm Becker.

Former NLRB member, William Gould, made the same point in an article last year, and a union official wrote just last week that:

If we aren't able to pass the Employee Free Choice Act, we will work with President Obama and Vice President Biden and their appointees to the National Labor Relations Board to change the rules governing forming a union through administrative action.

There is obviously a high expectation among organized labor constituencies that Mr. Becker can be sent to the Na-

tional Labor Relations Board to deliver wanted policy changes which cannot be achieved through Congress. Because he has failed to unequivocally rule out that possibility, I can't support his nomination.

The second reason I am demanding a high degree of certainty in his answers is my recent direct experience with nominees who claim to have no opinions on certain issues and no preconceived agenda but who, once confirmed, immediately take action on what they claim to have no preconceived position on. An example of this is the current situation at the National Mediation Board, NMB.

Last year, the Senate unanimously confirmed two nominees from the National Mediation Board. Some Members, including myself, specifically asked each of them about their position on changing the way a majority in a unionization election is measured. In response, both these nominees testified they had no preconceived agenda to alter rules that had been in place for 75 years. You will recall the Senator from Georgia, Senator ISAKSON, had the same concern and asked them specifically, even in private meetings, what their opinion would be. Yet practically before the ink had dried on their confirmations, these two nominees began pushing through a regulation that is a wholesale reversal of those rules to tilt the playing field to the benefit of labor unions. In their haste, the Democratic members of the Board thoroughly disregarded the rights of the single minority member. The minority member was given no notice that an effort to initiate rulemaking was underway and, instead, was given 1½ hours to review the final rule proposal to determine if she would support it. They even tried to stop her from publishing a dissent to the proposal. There are strong indications that the two recently confirmed National Mediation Board members were not forthright with the Senate, and it is clear they showed no respect for the rights of the Mediation Board minority, the regulatory process or the legislative process. In promising Senators to keep an open mind going into this decision, these National Mediation Board nominees used the very same language Mr. Becker uses today.

Similarly, the President's nominee for the Occupational Safety and Health Administration faced many concerns from the small business community and others about his possible agenda going into office. Undoubtedly, the President's nominee for this position would have some views I do not agree with and I fully expect and accept that. But I sought to form an understanding with him on an issue that has traditionally drawn bipartisan support; that is, compliance assistance programs at OSHA that substitute "gotcha" inspections with advice and guidance to cooperatively create safer workplaces and

save the government money. When it became clear to me the premier compliance assistance program—the Voluntary Protection Program or VPP—was being downsized, I asked the OSHA nominee if he supported compliance programs.

He assured me he “recognized their great value.” I asked if he would re-evaluate the decision to downsize it. He assured me he would and promised to work with the committee. He was confirmed unanimously. Yet when the budget came out last week, it proposed transferring program staff to another function and eliminate its funding. This does not meet anyone’s definition of “support.”

Now, Mr. Becker is nominated for a different agency and is a different nominee. I certainly don’t want to impute the actions of others onto Mr. Becker, but my recent experiences with what nominees say in the confirmation process and how they act once confirmed has forced me to be far more skeptical of vague assurances.

I am also concerned that Mr. Becker’s ethics disclosure paperwork has not been updated with the Office of Government Ethics since July 2009, nor has the ethics agreement been revised since April 2009. The administration has pledged support for transparency and accountability and I, therefore, question their decision to rush this nominee through without a proper ethics review.

Independent boards, such as the National Labor Relations Board, are entrusted with a great deal of autonomy. The decisions they hand down and the regulations they enforce have a great deal of impact on a very significant portion of our economy and our Nation’s jobs. In the Senate, it is our responsibility to determine if these nominees can be entrusted with this power or if they would compromise fairness to grant favors to special interest groups or former employers.

Late last week, the Senate invoked cloture on Patricia Smith, by a partisan vote of 60 to 32, jamming through a controversial nominee who misled the HELP Committee. To be clear, I have been supportive of nearly all the nominees who have come before the HELP Committee, and I have worked hard with the chairman to swiftly confirm qualified nominees and put them into office. But the Senate has an important responsibility of advice and consent. To regain the trust of the American people, we should demand more accountability from the people we are putting into offices of public trust. I urge this administration to find qualified nominees who will enjoy broad support in the Senate, and I have offered my commitment and past experience to assist with the swift confirmation of those qualified nominees.

For all the above reasons, I will oppose Mr. Becker’s nomination to serve

as a member of the National Labor Relations Board, and I urge my colleagues to do the same.

I hope the other two nominees who are well qualified, uncontroversial, and who had bipartisan support will be brought to the floor. I also hope this controversial nominee will not be put on the Board through a recess appointment if the Senate rejects the nomination on a bipartisan basis today. As I mentioned before, anytime there were candidates who had that kind of opposition in the past, they were not pushed through on a cloture vote and I hope that will be the case and the name will be withdrawn.

I thank the Chair and yield the floor.

#### EXHIBIT 1

#### ENTITIES THAT OPPOSE CRAIG BECKER’S NOMINATION TO THE NATIONAL LABOR RELATIONS BOARD

American Hotel and Lodging Association (AH&LA); American Association of Nurse Executives; American Trucking Association; Associated Builders and Contractors, Inc. (ABC); Associated General Contractors of America; College and University Professional Association for Human Resources; Food Marking Institute; HR Policy Association; Independent Electrical Contractors, Inc.; International Foodservice Distributors Association; International Franchise Association; National Association of Manufacturers (NAM); National Association of Wholesaler-Distributors; National Federation of Independent Business; National Pest Management Association; National Ready Mixed Concrete Association; National Retail Federation; National Roofing Contractors Association; Printing Industries of America; Retail Industry Leaders Association.

Society for Human Resource Management; Steel Manufacturers Association; US Chamber of Commerce; HR Policy Association; National Retail Federation; The Coalition for a Democratic Workplace; A.O. Smith Corporation; A. Schulman; Accurate Castings, Inc.; Accuride International Inc.; Ace Manufacturing Industries; Aeries Enterprises LLC; Ahaus Tool and Engineering, Inc.; Ahresty Wilmington Corporation; Air Logistics Corporation; All American Mfg. Co.; Allegheny Technologies Incorporated; Allied Machine & Engineering Corp.; National Right to Work Committee; Americans for Limited Government; The American Conservative Union.

Allied Plastics Co., Inc.; Alloy Resources Inc.; Altadis USA, Inc.; AM Castle; AMB Enterprises, LLC; American Circuits, Inc.; American Coolair Corporation; American Dehydrated Foods, Inc.; American Felt & Filter Company; American Foundry Society; American Hydro Corporation; American Lawn Mower Company; American Safety Razor Company; American Shizuki Corporation; American Shower Door; Amsco Windows; Anchor Fabricators, Inc.; Anthony Timberlands, Inc.; Aries Electronics Inc.; Arkansas State Chamber of Commerce/Assoc. Ind. of Arkansas.

Arm-R-Lite Door Mfg. Company, Inc.; Arobotech Systems, Inc.; Arrow Adhesives Company; Artwoodworking & Mfg. Co.; ASC Profiles Inc.; Ashley Furniture Industries; Associated Industries of Massachusetts; Atlantic Mold & Machining Corp.; Atlas Machine and Supply Inc.; ATS Medical, Inc.; Auburn Gear, Inc.; Auto Truck, Inc.; Avtron Aerospace, Inc.; Bannish Lumber, Inc.; Batesville Products, Inc.; Beacon Converters,

Inc.; Bead Industries, Inc.; Beck Steel; Bell Laboratories, Inc.; Belton Industries, Inc.

Bergsen Inc.; Berkley Screw Machine Products, Inc.; Berlin Metals; Bertch Cabinet Mfg., Inc.; Best Chairs, Inc.; BesTech Tool Corporation; Better Baked Foods, Inc.; Betts Industries, Inc.; BH Electronics, Inc.; Bicon Electronics Co.; Big D Metalworks; Bio-Research Associates, Inc.; Bison Gear & Engineering Corp.; Blue Bell Creameries, L.P.; BlueScope Steel North America; Bollinger Shipyards, Inc.; Bommer Industries, Inc.; Boston Steel & Mfg. Co.; BPI, Inc.; Braun Northwest, Inc.

Brick Industry Association; Bridgestone Americas, Inc.; Brigham Exploration Company; Brinkman International Group, Inc.; Broan-NuTone LLC; Broderon Manufacturing Corp.; Brush Engineered Materials; Buckeye Fabricating Company; C and M Manufacturing Incorporated; Calgon Carbon Corporation; Cambridge Specialty Co.; Cameron Manufacturing & Design, Inc.; Cardinal Systems Inc; Carter Products Co., Inc.; Case Systems, Inc.; CASHCO Inc.; CB Manufacturing & Sales Co., Inc.; CEMCO Inc.; Cemen Tech, Inc.

Centennial Bolt, Inc.; Central Bindery Company; Central States Fire App LLC; CFX Battery, Inc.; Chaney Enterprises; Channellock Inc.; Chatsworth Products, Inc.; Chemstar Products; Clinch-Tite Corp.; Clow Stamping Co. CMD Corporation; Coast Controls, Inc.; Coastal Forest Resources; Coastal Plywood Company; Coating Excellence International; ColorMatrix Corporation; Commercial Cutting and Graphics, LLC; Conestoga Wood Specialties Corporation; Construction Specialties, Inc.; Con-way, Inc.; Cooper Tire & Rubber Company.

Corbett Package Company; Crafted Plastics, Inc.; CrossCountry Courier; CRT, Custom Products, Inc.; Crysteel Manufacturing Incorporated; Custom Applied Technology Corp.; Custom Tool and Grinding, Inc.; Dakota Awards, Inc.; Dakota Specialty Milling, Inc.; Dart Container Corporation; Davron Technologies, Inc.; Dayton Industries Inc.; Deist Industries, Inc.; Delta Power Company; Dews Research Laboratories, LLC; Dietz & Watson, Inc.; Dixie Printing & Packaging Corporation; Dixon Insurance Inc.; DLH Industries, Inc.; Domain Communications LLC.

Don R Fruchey, Inc.; DORMA Architectural Hardware; Dornier Mfg. Corp.; Drawn Metals Corporation; Drenth Brothers Inc.; DRT Mfg. Co.; DTR Industries, Inc.; Duke Manufacturing Co.; DuPage Machine Products; Duraclass by TBET; Du-Well Grinding Enterprises, Inc.; E&E Manufacturing Co. Inc.; E.D. Bullard Company; East Penn Manufacturing Co., Inc.; East-Lind Heat Treat, Inc.; Eclipse Inc.; Edison Price Lighting; Elan Technology, Inc.; Electro Arc Mfg. Co. Inc.; Electronic Systems, Inc.

Ellwood Group, Inc.; EM-CO Metal Products, Inc.; Emery Corporation; Energy Exchanger Company; Engineered Building Design, L.C.; Ervin Industries; Everhard Products, Inc.; Exxel Outdoors, Inc.; F.C. Brengman & Associates; F.N. Sheppard & Co.; Falcon Plastics, Inc.; Fargo Assembly Co.; Fiber Resources, Inc.; Fiberglass Coatings Inc.; Flambeau, Inc.; Flexcon Industries Inc.; FONA International; Food Services of America; Forrest Machine, Inc.; Foster Transformer Co.

Founders Insurance Group, Inc.; Fox Valley Molding Inc.; Fox Equipment Company; Franklin International; Frasal Tool; Fredon Corporation; Freedom Corrugated, LLC; Freeport Welding & Fabricating, Inc.; GCR Associates; Gemini, Inc.; General Machine Products Co.; General Steel and Supply Company; Genest Concrete Works, Inc.; Geokon



Inc.; Glas-Col, LLC; Glasforms Inc.; Glastender, Inc.; Glier's Meats Inc.; Globe Products Inc.

Gold'n Plump Poultry; Gossner Foods Inc.; Grande Cheese Company; Granite Rock Company; Graphite Metallizing; Green Bay Packaging Inc.; Grossman Iron & Steel Company; Gruber Systems Incorporated; Guardian Industries Corp.; Hamilton Caster & Mfg. Co.; Hammond Group, Inc.; Harden Furniture Company, Inc.; Hardwood Products Company; Harold Beck & Sons, Inc.; Henry Brick Company, Inc.; Henry Molded Products; Hercules Drawn Steel Corporation; HES Inc.; HFI, LLC; Hialeah Metal Spinning, Inc.

High Company LLC; High Industries, Inc.; Hiwassee Manufacturing Company, Inc.; Hobson & Motzer, Inc.; Holden Industries, Inc.; Horizon Steel Co.; HTI Cybernetics; Hudapack Metal Treating Companies; Huron Automatic Screw Co.; Illinois Tool Works Inc.; Industrial Fasteners Institute; Industrial Metal Fab, Inc.; Industrial Nut Corp.; Industrial Spring Corporation; Interlocking Concrete Pavement Institute; International Hydraulics Inc.; Iten Industries; J.C. Steele & Sons, Inc.; J.T. Fennell Co., Inc.

Jaquith Industries Inc.; Jasper Desk Company, Inc.; JELD-WEN; Jesco Industries Inc.; Jobbers Moving & Storage; John Sterling Corporation; Johnsen Trailer Sales, Inc.; Johnsonville Sausage LLC; Jorgensen Conveyors, Inc.; Kapstone Paper and Packaging Corp.; Kell-Strom Tool Company Inc.; Kercher Machine Works, Inc.; Keystone Nitewear Co. Inc.; Kitchen Cabinet Manufacturers Association; Klann Incorporated; Kleenair Products Co.; Koike Aronson, Inc.; Koller-Craft Plastic Products; Konz Wood Products.

Kuryakyn Holdings, Inc.; L.D. McCauley, LLC; La Deau Hinge Company; Lamiglas, Inc.; Lapp Insulators LLC; Laserage Technology Corporation; Layton Truck Equipment Co., LLC; Leech Carbide; LEECO Spring International; Leed Himmel Ind.; Lifoam Industries; Liftmoore, Inc.; Lord Corporation; Lovejoy Tool Company, Inc.; LSI Industries Inc.; LSI Metal Fabrication Division of LSI Industries Inc.; LSI MidWest Lighting; Luick Quality Gage & Tool, Inc.; Lunar Industries, Inc.; M&M Hi Tech Fab, LLC.

Mack Boring and Parts Co.; Mansfield Industries Inc.; Markel Corporation; Mar-Mac Wire, Inc.; Martindale Electric Company; Massachusetts Container Corp.; Materials Processing, Inc.; Mathews Brothers Company; Mathison Metalfab, Inc.; Mazak Corporation; McAlpin Industries, Inc.; McNaughton & Gunn, Inc.; McNichols Company; M-D Building Products, Inc.; Meadows Mills Inc.; Merrick Pet Care; Merritt Equipment Co.; Metal Moulding Corp.; Metal Powder Industries Federation; Metal Products Company.

Metallized Carbon Corporation; Metals Service Center Institute; Metalworks Inc.; MET-L-FLO Inc.; Metl-Span LLC; MFRI, Inc.; Micro Abrasives Corporation; Mid Atlantic Manufacturing & Hydraulics Inc.; Midletown Tube Works, Inc.; Midmark Corporation; Midwest Fabricating Company; Midwest Metal Products, Inc.; Mike-sells Potato Chip Company; Milbank Manufacturing Company; Miles Fiberglass and Composites; Mina Safety Appliances Co.; Mississippi Lime Company; Modern Metal Processing, Inc.; Molded Fiber Glass Companies; Montana Silversmiths Inc.

Moore Industries International Inc.; Morgan Ohare, Inc.; MTD Products Inc.; MTH Pumps; Mullinix Packages, Inc.; N.C. Industries, Inc.; NACCO Industries, Inc.; National

Association of Manufacturers; National Bronze Mfg.; National Capital Flag Co. Inc.; National Ceramic Company; National Solid Wastes Management Association; National Tube Form; Nebraska Chamber of Commerce & Industry; Nevada Heat Treating, Inc.; Nevada Manufacturers Association; New Jersey Business & Industry Association; Nordex, Incorporated; North American Association of Food Equipment Manufacturers.

North American Die Casting Association; North Dakota Chamber of Commerce; North Dakota Petroleum Marketers & North Dakota Retail Associations; Northeast PA Manufacturers & Employers Association; Northeast Prestressed Products; Northern Concrete Pipe Inc.; Nosco CTX; Nosco, Inc.; Novelis; NPC, Inc.; O. F. Mossberg & Sons, Inc.; Oil City Iron Works, Inc.; Oil-Dri Corporation of America; Olympian Precast, Inc.; Olympian Precast, Inc.; OMCO Holdings, Inc.; Omega Design Corporation; Omega Precision Corp.; Open-Ended Response; OSI/ISI/SunnyMaids.

Paper Machinery Corporation; Parkway Products; Parts Depot Inc.; Paulo Products Company; Pawling Corporation; Peerless Saw Company; Pella Corporation; Pennsylvania Manufacturers' Association; Penske Corporation; Penske Truck Leasing; Pepsi-Cola Bottling Co., Inc. of Norton; Pepsi-Cola Bottling Company of New Haven, MO; Pequot Tool & Mfg., Inc.; Perlick Corporation; Pete Lien & Sons, Inc.; Peterson Manufacturing Co.; PGT Industries, Inc.; Phoenix Electric Mfg. Co.; Pine Hall Brick Co., Inc.; Plastic Molded Concepts.

Plasticolors, Inc.; Plastics One; PMF Industries, Inc.; Polyfab Corp; Portec, Inc.; Power Curbers Inc.; PPG Industries; PQ Corporation; Prairie Tool Co. Inc.; Precision Automation Company, Inc.; Precision Machined Products Association; Precision Steel Warehouse, Inc.; Pretzels, Inc.; Price Pump Company; Printed Specialties Inc.; Process Equipment, Inc.; Production Specialties Corporation; Quadrant Tool and Manufacturing; Quality Chaser Company.

Radiant Steel Products Company; Radix Wire Company; Rain Flow USA, Inc.; Rainey Road Holdings, Inc.; Rampe Mfg Co Torque Transmission Division; Ramsey Products Corporation; Ranco Fertiliservice, Inc.; RdF Corporation; Red Bud Industries, Inc.; Reed Mfg Services; Remanco Hydraulics Inc.; Reuther Mold & Mfg. Co.; Riggs Industries and subsidiaries; Roaring Spring Blank Book Co.; Roberts Automatic Products, Inc.; Robroy Industries; Rock Industries, Inc.; RoMan Manufacturing, Inc.; Roppe Corporation; Roquette America Inc.; Roth Horowitz, LLC.

Route 94 Consulting; ROW, INC; RTI International Metals, Inc.; Rugby Manufacturing; Schatz Bearing Corporation; Scot Forge Company; Scott Douglas Porter, Esq.; Scott Metals Inc; Seals Eastern Inc.; Searing Industries; SGS Tool Company; Shar Systems, Inc.; Showplace Wood Products, Inc.; Shultz Steel Co; Signal Mountain Cement Company; Silbond Corporation; Sioux Corporation; Siplast Inc.; Sirois Tool Co., Inc.; SJE Rhombus.

Smith Setzer & Sons Inc; Solar Atmospheres Corporation; Sommer Metalcraft Corporation; Southco Industries, Inc.; Southeastern Hose Inc.; Southern Alloy Corporation; Southern Champion Tray LP; Southland Tube, Inc.; Spirax Sarco, Inc.; Spuncast, Inc.; St. Armands Baking Co.; Standex International Corporation; Star Cutter Company; Star Iron Works, Inc.; Steel Manufacturers Association; Steelscape, Inc.; Steffes Corporation; Stellar Industries, Inc.; Sterking Engineering Corp.; Sterling Engineering Corporation.

Sterling Machine Co. Inc.; Stone City Products, Inc.; Stoner, Inc.; Stoneridge Inc.; Streater Dependable Mfg. Strongwell; Sturm, Ruger & Co., Inc.; Suhner Manufacturing, Inc.; Summers Manufacturing Co., Inc.; Sunnyside Corporation; Superior Graphite Co.; Superior Oil Company, Inc.; Superior Woodcraft, Inc.; Surpass Chemical Co., Inc.; Swanson Industries, Inc.; Sweet Street Desserts; Syncro Corporation; Systems Services of America, Inc.

Tailored Label Products; TBEI, Inc.; TCI, LLC; Teakdecking Systems Inc.; Techsys Chassis, Inc.; Tecumseh Packaging Solutions, Inc.; Tegrant Corporation; TekTone Sound & Signal Mfg., Inc.; Templeton Coal Company, Inc.; Tennessee Chamber of Commerce & Industry; Tenneco Corp.; Ten-Tec, Inc.; Texas Association of Business; Textile Rental Services Association of America; The Adams Company; The Challenge Machinery Company; The DUPPS Co.; The Envelope Printery, Inc.; The Hill and Griffith Company; The Kirk-Habicht Company.

The Knapheide Manufacturing Company; The Manitowoc Company, Inc.; The MasonBox Co.; The Nelson Co. Inc.; The ROHO Group; The Schwan Food Company; The Scotts Miracle-Gro Company; The Sheffer Corporation; The Shockey Companies; The Timken Company; ThermoSafe Brands; Thomas Instrument Co.; Thompson Management Associates; Thomson Lamination Company, Inc.; ThyssenKrupp Waupaca Inc; Tiefenbach North America, LLC; Tiffin Powder Coating Specialists; Timber Truss Housing Systems, Inc.; Torco Inc.; Transducers Direct, LLC.

Transportation Costing Group, Inc.; Tree Top, Inc.; Trim-Tex, Inc.; Trumpf Inc.; Tubodyne Company Inc.; Twin City Roofing, LLC; Tyco Electronics; Ultra Tech Machinery Inc.; Unex Manufacturing Inc.; United Equipment Accessories, Inc.; Unweld Products Inc.; Unlimited Services; USG Corporation; Utility Trailer Manufacturing Company; Valley Converting Co., Inc.; Vanamatic Company; Ventahood, Ltd; Vermeer; Virginia Manufacturers Association.

W M I; W. R. Meadows, Inc. Wagstaff, Inc.; Wahpeton Breckinridge Area Chamber of Commerce; Walnut Custom Homes, Inc.; Walters Brothers Lumber Mfg., Inc.; Warren Distribution, Inc.; Waste Equipment Technology Association; Waukesh Metal Products; Weiss-Aug Co. Inc.; Weldon Solutions; Werthan Packaging, Inc.; WESCO International, Inc.; Western Extrusions; Westside Finishing Co., Inc.; Wildeck, Inc.; Williams-Pyro, Inc.; Winslow LifeRaft Company; Wire Belt Company of America.

Wisconsin Valley Concrete Products Co.; Wood Connection, Inc.; Wood's Powr-Grip Co. Inc.; WPT Power Transmission Corp.; Xybix Systems, Inc.; Yancey's Fancy, Inc.; Young's Welding, Inc.; Zippo Manufacturing Co.

Apartment & Office Building Association; Arlington Chamber of Commerce; Associated Builders & Contractors—Virginia Chapter; Associated General Contractors; Bedford Area Chamber of Commerce; Bristol Chamber of Commerce; Chase City Chamber of Commerce; Dinwiddie County Chamber of Commerce; Dulles Regional Chamber of Commerce; Fairfax Chamber of Commerce; Fredericksburg Regional Chamber of Commerce; Goochland Chamber of Commerce; Greater Augusta Regional Chamber of Commerce; Greater Bluefield Chamber of Commerce; Greater Reston Chamber of Commerce; Greater Richmond Chamber of Commerce; Greater Springfield Chamber of Commerce.



Halifax County Chamber of Commerce; Hampton Roads Chamber of Commerce; Hampton Roads Utility and Heavy Contractors Association; Harrisonburg-Rockingham Chamber of Commerce; Heavy Construction Contractors Association; Home Building Association of Richmond; Home Builders Association of Virginia; Isle of Wight Chamber of Commerce; Loudoun County Chamber of Commerce; Lynchburg Regional Chamber of Commerce; NAIOP Northern Virginia; National Federation of Independent Business; Northern Virginia Technology Council; Oilheat Association of Central Virginia; Old Dominion Highway Contractors Association; Petersburg Chamber of Commerce; Precast Concrete Association of Virginia; Prince William County-Greater Manassas Chamber of Commerce; Prince William Regional Chamber of Commerce; Richmond Area Municipal Contractors Association; Roanoke Regional Chamber of Commerce; Smith Mountain Lake Chamber of Commerce.

Virginia Agribusiness Council; Virginia Apartment & Management Association; Virginia Asian Chamber of Commerce; Virginia Assisted Living Association; Virginia Association of Broadcasters; Virginia Association of Health Plans; Virginia Association of Chain Drug Stores; Virginia Association for Commercial Real Estate; Virginia Association for Home Care and Hospice; Virginia Association of Nonprofit Homes for the Aging; Virginia Association of Roofing Contractors; Virginia Autobody Legislative Committee; Virginia Automatic Merchandising Association; Virginia Automobile Dealers Association; Virginia Biotechnology Association; Virginia Business Council; Virginia Cable Telecommunications Association; Virginia Chamber of Commerce; Virginia Coal Association; Virginia Economic Developers Association.

Virginia FREE; Virginia Health Care Association; Virginia Hispanic Chamber of Commerce; Virginia Hospital and Healthcare Association; Virginia Hospitality and Travel Association; Virginia Manufacturers Association; Virginia Motorcycle Dealers Association; Virginia Petroleum, Convenience, and Grocery Association; Virginia Poultry Federation; Virginia Propane Gas Association; Virginia Ready-Mixed Concrete Association; Virginia Retail Federation; Virginia Retail Merchants Association; Virginia Transportation Construction Alliance; Virginia Trucking Association; Virginia Wholesalers & Distributors.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Madam President, I rise in support of the confirmation of Craig Becker to the National Labor Relations Board.

It is policymakers—not outside organizations, it is not political strategists, it is not anti-union activists, and it is not pro-union advocates—who are making this decision. It is policymakers—100 Members of the Senate who are asked to confirm the nomination of Craig Becker to serve as a member of the National Labor Relations Board, NLRB.

It is something we have done in this country since Franklin Roosevelt, in the 1930s, when the National Labor Relations Board was formed. Decade after decade, this body has voted for National Labor Relations Board nominees

who are philosophically pro-union, philosophically anti-union or promanagement and not so promanagement. Yet, with Craig Becker, the Republicans have drawn a line in the sand—something that simply didn't used to happen around here. When I hear my colleagues say we can't rush this through, only in the Senate, when somebody is nominated by the President in April—how many months ago is that—8 or 9 months ago—would anybody say we are rushing it through by doing it in February. I guess it is 10 months ago. It doesn't make sense to me.

Since its creation 75 years ago, the NLRB has served a critical and independent function: Protecting workers against unfair labor practices and protecting businesses against unfair allegations. They struck a balance because both sides have been represented. Those with a strong management philosophy and those with a strong union philosophy have worked together on the NLRB.

I have listened to Craig Becker in front of our Committee that Chairman HARKIN chairs and of which Senator ENZI is the ranking member. I have listened to Mr. Becker sit there and tell us when he is in negotiations with management—yes, he did represent labor unions. But we are not allowed to have them on the NLRB? Is that the new idea—that Republicans don't want anybody with that philosophy, anybody who might have worked for a labor union? Do we not want them on the Board because they actually believe workers should have more rights rather than less rights—the way it was during the Bush administration, when the Department of Labor did everything they could to weaken labor rights, when we saw the middle class in these last 10 years shrink because workers were denied the rights to fight back when they wanted to join a union or when workers simply wanted to get backpay or when workers were mistreated and earned their pay but weren't getting it. We needed somebody in that administration to fight for them, but they didn't have that at the Department of Labor. I guess those are the good old days we should return to.

Even though we have done it this way for decades, people with promanagement philosophies and pro-union philosophies getting on this Board—and as Mr. Becker said in his testimony, when he is part of a union-management negotiation, when he is representing a union, he understands what both sides need to understand. He tries to put himself in the shoes of the other side. If you are a union representative, you know management has interests that are legitimate and they have goals they want; and you know management, generally, is going to play straight. If you are on the man-

agement side, you look at the union the same way.

That is how Mr. Becker has been trained and how he thinks. That is why I know, even though he has a pro-union philosophy, he will be fair-minded. I know he will serve in the tradition of NLRB appointees from both parties for decades. He will serve in the tradition of other NLRB appointees—some pro-union and some promanagement. Yet Republicans, since April—Mr. Becker was nominated in April—have tried every trick in the book to keep him off the NLRB. So that is April, May, June, July, August, September, October, November, December, January, and now it is mid-February. The Republicans are saying: Why are we rushing this through? Are they so confident they are going to defeat President Barack Obama in the next election that they don't want to put anybody with his philosophy on the NLRB, and do they think they can stall until January 2013? Is that the way they want to run the government?

Unfortunately, when nominee after nominee—we saw it last week with Patricia Smith. If they have anything to do with siding with workers and with being proworker or promiddle class, then we cannot rush. We have to keep asking questions.

The fact is, you know, Madam President, representing the State of New York, what this has meant. What we are seeing is, they asked dozens of questions. In fact, there have been more questions asked of Craig Becker for the NLRB than of Justice Sonia Sotomayor for the U.S. Supreme Court. Craig Becker's isn't a lifetime appointment. It is an important job, but it is not as important as the Supreme Court, which is a lifetime appointment. Yet they have gone after him with more viciousness, questions, and suspicions—and I might add more cynicism—than perhaps any nominee since I have been in the Senate.

The NLRB matters to workers and to businesses. They simply cannot do their jobs unless we fill these appointments. That is what the Republicans are blocking. I would say it isn't good for business to keep these jobs open. I know my friends on the other side of the aisle, on the health care bill, protected the insurance companies and the drug companies, and on the trade bills, they protect the companies that outsource jobs overseas. I know they like to do that. They are not protecting business when they keep Craig Becker off the NLRB. What they are doing is continuing the dysfunction of the NLRB because too many of those jobs are vacant.

That is why it is important the NLRB protects the rights of workers to organize into unions and, equally important, it protects the rights of businesses to air their grievances. I simply don't understand why most of my colleagues on the other side are opposed

to giving working Americans fair treatment. Unions exist in this country and businesses exist. Perhaps my colleagues on the other side of the aisle would rather only one of those groups existed, but our economy works best when they work together and get along. If they want to take these labor-management fights, as they have, to the floor of the Senate, what does that mean for our future and for the middle class?

The Chair knows, whether it is in Albany or Buffalo or Schenectady, NY, or whether it is Toledo or Youngstown or Mansfield, OH, a union working well with businesses—when labor and management work together—strengthens the middle class. When we have this kind of class warfare on the floor of the Senate, when my friends on the other side of the aisle will do anything to keep someone who has a pro-union philosophy out of an appointed position—again, in April the President nominated Mr. Becker, so that is May, June, July, August, September, October, November, December, January and now it is February and they say we are rushing it. I don't think anybody in America—even the most lethargic, slow-moving, half-dead operation in the country—thinks it is rushing it when it takes us 10 months to get somebody through.

We know what they did on the health care bill—delay, delay, delay, delay. That is arguable and that is a difficult and complex issue. But on this? Just to be clear, there is no doubt about the qualifications of Craig Becker.

He earned his bachelor and law degrees from Yale University. He served as an editor on the Yale Law Journal. He clerked for the Chief Judge of the U.S. Court of Appeals for the Eighth Circuit for 30 years. This is not some “newbie” labor pawn nobody knows anything about who does not have experience. For almost 30 years he has practiced labor and employment law with the highest skill and fairness in front of nearly every U.S. Court of Appeals and in front of the U.S. Supreme Court.

He has been professor at some of the Nation's premier law schools. He has earned the trust and admiration of students, faculty, and opponents of labor-management kinds of discussions. His scholarly works have been published in the Nation's leading law journals and periodicals. His scholarly works are also mandatory reading for law students taking labor and employment courses, whether they are pro-labor or pro-management. He is often cited by fellow lawyers and scholars. In fact, 66 professors of labor and employment law from our Nation's premier law schools have described Becker as a nominee with “unparalleled qualifications . . . whose scholarship reflects great respect for and deep knowledge of the law. He weighs and considers all arguments in a fair and honest manner.”

That sounds like the kind of nominee we want on the National Labor Relations Board. I would add, most importantly, I said a moment ago to serve the interests of the middle class, to serve the interests of this country, we need to fill these jobs with qualified people. It is bad for labor not to have Craig Becker on that Board. It is bad for management not to have Craig Becker on that Board. That is clear by what respected management lawyers have said. They have urged the Senate to quickly confirm Mr. Becker—these are management lawyers—because of his fairness and his sound judgment.

He has answered, as I said, in writing, more than 300 questions from the Republicans on the Senate HELP Committee.

This is not very entertaining. I was almost entertained when my friends—and I have heard at least three Senators on the other side of the aisle do this with Craig Becker's appointment. They brought up ACORN. When Republicans cannot think of anything else to say, when they cannot think of any arguments that work, they throw in ACORN: He knew somebody at ACORN; he must have had something to do with ACORN. If no arguments work, it is time to try ACORN out and tie Craig Becker right to ACORN, whatever ACORN is. It would be amusing if they did not use it time after time. He must be a bad nominee because he worked with somebody from ACORN or he worked with somebody from the Service Employees International Union or he worked with Governor Blagojevich in Illinois.

That is the kind of guilt by association that I thought this institution stopped doing 55 years ago when Joe McCarthy was censured, that we were not going to continue to use guilt by association.

It might be ACORN, the SEIU—and I apologize; I need to say this, Madam President. My daughter works for the SEIU. So before somebody points out his daughter works for SEIU, that is why he is doing it—the fact is, Craig Becker served honorably, he served very appropriately, and he is very qualified. It is about time we do this. It has been 10 months. We have waited too long. I ask my colleagues to put aside some of their biases. He has answered 300 questions. Vote to confirm Craig Becker.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to share a few thoughts on the nomination of Judge Joseph A. Greenaway to the Third Circuit Court of Appeals on which I think we will be voting later today. I look forward to supporting his nomination. He has a good record as a district court judge. I think almost all of my colleagues, if not all, will support him. But I wish to

take a moment to correct the record regarding some allegations that have been made by my Democratic colleagues regarding the processing of this nomination.

Sometimes we have controversial nominees, such as Mr. Becker. And if anyone would care to listen to Senator ENZI's comments, they will see why there are legitimate concerns about that nomination. Some of the nominees are not controversial and should move forward at a steady pace for confirmation in the Senate. Most of the nominations that have been submitted for positions in the Federal Government in the Department of Justice and on the Federal courts have moved forward rapidly without controversy. If one is controversial, the Senate should take its time and give full consideration of it.

Last week my colleague from New Jersey accused the Republicans of “objecting” every time the majority leader tried to schedule a vote on Judge Greenaway. I have to say my colleagues are seriously misinformed and I am not happy to be unfairly criticized for holding up the nomination. Let me explain exactly what happened.

As Chairman LEAHY has acknowledged, the majority leader, Senator REID, did not seek Republican consent to proceed with this nomination on the floor of the Senate until 2 weeks ago, and that was late on a Friday afternoon. The Republicans were able to clear the nomination and allow it to move forward with a modest time agreement before a final vote and allow the kind of discussion that we are having today.

Ironically, the Judiciary Committee, however, was not even able to process Judge Greenaway's nomination to move forward with it, which was submitted to the Senate in June by President Obama. President Obama submitted the nomination in June, but the committee could not move forward with a vote until September. Why was that? The reason was one of the home State Democratic Senators down here complaining failed to send in their blue slip. Senator LEAHY is not going to move a nominee without the consent of the home State Senators—and I respect him for that. He is the Democratic chairman of the committee, but he has a policy, as his predecessors all had, that he is going to give the home State Senators the opportunity to approve a nominee before he even has a hearing in committee.

The nominee was delayed 4 months by a failure of the home State Senators—or at least one of them—to acknowledge their approval by returning what we refer to as a blue slip. After that occurred, the committee promptly moved forward with a hearing and unanimously voted for Judge Greenaway's nomination in October.

Today is the time the majority leader has chosen as the time he desired to

bring it up for a vote. He could have brought it up in October, November, December, or January. He chose to bring it up now. I am not one who thinks it is my fault that it has not been brought up.

The same thing happened to Judge Beverly Martin to the Eleventh Circuit. She was unanimously approved by the committee and had the support of her home State Senators. Months went by before she got her vote. It was unanimous to confirm her. It wasn't anybody's fault but the Democratic leadership's fault.

My colleagues always complain about holding up nominees, and they themselves are not moving them in an expeditious manner. Sometimes the President is slow to make nominations. As a result, we get complaints that it is the Republicans' fault. It is just not.

If we have an objection—a serious objection—that should be respected, we should state it, and we should bring it to the floor and discuss the nomination, as is occurring with Mr. Becker.

Compare that to the unreasonable delays of judicial nominations that President Bush sought. For example, Shalom Stone was nominated for this very seat. The reason it is vacant and the reason it is being filled today is because Shalom Stone was blocked. Stone was nominated in July of 2007 and was basically pocket-filibustered by the Democratic majority. He never received a hearing in committee. He never even received a hearing in committee. His nomination, therefore, lapsed at the end of President Bush's term. That is how Judge Greenaway was nominated.

On average, President Bush's circuit nominees waited nearly a year for confirmation—a year on average for circuit court nominees.

As for Judge Greenaway, he, like many of President Obama's nominees, I am pleased to say, has openly rejected the empathy standard.

In his response to a followup question, Judge Greenaway stated this about the controversial empathy standard:

Empathy cannot play a role in a judge's consideration of a case or in determining what the law means. I have told lawyers who appear before me that as a human being, I may have empathy for their client, but as a judge, I have none because that is not my job. The pure exercise of empathy in decisionmaking would lead to unsound and inconsistent decisions.

That is a solid statement of what I think most judges believe, Republicans and Democrats alike. But, unfortunately, it is not the philosophy stated by the President of the United States when he said he was going to look for empathy in nominees to the bench.

Empathy is contrary to the oath a judge takes, which states:

I . . . do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich,

and that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . .

That is the oath they take to be impartial. We need judges who are honorable, intelligent, capable, and who understand their role to enforce the laws as written and to be impartial as they carry out that duty.

People talk about their backgrounds, their experiences—what are they saying? They are saying that my background, my ethnicity, my religion, my rural or urban environment allows me to see things in a way that may be different and, therefore, I am empowered to bring those ideas, concepts, and philosophies to my decisionmaking process, which I suggest is very much akin to saying I believe I can bring my biases to the decisionmaking process. They are directly contrary to the American ideal of an impartial judge, a neutral umpire who calls balls and strikes without regard for which team they are for or not for.

These are lifetime appointments. We look at these nominations carefully. These nominees must demonstrate they will follow the plain meaning of the law and not allow their own personal biases and prejudices to influence their decisionmaking process.

Based on his testimony at the hearing, his assurances and answers to followup questions, I believe Judge Greenaway will do that. I am proud to support him as I have supported most of President Obama's nominees. But we do have a responsibility to analyze these nominees' records, to hold fair and rigorous hearings, to ask for additional time, if that is necessary, to ensure each nominee is given the scrutiny that Congress is required to give before the elevation to a lifetime appointment by which they are no longer subject to review by the people of our country. We allow them to be an independent branch, but we have to insist that they be independent and objective as they render their opinions.

I yield the floor.

Mr. KERRY. Madam President, in 25 years in the Senate, this is the first time I've seen a vote on a nominee to the National Labor Relations Board fraught with such controversy and subject even to a filibuster. But I regret to say it is controversy manufactured by the Senate minority for only one reason—a filibuster as political tactic to stonewall President Obama at every turn.

Consequently, this nomination is an important test of the minority, a test of all those who for years under President Bush repeated and repeated demands for “up or down votes” on nominees, and got them without the kind of 8-month delays that have scuttled Craig Becker's nomination.

It is also a test of whether the Senate minority will accept the President's overtures to work together for the ben-

efit of the American people or whether they will continue to vote strictly along party lines to obstruct those efforts for no reason other than political gains for their party.

No one disputes that Craig Becker is one of the preeminent authorities on labor law in the United States. He has taught at Georgetown, UCLA, and the University of Chicago and has authored numerous articles on labor and employment issues. He is a skilled litigator, who has advocated for workers' interests in virtually all Federal courts of appeals, including the U.S. Supreme Court.

Some of my colleagues have expressed concern about Mr. Becker's nomination because of his academic writings. It is true that Mr. Becker has published numerous articles on labor and employment law in scholarly journals, including the Harvard Law Review and the Chicago Law Review. His extensive writings argue for law labor reforms to allow workers to exercise their rights to associate and organize. But since when has there been anything disqualifying about taking a critical approach to existing law and challenging convention in his field?

Some in the minority object to Mr. Becker simply because he is a union lawyer—a counsel to both the AFL-CIO and the Service Employees International Union. But that hardly disqualifies him. The Senate has consistently confirmed Board members with backgrounds in unions as well as in management. And Mr. Becker has repeatedly said that he will approach all the matters before the Board impartially and with open mind—just what we need and expect at an agency as independent as the NLRB.

Here is what he said at his confirmation hearing:

As an attorney, I have sat across the table from management and also on the same side of the table, in both postures gaining an understanding of employers' concerns and often finding common ground between labor and management. It is this range of experience that, should I be confirmed, I will draw on in collaborating with my fellow Board Members to fairly, efficiently and faithfully apply the law.

Mr. Becker is widely respected by the legal community and management lawyers alike. Last month, 66 labor law professors from the Nation's top law schools wrote Senate leaders urging his immediate confirmation and attesting to his “integrity, fairness, and dedication to advancing Congress' purposes in adopting federal labor law and to the role of the NLRB.”

And yet it has taken almost 8 months for us to get to this point—just to reach the point of finally getting to vote on his nomination. It is an 8-month journey that underscores just how committed the minority has been to prevent President Obama from staffing the executive branch of government or moving any agenda forward.

Mr. Becker was nominated by the President in July 2009, and in October the Senate Health, Education, Labor and Pensions Committee approved his nomination—and it did so with bipartisan support from Senator ENZI and Senator MURKOWSKI.

But after that, Senator MCCAIN placed a “hold” on his nomination, forcing the President to resubmit it last month. And then, at the insistence of the Senate minority, the HELP Committee was forced to hold a hearing the nomination, something the Committee hasn’t had to do for an NLRB nominee since 1980.

Moreover, Mr. Becker dutifully answered hundreds of written questions from Republicans—more questions than Supreme Court Justice Sonia Sotomayor had to answer during her confirmation process. And when the Committee voted a second time on Mr. Becker, not one Republican voted for him, not even those who had supported him the first time around.

Critics have attacked Mr. Becker for his work on behalf of unions in the past. But most labor lawyers devote their careers either to representing unions and workers or to representing management. This avoids conflicts of interest. We have historically confirmed NLRB nominees from both backgrounds, and indeed the package of nominations before the Senate includes Brian Hayes, who practiced for many years as a management-side labor lawyer and has served as Republican HELP Committee labor counsel.

The fact of the matter is that the minority want to turn this nomination into a litmus test on legislation we have yet to consider—legislation on reforming how workers exercise their right to organize. The criticism repeated most often of Mr. Becker is that he would use his position on the NLRB to institute a binding system for organizing that would allow workers to select a union by signing cards. That system is backed by organized labor.

But here is what is important. Making a card check system binding on employers is something Craig Becker has said he would not and could not do. He is being filibustered over something he has specifically pledged not to do—and which is not the question before us today. It is no surprise that in his role as a labor lawyer, Mr. Becker has been a strong supporter of a legislative proposal to make it possible for workers to organize by signing cards in favor of a union. But he has clearly stated—and accurately stated—that only Congress can take such action. This confirmation is not, nor should it be about the Employee Free Choice Act legislation that we have yet to debate and consider. This is about ensuring that the NLRB can operate. And it is about whether or not a qualified aspiring public servant will be allowed to serve. As you know, the NLRB plays a crit-

ical role in protecting workers’ rights. And yet, in the last 2 years, the NLRB has operated with only two of its five members. And the courts are split on whether a two-member NLRB can validly issue decisions. The Supreme Court is set to decide the matter later this year.

Meanwhile, though, the NLRB struggles along with a majority of its seats vacant—and I am sorry to be forced to acknowledge that may be exactly what our Republican colleagues want. Well over a year after President Obama’s inauguration, nominees to key positions in the executive branch are still awaiting confirmation because they have been placed on “hold” by the minority. In most cases, the objections to the nominees have nothing to do with the nominee’s qualifications and everything to do with parochial interests. Whether holding a nominee to try to steer a Federal contract to a State or to express opposition to Canadian tobacco legislation, the minority is turning the Senate’s power to advise and consent into the power to bully and extort and, above all, to prevent Barack Obama from having the people in place necessary to govern effectively. And those who lose in this game are not Democrats, it is the American people. They need the executive branch to execute the laws we have passed and we should let it.

I think in the elections of 2006, 2008, and yes in the special election in Massachusetts in 2010, we have witnessed a rejection of the polarized and too often murky ways of doing business in Washington. But I regret to say, there is no better example of that kind of Washington backroom business than the way the minority has behaved on the nomination of Craig Becker.

And so, I respectfully ask my Republican colleagues to put aside the gamesmanship on this nomination and take a hard look at Craig Becker, his testimony, his record and his commitment to the rights of working men and women. He doesn’t have to be your first choice to head the NLRB. But you have to acknowledge that the President has the right to make his choice. Advise and consent is not a blank check to delay and obstruct. And voting along party lines, especially on this nomination, with no regard for the broader national interest is not what any of us were sent here to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent that the February 4 order with respect to the Executive Calendar be further modified to provide that the debate time be extended until 4 p.m., and that at 4 p.m., the Senate proceed to vote on the nomination of Joseph Greenaway, with the time until then divided as previously ordered, and that the remaining provisions of the February 4 order, as modified, still be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, with only half an hour to go, we are here today to consider two things, but I think most important—and what is on everyone’s mind now—is the nomination of Harold Craig Becker to serve as a member of the National Labor Relations Board.

I first wish to thank my colleague from Ohio for a very poignant and pointed and very clear kind of laying out of what this is really all about. So I thank Senator BROWN for that.

While I am always proud to discuss the accomplishments of a highly qualified nominee such as Mr. Becker, it is unfortunate we got to this point. Last year, we had an agreement with the Republicans on the HELP Committee that we would move Mr. Becker’s nomination as a package, along with the other two pending nominees for the Board, one of whom is a Republican. Well, what happened is, at the end of the year, under the rules of the Senate, one Senator on the Republican side objected to having Mr. Becker continue on the calendar. It is clearly their right, but they did that, and so it went back to the White House and then came back to us.

I was asked, as the chairman of the committee, to have a hearing on Mr. Becker. We haven’t had a hearing on a nominee for the NLRB since 1985. We had a hearing for someone to be chairman, but just for a member, not since 1985. Since that time, we have always worked together in a bipartisan fashion to have a package. When there is a Republican President, it is usually two Republicans and one Democrat. When there is a Democratic President, it is usually two Democrats and one Republican. But we have never had any hearings on this.

I didn’t have to have a hearing on Mr. Becker, but I decided to bend over backward and say: Look, OK, fine, let’s have a hearing on Mr. Becker. I could have had a hearing with all three of them. I could have had the Republican up there too. Maybe we could have given him 400 questions. But I don’t like to play those games.

So we had a hearing, and Mr. Becker came. I thought he presented himself extremely well, answered all the questions, and then we moved ahead on the nomination. But we had that package before, and that package was supported on a bipartisan basis. But once Mr. Becker got separated from the package by the actions of one Republican Senator, as I just mentioned, well, now it is OK to move two of them but not Mr. Becker. Well, I find that disconcerting. I find it very disconcerting. That agreement has now been abandoned. It is too bad because there are many other important ways we could be using our time in the Senate rather than on just a routine nomination.

That is not to say the work of the NLRB is not important. It is critical, especially in these troubled and turbulent times. The NLRB is a small agency, but its mission is large. Listen to the words of the National Labor Relations Act that sets up the NLRB:

The NLRB's mission is to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association.

Let me say that again:

. . . to encourage the practice and procedure of collective bargaining.

That doesn't say the NLRB is just supposed to sit back and say: Well, we don't care whether someone is unionized or not unionized; we don't care whether someone is able to use collective bargaining. That is not the law of the land. Read the law. They are to encourage the practice and procedure of collective bargaining. So when I hear people get up and say that someone on the Board is going to be pro-union or pro-collective bargaining, I say: Well, that is kind of in keeping with the very words that establish the National Labor Relations Board.

In today's challenging economy, when workers are vulnerable, worrying about their future, it is critically important to have strong leadership on the Board that understands its mandate. I believe very strongly in the mission of the NLRB, and I have a deep respect and admiration for the dedicated people who work there. But I have made no secret of the fact that I am troubled by some aspects of the Board's recent performance.

In recent years, the Board is not doing all it can to inform workers of their rights or to assess appropriate penalties for repeat violators of our labor laws. And that is not to mention the excessive delays at the Board, because we know justice delayed is justice denied in many cases.

There is no real penalty for violating workers' rights. In the last 4 years, the median time to process an unfair labor practice charge at the Board has averaged about 782 days. That is more than 2 years. The median time between the petition for an election and the time when the Board certifies the results of a disputed election is 308 days. What does this mean? It means that if someone is exercising his or her legal right to help organize a union and the employer fires that person, which is a violation of the National Labor Relations Act, and that employee then files a case with the NLRB, it takes over 2 years to get to it. Well, that person is fired. What does that person do? Suppose that person—he or she—is married; they have a couple of kids and they need that income, so they have to get another job. They have to get another job. Now 2 years have gone by, and the National Labor Relations Board finds in favor of the employee who was wrongly fired. What does the

employer have to do? The employer has to pay back wages minus any other wages that employee made during that intervening time. Well, if that employee was lucky enough to get a job that paid as well, that means the employer pays nothing—nothing. So is it any wonder employers feel they can just fire people willy-nilly for exercising their right to form a union, when there is really no penalty?

That is what is happening today. It is a serious problem, and we have to put this agency back on track. They have to close down that amount of time. I am confident Craig Becker can be an important part of that effort. He is one of the preeminent labor law thinkers in the United States and, I might add, a proud son of the State of Iowa, born and raised in Iowa. His father was a professor at the university. He has taught labor law at some of our finest law schools, including Georgetown, UCLA, and the University of Chicago, and he has authored numerous articles on labor and employment issues. He is also a skilled litigator who has advocated for workers' interests in the highest courts of this land. He has argued cases in virtually every court of appeals and before the U.S. Supreme Court. I have met with him and spoken with him at length, and I know he will be an invaluable addition to the NLRB. He is an expert on the law, he knows the Board, and he brings a tremendous depth of experience to this important position.

His impressive accomplishments have earned the respect of his colleagues in the bar and his colleagues in the academy. This committee has received several letters of recommendation from management-side attorneys—people who have litigated against Mr. Becker as adversaries—praising his virtues and his potential as a Board member. This chart reflects the comments of one such attorney:

Over the years, I have worked with Mr. Becker on a number of complex issues and cases. Although we were both aggressive advocates for our respective clients and their positions, we were always able to have an open dialogue. I believe that Mr. Becker always took the time to understand the issues from the employer's side, and was willing to work creatively toward amicable resolutions of the issues. Based on my many experiences, I believe that Mr. Becker's integrity is exceptional, as is his knowledge of labor law, and he will be fair, hard-working, and an asset to the NLRB Board.

That is a quote from an attorney who represents management.

Another one said:

I have read of the concerns expressed by some that Mr. Becker would prove "doctrinaire" and/or biased toward unions in his application of the NLRA. It is my honest opinion, based on firsthand experience dealing with him, that these concerns are completely unfounded. On the contrary, I am convinced that Mr. Becker would demonstrate fairness, integrity, sound judgment, and an abiding respect for all the Congress-

sionally mandated rights of employers, unions, and employees alike. I respectfully urge you to support his confirmation.

Madam President, I ask unanimous consent to have printed in the RECORD both of the letters from which I have just quoted, along with other letters and an endorsement from more than 60 law professors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LANER MUCHIN DOMBROW BECKER  
LEVIN AND TOMINBERG, LTD.,

January 29, 2010.

Re Confirmation of Craig Becker as a Member of the NLRB.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: As a lawyer who has represented employers in the private and public sectors for over (30) years, I am writing to describe my experiences with Craig Becker.

Over the years, I have worked with Mr. Becker on a number of complex issues and cases that had significant implications for his union clients, and my employer clients. Although we were both aggressive advocates for our respective clients and their positions, we were always able to have an open dialogue. I believe that Mr. Becker always took the time to understand the issues from the employer's side, and was willing to work creatively toward amicable resolutions of the issues. In other words, he is a problem-solver, a characteristic that is highly-valued in a lawyer.

Based on my many experiences, I believe that Mr. Becker's integrity is exceptional, as is his knowledge of labor law, and he will be fair, hard-working, and an asset to the National Labor Relations Board.

Very truly yours,

JOSEPH M. GAGLIARDO.

SONNENSCHNEIN NATH &  
ROSENTHAL LLP,

January 28, 2010.

Re Confirmation of Craig Becker as a Member of the NLRB.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: As an attorney who, for more than 47 years, has practiced exclusively in the area of Labor and Employment Law representing management, I am writing to urge the confirmation of Craig Becker as a Member of the National Labor Relations Board.

I have had the opportunity to work together with and in opposition to Mr. Becker on a number of matters involving a significant number of employers and employees, including litigation and collective bargaining negotiations. Throughout, he has consistently demonstrated an impressive grasp and appreciation of and deeply felt commitment and dedication to the principles enunciated by Congress and embodied in the National Labor Relations Act.

I have read of the concerns expressed by some that Mr. Becker would prove "doctrinaire" and/or biased toward unions in his application of the NLRA. It is my honest opinion, based upon first-hand experience dealing with him, that these concerns are

completely unfounded. On the contrary, I am convinced that Mr. Becker would demonstrate fairness, integrity, sound judgment and an abiding respect for all of the Congressionally mandated rights of employers, unions, and employees alike. I respectfully urge you to support his confirmation.

Sincerely,

RICHARD L. MARCUS.

NEW YORK UNIVERSITY,  
SCHOOL OF LAW FACULTY OF LAW,  
New York, NY, January 19, 2010.

Re Confirmation of Craig Becker as a Member of the NLRB

Hon. TOM HARKIN,

*Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.*

Hon. MIKE ENZI,

*Ranking Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: I have practiced and taught labor and employment law for over 30 years, hold the Dwight D. Opperman professorship at New York University School of Law, direct NYU's Center for Labor and Employment Law, and serve as Chief Reporter for the American Law Institute's Restatement (Third) of Employment Law.

I am writing in support of the confirmation of Craig Becker to be a member of the National Labor Relations Board (NLRB or Board), and I do on the following basis.

The President, in my view, should enjoy a broad latitude in selecting members of his administration, including members of independent agencies like the NLRB. Congress has the responsibility to make sure that the President's selections do not have disqualifying problems of competence or character; if the President's nominees do pass that test and fall within a broad zone of acceptability, Congress has a reciprocal duty to confirm the President's choices. That is particularly true with respect to the NLRB. There is a good deal of controversy over whether the NLRB still functions as an effective agency in enforcing statutory rights and obligations. Much of this controversy has played a role in the debates over the proposed Employee Free Choice Act, still under consideration in Congress. It is therefore in the interest of all—employees, employers, unions, judges and lawyers—that the Board operate with a full complement reflecting the various Presidential choices over time as to the best people for the job.

It is clear that Mr. Becker passes the tests of competence and character and falls within the broad zone of acceptability. Although I have sometimes disagreed with his legal positions and his writings, I have consistently found his work to be the product of a highly intelligent, thoughtful person who knows and understands the labor law materials and is open to reasoned discussion. Based on my interactions with him, I am confident that he will be a most able member of this distinguished agency.

I urge you to confirm Mr. Becker as a member of the Board. If you have any questions or wish to discuss this further, please advise.

Sincerely,

SAMUEL ESTREICHER.

UNIVERSITY OF CALIFORNIA,  
SCHOOL OF LAW,  
Irvine, CA, January 21, 2010.

Re Confirmation of Craig Becker as a Member of the NLRB.

Hon. HARRY REID,

*Majority Leader, U.S. Senate, Washington, DC.*

Hon. MITCH MCCONNELL,

*Minority Leader, U.S. Senate, Washington, DC.*

DEAR SENATOR REID AND SENATOR MCCONNELL: As teachers and scholars of labor law, we write to express our strong support for the confirmation of Craig Becker to be a Member of the National Labor Relations Board. We believe firmly that, if confirmed, Mr. Becker will prove to be one of the most respected Board Members in the history of the NLRB.

Mr. Becker possesses unparalleled qualifications to be a Member of the Board. He has practiced labor law for many years and also taught and written extensively about labor law and related subjects. Mr. Becker has had an enormous range of practical experience in the field of labor law, having represented a broad range of unions in the public and the private sector as well as many individual workers, both union members and nonmembers. He has argued cases in virtually every United States Court of Appeals and in the United States Supreme Court, many of them among the most important labor law cases of the last several decades. He has also taught labor law at several of our nation's finest law schools, including the University of Chicago, Georgetown and UCLA. His scholarship reflects a great respect for and deep knowledge of the law and weighs and considers all arguments in a fair and honest manner. His articles are widely cited, regularly used in law school classes, and admired by labor law scholars across the political spectrum.

Despite Mr. Becker's obvious qualifications to be a Member of the NLRB, his opponents have made a series of misleading and inaccurate statements about him and, in particular, about his published work. We urge anyone considering Mr. Becker's nomination not to rely on sound bites, fragments taken out of context, and misquotations, but to actually read Mr. Becker's scholarly writing.

Those of us who know Mr. Becker personally as well as those of us who have read his work and are familiar with his professional reputation can attest to his integrity, fairness, and dedication to advancing Congress' purposes in adopting federal labor law and to the role of the NLRB. Without qualification we urge prompt confirmation of Mr. Becker to be a member of the NLRB.

Sincerely,

CATHERINE FISK.

Institutional affiliations listed for purposes of identification only.

I am authorized to state that the following have read this letter and join it.

James Brudney, Ohio State University, Moritz College of Law; Cynthia Estlund, New York University School of Law; Benjamin Sachs Harvard Law School; David Abraham, University of Miami School of Law; James Atleson, State University of New York at Buffalo School of Law; Mark Barenberg, Columbia University Law School; Esta Bigler, Cornell University ILR School; Susan Bisom-Rapp, Thomas Jefferson Law School; Christopher Cameron, Southwestern University Law School; Susan Carle, American University, Washington College of Law; Kenneth Casebeer, University of Miami Law School;

Carin Clauss, University of Wisconsin Law School; Lance Compas, Cornell University ILR School; Laura Cooper, University of Minnesota Law School; Roberto Corrada, Denver University School of Law; Marion Crain, Washington University School of Law; Charles Craver, George Washington University Law School; Ilen Dannin, Penn State University Dickinson College of Law; Kenneth Dau-Schmidt, Indiana University, Bloomington—School of Law; Henry Drummonds, Lewis & Clark—Northwestern School of Law; Fred Feinstein, University of Maryland School of Public Policy;

Janice Fine, Rutgers University School of Management and Labor Relations; Matthew Finkin, University of Illinois Law School; Michael Fischl, University of Connecticut Law School; William Forbath, University of Texas Law School; Ruben Garcia, California Western School of Law; Julius Getman, University of Texas Law School; Michael Goldberg, Widener University School of Law; Alvin Goldman, University of Kentucky Law School; Jennifer Gordon, Fordham University Law School; Robert Gorman, University of Pennsylvania Law School; William B. Gould, Stanford University Law School; Joseph Grodin, University of California, Hastings College of Law; Michael Hayes, University of Baltimore Law School; Dorothy Hill, Albany Law School; William Hines, University of Iowa School of Law; Ann Hodges, University of Richmond Law School; Alan Hyde, Rutgers University Law School, Newark; Linda Kerber, University of Iowa College of Law and Department of History; Karl Klare, Northeastern University Law School; Thomas Kohler, Boston College Law School; Howard Lesnick, University of Pennsylvania Law School; Ariana Levinson, University of Louisville, Louis Brandeis School of Law; Anne Marie Lofaso, University of West Virginia Law School; Deborah Malamud, New York University Law School; Martin Malin, Chicago-Kent College of Law; Carlin Meyer, New York Law School; Gary Minda, Brooklyn Law School; Charles Morris, Southern Methodist University, Dedman School of Law; Maria Ontiveros, University of San Francisco School of Law; James Pope, Rutgers Law School—Newark; Cornelia Pillard, Georgetown University Law Center; Theodore St. Antoine, University of Michigan Law School; Paul Secunda, Marquette University Law School; Lorraine Schmall, Northern Illinois University Law School; Sidney Shapiro, Wake Forest University Law School; Joseph Slater, University of Toledo College of Law; Susan Stabile, St. Thomas University Law School; Katherine V.W. Stone, UCLA Law School; Lea VanderVelde, University of Iowa College of Law; Joan Vogel, Vermont Law School; Marley Weiss, University of Maryland Law School; Martha West, University of California, Davis—Law School; Donna Young, Albany Law School; Noah Zatz, UCLA Law School.

Mr. HARKIN. As these records show, those who know Mr. Becker the best all agree the President could not have made a better choice.

Unfortunately, Mr. Becker's nomination has been delayed for months on end due to criticisms that are based on misinformation and misleading descriptions of his views. Mr. Becker has gone to great lengths to dispel those concerns and set the record straight. The first time his nomination was considered by this committee last year, he answered 282 written questions from



committee Republicans. He also said he would meet with any Senator who expressed an interest to personally explain his views. Only two asked to meet with him. This year, he testified before the HELP Committee, as I mentioned earlier, and answered 158 additional questions. To put this in perspective, Justice Sotomayor, seeking a lifetime appointment on the Supreme Court, only had 220 questions submitted to her.

While this exhaustive vetting process should have alleviated any concerns about Mr. Becker's nomination, it appears there is still a lot of misinformation going around, so I would like to take this opportunity to set the record straight once and for all—not that I think what I am about to say or the letters and things I will point to will change any Republican minds. It seems as though their minds are made up en bloc that they are going to oppose Mr. Becker, just as they opposed Patricia Smith. But I think it is important for the general public to get the facts and to understand what this is all about.

First and foremost, critics have suggested Mr. Becker would come to the Board with an agenda and that he would try to implement the Employee Free Choice Act by administrative fiat.

As you are all aware, I am a supporter of the Employee Free Choice Act, as is President Obama. He campaigned on it. I hope to see it passed by Congress. I look forward to the debate. I hope it is signed into law by the President. But I have no illusions that those important changes can somehow be accomplished administratively, and neither does Craig Becker. He has clearly and consistently explained on numerous occasions that all three major reforms in the Employee Free Choice Act—the card check, binding arbitration for first contracts, and increased penalties for violations of the law—cannot be accomplished without a change in the statute. As we all know, statutes can only be amended by those of us elected to Congress, not by appointees to the NLRB. Mr. Becker was unequivocal in his responses on this point.

Let's take a look at what Mr. Becker says and not what others say about him, not what others would like him to do. We heard a lot about that on Patricia Smith a week ago, on what others said, but let's take a look at what Mr. Becker has to say.

On the issue of card check, he states:

The reason the Employee Free Choice Act has been introduced in Congress and the reason that question is before Congress and not the Board is that the current Act clearly precludes certification in the absence of a secret ballot election. Section 9 of the Act, in two distinct ways, makes clear that Congress has intended that a secret ballot election be preconditioned for certification of the union.

So, again, what Mr. Becker has said is that the Board can't change that.

On binding arbitration, he said:

The second section [of EFCA] establishes procedures for mediation and, if necessary, binding arbitration in circumstances where a union or employer engaged in bargaining for a first contract are unable to reach agreement. Action by Congress would also be required to implement these procedures.

So on the second part of the Employee Free Choice Act, Mr. Becker says that only Congress can change it.

Finally, in discussing the new penalties about which I spoke a little bit ago, Mr. Becker says:

The third and final section of EFCA would establish civil penalties and a treble backpay remedy for certain unfair labor practices. I do not believe the Board has authority to award double or triple backpay as a remedy for a violation of Section 8(a)(3) without congressional action nor do I believe that section 10 currently vests in the Board the authority to impose the penalties discussed above.

Well, I don't think he could have been any clearer in his views on this issue.

Earlier, we had some discussion by the Senator from Georgia and also my colleague from Wyoming about the National Mediation Board and how two people got on the Mediation Board and immediately overturned 75 years of law.

What you never heard was that the National Mediation Board acted within their rights. No one is saying they did something to violate a law. They acted within the purview of the authority they have. That is not the same case with the NLRB. They do not have this authority. Second, I think it is important, since people listened to this about the National Mediation Board, to clear up one thing. Here is what they did. For 75 years they have said basically in these types of elections, if someone doesn't vote it is considered a "no" vote. Imagine that. If you don't vote it is a "no" vote. Now they say that you only have to have 51 percent of those voting to have an affirmative vote. Who is going to dispute that? That is what we do in bond elections in this country, that is what we do in referendums, school board elections, and even elections for the Senate.

Think about this. What if you said if you don't vote that is a "no" vote. No where else in this country do we say that. If you don't vote, it should not be counted yes and it should not be counted no. The National Mediation Board simply applied the general rule of elections we follow in this country.

Mr. Becker has also received criticism based on his academic writings. Opponents of his nomination have suggested that he supports radical changes in the law that would require workers to join unions against their will, or take away the free speech rights of employers. These wild assertions have no basis in reality, and Mr. Becker has gone to great pains to rebut these mischaracterizations of his academic views.

For example on the issue of mandatory unionism, Mr. Becker has explained in response to a question from Senator BURR that: "The Act vests in employees the right to self-organization and to form, join, or assist labor organizations and the right to refrain from doing any and all of such activities with the limited exception provided in section 8(a)(3) as modified by section 14(b). If I am confirmed, I will faithfully apply those provisions of the law." And again, in response to a question from Senator ROBERTS, he stated without reservation that: "I believe workers should have a choice of whether or not to join a union."

Similarly, in discussing allegations that he supports eliminating employer free speech rights, Mr. Becker has responded: "It's clear that employers have a legitimate interest, and have a right which is indisputable to express their views on the question of whether their employees should unionize. So nothing in . . . my writing should be construed to suggest that in any way I think that employers don't have a right to clearly express their views on the question of unionization." That was in response to a question by Senator ISAKSON.

I fail to see why these direct and unequivocal responses do not alleviate my colleagues' concerns. I don't know what more his critics are looking for.

Evidently they are more interested in looking at what other people have to say about him than what Mr. Becker says himself.

Finally, some of my colleagues seem to have problems—

Mr. LEAHY. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. LEAHY. Madam President, we have several Senators who wish to speak on the first vote that is coming up this afternoon, the Greenaway nomination. Is the Senator going to give us any time? Because our time is also being used by him right now. I was wondering if at some point we might have time to speak on the Greenaway nomination.

Mr. HARKIN. I say to my friend, I thought we had 45 minutes on our side for the nomination of Mr. Becker.

Mr. LEAHY. No.

Mr. HARKIN. I am using that time.

Mr. LEAHY. Madam President, my understanding is that time was to be used for both Becker and Greenaway. I was wondering, since Greenaway is the first vote we are going to come to, whether we will have time on that.

The PRESIDING OFFICER. The time is incurred on both matters.

Mr. HARKIN. I believed, under the information that I had, 45 minutes out of 90 minutes that was evenly split on Mr. Becker. I have been waiting for a long time to speak on Mr. Becker. I see no reason why we couldn't ask for consent to move the vote back a little bit



if people want to. I wouldn't object to that.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. LEAHY. Madam President, if the Senator would yield further, the reason I was here is I was told the time, 45 minutes, was to be used for both nominations. If the Senator from Iowa wishes to use all the time for his nomination, I also point out that Judge Greenaway has been waiting since last June for his vote. But certainly the Senator has the floor. I understand he has the floor and I understand he can take all the time and not leave any time to the other Senators who are supposed to receive time.

The PRESIDING OFFICER. The Democrats retain 7 minutes 40 seconds in debate.

The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I do not want to keep anyone from speaking. I was under a misimpression. I did not know I did not have my 45 minutes. I apologize. This was not part of my information. I will try to wrap up as rapidly as I can. But I think this is important.

Obviously, Mr. Greenaway seems to have a lot of support. There is no contention about him but there certainly is about Mr. Becker and I want to set the record straight about Mr. Becker.

My colleagues seem to have a problem with Mr. Becker simply because he is a union lawyer and a darned good one. But that should not be a cause for concern. Most labor lawyers devote their time either to labor or representing management. Indeed, since the Board's inception, 23 management attorneys or consultants have served on the Board compared to only 3 who came from a background of representing unions—23 to 3. Now we have someone come from a background of representing unions and now they do not want him on the Board.

Again, these people all came from different backgrounds. I am sure Mr. Becker will approach this with an open mind and impartiality. No one has suggested there is an ethical problem with Mr. Becker's previous employment. He has clearly and unequivocally stated that he will recuse himself from matters that may come before the Board concerning his former employers, the Service Employees International Union and the AFL-CIO, for a period of 2 years. He answered 440 written questions. After months of delay, it is time to move on, not only because Mr. Becker is so abundantly qualified but also because the NLRB has important work to do. We owe it to hard-working Americans to act quickly on these nominations. I hope all my colleagues will join me in supporting Mr. Becker's nomination so we can complete this process and let him start his important work.

I yield the floor.

I apologize to my good friend from Vermont but as he can tell, I needed to get the record straight on Mr. Becker.

Mr. LEAHY. Madam President, no apology is necessary. The only reason I raised that is because I heard what the order was earlier this afternoon.

Today the Senate will finally consider the nomination of Judge Joseph Greenaway to fill the vacancy created by Justice Alito on the U.S. Court of Appeals for the Third Circuit. Judge Greenaway is an outstanding jurist who has served for nearly 14 years on the Federal district court in New Jersey. President Obama nominated him last June. That nomination was reported by the Senate Judiciary Committee more than 4 months ago, without a single dissenting vote. He should have been confirmed long ago. I have been speaking about this nomination for some time to call attention to the unexplained and unnecessary delay in its consideration. The Senators from New Jersey have both come to the Senate floor on repeated occasions calling for consideration. Judge Greenaway will finally be confirmed today.

I continue to be deeply disappointed by the delays and obstruction caused by Senate Republicans. Regrettably, Judge Greenaway's long-stalled nomination is another example of these tactics. As I previously explained in a statement on January 25, the Senate majority leader came before the Senate on January 22 to highlight the delay in the consideration of Judge Greenaway. Senate Republicans would not agree to consider his nomination that week, or the next week, or the next. It took the persistence of the majority leader and the vocal support of the Senators from New Jersey, who spoke on January 25 and, again on February 2, about the Republican stalling, to pry this nomination loose. That is wrong. It should not take such effort to get Senate Republicans to vote on a nomination, especially one that most, if not all, of them are likely to support. We should be able in regular order to consider non-controversial nominations like that of Judge Greenaway without months of delay.

Despite the fact that President Obama began sending judicial nominees to the Senate 2 months earlier than President Bush, last year's total was the fewest judicial nominees confirmed in the first year of a Presidency in more than 50 years—since 1953 when President Eisenhower only made nine nominations all year, all of which were confirmed. The number of confirmations was even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session.

Last week, at the Democratic Policy Committee's issues retreat, I asked President Obama if he will continue to work hard to send names to the Senate as quickly as possible, and to commit to work with us, both Republicans and

Democrats, to get these nominees confirmed. So far since taking office the President has reached across the aisle working with Republicans and Democrats to identify well-qualified nominations. Yet even these nominations are delayed or obstructed. The President responded by stating:

Well, this is going to be a priority. Look, it is not just judges, unfortunately, Pat, it is also all our Federal appointees. We have got a huge backlog of folks who are unanimously viewed as well qualified; nobody has a specific objection to them, but end up having a hold on them because of some completely unrelated piece of business.

On the judges front, we had a judge for the—coming out of Indiana, Judge Hamilton, who everybody said was outstanding—EVAN BAYH, Democrat; DICK LUGAR, Republican; all recommended. How long did it take us? Six months, 6, 7 months for somebody who was supported by the Democratic and Republican senator from that State. And you can multiply that across the board. So we have to start highlighting the fact that this is not how we should be doing business.

I could not agree more with President Obama. This should not be the way the Senate behave. Last week, the Senate had to vote to invoke cloture and end the 15th filibuster of President Obama's nominations to fill important posts in the executive branch and the judiciary. That number does not include the many other nominees who have been prevented up-or-down votes in the Senate by the silent filibuster of Republicans refusing to agree to time agreements to consider even non-controversial nominees. Every single Republican Senator who voted last Monday voted against cloture and to keep filibustering a well-qualified nominee. Every single Republican voted to obstruct the Senate from doing the business of the American people.

Unfortunately, we have seen the repeated abuse of filibusters, and delay and obstruction have become the norm for Senate Republicans. We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which has affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can.

The Republican practice of making supermajorities the new standard to

proceed to consider many non-controversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect on our government's ability to serve the American people. Hard-working Americans who seek justice in our overburdened Federal courts are the ones who will pay the price for Republicans' obstruction and delay. They deserve better.

Even after years of Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominees from even having a hearing and led to skyrocketing judicial vacancies, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges.

By February 9, 2002, the comparable date in President Bush's first term, the Senate had confirmed 32 circuit and district court nominations. Judge Greenaway will be only the 15th Federal circuit or district judge allowed to be confirmed. That is less than half of where we were in 2002.

During just the second year of President Bush's first term, the Democratic Senate majority confirmed 72 judicial nominations and helped reduce the vacancies left by Republican obstructionism from over 110 to 59 by the end of 2002. Overall, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees.

We continued to be fair and worked to reduce vacancies even during President Bush's last year in office. With Senate Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a Presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits.

As matters stand today, judicial vacancies have spiked again, as they did due to Republican obstruction in the 1990s. These vacancies are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 102 current vacancies and another 21 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today and would be headed toward 180. That is the true measure of how far behind we have fallen.

Republican Senators insisted on stalling confirmation of the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. They insisted on stalling the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. They unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. They stalled Judge Beverly Martin's nomination for at least 2 months because they would not agree to consider it before January 20. They have stalled for 3 additional weeks on Judge Greenaway's nomination. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed overwhelmingly by the Senate once they are finally allowed to be considered.

Judge Greenaway's nomination is yet another example. He is a good judge who had years of experience as a Federal prosecutor. He received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary. Senator SESSIONS praised him at his confirmation hearing. He should have been confirmed last year, and he would have but for Republican objection.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of the other judicial nominees awaiting Senate consideration: Judge Barbara Keenan of Virginia, nominated to the Fourth Circuit; Judge Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Judge William Conley, nominated to the Western District of Wisconsin; Justice Rogerie Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin.

I commend the Senators from New Jersey for their hard work that has proven effective in connection with the nomination of Judge Greenaway and I congratulate Judge Greenaway and his family.

I note the distinguished senior Senator from New Jersey and Senator MENENDEZ from New Jersey wish to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I regret that the time has been shrunk as it has.

I want an opportunity to register my full support to confirm an exceptionally well-qualified district jurist—Judge Joseph Greenaway—to the U.S. Court of Appeals for the Third Circuit.

For more than 13 years, Judge Greenaway has served on U.S. District Court in Newark, NJ.

On the entrance to that courthouse there is an inscription that reads:

The true measure of a democracy is its dispensation of justice.

I take pride in authorship of that quote because I firmly believe it reflects the values on which our Nation was founded—values that must endure throughout our government and legal system.

While serving as a district judge in that building, Judge Greenaway has demonstrated his unyielding commitment to those values—the same values that will make him a success on the Third Circuit court of appeals.

There can be no question that Judge Greenaway is eminently qualified for this position.

Let's take a look at his credentials.

From humble beginnings, Judge Joseph Greenaway became a graduate of Columbia University and Harvard Law School, Assistant U.S. Attorney for New Jersey, Chief of the Narcotics Division, U.S. District Court Judge for New Jersey, was confirmed by the Senate in 1996, presided over more than 4,000 cases, was rated unanimously well-qualified by the ABA and his nomination to the Third Circuit passed unanimously by Senate Judiciary Committee.

On top of his outstanding experience and intellect, there has never been a question about Judge Greenaway's ability, character, or commitment to the community. We are so fortunate that we have this outstanding individual.

Throughout his career, despite his critical bench responsibilities, Judge Greenaway has always found time to help others aspiring to preserve our just society's obligations—by teaching criminal trial practice classes at Cardozo Law School and courses about the Supreme Court there and at Columbia University.

And he has received numerous honors and awards recognizing his work. Among them: Thurgood Marshall College Fund Award of Excellence; Garden State Bar Association Distinguished Jurist Award; Chair Emeritus of the Columbia College Black Alumni Council.

In fact, the only question surrounding Judge Greenaway's confirmation is this: What took so long to move him along to this very busy appeals court?

The PRESIDING OFFICER (Mr. KAUFMAN). The time of the majority has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for Senator MENENDEZ to be able to have 3 minutes also.

I ask for an additional 6 minutes for the Senators from New Jersey, which is considerably more than I had.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I will just take a couple of more minutes.

While I welcome a vote that will establish confidence in Judge Greenaway's ability to serve our country, today's vote comes 4 months after his nomination came to the floor of the U.S. Senate because of unnecessary and unreasonable delays.

Not one of my Republican colleagues has voiced a single objection to Judge Greenaway along the way or a single reason for this delay.

Judge Greenaway and the people of New Jersey are not alone in falling victim to this obstruction.

Republican obstructionism last year led to the lowest number of judicial confirmations in more than 50 years.

Justice has been delayed while those who refused to let this vote take place had another agenda—purely to score political points. It is shameful and the American people show discouragement.

I hope today's vote signals a break in the profuse presence of obstructionism and will permit us to do our work for the American people in a more timely fashion.

If they have objections based on character or ability, tell the American people that. Don't hide behind a cloak of procedure.

The ABA found Judge Greenaway unanimously well-qualified and the Senate Judiciary Committee was unanimous in supporting this nomination.

Today, I urge all my colleagues to once again unanimously support the confirmation of this brilliant legal scholar, Judge Joseph Greenaway, to the Third Circuit Court of Appeals.

Mr. MENENDEZ. Mr. President, I first spoke in favor of the nomination of Judge Joseph A. Greenaway for the U.S. Court of Appeals for the Third Circuit when I introduced him to the Judiciary Committee on September 10. This has been a long 5-month process, unnecessarily long for a good man and a noncontroversial nominee who was once unanimously approved by this Chamber under Republican leadership, and I might add received the full support, the unanimous support of the Judiciary Committee. Yet the minority has continued to delay his confirmation along with many others.

If confirmed, he would be only the 15th of President Obama's circuit or district court nominees to be confirmed despite more than 100 vacancies on the Federal bench.

Having said that, today we are finally here to vote on the nomination of a man who fully embodies respect for justice and the rule of law that should have made this a simple, clear, easy choice.

Let me briefly repeat his impeccable qualifications. At the age of 38, Justice

Joseph A. Greenaway, Jr., was appointed by President Clinton to the Federal bench and has served for over a dozen years with distinction. He earned a bachelor of arts from Columbia University where he was honored, in 1997, with the Columbia University Medal of Excellence and with the John Jay Award in 2003.

He earned his J.D. from Harvard Law where he was a member of the Harvard Civil Rights and Civil Liberties Law Review, and an Earl Warren Legal Scholar.

He later clerked for the late Honorable Vincent L. Broderick, in the U.S. District Court for the Southern District of New York, became an Assistant U.S. Attorney in Newark and later became chief of the narcotics bureau.

In the private sector, he was an associate with the firm of Kramer, Levin, Nessen, Kamin, and Frankel—and served at Johnson and Johnson as in-house counsel.

He is chair emeritus of the Columbia College Black Alumni Council and has been an adjunct professor at Rutgers Law School.

Currently, he is an adjunct professor at both the Cardozo School of Law and Columbia College where he teaches a seminar on the Supreme Court. But however impressive his experience and qualifications, they do not do justice to the man.

He grew up in Harlem and the northeast Bronx not far from where Justice Sotomayor grew up, just across the river from Union City, NJ, where I grew up. He has a deep respect for the rule of law and a fundamental belief in fairness and the age-old notion of equal justice under law.

He is accomplished and successful in his life and career, and proud of the justice system to which he has devoted his career. But he has also given much back to the community, something for which we in New Jersey will remain forever grateful.

In 2006, before Judge Greenaway took the podium at the Benjamin Cardozo School of Law at Yeshiva, Dean David Rudenstein introduced him as a man who touched many of his students' lives in meaningful ways. Those students, he said, had the privilege of witnessing his humanness and had been inspired by his example.

That observation came as a surprise to no one who knows Judge Greenaway. He has always been an inspiration to students and graduates alike, taking many of them under his wing as law clerks or fellows. Mediocrity has never been Joe Greenaway's norm. He has always strived for excellence, and taught young lawyers to do the same.

In conclusion, the confirmation of Judge Greenaway should have been an easy choice, but when all is said and done, when we put aside our political biases and look for those with the illusive qualities we like to call judicial

temperament, those who best represent the fundamental concepts of justice and community, for as Edmund Burke once said: "Justice is itself the great standing policy of civil society . . ."

Judge Joseph A. Greenaway, Jr. stands out. I am pleased that his nomination has finally come to the floor, and I urge my colleagues to vote for this eminently qualified, capable, nominee.

I know I join with all of my colleagues and with the people of New Jersey in wishing Judge Greenaway good luck and Godspeed on this next journey in life.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joseph A. Greenaway, Jr., of New Jersey, to be U.S. Circuit Judge for the Third Circuit?

Mr. ISAKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Pennsylvania (Mr. CASEY), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea," and the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 0, as follows:

[Rollcall Vote No. 21 Ex.]

YEAS—84

|            |           |            |
|------------|-----------|------------|
| Akaka      | Bunning   | Crapo      |
| Alexander  | Burr      | Dodd       |
| Barrasso   | Burr      | Dorgan     |
| Baucus     | Cantwell  | Durbin     |
| Bayh       | Cardin    | Enzi       |
| Begich     | Carper    | Feingold   |
| Bennet     | Chambliss | Feinstein  |
| Bennett    | Coburn    | Franken    |
| Bingaman   | Cochran   | Gillibrand |
| Bond       | Collins   | Grassley   |
| Boxer      | Conrad    | Hagan      |
| Brown (MA) | Corker    | Harkin     |
| Brown (OH) | Cornyn    | Inhofe     |

|            |             |            |
|------------|-------------|------------|
| Isakson    | McCain      | Sessions   |
| Johanns    | McCaskill   | Shaheen    |
| Johnson    | McConnell   | Shelby     |
| Kaufman    | Menendez    | Snowe      |
| Kerry      | Merkley     | Specter    |
| Klobuchar  | Mikulski    | Stabenow   |
| Kohl       | Murkowski   | Tester     |
| Kyl        | Murray      | Udall (CO) |
| Lautenberg | Nelson (NE) | Udall (NM) |
| Leahy      | Nelson (FL) | Voinovich  |
| LeMieux    | Reed        | Warner     |
| Levin      | Reid        | Webb       |
| Lieberman  | Risch       | Whitehouse |
| Lincoln    | Rockefeller | Wicker     |
| Lugar      | Schumer     | Wyden      |

## NOT VOTING—16

|           |           |         |
|-----------|-----------|---------|
| Brownback | Gregg     | Roberts |
| Byrd      | Hatch     | Sanders |
| Casey     | Hutchison | Thune   |
| DeMint    | Inouye    | Vitter  |
| Ensign    | Landrieu  |         |
| Graham    | Pryor     |         |

The nomination was confirmed.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board.

HARRY REID, TOM HARKIN, BENJAMIN L. CARDIN, DEBBIE STABENOW, BILL NELSON, AL FRANKEN, BARBARA BOXER, AMY KLOBUCHAR, MARK BEGICH, BYRON L. DORGAN, DIANNE FEINSTEIN, JOHN D. ROCKEFELLER IV, EDWARD E. KAUFMAN, ROLAND W. BURRIS, DANIEL K. AKAKA, SHELDON WHITEHOUSE, SHERROD BROWN.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Craig Becker, of Illinois, to be a member of the National Labor Relations Board, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mr. PRYOR), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr.

DEMINT) would have voted "nay," the Senator from South Carolina (Mr. GRAHAM) would have voted "nay," and the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 33, as follows:

## [Rollcall Vote No. 22 Ex.]

## YEAS—52

|            |            |             |
|------------|------------|-------------|
| Akaka      | Feinstein  | Murray      |
| Baucus     | Franken    | Nelson (FL) |
| Bayh       | Gillibrand | Reed        |
| Begich     | Hagan      | Reid        |
| Bennet     | Harkin     | Rockefeller |
| Bingaman   | Johnson    | Schumer     |
| Boxer      | Kaufman    | Shaheen     |
| Brown (OH) | Kerry      | Specter     |
| Burr       | Klobuchar  | Stabenow    |
| Cantwell   | Kohl       | Tester      |
| Cardin     | Lautenberg | Udall (CO)  |
| Carper     | Leahy      | Udall (NM)  |
| Casey      | Levin      | Warner      |
| Conrad     | Lieberman  | Webb        |
| Dodd       | McCaskill  | Whitehouse  |
| Dorgan     | Menendez   | Wyden       |
| Durbin     | Merkley    |             |
| Feingold   | Mikulski   |             |

## NAYS—33

|            |          |             |
|------------|----------|-------------|
| Alexander  | Corker   | Lugar       |
| Barrasso   | Cornyn   | McCain      |
| Bennett    | Crapo    | McConnell   |
| Bond       | Enzi     | Murkowski   |
| Brown (MA) | Grassley | Nelson (NE) |
| Bunning    | Inhofe   | Risch       |
| Burr       | Isakson  | Sessions    |
| Chambliss  | Johanns  | Shelby      |
| Coburn     | Kyl      | Snowe       |
| Cochran    | LeMieux  | Voinovich   |
| Collins    | Lincoln  | Wicker      |

## NOT VOTING—15

|           |           |         |
|-----------|-----------|---------|
| Brownback | Gregg     | Pryor   |
| Byrd      | Hatch     | Roberts |
| DeMint    | Hutchison | Sanders |
| Ensign    | Inouye    | Thune   |
| Graham    | Landrieu  | Vitter  |

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 33. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be notified of the Senate's action.

## MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate go into a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

## 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

Mr. ENZI. Mr. President, Scouting came to America 100 years ago because of a good deed. We are now entering the second 100 years of Boy Scouting. As I said, Scouting came to America 100 years ago yesterday because of a good deed. An American, William Boyce,

was visiting London when he suddenly got lost in the fog. A young boy found him and helped him find his way. When Mr. Boyce offered to give the young boy money, he said, "No, thank you, sir, I am a Scout. I won't take anything for helping." Boyce was so overcome by the Scout's generosity that he arranged to meet with Lord Robert Baden-Powell, the founder of Scouts in Great Britain. After returning from his trip, Mr. Boyce met with a group of American businessmen, educators, and political leaders and founded the Boy Scouts of America on February 8, 1910. Nobody knows what happened to the boy who guided Mr. Boyce through the foggy streets of London that day, but his kindness lives on in the spirit of each Boy Scout today.

The Boy Scouts is one of the largest youth organizations in the United States—one of the very few recognized by Congress. Since its founding in 1910, it is estimated that more than 110 million Americans have served as members within its ranks. Scouting offers young people the promise of friendship, an opportunity to set positive goals, and teaches boys how to experience the outdoors. Above all, Scouting is about service and building character.

To understand Scouting, you only need to look at the Scout Oath. The oath sets out the principles of Scouting and explains just what it means to be a Boy Scout. It goes:

On my honor—

Meaning the Scouts live by their word and promise to follow the Scout Oath—

I will do my best—

Scouts measure their achievements against their own high standards. Scouts do so without being influenced by peer pressure or what other people do—

to do my duty to God—

Scouts are reverent toward God. They are faithful in their duties, and Scouts respect the beliefs of others—and my country—

Scouts keep the United States a strong and fair Nation by learning about our system of government and acting as responsible citizens. Scouts work to improve their communities and seek to protect and use our national resources wisely—and to obey the scout law—

Scouts respect and live by the 12 points of the Scout Law. These 12 points are guidelines which lead people to make responsible choices—to help other people at all times—

Scouts recognize that there are many people in need.

They know that a cheerful smile and helping hand will ease the burden of most who need assistance—to keep myself physically strong—

Scouts pledge to take care of their bodies so that it will serve for an entire

lifetime. That means eating nutritious foods and exercising regularly. It also means Scouts avoid harmful drugs, alcohol, and tobacco—mentally awake—

Scouts develop their minds both in the classroom and outside of school. They are curious about everything around them and work hard to make the most of their abilities—and morally straight.

To be a person of strong character, a Scout's relationship with others should be honest and open. Scouts respect and defend the rights of all people, and they are clean in their speech and actions.

All Scouts reaching the first rank of Tenderfoot must be able to recite and explain the meaning of the Scout Oath.

The Boy Scouts also empower young people to pursue meaningful life goals. That includes putting them on the path to Scouting's highest honor.

To backtrack just a moment, because one of the points of that Scout Oath, or promise, was to obey the Scout Law, this is the new Boy Scout Handbook. I had a hard-bound one. Now they have a spiral-bound one that makes it much easier to get into. The Scout promise says that you will obey the Scout Law. The Scout Law is that "a scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent"—all good virtues that are promoted. There aren't a lot of youth organizations now that promote virtues and build character.

So it has been helpful from that standpoint for a lot of people, including myself.

The Boy Scouts do empower young people to pursue meaningful goals. A major goal of Scouts is to be on the path of Scouting's highest honor, which is to be an Eagle Scout. The first Boy Scout Handbook described an Eagle Scout as "the all-around perfect Scout." That is a very demanding standard and may explain why fewer than 4 percent of Boy Scouts reach the rank of Eagle Scout. Pursuing this honor requires young people to master the skills of leadership, service, and outdoor know-how. It also requires the practice of good citizenship and sound ethical behavior. Above all, once you are an Eagle Scout, you are always an Eagle Scout. It is something that is listed on resumes for the rest of their life—one of the few works from youth that can be listed on a resume.

From 1912 to 2009, 2 million Boy Scouts earned the Eagle Scout rank. Eagle Scouts have become leaders in all walks of life, including business, academics, entertainment, science, and, yes, even government. Within the 111th Congress alone, there are 22 Members who received their Eagle Scout awards. Eagle Scouts also leave an everlasting impact on their communities

through the civic projects they complete to earn their rank. Park improvement projects, trail enhancements, organizing community events, and construction projects only begin to explain the things Eagle Scouts have done to improve the world around them.

Over its 100-year history in America, Boy Scouting has shaped many young lives. The service that Scouts have performed is immeasurable, but there are many noteworthy moments.

During World War I, Scouts played an important role in the war effort by collecting used paper and glass from homes. They also sold Liberty Bonds during World War I, valuing over \$147 million. Congress was so grateful for the service of the Boy Scouts that they granted the Boy Scouts of America a special charter in 1916. President Roosevelt called on Scouts to help the needy in 1934 during the Great Depression. Throughout World War II, they again collected materials and sold war bonds to help the allied effort. By 1954, there were over 100,000 Boy Scout units, and in 2000 the Boy Scouts honored its 100 millionth member.

I rise today to honor the 100th anniversary of Boy Scouts. I also wish to draw attention to the release of the 100th anniversary commemorative stamp to be released by the Postal Service this summer. Scouting has meant a great deal to me and my family over the years, and I wish to recognize this momentous occasion.

With the Boy Scouts of America, the values of leadership, service, character, and achievement will live on to make our communities a better place. Remember, it all began with a good deed on the streets of London. That is why the Scout Slogan reads "Do a Good Turn Daily."

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Florida is recognized.

#### NASA

Mr. NELSON of Florida. Madam President, the President of the United States has come forth with a budget for the future of the National Aeronautics and Space Administration. I can tell you that, among the aerospace community, it has not been well received. The perception is that when the President's proposed budget is to cancel the Constellation Program, which was the program from the previous administration that was to take us to the Moon by 2020—a position, by the way, that then-candidate Senator Obama had embraced—it has not been well received because the perception is that it is killing the manned space program for the United States. That perception is not entirely true, but we live in a world here in the government where we have to set policy and flesh out that policy with authorization and then ap-

propriations for that policy. We live in a world where perception often governs instead of the actual substance.

It is my hope, as we have a hearing in our Science and Space Subcommittee of the Commerce Committee, which I have the privilege of chairing, that we can start to separate the perception from the substance. What the President has proposed actually has some very good things. In the first place, this ridiculous idea from the previous administration that we were going to shut down the International Space Station in 2015, when, in fact, it hasn't even been completed—as a matter of fact, the mission that took off, I guess it was last night, that has the last major component to go up to complete the International Space Station, and then the remaining four flights of the space shuttle will take up additional experiments and equipment, and then the station will be fully ready for business.

The idea from the previous administration that we were only going to have it until 2015, of course, was ridiculous. The Obama administration has come out and said we are going to extend it until 2020. That is a good thing. That is the right thing.

The administration also has said NASA is one of the few civilian agencies it is recommending, to the Congress, get additional funding, and it is no small amount. It is an additional \$6 billion the President is recommending over the next 5 years. That is substantial, given the fact that the NASA budget is a very small budget compared to the rest of the Federal agencies. However, that amount is only half of what was recommended by the Obama-appointed blue ribbon panel, called the Norman Augustine Commission, looking at the future of spaceflight—only half but it is substantial. I should note that that is a step in the right direction.

The Obama administration has also recommended a substantial increase in research and development and particularly with regard to a heavy-lift vehicle that will change NASA's mission from just going to and from low-Earth orbit, where we have done all our work in the last three decades with the space shuttle—to and from low-Earth orbit, either to the space station or certain projects such as the Hubble space telescope, which has been miraculous, and the refurbishing missions that have kept that space telescope alive and has opened our understanding and knowledge of the heavens and is peering back into the beginning of time. That has been extraordinary.

The President has said: Let's get out of low-Earth orbit and explore the heavens. That is all a good thing. But here is where the President, in his roll-out of his recommended budget, made the mistake and has given the perception that he has killed the manned space program. He just said we are

going to cancel Constellation. They did not explain: But we have to do an aggressive effort toward building the new heavy-lift vehicle to take us out into the heavens. They put all their eggs in the basket to say we are going to let these commercial companies develop rockets that are going to take us to and from the space station, first with cargo, and then we are going to human rate them for human crews.

But the first commercial rocket, Space X, is supposed to have flown six times by now. They have not flown that Falcon 9 rocket yet. They are saying they are going to fly it this spring. Let's hope they do, and let's hope it is successful.

But what if it isn't? There is another one, a much smaller rocket called Orbital Sciences. They want to take cargo. Ultimately, they would like to take humans. But they have not gotten off the ground with the first test rocket.

For us, where safety ought to be primacy—and one of the key fundamentals for the Constellation Program was to create a rocket and a follow-on heavy-lift rocket that was going to increase, by a factor of 10, the safety for astronauts because the space shuttle has 1,500 parts, any one of which, if it malfunctions, that is it. It is tube city. It is a catastrophic loss.

The idea is to have a rocket that builds in a lot more safety for the humans going to and from the space station and ultimately a heavy-lift rocket that gets us out of low-Earth orbit.

What I think the President needs to do, he has to repair the image because the perception is he has killed the manned space program. He does not want to do that. I know the President. The Presiding Officer knows the President. He is a great space aficionado. But the perception is there, and it has to be corrected.

The first thing he should do is set a goal. Presidents are the only ones who can lead America's space program. A Senate committee cannot do it. The Administrator of NASA cannot do it. Only Presidents can set the vision and the goal, and that goal ought to be what we all know is where we want to go and that is to the planet Mars.

If you think I am reaching too far, no less than one of the most critical editorial pages of NASA in America this morning endorsed the goal of going to Mars. That is the New York Times editorial page. This is what a bunch of us have been saying for years: The goal is Mars. We have to develop the technology, the vehicles, the safety systems, the life support systems to get there. But the President needs to set the goal and set the vision that this is where we are going.

If the President would do this, and then if he would turn the architecture over to his science adviser and to his Administrator of NASA and that great

team, and if they would continue with the testing of the rocket that has already flown successfully, that will be a precursor to building the heavy-lift vehicle—if they will continue that testing, then the President will be well on the way of doing what he wants to do, which is for America to be the leader in space exploration and combined with other countries, where it is appropriate, in international exploration, as we have on the International Space Station.

I urge the White House to start listening to some of their most vigorous supporters in the Congress. I can tell you other Members on both sides of the aisle are not pleased with the way the President's message about the future of human spaceflight has been received. If we can work together, we can get the perception of our space exploration back on track.

#### HEALTH CARE REFORM

Madam President, I wish to say, in conclusion, I am hopeful that as we have seen over the last couple days, as we have been in this blizzard and we have had time to reflect and read and sometimes hear the commentary on the radio and TV, all the shrillness we have seen on display over the last several months is going to subside and, in a bipartisan way, the country can start healing.

For the country to heal, we must change the discourse in the public square. Civility, not savagery, is the only way a democracy can proceed and succeed. Politics cannot be the blood sport that takes people down on a personal basis, where the attitude is that I am all right and you are all wrong because that leaves little room for consensus building, and consensus building is so essential to the functioning of a democracy.

As we get into more of the discussion with regard to health care, health insurance reform, it is my prayer that we have much more conciliation and meditation and moderation in our views so we can build consensus. Consensus building is the finest hour of a democracy in representing all the people.

(Mr. UDALL of Colorado assumed the Chair.)

#### HAITI EARTHQUAKE

Mr. DURBIN. Mr. President, in 2003 I joined my friend, then-Senator Mike DeWine, in visiting Haiti. While no longer in the Senate, Mike remains a tireless advocate for Haiti. Also joining us were Senator BILL NELSON and Representative KENDRICK MEEK.

At the time, the country was trapped in a political and economic slump. Yet, amid the country's grinding poverty and broken political system, the Haitian people maintained an incredible vibrancy and kindness. It is a warmth one notices among the many Haitians living in the United States, including

the more than 7,000 who call Chicago their home.

I have never forgotten that experience, and over the years I have worked to support development and economic programs to help the Haitian people. Last year I introduced a bill with Senator BROWNBACK to help reforest Haiti with techniques proven in other nations.

A year ago I had the chance to return to Haiti—this time with Senator JEFF BINGAMAN, Congressman MEEK, and an Illinois State Senator whose parents are from Haiti, Kwame Raoul. While the country still faced terrible poverty, much had improved since my earlier visit. The government and political system had stabilized.

A multinational U.N. peacekeeping force had brought an end to most of the gang violence, kidnappings, and lawlessness. Special trade programs with the United States had sparked a rebirth of the garment industry, providing thousands of Haitians with jobs. Groups such as Partners in Health and Hands Together were making progress in building health care capacity and educating children from the poorest slums of Port-au-Prince. The country had even rebounded from a series of devastating hurricanes and tropical storms.

And most recently, former President Bill Clinton had become the U.N. Special Envoy to Haiti, bringing his skill and energy,—along with Secretary Clinton's leadership in the State Department,—to help improve the lives of the Haitian people. While still desperately poor, many had sensed the country was turning a corner.

Then tragedy struck. On January 12, the largest earthquake in this hemisphere in 200 years devastated Haiti's capital, Port-au-Prince, and several surrounding towns. The Haitian Government estimates that 200,000 people died. Sadly, that number is almost certain to grow. A staggering number of houses and buildings simply collapsed. It is estimated that 1 million people may now be homeless. Hospitals and government buildings were heavily damaged or destroyed. The U.N. headquarters crumbled to the ground, killing hundreds of international staff who had dedicated their lives to helping the people of Haiti. Only a short 90-minute plane ride from our shores, a small, poor nation has suffered an almost unimaginable catastrophe.

President Obama immediately did the right thing. He mobilized the whole of the U.S. Government to help our neighbors in Haiti. Less than 36 hours after the earthquake struck, President Obama pledged to the Haitian people that America would not forget them or forsake them in their time of need. He pledged \$100 million in emergency aid for Haiti. This aid is in addition to the regular development assistance the United States provides to Haiti, which

totaled at least \$287 million last year and was planned to reach at least \$340 million this year.

In addition, over 17,000 soldiers, sailors, airmen, and marines—including 17 members of the Illinois Guard—have been dispatched to assist in Haiti recovery and relief efforts. We have all seen their heroic efforts: medical treatment provided in the most challenging of conditions, survivors pulled from the rubble of collapsed buildings.

American leadership is helping to coordinate the largest international relief effort since the cataclysmic Asian tsunami in 2004, with governments throughout the world joining in. In Europe, the 18 member nations of the European Union have pledged a total of \$575 million in emergency aid to Haiti. The E.U. has also sent security forces to help strengthen security in the devastated nation. Planeloads of rescue teams and relief supplies have been dispatched from nations including Britain, Canada, France, Germany, the Netherlands, Russia, and Spain. Other countries—in South America, the Middle East, and Asia—have pledged to help. And government help is only the beginning.

In typical American fashion, people and organizations from all over our country have donated money, organized shipments of medicine, food and water, and traveled to Haiti as emergency relief workers to help rescue and treat the earthquake victims.

The Chronicle of Philanthropy conducted a survey. It found that in the first 13 days after the earthquake struck Haiti, individuals and groups donated \$470 million to 39 U.S. nonprofit organizations for Haiti relief. Despite the economic pain and anxiety so many American families are feeling, Americans are once again demonstrating great generosity when it is so desperately needed. The American people have responded generously.

According to the Chronicle of Philanthropy survey, the pace of giving for Haiti is running ahead of the amount donated in the same period after the September 11 attacks in 2001 and the Asian tsunami in 2004, and nearly as fast as the unprecedented outpouring of donations that followed Hurricane Katrina in 2005.

Never before have so many Americans donated so much, so fast, to the people of another nation in need. And they have done so in large and small ways, including a novel approach that has made a significant mark for the first time—using their cell phones to “text” donations—a method that didn’t even exist a few years ago.

The American Red Cross has received more than \$33 million through text-messaged gifts of \$10 each. Other organizations have also tapped into the “mobile giving” movement to raise funds for Haiti.

A global telethon last week has raised \$66 million so far, with money

still coming in from music downloads and other sources.

Corporations are also stepping up. The Business Civic Leadership Center, a nonprofit group affiliated with the U.S. Chamber of Commerce, reports that 265 companies have contributed more than \$122 million for Haiti relief.

Families around the world, including many in Illinois, have found that the Haitian orphans they were in the process of adopting are caught in the earthquake’s uncertain aftermath.

My heart goes out to these families and these children. We have been contacted by a number of Illinois families who are asking for help locating or reconnecting with a loved one who was caught in the quake. We have been working to minimize the redtape and put the families directly in contact with the U.S. Government task force and other groups who are on the ground in Haiti working on locating people and getting them to safety.

With loving families waiting anxiously for news, we are doing all we can, in coordination with the Haitian Government, to help these children. We are also working to find and move to safety newly orphaned children.

That is why I was heartened by the announcement by Department of Homeland Security Janet Napolitano that her agency and the Department of State have implemented a humanitarian parole policy that allows Haitian children already identified as orphans before the earthquake to enter the United States temporarily under certain circumstances.

We will continue to address the most immediate needs in Haiti: rescuing survivors; providing shelter, food, water, and medical treatment; and avoiding the spread of disease. And we must commit to working with the Haitian people and international partners to help get Haiti back on its feet over the long term.

The United States should join in the upcoming international donor conference that will shape a long-term plan to help put Haiti back on its feet in a way that is sustainable in the years ahead. We cannot undo the terrible loss Haiti has suffered, but we can show the best of American compassion, generosity, and ingenuity in helping the Haitian people rebuild their nation. I urge my colleagues to support these efforts.

I yield the floor.

#### 20TH ANNIVERSARY FOR THE TRANSPORTATION TRADES DEPARTMENT, AFL-CIO

Mrs. MURRAY. Mr. President, I would like to recognize the Transportation Trades Department, AFL-CIO as it marks its 20th anniversary as an advocacy organization for America’s transportation workers.

The Transportation Trades Department, TTD, has been an outstanding

leader on behalf of the men and women who form the backbone of this critical industry. In the face of repeated economic and security challenges, these workers continue to do all they can to safely and efficiently move passengers and freight across town and across the globe. In these difficult times for the transportation industry and its employees, TTD has effectively brought workers’ voices to bear on important policy debates in Washington.

TTD has been one of the leading advocates for a strong investment in our Nation’s transportation infrastructure. They have been at the forefront, explaining to policymakers and the American people the need for a stronger, safer, and more efficient transportation network. New transportation investments are the building blocks of economic recovery, as they create skilled, family-supporting jobs. They help rebuild our Nation, facilitating faster and more efficient movement of people and goods. Throughout our Nation’s history, strong investments in transportation infrastructure have proven to be a successful strategy to create good jobs and improve the quality of life for the American people.

As chairman of the Senate Transportation, Housing, and Urban Development Appropriations Subcommittee—and as a Senator from a State with many transportation hubs—I have enjoyed a close and productive relationship with TTD. Its leaders and front line workers have always brought a highly knowledgeable and responsible approach to their efforts. TTD has helped workers in such a large, complex industry speak with a clear and effective voice as our Nation seeks to address these important economic and homeland security issues.

I congratulate the Transportation Trades Department, AFL-CIO on this milestone anniversary and look forward to continuing to work closely with our nation’s transportation workers.

#### CITIZENS UNITED v. FEDERAL ELECTION COMMISSION

Mr. LEAHY. Mr. President, this evening the Senate will proceed to a vote on a well-qualified nominee for the seat vacated by Justice Alito when he was confirmed to the Supreme Court. Two weeks ago, I came to the floor to address one of the latest Supreme Court cases where Justice Alito’s vote was both decisive and divisive. The decision in *Citizens United v. Federal Election Commission* was a 5 to 4, and it illustrates how the change in just one justice on the Supreme Court can have serious consequences for hardworking Americans and for our democracy.

This controversial decision is receiving much attention for its conservative activism, its lack of deference to the



elected branches, and its disregard for the rule of law. With the stroke of a pen, five Justices overturned a century of law to permit corporations to overwhelm and distort the democratic process. The five Justices in the activist conservative bloc reached out to grant corporations rights that were once reserved for individual Americans. This divisive decision puts the special interests of big oil, banks and insurance companies ahead of the interests of the American people.

I believe that corporations are not the same as individual Americans. This is certainly true in the context of the rights and freedoms enshrined in our Constitution. Corporations do not have the same rights, the same morals, the same ideals. Corporations cannot vote in our democracy. Corporations do not have the same motivations and interests as individual Americans. This is common sense. Contrary to the preferences of the five Justices who decided the Citizens United case, corporations were not part of the "People" who sought to establish a more perfect Union through the ratification of the Constitution and the adoption of the Bill of Rights.

I have heard many Republican Senators praise the Citizens United decision as a ringing endorsement for the free speech rights of corporations. Of course, what they fail to mention is that this decision does not just put the rights of corporations on equal footing with individual Americans. The moneyed corporations that can now dominate the airwaves and election discourse will prevent a multitude of individual voices from being heard. The biggest corporations can be the loudest and most dominant. What the Republican supporters of the Citizens United decision do not say is that these new rights for corporations come at the expense of our democratic principles by allowing corporate funded megaphones that will drown out the unamplified voices of hardworking Americans.

Two weeks ago, Justice Alito shook his head when President Obama warned Americans about the risks of money from foreign corporations flowing into our elections. But the conservative majority in Citizens United did not limit the new "speech rights" it granted corporations to purely American corporations. The corporation before the court in Citizens United appears to be domestic, leading some to argue that the precise holding of the case does not apply to foreign corporations. However, the legal rationale articulated by the slim majority will no doubt apply beyond non-profit corporations like Citizens United. For example, many observers have concluded that the decision will apply to labor unions as well, even though no union was before the court in this case. The ambiguity about how this decision could apply to corporations with investors who are not Amer-

ican citizens, or directors who are not American citizens, to subsidiaries of foreign corporations and to multinational corporations threatens to introduce unprecedented foreign influence into our elections.

The court's ruling exacerbates the already existing loophole allowing campaign contributions from American subsidiaries of foreign corporations. Today, an American subsidiary of a multinational corporation is treated as an American corporation under the campaign finance laws. With the newly-expanded ability of corporations to make unlimited independent political expenditures, that right is conferred on U.S. subsidiaries of multinational corporations as well.

How will the Federal Elections Commission be able to police whether the actual source of a campaign contribution comes solely from the domestic entity, and not its foreign affiliations? When a multinational corporation funds a political advertisement, is the FEC expected to audit the foreign and domestic sides of the corporation, to ensure that the source of the contribution came purely from the U.S. subsidiary? How can the FEC ensure that American subsidiaries of foreign corporations do not become a front for foreign interests who want to influence American elections?

The American people do not want the domestic subsidiaries of foreign corporations to be able to drown out their voices during the upcoming campaign season. Saudi Aramco is estimated to be worth \$781 billion dollars. Petro China's estimated net worth is \$100 billion, with profits rivaling Exxon Mobil's in the tens of billions each year. Likewise, Venezuelan oil takes in tens of billions a year. The German insurance company, Allianz, is worth \$2.5 trillion; ING Group is valued at \$2 trillion. HSBC Holdings is valued at almost \$2.5 trillion, with annual sales of almost \$150 billion. Bank of America itself has sales of over \$100 billion a year. The temptation for these powerful corporations to begin exploiting the Citizens United decision will be great. Imagine the influence that a small percentage of these profits could buy to sway elections of legislators considering climate change restrictions or reform of the financial services industry.

I fear that the Supreme Court's decision here has invited foreign influence over our political process. Given the vague legal reasoning and disregard for legal precedent that the majority employed to expand corporate power in this case, it is now even uncertain whether those existing restrictions to prevent wholly foreign corporations from contributing directly to the political process can withstand a constitutional challenge.

The effect of the Court's decision also poses a serious threat to the ability of state and local governments to police

their own elections. Twenty-four states currently have laws to restrain corporate spending on elections. All of those laws are now called into question in the wake of the Citizens United decision.

At a Senate Rules Committee hearing last week, Montana Attorney General Steve Bullock gave compelling testimony about the threat to Montana's century-old law prohibiting corporations from "paying or contributing in order to aid, promote or prevent the nomination or election of any person." That law was designed to ensure that "Corporations are represented in Montana campaigns, but on equal terms alongside other political committees, all of them speaking through purely voluntary associations of their money, ideas, and voices."

Montana's law, like many state and Federal campaign finance laws, is not new. It stemmed from what Attorney General Bullock described as "the infamous bribery of the Montana Legislature by Senator William A. Clark, which led to its refusal to seat him." In 1912, when Montana enacted its law, the "Copper Kings" dominated not only elections but all political debate in Montana and so the fed-up citizens of that state responded.

Now, the challenges to state campaign spending laws that are sure to follow Citizens United pose a grave threat to the will of Montana's people, as well as citizens in the 23 other states with laws on the books limiting corporate spending on elections. Attorney General Bullock testified that its elections for state senate cost an average of \$17,000. That is an insignificant expense to a large corporation subject to governmental oversight or regulation.

Like Montana, Vermont is a small state. It is easy to imagine large corporations flooding the airwaves with election ads and drowning out the voices of Vermont's citizens. I know that the people of Vermont, like other Americans, take seriously their responsibility as citizens to choose wisely when making choices on Election Day. Vermonters cherish their critical role in the democratic process and are staunch believers in the First Amendment, refusing to ratify the Constitution until the adoption of the Bill of Rights in 1791. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending. I fear that is exactly what will happen unless both sides of the aisle join with President Obama to try to restore the ability of every American to be heard and effectively participate in free and fair elections.

In this connection, I urge Republicans to heed the advice of our former colleague from New Hampshire, Senator Warren Rudman. He recalls the time when Republicans were in favor of campaign finance reform, before they

flip-flopped on that issue as they have so many now that the American people have elected a Democratic President. I ask that his column from the February 5 Washington Post be included in the record at the conclusion of my remarks.

It is difficult to understand the Justices' lack of concern in *Citizens United* for the potential of massive corporate spending to distort elections, especially in light of the Supreme Court's ruling issued only months ago in *Caperton v. Massey*. In that case, Justice Kennedy wrote that the possibility of bias due to campaign contributions in a state judicial election meant that the judge was wrong not to recuse himself from deciding a case involving a defendant who had spent \$3 million supporting his election campaign to the bench. I agreed with that decision. There, Justice Kennedy wrote: "We conclude that there is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent." What I do not understand is how these same standards and obvious logic were not applied to corporate spending in election campaigns.

The campaign finance laws passed by Congress, as well as the 24 states that have enacted restrictions, reflect a clear reason for treating individuals and their free speech rights differently from corporations—especially foreign corporations—and their money. These laws were well-founded on principles dating back not just a century to the Tillman laws, but to the distinction dating back to the time of our Nation's founding.

As early as 1819, the great Chief Justice John Marshall acknowledged that "A corporation is an artificial being . . . the mere creature of law, it possesses only those properties which the charter of its creation confers upon it. . . ." That 191-year-old precedent is one of the many betrayed by the five Justice majority in *Citizens United* when it ignored the nature of corporations as artificial, legally-created constructions and wrongly described them merely as indistinguishable from other "associations of citizens." Corporations are created by governments and given special rights and privileges. They are not people. Describing them as indistinguishable ignores not only the long development of the law but logic and reality.

The threat posed by the *Citizens United* goes well beyond the specific limitations on corporate spending that were struck down in its decision. The same lawyers who initiated the *Citizens United* case are already seeking to overturn other limits on election spending and transparency in campaign

fundraising. If those lawyers are successful in a case called *SpeechNow.org v. Federal Election Commission*—a case currently before the United States Court of Appeals for the D.C. Circuit, a court like the Supreme Court controlled by Republican-appointed conservative activists—it could gut laws meant to ensure that the public knows who funds political ads. That means unaccountable groups would be free to distort elections with anonymous attack ads, unanswerable to the American people.

I fear that we have not seen the last of the efforts of the newly-constituted Supreme Court to knock down long-established precedents. The *Citizens United* decision may have a dramatic impact on American democracy, but it is only the latest in a growing set of examples of why every seat on the highest court affects the lives of all Americans.

#### TRIBUTE TO THE LYNN BROTHERS

Mr. LEAHY. Mr. President, lucky is the town that has a good civic minded newspaper.

Vermont is fortunate to have several, and two reasons for that are the brothers Emerson and Angelo Lynn. The Lynn brothers have shown how public spirited newspapering is also good business.

A profile of the Lynn brothers in a recent edition of Vermont's *Seven Days* newspaper, written by Ken Picard, opens with this: "Newspapermen Emerson and Angelo Lynn learned a long time ago that it's not enough for a community paper to be good. It's also got to do good. And the one that achieves both goals can thrive in its niche—even when larger corporate newspapers are struggling."

Emerson and Angelo Lynn—with roots in Kansas and newspapering in their heritage—have made their homes in Vermont since the 1980s, and it was the chance to publish newspapers that brought them to our State. Emerson has published the *St. Albans Messenger* since 1981. Angelo arrived soon after to purchase and publish the *Addison County Independent*.

The *Messenger*, the *Independent* and the other publications they own and manage have flourished under their management. Not only have they invested significant time and energy into the success of their own newspapers; they also generously mentor and support other local publishers.

This is a time of uncertainty and introspection in the Nation's newspaper businesses. Alternate media streams and a severe economic recession have driven down earnings and have driven some papers out of business. New formulas will be tried. But in the meantime, Emerson and Angelo Lynn have shown that the old formula of civic minded journalism can still work.

The Lynn brothers have been successful because they care deeply about where they live, and they invest in their communities in every sense, including their hearts and souls. They act out of a sense of responsibility to their readers. Their tone is civil and constructive. Mr. Picard quotes veteran Vermont journalist Stephen Kiernan: "These guys have a real sense of place. They know when a business is doing well; they know when something is changing; they know what's in the wind. A sense of place is essential to any business in Vermont, but it's especially true in the media business."

These two extraordinary Vermonters continue to give their best, and their businesses have become keystones in the civic infrastructure of Franklin and Addison Counties, and beyond.

I ask unanimous consent that a copy of the article from *Seven Days*, "Brothers in Ink," by Ken Picard, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Seven Days*, Jan. 27, 2010]

#### BROTHERS IN INK

WHILE OTHERS ELEGIZE PRINT JOURNALISM, EMERSON AND ANGELO LYNN ARE HOT ON THE PRESSES

(By Ken Picard)

Newspapermen Emerson and Angelo Lynn learned a long time ago that it's not enough for a community newspaper to be good. It's also got to do good. And the one that achieves both goals can thrive in its niche—even when larger corporate newspapers are struggling.

Emerson Lynn, editor and publisher of the six-days-a-week *St. Albans Messenger* since 1981, knows his paper has influence in the community. Shortly before Christmas, the Hannaford supermarket in his town participated in a company-wide "Fund-a-Feast" campaign. Throughout the holidays, shoppers could buy a \$10 box of food to donate to their local food shelf. The store in Vermont that sold the most boxes would win \$1000 for its food shelf, and the winning store in the entire 171-supermarket chain would get an additional \$2500.

A week before the contest ended, Emerson approached store manager Dan LeCours and asked him how many boxes he needed to win. LeCours said he didn't know, but was sure he didn't have enough on hand to even come close.

"Emerson said, 'You get me that number, and I'll take it from there,'" LeCours recalls. "Coming from Emerson, if he says it, he means it."

Knowing that one in eight Vermonters is now on food stamps, Emerson ran free full-page ads in the *Messenger* the following week, asking his readers to rise to the challenge. They did.

"That last weekend we sold \$9000 worth of Fund-A-Feast boxes. None of that would have happened were it not for Emerson Lynn," says LeCours. "It just goes to show the power of the press when the person behind it is highly trusted and highly respected."

Lately, it's hard to find any good news about print journalism. In December, the now-defunct-in-print *Editor & Publisher* magazine essentially wrote its own obituary

when it reported that more than 40,000 newspaper jobs disappeared in 2009, nearly twice as many as the 21,000 that vanished in 2008. Mainstream newspapers such as the New York Times and the Boston Globe have continued to echo that death knell.

But you won't find that story anywhere in the pages of a Lynn publication, or in their bottom lines. Emerson's younger brother, Angelo, has been editor and publisher of the twice-weekly Addison County Independent since 1984. According to Emerson, 2008, the first year of the current recession, was the Lynns' best year ever. Emerson admits that profits are down, but only slightly, and neither brother has laid off staff.

In fact, both the Messenger and the Independent have employees who've been with them for more than 30 years. In the Messenger's newsroom, editor Gary Rutkowski and staff writer Leon Thompson have a half-century of combined experience between them. Emerson and Angelo insist their papers wouldn't be where they are today without that level of institutional memory.

Of course, reaching out to the next generation is crucial, too. Both the Messenger and Independent routinely devote space to publishing the work of students in the Young Writers Project. Once a month, Angelo delivers 200 free copies of the "Addy Indy," as it's often called, to Middlebury Union High School. Inside each is a copy of the Tigers' Print, the student newspaper. Emerson does the same thing for Bellows Free Academy—St. Albans.

This isn't just smart PR for the Lynn newspapers—it's also a long-term investment in their readerships.

"For our newspapers," says Emerson, "this is our seed corn."

It's a fitting metaphor, coming from two Kansas brothers who moved to Vermont more than 25 years ago to sow the seeds of community journalism in the Champlain Valley. Since then, the Lynns have reaped the journalistic equivalent of a bumper crop. In addition to the Messenger and the Independent, the brothers now publish the Colchester Sun, Essex Reporter, Brandon Reporter and Milton Independent. Angelo also puts out Vermont Ski & Ride Magazine, a winter monthly on the ski industry, and several telephone books in southern Vermont.

In an age when the public has an overabundance of news sources to choose from—websites, blogs, social networking sites, 24/7 cable-news channels—how do Lynn publications manage not just to survive, but to thrive? Very simple, Emerson explains. They remain faithful to their core mission: Give readers in-depth local coverage—school board meetings, high school sports, property taxes and so on—that they want and can't find anywhere else.

"When you have a tight-knit community, everybody likes to know that everybody else is on the same page, and Addison and Franklin counties are pretty tight-knit communities," Angelo adds. "What you find now is that, increasingly, the community newspaper is the glue that binds."

Stephen Kiernan agrees. A former staff writer at the Burlington Free Press for 15 years and a longtime Middlebury resident, he's impressed by how involved Angelo and Emerson are in their respective communities. This means, for example, that he sees Emerson out running at a middle-school lacrosse jamboree attended by hundreds of parents and children. Or he spots Angelo at a performance of the play *Our Town*, and the next day reads his editorial about how the play reflects Middlebury's diversity.

"These guys have a real sense of place," Kiernan says. "They know when a business is doing well; they know when something is changing; they know what's in the wind . . . A sense of place is essential to any business in Vermont, but it's especially true in the media business."

Steve Terry, also a longtime Middlebury resident and former editor of the Rutland Herald, agrees. He says that whenever big institutions in Addison County want to break a story, they make sure the Independent gets it first.

"People could read in the Herald or the Free Press that something happened in Middlebury," Terry says, "but they just wouldn't believe it or feel it was covered until they read it in the Independent."

Tyrone Shaw, director of the journalism program at Johnson State College, is an aficionado of sorts of small community newspapers. Shaw says that Lynn newspapers consistently provide "aggressive but responsible" news coverage of important local issues. He's especially fond of their editorial and letters sections, which he calls "meaty and interesting."

In large part, that's because Angelo and Emerson typically write their own editorials. They come from opposite ends of the political spectrum. Angelo is more left leaning than Emerson and far more likely to criticize the governor, Jim Douglas' residence in Middlebury notwithstanding. Emerson, a regular contributor to the conservative blog Vermont Tiger, is more likely to attack Bernie Sanders and the actions of the left-dominated legislature. In the last election, however, he supported Barack Obama.

Despite some divergent views on elected officials, economic growth and job creation, the Lynn brothers insist they see eye to eye on all social issues, such as abortion and gay rights. Back in July 1997, the Messenger was the first daily paper in the state to endorse civil unions. It's that sophisticated understanding of the issues, Shaw says, that makes the brothers' papers invaluable reading in their communities.

"I think they were both born with newspaper ink in their blood," he concludes. "They're old-fashioned newspapermen in the very best sense."

That assessment of the Lynn DNA isn't far off. Emerson and Angelo are fourth-generation newspapermen. Their great-grandfather, Charles F. Scott, bought the Iola Register, a small weekly in southwestern Kansas, in 1882. His son, Angelo Scott, took over the paper and ran it until 1965, when he turned it over to Emerson and Angelo's father, who's also named Emerson.

The elder Emerson and his wife, Mickey, met at college in Australia, but returned to Kansas in 1950. They published first the Humboldt, Kan., Humboldt Union, then the Bowie News in Bowie, Tx., where Emerson and Angelo lived for seven years.

"Every single Wednesday night Dad would load us into the car and take us down to the paper, and we'd insert the papers," recalls Angelo. It's a job the brothers still do on occasion in the Messenger's ancient, lime-green press room in St. Albans.

In 1965, the Lynns' parents returned to their Kansas roots and took over the Register. They ran it until last year, when Emerson and Angelo's mother died and their father turned over the publishing duties to their sister, Susan Lynn. The siblings have a third brother, Michael, a pastor in Hamden, Conn. Angelo jokes, "The four of us are either preaching from the pulpit or from the editorial pages."

Perhaps it was inevitable that Emerson and Angelo would choose the newspaper business. In 1970, when Angelo was 16, he attended a summer camp at the University of Kansas for kids interested in journalism. On the third day, he recalls, antiwar protesters bombed the student union. He happened to be in the office of the photography instructor, who grabbed a camera and dashed to the scene.

"Minutes later," Angelo remembers, "we were crouched behind a police car, the cops with pointed guns surrounding the student union, and us with our cameras clicking . . . I was hooked."

Both Emerson and Angelo eventually graduated from KU's William Allen White School of Journalism. Emerson got married and moved east to work on Capitol Hill as a speechwriter for then-U.S. Sen. Jim Pearson, a Kansas Republican—then for his successor, Sen. Nancy Kassebaum.

But Emerson quickly grew bored with his duties and began looking around for a newspaper to buy. He considered some in the Rocky Mountain area, but quickly realized he'd never afford one. In 1981, a broker approached him with a proposal to buy a stridently right-wing daily in northwestern Vermont. The St. Albans Daily Messenger, then owned by publisher William Loeb, had never made money. Emerson bought the paper and quickly improved its reputation and financial performance.

Three years later, Gordon Mills, owner of the Addison County Independent, approached Emerson and asked him if he was interested in buying his newspaper, too. Emerson declined but suggested he contact Angelo, who at the time was running the Yates Center News, a small, struggling weekly in southeastern Kansas.

So in August 1984, at age 30, Angelo bought the Vermont weekly. Four years later, he turned it into a twice-weekly paper. Today the Addison County Independent has a staff of 21 employees, seven of whom (including Angelo) work in the newsroom. Angelo insists that his commitment to news coverage continues to pay off. Though he says he's made only a modest investment in the paper's website over the years, in 2009 the Vermont Press Association named it the state's best.

Meanwhile, the Lynns have continued to acquire flailing newspapers and turned them into money-making ventures. And they've done so with seemingly boundless energy.

"As Angelo likes to say, we're always the last ones on the treadmill," Emerson says. "You may be smarter than us, but you'll never outwork us."

Indeed. As kids, Emerson and Angelo spent most summers at a family cabin in Colorado. Each morning they'd wake at the crack of dawn, load their packs and spend the next 10 to 14 hours hiking to a summit.

That commitment to rigorous outdoor exercise hasn't flagged. Emerson and Angelo are well past 50—in a rare show of vanity, Emerson declines to disclose his age, and Angelo won't betray his brother. But neither looks or acts it. Trim, hale and handsome, the brothers have chiseled bodies and resting heart rates that would be the envy of men half their age.

Both routinely compete in marathons, triathlons, canoe races and other competitions that demand iron-man stamina. Angelo skis 40 to 50 days per year. Last year, he competed in the Canadian Death Race, a three-day endurance course that traverses a raging river and three mountain summits and includes 17,000 feet of elevation change.

Never one to be outdone by his younger brother, Emerson recently took on a 3100-repetition weight-training workout challenge. He completed it in under one hour and 50 minutes.

"We're excessive," Emerson admits unapologetically. "The two of us are extraordinarily competitive. But it's never me against him or him against me. It's 'Let's see what we can do.'"

That drive for peak performance is reflected in their careers. Both are self-described workaholics—Emerson is still married, Angelo divorced—and are intimately involved in every detail of their publications, from writing daily editorials to selling ads to distribution. On a recent visit to Seven Days, Angelo's station wagon was filled with newspapers that needed delivering.

"I have never met anyone in daily journalism who has maintained such a high level of energy day after day after day," notes Chris Graff, the former Associated Press writer who ran the Montpelier bureau for 26 years. Speaking of Emerson, he recalls, "When I was at the AP, his routine was to arrive at work at 5 a.m. every day—and he wrote an editorial every day."

But the Lynns' competitive spirit doesn't come with a bullying or predatory attitude. The brothers have helped fellow Vermont publishers, including those at Seven Days, who benefited from Angelo's free advice when this paper launched. Angelo was also on hand when a group of journalists and publishers gathered recently in Grafton to discuss working cooperatively in the digital age.

M. Dickey Drysdale, editor and publisher of the Herald of Randolph, calls the Lynn brothers "the best gift that Kansas has ever given to Vermont journalism." Drysdale, who's been at the Herald since 1971, says Emerson and Angelo have given him business advice and suggestions for advertising campaigns over the years, never expecting anything in return.

"You can sometimes get the idea that press lords are supercilious and very, very serious," Drysdale adds. "Both [Emerson and Angelo] seem to approach their jobs with a high seriousness, but also a cheerful attitude that makes them fun to deal with and makes their newspapers very approachable."

The Lynns say they don't view other community newspapers as competition, even in markets where they compete for ad revenues. As the state's biggest dailies shrink in size—lately, the Monday Burlington Free Press has had fewer pages than the Monday Messenger—neither brother sees any reason to alter their course.

"I don't think you get stronger because other people get weaker. You're stronger because of your adherence to your mission," Emerson concludes. "We're not having to rediscover that local news is important. We've been doing that forever. That's our bread and butter."

#### HILLSBOROUGH AGREEMENT

Mr. LEAHY. Mr. President, I rise this afternoon to call the Senate's attention to a significant agreement that was signed late last Friday night to preserve the current government in Belfast and continue the long road toward permanent peace in Northern Ireland.

The 12 years since the signing of the Good Friday Peace Accords have not been easy ones for the people of North-

ern Ireland. The power-sharing government was suspended in 2002, the British resumed direct control, and violence has flared at times. However, all sides have been committed to working towards the blueprint for peace worked out in 1998—the Irish Republican Army formally ended its armed campaign in 2005, the St. Andrews Agreement returned control of the government to Northern Ireland, and all sides have resisted a resurgence of the brutality of the past.

In recent months, disagreements over a variety of issues have threatened to bring down the fragile government again—tensions over British control of prosecutors, the judiciary and the police, and the rights of the Protestant Orange Order to parade through heavily Catholic neighborhoods have prevented both sides from moving forward.

I commend the Northern Irish First Minister Peter Robinson of the Democratic Unionist Party and Deputy First Minister Martin McGuinness of Sinn Féin who met at Hillsborough Castle near Belfast with Prime Minister of Britain, Gordon Brown, and Taoiseach Cowen of the Republic of Ireland, whose leadership has been vital. Friday's agreement set April 12 as the date for the transfer of the Judiciary and Police forces to local control, and laid out a plan and timeline for the resolution of disagreements on parades before "marching season" in July of 2011.

Northern Ireland's long peacemaking process has been difficult, demanding painful concessions by both sides. Yet both sides also seem to have reached a point where return to the conditions of the last 40 years is no longer an option. The last few years have seen opportunities for Northern Ireland to return to sectarian strife, and yet both sides, their leaders, and the people of Northern Ireland have looked over the edge and stepped back with the knowledge that no matter how difficult the road forward is, the road back must not be travelled.

I am proud of the critical role the United States has played in the process. Former President Clinton was intimately involved in the Good Friday Agreement, and Secretary of State Clinton deserves a great deal of credit for her part in these talks. All of us in this chamber also are proud of the role that former Senator George Mitchell played at crucial junctures earlier in this long process. I assure the people of Northern Ireland that this Senator—and all Americans of good will—remains committed to remaining with them every step of the way.

#### BLACK HISTORY MONTH

Mr. MERKLEY. Mr. President, I rise today to recognize the many accomplishments and contributions of black Americans to our Nation.

This month, we honor the brave citizens who struggled and fought through-

out the years for a better day for their children. A day when everyone is treated with respect and dignity.

One of those brave citizens was Portland resident Dr. J.N. Merriman, who in 1914—united with a few pioneering spirits—commissioned Oregon's first NAACP chapter, a mere 5 years after the nationally acclaimed organization was formed.

The work of Portland's NAACP chapter and Urban League helped to spur a grassroots movement that succeeded where many previous campaigns had failed, repealing in 1926 and 1927 the State's sordid exclusion laws. These Jim Crow laws, written into the State's Constitution, prevented African Americans from living freely in the State, settling, owning property or voting.

It is in the spirit of these pioneering Oregonians and so many brave citizens of every color across this country, that we remember and reflect on the history and contributions African Americans have made.

Our American identity is tied to the music of outstanding artists like Sarah Vaughan and Duke Ellington, the literary work of authors like Maya Angelou and Langston Hughes, the groundbreaking accomplishments of athletes like Jackie Robinson and Jackie Joyner-Kersey, and the discoveries and inspiration of scientists like Benjamin Banneker and Mae Jemison. Thanks to the inventions of African Americans, we now ride on elevators, preserve food in refrigerators and travel safely on the road with traffic lights.

The contributions of these and millions more Black Americans are part of the very fabric of our Nation.

It is in the spirit of these brave citizens, and in recognition that their remarkable accomplishments are that much more remarkable for having overcome a history of racial discrimination, that we must continue to forge ahead on the path of justice and equality. We have come a long way in Oregon and in America—but there is far more to be done.

As the Urban League of Portland recently pointed out in their commissioned "State of Black Oregon" report: 30 percent of Black Oregonians are living in poverty—5 percent higher than the national average; only 34 percent of Black Oregonians own their own homes—12 percent lower than the national average; and the unemployment rate of Black Oregonians is nearly double the State unemployment rate.

These statistics are troubling and are another reminder that we must do much more to ensure that every citizen has the opportunity to lead a thriving, productive life free of institutional barriers and policies that prevent success. We must continue to remember the struggle so many have endured to push equity, fairness and justice forward. And we must ensure that our

education system is the best in the world, and that our families have access to workforce and training opportunities that lead to living-wage jobs.

Today, we honor the brave citizens who have made my State, our country and our world better. Today, we celebrate and reflect—but tomorrow, we must get back to work to truly reach equity.

#### RECOGNIZING U.S. SOUTHERN COMMAND TEAM IN HAITI

Mr. NELSON of Nebraska. Mr. President, I rise today to extend my gratitude to GEN Douglas M. Fraser, Commander, and the men and women serving within the U.S. Southern Command, SOUTHCOM, for what was a true act of heroism. Certainly, all the members of America's great military exemplify a "can do" spirit and selfless service to our Nation each and every day. And, as we all know full well, our military has ever-changing missions; yet the men and women of our armed services demonstrate time and again their ability to adapt and perform, as is the case with America's most recent humanitarian mission in Haiti.

Recently, staff from Creighton University in my home State of Nebraska sought emergency assistance for some critical patients in Jimani, Haiti. The Creighton medical team on the ground there needed a rapid response for these Haitian patients, but they were unable to connect with any support agencies in the region to get the immediate attention this situation required.

The team at SOUTHCOM quickly saved the day, airlifting these critically injured patients from Jimani to Milot, Haiti, where they could be properly treated. The entire American and international teams in Haiti have saved an untold and incalculable number of lives since the devastating earthquake, but I would be remiss if I did not highlight the incredible effort by the men and women of SOUTHCOM. The servicemembers under General Fraser's command managed to evacuate 37 patients and their families over the course of January 31 and February 1, 2010; and these individuals will be forever grateful to the men and women of America's military for saving their lives.

All Americans should recognize this valiant effort by the members of SOUTHCOM. General Fraser showed great leadership in overseeing this mission, and the courageous service of the men and women at SOUTHCOM has the gratitude of not only the medical team and others from Creighton University, but the people of Haiti as well. You are all a credit to our Nation.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING CHICK-FIL-A

• Mr. ISAKSON. Mr. President, I wish to honor in the RECORD of the Senate a great Georgia company, Chick-fil-A, Inc., and a great Georgian, its founder S. Truett Cathy.

Last May, at age 88, Truett Cathy, founder and active CEO of Chick-fil-A, celebrated 63 years in the restaurant business. In 1946, he opened his first restaurant, The Dwarf Grill, in Hapeville, GA. In December, Chick-fil-A, which Mr. Cathy founded in 1967, reached the \$3 billion mark in system-wide sales and posted its 42nd-consecutive annual sales increase since the company's inception.

While our economy was facing difficult times, the Cathy family and president and COO, Dan T. Cathy, was prepared and committed to carrying on a family tradition. The Chick-fil-A model of slow and steady growth that has proven so successful in the past has paid off during these tough economic times.

The chain maintained its pace for new restaurant openings by opening 83 new restaurants across the country in 2009, creating approximately 4,200 new jobs. In addition, Chick-fil-A continued its reinvestment in its existing restaurant infrastructure by remodeling or expanding 60 restaurants across the chain. Despite the uncertain economy, Chick-fil-A continues to be on track to honor the commitment Truett Cathy and his family made at the end of 2006 to eliminate all company debt by 2012.

I am also proud to say that this Georgia-based company also continues its strong commitment to education. In August 2009, Truett Cathy awarded the 25,000th Chick-fil-A Leadership Scholarship since creating the program in 1973. To date, the leadership scholarship program has awarded more than \$25 million in financial assistance to more than 25,000 Chick-fil-A restaurant team members who have attended 2,300-plus educational institutions throughout the country. In 2009 alone, Chick-fil-A awarded \$1.4 million in scholarships to 1,425 Chick-fil-A team members across the country.

Congratulations, Chick-fil-A, and best wishes to Truett Cathy and the entire Cathy family for their ongoing success in Georgia and throughout the country. •

##### RECOGNIZING CHAPEL HILL FLORAL

• Ms. SNOWE. Mr. President, this Sunday, we celebrate Valentine's Day, when couples across the world take a moment to slow down and show each other their appreciation and love. Along with "Be My Valentine" cards and boxes of chocolate, one of the symbols most connected with this special

day is a beautiful bouquet of red roses. With that in mind, I wish to recognize a small florist in my home State of Maine that continually provides customers with quality flowers and gifts—and at this time of year, makes Valentine's Day a sweet event.

Chapel Hill Floral, a small flower shop in Bangor, opened its doors on the corner of West Broadway and Hammond Street in October of 2000. The full service florist sells a wide variety of floral arrangements for all occasions, from weddings to birthdays to everyday moments. Additionally, Chapel Hill stocks a number of plants, as well as baskets and hangers for them. The store also sells a vast array of gifts to complement any floral selection, including Boyd's bears, local wines from nearby Winterport Winery, and delicious staples from Maine-based Stonewall Kitchen.

A name synonymous with quality in the Bangor region, Chapel Hill has three Maine master floral designers on staff. This designation was established in 2003 for those passing a wide-ranging course in floral mechanics and techniques offered by the Maine State Florists' and Growers' Association. Indeed, Chapel Hill's dedication to excellence and its employees' sense of pride in their work has led to a truly satisfied clientele.

Additionally, to build a bond with the local community, Chapel Hill Floral offers a series of timely and entertaining classes on how to design beautiful floral arrangements. Most recently, in preparation for Valentine's Day, Chapel Hill offered the "Prelude to a Kiss" class, where students turned a half-dozen red roses into a beautiful display with several accoutrements, such as babies' breath and Calyx leaves. Other classes in the near future include the hopeful and aptly named "Tropical Getaway" and "Spring in a Basket." Additionally, for anyone who places an order prior to Valentine's Day, their name will be automatically placed in a drawing for an overnight weekend stay at the Lucerne Inn, one of Maine's most quaint and historic hotels. The package includes dinner for two, Sunday brunch, and a dozen beautiful red roses, making it the perfect romantic getaway!

Finally, Chapel Hill's superb work has been recognized by Market Surveys of America as the "Best Flower Shop" in the Greater Bangor area 3 years in a row, from 2007 to 2009. Additionally, Mark Pellon, who is one of Chapel Hill's Maine master floral designers was named the Maine State Florists' and Growers' Association's Designer of the Year for 2008, a distinct and well-deserved honor.

Clearly, Chapel Hill Floral has made a lasting impression on its customers in the Bangor area, and the company's unique marketing efforts are truly noteworthy. My sincerest thanks to

owners Barbara and Rick Frye and everyone at Chapel Hill Floral for all of their excellent work, and my best wishes for a pleasant Valentine's season and a successful year.●

#### MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4061. An act to advance cybersecurity research, development, and technical standards, and for other purposes.

H.R. 4532. An act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 235. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message further announced that the House passed the act (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks, without amendment.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4061. An act to advance cybersecurity research, development, and technical standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3006. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow multi-employer plans to amortize losses from certain fraudulent investment schemes over a 40-year period; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. CHAMBLISS):

S. Res. 411. A resolution recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be

given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself and Mr. VOINOVICH):

S. Res. 412. A resolution designating September 2010 as "National Childhood Obesity Awareness Month"; to the Committee on the Judiciary.

By Mr. REID (for himself, Mr. McCONNELL, Mr. SPECTER, Mr. CASEY, Mr. AKAKA, Mr. ALEXANDER, Mr. BARBARASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 413. A resolution relative to the death of Representative John P. Murtha, of Pennsylvania; considered and agreed to.

By Mr. KERRY:

S. Res. 414. A resolution expressing the sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 210

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 210, a bill to amend the Internal Revenue

Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care—related degrees and to work in child care facilities, and to increase the exclusion for employer—provided dependent care assistance.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 864

At the request of Mr. DORGAN, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1500

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1500, a bill to amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

S. 1606

At the request of Mr. WHITEHOUSE, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 2749

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2749, a bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Indiana



(Mr. BAYH), the Senator from Pennsylvania (Mr. CASEY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2816

At the request of Mr. BUNNING, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2816, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 2900

At the request of Mrs. GILLIBRAND, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2900, a bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.

S. 2904

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2904, a bill to amend title 10, United States Code, to require emergency contraception to be available at all military health care treatment facilities.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2977

At the request of Mr. GRAHAM, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2977, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001 terrorist attacks.

S. 2982

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLI-

BRAND), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Delaware (Mr. KAUFMAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. UDALL) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2982, a bill to combat international violence against women and girls.

S. 2993

At the request of Mr. SANDERS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2993, a bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019.

S. 3000

At the request of Mr. ROCKEFELLER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3000, a bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months.

S. RES. 396

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 396, a resolution to enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress.

S. RES. 400

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 400, a resolution urging the implementation of a comprehensive strategy to address instability in Yemen.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

S. RES. 409

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr.

MERKLEY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. BURRIS), the Senator from Michigan (Mr. LEVIN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed "Anti-Homosexuality Bill", and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 411—RECOGNIZING THE IMPORTANCE AND SUSTAINABILITY OF THE UNITED STATES HARDWOODS INDUSTRY AND URGING THAT UNITED STATES HARDWOODS AND THE PRODUCTS DERIVED FROM UNITED STATES HARDWOODS BE GIVEN FULL CONSIDERATION IN ANY PROGRAM TO PROMOTE CONSTRUCTION OF ENVIRONMENTALLY PREFERABLE COMMERCIAL, PUBLIC, OR PRIVATE BUILDINGS

Mrs. LINCOLN (for herself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 411

Whereas hardwood trees grown in the United States are an abundant, sustainable, and legal resource, as documented annually by the Forest Inventory and Analysis Program of the Forest Service;

Whereas, despite development pressure and cropland needs, Department of Agriculture data show that the inventory of United States hardwood has more than doubled over the past 50 years;

Whereas the Department of Agriculture reports that annual United States hardwood growth exceeds hardwood removals by a significant margin of 1.9 to 1, and net annual growth has exceeded removals continuously since 1952;

Whereas the World Bank ranks the United States in the top 10 percent of all countries for government effectiveness, regulatory quality, and rule of law with respect to hardwood resources;

Whereas United States hardwoods have been awarded the highest conservation crop rating available under the Department of Agriculture Environmental Benefits Index;

Whereas United States hardwoods are net absorbers of carbon and are widely recognized to be critical to reducing the United States carbon footprint;

Whereas United States hardwoods are a valuable raw material that, when used properly, provide an incentive for landowners to maintain their land in a forested condition rather than clearing the land for development or other alternative land use;

Whereas United States hardwoods are a renewable resource and bio-based material;

Whereas United States hardwoods are recyclable, and hardwoods used in construction can often be restored and reused in later construction;

Whereas United States hardwoods are grown primarily in those States located along or east of the Mississippi River and in the Pacific Northwest, but, with a presence



in every State, the hardwood industry is 1 of the major sources of economic activity and sustenance in many rural communities;

Whereas United States hardwoods are grown by thousands of small family landowners who may harvest trees only once or twice in a generation; and

Whereas United States hardwoods and the products derived from United States hardwoods are prized throughout the world as a superior and long-lasting building material: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that United States hardwoods are an abundant, sustainable, and legal resource under United States law; and

(2) urges that United States hardwoods and products derived from United States hardwoods should be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

Mrs. LINCOLN. Mr. President, I am pleased to introduced a resolution with my colleague, Mr. CHAMBLISS of Georgia, recognizing hardwood trees as an abundant, sustainable and renewable resource. Specifically, the resolution states that the U.S. Senate

Recognizes that United States hardwoods are an abundant, sustainable, and legal resource under United States law; and urges that United States hardwoods and products derived from United States hardwoods should be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

Hardwoods are found throughout the U.S., but they are a major component of forests from New England, through the Lake States, and the South-Central and Southeastern states. Hardwood inventories are expected to increase by 27 percent over the next 40 years, according to the Forest Service. Most of these forests are owned and managed by families who make substantial investments in these lands, sometimes without the expectation of timber income in their lifetimes. This resolution recognizes the environmental qualities of hardwood lumber, as well as the generational commitment of America's family forest landowners who grow and nurture this valuable resource.

The Arkansas timber industry has suffered badly during the recession. This resolution will provide new markets for our State's hardwood growers, many of whom are small family landowners who may harvest trees only once or twice in a generation. With more than 60 hardwood facilities in Arkansas, the industry is an important piece of our economy. Hardwood is valued world-wide as a superior and long-lasting building material and I am proud to encourage their use.

The U.S. House of Representatives passed a similar resolution, H. Res. 81, on September 15, 2009, by voice vote. It enjoyed widespread, bipartisan support and had more than 50 cosponsors. I urge my colleagues join us in supporting U.S. hardwoods, the hardwood industry and an abundant and renewable resource.

Mr. CHAMBLISS. Mr. President, I am submitting a resolution today recognizing that hardwood trees are an abundant and sustainable resource in the United States, and that the products derived from hardwood trees should be given full consideration in programs promoting the construction of environmentally friendly buildings, including commercial, public or private buildings. This resolution will hopefully demonstrate Congress's support for the hardwood industry and that these hardwood materials, a USA product, are sustainable building materials. I invite and encourage all of my colleagues to cosponsor this bipartisan resolution.

The Nation's forests are a bountiful resource. Not only do they provide forest products and related jobs, but they also are prized for their scenic beauty, recreational opportunities, wildlife habitat, and maintaining clean air and water.

Today, about one-third of the Nation's landscape is forested. The majority of this forestland, about 57 percent, is privately owned. In my home State of Georgia, 24 million acres, about 67 percent of the land, is covered by forests. These forests have a direct economic impact of nearly \$13 billion per year. About one-third of Georgia's forests are hardwoods, which supports the nearly 300 hardwood facilities in the State. Most of these are small, family owned businesses, just as they are in the rest of the country. Unfortunately, in Georgia and the rest of the country, this industry has been in decline for more than a decade as paper and wood mills have closed and 158,000 jobs, many in rural areas, have been lost.

I hope that with this resolution my colleagues and the Nation remember the numerous benefits of forests and hardwoods. They are a sustainable and renewable resource and should be recognized for the environmental benefits they provide.

#### SENATE RESOLUTION 412—DESIGNATING SEPTEMBER 2010 AS “NATIONAL CHILDHOOD OBESITY AWARENESS MONTH”

Mrs. GILLIBRAND (for herself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 412

Whereas during the past 4 decades, obesity rates have soared among all age groups, increasing more than four-fold among children ages 6 to 11;

Whereas 31.8 percent or 23,000,000 children and teenagers ages 2 to 19 are obese or overweight, a statistic that health and medical experts consider an epidemic;

Whereas significant disparities exist among the obesity rates of children based on race and poverty;

Whereas the financial implications of childhood obesity pose a tremendous financial threat to our economy and health care

system, carrying up to \$14,000,000,000 per year in direct health care cost, with people in the United States spending about 9 percent of their total medical costs on obesity-related illnesses;

Whereas obese young people have an 80 percent chance of being obese adults and are more likely than children of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, sleep apnea, stroke, several types of cancer, and osteoarthritis;

Whereas in part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;

Whereas some consequences of childhood and adolescent obesity are psychosocial and obese children and adolescents are targets of early and systematic social discrimination, leading to low self-esteem which, in turn, can hinder academic and social functioning and persist into adulthood;

Whereas participating in physical activity is important for children and teens as it may have beneficial effects not only on body weight, but also on blood pressure and bone strength;

Whereas proper nutrition is important for children before birth and through their lifespan as nutrition has beneficial effects for health and body weight, and is key in the prevention of various chronic diseases;

Whereas childhood obesity is preventable yet does not appear to be declining;

Whereas public, community-based, and private sector organizations and individuals throughout the United States, including First Lady Michelle Obama, are working to decrease childhood obesity rates for people in the United States of all races through a range of efforts, including educational presentations, media campaigns, websites, policies, healthier food options, and greater opportunities for physical activity; and

Whereas Members of Congress have championed legislation to reduce and bring awareness to the issue of childhood obesity: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2010 as “National Childhood Obesity Awareness Month” in order to raise public awareness and mobilize the country to address childhood obesity;

(2) recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, Tribes and tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.

#### SENATE RESOLUTION 413—RELATIVE TO THE DEATH OF REPRESENTATIVE JOHN P. MURTHA, OF PENNSYLVANIA

Mr. REID (for himself, Mr. McCONNELL, Mr. SPECTER, Mr. CASEY, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr.

BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 413

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John P. Murtha, late a Representative from the Commonwealth of Pennsylvania.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

# SENATE RESOLUTION 414—EXPRESSING THE SENSE OF THE SENATE ON THE RECOVERY, REHABILITATION, AND REBUILDING OF HAITI FOLLOWING THE HUMANITARIAN CRISIS CAUSED BY THE JANUARY 12, 2010, EARTHQUAKE IN HAITI

Mr. KERRY submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 414

Whereas on January 12, 2010, Haiti suffered an earthquake measuring 7.0 on the Richter scale, the greatest natural disaster in Haiti's history, which—

(1) devastated Port-au-Prince and the surrounding areas;

(2) killed more than 100,000 people;

(3) injured hundreds of thousands more people; and

(4) left many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere—

(1) has an estimated 54 percent of its population living on less than \$1 per day;

(2) has approximately 120,000 people living with HIV;

(3) had 29,333 new cases of Tuberculosis in 2007; and

(4) has nearly 400,000 children living in orphanages;

Whereas despite these challenges, cautious signs of developmental progress and stability were beginning to emerge in Haiti prior to the earthquake;

Whereas although initial recovery efforts must continue to assist the people of Haiti struggling to secure basic necessities, including food, water, health care, shelter, and electricity, Haiti cannot afford to only focus on its immediate needs;

Whereas various United States and international assessments indicate that the next priority for the Government of Haiti should be to repair the country's basic infrastructure, including its schools, roads, hospitals, telecommunications infrastructure, and government buildings;

Whereas Haiti's leaders have advocated that—

(1) reconstruction should not follow the inefficient practices of the past; and

(2) Haitians should be given the opportunity to accelerate and implement long planned reforms and new ways of doing business in every sector;

Whereas Haiti enjoys several advantages that can facilitate its rebuilding, including—

(1) people committed to education and hard work;

(2) duty-free, quota-free access to United States markets;

(3) a large pool of low-cost labor;

(4) a large, hardworking North American diaspora sending money back to Haiti; and

(5) regional neighbors who are peaceful, prosperous, and supportive of Haiti's success;

Whereas international experience from rebuilding other countries recovering from natural disaster confirms that—

(1) stability and security are essential preconditions to longer-term development; and

(2) economic development and political reform should relieve poverty and foster governance and social justice;

Whereas employment is essential to breaking the vicious cycle of poverty, corruption, insecurity, and loss of faith in democracy;

Whereas the Haitian people, like all people, deserve the income and dignity that gainful employment provides;

Whereas, in addition to providing emergency assistance and relief, the Government of Haiti must grapple with the longer-term issue of how to provide permanent, sustainable shelter to an estimated 1,000,000 Haitians displaced by the earthquake;

Whereas, the impact of natural disaster on Haiti is—

(1) exacerbated by weak building codes and poor infrastructure; and

(2) more fundamentally the result of an impoverished state unable to provide most of its people with minimal public services, including security, clean water, shelter, electricity, health care, and education;

Whereas assistance to Haiti should be delivered in a manner that enhances, not diminishes, the ability of the state to provide services to its people;

Whereas the Haitian state should be rebuilt with communities in a central role in the national recovery process led by the Government of Haiti, so that foreign assistance upholds and empowers Haitian mayors, local councils, and municipalities in areas outside of Port-au-Prince;

Whereas international donors and nongovernmental organizations, which have a

responsibility to support the Government of Haiti in its rebuilding efforts, should not supplant the ability of local institutions and the government to manage resources and provide essential services:

Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the United States Government and the international community to provide resources, manpower, and technical assistance to support the Government of Haiti's leadership of international assistance efforts and to conduct a comprehensive post-disaster needs assessment that will focus on—

(A) social sector services, including access to, and delivery of, basic services, including—

(i) health care delivery, including reinstating disrupted care and addressing new needs;

(ii) all levels of education, including ensuring access to lessons as quickly as possible;

(iii) social support for communities;

(iv) improving the welfare of children; and

(v) recognition of the importance of gender equality and the role of women as economic guardians;

(B) population resettlement, including services and sustainable livelihoods to support new communities and settlements;

(C) stable and democratic governance, ensuring that the Government of Haiti will appropriately steward state resources through a process embracing transparency, civic participation, political moderation, and institutional accountability;

(D) economic sustainability, emphasizing employment generation, macroeconomic stability, and market economy sustainability;

(E) security, ensuring legitimate state efforts to prevent and respond to crime, especially violence, and instilling public order and confidence in Haitian security forces; and

(F) rule of law, developing a just legal framework that—

(i) is accountable;

(ii) provides access to justice; and

(iii) ensures public order;

(2) encourages the United States Government and the international community to support the leadership of the Government of Haiti and key nongovernmental and private sector Haitian stakeholders to create a comprehensive national strategy for recovery and development that will—

(A) be led by the Government of Haiti;

(B) address the findings from the needs assessment conducted under paragraph (1);

(C) coordinate new resources flowing into Haiti;

(D) channel such resources in concrete and specific ways towards key sectoral objectives identified by the Government of Haiti and its people;

(E) take feasible steps to recognize and rectify the social injustice of poverty, and decrease the vulnerability of the poor, through job creation, the provision of health care, the provision of safe shelter and settlements, food security, and education;

(F) place communities at the center of the rebuilding process, by employing local labor and consulting local leaders and communities for their experience and vision;

(G) encourage rebuilding and development of programs that are environmentally sustainable and respectful and restorative of Haiti's natural resources;

(H) work with the Government of Haiti and the international community to reduce the risk of future disasters, including floods and hurricanes, through the relief and recovery efforts focusing on the most vulnerable communities; and

(I) address the difficult issues related to land use, land tenure, the need for land for reconstruction, and land price escalations.

(3) applauds the international community's response to the preliminary appeal for assistance made at Montreal, Canada, on January 25, 2010;

(4) affirms that—

(A) the international donors conference for Haiti, which will be held in New York on March 22-23, 2010, is an opportunity for Haiti to accelerate and implement long-planned projects and priorities in key infrastructural, economic, and social sectors outlined in a comprehensive national strategy; and

(B) large-scale international assistance provides significant leverage to promote change and reform in Haiti;

(C) the international community should be prepared to fully commit to the outcomes of the New York donors conference, including full disbursement and subsequent implementation;

(5) encourages international financial institutions and international organizations, including the United Nations and the World Bank, to continue their engagement and leadership in support of critical economic and security priorities, including—

(A) economic and social assistance programs;

(B) strengthening Haitian national institutions;

(C) security sector reform;

(D) ensuring fair and legitimate elections; and

(E) supporting political and governance reform;

(6) encourages the International Monetary Fund, the World Bank, and the Inter-American Development Bank, which hold the majority of Haiti's existing external debt obligations, to—

(A) work together to relieve Haiti of its external debt obligations to the multilateral community and bilateral lenders; and

(B) seek considerable new resources for Haiti without adding to Haiti's existing debt obligations, primarily through provision of grants; and

(7) urges the United States Government to ensure unity of effort by assigning a single person to—

(A) coordinate all aspects of United States assistance to Haiti; and

(B) work with Congress to responsibly ensure sufficient appropriations to facilitate the long-term and sustainable recovery, rehabilitation, and development of Haiti.

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 11, 2010 at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider the nomination of Lillian A. Sparks to be Commissioner of the Administration for Native Americans, U.S. Department of Health and Human Services.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 9, 2010, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jeff Barham, a detailee in the Senate HELP Committee, be granted the privilege of the floor for the duration of the nomination of Craig Becker.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 561, the nomination of Clifford L. Stanley to be Under Secretary of Defense for Personnel and Readiness and Calendar No. 614, the nomination of Philip Goldberg to be an Assistant Secretary of State for Intelligence and Research.

The legislative clerk read the nominations of Clifford L. Stanley, of Pennsylvania, to be Under Secretary of Defense for Personnel and Readiness, and Philip S. Goldberg, of the District of Columbia, to be an Assistant Secretary of State.

### NOMINATION OF PHILIP S. GOLDBERG

Mrs. FEINSTEIN. Mr. President, I support the nomination of Ambassador Philip S. Goldberg to be the Assistant Secretary for Intelligence and Research at the Department of State and urge my colleagues to support this nomination. The Intelligence Committee unanimously approved Ambassador Goldberg's nomination on December 10, 2009.

The Assistant Secretary for Intelligence and Research leads the Bureau of Intelligence and Research at the Department of State, a well-respected analytic agency within the Intelligence Community, known as "INR." INR produces all-source intelligence analysis to advise the Secretary of State and other senior policy officials. INR is as an active participant in the Intelligence Community and contributes to products published by the National Intelligence Council. Its analysts, while far fewer in number than the analysts at the Central Intelligence Agency and the Defense Intelligence Agency, are

highly expert in their fields and often improve the quality of coordinated intelligence assessments by challenging the views of other agencies and, if necessary, dissenting from consensus judgments that they believe to be incorrect or unsubstantiated.

One important example of INR's independent minded approach occurred in 2002, when INR dissented from the official judgment of the intelligence community regarding Iraq's weapons of mass destruction program. INR analysts expressed less certainty regarding the claim that Iraq was reconstituting nuclear weapons, taking a different view on the purpose of Saddam Hussein's pursuit of aluminum tubing. History, of course, proved the INR analysts to be correct, as Iraq was not reconstituting a nuclear weapons program.

As an assistant secretary, Ambassador Goldberg will lead a talented, experienced group of analysts, whose work offers invaluable insights to policymakers at the Department of State and throughout the government. INR analysts produce open source products as well, including reports based on global public opinion polling and foreign media analysis.

INR also serves a critical coordinating function. It is the intermediary between intelligence activities and the Intelligence Community on one hand and foreign policy and U.S. embassies on the other. INR represents the Department of State's perspective within the intelligence community and ensures that the benefits of intelligence activities outweigh any diplomatic risks. Ambassador Goldberg's experience serving in and managing U.S. embassies abroad will be very important as he helps to align intelligence and diplomatic priorities.

Ambassador Goldberg's distinguished 20-year career in the Foreign Service prepares him well for his new position. He served as the charge d'affaires and deputy chief of mission in Santiago, Chile, the chief of mission in Pristina, Kosovo, and in the U.S. embassies in Bogota, Colombia, and Pretoria, South Africa. Ambassador Goldberg is a graduate of Boston University and before joining the Foreign Service he worked for the city of New York.

From 2006 to 2008, Ambassador Goldberg served as the Ambassador to Bolivia during a period of heightened tensions between our two countries. In mid-September 2008, President Evo Morales accused Ambassador Goldberg of supporting opposition forces, declared him persona non grata, and expelled him from the country. The Intelligence Committee carefully reviewed Ambassador Goldberg's conduct in Bolivia. We have found that Ambassador Goldberg acted appropriately during his tenure and followed the policies of the U.S. Government. In fact, an inspector

general report on the embassy published in September 2008 gave Ambassador Goldberg and his deputy high marks, stating that "The Ambassador and the deputy chief of mission (DCM) provide clear policy guidance and leadership . . . [They gather] input and advice from their staff, forging an excellent working relationship among all agencies and sections at post."

After Ambassador Goldberg's expulsion from Bolivia, the State Department strongly defended Ambassador Goldberg, both in public press remarks and in internal memoranda. In short, the Intelligence Committee believes that Ambassador Goldberg acted professionally and bears no blame for the Bolivian decision to expel him.

Since June 2009, Ambassador Goldberg has served as the Coordinator for the Implementation of United Nations Resolution 1874, which imposed economic and commercial sanctions on North Korea. In this position, Ambassador Goldberg has relied on sensitive intelligence reporting to build a diplomatic consensus to search North Korean cargo.

President Obama nominated Ambassador Goldberg on October 23, 2009. After completing the pre-hearing procedures, the Intelligence Committee held a confirmation hearing on the nomination on December 1, 2009. As part of the confirmation process, Ambassador Goldberg was asked to complete a Committee questionnaire, pre-hearing questions, and post-hearing questions for the record. The answers he provided have all been posted to the intelligence committee's website. The Senate Foreign Relations Committee also held a hearing on Ambassador Goldberg's nomination on November 19, 2009.

In sum, Ambassador Goldberg will be an asset to INR and to the intelligence community. His management experience leading foreign embassies will serve him well as he takes the helm of INR. His background—particularly his service as a diplomat on four continents—prepares him to address the range of global intelligence questions INR analysts address.

I look forward to working with Ambassador Goldberg as he leads a highly respected and important agency within the intelligence community. I urge the Senate to approve Ambassador Goldberg's nomination.

Mr. REID. Mr. President, I ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; that any statements relating to the nominations be printed in the RECORD; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were confirmed.

Mr. REID. Mr. President, it is hard to comprehend we have been working for weeks to get a couple people confirmed—actually four. One is the No. 3 person in the Pentagon. We just got that done, Clifford Stanley. The Secretary of Defense has been waiting for this person, as I have indicated, for weeks and weeks. This man is responsible for making sure the right troops go to Afghanistan and come back from Iraq. We finally got that done.

The nomination of Philip Goldberg I talked about before. He is Secretary Clinton's person to deal with intelligence matters coming before the Department of State. We finally got that done.

The sad part is we have two others on which we have been working. They were held up, we were told, by one Senator, but that is not the way it is. We have, for example, a woman, Caryn Wagner to be Under Secretary for Intelligence and Analysis with the Department of Homeland Security. That is being held up by the Republicans. No. Again, Secretary Napolitano will have to wait to have, in this vast Department of Homeland Security, someone in charge of intelligence.

What is that about? It is about people trying to destroy our country—homeland security. The most evil people in the world are trying to do harm to Americans in our homeland, but yet we cannot get a person confirmed who has come out of the committee overwhelmingly. They are holding him up because of something no one knows. But we know every day that goes by, the security of this Nation is in jeopardy because of this.

I might note, this person being held up in the Department of Homeland Security, the Senator holding this up, it is my understanding, the junior Senator from Oklahoma, voted for this nomination out of committee. But he is holding it up now because of other matters. He was nice enough to call me and tell me—I did not talk with him, but he called my office to indicate he was going to hold this nomination.

Laura Kennedy, a career member of the senior Foreign Service—her job is going to be to deal with disarmament. It is too bad the United States of America, a nuclear power in the world, does not have a representative of ambassadorial rank to represent the United States at disarmament conferences. How is that one? Why it is being held up has nothing to do with her qualifications or background. It is some other reason.

I have told the President enough is enough. He has the right, as President of the United States, to do recess appointments. It should be done. What is being done to this President is unfair. It has never been done before. We have had to file cloture on many Presidential nominations that President Bush never had to do.

It is very unfortunate that because of the storms that have hit our Nation's Capital, it has been very difficult to get things done. We are not going to be able to bring this up now until next week. Well, we can't do it next week because it is a recess, the Presidents Day recess, and we are out for the week. So we can come back in 10 days or a week and try again. In the meantime, we don't have anyone dealing with disarmament for our country; we don't have someone helping one of the most important offices in the country, which is homeland security, dealing with the intelligence office.

What is that about? Telephone conversations that are picked up about someone trying to come and blow up the Capitol or one of the buildings in New York or Los Angeles or Salt Lake City or Portland or Denver. We have agents who have infiltrated some of these gangs—I will use that term very loosely—these clandestine operations that are trying to do evil to the people in this country, and we don't have anyone heading that department. It is disgraceful.

The Republicans are holding up these people for reasons that have nothing to do with the background, morality, and competence of these people. They are just holding them up because they want to hold them up. We have had them held up for a number of weeks because they do not like a decision that has been made as to where a building is to be built. The Republicans have backed up the person who has been doing this because he wanted the building built in his State.

I would hope the American people understand what is going on here with this party of no. I have been a person who has gotten along very well in my career, Mr. President, being a very moderate person, trying to be someone who gets along with Democrats and Republicans, but I am obligated to speak out as to what is going on here, and I have only picked two of the numerous people being held up. There are scores of them being held up for reasons that have nothing to do with anything dealing with these people or how they will function once in office.

Frankly, I think the President should recess all of them—all of them. He has been given very little recognition for the importance of the job that he has been doing in trying to find the best people in America to fill these positions. No one can say Democrats did this when we were in the minority. We didn't do this. There were people held up, but this is something that is beyond the pale.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### SMALL BUSINESS PENALTY FAIRNESS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate Finance Committee be discharged from further consideration of S. 2917 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2917) to amend the Internal Revenue Code of 1986 to modify the penalty for failure to disclose certain reportable transactions and the penalty for submitting a bad check to the Internal Revenue Service, to modify certain rules relating to Federal vendors, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2917) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2917

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Penalty Fairness Act of 2009".

#### SEC. 2. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

#### SEC. 3. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the

House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than June 1, 2010.

#### SEC. 4. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 of the Internal Revenue Code of 1986 is amended—

(1) by striking “If any check or money order in payment of any amount” and inserting “If any instrument in payment, by any commercially acceptable means, of any amount”, and

(2) by striking “such check” each place it appears and inserting “such instrument”.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

#### SEC. 5. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking “goods or services” and inserting “property, goods, or services”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

#### REGARDING THE DEATH OF REPRESENTATIVE JOHN P. MURTHA, OF PENNSYLVANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 413.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 413) relative to the death of Representative John P. Murtha, of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I had the good fortune of serving with JOHN MUR-

THA in the House, as the Presiding Officer did. He was a brave man. He was the first to break away and was noteworthy in complaining about the Iraq war. As a result of that, it brought a lot of attention to that issue.

I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 413) was agreed to, as follows:

S. RES. 413

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable John P. Murtha, late a Representative from the Commonwealth of Pennsylvania.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

#### ORDERS FOR THURSDAY, FEBRUARY 11, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m. on Thursday, February 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, the Senate will not be in session tomorrow due to the winter storm that has battered our area again, the Washington, DC area. Despite the storm, we are going to make progress on the JOBS bill. I had a good conversation earlier today with the Republican leader, Senator GRASSLEY, Senator BAUCUS, and others. We will continue to work with everyone on an agreement to move forward with this matter and Senators will reschedule any votes. I doubt seriously there will be any votes this week. It appears, from what I have been able to hear, people now cannot get planes to get here and they are having trouble getting planes to get out of here, so it has made for a very difficult situation. We will keep them informed as to what our schedule will be Monday next.

For the information of Democratic Senators, we are going to have a caucus on Thursday at 12:30, a very important caucus. We must do that. I want

every member of the caucus to understand the JOBS bill, why we are moving forward. My friends, Senator DURBIN and SCHUMER—I was engaged with the Speaker and was not able to be on the floor during that vote. A number of Members have raised questions with my leadership, including Senator MURRAY. I want to make sure everyone understands clearly what is going on.

We have had a difficult time, as everyone knows, with the storms being such as they are. We were unable to have our caucus today, which would normally have given everyone the idea of what was going on, so I tell all Senators, I hope you can be here on Thursday. You certainly can't leave if you want to, the storms being such as they

are. We are going to have that caucus at 12:30 on Thursday. The DPC luncheon will be put over until we get back, which is also extremely important. That is based on the retreat we had.

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ADJOURNMENT UNTIL THURSDAY,  
FEBRUARY 11, 2010

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order under the provisions of S. Res. 413, as a further mark of respect for the late Congressman JOHN MURTHA.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, February 11, 2010, at 2:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, February 9, 2010:

DEPARTMENT OF DEFENSE

CLIFFORD L. STANLEY, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

DEPARTMENT OF STATE

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JOSEPH A. GREENAWAY, JR., OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

## EXTENSIONS OF REMARKS

### INTRODUCTION OF THE DECEPTIVE CENSUS LOOK ALIKE MAILINGS ACT

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Mrs. MALONEY. Madam Speaker, as the 2010 Census begins, there are an increasing number of reports from around the country about mailings with bold lettering saying "Do Not Destroy," "Official Document," and "Census Document Registered To:" on the exterior envelope without any return address, when in fact, the mailing is not associated with the U.S. Census Bureau or the decennial census at all.

These mailings, many sent by political organizations, appear to be designed to resemble official census documents. I believe that no political organization, whether Republican or Democratic, should use the census for fundraising in this type of manner.

The constitutionally mandated decennial census has begun. It is a massive operation that includes a multi-million dollar taxpayer-funded advertising campaign to urge Americans to respond to the census and return it by mail. Return by mail is the cheapest and most accurate way to be counted.

My concern is that mailings that are designed to look like census documents and come in envelopes marked "Census," without clearly defining the sender, will confuse people and might affect the response rate. We must do everything we can to ensure an accurate, cost-effective census.

That is why today I am introducing the Prevent Deceptive Census Look Alike Mailings Act. I am joined by original cosponsors EDOLPHUS TOWNS, Chair, Committee on Oversight and Government Reform and WM. LACY CLAY, Chair, Subcommittee on Information Policy, Census, and National Archives. The legislation would (1) require any mailing with an envelope marked "Census" to clearly indicate the sender and would (2) trigger an existing requirement in federal law to include a disclaimer that the mailing is not from or affiliated with the federal government. If organizations do not comply, then the U.S. Postal Service will take the appropriate action to stop them.

We must protect the integrity of census mailings, and the Prevent Deceptive Census Look Alike Mailings Act will be an important tool in achieving that goal.

### PERSONAL EXPLANATION

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable

to be present in the Capitol for votes on Tuesday and Wednesday, February 2 and 3, 2010.

On February 2, had I been present, I would have voted "yea" to suspend the rules and pass:

H.R. 4495, to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office."

H. Res. 957, Honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion.

H. Res. 1014, Recognizing and supporting the goals and ideals of North American Inclusion Month.

On February 3, had I been present, I would have voted:

H. Res. 1051, Providing for consideration of H.R. 4061, the Cybersecurity Enhancement Act, on Ordering the Previous Question—"yea."

H. Res. 1051, Providing for consideration of H.R. 4061, the Cybersecurity Enhancement Act, on Agreeing to the Resolution—"aye."

H. Res. 1043, Recognizing Brescia University for 60 years of leadership in higher education, on Motion to Suspend the Rules and Agree, as Amended—"yea."

H. Res. 901, Recognizing the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana, on Motion to Suspend the Rules and Agree, as Amended—"yea."

H. Res. 1044—Commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance, on Motion to Suspend the Rules and Agree, as Amended—"yea."

On the Hastings (FL) Amendment, on Agreeing to the Amendment—"aye."

On the Flake (AZ) Amendment, on Agreeing to the Amendment—"aye."

On the Dahlkemper (PA) Amendment, on Agreeing to the Amendment—"aye."

On the Cuellar (TX) Amendment, on Agreeing to the Amendment—"aye."

On the Connolly (VA) Amendment, on Agreeing to the Amendment—"aye."

### INTRODUCTION OF THE E-RATE 2.0 ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to introduce the E-Rate 2.0 Act, an important advancement in the effort to update the successful E-Rate program for the 21st century. I am pleased to introduce this bill with my colleagues Representative LOIS CAPPS (D-CA) and Representative DORIS MATSUI (D-CA).

While the U.S. lags behind other countries in several key broadband categories such as adoption rates, there is one area where our country leads: Internet connections to classrooms. Our leadership position in this important area can be traced back to the 1996 Telecommunications Act, which created the education rate—or "E-Rate"—program. I was proud to be the lead author in the House of the legislation creating the E-Rate program. At the time the 1996 bill was enacted, only 14 percent of K-12 classrooms had Internet access, compared with more than 95 percent today.

Over the past 14 years, the E-Rate program has helped schools around the country connect to the Internet and other telecommunications services, enabling students to access a vast universe of educational information, communicate with other students around the world, and capitalize on opportunities that otherwise would be out of reach.

With the E-Rate's mission of connecting classrooms to the Internet largely fulfilled, now is the time for an updated E-Rate program—an "E-Rate 2.0"—to move the program into the 21st century. I have introduced the E-Rate 2.0 Act, which directs the FCC to implement three vital pilot programs:

The first pilot program narrows the digital divide through the distribution of vouchers to enable low-income students to purchase residential broadband service.

The second utilizes a competitive grant program to extend funding for broadband equipment and services to selected community colleges and head start facilities that best demonstrate need and incorporation of broadband use in their educational mission.

The third enables certain E-Rate applicants serving particularly low-income students to apply for significantly discounted services and technologies for the use of e-books

The bill also would provide for an inflation adjustment to the current \$2.25 billion cap on the E-Rate program, so funding would increase with inflation. The bill also calls for the streamlining of the application process to improve the ease and accessibility of the application process.

As the scope of technology has expanded, the E-Rate program needs to keep pace. I am pleased to introduce the E-Rate 2.0 program today and look forward to its consideration in the future.

I urge my colleagues to join in cosponsoring this legislation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



EASTERN WASHINGTON HONORS  
RETIRING U.S. ATTORNEY JAMES  
A. McDEVITT

**HON. CATHY McMORRIS RODGERS**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize James A. McDevitt, the United States Attorney for the Eastern District of Washington, who is retiring after eight years of outstanding service in that position and over three decades of service to America as a member of the U.S. military.

James A. McDevitt was appointed United States Attorney by President George W. Bush and confirmed by the United States Senate on November 30, 2001. According to Jim, being the chief federal law enforcement officer has been the "capstone of my law career, and the most challenging and rewarding job I've had in the legal field."

After earning his MBA in business and his law degree from Gonzaga University in 1975, Jim worked for five years as an assistant Washington State attorney general, when former Senator Slade Gorton served as our state AG. After leaving this position, Jim entered private practice as a partner in the law firm of Reed and Giesa, PS, and then, Preston Gates Ellis, LLS (now K & L Gates, LLP), until his appointment with the Justice Department.

According to Jim, he feels privileged to have served under two presidents and four U.S. Attorneys General. He is proud that no one in the U.S. Justice Department ever tried to apply political pressure regarding his supervision of the office or the handling of a particular case.

In addition to his legal career, Jim served for 35 years in the military, with five years in the United States Air Force followed by 30 years in the Washington Air National Guard, where he retired as a brigadier general. Because of his extensive military service, which included time as a commander in Saudi Arabia during the first Gulf War, and his position as U.S. Attorney, Jim has traveled to Bosnia-Herzegovina and Romania to serve as an advisor to officials in both countries. He has also worked extensively with Canadian officials on border issues.

Since 1965, Jim has been married to his wife, Gretchen, a retired school teacher and counselor. They are enthusiastic parents of two sons, Darby and Brendan. When Jim eventually semi-retires, in addition to teaching, he will devote more time to flying into the back country, enjoying nature and fly fishing on his favorite lakes and streams.

Madam Speaker, James A. McDevitt represents the patriotism and courage of Amer-

ica's men and women in uniform plus the tireless commitment to justice that marks the best leaders of America's U.S. Attorney and our entire justice system. I ask my colleagues to join me in congratulating Jim on eight excellent years as the U.S. Attorney for the Eastern District of Washington plus 35 brave years as a member of the U.S. military. We wish him continued success and productivity in his well-earned retirement.

RECOGNIZING THE CENTER FOR  
CAREER ALTERNATIVES

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to the Center for Career Alternatives (CCA), a presidential-award-winning non-profit agency in the Seventh Congressional District. CCA will celebrate three decades of success at its 30th Annual Community Awards and Appreciation Banquet on February 24, 2010. For thirty years, CCA has made good on its mission "to provide the highest quality education, employment, training and career development services leading to individual self-sufficiency and self-worth for a culturally diverse population of disadvantaged youth and adults."

The success of CCA is due in large part to the vision and leadership of its founder and current executive director, Alan Sugiyama. Mr. Sugiyama, a third generation Japanese-American, was born and raised in Seattle, and is a graduate of Garfield High School. In 1979, he observed that many immigrants and people of color were being left out of important career opportunities and living wage jobs because of a lack of education, training, and connections. He also saw prospective employers interested in hiring a diverse workforce frustrated that they had to go to a variety of isolated agencies to recruit.

Mr. Sugiyama responded by creating a multiethnic organization, reflecting Seattle's diverse communities, dedicated to helping individuals with employment services. From CCA's humble beginnings in 1979 as a career counseling program with two staff, the Center for Career Alternatives now has 43 staff members, who speak more than 20 different languages, and offers 24 programs across five offices.

Madam Speaker, annually, CCA serves approximately 1,600 low-income youth and young adults who have multiple barriers to education and employment. And since 1979, CCA has provided unparalleled comprehensive education, employment and training services to more than 28,000 individuals in King and Snohomish counties at no cost to the indi-

vidual clients. In difficult economic times, like the ones we face today, the importance of the Center for Career Alternatives' critical services and programs can not be overstated. I extend my thanks and best wishes to CCA's Executive Director Al Sugiyama, the board of directors, staff, and clients on 30 years of changing lives and creating hope.

TRIBUTE TO THE RESOURCE CON-  
NECTION AND THE PEOPLE OF  
CALAVERAS COUNTY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 9, 2010*

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor the great work The Resource Connection has done on behalf of the community of Calaveras County.

Having toured The Resource Connection Food Bank and witnessed the good work of Jeannie Hayward and her staff, it does not surprise me to learn that the generosity of the people of Calaveras County was recognized in the U.S. Department of Agriculture's "2009 Rural Development Progress Report."

The residents of Calaveras County and the staff at The Resource Connection need to be congratulated as a community that consistently grows to meet and feed an ever-increasing need—no matter what. There was a time when the big hearts of this community were larger than the facility that housed it and the food bank literally had to turn away food or leave it outside at night.

Now, thanks to a \$1.36 million Community Facilities loan from USDA Rural Development—for which I wrote a letter of support—the food bank can operate out of a new, 5,500-square-foot building with offices and meeting space. It's been open just over a year and it was a blessing over the 2009 Holiday Season when the need was so great.

Ms. Hayward is especially proud of the Santa's Express Committee, which served over 800 families at Thanksgiving and 1,300 families at Christmas. This was made possible because of the success of the Santa's Express Food Drive, which netted 28,000 pounds of food. In addition, the Food Bank was able to provide clothing and toys for the children of these families. Fraternal groups such as the Rotary, Lions, VFW, and others were team partners in this effort.

I am pleased to recognize and congratulate The Resource Connection and the people of Calaveras County on their accomplishment in being recognized by the U.S. Department of Agriculture.

## SENATE—Thursday, February 11, 2010

The Senate met at 2:30 p.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are present with us in light and shadows. Keep our Senators responsive to Your light as they seek to please You in all they say and do. Lord, remind them that You are available to support and sustain them in all situations. Give them the ability to grasp sufficient truth to fulfill Your purposes on Earth and to glorify Your name. Fill them with Your power, transforming them into instruments of Your love and grace.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 11, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum. I believe the majority leader may be on his way.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### TRIBUTE TO KYLE SIMMONS

Mr. MCCONNELL. Mr. President, one of the most gratifying things about spending a good deal of time in the Senate, as I have, is the optimism that comes from seeing talent renew itself year after year. I have had the good fortune of having many talented staffers over the years, and the staff I have now is an incredible group. But every one of them will tell you that when Kyle Simmons gets up from his tidy desk and walks out of his office this Friday, the office they return to on Monday will be a very different place.

It has been said that no one is indispensable, and that may be true. But few of us can imagine S-229 without Kyle Simmons in it. So it will take some adjusting. And part of that adjustment involves doing something this week that Kyle never did. We are going to speak well of him. We are going to talk about his many virtues. We are going to make him a little uncomfortable. Because every single person on my staff knows what it's like to be singled out for a good piece of work, or for going above and beyond the call of duty; everybody, that is, except our chief of staff. Now it is our turn.

The first thing to say about Kyle is that he is humble. And that is really saying something in this town. Most people in Washington look in the mirror in the morning and think they see a future President. Not Kyle. If he looks in the mirror at all in the morning, I would imagine that what he sees is the son of a Baptist minister who was blessed with a privilege he didn't seek and who has tried to earn that privilege every single day, regardless of how well he did the day before. As he used to tell his father, "Dad, I'm always just one mistake away from looking for a job."

He had a modest upbringing. But he excelled at everything. One day when Kyle was about 10 years old, he made his way over to the Tate's Creek public golf course and picked up a club. Soon enough, he was a better golfer than his dad. It was sign of things to come—a sign that for him, as for so many others in this country before and since, success would come not from who he knew or where he came from, but from

hard work and the determination to succeed.

When Kyle showed up in Washington, he didn't have any connections. He didn't have an Ivy League degree. He didn't even have a job. All he had was some furniture he got from his grandfather, and a lot of talent. He got evicted from the first place he rented because the owner of the building wanted to tear the building down. As his old friend and roommate at the time put it, "We were just two country bumpkins in a crowd . . . We just wanted to pay our electric bills."

There were times, I am sure, when back home didn't look so bad. And after a series of jobs outside government and a brush with politics during the 1992 Presidential campaign, Kyle decided he had been in Washington long enough. And so he moved back home to Kentucky, but this time with enough experience under his belt to run a corporate communications shop in Louisville and that is just what he was doing when I first met him on an elevator at the old Seelbach Hotel.

I had just lost my press secretary, and we struck up a polite conversation—the second thing you notice about Kyle is that he is unfailingly polite—and then we pulled a Cheney on him. We asked him if he wouldn't mind coming up with a list of candidates for us, which he did with characteristic diligence. And when he had gone through his list, we asked him if maybe he would be interested in the job. Soon after that, he was sitting at a desk in the Russell Senate Office Building.

He was a quick study. Not even a year had passed before I knew that Kyle was the guy I wanted to manage my next campaign. I sent him down to the office I have always used out on Bishop Lane in Louisville, and he did a flawless job. In a year when Bill Clinton got reelected and carried Kentucky for the second time, Kyle got me reelected by 12 points. It was a landslide, a truly remarkable feat.

After that, he just went from success to success. After returning from Kentucky, I put him in charge of my office. It was one of the best decisions I ever made. Nothing rattled him, and he was always, always, thinking of the one thing that no one else had thought of.

Whether it was taking apart what I had thought to be a terrific idea and patiently explaining to me why it wasn't such a good idea, or mapping out a legislative or political strategy when everyone else was ready to take a break, he became the calm navigator in the middle of the storm—the one person in the office who never took his

eye off the destination we had set. And when it came to smoking out some unforeseen problem or vetting some proposal for potential pitfalls, he was, and is, quite simply, the best I have ever seen. It was a skill I always thought I was pretty good at. But Kyle was better. And it is impossible to overstate the value of that kind of mind in politics.

Many of the people who might be listening to me right now are probably asking themselves why they have never heard of this guy. That is no accident. Kyle was never in it for himself. I know as well as I know the sun's coming up tomorrow that through three Senate elections, two whip races, two leader races, and countless legislative efforts in between, that he never put his own interests ahead of my own. He was as loyal as he was effective. He has made me look better than I am for 15 years. And nearly everything I have accomplished over that time I owe, in large part, to him.

He always deflected attention. And if he was suspicious of anything, it was the glory seekers, the people who like to talk about themselves. It is something he just never did. He kept his own counsel and kept to himself. As his mother used to say, "Kyle can keep silent in 30 different languages."

But if you ever do get Kyle to talk about his accomplishments, he will probably tell you that his proudest professional achievement was finding a talented group of people in Washington, DC, who had the same attitude about the limelight and about empty praise that he does. He will tell you the thing he's proudest of is the staff he put together—and that he will soon leave behind.

But he was always the one who set the example.

On any given day over the past few years, any visitor to our office could be excused for wondering who the tall gentleman was out in the reception room asking one of our new staff assistants whether she'd found an apartment yet, and whether it was in a safe neighborhood.

"I'd never be able to look your parents in the eye if anything ever happened to you," he would say.

Anyone who had the privilege of sitting in one of our morning staff meetings could be excused for wondering who the guy was at the end of the table who seemed to know absolutely everything—from the legislative details to the fact that some of the Senate pages would be graduating later that day, that one of them was from Kentucky, that his dad had just died, and that our No. 1 priority in the office that day would be to make that young man feel like a million bucks.

Any visitor to our office could be excused for being astonished at seeing that same tall gentleman walk away from a room full of CEOs to focus on a

staff issue or at seeing him sneak out during an important vote so he could get home just a little while to see his little girl before she went to bed.

Anyone would be amazed how he could manage such a high-pressure environment with such efficiency, focus, and vision, without ever losing his sense of humor. He inspired confidence in the staff and he inspired loyalty.

Everything I ever asked him to do he did well, especially when he had every excuse not to. I asked him to manage a campaign, even though he had never managed a campaign before. I asked him to run my office, even though he had never run an office before. I asked him to put together a leadership staff, even though he had never done that before. He had never done any of these things, but he excelled at every one, and he never needed the praise. I assure you, that kind of person is in very short supply in Washington.

Someone once said, the best business in the world would be to buy someone for what they are worth and to sell them for what they think they are worth. It was never that way with Kyle. He was always worth more than he thought he was, and that is why he will succeed at whatever he chooses to do.

In the meantime, he leaves a legacy. I cannot tell you how many Senators have come up to me over the past week to tell me how much they will miss his counsel, his advice, and his steady hand. He has left a lot of himself in this place, and it is the better for it.

Above all, though, Kyle leaves his example. It is the example of someone who showed you could be committed to winning and gracious at the same time; that you could be intensely focused, without losing sight of the human beings around you. It is that combination of aggressiveness and caution, political savvy and humanity that anyone who has worked with Kyle has come to admire and will miss.

Now that he is leaving, I am just as confident our office will carry on as it always has because he leaves a fantastic team behind. That is because Kyle's solution to everything was to throw the smartest people in the room at the problem, to find the best talent but not just any talent. He only wanted people who would rather be on a team than on the style pages of the Washington Post—in other words, people like him: honest, intelligent, kind, straightforward people with humility, a deep commitment to excellence, and always a sense of humor.

You do not get those qualities in Washington. You bring them here. In Kyle's case, that means he brought them from a quiet street in Lexington, KY, and, more specifically, from the home of Bill and Barbie Simmons.

Anyone who ever spent any time at the Calvary Baptist Church, where Kyle's dad served as pastor, could tell

you there was one thing Bill Simmons could always count on when he climbed into the pulpit, whether he was presiding over a Sunday service, a funeral, a wedding—you name it—Mrs. Simmons would always be out there, always sitting in the same spot. She was always there as a point of reference, as a point of comfort for her husband. When I think of what Kyle has meant to me over the past 15 years, I cannot help but think that is exactly what he has been to me. He has been that steady presence in the midst of it all. As long as he was there, the team was confident things would turn out well, and they always did.

To me, he has been more than a staffer. He has been a colleague, a confidant, and a dear friend.

Kyle once summed up his approach to the job, and I would like to share it because every Senator should be so fortunate as to have a chief of staff who would write such a thing. It is from a letter he left on the chair of my other chief of staff, Billy Piper, the day Billy took Kyle's job in the personal office 7 years ago.

After a brief introduction, here is what Kyle wrote:

Billy . . . while you sit here you are no longer simply Billy Piper. You are Billy Piper, Senator Mitch McConnell's chief of staff. Carry the privileges and responsibilities just as you have throughout your outstanding career—with humility and honor. . . .

Kyle went on:

. . . it's a constant struggle while balancing the demands on your time to remember your audience: the people of Kentucky, the staff who looks to you for leadership, and Senator McConnell. . . . We're only here for a short period of time—and few of us have made it to where you now sit. Do us proud.

He was honored to serve the Senate and his country. Yet, at the end of that service, he knew he had a more important job still. It was the job of husband and father. That is why, to paraphrase Macbeth, nothing became Kyle's service to the Senate more than the leaving of it. His first love was and is his dear wife Carrie and their beautiful daughter Ava and the Senate could not compete with that—as much as it tried to, especially these last few months.

So he has made the right decision, as he usually does. But that does not change the fact that he leaves behind an office and a boss who will miss him terribly.

Kyle, thank you so very much.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### TRIBUTE TO KYLE SIMMONS

Mr. REID. Mr. President, there is nothing I can say to assuage the anguish that my friend, the Republican

leader, MITCH MCCONNELL, now feels. It is a unique relationship that comes with our staff members, especially someone who has been with us as many years as Kyle has been with Leader MCCONNELL. These people become part of us. As we can see, Kyle Simmons has become part of MITCH MCCONNELL.

My dealings with Kyle Simmons are meetings that are held in my office or in Senator MCCONNELL's office, and if there were a way to describe my dealings with Kyle Simmons, it would be to go to the dictionary, under the Hs, and go to the word "humility," and there would be Kyle Simmons. He is just as MITCH MCCONNELL described him. He is a man who has loads of humility. He does not talk very often. But whenever he talks, we listen.

So I wish you the very best, Kyle, in the things you do, and I recognize that your boss, MITCH MCCONNELL, was speaking for the entire Senate in our relationships with our staff. But, of course, even though there are many relationships with our staff, I think the relationship between Senator MITCH MCCONNELL and Kyle Simmons, as we can see, is very unique.

The best of luck to you, Kyle.

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#### SCHEDULE

Mr. REID. Mr. President, following the leader remarks of Senator MCCONNELL and myself, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each. We are going to lay down our jobs bill today so we can begin its consideration when we return after the recess. There is no question the snow has interfered with our work. It would be nice if we could say: OK, then, we are just going to move on next week and pretend next week was this week, but as I told somebody outside before I came in here, when we leave Washington, we do not go home to relax and take it easy. We have constituencies in the State of Minnesota, the State of Kentucky, the State of Illinois, the State of Nevada. We have to take care of it. We have appointments and things we have to do, and we schedule them long ahead of time.

So we are going to come back after the Presidents Day recess energized and make up for this snow day, snow week, and do the very best we can. The jobs bill we are moving forward on is not as big as the one in different elements of the legislation, but it is one that is extremely important. It is going to deal with jobs, jobs, jobs, jobs—four times—because all four elements of our jobs bill will deal with creating jobs immediately, as the Congressional Budget Office said, creating jobs immediately.

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#### HEALTH CARE

Mr. REID. Mr. President, I do wish to comment about the health care debate.

One Republican Senator said during this debate what we need is to "get out of the way and allow the market to work." Well, we had an example of it working pretty well for the insurance industry a couple days ago. In fact, a large insurance company in California, insuring almost 1 million people, individuals, decided they would raise their rates this year 39 percent—1 year. I think it is fair to say it is a little above inflation.

Well, when someone talks about get out of the way and let the market work, they are talking about doing nothing. That is what it means. "Allowing the market to work" is a code word for letting greedy insurance companies—companies that care more about profits than people—get richer while people who can already barely afford their coverage lose their coverage altogether.

Cover this with the fact that these insurance companies—and this insurance company—are not subject to any antitrust laws. The only business in America not subject to antitrust laws other than Major League Baseball is the insurance industry. So one is raising its rates by 39 percent. That is many times more than the rate of inflation. And, it is reserving the right to raise them again whenever they feel like it. Instead of just once a year, they can raise it more than once a year if they want to. They can do whatever they want, and they do pretty much whatever they want.

What does this mean? It means people will not be able to afford coverage at all in many instances. It means more people will be living one accident, one illness, one injury away from a pink slip or losing everything.

It goes without saying, in the year 2008, 750,000 bankruptcies were filed in America. Eighty percent of those bankruptcies were because of health care costs, and almost 70 percent of those people who filed because of health care costs had health insurance.

A lot of companies are hurting in this economy. But this California health care company is not one of them. Last year, its parent company raked in eight times what it made in the same quarter the year before. What is this all about?

It is not the first time we have seen this happen. Just 2 months ago, another exceedingly profitable insurance company raised its rates with the full knowledge it would mean 650,000 people would not be able to afford the coverage.

That is as many people who are in some of our States.

That is what happens when we allow the health insurance market to work the way it does. That is what happens when we sit back and wait for insurance company executives to act out of the goodness of their hearts instead of acting in the interests of their wallets.

That is why we need health reform like the bills already passed in the House and in the Senate that will rein in insurance company abuses and make coverage more affordable for millions of Americans and provide coverage for some 30 million who have no health insurance.

Health care costs take up a larger slice of our economy than ever before, and it is not slowing down. In less than a decade, it is going to be \$1 of every \$5 we spend. In less than a decade, half of a family's income will be spent on health care premiums.

It doesn't have to be that way. Californians don't have to be priced out of a healthy life. We don't have to let greedy health insurance executives drag down our future, but that is what they are doing and have done.

I, once again, urge Republicans to work with us in good faith to fix our broken system. The President has reached out: Come on down. Tell us what plans you have. I encourage those Republicans to listen to the American people, two-thirds of whom said last week they want Congress to finish the job we started with health care reform. I encourage every Senator to condemn this insurance company's greed. If they are not willing to do so, perhaps they would be willing to call the Californians who can no longer afford coverage and explain why corporate profits are more important than their health.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois is recognized.

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#### ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I wish to make a unanimous consent request: that on the Democratic side, the sequence be Senator KAUFMAN of Delaware, Senator HARKIN from Iowa, and then that I be third in line; and then if there are any Republicans who come to the floor seeking recognition, that they be taken in sequence so that there will be a Democrat speaker followed by a Republican speaker.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, reserving the right to object, if I might ask my friend from Illinois that the order

be changed a little to allow Senator KAUFMAN to go first, and then the Senator from Illinois go second, and then I will be glad to go third, if this would be OK with the Senator.

Mr. DURBIN. Sure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Delaware is recognized.

#### CHIEFS OF STAFF

Mr. KAUFMAN. Mr. President, I am going to speak today once more on my weekly tribute to great Federal employees. Before I begin, I wish to say that I was quite moved by the Republican leader's speech today about Kyle Simmons. I don't know Kyle Simmons, but I must say that over the 19 years I was a chief of staff and for over a year that I have been a Senator, I recognize Kyle Simmons and so many good chiefs of staff I have known over the years.

The way the Republican leader described Kyle Simmons just brought back so many memories of great people in the Senate, but especially chiefs of staff who do everything in the office from opening the door in the morning to closing it at night, to worrying about everything from the interns to the CEOs of corporations in their home States, and labor leaders.

So I wish to add my voice to say I am so proud of folks who have worked in the Senate and especially, because of personal experience, those who have been chiefs of staff. I cannot speak of a better letter than the one that was written from Kyle Simmons to Billy Piper to explain what it is to be a great Senate staffer and a great chief of staff.

#### IN PRAISE OF TERRENCE LUTES

Mr. KAUFMAN. Now I wish to speak about another great Federal employee.

Across the country, Americans are receiving their W-2 forms and taking stock of their finances in advance of April's tax filing deadline. For families, the ritual of filing income taxes repeats itself each year, and, admittedly, it isn't very much fun.

Taxes have been an emotional and thorny subject in American history ever since colonial patriots rallied around the cry of "No Taxation Without Representation." Indeed, though federal tax rates for personal income are low compared to most other developed countries, complaining about paying taxes remains one of our national pastimes.

This is understandable. It is linked to the strong national attitude in our country that taxpayers' money should never go to waste. When Americans grumble about taxes, I believe it is not because they oppose them in general; rather, it is because they want to make

sure that their money is spent wisely, fairly, and without unnecessary waste.

One of the chief complaints about taxes in years past was that filing was a time-consuming and confusing process. Many can remember those days sitting in front of a pile of forms and receipts, punching away at a calculator, pencil in hand, and a 1040-form covered in eraser marks.

Thankfully, because of this week's honoree, most Americans—more than 95 million filers—avoided this headache last year by filing their taxes electronically.

Terrence Lutes was awarded the 2005 Service to America Medal for Citizen Services for leading the development of the Internal Revenue Service's e-File program.

Terry, who spent nearly 30 years working at the IRS, served as associate chief information officer for IT Services before retiring five years ago.

E-File not only makes it easy for taxpayers to file online and receive a refund in as little as ten days; it also cuts processing costs by 90 percent compared to paper filing. This benefits the taxpayers two-fold. They save time and energy individually and reduce the amount of their own money spent collecting their taxes.

Terry, who holds degrees from Eastern Kentucky University and the University of Colorado, first became involved with electronic filing in 1996. As the head of the IRS's Electronic Tax Administration, he became the government's evangelist for online tax filing. E-File had been available for years, but it was costly for the IRS to operate and difficult for taxpayers to navigate.

While redesigning the e-File system, Terry and his team focused on creating innovative public-private partnerships to reduce—and eventually eliminate—the direct cost to the taxpayer of filing online. He oversaw a workforce of over 6,500 employees, and carefully managed a budget of \$1.5 billion. Terry cultivated relationships with software companies and tax-preparation businesses, and the results paid off.

In 2005, when Terry retired after a long and distinguished career in public service, more than half of all tax returns were filed online for the first time. Today, this number continues to rise. For most Americans, what used to be a stressful experience is now fast, simple, and less expensive.

Thanks to Terry, the way Americans pay their taxes is forever changed.

Oliver Wendell Holmes, Jr., one of the great Supreme Court justices of the early twentieth century, once said that "taxes are the price we pay for a civilized society." I am glad to know that great Federal employees such as Terrence Lutes at the IRS continue to work hard every day ensuring that our tax collection system is as efficient and responsive as possible.

When I go online to file my own tax return this year, I will be thinking of

these outstanding public servants at the IRS and all who work in the Federal government.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. I thank the Chair.

(The remarks of Mr. KAUFMAN, Mr. MCCAIN, and Mr. LIEBERMAN pertaining to the submission of S. Res. 415 are printed in today's RECORD under "Morning Business.")

(The remarks of Mr. KAUFMAN pertaining to the submission of S. Res. 417 are located in today's RECORD under "Submitted Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first, let me identify and agree with the remarks of both the Senators concerning Iran and consider myself as part of that program.

I believe it is already the order, but in the event it is not, I ask unanimous consent that I be recognized for up to 25 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. INHOFE. Mr. President, today I want to highlight several recent media reports uncovering very serious errors and possible fraud by the United Nations Intergovernmental Panel on Climate Change.

First of all, let me define what we are talking about here, because it has been around for a long time but a lot of people have forgotten. Way back in 1988, the United Nations formed the IPCC—the Intergovernmental Panel on Climate Change. The whole idea was to try to determine whether manmade gases—anthropogenic gases, CO<sub>2</sub>, and methane—caused global warming, and if in fact global warming is taking place.

It is hard on a day such as today, and the last few days, to be talking about global warming. I often say: Where is it when you need it? But nonetheless, you need to know three things about the IPCC: No. 1, the Obama administration calls it the gold standard of climate change science; No. 2, some say its reports on climate change represent the so-called consensus of scientific opinion about global warming; and No. 3, the IPCC and Al Gore were awarded the Nobel prize in 2007 for "their efforts to build up and disseminate greater knowledge about manmade climate change."

Put simply, what this means is that in elite circles the IPCC is a big deal. So when ABC News, The Economist, Time magazine, and the Times of London, among many others, report that the IPCC's research contains embarrassing flaws and that the IPCC chairman and scientists knew of the flaws

but published them anyway—well, you have the makings of a major scientific scandal.

In fact, when Climategate first came out and it was discovered that they had been cooking the science at the IPCC, the UK Telegraph said: This is very likely the greatest scientific scandal of our generation.

So where to begin? Well, how about with the IPCC's claim that the Himalayan glaciers would melt by 2035. It is not true. That is right; it is simply false. Yet it was put into the IPCC's fourth assessment report. These assessment reports come out every year, and that is what the media normally get. They are not scientific reports, they are assessments that are made for policymakers. Here is what we know:

According to the Sunday Times, the claim about the Himalayas was based on—keep in mind we are talking about their statement that by 2035 the glaciers would melt—that claim was based on a 1999 story in a news magazine which in turn was based on a short telephone interview with someone named Syed Hasnain, who is a very little-known Indian scientist.

Next, in 2005, the activist group World Wildlife Fund cited the story in one of its climate change reports. Yet despite the fact that the World Wildlife Fund report was not scientifically peer reviewed, it was still referenced by the IPCC. It was still in their report.

Third, according to the Times:

The Himalayan glaciers are so thick and at such high altitude that most glaciologists believe it would take several hundred years to melt at the present rate. Some are actually growing and many show little sign of change.

Lastly, when finally published, the Sunday Times wrote:

The IPCC report did give its source as the World Wildlife Fund study but went further, suggesting the likelihood of the glaciers melting was "very high."

The IPCC, by the way, defines this as having a probability of greater than 90 percent.

So there you have that. But there is more. According to the Times:

The chairman [Rajendra Pachauri] of the leading climate change watchdog was informed that claims about melting Himalayan glaciers were false before the Copenhagen summit.

We all remember that Copenhagen summit in the middle of December. I was there for 2 hours; many were there for 2 weeks. Now to continue to quote from the Times article:

... [he] was told that the Intergovernmental Panel on Climate Change assessment that the glaciers would disappear by 2035 was wrong, but he waited 2 months to correct it. He failed to act despite learning that the claim had been refuted by several leading glaciologists.

So why was the Himalayan error included? We now know from the very IPCC scientist who edited the report's section on Asia that it was done for po-

litical purposes. It was inserted to induce China, India, and other countries—this was at Copenhagen—to take action on global warming. According to the UK's Sunday Mail, Murari Lal, the scientist in charge of the IPCC's chapter on Asia, said this:

We thought that if we can highlight it, it will impact policymakers and politicians and encourage them to take some concrete action.

In other words, that is the motive she did it for. In other words, the Sunday Mail wrote that Lal "admitted the glacier alarmism was indeed purely to put political pressure on world leaders."

This is what we have suspected and has been documented in the recent Climategate scandal. But there is still more. The glaciologist, Dr. Hasnain, who originally made the alarmist 2035 claim, works for Dr. Pachauri at his think tank in India. According to ABC News:

The glaciologist now works at the Energy and Resources Institute in New Delhi, whose director is none other than Rajendra Pachauri. Could this explain why Pachauri suppressed the error in the Himalayan passage of the IPCC report for so long?

Specifically, after the meeting in Copenhagen. So what has the IPCC done to correct this fiasco? I went into the IPCC report to see if a correction had been made. Well, the 2035 claim is still there. It is still there now. It has been denied, but it is still there. There is a note attached that says the following:

It has, however, recently come to our attention that a paragraph in the 938-page Working Group II contribution to the underlying assessment refers to poorly substantiated estimates of rate of recession and date for the disappearance of Himalayan glaciers. In drafting the paragraph in question, the clear and well-established standards of evidence, required by the IPCC procedures, were not applied properly.

I had to read this twice to understand what it said. The IPCC says the glacier alarmism came about because of poorly substantiated estimates. Well, that is one way of putting it. To me, from what we know now, the leadership of the IPCC lied about the Himalayas. They knew it was false, but for political purposes they kept it in.

I could go on and on, but let me cite a few more examples. The UK Telegraph recently uncovered more problems. This is the entity that said that is probably the greatest scientific scandal of our generation. The IPCC's report from 2007 found observed reductions in mountain ice in the Andes, Alps, and Africa—all caused, of course, by global warming. In an article entitled "UN Climate Change Panel Based Claims On Student Dissertation and Magazine Article," the Telegraph reported the following:

One of the sources quoted was a feature article published in a popular magazine for climbers which was based on anecdotal evidence from mountaineers about the changes they were witnessing on the mountainsides

around them. The other was a dissertation written by a geography student, studying for the equivalent of a master's degree at the University of Berne in Switzerland that quoted interviews with mountain guides in the Alps.

So that is the source they had. The article further reveals:

The IPCC report made use of 16 nonpeer reviewed WWF reports. One claim, which stated that coral reefs near mangrove forests contained up to 25 times more fish numbers than those without mangroves nearby, quoted a feature article on the WWF website. In fact, the data contained within the WWF article originated from a paper published in 2004 in the respected Journal Nature. In another example a WWF paper on forest fires was used to illustrate the impact of reduced rainfall in the Amazon rainforest, but the data was from another Nature paper published in 1999.

On top of this, we find that the IPCC was exaggerating claims about the Amazon. The report said that 40 percent of the Amazon rain forest was endangered by global warming. But again, as we have seen, this was taken from a study by the WWF—the World Wildlife Federation—and one that had nothing to do with global warming. Even worse, it was written by a green activist.

That is the statement they made—40 percent of the Amazon rain forest was in danger. So again, we have the gold standard of climate research and a body that was awarded the Nobel prize of 2007. How can the world's pre-eminent climate body fall victim to such inaccuracy and, it must be said, outright fraud? I am sure for many in this body this information is shocking, but for me I am not at all surprised.

Five years ago, I sent a letter to Dr. Pachauri specifically raising the many weaknesses in the IPCC's peer-review process, but Dr. Pachauri dismissed my concerns. Here is how Reuters reported his response:

In the one-page letter, [Pachauri] denies the IPCC has an alarmist bias and says "I have a deep commitment to the integrity and objectivity of the IPCC process." Pachauri's main argument is that the IPCC comprises both scientists and more than 130 governments who approve IPCC reports line by line. That helps ensure fairness, he says.

Here is Dr. Pachauri defending it.

Given the significance of the reports, Dr. Pachauri should come clean and respond directly to the numerous charges made against himself and the IPCC. And given that Dr. Pachauri has testified before Congress, including the Senate Committee on Environment and Public Works, we should hear directly from him as soon as possible as to how he can salvage the IPCC's vanishing credibility.

How did we get to this point? I have been documenting deceit of this kind for several years now. But I must say that a great turning point occurred just a few months ago, when thousands of e-mails from the University of East Anglia's climatic research unit, or

CRU, were leaked to the media. The CRU is one of the world's most prestigious climate research centers. The e-mails appear to show some of the world's preeminent climate scientists manipulating data, violating information disclosure laws by deleting e-mails, and blocking publication of research contrary to their own. They published only the research that would verify their positions in terms of global warming, in other words.

This revelation sparked several investigations, including one by the UK's Information Commissioner's Office. The office recently concluded that the CRU broke the UK's Freedom of Information Act. However, as the Times of London reported:

The Information Commissioner's Office decided that UEA failed in its duties under the Act but said that it could not prosecute those involved because the complaint was made too late . . . The ICO is now seeking to change the law to allow prosecutions if a complaint is made more than six months after a breach.

It is a little late but none the less a good change to make. The Times further reports on the details, noting:

In one e-mail, Professor Jones [former director of the CRU who has now stepped down because of the scandal] asked a colleague to delete e-mails relating to the 2007 report by the Intergovernmental Panel on Climate Change. He also told a colleague that he had persuaded the university authorities to ignore information requests under the act from people linked to a Web site run by climate sceptics.

Climate skeptics, so you understand the terminology that is used here, those are people like me who have looked at this and realize the science is cooked. I think most people agree with that now.

As we know, Climategate is just the beginning. Time magazine reported—let's keep in mind, this is Time magazine; the same magazine about a year ago that had a picture of the last polar bear standing on the last ice cube saying: It is coming and you ought to be real worried about it.

As we now know, Climategate was just the beginning.

Time magazine reported that 'Glacierngate' is a "black eye for the IPCC and for the climate-science community as a whole." In the article posted online from Thursday, January 21, 2010, Himalayan Melting: How a Climate Panel Got It Wrong, Time reports:

The mistake is a black eye for the IPCC and for the climate-science community as a whole. Climate scientists are still dealing with the Climategate controversy, which involved hacked e-mails from a major British climatology center that cast doubt on the solidity of evidence for global warming.

The Economist newspaper, which had accepted the IPCC climate "consensus," essentially claimed that it had been duped by the IPCC. Here's the Economist:

The idea that the Himalaya could lose its glaciers by 2035—glaciers which feed rivers

across South and East Asia—is a dramatic and apocalyptic one. After the Intergovernmental Panel on Climate Change (IPCC) said such an outcome was very likely in the assessment of the state of climate science that it made in 2007, onlookers (including this newspaper) repeated the claim with alarm. In fact, there is no reason to believe it to be true. This is good news (within limits) for Indian farmers—and bad news for the IPCC.

The Economist finds that, "This mixture of sloppiness, lack of communication, and high-handedness gives the IPCC's critics a lot to work with."

Seth Borenstein with the Associated Press, a reporter whose objectivity I have questioned at various times, asked the IPCC to respond to Glacierngate. Borenstein reported in his January 20, 2010, article, UN Climate Report Riddled with Errors on Glaciers:

"The credibility of the IPCC depends on the thoroughness with which its procedures are adhered to," Yvo de Boer, head of the UN Framework Convention on Climate Change, told The Associated Press in an e-mail. "The procedures have been violated in this case. That must not be allowed to happen again because the credibility of climate change policy can only be based on credible science."

Borenstein also quotes Roger Pielke, Jr.'s concerns with the significance of the errors, writing, "However, Colorado University environmental science and policy professor Roger Pielke, Jr. said the errors point to a 'systematic breakdown in IPCC procedures,' and that means there could be more mistakes."

Further troubling is the revelation of several instances in which the IPCC relies on nonpeer reviewed work, mainly from leftwing pressure groups. As the Wall Street Journal reports in an article from January 18, "Climate-Change Claim on Glaciers Under Fire":

The citation of an environmental advocacy group as a source within the IPCC report appears to be a rare, but not unique, occurrence. That same chapter on Asian climate impacts also cited work from the World Resources Institute, which describes itself as an "environmental think tank." Most of the thousands of citations supporting the rest of the voluminous IPCC report were from scientific journals.

Let me add also that Professor Bob Watson—first, Bob Watson was the predecessor to Pachauri. He said:

It is concerning that these mistakes have appeared in the IPCC report . . . Dr. Pachauri must take full responsibility for that.

I think it is interesting to those of us who have been stuck in Washington for the last 3 days because of the weather—it is a record; we have not had anything like this, the snowfall and temperatures, in the recorded history of Washington DC—that they are now talking about starting a new agency under NOAA. That is the National Oceanographic and Atmospheric Administration. That is all we need is one more bureaucracy to talk about global warming.

I might add, today there is supposed to be an EPW hearing on global warming, but it was canceled by the blizzard. A lot of things have been happening recently, and I think it is very important that people understand how serious this matter is.

I have to add one thing, since I think I have 6 minutes left, about my daughter Molly. My wife and I have been married 50 years. We have 20 kids and grandkids, I say to my friend in the chair. Six of those were up here because of a little adopted Ethiopian girl. My granddaughter and her brothers were making a igloo. They were stuck here with nothing else to do. If you want to see it, it is down at Third and Independence. Someone took the sign off, but the sign said: "Al Gore's New Home." I thought I would throw that out.

One last thing, in winding this up, about how serious this is. It became evident that the votes to pass the very expensive cap-and-trade bill, the largest tax increase in the history of America, somewhere between \$300 and \$400 billion a year—it would cost every tax-paying family in my State of Oklahoma some \$3,000 a year—the fact is, the votes are not there, not even close. They may be up to 20 votes, but it takes 60 to pass it. We know that.

When this happened, President Obama said: Fine. If Congress is not going to pass this bill, I can do it administratively through an endangerment finding of the Clean Air Act.

The Clean Air Act was passed many years ago. The Clean Air Act talks about pollutants such as SO<sub>x</sub>, NO<sub>x</sub>, and mercury. If he can have an endangerment finding saying that CO<sub>2</sub> can be considered to be a pollutant, we can regulate it and do it through regulation.

I personally asked in a public hearing, live on TV, Lisa Jackson, Administrator of the EPA, I said: If you do an endangerment finding—which they have now done, but this is before then—is it accurate to say that is based on the science of the EIPC?

She said yes.

Now we have an endangerment finding based on science totally discredited, on the IPCC. I have no doubt in my mind that once March gets here and lawsuits start getting filed, the courts are going to look at this and say: Wait a minute. An endangerment finding that is going to totally change the United States of America is based on science that has been refuted in the last few months.

This is very serious. It is something that could be very expensive for America. I invite all my colleagues here, Democrats and Republicans, to look and see what Climategate is all about, what Amazongate is all about, what Glacierngate is all about. Cooked science has come up with the conclusion we are now experiencing global



warming, and it is due to anthropogenic gases.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the submission of S. Res. 416 are located in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank my colleagues on the other side of the aisle. I believe there is a UC that the assistant majority leader wishes to make.

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I have spoken to the Senators from Missouri and Alabama, and I ask unanimous consent that following the remarks of the Senator from Missouri I be recognized for 10 minutes, and then following that, Senator SESSIONS be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

#### TERROR FIGHTING POLICY

Mr. BOND. Madam President, I thank the Chair and all of my friends for giving me this opportunity to speak.

For Americans, the world changed on September 11, 2001. We learned—at the cost of thousands of innocent lives—that treating terrorism as a law enforcement matter won't keep Americans safe.

My real concern is that this administration doesn't understand that every day now is like September 12. We cannot afford to revert back to a 9/11 mentality. Instead, we need to treat the terrorists as what they are—not common criminals but enemy combatants in a war.

I rise today to speak about my concerns with current terror-fighting policies of this administration and the vital importance of congressional oversight. Protecting this Nation from terrorist attack is our highest duty in government. In our great democracy, congressional oversight plays a critical role in ensuring that our government protects our citizens from terror attacks. Unfortunately, some in the White House don't agree.

Just this morning, a White House spokesperson on MSNBC charged that

"politicians in Congress" should keep their opinions to themselves when it comes to one of our most vital national security interests—counterterrorism. I note in the previous administration, my colleagues on the other side of the aisle were quite free to speak about their views on the policies. Mr. Brennan, the Homeland Security adviser, wrote an editorial in USA TODAY critical of congressional criticism of the administration's counterterrorism policies and called them fear-mongering that serve the goals of al-Qaida.

I welcome comments of substance from the administration and from the other side on the criticism and the points I make, but you are not going to be able to silence the legislative branch. To do so is unworthy of the democracy we defend. One might believe that some were trying to shift attention away from the decisions that were made in recent years.

The bottom line is that my real beef is not with the White House spokespeople—although it is disappointing when the National Security Adviser claims that I have not told the truth about what he said—but with the dangerous policies of the administration. Clearly, my complaints are not directed at the men and women of the intelligence community—which was an insinuation by the White House spokesperson—because I believe the men and women of the intelligence community are doing their very best job under at best difficult circumstances. What I am concerned about is major broader policies over which they have no control have been changed in a way to make their job more difficult, and we should not be making their job more difficult.

One of the dangerous cases of "ready, fire, aim" and national security policies was the President's pledge to close the terrorist detention facility at Guantanamo Bay without any backup plans for the deadly terrorists housed there or how to handle them or how to treat them. There has been a temporary suspension of transfers of Gitmo detainees to Yemen and Saudi Arabia, but we understand the larger effort to transfer and release other dangerous Gitmo detainees continues.

Let me be clear. The previous administration released terrorists and sent them back to their homeland, some for rehabilitation, and 20 percent of them—1 out of 5—have returned to the battlefield and a couple of them apparently were coaching and training the "Underpants Bomber." That was a big mistake. Stop making the mistakes. We can learn from the mistakes we have made in the past. If we send more back, they will be attempting to kill more Americans. We shouldn't compromise our security here at home and the lives of our soldiers overseas to carry out a campaign promise. If a campaign promise doesn't square with

national security, I humbly suggest that national security should prevail.

There is another case, the administration's decision to end or to bypass military commissions for detainees who are ready to plead guilty, as Khalid Sheikh Mohammed was, to move him to New York City for the show trial. I will address that later. But the administration continues to prepare to try senior al-Qaida detainees in U.S. article III criminal courts rather than the military commissions that Congress designed for these difficult and complicated cases, to be used in a courtroom that we constructed at Gitmo.

History has shown that civil criminal trials of terrorists unnecessarily hemorrhage sensitive classified information. The East Africa Embassy bombing trials made Osama bin Laden aware of cell phone intercepts, and surprisingly al-Qaida and Osama bin Laden started using different methods of communications. The trial of the first World Trade Center bomber Ramzi Yousef tipped off terrorists to another communications link that provided enormously valuable information. Well, their use of that link that we were able to compromise was shut down because they learned about it. Similarly, the trial of the "Blind Sheikh" Omar Abdel Rahman provided intelligence to Osama bin Laden. The trial of Zacarias Moussaoui resulted in the inadvertent disclosure of sensitive material. That is why former Attorney General Michael Mukasey, who tried some of these cases, said you cannot prevent a defense attorney from getting classified, highly confidential information in the course of an article III criminal trial. We know for a fact these civilian trials have aided the terrorists by giving them information on our Intelligence Committee.

The military commission system—and we passed a measure to regulate the sign-in law in 2009—was designed to protect our sensitive intelligence sources and methods and to comply with the laws of war. Why abandon them? It will come as no surprise to my colleagues that I also disagree with the administration's "ready, fire, aim" strategy of handling the Christmas Day bomber.

On December 25, when Abdulmutallab landed on our shores, rather than incorporate intelligence into his interrogation, he was, after 50 minutes of brief questioning, Mirandized and offered a lawyer. Not surprisingly, he clammed up for 5 weeks. Intelligence is perishable and that 5 weeks was time that our intelligence system should have been operating on the questions he was only 5 weeks later answering. I don't know what purpose there was in Mirandizing him. That is an exclusionary rule. The only reason to offer Miranda rights is so you can use the words of the suspect against him.

There is plenty of evidence of this guy who had strapped chemical explosives to his legs, set them off, and burned himself in front of 200 witnesses. It doesn't matter what he says, you can convict him. Why weren't our intelligence agencies consulted on the important decision of whether to Mirandize him? At least the FBI agents questioning him should have had the benefit of the intelligence that other agencies knew. Who is running the war on terrorism? I am afraid it is the Justice Department or the White House. Why did the White House announce what the few of us who were notified of his cooperation warned not to disclose? Not only did they disclose that information the day after we were advised, they disclosed the fact that Abdulmutallab's family came here to pressure him. Why on Earth would you do that? What message does that send? Unfortunately, to the family, they now have targets on their backs, because the terrorists know that they have convinced a member of their family to talk. What does it say to future sources? We are going to be concerned if they provide information that our intelligence agencies asked for that they will be identified by the White House and put at great risk.

The handling of the Christmas Day bomber also showed something else. When the President took away the powers of the CIA to question terror suspects, he said: We will handle it in the White House. We found out on December 25, 11 months after he announced it, that there was no high value detainee interrogation operation set up. They had no plans on how to do it. These people are supposed to be interrogating high value detainees and for a year they didn't set it up until after the attack.

Our intelligence chiefs testified early this month in an open hearing that there will be attempts by terrorists to attack again. Yet the administration waited until after the attack to begin the process of setting it up. These are all important policy questions to raise. If the White House had its way, I wouldn't be asking them, but I am asking them because I am very fearful that our security has been lessened, and that this is a subject this body must address.

Article I of the Constitution created a legislative branch to help ensure that nobody in government is above oversight and being held accountable. I as a Senator have a right and responsibility as a Member of this body and as a representative of the people of my State to shine a light on policies that I think need to be changed, and I will continue to do so regardless of what is said about me. I am concerned that these policies of the administration have moved us back to a pre-9/11 mentality. That failed in the past and it will again.

In terms of the debate, my colleagues from California and Vermont have raised questions in a letter. They said we ought to try these terrorists in an article III court because the rule of law must prevail. Well, I agree, but we have a law. It is called the military commissions law that was passed and signed into law last year by the President that carries out the laws of war. Those are places which are much safer in terms of handling the terrorists, in terms of handling classified information.

Finally, they say that we should not—they strongly believe we ought to bring all of these people to article III courts and the prosecutors and everybody can handle those. It is not the prosecutors or the intelligence community we are worried about, No. 1. It is the cost, because the terrorist trial is going to bring undesirables here, and the city of New York figures it is going to have to spend over \$2 million a year. They do not want it. Nobody else wants it.

I tell you, even more important, when Khalid Shaikh Mohammed was apprehended, he said: My lawyer and I will see you in New York. He wants to come to New York or Washington or someplace where he can get a lot of media attention—and believe me, were he to be tried here, he would get a lot of media attention—because he wants to be able to spread his message to others who might be vulnerable that they need to join him in the jihad.

I also pointed out that disclosure of sensitive information has and will be released if you try him in an article III court because any defense attorney bound to provide the best defense for their clients will have to get into what the intelligence community knew, how they knew it about him, and that is a disaster. That is why I welcome the discussion and I urge a change in policy.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

#### TRIALS OF DETAINEES

Mr. DURBIN. Madam President, it is so interesting to notice the change of approach. When President Bush was in office and we were fighting terrorism, Democrats would come to the floor and question interrogation and prosecution and be reminded over and over again by the Republican side of the aisle that we were literally interfering with national security and the authority of the Commander in Chief. I took those criticisms lightly because we do have a responsibility in Congress to speak out as a separate branch of government if we disagree with the Executive. Now to hear the other side, they have completely switched their position. Now they believe it is fair game to question the decisions that are being made on a

daily basis by this President of the United States relative to our national security.

What my friend from Missouri, who has every right to come to the floor and speak his mind representing his State, has failed to mention is one basic fact: Since 9/11, 195 terrorists have been convicted in article III courts in the United States of America. Decisions were made by Republican President George W. Bush to prosecute suspected terrorists in article III courts, and, yes, that would involve Miranda warnings because they believed that was the most effective place to try them.

There was an alternative, so-called law-of-war approach, to use military commissions. How many of these suspected terrorists were actually tried before military commissions since 9/11? Three. Madam President, 3 have been convicted before military commissions, 195 in the courts of our land.

Now come the Republicans to say: We want to stop any conviction in any criminal court in America. We believe the people should only be convicted by military commission.

I take a different view. I believe this President, this Attorney General, and all of the people involved in national security should have the options before them: Use the best forum available to bring out the facts and to result in a conviction.

Do I fear our court system will be used by these alleged terrorists? They may try. They have not had much luck. When Zacarias Moussaoui, the so-called 19th 9/11 terrorist, was tried in Virginia, I don't think it changed America one bit. I don't think it changed the way we live and the security we have. Incidentally, he was convicted and is serving a life sentence in a supermax prison, one of our Federal penitentiaries.

Those who argue that we should never consider it ignore the obvious. Look at the list of terrorists convicted in Federal courts aside from Zacarias Moussaoui: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; the al-Qaida sleeper agent Ali Al-Marri from my State of Illinois, where he was arrested; Ted Kaczynski, the Unabomber; and Terry Nichols, the Oklahoma City coconspirator. Our courts work. Why would we choose to tie the hands of this administration to choose the most effective place to try a terrorist?

This notion, too, about keeping Guantanamo open, that it was just President Obama's idea, no, it happened to be Senator McCain's idea as well, his opponent in the Presidential election. He called for the closing of Guantanamo, as well as GEN Colin Powell, who was head of not only our State Department but head of national security under former Presidents. It is

an indication to me that this, on a bipartisan basis, is something that should be done and done in a careful way. I would agree with that. But let's be honest. There has been a bipartisan consensus that this is a good thing to do to make America safe.

The last point I would like to make on this issue is that we have a responsibility to tell the world that those who are accused of terrorism will be tried in our courts or before our military commissions in a way that respects due process so that at the end of the day, we do not have an outcome where people question whether we applied the principles and values to these trials as we apply them to other trials involving Americans.

For those who argue they should be given the back of the hand, ignored, no warnings, no due process, at the end of the day we will not be stronger if we follow that counsel and that advice regardless of the outcome and afraid America's intentions will be questioned. I want us to be strong in this world, not fearful and shuddering and quivering before these alleged terrorists. We need to stand up strong, be safe as a nation, gather the information.

This so-called Christmas Day bomber who was found on this plane, whether he should have been Mirandized or not, the fact is, after a short period of time his family was brought to where he is being held in a Federal penitentiary—I might add, in Michigan—and after meeting with them, he gave even more information. To argue that he has not been helpful and not forthcoming I think states something the record does not reflect.

#### SNOWFALL IN WASHINGTON

Mr. DURBIN. Madam President, I first came here as a student in 1963. It is a great city. I went to college here, law school here. I lived a big part of my life, at least part time, in Washington, DC. I never could get over how people in this town reacted to snow. I am convinced that infants born in Washington, DC, are taken from the arms of their loving mothers right when they are born into a room where someone shows a film of a snowstorm with shrieking and screaming so that those children come to believe snow is a mortal enemy, like a nuclear attack, because I have seen, for over 40 years here, people in this town go into a full-scale panic at the thought of a snowfall. We joke about it. Those of us from parts of the country that get snow and know how to live with it cannot get over how crazy the reaction is many times. But in fairness, this has been a heck of a snowstorm. It is the largest on record in Washington, DC.

I wish to say a word on behalf of the people of the District of Columbia and all of the surrounding suburbs but es-

pecially for those who work on Capitol Hill, the Capitol Police as well as those in the Architect's office, who have literally been working night and day to make sure visitors who still come to this Capitol in the middle of a blizzard—I saw them yesterday coming up to take pictures of our Capitol dome—can come here safely. They have done an exceptional job. Today is no exception. Many of the members of our staff in the Senate and the folks who work here came trudging through the snow, and it was not easy to get here. I wish to say a word of thanks to all of them for the special sacrifice they have made and to say to the folks in Washington, DC: This was a heck of a snowstorm. You had every right to be concerned. Some of the other ones, maybe not, but this one was the real deal.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

#### HOME FORECLOSURES

Mr. DURBIN. Madam President, I wish to say one last word about an issue that affects my State and many others too. We received news today that the foreclosures of houses in Illinois have increased dramatically over last year—a 25-percent increase in foreclosures in Illinois over the last year. The same thing is true of many other States. The States hit the hardest are Nevada, Arizona, California, Florida, Utah, Idaho, Michigan, Illinois, Oregon, and Georgia.

We have to do more. The current system we have to deal with foreclosures is not working well. I met this morning with Treasury Secretary Geithner and gave him some ideas. I hope my colleagues will join me in coming up with approaches that will try to save people from this terrible outcome of foreclosure. Many people have lost their jobs and cannot pay their mortgages. Understandable. Maybe we can help them stay in their houses as renters or some other circumstance. Some have seen the value of their home start to decline to the point where the value of the home is less than the outstanding mortgage and there is no incentive to continue to sacrifice and make a mortgage payment for a home that is worth a fraction of its original value.

Those are realities. But the reality of foreclosure is obvious. I was with Congresswoman JAN SCHAKOWSKY in Evanston, IL, a few days ago. We went down Gray Street and saw homes that had been good, solid, middle-class homes now boarded up literally for years that have become a blight on that neighborhood, dragging down the value of every other home and threatening the safety of the neighborhood as they become drug and crime havens. We are also seeing a phenomena like that in places such as Marquette Park

in Chicago where the depopulation of neighborhoods is leading to commercial flight—food deserts in the city of Chicago brought about by foreclosures.

These banks have not done enough, period. They have not stepped up to their responsibility. I tried to change the Bankruptcy Code to give us a fighting chance for a bankruptcy judge to rewrite a mortgage to avoid foreclosure, and I was defeated by the banks. They have a powerful lobby on Capitol Hill even to this day despite what we have gone through.

This foreclosure situation has gone from bad to worse. I don't believe America can truly recover economically until we address this issue in a forthright manner. I look forward to working with the Treasury Secretary and the administration to do that when we return from the Presidents Day recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### TERRORIST TRIALS

Mr. SESSIONS. Madam President, I wish to share a few thoughts on a matter of concern; that is, our national security and the procedure by which we are handling people we arrest who are attacking this country. It will be a bit of a follow-on to what Senator BOND of Missouri had to say. I disagree with my distinguished colleague, Senator DURBIN, the assistant Democratic leader in the Senate. He is a member of the Judiciary Committee. I think he is wrong about that. I serve on the Judiciary Committee, too, and I would like to share a few thoughts.

First, there has been a full-scale attempt to assert that President Bush tried most of the terrorists or terrorism-related cases that developed over the years in the normal civilian courts. That is true to some degree. I notice that in the 195 cases Senator DURBIN said were tried in the Federal courts, he counted the Unabomber and Terry Nichols, one of the ones who blew up the Oklahoma City Federal Building. There is a big distinction: The Unabomber was not officially at war with the United States, had not declared war on the United States as al-Qaida has, and the United States had not declared war on him or on Terry Nichols, who was unknown, I suppose, to anybody at the time he committed that crime and was tried. A lot of the other cases deal with such things as aiding a terrorist by providing money to some terrorist organization that supports terrorism, violating various complex Federal laws, and they are tried in Federal courts. They are American citizens, and they are tried here. That is the reason some of the cases that have been cited were tried in Federal court.

Another reason of significant import that cases were tried in Federal court

rather than in military commissions was not because President Bush and his staff desired it but because we ended up with full-scale challenges of the military commissions as they were set up originally after 9/11. It took some time to get them set up. They were challenged. The U.S. Supreme Court concluded that a number of procedures conducted in the military commissions did not meet constitutional muster, did not comply with international agreements that the United States was a party to, and they said: You have to stop. So the military revamped what it was doing. The Congress passed the Detainee Act to legitimize the military commission trials and make sure it complied with the Supreme Court so we could get on with it.

We had some 5,700 people in Guantanamo. It was never the plan of the Bush administration, ever, to try those people in civilian courts. In fact, Congress appropriated the money. We built courtrooms with video cameras and security at the Guantanamo base and prison. We had them set up so trials could be conducted, press people could come and see the trials, subject to national security questions that may arise, and do those trials in that fashion.

But after President Obama got elected, he directed that Attorney General Holder evaluate whether we should do that anymore or not. First, he stopped them—he issued an order to stop it—and then he asked that a review be conducted. Mr. Holder conducted a review and he decided, and that report was, it would be presumed the people being held in Guantanamo—many of whom, most of whom were captured on the battlefield in Iraq and Afghanistan and other places in that area of the world—would be tried in civilian courts. This was an absolute reversal of that.

Last year, I offered legislation that was passed by both Houses of Congress and signed by the President that said, if you are part of al-Qaida, you are presumed to be at war with the United States, and it is not necessary, in a military commission trial, to put on all kinds of testimony, take weeks to prove we are at war with al-Qaida. That is simply already a fact; we have declared war. Congress has authorized the use of military force against al-Qaida, and they are attacking us. That is what war is.

So John Brennan, the President's Deputy National Security Adviser, which apparently in this administration is a pretty big position—I guess these kind of personal Presidential staff people are what you make of them—has been very public. He has made a series of statements which demonstrate this administration has learned no lessons from their mishandling of the Christmas Day bomber—Umar Farouk Abdulmutallab—who was captured on Christmas Day, at-

tempting to blow up a plane. Not only did Mr. Abdulmutallab have recent intimate knowledge of terrorist operations in Yemen, but, in fact, he came directly from Yemen, having been provided a bomb by al-Qaida, as they claimed credit for and apparently he has acknowledged.

He was an operative of al-Qaida. He had no legal claim to protections of the American criminal justice system, in any case. Even if he had been a citizen of the United States, which he was not a citizen, he had no right to be tried in civilian court in the United States because he was an agent and an operative and an unlawful combatant directly connected with al-Qaida. So this is a big deal. This is a matter that has to be analyzed and thought through, and I am concerned the administration is not listening.

The combination of these factors about his background made his capture a unique intelligence opportunity—one of the most important opportunities since 9/11 because al-Qaida had moved a large part of its operation to Yemen, using it as a training base. We did not know enough about it. It is very important we learn everything we can about how they are operating in Yemen, who the leaders are, and how they could be attacked and neutralized. So the decision to treat him as a civilian was very wrong.

The Department of Justice immediately began to treat him as a common criminal being investigated by the FBI. They gave him his rights after 50 minutes. In truth, colleagues, as a prosecutor myself, he should have been given his rights, probably—normally, you would expect them immediately. There may be some exceptions that could have allowed this not to occur immediately, but, normally, when a civilian is arrested and you ask him a single question, that individual who is in custody is entitled to Miranda rights then. Miranda rights are not just that you have a right to remain silent. Miranda rights say you have a right to remain silent, and we will appoint you a lawyer. You have a right to have one, and we will appoint you one if you don't have the money. People tend to clam up when they are told that.

So they offered him an attorney and did not treat him as the rare intelligence asset he was. That decision, it is indisputable, I truly believe—and this is not politics we are talking about—jeopardized the kind of fresh, timely intelligence that saves lives and prevents further attacks on the homeland of our country.

Mr. Brennan says one of the reasons the administration classified Abdulmutallab as a civilian was because he was captured on U.S. soil. This comment is truly startling and makes no sense. As Deputy National Security Adviser to the President, Mr. Brennan ought to be aware that because

Abdulmutallab is an al-Qaida operative, he is an unprivileged enemy belligerent—in our common, more current definition of the term—and, thus, he is automatically eligible for a military trial.

Indeed, the amendment I offered last year to the Military Commissions Act would permit this administration to do this without even having to reestablish the obvious: that al-Qaida is at war with the United States. So for the President, Mr. Holder or Mr. Brennan to persist in arguing that the law or past precedent somehow justified their treatment of Abdulmutallab as an ordinary criminal is wrong.

But Mr. Brennan has gone further than simply confusing the law. He has confused reality. In his recent op-ed in *USA Today*, he defiantly declares the administration made the right call on Abdulmutallab and that providing captured terrorists with civilian due process, civilian lawyers, and the right to remain silent has no negative impact on our ability to gather intelligence.

I dispute that. That is totally illogical. I don't know how many cases Mr. Brennan has prosecuted—not many. I prosecuted thousands; supervised them and tried them myself—but there is no doubt that you lose intelligence when you appoint a person a lawyer and tell them they have a right to remain silent. We are virtually the only country in the world that does this. It is not considered a constitutional right. It is something the court thought would be a good idea, to keep people from being abused by police, and so they set up this rule. It is not part of fundamental due process. It wasn't even a rule until 50 years ago. We never did that. Canada doesn't do it, France doesn't, Germany or Italy. We don't have to give them.

Mr. Brennan says: "There is little difference between military and civilian custody other than an interrogator with a uniform." Not so. He argues: "The suspect gets access to a lawyer and the interrogation rules are nearly identical." That is absolutely false.

I have been disappointed at the response the Attorney General has given to members of our committee, but when the National Security Adviser says something such as that—and I confronted him with it in a hearing earlier and he persists in making that kind of statement.

Mr. Brennan has also said previously that "there are no downsides or upsides in particular cases" and that because we are a nation of laws, criminal courts are the preferred venue. Not so—at least that this is a preferred venue. We are a nation of laws, and our laws and international law allow for the trial of unlawful combatants in military commissions. Attorney General Holder admitted that himself in a hearing when answering questions asked of him. I said: Mr. Holder, the decision to try these people in civilian

court rather than military commissions is a policy decision, and basically he said yes to that. It is not required under our law.

I can tell you—and not with speculation and it is not a theory but a fact—that criminal defendants will routinely stop talking and providing information when you give them Miranda and appoint them a lawyer. The first thing a lawyer is going to do, even in a case such as this, is to advise his client not to make any more statements, if he has made any. If he says he wants a lawyer, the questioning must stop until one is produced. That is what it means to try a person in civilian court. It is different.

You better believe terrorists who are trained to exploit our system will do everything in their power to use that system against us, if we let them. When Khalid Shaikh Mohammed—mastermind of the 9/11 attack, that so horrible day—was captured, he immediately asked for a lawyer. He already knew. But he wasn't given one. Instead, he was interrogated at length over a period of time as a military combatant. These interrogations revealed critically important information that helped foil other attacks that could have been levied against the United States.

When Abdulmutallab was questioned, he was questioned for only 50 minutes before being given a lawyer, and then he stopped talking. So we are told: Weeks later, he started talking again. Don't worry, Jeff. Quit complaining. Five weeks later, now he has started talking. We got his daddy to come in, and maybe we can do a plea bargain with him or something and he will talk.

Well, you can do that if they are in military custody. That is not only done in civilian custody, No. 1. No. 2, what did they have to promise him to get him to provide information? Did they promise him leniency? Did his lawyer demand it? Did his lawyer demand a written plea agreement before he allowed him to speak?

That is what will happen in most cases. I don't know what happened in this one. But we are not talking about just this case. We are talking about the policy of whether it is better to treat somebody as an unlawful combatant if they come from al-Qaida or in a civilian trial in America. Fresh, immediate intelligence is awfully valuable many times, and it can grow stale very quickly, although other intelligence can be extremely important, even if the person you have captured waits 6 months to give it to you. You just never know. But the truth is, the more intelligence, the sooner obtained, enhances our national security. Things that are unnecessary, that are not required by law, that delay the obtaining of intelligence and delay the amount you get is damaging to our national security.

So that is the policy question we are dealing with—this decision to put vitally important intelligence at great jeopardy. Nevertheless, Mr. Brennan insists that military interrogations are the same as those provided to civilians. But when a civilian asks that the interrogation stop, it must stop at that moment. This is not true in the military situation.

Well, let me back up a little bit. A person apprehended on the battlefield, a prisoner of war, who is a lawful combatant, wearing a uniform, fighting the United States in a lawful manner, according to the laws of war, cannot be excessively interrogated, cannot be tried for any crime but can be held until the war is over, whether it is 1 year or 10 years. That is the law of the world and the law of the United States. But if they are unlawful combatants, as these malicious, devious, murdering al-Qaida thugs are—they do not wear a uniform, they do not comply with the laws of war, they attack innocent civilians deliberately to spread terror—they are in violation of the rules of war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair, and I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. What would have happened to Abdulmutallab if he were handled by the military? He would have been interrogated by people in short order who were intimately familiar with the situation that was developing in Yemen. They would have been able to ask him questions without a lawyer being present. He did not have to have a lawyer. They could use the legal interrogation techniques that Congress has passed into law and directed the military to use in these kinds of interrogations—and no more—or they would be in violation of the law. He would not be abused. Then eventually he would be tried, or not tried, as the military and the national security would dictate.

But if you arrest him and put him in a civil situation, he immediately has to be advised of his rights, immediately given a lawyer. He is then entitled to a speedy trial. He is entitled to demand discovery and information from the government about how they caught him and who provided the information. He could demand to go to trial and be able to speak out and use it as a forum to promote their agenda. There is a huge difference between the two.

For Mr. Brennan to act as if there is no difference, and for my colleagues to say President Bush tried these people, before we ever got the system up and running in a healthy way, is disingenuous. It is not accurate. It is not correct in a rational discussion of how this would be.

This is what President Obama said in an important "60 Minutes" interview about these terrorists:

Now, do these folks deserve Miranda rights? Do they deserve to be treated like a shoplifter down the block? Of course not.

Amen, Mr. President. Of course they are not entitled to Miranda rights. Of course they are not entitled to be treated like a shoplifter down the block. But when they decided to try Abdulmutallab in a civilian court, that is exactly what they decided to do—to treat him with all the rights and rules an American citizen would have who is charged with a shoplifting offense.

We raised this issue last fall, back in September, with the Director of the FBI, about Miranda. I asked him:

So, if you're going to try terrorists in Federal court, they should be Mirandized, right?

If you want the statement, a particular statement at a particular time admissible in the Federal court, generally that—that has to be Mirandized.

In fact, you can't even ask him questions lawfully until you provide him the Miranda rights. If he says anything that is of value to the prosecution, it is dismissible.

Then what about this dramatic event in the Judiciary Committee? Senator LINDSAY GRAHAM, a very experienced Senator who still remains a JAG officer in the Air Force—after many years he still goes off to do his duty 2 weeks a year—he asked this dramatic question to the Attorney General.

If we captured bin Laden tomorrow, would he be entitled to Miranda warnings at the moment of capture?

Attorney General Holder:

Again, I'm not—that depends.

He never gave a full answer.

I thank the Chair and believe we have to get our heads straight on this matter and cease to provide the kind of due process rights that American citizens get and provide the kind of legitimate due process rights that a military commission provides—and they are great. But they are not the same. Understand, we are at war, and it creates a different dynamic in how the cases are processed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. SESSIONS. Madam President, I withhold—noting the absence of a quorum request.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

#### BUDGET DISPARITIES

Ms. MURKOWSKI. Madam President, when President Obama delivered his first State of the Union Address several weeks ago, I tell you I was pleasantly surprised by his remarks on energy policy. In addition to calling for bipartisan legislation, the President indicated his support for more nuclear energy and new oil and gas development.

I think those are all positive steps. They are taking us in the right direction, not least because they would draw strong support in Congress, and I think they would help create jobs all across the country at a time when we are looking at how we can boost the economy and create jobs. This is critically important.

Having listened to the President's ideas, I looked forward to seeing how the administration would begin to act on them, how this would all play out in his new budget. When that document came out last Monday, I expected to at least see some progress in each of the areas mentioned during the State of the Union Address. Instead, I found some disparities—some were small; some were rather striking—between the President's words to Congress and the agencies' requests from us.

This disconnect is both disappointing and perhaps a little difficult to explain. At the very least, it is apparent that the vision the President presented to Congress does not match what some of his agencies have in mind. I do not believe these are welcome shifts. Quite a few of the budget proposals would impair our ability to establish a comprehensive energy policy that addresses climate change and reduces our dependence on foreign oil. Instead of promoting bipartisanship—which I think we all want to try to do—I am concerned these same proposals would only deepen the divisions we have within Congress.

Let me fill out some of the details. Let's start with nuclear energy. During his remarks, the President indicated his support for a "new generation of safe, clean nuclear powerplants in this country." To the administration's credit, I believe it did follow through on that one in the budget request. As I have said before, allowing the Department of Energy to guarantee more loans for nuclear plants is a step in the right direction.

But I remind him, it has been a year, and this administration has yet to help finance a single nuclear project. That certainly is not due to lack of ability because the DOE has already had the authority to guarantee \$18 billion in new projects. It certainly is not due to the cost because, if carried out properly, this important support would not cost American taxpayers a single dime. But I believe the administration took a step backwards in its budget, away from that progress when it chose to abandon the Yucca Mountain project. The end of the nuclear fuel cycle is just as important as the beginning. Yet DOE is abandoning our best option for a repository and further exposing taxpayers to billions for the government's breach of contract.

We also need to make sure in America we are producing the raw materials used to generate nuclear energy. Here again, the administration took a step

back last year by withdrawing roughly 1 million acres of uranium-rich lands in Arizona. As a result, our Nation has lost access to some of its highest grade uranium reserves. This is kind of familiar territory for us. We should know by now that following the same path for nuclear energy that we have been following for oil will not work. It is not going to help improve our energy security. It risks trading our dependence on foreign oil for a similarly devastating dependence on foreign uranium.

I appreciate the administration's direction with the loan guarantees with nuclear. I, again, support that. But when we turn to the discussion about where we go with oil and gas, I cannot say the same for domestic oil and gas production—at least when it comes to this budget and the various proposals for tax hikes, new administrative fees, and efforts to make the permitting process actually more burdensome.

During his State of the Union Address, the President called for tough decisions to be made regarding new development. I had actually hoped he meant that his agencies were preparing to push forward with a plan that would allow America to develop more of its resources. But it appears I was mistaken. Instead of seeking to increase production, the budget request includes at least 21 new taxes and fees for the oil, natural gas, and coal industries—21 new taxes and fees. Collectively, these increases would raise producers' costs of business by an estimated \$80 billion.

That is going to translate into higher energy costs for consumers, fewer jobs for the American people. We cannot forget what basic economics tells us: When you tax something, you get less of it. So we will probably become even more dependent on foreign energy as well.

I ask unanimous consent that a list of all these 21 tax increases and fees for oil, gas, and coal producers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**TAX INCREASES AND NEW FEES PROPOSED FOR AMERICAN OIL, NATURAL GAS, AND COAL PRODUCERS IN THE ADMINISTRATION'S FISCAL YEAR 2011 BUDGET REQUEST**

1. Repeal enhanced oil recovery credit;
2. Repeal marginal well tax credit;
3. Repeal expensing of intangible drilling costs;
4. Repeal deduction for tertiary injectants;
5. Repeal passive loss exception for working interests in oil and natural gas properties;
6. Repeal percentage depletion for oil and natural gas;
7. Repeal the Section 199 manufacturing deduction for income attributable to domestic production of oil, gas, or primary products thereof;
8. Increase geological and geophysical amortization period for independent producers to seven years;
9. Repeal expensing and exploration and development costs for coal;

10. Repeal percentage depletion for hard, mineral fossil fuels;

11. Repeal capital gains treatment of certain coal-related royalties;

12. Repeal the Section 199 manufacturing deduction for income attributable to domestic production of coal and other hard mineral fossil fuels;

13. Levy new fees on applications for permits to drill (APDs)

14. Authority to collect \$10 million in fees for on-shore oil and gas production inspection on federal lands, and parallel request for \$10 million in fee collections under MMS budget;

15. \$4.00 per acre fee on "non-producing leases" in both federal lands and waters;

16. Repeal of EPACT '05 provisions incentivizing production of deepwater gas;

17. Repeal mandatory royalty relief to deepwater oil and gas production;

18. Proposed increase in royalty from 12.5% to 20-30%;

19. Modify rules for dual capacity taxpayers to effectively create double taxation on income derived from foreign holdings;

20. Repeal LIFO (last in, first out) accounting procedure;

21. Reimpose Superfund taxes disproportionately on the oil and natural gas industry.

Ms. MURKOWSKI. To be fair, these proposals that were laid out do not necessarily come as a total surprise to us. Many of these were also part of last year's budget. Last September there was a senior official from the Treasury Department who raised some eyebrows. He was testifying and said that somehow America overproduces oil and gas—overproduces oil and gas.

As we continue to import about 60 percent of our total supply of oil and even some of our natural gas, that claim is incredible to me. Our Nation clearly imports too much oil, and we use too much oil. But we certainly do not produce too much of it.

The administration is pursuing at least some of these tax increases and fees in order to "end fossil fuel subsidies." Those are the words they use. This is part of an agreement reached with the G20 last year. But interestingly, the G20 seems to have a very different idea of what that actually means.

According to the group, developed countries such as the United States and Canada only indirectly subsidize fossil fuels such as with certain tax treatment, and even these quasi-tax subsidies are small in comparison to the developing or underdeveloped countries.

If there are any direct fossil fuel subsidies that this administration could then eliminate, you have to ask the question: What would those be? As nearly as I can tell, there are two programs that would technically qualify, by the G20's definition, as direct fossil fuel subsidies. The first one is LIHEAP.

Madam President, you are very familiar with that program, and I think you and I would be in complete agreement that this program, which helps needy Americans afford home heating



oil and gas, should certainly not be eliminated. I think we have some considerable support in the Congress defending LIHEAP. The President, Vice President, much of the Cabinet, and dozens of other Senators certainly have gone on the record supporting it.

The second direct fossil fuel subsidy in your region is the Northeastern Home Heating Oil Reserve. Again, I do not think the administration considered either of these programs when agreeing to phase out fossil fuel subsidies, but that is what they are—they are subsidies.

To return to the budget request, the Department of Interior notes that:

Repealing fossil fuel tax preferences helps eliminate market distortions, strengthening incentives for investments in clean renewable and more energy efficient technologies.

This is another exercise in semantics and some political buzzwords. When the government gives actual subsidies and gives actual tax breaks to renewable energy development, these are entitled “incentives for investment.” When the government refrains from taxing oil and gas producers more than they are already taxed, it is not an incentive for investment anymore. But now we are calling it a “market distortion.”

I lay this out to hopefully be able to verbalize my concern.

When the President spoke before the Congress at his State of the Union Address, when he spoke about tough decisions on new oil and gas exploration, I had hoped we would finally begin to be using more of our resources to meet our own energy needs. But from looking at the new budget, it looks more as though our energy producers will be the ones who will be making the tough decisions. They are going to be making a tough decision as to whether they continue to operate here, whether they shut down, whether they head overseas or whether they produce our energy.

The final area I wish to address is the issue of climate change. During his address, the President called on the Congress to develop comprehensive energy and climate legislation. But a few days later, when the budget came out, the EPA requested more than \$40 million in order to begin regulating greenhouse gas emissions on its own.

Here in the Senate we have at least 41 Members already on record as opposing that approach. That is about as bipartisan as any climate bill has been—as we have been—in this Congress. By allowing the EPA to move forward, the President is actually limiting Congress's ability to develop a bipartisan climate bill. Instead of debating cap and trade or a carbon tax, we are going to spend at least some of our time talking about the EPA's regulations. As I have said many times before, EPA's actions will harm our economy at a time when we can least afford it.

I also believe the debate over climate policy belongs here. It belongs in the Senate. It belongs in the House. It belongs here in Congress because that is where the best interests of our constituents can fully be represented.

The truth of the matter is the administration is looking to have it both ways. On the one hand, its budget assumes a cap-and-trade bill will pass and on the other it is seeking millions of dollars to impose these backdoor climate regulations. I hope the administration will change its mind on the matter and decide to work with us as we work toward a balanced and comprehensive bill. But I think we recognize that the threat of regulations has not worked. I do not think it will work. I think it is time to take that command-and-control approach off the table.

Some may wonder why I have taken the time to point out that the ideas in the President's State of the Union Address do not entirely match the priorities that were outlined in the administration's new budget. This is not intended as a criticism of the President. I am ready to work with him on the ideas he has offered to see if we can make some real progress for the American people. But, instead, I raise these issues because I believe they help illustrate why we have had such a tough time agreeing on a path forward. I am happy to work with the President and his administration on nuclear energy, on offshore development, and work toward bipartisan legislation. But I am not willing to support many of the energy-related proposals we are seeing now within the administration's new budget.

Again, you might ask the question, why does it all matter? It matters because the budget is filled with programs that are authorized by Congress which are supposed to reflect not only our priorities but the priorities of the American people. And while it may not be readily apparent, the budget does send the signal about whether our work here is going to be continued by the executive branch. If the agencies seek to promote just some of our goals, and actually hamper others, that will only make Senators more cautious about what they are willing to support, especially if it is part of a comprehensive package.

Madam President, I am going to close this evening by simply reaffirming what I have said before. I am ready to work with the President on the ideas he has offered up during his State of the Union Address to help make those tough decisions on offshore development, to ensure a new generation of nuclear powerplants is built, to play a constructive role in bipartisan legislation.

But the energy proposals contained in the budget also make me question whether all of those priorities would

receive equal treatment if put into law. I hope the agencies would carry out all of Congress's priorities—not just some—that could be contained in a bipartisan energy bill. The President's address several weeks ago makes me think that, in fact, this is all possible. But the new budget makes me question whether, in fact, that is the case.

With that, Madam President, I thank the Chair for the time and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EARTHQUAKE IN HAITI

Mr. WHITEHOUSE. Madam President, bad things can bring out the best in people, and I rise today to speak about our response to the earthquake that devastated Haiti last month and, in particular, about the compassionate efforts that Rhode Islanders have made to help those who suffered through this tragedy.

The 7.0 scale magnitude earthquake that struck Haiti on January 12, 2010, is the first great natural disaster of the new decade. Even before the quake struck, the small island nation of Haiti faced significant challenges as the poorest country in the Western Hemisphere.

Haiti has been wracked by years of political strife and the constant threat of hurricanes and tropical storms. This most recent catastrophe has led to, for us, almost unimaginable suffering on the part of the people of Haiti. On February 3, Haiti's Prime Minister Jean-Max Bellerive announced that over 200,000 people had been confirmed dead. The U.N. has estimated that over 3 million people have been directly affected by the disaster. In the capital of Port-au-Prince alone, over 700,000 people have been displaced, with over 480,000 departing the city altogether.

Even before the quake, many Rhode Islanders were helping down in Haiti. One constituent, Natalhie Gooding, a CPA from Warwick, was down there volunteering her time at an orphanage for young Haitian girls in Port-au-Prince. She was there when the quake hit. Days went by before her husband Michael and her children were able to communicate with her. As people with families around us—I know the distinguished Presiding Officer and I certainly can share the intense concern that family must have gone through hearing the news coming out of Haiti for hours and for days and knowing that their wife and their mom was down in the middle of that and not



hearing from her. As my colleagues can imagine, it was a traumatic experience. Fortunately, as it turned out, Nathalie was safe and she is now back in Rhode Island with her family. But as I acknowledge our relief efforts after the quake, I also wish to acknowledge and commend all of the volunteers from Rhode Island and elsewhere who were so generously helping in Haiti even before the earthquake struck.

The response of the United States to this tragedy has been remarkable. In the weeks since the earthquake, the United States has provided over \$439 million in emergency humanitarian assistance. The Department of State, the U.S. Agency for International Development, the Department of Defense, and other government entities have all contributed to this effort. Water distribution, sanitation, and hygiene programs, food assistance, logistical support, provisions for shelter, and essential medical services have all been top priorities. The United States military has sent aircraft and ships to Haiti, including the USNS *Comfort* hospital ship and the aircraft carrier USS *Carl Vinson*. These vessels are providing medical treatment facilities and humanitarian assistance. In addition, the 22nd Marine Expeditionary Unit and the Army's 82nd Airborne Division have contributed 5,500 troops to distribute humanitarian aid and provide search, rescue, and security support.

We have also seen extraordinary generosity from the American people, from the millions of dollars individuals and businesses have donated to help the victims of the quake to the volunteers who have selflessly traveled to Haiti to lend their valued expertise. Americans, with our spirit of generosity, have tried to help in any way they possibly can.

The outpouring of support in my State of Rhode Island for those affected by this catastrophe has been overwhelming. Many Rhode Islanders have generously donated to organizations to give whatever they can to the relief of this devastated country. At the Blessed Sacrament School in Providence, a school some of whose students have family members and loved ones in Haiti, the 270-plus students of this small school, pre-K to 8th grade, raised over \$1,680 for the Red Cross in a single day. Students and parents at the Frenchtown Elementary School in East Greenwich raised close to \$1,700 for the Save the Children relief organization to help those in Haiti. At the St. Mary Academy Bay View in Riverside, fifth graders have produced handmade yarn dolls which they are selling to raise money for the victims of the earthquake.

This month, students of the University of Rhode Island launched a "URI Helping Haiti Campaign" with the goal of raising \$100,000 for Plan USA, a Rhode Island-headquartered relief or-

ganization that provides direct humanitarian assistance to 1.5 million children in 49 countries across the globe, including, of course, Haiti.

Ten members of the Rhode Island National Guard's 143rd Airlift Wing flew to Haiti in January to assist in the relief efforts. The 143rd's latest humanitarian mission before this was in New Orleans assisting in the aftermath of one of our own country's greatest natural disasters, Hurricane Katrina. This time they flew to Haiti to provide medical transportation and evacuation assistance.

In January, even the Rhode Island Democratic and Republican parties put politics aside and came together to host a joint fundraiser to benefit the humanitarian relief efforts led by the Clinton-Bush Haiti Fund.

Rhode Island doctors such as Christopher Born, Sachita Shah, Stephen Sullivan, and Helena Taylor, of Rhode Island Hospital, traveled to Haiti in the days after the earthquake to provide critical medical services to those injured. These doctors lacked the medical equipment there that we here take for granted and they were also forced to use rudimentary medical procedures to treat the numerous patients who had lined up for assistance. But they did it, and they made a difference.

These stories represent only a small fraction of the generosity that Rhode Islanders and the American people have exhibited in the weeks following the earthquake. It is truly inspiring how Americans have joined together to help the people of Haiti in this time of need. I know that the world is watching this example of America's generosity, good will, and professionalism. I am proud of the many contributions that came from my small State.

The thoughts and prayers of Rhode Islanders and indeed all Americans will continue to be with those who have suffered and are still suffering in this catastrophe as the recovery and rebuilding begins to take shape. I know the generosity and the good work will continue.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

#### NOMINATION OF SUSAN CARBON

Mrs. SHAHEEN. Mr. President, I came to speak because there are Senators—anonymous Senators—who are blocking the confirmation of Susan Carbon, who has been nominated to be the new Director of the Office of Violence Against Women. Susan is from my home State of New Hampshire. For 2 months, the Office of Violence Against Women was denied leadership and direction, not because there are Senators who think Susan Carbon is unqualified for this position but because they believed that blocking her confirmation somehow gains them leverage on completely unrelated pet issues. I understand that, hopefully, finally today, after the issue had been raised in the press, that hold has been lifted.

Blocking the confirmation of Susan Carbon as Director of the Office of Violence Against Women is a perfect example of what people see as what is wrong with Washington.

Every 2 minutes, someone in this country is a victim of sexual violence. Every 52 seconds, a woman is victimized by a spouse or a partner. These crimes devastate victims' lives. They shatter families. They often create fear in whole communities. The Office of Violence Against Women leads our Nation's efforts to prevent these deadly crimes and to identify, capture, and punish the perpetrators.

The Office of Violence Against Women works with law enforcement, with victim advocates, with the health care community, and so many others. It provides financial and technical assistance to communities across the country that are working to end domestic violence, sexual assault, and stalking.

I am sure every Senator in this body personally knows someone who has been the victim of domestic violence or sexual assault. I am sure all Senators know how hard their local police and victim advocates work to stop domestic and sexual violence. They know how much the communities in their States appreciate the assistance they get from the Office of Violence Against Women. I would bet almost every Senator, at one time or another, has taken credit for the funding that the Office brings back to organizations within their home States.

Yet despite a unanimous vote by the Judiciary Committee back on December 3 of last year that recommended Susan Carbon's confirmation, unnamed Senators have blocked her confirmation for 2 months.

President Obama's choice to lead our country's efforts against domestic and sexual violence happens to be a State court judge from New Hampshire. It might interest some of the Republican Senators in this body to know—those who are blocking her confirmation—that it was JUDD GREGG, the senior Republican Senator from New Hampshire, who first recognized Susan's capabilities and potential. In 1991, then-Governor GREGG appointed Susan Carbon to be a part-time district court judge. After I became Governor, I appointed Susan to be a full-time judge. Because

of her commitment to ending domestic violence and her expertise in family law, she was named the supervisory judge of the family division in New Hampshire, a position she still holds.

Susan Carbon is exceptionally qualified to serve as the Director of the Office of Violence Against Women. She is the leading voice in New Hampshire on domestic violence and family law, and she has been the driving force behind so many of New Hampshire's efforts to strengthen legal protections for victims of domestic violence.

Susan also has become a national leader on domestic violence. She frequently serves as a faculty member for the National Judicial Institute on Domestic Violence, and she chaired the project which produced the guidebook for professionals and their work around domestic violence court orders.

I do not know what political party Susan Carbon belongs to and it does not matter because she is a good and decent person who is anxious to take on the responsibility of leading the Office of Violence Against Women.

I ask Senators who think about blocking such nominations in the future to imagine what it is like to explain to a nonpartisan, earnest public servant, eager to assume a new position of national leadership, that her confirmation is being blocked because one or two anonymous Senators want a new Federal building or some other project in their States or want a defense contract awarded to a certain company or because they are mad at Attorney General Eric Holder for some unrelated issue.

These Senators, cloaked in anonymity, were not punishing Attorney General Holder by blocking Susan Carbon's confirmation. These Senators were punishing the victims of domestic and sexual violence in States across this country. They were punishing the police officers who put their lives at risk every time they enter homes plagued by domestic violence. They were punishing community groups that are working to prevent domestic and sexual violence. What these Senators did by blocking the confirmation of the Director of the Office of Violence Against Women for 2 months was, simply and plainly, wrong.

I hope the news that her confirmation is moving forward is a correct one. I hope that for the 70 or so other good public servants who are just trying to serve this country who have been nominated, that their nominations will also go forward so we can make sure people are in the positions they should be to run this government on behalf of the citizens of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— H.R. 3961

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, H.R. 3961; that the amendment at the desk be considered and agreed to; the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements be printed in the Record.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I am going to object, I believe this is the simple unemployment insurance extension?

Mr. REID. That is true.

Mr. MCCONNELL. I would suggest another way to resolve the issue. I would ask that with respect to the House message on the CJS appropriations bill, that the motion to concur with an amendment be the Baucus-Grassley amendment which was filed earlier today.

I know my friend and colleague is going to offer some scaled-down version of that shortly. But if we offered instead the Grassley-Baucus amendment which was filed earlier today, that would include the unemployment extension. That was one of the features of that Baucus-Grassley amendment.

So if this consent were granted, it would allow us to work on that package rather than the version that the leader of the majority is going to offer here shortly that includes only four of those provisions.

Mr. REID. Mr. President, I do not accept the modification.

Mr. MCCONNELL. Let me add that unemployment insurance does not expire until February 28. We will be back on February 22, and hopefully we will have sufficient time to work on an acceptable extension.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. REID. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 2847.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2847) entitled "An Act making appropriations for the Departments of Commerce and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes," with a House amendment to the Senate amendment.

AMENDMENT NO. 3310

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to the bill, with an amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows.

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 2847 with an amendment numbered 3310.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays on that amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

AMENDMENT NO. 3311 TO AMENDMENT NO. 3310

Mr. REID. Mr. President, I have a second-degree amendment at the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3311 to amendment No. 3310.

The amendment (No. 3311) reads as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Harry Reid, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Mark R. Warner, Tom Harkin, Kay R. Hagan, Daniel K. Inouye, Bill Nelson, Al Franken, Max Baucus, John D. Rockefeller, IV, Robert Menendez, Amy Klobuchar, Daniel K. Akaka, Frank R.

Lautenberg, Byron L. Dorgan, Richard Durbin.

Mr. REID. I ask unanimous consent that the cloture vote occur at 5:30 p.m. on Monday, February 22, and the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOTION TO REFER WITH AMENDMENT NO. 3312

Mr. REID. Mr. President, I have a motion to refer with instructions at the desk, and I ask that it be stated.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Appropriations Committee, with instructions to report back forthwith with an amendment numbered 3312.

The amendment is as follows:

At the end, insert the following:

“The Committee on Appropriations is requested to study the impact of any delay in implementing the provisions of the Act on job creation on a regional and national level.”

Mr. REID. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3313

Mr. REID. Mr. President, I have an amendment to my instructions at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3313 to the instructions of the motion to refer.

The amendment is as follows:

At the end, add the following:

“and include statistics of specific service-related positions created.”

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3314 TO AMENDMENT NO. 3313

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3314 to amendment No. 3313.

The amendment is as follows:

At the end, add the following:

“and the impact on the local economy.”

## MORNING BUSINESS

### EARTHQUAKE RELIEF IN HAITI

Mr. CARDIN. Mr. President, I rise today to express my continued concern over the humanitarian situation in Haiti after the catastrophic January 12, 2010, earthquake. While the destruction has proved to make the aid and relief situation on the ground complicated and difficult to navigate, President Obama's promise to the people of Haiti that “you will not be forsaken; you will not be forgotten” has rung true to date.

The global outpouring of support, in resources, money and people on the ground has been encouraging. American contributions and activities, in particular, have been exemplary. All Americans should be proud of how we have responded to help our neighbors who are truly facing the direst of situations. Countless U.S. Government agencies and the military quickly swung into action, managed by Operation Unified Response and Joint Task Force Haiti, and have moved with an impressive and coordinated effort.

I would like to make a special mention of the efforts carried out by Marylanders.

The USNS *Comfort*, which we are proud to have based in Baltimore Harbor, provides a mobile, flexible, and rapidly responsive afloat medical capability for acute medical and surgical care, with a 550-person medical team and a capacity of 250 hospital beds and room to treat 1,000 people. The day after the earthquake, the *Comfort* was ordered to assist in the humanitarian relief efforts as a crucial part of Operation Unified Response. Upon its arrival in Haiti on January 20, the crew of the *Comfort* immediately began critical lifesaving medical treatment early that day, and on the following day, the first baby was safely born aboard.

Four weeks after the earthquake, the *Comfort* remains on station and is operating at maximum capacity. Surgeries are being performed around the clock and the intensive care units and wards are filled. Navy Dr. (CAPT) Jim Ware, the medical group commander, noted upon arrival, “We have never had that number on the ship, but we can do it,” capturing the spirit of the all the U.S. troops on the ground in Haiti. Yet these committed men and women are certainly facing a daunting challenge—the *Comfort* has cared for more patients in the last 5 days than it did during all of the two wars in Iraq. In less than a week, it has changed from a dormant hospital floating in Baltimore into one of the busiest U.S. Department of Defense medical facilities in the world and we applaud them for their work.

I have always been heartened by good work done by the many international aid organizations based in Maryland. IMA World Health, Lutheran World Re-

lief, and the Associated Jewish Community Federation of Baltimore are just a few of many agencies that are providing critical supplies and volunteers on the ground.

We are grateful for good news from these agencies, such as the safe return of IMA employees Sarla Chand, Ann Varghese and IMA President Rick Santos, who were trapped for 55 hours under the rubble of a destroyed hotel. In Haiti to work on treatment of tropical diseases that afflict much of the population, they wanted to stay and help with earthquake relief as soon as they were freed from the rubble. While they have now returned home to Maryland, their colleagues at IMA have followed suit, sending 80 boxes of relief supplies, each with medication and supplies to treat common illnesses of 1,000 people for 2 months.

The Baltimore-based Catholic Relief Services was already providing vital lifesaving and development programming before the earthquake struck and was tapped by the Vatican to head up all of the Church's efforts in Haiti. The 313 permanent staff members on the ground are part of the lead agency providing aid in partnership with the 82nd Airborne Division. They have distributed food to more than 200,000 people through relief distribution sites in Port-au-Prince, and are coordinating with local agencies to speed up the distribution. They have worked tirelessly to open three operating rooms at St. Francois de Sales Hospital in Port-Au-Prince, where volunteer medical teams are now performing up to 200 operations a week, with at least one Baltimore based doctor already working there—Dr. Guesly Delva, a native of Haiti.

It is important to remember that donations made by ordinary citizens are what allow these wonderful organizations to continue doing their important work. I am proud that Marylanders have pitched in. Catholic Relief Services has raised more than \$38 million in donations, including generous second collections from local parishes. Text donations by Maryland residents to the Red Cross and other worthy organizations carrying out aid and relief projects are in the top 10 percent nationwide. These organizations will continue to need support over the coming months, so I am pleased to see the U.S. Congress, with my support, moved quickly to pass the Haiti Assistance Income Tax Incentive—HAITI—Act, which allows U.S. taxpayers to make charitable contributions to Haiti relief programs before March 1, 2010, and claim those contributions on their 2009 income tax return.

The earthquake and the reconstruction effort further underscore the need for smart and effective U.S. development aid to countries mired in poverty, like Haiti. I am heartened to see that

the newly confirmed USAID Administrator Raj Shah was in place to skillfully manage the government-wide aid process. But more must be done to strengthen and empower the U.S. Agency of International Development. This is precisely why I was an original cosponsor to the bipartisan Foreign Assistance Revitalization and Accountability Act of 2009, S. 1524. Reforming our foreign assistance matters and can have a direct effect on how people withstand and move on after disasters.

If the U.S. has the best trained and most equipped development agency in the world, the foreign aid we deliver and implement will foster sustainable development, enabling the governments of these countries to have the infrastructure and capacity to better manage the situation when tragedy strikes. I am glad this legislation has passed through committee and I look forward to working with my colleagues in both the Senate and the House to ensure effective development assistance is a key part of U.S. foreign policy.

As a member of the Senate Foreign Relations Committee, I will continue to closely monitor the situation and help provide the needed assistance and resources to our Haitian neighbors.

#### ANTITERRORISM TOOLS AND INFORMATION SHARING

Mr. CARDIN. Mr. President, I rise today to speak about the December 25, 2009, attempted bombing of Northwest flight 253, and the steps we must continue to take to improve the effectiveness of our Nation's antiterrorism tools and interagency information sharing and communication. On December 25, 2009, a Nigerian national, Umar Farouk Abdulmutallab, attempted to detonate an explosive device while onboard Northwest flight 253 from Amsterdam to Detroit. The device did not explode, but instead ignited, injuring Mr. Abdulmutallab and two other passengers.

As a result of their heroic actions, the flight crew and passengers were able to restrain Mr. Abdulmutallab and the plane safely landed. Mr. Abdulmutallab was not on the U.S. Government's terrorist Watch List but he was known to the U.S. intelligence community.

Following the December 25, 2009, attempted bombing, President Obama directed that a number of actions be taken and that government officials conduct a complete review of the terrorist watch listing system. The White House made public a summary of the preliminary report, and the President issued several directives to the Director of National Intelligence and the National Counterterrorism Center, NCTC, as well as to a number of Departments and Agencies.

Since the December 25, 2009, attempted bombing, the State Depart-

ment, the Transportation Security Administration and the Customs and Border Patrol have also made a number of changes to their procedures, including the addition of new and enhanced screening procedures.

Information sharing and interagency communication have come a long way since the tragic events of September 11, 2001, and our ability as a government to share information and coordinate our actions to detect terrorist threats and protect the American people is better today than it was on September 11. Our intelligence, law enforcement and homeland security communities have successfully disrupted and prevented numerous terrorist threats.

But the attempted bombing of Northwest flight 253, the January 20 full Judiciary Committee hearing, and the Terrorism and Homeland Subcommittee hearing I chaired in April 2009 on information sharing, prove that our ability to detect, disrupt and prevent terrorist threats still has gaps.

As chairman of the Terrorism and Homeland Security Subcommittee, my first hearing was on information sharing. I said at that time that I was concerned that the U.S. Government did not have in place "a comprehensive strategy to overcome bureaucratic hurdles to sharing of information that could prevent a terrorist attack." It is clear that terrorism-related information on Mr. Abdulmutallab was available, but no one acted on that information enough to challenge him before he boarded the airplane.

We face evolving terrorist threats to our Nation, and our enemies and their supporters are clever, resourceful, diverse and dangerous. We need to be able to detect tomorrow's plots whether they are in the air, on land or from the sea.

As a result, I am going to continue to work to ensure that we remove the cultural, institutional and technological obstacles that impede our ability to prevent the next terrorist attack. Having access to the right information has little or no value if it is not pushed, on an ongoing basis, to the specific agencies that have the responsibility to both analyze it and take follow-up action, as necessary. When new information is added to our databases, relevant data must be able to find other relevant data. We need to explore real-time connections that can constantly update analysts to ensure that information is sent and seen before terrorists are able to board airplanes.

During the January 20 full Judiciary Committee hearing, I sought answers on who in our government is responsible for analyzing terrorism information and taking the necessary follow-up actions to protect the American people. The FBI Director indicated that NCTC was responsible for analyzing threat information and nominating known or suspected inter-

national terrorists to the Terrorist Screening Center for watch listing purposes. The Department of Homeland Security stated that it was a "consumer" of that information. But clearly, no one followed up to conduct further screening to prevent Mr. Abdulmutallab from boarding the plane. The President has ordered the Director of National Intelligence to "reaffirm and clarify roles and responsibilities," and he has directed that NCTC ensure that there is a process to "prioritize to pursue thoroughly and exhaustively terrorism threat threads," to include "follow-up action."

We must make sure that our law enforcement, intelligence, and homeland security professionals clearly know who is responsible for taking follow-up actions on terrorist threats to protect the American people, and that those officials have the authorities they need to act.

At the same time, as I have said previously, we must make sure that our government uses its scarce resources wisely, and that it strikes an appropriate balance between national security and protecting civil liberties. We have now begun consideration of the fiscal year 2011 budget. We need to ensure that we have well-qualified and highly skilled airport screeners and security personnel, and that they have all the tools they need to do their jobs effectively. Mistaken profiling, however, that improperly relies on racial and ethnic factors, and not on a broad and valid set of behavioral indicators of potential terrorist activity, will waste resources, harm innocent individuals, and impede commerce.

And while technology can play a crucial role in helping to prevent terrorists from bringing explosives onto our airplanes, the first priority must be to identify potential terrorists and keep them off our airplanes.

The memory of 9/11 has been seared in our hearts and our minds, but it does not blind us to the wisdom that we must fight our enemies while remaining true to the fundamental principles and values upon which this great nation was founded. The men and women of our Armed Forces and their families have sacrificed much to protect and preserve the American way of life and what this nation stands for. The ongoing threat from al-Qaida and other terrorists who intend to harm us is real. However, we do not need to choose between security and liberty. Legitimate debate will continue on how we should strike the balance between the two at this time in our Nation's history.

But we must reject what the 9/11 Commission described as the "false choice" between security and liberty. Whether the issue is information sharing, airport screening procedures, or the use of technology, we can protect the American people from harm while preserving civil rights and liberties.

### 90TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. CARDIN. Mr. President, I would like to commemorate the League of Women Voters on the occasion of the 90th anniversary of its founding. Carrie Chapman Catt and many of the same women leaders who were part of the women's suffrage movement founded the League of Women Voters in Chicago on February 14, 1920, during the convention of the National American Woman Suffrage Association. The convention was held 6 months before the 19th amendment to the U.S. Constitution was ratified. The 19th amendment, of course, gave women the right to vote after a 72-year struggle.

According to the league's Web site:

[T]he League began as a "mighty political experiment" designed to help 20 million women carry out their new responsibilities as voters. It encouraged them to use their new power to participate in shaping public policy. From the beginning, the League was an activist, grassroots organization whose leaders believed that citizens should play a critical role in advocacy. It was then, and is now, a nonpartisan organization.

The league is proudly nonpartisan; it neither supports nor opposes candidates or political parties at any level of government. But the league is actively engaged on issues of vital concern to its members and the broader public.

The league has a long, rich history that grows more illustrious with each passing year. For the past 90 years, the league has played an active role in educating not just women but the entire American public about our democracy and about those individuals who are candidates for elective office. Carrie Chapman Catt founded the organization with a call to women of all parties and political leanings to come together in order to help pass legislation that would protect and aid major political movements in the future. Her nonpartisan organization would soon take on a prominent role in politics through its efforts on behalf of citizen education and advocacy. Today, there are more than 850 chapters across the country advancing Carrie Chapman Catt's original idea, including 16 local leagues in Maryland.

The League of Women Voters continues to play an important role in helping shape public policy by ensuring that the public is well-informed. Not only has the league been active on the policy front, but it has helped make our democracy stronger by sponsoring debates that educate citizens and by making voter information easily accessible. The league's election information Web site—[vote411.org](http://vote411.org)—is an invaluable resource for many Americans, providing information on voter registration and on local, State, and national issues.

The league has been instrumental in promoting democracy and civil society

abroad, too. After World War II, for instance, the league supported efforts to establish the United Nations, U.N., and became one of the first organizations in the country officially recognized by the United Nations as a nongovernmental organization, NGO. The league also supported the creation of the World Bank, the International Monetary Fund, the North Atlantic Treaty Organization, and the Marshall plan. The league maintains official observer status at the U.N. today and has special consultative status to the Economic and Social Council. The league served as an NGO delegate to the United Nations Framework Convention on Climate Change in December. Through its Global Democracy Program, the league has sponsored cultural exchange programs and leaders from Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Colombia, and Brazil.

Throughout my career in public service, I have participated in many League of Women Voters debates, and I have seen first-hand the impact that the league has had on educating the voters about the issues that most directly affect them. We are a stronger democracy thanks to the continuing efforts of the League of Women Voters.

I ask my colleagues to join me in recognizing the profound impact the League of Women Voters has had on our Nation throughout its 90-year history. I look forward to working with the league in the future to ensure that Marylanders and all Americans have the information they need to make informed decisions on election day. And I welcome and support the league's ongoing efforts to "export" what is best about our democracy to countries around the world. We are fortunate indeed such an organization exists.

### VOTE EXPLANATIONS

Mr. THUNE. Mr. President, earlier this week, as a result of multiple flight cancellations due to the significant snowstorm in Washington, DC, I was unable to vote on Executive Calendar No. 468, the nomination of Joseph A. Greenaway, Jr. to be United States Circuit Judge for the Third Circuit and cloture on Executive Calendar No. 688, the nomination of Craig Becker to be a member of the National Labor Relations Board. Had I been present for these votes, I would have voted to confirm Mr. Greenaway to the Third Circuit, and would have voted against cloture on the nomination of Craig Becker because of my concerns that, based on his previous statements, he would inappropriately bring his far out of the mainstream personal beliefs and agenda to the NLRB.

### ADDITIONAL STATEMENTS

REMEMBERING CLU COTTER,  
KEVIN O'CONNOR, TOM  
STOLBERG, AND DENNIS DONOVAN

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Clu Cotter, Kevin O'Connor, Tom Stolberg and Dennis Donovan. Clu Cotter, Kevin O'Connor, and Tom Stolberg, employees of the California Department of Fish and Game, and Dennis Donovan, a helicopter pilot, tragically lost their lives on January 5 as a result of a helicopter crash that occurred during an aerial deer survey in eastern Madera County.

Mr. Clu Cotter was the California Department of Fish and Game associate wildlife biologist stationed in Fresno. He studied the North Kings and San Joaquin deer herd populations, and rare carnivores in the high Sierra. He was often called on to hike or ski into remote rugged areas for his work. He was admired by his colleagues for his positive attitude and devotion to his family, as well as his humor and endurance. In his spare time, he was an avid outdoorsman with a keen sense of adventure and a deep love for nature. In 1985, he used his outdoor survival expertise to successfully rescue a group of hikers who were caught in a lightning storm in Yosemite National Park. A devotee of cyclocross, a form of bicycle racing that combines elements of cross country cycling and mountain biking, Mr. Cotter was renowned as one of the most accomplished mountain and distance bicyclists in Central California. Mr. Cotter is survived by his wife Marni Cotter and two sons Ren and Jamie. He was 48 years old.

Mr. Kevin O'Connor was a Supervising Biologist in the California Department of Fish and Game region 4 office. After graduating from the University of California at Davis in 1993, he worked for the U.S. Forest Service in central and northern California. He later joined the Department of Fish and Game and was promoted to senior wildlife biologist in 2005, a position in which he oversaw wildlife management in nine counties. He was a dedicated scientist who did extensive work on the ecological reserves of the San Joaquin Valley and with protected and game species in the southern Sierra Nevada range. He sought to elevate the quality of scientific information used for wildlife management and other activities, such as timber harvest. His expertise and leadership qualities earned him the respect of his colleagues. Mr. O'Connor is survived by his wife Keri; daughters Kayleigh, Michelle, McKenna; and son Aidan. He was 40 years old.

Mr. Tom Stolberg joined the Department of Fish and Game in 2004 as a scientific aide in the wildlife management

office in Fresno. Tom was the first person most people talked to when contacting Wildlife Management, and soon became expert in providing the public sound information on hunting, and wildlife in general. Tom also assisted with wildlife habitat projects, capturing deer for telemetry studies, and managing special public hunts. A man of many talents and interests, ranging across hunting, medieval reenactments, metalworking, gourmet cooking, and more, he was described by his mother as a walking encyclopedia who could speak with authority on everything from sewing to World War II history. An Eagle Scout, he remained active in the Boy Scouts by leading young people on trips through Yosemite National Park. He will be fondly remembered for his professionalism, intellect, and his warm and gregarious personality. Mr. Stolberg is survived by his parents, brother, and sister. He was 31 years old.

Mr. Dennis Donovan, a Navy veteran, was an experienced pilot who had been flying since 1964. He served three combat tours in Vietnam and worked as a naval flight instructor in Florida, and for the USGS and Mercy Air. He worked for Landalls Aviation for almost 30 years and had flown for State and Federal agencies, including the California Department of Fish and Game for survey flights. Mr. Donovan is survived by his wife Arlene; two sons Matthew and Douglas; and five grandchildren. He was 70 years old.

I offer my heartfelt condolences to the families, friends, and colleagues of Clu Cotter, Kevin O'Connor, Tom Stolberg and Dennis Donovan. They valiantly sacrificed their lives in the pursuit of science, conservation and public service. Their exemplary service epitomizes the commitment and courage that Department of Fish and Game employees exhibit on a daily basis, often with little or no fanfare, in their effort to enhance the public enjoyment of California's abundant and diverse native wildlife, fish and plant species and their natural communities. Their goodness, dedication and accomplishments are appreciated and will not be forgotten.

We shall always be grateful for the sacrifice that Clu Cotter, Kevin O'Connor, Tom Stolberg and Dennis Donovan made in giving their lives to help make California a better place. They will be missed.●

#### RECOGNIZING BRUBAKER ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Brubaker Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental

Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Brubaker Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Brubaker became an Energy Star Partner in May 2008. Brubaker has reduced its energy consumption, operating costs and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Brubaker Elementary. Along with helping the environment, Brubaker is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Brubaker Elementary community instill a strong sense of environmental and natural resource stewardship. Brubaker Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Brubaker Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Brubaker Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING CAPITOL VIEW ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Capitol View Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases,

Capitol View Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Capitol View became an Energy Star Partner in May 2008. Capitol View has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Capitol View Elementary. Along with helping the environment, Capitol View is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Capitol View Elementary community instill a strong sense of environmental and natural resource stewardship. Capitol View Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Capitol View Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Capitol View Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING CARVER COMMUNITY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Carver Community School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Carver is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Carver became an Energy Star Partner in May 2008. Carver has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as

Carver. Along with helping the environment, Carver is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Carver community instill a strong sense of environmental and natural resource stewardship. Carver's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Mr. President, Carver Community School has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Carver Community School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING CATTELL ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Cattell Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Cattell Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Cattell became an Energy Star Partner in May 2008. Cattell has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Cattell Elementary. Along with helping the environment, Cattell is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Cattell Elementary community instill a strong sense of environmental and natural resource stewardship. Cattell Elementary's students, teachers, and staff are fostering excel-

lent habits of conscientious citizenship.

Cattell Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Cattell Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING GOODRELL MIDDLE SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Goodrell Middle School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Goodrell is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Goodrell became an Energy Star Partner in May 2008. Goodrell has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Goodrell Middle School. Along with helping the environment, Goodrell is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Goodrell community instill a strong sense of environmental and natural resource stewardship. Goodrell's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Goodrell has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Goodrell Middle School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING GREENWOOD ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Greenwood Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Greenwood Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Greenwood became an Energy Star Partner in May 2008. Greenwood has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Greenwood Elementary. Along with helping the environment, Greenwood is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Greenwood Elementary community instill a strong sense of environmental and natural resource stewardship. Greenwood Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Greenwood Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Greenwood Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING HANAWALT ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Hanawalt Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental



Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Hanawalt Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Hanawalt became an Energy Star Partner in May 2008. Hanawalt has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Hanawalt Elementary. Along with helping the environment, Hanawalt is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Hanawalt Elementary community instill a strong sense of environmental and natural resource stewardship. Hanawalt Elementary's students, teachers and staff are fostering excellent habits of conscientious citizenship.

Hanawalt Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Hanawalt Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING HOWE ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Howe Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases,

Howe Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Howe became an Energy Star Partner in May 2008. Howe has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Howe Elementary. Along with helping the environment, Howe is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Howe Elementary community instill a strong sense of environmental and natural resource stewardship. Howe Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Howe Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Howe Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING MORRIS ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Morris Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Morris Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Morris became an Energy Star Partner in May 2008. Morris has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as

Morris Elementary. Along with helping the environment, Morris is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Morris Elementary community instill a strong sense of environmental and natural resource stewardship. Morris Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Morris Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Morris Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING OAK PARK ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Oak Park Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Oak Park Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Oak Park became an Energy Star Partner in May 2008. Oak Park has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Oak Park Elementary. Along with helping the environment, Oak Park is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Oak Park Elementary community instill a strong sense of environmental and natural resource stewardship. Oak Park Elementary's students, teachers, and

staff are fostering excellent habits of conscientious citizenship.

Oak Park Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Oak Park Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING PERKINS ACADEMY

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Perkins Academy School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Perkins Academy is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Perkins became an Energy Star Partner in May 2008. Perkins has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Perkins Academy. Along with helping the environment, Perkins is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Perkins community instill a strong sense of environmental and natural resource stewardship. Perkins Academy's students, teachers and staff are fostering excellent habits of conscientious citizenship.

Perkins Academy has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Perkins Academy for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING PLEASANT HILL ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Pleasant Hill Elementary School in Pleasant Hill, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Pleasant Hill Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Pleasant Hill became an Energy Star Partner in May 2008. Pleasant Hill has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Pleasant Hill Elementary. Along with helping the environment, Pleasant Hill is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Pleasant Hill Elementary community instill a strong sense of environmental and natural resource stewardship. Pleasant Hill Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Pleasant Hill Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Pleasant Hill Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING SOUTH UNION ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate South Union Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Depart-

ment of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, South Union Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, South Union became an Energy Star Partner in May 2008. South Union has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as South Union Elementary. Along with helping the environment, South Union is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the South Union Elementary community instill a strong sense of environmental and natural resource stewardship. South Union Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

South Union Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at South Union Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING STOWE ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Stowe Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Stowe Elementary is serving as a role

model for schools across the Nation. Under the guidance of the Des Moines School District, Stowe became an Energy Star Partner in May 2008. Stowe has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as Stowe Elementary. Along with helping the environment, Stowe is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Stowe Elementary community instill a strong sense of environmental and natural resource stewardship. Stowe Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Stowe Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Stowe Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING WINDSOR ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Windsor Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Windsor Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Windsor became an Energy Star Partner in May 2008. Windsor has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools such as

Windsor Elementary. Along with helping the environment, Windsor is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Windsor Elementary community instill a strong sense of environmental and natural resource stewardship. Windsor Elementary's students, teachers, and staff are fostering excellent habits of conscientious citizenship.

Windsor Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Windsor Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### RECOGNIZING WRIGHT ELEMENTARY SCHOOL

● Mr. HARKIN. Mr. President, I would like to take a moment to congratulate Wright Elementary School in Des Moines, IA, which was granted the Energy Star Rating in recognition of its achievements and practices in energy conservation.

The Energy Star Program is jointly managed by the U.S. Environmental Protection Agency and U.S. Department of Energy to reduce energy consumption and greenhouse gas emissions. This program encourages many facets of energy efficiency. In order to attain the Energy Star Rating, schools must score in the top 25 percent under EPA's national rating performance system.

At a time when the United States leads the world in energy consumption and emissions of greenhouse gases, Wright Elementary is serving as a role model for schools across the Nation. Under the guidance of the Des Moines School District, Wright became an Energy Star Partner in May 2008. Wright has reduced its energy consumption, operating costs, and greenhouse gas emissions. Simple measures such as turning off lights, computers, and convenience appliances have made a big difference.

It is important that we recognize the accomplishments of schools like Wright Elementary. Along with helping the environment, Wright is also saving the school district money. During these tough economic times, with school budgets under extreme pressure, this is more important than ever. Just as important, these energy conservation actions by the Wright Elementary community instill a strong sense of environmental and natural resource stewardship. Wright Elementary's students, teachers, and staff are fostering excel-

lent habits of conscientious citizenship.

Wright Elementary has proven that simple changes in daily practices can make a big difference. By setting attainable goals and being persistent, this school community was able to make significant improvements. I offer my sincere congratulations to everyone at Wright Elementary School for their commitment to energy efficiency and conservation. They make the State of Iowa proud.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### ECONOMIC REPORT OF THE PRESIDENT DATED FEBRUARY 2010 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2010—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

#### *To the Congress of the United States:*

As we begin a new year, the American people are still experiencing the effects of a recession as deep and painful as any we have known in generations. Traveling across this country, I have met countless men and women who have lost jobs these past two years. I have met small business owners struggling to pay for health care for their workers; seniors unable to afford prescriptions; parents worried about paying the bills and saving for their children's future and their own retirement. And the effects of this recession come in the aftermath of a decade of declining economic security for the middle class and those who aspire to it.

At the same time, over the past two years, we have also seen reason for hope: the resilience of the American people who have held fast—even in the face of hardship—to an unrelenting faith in the promise of our country.

It is that determination that has helped the American people overcome difficult periods in our Nation's history. And it is this perseverance that

remains our great strength today. After all, our workers are as productive as ever. American businesses are still leaders in innovation. Our potential is still unrivaled. Our task as a Nation—and our mission as an Administration—is to harness that innovative spirit, that productive energy, and that potential in order to create jobs, raise incomes, and foster economic growth that is sustained and broadly shared. It's not enough to move the economy from recession to recovery. We must rebuild the economy on a new and stronger foundation.

I can report that over the past year, this work has begun. In the coming year, this work continues. But to understand where we must go in the next year and beyond, it is important to remember where we began one year ago.

Last January, years of irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. We were losing an average of 700,000 jobs each month. Over the course of one year, \$13 trillion of Americans' household wealth had evaporated as stocks, pensions, and home values plummeted. Our gross domestic product was falling at the fastest rate in a quarter century. The flow of credit, vital to the functioning of businesses large and small, had ground to a halt. The fear among economists, from across the political spectrum, was that we could sink into a second Great Depression.

Immediately, we took a series of difficult steps to prevent that catastrophe for American families and businesses. We acted to get lending flowing again so ordinary Americans could get financing to buy homes and cars, to go to college, and to start businesses of their own; and so businesses, large and small, could access loans to make payroll, buy equipment, hire workers, and expand. We enacted measures to stem the tide of foreclosures in our housing market, helping responsible homeowners stay in their homes and helping to stop the broader decline in home values.

To achieve this, and to prevent an economic collapse, we were forced to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the collapse of the American auto industry, which faced a crisis partly of its own making, to prevent another round of widespread job losses in an already fragile time. These decisions were not popular, but they were necessary. Indeed, the decision to stabilize the financial system helped to avert a larger catastrophe, and thanks to the efficient management of the rescue—with added transparency and accountability—we have recovered most of the money provided to banks.

In addition, even as we worked to address the crises in our banking sector, in our housing market, and in our auto industry, we also began attacking our economic crisis on a broader front. Less than one month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act of 2009. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it also began to lay a new foundation for long-term growth. With investments in health care, education, infrastructure, and clean energy, the Recovery Act has saved or created roughly two million jobs so far, and it has begun the hard work of transforming our economy to thrive in the modern, global era.

Because of these and other steps, we can safely say that we've avoided the depression many feared. Our economy is growing again, and the growth over the last three months was the strongest in six years. But while economic growth is important, it means nothing to somebody who has lost a job and can't find another. For Americans looking for work, a good job is the only good news that matters. And that's why our work is far from complete.

It is true that the steps we have taken have slowed the flood of job losses from 691,000 per month in the first quarter of 2009 to 69,000 in the last quarter. But stemming the tide of job loss isn't enough. More than 7 million jobs have been lost since the recession began two years ago. This represents not only a terrible human tragedy, but also a very deep hole from which we'll have to climb out. Until jobs are being created to replace those we've lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That's why I am continuing to call on the Congress to pass a jobs bill. I've proposed a package that includes tax relief for small businesses to spur hiring, that accelerates construction on roads, bridges, and waterways, and that creates incentives for homeowners to invest in energy efficiency, because this will create jobs, save families money, and reduce pollution that harms our environment.

It is also essential that as we promote private sector hiring, we continue to take steps to prevent layoffs of critical public servants like teachers, firefighters, and police officers, whose jobs are threatened by State and local budget shortfalls. To do otherwise would not only worsen unemployment and hamper our recovery; it would also undermine our communities. And we cannot forget the millions of people who have lost their jobs. The Recovery Act provided support for these families hardest hit by this recession, and that support must continue.

At the same time, long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health care costs, growing dependence on foreign oil, an education system unable to prepare all of our children for the jobs of the future. In recent years, spending bills and tax cuts for the very wealthiest were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without regard for the consequences, Washington looked the other way.

As a result, the economy may have been working for some at the very top, but it was not working for all American families. Year after year, folks were forced to work longer hours, spend more time away from their loved ones, all while their incomes flat-lined and their sense of economic security evaporated. Growth in our country was neither sustained nor broadly shared. Instead of a prosperity powered by smart ideas and sound investments, growth was fueled in large part by a rapid rise in consumer borrowing and consumer spending.

Beneath the statistics are the stories of hardship I've heard all across America—hardships that began long before this recession hit two years ago. For too many, there has long been a sense that the American dream—a chance to make your own way, to work hard and support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

These weaknesses have not only made our economy more susceptible to the kind of crisis we have been through. They have also meant that even in good times the economy did not produce nearly enough gains for middle-class families. Typical American families saw their standards of living stagnate, rather than rise as they had for generations. That is why, in the aftermath of this crisis, and after years of inaction, what is clear is that we cannot go back to business as usual.

That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for prosperity: a foundation on which the middle class can prosper and grow, where if you are willing to work hard, you can find a good job, afford a home, send your children to world-class schools, afford high-quality health care, and enjoy retirement security in your later years. This is the heart of the American Dream, and it is at the core of our efforts to not only rebuild this economy—but to rebuild it stronger than before. And this work has already begun.

Already, we have made historic strides to reform and improve our education system. We have launched a

Race to the Top in which schools are competing to create the most innovative programs, especially in math and science. We have already made college more affordable, even as we seek to increase student aid by ending a wasteful subsidy that serves only to line the pockets of lenders with tens of billions of taxpayer dollars. And I've proposed a new American Graduation Initiative and set this goal: by 2020, America will once again have the highest proportion of college graduates in the world. For we know that in this new century, growth will be powered not by what consumers can borrow and spend, but what talented, skilled workers can create and export.

Already, we have made historic strides to improve our health care system, essential to our economic prosperity. The burdens this system places on workers, businesses, and governments is simply unsustainable. And beyond the economic cost—which is vast—there is also a terrible human toll. That's why we've extended health insurance to millions more children; invested in health information technology through the Recovery Act to improve care and reduce costly errors; and provided the largest boost to medical research in our history. And I continue to fight to pass real, meaningful health insurance reforms that will get costs under control for families, businesses, and governments, protect people from the worst practices of insurance companies, and make coverage more affordable and secure for people with insurance, as well as those without it.

Already, we have begun to build a new clean energy economy. The Recovery Act included the largest investment in clean energy in history, investments that are today creating jobs across America in the industries that will power our future: developing wind energy, solar technology, and clean energy vehicles. But this work has only just begun. Other countries around the world understand that the nation that leads the clean energy economy will be the nation that leads the global economy. I want America to be that nation. That is why we are working toward legislation that will create new incentives to finally make renewable energy the profitable kind of energy in America. It's not only essential for our planet and our security, it's essential for our economy.

But this is not all we must do. For growth to be truly sustainable—for our prosperity to be truly shared and our living standards to actually rise—we need to move beyond an economy that is fueled by budget deficits and consumer demand. In other words, in order to create jobs and raise incomes for the middle class over the long run, we need to export more and borrow less from around the world, and we need to save more money and take on less debt here

at home. As we rebuild, we must also rebalance. In order to achieve this, we'll need to grow this economy by growing our capacity to innovate in burgeoning industries, while putting a stop to irresponsible budget policies and financial dealings that have led us into such a deep fiscal and economic hole.

That begins with policies that will promote innovation throughout our economy. To spur the discoveries that will power new jobs, new businesses—and perhaps new industries—I have challenged both the public sector and the private sector to devote more resources to research and development. And to achieve this, my budget puts us on a path to double investment in key research agencies and makes the research and experimentation tax credit permanent. We are also pursuing policies that will help us export more of our goods around the world, especially by small businesses and farmers. And by harnessing the growth potential of international trade—while ensuring that other countries play by the rules and that all Americans share in the benefits—we will support millions of good, high-paying jobs.

But hand in hand with increasing our reliance on the Nation's ingenuity is decreasing our reliance on the Nation's credit card, as well as reining in the excess and abuse in our financial sector that led large firms to take on extraordinary risks and extraordinary liabilities.

When my Administration took office, the surpluses our Nation had enjoyed at the start of the last decade had disappeared as a result of the failure to pay for two large tax cuts, two wars, and a new entitlement program. And decades of neglect of rising health care costs had put our budget on an unsustainable path.

In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order. That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend. Last year, we combed the budget, cutting waste and excess wherever we could, a process that will continue in the coming years. We are pursuing health insurance reforms that are essential to reining in deficits. I've called for a fee to be paid by the largest financial firms so that the American people are fully repaid for bailing out the financial sector. And I've proposed a freeze on nonsecurity discretionary spending for three years, a bipartisan commission to address the long-term structural imbalance between expenditures and revenues, and the enactment of "pay-go" rules so that Congress has to account for every dollar it spends.

In addition, I've proposed a set of common sense reforms to prevent fu-

ture financial crises. For while the financial system is far stronger today than it was one year ago, it is still operating under the same rules that led to its near-collapse. These are rules that allowed firms to act contrary to the interests of customers; to hide their exposure to debt through complex financial dealings that few understood; to benefit from taxpayer-insured deposits while making speculative investments to increase their own profits; and to take on risks so vast that they posed a threat to the entire economy and the jobs of tens of millions of Americans.

That is why we are seeking reforms to empower consumers with the benefit of a new consumer watchdog charged with making sure that financial information is clear and transparent; to close loopholes that allowed big financial firms to trade risky financial products like credit defaults swaps and other derivatives without any oversight; to identify system-wide risks that could cause a financial meltdown; to strengthen capital and liquidity requirements to make the system more stable; and to ensure that the failure of any large firm does not take the economy down with it. Never again will the American taxpayer be held hostage by a bank that is "too big to fail."

Through these reforms, we seek not to undermine our markets but to make them stronger: to promote a vibrant, fair, and transparent financial system that is far more resistant to the reckless, irresponsible activities that might lead to another meltdown. And these kinds of reforms are in the shared interest of firms on Wall Street and families on Main Street.

These have been a very tough two years. American families and businesses have paid a heavy price for failures of responsibility from Wall Street to Washington. Our task now is to move beyond these failures, to take responsibility for our future once more. That is how we will create new jobs in new industries, harnessing the incredible generative and creative capacity of our people. That is how we'll achieve greater economic security and opportunity for middle-class families in this country. That is how in this new century we will rebuild our economy stronger than ever before.

BARACK OBAMA,  
THE WHITE HOUSE.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DORGAN for the Committee on Indian Affairs.

\*Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

By Mr. LEAHY for the Committee on the Judiciary.

Nancy D. Freudenthal, of Wyoming, to be United States District Judge for the District of Wyoming.

Denzil Price Marshall Jr., of Arkansas, to be United States District Judge for the Eastern District of Arkansas.

Benita Y. Pearson, of Ohio, to be United States District Judge for the Northern District of Ohio.

Timothy S. Black, of Ohio, to be United States District Judge for the Southern District of Ohio.

James P. Lynch, of the District of Columbia, to be Director of the Bureau of Justice Statistics.

Genevieve Lynn May, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3007. A bill to amend the Internal Revenue Code of 1986 to impose a 50 percent tax on bonuses paid by TARP recipients, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. BROWNBACK):

S. 3008. A bill to establish a program to support a transition to a freely elected, open democracy in Iran; to the Committee on Foreign Relations.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3009. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 Invasion of Pennsylvania, the Battle of Gettysburg, and President Abraham Lincoln's Gettysburg Address; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. GILLIBRAND:

S. 3010. A bill to require the Federal Aviation Administration to implement the recommendations issued by the National Transportation Safety Board following the Board's investigation of the loss of control of Colgan Air Flight 3407 on February 12, 2009, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 3011. A bill to address HIV/AIDS in the African-American community, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. KAUFMAN, Mr. LEVIN, and Mr. KERRY):

S. Res. 415. A resolution calling for a renewed focus on the Government of the Islamic Republic of Iran's violations of internationally-recognized human rights as found in the Universal Declaration of Human Rights; considered and agreed to.

By Mr. HARKIN (for himself, Mrs. SHAHEEN, and Mr. DURBIN):

S. Res. 416. A resolution amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate; to the Committee on Rules and Administration.

By Mr. KAUFMAN (for himself, Ms. COLLINS, Mr. BINGAMAN, and Mrs. GILLIBRAND):

S. Res. 417. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 841

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 1217

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1217, a bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children.

S. 1359

At the request of Mr. BOND, his name was added as a cosponsor of S. 1359, a bill to provide United States citizenship for children adopted from outside the United States, and for other purposes.

S. 2786

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2786, a bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing late fees on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for other purposes.

S. 2971

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2971, a bill to authorize certain authorities by the Department of State, and for other purposes.

S. 2979

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2979, a bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes.

S. RES. 414

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 414, a resolution expressing the Sense of the Senate on the recovery, rehabilitation, and rebuilding of Haiti following the humanitarian crisis caused by the January 12, 2010, earthquake in Haiti.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN, of Ohio:

S. 3007. A bill to amend the Internal Revenue Code of 1986 to impose a 50 percent tax on bonuses paid by TARP recipients, and for other purposes; to the Committee on Finance.

Mr. BROWN of Ohio. Mr. President, in the years leading up to the financial crisis, risky and reckless bonus-laden pay packages ruled at Wall Street banks.

After crashing our economy, these too-big-to-fail banks needed the Bush administration and the American taxpayer to bail them out.

The Temporary Asset Relief Program, TARP, pumped billions and billions of taxpayer dollars into the financial system to stabilize our economy and prevent another Great Depression.

The Obama administration continued the TARP program while also taking necessary and swift action passing the Recovery Act.

But unemployment remains high even as our economy begins to recover, and Wall Street is back to its old ways.

Insurance giant AIG got \$182.3 billion in bailout money. Last Wednesday, AIG paid \$100 million more in bonuses to its employees.

Goldman Sachs got \$10 billion directly from TARP and another \$12.9 billion in taxpayer aid through the AIG bailout. Goldman will pay its employees bonuses worth \$16 billion.

The average banker at Bank of America got a \$400,000 bonus one year after the bank took \$45 billion from TARP.



The average worker in Ohio makes just over \$41,000 a year.

The Federal Reserve has taken extraordinary steps and made trillions of dollars available in low-interest loans to American banks. Fannie Mae and Freddie Mac are just about the only buyers today for mortgages in the secondary market.

Big banks received hundreds of billions of dollars from U.S. taxpayers in half a dozen ways to stabilize their finances and increase financing to businesses and consumers.

Our economy is reliant on small businesses, which account for more than 65 percent of jobs created in our Nation.

But despite the banks' rapid recovery, their small business lending continues to decrease, month after month.

In November 2009, the U.S. Treasury Department reported that the 22 largest financial institutions receiving taxpayer assistance reduced lending by \$10.5 billion over the previous six months.

These same banks reduced small business loans by another \$1 billion according to a report released in December 2009.

I have heard from too many small business owners—from Youngstown to Mansfield, from Athens to Elyria—that they simply can't access the credit they need to hire workers or expand business.

For 10 years wealthy bankers were partying like it was 1999. When the economy came crashing down the middle class was forced to sacrifice their money and their children's money to save the banks and unfreeze credit. They are still waiting for Wall Street to live up to their end of the bargain.

That is why today I introduced The Wall Street Bonus Tax Act, which would use Wall Street's excess to fund small businesses.

The Wall Street Bonus Tax Act imposes a 50 percent excise tax for 2010 on bonuses awarded at financial institutions that received TARP assistance.

The revenue generated by the tax would go to the Small Business Administration to implement a direct small business lending program to help small businesses in towns like Bucyrus and Dublin.

Wall Street's lavish bonuses were made possible by the taxpayers' money—money that was supposed to be lent to businesses.

Instead of patting themselves on the back, the banks should be making loans that help the middle class recover.

This bill is a critical step in that direction.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3009. A bill to require the Secretary of the Treasury to mint coins in recognition of and to commemorate the 1863 Invasion of Pennsylvania, the

Battle of Gettysburg, and President Abraham Lincoln's Gettysburg Address; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Mr. President, today, I have sought recognition to offer legislation supporting the 150th anniversary of the Battle of Gettysburg. This legislation will serve to commemorate three historic events in our country: the 1863 Invasion of Pennsylvania, the decisive Battle of Gettysburg, and President Lincoln's famous Gettysburg Address.

On November 19, 1863, President Abraham Lincoln chose Gettysburg for his most famous address because the battle was the turning point of the Civil War. The safety and security of Pennsylvania's capital, railroads, industries, and citizens were at stake. The resulting Battle of Gettysburg was the largest and costliest of the Civil War and of the country to date with 51,000 Union and Confederate casualties. Soldiers from the U.S. Regular Army and volunteer units from Pennsylvania, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Ohio, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin served during this campaign and battle. Their sacrifices should not be forgotten.

This legislation will authorize the Secretary of the Treasury to mint and issue commemorative Gettysburg coins in three denominations: \$5 gold, \$1 silver, and half-dollar silver. These coins will only be distributed during the calendar year of 2013, the 150th anniversary of Gettysburg, and will have surcharges of \$35, \$10, and \$5 respectively. The revenue generated from these surcharges will be divided between the Gettysburg Foundation and the Army Heritage Center Foundation to help finance their respective nonprofit programs dedicated to supporting the hundreds of thousands of visitors who walk the Gettysburg grounds each year and to preserve the memory of those who served and the history that they made.

These two foundations are non-governmental, member-based, and publicly supported nonprofit organizations that are dependent on funds from members, donations, and grants for support. The foundations use such support to help create and sustain the Gettysburg National Military Park and the Army Heritage and Education Center. The Gettysburg Foundation is recognized as the official partner of Gettysburg National Military Park and the Army Heritage Center Foundation is recognized by the Secretary of the Army as the lead agency supporting the development of the Army Heritage and Education Center.

The Gettysburg Act will greatly benefit our nation by preserving this historic battle ground for countless visitors from across the nation and from around the world. It will help fund battlefield preservation and rehabilitation projects at Gettysburg National Military Park by restoring approximately 27 acres of battlefield to its 1863 appearance. This act will help preserve the hallowedness of the ground by relocating 12 monuments to their original locations, where the veterans themselves placed these monuments several generations ago. Visitors to Gettysburg will benefit from increased educational programming at both the Army Heritage and Education Center and the Gettysburg Battle Visitor Center as the act helps facilitate the continued expansion of the Army Heritage and Education Center and construction of the Army Heritage Museum, both of which are dedicated "to telling the Army story . . . one Soldier at a time."

The importance of the 1863 Campaign in Pennsylvania, the Battle of Gettysburg, and Lincoln's address stretch well beyond the Commonwealth of Pennsylvania and stand as an enduring reminder of how our nation was reborn out of the Civil War as a stronger Union more dedicated to its ideals of freedom and liberty. I urge each of my colleagues to join Senator CASEY and myself in supporting this legislation.

Mr. CASEY. Mr. President, I rise today to discuss the Gettysburg Coin Act, which I was proud to introduce with Senator SPECTER. This legislation commemorates one of the most significant events in our Nation's history.

The Gettysburg Coin Act would produce a commemorative coin in 2013 recognizing the 150th anniversary of the 1863 Battle of Gettysburg and President Abraham Lincoln's Gettysburg Address. The Battle of Gettysburg not only marked a decisive moment in the American Civil War, but proved to be the turning point in our Nation's history. More Americans perished during the Battle of Gettysburg than in any other battle in American history. It is with this understanding that we must, as President Abraham Lincoln so eloquently said in the Gettysburg Address, "highly resolve that these dead shall not have died in vain" in defending our Nation's freedom. This rings true today as our Nation's servicemen and women continue the long tradition of protecting our freedom and values.

Today, I would also like to recognize the important work of the Army Heritage Center Foundation, which continues the proud tradition of protecting and preserving our Nation's rich military history. Based in Carlisle, PA, the U.S. Army Heritage and Education Center works with the U.S. Army to preserve the memories of soldiers and their families, honor their service, and help educate the American public about the Army's contributions



to our nation. The center's world class archives store a collection of Army memorabilia and artifacts, so we can remember how life was lived and the repercussions of war. The Army Heritage Center Foundation's support for the 150th anniversary commemorative coin is just another way they continue to fulfill their mission.

As a Pennsylvanian, I am proud of the role my State has played and continues to play in shaping our Nation's history. It is my hope that these coins will commemorate a day of great national pride and remind us of the sacrifices that generations of American soldiers and their families have made to safeguard this Nation. Therefore, I encourage my colleagues to join me in supporting this legislation to commemorate the 150th anniversary of the Battle of Gettysburg.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 415—CALLING FOR A RENEWED FOCUS ON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN'S VIOLATIONS OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS AS FOUND IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. CASEY (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. KAUFMAN, Mr. LEVIN, and Mr. KERRY) submitted the following resolution, which was considered and agreed to:

##### S. RES. 415

Whereas the Government of the Islamic Republic of Iran has violated international standards for human rights by using violence to disperse peaceful assemblies by its own citizens;

Whereas the Government of the Islamic Republic of Iran suppressed peaceful commemorations by members of Iran's Green Movement at the anniversary of Iran's Islamic revolution on February 11, 2010;

Whereas the Government of the Islamic Republic of Iran's sustained campaign of violence against Iranian citizens who have peacefully protested the irregularities in the flawed Iranian presidential elections of June 12, 2009 has demonstrated to the world that the present Iranian regime is fully capable of widespread violence against its own citizens;

Whereas the Government of the Islamic Republic of Iran currently has 65 journalists and bloggers imprisoned, more than any single country in the world, according to Reporters without Borders and in the past week arrested 10 journalists;

Whereas the Government of the Islamic Republic of Iran has restricted access to the internet, including its recent announcement to permanently block Google's Gmail service;

Whereas Iranian citizens' right to due process has been violated, with the judiciary detaining government critics and religious minorities, and ordering executions of peaceful demonstrators;

Whereas the use of arbitrary detention and the infliction of cruel and degrading punishments by the Iranian authorities are in direct violation of Articles 7, 9 and 10 of the

International Covenant on Civil and Political Rights (ICCPR) as well as Articles 22 (the right to human dignity), 36 (Sentencing in accordance with the law), 38 (prohibition of torture) and 39 (the rights of arrested persons) of the Iranian Constitution.

*Resolved*, That the Senate of the United States:

(1) Pays tribute to the courageous advocates for democracy and human rights in the Islamic Republic of Iran who are engaged in peaceful efforts to encourage democratic reform;

(2) notes that it is the right of the people of the Islamic Republic of Iran to peacefully assemble and to express their opinions and aspirations without intimidation, repression, and violence;

(3) supports freedom of speech in the Islamic Republic of Iran as elsewhere and the ability of journalists and bloggers to report without repression by government authorities;

(4) desires that the men and women of Iran be able to enjoy due process in the Iranian judicial system including the right to a fair trial;

(5) expresses serious concern over the Government of the Islamic Republic of Iran's brutal suppression of its citizens through censorship, imprisonment, and continued acts of violence;

(6) denounces the atmosphere of impunity in the Islamic Republic of Iran for those who employ intimidation, harassment, or violence to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press;

(7) urges the Government of the Islamic Republic of Iran to fully observe the ICCPR, which has been ratified by the Islamic Republic of Iran and states, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

(8) calls upon the Islamic Republic of Iran to abide by the resolutions adopted by the U.N. General Assembly, in particular the resolution on the situation of human rights in the Islamic Republic of Iran of December 2009;

(9) communicates deep concern that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, especially the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances;

(10) encourages the U.N. Human Rights Council to fully examine these issues during its Universal Periodic Review of the Islamic Republic of Iran on February 15, 2010.

#### SENATE RESOLUTION 416—AMENDING THE STANDING RULES OF THE SENATE TO PROVIDE FOR CLOTURE TO BE INVOKED WITH LESS THAN A THREE-FIFTHS MAJORITY AFTER ADDITIONAL DEBATE

Mr. HARKIN (for himself, Mrs. SHAHEEN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

##### S. RES. 416

*Resolved*,

#### SECTION 1. SENATE CLOTURE MODIFICATION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yeand-nay vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

"After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a

quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

"Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

"(b)(1) If, upon a vote taken on a motion presented pursuant to subparagraph (a), the Senate fails to invoke cloture with respect to a measure, motion, or other matter pending before the Senate, or the unfinished business, subsequent motions to bring debate to a close may be made with respect to the same measure, motion, matter, or unfinished business. It shall not be in order to file subsequent cloture motions on any measure, motion, or other matter pending before the Senate, except by unanimous consent, until the previous motion has been disposed of.

"(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business."

Mr. HARKIN. Mr. President, this past week, New York Times columnist Gail Collins noted that "Washington was immobilized by snow on Friday. This is highly unusual. Normally, Washington is immobilized by senators."

Sadly, Gail Collins is right. The unprecedented abuse of Senate rules by Republicans has overwhelmed the legislative process. The same week that Washington saw a large snow storm shut down the city and close the Federal Government, we saw the unprecedented action of a minority blocking Senate confirmation of every single executive branch nominee. Last week, we saw Republicans require the Senate to debate for 30 hours one Department of Labor nominee in lieu of conducting other business and I use the term "debate" generously since during that time one Member spoke in opposition to her confirmation. This Congress, we have seen the minority require the Senate clerk to read lengthy bills out loud. And, most significantly, the minority has used the filibuster at an unheard of level in the history of this body.

The U.S. Senate cannot continue to function this way. That is why today I am introducing a bill to change the Standing Rules of the Senate to reform the cloture procedure in the U.S. Senate. I am introducing this bill as a member of the majority party in the Senate. I note, however, that this bill is identical to the one I first introduced in 1995, when I was a member of the minority party in the Senate. So this legislation is not about one party or the other gaining an advantage. It is about the Senate as an institution operating more fairly, effectively, and democratically.

I will explain the details of my proposal shortly. But first I would like to provide some historical background.

In 1995, for the first time in 8 years I found myself a member of the minority party in the Senate. At the beginning of that Congress, although Republicans outnumbered Democrats 53 to 47, I introduced legislation to change the Senate rules regarding the filibuster. My plan would have ensured ample debate and deliberation—the original purpose of the filibuster—but it would have allowed a bill, over time, to be passed by a simple majority vote. Unfortunately, my proposal did not pass.

In the intervening years, it has become even more apparent that for our government to properly function, we must reform and curb the use of the filibuster.

I readily acknowledge, changing the Senate rules is a tall order; and my goal is not to change the rules halfway through the 111th Congress. Instead, it is to lay down a marker and to focus attention on the unprecedented level of obstruction that occurs in the Senate today. The sad reality is that, today, because of the promiscuous use of the filibuster, the ability of our government to legislate and to address problems is severely jeopardized.

The filibuster was once an extraordinary tool used in the rarest of instances. When many people think of

the filibuster they think of the climax of the classic film "Mr. Smith Goes to Washington," when Jimmy Stewart's character singlehandedly uses a filibuster to stop a corrupt piece of legislation favored by special interests.

The reality is that in 1939, the year "Mr. Smith Goes to Washington" was filmed, there were zero filibusters in this body. In the 1950s, there was an average of just one filibuster per Congress.

Yet, over the past half century, the use of this device has grown exponentially. The concerns I raise today are not new. The problem, however, has become far more serious.

In 1982, my good friend and colleague Senator Dale Bumpers of Arkansas said this about procedures like the filibuster:

Unless we recognize that things are out of control and procedures have to be changed, we'll never be an effective legislative body again.

During the 2 years of that Congress, the 97th, there were 31 filibusters, as measured by the number of cloture motions filed.

In 1985, former Senator Thomas Eagleton of Missouri remarked:

The Senate is now in the state of incipient anarchy. The filibuster, once used, by and large, as an occasional exercise in civil rights matters, has now become a routine frolic in almost all matters. Whereas our rules were devised to guarantee full and free debate, they now guarantee unbridled chaos.

During that Congress, the 99th, there were 40 filibusters.

In 1994, former Senator Charles Mathias of Maryland said:

Today, filibusters are far less visible but far more frequent. The filibuster has become an epidemic used whenever a coalition can find 41 votes to oppose legislation. The distinction between voting against legislation and blocking a vote, between opposing and obstructing, has nearly disappeared.

During that Congress, the 103rd, right before I first introduced legislation to modify the filibuster, there were 80 filibusters.

Remarkably, from 1995 through 2008, the number of filibusters per Congress has increased 75 percent. In the last Congress, the 110th Congress, there were an astonishing 139 motions to end filibusters.

In the current 111th Congress, now near its midpoint, there have been 74. Last year alone, in one year—2009—there were 67 filibusters. In just 1 year, Republicans tripled the amount of filibusters that occurred in the entire 20-year period between 1950 and 1969.

I would also point out that, according to a study by UCLA Professor Barbara Sinclair, in the 1960s, just 8 percent of major bills were subject to a filibuster. In the last Congress, 70 percent of major bills were targeted.

The simple fact is that, today, rather than an unusual event, the filibuster, or the threat of a filibuster, has become a routine occurrence. Let me repeat these figures. In the 1950s, an average of one bill was filibustered in

each Congress. In the 104th Congress, when Democrats were in the minority, there were 82 filibusters. In the last Congress, 139 bills were filibustered. In the current Congress, there have already been 74 filibusters.

What was once a procedure used very rarely and judiciously has become an almost daily procedure used routinely and often recklessly.

A quarter century ago, faced with 40 filibusters in the course of one Congress, Senator Eagleton remarked that the Senate was in a situation of “unbridled chaos.”

Sixteen years ago, faced with 80 filibusters in one Congress, Senator Mathias warned that the Senate was facing an “epidemic.”

In this Congress, we are on pace to far surpass those earlier numbers. At the current pace, we will face approximately 140 filibusters in the 111th Congress. It is no accident that Norm Ornstein, the esteemed Congressional scholar, wrote an article in 2008 titled “Our Broken Senate.”

And, it is not just scholars. Editorials throughout the country have recognized that the use of the filibuster must be changed. The Newark Star-Ledger called the filibuster a “rule that cripples our democracy.” The San Jose Mercury News recently noted that the “Senate’s abuse of filibuster rule threatens democracy.” The Sacramento Bee wrote that it is “time to bust up [the] filibuster.”

The extraordinary number of filibusters by Republicans are not just statistics. Behind each filibuster is an attempt by Republicans to block the majority from passing legislation and confirming nominees to help everyday working Americans.

In the 71 years since Hollywood filmed “Mr. Smith Goes to Washington,” the aim of the filibuster has been turned completely upside down. Seven decades ago, Jimmy Stewart, “Senator Smith,” was the little guy using the filibuster to battle the special interests. Today, it is the special interests that are using the filibuster to kill legislation that would benefit the little guy.

What is particularly striking, moreover, is not just the sheer number of filibusters today. It is the fact that this once rare tactic—what was once a dramatic challenge to majority rule only used in extraordinary circumstances—is now used or threatened to be used on virtually every measure and every nominee. To quote Norm Ornstein:

The Senate has taken the term “deliberative” to a new level, slowing not just contentious legislation but also bills that have overwhelming support.

For example, late last year, the Republicans filibustered a motion to proceed to the Defense Appropriations bill for the sole purpose to delay a vote on health care reform. In other words, Re-

publicans risked denying our troops the resources they need at a time of war for no other purpose than to delay the Senate. After a filibuster and delay, the bill passed 88 to 10.

The Republicans filibustered a motion to proceed to a bill to extend unemployment compensation. After delaying and then grinding Senate business to a halt, the bill passed 97 to 1. In other words, Republicans filibustered a bill they fully intended to support, simply in order to stall or stop business in the Senate.

Similarly, the Republicans filibustered the agriculture appropriations bill that funded key agriculture, conservation, and nutrition programs. That bill passed 84 to 11.

The Republicans filibustered the Credit Card Holders Bill of Rights. That bill passed 92 to 2.

The Republicans filibustered the Fraud Enforcement and Recovery Act. That bill passed 84 to 4.

As the Defense Appropriations bill and unemployment compensation bill examples show, in many cases Republicans have filibustered motions to proceed. This is truly remarkable. In fact, last Congress there were over 50 filibusters of motions to proceed to consider bills. Republicans filibustered efforts for this body to consider efforts to provide low-income home energy assistance, efforts to strengthen the Consumer Product Safety Commission to ensure our children are not exposed to unsafe toys, and efforts to ensure women are guaranteed equal pay for equal work. In all of these cases and many others, Republicans objected to this body even bringing up for debate and deliberation important issues that matter to the American people.

There is absolutely no purpose to filibuster a motion to proceed except delay and obstruction. If one does not like a piece of legislation, one has an opportunity to offer amendments to try to improve the measure. But one cannot do that if the Senate is prevented from even considering a bill.

One of the most striking features of the abuse of this extraordinary tool by Republicans is how quickly it has become accepted that literally any legislation needs 60 votes to pass the Senate. If 41 senators do not like a bill, it does not get a vote. Newspapers and pundits regularly pronounce that 60 votes are “needed to pass the bill”, even as we all know, only 51 Senators are, in fact, needed.

So accepted is this extraordinary abuse by the minority, that after the most recent election in Massachusetts, the media regularly pronounced that Democrats going from a 20-seat majority to an 18-seat majority was the equivalent to losing majority status. A Philadelphia Metro newspaper headline asked: “How will Dems recover after losing majority?” CNN reported: “Brown’s election tips Senate balance

of power to GOP.” The New York Times reported that “Brown’s Senate win has cost them their razor-thin advantage.” One paper, the Village Voice, even wrote satirically, “Scott Brown wins Mass. Race, Giving GOP 41–59 Majority in the Senate.” When the rules are abused in such a manner that a majority of 18 seats is now treated as the equivalent to being in the minority, it is time to change the rules.

This is not how it is supposed to be. To be sure, the Founders put in place a system of checks and balances that made it difficult to enact legislation. A bill must pass in both Houses of Congress. It is then subject to the President’s veto power. A law can be challenged in court. These are all very significant checks.

What was never intended, however, was that a supermajority of 60 votes would be needed to enact virtually any piece of legislation. Indeed, the Framers of the Constitution were very clear about circumstances where a supermajority is required. There were only five: ratification of a treaty, override of a veto, votes of impeachment, passage of a constitutional amendment, and the expulsion of a Member.

James Madison specifically rejected the idea that more than a majority would be needed for decisions. Responding to anti-Federalist arguments that the Constitution should have required more than a majority, Madison argued that such rules would lead to minority rule, something inconsistent with fundamental republican principles. As he wrote in Federalist No. 58:

That some advantages might have resulted from such a precaution, cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule; the power would be transferred to the minority.

James Madison would be appalled by the current abuse of the filibuster to impose minority rule.

Proponents of the filibuster regularly quote the oft told story of George Washington’s description of the Senate to Thomas Jefferson. Jefferson had returned from France and was breakfasting with Washington. Jefferson asked Washington why he agreed to have a Senate. “Why,” asked Washington, “did you just now pour that coffee into your saucer before drinking it?” “To cool it,” said Jefferson. “Even so,” said Washington, “we pour our legislation into the Senatorial saucer to cool it.”

As one author recently noted, however, the increasing use of the filibuster has converted the Senate from the “saucer” George Washington intended, in which scalding ideas from

the more passionate House of Representatives might “cool” into a “deep freeze and a dead weight.”

At issue is a fundamental principle of our democracy—rule of the majority in a legislative body. As Alexander Hamilton noted in the Federalist Papers, “The fundamental maxim of republican government . . . requires that the sense of the majority should prevail.”

Mr. President, elections should have consequences. My feeling in 1995 was that if the Nation elects a majority of Republicans to the Senate, as it did, then after the minority has an opportunity to make its case, the majority should prevail. And, it should be the same when the people send a majority of Democrats to the Senate. If the people do not like how the majority is governing, then they have the ability to change the composition of the Senate at the next election.

Fifteen months ago, a sizable majority of voters sent Democrats to Washington to implement real change and reform. It is no surprise that people are now frustrated. Largely, because of the filibuster their hopes for change have been frustrated. Instead, the public sees nothing but gridlock.

Because of Senate rules, a minority as small as one Senator can block action by the majority. Even when a party is resoundingly repudiated at the polls, that party retains the power, thanks to the filibuster, to prevent the majority from legislating and effectively governing. Regrettably, the filibuster has become a bludgeon that the minority uses to thwart the will of the majority, to mire the Senate in procedural impasses and repeatedly to hold the entire Senate hostage for extended periods of time. Today, even simple, noncontroversial bills and nominations are not permitted to come to a vote. This is wrong. As a result of the filibuster, the legislative process itself has been overwhelmed.

The legislation I introduce today would amend the Standing Rules of the Senate to permit a decreasing majority of Senators to invoke cloture on a given matter. On the first cloture vote, 60 votes would be needed to end debate. If the motion does not get 60 votes, a Senator can file another cloture motion and two days later have another vote; that vote would require 57 votes to end debate. If cloture is not obtained, a Senator can file another cloture motion and wait two more days; in that vote, 54 votes would be required to end debate. If cloture is still not obtained, a Senator could file one more cloture motion, wait 2 more days, and—at that point—just 51 votes would be needed to move to the merits of the bill.

Let me be clear, this proposal has absolutely nothing to do with limiting minority rights. Under this proposal, a determined minority could slow down any bill. In this way, proper delibera-

tion is ensured. Senators would have ample time to make their arguments and attempt to persuade the public and a majority of colleagues. However, a minority of members would no longer be able to stymie the majority by grinding the Senate to a halt, as sadly too regularly happens today.

Mr. President, this is hardly radical legislation. There are currently numerous rules and laws that forbid the filibuster in numerous circumstances. For example, we cannot filibuster a federal budget resolution. We cannot filibuster a resolution authorizing the use of force. We cannot filibuster international trade agreements. We cannot filibuster a reconciliation bill.

Reform of the filibuster should not be a Democrat or Republican issue. Indeed, it was the former Republican Majority Leader Bill Frist who said when he nearly shut this body down over the use of filibusters: “This filibuster is nothing less than a formula for tyranny by the minority.”

A majority in this body—whether Democratic Senators, Republican Senators, or a bipartisan coalition of Senators—should be allowed to work its will. When a given party wins the Presidency and both houses of Congress by significant margins, that party should be allowed to carry out its agenda, and then should be held accountable in the next election.

But, I do not see how we can effectively govern a 21st century superpower when a minority of just 41 senators can dictate action—or inaction—not just to the majority of senators but to a majority of the American people. This is all the more true when you consider that those 41 senators could come from small states and represent as little as 15 percent of the American population. This is not democratic. Certainly, it is not the kind of democracy envisioned and intended by our Founders. Instead, it is a sure-fire formula for national paralysis, drift, and decline.

I urge my colleagues to join me in restoring the best traditions of the United States Senate, a legislative body committed to debate and deliberation, but also one guided by our Founders’ bedrock democratic principles of majority rule.

Mr. DURBIN. Would the Senator from Iowa yield?

Mr. HARKIN. Yes.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SENATE RESOLUTION 417—SUPPORTING THE GOALS AND IDEALS OF NATIONAL ENGINEERS WEEK, AND FOR OTHER PURPOSES

Mr. KAUFMAN (for himself, Ms. COLLINS, Mr. BINGAMAN, and Mrs. GILLI-

BRAND) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

#### S. RES. 417

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill the needs of society;

Whereas engineers have helped to address the major technological and infrastructural challenges of our time, including providing water, defending the Nation, and developing clean energy technologies that are needed to power the American people into the future;

Whereas engineers are a crucial link in research, development, and the transformation of scientific discoveries into useful products and jobs, as the people of the United States look more than ever to engineers and their imagination, knowledge, and analytical skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that promote global collaboration and support reliable infrastructures;

Whereas the sponsors of National Engineers Week are working together to transform the engineering workforce through greater inclusion of women and underrepresented minorities;

Whereas the 2009 National Academy of Engineering and National Research Council report entitled “Engineering in K-12 Education” highlighted the potential role for engineering in primary and secondary education as a method to improve learning and achievement in science and mathematics, increase awareness of engineering and the work of engineers, help students understand and engage in engineering design, build interest in pursuing engineering as a career, and increase technological literacy;

Whereas an increasing number of the approximately 1,500,000 engineers in the United States are nearing retirement;

Whereas National Engineers Week has developed into a formal coalition of more than 100 professional societies, major corporations, and government agencies that are dedicated to ensuring a diverse and well-educated engineering workforce, promoting literacy in science, technology, engineering, and math, and raising public awareness and appreciation of the contributions of engineers to society;

Whereas National Engineers Week is celebrated during the week of George Washington’s birthday to honor the contributions that the first President, who was both a military engineer and a land surveyor, made to engineering; and

Whereas February 14, 2010, to February 20, 2010, has been designated as National Engineers Week by the National Engineers Week Foundation and its coalition members: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Engineers Week to increase understanding of and interest in engineering careers and to promote technological literacy and engineering education; and

(2) continues to work with the engineering community to ensure that the creativity and contributions made by engineers can be expressed through research, development, standardization, and innovation.

Mr. KAUFMAN. Mr. President, I rise today to support the goals and ideals of National Engineers Week, which will be celebrated next week from February 14 to February 20.

As the only serving Senator who has worked as an engineer, I am proud to sponsor resolution acknowledging the essential role engineers play and the important work they do.

I would also like to thank Senators COLLINS, BINGAMAN, and GILLIBRAND for joining me in introducing this resolution.

Just as importantly, I would like to acknowledge the leadership of Congressman LIPINSKI of Illinois, who for many years has been introducing this resolution in the House of Representatives. I know he plans to do the same again this year when our local weather will permit it.

Launched in 1951 by the National Society of Professional Engineers, National Engineers Week began as a way to call attention to the immense contributions engineers make to society.

It is also a time to emphasize the importance of learning science, technology, engineering, and mathematics skills—something I have spoken about many times on this floor.

Since its inception, the support for National Engineers Week has grown significantly.

This year, nearly 100 professional societies, major corporations, and government agencies are working together with the National Engineers Week Foundation to bring attention to this important program.

If we hope to encourage more young people to pursue engineering—to help us tackle issues of health, safety, and energy—it is absolutely critical that we teach them what engineering is all about.

National Engineers Week brings 50,000 engineering volunteers into classrooms to teach students that engineering can be fun, that engineers make a difference, and that anyone can become an engineer.

It is especially important that we get this message out to girls, women, and many minorities who are underrepresented in engineering careers. We will all benefit from greater diversity in STEM fields.

I believe that encouraging a new generation of engineers is vital to continuing our economic recovery.

Engineers have always been our country's problem solvers and it is fitting that we celebrate National Engineers Week in conjunction with the birthday of President George Washington—one of our Nation's first engineers.

I wish to thank my colleagues for joining with me in supporting this important week.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3310. Mr. REID proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for

the fiscal year ending September 30, 2010, and for other purposes.

SA 3311. Mr. REID proposed an amendment to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, *supra*.

SA 3312. Mr. REID proposed an amendment to the bill H.R. 2847, *supra*.

SA 3313. Mr. REID proposed an amendment to the bill H.R. 2847, *supra*.

SA 3314. Mr. REID proposed an amendment to amendment SA 3313 proposed by Mr. REID to the bill H.R. 2847, *supra*.

#### TEXT OF AMENDMENTS

**SA 3310.** Mr. REID proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

#### SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Hiring Incentives to Restore Employment Act”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

#### TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

#### TITLE II—EXPENSING

Sec. 201. Increase in expensing of certain depreciable business assets.

#### TITLE III—QUALIFIED TAX CREDIT BONDS

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

#### TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

Sec. 401. Short title.

##### Subtitle A—Federal-Aid Highways

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

##### Subtitle C—Public Transportation Programs

Sec. 431. Allocation of funds for planning programs.

Sec. 432. Special rule for urbanized area formula grants.

Sec. 433. Allocating amounts for capital investment grants.

Sec. 434. Apportionment of formula grants for other than urbanized areas.

Sec. 435. Apportionment based on fixed guideway factors.

Sec. 436. Authorizations for public transportation.

Sec. 437. Amendments to SAFETEA-LU.

##### Subtitle D—Revenue Provisions

Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.

Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.

Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.

Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.

Sec. 445. Extension of authority for expenditures.

Sec. 446. Level of obligation limitations.

#### TITLE V—OFFSET PROVISIONS

##### Subtitle A—Foreign Account Tax Compliance

##### PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

Sec. 501. Reporting on certain foreign accounts.

Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.

##### PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

Sec. 511. Disclosure of information with respect to foreign financial assets.

Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.

Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.

##### PART III—OTHER DISCLOSURE PROVISIONS

Sec. 521. Reporting of activities with respect to passive foreign investment companies.

Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.

##### PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.

Sec. 532. Presumption that foreign trust has United States beneficiary.

Sec. 533. Uncompensated use of trust property.

Sec. 534. Reporting requirement of United States owners of foreign trusts.

Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.

##### PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.

##### Subtitle B—Delay in Application of Worldwide Allocation of Interest

Sec. 551. Delay in application of worldwide allocation of interest.

**TITLE I—INCENTIVES FOR HIRING AND  
RETAINING UNEMPLOYED WORKERS**  
**SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING  
UNEMPLOYED WORKERS.**

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:

“(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

“(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

“(A) in a trade or business of such qualified employer, or

“(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

“(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified employer’ means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

“(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term ‘qualified employer’ includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

“(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term ‘qualified individual’ means any individual who—

“(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

“(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

“(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

“(D) is not an individual described in section 51(i)(1) (applied by substituting ‘qualified employer’ for ‘taxpayer’ each place it appears).

“(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.”

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

“(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term ‘wages’ shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.”

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the

preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

**SEC. 102. BUSINESS CREDIT FOR RETENTION OF  
CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.**

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) \$1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term “retained worker” means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

**TITLE II—EXPENSING**

**SEC. 201. INCREASE IN EXPENSING OF CERTAIN  
DEPRECIABLE BUSINESS ASSETS.**

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking “(\$125,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (1) and inserting “(\$250,000 in the case of taxable years beginning after 2007 and before 2011)”,

(2) by striking “(\$500,000 in the case of taxable years beginning after 2006 and before 2011)” in paragraph (2) and inserting “(\$800,000 in the case of taxable years beginning after 2007 and before 2011)”,

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**TITLE III—QUALIFIED TAX CREDIT BONDS**  
**SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT  
FOR CERTAIN QUALIFIED TAX  
CREDIT BONDS.**

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

“(1) IN GENERAL.—In the case of any specified tax credit bond—

“(A) such bond shall be treated as a qualified bond for purposes of this section,

“(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

“(C) the amount of the payment determined under subsection (b) with respect to

any interest payment date under such bond shall be—

“(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

“(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

“(D) interest on any such bond shall be includible in gross income for purposes of this title,

“(E) no credit shall be allowed under section 54A with respect to such bond,

“(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

“(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) SPECIFIED TAX CREDIT BOND.—The term ‘specified tax credit bond’ means any qualified tax credit bond (as defined in section 54A(d)) if—

“(i) such bond is—

“(I) a new clean renewable energy bond (as defined in section 54C),

“(II) a qualified energy conservation bond (as defined in section 54D),

“(III) a qualified zone academy bond (as defined in section 54E), or

“(IV) a qualified school construction bond (as defined in section 54F), and

“(ii) the issuer of such bond makes an irrevocable election to have this subsection apply

“(B) QUALIFIED SMALL ISSUER.—The term ‘qualified small issuer’ means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding \$30,000,000.”

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking “by the State” and inserting “by the State education agency (or such other agency as is authorized under State law to make such allocation)”.

(2) The second sentence of section 54F(e) is amended by striking “subsection (d)(4)” and inserting “paragraphs (2) and (4) of subsection (d)”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

**TITLE IV—EXTENSION OF CURRENT  
SURFACE TRANSPORTATION PROGRAMS**  
**SEC. 401. SHORT TITLE.**

This title may be cited as the “Surface Transportation Extension Act of 2010”

**Subtitle A—Federal-Aid Highways**

**SEC. 411. IN GENERAL.**

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of



the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111-68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to  $\frac{1}{4}$  of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA-LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) **USE OF FUNDS.**—

(1) **FISCAL YEAR 2010.**—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) **FISCAL YEAR 2011.**—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as  $\frac{1}{4}$  of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA-LU (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) **CALCULATION.**—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA-LU (119 Stat. 1144) or any other law.

(4) **CONTRACT AUTHORITY.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed  $\frac{1}{4}$  of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) **EXCEPTIONS.**—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to \$639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to \$159,750,000.

(5) **CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.**—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by  $\frac{1}{4}$ .

(d) **EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.**—

(1) **FISCAL YEAR 2010.**—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(2) **FISCAL YEAR 2011.**—Notwithstanding any other provision of law, for the period begin-

ning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by  $\frac{1}{4}$  of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA-LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA-LU (119 Stat. 1217; 122 Stat. 1577).

(3) **TERRITORIES AND PUERTO RICO.**—

(A) **FISCAL YEAR 2010.**—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) **FISCAL YEAR 2011.**—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by  $\frac{1}{4}$  of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA-LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) **TERRITORY DEFINED.**—In this paragraph, the term “territory” means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) **ADDITIONAL FUNDS.**—

(A) **IN GENERAL.**—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) **RESERVATION AND REDISTRIBUTION OF FUNDS.**—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and



(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

**(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.—**

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA-LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at 1/4 the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

**(3) ADDITIONAL FUNDS.—**

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

**SEC. 412. ADMINISTRATIVE EXPENSES.**

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) \$422,425,000 for fiscal year 2010; and

(2) \$105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

**SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.**

(a) IN GENERAL.—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) ADMINISTRATION OF FUNDS.—The restored amounts shall be administered in the

same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

**(c) FUNDING.—**

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1937).

(2) AVAILABILITY FOR OBLIGATION.—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) LIMITATION.—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

**SEC. 414. RECONCILIATION OF FUNDS.**

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111-68).

**Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs**

**SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$235,000,000 for fiscal year 2010, and \$58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$107,329,000 for fiscal year 2010, and \$27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking “6” and inserting “8”; and

(B) in paragraph (4)(C), by striking “fifth and sixth” and inserting “fifth through eighth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$124,500,000 for fiscal year 2010, and \$31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of the SAFETEA-LU (119 Stat. 1519) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$34,500,000 for fiscal year 2010, and \$8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking “fifth, sixth, seventh, and eighth” and inserting “fifth through tenth”; and

(B) in subsection (b)(2)(C), by striking “2008 and 2009” and inserting “2008, 2009, 2010, and 2011”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of the SAFETEA-LU (119 Stat. 1519) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$139,000,000 for fiscal year 2010, and \$34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and”; and

(2) by striking “2009.” and inserting “2009, \$4,078,000 for fiscal year 2010, and \$1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “2009” and inserting “2011”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$29,000,000 for fiscal year 2010, and \$7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of the SAFETEA-LU (23 U.S.C. 402 note) is amended by striking “and fourth” and inserting “fourth, fifth, and sixth”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of the SAFETEA-LU (23 U.S.C. 405 note) is amended by striking “fourth fiscal year” and inserting “fourth, fifth, and sixth fiscal years”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of the SAFETEA-LU (119 Stat. 1520) is amended—

(A) by striking “and”; and

(B) by striking “2009.” and inserting “2009, \$7,000,000 for fiscal year 2010, and \$1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(1) of the SAFETEA-LU (119 Stat. 1520) is amended—

(1) by striking “and” the last place it appears; and

(2) by striking “2009.” and inserting “2009, \$25,047,000 for fiscal year 2010, and \$6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA-LU (119 Stat. 1520) is amended by striking “2009” and inserting “2011”.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA-LU (23 U.S.C. 403 note) is amended by striking “2009” and inserting “2011”.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA-LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking “2009” and inserting “2011”; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking “2009” and inserting “2011”.

#### SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) \$209,000,000 for fiscal year 2010; and

“(7) \$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking “and”;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) “(F) \$239,828,000 for fiscal year 2010; and

“(G) “(G) \$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(c) GRANT PROGRAMS.—Section 4101(c) of the SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking “2009.” and inserting “2009, and \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(2) in paragraph (2), by striking “2009.” and inserting “2009, \$32,000,000 for fiscal year 2010, and \$8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(3) in paragraph (3), by striking “2009.” and inserting “2009, \$5,000,000 for fiscal year 2010, and \$1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(4) in paragraph (4), by striking “2009.” and inserting “2009, \$25,000,000 for fiscal year 2010, and \$6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(5) in paragraph (5), by striking “2009.” and inserting “2009, \$3,000,000 for fiscal year 2010, and \$756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended by striking “2009” in paragraph (2) and inserting “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning

on October 1, 2010, and ending on December 31, 2010”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting “(and up to \$7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)” after “fiscal year”.

(f) COMMERCIAL DRIVER’S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of the SAFETEA-LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$8,000,000 for fiscal year 2010; and

“(6) \$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(g) OUTREACH AND EDUCATION.—Section 4127(e) of the SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2009” and inserting “2009, and 2010, and \$252,000 to the Federal Motor Carrier Safety Administration, and \$756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of the SAFETEA-LU (119 Stat. 1744) is amended by striking “2009” and inserting “2009, 2010, and \$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of the SAFETEA-LU (119 Stat. 1748) is amended by striking “September 30, 2010” and inserting “December 31, 2010”.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of the SAFETEA-LU (49 U.S.C. 14710 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

#### SEC. 423. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of the SAFETEA-LU (119 Stat. 1910) is amended by striking “through 2009” and inserting “through 2010, and \$315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009,” and inserting “2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010.”; and

(2) in subsection (b)(1)(A), by striking “2010,” and inserting “and for the period beginning on October 1, 2010, and ending on December 31, 2010.”

#### Subtitle C—Public Transportation Programs

##### SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”

##### SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking “2009” and inserting “2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”;

(2) in subparagraph (A), by striking “2009,” and inserting “2010, and the period beginning October 1, 2010, and ending December 31, 2010.”; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking “AND 2009” and inserting “THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010”; and

(B) in the matter preceding clause (i), by striking “and 2009” and inserting “through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”

##### SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking “2009” and inserting “2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010”; and

(B) in the matter preceding subparagraph (A), by striking “2009” and inserting “2010, and during the period beginning October 1, 2010, and ending December 31, 2010.”; and

(C) in subparagraph (A)(i), by striking “2009” and inserting “2010, and \$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(2) in paragraph (6)—

(A) in subparagraph (B), by striking “2009” and inserting “2010, and \$3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(B) in subparagraph (C), by striking “2009” and inserting “2010, and \$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking “\$10,000,000” and all that follows through “2009” and inserting the following:

“(i) FISCAL YEARS 2006 THROUGH 2010.—\$10,000,000 shall be available in each of fiscal years 2006 through 2010”; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

“(ii) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—\$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).”;

(B) in subparagraph (B), by inserting after “2009,” the following:

“(v) \$13,500,000 for fiscal year 2010.

“(vi) \$3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by inserting “,” and during the period beginning October 1, 2010, and ending December 31, 2010,” after “fiscal year”;

(D) in subparagraph (D), by inserting “,” and not less than \$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”; and

(E) in subparagraph (E), by inserting “,” and \$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,” after “year”.

##### SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

“(E) \$15,000,000 for fiscal year 2010.

“(F) \$3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.”.

#### SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “2009” and inserting “2010”; and

(2) by adding at the end the following:

“(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).”.

#### SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) \$8,360,565,000 for fiscal year 2010; and

“(F) \$2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and \$113,500,000 for fiscal year 2009” and inserting “\$113,500,000 for each of fiscal years 2009 and 2010, and \$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(B) in subparagraph (B), by striking “and \$4,160,365,000 for fiscal year 2009” and inserting “\$4,160,365,000 for each of fiscal years 2009 and 2010, and \$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(C) in subparagraph (C), by striking “and \$51,500,000 for fiscal year 2009” and inserting “\$51,500,000 for each of fiscal years 2009 and 2010, and \$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010.”;

(D) in subparagraph (D), by striking “and \$1,666,500,000 for fiscal year 2009” and inserting “\$1,666,500,000 for each of fiscal years 2009 and 2010, and \$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(E) in subparagraph (E), by striking “and \$984,000,000 for fiscal year 2009” and inserting “\$984,000,000 for each of fiscal years 2009 and 2010, and \$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(F) in subparagraph (F), by striking “and \$133,500,000 for fiscal year 2009” and inserting “\$133,500,000 for each of fiscal years 2009 and 2010, and \$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(G) in subparagraph (G), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(H) in subparagraph (H), by striking “and \$164,500,000 for fiscal year 2009” and inserting “\$164,500,000 for each of fiscal years 2009 and 2010, and \$41,125,000 for the period beginning

October 1, 2010 and ending December 31, 2010.”;

(I) in subparagraph (I), by striking “and \$92,500,000 for fiscal year 2009” and inserting “\$92,500,000 for each of fiscal years 2009 and 2010, and \$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(J) in subparagraph (J), by striking “and \$26,900,000 for fiscal year 2009” and inserting “\$26,900,000 for each of fiscal years 2009 and 2010, and \$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(K) in subparagraph (K), by striking “and \$3,500,000 for fiscal year 2009” and inserting “\$3,500,000 for each of fiscal years 2009 and 2010, and \$875,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(L) in subparagraph (L), by striking “and \$25,000,000 for fiscal year 2009” and inserting “\$25,000,000 for each of fiscal years 2009 and 2010, and \$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”;

(M) in subparagraph (M), by striking “and \$465,000,000 for fiscal year 2009” and inserting “\$465,000,000 for each of fiscal years 2009 and 2010, and \$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010.”; and

(N) in subparagraph (N), by striking “and \$8,800,000 for fiscal year 2009” and inserting “\$8,800,000 for each of fiscal years 2009 and 2010, and \$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010.”.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$2,000,000,000 for fiscal year 2010; and

“(6) \$500,000,000 for the period of October 1, 2010 through December 31, 2010.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “and \$69,750,000 for fiscal year 2009” and inserting “\$69,750,000 for each of fiscal years 2009 and 2010, and \$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) by adding at the end the following:

“(3) ADDITIONAL AUTHORIZATIONS.—

“(A) IN GENERAL.—

“(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

“(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) UNIVERSITY CENTERS PROGRAM.—

“(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allo-

cate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

“(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

“(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) \$98,911,000 for fiscal year 2010; and

“(6) \$24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.”.

#### SEC. 437. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1572) is amended by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA-LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking “2009” and inserting “2010 and the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in subsection (d), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA-LU (49 U.S.C. 5310 note) is amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(d) OBLIGATION CEILING.—Section 3040 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(6) \$10,507,752,000 for fiscal year 2010, of which not more than \$8,360,565,000 shall be from the Mass Transit Account; and

“(7) \$2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than \$2,090,141,250 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of the SAFETEA-LU (Public Law 109-59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2009” and inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2009” and

inserting “2010, and for the period beginning October 1, 2010, and ending December 31, 2010.”.

(f) **ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.**—Section 3046 of the SAFETEA-LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting “or period” after “fiscal year”; and

(2) by adding at the end the following:

“(c) **ADDITIONAL APPROPRIATIONS.**—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

“(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

“(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).

“(d) **FUNDING.**—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.”.

#### **Subtitle D—Revenue Provisions**

#### **SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.**

(a) **IN GENERAL.**—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) **CONFORMING AMENDMENTS.**—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking “, and” at the end of subparagraph (A) and inserting a period; and

(2) by striking “1998” in the matter preceding subparagraph (A) and all that follows through “the opening balance” and inserting “1998, the opening balance”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this title.

#### **SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.**

(a) **IN GENERAL.**—Paragraph (2) of section 9503(f) is amended to read as follows:

“(2) **RESTORATION OF FOREGONE INTEREST.**—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

“(A) \$14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

“(B) \$4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 9503(e) is amended by striking “this subsection” and inserting “this section”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### **SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.**

(a) **IN GENERAL.**—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) **TREATMENT OF APPROPRIATED AMOUNTS.**—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### **SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.**

(a) **IN GENERAL.**—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 9502(a) is amended by striking “section 9503(c)(7)” and inserting “section 9503(c)(5)”.

(2) Section 9503(b)(4)(D) is amended by striking “paragraph (4)(D) or (5)(B)” and inserting “paragraph (3)(D) or (4)(B)”.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: “The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.”.

(4) Section 9503(e)(5)(A) is amended by striking “(2), (3), and (4)” and inserting “(2) and (3)”.

(5) Section 9504(a) is amended by striking “section 9503(c)(4), section 9503(c)(5)” and inserting “section 9503(c)(3), section 9503(c)(4)”.

(6) Section 9504(b)(2) is amended by striking “section 9503(c)(5)” and inserting “section 9503(c)(4)”.

(7) Section 9504(e) is amended by striking “section 9503(c)(4)” and inserting section “9503(c)(3)”.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

#### **SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.**

(a) **HIGHWAYS TRUST FUND.**—

(1) **HIGHWAY ACCOUNT.**—Paragraph (1) of section 9503(c) is amended—

(A) by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”;

(B) by striking “under” and all that follows and inserting “under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(2) **MASS TRANSIT ACCOUNT.**—Paragraph (3) of section 9503(e) is amended—

(A) by striking “October 1, 2009” and inserting “January 1, 2011”; and

(B) by striking “in accordance with” and all that follows and inserting “in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).”.

(3) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Subparagraph (B) of section 9503(b)(6) is amended by striking “September 30, 2009 (October 1, 2009)” and inserting “December 31, 2010 (January 1, 2011)”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—

(1) **IN GENERAL.**—Paragraph (2) of section 9504(b) is amended—

(A) by striking “(as in effect” in subparagraph (A) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010),”.

(B) by striking “(as in effect” in subparagraph (B) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and”.

(C) by striking “(as in effect” in subparagraph (C) and all that follows in such subparagraph and inserting “(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).”.

(2) **EXCEPTION TO LIMITATION ON TRANSFERS.**—Paragraph (2) of section 9504(d) is amended by striking “October 1, 2009” and inserting “January 1, 2011”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on September 30, 2009.

#### **SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.**

(a) **HIGHWAY CATEGORY.**—Section 8003(a) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, \$42,469,970,178.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$10,617,492,545.”.

(b) **MASS TRANSIT CATEGORY.**—Section 8003(b) of the SAFETEA-LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, \$10,338,065,000.

“(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, \$2,584,516,250.”.

(c) **TREATMENT OF FUNDS.**—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

#### **TITLE V—OFFSET PROVISIONS**

#### **Subtitle A—Foreign Account Tax Compliance**

#### **PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS**

#### **SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.**

(a) **IN GENERAL.**—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

#### **“CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS**

“Sec. 1471. Withholdable payments to foreign financial institutions.

“Sec. 1472. Withholdable payments to other foreign entities.

“Sec. 1473. Definitions.

“Sec. 1474. Special rules.

#### **“SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.**

“(a) **IN GENERAL.**—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) **REPORTING REQUIREMENTS, ETC.**—

“(1) **IN GENERAL.**—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the

Secretary under which such institution agrees—

“(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

“(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

“(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

“(D) to deduct and withhold a tax equal to 30 percent of—

“(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

“(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

“(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

“(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

“(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

“(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

“(2) FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

“(A) such institution—

“(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

“(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

“(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

“(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

“(A) the requirements of paragraph (1)(D) shall not apply,

“(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

“(C) the agreement described in paragraph (1) shall—

“(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

“(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

“(c) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

“(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

“(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

“(B) The account number.

“(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

“(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

“(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

“(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

“(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

“(i) such institution were a United States person, and

“(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

“(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

“(d) DEFINITIONS.—For purposes of this section—

“(1) UNITED STATES ACCOUNT.—

“(A) IN GENERAL.—The term ‘United States account’ means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

“(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

“(i) each holder of such account is a natural person, and

“(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed \$50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

“(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

“(i) such account is held by another financial institution which meets the requirements of subsection (b), or

“(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

“(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term ‘financial account’ means, with respect to any financial institution—

“(A) any depository account maintained by such financial institution,

“(B) any custodial account maintained by such financial institution, and

“(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

“(3) UNITED STATES OWNED FOREIGN ENTITY.—The term ‘United States owned foreign entity’ means any foreign entity which has one or more substantial United States owners.

“(4) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

“(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term ‘financial institution’ means any entity that—

“(A) accepts deposits in the ordinary course of a banking or similar business,

“(B) as a substantial portion of its business, holds financial assets for the account of others, or

“(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in

section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

“(6) RECALCITRANT ACCOUNT HOLDER.—The term ‘recalcitrant account holder’ means any account holder which—

“(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

“(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

“(7) PASSTHRU PAYMENT.—The term ‘passthru payment’ means any withholdable payment or other payment to the extent attributable to a withholdable payment.

“(e) AFFILIATED GROUPS.—

“(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

“(A) with respect to United States accounts maintained by the foreign financial institution, and

“(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

“(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

“(A) by substituting ‘more than 50 percent’ for ‘at least 80 percent’ each place it appears, and

“(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

“(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

“(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(2) any international organization or any wholly owned agency or instrumentality thereof,

“(3) any foreign central bank of issue, or

“(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

#### “SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

“(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

“(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

“(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

“(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

“(1) such beneficial owner or the payee provides the withholding agent with either—

“(A) a certification that such beneficial owner does not have any substantial United States owners, or

“(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

“(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

“(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

“(c) EXCEPTIONS.—Subsection (a) shall not apply to—

“(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

“(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

“(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(E) any international organization or any wholly owned agency or instrumentality thereof,

“(F) any foreign central bank of issue, or

“(G) any other class of persons identified by the Secretary for purposes of this subsection, and

“(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

“(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term ‘non-financial foreign entity’ means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

#### “SEC. 1473. DEFINITIONS.

“For purposes of this chapter—

“(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

“(A) IN GENERAL.—The term ‘withholdable payment’ means—

“(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

“(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

“(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

“(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

“(2) SUBSTANTIAL UNITED STATES OWNER.—

“(A) IN GENERAL.—The term ‘substantial United States owner’ means—

“(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent

of the stock of such corporation (by vote or value),

“(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

“(iii) in the case of a trust—

“(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

“(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

“(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting ‘0 percent’ for ‘10 percent’.

“(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term ‘specified United States person’ means any United States person other than—

“(A) any corporation the stock of which is regularly traded on an established securities market,

“(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

“(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

“(D) the United States or any wholly owned agency or instrumentality thereof,

“(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

“(F) any bank (as defined in section 581),

“(G) any real estate investment trust (as defined in section 856),

“(H) any regulated investment company (as defined in section 851),

“(I) any common trust fund (as defined in section 584(a)), and

“(J) any trust which—

“(i) is exempt from tax under section 664(c), or

“(ii) is described in section 4947(a)(1).

“(4) WITHHOLDING AGENT.—The term ‘withholding agent’ means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

“(5) FOREIGN ENTITY.—The term ‘foreign entity’ means any entity which is not a United States person.

#### “SEC. 1474. SPECIAL RULES.

“(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

“(b) CREDITS AND REFUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.



“(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

“(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

“(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

“(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

“(II) no interest shall be allowed or paid with respect to such credit or refund, and

“(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

“(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term ‘specified financial institution payment’ means any payment if the beneficial owner of such payment is a foreign financial institution.

“(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

“(c) CONFIDENTIALITY OF INFORMATION.—

“(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

“(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

“(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

“(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.”.

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

“(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting ‘180 days’ for ‘45 days’ each place it appears.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting “or 4” after “chapter 3”.

(2) Paragraph (1) of section 6501(b) is amended by inserting “4,” after “chapter 3,”.

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting “4,” after “chapter 3,” in the text thereof, and

(B) by striking “TAXES AND TAX IMPOSED BY CHAPTER 3” in the heading thereof and inserting “AND WITHHOLDING TAXES”.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting “or 4” after “chapter 3”, and

(B) by inserting “or 1474(b)” after “section 1462”.

(5) Subsection (c) of section 6513 is amended by inserting “4,” after “chapter 3,”.

(6) Paragraph (1) of section 6724(d) is amended by inserting “under chapter 4 or” after “filed with the Secretary” in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting “or 4” after “chapter 3”.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment’s application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment’s application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment’s application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

#### SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting “or” at the end of subparagraph (A), by striking “, or” at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting “or” at the end of clause (ii), by striking “, or” at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking “, and subparagraph (B),” in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

“(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and”.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking “except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply”.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking “subparagraph (A) or (B) of”.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

“(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term ‘portfolio interest’ means any interest (including original issue discount) which—

“(A) would be subject to tax under subsection (a) but for this subsection, and

“(B) is paid on an obligation—

“(i) which is in registered form, and

“(ii) with respect to which—

“(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

“(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.”.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting “, except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section” before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding “or” at the end of subparagraph (A),

(B) by striking “; or” at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).



(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

“(1) REGISTRATION-REQUIRED OBLIGATION.—

“(A) IN GENERAL.—The term ‘registration-required obligation’ has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

“(i) is required to be registered under section 149(a), or

“(ii) is described in subparagraph (B).

“(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

“(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

“(ii) interest on such obligation is payable only outside the United States and its possessions, and

“(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

## PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

### SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

#### “SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

“(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person’s return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds \$50,000 (or such higher dollar amount as the Secretary may prescribe).

“(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term ‘specified foreign financial asset’ means—

“(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

“(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

“(A) any stock or security issued by a person other than a United States person,

“(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

“(C) any interest in a foreign entity (as defined in section 1473).

“(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

“(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

“(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

“(3) In the case of any other instrument, contract, or interest—

“(A) such information as is necessary to identify such instrument, contract, or interest, and

“(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

“(4) The maximum value of the asset during the taxable year.

“(d) PENALTY FOR FAILURE TO DISCLOSE.—

“(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of \$10,000.

“(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of \$10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed \$50,000.

“(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

“(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

“(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of \$50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

“(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

“(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

“(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

“(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

“(2) nonresident aliens, and

“(3) bona fide residents of any possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

“Sec. 6038D. Information with respect to foreign financial assets.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

“(7) Any undisclosed foreign financial asset understatement.”, and

(2) by adding at the end the following new subsection:

“(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘undisclosed foreign financial asset understatement’ means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

“(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term ‘undisclosed foreign financial asset’ means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

“(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to an undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting ‘40 percent’ for ‘20 percent’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

“(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includible therein and—

“(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

“(ii) such amount—

“(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

“(II) is in excess of \$5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.”.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

“(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—”.

(B) Paragraph (2) of section 6229(c) is amended by striking “which is in excess of 25 percent of the amount of gross income stated in its return” and inserting “and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)”.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting “pursuant to an election under section 1295(b) or” before “under section 6038”;

(2) by inserting “1298(f),” before “6038”, and

(3) by inserting “6038D,” after “6038B.”.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking “event” and inserting “tax return, event.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

### PART III—OTHER DISCLOSURE PROVISIONS

#### SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.”.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking “, (d), and (f)” and inserting “and (d)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

#### SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).”.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting “or with respect to a return described in section 6011(e)(4)” before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

### PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

#### SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

“For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person's interest in the trust is contingent on a future event.”.

(b) CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

“(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

“(B) none of those persons are United States persons during the taxable year.”.

(c) CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

“(5) CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.”.

#### SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

“(d) PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

“(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

“(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

#### SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.

(a) IN GENERAL.—Paragraph (1) of section 643(i) is amended—

(1) by striking “directly or indirectly” and inserting “(or permits the use of any other trust property) directly or indirectly to or by”, and

(2) by inserting “(or the fair market value of the use of such property)” after “the amount of such loan”.

(b) EXCEPTION FOR COMPENSATED USE.—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR COMPENSATED USE OF PROPERTY.—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.”.

(c) APPLICATION TO GRANTOR TRUSTS.—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

“(6) UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.”.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting “(or use of property)” after “If any loan”,

(2) by inserting “or the return of such property” before “shall be disregarded”, and

(3) by striking “REGARDING LOAN PRINCIPAL” in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

#### SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting “shall submit such information as the Secretary may prescribe with respect to such trust for such year and” before “shall be responsible to ensure”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting “the greater of \$10,000 or” before “35 percent”, and

(2) by striking the last sentence and inserting the following: “At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

### PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

#### SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (1) as subsection

(m) and by inserting after subsection (k) the following new subsection:

**“(1) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—**

**“(1) IN GENERAL.—**For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

**“(2) DIVIDEND EQUIVALENT.—**For purposes of this subsection, the term ‘dividend equivalent’ means—

**“(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,**

**“(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and**

**“(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).**

**“(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—**For purposes of this subsection, the term ‘specified notional principal contract’ means—

**“(A) any notional principal contract if—**

**“(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,**

**“(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,**

**“(iii) the underlying security is not readily tradable on an established securities market,**

**“(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or**

**“(v) such contract is identified by the Secretary as a specified notional principal contract,**

**“(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.**

**“(4) DEFINITIONS.—**For purposes of paragraph (3)(A)—

**“(A) LONG PARTY.—**The term ‘long party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

**“(B) SHORT PARTY.—**The term ‘short party’ means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

**“(C) UNDERLYING SECURITY.—**The term ‘underlying security’ means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

**“(5) PAYMENTS DETERMINED ON GROSS BASIS.—**For purposes of this subsection, the

term ‘payment’ includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

**“(6) PREVENTION OF OVER-WITHHOLDING.—**In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

**“(7) COORDINATION WITH CHAPTERS 3 AND 4.—**For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.”.

**(b) EFFECTIVE DATE.—**The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

**Subtitle B—Delay in Application of Worldwide Allocation of Interest**

**SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.**

**(a) IN GENERAL.—**Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking “December 31, 2017” and inserting “December 31, 2019”.

**(b) EFFECTIVE DATE.—**The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3311.** Mr. REID proposed an amendment to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

**SA 3312.** Mr. REID proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, insert the following:

The Committee on Appropriations is requested to study the impact of any delay in implementing the provisions of the Act on job creation on a regional and national level.

**SA 3313.** Mr. REID proposed an amendment to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

“and includes statistics of specific service related positions created.

**SA 3314.** Mr. REID proposed an amendment to amendment SA 3313 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and

Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end, add the following:

“and the impact on the local economy.”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 11, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on February 11, 2010, at 2:15 p.m., in S-120 of the Capitol, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 11, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, we have a number of nominations that have been cleared. I appreciate the cooperation of the Republicans in this regard. I have said enough on this subject. I am glad we are able to get this many done.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 531, 580, 602, 615, 622, 623, 627, 631, 642, 645, 646, 650, 651, 658, 659, 660, 662, 666, 686, 687, 689, 690, 691, 692, 693, 694, and 695; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

**UNITED STATES SENTENCING COMMISSION**

Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2013.

## DEPARTMENT OF JUSTICE

Susan B. Carbon, of New Hampshire, to be Director of the Violence Against Women Office, Department of Justice.

## DEPARTMENT OF STATE

Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

## DEPARTMENT OF HOMELAND SECURITY

Caryn A. Wagner, of Virginia, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security.

## DEPARTMENT OF LABOR

Sara Manzano-Diaz, of Pennsylvania, to be Director of the Women's Bureau, Department of Labor.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Patrick Alfred Corvington, of Maryland, to be Chief Executive Officer of the Corporation for National and Community Service.

## DEPARTMENT OF VETERANS AFFAIRS

Robert A. Petzel, of Minnesota, to be Under Secretary for Health of the Department of Veterans Affairs.

## DEPARTMENT OF COMMERCE

Nicole Yvette Lamb-Hale, of Michigan, to be an Assistant Secretary of Commerce.

## DEPARTMENT OF THE TREASURY

Marisa Lago, of New York, to be an Assistant Secretary of the Treasury.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ellen Gloninger Murray, of Virginia, to be an Assistant Secretary of Health and Human Services.

Bryan Hayes Samuels, of Illinois, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

## DEPARTMENT OF THE TREASURY

Charles Collins, of Maryland, to be a Deputy Under Secretary of the Treasury.

Mary John Miller, of Maryland, to be an Assistant Secretary of the Treasury.

## DEPARTMENT OF JUSTICE

André Birotte, Jr., of California, to be United States Attorney for the Central District of California for the term of four years.

Richard S. Hartunian, of New York, to be United States Attorney for the Northern District of New York for the term of four years.

Ronald C. Machen, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

## DEPARTMENT OF DEFENSE

Mary Sally Matiella, of Arizona, to be an Assistant Secretary of the Army.

Douglas B. Wilson, of Arizona, to be an Assistant Secretary of Defense.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Irvin M. Mayfield, Jr., of Louisiana, to be a Member of the National Council on the Arts for a term expiring September 3, 2014.

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Cynthia L. Attwood, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2013.

## SECURITIES INVESTOR PROTECTION CORPORATION

Sharon Y. Bowen, of New York, to be a Director of the Securities Investor Protection

Corporation for a term expiring December 31, 2012.

Orlan Johnson, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association.

## DEPARTMENT OF COMMERCE

David W. Mills, of Virginia, to be an Assistant Secretary of Commerce.

Suresh Kumar, of New Jersey, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Kevin Wolf, of Virginia, to be an Assistant Secretary of Commerce.

## NOMINATION OF CARYN WAGNER

Mrs. FEINSTEIN. Mr. President, I support the nomination of Ms. Caryn Wagner to be Under Secretary of Intelligence and Analysis at the Department of Homeland Security, DHS, and urge my colleagues to confirm her. The Intelligence Committee unanimously approved the nomination by voice vote on December 10, 2009.

The Under Secretary of Intelligence and Analysis leads the Office of Intelligence and Analysis at the Department of Homeland Security, which is among the youngest elements of the U.S. intelligence community. The main responsibilities of the Office are to ensure that information related to homeland security threats is (1) collected, analyzed, and disseminated to homeland security customers in the Department, at the State, local, and tribal levels; (2) shared as appropriate with private sector entities; and (3) provided to other intelligence community agencies. The Under Secretary of the Office leads these efforts, provides homeland security intelligence and advice to the Secretary and other senior officials in the Department of Homeland Security, and serves as the Department's senior interagency intelligence representative.

The cases of Najibullah Zazi in New York and David Headley in Chicago, both U.S. persons allegedly involved in plotting terrorist acts and having ties to noted terrorist groups overseas, show the threat of violent Islamist radicalization occurring in this country is real. The Department of Homeland Security was created in 2002 to focus on the threat of terrorist activity in the United States, a mission that is vitally dependent on good, accurate, actionable intelligence.

Nonetheless, the Office of Intelligence and Analysis has experienced numerous problems in its short tenure and members of the Intelligence Committee and the Homeland Security Committee have frequently raised concerns. Of particular note have been the Office's ill-defined planning, program-

ming and budget processes; a gross overreliance on contractors to the point that 63 percent of the workforce was contractor personnel as of this summer; and a lack of a strategic plan. On a number of occasions the Office has produced and disseminated finished intelligence that has been based on noncredible open source materials or focused intelligence resources on the first amendment protected activities of American citizens.

Clearly, the Office is in need of strong leadership from an Under Secretary with an extensive background in management and intelligence.

The Intelligence Committee is confident that Ms. Wagner is such a person and is up to the challenge of setting the DHS Office of Intelligence and Analysis on a proper course. If confirmed, among her first tasks will be to review a draft plan to restructure and refine the Office's mission, which will be a good first indication of how Ms. Wagner will manage the organization.

Ms. Wagner's distinguished career in public and private service prepares her well for this position. Ms. Wagner is currently an instructor in intelligence resource management for the Intelligence and Security Academy, LLC.

She retired from the House Permanent Select Committee on Intelligence on October 1, 2008, where she served as budget director and cybersecurity coordinator. Prior to that, Ms. Wagner served in the Office of the Director of National Intelligence as an Assistant Deputy Director of National Intelligence for Management and the first chief financial officer for the National Intelligence Program. She assumed this position after serving as the executive director for Intelligence Community Affairs.

Ms. Wagner has also previously served as the senior Defense Intelligence Agency Representative to the U.S. European Command and North Atlantic Treaty Organization as well as the Deputy Director for Analysis and Production at DIA. She was also formerly the staff director of the Subcommittee on Technical and Tactical Intelligence at the House Permanent Select Committee on Intelligence and a signals intelligence and electronic warfare officer in the U.S. Army.

President Obama nominated Ms. Wagner on October 23, 2009. After completing the prehearing procedures, the Intelligence Committee held a confirmation hearing on the nomination on December 1, 2009. As part of the confirmation process, Ms. Wagner was asked to complete a committee questionnaire, prehearing questions, and posthearing questions for the record. The answers she provided have all been posted to the Intelligence Committee's Web site. The Senate Homeland Security and Government Affairs Committee also held a hearing on Ms. Wagner's nomination on December 3, 2009.

In sum, I am confident that Caryn Wagner will be an asset to the Department of Homeland Security and to the intelligence community. I look forward to working with her and I urge the Senate to approve Ms. Wagner's nomination.

NOMINATION OF ANDRÉ BIROTTE, JR.

Mr. President, nominations in this Chamber are moving at a snail's pace.

Last week, it took us three votes—spanning 3 days—to move only two nominations.

Last Thursday, we had a cloture vote on Martha Johnson, the nominee to lead the General Services Administration. The Homeland Security and Governmental Affairs Committee reported her to the floor unanimously last June, but since then her nomination has been blocked on the floor for 7 months. Seven months of a hold. And then once cloture was invoked, 94 Members of this body voted to confirm her.

Unfortunately, the minority's blocking of noncontroversial nominees is becoming the rule rather than the exception.

Last Tuesday, I spoke about two nominees for posts in the intelligence community—Caryn Wagner to be the Under Secretary of Intelligence and Analysis at the Department of Homeland Security, DHS, and of Ambassador Phil Goldberg to be the Assistant Secretary for Intelligence and Research at the Department of State.

Neither nomination is controversial. Both were reported out of the Senate Intelligence Committee by voice vote. And both of these posts are critical to efforts to protect the security of our Nation.

Yet both nominations are still blocked on the floor.

Today, I rise to speak on yet another noncontroversial nomination that members of the minority are blocking.

André Birotte, Jr., is the nominee to be the U.S. attorney for the Central District of Los Angeles. He was reported out of the Judiciary Committee by voice vote.

He is highly qualified, and he is not controversial.

Mr. Birotte is a former Federal prosecutor in the office who currently serves as the inspector general for the Los Angeles Police Commission. In this role, he has the often unenviable job of determining whether disciplinary action is necessary against law enforcement officials who have been accused of official misconduct. His position requires him to review the facts and follow where they lead—even in highly sensitive situations.

In this tough role, Mr. Birotte has stood out for integrity and evenhandedness. He has earned the overwhelming respect and support of both law enforcement officers and the civil rights community.

Mr. Birotte is tough. He is independent. He has management experi-

ence. He has prosecution experience. And I believe he will make an excellent U.S. attorney.

He will also be the first African-American U.S. attorney in the central district. It is my hope that his historic appointment as the lead Federal law enforcement official in Los Angeles will be one more step forward for a city that has known both great progress and, at times, acute disappointment in race relations.

For all of these reasons, I would like to see him confirmed as soon as possible.

This nomination is not just important to me because of the strength of the nominee, however. I also believe it is essential that we get this Office's leader into place.

The U.S. Attorney's Office in the Central District of California is the second largest in the country. Only the Office in the District of Columbia is larger, and that is because it has unusual responsibility for both local and Federal crimes.

The central district office employs more than 250 Federal prosecutors. They bear responsibility for prosecuting violations of Federal law across seven counties—Los Angeles County, Orange County, Riverside County, San Bernardino County, San Luis Obispo County, Santa Barbara County, and Ventura County—that span more than 40,000 square miles. The district includes Los Angeles and 34 other cities, with a combined population of more than 18 million.

It is a huge operation.

As in all of the U.S. attorneys' offices, the prosecutors in the Central District of California are busy.

In the past year alone, the U.S. Attorney's Office has brought in over \$150 million in judgments, won significant convictions against leaders of gangs and fraudulent enterprises, and placed people behind bars for crimes committed around the world.

Let me give you a few examples, all from 2009 and 2010:

Central District prosecutors secured a \$46 million restitution order in a case against a former real estate appraiser who committed massive mortgage fraud.

They put the leader of a \$64 million Ponzi scheme behind bars for 300 months and won a \$44 million restitution order against him.

They indicted 88 members and associates of a street gang called the Avenues on various charges, including the 2008 murder of a Los Angeles deputy sheriff; they indicted 24 people on gang-related drug trafficking in an investigation known as Operation Knockout; they took down an international sex trafficking ring that was forcing Guatemalan girls into prostitution in Los Angeles; they put a foreign national behind bars for 78 months for participating in the transport of over

9,000 illegal aliens to and from Los Angeles; and they obtained a conviction and 16-year prison sentence against the founder of a domestic terrorist group that was planning attacks on U.S. military operations.

All of those prosecutions have occurred in the last 13 months alone.

André Birotte is a highly qualified individual who has been nominated not to lead an office embroiled in the politics of Washington, but instead that bears responsibility for investigating, prosecuting, deterring, and preventing Federal crimes against Americans and their families.

I do not believe the leadership of this office should get caught up in an unrelated dispute. If someone objects to Mr. Birotte, I hope they will come forward. Otherwise, I hope that we can move forward quickly to confirm this nominee.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

#### CALLING FOR A RENEWED FOCUS ON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN'S VIOLATIONS OF HUMAN RIGHTS

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 415.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 415) calling for a renewed focus on the Government of the Islamic Republic of Iran's violations of internationally-recognized human rights as found in the Universal Declaration of Human Rights.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, today I rise to express support for the people whose voices have been silenced by the Government of Iran. For 8 months, violence has been waged against peaceful protesters. Free speech, free expression, and a free press have been suppressed, and access to information and news has been limited through the jamming of international broadcasting and restrictions on the Internet.

According to a joint statement released by the United States and the EU on Monday, since the flawed Iranian election in June, there have been large scale detentions and mass trials of peaceful demonstrators; threatened executions of protestors; intimidation of family members of those detained; and the continued denial of peaceful expression, contrary to universal norms of human rights.

This statement was issued in advance of today's protests in Iran marking the

31st anniversary of the Islamic revolution, in anticipation of widespread violence and additional arrests which are occurring as we speak. These and other events in Iran represent blatant violations of international standards for human rights. This is why I have come to the floor today—to condemn the repression of the Iranian people, and to call on the government of Iran to bring its unconscionable behavior to an end.

On December 23, the Senate unanimously passed a resolution condemning the government of Iran for ongoing human rights abuses and for suppressing freedom of speech, assembly, expression, and the press. This resolution, which I introduced along with Senators LIEBERMAN, MCCAIN, and others, reiterated the concerns that we also conveyed in the Victims of Iranian Censorship, or VOICE Act, which authorized funding for the development of technology to circumvent online censorship in Iran.

Despite these and other international expressions of solidarity with the Iranian people, the government of Iran has become even more brutal in recent weeks. In a statement released on January 24, Human Rights Watch called the situation in Iran a “human rights disaster.” Protestors are not the only group which has been targeted. The Iranian authorities have also launched an aggressive campaign against the press.

On Monday, Iranian state media reported the arrest of seven individuals charged with espionage for alleged ties to the U.S.-funded Farsi-language radio station, Radio Farda. These allegations and arrests coincide with a large-scale crackdown on independent media that has intensified in the past week. In the lead-up to today’s demonstrations, Radio Farda broadcasts have been jammed, and there have been widespread service disruptions to the Internet and text message services. These and other government efforts have impeded the free flow of information, news, and basic means of communication.

This is why I will join Senator CASEY and others in introducing another resolution denouncing the atmosphere of impunity in Iran for those who employ intimidation, harassment, or violence to restrict basic freedoms of speech, expression, assembly, and the press. I am also proud to co-sponsor legislation introduced today by Senators MCCAIN, LIEBERMAN, CASEY, BAYH, DURBIN, GILLIBRAND, KYL, COLLINS, GRAHAM, and BROWNBACK which gives the President the ability to impose—at his discretion—sanctions against those Iranians who have committed human rights abuses or acts of violence against civilians engaged in peaceful political activity.

Unfortunately, the grave and deteriorating human rights situation is not the only concern of the international

community with regard to Iran. In a speech earlier today, the Iranian president declared Iran a “nuclear state” due to its ongoing enrichment program. The UN has spoken in one voice—on three separate occasions—repudiating Iran’s ongoing enrichment of nuclear material in violation of its international obligations.

As the United Nations considers a fourth round of sanctions against Iran, the United States has imposed a new round of unilateral sanctions. Just yesterday, Treasury announced sanctions targeting the Islamic Revolutionary Guard Corps, or IRGC, for its involvement in spearheading Iran’s nuclear and missile programs. As the IRGC continues to consolidate control over the Iranian economy, including the telecommunications sector, it is crucial to ensure that the Government of Iran is held to account for its ongoing violations of international law and activities which have made it a growing threat to global security.

The people taking to the streets in Iran are some of the most courageous in the world, and Congress will continue to reiterate its support for their right to have their voices heard. We will not sit idly by as the Government of Iran continues to deny its people essential freedoms and human rights, and we will put the Iranian Government—or any government which aims to silence its people—on notice that its behavior is unacceptable to the United States.

As President Obama stated in his Nobel Peace Prize acceptance speech:

We will bear witness to the quiet dignity of reformers . . . to the hundreds of thousands who have marched silently through the streets of Iran. It is telling that the leaders of these governments fear the aspirations of their own people more than the power of any other nation. And it is the responsibility of all free people and free nations to make clear to these movements that hope and history are on their side.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first, I thank my friend, the Senator from Delaware, for his strong statement. I thank him for his support of freedom and democracy in Iran. I thank him for his longtime advocacy of human rights. I and others are pleased to have the opportunity to work with him in a common cause of human rights and democracy. I thank the Senator from Delaware.

Mr. KAUFMAN. I thank the Senator.

Mr. MCCAIN. Mr. President, I ask unanimous consent to have a colloquy with the Senator from Connecticut, Mr. LIEBERMAN, and I am aware of the time constraints of being in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, today is the 31st anniversary of the Islamic Re-

public. Unfortunately, it is a record that many would rather forget—31 years of economic potential lost, stolen by a corrupt elite. We know what has gone on over the last 31 years.

Right now, as we speak, if anyone watching wants to turn on cable news, turn on FOX News, they will see videos coming out of Tehran of innocent people, young and old, being beaten and tortured and taken away to prison where unspeakable things are done to them as the people of Iran are standing up and demonstrating, again, their commitment, their courage, their sacrifice on behalf of a free and open democracy and society. We are watching as Iranian men and women, many not more than young boys and girls, are rounded up in their homes and dormitories, hauled away unlawfully to face torture and other abuses in the darkest corners of the country where the eyes of the international community struggle to see. These are unacceptable, unspeakable crimes that are being committed on the Iranian people, and we and the world must stand up against it. I appreciate being part of an effort, along with my friend from Connecticut—both sides, a bipartisan effort—to take action on the part of these people in Iran. Turn on FOX News, I say to my friends. They will see the videos coming out of Tehran of the brutality that is being inflicted on innocent Iranians who are trying to just have the God-given right to freedom and democracy.

I thank my friend from Connecticut. This resolution we are submitting today has two parts. It would require the President to compile a public list of individuals in Iran who, starting with the Presidential election last June, are complicit in human rights violations against Iranian citizens and their families. No matter where in the world these abuses occur, I want to stress this will be a public list. You will know their names. You will know their faces. You will know what they have done. And we will make them famous. They are war criminals, and they should be taken to The Hague for trial. The bill would then ban these Iranian individuals from receiving U.S. visas and impose on them the full battery of sanctions under the International Emergency Economic Powers Act. That means freezing any assets and blocking any property they hold under U.S. jurisdiction, et cetera.

This Nation has always stood for the human rights of people throughout the world. We stood up for the people behind the Iron Curtain. We provided Lech Walesa with a printing press. Now we need to help the Iranian people with the means to use the Internet to communicate, to resist.

I hear back and forth that the Iranian people are without a leader. They have leaders. They have thousands and thousands of leaders who are in the



streets right now demonstrating for freedom and putting their very lives at risk.

I thank my colleague from Connecticut and ask him if he has additional comments on this disturbing reality that is unfolding before our eyes as we stand on the floor of the Senate.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona, Mr. MCCAIN, first for his leadership on this issue, which is consistent with a lifetime of support for America's freedom agenda, for the principles that are enshrined in our Declaration of Independence and that have always been at the center of our foreign policy when it has been at its best.

This is a day of history. It is a day of history on the streets of Tehran and other cities in Iran on this 31st anniversary of the Iranian revolution.

I heard a report today. It encapsulates what has happened to that revolution. Today, apparently, the granddaughter of Ayatollah Khamenei was arrested as a street protester. When they realized who she was, they immediately let her go.

Mr. MCCAIN. Will the Senator yield? I also heard that the wife of one of the opposition leaders was beaten in the streets today. Did the Senator hear that?

Mr. LIEBERMAN. Mr. President, I say to my friend, I did. That is the wife of the former Prime Minister, I believe, Mr. Mousavi. His wife was beaten on the streets of Tehran today.

This is a day of history in Tehran, and I hope we can make it a day of history in the U.S. Congress because if this legislation which Senator MCCAIN and I and a bipartisan group of other Senators introduce is adopted, it will be the first time we impose economic sanctions on Iranian leaders for the human rights abuses of their own people.

We have come full circle. We have obviously been concerned about Iran's sponsorship of terrorism. It is still the No. 1 state sponsor of terrorism in the world, according to the State Department. Second, its nuclear weapons program menaces its neighbors in the world. But as so often happens with countries that threaten their neighbors in the world, that have no regard for human life, ultimately we come back to their core. And the core of the Iranian regime is rotten. It is rotten because it treats its own people not just with disrespect but with brutality. As my friend from Arizona has said, look at the television. Look at YouTube. Read the Internet, the text messages about what is happening on the streets of Iran as we speak today: remarkable demonstrations of courage by the people coming out to protest, to simply ask for their freedom, and unbelievable brutality against them for doing nothing more than asking for their universal human rights.

Mr. MCCAIN. Mr. President, I ask my friend, I believe that last year an attempt was made to establish some kind of relationship and dialog with the Iranian Government—in other words, to have an unclenched fist. Will my friend comment on what success that has been?

Mr. LIEBERMAN. Yes, indeed. I thank the Senator from Arizona. President Obama adopted the policy of reaching out to the Iranian regime. Personally, I thought he did the right thing. What he got in return for his outstretched hand was a clenched fist.

I think the only thing constructive that has come out of this attempt to engage the Iranians, to begin a new chapter, to give them a peaceful way to avoid conflict with the rest of the world, the only constructive result of it is that we see that the problem in the relations between the United States and Iran is not the United States, it is the oppressive, extremist regime in Tehran.

I think it is clear that President Obama has not only been disappointed but grows impatient and, I will say from what I perceive, angered by what has happened. That explains the increasing move, including just in the last day or two, of the imposition of new sanctions on companies related to the Iranian Revolutionary Guard Corps and individuals. This regime will not stop its nuclear weapons program, in my opinion, will not stop its support of terrorist killers, will not stop suppressing the human rights of its people unless it feels pain, unless it feels that perhaps its regime is in jeopardy. We can only do that now with tough sanctions, such as those that are proposed in the legislation we introduce today.

Mr. MCCAIN. Mr. President, I say to my friend from Connecticut, isn't it also true that there are certain elements who say: Don't do these things—the sanctions and actions we are trying to take—you only hurt the Iranian people. Isn't it true that the demonstrators in the streets of Tehran were chanting: Obama, Obama, are you with us or are you with them?

What would be the effect on the Iranian people if we impose these sanctions?

Mr. LIEBERMAN. The Senator from Arizona is very clear that these sanctions directed against the thugs in the Iranian Government who brutally suppress the rights of their own people will be very popular with the people of Iran. In my opinion, the economic sanctions that would be imposed in the legislation that passed the Senate unanimously about 10 days ago—those sanctions are tough, but if we have any hope of achieving an end to the Iranian nuclear weapons program through diplomacy, it has to be coupled with tough economic sanctions or else we will be left with no alternative but military action.

There is a difference between the regime in Iran and the people of Iran. The people of Iran want a change in the regime, it is clear. There is nothing inherently at odds between the American people and the people of Iran. As a matter of fact, we have all sorts of histories and values and goals in common. The problem is the extremist, brutal, aggressive regime in Tehran, and the sooner it goes, the better.

I hope the people of Iran hear this legislation we are introducing today, under the leadership of Senator MCCAIN, as an expression of unanimity across party lines and ideological lines on behalf of the people of America that we stand with the people of Iran against the Government of Iran as it attempts to suppress the people.

Mr. MCCAIN. Finally, I would like to ask my friend, we were together in Munich over the weekend. The Foreign Minister of Iran came and spoke. I wish everyone in the world could have seen that performance—one, a complete denial that they are on the path to acquisition of nuclear weapons, and, perhaps as important, a denial that any human rights abuses were taking place anywhere in that country. It was a remarkable display of hypocrisy and outright lying.

Mr. LIEBERMAN. Mr. President, I was with Senator MCCAIN. It was such a baldfaced lie because we see Mr. Motaki get up and say Iran is the most democratic regime in the entire Middle East region and beyond and says, with regard to our complaints and the Europeans' complaints about the suppression of the rights of the Iranian people, the execution of political demonstrators, the jailing of thousands of peaceful political protesters, that is the law and if they violated the criminal law, they would be punished for it. When somebody is so detached from the truth as we know it from what we see with our own eyes, it is hard to trust them otherwise.

I wish to add a word. If we adopt this proposal, as I believe we can and will when the general Iranian sanctions bill comes back from conference, we will have taken a significant first step in the direction of penalties on the Iranian regime for human rights abuses of its own people.

I want to use this, and I ask my friend if he agrees that the impact of this legislation would be magnified many times over if our allied governments around the world, particularly in Europe, which has a tradition of support for human rights, also joined us in adopting laws that impose targeted sanctions against human rights abusers in Iran? It does not require previous U.N. Security Council action. There is nothing stopping our Congress or the EU from imposing targeted human rights sanctions as quickly as possible. I ask my friend if that would not make the power of what we hope to do in



Congress many times more effective against the tyrants in Tehran.

Mr. MCCAIN. I know we are running out of time, but I want to say to my friend that history does repeat itself. There was a time during the Cold War when Ronald Reagan spoke out and mentioned Natan Sharansky's name and he was beaten for it. People said he shouldn't have done that, but Ronald Reagan said: Take down this wall. People said that was provocative toward the Soviet Union. You know what Natan Sharansky said, after he was released from the prison? He said: Those words reverberated throughout the gulag and gave hope for democracy and freedom, and made them even more steadfast and encouraged them in the face of the brutality they underwent in the Soviet gulag.

That is the same message we are sending to the Iranian people with this legislation. I hope we will enact it soon. We will not slack nor will we give up until the Iranian people have their God-given rights restored to them.

Mr. President, I yield the remainder of my time.

Mr. LIEBERMAN. Mr. President, over the past several months, the Iranian government has carried out an unprecedented campaign of repression and violence against the Iranian people. Its targets have spanned everyone from religious clerics to women's rights advocates, as well as bloggers, students, photographers, children's advocates, human rights activists, journalists, and members of the political opposition. In fact, according to Reporters Without Borders, Iran now has more journalists in prison than any other country in the world.

The targets of the Iranian regime's crackdown have suffered numerous and varied human rights abuses. Some have been dragged out of their homes and away from their families in the middle of the night, disappearing without charge and without process of law. Others have been beaten and tortured while in government custody, and in some cases, sexually abused. Still others have been prosecuted in mass trials by revolutionary courts and punished with draconian prison sentences, for no reason other than their political beliefs. And some have been executed. Human Rights Watch has rightly condemned Iran's crackdown "a human rights disaster."

These abuses are ongoing. Just in the last few hours, despite the efforts of the Iranian government to control the flow of information from their country, videos have gone up on YouTube showing peaceful protesters on the streets of Iranian cities being violently broken up, and individual Iranian citizens brutally beaten, by members of the Iranian security forces.

These human rights abuses are a clear violation of multiple international agreements signed by the Ira-

nian government, such as the International Covenant on Civil and Political Rights.

To be clear, this isn't about the outside world dictating our values to Iran. This is about the failure of Iran's own leaders to live up to the international human rights obligations that they themselves voluntarily committed to, both through the international agreements they have signed and through their own constitution. All we are asking of Iran's leaders is that they respect their own laws. Unfortunately, it is increasingly clear that Iran's government does not respect its obligations—whether with regard to human rights record or its nuclear activities.

The legislation that we are introducing today has a clear purpose; namely, to shine a bright light onto the human rights abuses being committed in Iran as we speak, and make clear to the people who are perpetrating them that there is going to be a cost to be paid for doing so.

I am very encouraged that this legislation has already won the support of a broad bipartisan coalition of cosponsors—many of whom unfortunately could not be here today because of the weather. They include Senators DURBIN, KYL, BAYH, COLLINS, CASEY, BROWNBACK, GILLIBRAND, GRAHAM, and KAUFMAN.

I would especially like to thank my colleague Senator MCCAIN for his leadership on this issue. As he mentioned, Senator MCCAIN sought to attach an earlier version of this legislation as an amendment to the comprehensive Iran sanctions bill that was then on the floor of the Senate and that the Senate unanimously passed. Although we were unable to attach Senator MCCAIN's amendment to the broader sanctions bill at that time for procedural reasons, I remain very hopeful that the human rights legislation we are introducing today will become part of the comprehensive Iran sanctions bill when the House and Senate meet in conference.

And I hope that President Obama will aggressively apply these sanctions once they are signed into law.

More broadly, I hope that the Obama administration will make human rights a centerpiece of our Iran policy in the days and weeks ahead. I understand that, on Monday, there will be what is called a "Universal Periodic Review" of Iran's human rights record at the U.N. Human Rights Council in Geneva, and that the administration hopes to use this event to shine a spotlight on the human rights abuses that are being committed there. I welcome that initiative, and appeal to other countries to support it as well.

Finally, I would like to appeal to our international partners, in particular in the European Union, to join us in imposing these kinds of targeted sanctions against human rights abusers in

Iran. We all know what the Iranian regime has been doing to its people, and I hope that Europeans in particular—given the importance they attach to human rights—will not turn a blind eye to these abuses. We don't need to wait for a U.N. Security Council resolution to do this. There is nothing stopping the EU from imposing target human rights sanctions right now.

Mr. President, this is a piece of legislation that has significance if it is adopted, in effect, we hope, but this is also our way—the 10 of us who have sponsored this legislation, and I would guess every Member of the Senate when it comes to a vote will vote for it—to say to two groups of people, first, the government in Iran, that we see what you are doing, we know what you are doing, it is intolerable, it is unacceptable, and you will be punished for it; and secondly, to say to the people of Iran—who have the courage to be in the streets protesting and asking for the rights their government is supposed to give them according to international treaties that Iran itself has signed—we are with you.

The struggle for freedom and justice against tyranny is often a long one, it is always a hard one, but history tells us that, in the end, freedom and justice prevail. That means the people of Iran will prevail over the totalitarian government that now brutally rules them.

I thank the Chair, I thank my friend from Arizona for his leadership, and I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 415) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 415

Whereas the Government of the Islamic Republic of Iran has violated international standards for human rights by using violence to disperse peaceful assemblies by its own citizens;

Whereas the Government of the Islamic Republic of Iran suppressed peaceful commemorations by members of Iran's Green Movement at the anniversary of Iran's Islamic revolution on February 11, 2010;

Whereas the Government of the Islamic Republic of Iran's sustained campaign of violence against Iranian citizens who have peacefully protested the irregularities in the flawed Iranian presidential elections of June 12, 2009 has demonstrated to the world that the present Iranian regime is fully capable of widespread violence against its own citizens;

Whereas the Government of the Islamic Republic of Iran currently has 65 journalists

and bloggers imprisoned, more than any single country in the world, according to Reporters without Borders and in the past week arrested 10 journalists;

Whereas the Government of the Islamic Republic of Iran has restricted access to the internet, including its recent announcement to permanently block Google's Gmail service;

Whereas Iranian citizen's right to due process has been violated, with the judiciary detaining government critics and religious minorities, and ordering executions of peaceful demonstrators;

Whereas the use of arbitrary detention and the infliction of cruel and degrading punishments by the Iranian authorities are in direct violation of Articles 7, 9 and 10 of the International Covenant on Civil and Political Rights (ICCPR) as well as Articles 22 (the right to human dignity), 36 (Sentencing in accordance with the law), 38 (prohibition of torture) and 39 (the rights of arrested persons) of the Iranian Constitution.

*Resolved*, That the Senate of the United States:

(1) pays tribute to the courageous advocates for democracy and human rights in the Islamic Republic of Iran who are engaged in peaceful efforts to encourage democratic reform;

(2) notes that it is the right of the people of the Islamic Republic of Iran to peacefully assemble and to express their opinions and aspirations without intimidation, repression, and violence;

(3) supports freedom of speech in the Islamic Republic of Iran as elsewhere and the ability of journalists and bloggers to report without repression by government authorities;

(4) desires that the men and women of Iran be able to enjoy due process in the Iranian judicial system including the right to a fair trial;

(5) expresses serious concern over the Government of the Islamic Republic of Iran's brutal suppression of its citizens through censorship, imprisonment, and continued acts of violence;

(6) denounces the atmosphere of impunity in the Islamic Republic of Iran for those who employ intimidation, harassment, or violence to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press;

(7) urges the Government of the Islamic Republic of Iran to fully observe the ICCPR, which has been ratified by the Islamic Republic of Iran and states, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice";

(8) calls upon the Islamic Republic of Iran to abide by the resolutions adopted by the U.N. General Assembly, in particular the resolution on the situation of human rights in the Islamic Republic of Iran of December 2009;

(9) communicates deep concern that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in four years and has not answered numerous communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, especially the Special Rapporteur on extrajudicial, summary or ar-

bitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances;

(10) encourages the UN Human Rights Council to fully examine these issues during its Universal Periodic Review of the Islamic Republic of Iran on February 15, 2010.

Mr. REID. Mr. President, I would briefly say I appreciate this being accepted. I spoke to Senator MCCAIN earlier today. He and Senator LIEBERMAN gave speeches on the Senate floor today regarding human rights in Iran. They are very timely and I appreciate their statements.

#### PROVIDING FOR ADJOURNMENT AND/OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 235, the adjournment resolution.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 235) providing for a conditional adjournment or recess of the two Houses.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 235) was agreed to, as follows:

H. CON. RES. 235

*Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on any legislative day from Tuesday, February 9, 2010, through Saturday, February 13, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 22, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, February 10, 2010, through Sunday, February 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 22, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House

and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

#### ORDER FOR APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, FEBRUARY 22, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 235 until 2 p.m., Monday, February 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that Senator BURRIS then be recognized to deliver Washington's Farewell Address; further, that upon the conclusion of the reading, the Senate resume consideration of the motion to concur with an amendment to the House amendment to the Senate amendment to H.R. 2847, the CJS Appropriations Act, the vehicle being used for the Jobs for Main Street Act, as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, for the information of Senators, at 5:30 p.m. on Monday, February 22, the Senate will proceed to a cloture vote on the jobs bill. That will be the first vote of the day.

#### ADJOURNMENT UNTIL MONDAY, FEBRUARY 22, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Monday, February 22, 2010, at 2 p.m.

## NOMINATIONS

## Executive nominations received by the Senate:

## FARM CREDIT ADMINISTRATION

SARA LOUISE FAIVRE-DAVIS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE FRED L. DAILEY, RESIGNED.

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, (REAPPOINTMENT)

MYLES J. WATTS, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE GRACE TRUJILLO DANIEL.

## BROADCASTING BOARD OF GOVERNORS

RICHARD M. LOBO, OF FLORIDA, TO BE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU, BROADCASTING BOARD OF GOVERNORS, VICE SETH CROPEY.

## CONFIRMATIONS

## Executive nominations confirmed by the Senate, Thursday, February 11, 2010:

## DEPARTMENT OF STATE

BETTY E. KING, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

## DEPARTMENT OF HOMELAND SECURITY

CARYN A. WAGNER, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY.

## DEPARTMENT OF LABOR

SARA MANZANO-DIAZ, OF PENNSYLVANIA, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

PATRICK ALFRED CORVINGTON, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

## DEPARTMENT OF VETERANS AFFAIRS

ROBERT A. PETZEL, OF MINNESOTA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.

## DEPARTMENT OF COMMERCE

NICOLE YVETTE LAMB-HALE, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

## DEPARTMENT OF THE TREASURY

MARISA LAGO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

ELLEN GLONINGER MURRAY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

BRYAN HAYES SAMUELS, OF ILLINOIS, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

## DEPARTMENT OF THE TREASURY

CHARLES COLLYNS, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

MARY JOHN MILLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

## DEPARTMENT OF DEFENSE

MARY SALLY MATIELLA, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DOUGLAS B. WILSON, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IRVIN M. MAYFIELD, JR., OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014.

## OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

CYNTHIA L. ATTWOOD, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2013.

## SECURITIES INVESTOR PROTECTION CORPORATION

SHARON Y. BOWEN, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2012.

ORLAN JOHNSON, OF MARYLAND, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2011.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DOUGLAS A. CRISCITELLO, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

THEODORE W. TOZER, OF OHIO, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

## DEPARTMENT OF COMMERCE

DAVID W. MILLS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

SURESH KUMAR, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

KEVIN WOLF, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## UNITED STATES SENTENCING COMMISSION

KETANJI BROWN JACKSON, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2013.

## DEPARTMENT OF JUSTICE

SUSAN B. CARBON, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

ANDRE BIROTTE, JR., OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

RICHARD S. HARTUNIAN, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

RONALD C. MACHEN, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.